



STAFF REPORT ACTION REQUIRED

Application by Core Outdoor for Three Variances with Respect to a Third Party Sign on the Premises Municipally Known as 0 Toronto Terminal - Application to Consider

Date:	December 16, 2011
To:	Toronto and East York Community Council
From:	Chief Building Official and Executive Director, Toronto Building
Wards:	Ward 14 – Parkdale-High Park
Reference Number:	P:\2011\Cluster B\BLD\TE11022

SUMMARY

City Council, at its meeting of February 23, 2010 enacted Chapter 694, Signs, General, of the City of Toronto Municipal Code, which established the Sign Variance Committee and under the authority of Section 21(1) of the *City of Toronto Act, 2006*, delegated the authority to hear and decide on applications respecting variances for third party signs. The Sign Variance Committee sits as a quasi-judicial body and conducts fair and impartial hearings in accordance with its own adopted Rules of Procedure By-law and in accordance with the *Statutory Powers Procedure Act* and The Code of Conduct for Members of Adjudicative Boards, City of Toronto.

Subsection 694-30R(2), establishes that a decision of the Sign Variance Committee to grant a variance or to grant a variance with conditions, will be final and binding 21 days after the date the decision is issued unless an application to reconsider is filed by the ward councillor in accordance with subsection 694-30S. If an application to consider is made by the local ward councillor, the application for a variance is required to be heard and considered by the respective Community Council for recommendation to City Council for final decision.

Under subsection 694-30T, upon receiving an application to consider from a ward councillor pursuant to Subsection 694-30S, the Chief Building Official shall report as necessary to the next available meeting of the Community Council for the geographical area containing the premises where the sign is proposed to be erected or displayed which will hear and consider the application for variance and make recommendations to

Council for final decision. This report from the Chief Building Official provides the original third party sign variance application, made by the applicant, the subsequent decision made by the Sign Variance Committee, (granting three separate variances from Chapter 694, with respect to a proposal to replace one existing third party ground sign, containing two sign faces, each face with static copy and each face facing south-westerly and south-easterly with one third party ground sign, containing two sign faces, each with electronic static copy and each facing south-westerly and south-easterly), and all communications filed with the Sign Variance Committee.

RECOMMENDATIONS

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

1. City Council approve the variance requested from §694-26I(4)(a) to allow the two sign faces on the proposed third party ground sign containing electronic static copy to exceed 50 square metres in sign face area;
2. City Council approve the variance requested from §694-26I(4)(b) to allow the proposed third party ground sign containing electronic static copy to exceed a height of 15.0 metres;
3. City Council approve the variance requested from §694-26I(4)(d) to allow the proposed third party ground sign to display electronic static copy where an existing lawful third party ground sign did not display either electronic moving copy or electronic static copy; and
4. City Council impose the condition that prior to the issuance of a sign permit for the proposed third party ground sign, the existing third party ground sign located just west of the proposed replacement third party ground sign, be removed and any associated permits be revoked.

Financial Impact

There are no financial impacts associated with this report.

DECISION HISTORY

Proposed Amendments to Chapter 27 and Chapter 694 of the City of Toronto Municipal Code Arising From City Council's Amendments Respecting Appeals of Decisions by the Sign Variance Committee

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2010.PG34.1>

Application by Core Outdoor for Three Variances with Respect to a Third Party Sign Proposal on the Premises Municipally Known as 0 Toronto Terminal - TP-11-00006

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2011.SB6.3>

ISSUE BACKGROUND

As provided for in subsection 694-30A of Chapter 694, an application for a variance from the provisions of Chapter 694 may only be granted where it is established that the proposed sign:

1. Is warranted based on physical circumstances applicable to the property or premises;
2. Is consistent with the architecture of the building or development of the property;
3. Is consistent with buildings and other features of properties or premises within 120 metres of the location of the proposed sign;
4. Will not alter the essential character of the area;
5. Will not adversely affect adjacent properties;
6. Will not adversely affect public safety;
7. Is, in the opinion of the decision maker, not contrary to the public interest;
8. Is of a sign class or a sign type that is permitted in the sign district where the premises is located; and
9. Is not expressly prohibited by subsection 694-15B.

As previously mentioned, the Sign Variance Committee operates as a quasi-judicial body, through a delegated authority allowed by the *City of Toronto Act, 2006*. The Committee's decision-making powers are independent of Toronto City Council and are final except where an application to consider is made by the local ward councillor. What is before this Community Council is an application requesting three separate variances from Chapter 694, to be considered in accordance with the criteria established by subsection 694-30A.

Subsection 694-30S of Chapter 694 provides a local ward councillor with the ability to within 20 days of the decision of the Sign Variance Committee to grant a variance or grant a variance with conditions elect to have an application to be considered by City Council in accordance with the established criteria provided for in subsection 694-30A. If such an application to consider is filed, Chapter 694 requires City Council to consider the third party sign variance application in accordance with the criteria established for in subsection 694-30A and may: 1) grant a variance; 2) grant a variance with conditions; or, 3) refuse to grant a variance. If Council grants a variance or variances, the proposal must satisfy all of the established criteria provided for in subsection 694-30A. Any decision of City Council is final and binding.

COMMENTS

This report is in response to an application to consider made and filed by Councillor Gord Perks on December 12, 2011, pursuant to subsection 694-30S.

The sign variance application to permit the replacement of an existing third party ground sign within an area designated as the Gardiner Gateway Special Sign District was heard

by the Sign Variance Committee at its meeting on November 22, 2011. Staff supported the application and recommended that the Sign Variance Committee grant the three variances that would be required to allow the proposed sign to be erected and displayed.

The requested variances are described in the following table:

SECTION	REQUIREMENT	PROPOSAL
694-261(4)(a)	A third party ground sign containing electronic static copy is permitted provided the sign face area shall not exceed 50 square metres.	The proposed sign face area of each of the two sign faces is 68.93 square metres (south-easterly) and 62.47 (south-westerly), respectively.
694-261(4)(b)	A third party ground sign containing electronic static copy is permitted provided the height shall not exceed 15.0 metres.	The proposed third party ground sign is 17.0 metres high.
694-261(4)(d)	A third party ground sign containing electronic static copy is permitted provided an existing lawful ground sign was erected and displayed containing electronic moving copy or electronic static copy and the sign shall replace the existing one.	The proposed third party ground sign containing electronic static copy will replace an existing third party ground sign containing static copy.

The sign faces of the existing third party ground sign are: 5.79 metres wide by 7.62 metres long (south-easterly) and 4.87 metres wide by 9.75 metres long (south-westerly), each at a height of 15.0 metres. The sign faces of the proposed third party ground sign are: 7.07 metres wide by 9.75 metres long and at a height of 17.0 metres (south-easterly) and 14.63 metres wide by 4.27 metres long and at a height of 17.0 metres (south-westerly). The proposal also contemplates, in conjunction with the above-noted replacement ground sign, the removal of one existing third party ground sign located just west of the proposed replacement third party ground sign, containing one sign face with static copy, 9.75 metres wide by 4.88 metres long and at a height of 10.0 metres.

The Sign Variance Committee adopted the recommendations of staff and granted the three variances requested and also adopted the additional recommendation, to establish an additional condition requiring the removal of, and revocation of all permits relating to, an existing third party ground sign.

CONTACT

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

SIGNATURE

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

ATTACHMENTS

1. Sign Variance Committee Decision – Item SB6.3
2. Staff Report – Application by Core Outdoor for Three Variances with Respect to a Third Party Sign Proposal on the Premises Municipally Known as 0 Toronto Terminal - TP-11-00006
3. Communications – (November 21, 2011) Letter from Michael Stewart, Goodmans (SB.New.SB6.3.1)