TORONTO

STAFF REPORT
ACTION REQUIRED

Application to Consider - Application by Abcon Outdoor Inc. for Three Variances with Respect to a Proposed Third Party Sign - 260 Church Street, South-facing Wall

Date:	June 27, 2012
To:	Toronto and East York Community Council
From:	Director, Business Operations, Toronto Building
Wards:	Ward 27 – Toronto Centre-Rosedale
Reference Number:	P:\2012\Cluster B\BLD\TE12008

SUMMARY

On May 1, 2012, the Sign Variance Committee heard Item SB11.4 and granted three variances from Chapter 694, with respect to a proposal for one non-illuminated third party wall sign, with static copy, and measuring 9.14 metres wide by 6.10 metres long at a height of 10.66 metres, on the south-facing wall of 260 Church Street.

A decision of the Sign Variance Committee to grant a variance or to grant a variance with conditions is final and binding 21 days after the date of the decision unless an application to consider is filed by the ward councillor. Once an application to consider is made, the application for a variance is required to be considered by the respective Community Council for recommendation to City Council. On May 16, 2012, Councillor Wong-Tam filed an application to consider.

The staff report before the Sign Variance Committee recommended approval of two variances and refusal of one. This report outlines the position of staff relating to the variances being requested and provides as attachments, the original report and which was heard by the Sign Variance Committee on May 1, 2012.

RECOMMENDATIONS

The Sign By-law Unit, Toronto Building, recommends that Council:

1. Approve the variance requested from the requirement of §694-22D that a third party sign shall not be erected within 100.00 metres of any other lawful third party sign to allow the issuance of a sign permit authorizing the erection and display on the south wall of the building on the premises municipally known as 260 Church Street of a third party wall sign that is erected and displayed within 20 metres of the existing third party sign located at 254 Church Street, within 12 metres of the existing third party sign located at 91 Dundas Street East, within 35 meters and 55 metres, respectively, of the existing third party signs located at 81 Dundas Street East, and within 50 metres of the existing third party sign located at 266 Church Street on the condition that the proposed sign not be illuminated;

2. Refuse the variance requested from the requirement of §694-25A(1)(a) for a third party wall sign to have a sign face area that shall not exceed 20.00 square metres to allow the issuance of a sign permit authorizing the erection and display on the south-facing wall of the building on the premises municipally known as 260 Church Street of a third party wall sign that shall not have a sign face area greater than 55.75 square metres; and

3. Approve the variance requested from the requirement of §694-25A(1)(d) that a third party wall sign shall not be erected within 30.0 metres of the intersection of a major street with any other street to allow the issuance of a sign permit authorizing the erection and display on the south-facing wall of the building on the premises municipally known as 260 Church Street of a third party wall sign approximately 8.0 metres from the intersection of Church Street and Dundas Street East on the condition that the proposed sign not be illuminated.

Financial Impact

There are no financial impacts associated with this report.

DECISION HISTORY

Consideration of Sign Variance Applications by City Council
(http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.TE12.98)

Application for Three Variances Respecting a Proposed Third Party Sign - 260 Church Street, Southerly Facing Wall - TP-11-00036
(http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.SB11.4)

COMMENTS

This report is in response to an application to consider filed pursuant to §694-30S, by Councillor Wong-Tam on May 16, 2012.

The sign variance application to permit the erection and display of a third party wall sign on the south-facing wall of 260 Church Street was heard by the Sign Variance Committee at its meeting on May 1, 2012. Staff recommended adoption of two of the three variances requested, and supported variances that would allow for the issuance of a permit for a non-illuminated third party wall sign not exceeding 20 square metres in sign face area.

The requested variances are described in the following table:

SECTION	REQUIREMENT	PROPOSAL	STAFF RECOMMENDATION
694-22D	A third party sign shall not be erected within 100 metres of any other lawful third party sign.	There is an existing third party ground sign approximately 20 metres to the south, across a commercial parking lot; there is an existing third party roof sign approximately 12 metres to the west, on the adjacent building; there are two third party ground signs, each approximately 35 metres and 55 metres, to the west, in a commercial parking lot; there is a third party wall sign approximately 50 metres to the north, on the north-facing wall of an existing multi-residential building.	Approve
694-25A(1)(a)	A third party wall sign is permitted provided the sign face area shall not exceed 20 square metres.	The proposed third party wall sign will be 55.74 square metres in sign face area.	Refuse
694-25A(1)(d)	A third party wall sign is permitted provided the sign shall not be erected with 30 metres of the intersection of a major street with any other street.	The proposed third party wall sign will be erected approximately 8 metres from the intersection of Church Street and Dundas Street East.	Approve

Staff recommended that the variances to §694-25A(1)(d), and §694-22D addressing the location of the proposed sign be granted, but did not recommend the granting of a variance to §694-25A(1)(a) to permit the proposed sign to be 55.74 square metres in sign face area. The Sign Variance Committee rendered a decision to grant all three variances.

What follows is the position of staff with respect to the original third party sign variance application, responding to the nine established criteria, as outlined in §694-30A:

Established Criteria

(1) *Physical circumstances applicable to the property or premises*

The area of the sign face on the proposed third party wall sign is 55.75 square metres is almost three times the size of the maximum permitted sign face area of a third party sign as required by Chapter 694. The standard size of a third party wall sign is 6.10 metres wide by 3.05 metres long if the sign is displayed horizontally and 3.66 metres wide by 5.49 metres long if the sign is displayed vertically.

There was no basis provided by the Applicant to suggest that the physical circumstances of the area warrant the requested variance to the provisions establishing maximum sign face area. The applicant has provided neither a rationale nor a commentary explaining how the physical circumstances would affect the signage proposal whereby a sign erected in compliance with the sign face area provision would not be appropriate. Based on the review of the application, there was no basis to establish that the variance respecting sign face area sought is warranted based on the physical circumstances applicable to the property.

The property is located within Ward 27 at the south-west corner of the intersection of Church Street and Dundas Street East. The property and all of the surrounding properties are all designated as a CR-Commercial Residential sign district. The property has a three storey building, formerly operating as a branch of a financial institution and currently operating as a fast food pizza restaurant. To the north, across Dundas Street East is a multi-unit, multi-storey housing co-operative, with ground floor retail and service uses. Beyond is the downtown campus of Ryerson University. Immediately adjacent to the west is a restaurant and a large commercial surface parking lot. Further west at the intersection of Dundas Street and Yonge Street is Dundas Square – a Special Sign District. East of the property on the west side of Church Street are a series of two and three-storey mixed-use commercial/retail buildings. Diagonal from the subject premises at the north-east corner of Church Street and Dundas Street East is a gas station.

Staff reviewed the proposal and have visited the site where the third party wall sign is proposed to be erected and displayed and are of the position that a sign smaller in sign face area would still achieve the desired outcome of visibility to passers-by. It is recommended that the proposed third party wall sign be of a sign face area that is in keeping with the provisions of Chapter 694.

The proposed third party wall sign is intended to replace a previously approved third party painted mural sign (obtained under Chapter 297, Signs, of the former City of Toronto Municipal Code, by Titan Outdoor Canada Inc.). Chapter 297, Signs, of the former City of Toronto Municipal Code defines a mural sign as a sign that is required to be painted directly on the wall of a building. The applicant has argued, in the

submission, that there are "problems associated with painting directly onto the wall". The proposed wall sign would be located, with similar attributes including height and location as the previously approved painted mural, and will display static copy only. The proposed wall sign is not facing a street and it will be erected on the south-facing wall of the building which faces a commercial surface parking lot.

The south-facing wall of the building contains no substantial architectural qualities or features. The proposed third party wall sign, at a sign face area not exceeding 20 square metres, appears to be proportionally and aesthetically suitable to this wall.

Conclusion: It is the opinion of staff that it has been established that the proposed sign is warranted based on the physical circumstances applicable to the premises.

(2) *Consistency with the architecture of the building or the development of the property*

The proposal reflects a change from a painted mural for the purpose of advertising to a third party wall sign under the jurisdiction of Chapter 694. There is no substantial change reflected in terms of sign type, sign class or location on the south facing wall of the building. As previously cited, the south-facing wall of the building is a bare brick wall.

Conclusion: It is the opinion of staff that it has been established that the proposed sign is consistent with the architecture of the building or development of the property.

(3) *Consistency with buildings and other features of properties or premises within 120 metres of the location of the proposed signage*

The proposal reflects no major change in terms of many of the attributes of the sign, including location and height. Furthermore, there are other third party signs in the vicinity with similar attributes to the sign proposed. Therefore, it is deemed to be consistent with the buildings and features of other properties or premises within 120 metres.

Conclusion: It is the opinion of staff that it has been established that the proposed sign is consistent with buildings and other features of properties or premises within 120 metres of the location of the proposed sign.

(4) *Alteration of the essential character of the area*

The premises is located in a CR-Commercial Residential sign district where third party wall signs are permitted subject to the regulatory provisions provided for in Chapter 694, the proposed third party wall sign will not alter the essential character of the area. The area is a busy neighbourhood with an abundance of commercial activity, along with significant re-development. The area is situated near the intersection of Yonge Street and Dundas Street, where there are a large number of third party signs.

Conclusion: It is the opinion of staff that it has been established that the proposed sign will not alter the essential character of the area.

(5) *Adverse affect on adjacent properties*

The proposed third party wall sign will be erected and displayed on the south wall of the property. The properties to the south on Church Street are predominately two and three storey mixed-use and commercial buildings and the height on the wall of the proposed third party sign is intended to accommodate the adjacent properties by maintaining the views to the proposed sign of passers-by.

The sign proposed to be erected and displayed on the south-facing wall of the building, is not visible to adjacent properties to the west north. Again, any potential affects related to the location and to the placement of the third party sign are mitigated.

Conclusion: It is the opinion of staff that it has been established that the proposed sign will not adversely affect adjacent properties.

(6) *Adverse affect on public safety*

Although, the proposed wall sign is located less than 30 metres away from the intersection of Dundas Street East and Church Street, it is not anticipated to adversely impact vehicular or pedestrian traffic because it is oriented to the flow of traffic and directly within a driver's sightline. Drivers would not be required to avert their attention to the sign.

The applicant states that the proposed third party wall "sign will be attached by way of a 'cable system' attached to the wall and certified by a professional engineer".

Conclusion: It is the opinion of staff that the proposed sign will not adversely affect public safety.

(7) *Public interest*

The third party sign variance application process prescribed in Chapter 694 is a public process. The applicant is required to post a notice on the property for no less than 30 days prior to the Sign Variance Committee making a decision and a written notice of the proposal, is mailed out to the local Ward Councillor and property owners and tenants of properties within a 120 metre radius of the property. Staff have confirmed that 30 days prior to the May 1, 2012 Sign Variance Committee meeting, a notice was posted on the property and, at the date of the Sign Variance Committee meeting, no comments were received from the public. Owners and tenants in the immediate vicinity of the proposed third party wall sign did not raise concerns about potential adverse impacts.
Chapter 694 also expresses many of the City's goals and objectives including:

- The promotion of energy efficiency; and

- The establishment of a city with beautiful, comfortable, safe and attractive streets.

The proposal appears to be consistent with the City's defined goals and objectives in terms of the environment and City beautification. Furthermore, the Applicant proposes that the sign not be illuminated.

Conclusion: It is the opinion of staff that it has been established that the proposed sign is not contrary to the public interest.

(8) *Sign class, sign type and sign district permissions*

Staff have reviewed the proposal and confirm that the subject property is located within a CR-Commercial Residential sign district where third party wall signs are permitted.

Conclusion: It is the opinion of staff that it has been established that the proposed sign is of a sign class or a sign type that is permitted in the sign district where the premises is located.

(9) *Express prohibitions as per subsection 694-15B*

Through a review of the proposal, staff have confirmed that the proposed sign is not expressly prohibited by §694-15B of Chapter 694, Signs, General, of the City of Toronto Municipal Code.

Conclusion: It is the opinion of staff that it has been established that the proposed sign is not expressly prohibited by §694-15B.

CONCLUSION

In consideration of three variances requested to Chapter 694, Signs, General, to allow the issuance of a sign permit authorizing the erection and display of one non-illuminated third party wall sign with one face, not exceeding 20 square metres and displaying static copy, on the southerly facing wall of the building on the property municipally known as 260 Church Street, as described, staff recommends that City Council adopt the recommendations contained within this report.

CONTACT

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SIGNATURE

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ATTACHMENTS

1. Staff Report – Application for Three Variances Respecting a Proposed Third Party Sign - 260 Church Street, Southerly Facing Wall - TP-11-00036
2. Sign Variance Committee Decision – Item SB11.4
3. Communications - (April 23, 2012) E-mail from Les Abro, Abcon Media (SB.New.SB11.4.1)