



## STAFF REPORT ACTION REQUIRED

### Application to Consider - Application by Pattison Outdoor for Five Variances With Respect to a Sign Proposal for One Third Party Ground Sign at 7 Fraser Avenue

<b>Date:</b>	April 23, 2014
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Director and Deputy Chief Building Official, Toronto Building
<b>Ward:</b>	Ward 14 – Parkdale–High Park
<b>Reference Number:</b>	TE14010

#### SUMMARY

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Pattison Outdoor (the "Applicant") has made an application for five variances from the provisions of Municipal Code Chapter 694, Signs, General, ("Chapter 694"), on specified conditions, as would required to permit the erection of a specific sign (the "Proposed Sign").

The Proposed Sign is located at 7 Fraser Avenue and is a third-party ground sign, containing two sign faces each using electronic static copy (with a maximum vertical measurement of 14.63 metres and maximum horizontal measurement of 4.27 metres). The Applicant requests that the each of the 5 variances be subject to the following three conditions:

1. The existing ground sign located on the eastern portion of the premises be removed and its permits revoked, and the proposed sign be located within 1.0 metre of the location of the sign being removed, and all sign replace the existing third party ground sign located on the eastern portion of the premises and is located within 1.0 metre of the current location of the sign it is replacing and all permits associated with the sign it is replacing be revoked;
2. Prior to the issuance of the sign permit for the sign, the existing third party roof sign and third party ground sign on the western portion of the premises be removed and all permits associated with those signs revoked; and
3. Each sign face on the proposed sign contains screening sufficient to mitigate the visual impact of the sign copy on all residential land uses within reasonable proximity of the sign.

On February 11, 2104, the Sign Variance Committee heard Item SB26.2 and granted the five variances from Chapter 694 sought for the Proposed Sign, on the requested conditions. An "Application to Consider" was filed on February 24, 2014 by the Ward Councillor. As a

result, the current variance application is to be heard by the Toronto and East York Community Council for the purpose of making a recommendation to City Council for a final decision.

Under Chapter 694, decisions of the Sign Variance Committee ("SVC") to grant a variance, with or without conditions are only final and binding, if an "Application to Consider" is not filed by the ward councillor within 21 days after the date of the SVC's decision. On February 24, 2014, Councillor Perks filed an Application to Consider; therefore, under Chapter 694, the current application for the variances for the Proposed Sign is a matter to be heard by Toronto and East York Community Council for purposes of making a recommendation to City Council for a final decision.

This report sets out the position of staff relating to the variances being requested. This report recommends approval of the five variances with conditions, on the basis that the Proposed Sign meets the criteria prescribed in §694-30 of Chapter 694. The report also includes, as attachments, the reports of staff, and all other materials which were submitted to the Sign Variance Committee for the February 11, 2014 meeting.

## **RECOMMENDATIONS**

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

1. Council approve the variances requested to each of subsections 694-22C, 694-22D, 694-26(4)(a), §694-26(4)(b) and §694-22(4)(d), of Chapter 694 as required to allow the issuance of a permit to erect and display a third party ground sign displaying electronic static sign copy described in Attachment 2 to this report dated April 23, 2014 from the Director and Deputy Chief Building Official, subject to the following conditions:
  - a. The sign replace the existing third party ground sign on the eastern portion of the premises and is located within 1.0 metre of the current location of the sign which it is replacing; and all permits associated with the sign it is replacing be revoked;
  - b. Prior to the issuance of the sign permit for the sign the existing third party roof sign and third party ground sign on the western portion of the premises are removed and all permits associated with those signs revoked; and,
  - c. Each sign face on the proposed sign contains screening sufficient to mitigate the visual impacts of the sign copy on all residential land uses within reasonable proximity of the sign.

## **FINANCIAL IMPACT**

There are no financial impacts associated with this report.

## **DECISION HISTORY**

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Consideration of Sign Variance Applications by City Council

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.TE12.98>

Amendments to Chapter 694 of the Municipal Code, Signs, General

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.PG25.13>

Application by Pattison Outdoor for Five Variances With Respect to a Sign Proposal for One Third Party Ground Sign - 7 Fraser Avenue

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.SB26.2>

## **ISSUE BACKGROUND**

On February 11, 2104, the Sign Variance Committee heard Item SB26.2 and granted five variances from Chapter 694, Signs, General, of the Municipal Code ("Chapter 694"), with respect to a proposal to permit the replacement of one third party ground sign displaying electronic static copy located at 7 Fraser Avenue.

The staff report before the Sign Variance Committee recommended approval of five variances requested by Pattison Outdoor (the "Applicant") to permit the replacement of one third party ground sign containing two sign faces (14.63 metres wide by 4.27 metres long), displaying static copy with a ground sign displaying electronic static copy on two sign faces of equal size facing westerly and easterly. In addition to the replacement of the existing third party ground sign, the Applicant also proposed to remove one third party ground sign displaying static copy and one third party roof sign displaying static copy, both located at 7 Fraser Avenue.

This report outlines the position of staff relating to the variances being requested and provides as attachments, the original report and which was heard by the Sign Variance Committee on February 11, 2014

## COMMENTS

### Variances Requested by the Applicant:

**Table 1 – Summary of Requested Variances**

Section	Requirement	Proposal
<b>694-22C</b>	A third party sign shall not be erected, displayed, modified, or restored on a listed heritage building.	7 Fraser Avenue is listed in the City's Inventory of Heritage Properties.
<b>694-22D</b>	A third party sign shall not be erected within 100.0 metres of any other third party sign.	<p>The proposed sign is located:</p> <ul style="list-style-type: none"> <li>• 55.59m from an existing third party ground at 7 Fraser Avenue.</li> <li>• 65 metres from an existing third party ground sign located at 2-24 Jefferson Avenue.</li> <li>• 80 metres from an existing third party roof sign located at 2-24 Jefferson Avenue.</li> <li>• 65 metres from an existing third party ground sign located s at 2 Atlantic Avenue.</li> </ul>
<b>694-26I(4)(a)</b>	A third party ground sign containing electronic static copy is permitted provided the sign face area shall not exceed 50 square metres.	Each of the two sign faces on the proposed sign has a proposed sign face area of 62.43 square metres.
<b>694-26I(4)(b)</b>	A third party ground sign containing electronic static copy is permitted provided the height does not exceed 15.0 metres.	The height of the proposed sign is 19.51 metres.
<b>694-26I(4)(d)</b>	A third party ground sign containing electronic static copy is permitted provided the sign shall be erected only on a premises where, on the day before this chapter comes into effect, an existing lawful ground sign was erected and displayed containing electronic moving copy or electronic static copy as defined by this chapter, and the sign shall replace the existing sign.	The existing third party ground sign to be replaced does not contain electronic moving copy or electronic static copy as defined by Chapter 694

## Site Context and Sign Attributes:

A map showing the location and a photo of the signs proposed to be removed and replaced as part of this proposal are provided below. A summary of the attributes of the proposed sign and the area surrounding the proposed sign are also provided as Tables 2 and 3 below.

**Figure 1 – Map: 7 Fraser Avenue**

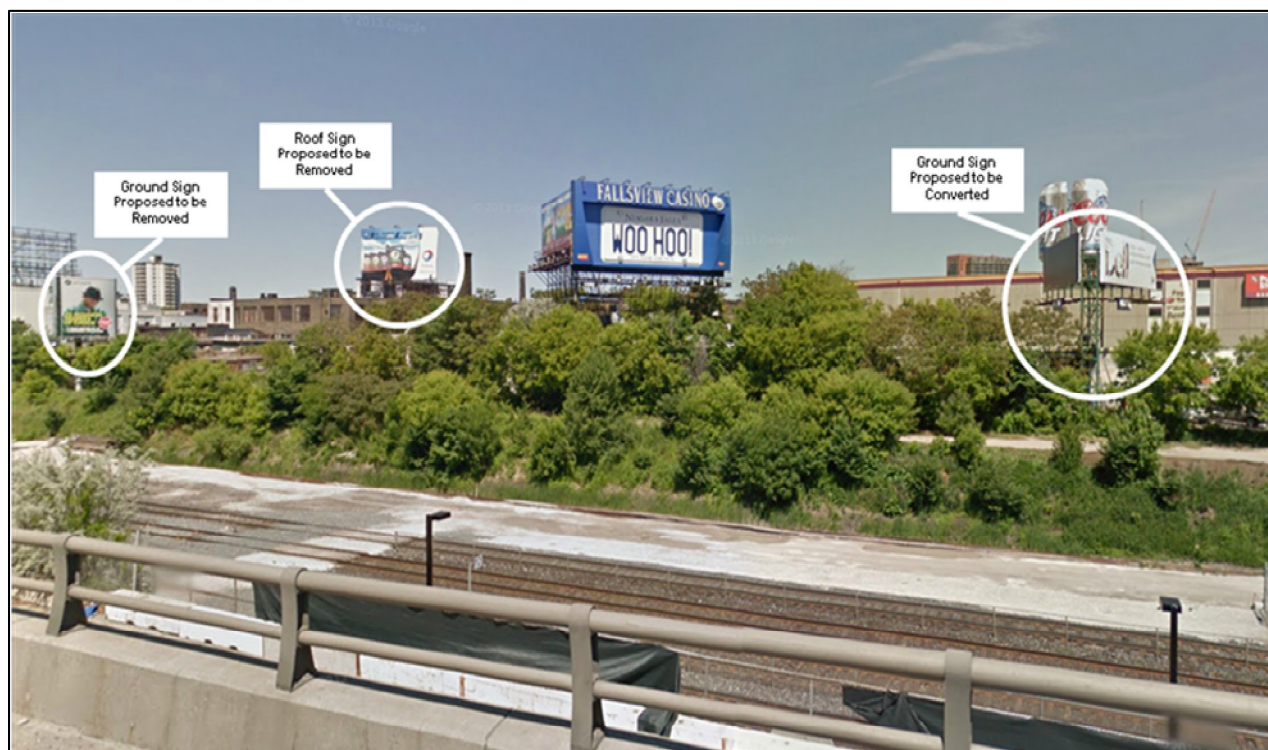


**Table 2 – Summary of Area Surrounding 7 Fraser Avenue**

Table 2 - Summary of First Call Building of First Call Records

Sign District Designation of Property:		Gardiner Gateway Special Sign District – Employment (GGSSD-E)	
Sign District Designations of Surrounding Properties:			
North	East	South	West
Gardiner Gateway Special Sign District - Commercial	Gardiner Gateway Special Sign District - Employment	Gardiner Gateway Special Sign District - Utility	Gardiner Gateway Special Sign District - Employment
Land Uses and Attributes of Surrounding Properties:			
North	East	South	West
Industrial uses	Industrial uses	Railway Corridor, F.G. Gardiner Expressway	Industrial uses

**Figure 2 – Signs Proposed to be Removed and Sign Proposed to be Converted at 7 Fraser Avenue**



**Table 3 – Summary of Proposed Sign Attributes (sign proposed to be converted):**

Sign 1	
<b>Sign Type:</b>	Ground Sign
<b>Sign Copy Type:</b>	Electronic Static copy
<b># of Sign Faces</b>	Two
<b>Sign Location and Orientation:</b>	Easterly and Westerly
<b>Sign Face Dimensions (width x length):</b>	14.63 metres wide by 4.63 metres long

### **Criteria Established by §694-30A of Chapter 694:**

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. Section §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 meets each of these criteria.

### Administrative Criteria:

The Administrative Criteria are listed in Chapter 694-30A (1), (2), and (7). They are criteria that are evaluated largely by looking at the sign class and sign type as defined by Chapter 694, as well as determining if the proposed sign is a sign that is prohibited by Chapter 694.

Where the proposed sign does not meet one (or more) of these criteria, it cannot be granted a variance to Chapter 694 and the application would be considered through the Sign Bylaw Amendment process.

In the case of the sign proposed by the applicant at 7 Fraser Avenue, the proposed sign meets all three of the administrative criteria for a variance to be granted. It is a sign type and class permitted in the Gardiner Gateway Special Sign District and is not a sign type that is prohibited by Chapter 694-15B.

**Table 4 – Summary of Administrative Criteria**

Section	Criteria Description	Meets Criteria? (yes/no)	Rationale
<b>694-30 A (1)</b>	Belongs to a sign class permitted in the sign district	<b>Yes</b>	Third party signs are permitted in the GG-SSD-E Special Sign District
<b>694-30 A (2)</b>	In the case of a third party sign, must be of a sign type permitted in the sign district	<b>Yes</b>	The proposed third party sign is a third party ground sign which is permitted within the GG-SSD-E Special Sign District
<b>694-30 A (7)</b>	Not be a sign prohibited by 694-15B	<b>Yes</b>	The proposed sign is not prohibited by §694-15B.

### Design Criteria

The Design Criteria are listed in Chapter 694-30A (3), (4), and (8). These criteria are focused on the compatibility of the proposed sign with the current and future development of the subject premises and surrounding area. In reviewing an application against these criteria, staff consider surrounding developments (existing or proposed), signs, and relevant city policies or.

The sign proposed at 7 Fraser Avenue is located within the Gardiner Gateway Special Sign District (GGSSD). This part of the city was recognized as unique throughout the development of Chapter 694, due to the number of large-format third party signs. As a result, the GGSSD was included as part of Chapter 694 and adopted by Council as specific area in the city to



allow for large format third party signs to continue to be erected and in some instances upgraded to incorporate electronic static sign copy, similar to the proposed sign.

The regulations for signs displaying electronic static sign copy in the GGSSD contemplate that they be upgrades to existing signs displaying electronic sign copy. There have been four similar signs approved by variance or bylaw amendment and which replaced existing third party signs. The proposed sign replacement is consistent with the size and height of previous approvals that have been granted for signs displaying electronic static sign copy in the GGSSD.

The buildings at 7 Fraser Avenue were listed by Council as a Heritage property in 2005. This was due to redevelopment activity taking place in the Liberty Street area south of King Street West and west of Strachan Avenue and the need to identify and preserve the industrial and employment heritage of the area.

By imposing a condition that the applicant removes two existing third party signs on the premises (which could remain in place indefinitely) the surrounding area and the heritage attributes of the buildings will be more visible.

**Table 5 – Summary of Design Criteria**

Section	Criteria Description	Meets Criteria? (yes/no)	Rationale
<b>694-30 A(3)</b>	Compatible with the development on the premises and surrounding area	<b>Yes</b>	<ul style="list-style-type: none"> <li>The premise currently contains three third party signs, two of which are ground signs.</li> <li>There are a number of properties in the immediate area containing low rise industrial buildings with large format third party signs displaying electronic sign copy facing the F.G. Gardiner Expressway.</li> <li>Third party ground signs, such as the one proposed, are consistent with the objectives of Chapter 694 for the premises and surrounding area</li> <li>The removal of the existing third party signs, particularly the roof sign will allow for the heritage building and its attributes to be more prominent and visible to the public, which appears to be consistent with the reasons for the premises being listed as a Heritage Property.</li> </ul>



Section	Criteria Description	Meets Criteria? (yes/no)	Rationale
694-30A(4)	Supports to Official Plan objectives for the property and surrounding area	Yes	<ul style="list-style-type: none"> <li>The subject premises and the surrounding premises are designated as Employment in the Urban Structure Maps of the City's Official Plan.</li> <li>As per the Official Plan policies, Employment areas are intended to grow enterprises and jobs. In Employment Districts, the policies state that the needs of business are to take priority in city building decisions.</li> <li>The proposed sign is also located at enough of a distance from nearby Residential Areas, that the Official Plan objectives for Residential Areas should not be impacted by the proposed sign.</li> </ul>
694-30 A(8)	Does not alter the character of the premises or surrounding area	Yes	<ul style="list-style-type: none"> <li>The premises and surrounding area has been identified by Chapter 694 as a Special Sign District due to the number of large format third party signs displaying electronic sign copy and the fact that they are a defining characteristic of this area.</li> <li>The character of the area within the GGSSD has been reinforced by a number of recent approvals for large format signs displaying electronic static copy that have a similar size and height to the sign proposed at 7 Fraser.</li> <li>Since proposed sign is consistent with the objectives for the GGSSD, as well as with a number of signs that have been approved in the surrounding area, it should not alter the character of the premises or surrounding area.</li> </ul>

### Impact Criteria:

The Impact Criteria are the criteria listed in Chapter 694-30A (5), (6), and (9). These criteria are focused on the impact that a sign may have on surrounding buildings and properties and on the public in general. These criteria also consider whether or not the proposed sign will have any impacts on public safety.

For the proposed sign, the applicant suggests that shielding around the perimeter of each sign face should be sufficient to prevent light being cast onto adjacent properties, will reduce the potential negative visual impact. In past approvals for signs displaying electronic static sign copy in the GGSSD, conditions of approval have been placed requiring shielding, such as that described by the applicant. This report recommends that a similar condition be imposed on the proposed sign in order to minimize any adverse impacts that any light from this sign may have on surrounding properties.

The proposed sign faces the F.G. Gardiner Expressway, which is common for signs displaying electronic sign copy in this area. Chapter 694 contemplated this in the GGSSD and, as a result, does not require the typical 400 metre separation between a third-party sign and a highway.

**Table 6 – Summary of Impact Criteria**

Section	Criteria Description	Meets Criteria? (yes/no)	Rationale
<b>694-30 A(5)</b>	Does not adversely affect adjacent premises	<b>Yes</b>	<ul style="list-style-type: none"> <li>The proposed sign will not be facing any sensitive land uses – the closest residential building is approximately 300 metres away from the proposed sign</li> <li>A condition that the applicant provides shielding to prevent light spill is as an approval condition in order to minimize light spill onto any adjacent properties.</li> </ul>
<b>694-30 A(6)</b>	Does not adversely affect public safety	<b>Yes</b>	<ul style="list-style-type: none"> <li>In recent studies completed by the City of Toronto, although concerns were identified around driver distraction, the city has not found that signs displaying electronic static sign copy are related to automobile collisions</li> <li>The proposed replacement ground sign has been designed by a structural engineer and will be required to obtain a Building Permit prior to the issuance of the sign permit.</li> </ul>
<b>694-30 A(9)</b>	Is not contrary to the public interest	<b>Yes</b>	<ul style="list-style-type: none"> <li>The removal of existing large format third party signs (which could remain indefinitely) should complement the Heritage attributes of the buildings on the property and appears to be in keeping with the reasons for listing the property as a Heritage property.</li> <li>The proposed sign will also replace a sign that has an indefinite life span with a sign that will have a permit requiring renewal every five years; should the make-up of the area change, the sign may require additional variances and public input before it can be issued a new sign permit or may need to be removed completely.</li> </ul>

Transportation Services has recently completed a study of the impact of signs displaying electronic static sign copy on automobile collisions in the city. Their review of data on automobile collisions did not identify a relationship between signs displaying electronic static sign copy and automobile accidents.

It is staff's opinion that due to the findings of the traffic safety studies that have been completed, as well as the number of similar large electronic signs in the area, the proposed sign should not adversely affect public safety.

The Sign Variance application process prescribed in Chapter 694 is a public process. The applicant was required to post a notice on the property for 30 days prior to the Sign Variance Committee meeting date and a written notice of the proposal was mailed out to the local Ward Councillor and to all property owners within a 120 metre radius of the property. Sign Bylaw Unit staff have confirmed that a notice was posted on the property and, as of the date of the original report to the Sign variance Committee, received no comments from the public.

Currently, the three signs proposed to be removed or replaced as part of this proposal lawfully exist and can remain in place indefinitely, despite any changes to the surrounding land uses. As has been the case for many properties in the area, redevelopment of the properties has been impacted by existing large format third party signs. In addition to having two large format third party signs removed from the property, permits issued for the proposed sign would be subject to a five-year renewal requirement.

The five-year renewal requirement for third party sign permits has been put in place in Chapter 694 to provide the city greater flexibility in the placement of third party signs with consideration to the impact on future development. If the surrounding properties are redeveloped into more sensitive land uses, the proposed sign may require additional variances or approvals which would require public input prior to any approvals being granted.

It is staff's opinion that the removal of the signs, in particular the roof sign which is a prohibited sign type in Chapter 694, from the listed Heritage Building in combination with having the proposed sign subject to a time limited sign permit is in the public interest.

## **CONCLUSION**

In consideration of the materials submitted, it is staff's opinion that the Applicant has established that the nine requested variances required for the proposed signs meet all nine of the required criteria. As such, it is recommended that the Council approve each of the five variances requested from Chapter 694, Signs, General, by the Applicant required for the proposed sign.

## **CONTACT**

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## **SIGNATURE**

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John Heggie  
Director and Deputy Chief Building Official, Toronto Building

## **ATTACHMENTS**

1. Variances Requested
2. Description of Sign
3. Application to Consider
4. Staff Report to Sign Variance Committee
5. Supplemental Staff Report to Sign Variance Committee
6. Applicants Submission Package