

Application Respecting One Third Party Ground Sign at 1 Atlantic Avenue

Date: March 7, 2017
To: Sign Variance Committee
From: Manager, Sign By-Law Unit, Toronto Building
Wards: Trinity-Spadina (19)

SUMMARY

Clear Channel Canada (the "Applicant") is seeking two variances from the Sign By-law to modify an existing third party ground sign (the "Proposed Sign") located along the southern property frontage of 1 Atlantic Avenue (the "Premises") which currently displays both static copy and mechanical (tri-vision) copy, facing the F.G. Gardiner Expressway. An image of the existing ground sign can be seen in Figure 1.

Figure 1: Proposed Third Party Ground Sign



It is the opinion of the Chief Building Official ("CBO") that the Applicant has not provided enough information to demonstrate that the Proposed Sign meets all of the nine criteria contained in §694-30A of the Sign By-law. Specifically, it has not been established that the Proposed Sign is of a sign type that is permitted in the sign district where the premises is located; it has not been established that the proposed sign is compatible with the development of the premises and the surrounding area; and, it has not been established that the Proposed Sign will not adversely affect adjacent premises.

RECOMMENDATIONS

The Manager, Sign By-law Unit, Toronto Building, recommends that:

1. The Sign Variance Committee refuse the two requested variances to §694-22D and §694-26I(1) → §694-25C for the Proposed Sign at the premises municipally known as 1 Atlantic Avenue, as described in Attachment 1 to this report.

Required Variances

Table 1: Summary of Requested Variances		
Section	Requirement	Proposal
§694-22D	A third party sign shall not be erected within 100.00 metres of any other lawful third party sign, whether erected or not.	The Proposed Sign is within 100.00 metres of multiple third party signs.
§694-26I(1) → §694-25C	In the GG-SSD, specifically at lands designated as "C", only a third party wall sign, third party topiary sign or third party electronic wall sign is permitted.	The Proposed Sign is a third party ground sign.

Sign Attributes

The proposal seeks variances to the third party sign regulations in the GG-SSD to modify the existing third party ground sign, currently at a height of approximately 30 metres, containing two sign faces in an over-and-under configuration, each sign face facing in a south-easterly direction, towards the F.G. Gardiner Expressway, the upper sign face with a horizontal dimension of 18.30 metres and a vertical dimension of 6.10 metres and displaying static copy; the lower sign face with a horizontal dimension of 18.30 metres and a vertical dimension of 7.32 metres and displaying mechanical (tri-vision) copy. As proposed, the third party ground sign would be oriented in the same direction, contain one sign face with a horizontal dimension of 18.30 metres and a vertical dimension of 13.41 metres, displaying static copy. Effectively, merging the two sign faces into one.

Site Context and Sign District Designation

The Proposed Sign is located in Ward 19 (Trinity-Spadina) along the southern property frontage of 1 Atlantic Avenue, facing the F.G. Gardiner Expressway.

Figure 2 : Map Excerpt - Sign Districts



As shown in Figure 2, the Premises are located in the GG-SSD, specifically in lands designated as a C-Commercial Sign District, facing the F.G. Gardiner Expressway. Located in Liberty Village, the adjacent Open Space Sign District contains a high-rise residential condominium building known as "Liberty Market Lofts" within close proximity of the ground sign.

Criteria Established by §694-30A of Chapter 694

The Sign By-law contains specific criteria used to evaluate variance applications. Specifically, §694-30A states that a variance may only be granted where it is established that the Proposed Sign meets all of the nine established criteria.

While the Applicant has established that some of the nine criteria have been met, the CBO believes three mandatory criteria have not been satisfied.

Section/Criteria Description: §694-30A(1): The proposed sign belongs to a sign class permitted in the sign district

Staff are of the opinion that this criteria has been established.

Section/Criteria Description: §694-30A(2): In the case of a third party sign, the proposed sign is of a sign type permitted in the sign district

Staff are of the opinion that this criteria has not been established.

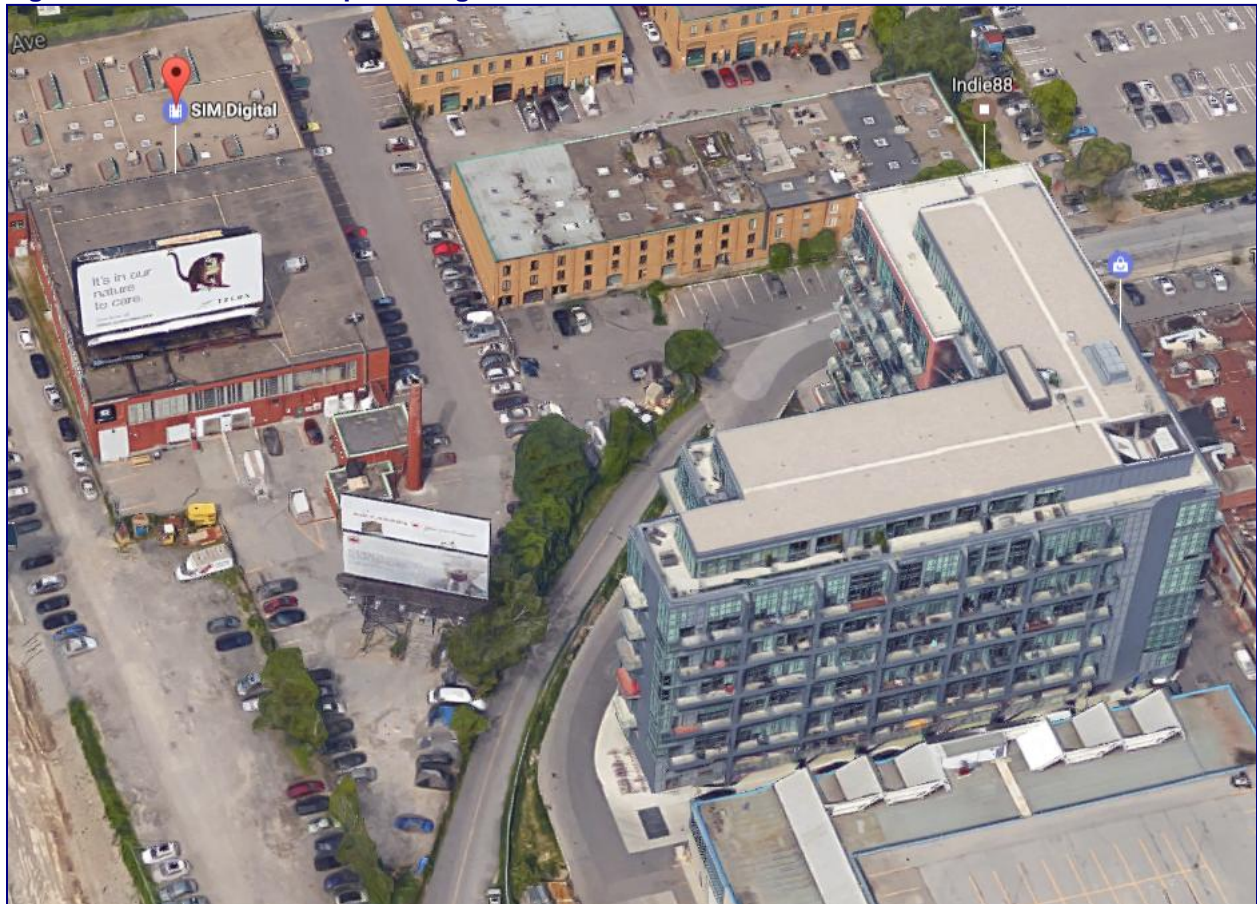
The Sign By Law only provides for 18 sign types, as articulated in §694-4B, and from the 18 defined sign types, the only third party sign types permitted in a C-Commercial Sign District are wall signs, topiary signs and electronic wall signs. The Proposed Sign being a third party **ground sign** located within the GG-SSD, specifically in lands designated as Commercial, is therefore not one of the three permitted sign types.

Section/Criteria Description: §694-30A(3): The proposed sign is compatible with the development of the premises and surrounding area

The Applicant has not provided sufficient information to establish that the Proposed Sign is compatible with the development of the premises and surrounding area.

The Proposed Sign is incompatible with the surrounding area, in part, because of its proximity to sensitive land uses, namely residential. The proposed sign structure is visible from the established high-rise residential community known as "Liberty Market Lofts" located at 5 Hanna Avenue seen in Figure 3.

Figure 3 : Arial View of Proposed Sign



It is important to note that in the GG-SSD the two sign districts where third party ground signs are a permitted sign type (Employment and Utility Sign Districts), ground signs must not be erected within 30 metres of any premises located, in whole or in part, in a Residential, Residential Apartment or Open Space Sign District. The existing

ground sign is currently approximately 20 metres from the Liberty Market Lofts on the adjacent property located in an Open Space Sign District.

The Applicant should not rely on the historical approval granted to justify the current proposal. The area and neighbourhood has changed significantly with the City of Toronto investing heavily in the revitalization of the surrounding area, namely, Liberty Village. In contrast to when the original sign structure was granted approval, there are now many sensitive land uses such as multi-unit residential buildings in close proximity to the existing sign.

Section/Criteria Description: §694-30A(4): The proposed sign supports Official Plan objectives for the property and surrounding area

Staff are of the opinion that the Applicant has satisfied this criteria.

The subject premise is designated as an Employment Area in the Official Plan. Employment Areas are places of business and economic activity. The Applicant's rationale is provided at Attachment 2 of this report.

Section/Criteria Description: §694-30 A(5): The proposed sign does not adversely affect adjacent premises

Staff are of the opinion that the Applicant has not satisfied this criteria.

In the sign districts where third party ground signs are permitted, the Sign By-Law requires a minimum 30 metres separation from any premises located, in whole or in part, in an R, RA or OS Sign District from a ground sign. The existing sign is approximately 20 metres from the outermost portion of the Liberty Market Lofts. Due to the close proximity of the sign to the condominium building, Staff are of the opinion that the adjacent premises may be adversely affected by the Proposed Sign.

Section/Criteria Description: §694-30 A(6): The proposed sign does not adversely affect public safety, including traffic and pedestrian safety

Staff are of the opinion that the Applicant has satisfied this criteria.

The Proposed Sign has been designed in a manner consistent with and as regulated by the Ontario Building Code; there appears to be no concerns respecting any adverse effects to public safety.

Section/Criteria Description: §694-30A(7): The proposed sign is not a sign prohibited by §694-15B

Staff are of the opinion that the Applicant has established this criteria. The Applicant's submission materials establish sufficient information to confirm that the Proposed Sign is not a sign that is prohibited by the Sign By-Law.

Section/Criteria Description: §694-30A(8): The proposed sign does not alter the character of the premises or surrounding area

Staff are of the opinion that the Applicant has satisfied this criteria.

Section/Criteria Description: §694-30 A(9): The proposed sign is not contrary to the public interest

Staff have not received any communications from the public or from the local Councillor in regards to the Applicant's proposal. Staff are of the opinion that this criteria has been established.

Conclusion

After reviewing the materials submitted along with this application, it is the opinion of staff that the Applicant has not established that the nine criteria listed at §694-30A have all been met. As such, it is recommended that the Sign Variance Committee refuse to grant the variances requested by the Applicant required for the Proposed Sign.

CONTACT

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Robert Bader
Supervisor, Tax, Variance & Permits, Sign By-law Unit
E-mail: Robert.Bader@toronto.ca; Tel: 416-392-4113

SIGNATURE

Ted Van Vliet,
Manager, Sign By-law Unit

ATTACHMENTS

Attachment 1 – Description of Sign and Required Variances
Attachment 2 – Applicant's Submission Package

ATTACHMENT 1: DESCRIPTION OF SIGN AND REQUIRED VARIANCES

Sign Description

To modify an existing third party ground sign which displays static copy, located along the southern property frontage of 1 Atlantic Avenue, facing the F.G. Gardiner Expressway and containing one sign face described as follow:

- in the form of a single sign face in the shape of a rectangle;
- having a horizontal measurement of 18.29 metres;
- having a vertical measurement of 13.41metres;
- having a height of approximately 30.00 metres;
- displaying static copy;
- illuminated; and
- oriented in a south-easterly direction

Required Variances:

(1) The requirement contained at §694-22D, which states that a third party sign shall not be erected within 100.00 metres of any other lawful third party sign whether erected or not.

(2) The requirement contained at §694-26I(1) → §694-25C which states that within the GG-SSD a Commercial Sign District may only contain a third party wall sign, third party topiary sign and a third party electronic wall sign.

ATTACHMENT 2: APPLICANT'S SUBMISSION PACKAGE



Applications Sign Variance

Folder No.	Date (yyyy-mm-dd)
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Project Information

Street No. 1	Street Name Atlantic Avenue	Lot No.	Plan No.
Describe the variance(s) being applied for: The board consists of a tri vision and single static. Want to replace the two boards with one board measuring the size of the two smaller boards. The new board will be static.			
If it is an application for a variance required for the modification or restoration of an existing sign, please provide the following:			
Existing Sign Dimensions top section 31"W x 11"H bottom section		Location 1 Atlantic Ave Toronto Ontario	
Please provide the reasons/justification for the request (Attach any supporting documentation or additional pages as required): See Attached			

Property Owner Information


First Name 65987 Ontario Ltd		Last Name	
Company Name (if applicable) One Atlantic Avenue Limited			Telephone No.
Street No. 1	Street Name Atlantic	Suite/Unit No.	Mobile No.
City/Town Toronto	Province Ontario	Postal Code	Fax No.
E-mail Address			

Attachment Required

- Sign Variance Data Sheet
- Copies of any supporting documents
- All necessary plan and specification required to verify the nature of the Sign By-law Variance(s) requested

Continue on next page

Applicant Information and Declaration

First Name Paul		Last Name Seaman	
Company Name Clear Channel Canada			Telephone No. (416) 468-0800
Street No. of 250	Street Name Yonge st	Suite/Unit No. 1901	Mobile No.
City/Town Toronto	Province Ontario	Postal Code M5B 2L7	Fax No.
E-mail Address PAULSEAMAN@CLEARCHANNEL.COM			
Do hereby declare the following:			
<ul style="list-style-type: none"> • That I am <input type="checkbox"/> the Property Owner as stated above <li style="padding-left: 40px;"><input checked="" type="checkbox"/> the owner's authorized agent. <li style="padding-left: 40px;"><input type="checkbox"/> an officer/employee of _____, which is an authorized agent of the owner. <li style="padding-left: 40px;"><input type="checkbox"/> an officer/employee of _____, which is the Property Owner's authorized agent. • That statements contained in this application are true and made with full knowledge of all relevant matters and of the circumstances connected with this application. • That the plans and specifications submitted are prepared for the sign variance(s) described and are submitted in compliance with copyright law • That the information included in this application and in the documents filed with this application is correct. 			
 Signature		PAUL SEAMAN Print Name	2016/11/30 Date (yyyy-mm-dd)

Continue on next page

The personal information on this form is collected under the City of Toronto Act, 2006, s. 138(e) and Chapter 694, Signs, General, of the City of Toronto Municipal Code. The information collected will be used for processing applications and creating aggregate statistical reports, for enforcement of the City of Toronto Municipal Code Chapter 694, Signs, General, Chapter 771, Taxation, Third Party Sign Tax, and any other applicable sign by-law of the City of Toronto, and for contacting permit holder(s) or authorized agent(s). Questions about this collection may be referred to the Manager, Sign Ry-Jaw Unit, Toronto Building, 100 Queen Street West, Ground Floor, East Tower, Toronto, M5H 2N2 416-392-4235.

Data Sheet
Sign Variance

Folder no.	Request Date (yyyy-mm-dd)
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This data sheet forms part of an application for a Variance From Chapter 694 of the Toronto Municipal Code, Signs

Project Information

Street No. 1 (One)	Street Name Atlantic Ave	Lot No.	Plan No.
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Site and Building Data

Lot Area	Lot Frontage	Lot Depth
No. of Building(s) on the lot	Date of Construction of Building(s) if known (yyyy-mm-dd)	
Building Height(s)	No. of Storeys	Building(s) Gross Floor Area
Building Uses(s)		

Site Context

Please describe the land uses, buildings and sign districts surrounding the proposal (use additional pages if necessary)

North	EMPLOYMENT AREA
South	GARDINER EXPRESSWAY
East	EMPLOYMENT AREA
West	UTILITY

Proposal

Please describe in detail what is being proposed (use additional pages if necessary)

One Atlantic is a large two section billboard.

Top section:
 Mechanical size: 62"W x 22"H
 Visual Opening: 60"W x 20"H
 Type Safety 58"W x 18"H

Bottom Section:
 Mechanical size: 59.8 7/16 "W x 24.6"H
 Visual Opening: 58"W x 23"H
 Type Safety 57"w x 22"H

There is a 1.57" horizontal gap in the middle of the bottom board. Top and bottom sections are of equal height.

Clear Channel wants to replace both sections with one large static vinyl board (62"W x 46.6"H)

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14-0043 2013-07

Rationale

Decisions for all Sign Variance Applications are evaluated against criteria listed in Toronto Municipal Code Chapter 694-30 A. A Variance may be granted where it is demonstrated that the proposed sign(s):

- Belong to a sign class permitted in the sign district where the premises is located
- In the case of a third party sign, be of a sign type that is permitted in the sign district, where the premises is located
- Be compatible with the development of the premises and surrounding area
- Support the Official Plan objectives for the subject premises and surrounding area
- Not adversely affect adjacent premises
- Not adversely affect public safety
- Not be a sign prohibited by Toronto Municipal Code Chapter 694-15B
- Not alter the character of the premises or surrounding area
- Not be, in the opinion of the decision maker, contrary to the public interest

Please describe in detail how the proposal satisfies each of the criteria listed above (use additional pages if necessary)

One Atlantic Variance Questions

The Property is within the Gardiner Gateway Special Sign District and is zoned. E-Employment area.

The Variance we are seeking pertains to changing a tri-vision and a single static. The Clear Channel Variance we are seeking pertains to changing two boards to one single board 62"W x 46"H (same size).

A sign face are not to exceed 50 Square metres

The Sign Face area of the existing sign to be converted is **49.04 square metres**

Variance Questions:

1) Belong to a sign class permitted in the sign district where the premises is located.

The subject property is located within the Gardiner Gateway Special Sign District and is a sign Classification which is permitted E- Employment area land use designation.

2) In the case of a third party sign, be of a sign type that is permitted in the sign district, where the premises is located:

Yes- the sign is permitted as the area is already permitted for third party use.

The Property faces the Gardiner expressway, and is located between Hannah Avenue and Jefferson Avenue. The majority of the properties in the area beginning with Dufferin street to the west and moving eastward are two storey light industrial buildings.

The only residential component in the area would be those recent residential developments located in and around Liberty village located eastward toward Hannah Avenue. Therefore the subject property is consistent with the other properties in the vicinity.

3) Be compatible with the development of the premises and surrounding area.

Yes- the variance application will be compatible with exiting signs displaying third party static vinyl copy.

Given the current surrounding area in terms of the lands, the building or existing signage, our Existing situation with the existing signs/ or our proposal to convert sign structures would be compatible and at the same time would help in reducing the number of sign structures in the Gardiner Gateway. The proposal would result in the conversion of two signs third party to one sign of third party status.

4) Support the official Plan objectives for the subject premises and surrounding area

Yes – this application will support official plan objectives. The areas east and west are designated E-Employment areas as well as North. Directly south is the Gardiner Expressway and a regeneration area.

5) Not adversely affect adjacent premises

The proposed conversion of the sign at 1 Atlantic will not alter the character of the area;
Rather this proposal will be in keeping with the recent decisions made at both the Sign Variance and Planning & Growth committees, which have resulted in an overall reduction. The sign structure will remain the same.

6) Will not adversely affect public safety

Our proposal will not adversely affect public safety as we are dealing with an existing situation
And simply making modifications to the sign structure which will remain.

7) Not be a sign prohibited by Toronto Municipal Code Chapter 694-15B

The sign will operate in accordance with all illumination provisions contained in Chapter 694-15B
The Proposed sign will contain vinyl copy only which is allowable type pursuant to chapter 694 in E-Employment sign districts.

The property at One Atlantic Avenue for the purposes of the City Sign by-law is zoned E-Employment area.

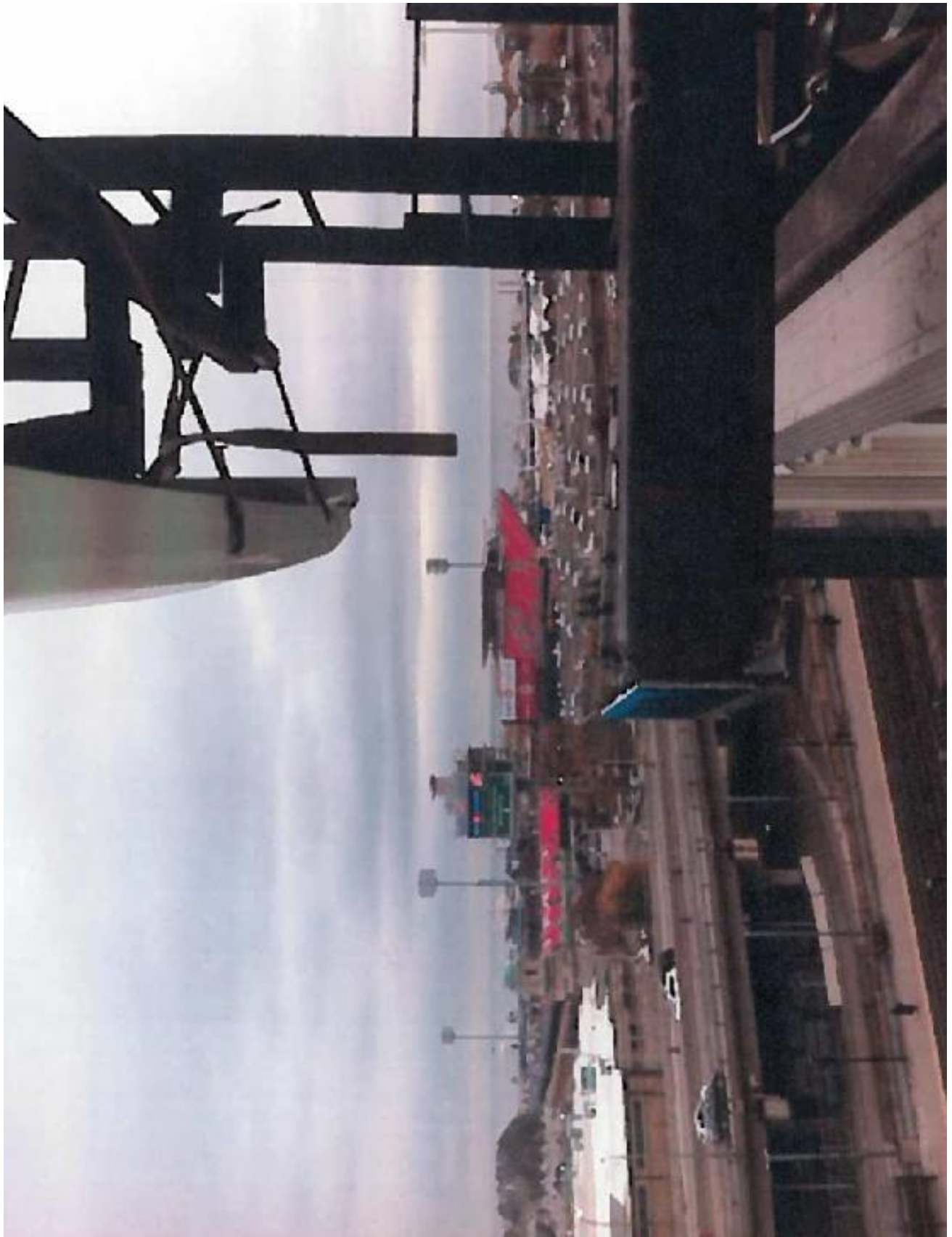
For the Gardiner Gateway Special Sign District which permits third party ground signs for both Vinyl and digital electronic static copy.

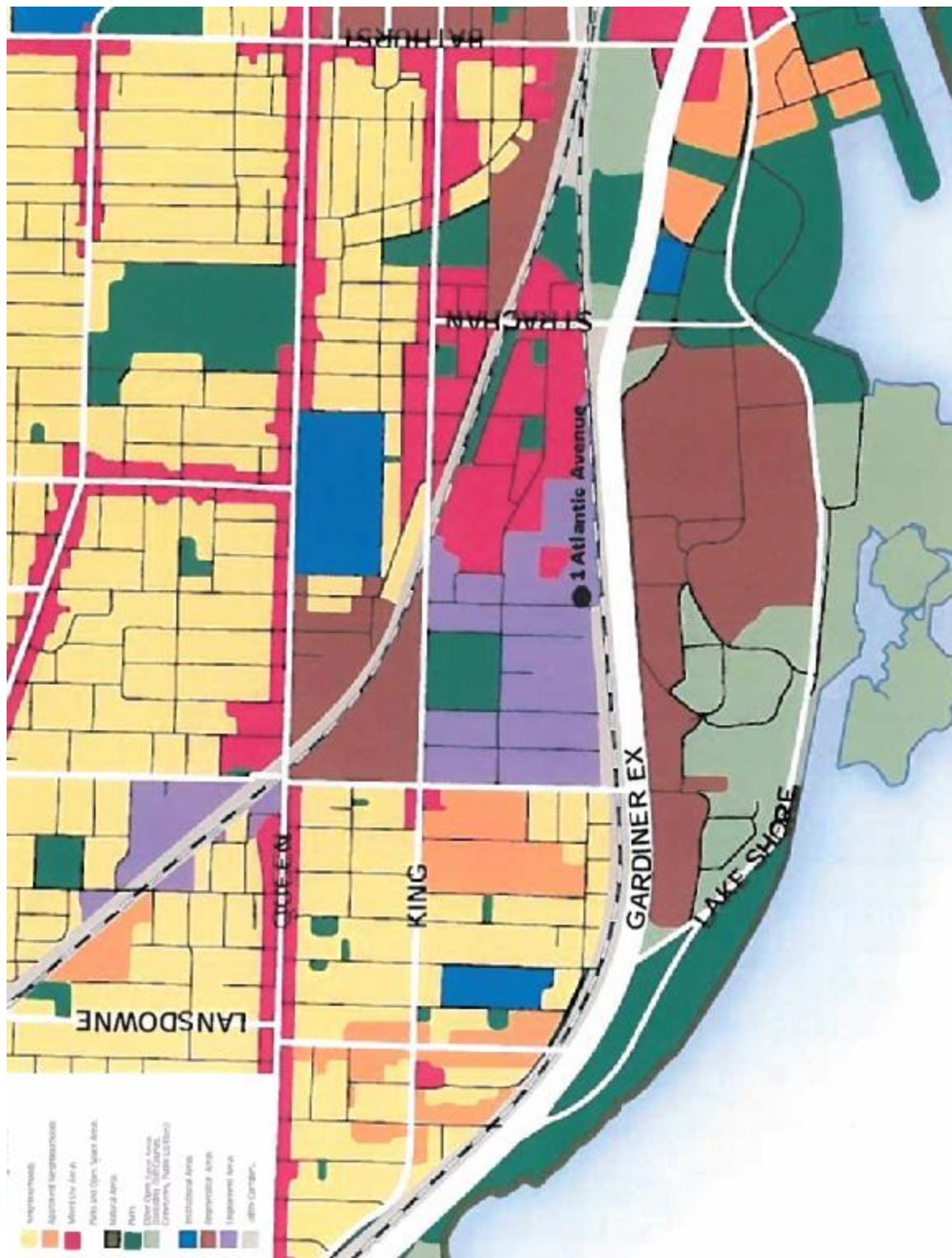
8) Not Alter the character of the premises or surrounding area

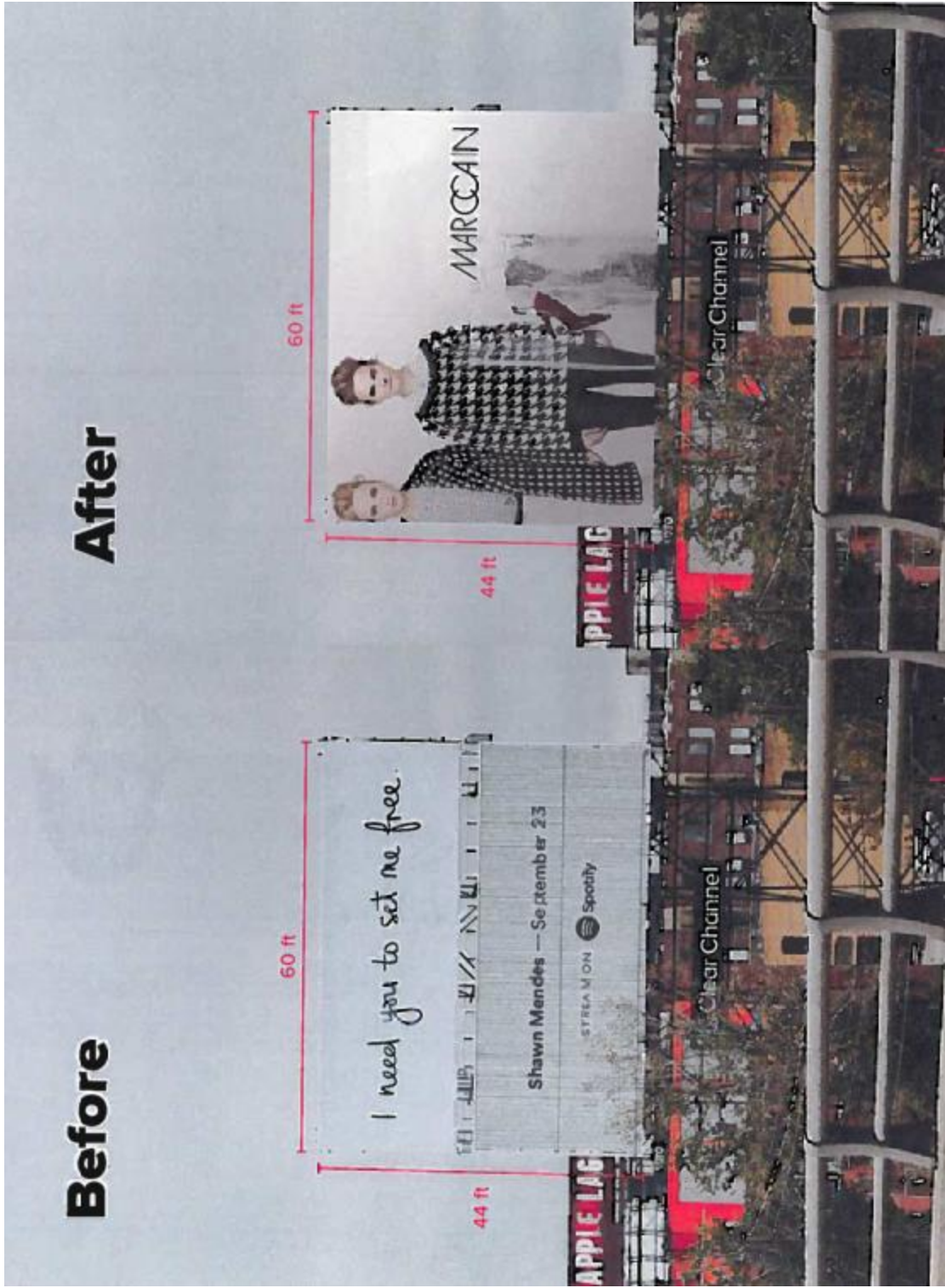
This variance is for an existing sign and does not alter the character of the premises or surrounding area.

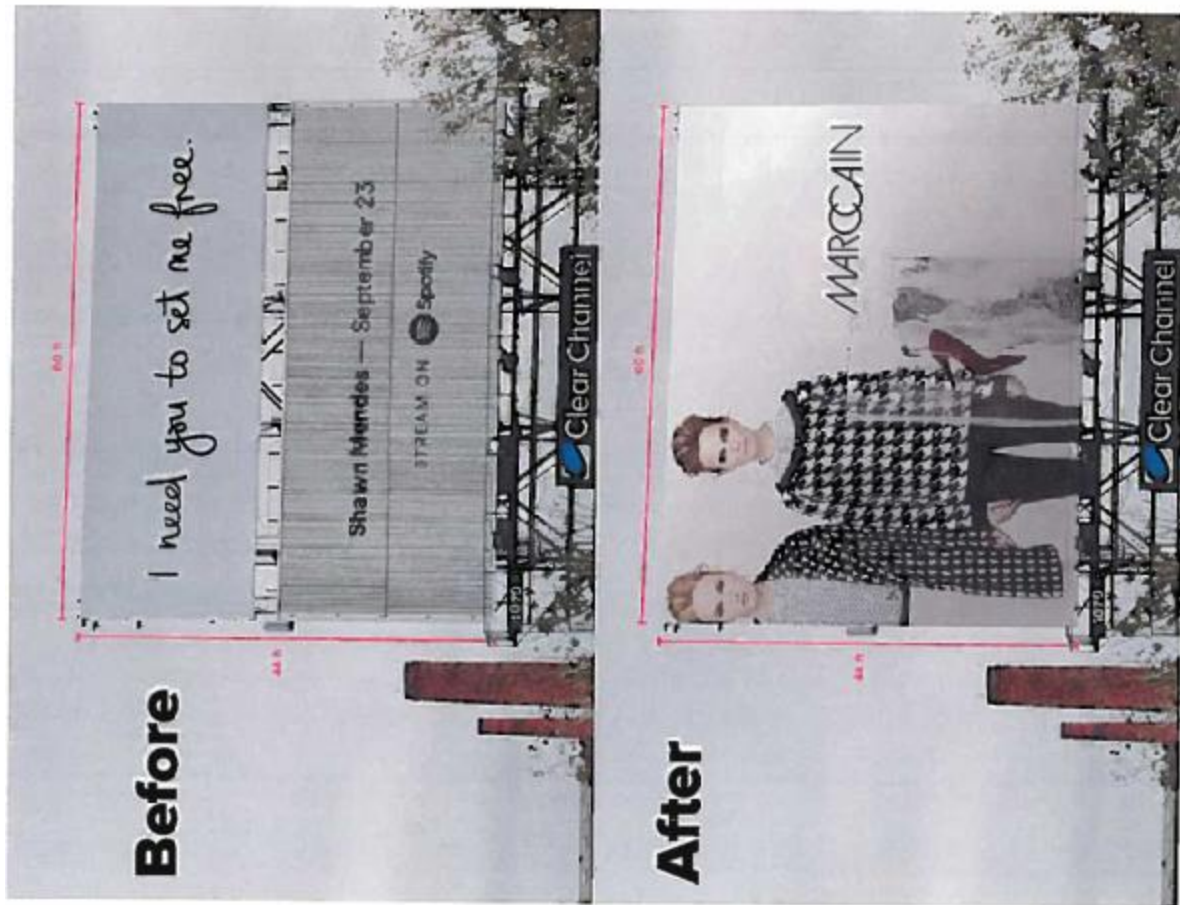
9) In the opinion of the decision maker, not contrary to the public interest

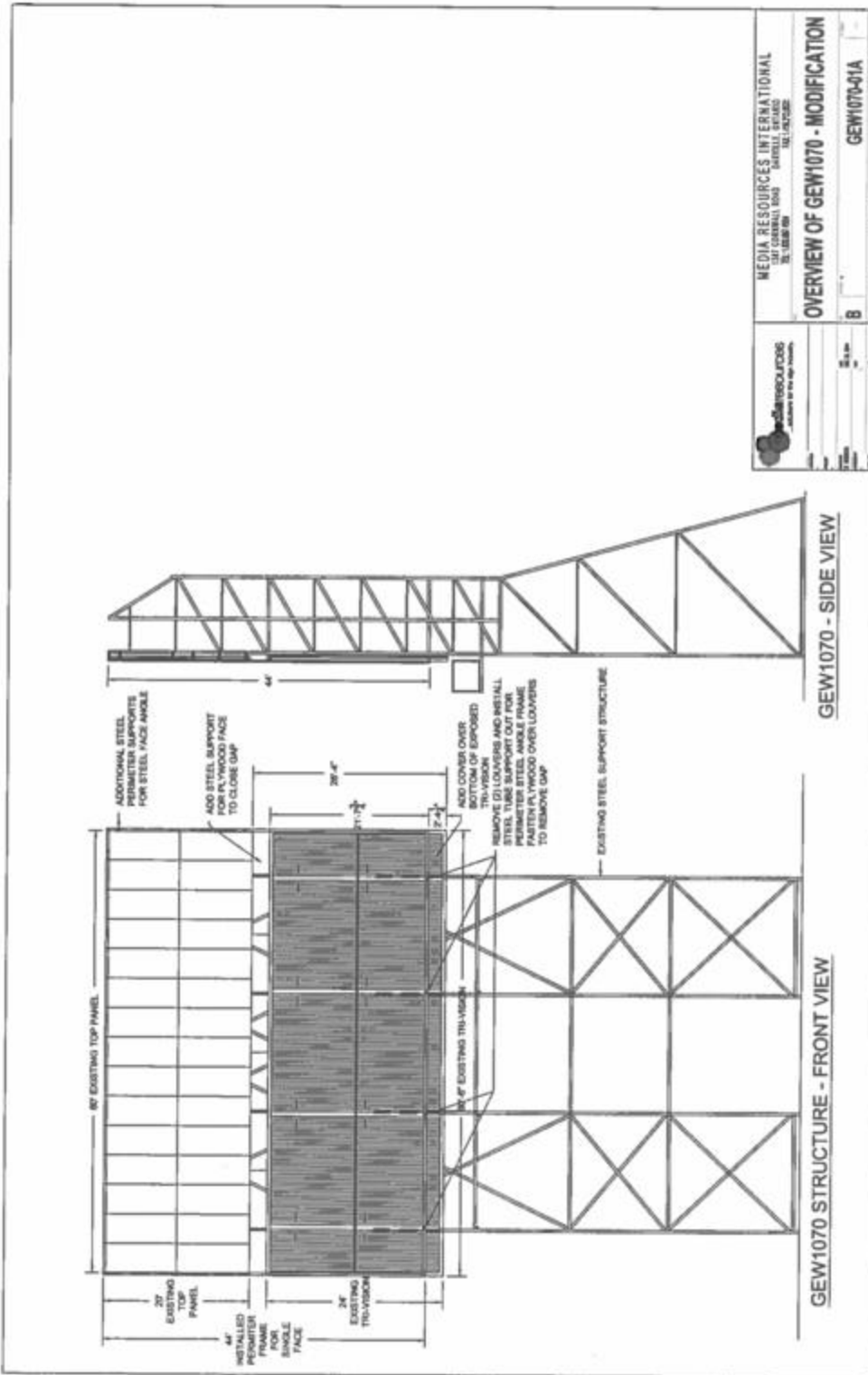
The Sign is located in the E – employment area and currently consists of a tri vision and single static. By replacing with one static board we decrease the sound issues of a tri vision and provide a cleaner unified look.











MEDIA RESOURCES INTERNATIONAL
 1000 SHEPPARD AVENUE EAST
 SUITE 1000
 SCARBOROUGH, ONTARIO M1B 2Y4
 TEL: (416) 291-1111

OVERVIEW OF GEW1070 - MODIFICATION

Scale: 1/8" = 1'-0"

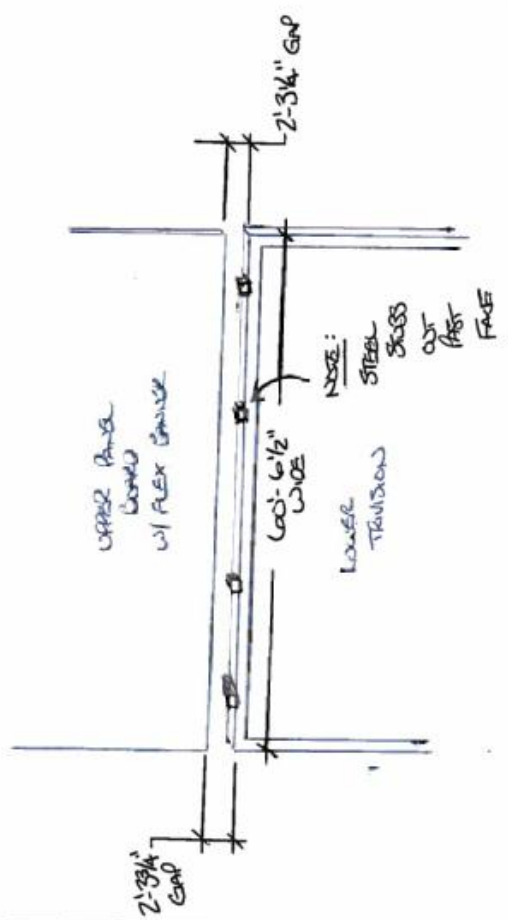
Project: GEW1070-01A

Sheet: 8 of 8

Date: 07/11/21

SURVEYOR: P. HUBSON
 DATE: NOV 6 2014
 WO#: 10289-15

CLIENT: CLEAR CHANNEL
 PROJECT: GELJ1070
 LOCATION: GRANBYE BRIDGE OVERWAD TO



GELJ1070





1/26/2016

1 Atlantic Ave - Google Maps

Google Maps 1 Atlantic Ave



Imagery ©2016 Google, Map data ©2016 Google 20 m



[https://www.google.ca/maps/place/1+Atlantic+Ave,+Toronto,+ON+M6K+3E7/@43.6366371,-79.416471,208m/data=!1m1e1!1s0x882b3004228ec3c0c15:0x82b3004228ec3c0c15:3043.63663714-79.416288](https://www.google.ca/maps/place/1+Atlantic+Ave,+Toronto,+ON+M6K+3E7/@43.6366371,-79.416471,208m/data=!1m1e1!1m1e1!1s0x882b3004228ec3c0c15:0x82b3004228ec3c0c15:3043.63663714-79.416288)

11/29/2016

1 Atlantic Ave - Google Maps

Google Maps 1 Atlantic Ave



Imagery ©2016 Google, Map data ©2015 Google 5 m



<https://www.google.ca/maps/place/1+Atlantic+Ave,+Toronto,+ON+M6K+3E7/@43.6366311,-79.4184718,6m/data=!3m1!1e3!1m5!1m4!1s0x882635042726ac3b7d:1596d2c37d3e9d698m:215443.636631143,636631143,636631143,636631143,636631143>