

Consolidated Clause in North York Community Council Report 6, which was considered by City Council on September 28, 29, 30 and October 1, 2004.

37a

**Request for Approval of a Variance from the former
City of North York Sign By-law No. 30788, as amended,
for the erection of a full-colour programmable display at
5000 Yonge Street (Ward 23 - Willowdale)**

City Council on September 28, 29, 30 and October 1, 2004, adopted this Clause without amendment.

Council also considered additional material, which is noted at the end of this Clause.

City Council on July 20, 21 and 22, 2004, deferred consideration of this Clause to its next regular meeting on September 28, 2004.

Council also considered additional material, which is noted at the end of this Clause.

The North York Community Council recommends that City Council:

- (1) adopt the staff recommendation in the Recommendations Section of the report (April 15, 2004) from the Director of Building and Deputy Chief Building Official, Urban Development Services; and**
- (2) receive the Confidential Report (July 5, 2004) from the City Solicitor, which was forwarded to all Members of Council under separate cover, having regard that the subject matter relates to the receiving of advice that is subject to solicitor-client privilege.**

The North York Community Council submits the following Clause 32 of the Toronto North Community Council Report No. 5, headed “Request for Approval of a Variance from the former City of North York Sign By-law No. 30788, as amended, for the erection of a full-colour programmable display at 5000 Yonge Street (Ward 23 – Willowdale)”, which was referred back to the North York Community Council by City Council, at its meeting held on June 22, 23 and 24, 2004:

“City Council on June 22, 23 and 24, 2004, referred this Clause back to the North York Community Council for further consideration at its next meeting on July 6, 2004, and report to City Council on July 20, 2004, and requested the City Solicitor to report to the North York Community Council on any liability to the City of Toronto which may arise from the approval of this sign variance.

The Toronto North Community Council recommends that:

- (1) the report (April 15, 2004) from the Director of Building and Deputy Chief Building Official not be adopted;**
- (2) the request for a variance from the former City of North York Sign By-law No. 30788, as amended, for the erection of a full-colour programmable display at 5000 Yonge Street be approved, subject to the base of the programmable display being situated no lower than the base of the second floor of the building.**

Action taken by the Committee:

The Toronto North Community Council requested the Commissioner, Urban Development Services to submit a report to the Planning and Transportation Committee on City-wide by-law standards specific to animated signs and to bring forward research that relates to the number of traffic accidents that have occurred as a result of a distraction created by an animated sign.

The Toronto North Community Council submits the following report (April 15, 2004) from the Director of Building and Deputy Chief Building Official, Urban Development Services:

Purpose:

To review and make recommendations on a request by David Monaghan of Kramer Design Associates Limited on behalf of Menkes Development for a variance from the former City of North York Sign By-law No. 30788, as amended, to permit the erection of a full-colour programmable display at 5000 Yonge Street.

Refer to attachments for details.

Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that the request for the variance be refused for the reasons outlined in this report.

Background:

The property at 5000 Yonge Street is zoned C1 (100) commercial and is the site of the new Transcontinental Tower. The property is located at the southwest corner of Yonge Street and North York Boulevard. The proposed video-display will be 54 square feet (5 square metres) in

area and will be incorporated into a 20 feet (6 metres) high ground sign which will be located at the north east corner of the site. The video display is single faced and will be facing the Yonge Street / North York Boulevard intersection and will be visible to southbound traffic on Yonge Street.

To date there is only one video-display sign in the former City of North York. In the May 2003 meeting of City Council, a sign variance was granted to allow the video-display sign at Fairview Mall which is at the Don Mills Road and Sheppard Avenue East intersection.

Comments:

The proposed signage does not comply with the former City of North York Sign By-law No. 30788, as amended, in the following way:

| Sign By-law Section & Requirements | Applicant's Proposal | Required Variance |
|---|---|---|
| (1) Section 2.9 of the sign by-law lists "prohibited signs", and Section 2.9.6 includes within the list of prohibited signs "an animated sign". | Installation of a first party full-colour programmable display. | To allow an animated sign whereas animated signs are on the "prohibited signs" list in Section 2.9.6. |

The definition of "animated sign" in Section 1.1.2 of the by-law "means a sign with a sign face which moves in whole or in part and includes a flashing sign or a rotating sign but does not include a clock, a time, date or temperature display, a multi-prism display, or an electronic message display."

The definition of "flashing sign" in Section 1.1.22 of the by-law "means a sign with illumination that varies in intensity at periodic intervals".

The surrounding lands are zoned Commercial and there are no residential properties which will have a direct view of the proposed sign.

The City of Toronto Works and Emergency Services, Transportation Services, Traffic Planning/Right of Way Management, commented that given the proximity of the video sign to the right of way, a driver's perception of the traffic control signals may be affected.

Based on the above, this proposal should not be allowed as a variance to the by-law. If the applicant wishes to pursue this matter further then it should be considered under an application for an amendment to the Sign by-law where consultation and a more detailed study could be carried out.

Community Council may choose to take any of the following actions:

1. the variance as requested be refused for the reasons outlined; or
2. the variance as requested be refused and the applicant be advised that if he wishes to proceed further, to make an application for a site specific by-law amendment to the former North York Sign By-law No. 30788, as amended; or
3. this report not be adopted and Community Council recommend approval of the variance.

Conclusions:

It is recommended that the request for the variance be refused.

Contact:

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List of Attachments:

Attachment 1: Zoning Map

Attachment 2A to 2D: Site Plans showing the location of the proposed sign

Attachment 3A to 3C: Elevations and details

(Attachments referred to in the foregoing report were forwarded to all Members of the Toronto North Community Council with the agenda for its meeting on June 8, 2004; and copies thereof are on file in the office of the City Clerk, North York Civic Centre).

The Toronto North Community Council considered communications (April 23, 2004 and May 31, 2004) from Jeremy Kramer, Kramer Design Associates Limited.

The following persons appeared before the Toronto North Community Council:

- Jeremy Kramer, Kramer Design Associates Limited; and
- David Self, Aegon Canada, who gave a powerpoint presentation.

Recorded Votes:

A recorded vote on the motion moved by Councillor Shiner, in amendment to a motion moved by Councillor Feldman, that the base of the programmable display be situated no lower than the base of the second floor of the building, was as follows:

FOR: Councillors Li Preti, Pitfield, Shiner, Carroll, Minnan-Wong, Stintz, Feldman, Moscoe

AGAINST: Councillors Jenkins, Filion, Augimeri

ABSENT: Nil.

Carried.

A recorded vote on the motion moved by Councillor Feldman that the report (April 15, 2004) from the Director of Building and Deputy Chief Building Official not be adopted, and the request for a variance from the former City of North York Sign By-law No. 30788, as amended, for the erection of a full-colour programmable display at 5000 Yonge Street be approved, was as follows:

FOR: Councillors Shiner, Carroll, Pitfield, Minnan-Wong, Feldman, Stintz, Li Preti

AGAINST: Councillors Jenkins, Filion, Augimeri, Moscoe

ABSENT: Nil

Carried".

The North York Community Council also considered on July 6, 2004, a confidential report (July 5, 2004) from the City Solicitor, which was forwarded to all Members of North York Community Council under separate cover, having regard that the subject matter relates to the receiving of advice that is subject to solicitor-client privilege.

The following persons appeared before the North York Community Council on July 6, 2004:

- Jeremy Kramer, Kramer Design Associates Limited, on behalf of the applicant;
 - David Self, Aegon Canada; and
 - Robert Millward, Millward & Associates, Planning Consultants, on behalf of the applicant.
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City Council – July 20, 21 and 22, 2004

Council also considered the following:

Confidential report (July 5, 2004) from the City Solicitor. This report remains confidential, in its entirety, in accordance with the provisions of the Municipal Act, as it contains information that is subject to solicitor-client privilege.

City Council – September 28, 29, 30 and October 1, 2004

Council also considered the following:

Confidential report (July 5, 2004) from the City Solicitor. This report remains confidential, in its entirety, in accordance with the provisions of the Municipal Act, as it contains information that is subject to solicitor-client privilege.

Communication:

- (1) (September 24, 2004) from David Self, Vice President, Marketing and Corporate Affairs, Aegon Canada.*