



## STAFF REPORT ACTION REQUIRED

### Proposed Area Specific Amendment to Chapter 694 With Respect to an Existing Third-Party Ground Sign at 4280-4290 Kingston Road

<b>Date:</b>	April 27, 2012
<b>To:</b>	Planning and Growth Management Committee
<b>From:</b>	Chief Building Official and Executive Director, Toronto Building
<b>Ward(s):</b>	Ward 43 – Scarborough East
<b>Reference Number:</b>	P:\2012\Cluster B\BLD\PG12010

#### SUMMARY

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This report reviews and makes recommendations on a request by Sid Catalano of Pattison Outdoor Advertising to amend Chapter 694, Signs, General, of the City of Toronto Municipal Code, to implement a site specific amendment for the premises municipally known as 4280-4290 Kingston Road. The intent of the proposal is to amend Chapter 694 to legalize an existing illuminated third party ground sign, at a height of 7.5 metres, containing two sign faces, each with static copy and each 6.10 metres wide by 3.05 metres long, in front of the building wall of the existing retail plaza located on the premises municipally known as 4280-4290 Kingston Road.

Staff recommends refusal of the application for this specific amendment as it fails to meet any of the provisions applicable to the premises respecting third party signs contained in Chapter 694, including:

- It is a class of sign and type of sign not permitted in the sign district;
- It contains "up-lit" illumination; and
- It adds to sign clutter on the premises on which it is located.

Furthermore, in accordance with the applicable in-force zoning regulations for the premises, third party ground signs are expressly not permitted; and, the sign, as erected and displayed, encroaches into two parking spaces.

## **RECOMMENDATIONS**

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

1. Refuse the request to amend Chapter 694, Signs, General, of the City of Toronto Municipal Code to allow for one illuminated third party ground sign, in addition to the signage permitted by Chapter 694, on the premises municipally known as 4280-4290 Kingston Road.

## **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>)

Bird-Friendly Development Guidelines

([http://www.toronto.ca/planning/environment/pdf/development\\_guidelines.pdf](http://www.toronto.ca/planning/environment/pdf/development_guidelines.pdf))

## **ISSUE BACKGROUND**

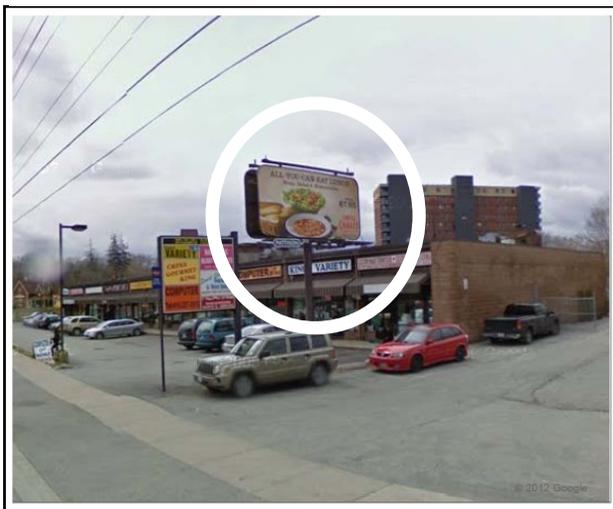
As part of the new sign regulations contained in Chapter 694, the City has introduced the ability for individuals to obtain site-specific amendments to properties. These amendments are intended to set out specific regulations for the location, arrangement, type and design of signs for a specific location or area. An amendment to Chapter 694 is required where the proposed sign is expressly prohibited; is of sign class or sign type that is not permitted in the sign district where the sign is proposed to be erected; or, where an applicant wishes to implement a Signage Master Plan on specific premises or within a defined area.

The subject sign is located in a C-Commercial sign district which only permits third party wall signs. The sign, as erected and displayed, is a third party ground sign. Third party ground signs are not permitted in C-Commercial sign districts because they are not compatible with the type of development in these districts; they visually impose on the public realm and can serve as a distraction to passing vehicles and pedestrians.

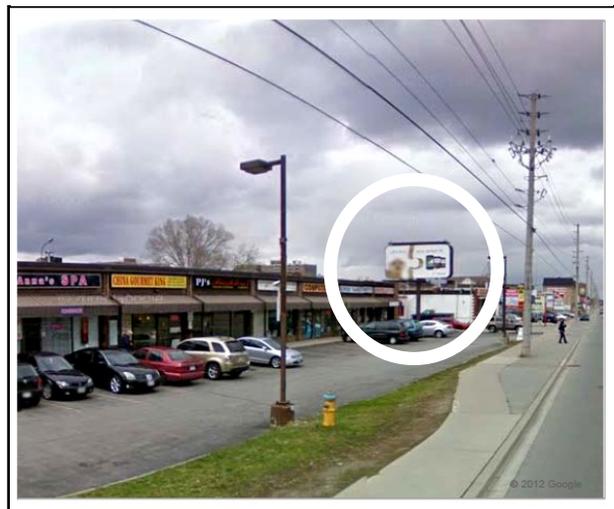
**FIGURE 1: SIGN DISTRICT MAP – 4280-4290 KINGSTON ROAD**



**FIGURE 2: VIEW FROM KINGSTON ROAD LOOKING SOUTH-WESTERLY**



**FIGURE 3: VIEW FROM KINGSTON ROAD LOOKING NORTH-EASTERLY**



## COMMENTS

### Signage History:

In January 2005 an application was made by Pattison Outdoor Advertising to erect and display one non-accessory (third party) ground sign at the premises municipally known as 4280-4290 Kingston Road, with the same attributes and in the same location as the existing sign that is the subject of this current amendment application. A permit was issued in May 2005. Inspections by Building Division staff were conducted in November 2005 and again in January 2006. Work had not commenced in respect of the issued permit and, as per the provisions contained in the *Building Code Act, 1992* and Chapter 363 of the City of Toronto Municipal Code (the Building Construction and Demolition By-law), the permit was revoked and subsequently cancelled. City records show that notice was sent by way of Registered Mail on March 7, 2006 to Pattison Outdoor and the property owner.

The Applicant alleges that no notice was provided and that the third party ground sign was erected and displayed in April 2006.

As a result of an investigation of the existing third party ground sign by Sign By-law Unit staff in December 2011, as part of a systematic and methodical review of all third party signs within the City, the City concluded that the sign was erected and displayed without the benefit of a permit. A Notice of Violation was issued to the property owner and Pattison Outdoor Advertising – the operator. In response to the Notice of Violation, and as provided by Chapter 694, the Applicant filed this amendment application.

### Sign Analysis:

The Applicant has provided no further rationale in support of the consistency of the sign with the objectives of Chapter 694.

### Current Provisions for Signs:

Only third party wall signs are permitted in C-Commercial and CR-Commercial Residential Sign Districts, as third party ground signs are not permitted in these sign districts. There are no performance standards applicable to these signs, specific to this district. Third party ground signs are, however, permitted in E-Employment sign districts and U-Utility sign districts, subject to a number of performance standards, including:

- No more than one such sign permitted on the premises;
- Not exceeding a height of 10.0 metres;
- Not erected within 30.0 metres of the intersection of a major street with any other street;
- Not located within 30.0 metres of any premises in an R-Residential, RA-Residential Apartment, or OS-Open Space sign district;
- Not erected within 100 metres of another third party sign; and
- Not located within any required building setback, as prescribed in the applicable Zoning By-law.

However, the sign is not compliant with Chapter 694 as it is proposed to continue to be "up-lit", which is not permitted by Chapter 694.

As well, the sign, in its current location, encroaches onto two parking spaces, restricting the minimum width of a parking space, as set out in the City-wide harmonized parking space dimensions, approved by City Council in April 2006. The third party ground sign impedes upon the retail operations occurring in two of the commercial units of the retail strip plaza on the subject premises.

In addition, non-accessory signs, such as the existing third party ground sign, are a use regulated by the former City of Scarborough Zoning By-law. Provisions in the respective Community and Employment Zoning By-laws in the former Scarborough, heavily restrict this use. The West Hill (west) Community Zoning By-law does not permit non-accessory ground signs and, as such, a site specific amendment to the Zoning By-law would also be required to allow for this third party ground sign.

#### Application Package:

In support of the amendment application to retain a third party ground sign at the subject premises municipally known as 4280-4290 Kingston Road, the applicant has provided the application package in Attachment 1 to this report.

## **CONTACT**

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## **SIGNATURE**

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

## **ATTACHMENTS**

1. Application Package