



## **STAFF REPORT ACTION REQUIRED**

### **Area Specific Amendment to Chapter 694, Signs, General, with Respect to an Existing Third Party Ground Sign at 65 King Street East**

<b>Date:</b>	April 11, 2012
<b>To:</b>	Planning and Growth Management Committee
<b>From:</b>	Chief Building Official & Executive Director, Toronto Building
<b>Wards:</b>	Ward 28 - Toronto Centre-Rosedale
<b>Reference Number:</b>	P:\2012\Cluster B\BLD\PG12009

### **SUMMARY**

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This report reviews and makes recommendations on a request by Pattison Outdoor Advertising (the Applicant), made on behalf of Tom Dunn of Citipark Inc. to obtain an amendment to Chapter 694, Signs General of the City of Toronto Municipal Code.

The request by the Applicant is to obtain a site-specific amendment to authorize and retain one existing illuminated third-party ground sign at a height of 7.62 metres, containing one sign face, 6.1 metres in width by 3.05 metres in length and displaying static copy, at the easterly portion of the premises municipally known as 65 King Street East nestled against the building on the adjacent premises.

This report recommends refusal of the requested amendment to Chapter 694 as the proposed third-party ground sign:

- Is of a sign class and sign type that is not permitted in the sign district;
- Has been erected and displayed without the benefit of a permit and has been displayed continually for approximately 16 years unlawfully;
- Contributes to additional sign clutter in the surrounding area; and
- Does not enhance the character of the surrounding area.

## RECOMMENDATIONS

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

1. The request to amend Chapter 694 to allow for one illuminated third-party ground sign displaying static copy, containing one sign face, approximately 6.1 metres wide by 3.05 metres long and at a height of 7.62 metres, at the north-easterly corner at the premises municipally known as 65 King Street East, be refused.

## FINANCIAL IMPACT

The recommendations in this report have no financial impact.

## DECISION HISTORY

New Sign Regulation and Revenue Strategy

(<http://www.toronto.ca/legdocs/mmis/2009/pg/bgrd/backgroundfile-24387.pdf>)

New Sign Regulation and Revenue Strategy: Additional Considerations

(<http://www.toronto.ca/legdocs/mmis/2009/cc/bgrd/backgroundfile-25449.pdf>)

## ISSUE BACKGROUND

As part of the new regulations contained in Chapter 694, the City has introduced the ability for individuals to obtain site-specific amendments to properties. These amendments provide the opportunity to set out specific regulations for the location, arrangement, type and design of signs for a specific location or area.

For this subject proposal, a site-specific amendment to Chapter 694 is required because third party ground signs are not permitted in the CR-Commercial Residential sign district. A sign permit was issued at the end of April 1995 (Permit No. 95-015554) for one third party ground sign near the north-east corner of 65 King Street East, however, following several inspections by Building Division staff at the subject premises through 1995, 1996 and 1997, no attempt to erect the sign had been made and the permit was revoked in June 1997. At a later unconfirmed date, Pattison Outdoor Advertising proceeded to erect and display the sign. However, since the permit was revoked, the sign was installed without the benefit of a permit and has continued to be erected and displayed unlawfully since. The existing third party ground sign at 65 King Street East is, in the City's opinion, a sign that has been erected unlawfully, without a permit. As a result, the City's Municipal Licensing and Standards Division commenced enforcement action in January 2007, issuing a Notice of Violation and commenced action to remove the sign. With the creation of the City's new Sign By-law Unit, staff have re-commenced enforcement action and issued a Notice of Violation under Chapter 694 in January 2012. The Applicant has responded by trying to legitimize the subject third party ground sign

through this amendment application with the goal of obtaining approvals and permission to lawfully retain the existing sign.

## COMMENTS

### Signage Proposal:

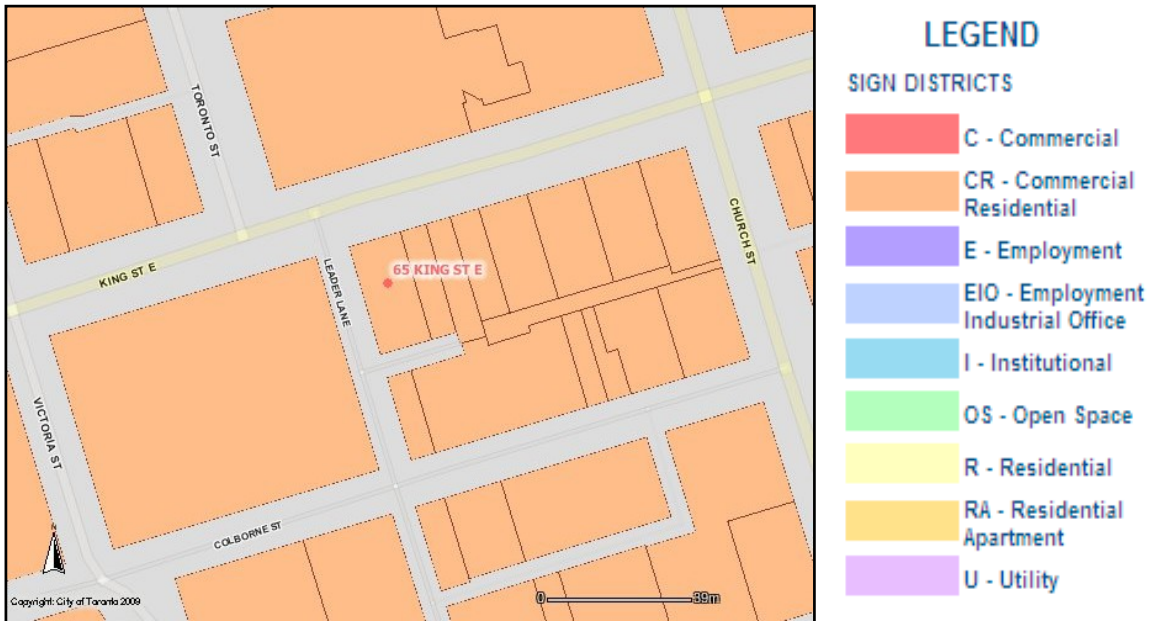
The Applicant requests that Toronto City Council amend Chapter 694 to permit the retention of one existing illuminated third-party ground sign with one sign face displaying static copy. The subject sign will have an overall height of 7.62 metres. The single sign face on the ground sign is 6.10 metres in width by 3.05 metres in length for a total sign face area of 18.61 square metres of sign face area. The applicant also proposes that the third party sign be "up-lit" – in contravention of the provisions respecting illumination, found in §694-18 of Chapter 694. The proposal, including the sign attributes, is wholly consistent with the sign that is currently erected and displayed. The Applicant does not propose to alter the sign from what has been in existence since the late 1990's.



**Figure 1: 65 King Street East – Subject Sign and Existing Site Conditions**

Third party ground signs are not permitted in CR-Commercial Residential sign districts where only third party wall signs are permitted. Third-party ground signs in commercial areas often appear very obtrusive and out of place, and the subject sign does not contribute to the character of the surrounding area, which is continually improving. Additionally, general regulations for third party signs require a minimum distance of 100

metres between any two third party signs. There is already a large third-party sign on the building wall immediately behind the subject third party ground sign, on the adjacent property municipally known as 71 King Street East. Approving the subject third party ground sign at this location would maintain the current sign clutter in the area.



**Figure 2: 65 King Street East – Sign District Map Excerpt**

#### Site Context:

The property municipally known as 65 King Street East is located at the south-east corner of the intersection of King Street East and Leader Lane, between the major intersections of King Street East and Church Street and King Street East and Yonge Street. The premises on which the sign is located is currently being used as a surface-level commercial parking lot.

To the east of the subject premise exists several four-storey commercial residential buildings. There is a large third party wall sign erected on the building wall immediately to the east of the proposed sign. Across the street, to the north, is an office building with commercial uses at the first storey. To the south exists a continuation of the surface-level commercial parking lot located at 65 King Street East as well as a three-storey building containing a restaurant.

Of special concern, there are two listed/designated heritage properties in the immediate vicinity that have a direct line of sight with the subject ground sign. Immediately across the street to the west is the King Edward Hotel, a Designated Part IV building located at 37 King Street East, on the south-west corner of King Street East and Leader Lane. Also, to the north-west of the proposed sign, at 2 Toronto Street, on the north-west corner of Toronto Street and King Street East, exists the former Quebec Bank building which is a listed heritage property. The subject ground sign is visible from both of these properties

and this sign negatively impacts the character of the surrounding area and detracts from the heritage value of these buildings.



Figure 3: 65 King Street East in Relation to Nearby Heritage Properties (37 King Street East & 2 Toronto Street)

#### Application Package:

In support of the amendment application to retain a third party ground sign at the subject premises municipally known as 65 King Street East, the Applicant has provided limited information including a partially completed amendment application form, a Plan of Survey, prepared by J.D. Barnes Limited and dated July 20, 2007, and diagrams detailing the ground sign structure, prepared by Len Maile, Structural Engineer, dated June 21, 2011. This application package is provided in Attachment 1 to this report.

No further rationale nor compelling justification has been submitted in support of this amendment application. The Applicant has failed to provide information referencing the objectives which Chapter 694 strives to achieve, including but not limited to:

- Facilitating aesthetic improvements to the City;
- Complementing and enlivening the streetscape; and
- Achieving quality in the City's visual character and the public realm.



## **CONTACT**

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## **SIGNATURE**

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V. Ann Borooah,  
Chief Building Official and Executive Director, Toronto Building

## **ATTACHMENT**

1. Application Package