

**Proposed Amendment to Chapter 694 of the City of Toronto
Municipal Code with Respect to 486 Evans Avenue**

| | |
|--------------------------|---|
| Date: | April 25, 2013 |
| To: | Planning and Growth Management Committee |
| From: | Chief Building Official and Executive Director, Toronto Building |
| Wards: | Ward 6 – Etobicoke-Lakeshore |
| Reference Number: | P:\2013\Cluster B\BLD\Chief Building Official Head Office\PG13008 |

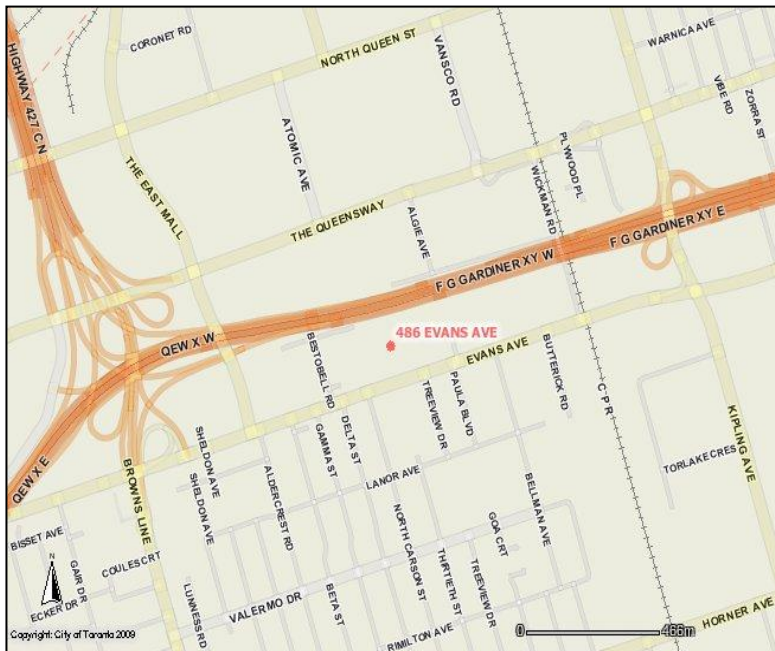
SUMMARY

This report recommends the refusal of an application made by CBS Outdoor Canada (the "Applicant") on behalf of the owner of premises municipally known as 486 Evans Avenue, for a site specific amendment to permit the erection and display of one third party ground sign, with two sign faces, each displaying electronic static copy (the "Proposed Electronic Static Sign").

The Proposed Electronic Static Sign would contain two sign faces, arranged in a "V-shaped" formation facing north-east and north-west towards the F.G. Gardiner Expressway.

Staff recommend that this application be refused pending the results of an ongoing study on electronic signs that is expected to be completed in September 2013 which will shape future regulations around this type of signage. The refusal recommendation is also due to the incompatibility of the

Figure 1 – Key Map: 486 Evans Avenue



sign with the development of the surrounding properties and its proximity to the F. G. Gardiner Expressway and the potential impact on traffic.

RECOMMENDATIONS

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

1. City Council **refuse** the application to amend Chapter 694 to allow, on the premises municipally known as 486 Evans Avenue, one third party ground sign at a height of 13.72 metres and set back 1.0 metres from the northerly property line, containing two sign faces, each displaying electronic static copy, each 14.63 metres wide by 4.27 metres long, and oriented easterly and westerly along the F.G. Gardiner Expressway.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

DECISION HISTORY

New Sign Regulation and Revenue Strategy

<http://www.toronto.ca/legdocs/mmis/2009/pg/bgrd/backgroundfile-24387.pdf>

New Sign Regulation and Revenue Strategy: Additional Considerations

<http://www.toronto.ca/legdocs/mmis/2009/cc/bgrd/backgroundfile-25449.pdf>

Supplemental Report - Area Specific Amendments to Chapter 694, Concerning Third Party Ground Signs Located on Certain Rail Lands

<http://www.toronto.ca/legdocs/mmis/2012/pg/bgrd/backgroundfile-47840.pdf>

ISSUE BACKGROUND

Chapter 694, Signs, General, was adopted by Toronto City Council at its meeting of November 30, 2009 and came into force and effect on April 6, 2010.

As part of the development of Chapter 694, a comprehensive sign study was conducted by Martin Rendl and Associates (the "Sign Study"). The findings of this Sign Study served as the basis for the regulations contained in Chapter 694.

With respect to signs displaying electronic copy, the Sign Study identified the following:

- There were public concerns around sign brightness, the potential for distraction, the effect on public safety, and the compatibility of such visually intense and dynamic signage in the City;

- The degree of illumination and movement in the messages displayed by electronic signs make them potentially the most visually intense and dominant signs in places where they are located;
- Due to their visual characteristics, in comparison with conventional static sign displays, electronic signs present new issues with respect to their appropriateness;
- Municipalities that have reviewed electronic signs, either in updating their sign by-laws or in response to public concern, have proceeded cautiously in permitting and regulating them; and
- Where cities have approved regulations for electronic signs, the potential locations have generally been limited.

Based on the recommendations contained in the Sign Study, Chapter 694 only permits third party signs displaying electronic static copy in the Dundas Square Special Sign District and the Gardiner Gateway Special Sign District.

Chapter 694 also contains regulations for signs displaying electronic static sign copy with respect to the maximum message transition time, light-spill, brightness and hours of illumination (operation) to minimize the impact that electronic static signs may have on surrounding neighbourhoods.

Electronic Sign Study

At its meeting of July 11, 2012, City Council directed Sign By-law Unit staff, in conjunction with staff in Transportation Services and City Planning, to undertake a study on the impact of third party signs containing electronic static copy and report back to City Council.

Since this direction, staff have also been asked to report back on the impact of illuminated signs on the quality of life in residential areas and recommendations for regulations with respect to illuminated signs in residential areas.

Staff expect to report the findings of this study to the September 2013 meeting of the Planning and Growth Management Committee and recommends deferral of this proposal until this study has been completed.

The Proposed Sign

The premises municipally known as 486 Evans Avenue is directly adjacent to the F.G. Gardiner Expressway and approximately 100 metres from the off-ramp leading from Highway 427 to the F.G. Gardiner Expressway. The subject premises are designated as an E-Employment sign district and are located just south of the Ward 5 Etobicoke-Lakeshore and Ward 6 Etobicoke-Lakeshore boundary line.

The Applicant has made an application for a site-specific amendment to Chapter 694 for 486 Evans Avenue. This amendment would allow one third party ground sign, at a height of 13.72 metres, containing two sign faces, each displaying electronic static copy.

The Proposed Electronic Static Sign would have two sign faces each of which would measure 14.63 metres horizontally by 4.27 metres vertically, each with a sign face area of 62.47 square metres, for a total aggregate sign face area of 124.94 square metres. The Proposed Electronic Static Sign is proposed to be adjacent to the F.G. Gardiner Expressway and visible to both the eastbound and westbound lanes of traffic (see Figure 2 below).

As part of this application, the Applicant is also proposing:

- The removal of four existing, non-compliant third party roof signs at other locations throughout the City, including one on the subject premises;
- An extension to the expiration provisions for third party sign permits whereby the provisions of §694-9B, which establish a maximum permit length for third party signs of five years prior to the requirement for permit renewal, would be extended to establish a permit length of 10 years; and
- That the restrictions on the hours of illumination provided for in §694-18C for the sign be removed for a period of five years and reviewed at that time.

COMMENTS

Electronic Sign Study

Currently, recommendations made around signs displaying electronic sign copy are based on the Sign Study carried out by Martin Rendl and Associates in 2009. At the time that the study was carried out, there were relatively few signs displaying electronic static copy in the city. As a result, the study advised limiting signs displaying electronic copy to only two areas of the city. The electronic sign study that is currently being carried out by staff will better inform any future recommendations respecting signs displaying electronic static copy.

Compatibility with Surrounding Context

Third party signs displaying electronic static copy are generally larger and taller than other conventional third party signs, to allow them to be seen from a greater distance and to attract more attention. The increased size and height of these signs can also increase the impact on adjacent properties, including roadways, which makes them harder to integrate into the surrounding neighbourhood.

In an E-Employment sign district, the maximum permitted sign face area is 20 square metres while the maximum permitted height is 10 metres. The Proposed Electronic Static Sign has a sign face area of 62.47 square metres (on each side) and an overall height of

14.63 metres. The sign face area is therefore more than three times the maximum permitted sign face area permitted Chapter 694, and the height is almost one and a half times the maximum height permitted in Chapter 694.

It can also be seen in Figure 2 that the heights of the buildings located at 486 Evans Avenue and at surrounding properties are generally low-rise, one and two-storey buildings. The Proposed Electronic Static Sign is taller than the building located at 486 Evans Avenue and the surrounding properties. With the height of 14.63 metres, the Proposed Electronic Static Sign is not compatible with the built-form in the surrounding neighbourhood.

Although the Proposed Electronic Static Sign would replace an existing third party roof sign (which are expressly prohibited because of their general incompatibility with the surrounding built-form), due to its height and location on the lot, the Proposed Electronic Static Sign is more visible and less compatible with the surrounding neighbourhood and buildings on the property (see Figure 2 above). As well, the Proposed Electronic Static Sign is likely to have a greater impact on surrounding properties, including the F.G. Gardiner Expressway than the existing third party roof sign, due to the amount of light generated and the changing images.

Figure 2 – Photo Rendering of Proposed Electronic Static Sign and



Proposed Removal of Non-Conforming Signs

As part of this application, the Applicant is proposing the removal of four third party roof signs. These roof signs are located at 486 Evans Avenue, 64 Fordhouse Boulevard, 3290 Lake Shore Boulevard West, and 273 College Street (See Table 1 and Figure 3 below for

Details). The Applicant suggests that the removal of these signs will advance the objectives of Chapter 694, which expressly prohibits roof signs.

Although the removal of roof signs is in keeping with the objectives of Chapter 694, with the exception of the signs proposed to be removed from the subject property and 64 Fordhouse Avenue, the other locations where removals are proposed are locations with no relationship to the Proposed Electronic Static Sign (See Figure 3 below).

Chapter 694 requires a separation distance between third party signs of 100 metres. The distances between the Proposed Electronic Static Sign at 486 Evans Avenue and the three other off-site locations are 270 metres, 2.27 kilometres and 12.1 kilometres. The removal of these signs is unlikely to contribute to any substantial reduction in the impact of the Proposed Electronic Static Sign at 486 Evans Avenue.

Table 1 – Distances from 486 Evan Avenue to Proposed Electronic Static Sign Removal Locations

| Sign Proposed to be Removed | Approximate Distance to 486 Evans Ave. |
|------------------------------------|---|
| 486 Evans Ave | 0 |
| 64 Fordhouse Blvd | 0.27 kilometres |
| 3290 Lake Shore Blvd W | 2.27 kilometres |
| 273 College St | 12.1 kilometres |

Figure 3 – Proposed Sign Removals: Photos and Locations



Permit Expiry

As part of the application, the Applicant is seeking to extend the third party sign permit expiration provisions found in §694-10B from five years to ten years.

In the case of the Proposed Electronic Static Sign at 486 Evans Avenue, no rationale has been provided to explain why the five year expiry for the sign permit should be modified to ten years.

Renewal provisions similar to those found in Chapter 694 for third party signs are common in the sign regulations of other jurisdictions. The Province of New Brunswick and the Cities of Ottawa, Vancouver and Edmonton all provide for time-limited permits, for a period of up to five years.

Illumination and Display Regulations

The illumination requirements contained in §694-18 require signs to:

- Not be up-lit;
- Have no light project onto premises located in an R, RA, CR, I, or OS sign district;

- Have a maximum brightness less than 6.5 lux above the ambient lighting level;
- Have a maximum absolute brightness of 5,000 nits between sunrise and sunset and 500 nits between sunset and sunrise; and
- Be illuminated only between 7:00 a.m. and 11:00 p.m.

The Applicant is requesting that the proposed sign be permitted to be in operation (illuminated) 24 hours a day for the first five years of the sign's operation and that the impact of removing this restriction be reviewed after that time-frame based on nearby redevelopment or changes to the surrounding neighbourhood. The Applicant suggests that 24 hour operation (illumination) is consistent with other signs in the vicinity.

While it may be consistent with some of the signs that pre-date Chapter 694; there have been over 200 sign permits issued for signs in Wards 5 and 6 since 2010, including several third party signs, which have not sought relief from the time-of-day provisions.

No rationale has been provided to explain why the proposed sign should be permitted to operate 24 hours continuously that would contribute to the goals and objectives of Chapter 694.

Transportation Services

Transportation Services Division staff have conducted a review of research into the safety implications of roadside electronic billboard signs. The following conclusions have been drawn from the available research:

- There are strong foundations in the psychology of cognition, perception and human factors to suggest roadside electronic billboard signs can capture and hold a road user's attention at the expense of the driving, cycling and walking tasks;
- Research sponsored by the advertising industry generally concludes that roadside electronic billboard signs do not impact road user safety;
- Research sponsored by road authorities, the insurance industry and safety specialists have consistently demonstrated that the presence of roadside electronic billboard signs contribute to road user distraction to a level which impacts the driving task; and
- Roadside electronic billboards signs generate enough of a distraction that guidelines, restrictions and/or controls have been generated and applied in several jurisdictions to mitigate the impact and maximize road user's attention to the driving, cycling and walking tasks. These guidelines and restrictions include brightness, message duration, message change interval, billboard location with regard to traffic control devices and roadway geometry;
- Although it has been demonstrated that electronic billboard signs can have a distractive effect on drivers, the impact on safety cannot be consistently measured in terms of collision data due to the number and complexity of all the factors involved in collision occurrences and details contained within collision reports.

Transportation Services is participating in the electronic sign study being undertaken by staff in order to review and update these conclusions.

CONTACT

Ted Van Vliet
Manager, Sign By-law Unit
Toronto Building
Tel: 416-392-4235
E-mail: tvavli@toronto.ca

John Heggie
Director and Deputy Chief Building Official
Scarborough District, Toronto Building
Tel: (416) 396-5035
E-mail: jheggie@toronto.ca

SIGNATURE

V. Ann Borooah,
Chief Building Official and Executive Director, Toronto Building

ATTACHMENTS

1. Proponent's Submission Materials