



STAFF REPORT INFORMATION ONLY

Dufferin Street Billboards – 0 Dufferin Street

Date:	June 4, 2010
To:	North York Community Council
From:	Chief Corporate Officer
Wards:	Ward 15 – Eglinton Lawrence
Reference Number:	P:\2010\Internal Services\RE\ Ny10048re – (ASF 11799)

SUMMARY

The following report responds to a Notice of Motion introduced by Councillor Moscoe, and adopted by North York Community Council, at its meeting of March 9, 2010 as Item NY32.54. Item NY32.54 requests that the appropriate staff report on the potential authorization, including possible conditions to be imposed in connection with the authorization, of a Third Party Sign on the former beltline railway bridge, now a pedestrian bridge, which crosses Dufferin Street, south of Roselawn Avenue (the "Beltline Bridge") as shown on Appendix "A". Item NY32.54 also requests a report on the matter of an existing specific Third Party Sign within the immediate vicinity of the Beltline Bridge.

Financial Impact

There is no financial impact as a result of this report.

DECISION HISTORY

At the March 9, 2010 meeting of North York Community Council, North York Community Council adopted Item NY32.54 which requested the Director of Real Estate Services, in consultation with appropriate officials report on the specific matters concerning the former beltline railway bridge, which is now a pedestrian bridge, crossing Dufferin Street.

ISSUE BACKGROUND

On April 28, 2000 the City acquired the Beltline Bridge as part of a larger purchase of railway right of way lands immediately to the west from Canadian National Railways (“CN”), via a Bill of Sale. A portion of the former right of way lands immediately east of the Beltline Bridge is licensed to the City by CN for linear park purposes until January 31, 2058 for nominal consideration. The City, in its sole discretion, may renew the agreement for a further term of thirty years.

Any signage proposed to be installed on the Beltline Bridge and beltline trail is governed by the new City-wide harmonized sign regulations contained in Chapter 694, Signs, General, of the Municipal Code. Chapter 694 came into effect April 6, 2010.

COMMENTS

The Notice of Motion dated March 9, 2009 requested that the Director of Real Estate, in consultation with the appropriate officials, report back to North York Community Council regarding the potential authorization of a Third Party Sign on the Beltline Bridge.

Real Estate Services consulted with the Sign By-law Unit Toronto Building. The Sign By-law Unit confirmed that any Third Party Signage proposal on a rail, vehicle or pedestrian bridge is expressly prohibited by Subsection 694-15B(4) of the Toronto Municipal Code. As a result, any proposal to install a Third Party Sign on the Beltline Bridge could only be potentially authorized through an application for a Site-Specific Sign By-Law amendment in accordance with Subsection 694-31A(2).

Authority to make a final decision regarding Site-Specific Sign By-Law amendments to Chapter 694 is not delegated to Community Council(s). All applications for these Site-Specific Sign By-Law amendments as provided under Chapter 694, are initially heard and considered by the Planning and Growth Management Committee (“PGM”) for purposes of making recommendations to City Council for final decision.

The Notice of Motion also requested City staff report on certain conditions with respect to the potential authorization of The Third Party sign on the Beltline Bridge. The conditions mentioned in the Notice of Motion were as follows:

- (a) the sign be incorporated into a “clean and beautiful” art plan for the bridge;
- (b) the applicant be responsible for rehabilitating and improving the pedestrian lighting under both sides of the bridge;
- (c) the applicant be responsible for the installation of a protective barrier on both sides of the walking trail bridge to enhance the safety of pedestrians crossing the bridge; and

(d) the “clean and beautiful” secretariat supervise the public art installation in cooperation with the Director of Parks and Recreation, North District and Art Starts Community Arts organization.

Real Estate Services again consulted with the Sign By-law Unit concerning the conditions and how they would relate to the enactment of a Site-Specific Sign By-Law amendment to Chapter 694. Under Chapter 694, the City has established a process, for a site-specific Sign By-law amendment. An individual would submit an application to the Sign By-law Unit detailing the particulars (including any conditions which the applicant may suggest) of a proposed sign requiring a site specific Sign By-law Amendment. Section 694-31B requires an applicant for a site specific Sign By-law Amendment to file the application and other information required for the applicable sign class in the form and manner approved by the Chief Building Official. Also, there are significant notice provisions, which must be completed prior to City Council considering a proposal for a site specific Sign By-law amendment. Subsection 694-31C requires the applicant to post a sign detailing the proposed amendment on the property for no less than 30 days prior to the meeting where it will be considered. In addition to the standard notice required for any consideration of an amendment to a Sign By-law, Chapter 694-31D requires notice of the proposed site specific Sign By-law amendment must, at the expense of the Applicant, be circulated to the owners of all properties and to the mailing addresses of residential and business tenancies within a 120-metre radius of the premises on which the sign is proposed to be erected. Once an application is made, the Sign By-law Unit would prepare a staff report detailing the proposal to amend Chapter 694 and make recommendations concerning the proposed amendment. The Staff Report on the application would be considered by PGM. PGM will hear depositions from the public with respect to the proposed amendment, and will make recommendations regarding the application to City Council for their review and final determination. Therefore, if an application for a site-specific Sign By-law amendment is made concerning the Beltline Bridge, City Councillors will obtain a staff report concerning the details of application and will have a full opportunity to consider the specific proposal and any conditions to be imposed.

That being said, staff has reviewed the conditions from item NY32.54 and provided some preliminary comments. They should not be considered a complete assessment as staff did not have all the particulars of the proposal to work with such as design and technical details. Upon receipt of site-specific amendment application, Staff can provide complete and detailed comments.

Parks Forestry & Recreation and Transportation Services; (Road Operations, Public Realm Section and Transportation Infrastructure Section) are currently working on a project to improve the including landscaping on the slopes of the beltline trail, improved pedestrian lighting, hard surface improvements, etc. As a result, the listed conditions in relation to the potential authorization of Third Party Sign are relevant considerations for whether a site-specific by-law amendment for a sign on the Beltway Bridge would be approved by Council. However, Transportation Services notes that any conditions with respect to the “clean and beautiful” art plan imposed in relation to the site specific by-law amendment will need to be in compliance with the applicable policies concerning

Neighbourhood Beautification, including the City Donation Policy approved by City Council. Transportation Services also notes that any contribution to lighting improvements will need to be arranged in a fashion which is compatible with the City's relationships concerning installation and maintenance of the City's wider street-lighting network. Also, Transportation Services notes that any improvements to pedestrian barriers on the Beltline Bridge will need to be approved by Transportation Services prior to installation to ensure compliance with Transportation Canada Highway Bridge Design requirements.

Item NY32.54 also required that the matter of the status of the existing Third Party Sign currently operated by Astral Media within the beltline trail in the immediate vicinity of the Beltline Bridge be referred to the appropriate civic officials and have them report back to North York Community Council. Sign By-law Unit staff have confirmed that the sign in question has been catalogued in their own recently conducted Third Party Sign inventory. The Third Party Sign is located in the former City of York and has also been identified and catalogued in a previous “billboard” inventory conducted by former City of York staff, well prior to Toronto’s amalgamation. The Former York Sign By-law, No. 3369-79, as amended, restricted the total number of Off-Premise (or Third Party) signs and this “billboard” inventory captured the Astral Media sign in question. Furthermore, the former City of York Sign By-law contained provisions allowing for the relocation of existing off-premise signs. A determination as to whether an application was made to relocate the existing off-premise sign has not been made to date.

CONTACT

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SIGNATURE

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ATTACHMENTS

Appendix A – Aerial Location and Site Map