



**STAFF REPORT  
ACTION REQUIRED**

**Application to Consider - Application by Astral Media for Five Variances With Respect to a Sign Proposal for One Third Party Ground Sign - 586 Lakeshore Boulevard East**

<b>Date:</b>	April 24, 2015
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Director and Deputy Chief Building Official, Toronto Building
<b>Wards:</b>	Ward 28 – Toronto Centre-Rosedale
<b>Reference Number:</b>	TE15004

**SUMMARY**

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On September 9, 2014, the Sign Variance Committee heard Item SB31.1 and granted, with conditions, five variances from Chapter 694, Signs, General (the "Sign By-law"), required for one two-sided ground sign at an overall height of 18.28 metres, with one sign face 14.63 metres in horizontal width by 4.27 metres in vertical length, displaying electronic static copy, oriented south-easterly towards the F.G. Gardiner Expressway, and one sign face, 14.63 metres in horizontal width by 4.27 metres in vertical length, displaying electronic static copy and oriented westerly towards the southbound ramp from the Don Valley Parkway to the F.G. Gardiner Expressway (the "Proposed Sign"). The Proposed Sign is to replace an existing conventional third party (billboard) ground sign, which contains two sign faces of the same size and height, displaying static "paste-and-paper" sign copy, currently located on the subject premises.

Councillor McConnell filed an application to consider.

Staff informed the Sign Variance Committee that all five of the variances being sought should be refused on the basis that the Proposed Sign failed to meet all of the criteria prescribed in §694-30 of the Sign By-law.

This report also includes, as attachments, the reports of staff, and all other materials which were submitted to the Sign Variance Committee for the September 9, 2014 meeting.

## RECOMMENDATIONS

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

1. City Council refuse the variances requested to §§ 694-14E, 694-22A(3), 694-24A(18), 694-25B(1)(a) and 694-25B(1)(b) required to allow the issuance of a permit for the erection and display of a two-sided third party ground sign, on the premises municipally known as 586 Lakeshore Boulevard West, at an overall height of 18.28 metres, with one sign face 14.63 metres in horizontal width by 4.27 metres in vertical length, displaying electronic static copy, oriented south-easterly towards the F.G. Gardiner Expressway, and one sign face, 14.63 metres in horizontal width by 4.27 metres in vertical length, displaying electronic static copy and oriented westerly towards the southbound ramp from the Don Valley Parkway to the F.G. Gardiner Expressway.

### **Financial Impact**

There are no financial impacts associated with this report.

## DECISION HISTORY

Consideration of Sign Variance Applications by City Council

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.TE12.98>

Sign Variance Process

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.TE32.42>

Application by Astral Media for Five Variances With Respect to a Sign Proposal for One Third Party Ground Sign - 586 Lakeshore Boulevard East

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.SB31.1>

## COMMENTS

A decision of the Sign Variance Committee to grant a variance or to grant a variance with conditions is final and binding 21 days after the date of the decision unless pursuant to §694-30S an application to consider is filed by the ward councillor. If an application to consider is made, the application for a variance is required to be considered in accordance with the established criteria by the respective Community Council for recommendation to City Council.

This report is in response to an application to consider filed pursuant to §694-30S, by Councillor McConnell, the ward councillor for the area, filed an application to consider, pursuant to §694-30S, on September 29, 2014.

The sign variance application to permit the erection and display of the Proposed Sign on the premises municipally known as 586 Lake Shore Boulevard East was heard by the

Sign Variance Committee at its meeting on September 9, 2014. Staff recommended that each of the five variances be refused.

The Sign Variance Committee granted the variances requested to §§ 694-14E, 694-22A(3), 694-24A(18), 694-25B(1)(a) and 694-25B(1)(b) required to allow the issuance of a permit for the erection and display of the Proposed Sign, subject to the following conditions, as proposed by the Applicant:

- Five percent of the daily sign copy display shall be used for non-commercial messaging purposes;
- Daily sign copy display shall be dedicated to Pan/Parapan purposes for not less than one month in and around the 2015 Pan/Parapan Games, at no charge;
- Notwithstanding subsection 694-18E(5), the illumination shall not exceed 300 nits during the period between sunset and sunrise, within permitted hours of operation; and
- Orientation of sign faces to be the same as currently located in the area indicated in the report (August 25, 2014) from the Manager, Sign By-law Unit, Toronto Building.

The requested variances are described in the following table:

**Table 1 – Summary of Requested Variances**

<b>Section</b>	<b>Requirement</b>	<b>Proposal</b>
<b>694-14E</b>	Signs shall display only static copy unless otherwise expressly permitted by this chapter.	The proposed third party ground sign is to contain two sign faces, each displaying electronic static copy.
<b>694-24A(3)</b>	A third party sign shall not be erected or displayed within 400 metres of any limit of the F.G. Gardiner Expressway from a point 250 metres west of Strachan Avenue to the easternmost limit of Booth Avenue.	The proposed third party ground sign is located approximately 150 metres from the F.G. Gardiner Expressway.
<b>694-24A(18)</b>	A third party sign shall not be erected or displayed within 400 metres of any limit of the Don Valley Parkway.	The proposed third party ground sign is located approximately 100 metres from the Don Valley Parkway.
<b>694-25B(1)(a)</b>	An E-Employment sign district may contain a ground sign provided the sign face area does not exceed 20.0 square metres.	The proposed third party ground sign is to contain two sign faces, each with a sign face area of 62.47 square metres.

<p><b>694-25B(1)(b)</b></p>	<p>An E-Employment sign district may contain a ground sign provided the height does not exceed 10.0 metres.</p>	<p>The proposed third party ground sign is to have a height of 18.29 metres.</p>
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Site Context and Sign Attributes:

The subject premise is located in Ward 28, in Toronto's Waterfront community, and is bordered to the north by a railway corridor operated by C.N.R and GO Transit. To the south is Lake Shore Boulevard East, and the F.G. Gardiner Expressway, a limited access, high-speed roadway primarily used for commuters travelling into and out of the downtown. To the east is the Don River and Don Valley Parkway, a controlled-access expressway, connecting the Gardiner Expressway with Highway 401 and Highway 404. West of the subject site is a vacant property and various light industrial storage uses.

The subject premises is largely vacant, however portions of the Lower Don River Recreation Trail and the Lakeshore Boulevard East Recreation Trail extend through the property. As provided in Figure 1, the proposed sign is intended to attract attention to vehicles travelling southbound on the Don Valley Parkway to the Gardiner Expressway, and travelling westbound on the Gardiner Expressway out of the downtown area.

The subject premises is designated as an E-Employment Sign District, and is immediately surrounded by other E-Employment designated properties. Approximately 300 metres

**FIGURE 1: Site Context – Southbound on the Don Valley Parkway**



**FIGURE 2: Sign District Designation: E-Employment**



north of the rail corridor, the lands are designated OS-Open Space. Further to the west, adjacent Cheery Street, the lands are also designated OS-Open Space.

**Table 2 – Summary of Area Surrounding 586 Lakeshore Boulevard East**

<b>Sign District Designation of Property:</b>		E - Employment	
<b>Sign District Designations of Surrounding Properties:</b>			
<b>North</b>	<b>East</b>	<b>South</b>	<b>West</b>
E - Employment	E – Employment	E - Employment	E - Employment
<b>Land Uses and Attributes of Surrounding Properties:</b>			
<b>North</b>	<b>East</b>	<b>South</b>	<b>West</b>
Open Space, C.N.R. Rail Corridor, GO Train Storage Area	Don River, Don Valley Parkway	F.G. Gardiner Expressway, Open Space, Lower Don River Trail and Lakeshore Boulevard East Trail	Industrial Storage Area, Open Space, Lower Don River Trail

**Table 3 – Summary of Proposed Sign Attributes:**

<b>Sign Type:</b>	Ground Sign
<b>Sign Copy Type:</b>	Electronic Static Copy
<b># of Sign Faces</b>	Two
<b>Sign Location and Orientation:</b>	West Side of Don Valley Parkway, North of the F.G. Gardiner Expressway and Lakeshore Boulevard East, East of Cherry Street
<b>Sign Face Dimensions (width x length):</b>	14.63 metres x 4.27 metres

**COMMENTS**

The proposal contemplates a two-sided ground sign, with one sign face, 14.63 metres in width by 4.27 metres in length, displaying electronic static copy, oriented towards the easterly property frontage, and one sign face, 14.63 metres in width by 4.27 metres in length, displaying

**FIGURE 4: Location of Existing Third Party Ground Sign**



electronic static copy, oriented towards the easterly property frontage, at a height of 18.28 metres.

The Proposed Sign is to replace an existing conventional third party (billboard) ground sign erected at the same location on the subject premises, which contains two sign faces of the same size and height, displaying static "paste-and-paper" sign copy. The location of the existing sign is provided in Figure 4.

**Criteria Established by §694-30A of the Sign By-law:**

In order to review, consider and make recommendations on sign variance applications, criteria to evaluate an application for a variance is provided in the Sign By-law. §694-30A states that an application for a variance from the provisions of the Sign By-law may only be granted where it is established that a proposed sign meets each of these criteria.

**Administrative Criteria:**

The Proposed Sign meets all three of the administrative criteria for a variance to be granted. The Proposed Sign is located within an E-Employment Sign District, which does permit third party ground signs. The Proposed Sign is also not prohibited by §694-15B.

**Table 4 – Summary of Administrative Criteria**

Section	Criteria Description	Meets Criteria? (yes/no)	Rationale
694-30A(1)	Belongs to a sign class permitted in the sign district	Yes	Third party signs are permitted in the E-Employment sign district.
694-30A(2)	In the case of a third party sign, must be of a sign type permitted in the sign district	Yes	The Proposed Sign is located within an E-Employment sign district which does permit third party ground signs.
694-30A(7)	Not be a sign prohibited by §694-15B	Yes	The Proposed Sign is not prohibited by §694-15B.

**Design Criteria:**

The Proposed Sign is to display electronic static copy. Electronic static copy can be described as a "slide-show" or "powerpoint" representation of the sign copy where multiple images can be projected electronically and remotely, over time, on the same sign face. Due to the visual impact on the public realm and the potential for driver distraction as a result of this method of copy display, the areas where it is permitted in the city are heavily restricted by the Sign By-law.

Third party advertising signs are usually the largest signs in communities. The Sign By-law limits the maximum permitted sign face area for all third party sign to 20 square metres, except where located in the Gardener Gateway Special Sign District (GG-SSD). The area of the sign face of the proposed third party ground sign is 62.47 square metres, in lieu of the maximum permitted sign face area of 20 square metres in an E-Employment Sign District.

The proposed sign is to have a height of 18.29 metres and does not comply with the height requirements set out in the Sign By-law, which limits the height of a third party ground sign in an E-Employment Sign District to ten metres

**Compatible with the development on the premises and surrounding area**

The area to the north and west of the subject premises is currently being developed as the Pan Am/Parapan Am Athletes' Village, which will eventually become home to a mixed-use neighbourhood with affordable housing, new condominiums, a YMCA and a dormitory for George Brown College students. Given the attributes of the Proposed Sign, specifically respecting sign face area, sign height, method of copy display, and the subsequent increase in levels of illumination, the Proposed Sign is likely to have an immediate visual effect on the surrounding area, including the properties to the north of the subject premise.

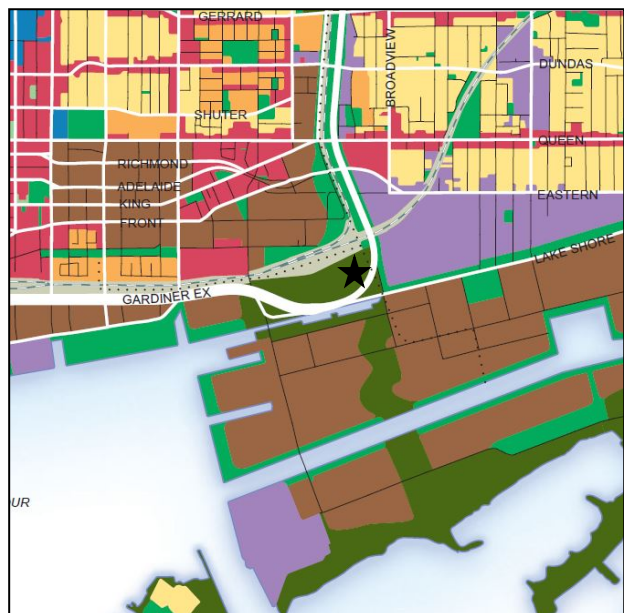
Furthermore, while the subject premise is largely vacant, the Proposed Sign is to be situated between the Lower Don River and Lakeshore Boulevard East Recreation Trails. Due to the size and height of the Proposed Sign, it may have an adverse impact on residents using the trail for recreation purposes.

**Supports the Official Plan objectives for the property and surrounding area**

The Official Plan designates the subject premises as a *Natural Area*, part of the *Parks and Open Space Area* designation, as described in Figure 5. Development is generally prohibited within *Parks and Open Space Areas*, except for recreational and cultural facilities, conservation projects, cemetery facilities, public transit and essential public works and utilities.

*Natural Areas* are to be maintained primarily in a natural state while allowing for compatible recreational, cultural and educational uses and facilities that minimize adverse impacts on natural features and functions. These areas also allow for conservation projects, public transit, public

**Figure 5: Official Plan Land Use Designation: Natural Area**



works and utilities for which no reasonable alternatives are available.

The subject premises is part of Toronto's Natural Heritage System. The natural heritage system is made up of areas where protecting, restoring, and enhancing the natural features and functions should have high priority in city-building decisions. The Official Plan recognizes the importance of these areas and the need to assess the impacts of new development in areas near the natural heritage system.

Development is generally not permitted in the natural heritage system. All proposed development in or near the natural heritage system is to be evaluated to assess the development's impacts on the natural heritage system and identify measures to mitigate negative impact on and/or improve the natural heritage system.

The Applicant states that converting the existing sign structure will allow it to operate more efficiently and become more environmentally friendly. However a sign of this size and magnitude would have a significant impact on the habitat for native flora and fauna and may potentially disrupt the natural linkages between the natural heritage system and other green spaces. The Proposed Sign does not support the Official Plan objectives for the property and surrounding area.

Figure 6: Official Plan - Natural Heritage System



**Does not alter the character of the premises or surrounding area**

The area to the north of the subject premise is being developed for a variety of residential and other sensitive uses. The subject property is largely open space, consisting of portion of both the Lower Don River and Lake Short Boulevard Recreation Trails. A sign of this size and magnitude displaying electronic static copy has the potential to alter the character of the premises as well as the surrounding mixed-use area.

While the Applicant has suggested that the proposal fits within the character of the area, the Applicant has not provided any basis to demonstrate that the Proposed Sign is compatible with all of the buildings and other features of properties in the surrounding area.

The surrounding area currently has no other third party signs that display electronic static copy, and there appears to be nothing in the physical circumstances which would warrant a departure from the Sign By-law's area-specific provisions for this form of display technology.



There appears to be no basis provided by the Applicant to suggest that the proposed size of the sign faces and the method of copy display is warranted in the context of the subject premises. Furthermore, the Applicant has not provided a sufficient rational or commentary to explain the discrepancy between what is proposed and what the Sign By-law permits. It should be further noted that the maximum sign face area of 20 square metres was established in the Sign By-law at the request of the outdoor billboard advertising industry.

**Table 5 – Summary of Design Criteria**

Section	Criteria Description	Meets Criteria? (yes/no)	Rationale
694-30A(3)	Compatible with the development on the premises and surrounding area	No	The proposed size of the sign faces, height and method of copy display is not compatible with development on the premises and surrounding area.
694-30A(4)	Supports the Official Plan objectives for the property and surrounding area	No	The Official Plan designates the subject premise as a <i>Natural Area</i> .
694-30A(8)	Does not alter the character of the premises or surrounding area	No	No other third party signs in the surrounding area display electronic static copy. The Proposed Sign is likely to alter the character of the premises and surrounding area.

**Impact Criteria:**

The potential magnitude of the impact that a sign has on adjacent properties will differ depending upon display type (electronic display vs. non-electronic display), size, illumination method and the ability to change messages.

While digital signs provide better image quality, they also result in greater sign brightness and a higher kinetic intensity in the sign. By virtue of the visual characteristics made possible by their enhanced display capabilities, digital displays present new issues with respect to the appropriateness of their location.

**Does not adversely affect adjacent premises**

The Proposed Sign is to be located approximately 150 metres north of the F.G. Gardiner Expressway, and 100 metres west of the Don Valley Parkway, which does not meet the minimum setback requirements specified in the Sign By-law. Adding electronic static copy to a sign of this size and magnitude is likely to be a distraction to motorists traveling eastbound on the Gardiner Expressway and southbound on the Don Valley Parkway.

As noted previously, the subject premise is located in an E-Employment Sign District, which does permit third party ground signs. However, the Proposed Sign exceeds the sign face area and height restrictions provided by the Sign By-law. Adding electronic static

copy to a sign of this size and magnitude will result in a substantial increase in the amount of light generated by the sign, thereby making the sign more visible to neighbouring properties, including users of the Lower Don River and Lake Shore Boulevard East Recreation Trails, and the residential properties being developed approximately 300 metres north of the subject premises.

The Applicant has not provided sufficient rationale describing how the Proposed Sign will not adversely affect the variety of other uses that would be impacted by a sign of this size and magnitude.

**Does not adversely affect public safety**

As part of the City of Toronto's *Electronic and Illuminated Sign Study*, Transportation Services completed a review of the impact that electronic signs have on traffic safety and driver distraction. The review demonstrated that while there is no statistically significant evidence that electronic signs lead to an increase in collisions, it concluded that electronic signs may contribute to driver distraction more than other types of signs. A public opinion poll, conducted as part of the study, demonstrated that 52 percent of Torontonians found electronic signs distracting when they are driving, while just 18 percent of those polled found traditional non-electric signs to be a distraction when they are driving.

The review also identified a number of aspects of electronic signs that are commonly regulated to mitigate the impact these signs have, including regulating the size of the sign face area. The Sign By-law limits the maximum permitted sign face area for a third party sign in any sign district to 20 square metres, however, the Proposed Sign is to have a sign face area of 62.47 square metres.

While the Applicant has stated that "there is no evidence to suggest that motorists and/or the public at large are adversely affected" by digital signs, the *Electronic and Illuminated Sign Study* results demonstrated that third party ground signs displaying electronic static copy are likely to be more of a distraction to motorists, than conventional billboard signs. Furthermore, the Proposed Sign would appear very large and would be directly in the light-of-sight for all southbound motorists on the Don Valley Parkway and eastbound motorists on the F.G. Gardiner Expressway, making it an unavoidable distraction to motorists.

**Is not contrary to the public interest**

The Applicant has not provided any reason or information to support the allegation that a third party ground sign erected in a prohibited location, that is substantially larger than what is permitted and displays electronic static copy, would not be contrary to the public interests sought to be protected by the Sign By-law.

**Table 6 – Summary of Impact Criteria**

<b>Section</b>	<b>Criteria Description</b>	<b>Meets Criteria? (yes/no)</b>	<b>Rationale</b>
<b>694-30 A(5)</b>	Does not adversely affect adjacent premises	<b>No</b>	The Proposed Sign is likely to have an adverse affect on the adjacent residential developments to the north and west.
<b>694-30 A(6)</b>	Does not adversely affect public safety	<b>No</b>	Due to the size of the sign faces and the proposed method of copy display, the Proposed Sign may increase driver distraction.
<b>694-30 A(9)</b>	Is not contrary to the public interest	<b>No</b>	The Applicant has not demonstrated that a sign of this size and magnitude, displaying electronic static copy, is not contrary to the public interest.

## **CONCLUSION**

In consideration of the materials submitted, it is the position of staff that the Applicant has not established that the requested variance required for the Proposed Sign meet all nine of the established criteria. As such, the variances requested from the Sign By-law, by the Applicant, required for the Proposed Sign should be refused.

## **CONTACT**

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## **SIGNATURE**

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John Heggie,  
Director and Deputy Chief Building Official, Toronto Building

## **ATTACHMENTS**

1. Staff Report – Application by Astral Media for Five Variances with Respect to a Sign Proposal for One Third Party Ground Sign - 586 Lakeshore Boulevard East
2. Sign Variance Committee Decision – Item SB31.1
3. Communications - (September 8, 2014) Letter from West Don Lands Committee; (September 9, 2014) Letter from Councillor Pam McConnell; (September 9, 2014) Presentation from Astral Out of Home