



## STAFF REPORT ACTION REQUIRED

### Area-Specific Amendment to Chapter 694 Concerning an Illuminated Third Party Ground Sign with Mechanical Copy – 2751-2753 Eglinton Avenue East

<b>Date:</b>	April 30, 2015
<b>To:</b>	Planning and Growth Management Committee
<b>From:</b>	Chief Building Official & Executive Director, Toronto Building
<b>Wards:</b>	Ward 35 – Scarborough Southwest
<b>Reference Number:</b>	PG15005

#### SUMMARY

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In December 2013, the Chief Building Official reported to the Planning and Growth Management Committee ("PGM") that going forward, applications for amendments to Chapter 694, Signs, General, of the City of Toronto Municipal Code ("Sign By-Law"), would be considered together once per year. This practice has since been adopted and seven applications for amendment are contained in reports before PGM at its May 14, 2015 meeting.

Annual reporting allows both staff and City Council to consider the impact of the various Sign By-Law amendment applications, comprehensively.

Of the seven applications, five are for electronic signs and have been combined into one report. This report deals with one of the two remaining applications for different sign types that are reported separately.

The sign which is currently in place at 2751-2753 Eglinton Avenue East does not comply with its original permit. A Notice of Violation was issued and led to this application. An amendment is required because the sign was substantially altered and the sign type is not permitted in this district.

This report recommends refusal of the application by Pattison Outdoor Advertising ("Pattison") for an area-specific amendment to the Sign By-law.

## **RECOMMENDATIONS**

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

1. City Council refuse the application to implement an area-specific amendment to Chapter 694, Signs, General, of the City of Toronto Municipal Code to allow for, in addition to the signage otherwise permitted by Chapter 694, one illuminated third party ground sign on the premises municipally known as 2751-2753 Eglinton Avenue East, as described in Attachment 2.

## **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>)

## **ISSUE BACKGROUND**

Prior to 2015, applications for amendment to the Sign By-law were reported to PGM as they were received. This approach did not allow staff the ability to review the applications in a comprehensive manner, nor for City Council to consider the applications in a broader context and only on a location-by-location basis. In December 2013, the Chief Building Official reported to PGM that going forward, applications for amendment would be considered together once per year. That practice was adopted and amendment applications are being brought forward together, to the May 14, 2015 PGM meeting.

Of the applications being reported on in 2015, five are for amendment applications related to signs displaying electronic sign copy. The five proposals are detailed in this report.

For the proposal contained in this report, staff received the application prior to December 31, 2014. Staff then notified all residents and property owners within 120 metres of the affected premises of this application.

The proposed third party ground sign is located in a CR-Commercial Residential Sign District which only permits third party wall signs. Ground signs are not permitted because they are not compatible with the type of development which is typical in these

districts; they visually impose on the public realm and can serve as a distraction to passing vehicles and pedestrians.

## COMMENTS

### Signage History:

In 2000, Pattison applied for and received a sign permit (Permit #: 00-126574) under the former City of Scarborough Sign Code (By-law 22980, as amended) to erect and display one third party ground sign at 2751-2753 Eglinton Avenue East.

The Sign By-law Unit received complaints about the existing sign and in November 2012 commenced an investigation. The investigation determined that the sign was not displayed in accordance with the issued permit and staff issued a Notice of Violation.

The sign, as depicted in Figures 1 and 2, has two faces containing mechanical (tri-vision) copy where the permit allowed the sign to contain static (paste-and-paper) copy. Additionally, the sign face is inconsistent with the permit issued, so that it is oriented horizontally rather than vertically.

The sign is also located within a visibility zone. A visibility zone is a zone of three metres from the intersection of the outermost points of a driveway with a street. Signs are prohibited from being located within a visibility zone.

Effectively, the changes to the sign relative to the permit issued in 2000, are considered to be a substantial alteration and therefore require a new permit under the Sign By-law.

Pattison has not complied with the Notice of Violation and ultimately made an application for an amendment in December 2014.

**Figure 1: View of Subject Sign, Looking Southwest from Eglinton Avenue East**



### Sign Analysis:

Pattison submits that third party ground signs are more appropriate than third party wall signs in CR-Commercial Residential Sign Districts, particularly at the subject premises where a single-storey retail building with grade-level parking has been constructed. This is not consistent with the goals established by the Sign By-Law, which does not permit ground signs in CR-Commercial Residential Sign Districts.

Third party ground signs are not permitted in CR-Commercial Residential Sign Districts because they are not compatible with the type of development encouraged in those districts; they visually impose on the public realm and can serve as a distraction to passing vehicles and pedestrians.

There is one other third party ground sign on the premises and one first party ground sign (See Figure 2, below).

**Figure 2: View of 2751-2753 Eglinton Avenue East, Looking Southwest from Eglinton Avenue East**



### Current Provisions for Signs:

Only third party wall signs are permitted in C-Commercial and CR-Commercial Residential Sign Districts. As third party ground signs are not permitted in these sign districts, there are no applicable performance standards. Third party ground signs are permitted in E-Employment and U-Utility Sign Districts, subject to a number of performance standards, including:

- No more than one such sign on the premises;
- Not exceeding a height of 10.0 metres;
- Not erected within 30.0 metres of the intersection of a major street with any other street;

- Not located within 30.0 metres of any premises in an R-Residential, RA-Residential Apartment, or OS-Open Space Sign District;
- Not erected within 100 metres of another third party sign; and
- Not located within any required building setback, as prescribed in the applicable Zoning By-law.

The sign that is the subject of this application is one of two such signs on the premises, separated by approximately 40 metres. Across Danforth Road, at the premises municipally known as 2787 Eglinton Avenue East, there are two existing third party ground signs that are approximately 60 and 140 metres from the subject sign. There is also approval for a third party roof sign at 2787 Eglinton Avenue East (See Figure 3). The number of signs in close proximity to the subject sign contributes to sign clutter in the area and is contrary to the goals and objectives of the Sign By-Law which include enhancing the public realm.

**Figure 3: Aerial View of 2751-2753 Eglinton Avenue East and Surrounding**



Additionally, the subject sign is located approximately two metres from an intersection of a driveway for vehicular access to the property and Eglinton Avenue East, a visibility zone where signs are prohibited. The Sign By-law requires a setback of three metres from that intersection. This provision is intended to address the impact on traffic entering or exiting properties in heavy traffic zones.

Applicant's Submission:

Pattison has provided submission materials contained in Attachment 1 to this report in support of its area-specific amendment application for premises municipally 2751-2753 Eglinton Avenue East.

Conclusion:

Staff do not support the area-specific amendment sought by Pattison. The requested amendment which seeks approval of this sign is contrary to the goals of the Sign By-law respecting third party signs in a CR-Commercial Residential Sign District and further undermines Council's goal of preventing additional ground signs in CR-Commercial Residential Sign Districts where other types of signs, such as wall signs, are supported.

**CONTACT**

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**SIGNATURE**

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Toronto Building

**ATTACHMENTS**

1. Appendix 1 – Pattison's Submission in Support of Application
2. Appendix 2 – Area-Specific Amendment Sought by Pattison