



**STAFF REPORT
ACTION REQUIRED**

**Sign Variance Report
16 Queen Elizabeth Blvd.**

Date:	February 26, 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:	2010EY039

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 Variance from Article 1 of Chapter 693, Signs, of the Toronto Municipal Code, from Ms. Sylvia Aiello, on behalf of 2047276 Ontario Inc., owner of the property. The request is to convert the existing third party trivision roof top billboard sign to an electronic digital LED sign.

RECOMMENDATIONS

It is recommended that:

1. The Etobicoke York Community Council refuse the requested variance 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 adopted Interim Sign By-law (By-law 280-1998) which prohibits Third Party Signs on lands that are adjacent to specific former provincial highways. The lands affected by this By-law are any lands within 400 metres of any limit of the following sections of highway;

- A. F.G. Gardiner 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 a point 0.5 kilometre east.

During its regular City Council meeting on July 29, 30 and 31, 1998, Council adopted Clause 6 of 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. Gardiner 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 (MTO) Commercial Sign Policy as a guideline when evaluating the merits of a sign variance application for the affected lands.

The following five Sign Variance requests have been previously considered by the Etobicoke York Community Council for 16 Queen Elizabeth Blvd.;

- On September 10, 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.
- October 7, 2008, Community Council approved the second variance request which permitted the raising of the billboard sign to a height of 11.15 metres in lieu of the 8 metres height previously approved.
- On February 9, 2009, Community Council refused a third variance request for 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 222.97 square metres, a height of 20.30 metres and within 305 metres of another billboard sign.
- On April 27, 2009 Community Council refused a fourth variance request for 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 74.32 square metres and a height of 14.23 metres.

- On January 12, 2010 Community Council refused a fifth variance request to convert the existing tri-vision roof sign to an electronic LED sign within 30 metres of the F.G. Gardiner Expressway having a sign face area of 18.58 m² (200 ft²).

COMMENTS

The existing billboard roof sign is 11.5 metres above the ground and has a display area of 18.58 square metres and is located within 30 metres from the Gardiner Expressway at 16 Queen Elizabeth Blvd. This property and all adjacent properties are zoned ICI. Upon having reviewed the information provided with the Sign Variance application the following variances have been identified as being required:

Variance from the Sign Code

Article I of Chapter 693 of the Toronto Municipal Sign Code does not permit any third-party signs on any lands within 400 metres 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 of the lands within 400 metres 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 30 metres from the highway right-of-way.	Sign to be located 30 metres from the highway right-of-way in lieu of the 400 metres required.

Variance from requirements of MTO Commercial Sign Policy

The applicant is requesting to convert the existing third party tri-vision roof sign to an electronic digital LED sign while keeping the sign area and sign height the same as currently exists within 30 metres of the F. G. Gardiner Expressway. This will result in the 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 the F.G. Gardiner Expressway between Highway 427 and the Humber River.

The proposed conversion of the existing billboard roof sign to 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:

MTO Commercial Sign Policy	Applicant's Proposal	Deviation from MTO Commercial Sign Policy
(1) Changeable message signs* are not permitted on Billboard signs**.	To convert the existing roof top billboard sign to an electronic digital LED sign (i.e., changeable message sign).	To install an electronic digital LED sign (i.e., changeable message sign).
(3) Billboard signs will not exceed 8 metres in height above ground when attached to a building.	The proposed sign will be 11.15 metres above the ground.	The proposed sign will be 3.15 metres (40%) higher than permitted.

* 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
<p>694-24 Site-specific area restrictions.</p> <p>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.</p>	<p>Proposal is to convert an existing 3rd-party roof top tri-vision sign to an electronic digital LED sign.</p>	<p>To permit a third party sign within approximately 30 metres of the F.G. Gardiner Expressway.</p>
<p>694-15. Prohibited Signs</p> <p>694-15.A. Anything not expressly permitted by this chapter is prohibited.</p>	<p>Erect a third party digital LED roof sign.</p>	<p>To permit a digital LED display sign type that is not expressly permitted in this sign district.</p>

CONTACT

Mark Sraga, Director, Building Division/Deputy Chief Building Official

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

ATTACHMENTS

1. Site Plan with existing sign
2. Proposed Sign
3. Pictures of existing sign
4. Pictures of existing building

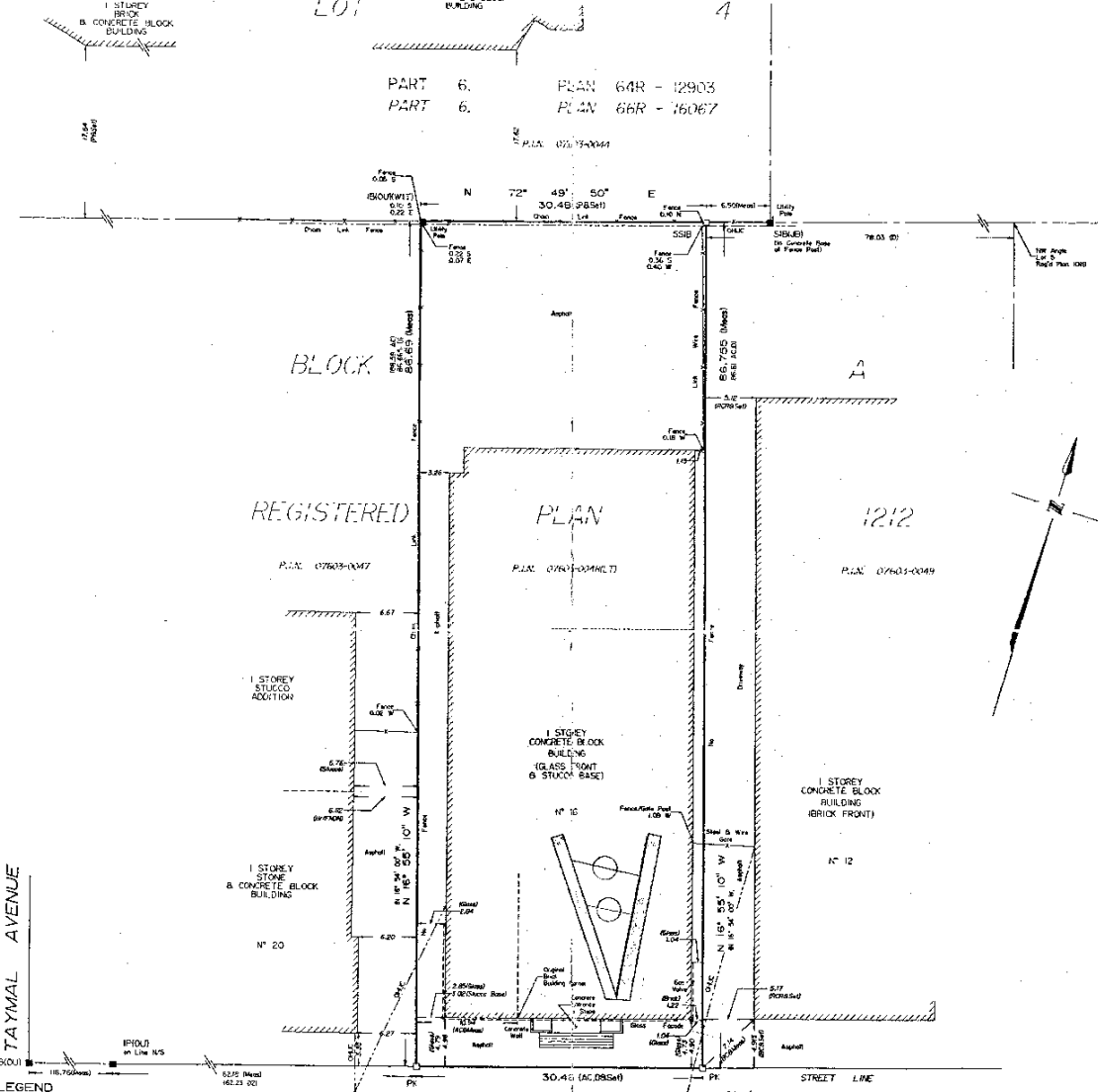
SURVEYOR'S REAL PROPERTY REPORT
PLAN OF

PART OF BLOCK A
REGISTERED PLAN 1212
CITY OF TORONTO
(FORMERLY CITY OF ETOBICOKE)

SCALE 1 : 300
10 metres

METRIC
DISTANCES SHOWN HEREON ARE IN METRES
AND CAN BE CONVERTED TO FEET BY
DIVIDING BY 0.3048

NOTE
1) THIS PLAN MUST BE READ IN
CONJUNCTION WITH SURVEY REPORT
DATED JANUARY 15TH, 2007.
2) THIS PLAN AND REPORT WERE PREPARED
FOR 1212/1712 ONTARIO INC.
AND THE UNDERSIGNED ACCEPTS NO
RESPONSIBILITY FOR USE BY OTHER
PARTIES.



QUEEN ELIZABETH BOULEVARD
(By By-Law 7495 ETOBICOKE, Inst. N° EB 78473)

- LEGEND**
- DENOTES MONUMENT PLANTED
 - MONUMENT FOUND
 - WT WITNESS
 - IP IRON PIPE
 - IB IRON BAR
 - SB STANDARD IRON BAR
 - SSB SHORT STANDARD IRON BAR
 - PK "PK" NAIL & WASHER
 - PP REGISTERED PLAN 1212
 - P.I.N. PROPERTY IDENTIFIER NUMBER
 - D INST. N° CA 323180
 - D2 INST. N° 78 663198
 - P REGISTERED PLAN 1212
 - JO JOHN C. BEATSON, O.L.S.
 - AC FIELD NOTE & SKETCH BY A. COOK, O.L.S. DATED FEBRUARY 22/23, 1949.
 - BC FIELD NOTE BY BROMNE & CAVELL, O.L.S. DATED MARCH 5TH, 1948.
 - RCR PLAN OF SURVEY BY R.C. RABIDEAU, O.L.S. DATED AUGUST 30TH, 1984
 - OHUC OVERHEAD UTILITY CABLES (B/F/FIND)
 - GF BRICK/FOUNDATION
 - OU UNKNOWN

BEARING NOTE
BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE SOUTHERLY LIMIT OF PART 1 HAVING A BEARING OF N 72° 49' 50" E AS SHOWN ON PLATE 64R-12903 AND 66R-16067.

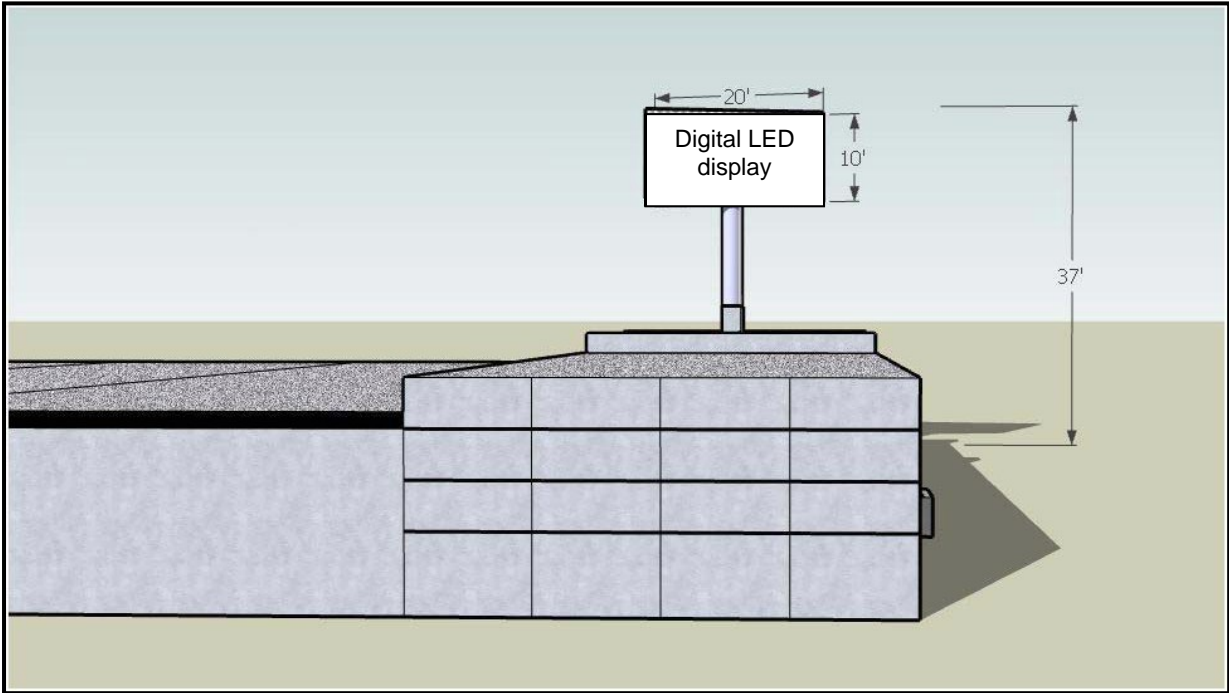
SURVEYOR'S CERTIFICATE
I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON JANUARY 15TH, 2007.

David J. Hawley
DATE: Jan 16, 2007
DAVID J. HAWLEY
ONTOARIO LAND SURVEYOR

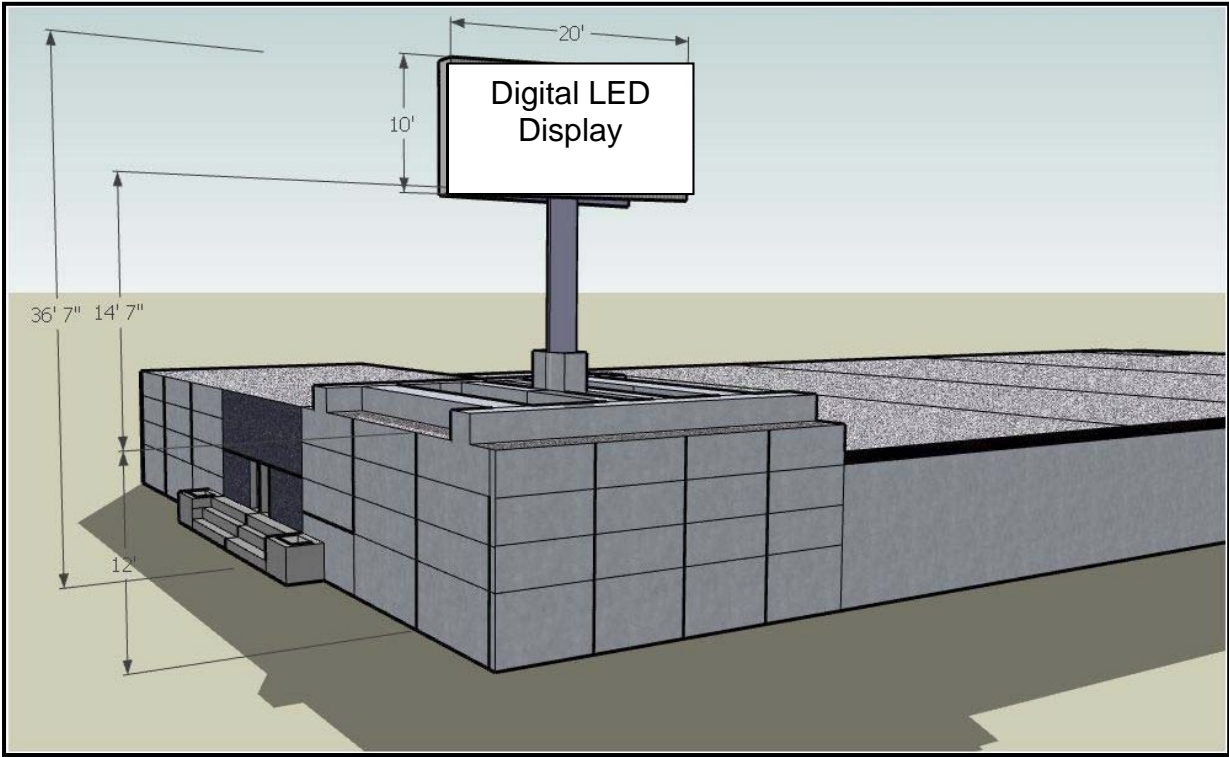
ASSOCIATION OF ONTARIO LAND SURVEYORS
PLAN COMMISSION FINDER
1633172

RABIDEAU & CZERWINSKI
ONTARIO LAND SURVEYORS
777 THE QUEENSWAY, UNIT E, TORONTO, ONTARIO
M8Z 1N4
(416) 252-2511

DRAWN: V.C. CHECKED BY: D.M. PLAN N°: RCT514



Proposed Sign – East Elevation



Proposed Sign – West Elevation



Existing Sign – East Direction



Existing Sign – West Direction (illuminated at night)

Applicant:

2047276 Ontario Inc.
Attn. Sylvia Aiello
16 Queen Elizabeth Blvd.
Toronto, Ontario
M8Z 1L8

Phone no.: 416-236-9255