

**ATTACHMENT 2:  
STAFF REPORT**



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ACTION REQUIRED**

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

<b>Date:</b>	November 14, 2011
<b>Ward:</b>	Ward 14 – Parkdale-High Park
<b>File No.:</b>	TP-11-00006
<b>IBMS File No.:</b>	11-271833

**PURPOSE OF THE APPLICATION**

This is an application by Core Outdoor for three variances to Chapter 694, Signs, General, in connection with 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. 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. The proposal also contemplates, in conjunction with the above-noted proposal, 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.

**REQUESTED VARIANCES**

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.

## RECOMMENDATIONS

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

1. The Sign Variance Committee **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. The Sign Variance Committee **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. The Sign Variance Committee **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. 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.

## COMMENTS

Chapter 694, Signs, General, of the City of Toronto Municipal Code came into force and effect on April 6, 2010. Chapter 694, Signs, General, delegates decision-making powers respecting third party sign variance applications to the Sign Variance Committee. As such, this report outlines the position of the Chief Building Official concerning whether the proposed variances meet the criteria set out in §694-30A to permit the granting of a variance. It is the Chief Building Official's position that the proposal meets the criteria and should be approved.

### Site Context

The subject property is located in Ward 14 and is bordered to the south by a railway corridor operated by Metrolinx and GO Transit. South of the railway corridor is the F.G. Gardiner Expressway; a limited access, high-speed roadway primarily used for commuters travelling into and out of the downtown. The proposed sign is intended to attract attention to the vehicles travelling both east and westbound on the Gardiner Expressway. South of the Gardiner Expressway is Exhibition Place; an all season event venue most notably known for the Canadian National Exhibition which is held annually on the Exhibition Place grounds at the end of each summer. North of the subject property are a series of low-rise industrial buildings, in use for a variety of purposes including police services, television and radio arts, food manufacturing and professional offices. To the northeast is "Liberty Village"; a dense, high-rise residential condominium community at various stages of development, built on former industrial lands including the Massey-Ferguson agriculture implement factory and the

Inglis appliance factory. West of the subject premises, across Dufferin Street is the former Village of Parkdale.

The third party ground sign is proposed to be located in an area colloquially referred to as "Billboard Alley." This is an area where large, illuminated, spectacular-type advertising billboards have been installed. By virtue of the amount, size, purpose, and type of signs that have evolved in this area, signage has become a defining element of its character and as such the area has been designated a Special Sign District in Chapter 694. A Special Sign District is where signs are a determining factor in setting an area's fundamental visual character in a way that differentiates it from other sign districts and where the character is either created or enhanced by the presence or type of signs, such as that of Dundas Square. The Gardiner Gateway Special Sign District encompasses an area loosely bound by King Street to the north, Lake Ontario to the south, Dufferin Street to the West and just west of Strachan Avenue to the east.

### Transportation Services

In consideration of the proposal's proximity to the F.G. Gardiner Expressway, the Chief Building Official deemed it appropriate to circulate to and request comments from the Traffic Safety Unit of the City's Transportation Services Division. The Manager of the Traffic Safety Unit has provided the following comments with respect to this proposal:

Subsection 694-17 of Chapter 694, Signs General of the City of Toronto Municipal Code provides the General Manager, Transportation Services the authority to approve signs located in or projecting over a public right-of-way and overhanging structure and projecting signs located within 30 metres of a signalized intersection. Subsection 694-17 does not pertain to the subject sign and the purpose of this third party sign variance application. However, due to the static nature of the electronic copy display on the proposed third party ground sign, the General Manager, Transportation Services does not have concerns provided the sign complies in all other respects with Chapter 694, including the provisions regulating the display of electronic static copy.

### Established Criteria

In order to review, consider and make recommendations on sign variance applications, criteria to evaluate an application for a variance are provided in Chapter 694. §694-30A states that 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 §694-15B.*

The Chief Building Official provides the following comments with respect to each of the criteria, all of which must be established for a variance to be granted:

(1) *Physical circumstances applicable to the property or premises*

The premises consist of a long and irregular remnant parcel of land formerly used for railway purposes which has not been improved with any buildings. There are six other large format advertising billboard signs within approximately 100 metres of the location of the proposed sign. The property is located within the Gardiner Gateway Special Sign District. As previously mentioned, this is a district that is expressly designated in Chapter 694 to recognize the special character that is established through the erection and display of these large-format advertising signs.

The proposal contemplates a third party ground sign, containing two sign faces, each 68.93 and 62.47 square metres, respectively, in sign face area – more than 12 square metres larger than what is permitted as-of-right. The proposal also contemplates an increase in the required sign height from 15.0 metres to 17.0 metres. The increase in sign face area and sign height is warranted based on the physical circumstances attributable to the site. The F.G. Gardiner Expressway is an elevated roadway and separated from the subject site by a heavily travelled railway line. In order for vehicular traffic along the F.G. Gardiner Expressway to obtain unobstructed views of the proposed sign, the Applicant states that these sign attributes need to be varied.

As well, the proposed third party ground sign will be located in an area with a very high concentration of large-format advertising signs. Each of these signs competes with other signs for visual dominance. A sign with smaller attributes than the one proposed may reduce the necessary attraction from the target audience thereby potentially increasing the risk of distraction.

**Conclusion: It is the Chief Building Official's opinion that it has been established that the proposed sign is warranted based on the physical circumstances applicable to the premises.**

(2) *Consistency with the architecture of the building or the development of the property*

The property is an irregularly-shaped remnant parcel of land formerly used for railway purposes. The property has not been improved with any buildings or structures save and except for third party ground signs. The re-development potential of the property is low in consideration of the current zoning designation and in consideration of the adjacent land uses;

which consist of a railway corridor, an expressway, a police station and other industrial buildings.

The property is currently undergoing an Environmental Assessment to potentially realize the construction of a local road which may service the growing high-rise residential community taking shape to the east. Sign By-law unit staff consulted with the Infrastructure Planning Section of the City's Transportation Services Division, whose responsibility includes administering the Environmental Assessment and developing a "preferred" alignment for the proposed future local road. Based on the information available at the time of this report, the proposed sign may conflict with the "preferred" future local road alignment. It was strongly suggested by staff in Infrastructure Planning, Transportation Services that the proposed third party ground sign be located within the 7.0 metre remnant property envelope south of 153 Dufferin Street, a property also controlled by the Applicant.

**Conclusion: It is the Chief Building Official's opinion that it has been established that the proposed sign is consistent with the architecture of the building or development of the property.**

- (3) *Consistency with buildings and other features of properties or premises within 120 metres of the location of the proposed signage*

As previously mentioned, the proposed third party ground sign is located within a Special Sign District designated in Chapter 694. The Gardiner Gateway Special Sign District was recognized due to the widespread number of large format advertising signs. Signage, such as the one proposed, has the potential to enhance the area in a positive way and allow the area to serve as a gateway approach to the downtown.

**Conclusion: It is the Chief Building Official's opinion that it has been established that the proposed sign is consistent with buildings and other features of properties or premises within 120 metres of the location of the proposed sign.**

- (4) *Alteration of the essential character of the area*

As mentioned, the essential character of the area was identified and regulated in Chapter 694 as a Special Sign District due to the frequency and dominance of third party signs. The area is essentially "billboard alley" and large format advertising signs establish this defining character.

**Conclusion: It is the Chief Building Official's opinion that it has been established that the proposed sign will not alter the essential character of the area.**

- (5) *Adverse affect on adjacent properties*

Sign By-law Unit staff extended their consultation and consideration of this proposal to the local Ward Councillor. The Councillor expressed no obvious concerns in respect of the proposal and applauded the application for its general consistency with the regulations contained within Chapter 694.

The immediate area is industrial in nature and there are no sensitive land uses adjacent to the location of the proposed sign. Each of the two sign faces on the proposed sign are directed away from any adjacent buildings and structures and as such no adverse impacts will occur.

**Conclusion: It is the Chief Building Official's opinion that it has been established that the proposed sign will not adversely affect adjacent properties.**

(6) *Adverse affect on public safety*

The proposed third party ground sign will require both a building permit and a sign permit to be erected. A building permit is only issued once the City is satisfied that the sign complies with the applicable provisions of the Ontario Building Code, which ultimately ensures public safety.

**Conclusion: It is the Chief Building Official's opinion that the proposed sign will not adversely affect public safety.**

(7) *Public interest*

The third party sign variance application process prescribed in Chapter 694 is a public process. The proponent is required to post a notice on the property for no less than 30 days prior to the Sign Variance Committee making a decision and a written notice of the proposal is mailed out to the local Ward Councillor and all the property owners of all properties and to the mailing addresses of residential and business tenancies within a 120 metre radius of the property. Sign By-law Unit staff have confirmed that a notice has been posted on the property and, to the date of this report, no comments have been received from the public.

The proposal also attempts to satisfy additional higher-order objectives of the City by reducing sign clutter. Upon approval of this proposal, the Applicant will remove an existing third party ground sign located just west of the proposed replacement third party ground sign.

**Conclusion: It is the Chief Building Official's opinion that it has been established that the proposed sign is not contrary to the public interest.**

(8) *Sign class, sign type and sign district permissions*

The property is located in the Gardiner Gateway Special Sign District and a third party ground sign displaying electronic static copy is permitted.

**Conclusion: It is the Chief Building Official's opinion that it has been established that the proposed sign is of a sign class or a sign type that is permitted in the sign district where the premises is located.**

(9) *Express prohibitions as per subsection 694-15B*

The proposed sign is not expressly prohibited by §694-15B of Chapter 694, Signs, General of the City of Toronto Municipal Code.

**Conclusion: It is the Chief Building Official's opinion that it has been established that the proposed sign is not expressly prohibited by § 694-15B.**

## **CONCLUSION**

In consideration of the application to obtain variances to Chapter 694, Signs, General, required to allow Core Outdoor to erect and display one third party ground sign at the premises municipally known as 1A Atlantic Avenue, as described, it has been established that the proposal is in compliance with all of the criteria. Therefore, the Chief Building Official recommends that the Sign Variance Committee approve the requested variances.

## **CONTACT**

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## **SIGNATURE**

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Ted Van Vliet  
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## **ATTACHMENTS**

1. Images of Proposed and Existing Third Party Ground Sign



**ATTACHMENT 1: IMAGES OF PROPOSED AND EXISTING THIRD PARTY GROUND SIGN**







