



**STAFF REPORT
ACTION REQUIRED**

**Sign Variance Report
855 Oxford Street**

Date:	February 24, 2010
To:	Chair and Members, The Etobicoke York Community Council
From:	Mark Sraga, Director and Deputy Chief Building Official
Wards:	Etobicoke-Lakeshore, Ward 6
Reference Number:	2010EY040

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 Leslie Abco of Abcon Outdoor Inc., on behalf of Steve Sanderson of 855 Oxford Street Investment Inc., the property owners. The request is to permit installation of one third party V-shaped ground sign containing LED digital displays with a total sign face area of 233.00 sq. m (2400.0 sq. ft) and an overall height of 23.3 m (76 ft) located at 855 Oxford St and within 400 meters of the limit of the F. G. Gardiner Expressway.

RECOMMENDATIONS

It is recommended that:

1. the Etobicoke York Community Council refuse the requested variance application at 855 Oxford St. 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.

COMMENT

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 property at 855 Oxford St. is a commercial building occupied by “Collision Reporting Centre”.

The applicant is proposing to erect a new third party ground sign in front of an existing first party sign that identifies the property as “Collision Reporting Centre”. The proposed ground sign will be 18.5 m wide by 12.3 m high (60ft x 40ft) containing LED digital displays with a total face area of 223.0 sq. m (2400 sq. ft) each. The overall height of the proposed ground sign is 23.3 meters (76 ft). The proposed ground sign will be erected on the north-east side of the property and will be located approximately 9.5 metres from the highway right-of-way.

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 9.5 meters from the highway right-of-way.	Sign to be located 9.5 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 233.0 square metres, within 9.5 metres of the F. G. Gardiner Expressway. This will result in the sign exceeding size limitations as well as the height and location of 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 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) Billboard signs will not exceed 60.3 square metres in area when they	The proposed sign will have a sign area of 223.00 square metres.	To install a billboard ground sign with a sign area size that is prohibited. (162.7 sq. m or

MTO Commercial Sign Policy (where posted speed more than 50 km/hr)	Applicant's Proposal	Deviations from Guidelines
are located within 84 metres of the highway right-of-way.		1,115% larger than allowed)
(2) 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 223.00 square metres will be located within 400 metres of the highway right-of-way.	Sign to be located within 9.5 metres of the F.G. Gardiner Expressway in lieu of the 400 metres set back required under the MTO Commercial Sign Policy.
(3) No billboard sign shall exceed 8 meters in height above the ground	The proposed sign is 14.94 meters in height.	The height of the sign will 6.94 meters higher than permitted under the MTO Commercial Sign Policy.
(4) 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 another billboard sign located on the north side of F.G. Gardiner Expressway	Sign will be located within approximately 155 metres from another billboard sign.
(5) 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 9.5 metres of the F. G. Gardiner Expressway. This will result in the proposed ground sign exceeding maximum allowed sign area for each face by 1,115% as well as the height and location of 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.

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 ground sign with an electronic digital LED display.	To permit a third party sign within approximately 9.5 metres of the F.G. Gardiner Expressway.
694-15. Prohibited Signs 694-15.A. Anything not expressly permitted by this chapter is prohibited.	Proposal is to permit a 3rd-party ground sign with an electronic digital LED display.	To permit a digital display sign type that is not expressly permitted in this sign district.

694-25.B. E-Employment Sign district 694-25.B.(1)(a) 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 223.00 square meters.	To permit a third party sign with a face area that exceed permitted are by 223.00 square meters. (1,115% larger than allowed)
694-25.B.(1)(b) The height shall not exceed 10.0 metres	Proposal is to permit a 3rd-party ground with a overall heighth of 23.3 metres	To permit a third party ground to exceed maximum permitted height by 13.2 meters.(more than twice of allowed height)

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

CONTACT

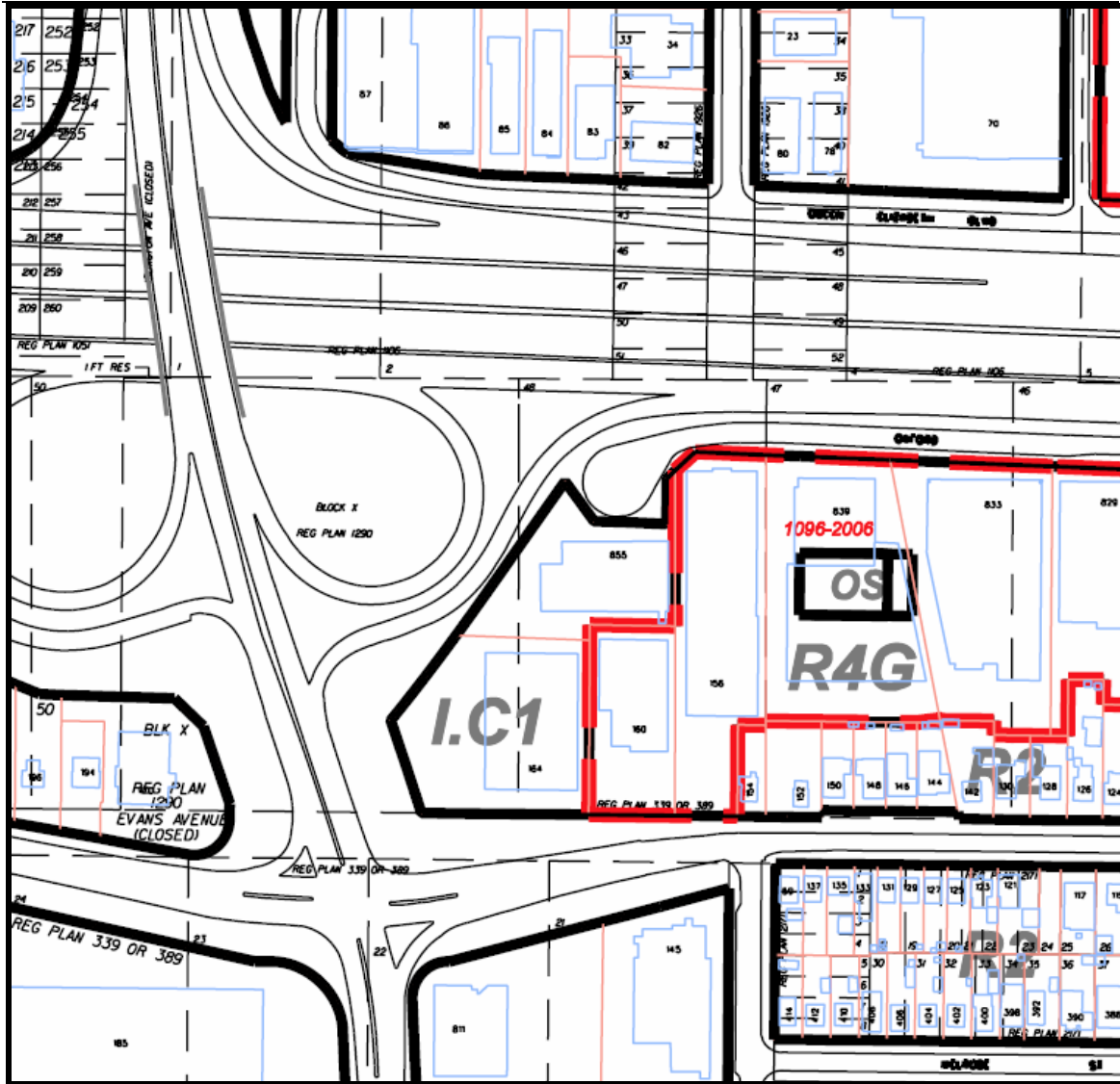
Galina Veltman, Manager, Plan Examination
 Tel: (416) 394-8042
 Fax: (416) 394-8209
 E-mail: veltman@toronto.ca

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

ATTACHMENTS:

- Attachment 1 – Zoning Map
- Attachment 2 – Aerial Map
- Attachment 3 – Site Plan
- Attachment 4 – Sign Details
- Attachment 5 – Existing Ground Sign at 855 Oxford St

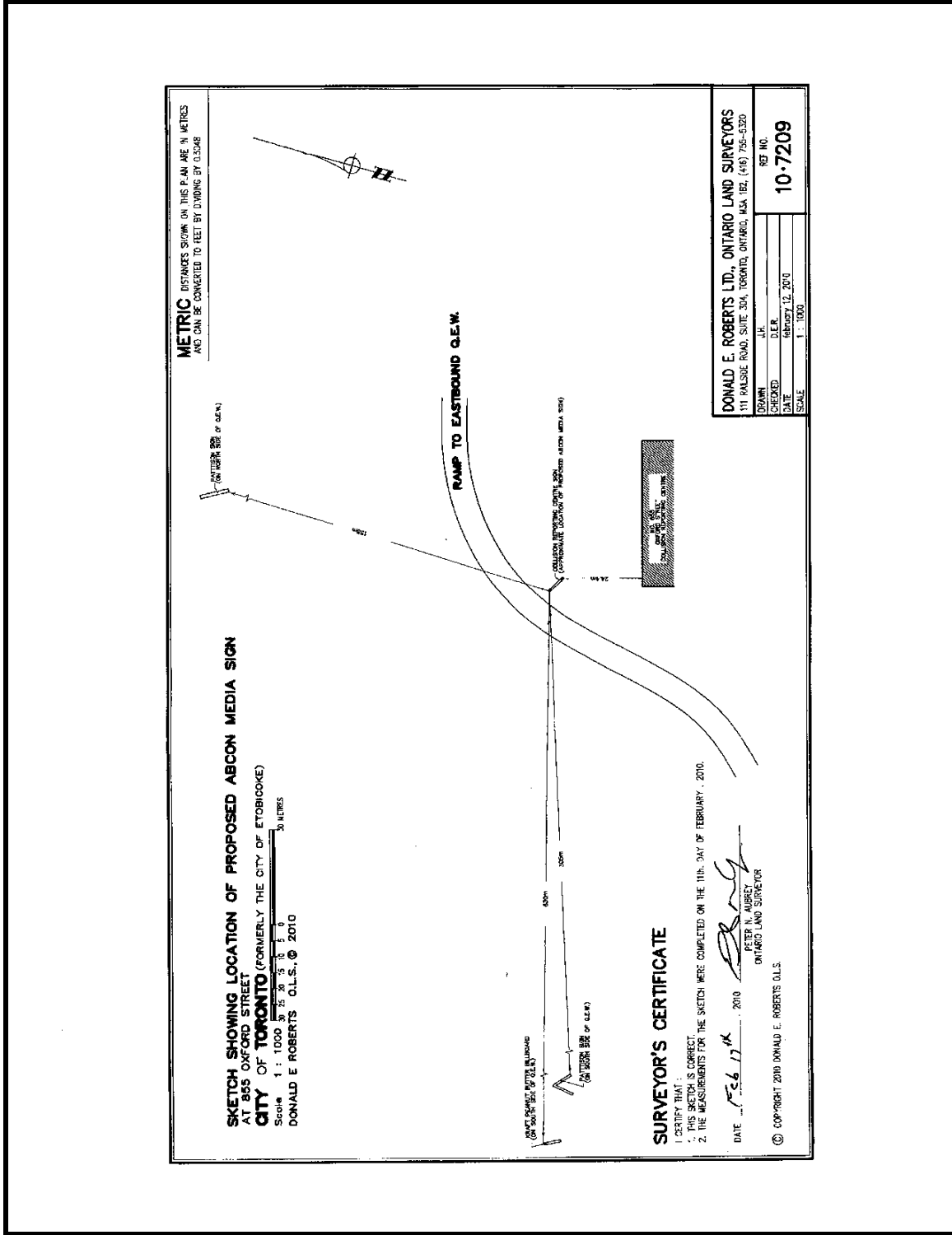
Attachment 1 – Zoning Map

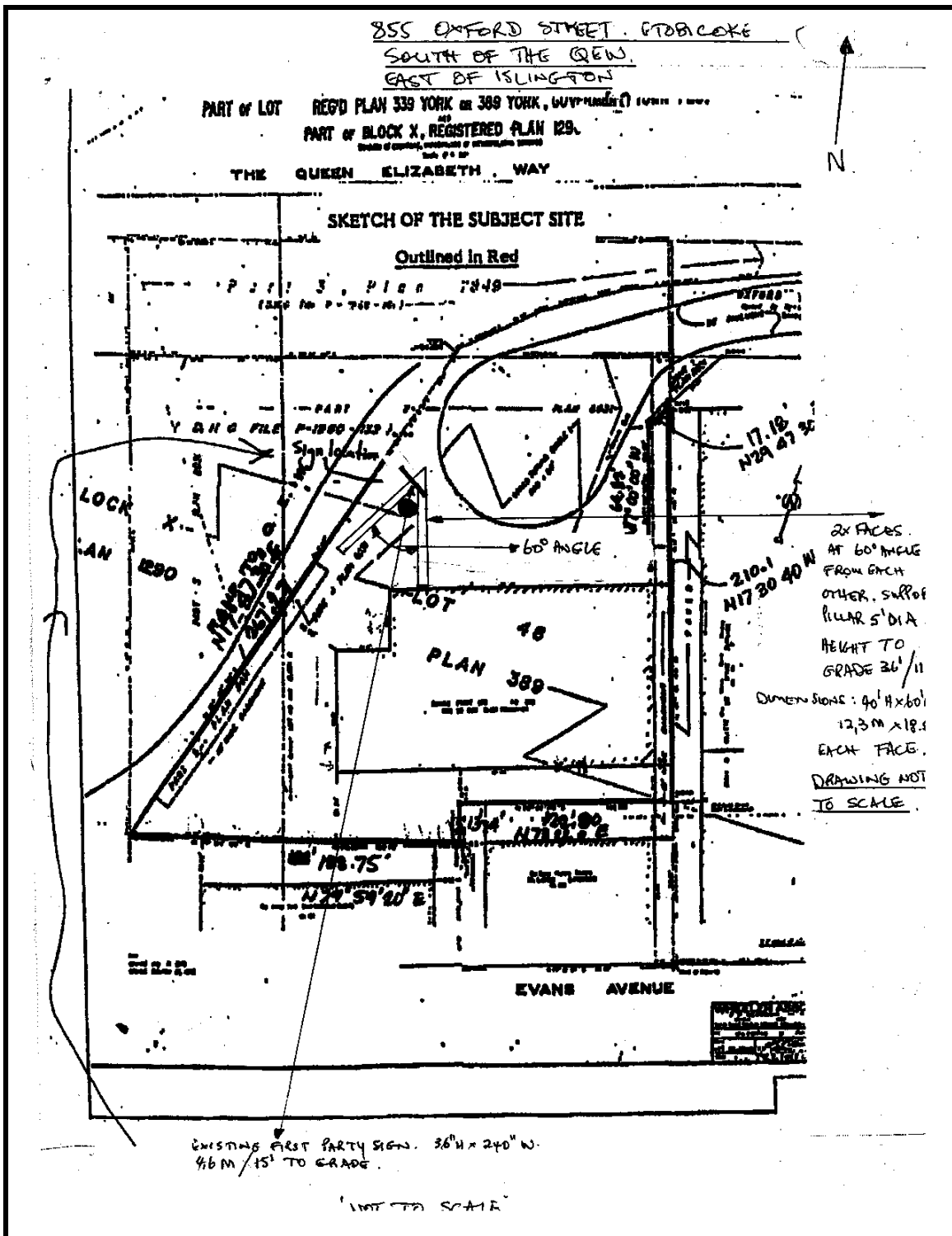


Attachment 2 – Aerial Map



Attachment 3 – Site Plan

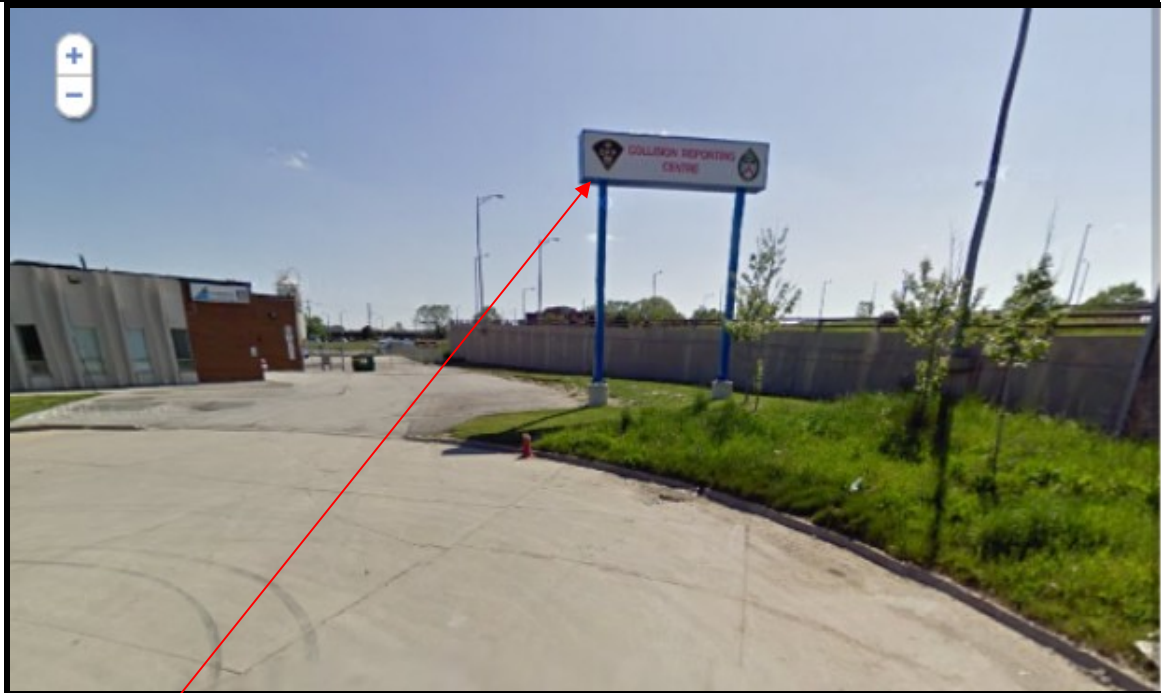




Attachment 4 – Sign Details



Attachment 5 – Existing Ground Sign at 855 Oxford St.



Existing ground sign



Applicant:
Abcon Outdoor Inc.
C/O Leslie Abco
2009 Lawrence Ave W Suite 10.
Toronto On
M9N 2V2

Tel. 416- 7668235 ext. 25
lesabco@abconmedia.com