

Area Specific Amendment to the Sign By-law: 2025 Wilson Avenue

Date: May 16, 2022
To: Planning and Housing Committee
From: Chief Building Official and Executive Director, Toronto Building
Wards: 7 - Humber River-Black Creek

SUMMARY

Toronto's Sign By-law is a harmonized, City-wide set of regulations governing signs which was adopted in 2010. The Sign By-law contains a process for any member of the public to apply to City Council to amend the Sign By-law in order to implement significant changes to the sign regulations for a specific property or area. Applications are commonly made requesting amendments to the Sign By-law to allow signs that are prohibited, to remove permissions for signs in an area, or to modify the administrative requirements of the Sign By-law. The Chief Building Official ("CBO") brings applications to amend the Sign By-law together on an annual basis for City Council consideration, so that that City Council can more easily assess the overall and cumulative impact of these applications on the city's built environment, and the Sign By-law itself.

This report responds to an application for an amendment to the Sign By-law to replace the existing regulations concerning 2025 Wilson Avenue with regulations which would allow the property to display a third party electronic ground sign (the Proposed Sign), which is in contravention of numerous provisions of the Sign By-law. Currently, 2025 Wilson Avenue contains no third party ground signs.

2817270 Ontario Limited (the "Applicant") as made an application seeking City Council to amend the Sign By-law to replace the existing regulations concerning 2025 Wilson Avenue with new regulations which would:

- Establish regulations to allow for, and regulate, a third party electronic ground sign (the "Proposed Sign"), which would: have a sign face area of 62.4 square metres (more than three times larger than permitted by the Sign By-law) and a height of 13.8 metres (3.8 metres higher than permitted by the Sign By-law); be built with two sign faces in a "v-shaped" configuration, which is typically prohibited by the Sign By-law, and, be erected within 250 metres of, and face, a Residential Apartment ("RA") Sign District, a Commercial Residential ("CR") Sign District, a Residential ("R") Sign

District and an Open Space ("OS") Sign District, contrary to the minimum separation distances required by the Sign By-law

- Exempt 2025 Wilson Avenue from the area-specific restriction contained at 694-24A (1) of the Sign By-law which expressly prohibits any third party signs from being displayed on these premises; and,
- Modify the permitting regulations for third party signs at 2025 Wilson Avenue to allow for the Proposed Sign to be issued a sign permit which would have a ten-year duration, double the permit length for other third party signs set out in the Sign By-law.

This application only qualifies for consideration by City Council as an amendment to the Sign By-law due to the request to amend the permitting regime applicable to 2025 Wilson Avenue.

Toronto Building has reviewed the Applicant's submission materials and cannot determine any basis for City Council to amend the City's Sign By-law to the Proposed Sign which is contrary to City Council's direction with respect to third party electronic ground signs generally, or City Council's direction with respect to the prohibition of third party signs at 2025 Wilson Avenue.

Further, Toronto Building cannot determine a basis for City Council to amend the Sign By-law to allow a sign permit to have a duration twice as long as otherwise permitted for third party signs, where the Proposed Sign is so significantly different from the Sign By-law requirements for signs of this type throughout the City, as well as being located within an area of the City where third party signs are specifically prohibited.

Toronto Building, in consultation with Transportation Services, conducted a thorough review of the application, and has concluded that the Applicant's rationale is not consistent with the traffic safety requirements or objectives of the Sign By-law. For the reasons set out in this report, the CBO does not support amending the Sign By-law for 2025 Wilson Avenue.

RECOMMENDATIONS

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

1. City Council refuse the application to amend the Sign By-law to add an area specific amendment to Schedule 'B' of Chapter 694, Signage Master Plans and Area-Specific Amendments, to establish regulations applicable to the premises municipally known as 2025 Wilson Avenue to allow for, and regulate, in addition to the signage otherwise permitted by the Sign By-law, a third party electronic ground sign, and modify the permitting regime with respect to this third party electronic ground sign, as described in Attachment 1 of this report.

FINANCIAL IMPACT

There are no current or known future year financial impacts arising from the recommendations contained in this report.

DECISION HISTORY

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

These amendments attempt to minimize the adverse impact of electronic signs by establishing separation distances between electronic signs and sensitive land uses, and reducing the maximum brightness at night. Third party electronic signs are now permitted in Employment, Utility and Commercial Sign Districts, but are specifically not permitted within 400 metres of any portion of Highway 401 within Toronto.

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

COMMENTS

Annual Reporting

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

The Sign By-law allows for applications by members of the public to amend the Sign By-law to implement significant changes for an area. Examples of those changes include: 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. The Sign By-law amendment process was not intended to be used to expand permissions for a permitted sign type that could potentially obtain approvals through the Sign Variance process.

The Sign Variance process requires nine specific criteria to be met prior to variances to be granted. It should be noted that because third party electronic ground signs are permitted in Employment Sign Districts, the Applicant could seek approvals from the Sign Variance Committee to address the "v-shaped" configuration of the sign faces, the area specific prohibition for third party signs within 400 metres of Highway 401, as well as the increased size and height of the Proposed Sign.

The current application only qualifies to be brought forward to City Council due to the inclusion of the request to amend the permitting requirements, from a five year permit to a ten year permit.

Applicant's Amendment Proposal

The Applicant is seeking City Council approval for an area-specific amendment to the Sign By-law to: modify permitting requirements for third party signs at 2025 Wilson Avenue, doubling the initial permit term generally provided with respect to third party signs; to exclude 2025 Wilson Avenue from an area-specific prohibition on the display of third party signs within 400 metres of Highway 401; and to establish regulations that would allow for a third party electronic ground sign that is not consistent with the regulations for third party electronic ground signs in Employment ("E") Sign Districts.

The requested amendment seeks to modify the sign permit duration of five years, the standard permit length applicable to all third party sign permits, to establish an initial sign permit duration of ten years for the Proposed Sign. The Applicant states that this request is related to providing greater certainty for the property owner, but provides no other basis as to why the City should modify the Sign By-law's standard regulatory provisions. The proposal to extend the permit term is contrary to measures in the Sign By-law enacted by City Council to ensure that signs would not be able to remain for extended periods where they may become unsuitable for their surroundings.

Figure 1 – Site Plan of Proposed Sign provided by the Applicant



Figure 2 – Renderings of Proposed Sign provided by the Applicant (Facing West (Left)) and Facing East (Right))

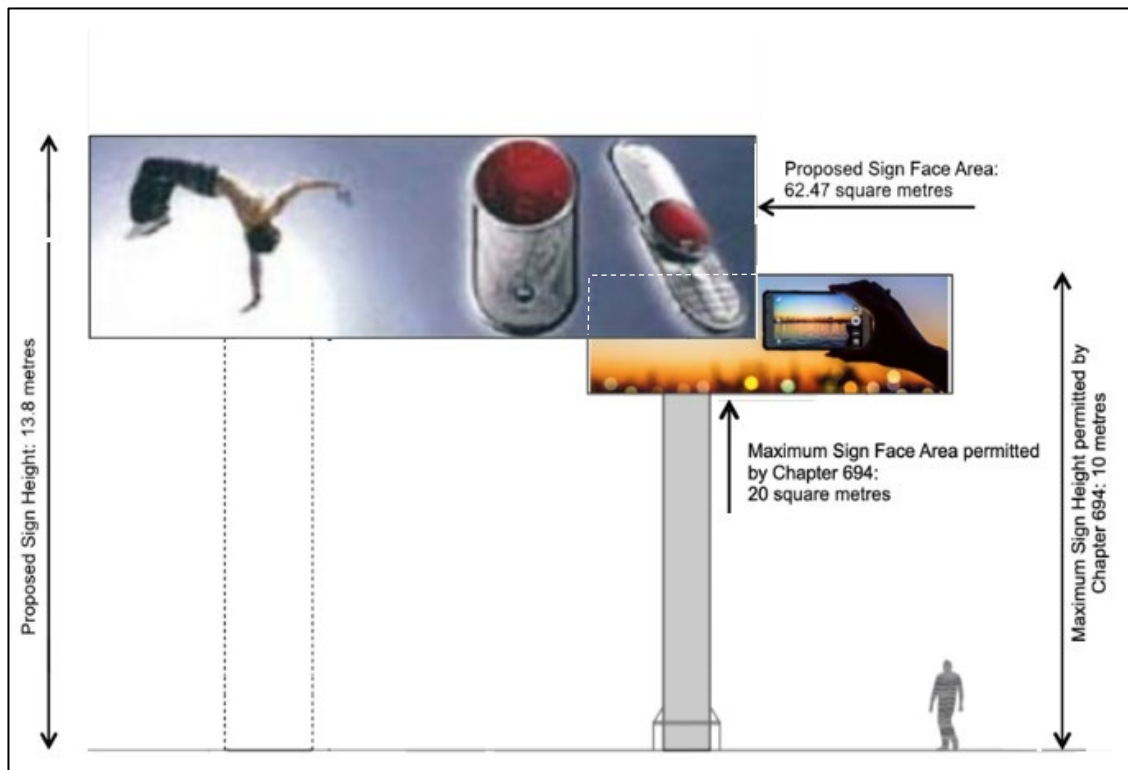


The Sign By-law prohibits the display of any third party signs within 74 specific locations within the City of Toronto. The property at 2025 Wilson Avenue is located within in one of these 74 prohibited areas – specifically within 400 metres of any limit of Highway 401 in the City of Toronto. The property at 2025 Wilson Avenue is immediately adjacent to Highway 401 and the Applicant seeks an amendment to allow the Proposed Sign to be 2.0 metres away from Highway 401. The Applicant's submission does not address the fact that the Proposed Sign is contrary to City Council's prohibition on any third party signs from being constructed within 400 metres of Highway 401 (See Figures 1 and 2).

The Applicant also seeks to establish regulations to allow for a third party electronic ground sign contrary to multiple aspects of what is normally allowed within the City of Toronto for signs of this type in E Sign District:

- The requested amendment would establish regulations for allowing an electronic ground sign with two faces in a "v-shaped" configuration directed east and west along Highway 401 displaying electronic static copy, where such a configuration is generally prohibited, and signs are restricted to a "back to back" configuration.
- The requested amendment would seek regulations allowing for an electronic ground sign with a sign face area of approximately 62.5 square metres, more than three times the 20 square metre maximum permitted in an E Sign District.
- The requested amendment would also allow for the Proposed Sign would also have a height of almost 13.8 metres, almost 40% taller than the 10 metre maximum height permitted by the Sign By-law. (See Figure 3).

Figure 3 - Proposed Sign Size in comparison with Sign By-law requirements



Finally, the Proposed Sign would be erected within 250 metres of a RA, CR, OS, and R Sign District and face properties in each of these districts, where the Sign By-law prohibits any signs located within 250 metres of an RA, CR, OS, and R Sign District to face a property in those sign districts.

Because third party electronic ground signs are permitted in E Sign Districts, the Applicant could seek approvals from the Sign Variance Committee for not meeting the sign face configuration, height or size requirements for the sign in the Sign By-law, as well as the facing requirements towards sensitive land uses. The Applicant could also seek variances from the Sign Variance Committee to address the area-specific prohibition third-party signs within 400 metres of Highway 401.

It is only due to the request to modify the initial sign permit term from five to ten years that this application is proceeding as an amendment.

Site Context – 2025 Wilson Avenue

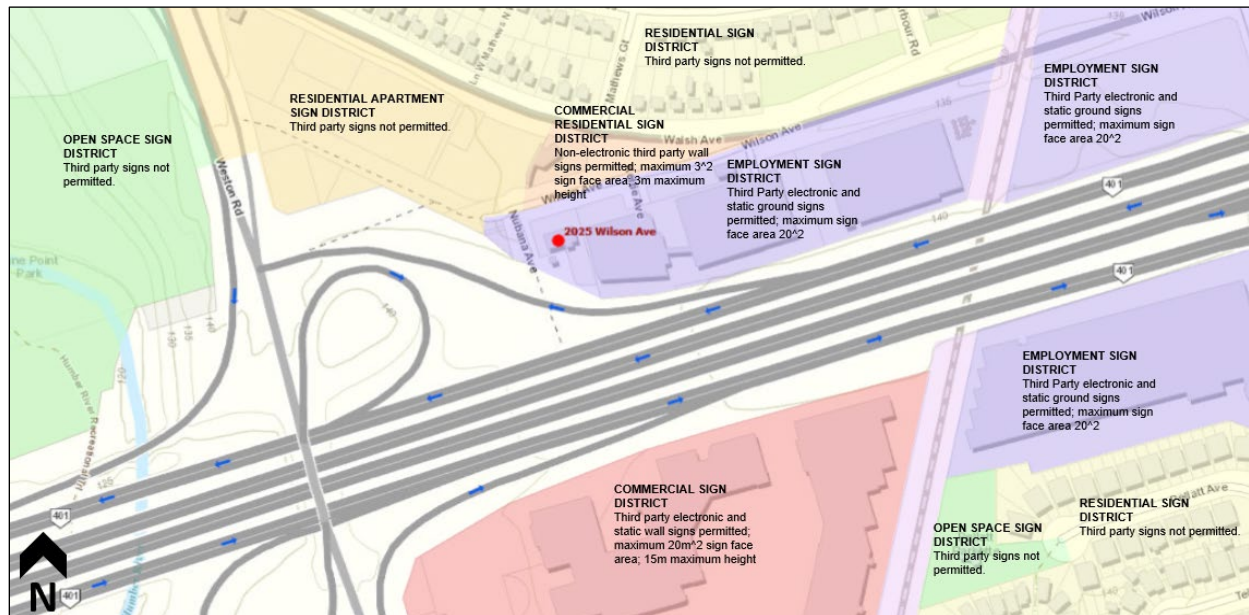
The property at 2025 Wilson Avenue contains one and two-storey buildings with employment and commercial uses with E Sign Districts to the East. Immediately to the North is a small CR Sign District area which immediately touches a large area that is R Sign District containing subdivision homes. To the immediate North-West is a RA Sign District and an OS Sign District on the other side of Weston Road. To the South is Highway 401 and the on-ramp leading from Highway 401 to Weston Road. (See Figure 4)

There are no third party signs currently located at the property, and no third party signs immediately surrounding the Proposed Sign.

In addition to the fact that there are no third party signs located at 2025 Wilson Avenue or the adjacent properties, the Proposed Sign is not compatible with the property at 2025 Wilson Avenue due to the fact that it is located within an area of the city which is subject to an area-specific prohibition on third party signs adjacent to Highway 401. This area-specific prohibition was imposed by City Council on the determination that third party signs adjacent to Highway 401 are inconsistent and incompatible with the surrounding area, and would not contribute positively to the quality of Toronto's appearance.

The area-specific amendment requested by the Applicant would also allow a sign that is not consistent with the regulations for an E Sign District because of the larger sign face area, height, and due to its proximity to nearby RA, CR, R and OS Sign Districts, and the impacts that the Proposed Sign may have on the current and future uses of those properties.

Figure 4 – Sign District Map showing Proposed Sign Location and Surrounding Area



The area-specific amendment requested by the Applicant would allow a sign that is not consistent with multiple regulations contained in the Sign By-law; the Proposed Sign would not be consistent with general regulations prohibiting v-shaped sign face orientation for all third party signs; the area-specific regulations applicable to 2025 Wilson Avenue prohibiting any third party signs from being located on the premises; and the general regulations for an E Sign District because of the larger sign face area, and increased height than is otherwise permitted for electronic ground signs in these Sign Districts, as well as the Proposed Sign's proximity to the RA, R and OS Sign Districts.

Area Compatibility

The area specific amendment requested by the Applicant would permit the Proposed Sign to be located approximately 2.0 metres from Highway 401, where the Sign By-law prohibits any third party signs from being located in whole or in part within 400 metres of Highway 401.

The area within 400 metres of the Highway 401 is one of 74 specific areas throughout the city where City Council has determined that third party signs should not be permitted. These 74 area specific restrictions were imposed by City Council on the determination that third party signs in these locations are inconsistent and incompatible with the surrounding area, and would not contribute positively to the quality of Toronto's appearance.

The area specific prohibition applicable to 2025 Wilson Avenue, which is a direct and complete prohibition on any third party signs within any premises within 400 metres of any limit of Highway 401, is consistent with the Ministry of Transportation ("MTO")

Corridor Management Policy which requires a 400-metre separation between provincial highways and third party signs throughout the province.

Figure 5 – Locations of unlawful third party signs removed in 2016-2019 enforcement campaign.



In 2016, the City, in consultation with the MTO conducted an investigation into the area immediately surrounding Highways 401, 400 and 427. The investigation concluded that there were 42 locations containing third party signs that were not in compliance with the MTO Corridor Management Policy and were not in compliance with the applicable Sign By-law. From 2016 to 2019, 36 of the 42 signs were removed (See Figure 5), leaving only six signs remaining. These six remaining signs are all in some stage of the enforcement process.

As a result of this enforcement campaign, there are very few third party signs adjacent to any 400-series highways, including Highway 401, within the City of Toronto.

In their submission materials, The Applicant has stated that they have been working for the past two years to obtain a Minister's Order to exempt the Proposed Sign from the MTO Corridor Management Policy. The Applicant continues to say that if they were to receive a Minister's Order exempting the Proposed Sign from the Corridor Management Policy, it would render the area specific restriction prohibiting third party signs within 400 metres of Highway 401 as set out in 694-24A(14) of the City of Toronto Sign By-law "moot".

The MTO Corridor Management Policy addresses the specific issues related to the Ministry's jurisdiction concerning highways, and traffic safety, and contains a variety of factors surrounding approvals. The City's 74 area-specific prohibitions on third party signs are regulations relating to the various concerns and issues within the City's jurisdiction to ensure that signs are appropriate to their function and compatible with their surroundings.

A Minister's Order exempting the Proposed Sign from the MTO Corridor Management Policy, would have no impact on City Council's direction that third party signs should not be constructed within 74 separate locations within the City, either within 400 metres of any limit of Highway 401, or any of the other areas where City Council has determined that third party signs should be prohibited.

Further to the above, when amendments were made to the Sign By-law in 2015 to expand the permissions for electronic signs throughout the city, City Council neither amended nor removed any area specific restrictions applicable to third party signs, including the restriction on third party signs within 400 metres of any limit of Highway 401 in the City of Toronto.

The Proposed Sign will also be directly north of the on-ramp leading from Highway 401 to Weston Road. The Applicant has not provided any information in their submission commenting on whether or not the Proposed Sign may have an impact on vehicles and drivers using this on-ramp.

The Applicant states in their submission materials that the "v-shaped" configuration of the sign faces, the increased sign face area and height of the Proposed Sign are in order to ensure that the sign is legible to drivers along Highway 401. Aside from this, the Applicant has provided no information as to how the "v-shaped" configuration, increased size or height will make the Proposed Sign more compatible with the property at 2025 Wilson Avenue or the surrounding properties.

As well, the proposed area-specific amendment would permit the Proposed Sign to face RA, CR, OS, and R Sign Districts, where the Sign By-law prohibits any electronic sign located within 250 metres of any RA, CR, OS, and R Sign Districts, to face any properties within these Sign Districts. This is due to the fact that these Sign Districts may either currently, or in the future contain land uses (such as residential or park/recreational uses) that are incompatible with and/or could be impacted by the Proposed Sign.

As a result of the above, the area-specific amendment requested by the Applicant would permit a sign that is not compatible with the area surrounding 2025 Wilson Avenue.

As set out in the Sign By-law, 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 at a virtual public meeting which was scheduled for May 2, 2022 via WebEx.

Comments from other City Divisions

With respect to possible concerns about traffic safety, Transportation Services was consulted throughout the development of the Sign By-law and is in agreement with the regulations in the Sign By-law governing signs located within 400 metres of Highway

401 between the Weston Road and Highway 400. As the application seeks to allow the Proposed Sign to be located well within the required 400- metre separation distance from Highway 401 (only 2 metres), Transportation Services does not support the application as it is not in keeping with the requirements in the Sign By-law for this area.

Conclusion

The Applicant has not provided a basis for the CBO to support amending the Sign By-law to establish unique regulations which would allow for a large third party electronic ground sign in close proximity to Highway 401 (an area subject to an area-specific restriction on third party signs). The Proposed Sign is only approximately 2 metres from Highway 401. The Applicant has also provided no substantive rationale to justify extending the sign permit term to ten years, twice as long as is permitted by the Sign By-law for other third party signs in the City of Toronto.

The requested amendment would also allow a sign that is more than three times larger than permitted by the Sign By-law, which would contribute to sign clutter in the area along this portion of Highway 401, and may impact drivers due to its size and proximity to Highway 401 and the off-ramp to Weston Road.

The requested amendment would also allow a sign that is more than three times larger than permitted by the Sign By-law, almost four metres taller than permitted by the Sign By-law and, contrary to the Sign By-law, would be facing RA, CR, OS, and R Sign Districts

As a result, it is the position of the CBO that the 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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ATTACHMENTS

1. Draft of Proposed Area-Specific Amendment – 2025 Wilson Avenue