



**STAFF REPORT
ACTION REQUIRED**

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

| | |
|--------------------------|---|
| Date: | December 16, 2016 |
| To: | Toronto and East York Community Council |
| From: | Director and Deputy Chief Building Official, Toronto Building |
| Ward: | Ward 27 – Toronto Centre-Rosedale |
| Reference Number: | TE17004 |

SUMMARY

On September 27, 2016, the Sign Variance Committee heard Item SB11.7 and granted, with a condition, one variance from Chapter 694, required for one non-illuminated first party wall sign, containing one sign face (with a vertical measurement of 5.75 metres and horizontal measurement of 4.0 metres), displaying static copy at a height of 20.9 metres, located on the 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 the variance 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 report from staff dated June 21, 2016, and a copy of the decision of the Sign Variance Committee for the September 27, 2016 meeting.

RECOMMENDATIONS

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

1. City Council refuse to grant the variances requested to §694-21D(5)(a) required to allow the issuance of a permit for the erection and display of one non-illuminated first party wall sign, on portions of the northerly facing wall at the fifth and sixth storeys of the building on the premises municipally known as 615-617 Yonge Street, at a height of 20.6 metres, containing one sign face, displaying static copy, with a vertical dimension of 5.75 metres and a horizontal dimension of 4.0 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>

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

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.TE6.9>

Appeal Concerning One First Party Wall Sign at 615-617 Yonge Street

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.SB11.7>

COMMENTS

Sign Variance Application – 615-617 Yonge Street (14-194717):

On July 23, 2014, staff received a first party sign variance application to permit the erection and display of one non-illuminated wall sign, located on the third to sixth storey of the northerly facing building elevation, measuring 5.8 metres in width by 12.2 metres in length at a height of 20.6 metres at the premises municipally known as 615-617 Yonge Street. The proposed sign was to display 100 percent (or more than 30 percent of the total

area of the sign copy) to advertise, promote, or direct attention to goods available at the premises where the sign is located.

The Chief Building Official (the "CBO"), in a September 16, 2014 decision, refused to grant the two requested variances required for the proposed sign. Pursuant to §694-30K, the applicant subsequently appealed the decision of the CBO within the required 20 day time period.

At its meeting on February 9, 2015, the Sign Variance Committee heard Item SB1.3, regarding the appeal of the CBO's decision to refuse to grant two variances with respect to the proposed wall sign. Staff did not support the granting of the variances required for the proposed sign, with or without conditions. The Sign Variance Committee decision with respect to Item SB1.3 was to grant the two variances requested, on the condition that the sign was hand-painted.

The Sign Variance Committee decision in Item SB1.3, to grant the requested variances with conditions did not become final and binding due to an application to consider that was filed on February 25, 2015 by Councillor Wong-Tam, the ward councillor for the area. The Ward Councillor filed an application to consider within 20 days in accordance with §694-30S, and as a result the matter of the requested variances was considered by City Council.

Toronto and East York Community Council ("TEYCC") at its meeting of May 12, 2015 heard and considered the application for variance as Item TE6.9, for the purpose of making recommendations to Council for final decision in accordance with §694-30T. The recommendation of TEYCC to City Council was to refuse to grant the two variances requested in relation to the proposed sign.

On June 10, 2015, City Council heard Item TE6.9 regarding the proposed sign, and decided to adopt the TEYCC recommendation to refuse to grant the variances requested.

Sign Variance Application – 615-617 Yonge Street (15-256782):

On November 25, 2015, staff received a first party sign variance application to permit the erection and display of one non-illuminated, hand-painted wall sign, displaying static copy, located on the third to sixth storey of the northerly facing building elevation, measuring 5.8 metres in width by 10.7 metres in length, at a height of 20.9 metres. The proposed sign, while similar to the previous proposal, was to be painted on the wall of the building, reduced the length of the sign from 12.2 metres to 10.7 metres, and reduced the portion of the sign advertising goods available on the premises to comply with By-law requirements. As a result of these changes, the updated sign required one variance from the Sign By-law, whereas the initial 2014 proposal required two variances from the Sign By-law.

The initial decision date was scheduled for February 25, 2016, however was subsequently deferred until April 21, 2016. The intent of the deferral was to provide the applicant an

opportunity to respond to various concerns identified by both Heritage Preservation Services and Sign By-law Unit staff.

On April 14, 2016, the applicant submitted a modified proposal that reduced the size of the proposed sign from 5.8 metres to 4.0 metres in width, and 10.7 metres to 5.75 metres in length. The modified sign was still to be non-illuminated, painted on the wall of the building and displaying static copy, but was to be erected on just the fifth and sixth storey of the building.

Staff reviewed the additional materials provided by the applicant, however neither the initial proposal nor the modified proposal was supported. The CBO, in an April 21, 2016 decision, refused to grant the variance requested required for the proposed sign. Pursuant to §694-30K, the applicant subsequently appealed the decision of the CBO within the required 20 day time period.

At its meeting on September 27, 2016, the Sign Variance Committee heard Item SB11.7, regarding the appeal of the CBO's decision to refuse to grant a variance with respect to the proposed sign. At the meeting the appellant presented the modified proposal for the smaller wall sign. The Sign Variance Committee decision with respect to Item SB11.7 was to grant the variance requested, on the condition that the sign was hand-painted. The decision of the Committee also reflected the modified proposal, in that the approved sign was to be erected on the fifth and sixth storey of the northerly elevation of the building, and the sign was to measure 4.0 metres in width by 5.75 metres in length.

The Sign Variance Committee decision in Item SB11.7, to grant the requested variance with conditions did not become final and binding due to an application to consider that was filed on October 17, 2016 by Councillor Wong-Tam. The Ward Councillor filed an application to consider within 20 days in accordance with §694-30S, and as a result the matter of the requested variance is now being considered by City Council.

The originally requested variance is described in the following table:

Table 1: Summary of Requested Variance

| Section | Requirement |
|---------------|--|
| 694-21D(5)(a) | A sign shall not be erected above the second storey. |

Sign Attributes:

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

The Proposed Sign:

- Is not illuminated;
- Is hand-painted and displays static copy only;
- Displayed on the fifth and sixth storeys of the buildings northerly elevation;
- Has not less than 70% of the sign copy displaying the logo of a commercial tenant located within the building at the premises;
- Has not more than 30% of the sign copy displaying text that is not a logo of a commercial tenant located within the building at the premises;
- Has one sign face, rectangular in shape, measuring 5.75 metres vertically by 4.0 metres horizontally; and
- At a height (highest point of the sign measured from grade) of 20.9 metres.

Figure 1: Proposed Sign



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 4.0 metres horizontally by 5.75 metres vertically | No |
| Sign Face Area | 23.0 m ² | No |
| Height | 20.9 m | No |
| Location | Erected on the north-facing building wall at the fifth & Sixth Storey | First & Second 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 large-scale upper-storey signs, and first party signs in the area are generally 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 the Sign By-law:

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 the Sign By-law 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 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. |

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 the requested variance 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 (now the Heritage Register) 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 Services 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') Plan. 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 Plan was adopted by City Council on March 10, 2016 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, the Sign By-law 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, the Sign By-law 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 the Sign By-law. 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 in addition to identify the business located at the premises. With a sign face area of 23 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 premises is also located in the Historic Yonge Street Conservation District ("HYHCD"), and is subject to the Historic Yonge Street Heritage Conservation District Plan, as a contributing property. The purpose of the Plan is to conserve, maintain, and enhance the cultural heritage value and heritage attributes of the area. This includes preventing alterations that diminish the districts cultural heritage assets, and ensuring that any alteration is compatible with HYHCD's cultural heritage value. With respect to signage, Section 5.15 of the District Plan provides direction on incorporating commercial signage to conserve and not detract from the heritage attributes and cultural heritage value of the HYHCD. Specifically, Subsection 5.15.1 indicates that design signage for contributing properties are to be physically and visually compatible with the heritage attributes and cultural heritage value of HYHCD. Signage *should* be limited to the first floor façade of the building, and *should not* extend to upper floors. Signage should also use historical precedents to inform the design of new signage on contributing properties.

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') Plan. 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> |
| 694-30A(4) | Supports the Official Plan objectives for the property and surrounding area | No | <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> |

| | | | |
|-------------------|--|-----------|---|
| 694-30A(8) | Does not alter the character of the premises or surrounding area | No | <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 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

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

SIGNATURE

Ted Van Vliet,
Manager, Sign By-law Unit, Toronto Building

ATTACHMENTS

1. Staff Report – Appeal Concerning One First Party Wall Sign at 615-617 Yonge Street (June 21, 2016)
2. Sign Variance Committee Decision – Item SB11.7

ATTACHMENT 1: Staff Report – Appeal Concerning One First Party Wall Sign at 615-617 Yonge Street (June 21, 2016)



STAFF REPORT ACTION REQUIRED

Appeal Concerning One First Party Wall Sign at 615-617 Yonge Street

| | |
|----------------|------------------------------|
| Date: | June 21, 2016 |
| Ward: | Toronto Centre-Rosedale (27) |
| File No.: | FP-15-00203 |
| IBMS File No.: | 15-256782 |

SUMMARY

Aird & Berlis LLP has, on behalf of the property owner, Oberon Development Corporation (the "Appellant"), appealed the decision of the Chief Building Official ("CBO") concerning an application for one variance required to permit the erection and display of one non-illuminated wall sign to be painted upon the northerly-facing wall at the third to sixth storeys of the six-storey building located at the premises municipally known as 615-617 Yonge Street (the "Proposed Sign").

The CBO refused to grant the variance required for the erection and display of the Proposed Sign. It is the CBO's opinion that it has not been established that the Proposed Sign meets all of the criteria contained in §694-30A of the Sign By-law. Specifically, the CBO is of the opinion that it has not been established that the Proposed Sign: a) is compatible with the development of the premises and surrounding area, b) supports Official Plan objectives for the subject premises and surrounding area, and c) does not alter the character of the premises or surrounding area.

RECOMMENDATIONS

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

1. The Sign Variance Committee refuse the variance, with conditions, requested to §694-21D(5)(a) required to allow the issuance of a permit for the erection and display of one first party wall sign described in Attachment 1 to this report.

REQUIRED VARIANCES

| SECTION | REQUIREMENT | PROPOSAL |
|---------------|--|---|
| 694-21D(5)(a) | A wall sign is permitted provided the sign is not erected above the second storey. | The Proposed Sign is to be erected above the second storey on portions of the third, fourth, fifth, and sixth storey, on condition that the sign is hand-painted. |

COMMENTS

Sign Attributes

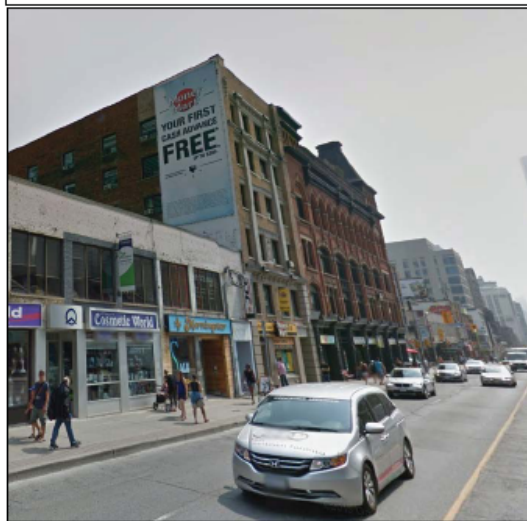
The Proposed Sign is one non-illuminated painted wall sign displaying static copy, located on the third to sixth storey of the northerly facing building elevation. The Proposed Sign contains one sign face with a horizontal measurement of 5.80 metres and vertical measurement of 10.66 metres. The height (or highest point of the sign measured from grade) of the Proposed Sign is to be 20.60 metres.

Signage History

Previously, on July 23, 2014, the CBO received a first party sign variance application seeking two variances to the Sign By-law to permit the erection and display of a similar first party wall sign on the premises (the "Previously Proposed Sign").

The Previously Proposed Sign was a non-illuminated wall sign displaying static copy located on the third to sixth storey, of the northerly elevation of the building, with a horizontal measurement of 5.80 metres and vertical measurement of 12.20 metres with a at a height of 20.60 metres. In addition the Previously Proposed Sign was to display 100 percent (or more than 30 percent of the total area of the sign copy) to advertise, promote, or direct attention to goods available at the premises where the sign is located, requiring a variance to the regulation establishing the maximum amount of such advertising contained in §694-20A.

FIGURE 1: SIGN SUBJECT TO PREVIOUS APPLICATION



The CBO, in a September 16, 2014 decision, refused to grant the two requested variances for the Previously Proposed Sign.

The CBO's September 16, 2014 decision was appealed to the Sign Variance Committee, as Item SB1.3, considered at the February 9, 2015 meeting.

Sign Variance Committee decision in Item SB1.3, was to grant the two variances requested on the condition that the Previously Proposed Sign was hand-painted.

The Sign Variance Committee decision in Item SB1.3, to grant the requested variances with conditions did not become final and binding due to an application to consider that was filed by the Ward Councillor in accordance with § 694-30S of the Sign By-law. The Ward Councillor filed an application to consider within 20 days in accordance with § 694-30S, and as a result the matter of the requested variances was considered by City Council.

Toronto and East York Community Council ("TEYCC") at its meeting of May 12, 2015 heard and considered the application for variance as Item TE6.9, for the purpose of making recommendations to Council for final decision in accordance with § 694-30T. The recommendation of TEYCC to City Council was to refuse to grant the two variances requested in relation to the Previously Proposed Sign.

City Council on June 10, 2015, considered Item TE6.9, and decided to adopt the TEYCC recommendation to refuse to grant the variances requested.

On November 25, 2015, the CBO received a first party sign variance application for the similar Proposed Sign which is the subject of this current appeal.

Site Context and Sign District Designation

The subject premises, municipally known as 615-617 Yonge Street, 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 property is designated as a CR-Commercial Residential sign district, as are other properties north, south and west with frontage on Yonge Street. To the east of the property lands are designated OS-Open Space sign district, with properties further east being designated R-Residential.

Criteria Established by §694-30A of Chapter 694

The Sign By-law contains specific criteria to be used in evaluating an application for a variance. Specifically, §694-30A states that an application for variances may only be granted where it is established that all of the signs which are the subject of the variance application meet all nine of the established criteria.

Applying the Established Criteria

| Section/Criteria Description | Has Criteria Been Established? |
|--|---|
| 694-30A(1): The proposed sign belongs to a sign class permitted in the sign district | YES - Staff are of the opinion that this criteria has been established |
| <p>Rationale:</p> <p>The subject premises is designated as a CR-Commercial Residential sign district. The Proposed Sign is a first party sign; a sign class permitted in a CR-Commercial Residential sign district.</p> | |

| Section/Criteria Description | Has Criteria Been Established? |
|--|---|
| 694-30A(2): In the case of a third party sign, the proposed sign is of a sign type permitted in the sign district | YES - Staff are of the opinion that this criteria has been established |
| <p>Rationale:</p> <p>The subject premises is designated as a CR-Commercial Residential sign district. The Proposed Sign is a first party wall sign, as a result the criteria contained in §694-30A(2) is not applicable to the Proposed Sign.</p> | |

| Section/Criteria Description | Has Criteria Been Established? |
|--|--|
| 694-30A(3): The proposed sign is compatible with the development of the premises and surrounding area | NO - Staff are of the opinion, that this criteria <u>has not been established</u> |
| <p>Rationale:</p> <p>The property at 615-617 Yonge Street has been recognized for its cultural heritage value, and was placed on the City of Toronto Inventory of Heritage Properties in May of 2013. In a 2013 staff report, Heritage Preservation Services staff noted that the building is historically and visually related to the enclave of heritage structures anchoring the northeast intersection of Yonge and Gloucester. This building has a number heritage attributes including the scale, form and massing of the structure, the materials used in construction, and the various brick and stone detailing on the building facade.</p> <p>The subject premises is also located in the Historic Yonge Street Conservation District ("HYHCD"), and is subject to the Historic Yonge Street Heritage Conservation District Plan, as a contributing property. The purpose of the Plan is to conserve, maintain, and enhance the cultural heritage value and heritage attributes of the area. This includes preventing alterations that diminish the districts cultural heritage assets, and ensuring that any alteration is compatible with HYHCD's cultural heritage value. With respect to signage, Section 5.15 of the District Plan provides direction on incorporating commercial signage to conserve and not detract from the heritage attributes and cultural heritage value of the HYHCD. Specifically, Subsection 5.15.1 indicates that signage design for contributing properties is to be physically and visually compatible</p> | |

with the heritage attributes and cultural heritage value of HYHCD. Signage *should* be limited to the first floor façade of the building, and *should not* extend to upper floors. Signage should also use historical precedents to inform the design of new signage on contributing properties.

Although the proposed signage is located on the north elevation wall which is not specifically listed as a heritage attribute, the heritage value of the subject building should be considered as a whole. The Proposed Sign will not only detract from the heritage attributes of the heritage resource, but also from the cultural heritage value of the surrounding Historic Yonge Conservation District. As such, it is the opinion of staff that it has not been established that the Proposed Sign is compatible with the development of the premises and surrounding area.

| Section/Criteria Description | Has Criteria Been Established? |
|---|--|
| §694-30A(4): The proposed sign supports Official Plan objectives for the property and surrounding area | No - Staff are of the opinion that this criteria has not been established |
| <p>Rationale:</p> <p>The subject premises is designated as a <i>Mixed Use Area</i> in Toronto's Official Plan. <i>Mixed Use Area's</i> 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 <i>Mixed Use Areas</i>.</p> <p>The Official Plan provides regulatory tools to conserve and protect the cultural heritage values and attributes of the City's heritage properties. The subject building at 615-617 Yonge Street has been designated under Part V of the Ontario Heritage Act and is also included, as a contributing building, within the boundaries of the HYHCD. The established regulatory framework works to protect the buildings heritage attributes, and the overall character of the area.</p> <p>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. The goal of the area specific policy is to guide and shape development and redevelopment within the area, part of which includes protecting and enhancing the heritage context within which this area is situated. Specifically, development in the area should respect and complement the scale, character, form and setting of heritage properties along the street.</p> <p>The building at 615-617 Yonge Street is also subject to the North Downtown Yonge Urban Design Guidelines. Section 5.0 of the Guidelines notes that retail signage on heritage properties shall be reversible without damaging the heritage property, and is to be located within the sign band of the front facade to allow the historic storefront of the buildings along this portion of Yonge Street to remain intact.</p> <p>It is the opinion of staff that it has not been established that the Proposed Sign supports Official Plan objectives for the subject premises and surrounding area, specifically the preservation and protection of the City's heritage resources.</p> | |

| Section/Criteria Description | Has Criteria Been Established? |
|--|---|
| 694-30 A(5): The proposed sign Does Not adversely affect adjacent premises | Yes - Staff are of the opinion, that this criteria, has been established |
| <p>Rationale:</p> <p>The Proposed Sign is to be erected on portions of the third, fourth, fifth, and sixth storey of the northerly elevation. It is the opinion of staff that it has been established that the Proposed Sign will not adversely affect adjacent premises.</p> | |

| Section/Criteria Description | Has Criteria Been Established? |
|--|---|
| 694-30 A(6): The proposed sign Does Not adversely affect public safety | YES - Staff are of the opinion that this criteria has been established |
| <p>Rationale:</p> <p>The Proposed Sign is appropriately setback from the public right-of-way and should not have an impact on pedestrian or vehicular safety. It is the opinion of staff that it has been established that the proposed sign will not adversely affect public safety.</p> | |

| Section/Criteria Description | Has Criteria Been Established? |
|--|---|
| 694-30A(7): The proposed sign Is Not a sign prohibited by §694-15B | YES - Staff are of the opinion that this criteria has been established |
| <p>Rationale:</p> <p>The Proposed Sign is a first party wall sign. First party wall signs are not prohibited by §694-15B.</p> | |

| Section/Criteria Description | Has Criteria Been Established? |
|--|--|
| 694-30A(8): The proposed sign Does Not alter the character of the premises or surrounding area | NO - Staff are of the opinion, that this criteria <u>has not</u> been established |
| <p>Rationale:</p> <p>This portion of Yonge Street is composed of a variety of mixed-use, commercial and residential buildings fronting along Yonge Street that support and define the areas main street character. As a result of the built-form and pedestrian nature of the area, other first party signs on adjacent properties are generally limited to business identification signs at the first and second storey on a wall facing the street.</p> <p>The existing business at 615-617 Yonge Street currently contains a first storey wall sign used for business identification purposes, a projecting sign on the second storey of the building, as well as a number of window signs advertising services available at the premises. These signs face the street and are consistent in scale and location with other signs in the area, and sufficiently identify the existing business on the premises.</p> <p>The Proposed Sign is not only significantly larger than other first party wall signs on adjacent buildings, but the location and height of the sign is inconsistent with other first party signs in the area. As such it is the opinion of staff that it has not been established that the Proposed Sign is consistent with the character of signage along this portion of Yonge Street.</p> | |

| Section/Criteria Description | Has Criteria Been Established? |
|---|---|
| 694-30 A(9): The proposed sign Is Not contrary to the public interest | YES - Staff are of the opinion that this criteria has been established |
| <p>Rationale:</p> <p>A notice of the application was posted on the premises for 30 days, and staff did not receive any comments or letters of opposition from adjacent property owners. It is the opinion of staff that it has been established that the Proposed Sign is not contrary to the public interest.</p> | |

CONCLUSION

Based on staff's assessment of the Proposed Sign, as measured against the established criteria contained at §694-30A of the Sign By-law, the variance sought by the Appellant should not be granted. Although information exists to support that some of the criteria has been established, staff are of the opinion that there is not a sufficient basis to establish that the Proposed Sign is: compatible with current and future development of the subject premises and surrounding area; supports Official Plan objectives for the premises and surrounding area; and, will not alter the character of the premises and surrounding area.

As such, it is recommended that the Sign Variance Committee refuse to grant the variance from the Sign By-law required for the erection and display of the Proposed Sign.

CONTACT

Brody Paul
Sign Building Code Examiner Inspector
Tel: (416) 392-3537
E-mail: bpaul@toronto.ca

Robert Bader
Supervisor, Sign By-law Unit
Tel: (416) 392-4113
E-mail: rbader@toronto.ca

SIGNATURE

Ted Van Vliet
Manager, Sign By-law

ATTACHMENTS

1. Description of Signs and Required Variance
2. Applicant's Submission Package

ATTACHMENT 1:

Description of Sign



One painted wall sign at the premises municipally known as 615-617 Yonge Street, described as follows:

- a) Erected on the northerly elevation of the building currently located on the premises, on portions of the third, fourth, fifth and sixth storeys;
- b) Containing one sign face having:
 - 1. A total sign face area of 61.83 square metres;
 - 2. A vertical measurement of 10.66 metres; and
 - 3. A horizontal measurement of 5.8 metres;
- c) Not illuminated; and
- d) Displaying static copy.

Required Variance

| SECTION | REQUIREMENT | PROPOSAL |
|---------------|--|---|
| 694-21D(5)(a) | A wall sign, other than a sign displaying a logo or corporate symbol permitted by Subsection D(5), provided the sign is not erected above the second storey. | The requirement be varied to allow the Proposed Sign to be erected on portions of the third, fourth, fifth, and sixth storey of the building on the condition that the Proposed Sign is hand-painted. |

ATTACHMENT 2: Applicant's Submission Package

| | | | |
|---|-------------------------------------|--|---------------------------------|
|  | | Application Sign Variance | |
| Folder No. | | Date (yyyy-mm-dd) 2015-11-02 | |
| Project Information | | | |
| Street No. 615 & 617 | Street Name YONGE STREET | Lot No. PT LT 1 | Plan No. PL 01 |
| Describe the variance(s) being applied for: VARIANCE TO ERECT A SIGN ABOVE THE SECOND STOREY (094-21D(5)(A)); AND VARIANCE FOR PROPORTION OF SIGN DEDICATED TO PROMOTING SERVICES AVAILABLE ON PREMISES (094-20A). | | | |
| If it is an application for a variance required for the modification or restoration of an existing sign, please provide the following: | | | |
| Existing Sign Dimensions | | Location | |
| Please provide the reasons/justification for the request (Attach any supporting documentation or additional pages as required): | | | |
| Property Owner Information | | | |
| First Name | | Last Name | |
| Company Name (if applicable) OBERON DEVELOPMENT CORPORATION | | | Telephone No. (416) 568-5544 |
| Street No. 372 | Street Name RICHMOND STREET WEST | Suite/Unit No. 400 | Mobile No. |
| City/Town TORONTO | Province ONTARIO | Postal Code M5V1X6 | Fax No. (416) 568-4826 |
| E-mail Address maria@oberon.ca | | | |
| Attachment Required | | | |
| <ul style="list-style-type: none"> • 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 | | | |
| Continue on next page | | | |
| 14-0043 2013-07 | |  <small>REPORTED BY YOUR SERVICE</small> | |
| | | 1 of 2 | |

Application
Sign Variance

Applicant Information and Declaration

| | | | |
|---|-------------------------------------|------------------------|---------------------------------|
| First Name MARLA | | Last Name SWITZER | |
| Company Name OBERON DEVELOPMENT CORPORATION | | | Telephone No. (416) 598-5544 |
| Street No. 872 | Street Name RICHMOND STREET WEST | State/Unit No. 400 | Mobile No. |
| City/Town TORONTO | Province ONTARIO | Postal Code M5V 1X6 | Fax No. (416) 598-4626 |
| E-mail Address marla@oberon.ca | | | |
| Do hereby declare the following: | | | |
| <ul style="list-style-type: none"> • That I am <input type="checkbox"/> the Property Owner as stated above <input checked="" type="checkbox"/> the owner's authorized agent. <input type="checkbox"/> an officer/employee of _____, which is an authorized agent of the owner. <input type="checkbox"/> 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. | | | |
| MARLA SWITZER | | 2015-11-02 | |
| signature | | Print Name | Date (yyyy-mm-dd) |

Continue on next page

The personal information on this form is collected under the City of Toronto Act, 2006, s. 136(c) and Chapter 694, Signs General, of the City of Toronto Municipal Code. The information collected will be used for processing applications and creating aggregate statistical reports, for enforcement of the City of Toronto Municipal Code Chapter 694, Signs General, Chapter 775, Taxation, Third Party Sign Tax, and any other applicable sign by-law of the City of Toronto, and for contacting permit holder(s) or authorized agent(s). Questions about this collection may be referred to the Manager, Sign By-law Unit, Toronto Building, 100 Queen Street West, Ground Floor, East Tower, Toronto, M5H 2B2 416-392-4235.

14-0043 2013-07

2 of 2

Data Sheet
Sign Variance

| | |
|------------|---------------------------|
| Folder no. | Request Date (yyyy-mm-dd) |
| | 2015-11-02 |

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

Project Information

| | | | |
|------------|--------------|---------|----------|
| Street No. | Street Name | Lot No. | Plan No. |
| 615 & 617 | YONGE STREET | PT LT 1 | PL B1 |

Site and Building Data

| | | |
|-------------------------------|---|------------------------------|
| Lot Area | Lot Frontage | Lot Depth |
| 279.7 | 10.8 | 25.9 |
| No. of Building(s) on the lot | Date of Construction of Building(s) if known (yyyy-mm-dd) | |
| 1 | 1915-01-01 | |
| Building Height(s) | No. of Storeys | Building(s) Gross Floor Area |
| 23.6 | 6 STOREYS | 1594.2 |
| Building Use(s) | | |
| COMMERCIAL | | |

Site Context

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

| | |
|-------|---|
| North | 2 STOREY MIXED USE BUILDING |
| South | 5 STOREY MIXED USE BUILDING |
| East | 5 STOREY MIXED USE BUILDING AND SURFACE CAR PARKING |
| West | 2 STOREY MIXED USE BUILDING |

Proposal

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

THIS PROPOSAL IS FOR A 10.66M x 5.8M PAINTED MURAL WALL SIGN DISPLAYING STATIC COPY PROMOTIONAL MATERIAL FOR THE COMMERCIAL TENANTS. VARIANCES ARE REQUIRED FOR: ERECTING A FIRST PARTY SIGN ABOVE THE SECOND STOREY ON THE SIDEWALL OF THE BUILDING; AND DISPLAYING A FIRST PARTY SIGN WHERE MORE THAN 30 PERCENT OF THE SIGN COPY PROMOTES OR DIRECTS ATTENTION TO GOODS AVAILABLE ON THE PREMISES.

Continue on next page

14-0043 2013-07

1 of 2

Data Sheet
Sign Variance

Rationale

Decisions for all Sign Variance Applications are evaluated against criteria listed in Toronto Municipal Code Chapter 694-30 A. A variance may be granted where it is demonstrated that the proposed sign(s)

- Belong to a sign class permitted in the sign district where the premises is located
- In the case of a third party sign, be of a sign type that is permitted in the sign district, where the premises is located
- Be compatible with the development of the premises and surrounding area
- Support the Official Plan objectives for the subject premises and surrounding area
- Not adversely affect adjacent premises
- Not adversely affect public safety
- Not be a sign prohibited by Toronto Municipal Code Chapter 694-15B
- Not alter the character of the premises or surrounding area
- Not be, in the opinion of the decision maker, contrary to the public interest

Please describe in detail how the proposal satisfies each of the criteria listed above
(use additional pages if necessary)
SEE MEMO ATTACHED BY ERA ARCHITECTS.

MEMORANDUM RE: 615-617 YONGE STREET SIGNAGE

This memorandum provides heritage rationale for a Sign Variance Application for the properties municipally known as 615 & 617 Yonge Street in the City of Toronto (the "Site"). The Site is a listed heritage building located within the proposed Historic Yonge Street Heritage Conservation District (HCD).

Chapter 694 of the Toronto Municipal Code prohibits third party signs on listed heritage buildings, or within HCDs, unless expressly permitted by the signage by-law (§694-22(C)). There is no such prohibition against first party signs on listed heritage buildings or buildings within HCDs.

In our view, the signage proposed in this resubmission will not have a negative impact on any of the heritage attributes of the building at 615-617 Yonge Street, nor will it have any effect on the proposed Historic Yonge Street HCD. We strongly recommend that permission for the signage described in the application be granted without delay.

Background and Decision History

On July 18, 2014, the applicant requested a First Party Sign Permit and Sign Variance in respect of the Site. As the proposed signage is located on a listed heritage building, Toronto Heritage Preservation Services commented on the application, stating they would not recommend a large-format vinyl banner for the building elevation.

On September 16, 2014, the applicant received a notice of refusal, which was followed by a Staff Report issued on November 14, 2014. The applicant appealed that decision to the Sign Variance Committee, which granted the variances on February 9, 2015 on the condition that the proposed sign be hand-painted (Item SB1.3).

Councillor Wong-Tam, the Ward Councillor for the area, subsequently filed an Application to Consider, which resulted in the Chief Building Official recommending that City Council refuse to grant the variances requested. A Staff Report was issued on April 24, 2015 providing the reasoning behind this recommendation (the "Staff Report"; Ref: TE15005).

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

An application for variance from Chapter 694 may be granted where it is established that the proposed sign will meet the Administrative, Design and Impact Criteria established by §694-30A. We have examined each of these categories separately below and are of the opinion that this application meets the criteria.

(A) Administrative Criteria

None of these provisions were found to be at issue in the previous application and none are contravened by the present application.

694-30A(1) *Does the proposal belong to a sign class permitted in the sign district where the premises is located?*

Yes. The proposed sign is a first party sign, which is permitted within a CR-Commercial Residential sign district.

694-30A(2) *In the case of a third party sign, is the proposal of a sign type that is permitted in the sign district, where the premises is located?*

Not applicable. The proposed sign is a first party sign.

694-30A(7) *Is the sign a proposal prohibited by §694-15B?*

No. The proposed sign is not prohibited by §694-15B.

(B) Design Criteria

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

Yes. Blank sidewalls have been utilized for signage for much of Yonge Street's history. Photographs from the early 20th century show that Yonge Street, within the downtown core, had advertising on both the main façades and side elevations of buildings (Figure 1). Present day signage along this stretch of Yonge Street, including signage on listed heritage buildings within the proposed Historic Yonge Street HCD, exhibits the same eclectic character (Figures 2 and 3).

As we have noted, the building at 615-617 Yonge Street is included on the City of Toronto Inventory of Heritage Properties and is located within the proposed Historic Yonge Street HCD. The Reasons for Listing refer to the Site as, "... a fine representative example of Edwardian Classical styling applied to an office building from the World War I era that is historically and visually related to its surroundings..." The Statement of Cultural Heritage Value references the scale, form and massing of the building, the materials used in construction, and the brick and stone detailing on the primary (west) façade.

ERA

Revised: 02/2015
RE/ST

None of the heritage attributes included in the Reasons for Listing is impacted by the proposed signage. A historic photograph shows the north elevation of the Site had no decorative elements (Figure 4). This suggests the elevation originally had little aesthetic function and was likely designed with the expectation that an adjacent building would eventually conceal it.

The Staff Report states: "The inclusion on the Inventory is a clear statement that the City would like to see the heritage attributes of these properties preserved." It then concludes: "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 [§694-30A(3)]."

In our view, considering the Reasons for Listing, first party signage painted on this façade does not interfere with the heritage attributes of the Site, nor does it dilute its individual significance or its significance as part of the proposed Historic Yonge Street HCD. We note that the City has grandfathered first party signs on the upper portions of blank sidewalls of designated heritage buildings elsewhere (for example, 299 Queen Street West; Figure 9). These buildings have no less cultural and historical significance than the Site.

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

Yes. As noted in the Staff Report, the Site is located within a Mixed Use Area. Staff conceded that the proposed sign did not contravene Official Plan policies related to mixed-use areas. Staff was, however, of the opinion that the proposed signage contravened Official Plan objectives regarding conservation and protection of Toronto's heritage resources.

In our view, the proposed painted signage does not contravene Official Plan intent and objectives to protect heritage resources, particularly those provisions respecting the protection of the historic streetwall of Yonge Street.

Again, in our view, the placement of the proposed signage on the north elevation of the building ensures that none of the heritage attributes of the Site are compromised. The applicant has requested a painted mural sign, which will have minimal impact on the building fabric and has been present on the Site since at least the 1980s.

Regarding the streetwall, in our view, the presence of eclectic forms of signage along Yonge Street is an important part of both the historic and evolving character of the area.

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

No. Again, the placement of the proposed signage on the north elevation of the building ensures that none of its significant heritage attributes are compromised. Moreover, painted signage has minimal impact on heritage fabric.

With respect to the proposal altering the character of the surrounding area, painted first party signage on the secondary elevation of listed buildings has been and is currently quite common on Yonge Street (Figures 2, 5 and 6). Even off the main thoroughfares, historic examples of this type of signage exist. A warehouse from the historic Rawlinson block, which was listed in 1974 and is located just south of the Site on the west side of Yonge Street, includes an example of this technique, at 9 St. Nicholas Street (Figure 7).

(C) Impact Criteria

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

No. The proposal does not adversely affect adjacent premises.

The Staff Report states: "additional signage should be cognizant of the area's unique character, and should make efforts to avoid any detrimental visual impact on designated historic buildings." The current proposal does not represent "additional" signage that would impact the character of the area. Rather, painted signage of a similar size, magnitude and orientation has historic precedent on this Site and has formed part of the heritage character of the neighbourhood throughout its history.

The resubmission attempts to avoid detrimental impact by reducing the size of the signage and proposing a painted, rather than vinyl, sign. This is entirely in keeping with the history of signage on this building and seeks to reduce the visual impact of signage on both the Site and adjacent premises.

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

No. The proposal does not affect public safety. This provision was not found to be at issue in the previous application and is not contravened by the present application.

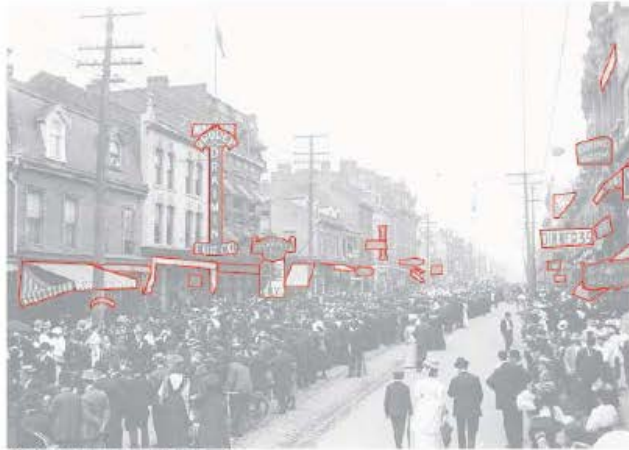
694-30A(9) Is the proposal, in the opinion of the Chief Building Official, contrary to the public interest?

In our view, the proposal does not contravene the public interest. The Staff Report states, on this point, that "the cultural and heritage character of the building located on the subject premises should be protected." The applicant and ERA are in complete agreement with this statement.

ERA

November 02 2015
PC/GJ 6

However, for the reasons listed above in respect of 8694-30A(3) – namely that none of the significant cultural heritage attributes of this building are impacted by the present application – we do not agree that the proposed signage interferes with such protection, nor is it contrary to the public interest.



City of Toronto Archives, Photo 1318, 1319, 1324
Figure 1: Example of early signage context of Yonge Street, near Shuter Street (Toronto Archives, annotated by ERA).

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Figure 2: Present day signage context on Yonge Street showing first party sidewalk signage on a listed heritage building. Looking north from Markham Street (GoogleMap).

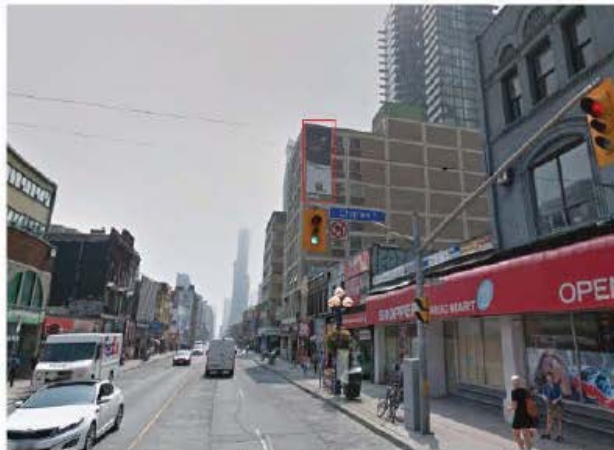


Figure 3: Third party sidewalk signage on listed heritage building at 10 St. Mary Street. Looking south along Yonge Street (GoogleMap).

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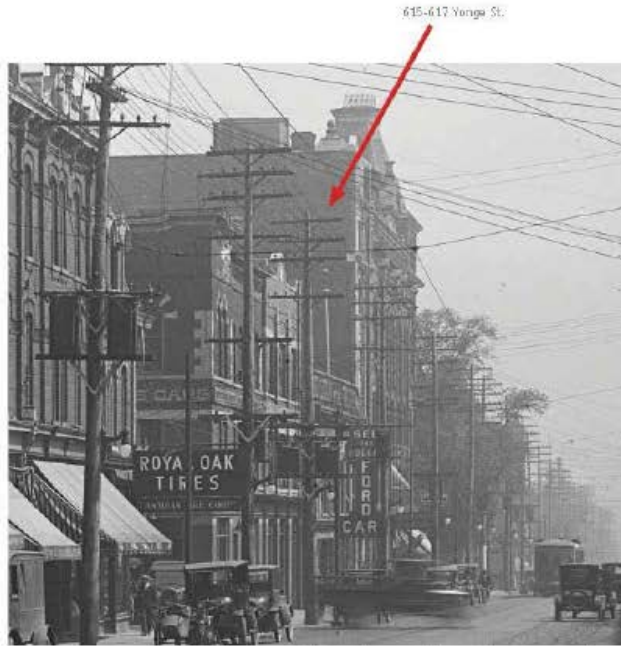


Figure 4: 615-617 Yonge in 1924, showing the north elevation (Toronto Archives, Fonds 1231 Item 2021).



Figure 5: First party sidewall signage on listed building at Yonge south of Roswith, looking north, May 2002, GoogleMaps.



Figure 6: First party sidewall signage on listed building at Yonge and Roswith, looking south, Present Day, GoogleMaps.

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November 02, 2015
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Figure 7: 9 St. Nicholas Street, part of the historic Rawlinson Block. Present Day. (GoogleMaps).



Figure 7: Third party sidewalk oriented mural signage on 615-617 Yonge Street (3907-89).

12 November 2015

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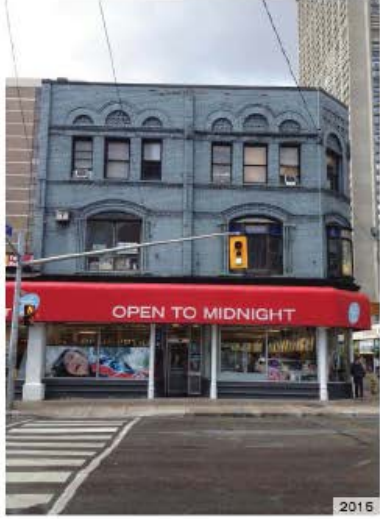


Figure 8: Blank sidewalk following removal of mural at 615-617 Yonge Street.

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November 20, 2015
RE/SJ 14

CASE STUDY: 728 YONGE STREET



CASE STUDY: 615 & 617 YONGE STREET

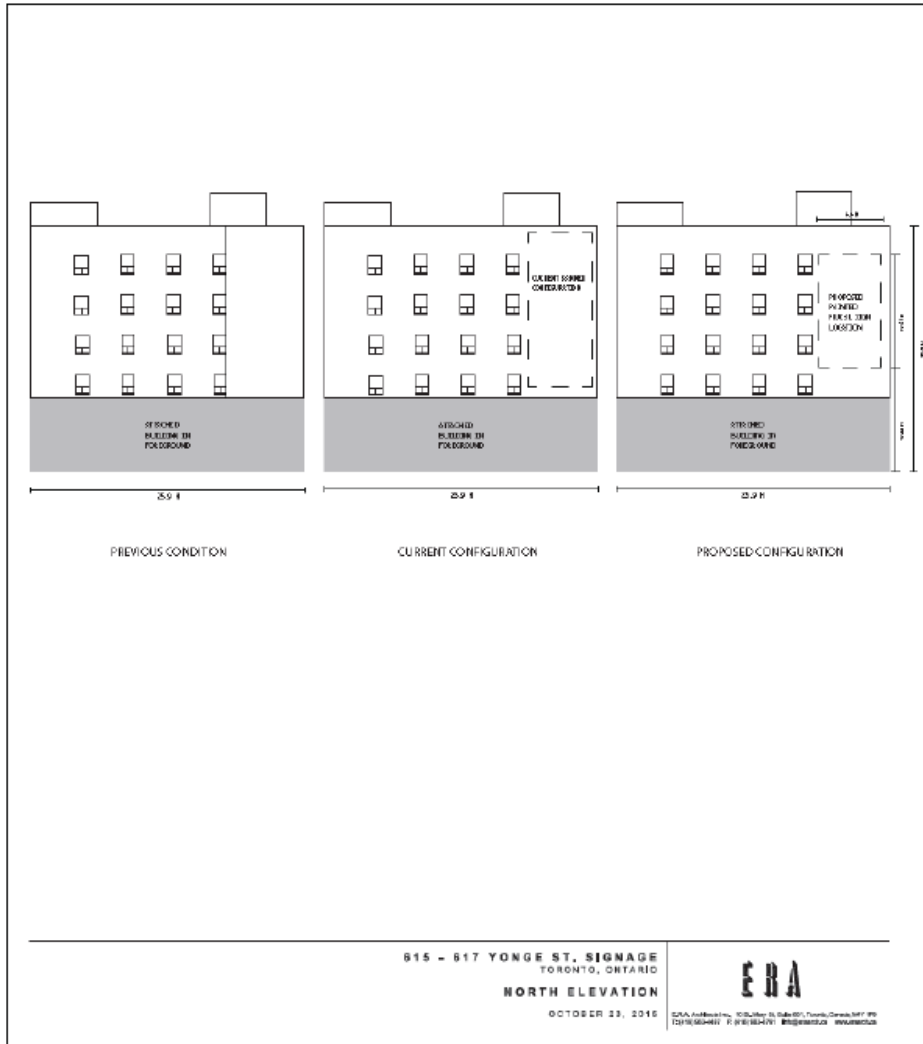


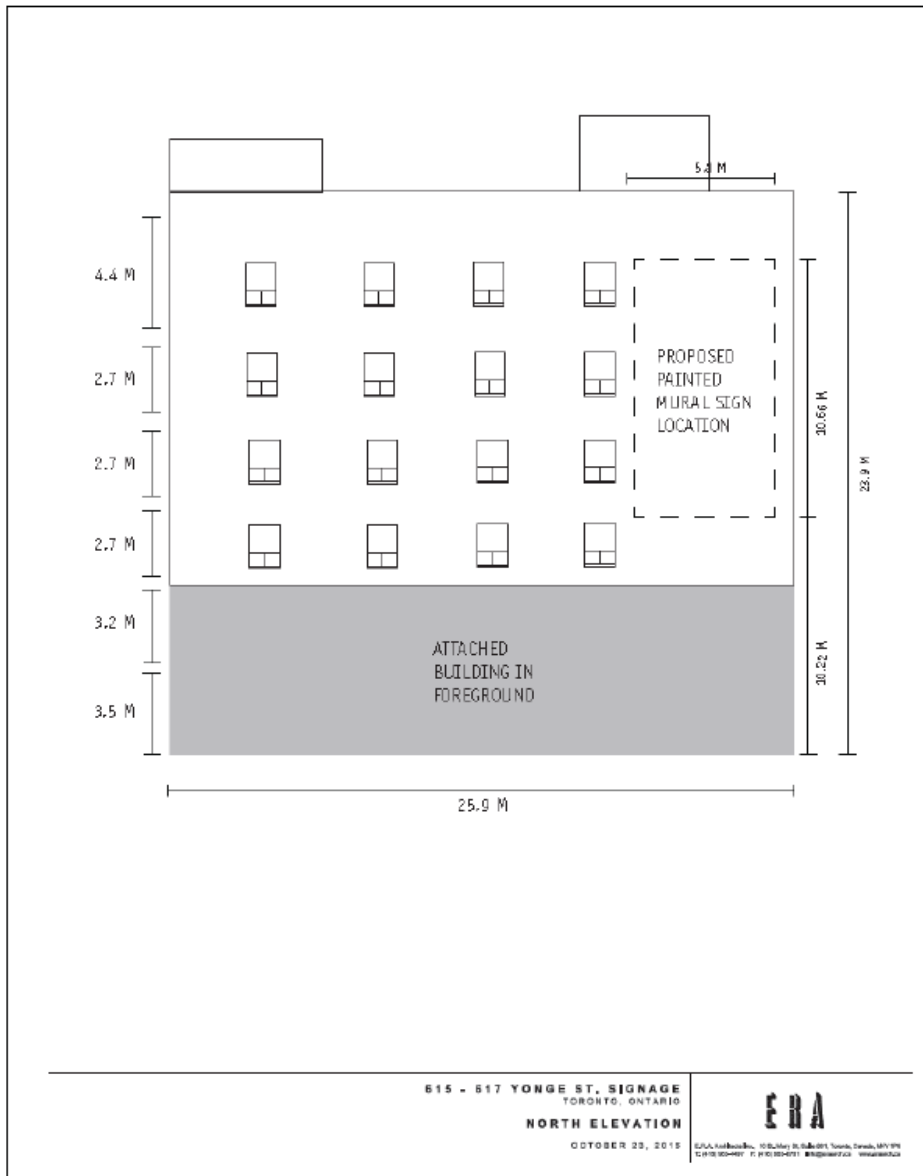


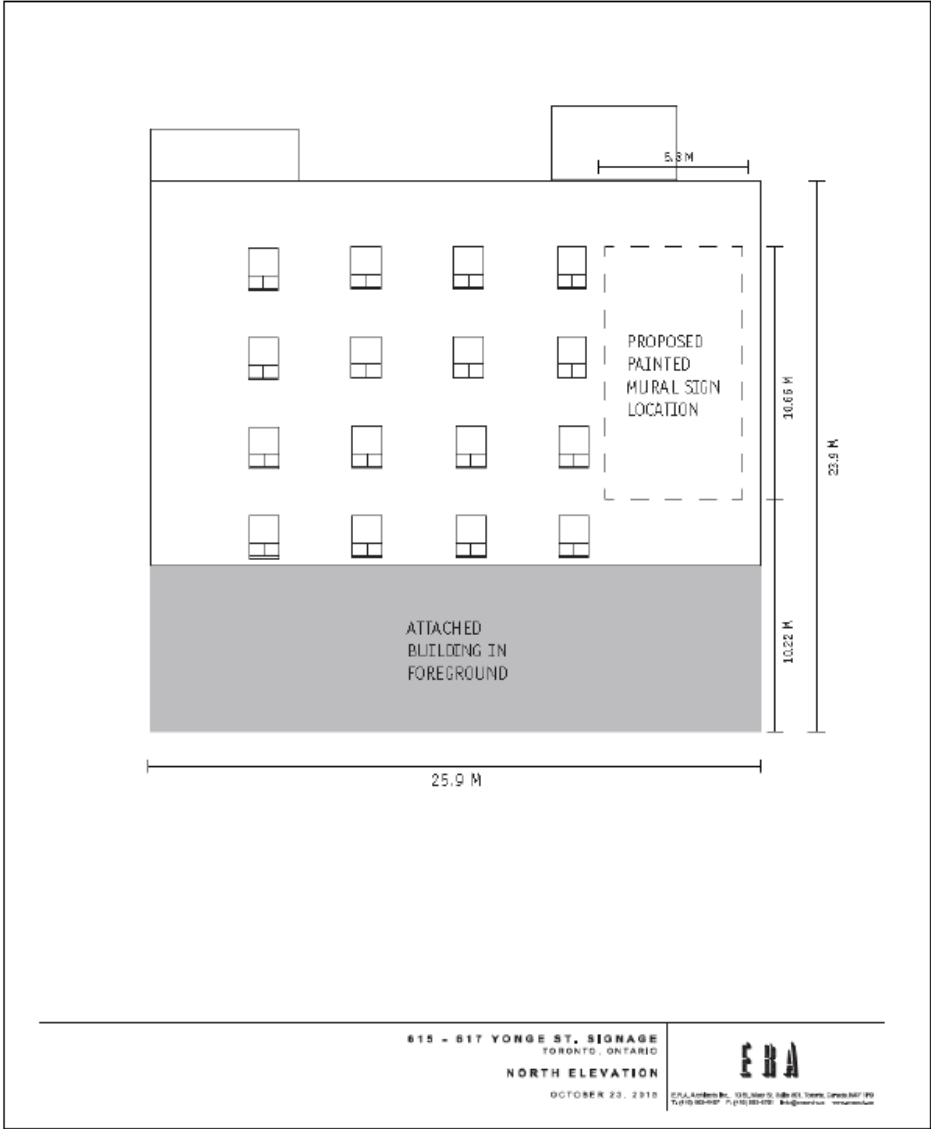
Figure 9: First party sidewall signage on the upper floors of the designated heritage building at 250 Queen Street West, Present Day.

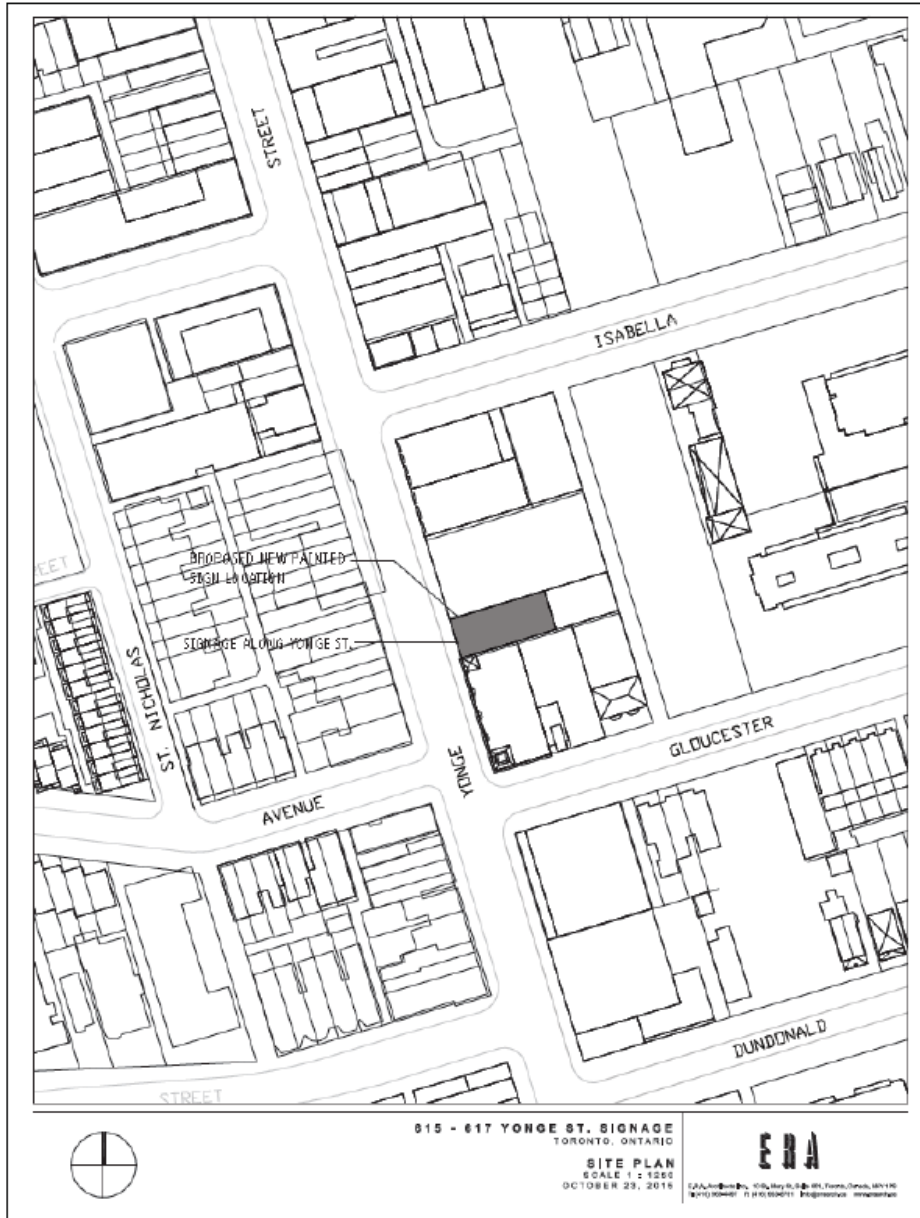
15 November 02 2015

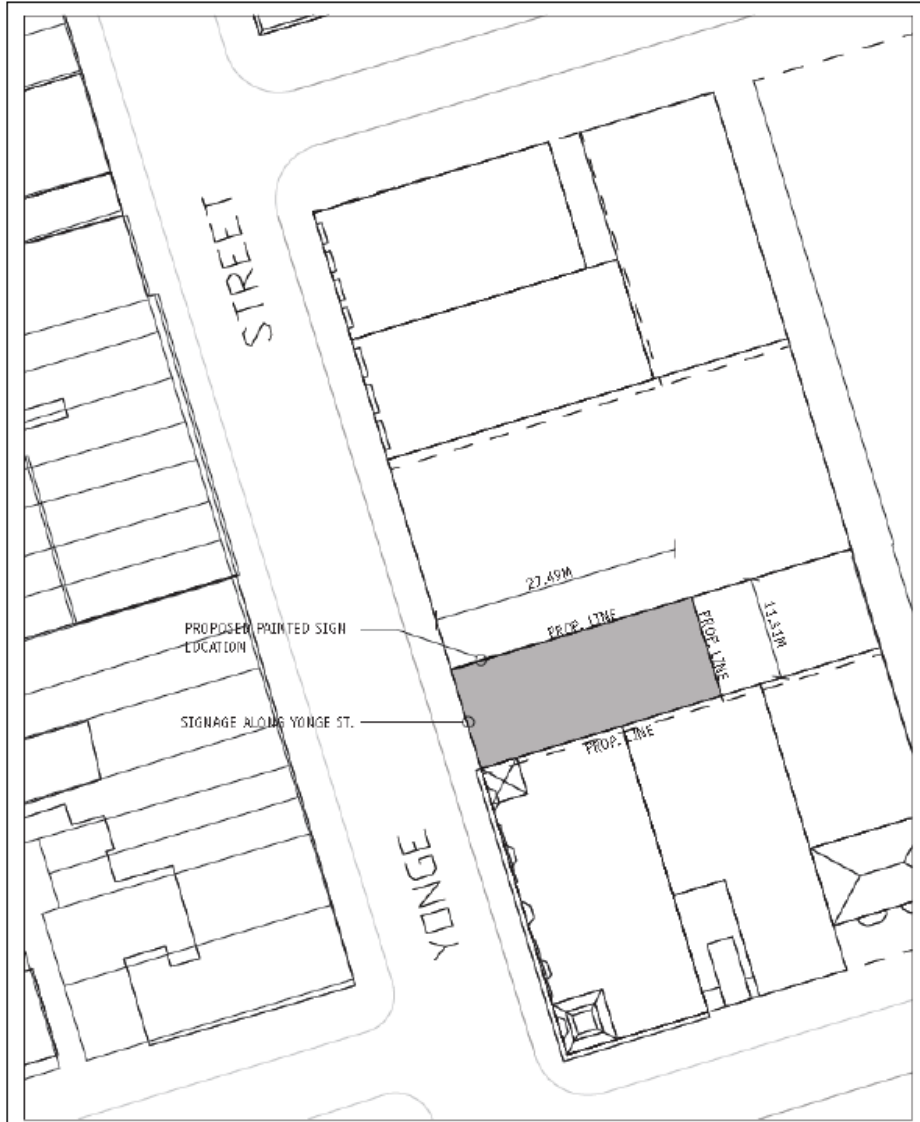
ERA











615 - 617 YONGE ST. SIGNAGE
TORONTO, ONTARIO

SITE PLAN
SCALE 1:500
OCTOBER 25, 2016



EBA, Ambrose, 100 Bloor St. W., Toronto, Ontario M5S 1A5
Tel: (416) 593-8800 Fax: (416) 593-8801 Email: info@eba.com

HISTORIC YONGE STREET SIGNAGE PHOTO BOOK



A BRIEF HISTORY OF SIGNAGE ON YONGE STREET

Early 20th-century: A thriving culture of signage, signalling the success of Yonge Street's commercial culture.

1950s: Subway construction prompts removal of signs and new by-laws.

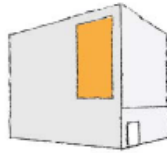
1960s-1970s: New signage technology/media introduced, proliferation of signage.

1980s-1990s: Reactionary focus on small scale signs.

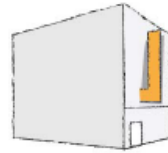
Current Condition: Simplification of the streetscape and loss of cultural heritage. Historic Yonge Street HCD study phase complete, plan phase underway. No signage study completed.

YONGE STREET SIGNAGE TYPOLOGIES

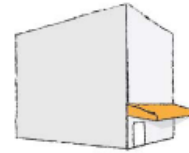
1900s - 1930s



Side of Building
(painted or hanging)

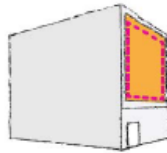


Projecting



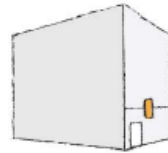
Awning

1940s - 1970s

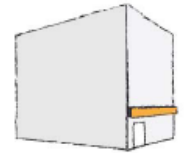


Illuminated Electronic Sign

1980s - 2000s



Sign Board / Banner



Backlit

EARLY 20TH-CENTURY



Yonge Street, 1924



Yonge Street, 1920s-1930s

1950S SUBWAY CONSTRUCTION

They're Up But Coming Down



FOREST OF OVERHEAD SIGNS on College St. would be among those hit by a proposed regulation agreed on yesterday by Metro roads commission that all exchanging signs should be covered from properties bordering Metro roads.

REMOVAL OF OVERHEAD SIGNS near Elmer St. between Yonge and Bay Sts. take on this appearance. Regulations would forbid yellow, orange or red colors on signs near traffic lights and would require painting of signs regularly.

Toronto Star, 1959

Signs Only There on Sufferance Now: Yonge St. Signs Are Down: Why Not Permanently? City Council Is Asked
 Toronto, Ont.
 The Daily and Advertiser (1926-Currier), Nov 13, 1940, For-Quest Historical Newspapers: The Globe and Mail
 EC 17

By Frank Tumpene

Signs Only There on Sufferance Now

Yonge St. Signs Are Down: Why Not Permanently? City Council Is Asked



As the signs are removed from the street, the view of the street is unobstructed. The street is wide and appears to be a main thoroughfare.



The new advertising signs on Yonge St. are a good example of the kind of signs that are being removed from the street.

Take a good look north on Yonge St. the next time you are standing at the intersection of Yonge and Queen Sts.

Notice anything different? Aside, of course, from the fact the big subway hole is now being covered with wooden beams and an automobile or street car can be seen for several blocks?

Why, it's easy—the street looks wider, doesn't it? And do you know why? Because the overhanging signs have been removed for the subway construction and have not yet been replaced.

Some aggressive members of city council want the opportunity of forever ridding the downtown section of overhanging signs.

If they are down now, why can't they stay down?

The contrast is startling between the section from Queen to St. Patrick and that from St. Patrick to Dundas. At the ends where the subway construction ends, the overhanging signs remain. Not only are many of them marvellous but they clutter up the street and give the distinct flavor of retrogression.

A few years ago an attempt was made to remove overhanging signs in the Bay-Queen-Verge district.

At that time, the attempt failed because of opposition from merchants who claimed they required the assistance of advertising signs in their businesses. The compromise was that marquee signs would be at a disadvantage without them. Certain signs could not be removed with their beams without suffering undue hardship. It was held.

Only the other day, another attempt was made to remove the remaining signs on Yonge St. Ald. C. L. Weaver introduced a motion which the civic works committee is now considering. It is pointed out that the lack would be easier if present, because signs must come down for the subway project. The committee declined to

take action, however, on the ground that members required further information.

If all advertising signs were placed high with the store front, the appearance of the street would certainly be improved. There is a certain charm to clean light signs which few city dwellers would like dispensed. They add a touch of color and beauty to the town. During the war, when blockades were enforced, Yonge St. at night looked like Main St. in the Overhill Village. For weeks, we saw a return to a sign heaven.

But if the signs were placed high with the store front, they would not be so prominent without cluttering the streets.

As a matter of fact the profusion of signs hanging over the sidewalks makes in a large measure their effectiveness. One sign blocks the other.

Overhanging electric signs are

and enough but at least they shed light. This cannot be said for those wooden and tin structures which are shoved up along our business streets. The signs of the merchant are varied in an advertising blurb but a sign that is more artistic than a Christmas card.

All these signs, both lighted and unlighted, are where they are not wanted. The merchant does not own the ground over which they have become a part of the public highway. He must obtain a special license for the sign.

If city council, which acts for the citizen, decided the city would look better without overhanging signs, then the signs would have to go.

Council will never have a better knowledge of a sign than those who have seen them in the thousands north of Queen. The members of council might ask the recent petitioners for direction and wish



Views of Dundas St. signs are a good example of the kind of signs that are being removed from the street.

PUBLIC NOTICE
OVERHANGING SIGNS
ON PORTIONS OF
YONGE AND FRONT STREETS

The Committee on Works has directed the Commissioner of Buildings to take a poll of all business concerns and shops located on first and second floors of premises facing on

**YONGE STREET BETWEEN FRONT STREET
AND RAMSDEN PARK**
and
FRONT STREET BETWEEN YORK AND YONGE STREETS

to ascertain whether such concerns are in favor or against the erection and maintenance of overhead signs (other than facial signs not projecting more than 18 inches over the street allowance) on these portions of said streets.

BUSINESS CONCERNS AND SHOPS ARE URGED TO SUBMIT REPLIES TO THE POLL NOT LATER THAN FEBRUARY 20, 1950.

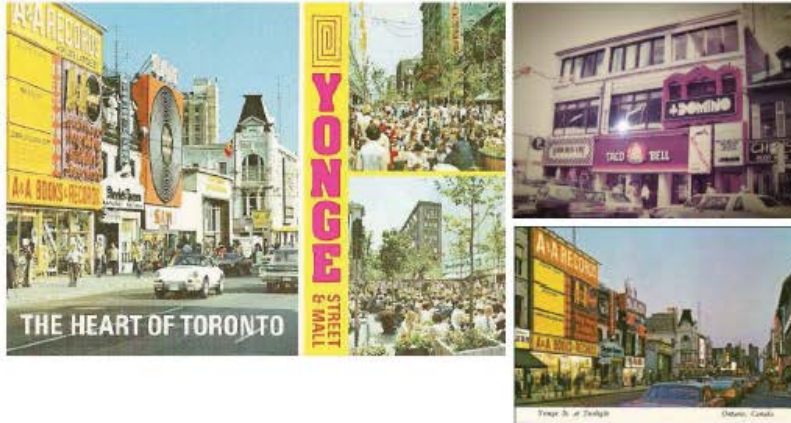
INTERESTED ORGANIZATIONS AND PERSONS OF THE CITY ARE INVITED TO SUBMIT THEIR VIEWS AND ANY REPRESENTATION THEY DESIRE TO MAKE REGARDING THIS QUESTION IN WRITING TO THE CITY CLERK NOT LATER THAN FEBRUARY 22, 1950.

The Committee on Works will hear representatives of firms and persons on this matter at a meeting to be subsequently decided.

GEO. A. WEALE,
City Clerk.

February 9, 1950.

1960S-1970S



CASE STUDY: 728 YONGE STREET



CASE STUDY: 615 & 617 YONGE STREET



ATTACHMENT 2: Sign Variance Committee Decision – Item SB11.7



Tracking Status

- This item was considered by [Sign Variance Committee](#) on September 27, 2016 and was adopted with amendments.

Sign Variance Committee consideration on September 27, 2016

| | | | | |
|--------|--------|---------|--|---------|
| SB11.7 | ACTION | Amended | | Ward:27 |
|--------|--------|---------|--|---------|

Appeal Concerning One First Party Wall Sign at 615-617 Yonge Street

Committee Decision

The Sign Variance Committee:

1. Approved the variance on the conditions specified below requested to section 694-21D(5)(a) required to allow the issuance of a permit for the erection and display of one first party wall sign as described below:

Description of Sign

One wall sign at the premises municipally known as 615-617 Yonge Street, described as follows:

a) one sign face:

1. erected on the northerly elevation on portions of the fifth and sixth storeys;
2. having a total sign face area of 23.00 square metres;
3. having a vertical measurement of 5.75 metres;
4. having a horizontal measurement of 4.0 metres;
5. not illuminated; and
6. displaying static copy.

Required conditions:

The sign copy is to be painted directly on to the northern elevation of the existing building.

Required Variance

| SECTION | REQUIREMENT | PROPOSAL |
|---------------|--|---|
| 694-21D(5)(a) | A wall sign, other than a sign displaying a logo or corporate symbol permitted by Subsection D(4), provided the sign is not erected above the second storey. | The Proposed Sign to be erected on portions of the fifth, and sixth storey of the building. |

Origin

(June 21, 2016) Report from the Manager, Sign By-law Unit, Toronto Building

Summary

Aird & Berlis LLP has, on behalf of the property owner, Oberon Development Corporation (the "Appellant"), appealed the decision of the Chief Building Official ("CBO") concerning an application for one variance required to permit the erection and display of one non-illuminated wall sign to be painted upon the northerly-facing wall at the third to sixth storeys of the six-storey building located at the premises municipally known as 615-617 Yonge Street (the "Proposed Sign").

The CBO refused to grant the variance required for the erection and display of the Proposed Sign. It is the CBO's opinion that it has not been established that the Proposed Sign meets all of the criteria contained in §694-30A of the Sign By-law. Specifically, the CBO is of the opinion that it has not been established that the Proposed Sign: a) is compatible with the development of the premises and surrounding area, b) supports Official Plan objectives for the subject premises and surrounding area, and c) does not alter the character of the premises or surrounding area.

Background Information

(June 21, 2016) Report and Attachments 1-2 from the Manager, Sign By-law Unit, Toronto Building - Appeal Concerning One First Party Wall Sign at 615-617 Yonge Street
(<http://www.toronto.ca/legdocs/mmis/2016/sb/bqrd/backgroundfile-94854.pdf>)

Communications

(July 4, 2016) Letter from Patrick Harrington, Aird and Berlis, LLP (SB.Main.SB11.7.1)
(<http://www.toronto.ca/legdocs/mmis/2016/sb/comm/communicationfile-61908.pdf>)
(September 27, 2016) Submission from Phillip Evans (SB.New.SB11.7.2)

Speakers

Brody Paul, Sign Building Code Examiner Inspector, Sign By-law Unit, Toronto Building
Patrick Harrington, Aird and Berlis LLP
Phillip Evans (Submission Filed)

Motions

Motion to Amend Item moved by Brian Huskins (Carried)
The Sign Variance Committee:

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Source: Toronto City Clerk at www.toronto.ca/council