



**STAFF REPORT
ACTION REQUIRED**

Application by Core Outdoor for Three Variances with Respect to a Third Party Sign on the Premises Municipally Known as 1A Atlantic Avenue – 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 19 – Trinity-Spadina
Reference Number:	P:\2011\Cluster B\BLD\TE11023

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 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 mechanical (tri-vision) copy and each face facing westerly and easterly with one third party ground sign, containing two sign faces, each with electronic static copy and each facing westerly and 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 on condition that screening, in the form of shields, louvers or partitions, be provided at both ends of each sign face to mitigate potential visual impacts from the sign copy on the existing and future residential community in proximity of the proposed third party ground sign;
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 on condition that screening, in the form of shields, louvers or partitions, be provided at both ends of each sign face to mitigate potential visual impacts from the sign copy on the existing and future residential community in proximity of the proposed third party ground sign;
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 on condition that screening, in the form of shields, louvers or partitions, be provided at both ends of each sign face to mitigate potential visual impacts from the sign copy on the existing and future residential community in proximity of the proposed third party ground sign; 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 on the same premises just south of the "Jiffy Storage" warehouse building, east of the base of Atlantic Avenue, 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 1A Atlantic Avenue - TP-11-00007

(<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2011.SB6.4>)

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 Mike Layton on December 10, 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.
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 23.0 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 mechanical (trivision) copy.

The sign faces of the existing third party ground sign are 5.79 metres wide by 7.62 metres long and at a height of approximately 20.0 metres, to be replaced with sign faces which are 7.07 metres wide by 9.75 metres long and at a height of 23.0 metres. The proposal also contemplates, in conjunction with the above-noted replacement ground sign, the removal of one existing third party ground sign located on the same premises just south of the "Jiffy Storage" warehouse building, east of the base of Atlantic Avenue. The sign to be removed contains two sign faces, each facing westerly and easterly, each face displaying static copy and electronic moving copy/static copy, respectively. Each of the two existing sign faces is 9.75 metres wide by 4.88 metres long and at an overall height of 15.0 metres.

The Sign Variance Committee adopted the recommendations of staff and granted the three variances requested on condition that the sign be appropriately screened from future residential communities in the vicinity of the replacement third party ground sign 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

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SIGNATURE

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

ATTACHMENTS

1. Sign Variance Committee Decision – Item SB6.4
2. Staff Report – Application by Core Outdoor for Three Variances with Respect to a Third Party Sign Proposal on the Premises Municipally Known as 1A Atlantic Avenue – TP-11-00007
3. Communications – (November 21, 2011) Letter from Michael Stewart, Goodmans (SB.New.SB6.4.1)