



STAFF REPORT ACTION REQUIRED

Sign Variance Report 2 – 4 Mendota Rd.

Date:	February 14, 2010
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:	2010EY024

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 Tony Romanelli of RCC Media Inc., on behalf of Pino Spano of Canadian Mini Warehouse Properties Limited, the property owners. The request is to permit to erect one 3.0m x 6.0m (10'-0" x 20'-0") illuminated double sided third party ground sign containing LED digital displays and within 400 meters of the limit of the F. G. Gardiner Expressway located at 2-4 Mendota Rd.

RECOMMENDATIONS

It is recommended that:

1. The request for variance at 2-4 Mendota 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.

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 Grand Ave. and east of the new residential townhouse development at Dalesford Rd. The property at 2-4 Mendota Rd. is one and two storey self storage buildings occupied by “Public Storage Inc”. The proposed standard advertising ground sign will be located in the rear yard of the property 13.7 metres from the property line, facing traffic along F. G. Gardener Expressway. The proposed ground sign will be a double sided sign consisting of Light Emitting Diodes (LED) display faces. The area of each face will be 3.0 m x 6.0 m (10 ft x 20 ft), resulting in a total sign face area of 18.0 square metres (200 sq. ft). The overall height of the proposed sign is 7.13m (24 ft).

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 13.7 meters from the highway right-of-way.	Sign to be located 13.7 meters from the highway right-of-way in lieu of the 400 meters required.

Variance from requirements of MTO Commercial Sign Policy

The applicant is proposing to erect a ground sign with a display area of 18.0 square metres for each face of the sign within 13.7 metres of the F. G. Gardiner Expressway. This will result in the sign exceeding location 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.

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	Applicant's Proposal	Deviations from MTO Commercial Sign Policy
(1) No signs are to be placed within 23 m (75 ft) of the highway property line.	The proposed sign will be erected 13.7 m of the highway property line	To install a billboard ground sign within 13.7 m of the highway.

MTO Commercial Sign Policy	Applicant's Proposal	Deviations from MTO Commercial Sign Policy
(2) 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).

The applicant is requesting to permit installation of a third party V-shaped ground sign with electronic digital LED display within 13.7 metres of the F. G. Gardiner Expressway. This will result in the sign exceeding size and distance separations from other signs 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.

The proposed ground sign with an electronic digital LED sign does not comply with By-law No. 280-1998 (“to prohibit third party signs, as an interim measure on lands adjacent to certain former provincial highways”) since it is located within 400 metres of F.G. Gardiner Expressway. 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:

* 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 an “E- Employment 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 illuminated ground sign.	To permit a third party sign within approximately 13.7 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.

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

CONTACT

Galina Veltman, Manager, Plan Examination

Tel: (416) 394-8042

Fax: (416) 394-8209

E-mail: veltman@toronto.ca

Mark Sraga
Director of Building and
Deputy Chief Building Official
The Etobicoke York District

ATTACHMENTS

Attachment 1 – Zoning Map

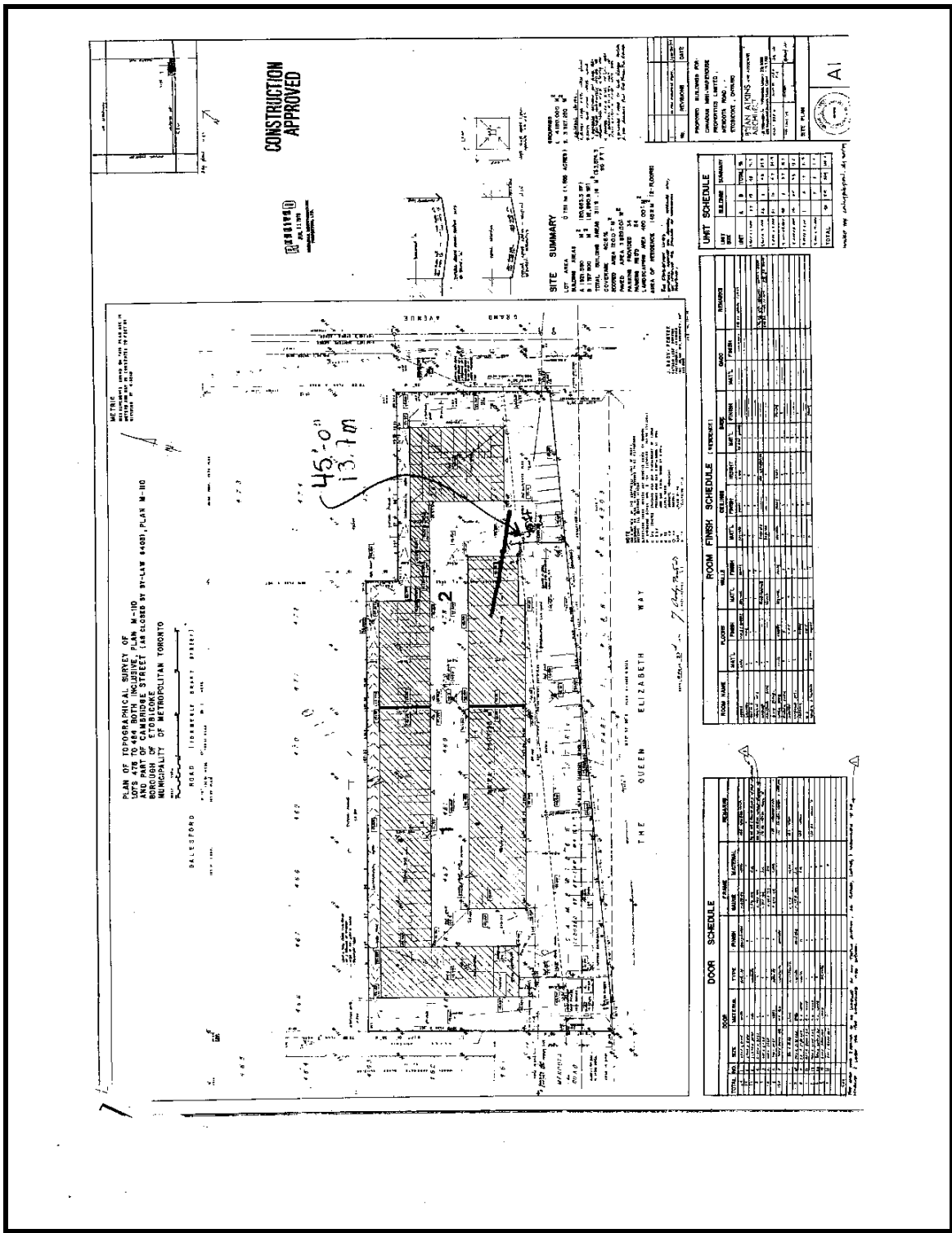
Attachment 2 – Site Plan

Attachment 3 – Aerial Map

Attachment 4 – Property at 2-4 Mendota Rd.

Attachment 5 - Proposed Sign Detail

ATTACHMENT -2 SITE PLAN



CITY OF TORONTO



OUTDOOR ADVERTISING PROXIMITY CERTIFICATE

MUNICIPAL ADDRESS: 2 MENDOTA RD. TORONTO

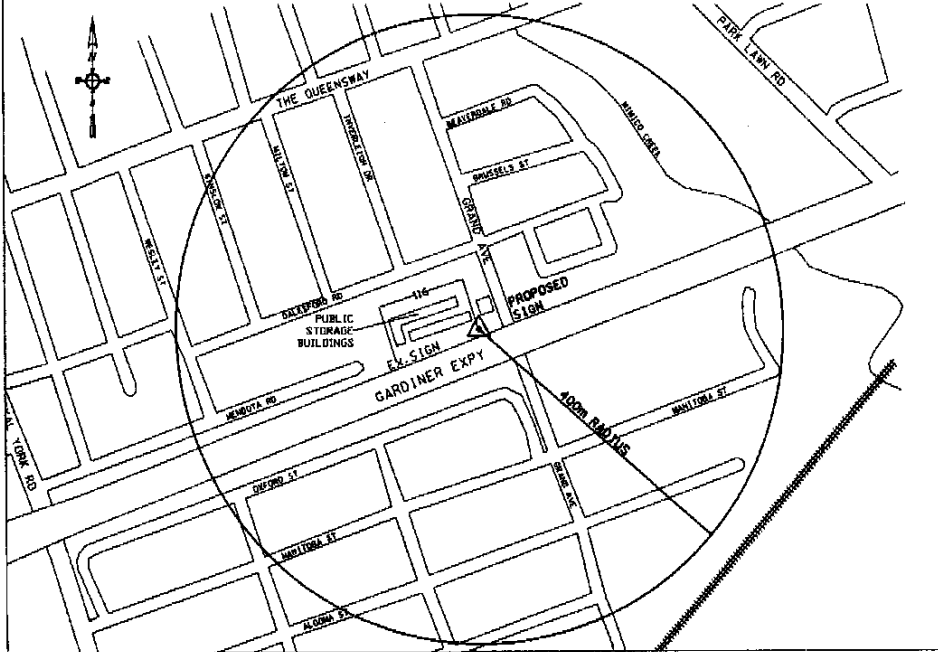


TABLE OF EXISTING SIGNS

NO.	DESCRIPTION	DIMENSIONS	ELEVATION*
N/A	COMMERCIAL SIGN, PUBLIC STORAGE	4.80m (W) x 3.70m (H)	4.0m

* ELEVATION ABOVE GROUND LEVEL



ENGINEER'S SEAL

ESTABLISHED BY: STRADA SURVEY INC.

PREPARED FOR: LANDMARK OUTDOOR INC.

DATE: JANUARY 14, 2010 SHEET: 1 OF 1

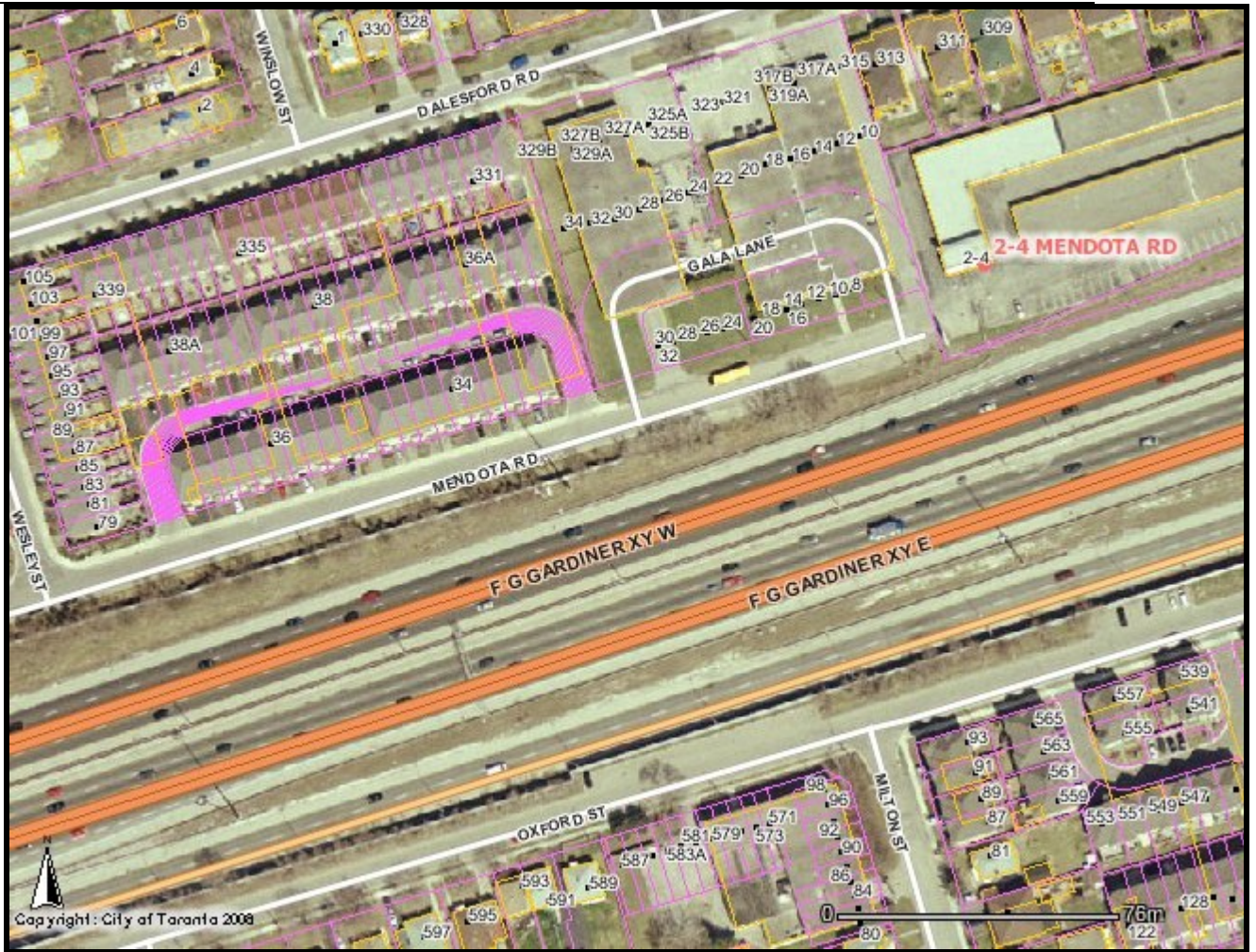
CERTIFICATE:

I CERTIFY THAT THE INFORMATION AND DIMENSIONS SHOWN ON THIS CERTIFICATE ARE BASED ON A FIELD SURVEY CONDUCTED ON JAN 14, 2010

Jan 15, 2010
DATE

S.M. LESLIE, P.Eng.

ATTACHMENT 3 – AERIAL MAP

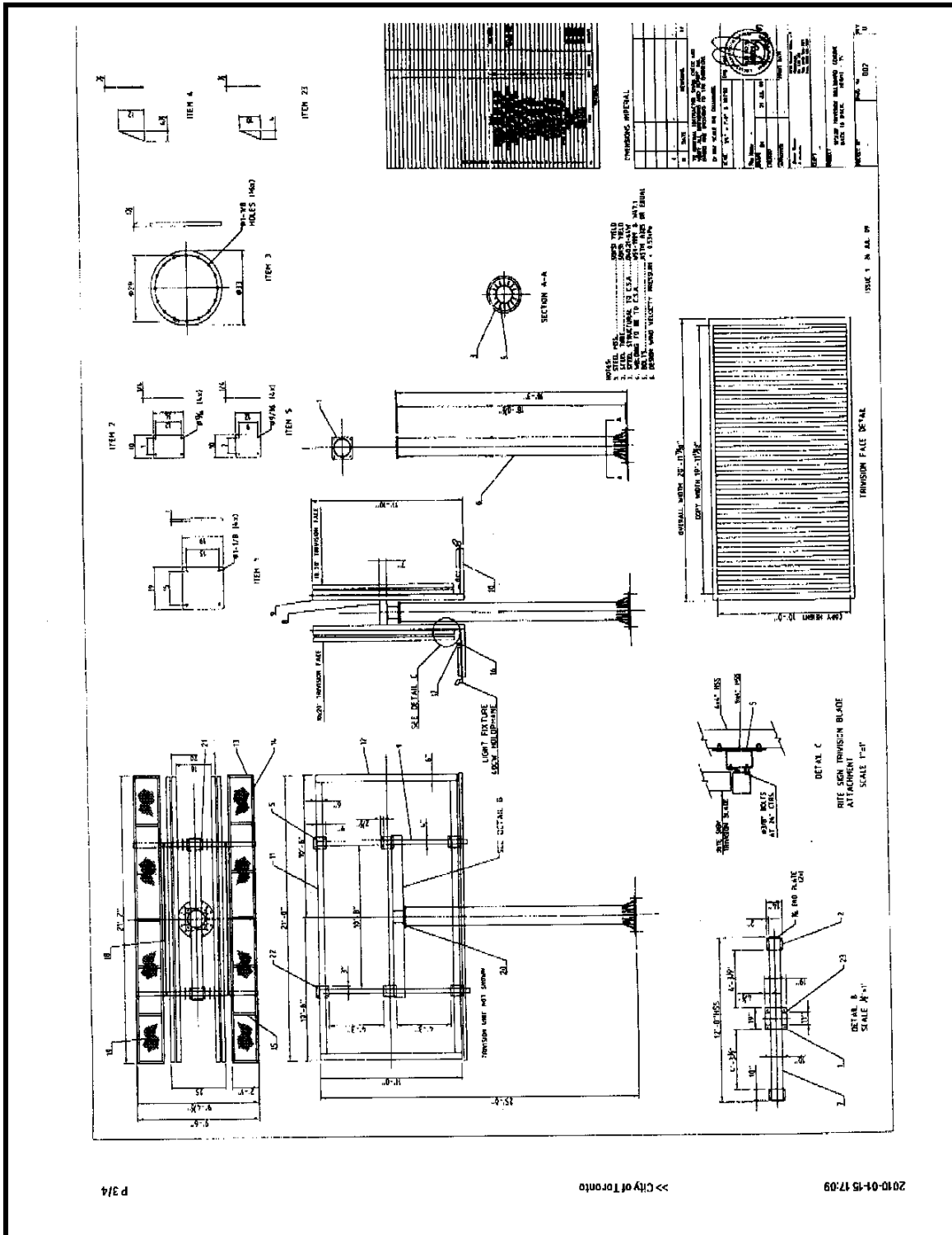


Attachment 4 – Property at 2-4 Mendota Rd.





ATTACHMENT 5 – PROPOSED SIGN



Applicant:
RCC Media Inc.
c/o Tony Romanelli
4101 Steels Ave W #201
Toronto On
M8Y 1E8

Tel: 416-747 1920