DA TORONTO

REPORT FOR ACTION

Appeal Concerning Two First Party Wall Signs at 592 Sherbourne Street

Date: May 14, 2018 To: Sign Variance Committee From: Manager, Sign By-law Unit, Toronto Building Wards: Toronto Centre-Rosedale (27)

SUMMARY

This report responds to an appeal concerning one variance that is being sought respecting a proposal for two first party illuminated wall signs displaying static copy (the "Proposed Signs"). The Proposed Signs are in the form of a corporate logo or symbol, identifying "Tricon", and are to be located on the mechanical penthouse of the northerly and easterly elevations of a newly developed 50-storey mixed-use apartment building located at the property municipally known 592 Sherbourne Street (the "Premises").

The request for variance was originally sought by Brian McCall of Kramer Design Associates Limited (the "Applicant"). After conducting a review in accordance with the requirements of the Sign By-law, a decision was made to refuse to grant the requested variance. Subsequently, the Applicant appealed the decision.

It has been determined that there was not enough information provided to establish that the Proposed Sign meets all nine established criteria as contained in §694-30A of the Sign By-law. Specifically, the Proposed Signs:

- Are not compatible with the development of the premises and surrounding area;
- Do not support the Official Plan objectives for the subject premises and surrounding area;
- Alter the character of the premises or surrounding area; and
- Are, in the opinion of the decision-maker, contrary to the public interest.

RECOMMENDATIONS

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

1. The Sign Variance Committee refuse the requested variance for the Proposed Signs at the premises municipally known as 592 Sherbourne Street, as described in Attachment 1 of this report.

FINANCIAL IMPACT

There is no financial impact resulting from the adoption of the recommendations in this report.

DECISION HISTORY

On January 17, 2018, a decision was made that refused to grant the requested variance for the Proposed Signs. The Applicant appealed that decision on February 6, 2018.

ISSUE BACKGROUND

Sign Attributes

The Proposed Signs are illuminated wall signs, located at the mechanical penthouse of the northerly and easterly elevations of a 50-storey mixed-used apartment building (see Figure 1). They are in the form of a corporate logo or symbol, both displaying static copy. The Proposed Signs each have a vertical dimension of 3.36 metres and a horizontal dimension of 1.81 metres (see Figure 1).

Figure 1: Elevation Rendering of Proposed Signs



Site Context and Sign District Designation

The Premises is located in Ward 27 (Toronto Centre-Rosedale), on the west side of Sherbourne Street, between Selby Street and Linden Street. It falls within an R-Residential Sign District.

As shown in Figure 2, the immediate surrounding areas to the south and northeast are also designated as an R-Residential Sign District, consisting of low-rise and high-rise residential buildings. The immediate surrounding area to the north and southeast are designated CR-Commercial Residential Sign District, consisting of low-rise buildings for retail and service uses and mid-rise commercial residential buildings.



Figure 2: Map Excerpt Identifying the Sign Districts of the Premises and Surrounding Area

Required Variance

Table 1: Summary of Requested Variance for the Proposed Signs

Sign By-law Section	Requirement	Proposal
694-21A(5)	An R-Residential sign district permits wall signs on a premises containing a school, place of worship, hospital, nursing home or community centre.	The Proposed Signs are not located on a premises containing a school, place of worship, hospital, nursing home or community centre.

Criteria Established by §694-30A of The Sign By-law:

The Sign By-law contains specific criteria used in evaluating an application for variances. Specifically, §694-30A states that a variance may only be granted where it has been determined that a proposed sign meets each of the nine established criteria.

An appeal of a decision concerning an application for variances with respect to a first party sign proceeds as an *appeal de novo* before the Sign Variance Committee, meaning that the process requires a new evaluation by the Sign Variance Committee if the application for variances meets the required test within the Sign By-law. The Sign Variance Committee is required to conduct an evaluation and determine that the party seeking the proposed variances therein meets all nine of the mandatory §694-30A criteria on the basis of the information presented to the Sign Variance Committee.

In reviewing this application, it was determined that insufficient information was provided to establish that the Proposed Signs met all nine of the established criteria. Staff have also determined that four of these criteria have not been met, in that the Proposed Signs are not compatible with the development of the premises and surrounding area, do not support the Official Plan objectives for the subject premises and surrounding area; alter the character of the premises or surrounding area; and, are contrary to the public interest.

Applying the Established Criteria:

Section/Criteria Description: 694-30A(1) - The Proposed Signs belong to a sign class permitted in the Sign District

Yes, it has been established that the Proposed Signs meet this criterion.

The Applicant's materials provide sufficient information to confirm the Proposed Signs are first party signs, located in an R-Residential Sign District. Based on a review of the Sign By-law regulations, the Proposed Signs meet this criterion, as they are a sign class permitted in the sign district.

Section/Criteria Description: 694-30A(2) - In the case of third party signs, the Proposed Signs are of a sign type permitted in the Sign District

Yes, it has been established that the Proposed Signs meet this criterion.

The Applicant's materials provide sufficient information to confirm the Proposed Signs are first party signs. As provided for in the Sign By-law, signs can only belong to one of two sign classes - either first party or third party. As such, they are not third party signs and this criterion is not applicable.

Section/Criteria Description: 694-30A(3): The Proposed Signs are compatible with the development of the premises and surrounding area

No, it has not been established that the Proposed Signs meet this criterion.

The Applicant alleges that "a rooftop wall sign is allowable within a residential zone." In an R-Residential Sign District, the only sign permitted, other than signage associated with institutional uses (i.e. hospitals, schools, places of worship), is a single, small, nonilluminated wall sign associated with a permissible home occupation. The Applicant further states that the Proposed Signs are in keeping with an Official Plan Amendment, a Zoning By-law Amendment and the "mixed-use nature of the overall development." To be sure, the Official Plan Amendment and the Zoning By-law Amendment were enacted to regulate the development of the 50-storey apartment building and to secure the provision of facilities, services and matters, which excluded signage. The nonresidential component of the mixed-use development comprises less than 1% of the 38,350.0 square metres of the development.

It is atypical to install upper-storey logos or corporate symbols on residential buildings. Not only does the current Sign By-law not permit such signage, previous Sign By-laws did not permit them either. The surrounding area contains a multitude of high-rise residential towers, none of which display upper-storey logos or corporate symbols.

As stated in the submission materials, the Applicant's desire to install upper-storey logos or corporate "as part of an international branding approach" for the developer does not make the Proposed Signs compatible with the development of the premises and surrounding area.

Section/Criteria Description: §694-30A(4) - The Proposed Signs support Official Plan objectives for the property and surrounding area

No, it has not been established that the Proposed Signs meets this criterion.

In the submission materials, the Applicant states:

[The] proposed tower insignia wall sign is of the highest quality and standard combining custom, fabricated dimensional insignia and energy-efficient LED, halo illumination. The tower Insignia wall sign is consistent with the Official Plan Amendment 282 and providing a 'character feature' for the mechanical tower.

As previously mentioned, the Official Plan Amendment was enacted to regulate the development of the 50-storey apartment building and to secure the provision of facilities, services and matters, which excluded signage.

The Applicant's materials do not provide any information whatsoever to confirm that the Proposed Signs support Official Plan objectives for the property and surrounding area. The Applicant must provide a basis for how the Proposed Signs relate to the Official Plan objectives for the property and surrounding area. This failure to establish a basis means that the variance being sought cannot be granted, as all of the criteria required to be established in order for a variance to be granted, have not.

Section/Criteria Description: 694-30A(5) - The Proposed Signs do not adversely affect adjacent premises

Yes, it has been established that the Proposed Signs meet this criterion.

The Applicant's materials provided sufficient information to support this criterion. As noted, the Applicant indicated there will be no negative impacts due to the height and positioning of the Proposed Signs.

In addition, based on staff's review, there doesn't seem to be any sensitive land uses or high-rise residential buildings at the height of the Proposed Signs at which they face that would be affected. As such, the Proposed Signs do not adversely affect adjacent premises, and this criteria has been met.

Section/Criteria Description: 694-30A(6) - The Proposed Signs do not adversely affect public safety, including traffic and pedestrian safety

Yes, it has been established that the Proposed Signs meet this criterion.

The Applicant's materials did not provide any information to support this criteria.

However, based on staff's review, the Proposed Signs are located on the mechanical penthouse of a fifty-storey development, away from vehicular and pedestrian traffic. As such, staff does not foresee any potential issues pertaining to traffic and pedestrian safety. In addition, the Proposed Signs must be professionally designed and installed, where required, in accordance with the provisions of the Ontario Building Code. As such, the Proposed Signs do not adversely affect public safety, including traffic and pedestrian safety, and this criteria has been met.

Section/Criteria Description: 694-30A(7) - The Proposed Signs are not a sign prohibited by §694-15B

Yes, it has been established that the Proposed Sign meets this criteria.

The Applicant's rationale submitted in support of the variance application led staff to confirm that the Proposed Signs are first party wall signs that do not contain any of the elements that would result in a sign being prohibited by §694-15B of the Sign By-law.

Section/Criteria Description: 694-30A(8) - The Proposed Signs do not alter the character of the premises or surrounding area

No, it has not been established that the Proposed Signs meet this criteria.

In the submission materials, the Applicant states that the "proposed tower insignia wall sign is in keeping with this newly built mixed-use development and does not alter the character of the area." Staff disagree with this statement and contend that, as previously mentioned, the vast majority of the development consists of a high-rise residential apartment building with less than 1% dedicated to non-residential uses. There are no other upper-storey logos or corporate symbols installed on high-rise residential buildings

in the surrounding area, such that the Proposed Signs may alter the character of the surrounding area.

Section/Criteria Description: 694-30A(9): The Proposed Signs are not contrary to the public interest

No, it has not been established that the Proposed Signs meet this criteria.

In the submission materials, the Applicant states that the "tower insignia wall sign is in the public interest as it creates a 'character feature' for The Selby and this Toronto area." It is unclear how an upper-storey logo or corporate symbol installed on an apartment building is not contrary to the public interest because it's a 'character feature'. It is unclear what a 'character feature' is. The Applicant has failed to provide information that would confirm that the Proposed Signs are not contrary to the public interest.

Residential uses are deemed to be sensitive uses that should be protected from corporate branding.

Conclusion

Based on the rationale and materials submitted, followed by a review of the application, an analysis of the Premises and surrounding area, and a review of applicable regulations, staff have identified that the Proposed Signs do not meet all nine of the established criteria, and that it fails on four. Specifically, it is the opinion of staff that the Proposed Signs are: not compatible with the development of the premises and surrounding area; they do not support the Official Plan objectives for the subject premises and surrounding area; they alter the character of the premises and surrounding area; and, are contrary to the public interest.

As such, it is recommended that the Sign Variance Committee refuse to grant the requested variance from the Sign By-law required for the Proposed Signs.

CONTACT

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Robert Bader Supervisor, Tax, Variance & Permits, Sign By-law Unit E-mail: <u>Robert.Bader@toronto.ca</u>, Tel: 416-392-4113

SIGNATURE

Ted Van Vliet Manager, Sign By-law Unit

ATTACHMENTS

Attachment 1: Description of the Proposed Signs and Required Variance Attachment 2: Applicant's Submission Package

ATTACHMENT 1: DESCRIPTION OF THE PROPOSED SIGNS AND REQUIRED VARIANCE

Sign Description:

One wall sign, displayed as a logo or corporate symbol, to be located on the uppermost storey of the north elevation of the fifty-storey apartment building located on the premises municipally known as 592 Sherbourne Street, containing the following:

- One sign face;
- Displaying static copy;
- Having a horizontal measurement of 1.81 metres;
- Having a vertical measurement of 3.36 metres;
- Illuminated; and
- Oriented in a northerly direction.

Figure 1: Drawings of the Proposed Wall Sign on the North Elevation at 592 Sherbourne Street



One wall sign, displayed as a logo or corporate symbol, to be located on the uppermost storey of the east elevation of the fifty-storey apartment building located on the premises municipally known as 592 Sherbourne Street, containing the following:

- One sign face;
- Displaying static copy;
- Having a horizontal measurement of 1.81 metres;
- Having a vertical measurement of 3.36 metres;
- Illuminated; and
- Oriented in an easterly direction.

Figure 2: Drawings of the Proposed Wall Sign on the East Elevation at 592 Sherbourne Street



Required Variances:

1. The requirement contained at §694-21A(5), which states that an R-Residential sign district may contain a wall sign on a premises, containing a school, place of worship, hospital, nursing home or community centre, be varied to allow for the Proposed Signs, which is not on a premises containing one of the above.

ATTACHMENT 2: APPLICANT'S SUBMISSION PACKAGE

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•	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
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Signage Programs

July 17th, 2017

Michael Krolikowski

City of Toronto Sign By-law Unit City Hall, Ground Floor East

Street Furniture



Kramer Design Associates Limited 103 Dupont Street Toronto, ON M5R 1V4

Media Architecture

T. 416.921.1078 F. 416.921.9934 www.kramer-design.com info@kramer-design.com

Toronto, ON M5H 2N2 Re: Sign By-law Minor Variance Application Tricon Luxury Residences - The Selby Tower Insignia Wall Sign

592 Sherbourne Street, Toronto

Dear Michael,

592 Sherbourne LP ("Tricon") is the owner of the mixed-use Commercial-Rental Apartment Development ("The Selby") municipally known as 592 Sherbourne Street ("The Subject Property"). The Selby is a Rental Apartment Tower with below grade parking entrances from Sherbourne Street and Selby Street with retail at grade.

Kramer Design Associates (KDA) are writing on behalf of Tricon to request minor variances from Chapter 694 of the City of Toronto Municipal Code (the "Sign By-law") to permit the erection of two identical Illuminated tower insignia wall signs affixed to the mechanical tower of 592 Sherbourne displaying the Insignia of the luxury residential brand of the tower.

In 2016, Tricon underwent a process to create a luxury brand identity that would become recognizable internationally as representative of a high level of quality and design excellence. See below and Refer Attachment 'A'.



Background

The subject property was originally zone as residential. In 2015, bylaws for 592 Sherbourne Street were amended to include not only residential development uses, but also mixed-use commercial. This included both amendments to City Bylaw 428-86, as well as the City Official Plan (Official Plan Amendment 282).

The Official Plan Amendment established a Site and Area Specific Policy for the site which included permission for the proposed tower that were significantly different than a traditional residential building and as a result we believe the proposed tower insignia wall sign is in keeping with the both the amendment to bylaw 428-86. (Refer Attachment 'B').

A rooftop wall sign is allowable within a residential zone, however we are requesting a minor variance for increased size reflecting the design objectives of the tower to make the insignia a visual feature of the rooftop and the mixed-use nature of the overall development. The proposed tower insignia wall

Variance Rationale

The Selby - Tower Insignia Wall Sign

Signage Programs

Street Furniture

Media Architecture

Background - continued

sign is an abstract insignia consisting of three vertical lines with a continuous diagonal separation through each of the vertical lines. The tower insignia wall sign is free of any words or literal content.

The Selby is a 50-storey rental apartment tower with two additional storeys of mechanical penthouse. The towers and the proposed tower insignia wall sign stands six stories above the adjacent towers with the proposed tower insignia wall sign on the East and North elevation providing distance visibility travelling West on Bloor Street and South on Sherbourne Street/.

The tower insignia wall sign does not impact residential properties based on height and location on the mechanical rooftop of The Selby. (Refer Attachment 'C').



View showing illustrating Tower Insignia Wall Sign from Bloor Street travelling West.

The below chart identifies the minor variances required to implement the tower insignia wall sign.

Sign No.	Codes	Bylaw	Variance Requested
1 and 2	694-21(1) (a)	The sign face shall not exceed 0.3 sq. m.	Requesting a sign face of 22.03 sq. m requiring an additional 22 sq. m.
1 and 2	694-21(1) (b)	The height of the sign shall not exceed 3.0 metres.	Requesting a sign face is 6.35 metres.
1 and 2	694-21(1) (c)	The tower wall sign shall have one face.	Requesting one sign face on the East elevation and one on the North elevation.
1 and 2	694-21(1) (d)	There shall be no more than one sign for each home occupation located in the building on which the sign is erected	Requesting two signs based on the mixed-use zoning of the property.
1 and 2	694-21(1) (e)	The sign shall not be illuminated.	Requesting illumination as in keeping with the mixed-use zoning.

Variance Rationale

The Selby - Tower Insignia Wall Sign

Signage Programs

Street Furniture

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Media Architecture
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Application of the Test for Minor Variances

In order to implement the proposed rooftop wall sign, minor variances from the Sign By-law are required as detailed below:

Pursuant to subsection 694-30 of the Sign By-law, an application for variances from the provisions of the Sign By-law may be granted where it is established that the proposed signs:

Criteria

1. Belong to a sign class permitted in the sign district where the premises are located;

- 2. In the case of a third-party sign, be of a sign type that is permitted in the sign district, where the premises are located;
- 3. Be compatible with the development of the premises and surrounding area;
- 4. Support the Official Plan objectives for the subject premises and surrounding area;
- 5. Do not adversely affect adjacent premises;
- 6. Do not adversely affect public safety;
- 7. Are not a sign prohibited by § 694-15B;
- 8. Do not alter the character of the premises or surrounding area; and
- 9. Are not, in the opinion of the decision maker, contrary to the public interest.

It is our submission, that the proposed tower insignia wall sign satisfies the above noted criteria such that the requested relief should be granted. The manner in which the signs meet each of the criteria is detailed as follows:

Criteria No. 1

Tower insignia wall sign identifying a property brand are permitted.

Criteria No. 2

Proposed tower insignia wall sign is first-party identification.

Criteria No. 3

Tower insignia wall sign is appropriate for a mixed-use, zone development and has been designed in coordination with BKL Architecture to add visual character to the mechanical penthouse and as part of an international branding approach for Tricon Luxury Residences.

Criteria No. 4

Proposed tower insignia wall sign is of the highest quality and standard combining custom, fabricated dimensional insignia and energy-efficient LED, halo illumination. The tower Insignia wall sign is consistent with the Official Plan Amendment 282 and providing a 'character feature' for the mechanical tower.

Criteria No. 5

Proposed tower insignia wall sign will have no negative impact on adjacent uses based on height and position.

Criteria No. 6 Has no impact on public safety.

Criteria No. 7 The sign is not prohibited by § 694-15B.

Criteria No. 8 Proposed tower insignia wall sign is in keeping with this newly built mixed-use development and does not alter the character of the area.

Variance Rationale

The Selby - Tower Insignia Wall Sign

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Street Furniture

Media Architecture

Application of the Test for Minor Variances - continued

Criteria No. 9 Tower insignia wall sign is in the public interest as it creates a 'character feature' for The Selby and this Toronto area.

Conclusion The proposed tower insignia wall sign creates a positive design feature for The Selby.

Please find the following enclosed as part of this application:

1.	A copy of the completed application form;
2.	Attachment 'A' Tricon Luxury Residence Identity Program
3.	Attachment 'B' Amendment to bylaw 428-86. and Official Plan Amendment 282.
4.	Attachment 'C' Renderings and Drawing Package

Please contact the undersigned should you require any further information.

Sincerely,

Jeremy J. Kramer / Principal & Creative Director AOCAD, SEGD, IAAPA

John English / Tricon Luxury Residences CC. Ted Van Vliet / Manager, City of Toronto Brian McCall / Sr. Associate, KDA

Variance Rationale

The Selby - Tower Insignia Wall Sign































Appeal - Two First Party Wall Signs - 592 Sherbourne Street







