

**Sign Variance Report - Revised
0 Oakville Sub, CN Rail Lands S/S of Gardiner Expressway at
Park Lawn.**

Date:	January 8, 2010
To:	Chair and Members, The Etobicoke York Community Council
From:	Mark Sruga, Director and Deputy Chief Building Official
Wards:	Etobicoke Lakeshore, Ward 6
Reference Number:	2010EY008

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 Blair Murdoch with Allvision Canada, on behalf of Canadian National Railway, Ernie Longo, Manager of BD & RE. The request is to permit to erect a new, V-shaped, illuminated third party ground sign having digital face area of 62.4 m² each (672 ft²) that will project static messages every 6 seconds.

Sign will be located on CN Rail Lands on the south side of F. G. Gardiner Expressway and the north side of Park Lawn Rd. and within 400 meters of the limit of F. G. Gardener Expressway from Highway 427 to the Humber River.

RECOMMENDATIONS

It is recommended that:

1. The request for variance 0 Oakville Sub, F.G. Gardiner Expressway and Park Lawn Rd. 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.

At the January 12, 2010 Etobicoke York Community Council meeting community council had approved a double faced third part electronic LED ground sign at 2150 Lake Shore Blvd W. The proposed sign at the CN rail land and the approved sign at 2150 Lake Shore Blvd. W will be placed less than 45 metres from each other.

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 Class 1 Industrial Zone (IC1) and is a Canadian National Railway right-of-way. In 1998 a

building permit was issued for an erection of a third party ground sign at the location close to the proposed ground sign.

The applicant is proposing to remove the existing illuminated ground sign and replace it with a new V-shaped, illuminated third party ground sign, with digital changeable face that will project static messages every 6 seconds.

The sign will consist of two sign faces in a “V” configuration with a display sign area 4.27 m x14.63 m (14 ft x 48 ft) each resulting in a total sign face area of 62.4 square metres (672 sq. ft). The overall height of the proposed ground sign is 18.3m (60.0ft).

The new sign will be located on CN Rail Lands on the south side of F. G. Gardener Expressway north side of Park Lawn Rd. and within 400 meters of the limit of F. G. Gardener Expressway from Highway 427 to the Humber River.

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 F. G. Gardener 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 8.0 meters from the highway right-of-way.	Sign to be located 8.0 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 18.3m (60.0ft)high ground sign with electronic digital LED sign with a display area of 62.4 square metres (672.0 ft²)., within 8 metres of the F.G. Gardiner Expressway. This will result in the proposed sign exceeding size and height 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 F. G. Gardener Expressway from Highway 427 to the Humber River. The applicant is proposing to erect a ground sign with a display area of 124.86 square metres for each face of the sign, within 8 metres of F. G. Gardener Expressway.

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 F. G. Gardener 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 62.4 square metres will be located within 400 metres of the highway right-of-way.	Sign to be located 8.0 metres from the highway right-of-way in lieu of the 400 metres required under the MTO Commercial Sign Policy.
(2) No billboard sign shall exceed 8 meters in height above the ground	The proposed sign is 18.3 meters (60ft) in height.	The height of the sign will 10.3 meters higher than permitted under the MTO Commercial Sign Policy.
(3) No signs are to be placed within 23 meters of the highway property line.	The proposed 124.86 square meters sign will be erected within 8.0 meters from the highways off ramp.	Sign to be located 8.0 metres from the highway right-of-way in lieu of the 400 metres required under the MTO Commercial Sign Policy.
(4) Changeable message signs* are not permitted on Billboard signs**.	The proposed sign will be electronic digital LED sign (i.e., changeable message sign).	To install an electronic digital LED sign (i.e., changeable message sign).

* Changeable Message Sign is defined in the MTO Commercial Sign Policy as a sign that is capable of content change by means of mechanical or electronic input and includes the following:

- Electronic – a changeable sign whose content can be changed by means of an electrically energised display matrix, such as an LED pixel board.

** Billboard signs are defined in the MTO Commercial Sign Policy as an advertising sign erected at a place where the goods and services advertised are not available on the property.

Therefore, it is recommended that Council deny the requested variance as it is not minor in nature.

PROPOSED NEW SIGN BY-LAW

On December 7, 2009 City Council approved a new harmonized Sign By-law that will come into force and effect on April 6, 2010. The following is an evaluation of this particular sign variance application against the new draft Sign By-Law requirements that would govern this particular sign. This evaluation has been done to assist Council in understanding how this proposed sign would compare to the new regulatory requirements contained in the proposed Sign By-law.

One of the main features of the proposed Sign By-law is that the regulations governing signs are based upon the “Sign District” in which the sign is located. These Sign Districts align with the underlying land uses as envisioned in the Official Plan and will classify every property into a “sign district” and utilizes a series of maps to identify the various sign districts throughout the City. This approach is similar to the one being utilized by the new proposed City-wide Zoning By-law mapping.

In the case of this sign variance application and the property on which the proposed sign is located it would be classified as a “U- Utility Sign District”.

Sign By-law Section & Requirements	Applicant's Proposal	Required Variance
694-24 Site-specific area restrictions. 694-24.A. (1). A third party sign shall not be erected or displayed or cause to be erected or displayed in whole or in part within; 400 metres of any limit of any portion of any limit of the F.G. Gardiner Expressway from Highway 427 to the Humber River, transferred from the Province of Ontario in Council 534/97.	Proposal is to permit a 3rd-party ground sign with an electronic digital LED display.	To permit a third party sign within approximately 8.0 metres of the F.G. Gardiner Expressway.
694-22 Third party sign general regulations. 694-22.A. Third party signs are permitted to display mechanical copy*.	Proposal is to permit a 3rd-party ground sign with an electronic digital LED display.	To permit a third party sign with an electronic LED display.
694-25.C. U-Utility Sign district 694-25.C.(1) The sign face area of a ground sign shall not exceed 20.0 square meters	Proposal is to permit a 3rd-party ground sign with a sign face area of 60.4 square meters.	To permit a third party sign with a face area that exceed permitted are by 40.4 square meters.

* Mechanical Copy – Sign copy which physically moves in whole or in part and shall include tri-vision sign copy.

CONTACT

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The Etobicoke York District

ATTACHMENTS:

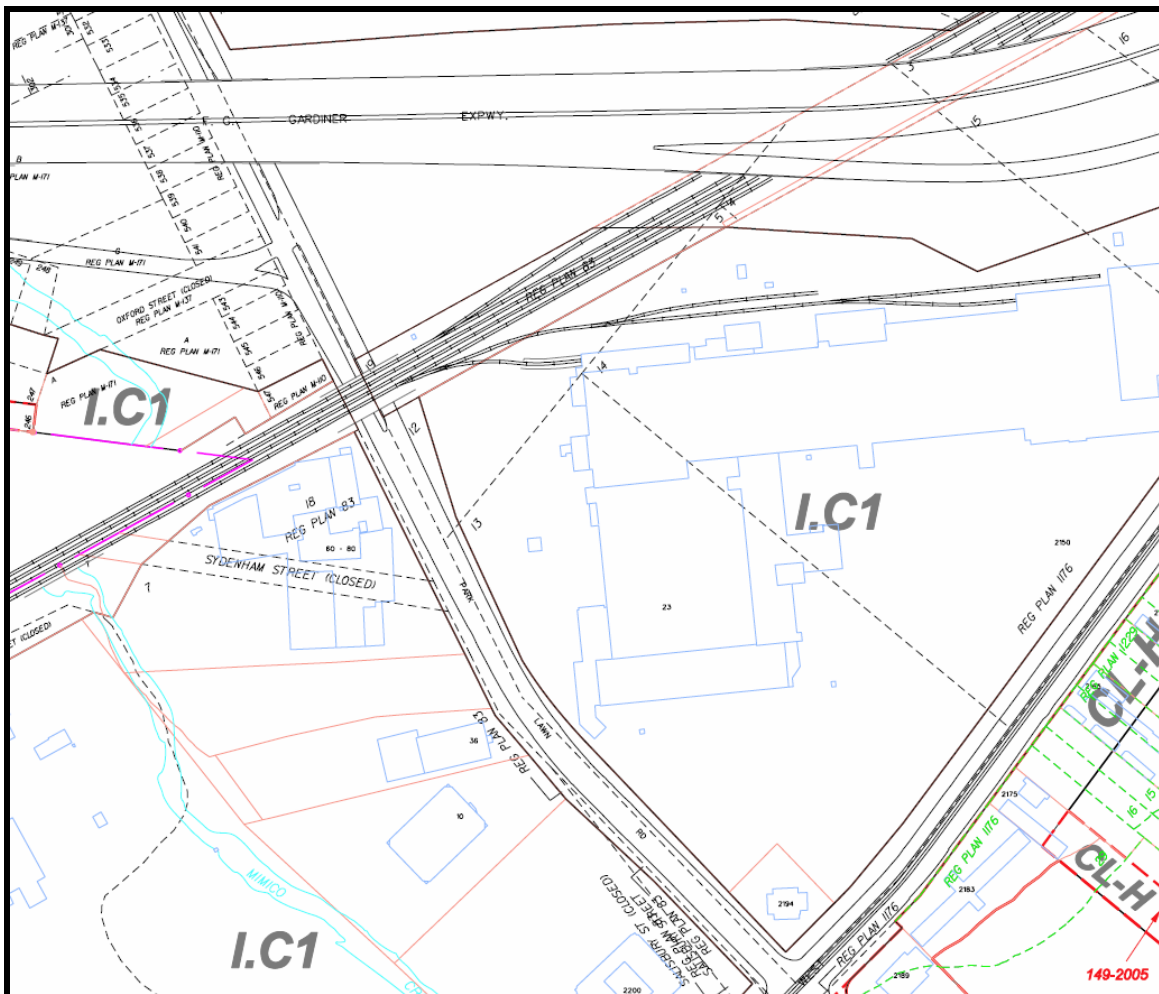
Attachment 1 – Zoning Map

Attachment 2 – Aerial Map

Attachment 3 – Site Plan

Attachment 4 – Proposed Sign Details

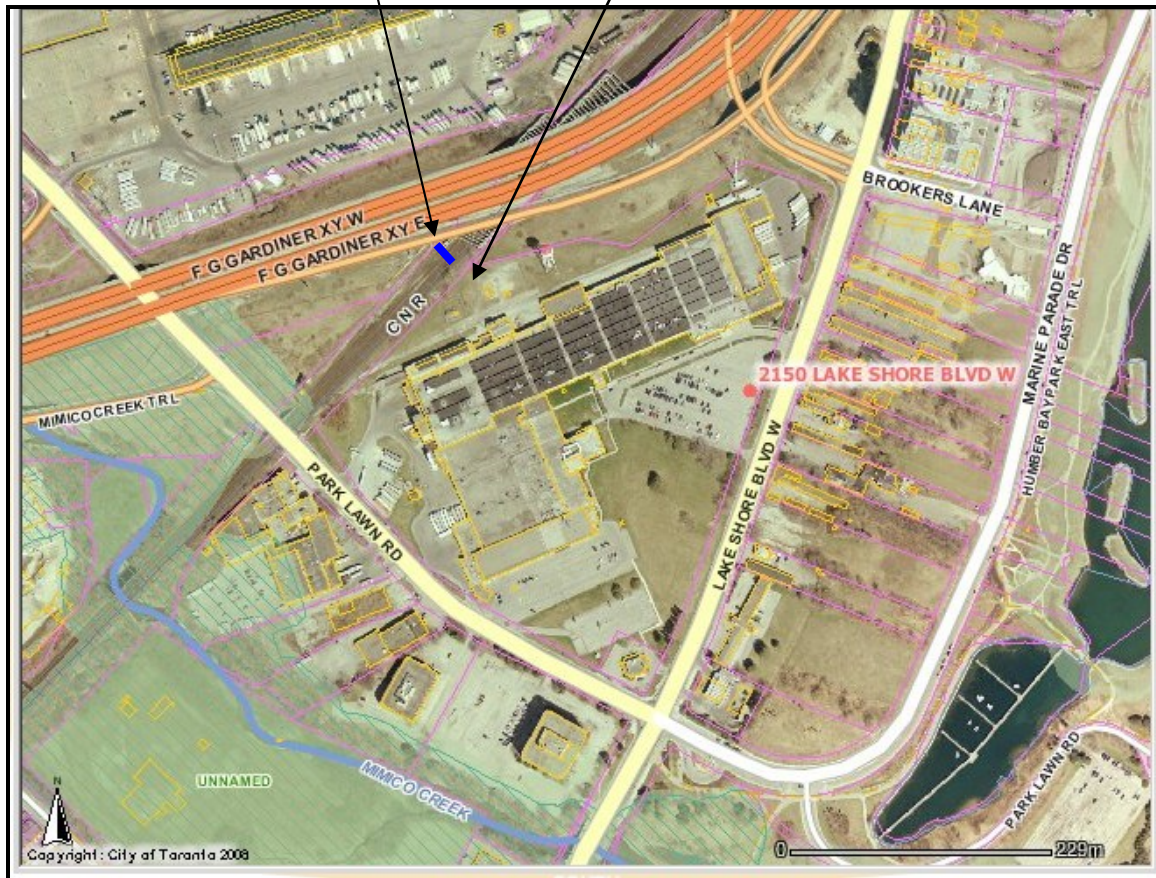
Attachment 1 – Zoning Map



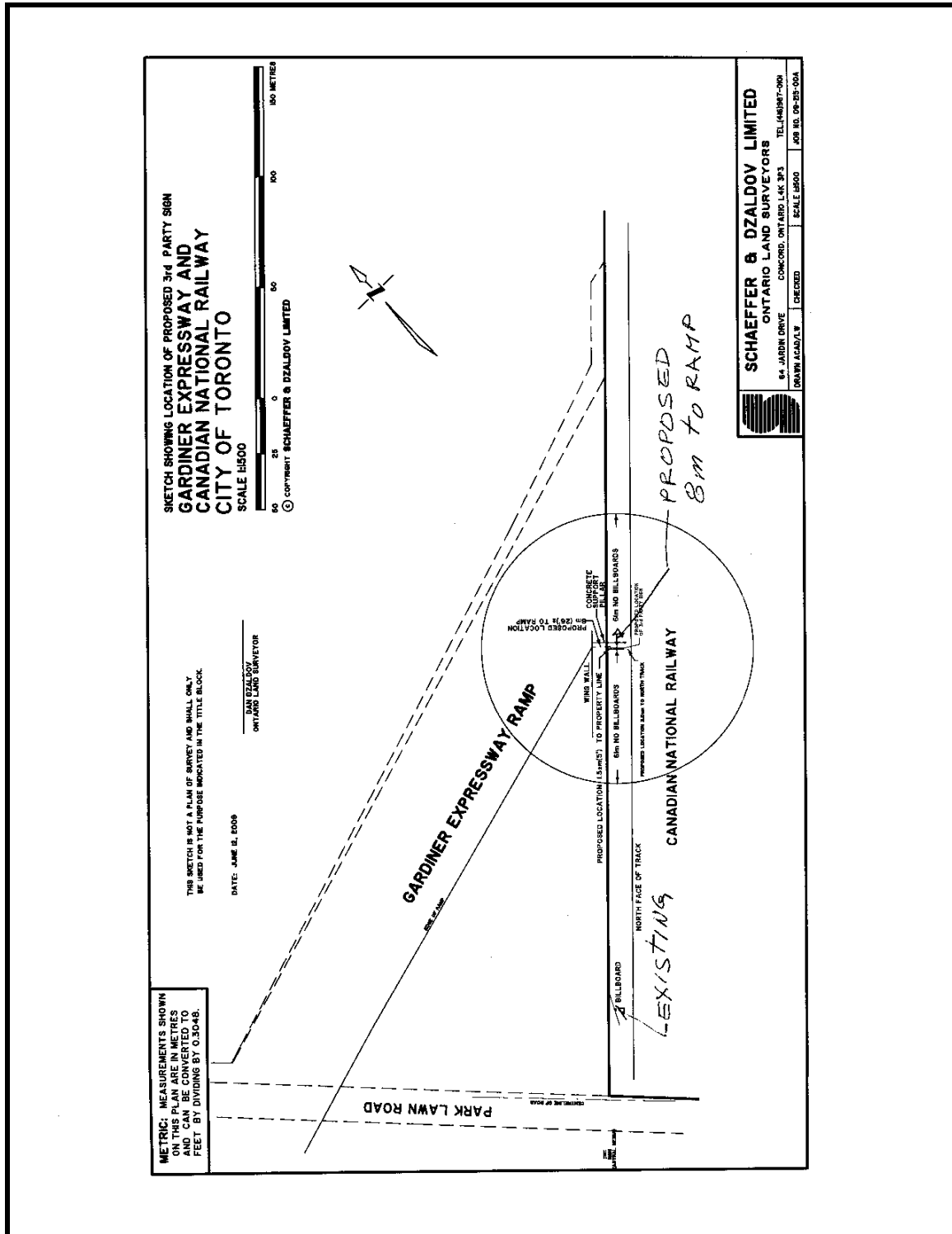
Attachment 2 – Aerial Map

Approximate location of the
proposed “V” shaped digital
LED third party sign.

Approximate location of the
approved “V” shaped digital
LED third party sign.



Staff report for action 0 Oakville Sub.



Hand-drawn site plan showing the layout of a bridge structure over four tracks. The plan includes labels for 'TRACK 1', 'TRACK 2', 'TRACK 3', and 'TRACK 4'. A 'BEAM SUPPORT LINE' is shown across the tracks. A 'CORNER SUPPORT BEAM' is indicated. Dimensions include '14' x 48' 5" EN TACES 60' OVERALL HEIGHT', '85"', '28"', '9"', '24.5' 5" DIAMETER HOLE', '13"', '6.5"', '3' WIDE BY 4' HIGH HORIZONTAL SUPPORT BEAM', and 'ACCESS ROAD'. A north arrow points towards the top left. Other labels include 'GARDINER EXPRESSWAY 240 M. EAST OF PAAK LAUN RA, SOUTH SIDE, NTS', 'LAKEHURST ROAD', 'CN PROPERTY LINE', and 'RESTRAINING WALL'.

