



**STAFF REPORT
ACTION REQUIRED**

Application to Consider - Appeal by Oberon Development Corporation of the Chief Building Official's Decision to Refuse Two Variances With Respect to One Proposed First Party Wall Sign at 615-617 Yonge Street

Date:	April 24, 2015
To:	Toronto and East York Community Council
From:	Director and Deputy Chief Building Official, Toronto Building
Wards:	Ward 27 – Toronto Centre-Rosedale
Reference Number:	TE15005

SUMMARY

On February 9, 2015, the Sign Variance Committee heard Item SB1.3 and granted, with a condition, two variances from Chapter 694, required for one illuminated first party wall sign, containing one sign face (with a vertical measurement of 12.2 metres and horizontal measurement of 5.8 metres), displaying static copy with a height of 20.6 metres, located on the third, fourth, fifth and sixth storeys of the northerly facing wall of the premises municipally known as 615-617 Yonge Street (the "Proposed Sign").

Councillor Wong-Tam filed an application to consider.

Staff informed the Sign Variance Committee that both of the variances being sought should be refused on the basis that the Proposed Sign failed to meet all of the criteria prescribed in §694-30 of Chapter 694.

This report also includes, as attachments, the reports of staff, and all other materials which were submitted to the Sign Variance Committee for the February 9, 2015 meeting

RECOMMENDATIONS

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

1. City Council refuse to grant the two variances requested to §§ 694-2D(5)(a) & 694-20A required to allow the issuance of a permit for the erection and display of one illuminated first party wall sign, on portions of the northerly facing wall at the third, fourth, fifth and sixth storeys of the building on the premises municipally known as 615-617 Yonge Street, with a height of 20.6 metres, containing one sign face, displaying static copy, with a vertical dimension of 12.2 metres and a horizontal dimension of 5.8 metres.

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>

Sign Variance Process

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.TE32.42>

Appeal by Oberon Development Corporation of the Chief Building Official's Decision to Refuse Two Variances with Respect to One Proposed First Party Wall Sign at 615-617 Yonge Street

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.SB1.3>

COMMENTS

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 pursuant to §694-30S an application to consider is filed by the ward councillor. If an application to consider is made, the application for a variance is required to be considered in accordance with the established criteria by the respective Community Council for recommendation to City Council.

Councillor Wong-Tam, the ward councillor for the area, filed an application to consider, pursuant to §694-30S on February 26, 2015.

The Applicant's appeal of the CBO's decision to refuse the requested variances for the proposed first party wall sign at 615-617 Yonge Street was heard by the Sign Variance Committee at its meeting on February 9, 2015. Staff did not support the granting of the variances required for the proposed sign, with or without conditions.

The Sign Variance Committee granted the two variances requested to §§ 694-2D(5)(a) and 694-20A required to allow the issuance of a permit for the erection and display of the Proposed Sign, on condition that the sign is hand-painted.

The originally requested variances are described in the following table:

Table 1: Summary of Requested Variances

Section	Requirement
694-21D(5)(a)	A sign shall not be erected above the second storey.
694-20A	First party signs may advertise, promote, or direct attention to goods available at the premises where the sign is located provided the portion of the sign copy which advertises, promotes, or directs attention to goods available at the premises does not exceed 30 percent of the total area of the sign copy.

Sign Attributes:

The Proposed Sign is to be located on portions of the northerly facing wall at the third, fourth, fifth and sixth storey.

The Proposed Sign:

- Is illuminated;
- Displays static copy only;
- Displayed on the 3rd, 4th, 5th and 6th storeys of the building;
- Be wholly dedicated to displaying information advertising the goods and services available at the premises, rather than identifying businesses on the premises;
- has one sign face, rectangular in shape, measuring 5.8 metres horizontally by 12.2 metres vertically; and
- At a height (highest point of the sign measured from grade) of 20.6 metres.

Figure 1: Proposed Sign



The Proposed Sign does not provide useful information as to the business itself, but is to be wholly dedicated to advertising, promoting and directing attention to goods available at the premises.

Table 2: Summary of Proposed Wall Sign Attributes

Sign Attributes	Proposed	Permitted (CR sign district)
Sign Type	Wall Sign	yes
Sign Copy Type	Static	yes
Number of Sign Faces	1	yes
Sign Face Dimensions	A rectangle measuring 5.8 m horizontally by 12.2 m vertically	no
Sign Face Area	70.76 m ²	no
Height	20.6 m	no
Location	Erected on the north facing wall, 3 rd , 4 th , 5 th and 6 th storey	1 st and 2 nd storey

Site Context and Sign District Designation:

The subject premise is located in Ward 27, Toronto Centre-Rosedale, and is situated on the east side of Yonge Street, between Isabella Street and Gloucester Street. The subject premise is designated as a CR-Commercial Residential Sign District, as are properties immediately to the north, south and west that front on to Yonge Street. To the east, properties are designated as an OS-Open Space Sign District, with properties further east being designated as R-Residential Sign Districts.

Yonge Street is a major arterial thoroughfare in Toronto and is home to a variety of building typologies, many of which have significant heritage value. Many of the existing buildings on Yonge Street, between Wellesley Street and Charles Street are characterized by a predominantly low-rise main street building with narrow retail frontages, with a prevailing street wall height of 2 to 6 storeys, referencing the street's long standing historic character. There is a notable absence of large-scale "advertising" signs, and first party signs in the area are limited to identify the various commercial occupants. Given the historic nature of this portion of Yonge Street, the majority of existing businesses appear to contain as-of-right signage that respect the character of the area's built form.

The building on the premises, commonly referred to as the Robert Bustard Building, was constructed in 1915 and is consistent with the built form along the east side of Yonge Street between Wellesley Street and Charles Street. The north side of the building transitions in height from six storeys to two storeys, resulting in a north facing wall that is visible to pedestrians and vehicular traffic travelling south on Yonge Street.

Table 3: Summary of Area Surrounding 615-617 Yonge Street

Land Uses and Attributes of Surrounding Properties:			
North	East	South	West
Mixed-use with retail at grade	Parking lot, park area	Mixed-use with retail at grade	Mixed-use with retail at grade
Sign District Designation of Property:		CR-Commercial Residential	
Sign District Designations of Surrounding Properties:			
North	East	South	West
CR-Commercial Residential	OS-Open Space	CR-Commercial Residential	CR-Commercial Residential

Criteria Established by §694-30A of Chapter 694:

In order to review, consider and make recommendations on sign variance applications, criteria to evaluate an application for 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 meets all nine of these criteria. The following provides a summary of the variance criteria, as it relates to the Proposed Sign.

Administrative Criteria:

The Administrative Criteria are listed at §694-30A (1), (2), and (7) of Chapter 694. They are criteria that are evaluated largely by looking at the sign class and sign type, as defined, as well as determining if the proposed sign is a sign that is otherwise prohibited.

As provided in Table 4 below, the proposed ground sign meets all three of the administrative criteria for variance(s) to be granted. The proposed sign: is located within an CR-Commercial Residential Sign District, which permits first party signs; is not a third party sign; and, is not prohibited by §694-15B.

Table 4: Summary of Administrative Criteria

Section	Criteria Description	Meets Criteria? (yes/no)	Rationale
694-30A(1)	Belongs to a sign class permitted in the sign district	Yes	The proposed sign is a first party sign, which is permitted in a CR-Commercial Residential sign district.
694-30A(2)	In the case of a third party sign, must be of a sign type permitted in the sign district	Yes	The proposed sign is a first party sign.

694-30A(7)	Not be a sign prohibited by §694-15B	Yes	The proposed sign is not prohibited by Chapter 694.
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Design Criteria:

The Design Criteria are listed at §694-30A (3), (4), and (8). These criteria are focused on the compatibility of the proposed sign with the current and future development of the subject premises and surrounding area. In reviewing an application against these criteria, staff consider, amongst other things, surrounding developments (existing or proposed), signs, and relevant city policies.

As provided in Table 5, below, the Proposed Sign does not meet all three of the design criteria for variance(s) to be granted. The Proposed Sign: is not compatible with the development of the premise and the surrounding area; is contrary to Official Plan objectives; and, would alter the character of development on the premise and surrounding area.

694-30A(3) Is the proposal compatible with the development of the premises and surrounding area

The portion of Yonge Street between Gloucester Street to the south and Isabella Street to the north has retained a significant number of its historic buildings. This contributes to the areas unique heritage character that is defined largely by the variety and vitality of the mix of uses, and the low to mid-rise 19th and 20th Century built-form.

The subject building at 615-617 Yonge Street has been recognized for its cultural heritage value, and was listed on the City of Toronto Inventory of Heritage Properties in May 2013. Listed is a term used for properties for which City Council has adopted a recommendation to be included on the Heritage Inventory. These recommendations are based on criteria that relate to architecture, history and neighbourhood context. The inclusion on the Inventory is a clear statement that the City would like to see the heritage attributes of these properties preserved.

In a 2013 staff report, Heritage Preservation Services noted that the building at 615-617 Yonge Street is a "representative example of a commercial building that was designed with features of...the World War I era". Contextually, the Heritage Preservation staff noted that the building is historically and visually related to the enclave of heritage structures anchoring the northeast intersection of Yonge and Gloucester on Toronto's "Main Street". The building has a number heritage attributes, as identified by Heritage Preservation Services, including the scale, form and massing of the structure, the materials used in construction, and the various brick and stone details on the façade of the building.

It should also be noted that the area encompassing the 615-617 Yonge Street, is currently the subject of the Historic Yonge Street Heritage Conservation District ('HCD') Study.

HCDs are considered to be historically or culturally significant areas, requiring special care and attention in the planning process to ensure they are conserved. The HCD Yonge Street Study was authorized by City Council in August of 2013 and generally includes the east and west sides of Yonge Street, between Davenport Road to the north, and Carlton Street to the south.

Wall signs are most commonly located on the ground floor of a building, the usual location of the main commercial occupancy and use of a building. This corresponds to the side of the building that is most visible to the public and those passing by on the street. Where a wall sign is permitted above the ground floor, Chapter 694 generally restricts the maximum area of such additional wall signs and the location on the upper floors where the sign can be erected. In a CR-Commercial Residential Sign District, Chapter 694 prohibits wall signs from being erected above the second storey, limits the sign face area of a wall sign erected at the first storey to not more than 20% of the area of the wall of the first storey where the sign is erected, and to not more than 10% of the area of the wall at the second storey where the sign is erected.

Other first party wall signs in the immediate area appear to be consistent with the provisions of Chapter 694. Generally, signs on adjacent properties are used to identify the business on the premise, and in most instances have been erected at either the first or second storey of a wall facing a street.

The Proposed Sign is more akin to a third party sign as it is to be erected on a portion of the northerly facing wall that is not directly connected to the business on the premises and is to advertise and promote goods and services rather than identify the business available on the premises. With a sign face area of 70.76 square metres, the Proposed Sign is significantly larger than other first party signs in the area.

The existing business contains two first party identification signs, including a wall sign erected at the first storey, and a projecting sign on the second storey, both of which are erected on a wall facing the street, as well as a number of window signs advertising services available at the premise. These signs are generally consistent with signage on adjacent properties.

Given the cultural and historical significance of the building at 615-617 Yonge Street as well as the surrounding area, it is the opinion of staff that the sign is not compatible with the development on the premises and the other historically significant buildings on adjacent properties.

694-30A(4) Does the proposal support the Official Plan objectives for the property and surrounding area

The subject premise is designated as a *Mixed Use Area* in Toronto's Official Plan. *Mixed Use Areas* are made up of a broad range of commercial, residential, and institutional uses, in single use or mixed use buildings, as well as parks and open spaces and utilities. It is

the opinion of staff that the Proposed Sign is not contrary to the Official Plan policies as related to *Mixed Use Areas*.

A key objective of the Official Plan is the conservation and protection of Toronto's remaining heritage resources. This is accomplished in part by providing specific policies for heritage listed properties, listing properties of architectural and/or historic interest on the City's Inventory of Heritage Properties, and designating them and entering into conservation agreements with owners of designated heritage properties.

The Official Plan also notes that heritage resources will be conserved by designating areas with a concentration of heritage resources as Heritage Conservation Districts, and adopting conservation and design guidelines to maintain and improve their character.

On November 15, 2013, Council adopted By-law 1507-2013, Amendment No. 183 to the Official Plan, respecting the North Downtown Yonge Site and Area Specific Policy Area, which is generally situated between the north side of College/Carlton Streets, the south side of Charles Street, the west side of Bay Street and the east side of Church Street.

The goal of the area specific policy is to guide and shape development/redevelopment and private and public investment within the area, including reinforcing the importance and value of protecting and enhancing the heritage context within which this area is situated.

Specifically, Section 2.4 notes that a policy objective for the area is to "conserve and maintain the integrity of the cultural heritage values, attributes, character and three-dimensional form of heritage properties and the strong heritage fabric throughout this area and with particular reference to the Yonge Street, St. Nicholas, Dundonald/Gloucester and Church Street Village Character Areas".

Section 2.7 also provides protection of the areas resources, by "respect[ing] and complement[ing] the scale, character, form and setting of heritage properties along the street, including the historic streetwall of Yonge Street".

The subject building at 615-617 Yonge Street has been listed on the City's Inventory of Heritage Properties, and is also included in the boundaries of the Historic Yonge Street Heritage Conservation District ('HCD') Study. The property is also situated within the North Downtown Yonge Site and Area Specific Policy Area, which provides for the protection of the areas heritage resources. As such, it is the opinion of staff that the proposed sign does not support the Official Plan general objectives as pertains to heritage listed properties, and the intent of the Official Plan to preserve and protect the City's heritage resources.

694-30A(8) Does the proposal alter the character of the premises or surrounding area

This portion of Yonge Street is both a neighbourhood main street (serving a large number of residences and offices within walking distance) and a city-wide destination (attracting visitors from the entire GTA and beyond). It is defined by a variety of mixed-use buildings with a large number of historic buildings of significance dating back to the 19th Century and early parts of the 20th Century.

This unique built form contributes to the strong character of this part of Yonge Street, stitching together 'sets' of lower-rise mixed-use Victorian period buildings, many of which are listed in the City's Heritage Inventory, or designated under Part IV of the Ontario Heritage Act. The majority of the buildings provide a mixed-use function with commercial at grade and residential and office above, most of which have preserved the character of the upper storeys. It is the opinion of staff that the Proposed Sign is not consistent with and would alter the character of the building at 615-617 Yonge Street, and would impact other historically significant buildings on adjacent and nearby properties.

Given the nature of the built form along this portion of Yonge Street, first party signage in the area is generally limited to business identification signs at the first and second storey wall where the business is located. The Proposed Sign is significantly larger than other wall signs on adjacent properties, and given that it is to be erected on a wall that is not directly connected to the business on the premise, is more akin to a third party advertising sign. As such it is the opinion of staff that the Proposed Sign would alter the character of signage on the premises, and would significantly deviate from the permissions of Chapter 694 respecting wall signs, as well as existing signage on adjacent buildings.

Table 5 – Summary of Design Criteria

Section	Criteria Description	Meets Criteria? (yes/no)	Rationale
694-30A(3)	Compatible with the development on the premises and surrounding area	No	<p>The subject building has been recognized for its cultural heritage value, and was listed on the City of Toronto Inventory of Heritage Properties in May 2013.</p> <p>The area encompassing 615-617 Yonge Street is currently the subject of the Historic Yonge Street Heritage Conservation District ('HCD') Study.</p> <p>Staff conducted a review of other first party signs in the area, which demonstrated that the majority of existing wall signs are erected at either first or second storey of a wall facing a street.</p>

<p>694-30A(4)</p>	<p>Supports the Official Plan objectives for the property and surrounding area</p>	<p>No</p>	<p>The subject premise is designated as a <i>Mixed Use Area</i> in Toronto's Official Plan.</p> <p>The Official Plan provides direction regarding the conservation and protection of Toronto's remaining irreplaceable heritage resources, including heritage listed buildings.</p> <p>It is the opinion of staff that the Proposed Sign does not support the intent of the Official Plan to preserve and protect the City's heritage resources.</p>
<p>694-30A(8)</p>	<p>Does not alter the character of the premises or surrounding area</p>	<p>No</p>	<p>Other first party signs in the area are generally limited to business identification signs erected at the first and second storey on a wall facing a street.</p> <p>The Proposed Sign is significantly larger than other wall signs on adjacent properties, and, is more akin to a third party advertising sign.</p>

Impact Criteria

The Impact Criteria are the criteria listed at §694-30A (5), (6), and (9). These criteria are focused on the impact that a sign may have on surrounding buildings and properties and on the public in general. These criteria also consider whether or not the proposed sign will have any impacts on public safety.

The Proposed Sign does not meet all three of the impact criteria required for a variance to be granted. The Proposed Sign: does adversely affect adjacent premises; does not adversely affect public safety; and, is in the opinion of staff, contrary to the public interest.

694-30A(5) Does the proposal adversely affect adjacent premises

The scale, magnitude and orientation of the Proposed Sign is inconsistent with other first party signs on adjacent properties, most of which are used primarily for identification purposes. Furthermore, the Proposed Sign would detract from the heritage attributes of the building on the subject premises, and does not fit with the heritage character of the area. It is the opinion of staff, that additional signage in the area should be cognizant of the areas unique character, and should make efforts to avoid any detrimental visual impact on the designated historic buildings.

694-30A(6) Does the proposal adversely affect public safety

It is the opinion of staff the proposal does not adversely affect public safety.

694-30A(9) Is the proposal, in the opinion of the Chief Building Official, contrary to the public interest

The subject premise has been listed on the City's Inventory of Heritage Properties, which is a clear statement that City Council would like to see the heritage attributes of the property preserved. The property is also located in the Historic Yonge Street HCD study area.

It is the opinion of staff that the cultural and heritage character of the building located on the subject premise should be protected. New development should consider the heritage character of the building on the premise and other significant buildings in the surrounding area, limiting alterations that are inconsistent with or have negative impacts on the character of the area.

Table 6 – Summary of Impact Criteria

Section	Criteria Description	Meets Criteria? (yes/no)	Rationale
694-30 A(5)	Does not adversely affect adjacent premises	No	It is the opinion of staff that the size, magnitude and orientation of the Proposed Sign is inconsistent with other signage on adjacent properties, and would negatively impact the heritage attributes of the building on the premises, and the heritage character of the area.
694-30 A(6)	Does not adversely affect public safety	Yes	The Proposed Sign is appropriately setback from the public right-of-way and does not have an impact on pedestrian or vehicular visibility or safety.
694-30 A(9)	Is not contrary to the public interest	No	615-617 Yonge Street has been listed on the City's Inventory of Heritage Properties, which is a clear statement that City Council would like to see the heritage attributes of the property preserved.

CONCLUSION

In consideration of the original materials submitted by the Applicant to support the variances requested, it is the position of staff that the Appellant has not established that the Proposed Sign meets all nine of the established criteria required to permit the granting of the requested variances.

Staff is of the opinion that the Applicant's submission fails to establish that the Proposed Sign is compatible with the development on the premises and surrounding area, or that the Proposed Sign supports the Official Plan objectives for the property and surrounding area, or that Proposed Sign does not alter the character of the premises or surrounding area, or that Proposed Sign does not adversely affect adjacent premises, and is not

contrary to the public interest. As such, the variances requested from Chapter 694, by the Appellant required for the Proposed Sign should be refused.

CONTACT

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ATTACHMENTS

1. Staff Report – Appeal by Oberon Development Corporation of the Chief Building Official's Decision to Refuse Two Variances With Respect to One Proposed First Party Wall Sign at 615-617 Yonge Street
2. Sign Variance Committee Decision – Item SB1.3
3. Communications - (February 9, 2015) E-mail from Paul Farrelly, Church Wellesley Neighbourhood Association; (February 9, 2015) Submission from Patrick J. Harrington, Aird and Berlis LLP