



## REPORT FOR ACTION

**Area-Specific Amendment to the Sign Bylaw:  
2904 Sheppard Avenue East**

**Date:** May 10, 2019  
**To:** Planning and Housing Committee  
**From:** Chief Building Official and Executive Director, Toronto Building  
**Wards:** 22 – Scarborough - Agincourt

**SUMMARY**

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The City received an application to amend the Sign Bylaw to enable 2904 Sheppard Avenue East to contain a third party electronic roof sign with two faces, directed to the south and north-west.

The Sign Bylaw is a harmonized, City-wide set of regulations governing signs which was adopted in 2010. Under the Sign Bylaw, City Council considers applications from the public where significant changes are requested. The Chief Building Official (CBO) brings forward all of the applications to amend the Sign Bylaw on an annual basis, so that City Council can consider the overall and cumulative impact of these applications on the City's built environment, and the Sign Bylaw itself.

In April 2003, the applicant obtained a variance to a previous sign Bylaw to permit a third party roof sign with static copy. In 2009, the sign was modified to display electronic static copy without the necessary approvals in place. The City initiated enforcement action and the applicant is seeking an amendment to the Sign Bylaw that would allow for and regulate the proposed electronic roof sign.

Third party roof signs are prohibited under the Sign Bylaw. As a result, the proposed sign requires an amendment in order to be permitted.

Toronto Building, in consultation with Transportation Services, City Planning and Economic Development and Culture, conducted a review of the application, and does not believe that the applicant's rationale is consistent with the objectives of the Sign Bylaw.

Toronto Building is recommending refusal of this amendment based on a number of factors. If permitted, the proposed sign is likely to have a negative impact on a 15-storey apartment building approximately 110 metres to the north. In addition, from a planning perspective, the sign is not compatible with the building that it is located on, or this commercial-residential area due to its size and visibility. Furthermore, the proposed sign

does not comply with the required setback of 30 metres from the intersection of Sheppard Avenue East and Victoria Park Avenue.

## **RECOMMENDATIONS**

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The Chief Building Official and Executive Director, Toronto Building, recommends that:

1. City Council refuse the application to amend the Sign Bylaw to add an area-specific amendment to Schedule 'B' of Chapter 694, Signage Master Plans and Area-Specific Amendments, to replace the existing Sign Bylaw regulations concerning third party signs applicable to the premises municipally known as 2904 Sheppard Avenue East with regulations to allow for, and regulate, a single third party electronic ground sign, as described in Attachment 1 of this report.

## **FINANCIAL IMPACT**

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The recommendation in this report has no financial impact.

## **DECISION HISTORY**

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There have been no previous decisions regarding this proposal. However, electronic signs have been the subject of considerable research and public consultation by the City of Toronto. The Sign Bylaw was amended in 2015 to expand the areas where electronic signs are permitted, while minimizing the impact of electronic signs on sensitive uses, including residential.

PG 5.13 - Electronic and Illuminated Sign Study and Recommendations for Amendments to Chapter 694:

The amendments approved by Council in 2015 sought to reduce the impact of electronic signs by increasing the minimum separation required between electronic signs and sensitive land uses, and reducing the maximum permitted brightness levels at night. Third party electronic signs are now permitted in Employment, Utility and Commercial Sign Districts, but are not a permitted sign type in CR Sign Districts, where there are residential uses.

(<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.PG5.13>)

## COMMENTS

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### Annual Reporting

Area-specific amendment applications are considered together annually by City Council. This practice allows for the applications made throughout the year to be reviewed and considered in a more comprehensive manner.

The Sign Bylaw allows for applications by members of the public to amend the Sign Bylaw to implement significant changes for an area. Examples of those changes include: permitting a prohibited sign type, developing a comprehensive plan for all signage on a premises, implementing a prohibition on signs in an area, altering a premises' sign district designation, or changes to administrative provisions, such as permitting requirements. In this case, the application is to permit a prohibited sign type.

### Background

In April 2003, the applicant obtained a variance from the former City of Scarborough Sign Bylaw to permit a third party roof sign with static copy. In 2009, the sign was modified to display electronic static copy without obtaining the necessary approvals. The City laid charges in 2009, and legal action has been ongoing since.

The application seeks to replace the existing regulations applicable to this premises to allow for and regulate an electronic roof sign similar to the existing sign.

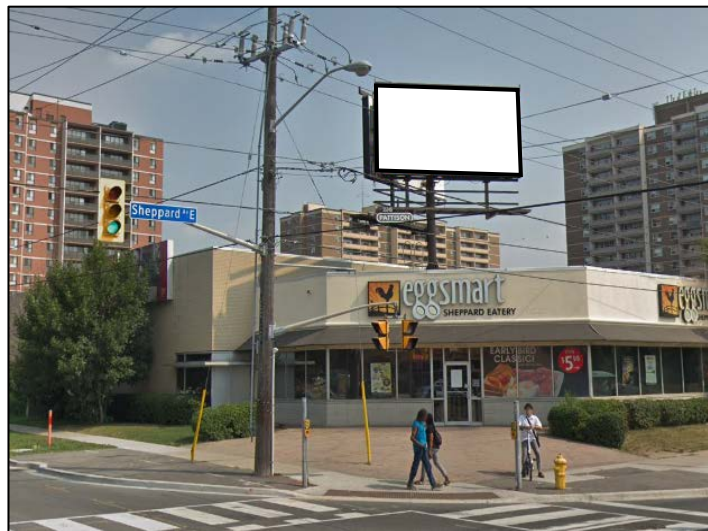
### Applicant's Proposal

The applicant is seeking an area-specific amendment to the Sign Bylaw to establish regulations to allow for a third party electronic roof sign to continue to be displayed.

The sign has two faces, configured in a v-shaped formation, each measuring approximately 3.2 metres vertically by 6.2 metres horizontally, for a sign face area of approximately 19.8 square metres, more than six times larger than permitted for third party signs in CR Sign Districts. Both sign faces would display electronic static copy.

The applicant is also proposing a height that would not exceed 12.4 metres. This proposed height is comparable to a four-storey building.

Figure 1 - Google Street View Image of the Subject Sign



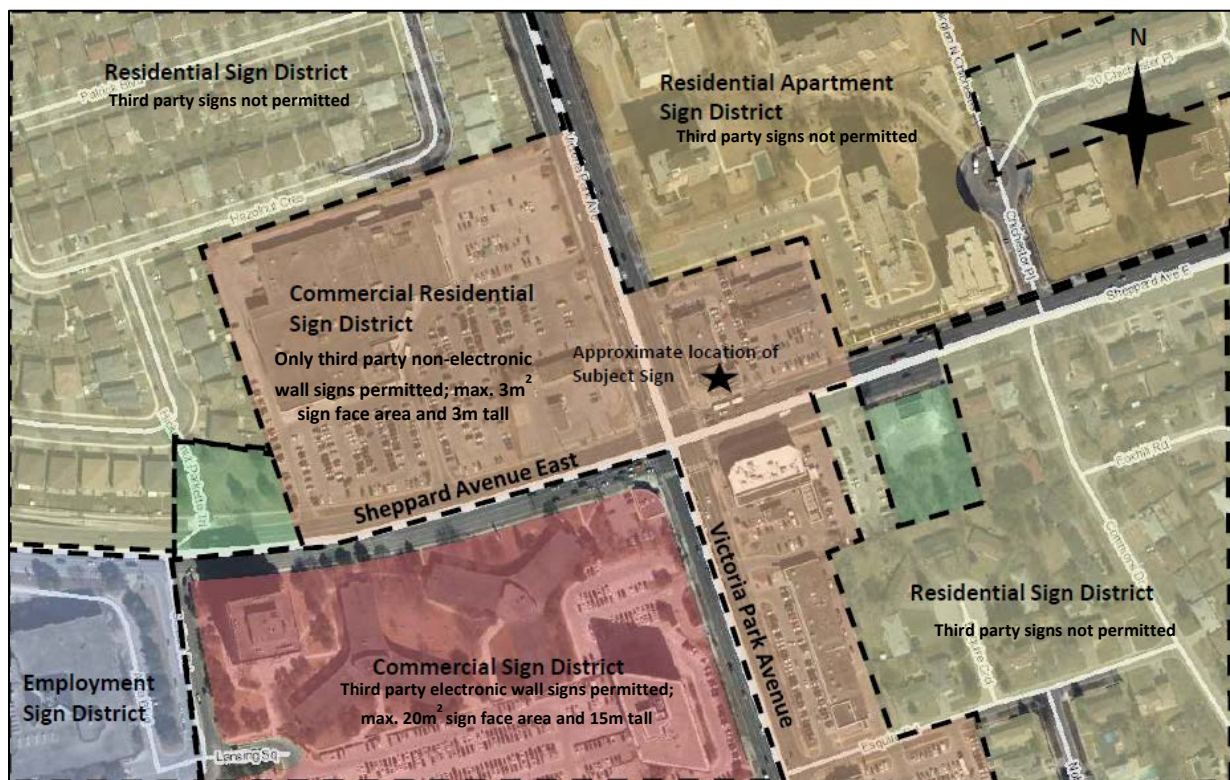
The applicant has proposed to re-configure the angle of the sign faces to reduce the impact on residential uses to the north of the sign. The proposed amendment would require permits associated with the existing sign be revoked as a condition of permit issuance for the proposed electronic roof sign.

### Site Context - 2904 Sheppard Avenue East

The property at 2904 Sheppard Avenue East is located in Ward 22, on the north side of Sheppard Avenue East, immediately east of Victoria Park Avenue, and is designated as a Commercial Residential (CR) Sign District. There are Residential (R) and Residential Apartment (RA) Sign Districts to the north and east. There is a shopping mall to the west, and a mix of business and commercial uses to the south, designated as Commercial (C) and CR Sign Districts. There is also a small Open Space (OS) Sign District to the south-east of the subject sign that appears to be a vacant lot and not a park or other sensitive land use.

There is a one-storey building at the subject property, containing a restaurant and a bank. On the west side of Victoria Park Avenue is a gas station, while south of the subject property is a pharmacy and medical building. There is a restaurant at the south-west corner of the intersection.

Figure 2 - Sign District Map Showing the Subject Sign Location and Surrounding Area



### Area Compatibility

CR Sign Districts are consistent with the CR Zoning designation and the *Mixed-Use* designation in the Official Plan. These areas contain a mix of commercial and residential uses.

The subject property contains a one-storey building with commercial uses. There is a 15-storey apartment building approximately 110 metres north of the subject sign, which has a clear view of the north-west sign face. There are several residential apartments east of the subject sign. These developments are consistent with what would be contemplated by the Official Plan and permitted by the Zoning Bylaw.

Figure 3 - View of the Subject Sign Looking East along Sheppard Avenue and distances to Nearby Residential Building (Distances are Approximate)



Although the Sign Bylaw does not permit third party electronic signs in CR Sign Districts, where permitted, they must not face any CR, R or RA Sign Districts located within 250 metres. The subject sign is located approximately 65 metres from an RA Sign District to the north, and approximately 110 metres from a residential apartment building to the north. Due to its height and direction, the subject sign is visible from south-facing residential units (See Figure 3).

Since 2010, the Sign Bylaw has expressly prohibited third party roof signs because they are difficult to integrate into the overall design and architecture of a building. They also result in buildings which appear higher and intrude into the skyline.

The Sign Bylaw requires that any third party sign be set back 30 metres from an intersection. The subject sign would be located approximately 15 metres from the intersection of Sheppard Avenue East and Victoria Park Avenue.

Although the applicant has proposed shielding which may help to reduce some of the impacts of the electronic copy on residential uses to the north, staff do not believe that the proposed shielding will eliminate all of the impacts of the proposed sign on the surrounding area, particularly the intersection of Sheppard Avenue East and Victoria Park Avenue.

As set out in the Sign Bylaw, notification of the proposed amendment was sent to all property owners within a 250-metre radius of the subject property, and a notice was

posted at the property. The notice provides details of the proposed amendment and invites feedback by email, telephone or in person at a public meeting which was held on February 5, 2019 at the Scarborough Civic Centre. No feedback was received.

## **Comments from other City Divisions**

Transportation Services staff were consulted extensively through the development of the Sign Bylaw, and are in agreement with the regulations governing signs located in close proximity to intersections of major streets. As the subject sign is located approximately 15 metres from the intersection of Victoria Park Avenue and Sheppard Avenue East, well within the required 30-metre separation distance from the intersection, Transportation Services does not support the application.

Staff from City Planning felt that the sign would not be compatible with the existing residential development in the area, and expressed concerns with the visibility of the sign to those neighbours.

City Planning staff noted that the roof sign has not been integrated into the building at 2904 Sheppard Avenue East. There is an approximate four-metre gap between the roof of the building and the sign face, which exposes the sign structure to anyone viewing the property. The sign structure, which consists of a single dark brown metal post, catwalks and lighting elements, is not consistent with the design features of the building where it is located, or the surrounding developments.

It was also identified that the subject roof sign has an overall height of 12.4 metres above grade, where the height limit in the Zoning Bylaw is 11.0 metres for buildings and structures on the subject property. This additional height conflicts with the objectives of the Zoning By-law with respect to managing the massing of buildings and structures along Sheppard Avenue East and Victoria Park Avenue, and minimizing shadows cast onto adjacent properties.

## **Conclusion**

The applicant has not provided a basis for the CBO to recommend that City Council amend the Sign Bylaw to establish site-specific regulations to allow for a third party electronic roof sign in this CR Sign District.

The CBO is recommending refusal of this amendment based on a number of factors. If permitted, the proposed sign is likely to have a negative impact on a 15-storey apartment building approximately 110 metres to the north. In addition, from a planning perspective, the sign is not compatible with the building that it is located on, or this commercial-residential area due to its size and visibility. Furthermore, the proposed sign does not comply with the required setback of 30 metres from the intersection of Sheppard Avenue East and Victoria Park Avenue.

It is the position of the CBO that the CR Sign District designation and current regulations for the subject property are appropriate, and should not be modified as requested by the applicant.

## **CONTACT**

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## **SIGNATURE**

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Will Johnston, P.Eng.  
Chief Building Official and Executive Director  
Toronto Building

## **ATTACHMENTS**

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1. Draft of Proposed Area-Specific Amendment – 2904 Sheppard Avenue East