

Area-Specific Amendment to the Sign By-law: 1 York Street

Date: May 4, 2021
To: Planning and Housing Committee
From: Chief Building Official and Executive Director, Toronto Building
Wards: 10 - Spadina - Fort York

SUMMARY

The Sign By-law is a harmonized, City-wide set of regulations governing signs which was adopted by City Council in 2010. The Sign By-law contains a process for any member of the public to apply to City Council to amend the Sign By-law in order to implement significant changes to the sign regulations for a specific property or area. Applications are commonly made requesting amendments to the Sign By-law to allow signs that are prohibited, to remove permissions for signs in an area, or to modify the administrative requirements of the Sign By-law. The Chief Building Official (CBO) brings applications to amend the Sign By-law together on an annual basis for City Council consideration, so that City Council can more easily assess the overall and cumulative impact of these applications on the city's built environment, and the Sign By-law itself.

This report responds to an application for an amendment to the Sign By-law to replace the existing regulations for third party signs for 1 York Street, with regulations which would allow for one third party electronic projecting sign with two sign faces, directed to the east and southwest and facing the F.G. Gardiner Expressway (the Proposed Electronic Sign) and two first party wall signs directed north displaying static copy (the Proposed Wall Signs, and collectively the Proposed Signs). The property at 1 York Street is located in a Commercial Residential (CR) Sign District, which does not permit third party electronic projecting signs.

Menkes Developments Inc. (the "Applicant") also seeks to establish regulations which would modify the permitting regulations for third party signs at 1 York Street to allow for the Proposed Electronic Sign to be issued a sign permit which would have a ten-year duration, double the permit length for other third party signs set out in the Sign By-law.

In addition to the expanded permit timeframe, the proposed amendment would allow for the Proposed Electronic Sign to be located approximately five metres from the F.G. Gardiner Expressway, contrary to an area-specific restriction set out in the Sign By-law which does not permit third party signs within 400 metres of the F.G. Gardiner Expressway.

Toronto Building, in consultation with City Planning and Transportation Services, reviewed the application, and does not support the proposal as it is not consistent with the traffic safety requirements or objectives of the Sign By-law. For the reasons set out in this report, the CBO does not support amending the Sign By-Law for 1 York Street.

RECOMMENDATIONS

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

1. City Council refuse the application to amend the Sign By-law to add an area-specific amendment to Schedule 'B' of Chapter 694, Signage Master Plans and Area-Specific Amendments, to replace the existing Sign By-law regulations concerning third party signs applicable to the premises municipally known as 1 York Street to allow for, and regulate, a single third party electronic projecting sign and two first party wall signs, as described in Attachment 1 of this report.

FINANCIAL IMPACT

There are no current or known future year financial impacts arising from the recommendations contained in this report.

DECISION HISTORY

There have been no previous decisions regarding this proposal. However, electronic signs have been the subject of considerable research and public consultation by the City of Toronto. Based in part on that body of work, the Sign By-Law was amended in 2015 to expand the areas where electronic signs are permitted, while minimizing the impact of electronic signs on sensitive uses, including residential and open space areas.

PG 5.13 - Electronic and Illuminated Sign Study and Recommendations for Amendments to Chapter 694:

These amendments attempt to minimize the adverse impact of electronic signs by establishing separation distances between electronic signs and sensitive land uses, and reducing the maximum brightness at night. Third party electronic signs are now permitted in Employment, Utility and Commercial Sign Districts, but are specifically not permitted in CR Sign Districts, where there are residential uses.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.PG5.13>

COMMENTS

Annual Reporting

Area-specific amendment applications are considered together once annually. This practice allows for the applications made throughout the year to more easily be reviewed and considered in a comprehensive manner.

The Sign By-law allows for applications by sign applicants to amend the Sign By-law in order to implement significant changes to the Sign By-law for a specific area. Examples of those changes include: establishing regulations to authorize a sign that is prohibited by the Sign By-law, developing a comprehensive plan for all signage on a property, implementing a prohibition on signs in an area, altering a property's sign district designation, or changes to administrative provisions, such as permitting requirements.

Menkes Developments Inc. (the "Applicant") has applied for an area-specific amendment in order to permit a third party electronic projecting sign at 1 York Street, which is not permitted by the Sign By-law, as well as to establish an initial sign permit duration of ten years for the Proposed Electronic Sign.

Figure 1 - Applicant's Rendering of the Proposed Signs

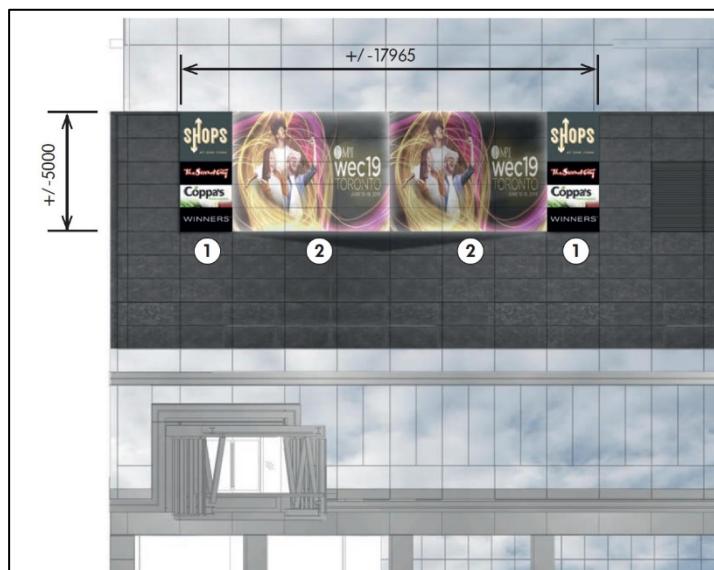
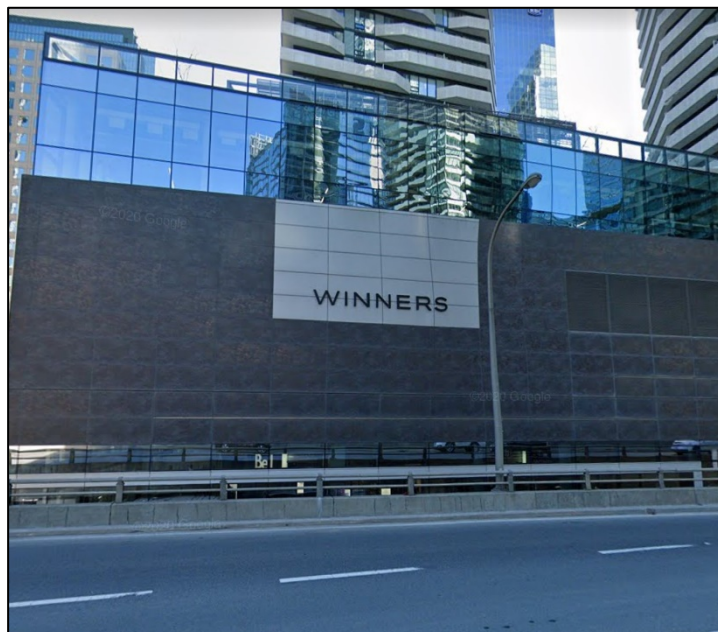


Figure 2 - Photo of the Existing Sign



Applicant's Amendment Proposal

The Applicant is seeking an area-specific amendment to the Sign By-law to replace the existing third party sign regulations applicable to 1 York Street to allow for a third party electronic projecting sign and two first party wall signs displaying static copy (the Proposed Signs) to be displayed in approximately the same location as an existing first party static wall sign which has been in place since 2014.

The Proposed Signs would measure a total of 5.0 metres vertically and 17.97 metres horizontally for a total sign face area of 89.85 square metres. Of that, one sign would have a sign face area of 67.35 square metres (two sign faces of 33.7 square metres each) and would display electronic third party sign copy, and, two signs would display 22.5 square metres of static first party sign copy. The Proposed Signs would replace an existing first party static wall sign. (See Figures 1 and 2)

The Applicant's submission materials state that one of the purposes of the Proposed Signs will be to provide wayfinding to a number of businesses and services on the premises, including *The Second City* and other retail tenants. Due to the location of the Proposed Sign relative to the nearest off-ramps from the F.G. Gardiner Expressway (approximately 600 metres to the west and 800 metres to the east), as well as the fact that the sign will only be facing the F.G. Gardiner Expressway, there is little relationship between the Proposed Signs and access to the listed tenants. As a result, it is unlikely that the Proposed Signs will have much value as wayfinding signs and will serve much more as advertising for the tenants at 1 York Street.

The Sign By-law requires a minimum separation distance of at least 400 metres from the F.G. Gardiner Expressway, by prohibiting any third-party signs from being erected whole or in part within 400 metres of any limit of the F.G. Gardiner Expressway, in this area. The Proposed Electronic Sign will be located approximately five metres to the south of the F.G. Gardiner Expressway, 395 metres closer than what is permitted by the Sign By-law.

Finally, the Applicant's proposed amendment would modify the permit duration of five years, applicable to all third party sign permits, to an initial duration of ten years with respect to the Proposed Third Party Electronic Sign. The Applicant has provided no supporting rationale for this request.

Site Context - 1 York Street

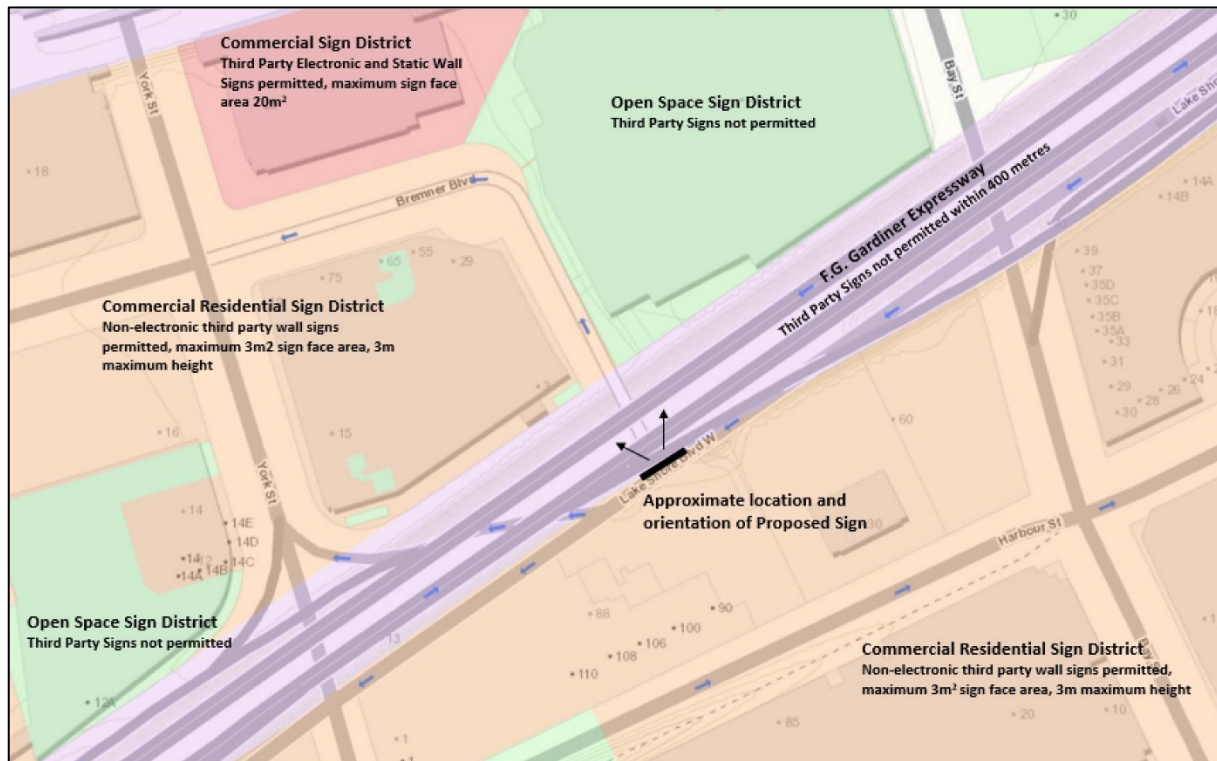
The property at 1 York Street is located in Ward 10, on the south side of the F.G. Gardiner Expressway and the east side of York Street. It is currently surrounded by mixed-use commercial-residential buildings and office buildings, as well as the Scotiabank Arena. The property at 1 York Street is directly adjacent to the F.G. Gardiner Expressway, which is located approximately five metres to the north.

The property at 1 York Street contains a 35-storey office tower, and provides more than 18,500 square metres of retail floor space with connections to Union Station and the PATH network. The office tower is connected by a five-storey podium to two residential condominium towers, each measuring 63 and 67 storeys.

There is currently a first party static wall sign on the north elevation of the subject property in a similar location as the Proposed Signs. There are no third party signs on the subject property.

The property at 1 York Street is located in a Commercial Residential (CR) Sign District, and does not permit electronic third party signs.

Figure 3 - Sign District Map Showing Proposed Sign Location and Surrounding Area



Area Compatibility

Although the Sign By-Law does not permit third party electronic wall signs in Commercial Residential (CR) Sign Districts, where they are permitted, they must not face any CR or Open Space (OS) Sign Districts located within 250 metres. The proposed electronic sign would be located within a CR Sign District, and would be facing CR and OS Sign Districts.

Maple Leaf Square at 15 York Street, northwest of 1 York Street, consists of a ten-storey mixed-use podium connecting a 50 and a 54-storey residential tower. The angle of the proposed sign would have it directly facing the two residential towers at this location. (See Figure 4)

Further, where electronic signs are permitted, they must be separated by at least 60 metres from sensitive uses, including CR and OS Sign Districts. The Proposed Electronic Sign is located in a CR Sign District and is approximately 50 metres from an OS Sign District, which contains the Scotiabank Arena. Due to the height of the Proposed Sign above grade, its position south of the F.G. Gardiner Expressway and a pedestrian bridge located above Bremner Boulevard, it will have limited visibility from the OS Sign District.

The property at 1 York Street is located within the Union Station Heritage Conservation District (HCD), designated under Part V of the *Ontario Heritage Act* by City Council on July 27, 2006. The Sign By-law does not permit third party signs to be located in a

Heritage Conservation District. Despite this, Heritage Preservation Services staff have advised that it is unlikely that the Proposed Sign would have any adverse impact on the Heritage Conservation District as it fronts directly onto the F.G. Gardiner Expressway and would have little relationship to the public realm.

The Proposed Signs are located along the F.G. Gardiner Expressway between Strachan Avenue (to the west) and Booth Avenue (to the east). The area-specific amendment requested by the Applicant would permit the Proposed Electronic Sign to be located approximately five metres from the F.G. Gardiner Expressway where the Sign By-law specifically prohibits any third-party sign within 400 metres of any limit of this portion of the F.G. Gardiner Expressway.

The area within 400 metres of the F.G. Gardiner Expressway between Strachan Avenue and Booth Avenue is one of 74 specific areas throughout the city where City Council has determined that third party signs should not be permitted. These 74 area-specific restrictions were imposed by City Council on the determination that third party signs in these locations are inconsistent and incompatible with the surrounding area, and would not contribute positively to the quality of Toronto's appearance.

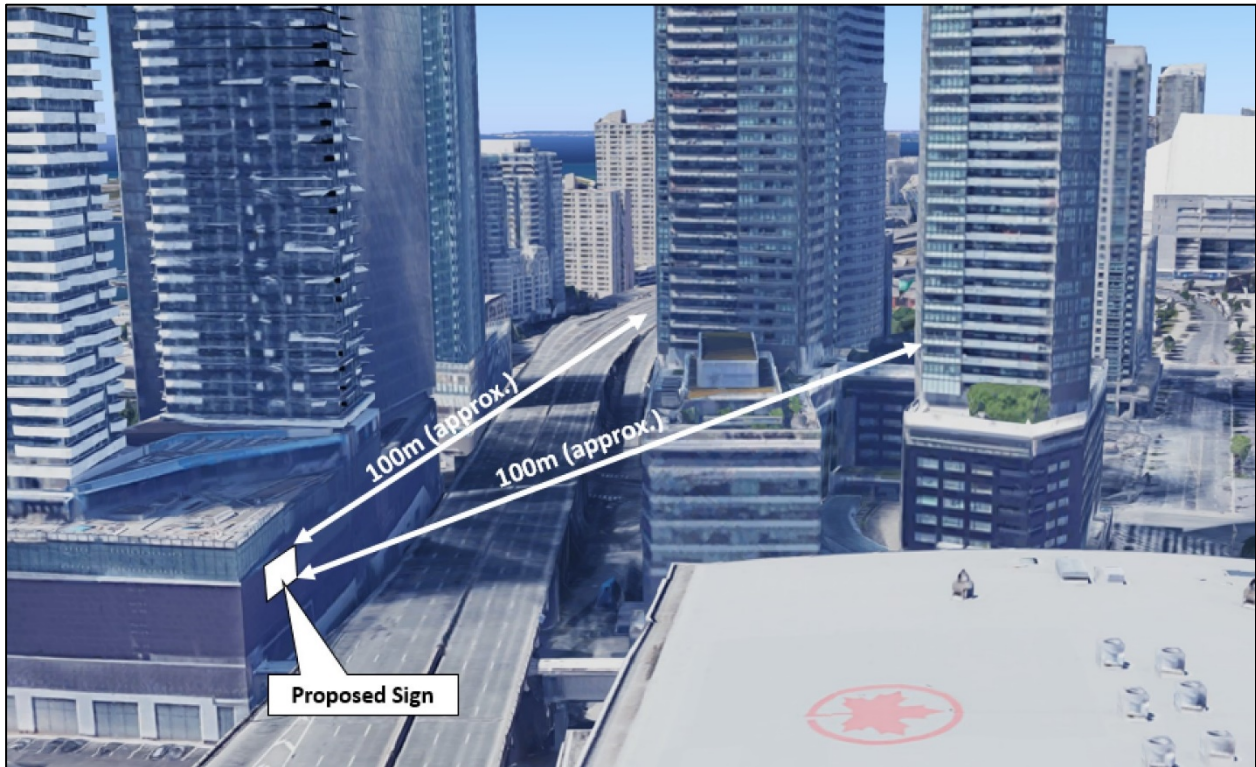
The 400-metre separation distance requirement is also consistent with the Provincial Ministry of Transportation's Corridor Management Policy which requires a 400 metre-separation between provincial highways and third party signs throughout the province.

When the amendments were made to the Sign By-law in 2015 to expand the permissions for electronic signs throughout the city, the area-specific restrictions applicable to third party signs, including the restriction on third party signs along the F.G. Gardiner Expressway between Strachan Avenue and Booth Avenue, were neither removed nor amended.

The building at 1 York Street is similar to many other buildings between Lower Simcoe Street and Yonge Street, with lower level podium walls directly facing the F.G. Gardiner Expressway and upper-storey residential towers. While several of these buildings do contain signs that are directly facing or oriented to the F.G. Gardiner Expressway, the signs are first party signs and none display electronic copy. There are few third party signs in the immediate area, and none which are oriented directly towards traffic along the F.G. Gardiner Expressway.

As set out in the Sign By-Law, notification of the proposed amendment was sent to all property owners within a 250-metre radius of the subject property, and a notice was posted at the property. The notice provides details of the proposed amendment and invites feedback by email, telephone or at a virtual public meeting which was held on April 21, 2021 via Webex. No interested parties requested to attend the WebEx consultation and, as of the date of this report, no feedback has been received on the proposed amendment.

Figure 4 - Distance of Proposed Electronic Sign to Residential Buildings



Comments from Other City Divisions and Agencies

Staff from the City Planning and Transportation Services Divisions have reviewed the proposed Sign By-law amendment.

With respect to possible concerns about traffic safety, Transportation Services was consulted throughout the development of the Sign By-law and is in agreement with the regulations of the Sign By-law governing signs located within 400 metres of the F.G. Gardiner Expressway between Strachan Avenue and Booth Avenue. As the Proposed Electronic Sign is located well within the required 400-metre separation distance from the Gardiner Expressway, Transportation Services does not support the application as it is not in keeping with the requirements of the Sign By-law for this area.

As stated above, although the Proposed Sign will be located in the Union Station Heritage Conservation District (HCD), which is not permitted by the Sign By-law, Heritage Preservation Services has advised that the Proposed Signs are not likely to have any impact on the public realm within the Heritage Conservation District.

Conclusion

The CBO is not supportive of this proposed amendment as the Proposed Signs at 1 York Street are not consistent with signs that are being displayed on surrounding

properties. The Applicant has not provided a basis for the CBO to support amending the Sign By-law to establish unique regulations to allow for a third party electronic projecting sign in this CR Sign District. There is also no basis to justify extending the permit term to ten years, twice as long as is permitted by the Sign By-Law.

Third party electronic signs are not permitted in CR Sign Districts. Where such signs are permitted, they must not face any CR or OS Sign District within 250 metres. The Proposed Electronic Sign would be facing two residential buildings approximately 100 metres away within a CR Sign District and would be located approximately 50 metres from an OS Sign District. The Proposed Electronic Sign would also be located approximately five metres from a limit of a portion of the F.G. Gardiner Expressway, which is an area where all third party signs are specifically prohibited by the Sign By-law from being erected or displayed in whole or in part.

It is therefore the position of the CBO that the proposed amendment to the Sign By-law regulations respecting third party signs within 1 York Street is not appropriate, and that City Council should refuse to amend the Sign By-law to allow this sign as requested by the Applicant.

CONTACT

Ted Van Vliet, Manager; Sign By-law Unit, Toronto Building
Tel: (416) 392-4235; Email: Ted.VanVliet@toronto.ca

SIGNATURE

Will Johnston, P.Eng.
Chief Building Official and Executive Director
Toronto Building

ATTACHMENTS

1. Draft of Proposed Area-Specific Amendment – 1 York Street