



STAFF REPORT ACTION REQUIRED

Sign Variance Report - Revised 10 Wickman Road

| | |
|--------------------------|---------------------------------------------------------|
| 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: | 2009EY021 |

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. Adam Kelly of Kramer Design Associates, on behalf of Astral Media and the property owners, 2167661 Ontario Limited. The request is to permit to alter the existing v-shaped third-party ground sign by replacing the static display face areas with new digital display video faces consisting of Light Emitting Diodes (LED) located at 10 Wickman Rd 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.

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.

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. In 2007 a building permit was issued for an erection of a v-shaped third party ground sign with a sign face area of 62.4 square meters (14.63m x 4.34 m) and a height of 18.29 meters. The applicant is proposing to replace both existing sign faces with digital display video faces consisting of Light Emitting Diodes (LED). The sign is located west of Kipling Avenue at the junction of Wickers Road and F. G. Gardener Expressway and is subject to By-law 280-1998.

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 18 meters from the highway right-of-way. | Sign to be located 18 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 replace the existing display faces of the ground sign with a LED display area of 62.4 square metres, within 18 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 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 13.72 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 sign area of 62.4 square metres will be located within 400 metres of the highway right-of-way. | Sign to be located 18 metres from the highway right-of-way in lieu of the 400 metres required under the MTO Commercial Sign Policy. |
| (3) No signs are to be placed within 23 meters of the highway property line. | The proposed 62.4 square meters sign will be erected within 18 meters from the highways off ramp. | Sign to be located 18 metres from the highway right-of-way in lieu of the 400 metres required under the MTO Commercial Sign Policy. |

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 10 Wickman Rd.

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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ATTACHMENTS

Attachment 1 – Zoning Map

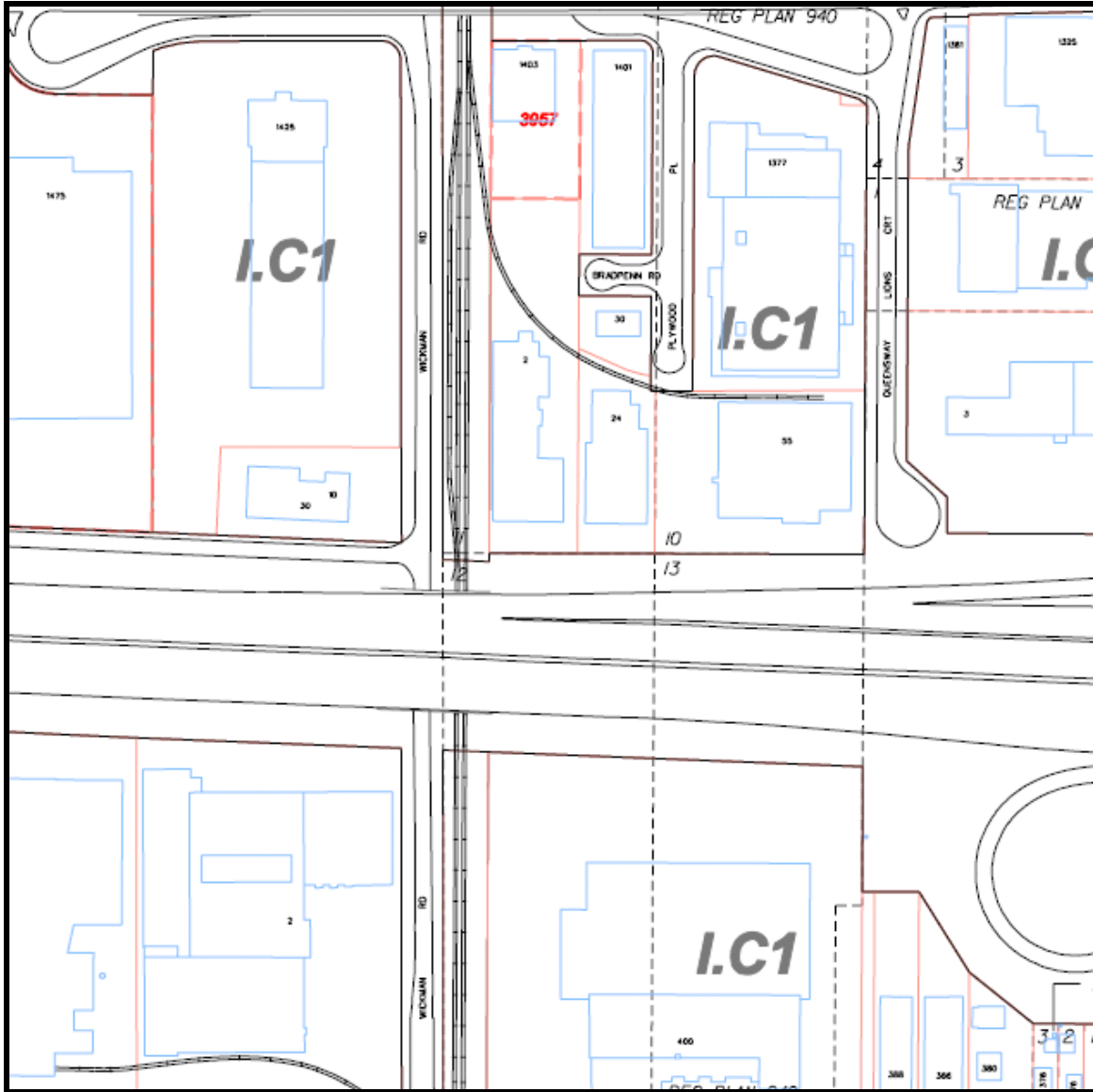
Attachment 2 – Aerial Map

Attachment 3 – Site Plan

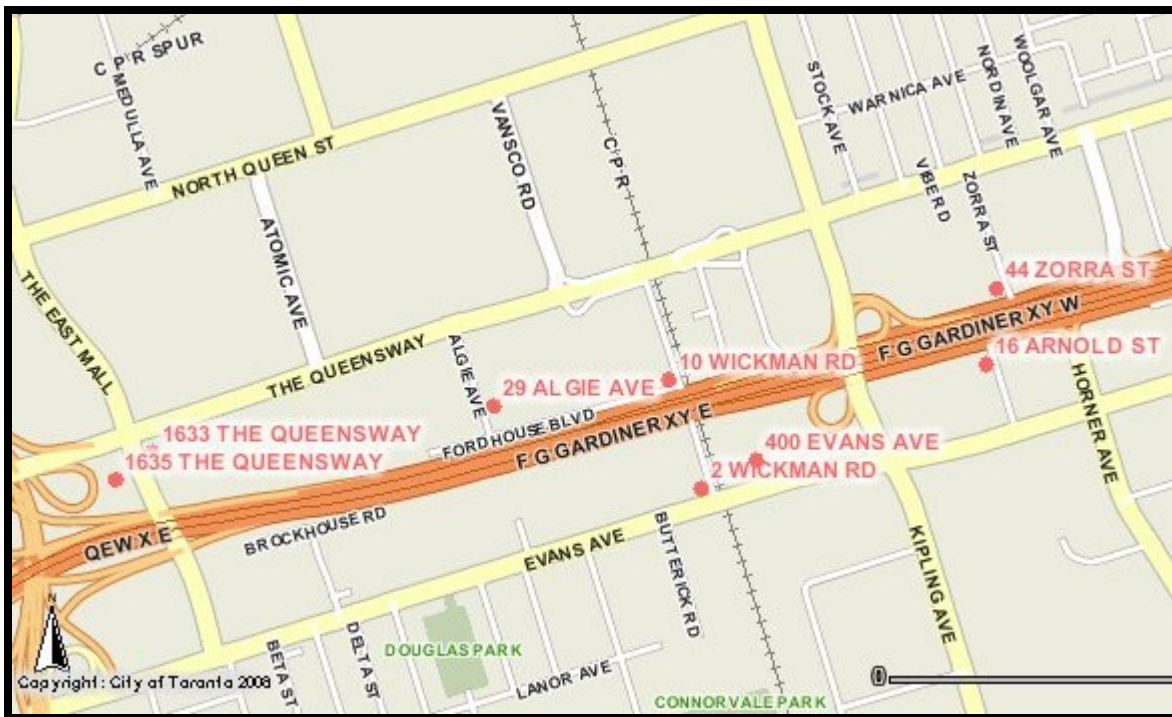
Attachment 4 – Proposed Sign

Attachment 1 – Zoning Map

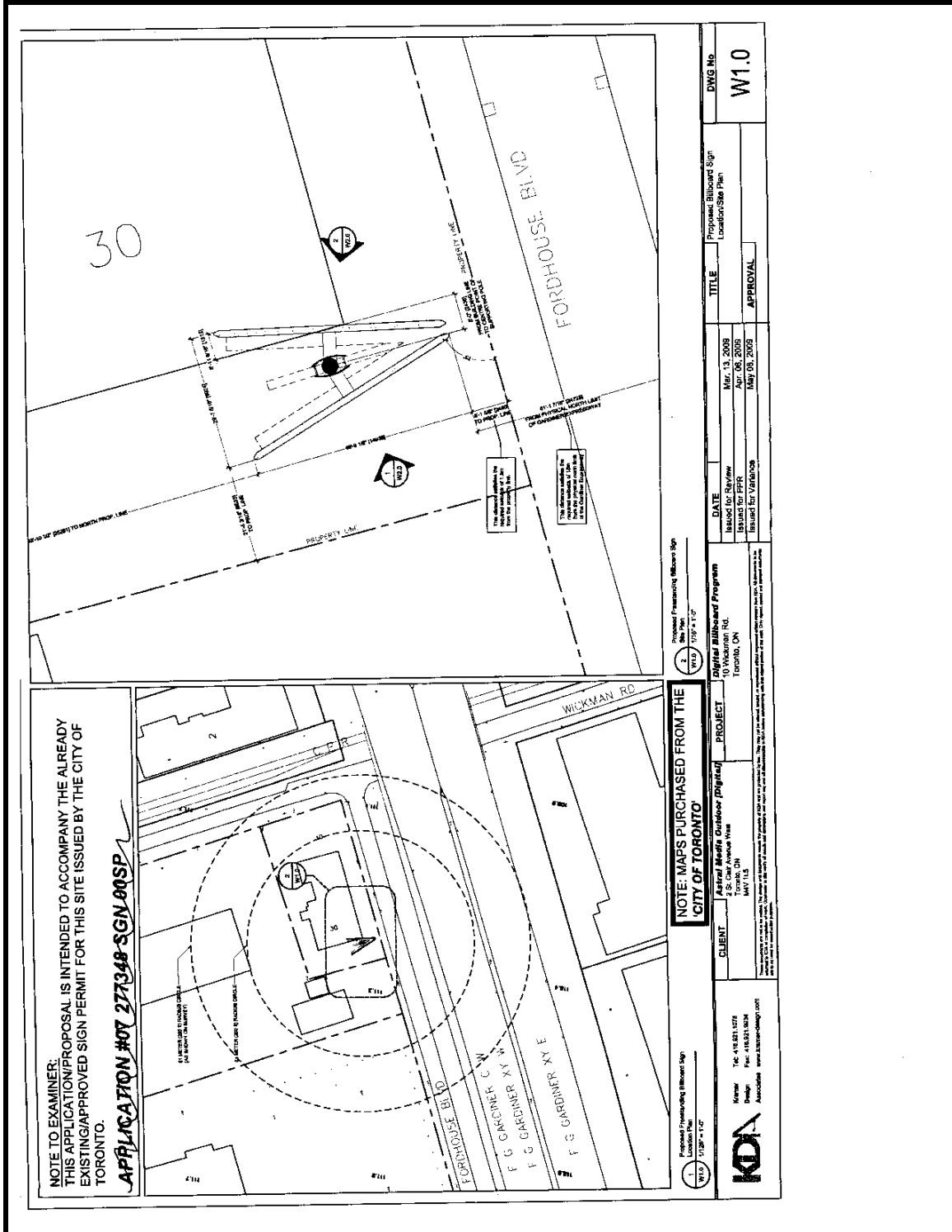
10 WICKMAM RD



Attachment 2 – Aerial Map



Attachment 3 – Site Plan



Attachment 4 – Proposed Sign

Proposed Billboard Sign
Scale: 1/8" = 1'-0"

Proposed Billboard Sign
Scale: 1/8" = 1'-0"

| CLIENT | PROJECT | DATE | TITLE | DWG No |
|-------------------------------|------------------------------------------------------------------------|-------------------------------------|--------------------------------------|--------|
| Aspen Media Outdoor [Digital] | Bayview Billboards Program 10 Wickman Rd. Toronto, ON M4Y 1L3 | Issued for Review Mar. 13 2009 | Proposed Billboard Sign Elevation | W2.0 |
| | | Issued for PPR Apr. 06 2009 | | |
| | | Issued for Variation May 08 2009 | APPROVAL | |

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