



Request for an Area-Specific Amendment to the Sign By-law for One Third Party Electronic Wall Sign at 147 Queen Street East

Date: March 12, 2018
To: Planning and Growth Management Committee
From: Chief Building Official and Executive Director, Toronto Building (Interim)
Wards: Ward 28 - Toronto Centre-Rosedale

SUMMARY

This staff report reviews and makes recommendations on an application by Outfront Media (the Applicant), on behalf of The Fred Victor Centre, to amend the Sign By-law to allow a third party electronic wall sign at 147 Queen Street East (the Proposed Sign). The Fred Victor Centre is a homeless support centre and shelter located in a Commercial Residential (CR) Sign District. Third party electronic walls signs are not permitted in CR Sign Districts.

The Proposed Sign has a height of 15.32 metres and a sign face area of 41.63 square metres. These proposed attributes result in a sign greater than five times the permitted height and almost 14 times the permitted sign face area for other third party wall signs in CR Sign Districts.

The Proposed Sign, located less than 100 metres from Moss Park and just 20 metres from the Moss Park Armoury, is incompatible with the surrounding area. It is also likely to have a significant impact on adjacent properties because of its size, height and copy type.

The proposal also includes the removal of five existing third party signs located in Wards 30 and 35. These five signs are located several kilometres away from the subject property and have no relationship with the proposed sign. The removal of these signs will not mitigate any of the impacts of the Proposed Sign or increase its compatibility with the surrounding area.

Staff have also received objections to this application from residents in the area who are concerned with its impact. Their concerns included: driver distraction, the visual impact that the sign may have on the surrounding buildings and concerns that the sign may set a precedent for other signs in the area.

Based on the above, staff recommend refusal of this application.

RECOMMENDATIONS

The Chief Building Official and Executive Director, Toronto Building (Interim), recommends that:

1. City Council refuse the application to amend the Sign By-law to add an area-specific amendment to Schedule 'B' of the Sign By-law, to allow for, in addition to the signage otherwise permitted, an electronic third party wall sign at 147 Queen Street East, as described in Attachment 1 of this report.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

DECISION HISTORY

Item PG3.2: Sign By-law Enforcement: Potential Amendments to the *City of Toronto Act, 2006*:

City Council requested the Province to give the City of Toronto the authority to govern all signs in the City by deleting Subsection 110(1) of the *City of Toronto Act, 2006*, and requested the Chief Building Official to establish a working group composed of industry representatives and affected stakeholders to provide advice about potential amendments to the Sign By-law.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.PG3.2>

COMMENTS

Issue Background

This Sign By-law Amendment application for 147 Queen Street East is for an electronic third party wall sign. As the proposed sign type is not permitted in CR Sign Districts, a Sign By-law Amendment is required to allow the Proposed Sign.

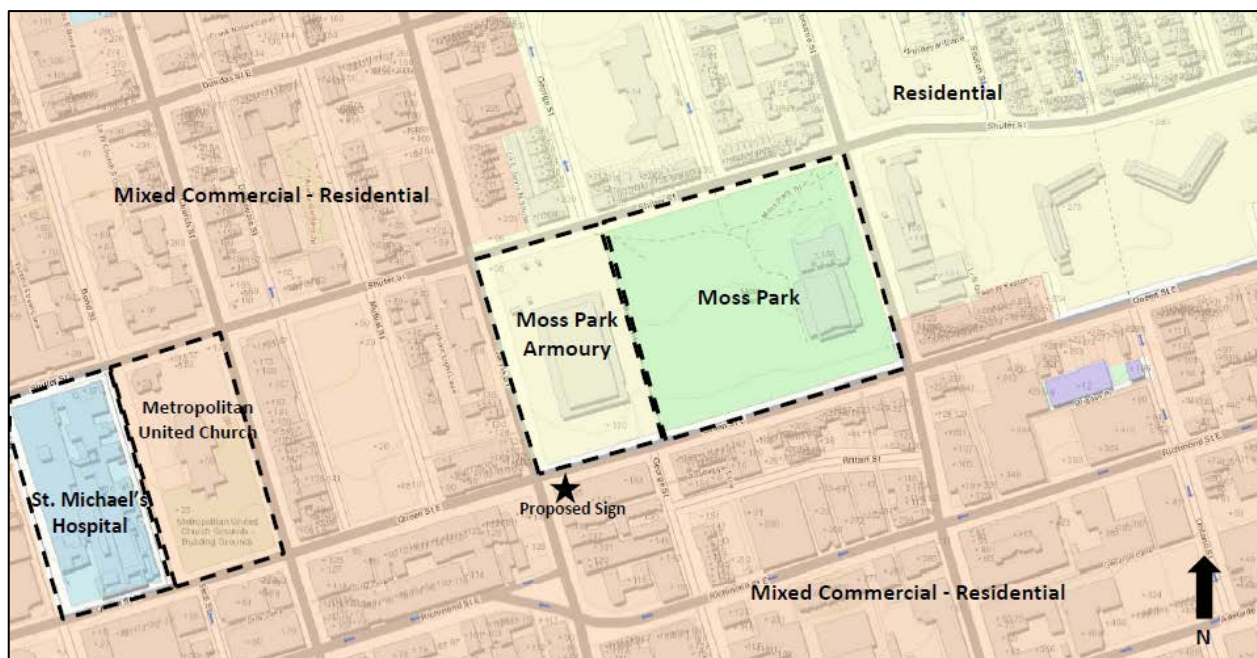
City Council has the authority to approve amendments to the Sign By-law. These applications for amendments should be considered against the key Sign By-law objectives, such as impact and compatibility of proposed signs on their surroundings.

Local Area Context

The four-storey Fred Victor Centre at 147 Queen Street East is a homeless shelter and support centre located in a CR Sign District, at the south-east corner of Queen Street East and Jarvis Street.

Figure 1 below indicates that most of the surrounding properties are designated as CR Sign Districts. Properties to the north of the Fred Victor Centre are in a Residential (R) Sign District. Surrounding properties comprise of a number of residential buildings, social service uses, including the Salvation Army's Harbour Light Centre and support building, the "Homes First Society", and the Moss Park Armoury, which has recently been used as an emergency shelter. Moss Park, to the northeast, is designated as an Open Space (OS) Sign District.

Figure 1 - Location of the Proposed Sign and Surrounding Area



The Applicant's Proposal

The Proposed Sign with a sign height of 15.32 m above grade and a sign face area of 41.63 square metres is located on the second, third and fourth storeys on the north elevation of the building impacting traffic travelling along Jarvis Street and Queen Street East.

As part of the proposal, the Applicant has offered to display copy in support of homelessness awareness and fundraising on one-sixth of the daily copy display as well as a name plate which would operate 24 hours/day to identify the Fred Victor Centre.

The proposal also includes the removal of five third party ground signs, all of which are located several kilometres away in Wards 30 and 35. Details of these signs are found in Table 1 on Page 6 of this report.

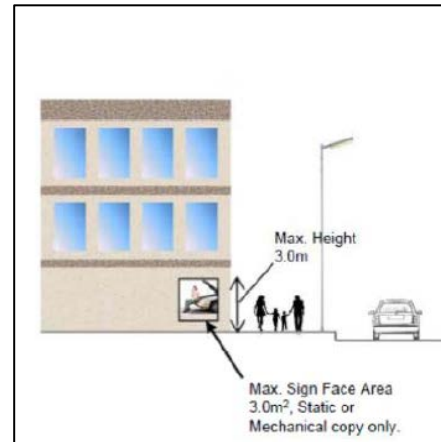
Comparison of the Proposal with Sign By-law Requirements

Third party wall signs displaying static copy are permitted in CR Sign Districts provided that they are pedestrian oriented (see Figure 3 below). The Sign By-law does not permit third party electronic signs in a CR Sign District.

Figure 2 - Proposed Sign at 147 Queen St. E



Figure 3 - Permitted Third Party Signs in CR Sign Districts



Figures 2 and 3 above illustrate how the Proposed Sign compares in size and height to Sign By-law regulations for third party wall signs in a CR Sign District. Third party signs are not permitted to face a street and must be set back at least 30 metres from an intersection. The proposed sign will be more than five times higher than permitted, and almost 14 times larger than permitted; it faces a street, and provides no setback from the intersection of Queen Street East and Jarvis Street.

Attachment 2 to this report also provides a full comparison of the Proposed Sign measured against the applicable Sign By-law provisions.

Potential Impacts on Surrounding Area

In Sign Districts where third party electronic wall signs are permitted, they are required to be set back at least 60 metres from sensitive land uses such as OS, R and CR Sign Districts, and where located within 250 metres of a sensitive land use, they are not permitted to face those properties.

As can be seen in Figure 4 below, the Proposed Sign is located approximately 20 metres from the Moss Park Armoury. The Moss Park Armoury is an active military facility and is used by the Canadian Armed Forces throughout the year. One of the uses of the Moss Park Armoury is for an annual Remembrance Day Ceremony as well as other military functions.

The Proposed Sign is also located approximately 100 metres from Moss Park, located in an OS Sign District, and from the Salvation Army Harbour Light Centre, located in a

CR Sign District. This is in addition to several residential developments to the north of the Proposed Sign also located in a CR Sign District.

Figure 4 - Distance between the Proposed Sign and Sensitive Land Uses in Surrounding Area (Looking West along Queen Street East)



Due to the height of the sign on the building and proposed sign face area, the Proposed Sign will be visible from these land uses.

Community Consultation

As required by the Sign By-law, all residents and property owners within 250 metres of 147 Queen Street East were notified of the proposed amendment. Staff also hosted a community consultation session on February 21, 2018, at Metro Hall, in order to obtain public feedback regarding the sign proposed in the application.

Three people from the neighbourhood attended the consultation session and all expressed concerns about the proposed amendment as follows:

- The size of the Proposed Sign, in relation to the existing building and the surrounding area;
- Potential safety concerns of distractions to drivers, cyclists and pedestrians, specifically as it could relate to the presence of vulnerable, socially-challenged individuals who frequent the neighbourhood;
- The negative visual impact that the Proposed Sign would have on the area;
- The potential precedent-setting nature of the application; and
- The departure of the Proposed Sign from the By-law requirements for third party signs in CR Sign Districts.

In addition, the Sign By-law Unit received a number of emails from residents who were notified of the proposal. The email communications were largely in line with the concerns raised at the community consultation session.

Proposed Sign Removals

The Applicant has proposed, as part of this application, the addition of five site specific restrictions to the Sign By-law, and that the removal of five third party ground signs at these locations is a condition of any permit issued for the Proposed Sign. As can be seen in Table 1 below, the signs proposed to be removed have little relationship with the proposed sign, other than ownership as they are all located several kilometres away from 147 Queen Street East. Removing the signs listed in Table 1 will also do nothing to mitigate the impacts of the Proposed Sign on its surroundings.

Table 1: Proposed Sign Removals

Sign Location	Sign Description	Distance from 147 Queen Street E. (approx.)
Greenwood Avenue, north of Gerrard Street East (Ward 30)	One double-faced third party ground sign located within a railway corridor	4.2 km
Eastern Avenue, east of Broadview Avenue (Ward 30)	One single-faced third party ground sign located within a railway corridor	2.0 km
Warden Avenue, south of Danforth Avenue (Ward 35)	One single-faced third party ground sign located within a railway corridor	9.2 km
Dundas Street East, west of Logan Avenue (Ward 30)	One single-faced third party ground sign located within a railway corridor	2.5 km
Gerrard Street East, east of Carlaw Avenue (Ward 30)	One single-faced third party ground sign located within a railway corridor	2.9 km

The signs proposed to be removed are all located in Utility Sign Districts where third party ground signs are permitted by the Sign By-law. These signs also generally comply with the copy display, size and height requirements for third party ground signs in Utility Sign Districts.

None of the signs proposed to be removed contribute to sign clutter in the immediate area as they are often the only signs located on, or visible from, the approaching streets. Staff also have no record of receiving any complaints from the public about the impacts on surrounding areas of any of these signs.

Proposed Sign Copy Donation

As part of the proposal, the Applicant has offered one-sixth of the daily copy display on the sign to support homelessness awareness and fundraising. Additionally, the

applicant has proposed that a portion of the sign face display a name plate for Fred Victor to identify the building at 147 Queen Street East.

City staff's position is that Council should not consider this arrangement in making its decision. Neither the Sign By-law nor any City policy explicitly provides that a benefit provided by an applicant to a local community is a factor that City staff or Council is to consider in deciding whether to approve or deny an application.

Moreover, even if the City directly benefits from this arrangement such that the arrangement should be considered a donation to the City, various sections of the Donations to the City of Toronto For Community Benefits Policy (the "Donations Policy") either do not allow a donation or require that the donation be considered separate from the approval process.

It should also be noted that Fred Victor currently displays an identification sign on the north wall of the building towards the bottom of where the proposed third party electronic sign will be displayed. This existing sign identifies Fred Victor to both Queen Street East and Jarvis Street traffic and is being displayed as-of-right.

2017 Legislative Change

With the passage of Bill 68, *Modernizing Ontario's Municipal Legislation Act, 2017*, the "grand-fathering" provisions respecting signs and advertising devices that were previously contained at Section 110(1) of the *City of Toronto Act, 2006*, were amended. A review of the current Sign By-law regulations in the context of this legislative change will take place later this year.

The effect of the recent legislative change would be to provide the City with the authority to pass by-laws that can regulate lawfully existing signs, including requiring compliance with standards not previously applicable to the signs, should it choose to do so. As a result, staff do not believe that there is a significant benefit in establishing further amendments to permit special and/or specific rights for signage at individual properties at this time.

It is the opinion of staff that any outstanding issues with respect to the five signs proposed to be removed in this application and the sign proposed at 147 Queen Street East could be better addressed as part of the overall by-law review.

CONCLUSION

Staff do not support this application, as it would allow for an electronic third party wall sign in an area where they are not permitted. The Proposed Sign is also significantly larger and higher than permitted in other Sign Districts, and it faces sensitive land uses, a street and an intersection. In addition, a number of residents in the immediate area have expressed their objections to the Proposed Sign.

For these reasons, staff believe that the proposed amendment application should be refused, as it will negatively affect sensitive land uses in the area, and conflict with the objectives of the Sign By-law.

CONTACT

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SIGNATURE

Diane Damiano
Chief Building Official and Executive Director (Interim)
Toronto Building

ATTACHMENTS

1. Draft By-law for Area-Specific Amendment for 147 Queen Street East, and additions to Subsection 694-24A
2. Proposed Sign Compared to Sign By-law Regulations