ATTACHMENT 1:
ORIGINAL STAFF REPORT TO THE SIGN VARIANCE COMMITTEE

TORONTO

STAFF REPORT
ACTION REQUIRED

Application for Three Variances Respecting a Proposed Third Party Sign - 260 Church Street, Southerly Facing Wall

Date:	March 15, 2012
Ward:	Ward 27 – Toronto Centre-Rosedale
File No.:	TP-11-00036
IBMS File No.:	11-332177

PURPOSE OF THE APPLICATION

To obtain three separate variances to Chapter 694, Signs, General, required to allow Abcon Outdoor Inc. (the "Applicant") to make an application for a sign permit to allow for the erection and display of one non-illuminated third party wall sign with static copy, 9.14 metres wide by 6.10 metres long and at an overall height of 10.66 metres, on the southerly facing building wall of an existing three storey building located on the premises municipally known as 260 Church Street and containing a pizza restaurant. The proposed third party wall sign:

- Will not be illuminated;
- Will display static copy only;
- Will be 10.66 metres in height;
- Contains one sign face, measuring 9.14 metres by 6.10 metres;
- Will have a total sign face area of 55.75 square metres
- Will be within 100 metres of other third party signs;
- Will be within 30 metres of the intersection of a major street with another street;
- Will not be within 30 metres of an R, RA or OS sign district;
- Will not be erected on a premise located within an area with site-specific area restrictions;
- Will be the only third party sign located on the premises.

REQUESTED VARIANCES

SECTION	REQUIREMENT	PROPOSAL
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 northerly-facing wall of an existing multi-residential building.
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.
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

RECOMMENDATIONS

The Chief Building Official and Executive Director, Toronto Building, recommends that:

1. The Sign Variance Committee **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 southerly wall of the building 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;

2. The Sign Variance Committee **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 southerly wall of the building 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. The Sign Variance Committee **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 southerly wall of the building

municipally known as 260 Church Street of a third party wall sign approximately 8 metres from the intersection of Church Street and Dundas Street East.

COMMENTS

Chapter 694, Signs, General, of the City of Toronto Municipal Code came into force and effect on April 6, 2010. Chapter 694, Signs, General, delegates decision-making powers respecting third party sign variance applications to the Sign Variance Committee. Chapter 694, states that an application for a variance from the provisions of Chapter 694 may only be granted where it is established that the proposed sign meets all of the nine criteria set out in §694-30. As such, this report outlines the position of the Chief Building Official concerning whether the proposed variances meet the criteria established in §694-30A to permit the granting of a variance. It is the Chief Building Official's position that two of the variances applied for meet the mandatory criteria and should be approved.

Applicant's Submission

The Applicant's submission package is provided as Attachment 1 to this report. Attachment 1 contains:

- A Sign Variance Application form, completed by the Applicant and dated December 23, 2011;
- A document entitled "Rationale for Application", prepared by the Applicant and included with the Sign Variance Application form;
- An un-titled and un-dated hand drawn and dimensioned elevation of the southerly facing building wall and describing the proposed third party wall sign;
- A Google "Streetview" image of the southerly-facing wall with a third party wall sign erected and displayed on it.

Site Context

The subject property (please refer to Attachments 2 and 3) is located within Ward 27. The subject property is located at the south-westerly corner of the intersection of Church Street and Dundas Street East. The property and all of the immediately surrounding properties are all designated as a CR-Commercial Residential sign district. The property has been improved with a three storey building formerly operating as a branch of a financial institution and which is 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-easterly corner of Church Street and Dundas Street East is a commercial gas station, operated by Imperial Oil ("Esso").

Established Criteria

In order to review, consider and make recommendations on sign variance applications, criteria to evaluate an application for a variance is provided in Chapter 694. §694-30A states that an application for a variance from the provisions of Chapter 694 may only be granted where it is established that the proposed sign:

(1) *Is warranted based on physical circumstances applicable to the property or premises;*
(2) *Is consistent with the architecture of the building or development of the property;*
(3) *Is consistent with buildings and other features of properties or premises within 120 metres of the location of the proposed sign;*
(4) *Will not alter the essential character of the area;*
(5) *Will not adversely affect adjacent properties;*
(6) *Will not adversely affect public safety;*
(7) *Is, in the opinion of the decision maker, not contrary to the public interest;*
(8) *Is of a sign class or a sign type that is permitted in the sign district where the premises is located; and*
(9) *Is not expressly prohibited by §694-15B.*

The Chief Building Official provides the following comments with respect to each of the criteria, all of which must be established for a variance to be granted:

(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 which is almost three times the size of the maximum permitted sign face area of a third party sign as required by Chapter 694. Conventionally, 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 are no known physical circumstances which would preclude the proposed third party wall sign from being erected within the prescribed sign face area as provided for in Chapter 694. There appears no basis provided by the Applicant to suggest that the physical circumstances of the area warrant this variance. Furthermore, the applicant has provided neither a rationale nor a commentary explaining how the physical circumstances applicable to the site 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 premises, staff cannot determine any basis to establish that the variance respecting sign face area sought is warranted based on the physical circumstances applicable to the property or premises.

Staff have 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 the jurisdictional authority of Chapter 297, Signs, of the former City of Toronto Municipal Code). 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 will be located at the same location, with similar attributes including height and location as of 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 southerly facing, bare wall of the building which faces into a commercial surface parking lot.

The southerly-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 bare wall.

Conclusion: It is the Chief Building Official's opinion 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, in simple terms, 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 southerly facing wall of the building. As previously cited, the southerly facing wall of the subject building is bare brick wall. A third party wall sign may contribute and enliven the bare wall and the adjacent parking lot.

Conclusion: It is the Chief Building Official's opinion 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*

As stated 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 with similar attributes to the one proposed that are erected and displayed in the general vicinity of the subject premises. Therefore, it is deemed to be consistent with the buildings and features of other properties or premises within 120 metres.

Conclusion: It is the Chief Building Official's opinion 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*

As the premises is located in a CR-Commercial Residential sign district where third party wall signs are permitted subject to particular 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 dynamic and bustling neighbourhood containing a plethora of commercial activity, along with significant re-development. As well, the area is situated near the intersection of Yonge Street and Dundas Street, an urban centre for third party advertising.

Conclusion: It is the Chief Building Official's opinion 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 southerly wall of the subject property. The properties south of the subject property 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.

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

Conclusion: It is the Chief Building Official's opinion 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 any vehicular or pedestrian traffic because it is oriented to the flow of traffic and directly within a driver's sightline. Vehicular drivers would not be required to avert their attention to the sign.

Furthermore, 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 Chief Building Official's opinion 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 proponent is required to post a notice on the property for no less than 30 days prior to the Chief Building Official making a decision and a written notice of the proposal is mailed out to the local Ward Councillor and all the property owners of all properties and to

the mailing addresses of residential and business tenancies within a 120 metre radius of the property. Staff have confirmed that a notice has been posted on the property and, to the date of this report, no comments have been received from the public. As such, the public in the immediate vicinity of the proposed third party wall sign appear to not have raised concerns about potential adverse impacts.

Chapter 694 also expresses, through the provisions contained therein, many of the City's goals and objectives including, but not limited to:

- The promotion of energy efficiency; and
- The establishment of a city with beautiful, comfortable, safe and attractive streets (the Beautiful City principle).

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 Chief Building Official's opinion 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 Chief Building Official's opinion 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 signage is not expressly prohibited by §694-15B of Chapter 694, Signs, General, of the City of Toronto Municipal Code.

Conclusion: It is the Chief Building Official's opinion 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 property municipally known as 260 Church Street, as described, the Chief Building Official recommends that the Sign Variance Committee adopt the recommendations of staff.

CONTACT

Robert Bader, Supervisor, Variance, Tax & Permits
Sign By-law Unit, Toronto Building
Tel: (416) 392-4113; E-mail: rbader@toronto.ca

SIGNATURE

Ted Van Vliet
Manager, Sign By-law Unit

ATTACHMENTS

1. Applicant's Submission Package
2. Excerpt – Sign District Map
3. "Bird's Eye" View of Church Street and Dundas Street East (Source: Bing Maps)

ATTACHMENT 1: APPLICANT'S SUBMISSION PACKAGE

TORONTO Building
Sign By-law Unit

Sign Variance Application

For Enquiries Dial 311
From Outside the City of Toronto (416) 392-CITY (2489)

Request Date: ~~13 12 2011~~ 06 02 12 (Date / Month / Year)
Folder No. 11-332177

Sign Location

Street No.	Street Name	Lot No.	Plan No.
260	CHURCH STREET		

Describe the variance being applied for:

If it is an application for a variance for the issuance of a permit required for the modification or restoration of an existing sign, please provide the following:

Existing sign dimension	Location:

Please provide the reasons/justification for the request (Attach any supporting documentation or additional pages as required):

Property Owner Information

Last Name	First Name		
Company Name (if applicable): LOPRESTI HOLDINGS LIMITED			Area Code and Telephone No.
Street No. & Name: 97 CHURCH STREET		Apt./Unit No.	Area Code and Mobile / Pager No.
City: TORONTO	Province: ON	Postal Code: M5C 2G3	Area Code and Fax No.
E-mail address			

Attachments Required

- Sign Variance Data Sheet
- Copies of any supporting documents
- All necessary plans and specifications required to verify the nature of the Sign By-law Variance(s) requested

Applicant's Declaration and Information

I, Last Name: McMULKIN First Name: JOHN

Company Name (if applicable): ABCON OUTDOOR INC. Area Code and Telephone No.: 416-766-8235 x24

of Street No. and Name: 2009 LAWRENCE AVE. W. Apt./Unit No.: 10 Area Code and Mobile / Pager No.: 416-579-2236

City: TORONTO Province: ON Postal Code: M6N 3V2 Area Code and Fax No.: 416-766-8245

E-mail address: JMCMULKIN@ABCONMEDIA.COM

do hereby declare the following:

That I am
- ☐ the Property Owner as stated above
- ☐ an officer/employee of ..... which is an authorized agent of the owner.
- ☐ the owner's authorized agent
- ☐ an officer/employee of ..... which is the Property Owner's authorized agent.

- That statements contained in this application are true and made with full knowledge of all relevant matters and of the circumstances connected with this application.
- That the plans and specifications submitted are prepared for the sign variance(s) described and are submitted in compliance with copyright law.
- That the information included in this application and in the documents filed with this application is correct.
- That statements contained in this application are true and made with full knowledge of all relevant matters and of the circumstances connected with this application.

Applicant's Signature: [signature] Print Name: JOHN McMULKIN Date: DEC 23, 2011

The personal information on this form is collected under the authority of ss. 8 and 110 of the City of Toronto Act, 2006, and Chapter 694, Signs, General, of the City of Toronto Municipal Code, and will be used specifically for the purpose of creating and maintaining a record available to the general public concerning signs and permit information, evaluation of applications made under Chapter 694, Signs, General, issuance, denial and revocation of permits under Chapter 694, Signs, General, processing applications for variances from and amendments to Chapter 694, Signs, General, creating aggregate statistical reports, enforcement of City of Toronto Municipal Code Chapter 694, Signs, General, Chapter 771, Taxation, Third Party Sign Tax, and any other applicable sign by-law of the City of Toronto, and contacting permit holder(s) or authorized agent(s). Questions about this collection may be referred to the Manager, Sign By-law Unit, at Toronto, Building, City Hall, 100 Queen St W, 12th Floor, East Tower, Toronto, ON, M5H 2N2, Telephone: 416-392-8000

TORONTO Building

Sign By-law Unit

Sign Variance Data Sheet

For Enquiries Dial 311
From Outside the City of Toronto (416) 392-CITY (2489)

Request Date Day	Month	Year	Folder No.
06	02	12	11-332177

This data sheet forms part of an application for a Variance From Chapter 694 of the Toronto Municipal Code, Signs

Sign Location

Street No.	Street Name	Lot No.	Plan No.
260	CHURCH STREET		

Site and Building Data

Lot Area:	Lot Frontage:	Lot Depth:
Number of Buildings on the lot:	Date of Construction of Building(s) if known:	
Building Height(s):	Number of Storeys:	Building(s) Gross Floor Area:
Building Use(s):		

Site Context

Please describe the land uses, buildings and sign districts surrounding the proposal (use additional pages if necessary):

North:

South:

East:

West:

Proposal

Please describe in detail what is being proposed (use additional pages if necessary):

Rationale

Decisions for all Sign Variance Applications are evaluated against criteria listed in Toronto Municipal Code Chapter 694-30 A. The criteria are that the variance:

- Is warranted based on physical circumstances applicable to the property or premises;
- Is consistent with the architecture of the building or development of the property;
- Is consistent with buildings and other features of properties or premises within 120 metres of the location of the proposed sign;
- Will not alter the essential character of the area;
- Will not adversely affect adjacent properties;
- Will not adversely affect public safety;
- Is, in the opinion of the decision maker, not contrary to the public interest;
- Is of a sign class or a sign type that is permitted in the sign district where the premises is located; and,
- Is not expressly prohibited by Subsection 694-15B.

Please describe in detail how the proposal satisfies each of the criteria listed above (use additional pages if necessary):

Sign Variance Application – 260 Church Street

Rationale for Application

1. Approval for this sign variance application is appropriate for this location within the zoned commercial area. A third party mural sign permit, # 07-261150 is currently valid, allowing for a mural sign to be painted directly onto the North wall of the commercial building located at 260 Church Street. This application is to allow for a fascia vinyl sign to be installed on the same elevation wall and will replace the mural sign.

   The sign is to be installed on the north elevation wall of a Pizza Pizza franchise located on Church Street just north of Dundas Street. This section of Church Street is predominately commercial in nature with no less than four restaurants within the immediate area. As well the property immediately adjacent is a parking lot.

   Due to the problems associated with painting directly onto the wall, this application proposes to allow for the installation of a vinyl sign which will be erected on the same elevation wall as previously permitted for. The signs will be attached by way of a cable system attached to the wall and certified by a professional engineer. The use of this cable system allows for an economical removal and reinstallation of the sign.

2. The sign will be professionally installed and the advertising copy displayed will help to create a visual interest on an otherwise bland concrete wall. In our opinion there are no significant architectural elements that would be affected by the proposed sign.

3. Due to the ambient lighting available on this stretch of Church Street illumination of the sign will not be required.

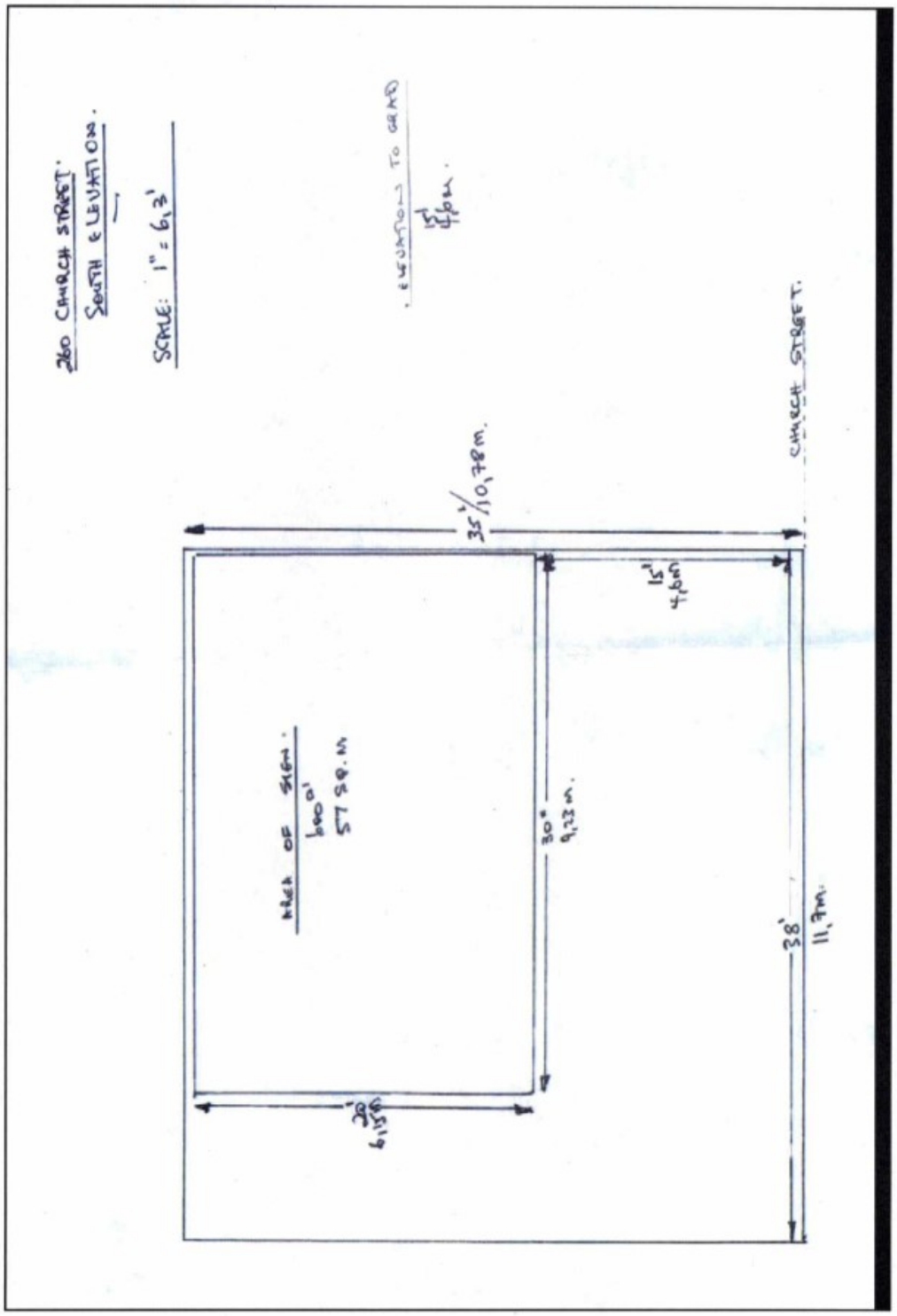
4. There are third party signs within 100 meters of the sign location; however, it in no way alters the existing character of the area. Tasteful copy will replace a bland, tagged and graffiti concrete wall.

5. Because the sign will not be facing a street we feel that it will not affect public safety.

6. The proposed sign location is not prohibited by the City's sign regulation Subsection 694-158.

7. In our opinion the proposed sign will not alter the character of the area nor will it adversely affect adjacent properties.

12/29/2011


260 CHURCH STREET
SOUTH ELEVATION.
SCALE: 1" = 6,3'
ELEVATION TO GRAD
15'
4,6m.
CHURCH STREET.
35'/10,78m.
15'
4,6m
AREA OF SIGN.
600'
57 SQ.M
30"
9,23m.
38'
11,7m.
20'
6,15m



Address	Dimensions	Permit Required	Type	Comments
260 Church St, FS	20'H x 38'W	YES	VINYL	N/A

ATTACHMENT 2: EXCERPT – SIGN DISTRICT MAP



ATTACHMENT 3:
"Bird's Eye" View of Church Street and Dundas Street East
(Source: Bing Maps)

