

Appeal to Sign Variance Decision Respecting Two First Party Wall Signs (22-151137): 130 King Street West

Date: June 9, 2023

To: Sign Variance Committee

From: Project Director, Business Transformation, Toronto Building

Ward: Spadina-Fort York (Ward 10)

SUMMARY

Priority Permits Ltd. (the "Appellant") has been authorized by the representative of the property owner of the premises located at 130 King Street West, (the "Subject Premises") to appeal the decision to refuse a Sign Variance application, Application No. 22-151137. This application sought a variance from the Sign By-law to allow for the issuance of permits for two first-party wall signs, (the "Proposed Signs") to be installed and displayed above the second storey of the building.

The Proposed Signs are intended to be installed on the fourth storey of the Subject Premises, with one on the north elevation ("Proposed Sign North") and one on the west elevation ("Proposed Sign West"). Both Proposed Sign North and Proposed Sign West would have a sign face area measuring 1.11 meters vertically by 6.88 meters horizontally, at a height of 17.24 meters. The Proposed Signs would be illuminated and display static sign copy. These signs would identify "National Bank," a tenant in the building at 130 King Street West.

Upon reviewing the Sign Variance application, the Chief Building Official and Executive Director, Toronto Building (the "CBO"), made the decision to refuse the requested variances for the installation and display of the Proposed Signs. Subsequently, the Appellant filed an appeal of the CBO's decision in accordance with the Sign By-law requirements.

The CBO has thoroughly examined all the materials submitted in relation to this Appeal and has determined that the Appellant has not provided sufficient information to establish that either of the two Proposed Signs satisfies all nine criteria outlined in section 694-30A of the Sign By-law. The establishment of all nine of these criteria is the required precondition for the approval of a variance. Specifically, it is the CBO's opinion that there is insufficient information to determine whether or not the Proposed Signs would be compatible with the development of the premises, and the surrounding area; would not alter the character of the

premises, and the surrounding area; and, would not be contrary to the public interest. Consequently, the CBO does not support the Sign Variance Committee granting the requested variances for the Proposed Signs.

RECOMMENDATIONS

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

The Sign Variance Committee refuse to grant the requested variances to section 694-21D(5)(a) required to allow for the issuance of permits respecting the erection and display for each of the Proposed Signs at the property municipally known as 130 King Street West, as described in Attachment 1.

FINANCIAL IMPACT

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

DECISION HISTORY

Priority Permits Ltd. (the "Appellant") filed the initial application for the variances sought. On July 20, 2022, the CBO issued the decision refusing to grant the requested variance for the Proposed Signs. In September 2022, the Appellant filed an appeal of the CBO's July 20, 2022 decision.

ISSUE BACKGROUND

Required Variances

Table 1: Summary of Requested Variances for Proposed Sign

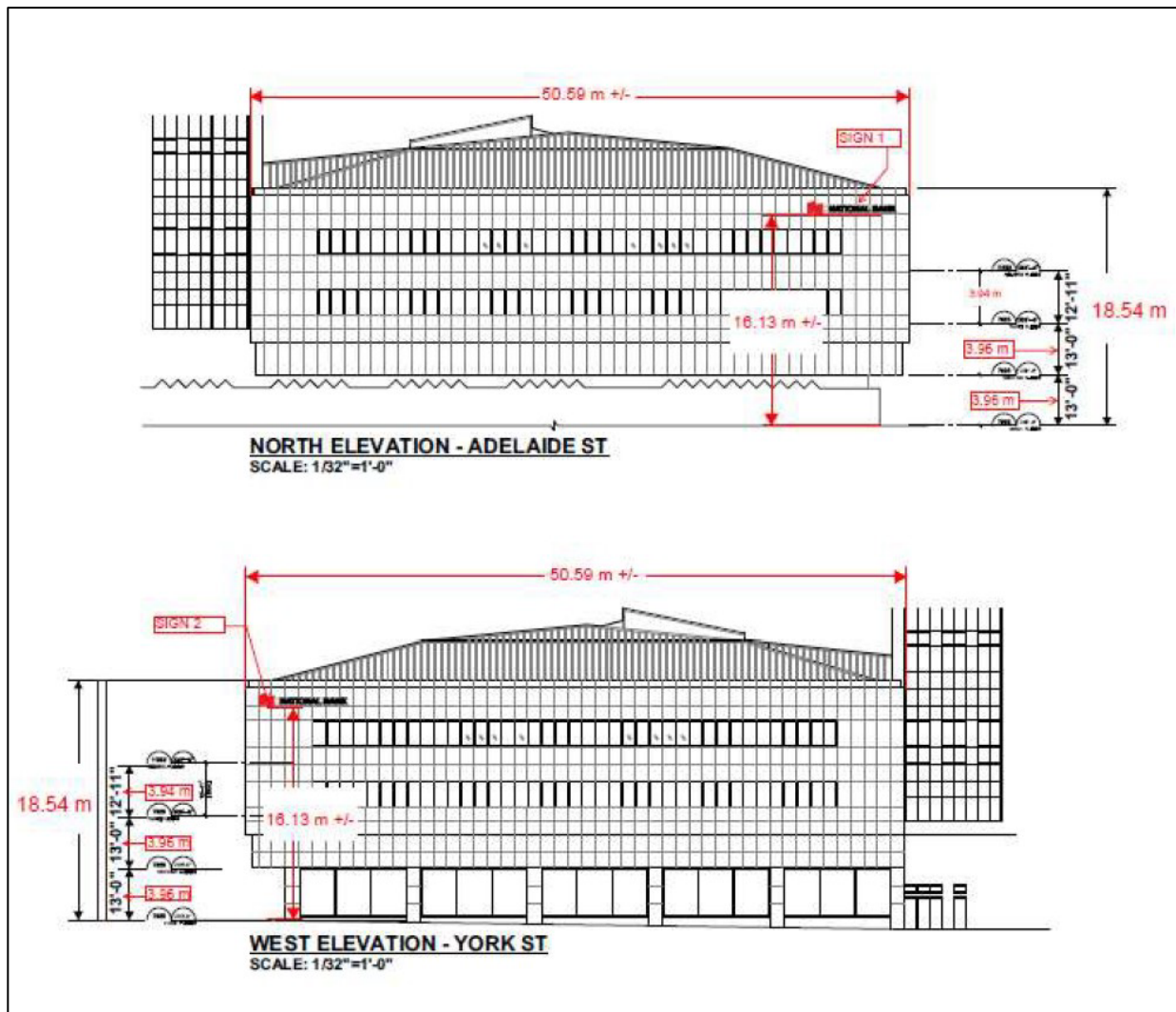
Sign By-Law Reference	Requirement	Proposed Variances
§ 694-21D(5)(a)	A wall sign, other than a sign displaying a logo or corporate symbol permitted by Subsection D(4), provided: The sign shall not be erected above the second storey;	Both of the two Proposed Signs would be erected above the second storey, specifically at the 4 th storey of the building at the Subject Premises.

Sign Attributes and Site Context

The Proposed Signs, which are identical in design, would be situated at the fourth storey on the north and west building elevations of a four-storey office building. Proposed Sign North and Proposed Sign West would each contain a rectangular face with maximum sign face measurements of 1.11 meters for the bisecting line (vertical), 6.88 meters for the center line (horizontal), and a height of 17.25 meters. Where a sign consists of comprised of individually installed letters or like sign components the sign face is determined by the outermost perimeter bounding the limit of all the individual components. It should be noted that although, the Applicant's renderings indicate that the Proposed Signs would be comprised of individually installed letters and like sign components (logo), this specific form of construction is not a condition of the variances sought.

Designed to be visible from both Adelaide Street West and York Street, the Proposed Signs are described in more detail in Figure 1 below, and Attachment 1.

Figure 1: The Proposed Signs at 130 King Street West



The Subject Premises, located at 130 King Street West, is positioned on the west side of York Street, north of King Street West, and south of Adelaide Street West. It falls within the Commercial-Residential ("CR") Sign District in Ward 10 – Spadina-Fort York, (See Figure 2). The premises consist of a four-storey office building with tenants

Surrounding premises:

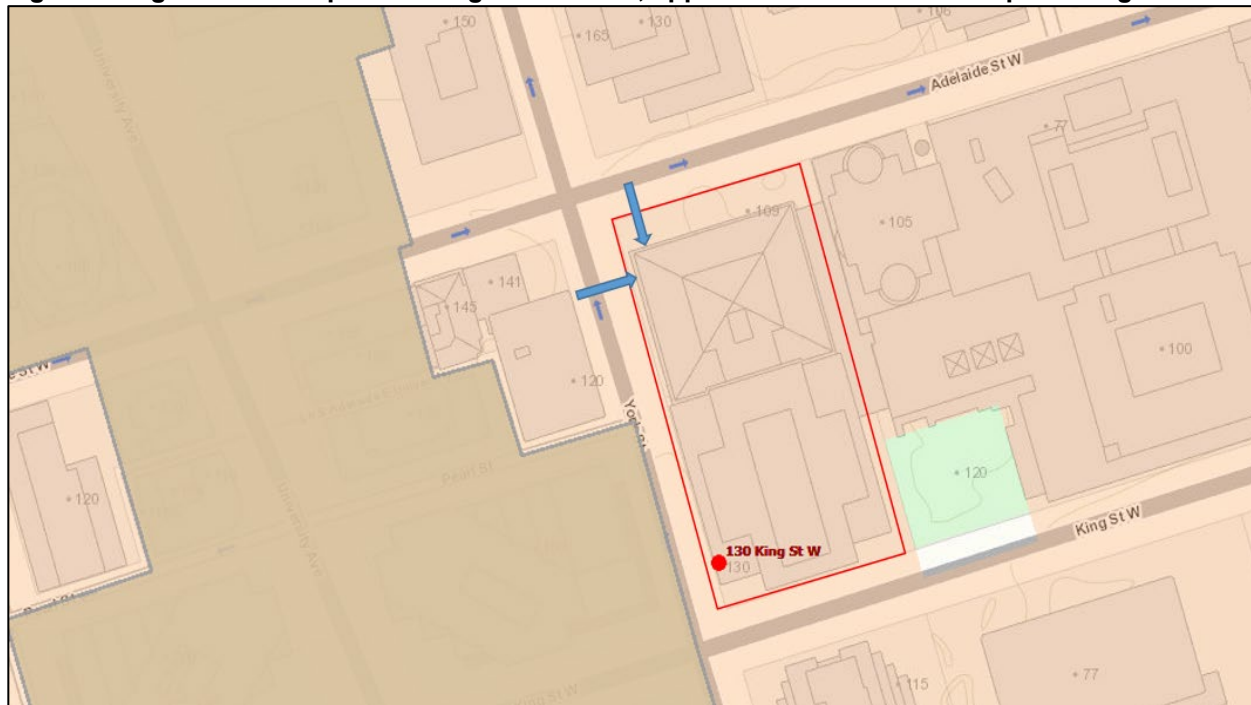
North: Commercial Residential Sign District: Richmond – Adelaide centre immediately to the north containing RBC branch and other offices

West: University Avenue Special Sign District, Commercial Residential Sign District; Office Buildings

East: Commercial Residential Sign District, Open Space OS Sign District: Office Buildings, restaurants.

South: Commercial Residential Sign District: Office Buildings

Figure 2: Sign District Map – 130 King Street West, approximate location of Proposed Signs



COMMENTS

Appellant Information

Priority Permits Ltd. states that they have been authorized by National Bank, and the representative of the owner of the property municipally known as 130 King Street West, to apply for the one variance required to allow for a permit to be issued for each of the two first party wall signs (the "Proposed Signs") at 130 King Street West.

Application Background

The Proposed Signs will be located at the fourth storey of both the north and west elevation on the building at 130 King Street West, immediately located at the intersection of York Street and Adelaide Street West. Each of the two Proposed Signs would have a rectangular sign face with a maximum bisecting line of 1.11 metres; a maximum centre line of 6.88 metres; a maximum sign face area of 7.90 square metres; and a height above grade of 17.25 meters.

Community Consultation

Notice required by the City's Sign By-law was provided to premises within a 60 metre radius of the location of the Proposed Signs, advising about the proposal. These notices were issued on June 15th, 2022. As of the date of this report, no comments or questions have been received by the City from the public.

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

The Sign By-law contains criteria used to evaluate variances which are applied for. Specifically, §694-30A states that a variance may only be granted where the Proposed Sign to which the variance(s) relate meets each of the nine established criteria.

When a decision regarding a first party Sign Variance or Signage Master application is appealed, the Sign Variance Committee conducts an appeal de novo, meaning that they are required to conduct an evaluation to determine whether the party seeking the variance has demonstrated that the Proposed Sign meets all nine criteria, on the basis of the information presented to the Sign Variance Committee.

The CBO has thoroughly examined all the materials submitted in relation to this Appeal and has determined that the Appellant has not provided sufficient information to establish that either of the two Proposed Signs satisfies all nine criteria outlined in section 694-30A of the Sign By-law.

To grant a variance, it is essential to have sufficient information to enable the decision maker to assess all nine criteria comprehensively. However, the provided materials do not sufficiently provide this information, preventing the determination of multiple criteria. Specifically, there is insufficient information to evaluate the compatibility of the Proposed Signs with the premises' development and the surrounding area, their potential impact on the character of the premises and surroundings, and their alignment with the public interest. Consequently, as several criteria do not appear in the CBO's opinion, satisfied and as such, the CBO does not support the Sign Variance Committee granting the requested variances for the Proposed Signs.

Applying the Established Criteria

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

As demonstrated in the submission materials, each of the two Proposed Signs is a first party sign, as each of the Proposed Signs will identify a business available at the premises. The Subject Premises is designated as a CR-Commercial Residential sign district which permits first party signs.

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, each of the Proposed Signs is of a sign type permitted in the Sign District where the premises is located

Signs can only belong to one sign class – either first party or third party. As the Appellant demonstrated in their submission materials, each of the two Proposed Signs would be classified as a first party sign because they will identify a business located at the premises.

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

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

The Sign By-law designates the Subject Premises, 130 King Street West, as a CR Sign District, allowing for the installation of wall signs. Surrounding the property, there are other buildings within the CR Sign District to the east, west, north, and south.

In CR Sign Districts, which often consist of office buildings, the Sign By-law specifically allows for first-party wall signs at the first and second storeys. Notably, the Sign By-law establishes that wall signs are only permitted on the uppermost storeys of buildings that are ten storeys or taller. The objectives outlined in the Sign By-law for wall signs in Commercial Residential Sign Districts emphasize their ideal placement at a pedestrian level, typically on the first or second storeys of a building. Alternatively, in Sign Districts containing office and commercial buildings of ten or more storeys in height, signage on the top floors is allowed to contribute to the skyline.

It is worth emphasizing that there are no other buildings in the immediate area with identification signage at the same height as the Proposed Signs.

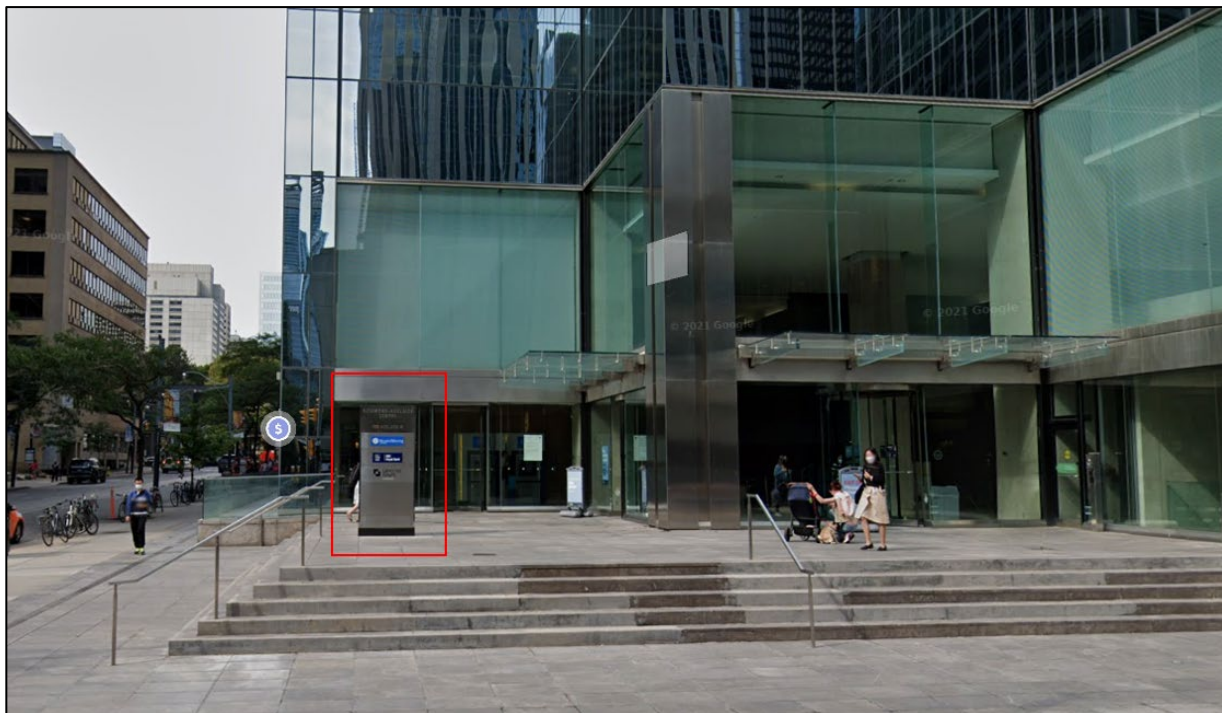
The applicant's submission details do mention a Bank of Montreal (BMO) sign, which seems to be appropriately positioned at either the first or second storey of the building in accordance with the Sign Bylaw requirements. However, the Enwave signs referenced by the applicant are located at a considerable distance from the proposed signs, and their relevance to the current proposal is unclear. It is worth noting that

these Enwave signs have been in existence since at least 2007, predating the adoption of the current Sign Bylaw requirements by the City Council.

In the immediate vicinity, businesses similar to National Bank utilize ground signs near their main entrances for identification purposes (see Figure 3). The Applicant claims that the operator and owner of the building are unable to provide signage for National Bank without contributing to "sign clutter." However, there is currently a permitted ground sign that could be used to identify the business instead of the Proposed Signs.

The submission materials fail to justify why the Subject Premises cannot comply with the standards prescribed for CR Sign Districts, which other premises in the immediate area adhere to. Furthermore, no explanation is provided as to why alternative signage options, such as ground signs or other options permitted by the Sign By-law, cannot be used to adequately accommodate a major tenant like National Bank and establish its presence.

Figure 3: Google Street View – Existing ground sign the entrance of the property to the north



130 King Street West is a four-storey office building, with retail spaces occupying the first storey. The overall architectural design features a solid and simple façade, complemented by modern granite elements on the west and north elevations, which also house two rows of windows. The CBO has a concern to the Appellant that the Proposed Signs are not compatible with the existing architectural design of the building and significantly impact its overall character.

The dominance of the red color that would be used in the Proposed Signs would create visual clutter at a prominent intersection, which is otherwise surrounded by sleek and

modern buildings that do not display any wall signs. The Applicant has submitted the statement that the signs esthetically fit the building but provided no support for this statement.

Figure 4: Location of the Proposed Sign on West and North Elevations



The placement of the Proposed Signs on the fourth storey, where no other signs of similar height exist in the surrounding area, raises concerns regarding the compatibility of the signs with the design of the specific building and premises. It also raises concerns regarding the adherence to the regulations that establish the character of the sign districts applicable to the premises and surrounding area.

These concerns, coupled with the lack of sufficient information provided by the Appellant to address these concerns or preserve the character of the premises and surrounding area, have led the CBO to determine that this criteria has not been established.

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

The Subject Premises is located in a "Mixed Use Area" outlined in Toronto's Official Plan. This area blends various land uses, such as residential, office, retail, institutional, entertainment, recreational, and cultural, to achieve multiple objectives. It's important to note that the property is not subject any secondary plans or area-specific amendments.

Within the Financial District, the building at 130 King Street West is used as an office

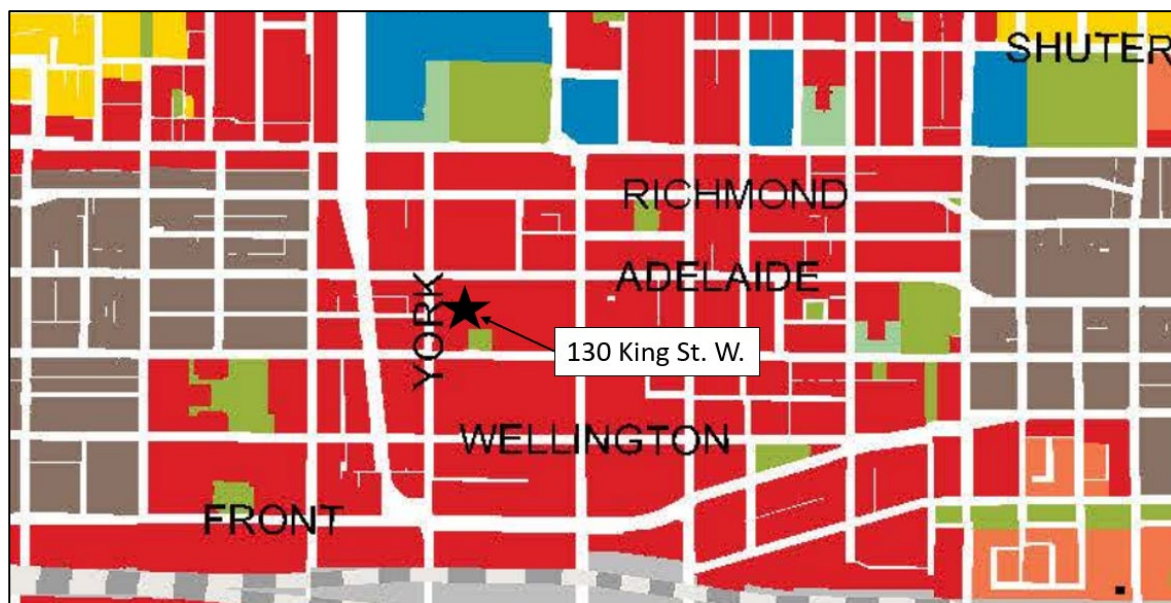
and retail hub; proper identification and signage for the National Bank is crucial to integrate it into this prominent location.

The Mixed Use Area where the site is located promotes a balanced and dynamic community, accommodating diverse needs by combining commercial, residential, institutional, and open space uses. By enhancing the identification of National Bank within this mixed-use environment, the proposed signs can contribute to these objectives.

The specific area for the Proposed Signs is a four-storey section south of Adelaide Street and east of York Street. It stands as the only mid-rise building surrounded by tall office buildings. Given this context, the signs play a crucial role in providing essential building identification and can help to ensure National Bank's visibility within this location.

Staff investigation identified Policy 4.5 2c) as potential support for the display of the Proposed Signs. This policy emphasizes smooth transitions between different development scales, especially when adjacent to lower-scale neighborhoods. By carefully designing and positioning the signs to harmonize with the taller buildings in the surrounding area, they align with this policy's objectives.

Figure 5: Official Plan Map – 130 King Street West



Staff investigation also identified Policy 4.5 2e) which promotes the preservation of sunlight and comfortable wind conditions for pedestrians in adjacent areas. The Proposed Signs on the fourth storey should avoid casting shadows or obstructing sunlight, and as such, support this policy and contribute to the pedestrian environment.

Based on the Appellant's rationale and staff investigation, the Proposed Signs provide some support for the Official Plan's objectives for the subject premises and surrounding area. The Proposed Signs would serve as effective building identification and enhance

the character of the Mixed Use Area. As a result, the Chief Building Official believes that this criteria has been met.

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

The Subject Premises, along with the properties immediately south, north, east, and west, falls within the CR Sign District. Notably, many of the surrounding buildings are tall office buildings, creating a specific context for signage considerations.

The Proposed Signs consist of red and white channel letters illuminated by white LED lighting. The Appellant's submission materials state that channel letters offer a lower level of illumination compared to sign boxes with backlit sign faces; and that this design choice mitigates excessive brightness. The CBO agrees with this position.

Figure 6: Impact of the Proposed Signs on the building to the north



The Appellant's rationale also supports the notion that the Proposed Signs will not compromise pedestrian safety, as the clearance beneath the signs exceeds the required standards. Additionally, the signs will use LEDs to illuminate the static copy, and will adhere to all illumination regulations outlined in the Sign By-law. These measures are carefully implemented to ensure compliance and minimize any negative impact on the surrounding premises.

Given the surrounding context of high-rise office buildings, the CBO agrees that the illumination of the signs should not adversely affect adjacent premises.

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

Figure 7: Impact of the Proposed Signs on the building to the west



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

The regulations in the City's Sign By-law have been designed to prevent negative impacts of signs on public safety.

In terms of the location of the Proposed Signs, they are positioned at a horizontal setback from the property lines on the north and west sides that meet the Sign By-law requirements. The proposed sign on the west elevation maintains approximately 2 meters from the west property line and York Street. Similarly, the sign on the north side has approximately 10.50 meters from the north property line and Adelaide Street West.

Furthermore, the vertical clearance of at least 16.13 meters between the ground level and the bottom of the Proposed Signs exceeds the minimum height requirements specified by both the Sign By-law and the Ontario Building Code. This significant vertical clearance ensures that the signs are positioned well above the required height, alleviating any concerns related to traffic or pedestrian safety.

It is also important to note that both Proposed Signs display static copy, which will not lead to variable light levels or contain any image transitions or effects.

Based on Staff's review, the CBO is of the opinion that the Proposed Signs do not pose a realistic possibility of adversely affecting public safety. As such, the CBO is of the opinion that this criteria has been satisfied.

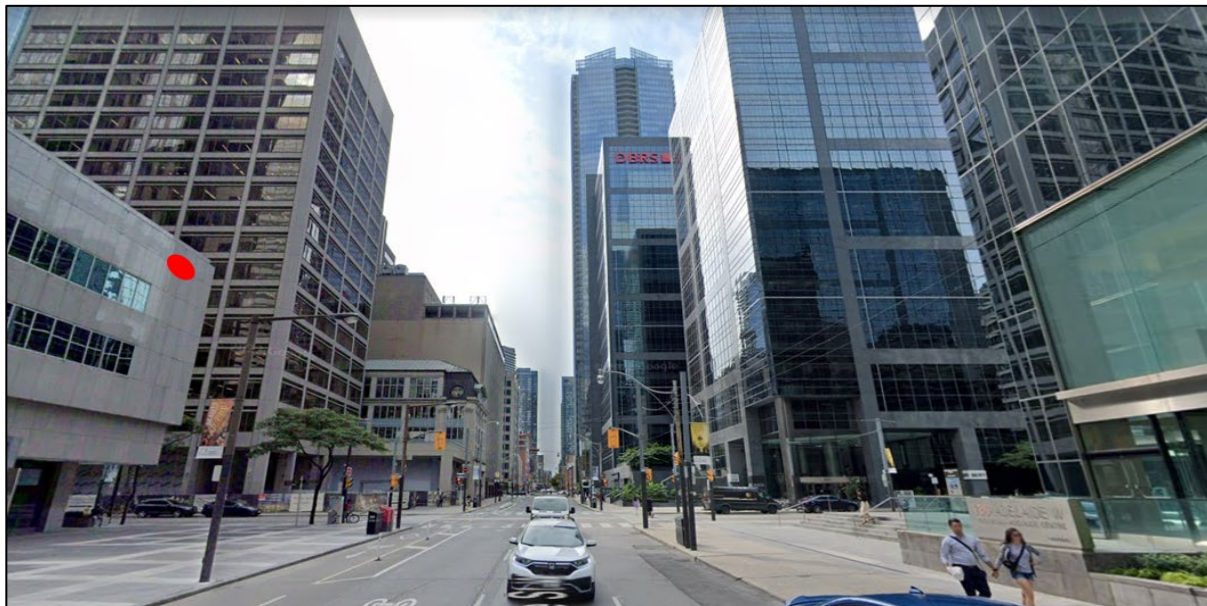
Section 694-30A(7): The Proposed Sign will not be a sign prohibited by §694-15B

The Appellant's materials contain sufficient information to confirm that the Proposed Signs are not a sign that is prohibited by §694-15B of the Sign By-law. 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 Subject Premises is situated in a CR Sign District, which allows for first-party wall signs on the first and second storeys. According to the Appellant's submission materials, the Proposed Signs occupy approximately 4.8% of the wall face area on the fourth storey. While this percentage falls within the prescribed limits for signs at the first or second storey, it does not provide any evidence as to how the Proposed Signs located at the fourth storey will not alter the character of the premises or surrounding area.

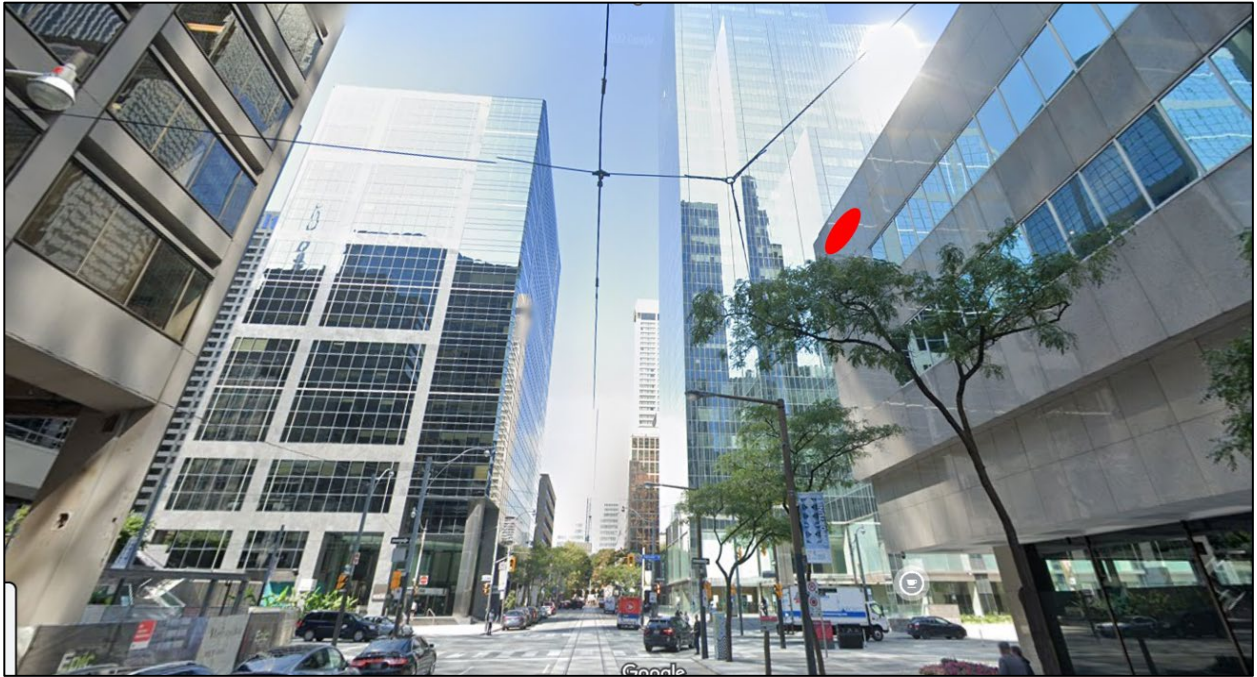
Figure 8: Google Street View looking toward Adelaide Street to the West



It is important to note that the portion of the building where the Proposed Signs are situated represents the shortest commercial/office use building in the immediate vicinity. Although the signs are positioned at the uppermost storey of this building, their presence at a height where no other wall signs exist in the surrounding area raises concerns about potentially altering the character of the immediate surroundings. (See Figures 8 and 9).

The absence of similar signage at the proposed height further emphasizes the need for the Appellant to further support their position that the Proposed Signs will not alter the character of the premises and the surrounding area.

Figure 9: Google Street View looking toward York Street to the North



Given the lack of information provided by the Appellant, it is not possible to determine that the Proposed Signs will not alter the character of the premises and the surrounding area. As a result, the Chief Building Official does not believe that this criteria has 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 Appellant's submission materials have been thoroughly reviewed, and it has been determined that they have not provided sufficient information to assess whether or not the proposed signs, situated at the fourth storey of the building, will be contrary to the public interest.

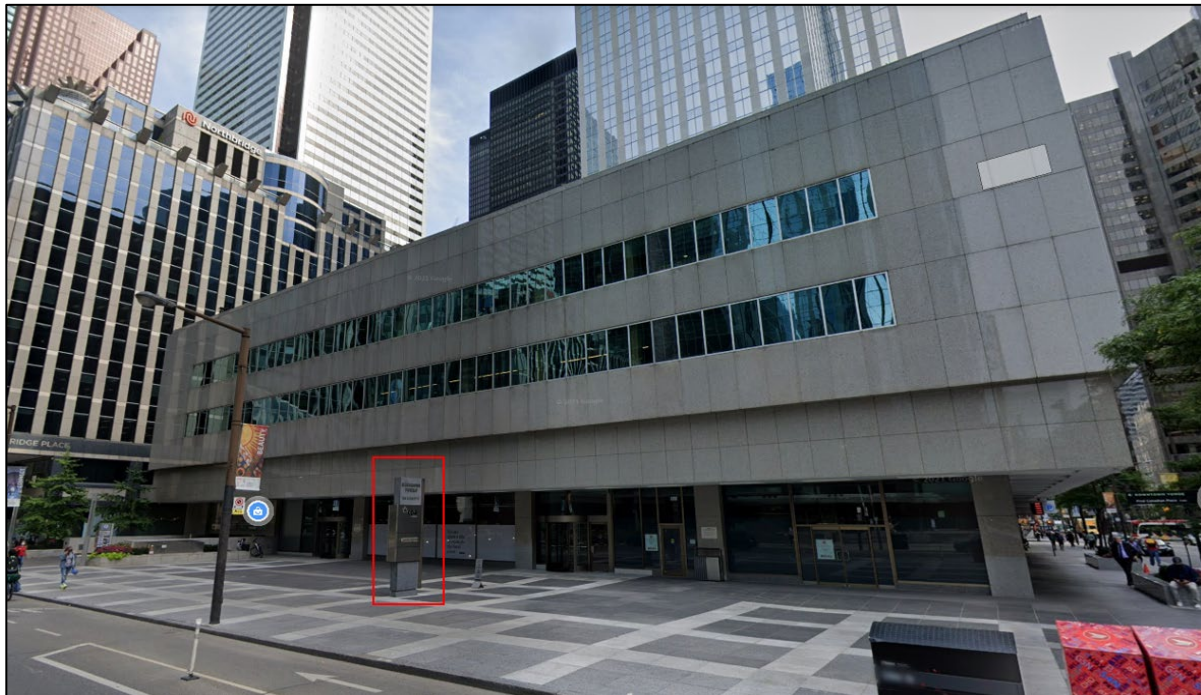
According to the Sign By-law objectives for wall signs in Commercial Residential Sign Districts, such signs are ideally located at a pedestrian level, typically on the first or second storeys of a building. Alternatively, where they are permitted to be located above the second storey, they are expected to contribute to the skyline by being placed on office/commercial buildings that are ten or more storeys in height.

In the case of the Proposed Signs, they are positioned two storeys above, effectively twice the height that the Sign By-law considers to be at a pedestrian scale. Furthermore, they fall six storeys below the threshold for signs that would contribute to the skyline. As a result, the Proposed Signs do not further any of the various objectives The Proposed Signs their compatibility with the Sign By-law objectives, as they deviate significantly from the regulations.

It is noteworthy that many surrounding buildings employ ground signs to identify businesses at their respective properties. Figure 3 in this report illustrates one such ground sign located at the entrance of an office building immediately north of the intersection of Adelaide St. and York St, north of the Subject Premises.

There is an existing ground sign along the north frontage of the Subject Premises, facing Adelaide Street West. This ground sign is of suitable size and shape to identify the National Bank and is in a visible position. This ground sign or other forms of signage permitted by the Sign By-law could be utilized to identify the business instead of the Proposed Signs.

Figure 10: Google Street View – Existing ground sign at Adelaide St. frontage



Based on these considerations, the Appellant's submission materials have not provided sufficient information to establish that the Proposed Signs, situated at the fourth storey of the building, are not contrary to the public interest. Therefore, the CBO is of the opinion that this criteria has not been established.

Conclusion

Based on the information provided in the Appellant's submission materials, supplemented by extensive staff review and investigation; the CBO is of the opinion that the Applicant has failed to demonstrate compliance with the nine criteria required for approval. Specifically, it is the CBO's opinion that insufficient evidence has been presented to establish that the Proposed Signs would be compatible with the development of the premises and surrounding area, would not alter the character of the premises and surrounding area, and would not be

contrary to the public interest.

As such, the Chief Building Official recommends refusing the requested variances for the Proposed Signs.

CONTACT

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SIGNATURE

Ted Van Vliet
Project Director, Business Transformation
Toronto Building

ATTACHMENTS

Attachment 1 – Description of the Signs and Required Variances
Attachment 2 – Appellant's Submission Package
Attachment 3 – Sign Variance Application Decision Notice (22-151137)