



REPORT FOR ACTION

Application for Three Variances Respecting One Third Party Illuminated Wall Sign Displaying Static Copy – 2 St. Clair Avenue East

Date: May 19, 2022

To: Sign Variance Committee

From: Manager, Sign By-Law Unit, Toronto Building

Wards: Toronto-St. Paul's (Ward 12)

SUMMARY

Norm Girdhar (the "Applicant") has stated that they have been authorized by the owner of the property municipally known as 2 St. Clair Avenue East (the "Subject Premises"), to apply for three variances, required to allow for a permit to be issued for one third party illuminated wall sign with a single sign face, displaying static copy (the "Proposed Sign") at 2 St. Clair Avenue East.

The Subject Premises is a relatively unique location within the City, as it is one of the few locations that is subject to one of the 74 separate area specific restrictions enacted by City Council, which specifically prohibits any third party signs from being erected within 100 metres of St. Clair Avenue between Bathurst Street and Inglewood Drive. The Proposed Sign will be approximately 60 metres north of St. Clair Avenue.

The Proposed Sign would be located at 9th to 13th storey of north elevation of the 14-storey office building located on the Subject Premises which can be seen from Yonge Street, looking in a southerly direction. It will have a maximum height of 49 metres, and will contain one rectangular sign face with a maximum horizontal measurement of 12.20 metres (centre line) and maximum vertical measurement 17.90 metres (bisecting line), with a sign face area of 218.38 square metres. The Proposed Sign is described further in Attachment 1.

Three variances to Chapter 694 are required to allow the Chief Building Official ("CBO") to issue the sign permit for the Proposed Sign. The requirements in Chapter 694, which have been requested to be varied, and proposed new requirements are as below:

1) § 694-24.A(26)- A third party sign shall not be erected or displayed or caused to be erected or displayed in whole or in part within 100.0 metres of any limit of St. Clair Avenue, from the westerly limit of Bathurst Street to the easterly limit of Inglewood Drive be varied

to allow the Proposed Sign to be erected or displayed or caused to be erected or displayed in whole or in part within 60.0 meters of northern limit of St. Clair Avenue, from the westerly limit of Bathurst Street to the easterly limit of Inglewood Drive.

2) § 694-25.B (1)(a)- A CR – Commercial Residential sign district may contain a wall sign provided the sign face area shall not exceed 3.0 square metres be varied to allow the Proposed Sign to have a sign face area not exceeding 218.4 square meters.

3) § 694-25.B(1)(b)- A CR – Commercial Residential sign district may contain a wall sign provided the height shall not exceed 3.0 metres be varied to allow the Proposed Sign to have a height not exceeding 49.1 meters.

Included in the Applicant's submission are documents concerning support from third-parties for an application, for variances which would appear to be subject to multiple conditions. These documents make reference to support for the replacement of a roof sign with a wall sign as well as "that the sign be removed by the time that the construction of the southwest tower is completed". It is not entirely certain what this letter is referring to as there are currently no roof signs at 2 St. Clair Avenue East or in the surrounding area, nor are there any redevelopment plans for the property at 2 St. Clair Avenue East.

Following a review of the Applicant's submissions and the results of research and investigation by Sign By-law Unit staff, the CBO has determined that the Applicant has not provided sufficient information to determine that the Proposed Sign meets all nine of the criteria established in §694- 30A of the Sign By-law.

Further, the information provided with respect to the application actually made and submitted to the Sign Variance Committee, by the Applicant, has not established that the Proposed Sign is compatible with the development of the premises and surrounding area; supports the Official Plan objectives for the premises and surrounding area; does not alter the character of the premises and surrounding area; does not adversely affect adjacent premises; and, is not contrary to the public interest.

Therefore, the CBO does not support the Sign Variance Committee granting the three requested variances for the Proposed Sign.

RECOMMENDATIONS

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

1. The Sign Variance Committee refuse to grant any of the three requested variances to Sections 694-24.A(26), 694-25.B(1)(a) and 694-25.B(1)(b), which would be required to allow for the issuance of a permit respecting the erection and display of the Proposed Sign at the property municipally known as 2 St. Clair Avenue East as described in Attachment 1 of this report.

FINANCIAL IMPACT

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

DECISION HISTORY

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

ISSUE BACKGROUND

Required Variances

Table 1: Summary of Requested Variances for Proposed Sign

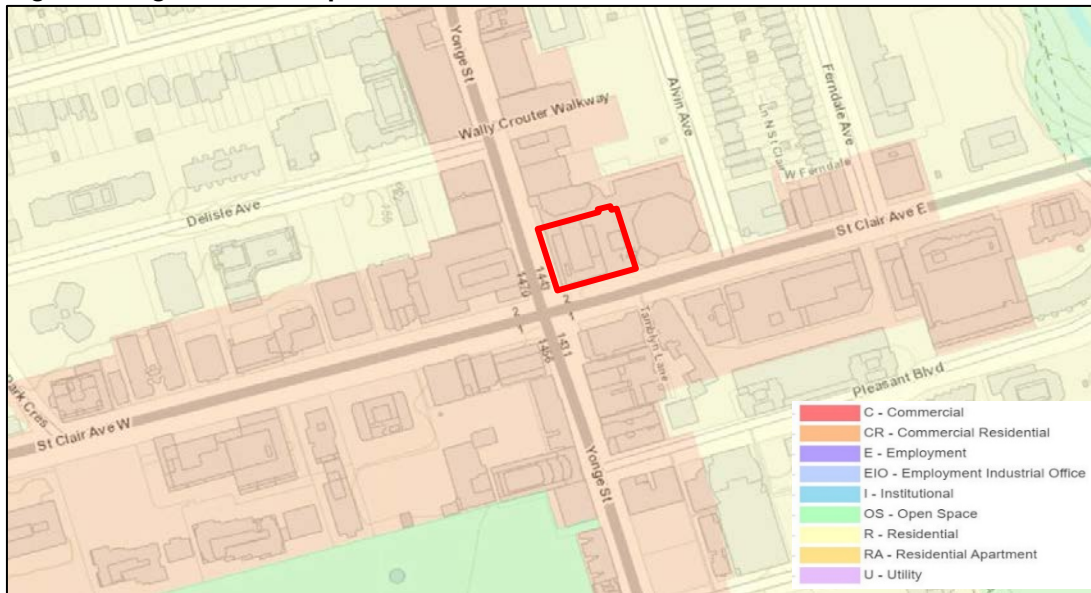
Sign By-Law Reference	Requirement	Requested Variances
§ 694-24.A(26)	A third party sign shall not be erected or displayed or caused to be erected or displayed in whole or in part within 100.0 metres of any limit of St. Clair Avenue, from the westerly limit of Bathurst Street to the easterly limit of Inglewood Drive.	The Proposed Sign would be erected and displayed approximately 60.0 meters of northern limit of St. Clair Avenue, from the westerly limit of Bathurst Street to the easterly limit of Inglewood Drive.
§ 694-25.B(1)(a)	A CR – Commercial Residential sign district may contain a wall sign provided the sign face area shall not exceed 3.0 square metres.	The Proposed Sign would have a sign face area that would not exceed 218.4 square meters.
§ 694-25.B(1)(b)	A CR – Commercial Residential sign district may contain a wall sign provided the height shall not exceed 3.0 metres.	The Proposed Sign would have a height that would not exceed 49.1 meters.

Sign Attributes and Site Context

2 St. Clair Avenue E is designated as a Commercial Residential ("CR") Sign District and is located in Ward 12 – Toronto- St. Paul's (See Figure 1). There is a 14-storey office building located at the Subject Premises. The Subject Premises is occupied by commercial companies and offices.

2 St. Clair Avenue E is located in one of the 74 specific areas within the City, where City Council has determined that third party signs should be specifically prohibited. These seventy-four area-specific restrictions were imposed by City Council based on the determination that third party signs in these locations are inconsistent and incompatible with the surrounding area, and would not contribute positively to the quality of Toronto's appearance.

Figure 1: Sign District Map – 2 St Clair Ave E



To the east and west, the Subject Premises is surrounded by similar multi-storey office buildings, containing commercial and office uses. Immediately to the North is a low-rise commercial building which is occupied by retail stores facing to Yonge Street, and to the immediate south is St. Clair Avenue East. To the south of the Subject Premises (south of St. Clair Avenue East), are properties designated as CR containing mid-rise office buildings.

Surrounding Premises:

North: CR Sign District containing commercial and retail uses

East: CR Sign District containing commercial & office uses

West: Yonge St, CR Sign District containing commercial & office uses

South: St. Clair Avenue East, CR Sign District containing commercial & office uses

There was a large third party roof sign displaying static copy located at 1 Delisle Avenue, approximately 67.0 metres to the northwest of the Proposed Sign, however, as of the date of this report, the roof sign and associated building have been demolished as part of a redevelopment project.

COMMENTS

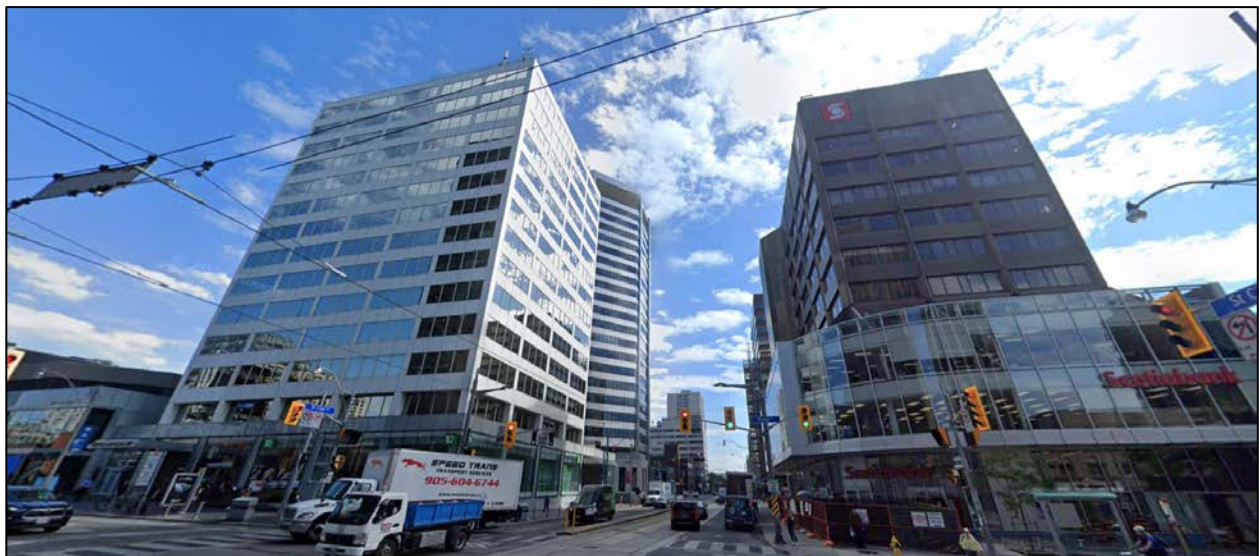
Applicant Information

Norm Girdhar has stated that he has been authorized by the owner of the property municipally known as 2 St. Clair Avenue East, to apply for three variances required to allow a permit to be issued for one third party illuminated wall sign with a single sign face, displaying static copy at 2 St. Clair Avenue East.

Figure 2: Looking south from Yonge St towards 2 St. Clair Ave E



Figure 3: Looking East along St. Clair Ave to 2 St. Clair Ave E



Application Background

The Proposed Sign will be located at 9th to 13th storeys on the north elevation of the building at 2 St. Clair Avenue East, and will be visible looking south along Yonge Street. The Proposed Sign will have a height of 49.1 metres, and will contain a single rectangular sign face, with a maximum centre line of 12.2 metres and maximum bisecting line of 17.9 metres, with a maximum sign face area of 218.4 square metres. The Proposed Sign is described further in Attachment 1.

In June 2003, a variance to the former City of Toronto Sign By-law (Chapter 297 of the former Toronto Municipal Code) was granted to allow a third party mural sign with a sign face area of 49.14 square metres. Sign permit # 03-156293 was issued for this sign later in 2003.

In 2007, an investigation revealed that the sign installed at 2 St. Clair Avenue East was larger than permitted by permit # 03-156293 and was issued a Notice of Violation for not being installed in accordance with the approved permit plans. A subsequent variance application for a first party sign, with a sign face area of 185.78m², proposed to be in a similar location and height as the Proposed Sign, was refused by Toronto East York Community Council in November 2007.

In December 2007, the City revoked permit # 03-156293 on the basis that the construction of the approved sign (a third party mural sign with a sign face area of 49.14 square metres) had not started within six months of the permit issuance. This revocation was not appealed.

Community Consultation

Notice required by the City's Sign By-law was provided to premises within a 120 metre radius of the Subject Premises, advising of the Proposed Sign. As of the date of this report, no comments or concerns have been received from the public.

Based on the Applicant's Submission, it would appear as though the Applicant had consulted with the Deer Park Resident's Group on a separate third party sign proposal. Sign Unit staff were not a part of this consultation, however it would appear as though the replacement of an existing roof sign with a wall sign through in conjunction with a redevelopment process was discussed – this is detailed in a letter from the Deer Park Resident's Group in Attachment 2 to this report.

As previously stated, it is not entirely certain what this letter is referring to as there are currently no roof signs at 2 St. Clair Avenue East or in the surrounding area, nor are there any redevelopment plans for the property at 2 St. Clair Avenue East.

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

The Sign By-law contains criteria to be used in evaluating an application for variance(s). Specifically, §694-30A states that an application for variance(s) may only be granted where it is established that the Proposed Sign(s) meet each of the nine established criteria.

The Sign Variance Committee is required to conduct an evaluation and determine that the Applicant seeking the proposed variances meets all nine of the mandatory criteria, on the basis of the presented information.

Applying the Established Criteria:

Section 694-30A(1): The Proposed Sign belongs to a sign class permitted in the Sign District where the premises is located

Based on the review of the Sign Unit staff, the property at 2 St. Clair Avenue East can be confirmed as being designated as a CR Sign District which permits signs belonging to the third party sign class.

The CBO has confirmed that as per the information contained in the Applicant's submission, the Proposed Sign is a third party sign, as it will 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.

Section 694-30A(2): In the case of a third party sign, the Proposed Sign is of a sign type permitted in the Sign District where the premises is located

Based on the review of the Sign Unit staff, the property at 2 St. Clair Avenue East can be confirmed as being designated as a CR Sign District. The Applicant's submission contains sufficient information (in the description and diagrams provided) to confirm the Proposed Sign is a wall sign displaying static copy.

Wall signs are a sign type that is permitted in CR Sign Districts. Therefore, the CBO is of the opinion that this criteria has been established.

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

The property at 2 St. Clair Avenue East is designated as a CR Sign District, It is surrounded by properties in the CR Sign District to the immediate north, south, east and west. This area of the city contains mainly commercial and office uses with retail uses facing toward Yonge Street and St. Clair Avenue.

CR Sign Districts allow small, pedestrian scale third party wall signs displaying static copy. The Proposed Sign will exceed the maximum permitted height in the Sign By-law by more than 46 metres and will exceed the maximum permitted sign face area by almost 215 square metres.

The Applicant states that almost 19 years ago, a sign permit (# # 03-156293) had been obtained from the City to display a third party wall sign at the same location on the Subject Premises. It is important to note that the sign previously approved had a sign face area of 49.14 square metres, less than one quarter of the Proposed Sign face area. As previously stated, this permit was revoked by the City in 2007 as the construction of the sign approved in permit # 03-156293 had not commenced within 6 months of the permit being issued. It should also be noted that this variance was granted to the former City of Toronto Municipal Code (Chapter 297) in 2003, prior to the current Sign By-law being adopted by Council.

Area-specific restrictions in the Sign By-law prohibit any third party signs being erected within 100 metres of any limit of St. Clair Avenue, from the westerly limit of Bathurst Street to the easterly limit of Inglewood Drive. The Proposed Sign would be erected and displayed approximately 60 meters of northern limit of St. Clair Avenue between Bathurst Street and Inglewood Drive, which is prohibited by 694-24A(26) of the Sign By-law.

The area-specific restrictions in the Sign By-law (such as the one listed in subsection 694-24A (26)) are due to a specific determination made by City Council that third party signs are incompatible with the premises and surrounding area, would not contribute positively to the quality of the appearance or enhance the image of the area, or Toronto as a whole if erected or displayed in this area.

The Applicant has provided no materials as to why this location is unique and how this Proposed Sign at this location would be consistent with the development of the Subject Premises and surrounding area; in light of City Council's determination to the contrary.

Approximately 100 metres to the northeast of the Proposed Sign are properties designated as Residential ("R") Sign District. Due to the orientation, sign face area and height of the Proposed Sign, it is likely that the Proposed Sign will be visible from the nearby R Sign District. (See Figure 4)

There are currently no third party signs located at 2 St Clair Avenue East, which is consistent with the area-specific restrictions of the Sign By-law. There was a third party roof sign approximately 67 metres northwest of the Proposed Sign at 1 Delisle Avenue - this roof sign was also located within the area-specific restriction along St Clair Avenue West and pre-dates the current Sign By-law. As of the date of this report, the third party roof sign at 1 Delisle Avenue has been removed and the building supporting it is demolished.

There is also currently an application directly north of the Proposed Sign to amend the Official Plan and the Zoning By-law to permit a mixed-use development, including 1,361

dwelling units, 20,524 square metre of non-residential GFA. The proposal will include three residential towers of 44, 39 and 27 storeys. The Applicant's submission states that Proposed Sign would be compatible with any future development of the subject Premises and surrounding area, however the Applicant has not provided any material or studies with respect to the Proposed Sign and this planned mixed-use development.

Figure 4: Looking South from Alvin Avenue (located in an R Sign District)



As such, it is CBO's position that the Applicant has not provided sufficient information that would support a conclusion that the Proposed Sign is compatible with the development of the premises and surrounding area. It is the CBO's position that the Applicant has failed to provide sufficient information to demonstrate that this criterion has been established.

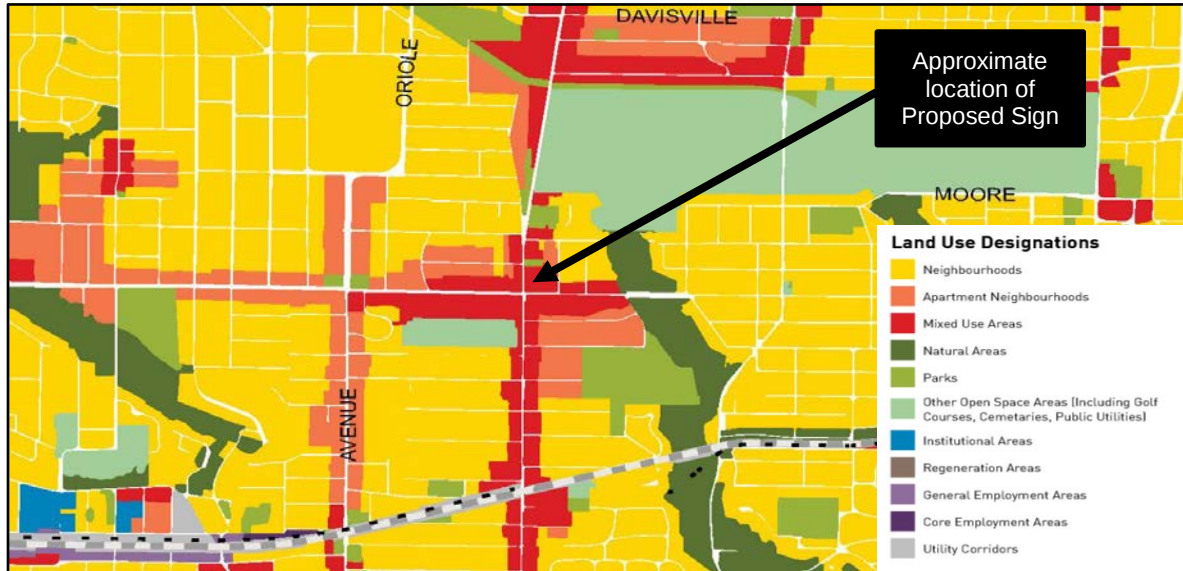
Section 694-30A(4): The Proposed Sign will support Official Plan objectives for the subject premises and surrounding area

2 St Clair Avenue East is designated as a Mixed Use Area in the Official Plan. Mixed Use Areas are intended to blend a wide variety of uses (Residential, Office, Retail, Institutional, Entertainment, Recreational, and Cultural) to achieve a multitude of planning objectives. The property is also in a Secondary Plan area and it is subject to the Yonge St Clair area in Chapter 6 of the Official Plan.

The Applicant states that the Proposed Sign conforms with the City's Official Plan objectives and City council's policies and goals for the City's defined business centres and sub-centres such as Yonge-St Clair and Yonge-Eglinton Centre and Yonge-Sheppard Centre etc. where all type of business promotional advertising is encouraged. The Applicant has not referenced any specific Official Plan policies that state these goals, nor have staff been able to identify any. The Yonge-St. Clair Secondary Plan designates the area where the Proposed Sign is located as 'Area 1' and sets out policies that identify the

area as an 'area of redevelopment' as well as a policy stating that 'any development or redevelopment will complement the existing built form context of the area and new buildings will be physically compatible with surrounding areas'

Figure 5: Official Plan Map – 2 St Clair Ave E



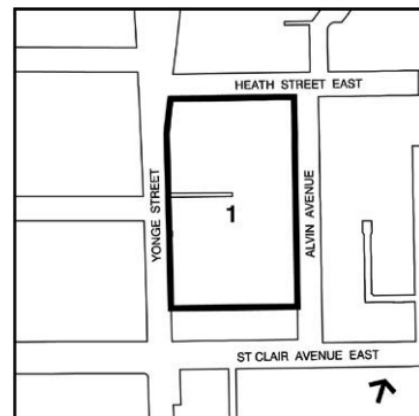
The Applicant has not provided any information as to how the Proposed Sign will complement the surrounding area or be compatible with the existing, as well as the future development to the north of 2 St. Clair Avenue East.

As such, it is CBO's position that, Applicant has failed to provide sufficient information to establish as required by this criterion, that the Proposed Sign supports the Official Plan objectives for the Subject Premises and surrounding area.

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

The Subject Premises is designated as a CR Sign District as are the properties to the north, south, east and west. To the immediate west of the Subject Premises is the Yonge Street and to the immediate south is the St Clair Avenue East.

Figure 6: Area 1- Yonge & St. Clair Secondary Plan



In their application materials, the Applicant states that due to their Sign District designations, the adjacent properties contain uses that could not be adversely affected by the presence of the Proposed Sign. The Applicant also states that the south, east and west buildings are of similar type of office towers and the premises located north of the Subject Premises are developed with the low-rise commercial building with retail uses which are facing to Yonge Street.

As previously stated, approximately 100 metres to the northeast of the Proposed Sign are properties designated as Residential ("R") Sign District. Due to the orientation, sign face area and height of the Proposed Sign, it is likely that the Proposed Sign will be visible from the nearby R Sign District.

Also, there is currently an application directly north of the Proposed Sign to permit a mixed-use development, including three residential towers. The Proposed Sign is likely to be visible from the units within these residential towers.

Although the Proposed Sign is located on the north side of the building at 2 St. Clair Avenue East, the Applicant's submission has not described how the Proposed Sign, which would be located in an area subject to an area-specific restriction, will not adversely affect this area, particularly in the context of this area-specific restriction.

Based on the staff review of the premises surrounding the Proposed Sign, as well as the Applicant's materials, it is the CBO's opinion that the possibility of an adverse effect on adjacent premises, specifically the St Clair Avenue, from the westerly limit of Bathurst Street to the easterly limit of Inglewood Drive. Therefore, it is CBO's position that this criteria has not been established.

Section 694-30A(6): The Proposed Sign will 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.

Toronto Building Staff have reviewed the Proposed Sign, and the potential impacts of the requested variances, and have determined that requested variances, do not raise a reasonable basis for any concern around public safety arising from the Proposed Sign.

The Applicant states that the Proposed Sign will be a vinyl sign with a light weight and will be professionally installed by keeping public and traffic safety in mind. The Applicant also states that the Proposed Sign is located almost 49 metres above grade and would be less intrusive to the public and traffic safety.

The vertical clearance of 31.17 metres between grade and bottom of the sign places it well above the minimum height required by both the Sign By-law and Ontario Building Code. As a result, provided the sign is constructed and installed in accordance with the requirements of the Ontario Building Code, staff do not foresee any potential adverse effects on traffic or pedestrian safety.

Reviewing the variances related to the Proposed Sign, in the context of the location, Toronto Building Staff have determined that the existing and otherwise applicable Sign By-

law regulations would suitably address any public safety concerns. As such, it is the opinion of the CBO, based on the Toronto Building Staff review respecting the Proposed Sign, that the requested variances do not raise a reasonable basis for any concern around public safety arising from the Proposed Sign and that this criteria has been established

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

According to staff review, the Applicant's documents and drawings contains sufficient information to confirm that Proposed Sign does not meet the description of any of the signs which are specifically prohibited by §694-15B. As such, the CBO is of the opinion that this criteria has been established.

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

The applicant's submission materials state that the proposed sign would not alter the character of premises or surrounding area as in the past they were granted the sign permit to erect and display a similar type of third wall sign on north elevation of the building. Also the Applicant states that the areas to the north, south, east and west are all in CR Sign Districts and contain a similar type of signage.

Although the Proposed Sign is a permitted sign type and class in a CR Sign District, the Proposed Sign will have a sign face area almost 73 times larger than the permitted sign face area, and will be 46 metres higher than the maximum permitted height for wall signs in CR Sign Districts. The Applicant has not provided any information as to how the Proposed Sign with these attributes will not alter the character of the premises and surrounding area.

The only comparable third party sign in the immediate area was located at 1 Delisle Avenue (approximately 67 metres to the northwest) which was approved prior to the current Sign By-law and has recently been removed as part of a re-development.

The Sign By-Law restricts third party signs within 100 meters of any limit of St. Clair Avenue, from the westerly limit of Bathurst Street to the easterly limit of Inglewood Drive. The signs that were previously approved for 2 St Clair Avenue East and 1 Delisle Avenue were approved prior to the adoption of this area-specific restriction in 2010.

Based on the above, the CBO is of the opinion that the Applicant has not provided sufficient information to demonstrate that the character of the premises and surrounding area will not be altered, and as a result, that this criteria has not been established.

Section 694-30A(9): The Proposed Sign will not be, in the opinion of the decision maker, contrary to the public interest

The CR Sign District permits the third party wall sign, however not at the size or height of the Proposed Sign. The Proposed Sign will exceed the maximum permitted height in the Sign By-law by almost 46 metres and will also exceed the maximum permitted sign face area by almost 215 square metres. No information has been provided to indicate how those three variances would not be contrary to the public interest.

Also, the area-specific restriction prohibits third party signs within 100 metres of the St Clair Avenue East, from the westerly limit of Bathurst Street to the easterly limit of Inglewood Drive. However no information has been provided to indicate how locating a sign within this area-specific restriction would not be contrary to the public interest.

The Applicant's submission makes reference to previous approvals for a third party sign at 2 St. Clair East. However, the previous approval was for a sign that was less than one-quarter of the size of the proposed sign and was granted (and subsequently revoked) under a previous sign By-law.

The Applicant's submission also provides a letter from the Deer Park Resident's Association which makes reference to their support for the replacement of a roof sign with a wall sign as well as "that the sign be removed by the time that the construction of the southwest tower is completed". It is not entirely certain what this letter is referring to as there are currently no roof signs at, nor are there any redevelopment plans for the property at 2 St. Clair Avenue East.

It is the CBO's position that these statements are not sufficient to support a conclusion that the Proposed Sign is not contrary to the public interest. As such, the CBO is of the opinion that this criteria has not been established.

Conclusion

In the CBO's opinion, the Applicant's materials have not provided sufficient information to establish that all nine criteria required to grant the three requested variances for Proposed Sign, have been met. As such, the CBO is not supportive of the Sign Variance Committee granting the requested variances to Proposed Sign.

CONTACT

Raha Rakhshanfar, Sign Building Code Examiner Inspector, Sign By-law Unit
E-mail: Raha.Rakhshanfar@toronto.ca ; Tel: 416-392-7209

SIGNATURE

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

ATTACHMENTS

Attachment 1 – Description of the Proposed Sign and Requested Variances

Attachment 2 – Applicant's Submission

Attachment 1: Description of the Proposed Sign and Requested Variances

Proposed Sign Description:

One third party wall sign described as follows:

- a) Contains a single sign face;
- b) Located between the 9th to 13th storeys of north elevation;
- c) The sign face shall comply with the following:
 - i) Have a maximum bisecting line no greater than 17.9 meters;
 - ii) Have a maximum center line of no greater than 12.2 meters;
 - iii) Have a maximum sign face area of no greater than 218.4 square meters;
 - iv) Display static copy;
- c) Have a maximum height of 49.1 meters;
- d) Be down-lit.

Required Variances:

1) § 694-24.A(26)- A third party sign shall not be erected or displayed or caused to be erected or displayed in whole or in part within 100.0 metres of any limit of St. Clair Avenue, from the westerly limit of Bathurst Street to the easterly limit of Inglewood Drive be varied to allow the Proposed Sign to be erected or displayed or caused to be erected or displayed in whole or in part within 60.0 meters of northern limit of St. Clair Avenue, from the westerly limit of Bathurst Street to the easterly limit of Inglewood Drive.

2) § 694-25.B (1)(a)- A CR – Commercial Residential sign district may contain a wall sign provided the sign face area shall not exceed 3.0 square metres be varied to allow the Proposed Sign to have a sign face area not exceeding 218.4 square meters.

3) § 694-25.B(1)(b)- A CR – Commercial Residential sign district may contain a wall sign provided the height shall not exceed 3.0 metres be varied to allow the Proposed Sign to have a height not exceeding 49.1 meters.

Attachment 2: Applicant's Submission