



**STAFF REPORT
ACTION REQUIRED**

**Amendments to Chapter 694, Signs, General, with
Respect to a Sign for New Developments located on the
Railway Bridge Spanning Yonge Street South of Front
Street**

Date:	December 14, 2011
To:	Planning and Growth Management Committee
From:	Chief Building Official and Executive Director, Toronto Building
Ward(s):	Ward 28 – Toronto Centre-Rosedale
Reference Number:	P:\2011\Cluster B\BLD\PG11022

SUMMARY

This report reviews and makes recommendations on a request by Patrick Harrington, of Aird & Berlis LLP, made on behalf of Ferncastle (Esplanade) Inc., to obtain an amendment to Chapter 694, Signs, General, of the City of Toronto Municipal Code. The request is to obtain a site specific amendment which would permit the display of an existing illuminated sign. The sign has been erected and displayed on a railway bridge, without obtaining a permit for the erection or display of the sign.

The existing sign is displayed on a railway bridge, above Yonge Street, south of Front Street. The illuminated sign contains one sign face, facing northerly, 29.0 metres in width, and 2.65 metres in height, for a total sign face area of 76.85 square metres. The illuminated sign has been erected for the purposes of advertising the sales and marketing of the "L" Tower – a mixed-use development consisting of an expansion of the Sony Centre cultural facility and the addition of a 57-storey residential tower located at the southwest corner of the premises municipally known as 1 Front Street East and for the purposes of advertising the sales and marketing of the 36-storey, 273-unit mixed-use residential condominium development currently under construction on the premises municipally known as 5-7 The Esplanade.

This report recommends refusal of the requested site specific amendment to Chapter 694, Signs, General, of the City of Toronto Municipal Code as the proposed sign is not consistent with the prohibitions respecting signs, specifically the prohibition of erecting and displaying a sign on a bridge. The application also fails to comply with the goals and

objectives of the regulatory by-law including improving and enhancing the public realm, through complementary and aesthetically integrated signage.

RECOMMENDATIONS

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

1. The request to amend Chapter 694, Signs, General, of the City of Toronto Municipal Code to allow for an illuminated sign on a railway bridge, spanning Yonge Street, south of Front Street, 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>)

Final Report - Rezoning Application - 1 Front Street East, 5-7 The Esplanade

(<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2008.TE15.6>)

Final Report - Part of 5-7 The Esplanade - Official Plan and Rezoning Applications

(<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2010.TE36.21>)

Amendments to Chapter 694, Signs, General with respect to Signs for New Developments

(<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2011.PG8.4>)

ISSUE BACKGROUND

Chapter 694, Signs, General was introduced to create a single by-law to regulate permanent signs within the City, to replace the inconsistent standards for signage established by the various sign by-laws of the seven pre-amalgamation area municipalities.

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.

§694-15B(4) of Chapter 694 expressly prohibits a sign erected on a vehicular, railway or pedestrian bridge. The applicant proposes to amend Chapter 694 to allow for an illuminated sign, erected and displayed for the purposes of sales and marketing of two adjacent mixed-use residential condominium buildings on adjacent lands municipally known as 1 Front Street East (now known as 8 The Esplanade) and Part of 5-7 The Esplanade (now known as 1 The Esplanade), above Yonge Street, on a railway bridge.

COMMENTS

Site Context:

The area in and around the location of the subject sign has recently become the focus of development and redevelopment efforts, most notably, with the Sony Centre expansion and proposed construction of a new 57-storey residential condominium known as the "L" Tower at 1 Front Street East and what is now known as 8 The Esplanade. Immediately east, across Scott Street, is 40 The Esplanade, a recently completed development consisting of a mixed-use building with retail at grade and two high rise residential condominium towers. To the south, across The Esplanade, is a recently approved 36-storey, 273-unit mixed-use residential condominium development to be constructed, municipally known as Part of 5-7 The Esplanade (now known as 1 The Esplanade). On the west side of Yonge Street, is a new GO Transit bus terminal and a Government of Canada office building, commonly known as the Dominion Building. North of the subject sign is Front Street and the Hockey Hall of Fame located within Brookfield (formerly BCE) Place on the west side of Yonge Street and 33 Yonge on the east side, a multi-storey office tower.

The Official Plan designation of the railway bridge is *Utility Corridor*. *Utility Corridors* are intended to be used for the transmission of energy and the movement of people and goods.

The subject sign is also located within *Downtown* and faces into the *Financial District*, as described in the Urban Structure Plan and in the Downtown and Central Waterfront Boundaries Plan of the Official Plan (Maps 2 & 6 - http://www.toronto.ca/planning/official_plan/pdf_chapter1-5/chapters1_5_dec2010.pdf).

The Official Plan policies respecting *Downtown* are to:

- Invest in the *Downtown* environment to maintain and improve the public realm, especially linkages among *Downtown* streets, parks and accessible open spaces;
- Improve the quality of the *Downtown* by developing programs and activities to maintain and upgrade public amenities and infrastructure; and

- Preserve the architectural and cultural heritage of *Downtown* by designating buildings, districts and open spaces that are of heritage significance.

The *Financial District* is Canada's premier business office centre where commercial activity is most intense and where there is the largest concentration of architecturally-significant landmark buildings. The policies of the Official Plan include the continued focus on the *Financial District* as the prime location for the development of prestige commercial office buildings and landmark buildings that shape the skyline.

Current Provisions for Signs:

In and around December 21, 2010, Sign By-law Unit staff investigated the subject sign and issued a Notice of Violation for a sign erected and displayed without the benefit of a sign permit. Following receipt of the Notice of Violation, and subsequent correspondence, the applicant arranged a meeting with City staff to discuss options available to lawfully erect and display the subject sign. The applicant suggested that the subject sign was outside of the jurisdiction of Chapter 694 and further stated that the sign was a "new development sign" as provided for in Chapter 693. Under Chapter 693, a "new development sign" is a *transportable* sign capable of being positioned on a street corner (or at street intersections) at the commencement of a weekend and being picked up and carried away at the end of a weekend. The subject sign is not capable of being transported on a weekly basis as it is permanently affixed to a railway bridge. Furthermore, as provided for in the provisions and regulations for "new development signs", the sign face area of a new development sign shall not exceed 1.5 square metres (16 square feet) nor exceed a height of 1.2 metres (4 feet). The subject sign, with a total sign face area of 76.85 square metres and an overall height from grade in excess of 10 metres, substantially exceeds both the maximum sign face area and height provisions pertaining to "new development signs" in Chapter 693.

The railway bridge on which the sign is located is within a U-Utility sign district. An excerpt of Schedule 'A' of Chapter 694, describing the sign district of the subject and adjacent premises is provided in Attachment 1 to this report. Ground and wall signs are permitted to be erected and displayed in a U-Utility sign district, subject to provisions which control attributes like location, size and height. However, over-riding and fundamental by-law requirements, such as prohibited signs, prevail over these district specific provisions and, accordingly, the proposed sign located on the railway bridge is prohibited which is why staff recommend refusal of the amendment application.

Signs are prohibited on bridges, including railway bridges, for a variety of reasons including:

- The potential to distract drivers and affect road safety as the sign would likely be located immediately in a driver's field of vision;
- Bridges generally traverse the public right-of-way, which is intended for uses other than displaying signs and which is controlled by the Transportation Services Division of the City; and

- The effect on the visual environment, whereby large-format signs and advertising devices are placed in an incompatible and unsuitable location.

As well, the proposed sign is intended to be up-lit. With respect to the illumination of signs within the jurisdiction of Chapter 694, §694-18 requires that any sign which is illuminated shall not be up-lit. Up-lighting of signs has potentially damaging effects for migratory birds and protecting the night sky.

While this amendment application was under review, City Council considered Item PG8.4 which introduced new provisions to Chapter 694 for signage associated with the sales and marketing of new developments within the City. Item PG8.4 was adopted by Council on October 24, 2011. The development industry association, the Building Industry and Land Development Association (BILD), contributed to inform staff in the Sign By-law Unit of the importance of these types of signs in advertising and promoting new developments and regulations in respect of these types of signs were substantially relaxed, including broader permission for wall signs, ground signs and projecting signs. There was no permission nor were there new regulations for signs associated with the sales and marketing of new developments with respect to prohibited signs. All types of signs erected on a railway bridge are prohibited, whether erected for the purposes of sales and marketing, identification, advertising or otherwise.

Transportation Services:

The Traffic Safety Section of Transportation Services was consulted with respect to the proposed amendment and the following comments were received from the General Manager:

One of Transportation Services' main objectives with respect to Chapter 694, Signs, General, is to maintain public safety, by commenting on signs which may cause distractions among road users from their driving, cycling and walking tasks, thereby increasing the risk of collision and injury. It has been well documented that road user distraction is a significant contributing element of traffic collisions. Consequently, it was recommended that signs and advertising devices visible to road users require approval of Transportation Services, as a part of the sign permitting and approval process.

§694-17 of Chapter 694 provides the General Manager, Transportation Services the authority to approve signs located in or projecting over a public right-of-way. In this case, the sign is displayed across the entire railway bridge above the Yonge Street right-of-way. The road elevation at this bridge location is much lower than the road elevation at Yonge and Front Streets intersection. As a result, the proposed sign is directly in the view of southbound drivers on Yonge Street at the Front and Yonge Streets intersection and directly adjacent to the traffic control signal indications which are intended to provide right of way information to

these motorists. In addition, the sign is significantly larger than the regulation size traffic control signal indications and as such "overpower" the presence of these signal indications. The General Manager, Transportation Services is concerned with the potential distraction which could substantially decrease traffic safety for the road users.

Heritage Preservation Services:

The railway bridge on which the subject sign has been erected and displayed is located within the Union Station Heritage Conservation District (Refer to Attachment 2). In consideration of this circumstance, staff from Heritage Preservation Services, City Planning, was consulted with respect to the proposed amendment and the following comments were received:

The signage installed on the railway bridge over Yonge Street falls within the Union Station Heritage Conservation District.

The Union Station Heritage Conservation District was enacted by City Council on July 27, 2006 through By-law 634-2006.

A Conservation District protects not only buildings but the collection of spaces formed by those buildings. The subject sign has the result of compromising the appreciation of the specific features (the railway bridge over Yonge Street) as well as the adjacent buildings (the Dominion Building).

In this case, the sales and marketing sign overlays a strong graphic within the Heritage Conservation District with the further distraction of the light source at night.

Heritage Preservation Services would not support the required by-law amendment application and the negative impact that it introduces within the district.

Plans and Renderings:

In support of the amendment application, to provide for a sign atop a railway bridge, spanning the entire bridge above Yonge Street, and for the purposes of sales and marketing of new developments, the applicant has provided a rationale along with a series of plans, renderings and as-built photographs describing the sign in the context of the immediate area. These plans, renderings and as-built photographs are provided in Attachment 3 to this report.

CONCLUSION

It is recommended that the proposed amendment to Chapter 694, Signs, General, of the City of Toronto Municipal Code be refused. The proposed sign is to be located on a railway bridge contrary to the regulations of Chapter 694 and the proposed sign is not subject to the jurisdiction of Chapter 693, with respect to "new development signs" regulated by that Chapter. Furthermore, the proposed sign is within the Union Station Heritage Conservation District and the orientation and placement of the proposed sign poses a risk to road users on and around Yonge Street and Front Street.

CONTACT

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SIGNATURE

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ATTACHMENTS:

1. Excerpt – Sign District Map
2. Union Station Heritage Conservation District Boundary Map
3. Applicant's Submitted Drawings