

**Area-Specific Amendment to Chapter 694, Signs, General, with respect to an existing Third Party Ground Sign at 1675 Lake Shore Boulevard East**

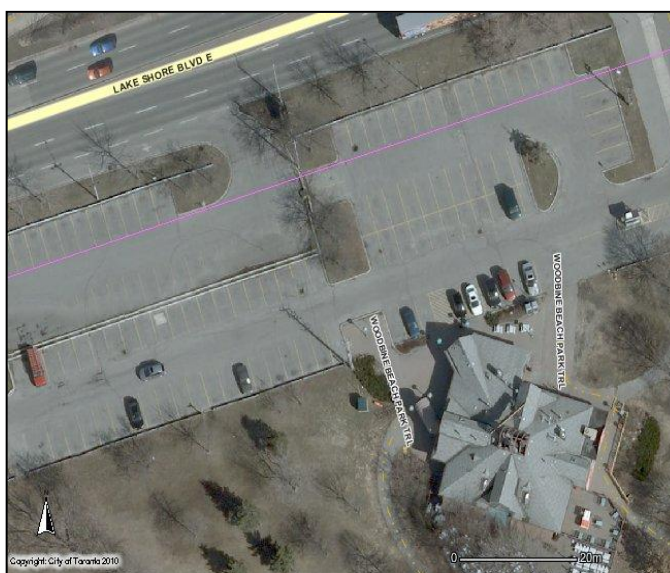
<b>Date:</b>	May 7, 2014
<b>To:</b>	Planning and Growth Management Committee
<b>From:</b>	Chief Building Official and Executive Director, Toronto Building
<b>Wards:</b>	Ward 32 – Beaches East York
<b>Reference Number:</b>	PG14002

**SUMMARY**

This report reviews and recommends refusal of an application for an amendment to the Sign Bylaw, Chapter 694, Signs General of the City of Toronto Municipal Code (Chapter 694) made on behalf of Tuggs Incorporated ("Tuggs") to permit the continued display of a third party ground sign displaying static and electronic readograph sign copy.

The sign is approximately 3.5 metres tall, and has a total sign face area of 16.0 square metres (eight square metres per side). The sign is erected on the public right-of-way and is located approximately three metres north of the northern property line for 1675 Lake Shore Boulevard East. The sign is proposed to be used primarily to identify the Boardwalk Café. As the sign is located on the public right-of-way adjacent to 1675 Lake Shore Boulevard East, the proposed sign is defined as a third party sign under Chapter 694.

**Figure 1: Key Map – 1675 Lake Shore Boulevard East**



Staff recommend refusal of this application due to the size of the sign, the proportion of sign face area displaying electronic readograph sign copy and the impact that the sign has had, and would continue to have, on nearby properties as well as the visual impact that the sign structure has on Lake Shore Boulevard East.

Staff from Parks, Forestry and Recreation and Legal Services have been consulted in the preparation of this report.

## **RECOMMENDATIONS**

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

1. City Council refuse the request to add an area-specific amendment to Schedule B, Signage Master Plans and Area-Specific Amendments, Chapter 694, Signs, General, of the City of Toronto Municipal Code to allow the display of one illuminated third party ground sign containing four sign faces, two of which would each display 5.9 square metres of electronic readograph sign copy and the other two of which would each display 2.1 square metres of static copy, located in the public right-of-way to the north of the premises municipally known as 1675 Lake Shore Boulevard East.

### **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>

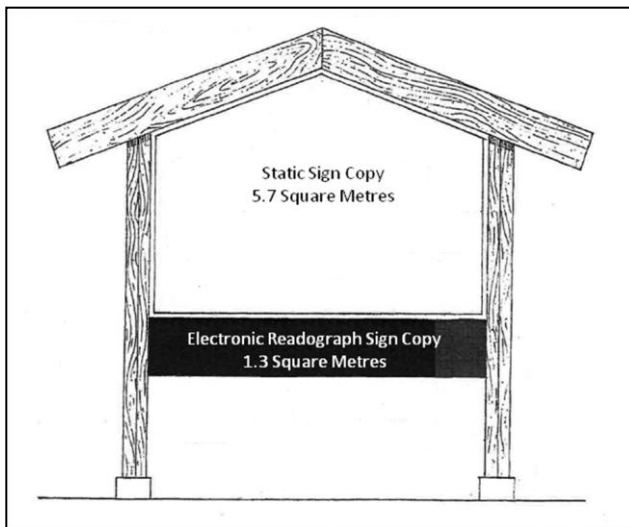
Tuggs Incorporated - Revised Proposal for Redevelopment of the Eastern Beaches Food Service Facilities

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2010.GM30.20>

## ISSUE BACKGROUND

Tuggs has been operating the Boardwalk Café since 1986 on one of the premises which make up Woodbine Beach Park. The Boardwalk Café is located at 1681 Lake Shore Boulevard East, a convenience address for 1675 Lakeshore Boulevard East.

**Figure 2 – The Previous Sign**



In 1994, Tuggs received approval to erect a sign within the Lake Shore Boulevard East right-of-way in front of 1675 Lake Shore Boulevard East. This is the location of the current sign which is the subject of this application.

The agreement between the City and Tuggs in relation to Tuggs' Woodbine Beach Park operation is dated June 2, 2010. That agreement grants Tuggs the right to retain the ground sign in its current location and provides that, subject to compliance with all applicable City by-laws, policies, rules and regulations, Tuggs can install a

new ground sign in the same location, for the purposes of promoting Tuggs' business. The ground sign can also be used to promote sponsorship programs, as well as daily and seasonal activities and special events in the park, as approved by the City.

In the course of an investigation into a complaint received from a local resident, Tuggs advised the Sign Bylaw Unit that it had replaced the sign because the previous sign in the same location was damaged in an automobile accident.

The replacement sign was placed in the same location as the previous sign but differs in several respects (see Figures 2 , 3 and 4). The previous sign had a sign face area of seven square metres per side, including 5.7 square metres of illuminated static sign copy and, below that, 1.3 square metres of electronic readograph sign copy. The readograph portion was not operating and was covered by static sign copy. The replacement sign has a similar height to the previous sign and has a sign face area of eight square metres per side, 5.9 metres of which is electronic readograph sign copy and 2.1 square metres of which is static sign copy.

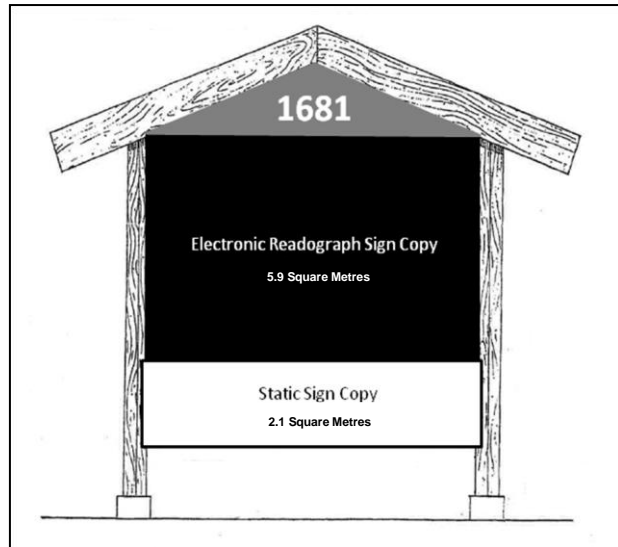
A Notice of Violation was issued by the Sign Bylaw Unit to Tuggs for the erection of the current sign without a sign permit. In response to this, Tuggs initially took the position that it did not require a permit and issued a court application seeking a declaration that a permit was not required. The court application was resolved by an agreement in which

Tuggs was to apply for a Preliminary Project Review and a permit under Chapter 694 as well as any other approvals (sign variance or bylaw amendments) that may be required for the replacement sign. This agreement set out time frames for the sign permit application and approval process. Tuggs also agreed to operate the sign in accordance with the illumination and operating hours prescribed by Chapter 694 while the sign permit application process was underway.

**Figure 3 – The Replacement (Current) Sign**



**Figure 4 – Proposed Modifications to the Current Sign**



As a result of the Preliminary Project Review, in January 2014 Tuggs was advised that under Chapter 694, the sign is considered a third party sign because it is located in the right-of-way and not on the same property as the Boardwalk Café. Under Chapter 694 third party signs are not permitted in Open Space Sign Districts. As a result, a Sign Bylaw amendment is required to permit the sign.

Chapter 694 provides that an amendment application can be made to establish regulations for signs displayed within a specific area. An application for an area-specific amendment to Chapter 694 to permit the sign was made to the City on April 11, 2014.

## COMMENTS

The amendment application submitted by Tuggs is to permit the display of the current sign with the addition of a frame around the sign and a smaller static sign below the readograph. (See Figures 3 and 4 above).

Although the proposed sign is a third party sign under Chapter 694 because it is located on the right-of-way and not the property where the Boardwalk Café is located, the sign

cannot be used for general third party advertising. Instead, as set out in the June 2, 2010 agreement between Tuggs and the City, the sign can only be used to display information about the Boardwalk Café, sponsorship programs, as well as daily and seasonal activities, and special events in Woodbine Beach Park, as approved by the City. The proposed amendment includes conditions restricting the nature of the messages on the sign and therefore, the purpose and use of the proposed sign is similar to that of a first party sign.

### **The Location of the Sign:**

**Figure 5: Location of sign on right-of-way adjacent to 1675 Lake Shore Boulevard East**



The 2010 agreement between the City and Tuggs allows the sign in its current location on the public right-of-way, subject to compliance with all City by-laws, etc.

Due to the location of the sign, its proximity to the traffic flow on Lake Shore Boulevard East, and the fact that it is the only sign along the lot frontage of 1675 Lake Shore Boulevard East, the sign is much more visible and imposing on the local area and passing traffic than it would be if it were located in an area of the city that was more developed and had a greater number of ground signs.



### **The Size and Height of the Sign:**

The sign in question has eight square metres of sign face area on each side and a height of 3.5 metres. The sign that had been previously approved for the Boardwalk Café at this location had a sign face area of approximately seven square metres on each side and a height of 3.6 metres. It is the opinion of staff that the increased total size of the sign and size of the electronic readograph is not appropriate for the area.

The only other ground sign displayed along Lake Shore Boulevard East in the immediate area is a small non-illuminated ground sign identifying "Ashbridges Bay Park" which is located to the south of 1675 Lake Shore Boulevard East. The proposed sign is substantially larger than the identifying sign, and, due to the high proportion of electronic readograph, is generally inconsistent with signs identifying parks and recreational uses within parks throughout the city.

### **Readograph Sign Copy in Open Space Sign Districts:**

First party ground signs in Open Space Sign Districts are permitted to display static sign copy and electronic readograph sign copy. The maximum electronic readograph display area for a first party sign in an Open Space Sign District is the lesser of 50% of the sign face area or five square metres.

The current application is for a third party ground sign which will display 5.39 square metres or 73.75% of the sign face area as electronic readograph sign copy, which does not comply with the requirements for this type of sign in an Open Space Sign District. The previous sign, at this location had 1.3 square metres of electronic readograph sign copy representing approximately 18% of the total sign face area.

The electronic readograph sign copy on the proposed sign would be permitted to change messages every ten seconds and operate during the business hours of the Boardwalk Café each day. It is proposed that the sign be illuminated and have the electronic readograph portion operate during the hours that the Boardwalk Café is open. Based on the current advertised operating hours for the Boardwalk Café, the sign would be illuminated and in operation until 2:00 a.m. each day.

## **CONCLUSION**

Due to the size of the sign itself and the request to allow almost 75% of the sign to display electronic readograph sign copy, as well as the hours of operation that the electronic readograph portion of the proposed sign would be operating, the illumination impact of the sign is greater than anticipated by Chapter 694 for even the largest illuminated signs in Open Space Sign Districts. The impact of this sign is also increased

by the low ambient light levels in the Woodbine Beach Park area. The negative impact of the current sign is evidenced by complaints that City staff have received from the local Councillor and area residents.

It is the recommendation of staff that approval of the proposed sign at its current size and proportion of electronic readograph sign copy be refused.

## **CONTACT**

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## **SIGNATURE**

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Toronto Building

## **ATTACHMENTS**

Attachment 1 – Applicant's Submission Package