



STAFF REPORT ACTION REQUIRED

Sign Variance Report 923 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:	2010EY051

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 Steve Wolovich of Astral Media Outdoor L.P., on behalf of Jeff Needham of 2218592 Ontario Ltd., the property owners. The request is to permit installation of one third and first party double sided ground sign containing LED digital displays with a total sign face area of 62.43 m² (672.0 ft²) and an overall height of 16.45 m (54 ft) located at 923 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 at 923 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.

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 one industrial I.C1 Zone.

The property at 923 Oxford St. is a commercial building occupied by the Amazing Party & Costume Store. The applicant is proposing to erect a new double sided third and first party ground sign. No details were provided to establish what percentage of the sign will be allocated to first party advertising and what portion of the proposed digital sign will be used for third party advertising. At the present time the existing signage of the Amazing Party & Costume Store is visible to the traffic along F.G. Gardiner Expressway and is in line with other commercial signs of businesses located on Oxford Street.

The proposed ground sign will be 14.63 m wide by 4.26 m high (48ft x 14ft) containing LED digital displays with a total sign area of 62.42 m² (672 ft²) for each sign face. The overall height of the proposed ground sign is 16.45 meters (54 ft). The proposed ground sign will be erected on the north-east side of the property and will be located approximately 25 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 25 meters from the highway right-of-way.	Sign to be located 25 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 62.42.0 square metres, within 25 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 62.42 square metres.	To install a billboard ground sign with a sign area size that is prohibited.

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.		
(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 62.42 square metres will be located within 400 metres of the highway right-of-way.	Sign to be located within 25 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 16.45 m (54 ft) in height.	The height of the sign will 8.45 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.	To allow erection of a third party ground sign along south side of F.G. Gardiner Expressway without providing a survey identifying other third party billboard signs within 305 m.	To allow an erection of a third party ground sign along F.G. Gardiner Expressway without any verification of the location of any other billboard signs placed within 305 meters of the proposed sign.
(5) 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 same side of F.G. Gardiner Expressway at 980 Oxford St.	Sign will be located within approximately 94 metres from another billboard sign.
(6) 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 double sided ground sign with electronic digital LED display within 25 metres of the F. G. Gardiner Expressway. This will result in the proposed ground sign exceeding maximum allowed sign area for each face 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. 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	Proposal is to permit a 3rd-party ground sign with an electronic digital LED display.	To permit a third party sign within approximately 25 metres of the F.G. Gardiner Expressway.

Province of Ontario in Council 534/97.		
694-15. Prohibited Signs 694-15.A. Anything not expressly permitted by this chapter is prohibited.	Erect a third party digital roof sign.	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 62.42 square meters.	To permit a third party sign with a face area that exceed permitted are by 42.43 square meters. (312% 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 height of 16.45 metres	To permit a third party ground to exceed maximum permitted height by 6.45 meters

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

CONTACT

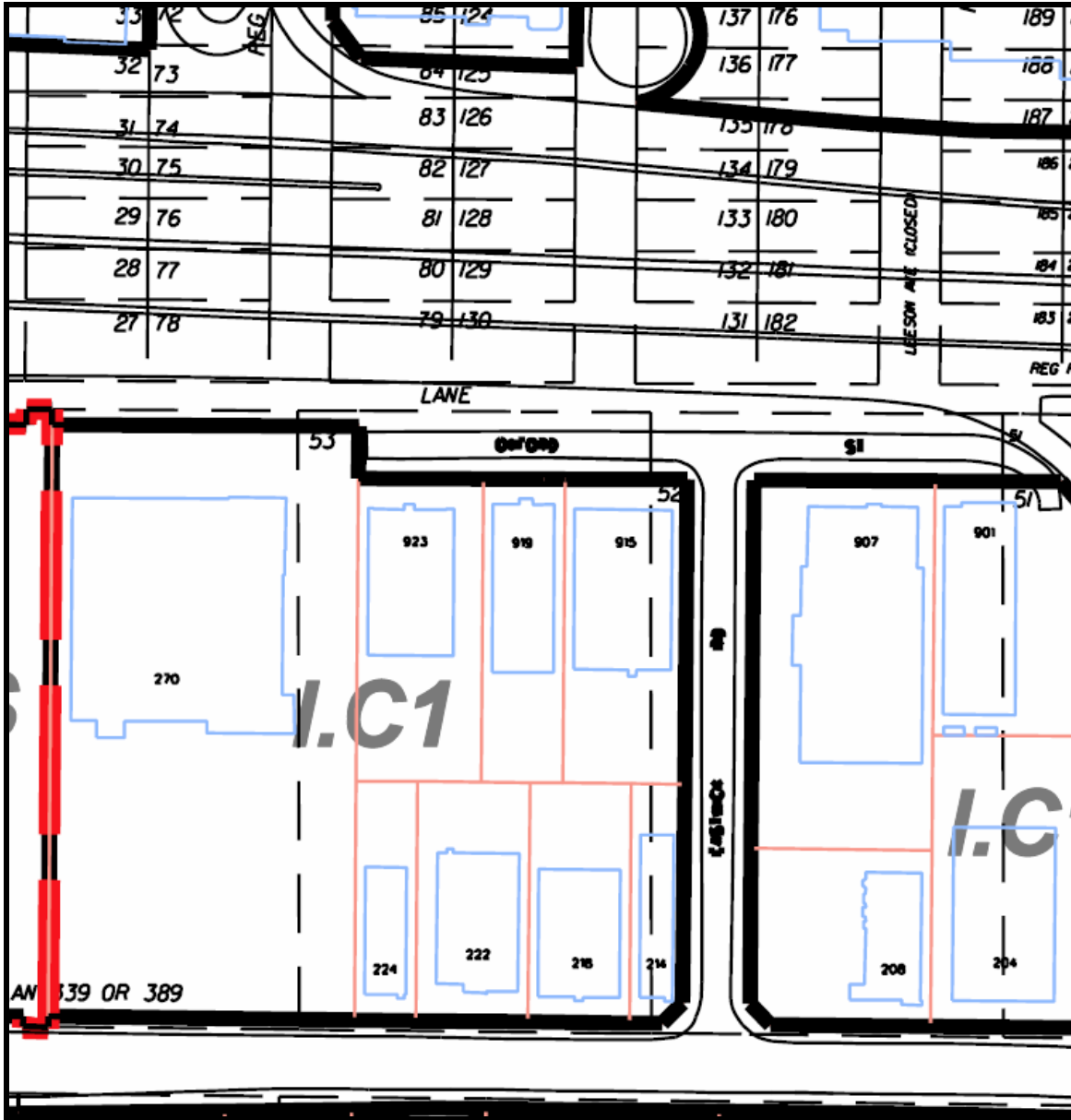
Galina Veltman, Manager, Plan Examination Tel: (416) 394-8042
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Mark Sraga
Director of Building and
Deputy Chief Building Official
Etobicoke York District

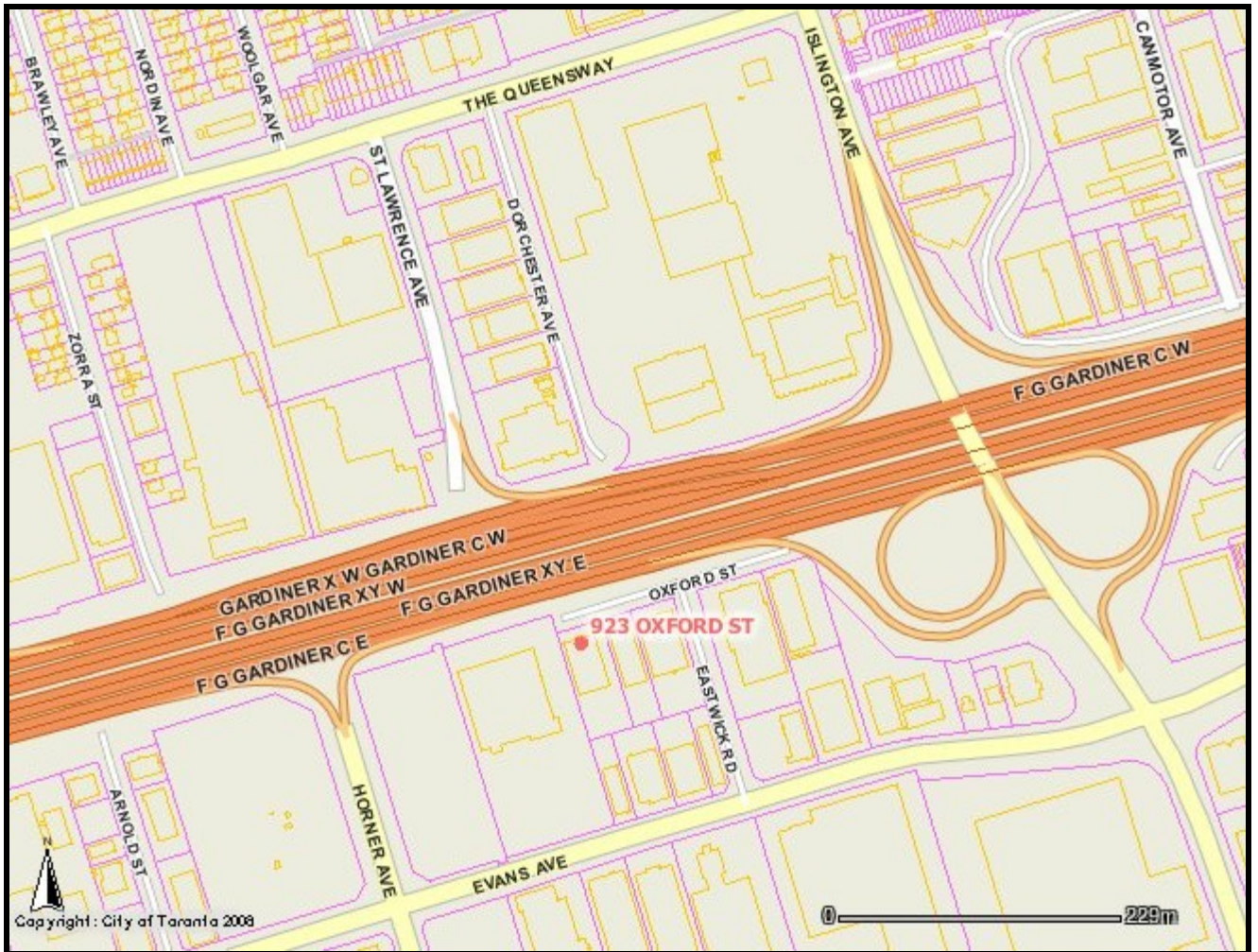
ATTACHMENTS:

Attachment 1 – Zoning Map
Attachment 2 – Aerial Map
Attachment 3 – Site Plan
Attachment 4 – Sign Details
Attachment 5 – Existing Ground Sign at 923 Oxford St.
Attachment 6 – Applicants Letter

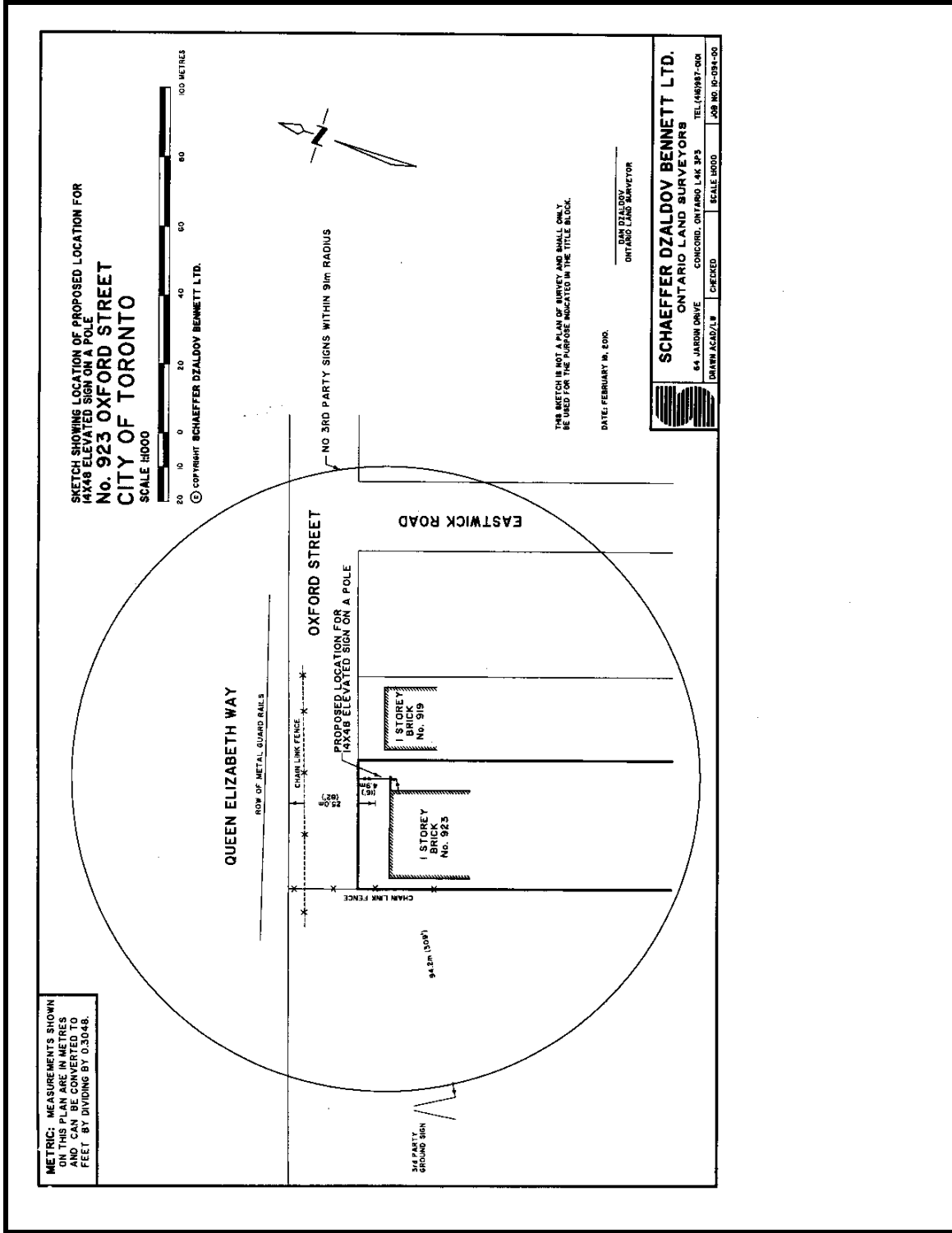
Attachment 1 – Zoning Map



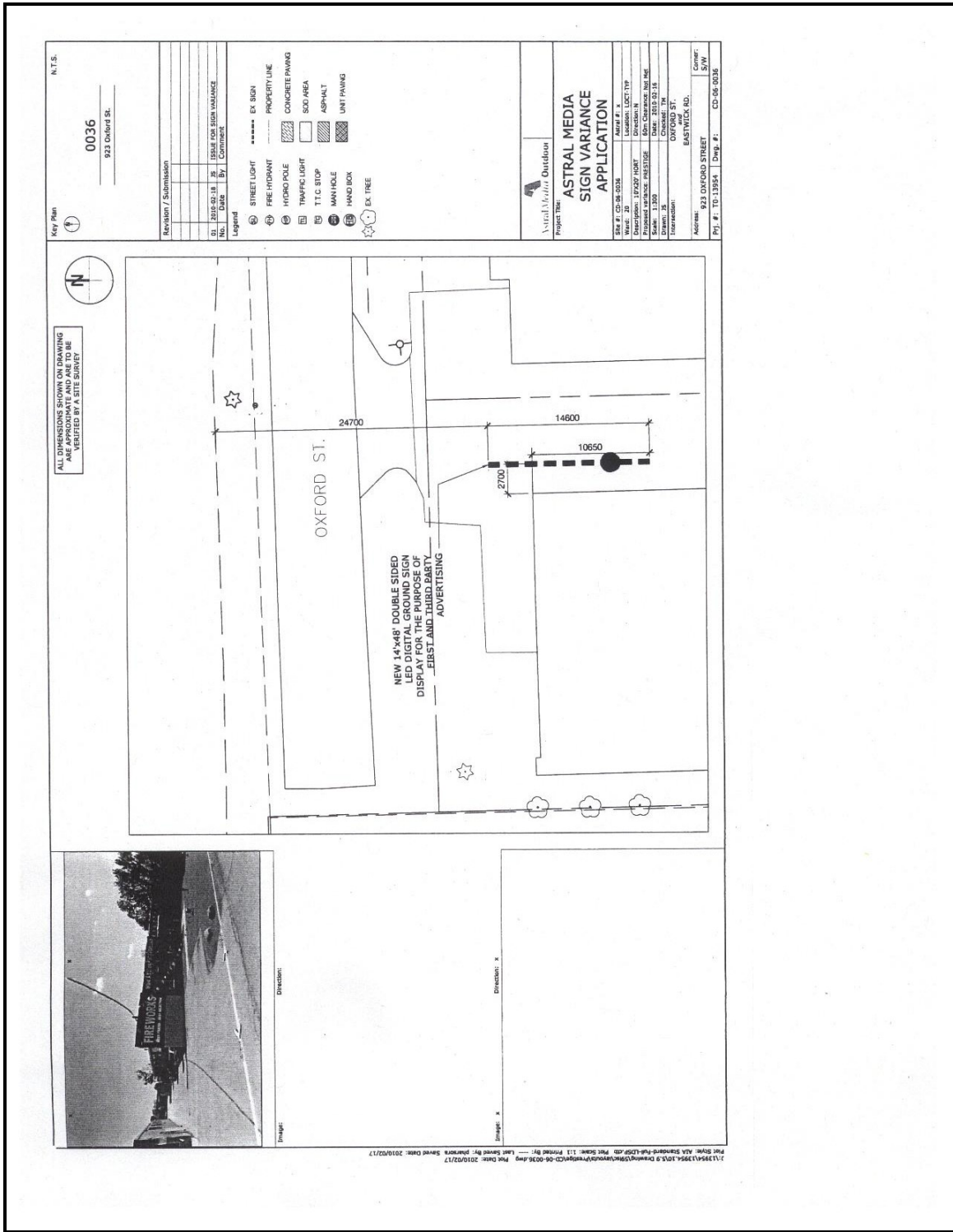
Attachment 2 – Aerial Map



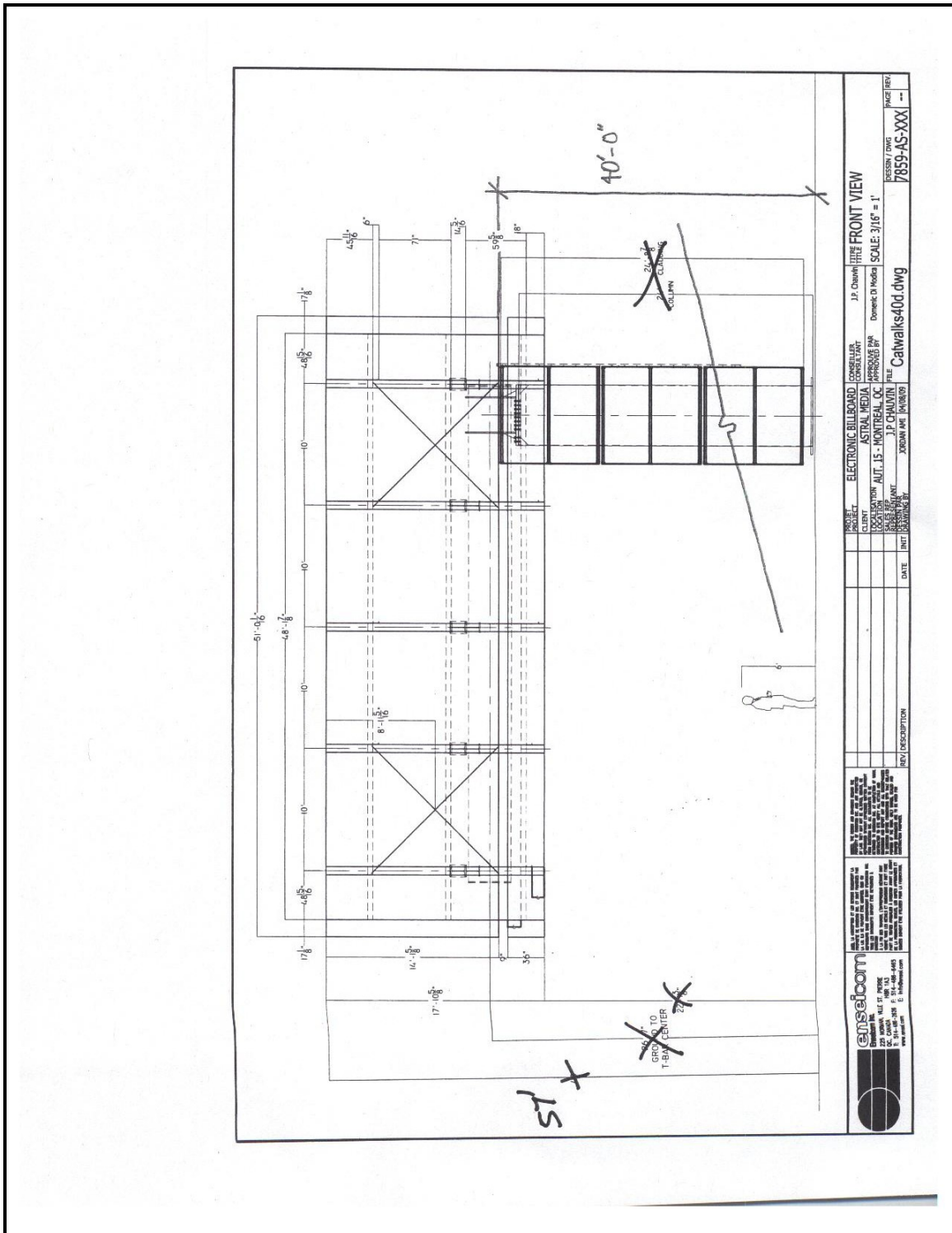
Attachment 3 – Site Plan



METRIC: MEASUREMENTS SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.



Attachment 4 – Sign Details



Attachment 5 – Existing Ground Sign at 923 Oxford St.



Attachment 6 – Applicants Letter

Astral Media Outdoor, L.P.

2 St. Clair Avenue West
Site 2000
Toronto, Ontario
M4V 1L5

Tel : (416) 924-6664
Fax : (416) 924-9031



February 17, 2010

**City of Toronto
Community Council
Sign Variance Application**

The attached application is based upon installing one double sided, back to back 14' x 48' ground sign on the property known 923 Oxford Street for the purpose of both first party and third party advertising. The display faces shall be digital LED technology used for the purpose of static messages only.

Approval consideration

Astral media was previously granted approval and has installed the exact same size and type of display on the property known as 10 Wickman Avenue which is located on the north side of the Gardiner Expressway west of Kipling Avenue. The owners of this said property operate businesses at this location and they wish to market and advertise on this type of sign display. They viewed our sign in operation and have contacted us with the desire to have the same for the benefit of being able to promote their businesses. Thus the sign will display both first and third party content.

The sign is well spaced between the current signs of this type that have been installed and or which have been recently approved at this community council and will not create an oversaturation of signage. The sign will not be visible to any type of residential use.

Please support the opportunity for signage that will promote local and national business and will also increase tax revenues for the City of Toronto, as per the new City of Toronto Sign By-Law.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Steve Wolowich', written over a faint blue line.

Steve Wolowich
Director of Leasing, Ontario

Applicant:
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