

**Supplemental Report - Amendments to Chapter 694 of the City of Toronto Municipal Code with Respect to a Portion of 0 Oakville Sub (S/S of F. G. Gardiner Expressway; E/O Park Lawn Road)**

<b>Date:</b>	May 2, 2013
<b>To:</b>	Planning and Growth Management Committee
<b>From:</b>	Chief Building Official and Executive Director, Toronto Building
<b>Wards:</b>	Ward 6: Etobicoke - Lakeshore
<b>Reference Number:</b>	P:\2013\Cluster B\BLD\Office of Chief Building Official\PG13007

**SUMMARY**

At its meeting of November 8, 2012, the Planning and Growth Management Committee requested that the Chief Building Official and Executive Director, Toronto Building, report back to the Planning and Growth Management Committee on the illumination, the angle, and the height of the sign located 8.0 metres south of the F.G. Gardiner Expressway’s right-of-way, east of Park Lawn Road at Oakville Sub on CN Railway lands, as shown on Figure 1.

Currently the sign displays electronic images and operates 24 hours a day with no restrictions on brightness and light cast onto adjacent properties. This report recommends approval of a revised proposal by Astral Media (the "Applicant") for a site-specific amendment that would allow the existing sign to remain at its current height and continue to operate 24 hours a day with a reduction in the brightness of the sign and light cast onto adjacent properties.

**Figure 1 – Key Map: 0 Oakville Sub**



The Applicant's revised proposal would also reduce the brightness of seven other electronic signs operated by Astral Media, approved prior to the effective date of the new Sign By-law.

## **RECOMMENDATIONS**

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

1. City Council amend Schedule 'B' - Signage Master Plans and Area Specific Amendments, of Chapter 694, Signs, General, of the City of Toronto Municipal Code, to add a site-specific amendment to permit the erection and display of a third party ground sign on a portion of the premises referred to as 0 Oakville Sub, conditional on bringing seven other signs operated by Astral Media in compliance with the illumination requirements contained in §694-18E(3) & (4). The sign would contain two sign faces, each displaying electronic static copy and each not exceeding 14.63 metres in width and 4.27 metres in length, such that the sign face area of each sign face shall not exceed 62.50 square metres; the interior angle between the two sign faces shall be 25 degrees; the height of the sign shall not exceed 22.25 metres; the sign shall not be erected within 8.0 metres of the travelled portion of the F.G. Gardiner Expressway; and, the sign shall, with the exception of §§ 694-18C, 694-22A & D, 694-24A and 694-25C, otherwise comply in all respects with the provisions of Chapter 694, as described in the draft by-law provided as Attachment 1 to this report; and
2. The City Solicitor be authorized to prepare the necessary Bill for introduction in Council to implement the above recommendation subject to such stylistic and technical changes to the draft bills as may be required.

## **FINANCIAL IMPACT**

The recommendations in this report have no financial impact.

## **DECISION HISTORY**

Decision Document – Etobicoke York Community Council – Item EY34.14 – Sign Variance Report – Revised – 0 Oakville Sub, CN Rail Lands S/S of Gardiner Expressway at Park Lawn

<http://www.toronto.ca/legdocs/mmis/2010/ey/decisions/2010-02-09-ey34-dd.htm>

Amendments to Chapter 694 of the City of Toronto Municipal Code with Respect to a Portion of 0 Oakville Sub (S/S of F. G. Gardiner Expressway; E/O Park Lawn Road)

<http://www.toronto.ca/legdocs/mmis/2011/pg/bgrd/backgroundfile-41164.pdf>

Amendments to Chapter 694 of the City of Toronto Municipal Code with Respect to a Portion of 0 Oakville Sub (S/S of F. G. Gardiner Expressway; E/O Park Lawn Road) - Item PG17.19 Referred back by City Council on October 2, 3 and 4, 2012 (<http://www.toronto.ca/legdocs/mmis/2012/pg/bgrd/backgroundfile-51488.pdf>)

## ISSUE BACKGROUND

At its meeting of February 9, 2010, Etobicoke York Community Council approved a variance application to allow for the erection and display of one third party ground sign displaying electronic static copy located at 0 Oakville Sub with a sign face area of approximately 62.50 square metres and a height of 18.30 metres above grade. This approval was subject to the following conditions:

- That the existing sign on the property be removed;
- Direction of the sign be determined to mitigate the potential concerns of the community regarding light emissions; and
- That the sign permit application related to this variance approval be filed with the Toronto Building Division prior to April 6, 2010.

In early 2011, the sign was inspected by Sign By-law Unit staff and found to be erected at a height of 23 metres, approximately 4.70 metres higher than required by sign permit # 10-124529. An Order to Comply was issued under S.12 (2) of the *Building Code Act, 1992* and a Notice of Violation was issued under Chapter 694, Signs, General, of the City of Toronto Municipal Code as a result of this deviation from the issued permit. The Applicant filed an appeal of that Order under Section 25 of the *Building Code Act, 1992*.

In Summer 2011, the Applicant made an application for a site-specific amendment to Chapter 694 to permit the erection and display of the sign, as-built (i.e. at its current height of 23 metres) (the "Original Application"). The Original Application did not include any indication that the Applicant was seeking amendments to the provisions of Chapter 694 with respect to the illumination of the sign.

Sign By-law Unit staff submitted a report recommending approval of the Original Application to the October 6, 2011 meeting of the Planning and Growth Management Committee. The staff recommendation to approve the site-specific amendment was based on the sign being subject to the provisions of Chapter 694, particularly with respect to illumination and sign permit expiration requirements.

Consideration of this report was deferred by the Planning and Growth Management Committee at both the October 6, 2011, and November 8, 2011 meetings. The report was not considered until the September 13, 2012 meeting of the Planning and Growth Management Committee when the Committee recommended that Council adopt the staff recommendation, with an amendment that the sign be illuminated only between the hours of 6:00 a.m. and 12:00 a.m. rather than between 7:00 a.m. and 11:00 p.m. as required by §694-18C. At its meeting of October 2, 3 and 4 2012, City Council referred this matter back to the Planning and Growth Management Committee for further consideration.

At its meeting of November 8, 2012, the Planning and Growth Management Committee referred the item back to staff with a request to report on the following issues:

- The angle of the sign built as opposed to what was originally approved;
- The height of the sign; and
- The illumination of the sign.

## COMMENTS

Since the Original Application was submitted in the Summer of 2011, the Applicant has submitted a revised proposal to request a site-specific amendment which would allow for the erection and display of one third party ground sign containing two sign faces each displaying electronic static copy, on a specific portion of the premises referred to as 0 Oakville Sub.

The proposed amendment would require the sign to comply with the requirements of Chapter 694 with respect to: permit requirements; permit expiration and renewal; performance standards concerning the display of electronic static copy; and, illumination restrictions, with the exception of §694-18C, which would otherwise require that the sign not be illuminated between the hours of 11:00 p.m. and 7:00 a.m. However, the site-specific amendment proposed by the modified proposal would make the display of the sign conditional on bringing seven other signs operated by Astral Media in compliance with the illumination requirements contained in §694-18E(3) & (4).

### The Angle of the Sign

As can be seen in Figures 2, the angle of the sign is generally perpendicular to the F.G. Gardiner Expressway.

The angle of the sign is consistent with the submission that formed part of the sign variance application that was approved by Etobicoke York Community Council in February 2010. The angle of the sign is also consistent with the plans approved as part of sign permit #10-124529, in March 2010.

Figure 2 – The Sign at 0 Oakville Sub (aerial view)



The Applicant is not proposing any modification to the angle of the sign as part of this application.

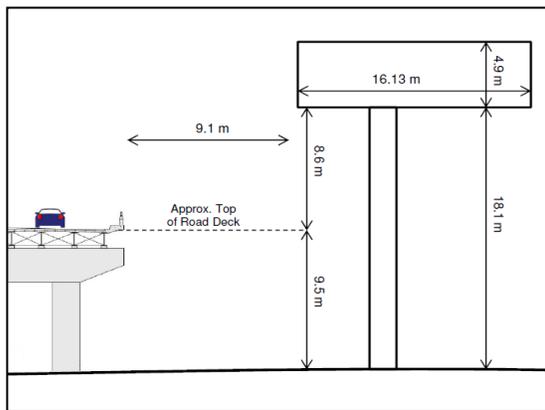
### The Height of the Sign

The current height of the sign is approximately 23 metres above the surrounding grade and approximately 8.60 metres above the surface of the F.G. Gardiner Expressway (See Figure 3 below).

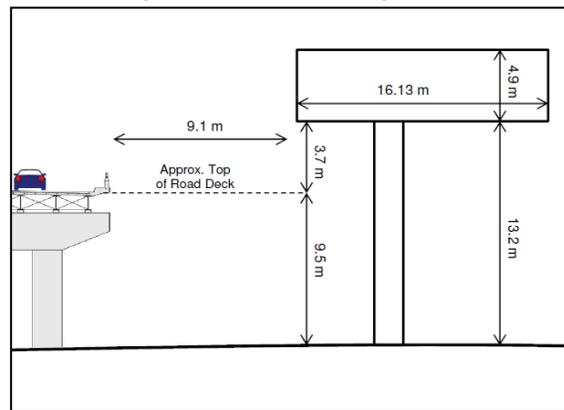
The height that was contemplated by Etobicoke York Community Council in February 2010 and indicated on the approved sign permit drawings was 18.30 metres above grade. This would result in a height above the F.G. Gardiner Expressway of approximately 3.70 metres (See Figure 4 below).

If the sign were to comply with the approved plans and sign variance documents, the height of the sign would be reduced by almost five metres.

**Figure 3 – The Current Height of the Sign at 0 Oakville Sub**



**Figure 4 – The Sign Height contained in item EY 34.4, adopted by Etobicoke-York Community Council on February 9, 2010**



As can be seen in Figure 3 and 4 above, reducing the height of the sign by five metres would position the sign face closer to the eastbound traffic on the F.G Gardiner Expressway. This may result in a greater impact on passing vehicles, including potential driver distraction, than the current location of the sign.

### The Illumination of the Sign

The current sign permit #10-124529, would permit a sign to be illuminated 24 hours a day with no restrictions on the brightness of the sign.

While the original staff report recommended that the sign be subject to the illumination provisions of §694-18, the Applicant has since requested an amendment which would exempt them from provision §694-18C, which requires lighting to be turned off between the hours of 11:00 p.m. and 7:00 a.m.

The impact of allowing the sign located at 0 Oakville Sub to be illuminated 24 hours a day on the surrounding properties or on the F.G Gardiner Expressway may be mitigated

by the fact that there is another sign displaying electronic static copy located only 28 metres to the south-east, which is permitted to operate 24 hours a day with no restrictions on illumination or brightness.

As well, in an effort to mitigate the impact of increased light pollution that may occur from having the sign illuminated 24 hours a day, the Applicant has proposed to reduce the illumination levels on this and seven of their other third party signs (displaying a total of 11 sign faces) throughout the city to meet the requirements of §694-18E(3) & (4), in addition to the sign at 0 Oakville Sub. This would limit the brightness of all of these signs to 500 nits during the period between sunset and sunrise, and 5000 nits during the period between the hours of sunrise and sunset. A list of the signs where the illumination levels are proposed to be reduced is in Table 1, below.

**Table 1 – Other Sign Locations Where the Illumination Levels are Proposed to be Reduced**

	SIGN LOCATIONS	NUMBER OF FACES
1	40 metres north of the F.G Gardiner Expressway, 80 metres west of Wickman Road	2
2	25 metres south of Finch Avenue West, 200 metres west of Highway 400	1
3	10 metres east of Highway 427, 360 metres north of Vulcan Avenue	2
4	10 metres north of Lawrence Avenue West, 250 metres west of Caledonia Avenue	1
5	10 metres south of St. Clair Avenue West, 90 metres west of Caledonia Avenue	1
6	1919 Wilson Avenue	2
7	70 metres north of the F.G Gardiner Expressway, 1100 metres east of Highway 427	2

**Figure 5 – The Approximate Locations of Other Third Party Signs Displaying Electronic Static Copy Where Illumination Levels are Proposed to be Reduced**



The signs listed in Table 1 are currently permitted to operate all day with no restrictions on brightness; this can result in these signs having a greater impact on a number of surrounding properties and roadways. By bringing these other signs into compliance with the requirements of §694-18E(3) & (4), which limits the daytime brightness and requires dimming the brightness of the sign during the sensitive hours between dusk and dawn, the impact of these existing signs could be significantly reduced.

## **CONTACT**

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## **SIGNATURE**

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

## **ATTACHMENTS**

Attachment 1 - Supplementary Application Material Submitted by Astral Media

Attachment 2 - Draft By-law - To Permit One Ground Sign Displaying Electronic Static Copy Located at 0 Oakville Sub