

Appeal Concerning One First Party Electronic Wall Sign - 1225 Lake Shore Boulevard West

Date: October 15, 2018

To: Sign Variance Committee

From: Manager, Sign By-law Unit, Toronto Building

Wards: Parkdale-High Park (14)

SUMMARY

This report addresses an appeal concerning three variances respecting one first party electronic wall sign, displaying both static copy and electronic static copy (the "Proposed Sign"). The Proposed Sign is to be located along the north elevation of a one-storey building at the property municipally known 1225 Lake Shore Boulevard West (the "Premises"), which is home to the Argonaut Rowing Club.

The original variance application was made by Priority Permits Limited on behalf of the Argonaut Rowing Club (the "Appellant"). After conducting a review in accordance with the requirements of the Sign By-law a decision was made to refuse to grant the requested variances, and subsequently the decision was appealed.

The Proposed Sign would introduce an electronic sign into an area where none currently exist, and within an area where it could have a negative impact on the surrounding Open Space (OS) Sign District. The Proposed Sign would also conflict with the Sign By-law regulations which specifically prevent electronic signs from being erected and displayed within an OS Sign District, and be contrary to the public interest as expressed by a letter of opposition received from a nearby resident, which requests that these electronic signs not be introduced into the lakefront area in an effort to preserve its natural qualities.

The Chief Building Official (CBO) has determined that the Appellant has not provided enough information to establish that the Proposed Sign meets all nine criteria required by the Sign By-law to grant a variance approval.

Specifically, the Appellant has failed to establish that the Proposed Sign is compatible with the development of the Premises and surrounding area, would support the Official Plan objectives for the Premises and surrounding area, would not adversely affect adjacent premises, would not alter the character of the Premises and surrounding area, and would not be contrary to the public interest.

RECOMMENDATIONS

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

1. The Sign Variance Committee refuse the four requested variances to sections 694-14E, 694-20I, 694-20A(2), and 694-21H, required to allow the issuance of permits for the erection and display of the Proposed Sign at the premises municipally known as 1225 Lake Shore Boulevard West, as described in Attachment 1 of this report.

FINANCIAL IMPACT

There is no financial impact resulting from the adoption of the recommendations in this report.

DECISION HISTORY

On May 29, 2018, a decision was made to refuse to grant the requested variances required for the Proposed Sign. The Appellant appealed the decision on June 18, 2018.

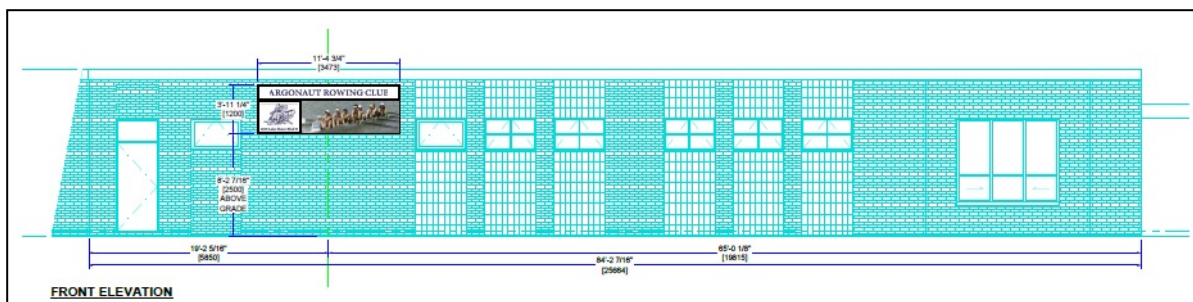
ISSUE BACKGROUND

Sign Attributes

The Proposed Sign is a first party electronic wall sign, located along the north elevation of a one-storey building on the Premises (See Figure 1 below). The Proposed Sign has a height of 3.7 metres and contains three rectangular sign faces; one displaying static copy with a maximum bisecting line (vertical measurement) of 0.40 metres and centre line (horizontal measurement) of 3.47 metres; a second sign face displaying static copy with a maximum bisecting line of 0.80 metres and centre line of 1.07 metres; and third sign face displaying electronic static copy with a maximum bisecting line of 0.80 metres and centre line of 2.40 metres.

The sign face displaying electronic static copy would display both identification of the Premises and advertising of events occurring on the Premises.

Figure 1: Rendering Elevation of Proposed Sign



Site Context and Sign District Designation

The Premises is located on the south side of Lake Shore Boulevard West, between Oarsman Drive and Jameson Avenue, and contains a one-storey building commonly known as the Argonaut Rowing Club. The surrounding area consists mainly of parklands and other recreational uses, with the Martin Goodman Trail extending across the northerly portion of the Premises. Lake Ontario is located directly to the south.

The Premises is designated as an Open Space (OS) Sign District, as are the properties to the north, east and west (See Figure 2 below).

Figure 2: Sign District Map of the Premises and Surrounding Area



Required Variances

Table 1: Summary of Requested Variances for the Proposed Sign

Sign By-law Section	Requirement	Proposal
694-14E	Signs shall display only static copy unless otherwise expressly permitted by this Chapter.	The Proposed Sign is to display both static copy and electronic copy.
694-20I	First party signs are permitted to display the following: (1) static copy; (2) topiary sign copy; or (3) readograph copy.	The Proposed Sign is to display both static copy and electronic static copy.

Sign By-law Section	Requirement	Proposal
694-20A(2)	In the case of an electronic wall sign, the portion of the sign copy which advertises, promotes, or directs attention to goods available at the premises does not exceed 30 per cent of the sign face area.	The portion of the sign copy which advertises, promotes, or directs attention to goods available at the premises is 46.04 per cent of the sign face area.
694-21H	An OS Sign District may contain only a ground sign providing direction, a ground sign other than a sign providing direction, and a wall sign.	The Proposed Sign is located in an OS Sign District and is an electronic wall sign.

COMMENTS

Criteria Established by §694-30A of The Sign By-law:

The Sign By-law contains specific criteria used in evaluating variance applications. Specifically, §694-30A states that a variance may only be granted where it has been determined that the Proposed Sign meets each of the nine established criteria.

When a decision by the CBO regarding a first party Signage Master Plan application is appealed, the Sign Variance Committee is required to conduct an evaluation and determine that the party seeking the variances demonstrates that the proposal meets all nine criteria, on the basis of the information presented to the Sign Variance Committee.

Specifically, the Appellant has failed to establish that the Proposed Sign is compatible with the development of the Premises and surrounding area, would support the Official Plan objectives for the Premises and surrounding area, would not adversely affect adjacent premises, would not alter the character of the Premises and surrounding area, and would not be contrary to the public interest.

However, the Sign Variance Committee is not required to make a determination of any issue other than if all nine of the individual criteria required to grant a variance with respect to the Proposed Sign have been met.

Applying the Established Criteria:

Section/Criteria Description: 694-30A(1) - The Proposed Sign belongs to a sign class permitted in the Sign District

The Appellant's submission materials indicate that the Proposed Sign would identify the "Argonaut Rowing Club", as well as advertise events occurring on the Premises. The Appellant also noted that the sign is located in an OS Sign District, where first party signs are permitted. As such, it appears that this criteria has been established.

Section/Criteria Description: 694-30A(2) - In the case of a third party sign, the Proposed Sign is of a sign type permitted in the Sign District

The Appellant's materials indicate that the Proposed Sign would identify the "Argonaut Rowing Club" and advertise events occurring on the Premises. The CBO has determined that this is sufficient information to establish that the Proposed Sign is a first party sign and, as such, it appears that this criteria has been established.

Section/Criteria Description: 694-30A(3): The Proposed Sign is compatible with the development of the premises and surrounding area

The surrounding area is composed mainly of parkland, with the Martin Goodman Trail extending across the northerly portion of the Premises. The Martin Goodman Trail is located approximately 16 metres north of the Proposed Sign. (See Attachment 5: Proximity of the Proposed Sign to the Martin Goodman Trail).

Prior to the decision being rendered, the CBO received correspondence from an adjacent property owner (a copy of which can be seen in Attachment 6) which expressed concerns about the Proposed Sign. These concerns included the electronic portion of the Proposed Sign disturbing the natural peacefulness of the lakefront, and the potential light pollution created by the electronic portion of the Proposed Sign.

The Appellant has not provided any compelling information to demonstrate that the Proposed Sign is appropriate for an OS Sign District, or how it would be compatible with the adjacent parkland and the Martin Goodman Trail. As such, it appears that this criteria has not been established.

Section/Criteria Description: §694-30A(4) - The Proposed Sign supports Official Plan objectives for the property and surrounding area

The Premises is designated as '*Parks and Open Space Areas*' in the City of Toronto Official Plan. The Official Plan states, in part, that development in '*Parks and Open Space Areas*' should protect, enhance or restore trees, vegetation and other natural heritage features, and should respect the physical form, design, character and function of these areas.

The Appellant has not provided any compelling information to demonstrate that the Proposed Sign supports Official Plan objectives for the Premises and surrounding area. As such, it appears that this criteria has not been established.

Section/Criteria Description: 694-30A(5) - The Proposed Sign does not adversely affect adjacent premises

The nearby parkland and the Martin Goodman Trail are home to birds, plants and other wildlife, as well as recreational users which could be directly impacted by the introduction of an electronic sign where no similar signs exist.

The Appellant has not presented any compelling information to help demonstrate that the Proposed Sign will not affect the natural habitats located in the surrounding OS Sign Districts or the public users of the Martin Goodman Trail. As such, it appears that this criteria has not been established.

Section/Criteria Description: 694-30A(6) - The Proposed Sign does not adversely affect public safety, including traffic and pedestrian safety

The Appellant's materials note that the illumination of the Proposed Sign can be set to a level so as not to pose a distraction to vehicular traffic travelling on Lake Shore Boulevard West. The Proposed Sign is to be erected approximately 40 metres from Lake Shore Boulevard West and would only be partially visible from the travelled portion of the roadway due to obstructions from trees and the size of the electronic portion of the Proposed Sign. As such, it appears that this criteria has been established.

Section/Criteria Description: 694-30A(7) - The Proposed Sign is not a sign prohibited by §694-15B

The Appellant's materials provided sufficient information to establish that the Proposed Sign does not contain any of the attributes that would result in it being prohibited by §694-15B. As such, it appears that this criteria has been established.

Section/Criteria Description: 694-30A(8) - The Proposed Sign does not alter the character of the premises or surrounding area

The character of the surrounding area is established, in part, by the surrounding parkland and the presence of the Martin Goodman Trail. The Proposed Sign would be directly visible to users of the Martin Goodman Trail, and is located in an area that consists largely of parkland and other recreational uses. The Appellant did not provide any compelling information to demonstrate that the Proposed Sign would not alter the character of the premises or surrounding area and, as such, it appears this criteria has not been established.

Section/Criteria Description: 694-30A(9): The Proposed Sign is not contrary to the public interest

The Premises and surrounding area are designated as OS Sign Districts, where electronic wall signs are not permitted. These types of signs are permitted in Employment and Commercial Sign Districts, provided they are not erected within 60 metres of an OS Sign District.

The Sign By-law regulations applicable to electronic wall signs help to minimize issues of incompatibility with sensitive land uses. The Proposed Sign would introduce an electronic sign into an area where no similar signs exist, and where it could have a negative impact on the natural habitats and recreational uses within this OS Sign District.

As part of the sign variance process, the Appellant is required to post a notice on the property outlining the variance proposal for no less than 30 days prior to the City's decision. A written notice of the proposal is also mailed out to the local Ward Councillor and to all property owners within a 250-metre radius of the Premises.

Prior to the decision being rendered, the CBO received correspondence from an adjacent property owner which expressed concerns about the Proposed Sign, including it disturbing the natural peacefulness of the lakefront, and the potential light pollution created by the electronic portion of the Proposed Sign.

The Appellant did not provide any information to establish that the Proposed Sign is not contrary to the public interest, and the concerns expressed by a nearby resident provide further evidence that the Proposed Sign would be contrary to the public interest. As such, it appears that this criteria has not been established.

Conclusion

Based on the rationale and materials submitted, an analysis of the Premises and surrounding area and a review of applicable regulations, the CBO has determined that the Proposed Sign does not meet all nine of the established criteria.

Specifically, it has not been established that the Proposed Sign is compatible with the development of the premises and surrounding area, that the Proposed Sign will not adversely affect adjacent premises, and that the Proposed Sign does not alter the character of the Premises and surrounding area.

CONTACT

Brody Paul
Sign Building Code Examiner Inspector, Sign By-law Unit
E-mail: bpaul@toronto.ca, Tel: 416-392-5357

SIGNATURE

Ted Van Vliet
Manager, Sign By-law Unit

ATTACHMENTS

Attachment 1: Description of the Proposed Sign

Attachment 2: Required Variances

Attachment 3: Proximity of the Proposed Sign to the Martin Goodman Trail and to Lake Shore Boulevard West

Attachment 4: Appellant's Submission Package

Attachment 5: Letter of Opposition

ATTACHMENT 1: DESCRIPTION OF THE PROPOSED SIGN

Sign Description:

Proposed Sign – One first party wall sign to be located on the northerly elevation of the building currently located on the premises municipally known as 1225 Lake Shore Boulevard West, described as follows:

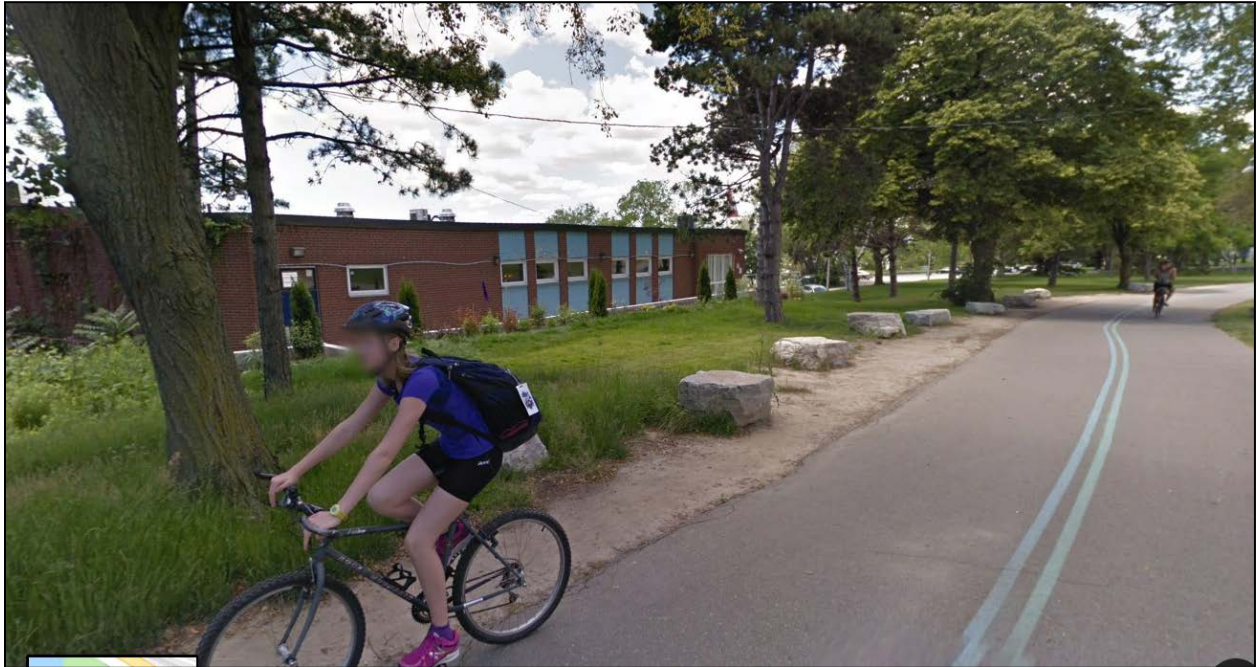
- Is Illuminated;
- Has a maximum height of 3.7 metres;
- Contains three rectangular sign faces described further as follows:
- Sign Face A which
 - displays only static sign copy
 - displays only sign copy which identifies the Argonaut Rowing Club
 - has a maximum bisecting line of 0.40 metres; and,
 - has a maximum centre line of 3.47 metres.
- Sign Face B which:
 - displays only static sign copy;
 - displays only sign copy which identifies the Argonaut Rowing Club, contains logos or designs of the Argonaut Rowing Club;
 - has a maximum bisecting line of 0.80 metres; and,
 - has a maximum centre line of 1.07 metres.
- Sign Face C which:
 - displays only electronic static sign copy;
 - displays only sign copy which identifies the Argonaut Rowing Club, contains logos or designs of the Argonaut Rowing Club, or advertises events occurring on the premises;
 - has a maximum bisecting line of 0.80 metres; and,
 - has a maximum centre line of 2.40 metres.

ATTACHMENT 2: REQUIRED VARIANCES

1. The requirement contained at §694-14E, which states that signs shall display only static copy unless otherwise expressly permitted by this Chapter, be varied to allow for the Proposed Sign, which is to display both static copy and electronic copy;
2. The requirement contained at §694-20I, which states that first party signs are permitted to display the following: (1) static copy; (2) topiary sign copy; or (3) readograph copy, be varied to allow for the Proposed Sign, which is to display static copy and electronic static copy;
3. The requirement contained at §694-20A(2), which states that in the case of an electronic wall sign, the portion of the sign copy which advertises, promotes, or directs attention to goods available at the premises does not exceed 30 per cent of the sign face area, be varied to allow for the portion of the sign copy which advertises, promotes or directs attention to goods available at the premises to be 46.04 percent of the sign face area, and;
4. The requirement contained at §694-21H, which states that an OS Sign District may contain a ground sign providing direction, a ground sign other than a sign providing direction, and a wall sign, be varied to allow for the Proposed Sign, which is an electronic wall sign.

ATTACHMENT 3: PROXIMITY OF THE PROPOSED SIGN TO THE MARTIN GOODMAN TRAIL AND TO LAKE SHORE BOULEVARD WEST

North Elevation of Building viewed from the Martin Goodman Trail



North Elevation of Building viewed from Lake Shore Boulevard West



ATTACHMENT 4: SIGN VARIANCE APPLICATION



Application
Sign Variance

Folder No.	Date (yyyy-mm-dd)
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Project Information

Street No.	Street Name	Lot No.	Plan No.
1225	LAKE SHORE BLVD. W.		

Describe the variance(s) being applied for:
 TO ALLOW FOR (1) ONE ELECTRONIC STATIC MESSAGE BOARD
 IN AN OPEN SPACE ZONE

If it is an application for a variance required for the modification or restoration of an existing sign, please provide the following:

Existing Sign Dimensions	Location
N/A	N/A

Please provide the reasons/justification for the request (Attach any supporting documentation or additional pages as required):
 PLEASE SEE ATTACHED LETTER OF HARDSHIP

Property Owner Information

First Name		Last Name	
JASON		VAN RAVENSWAAY	
Company Name (if applicable)			Telephone No.
ARGONAUT ROWING CLUB			416-532-2303
Street No.	Street Name	Suite/Unit No.	Mobile No.
1225	LAKE SHORE BLVD. W.	3	
City/Town	Province	Postal Code	Fax No.
TORONTO	ON	M6K 3C1	
E-mail Address			

Attachment Required

- Sign Variance Data Sheet
- Copies of any supporting documents
- All necessary plans and specifications required to verify the nature of the Sign By-law Variance(s) requested

Continue on next page



Application
Sign Variance

Applicant Information and Declaration

First Name I, <u>JACKY</u>		Last Name <u>TANG</u>	
Company Name <u>PRIORITY PERMITS LTD.</u>			Telephone No. <u>365-886-3301</u>
Street No. of <u>331</u>	Street Name <u>PARKDALE AVE. N.</u>	Suite/Unit No.	Mobile No.
City/Town <u>HAMILTON</u>	Province <u>ON</u>	Postal Code <u>L8H 5Y1</u>	Fax No.
E-mail Address <u>jacky@prioritypermits.com</u>			
<p>Do hereby declare the following:</p> <ul style="list-style-type: none"> • That I am <input type="checkbox"/> the Property Owner as stated above <li style="padding-left: 20px;"><input type="checkbox"/> the owner's authorized agent. <li style="padding-left: 20px;"><input checked="" type="checkbox"/> an officer/employee of <u>PRIORITY PERMITS LTD.</u>, which is an authorized agent of the owner. <li style="padding-left: 20px;"><input type="checkbox"/> an officer/employee of _____, which is the Property Owner's authorized agent. • That statements contained in this application are true and made with full knowledge of all relevant matters and of the circumstances connected with this application. • That the plans and specifications submitted are prepared for the sign variance(s) described and are submitted in compliance with copyright law • That the information included in this application and in the documents filed with this application is correct. 			
 Signature	<u>SHAWN CREANEY FOR</u> <u>JACKY TANG</u> Print Name		<u>2017/12/20</u> Date (yyyy-mm-dd)

Continue on next page

The personal information on this form is collected under the City of Toronto Act, 2006, s. 136(c) and Chapter 694, Signs, General, of the City of Toronto Municipal Code. The information collected will be used for processing applications and creating aggregate statistical reports, for enforcement of the City of Toronto Municipal Code Chapter 694, Signs, General, Chapter 771, Taxation, Third Party Sign Tax, and any other applicable sign by-law of the City of Toronto, and for contacting permit holder(s) or authorized agent(s). Questions about this collection may be referred to the Manager, Sign By-law Unit, Toronto Building, 100 Queen Street West, Ground Floor, East Tower, Toronto, M5H 2N2 416-392-4235.

Data Sheet
Sign Variance

Folder no.	Request Date (yyyy-mm-dd)
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This data sheet forms part of an application for a Variance From Chapter 694 of the Toronto Municipal Code, Signs

Project Information

Street No.	Street Name	Lot No.	Plan No.
1225	LAKE SHORE BLVD. W.		

Site and Building Data

Lot Area	Lot Frontage	Lot Depth
	VARIABLE (PARK LANDS)	VARIABLE (PARK LANDS)
No. of Building(s) on the lot	Date of Construction of Building(s) if known (yyyy-mm-dd)	
X1	? (UNKNOWN)	
Building Height(s)	No. of Storeys	Building(s) Gross Floor Area
	X2	
Building Uses(s)		
ROWING CLUB		

Site Context

Please describe the land uses, buildings and sign districts surrounding the proposal (use additional pages if necessary)

North	GARDINER EXPRESSWAY
South	LAKE ONTARIO
East	MARILYN BELL PARK
West	TORONTO SAILING & CANOE CLUB

Proposal

Please describe in detail what is being proposed (use additional pages if necessary)

PLEASE SEE ATTACHED
LETTER OF HARDSHIP
+ PLAN DRAWINGS

Continue on next page

14-0043 2013-07

Rationale

Decisions for all Sign Variance Applications are evaluated against criteria listed in Toronto Municipal Code Chapter 694-30 A. A Variance may be granted where it is demonstrated that the proposed sign(s):

- Belong to a sign class permitted in the sign district where the premises is located
- In the case of a third party sign, be of a sign type that is permitted in the sign district, where the premises is located
- Be compatible with the development of the premises and surrounding area
- Support the Official Plan objectives for the subject premises and surrounding area
- Not adversely affect adjacent premises
- Not adversely affect public safety
- Not be a sign prohibited by Toronto Municipal Code Chapter 694-15B
- Not alter the character of the premises or surrounding area
- Not be, in the opinion of the decision maker, contrary to the public interest

Please describe in detail how the proposal satisfies each of the criteria listed above (use additional pages if necessary)

(This area is currently blank, intended for a detailed description of how the proposal satisfies the criteria.)



December 20, 2017

Attn: City of Toronto

Re: Electronic Message signs for Argonauts Rowing Club, 1225 Lake Shore Blvd, Toronto

We are proposing a new fascia sign with an electronic static message board for Argonaut Rowing Club located at 1225 Lake Shore Blvd.

We are seeking for the following relief:

- Electronic Static message boards are not allowed in Open Space zone.

The sign is located on the north elevation with the dimension of 2.134m by 2.134m. The electronic portion of the sign is 50% of the sign (0.914m by 2.134m.) which falls in line with the Electronic stat message requirements of other zones.

Argonauts Rowing club needs to have the electronic static message board because they host different events that needs to be constantly updated.

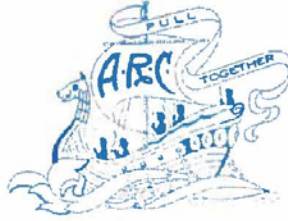
Additionally, the LED lighting can be set to a level that shall not distract motorists of Lake Shore Blvd. There is a huge distant between the sign and the road as well. Because of this, public safety is not jeopardized in any way, and the proposed sign shall not impinge on the general welfare of those in the surrounding area.

The proposal is generally consistent with the provisions of the development plan by-law.

For these reasons and more, we are seeking to allow for the addition of an Electronic Message Board for Argonauts Rowing Club at 1225 Lake Shore Blvd, Toronto.

Thank you,

Ryan Matthews,
Priority Permits
Ph: 778-397-1394
Fax: 1-888-738-3846
Email: ryan@prioritypermits.com



Date: May 18, 2017

City of
Toronto

Reference: Sign Permit Application:
1225 Lakeshore Blvd W, Toronto, ON, M6K 3C1

Legal Address (On Title):
REG'D PLAN 549-YORK (LYING IN FRONT OF LOTS 19,20,21,22)
CITY OF TORONTO

Registered Property Ownership: ARGONAUT ROWING CLUB

To Whom It May Concern:

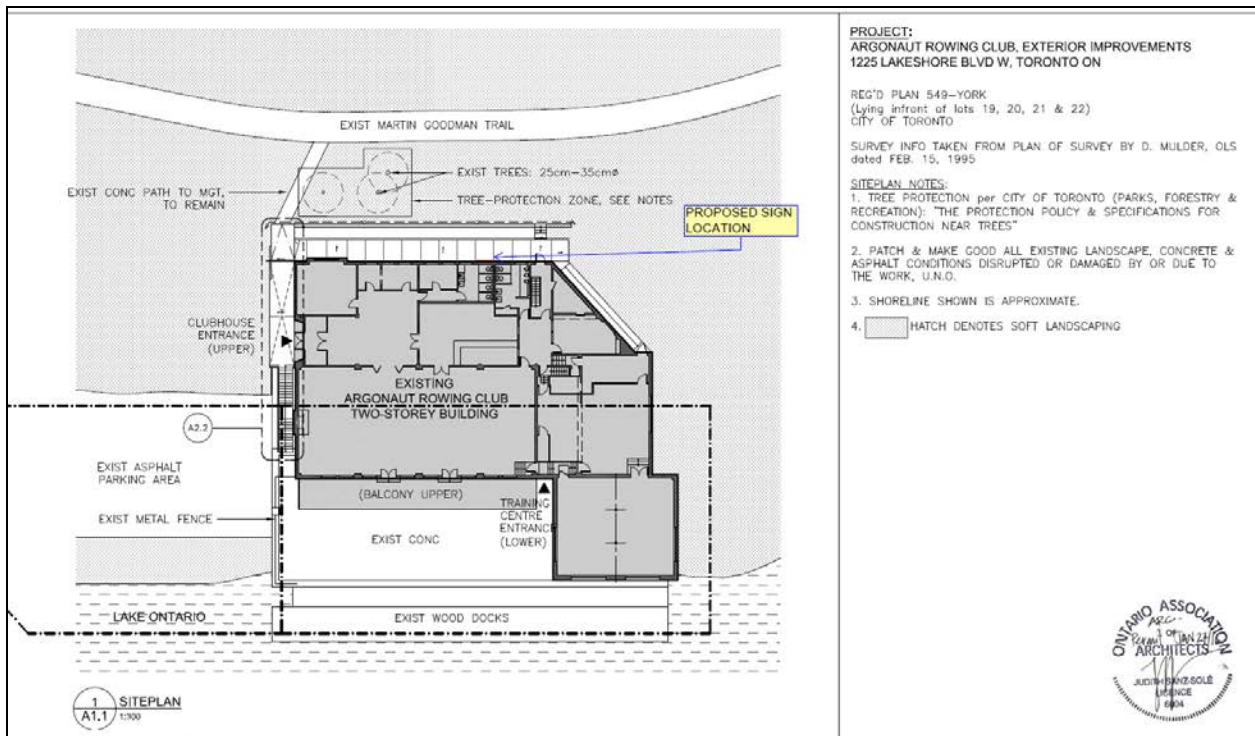
We are the owners of the subject property.

Please accept this letter as our authorization hereby granted to Provincial Sign Systems and their agents to act as our representative in the matter of making application for all necessary sign permits and/or a variance from the sign By-law, if and when required, to cover the proposed new exterior signage at the aforementioned location.

Yours truly,

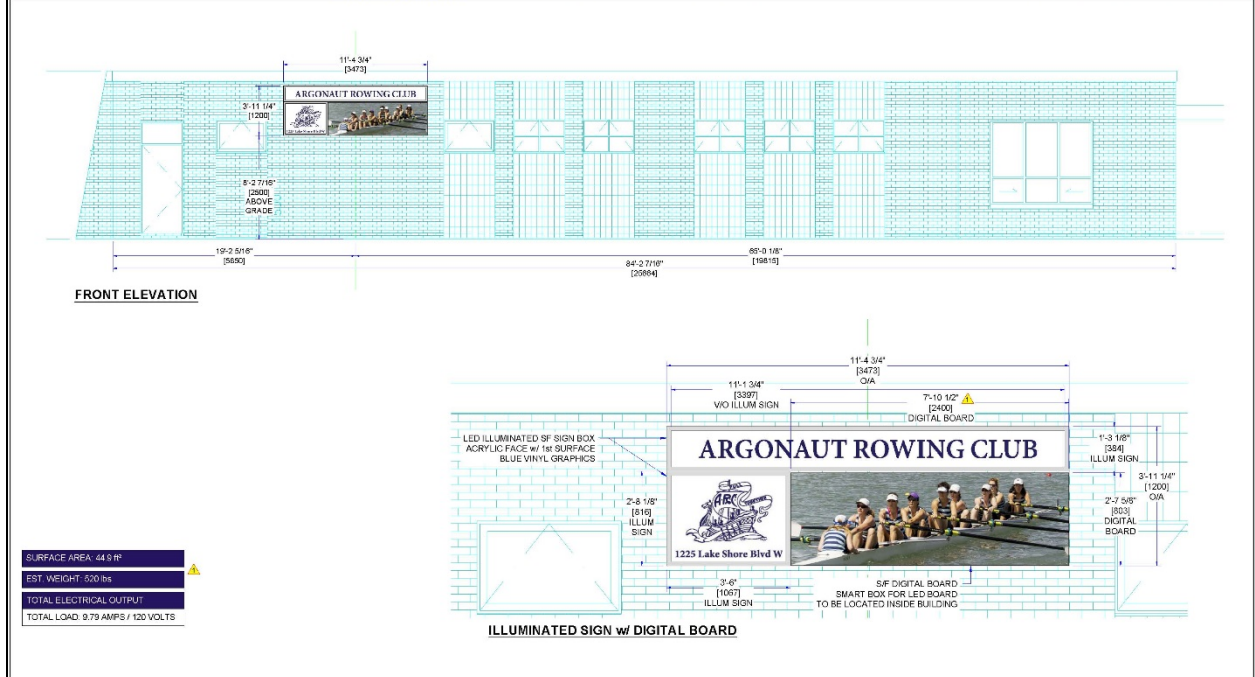


Jason van Ravenswaay
Financial Director, Argonaut Rowing Club



<p>222 Park Ave. Toronto, ON M5S 3B4 1.416.215.3393 www.ssa.com</p>	BUILDING PERMIT, CITY OF TORONTO JAN 27/16 ISSUED FOR PRICING JAN 26/16 90% REVIEW JAN 18/16		<p>PROJECT: ARGONAUT ROWING CLUB; EXTERIOR IMPROVEMENTS DRAWING TITLE: SITEPLAN PROJECT NO: 1504 SCALE: 1:300</p>	A1.1 <small>PROVIDING DEL.</small>
	<p>1 SITEPLAN A1.1 1:300</p>			

ARGONAUT ROWING CLUB - LED ILLUMINATED SF WALL MOUNTED SIGN ELEVATION - RENDERING DWG#: G18D0310 REV 1 PG # 1 OF 1



REV	DESCRIPTION	A.L.	NAME	DATE
1	CHANGED BOARD SIZE	A.L.	APR 13/15	

THIS DRAWING IS PROVIDED AS CONFIDENTIAL INFORMATION AND IS NOT TO BE USED, ALTERED, ISSUED OR REPRODUCED WITHOUT WRITTEN CONSENT FROM PROVINCIAL SIGN SYSTEMS.

ATTACHMENT 5: LETTER OF OPPOSITION

Sent: May-24-18 7:18 PM
To: signbylawunit <signbylawunit@toronto.ca>
Subject: 1225 lake shore blvd west (17-278610)

Hi,

I do not agree with a glaring bright sign at the Argonaut Rowing Club.
The natural peacefulness of the lakefront will be polluted by the light.
I understand the clubs desire for signage, but it should be restricted.
Enabling this sign will inspire others along the lakefront to do so as well, and it is the last unlit space on the lake that we have.

If they put one up, it should not be allowed to be on during night time hours.
As is, light pollution at the lake is too heavy.

Myself and a bunch of my neighbours who look directly onto the Rowing Club feel the same way, but we didn't have time to mobilize our online petition.

I also had a difficult time trying to submit feedback about this variance request b/c there isn't a dedicated page to collect feedback.

Please keep me abreast as to decisions made about this variance request.

Thank you,