

Application for Three Variances, Each Subject to Two Conditions, Respecting One Third Party Electronic Ground Sign – 1221 Finch Avenue West

Date: March 9, 2022
To: Sign Variance Committee
From: Manager, Sign By-law Unit, Toronto Building
Wards: York Centre (Ward 06)

SUMMARY

Pattison Outdoor (the "Applicant") has stated that they have been authorized by the owner of the property municipally known as 1221 Finch Avenue West (the "Subject Premises"), to apply for three variances, each subject to two conditions, required to allow the Chief Building Official ("CBO") to issue a sign permit for one third party electronic ground sign with four sign faces, displaying both electronic static copy and static copy (the "Proposed Sign") at 1221 Finch Avenue West.

The Proposed Sign would be located along the northern frontage of the Subject Premises, contains four sign faces (two on each side of the sign) in a back to back configuration and would be perpendicular to, and viewed by traffic travelling westbound and eastbound along Finch Avenue West.

The Proposed Sign would have a maximum height of 8.66 metres from the grade and is proposed to contain a combination of third party electronic static copy on sign faces measuring 2.91 metres vertically by 5.79 metres horizontally with a total sign face area of 16.85 square metres; and, first party static copy on sign faces measuring 1.57 metres vertically by 3.57 metres horizontally with a total sign face area of 5.60 square metres. The Proposed Sign is described further in Attachment 1.

The Proposed Sign would require three Variances to Chapter 694, each subject to two conditions, to allow the Chief Building Official ("CBO") to issue the sign permit. The requirements of Chapter 694 which have been requested to be varied, and the proposed varied requirements are summarized below:

- 1) **§ 694-25C(2)(a)** - An Employment "E" Sign District may contain a third party electronic ground sign, provided the sign face area shall not exceed 20 square metres. **Proposed New Requirement:** The Proposed Sign will have a sign face area of 22.45 square metres;

- 2) **§ 694-25C(2)(d)** - An Employment "E" Sign District may contain a third party electronic ground sign, provided the sign shall not be erected within any required setback of a building from a street as regulated by the City's applicable Zoning By-law, which requires a minimum 9 metres setback.
Proposed New Requirement: That the Proposed Sign have a 1 metre setback from the street; and,
- 3) **§ 694-25C(2)(j)** - An Employment "E" Sign District may contain a third party electronic ground sign, provided the sign shall have no more than two sign faces.
Proposed New Requirement: The Proposed Sign will contain four sign faces in total.

If granted, each of the three requested variances, would be subject to the following conditions:

- 1) Any and all existing first party ground signs located at the north frontage of the premises municipally known as 1221 Finch Avenue West shall be removed and all associated permits revoked, prior to the erection or display of the Proposed Sign;
- 2) The portion of the sign marked as 'Area 'B' in Schedule A of Attachment 1 to this report be used for first party sign copy only

Following a review of the Applicant's submissions and additional information provided by the Sign By-law Unit staff, the CBO has determined that there is a sufficient basis to conclude that the nine required criteria in §694-30A of the Sign By-law have been established with respect to the three variances, subject to the noted conditions as described further in Appendix 1 to this report.

RECOMMENDATIONS

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

1. The Sign Variance Committee grant the requested variances to sections 694-25C(2)(a), 694-25C(2)(d), and 694-25C(2)(j), each subject to two conditions, as required to allow for the issuance of a permit for the erection and display of one third party electronic ground sign at the property municipally known as 1221 Finch Avenue West, as described in Attachment 1 to this report.

FINANCIAL IMPACT

There are no current or known future year financial impacts arising from the recommendations contained in this report.

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DECISION HISTORY

There have been no previous decisions by the Sign Variance Committee or Council directly related to this application.

ISSUE BACKGROUND

Table 1- Summary of Requested Variances:

Section	Requirement	Proposal
694-25(C)(2)(a)	An Employment "E" Sign District may contain a third party electronic ground sign, provided the sign face area shall not exceed 20 square metres;	The Proposed Sign has a sign face area in excess of 20 square metres.
694-25(C)(2)(d)	An Employment "E" Sign District may contain a third party electronic ground sign, provided the sign shall not be erected within any required setback of a building from a street as regulated by the City's applicable Zoning By-law, which allows minimum 9 metres setback;	The Proposed Sign's setback from the street would be 1 metre.
694-25(C)(2)(i)	An Employment "E" Sign District may contain a third party electronic ground sign, provided the sign shall have no more than two sign faces;	The Proposed Sign contains four sign faces in total.

Sign Attributes and Site Context:

The Subject Premises is located in Ward 6 - York Centre and is located south of Finch Avenue West. The Subject Premises is designated as being in an E-Employment Sign District.

There is an existing one storey building located within 1221 Finch Avenue West, containing an auto repair business. The Subject Premises currently has a first party ground sign, containing two sign faces and displaying static copy, in a location similar to the Proposed Sign. If the variances are granted to allow for the Proposed

Figure 1: The Proposed Sign



Sign, the existing first party ground sign would be removed and a portion of the Proposed Sign would be made available to identify the occupants of the Subject Premises.

Figure 2 - GIS Map Excerpt – 1221 Finch Avenue West

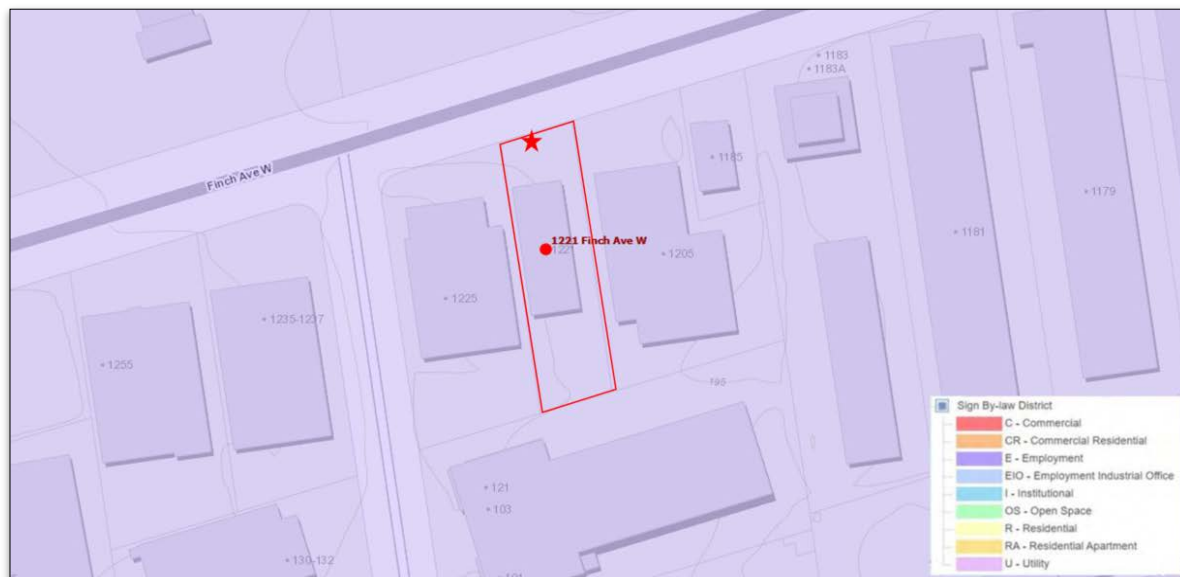


Surrounding premises:

1221 Finch Avenue West is designed as an Employment – E Sign District. As can be noted in Figure 4, the premises near to 1221 Finch Avenue West are designated as E Sign Districts too.

North: Employment E Sign District, ESSO Imperial Oil;
East: Employment E Sign District, Employment and other retail;
West: Employment E Sign District, Employment and other retail;
South: Employment E Sign District, Employment and other retail.

Figure 3 - Sign District Map Excerpt – 1221 Finch Avenue West and the location of the Proposed Sign



COMMENTS

Applicant Information

Pattison Outdoor has stated that they have been authorized by the owner of the property municipally known as 1221 Finch Avenue West, to apply for three variances, each subject to two conditions, required to allow for a permit to be issued for one third party electronic ground sign with four sign faces, displaying electronic static copy and static copy.

The existing first party ground sign at this property would be removed and be combined with the proposed third party electronic ground sign to avoid sign clutter in the area.

Application Background

The Proposed Sign would be located along the north frontage of 1221 Finch Avenue West, facing Finch Avenue West in an easterly and westerly direction. The requested variances are subject to two conditions which would require any other first or third party ground signs on the subject premises to be removed as well as require a portion of the Proposed Sign to first party sign copy only.

The Proposed Sign would have a height of 8.66 metres, and would contain four sign faces in total with two third party and two first party sign faces; the combination of the sign faces area of all sign faces on each side would be 22.45 square metres, in a “back-to-back” configuration. The Proposed Sign is described further in Attachment 1.

Community Consultation

The CBO has adopted a practice of engaging in enhanced consultation processes concerning variance applications proposing electronic signs. Notice required by the City's Sign By-law was provided to premises within a 250 metre radius of the Subject Premises, advising about the proposal.

The CBO also held and informed the public of a virtual Community Consultation meeting. The Community Consultation meeting was held on the evening of March 08, 2022. No one attended the community consultation meeting, and as of the date of this report, no comments or concerns have been received from the public.

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

The Sign By-law contains criteria used to evaluate variance applications for Proposed Signs. Specifically, §694-30A states that a variance may only be granted where the Proposed Sign meets each of the nine established criteria.

The SVC is required to conduct an evaluation and determine that the party seeking the

proposed variances meets all nine of the mandatory criteria, on the basis of the information presented by the parties before the SVC. The CBO has determined that, in the CBO's opinion the information submitted by the Applicant and Sign By-law Unit staff, provides a sufficient basis to conclude that the nine required criteria established in §694-30A of the Sign By-law have been met.

Applying the Established Criteria:

694-30A (1): The Proposed Sign belongs to a sign class permitted in the Sign District;

Based on a review by Sign Unit staff, 1221 Finch Avenue West can be confirmed as being designated as an E Sign District and that E Sign Districts permits third party sign class. The CBO has confirmed that as per information contained in the Applicant's submission, the Proposed Sign would be considered a third party sign, as it would advertise, promote, or direct attention to businesses, goods, services, matters, or activities that would not be available at, or related to, the premises where the sign would be located.

Therefore, the CBO is of the opinion that this criteria has 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;

Based on the review of the Sign Unit staff, 1221 Finch Avenue West can be confirmed as being designated as an E Sign District. The Applicant's submission contains sufficient information to confirm that the Proposed Sign would be an electronic ground sign which is a permitted sign type in E Sign Districts.

Therefore, the CBO is of the opinion that this criteria has been established.

694-30A (3): The Proposed Sign is compatible with the development of the premises and surrounding area;

The property at 1221 Finch Avenue West contains a one-storey building with an auto repair shop. The properties immediately surrounding the Subject Premises also contain mainly one storey buildings with commercial and employment uses. There is a single large property to the north used by Imperial Oil as a bulk fuel storage facility.

The property at 1221 Finch Avenue West is designated as an E Sign District which permits third party electronic ground signs at a height consistent with the Proposed Sign. In terms of the sign face area, the aggregate sign face area of the first and third party faces at each side of the sign structure would be 22.45 square metres which exceeds permitted 20 square metres by the Sign By-law. However, the third party sign face area at each side of the sign structure is 16.85 square metres which is less than 20 square metres permitted by the Sign By-law.

In order to avoid sign clutter and as a condition of approval, the applicant has proposed to incorporate the existing first party sign at the Subject Premises with a third party electronic sign resulting in the Proposed Sign. As a result of incorporating the first party and third party sign copy, the Proposed Sign would have a total sign face area of 22.45 square metres, approximately 11.25% larger than permitted by the Sign By-law for electronic third party signs.

As part of their submission materials, the Applicant has identified, and staff have confirmed, a number of large, multi-tenant ground signs which contain multiple sign faces, similar to the Proposed Sign. Although none of these signs appear to contain a mix of first and third party sign copy, they do contain multiple sign faces often displaying a mix of sign copy types, exceeding 20 square metres in sign face area (see Figure 4).

Figure 4: Four sided ground sign at 1300 Finch Avenue West (approx. 410m away) and a double-sided ground at 1177-1179 Finch Avenue West (approx. 275m away).



In addition, based on their submission materials, the Applicant has identified 21 ground signs along Finch Avenue West between Keele Street and Champagne Drive which are 3.0 metres or less from the street line. As a result, the Proposed Sign would maintain a consistent built form with the surrounding area. The Applicant has identified only four ground signs in this same area that have a setback greater than 3.0 metres from Finch Avenue (See Figure 5).

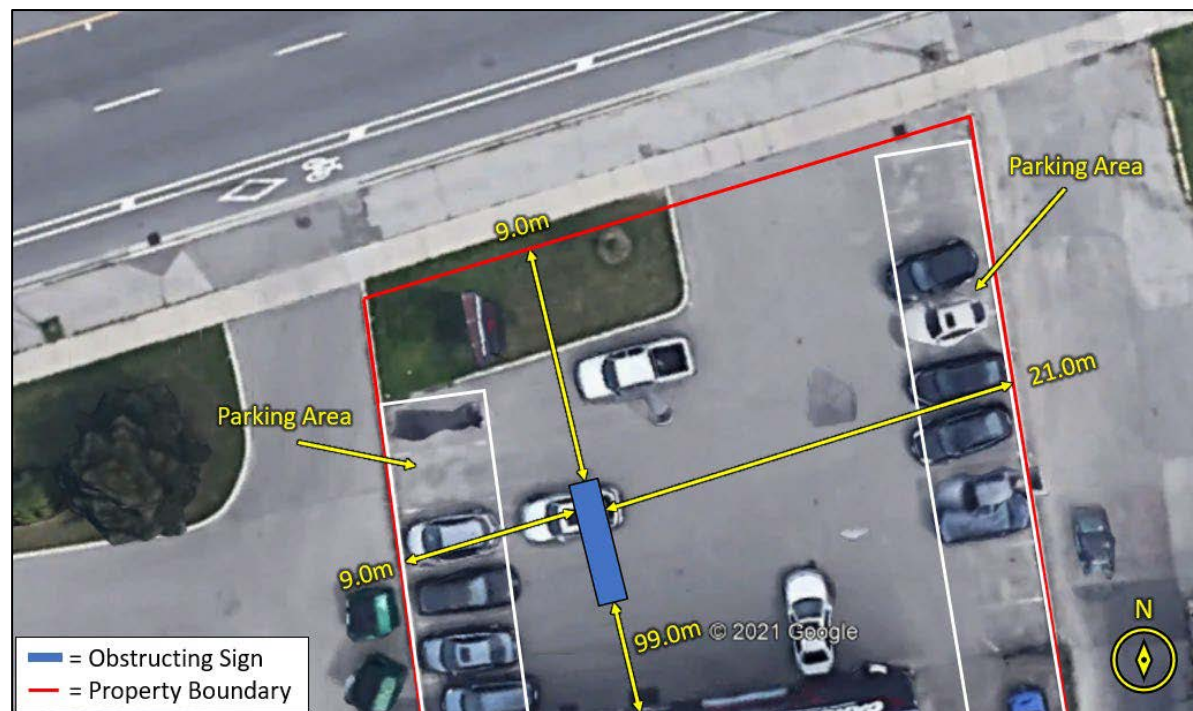
In addition to the location of ground signs on the surrounding properties, the Proposed Sign would be located on the Subject Premises in a way that is compatible with the development of the premises. If the Proposed Sign were to be displayed in compliance with the required 9.0m setback, it would be located in the parking area of the Subject Premises (See Figure 6). The location of the Proposed Sign, 1.0m from Finch Avenue West is more compatible with the development of the Subject Premises. It is important to note that if the Proposed Sign were displaying only first party sign copy, it would not be subject to the 9.0 metre setback requirement.

Figure 5 – Setbacks of Ground Signs in area surrounding 1221 Finch Ave West



Subject to the removal of the existing first party ground sign and having first party sign copy incorporated into the Proposed Sign, staff agree that the Proposed Sign should be compatible with the development of properties and surrounding area of 1221 Finch Avenue West.

Figure 6 – Location of the proposed sign at the premises if complies with the 9m setback



It is the opinion of staff that, based on the review of all available information that the Proposed Sign is compatible with the development of the premises and the surrounding area, therefore the CBO is of the opinion that this criteria has been established.

694-30A (4): The Proposed Sign supports Official Plan objectives for the subject premises and surrounding area;

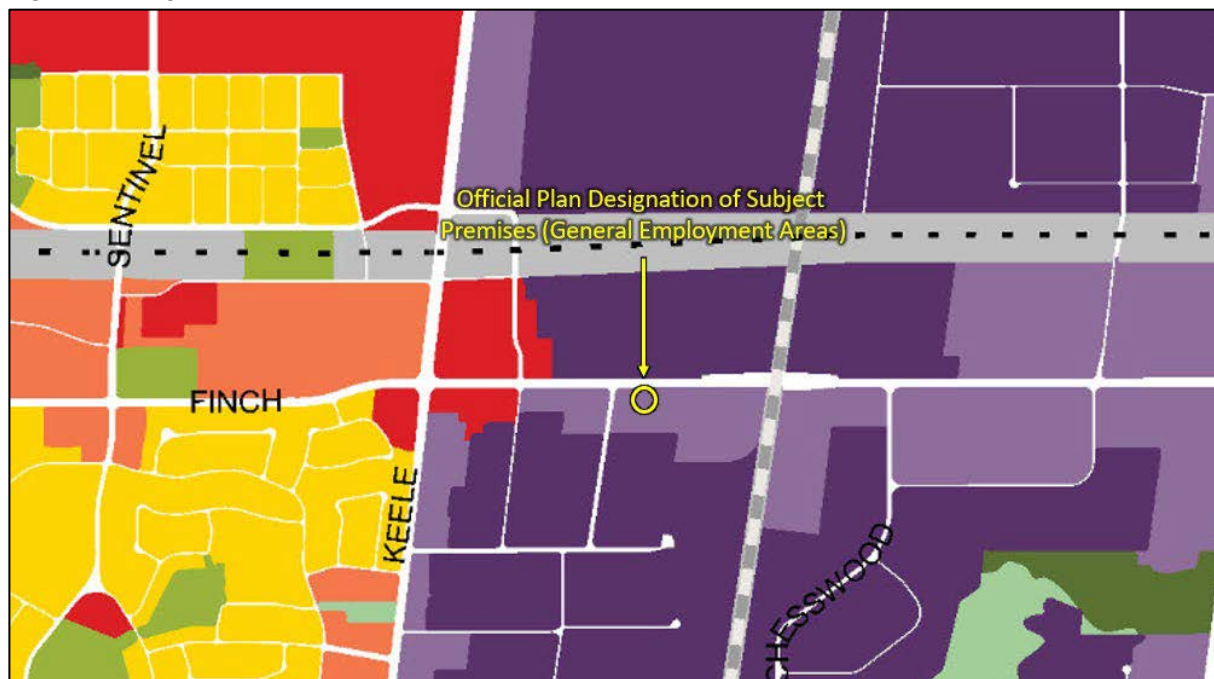
The property at 1221 Finch Avenue West is designated as a General Employment Area within the Official Plan. Employment Areas are places of business and economic activity, and include a wide array of uses such as manufacturing, warehousing, distribution, research and development facilities, utilities, media facilities, parks, hotels, retail outlets, restaurants and small-scale stores and services that serve these businesses and workers.

The Applicant's submission states that the Proposed Sign would help support the Official Plan objectives for a healthy and vibrant Employment Area by providing a medium for both local and national businesses to promote themselves and advertise their goods and services, contributing to future economic growth.

As the Proposed Sign will provide both first party identification as well as provide third party sign advertising opportunities, the CBO agrees that this provides some support for Policy Statement 2) in Chapter 4.6 of the Official Plan which states that:

Core Employment Areas are places for business and economic activities. Uses permitted in Core Employment Areas are all types of manufacturing, processing, warehousing, wholesaling, distribution, storage, transportation facilities, vehicle repair and services, offices, research and development facilities, utilities, waste management systems, industrial trade schools, media, information and technology facilities, and vertical agriculture.

Figure 7 - Map 16 Land Use Plan – 1221 Finch Avenue West



The Zoning By-Law is the primary way in which the City implement's its Official Plan. The Zoning By-Law governs the built form of the city in a way that is consistent with the Official Plan objectives for properties throughout the city.

Zoning By-law (569-2013) is not applicable to the Subject Premises, it is the former North York Zoning By-law No. 7625 that governs the zoning designation and nature of use for the Subject Premises.

Based on the requirements of Zoning Bylaw 7625, the Proposed Sign would be located within the setbacks required by the City's applicable Zoning By-Law. Non-compliance with the applicable Zoning By-Law can be an indicator that the Proposed Sign does not support the Official Plan objectives for the premises, particularly objectives that are intended to guide built form and the mitigation of impacts through separation distances from adjacent properties or land uses.

Based on staff investigation, the Subject Premises is designated as an Industrial-Commercial - MC(H) Zone under the former North York Zoning By-law. The permitted uses in an MC zone include a wide variety of industrial and commercial uses, consistent with what is generally found in Employment Sign Districts. The Holding Zone (H) provisions are only related to floor space limits on retail and personal service uses.

The required setback of the Proposed Sign from street in Zoning By-law 7625 is nine metres from the northern property line (the front yard), however, the setback of the Proposed Sign from the street is one metre from the northern property line.

It should be noted that, despite this setback requirement in the Zoning Bylaw, the former North York Sign By-law (Bylaw 30788), which worked in concert with the zoning designations of Zoning Bylaw 7625, did not have any setback requirements for ground signs on Industrial properties - this is evident when looking at the setbacks of a number of other ground signs located along Finch Avenue West (See Figure 5).

As a result of the relationship between the former North York Zoning Bylaw and the Sign By-law as well as the prevailing development pattern on the surrounding properties, staff are of the opinion that the Proposed Sign is consistent with the built form along Finch Avenue West as contemplated by the former City of North York Zoning Bylaw, which still governs development along this section of Finch Avenue West.

In addition to the above, The Applicant has agreed to the condition that a portion of the Proposed Sign be used exclusively for the display of first party sign copy; first party signs are not subject to the setback requirements of the applicable Zoning Bylaw and are required to be located only two metres from the property line.

Although the Proposed Sign would only be located one metre from the northern property line of the Subject Premises, there is a landscaped strip between the property line and the sidewalk and traveled portion of Finch Avenue West. Staff agree that this should be sufficient to allow the Proposed Sign to be constructed without interference with the Finch Avenue West right-of-way.

The Applicant's submission materials in addition to staff investigation provide sufficient information to confirm that the Proposed Sign supports several of the Official Plan and Secondary Plan objectives for 1221 Finch Avenue West and the surrounding area. As such, the CBO is of the opinion that this criteria has been established.

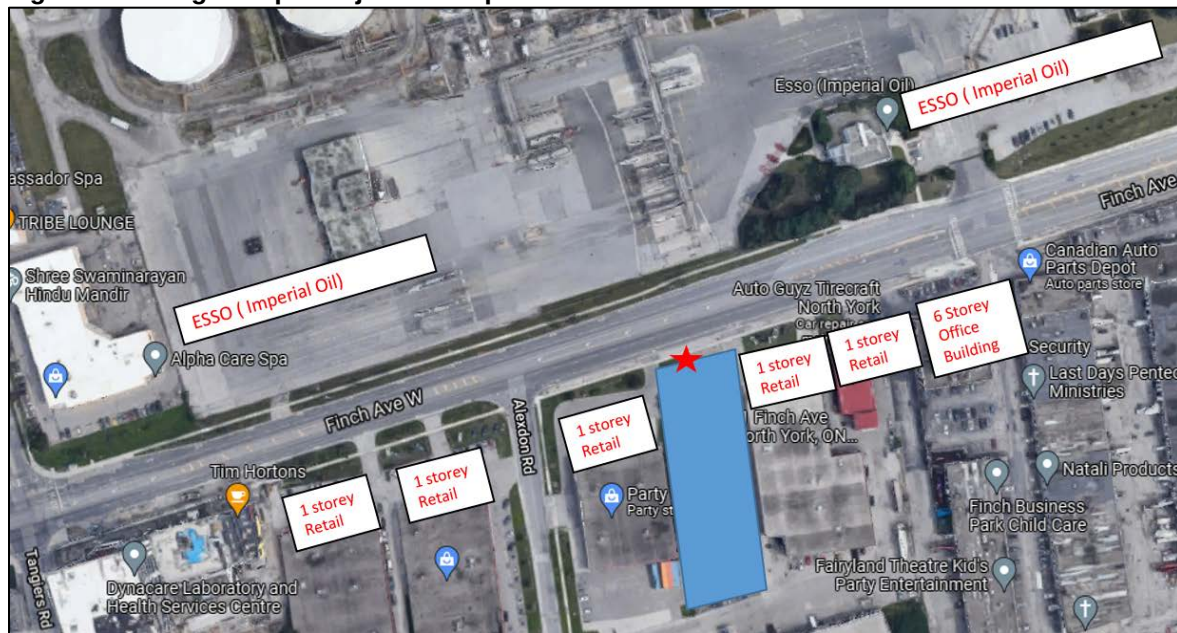
694-30A (5): The Proposed Sign does not adversely affect adjacent premises

The property at 1221 Finch Avenue West is designated as an E Sign District which permits third party electronic ground signs at a size and height consistent with the Proposed Sign. Staff have confirmed that the Subject Property is surrounded by E Sign Districts to the immediate north, east, south and west (see Figure 3).

The property at 1221 Finch Avenue West contains a one-storey building with commercial use (auto repair). To the west and east of the Proposed Sign are predominantly one storey buildings with commercial and/or industrial uses. The immediate property to the north is a bulk fuel storage facility owned by Imperial Oil (Figure 8).

None of these adjacent properties contain any sensitive land uses, such as Residential, Open-Space or Institutional uses. As such, the Proposed Sign Should have no adverse impacts on these properties.

Figure 8 – Google Map – Adjacent Properties Uses



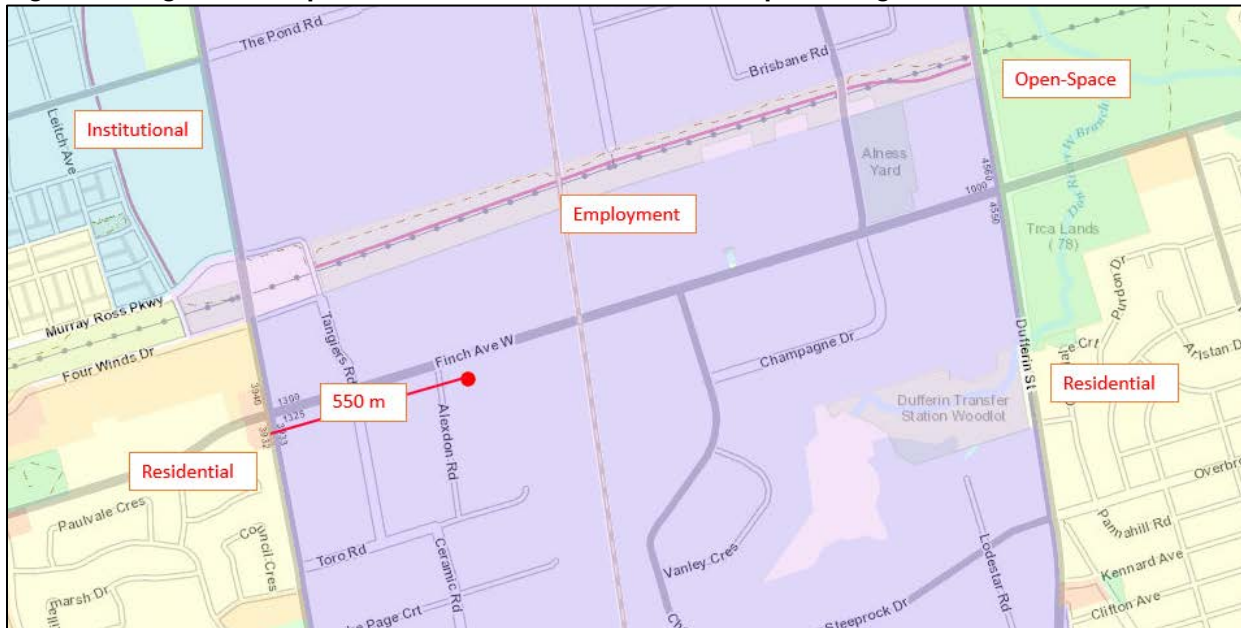
In addition to those properties immediately adjacent to the Subject Premises, the closest property containing a sensitive land use is approximately 550 metres to the west near the corner of Finch Avenue West and Keele Street. Based on the distance between the Proposed Sign and these sensitive land uses, as well as the number of buildings in between, it is unlikely that the Proposed Sign would have any adverse impacts on these sensitive land uses (See Figure 9).

With respect to the location of the Proposed Sign along Finch Avenue West: as stated above, the reduced setback for the Proposed Sign to the northern property line is unlikely to result in any adverse impacts on Finch Avenue West, as it:

- Would be of a similar size to other ground signs in the area;
- Would be of a similar design (multiple sign faces) to other ground signs in the area; and,

- Would be in a similar location (less than three metres from the street line) to other signs along Finch Avenue West.

Figure 9 – Sign View Map – Closest sensitive area to the Proposed Sign



As a result, the Proposed Sign is not expected to have any adverse effects on the adjacent premises, therefore the CBO is of the opinion that this criteria has been established.

694-30A (6): The Proposed Sign does not adversely affect public safety, including traffic and pedestrian safety

The City's Sign By-law regulations are designed to ensure that there are no adverse impacts on public safety for signs which meet the requirements. These regulations are designed to work in conjunction with other regulations which would also apply to signs. The current criteria is intended to ensure that variances are not granted where they would result in signs that would have adverse impacts on public safety.

The Applicant's submission material states that while it would be possible to comply with the required setback of 9.0 metres from the front yard line, compliance with these provisions could adversely affect public safety since, at a 9.0-metre setback, of the Proposed Sign would be placed directly in the traveled area of the parking lot and service entrance on the building on the Subject Premises.

In order to reduce or eliminate these potential safety concerns, the Proposed Sign would have a setback of 1.0 metres from the northern property line, (see Figure 10). As previously stated, this setback is also consistent with other ground signs along Finch Avenue West in the surrounding area

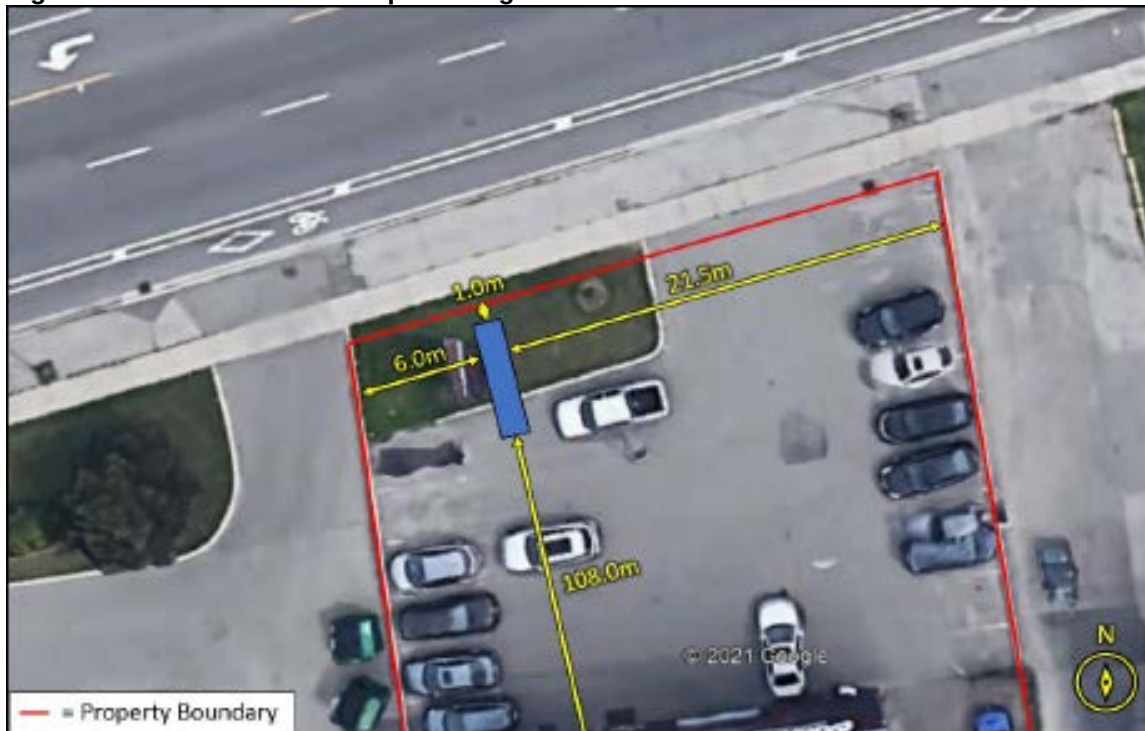
The Sign By-law also has requirements for signs not to be located within a "Visibility Zone" defined as the area within three metres of the outermost points of a vehicular

ingress or egress of a property where it intersects with a street. The Proposed Sign Is not located within “Visibility Zone”.

Sign Unit staff have reviewed the Proposed Sign and the requested variances, and in their opinion the variances to the sign with respect to the location of the sign within required setback and sign face area exceeding the permitted area, do not raise any foreseeable adverse safety outcomes.

The support pole for the Proposed Sign would be located in a landscaped area which would not obstruct any pedestrian pathways. Additionally, the portion of the Proposed Sign that would overhang the parking area would have a clearance height of more than 4.25 metres from grade which is an Ontario Building Code requirement.

Figure 10 – Setback of the Proposed Sign from street



With electronic signs that change from one message to the next, shorter message durations may result in drivers being more likely to observe a change in the message being displayed, which may result in a higher likelihood that a driver would glance at it for a longer duration. The Proposed Sign would comply with the Sign By-law provisions for a message duration of 10 seconds between changes in copy, this regulation is intended to perform many functions, including reducing the potential for driver distraction, to a reasonable level.

In addition, signs displaying multiple sign faces and different sign copy types are permitted in certain circumstances by the Sign By-law, and are relatively common throughout the City of Toronto. Sign Unit staff have not been notified of nor have identified any adverse impacts on traffic or pedestrian safety as a result of these types of signs in other parts of the City or along Finch Avenue West.

It is the opinion of staff that, based on the review of the available information with respect to the Proposed Sign, that the requested variances for reduced setbacks, size and number of sign faces, do not raise a reasonable basis for any concern around public safety arising from the Proposed Sign. As such, the CBO is of the opinion that this criteria has been established.

694-30A (7): The Proposed Sign is not a sign prohibited by §694-15B

According to Staff review, the Applicant's submission materials contain sufficient information to confirm that the Proposed Sign is not a sign that is prohibited as described in §694-15B.

As such, the CBO is of the opinion that this criteria has been established.

694-30A (8): The Proposed Sign does not alter the character of the premises or surrounding area

As mentioned earlier, the area surrounding the Proposed Sign is designated as an Employment Sign District. Employment and commercial uses occupy most of the surrounding properties. As a result, there are many first party ground signs in the area, including large, multi-tenant signs, several of which have a sign face area larger than the Proposed Sign.

On the Subject Premises, there is an existing first party ground sign along Finch Avenue West in a similar location to the Proposed Sign (See Figure 11). In the surrounding area, many of the first party ground signs along Finch Avenue West display multiple types of sign copy such as static, electronic and readograph copy on multiple sign faces. As a result, the Proposed Sign would not be introducing something new which may alter the character of the area (See Figure 12).

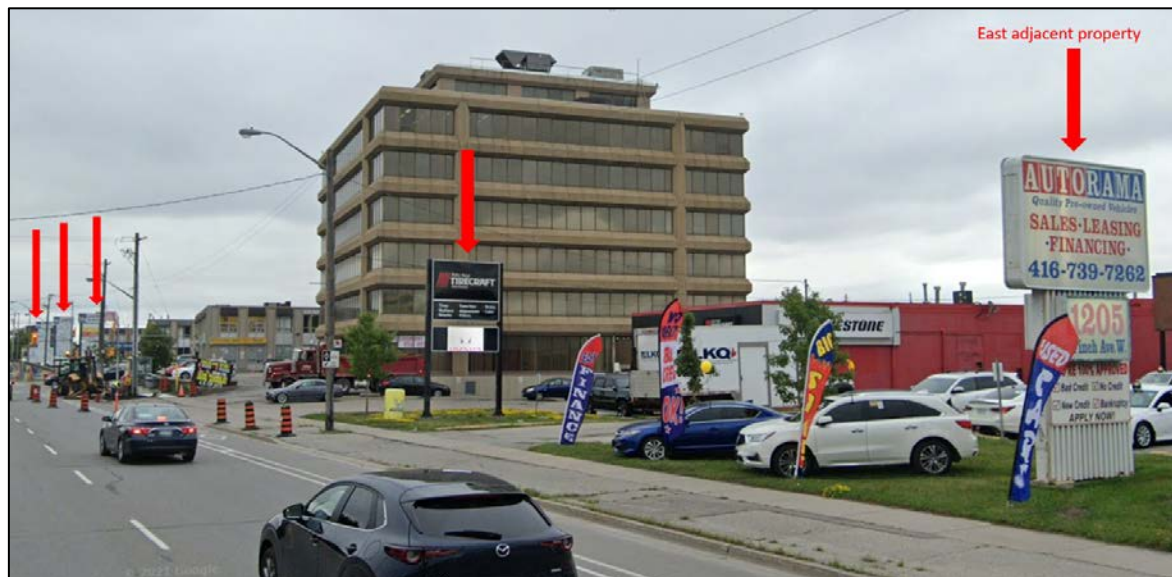
In addition there are three existing third party ground signs located to the east along Finch Avenue West within 500 metres of the Subject Premises. There is also a third party roof sign south of Finch Avenue along Keele Street to the west of the subject property. Although none of these signs are electronic ground signs, they demonstrate that the Proposed Sign would not be introducing a new sign class to the area.

Figure 11: Google Streetview – Existing Sign at the Subject Premises



Based on The Applicant's submission materials and the Sign Unit Staff's investigation, sufficient information has been provided to confirm that the Proposed Sign should not alter the character of the premises or surrounding area, therefore the CBO is of the opinion that this criteria has been established.

Figure 12 – Existing First Party Ground Signs at Finch Ave. W. looking to the east of the Subject Premises



694-30A(9): The Proposed Sign is not contrary to the public interest

In order to construct the Proposed Sign, The Applicant has requested three variances to the Sign By-law: for a sign face area in excess of the maximum sign face area of

20 m² is permitted; to located the sign with a setback of 1.0 metres from the northern property line, whereas a setback of 9.0 metres is required; and, for a third party ground sign to display four sign faces, whereas only two sign faces are permitted.

With respect to the requested variance to exceed 20 square metres in sign face area: The Proposed Sign would be displaying two sign faces on each side, one of which would be 5.6 m² and displaying first party static sign copy, and one of which would be 16.85 m² and displaying electronic static third party sign copy. The total sign face area of each side of the Proposed Sign would exceed the maximum permitted by only 2.45 m², or approx. 11.25%. As a condition of approval, the Applicant would also be subject to the condition that the existing first party ground sign (with a sign face area of 5.6 m²) would be removed.

Staff believe that The Proposed Sign would not be contrary to the public interest since the increase in sign face area of 11.25% is relatively modest and would be compatible with other signs in the surrounding area. The condition that the existing ground sign on the Subject Premises be removed would also ensure that concerns about sign clutter on the Subject Premises and in the area would be addressed.

With respect to the variance requested to locate the Proposed Sign 1.0 metre away from the northern property line, as opposed to the 9.0 metres required by the Sign By-law: The majority of the ground signs along Finch Avenue West are located within 3.0 metres of the Finch Avenue street line; were the Proposed Sign to be located at the required 9.0 metre setback, it would be inconsistent with the prevailing development pattern along Finch Avenue West.

As well, locating the Proposed Sign at the required 9.0 metres would place it in the middle of the parking area on the Subject Premises, which could create unsafe conditions for those trying to access the business at this location. The Proposed Sign would also be setback a sufficient distance from the sidewalk along Finch Avenue West, as well as the travelled portion of the road so as not to interfere with its operation or function.

With respect to the variance requested to display four sign faces as opposed to two sign faces: Many of the properties surrounding the Subject Premises along Finch Avenue West contain large ground signs displaying multiple signs faces, and in several instances, multiple types of sign copy display (e.g. electronic, readograph and/or static). The Proposed Sign would be similar to many of the other ground signs in the area with respect to displaying multiple sign faces. It is also important to note that as a condition of approval, the Proposed Sign would be required to use one of these sign faces to display first party sign copy to identify the occupant of the Subject Premises which is likely to reduce the need for additional signage at 1221 Finch Avenue West.

As such, it is the CBO's opinion that the Applicant's materials are sufficient to determine that the Proposed Sign is not contrary to the public interest, and that this criteria has been established.

CONCLUSION

The Applicant's submission materials and the Sign Unit staff's research and investigation have provided sufficient information for the CBO to establish that all nine criteria required to grant an approval for the requested variances have been met. As such, the CBO is supportive of the Sign Variance Committee granting the requested variances, subject to the specified conditions.

CONTACT

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SIGNATURE

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

ATTACHMENTS:

Attachment 1 – Description of Sign, Required Variances and Conditions

Attachment 2 – Applicant's Submission Package