



STAFF REPORT ACTION REQUIRED

Sign Variance Report - Revised 29 Algie Avenue

Date:	June 8, 2009
To:	Chair and Members, The Etobicoke York Community Council
From:	Mark Sraga, Director and Deputy Chief Building Official
Wards:	Etobicoke-Lakeshore, Ward 5
Reference Number:	2009EY022

SUMMARY

This staff report is about a matter for which the Community Council has been delegated authority from City Council to make final decision.

Toronto Building received a Request for Approval of a Variance from Article I of Chapter 693, Signs, of the Toronto Municipal Code, from Mr. Solomon Misghina of OOH Vision Inc, on behalf of Mandeep Sandhu, 2159322 Ontario Inc., the property owners. The request is to permit installation of one third-party v-shaped ground sign containing LED digital displays located at 29 Algie Avenue and within 400 meters of the limit of the F. G. Gardiner Expressway.

RECOMMENDATIONS

It is recommended that:

- (1) the request for variance be refused for the reasons outlined in this report.

Financial Impact

There are no financial implications resulting from the adoption of this report.

ISSUE BACKGROUND

On June 5, 1998 City Council passed By-law 280-1998, Article I, Third Party Signs, Chapter 693 of the City of Toronto Municipal Code. Article I, Chapter 693 prohibits Third Party Signs on lands adjacent to the former provincial highways, transferred to the City by orders in Council 533/97, 534/97, 535/97 and 647/97. The lands affected by this By-law are any lands within 400 meters of any limit of the following sections of the former provincial highways;

- A. F. G. Gardener Expressway from Highway 427 to the Humber River.
- B. Highway 27 from Highway 401 to Steeles Avenue.
- C. Highway 2A from Highway 401 to Old Highway 2 (Kingston Road and Highway 2 from Highway 401 to the City of Toronto and Durham boundary.
- D. The portion of Highway 427 referred to as “Eglinton Avenue: from The East Mall to point 0.5 kilometre east.

During its regular City Council meeting on June 29, 30 and 31, 1998, Council adopted Clause 6 of the report No. 9 of the Urban Environment and Development Committee; an “Interim Third Party Advertising Sign Minor Variance Process for Areas Abutting the F. G. Gardener Expressway (formerly the Queen Elizabeth Way), Eglinton Avenue West, Highway 2, Highway 2A and Highway 27.”

This adopted Sign Variance process included a recommendation that any applications involving minor variances from the By-law relating to the above referenced highways be brought to Community Council for approval by way of a report from staff and that staff use the Ministry of Transportation of Ontario Commercial Sign Policy (MTO Sign Policy) as a guideline when evaluating the merits of a sign variance application for the affected lands.

COMMENTS

The property is located in the former municipality of Etobicoke which is subject to the Etobicoke Zoning Code. Based on the Etobicoke Zoning Code the property is zoned I.C1 Zone the proposed sign will be located west of Kipling Avenue at the junction of Algie Avenue and F. G. Gardener Expressway and is subject to By-law 280-1998.

The property at 29 Algie Avenue is occupied by “Sunny Auto Tech Inc”. The proposed standard advertising ground sign will be located on the south side of the property facing the east and west bound traffic along F. G. Gardener Expressway. The proposed ground sign will be v-shaped sign consisting of Light Emitting Diodes (LED) with a total display sign area of 124.86 sq. m.(each face area - 14.63m x 4.34 m = 62.4 sq.m.) The overall height of the proposed sign is 18.3 m.

The Transportation Division was consulted over the LED screen applications going to EYCC on June 9, 2009. The use of the LED screen displays was not supported for the reason that current sign technologies may allow for variations in content and contrast that will increasingly distract drivers operating vehicles. In addition drivers on Finch Ave W going in the westbound lane will need to break for red signal lights at the intersection of Arrow Rd and Finch Ave W. Any distractions could end up in a driver breaking late which may lead to the driver getting involved in a traffic collision with a stopped vehicle.

The Transportation Division cited "The Human Factors" study conducted in 2004 for Transportation Services that showed that drivers will take their eyes off the roadway to look at these types of signs for a greater length of time. Based on the findings of that report it was found that most traffic collisions in the city are attributed to driver error, suggesting that permitting additional distractions will decrease the safety performance on the roadway.

Variance from Chapter 693 of the City of Toronto Municipal Code

Article I of Chapter 693 of the City of Toronto Municipal Sign Code does not permit third-party signs on any lands within 400 meters of any limit of the F. G. Gardiner Expressway from Highway 427 to the Humber River.

The proposed sign does not comply with Article I of Chapter 693, Toronto Municipal Sign code in the following way:

Sign By-law Section & Requirements	Applicant's Proposal	Required Variance
(1)693-2 No person shall erect or use any third-party signs on any lands within 400 meters of any limit of the following sections of highway; A. F. G. Gardiner Expressway from Highway 427 to the Humber River	The proposed sign will be located approximately 80 meters from the highway right-of-way.	Sign to be located 80 meters from the highway right-of-way in lieu of the 400 meters required.

Deviations from the MTO Sign Policy

The applicant is proposing to erect a ground sign with a display area of 62.4 square metres for each face of the sign, within 30 metres of the F. G. Gardiner Expressway. This will result in the sign exceeding size limitations as contained in the MTO Commercial Sign Policy that has been adopted for use as guidelines when evaluating the merits of Sign Variance applications for signs within 400 metres of the F.G. Gardiner Expressway between Highway 427 and the Humber River.

Community Council has, in the past occasionally approved variances for other billboard signs within 400 metres of the Gardiner Expressway that exceed both the area and the height requirement as contained in the MTO Commercial Sign Policy guidelines. These variance approvals are as follows;

In 2004 Community Council approved a sign variance for a billboard sign located at 2 Wickman Road within 22.86 metres of the Gardiner Expressway having a sign face area of 62.43 square metres with a height of 18.29 metres.

In 2007 Community Council approved a sign variance for a billboard sign located at 10 Wickman Road within 23 metres of the Gardiner Expressway having a sign face area of 64.23 square metres and a height of 18.29 metres.

In 2007, Community Council approved the first variance request which permitted the installation of a billboard sign on the roof of the building located at 16 Queen Elizabeth Blvd. within 30 metres of the F.G. Gardiner Expressway having an area of 18.58 square metres and within 305 metres of another billboard sign.

In 2008 Community Council approved a sign variance for a billboard sign located at 270 Evans Avenue within 35 metres of the Gardiner Expressway having a sign face area of 117 square metres and a height of 18.3 metres.

The proposed size of the billboard ground sign does not comply with Article I, Third-Party Signs, Chapter 693 of the City of Toronto Municipal Codes, since it is located within 400 metres of the portion of the F.G. Gardiner Expressway from Highway 427 to the Humber River. It also does not comply with the Ministry of Transportation Commercial Sign Policy which is a guideline for the “Interim Third Party Advertising Sign Minor Variance Process” that was adopted by Council in 1998, in the following ways:

MTO Commercial Sign Policy (where posted speed more than 50 km/hr)	Applicant’s Proposal	Deviations from Guidelines
(1) No billboard sign greater than 60.3 square metres in sign area will be allowed within 400 metres of the highway right-of-way.	The proposed sign with a total sign area of 124.86 square metres will be located within 400 metres of the highway right-of-way.	Sign to be located 80 metres from the highway right-of-way in lieu of the 400 metres required under the MTO Commercial Sign Policy.
(2) Billboard signs will not exceed 60.3 square metres in area when they are located within 84 metres of the	The proposed sign will have a sign area of 124.86 square metres.	The proposed sign is 64.56 square metres (2 times larger) than permitted under the MTO Commercial Sign Policy.

MTO Commercial Sign Policy (where posted speed more than 50 km/hr)	Applicant's Proposal	Deviations from Guidelines
highway right-of-way.		
(3) No other sign to be placed within 305 metres of another billboard sign per direction, provided there are no left hand billboard signs facing the motorist	The proposed sign will be less than 305 metres from the billboard sign located at 64 Fordhouse Blvd.	Sign will be located within approximately 53 metres from the other sign.

The sign face that will be a LED screen will face west bound traffic. The images are proposed to be static but will be changeable using a "powerpoint" computer program. The ease with which an LED screen can be programmed to show static images is the same ease with which animated programming can be programmed into the LED screen. It is for this reason that staff has reservations about the LED screen. If animated images are used drivers will take their eyes off the roadway to look at these signs for a greater length of time thereby creating an unsafe driving environment.

Based on the above identified facts, staff is of the opinion that the request for variances are not minor in nature and recommends that Community Council refuse the variances requested for 29 Algie Avenue.

Since January 2009 Toronto Building received a total of ten sign variance applications to permit erection of third party billboard signs within the 400 meters of the F. G. Gardiner Expressway. Nine sign variance reports are submitted to the Etobicoke York Community Council for their consideration at the June 19, 2009 Community Council Meeting. The increased number of requests to permit erection of third party billboards along the short stretch of the Gardiner Expressway between Highway 427 and the Humber River will result in the proliferation of signs in the area..

As Etobicoke York Community Council is aware, a new Sign By-law is currently under development. The team working on the new by-law is in the process of analyzing all types of signs that are using the new LED technology and are considering standards which would regulate attributes of these signs, such as frequency of copy change, illumination levels, setbacks, separating distances and location. Approving the current application prior to adoption of the new Sign By-law, may result in Etobicoke York Community Council permitting a sign which may not be in compliance with the standards eventually approved in the new Sign By-law for signs of this type.

CONTACT

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Mark Sraga

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The Etobicoke York District

ATTACHMENTS

Attachment 1 – Zoning Map

Attachment 2 – Aerial Map

Attachment 3 – Site Plan

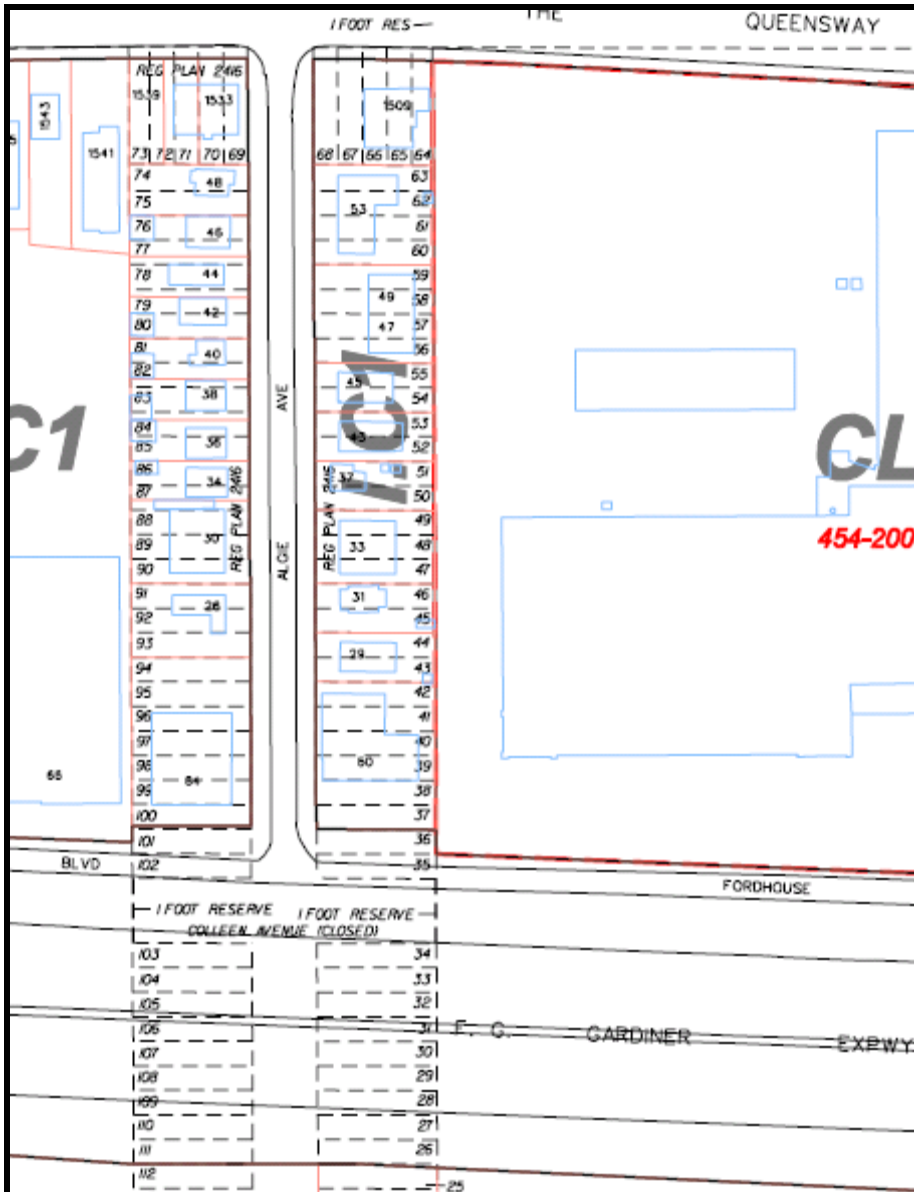
Attachment 4 – Property at 29 Algie Ave.

Attachment 5 – Existing Sign at 64 Fordhouse Blvd.

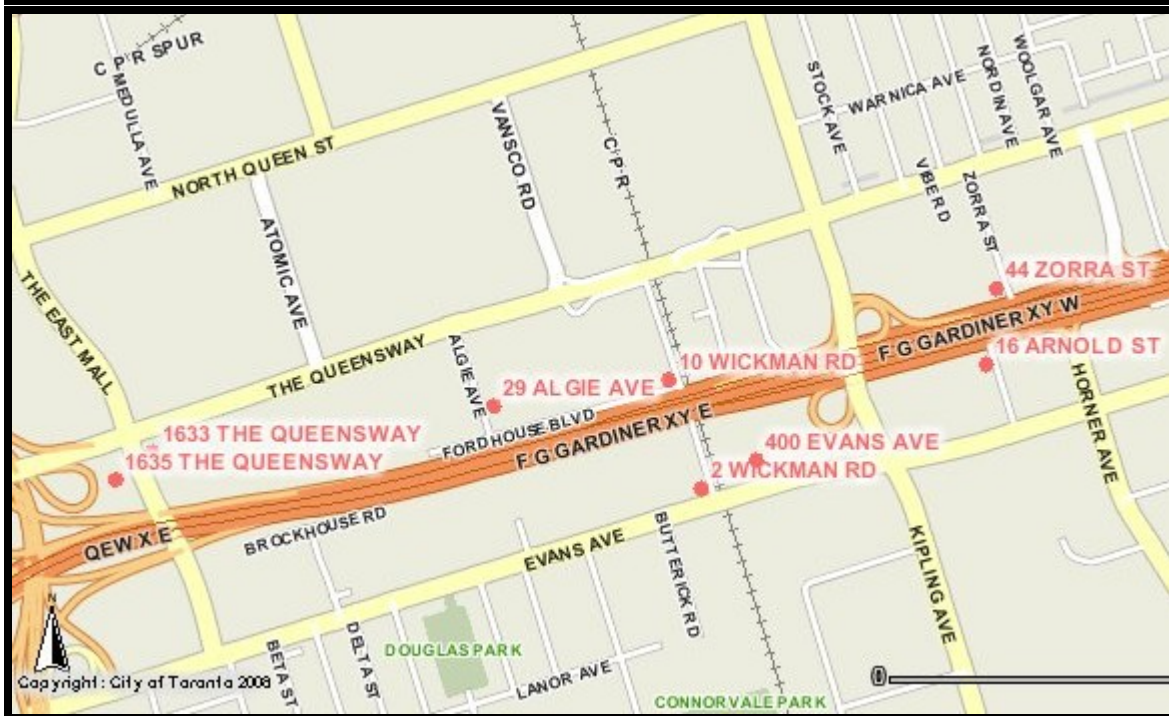
Attachment 6 - Proposed Sign

Attachment 7 – Letter from the Applicant

Attachment 1 – Zoning Map



Attachment 2 – Aerial Map



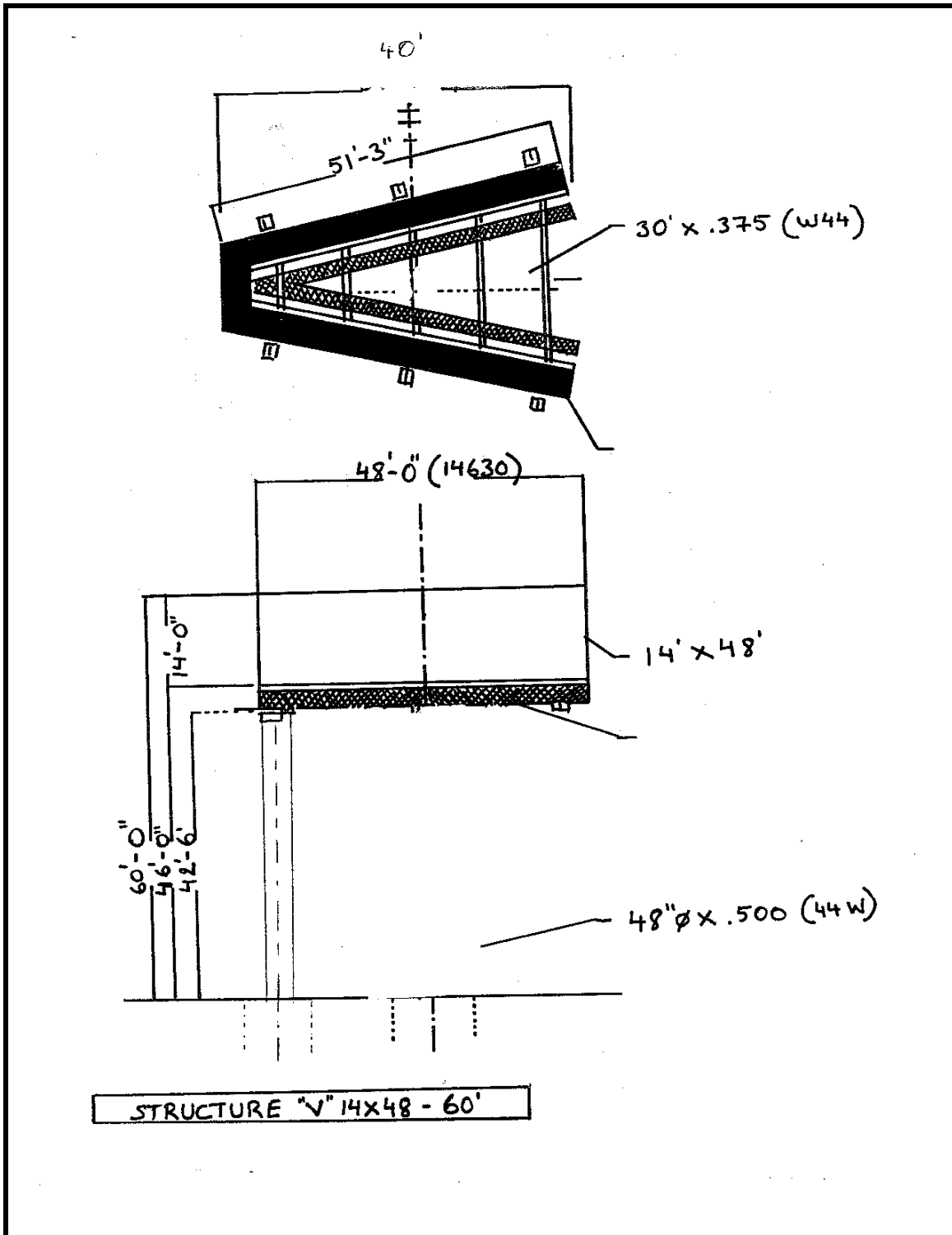
Attachment 4 – Property at 29 Algie Ave.



Attachment 5 – Existing Sign at 64 Fordhouse Blvd.



Attachment 6 – Proposed Sign



Attachment 7 – Letter from the Applicant

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To whom it may concern

This is a letter for the variance application for the proposed sign on 29 Algie Ave, Toronto, Ontario .
The landlord is asking that this minor variance be approved because it would be of a small economical benefit for the landlord's small auto shop business operating out of 29 Algie Ave.

As a result of a huge retail expansion in the area, an example being the new Ikea, the landlord's small auto repair shop business has suffered. It is so that the auto industry has taken a huge plunge at this time. The economic downfall in all facets of the auto industry, has made it increasingly difficult for business owners to remain open and cover their overhead costs. It is because of this fact we would like to ask you to grant us this minor variance. The proposed sign is in an all industrial zone and is not visible from any residential zone. The landlord is asking for this variance to be approved to help him take better care of the property.

We would like to thank you in advance for your time and consideration of this minor variance application.

Thank you
Solomon Misghina

