



STAFF REPORT INFORMATION ONLY

Report on Sign Variance Request 0 Dufferin St. (Dufferin St. Bridge/Beltline Linear Park)

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| Date: | March 2, 2010 |
| To: | North York Community Council |
| From: | Director and Deputy Chief Building Official, North York District |
| Wards: | Ward 15 – Eglinton – Lawrence |
| Reference Number: | File No. 10 120073 ZSV 00 ZR Folder No. 2010NY025 |

SUMMARY

This report is provided to the North York Community Council for information only on a request by Leslie S. Abro, President and CEO of Abcon Media, who has indicated he is acting on behalf of the City of Toronto, for sign variances from the former City of York Sign By-law No.3369-79 as amended, to permit the erection of two non-illuminated third party signs on the old beltline rail bridge which forms part of Beltline Linear Park on the Dufferin Street Bridge.

This request for sign variance describes two unique and distinct proposals which are independent of one another. The proposal comprises of (a) two non-illuminated third party signs affixed to each side of a railway bridge, and (b) an artistic extension which is incidental to the third party signs and which would be considered an art mural.

FINANCIAL IMPACT

This report will have no financial impact.

COMMENTS

The property which is the subject of the application for sign variance is located on Dufferin Street south of Lawrence Avenue on bridge a known as the old beltline rail bridge, which now forms part of Beltline Linear Park, on the Dufferin Street Bridge. The zoning of the property is T- Transportation and Utilities District.

The applicant for this report is Leslie S. Abro, President and CEO of Abcon Media. Mr. Abro completed the application for Sign Variance and declared himself as the owner's authorized agent. The owner information is indicated as City of Toronto. It has not been confirmed this agent has authorization to act on behalf on the City of Toronto.

There are two existing third party ground signs located 7.2 meters from the proposed sign facing north on Dufferin Street, and a second existing third party ground sign is located 75.0 meters from the proposed new third party sign. The applicant has provided a survey dated February 17, 2010 which indicates removal of these two signs owned by Astral Media. The distancing between signs remains an issue as there has been no written confirmation from the sign company who owns the sign, that the existing third party sign will be removed.

The bridge on which the sign is proposed appears to be in the ownership of the City of Toronto who also appear to own the land just east of the property in question as well as the property to the west (past the roadway).

In a 2006 decision of Council, signage is prohibited on all rail bridges; in addition, based on the map/photo available to Transportation Services, as the street allowance would supersede the rail allowance through the portion of the bridge spanning the road, third party advertising in the Right of Way would be prohibited.

Third party advertising of any kind within the public Right of Way not associated with the coordinated street furniture contract is problematic.

“(A)(6)as a condition of the contract(s) for co-ordinated street furniture, no other advertising program be authorized on any other street element, and no future pilot program involving advertising within the public road allowance be approved by the City over the duration of the contract(s), provided that staff shall include language in the RFP and agreement with a successful proponent which will permit the City to require a successful proponent to undertake programs allowing for the exploration of new street furniture opportunities at fair market value to the City and, where the proponent cannot so provide, the City shall be permitted to undertake such programs with a third party;”

Legal staff advise that the executed agreement with Astral Media contains language that reflects the above-noted condition and that the subject application should be reviewed against that Agreement in greater detail prior to any action being taken to permit the placement of third party advertising by another company upon a structural element located within the public street allowance.

Section 14.7 of the current York Sign by-law No. 3369-79 prohibits signs from being located on, over or partly on or partly over property owned by the City.

§694-15. of the new City of Toronto Sign By-law, enacted by Council on December 6, 2009 and which will come into full force and effect on April 6, 2010, prohibits a third party sign on a railway bridge.

SUMMARY:

As the owner information is still unconfirmed, there is doubt the applicant has full authorization to act on behalf on the City of Toronto on this application for the sign variance; and, there are outstanding questions respecting the agreement between the City and Astral Media, it is premature to move forward at this time with a full staff report containing recommendations on the feasibility of the two third party signs.

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SIGNATURE

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