



**STAFF REPORT
ACTION REQUIRED**

Application by Toronto Wholesale Produce Association for One Third Party Electronic Ground Sign at the Ontario Food Terminal

Date:	June 29, 2016
Ward:	Etobicoke-Lakeshore (05)
File No.:	TP-16-00010
IBMS File No.:	16-172246

SUMMARY

This report reviews and makes recommendations respecting an application made by the Toronto Wholesale Produce Association (the "Applicant") for one third party electronic ground sign. The proposed sign is intended to replace an existing third party ground sign with two sign faces, each displaying static copy. The existing ground sign is located at the south eastern portion of the premises municipally known as 165 The Queensway, commonly known as the Ontario Food Terminal, along the north side of the F.G. Gardiner Expressway.

The Applicant seeks to erect and display one third party electronic ground sign, containing two sign faces, each displaying electronic static copy, 14.63 metres in horizontal width by 4.27 metres in vertical length, oriented in a south-easterly and south-westerly direction and intended to attract the attention of both eastbound and westbound vehicular traffic along the F.G. Gardiner Expressway. The height of the sign is proposed to be 19.70 metres.

Six variances from the regulations contained in the Sign By-law are required to allow the issuance of a permit for the erection and display of this proposed sign.

Consistent with a staff report and recommendations respecting similar applications for electronic signs along the Gardiner Expressway in South Etobicoke, staff submits that all six variances required for the proposed sign should be refused on the basis that not all nine of the established criteria have been met. Staff are of the opinion that the Applicant has failed to meet four of the nine criteria required to be established, namely on the basis that the sign: is not compatible with the development of the premises and surrounding area; may adversely affect adjacent premises; will alter the character of the premise or the surrounding area; and, is contrary to the public interest.

RECOMMENDATIONS

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

1. The Sign Variance Committee refuse to grant the six variances requested to §§ 694-24A(1), 694-25C(2)(a), 694-25C(2)(b), 694-25C(2)(f), 694-25C(2)(g) & 694-25C(2)(h) required to allow the issuance of a permit for the erection and display of one third party electronic ground sign described in Attachment 1 to this report.

REQUIRED VARIANCES

Section	Requirement	Proposal
694-24A(1)	A third party sign shall not be erected or displayed within 400 metres of any limit of the F.G. Gardiner Expressway from Highway 427 to the Humber River.	The proposed third party electronic ground sign is to be approximately 80 metres from the F.G. Gardiner Expressway.
694-25C(2)(a)	A third party electronic ground sign is permitted provided the sign face area shall not exceed 20 square metres.	The proposed third party electronic ground sign is to contain two sign faces, each with a sign face area of 62.47 square metres.
694-25C(2)(b)	A third party electronic ground sign is permitted provided the height shall not exceed 10.0 metres.	The proposed third party electronic ground sign is to be at a height of 19.70 metres.
694-25C(2)(f)	A third party electronic ground sign is permitted provided, where located within 250 metres of an R, RA, CR, I or OS sign district, it shall not face any premises within said district.	The proposed third party electronic ground sign faces an OS-Open Space sign district approximately 81 metres to the south-east.
694-25C(2)(g)	A third party electronic ground sign is permitted provided the sign shall be located a minimum of 500 metres from any other third party electronic ground sign located on the same street.	The proposed third party electronic ground sign is to be located approximately 250 metres and 240 metres, respectively, from two other third party electronic ground signs located along the F.G. Gardiner Expressway.
694-25C(2)(h)	There shall be no more than one third party ground sign or third party electronic ground sign erected on the premises.	There is an additional third party ground sign located at the south-west portion of the premises.

COMMENTS

ELECTRONIC SIGNS

At its July 2015 meeting, City Council considered PG5.13 and adopted a number of general amendments relating to the regulation of electronic and illuminated signs in the city. That report was the culmination of several years of research and public consultation. The amendments resulted in electronic signs being permitted in more areas of the city but with expanded separation distances to sensitive land uses, maintaining the separation distances

from highways and expressways, and a reduction to the maximum permitted night-time brightness. Prior to these amendments, signs displaying electronic sign copy were only permitted in the Dundas Square and Gardiner Gateway Special Sign Districts.

Details of the item is available at the following hyperlink:

Item PG5.13: Electronic and Illuminated Sign Study and Recommendations for Amendments to Chapter 694 (<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.PG5.13>)

COMMUNITY CONSULTATION

In the report contained in the above-noted item, staff stated that the applications for electronic signs would be subject to an enhanced consultation process. As such, the notice provisions, advising all persons of this application was spread to businesses and households within a 250 metre radius of the location of the proposed sign and a Community Consultation Session was scheduled and held on the evening of Monday June 13, 2016, at the Etobicoke Civic Centre. No one attended.

SIGN HISTORY

The existing sign (see Figure 1, below) that is the subject of this application was originally granted approval by the former City of Etobicoke Council, in April 1997. The request made by the Toronto Wholesale Produce Association and the approval granted imposed specific conditions respecting the operation of the sign. The purpose of the sign was for product advertising and identification of the Ontario Food Terminal was to be a permanent part of the sign structure. The logic behind these requests and conditions, was to distinguish the existing sign from third party signs and billboards. The installation of the sign was completed sometime in early 1999. Since that time, the sign has generally operated in compliance with the approvals granted.

Figure 1: Existing Ground Sign – Approved April 1997



SITE CONTEXT

The Ontario Food Terminal, located at the premises municipally known as 165 The Queensway, within the current Ward 5, is the main produce distribution centre for Toronto, Canada. It is located on The Queensway at Park Lawn Road, north of the Gardiner Expressway, and west of the Humber River. The giant U-shaped building occupies 1,740,000 square feet (162,000 m²) of a 40 acres site and includes 80,000 square feet (7,400 m²) of cold storage and is open 24 hours a day, 365 days a year for deliveries. Annually some one million vehicles arrive at the centre delivering produce from across North America or leave to distribute it to stores and restaurants across the city. It is the largest such facility in Canada, and the third largest in North America after those in Chicago and Los Angeles.

An aerial view of the subject property is provided as Figure 2 to this report. It is designated as an E-Employment sign district. To the south, lies the F.G. Gardiner Expressway, with an established high-rise residential community beyond, along the Lake Ontario Shoreline, known as "Humber Bay Shores" and previously known as Etobicoke's Motel Strip. To the south-east is an additional established high-rise residential community known as "Mystic Pointe" (See Figure 3).

Figure 2: Aerial View of the Subject Property; Looking North



Figure 3: Aerial View of the Subject Property and Surrounding; Looking Southwest



Nine Established Criteria in §694-30A

The Sign By-law contains specific criteria to be used in evaluating an application for a variance. Specifically, §694-30A states that an application for a variance may only be granted where it is established that the proposed sign meets each of the nine established criteria. Staff are of the opinion, that while some of the criteria have been established, there is not a sufficient basis to determine that all nine of the mandatory criteria have been established. Specifically, staff believe that there is an insufficient basis to conclude that the proposed sign: will be compatible with the development of the premises and surrounding area as required by 694-30A(3); that there is an insufficient basis to conclude that the proposed sign will not adversely affect adjacent premises as required by 694-30A(5); that there is an insufficient basis to conclude that the proposed sign will not alter the character of the premise or the surrounding area as required by 694-30A(8); and, that there is an insufficient basis to conclude that the proposed sign is not contrary to the public interest as required by 694-30A(9). Furthermore, there is information that supports the staff position that these four criteria have not been met.

A detailed overview of staff’s opinion on whether each of the nine criteria have been established, and the rationale for this opinion follows below.

Section/Criteria Description	Has Criteria Been Established?
694-30A(1): The proposed sign belongs to a sign class permitted in the sign district	YES, staff are of the opinion that this criteria has been established
<p>Rationale: The proposed sign is classified as a third party sign class. The premises is designated as an E-Employment sign district. As such, the criteria has been established because third party signs are permitted in the E-Employment sign district.</p>	

Section/Criteria Description	Has Criteria Been Established?
694-30A(2): In the case of a third party sign, the proposed sign is of a sign type permitted in the sign district	YES, staff are of the opinion that this criteria has been established
<p>Rationale: The proposed sign is defined as a third party electronic ground sign which is a sign type permitted in the E-Employment sign district. This criteria has been established.</p>	

Section/Criteria Description	Has Criteria Been Established?
694-30A(3): The proposed sign is compatible with the development of the premises and surrounding area	NO, staff are of the opinion, that this criteria <u>has not</u> been established
<p>Rationale: The proposed sign is incompatible with the surrounding area, in part, because of its proximity to sensitive land uses, namely residential. Through the extensive consultation and research conducted in establishing the new regulatory provisions respecting electronic signs, it was found that people do not want these types of signs near where they live. The proposed sign will face and be visible from the two established high-rise residential communities, known as "Humber Bay Shores" and "Mystic Pointe", placing it near where people live. Although the Sign By-law provisions require that third party electronic signs not be within 250 metres of sensitive land uses, this 250 metre distancing requirement is based on a sign face area not exceeding 20 square metres. In this case, the sign face area of the proposed sign is three-and-a-half times larger than what is otherwise permitted, at a height of almost twice as what is permitted, creating a sign which is visible from a greater distance.</p> <p>Although the proposed sign would replace an existing ground sign of similar scale and magnitude, it is proposed to display electronic static copy. This method of copy display presents potential issues of impact and visual character that are not present with the existing sign (i.e., impact of the sign on the look, character and quality of the area). This may have both an adverse impact on the aforementioned residential communities and on road users travelling along the F.G. Gardiner Expressway. The provisions in the Sign By-law restricting third party signs from within 400 metres of the F.G. Gardiner Expressway were imposed as "carry-over" restrictions, consistent with the Provincial Ministry of Transportation's Corridor Management Policy. This Ministry's policy direction is pursuant to the Public Transportation and Highway Improvement Act. When the recent amendments were made to the Sign By-law concerning electronic signs, those restrictions were neither lifted nor altered. The logic behind the "carry-over" restriction is to establish currently, and in the future, an area that essentially does not include third party signs.</p> <p>The Applicant should not rely on the historical approval granted by the Former City of Etobicoke's Council to justify this current proposal. Approval was granted for the extraordinary relief sought by that decision-making body with the understanding that the express purpose of the signage displayed be solely related to wholesale produce. The express purpose was intended to distinguish the Ontario Food Terminal's sign from other billboards and advertising devices and to overcoming the aforementioned "carry-over" restriction respecting signs in proximity to the F.G. Gardiner Expressway. The Applicant characterizes this proposal as a conversion from the existing sign and that there is no net increase in signage. The Applicant's rationale is not accurate because first party signs are regulated much differently than third party signs and because first party signs serve completely different purposes than third party signs.</p>	

There are no known circumstances which would preclude the proposed third party electronic ground sign from being erected within the prescribed sign face area and height as provided for in the Sign By-law. There appears to be no basis provided by the Applicant to suggest that the magnitude, size and method of copy display of the proposed sign warrants these collective variances. Furthermore, the only rationale provided by the Applicant to support the proposed sign is that there is already a pre-existing sign which is, in fact, a different sign. The Applicant has not submitted a rationale nor a commentary explaining how a sign erected in compliance with the height and sign face area provisions would not be appropriate. Based on the review of the premises and the surrounding area, staff cannot determine any basis to establish that any of the variances sought are warranted based on compatibility with the premises and surrounding area.

As such, staff is concerned that the proposed sign is not compatible with the development of the premises and surrounding area, and it is the opinion of staff that the Applicant has failed to provide any information to convince that this criteria has been established.

Section/Criteria Description	Has Criteria Been Established?
§694-30A(4): The proposed sign supports the Official Plan objectives for the subject premises and surrounding area	YES, staff are of the opinion that this criteria has been established
<p>Rationale: The subject premise is designated as an <i>Employment Area</i> in the Official Plan. <i>Employment Areas</i> are places of business and economic activity. The Applicant has provided a compelling rationale to support a staff position that this criteria has been established. The Applicant's rationale is provided at Attachment 2 to this report.</p>	

Section/Criteria Description	Has Criteria Been Established?
694-30A(5): The proposed sign does not adversely affect adjacent premises	NO, staff are of the opinion that this criteria <u>has not</u> been established
<p>Rationale: Although statistical evidence has not demonstrated that digital signs lead to an increase in motor vehicle accidents, a recent public opinion poll conducted by the City of Toronto identified them as a cause of distraction to drivers.</p> <p>Signs displaying electronic copy are generally the most visually intense and dominant features in places where they are located; due to its size, height and method of copy display, it is likely that the proposed sign will have an adverse impact on users of the F.G. Gardiner Expressway, and would be more visible than the existing sign.</p> <p>In support of meeting this established criteria, the Applicant states that the proposed sign would be subject to the various regulations contained in the Sign By-law respecting illumination and time-of-day operation whereas the existing sign, a different sign, is not. Once again, it is the opinion of staff that comparisons and reliance on the "different" sign to support a position should not be made. Extra-ordinary relief was sought and obtained for a sign that is not akin to the sign that is the subject of this application. The relief sought for and obtained was in respect of a first party sign and the current application is in respect of a third party sign. If the decision-makers at the time were aware of this current application, there may have been an alternate, less favourable, outcome.</p>	

Section/Criteria Description	Has Criteria Been Established?
694-30A(6): The proposed sign does not adversely affect public safety	YES, staff are of the opinion that this criteria has been established
<p>Rationale: Although there are concerns about driver distraction, the City has found there is not conclusive evidence that signs displaying electronic static copy are related to automobile collisions.</p> <p>Staff generally agree with the rationale provided by the Applicant which supports a position that this criteria has been established. The Applicant's rationale is provided at Attachment 2 to this report.</p>	

Section/Criteria Description	Has Criteria Been Established?
694-30A(7): The proposed sign is not a sign prohibited by §694-15B	YES, staff are of the opinion that this criteria has been established
<p>Rationale: Prohibited signs are described at §694-15B, and the proposed sign is not a sign prohibited by this section. This criteria has been established.</p>	

Section/Criteria Description	Has Criteria Been Established?
694-30A(8): The proposed sign does not alter the character of the premises or surrounding area	NO, staff are of the opinion, that this criteria, <u>has not</u> been established
<p>Rationale: The Applicant has again stated that "[t]he current sign on the property...will simply be upgraded" which is why, as claimed, the character of the area will not be altered. Staff again disagree with this statement and find that the comparative analysis between two different sign classes to be problematic.</p> <p>Staff believe that the character of the surrounding area will be altered. The By-law provisions in place respecting areas where third party signs are restricted envision an area that does not contain third party signs. As such, to allow a third party sign in an area that does not allow for third party signs effectively alters the character of the area.</p> <p>Broadly speaking, where designated as an E-Employment sign district, the expectation is that the immediate area will remain Employment in nature, primarily supporting businesses, economic activities and functions, permitting a variety of uses including office, manufacturing, warehousing and distribution and excluding those uses that are incompatible and detract from the principle of economic function, namely those uses of a residential nature.</p> <p>That said, the Applicant has not provided a rationale nor a commentary describing how the proposed third party electronic ground sign will not alter the character of the surrounding area. Although other third party electronic ground signs do exist in the area and the area is primarily employment in nature, staff through a review of the proposal have not been able to locate a sufficient basis to state that it has been established that the proposed sign will not alter the character of the area.</p>	

Section/Criteria Description	Has Criteria Been Established?
694-30 A(9): The proposed sign is not contrary to the public interest	NO, staff are of the opinion that this criteria <u>has not</u> been established
<p>Rationale: It is the opinion of staff that the proposed sign is contrary to the public interest.</p> <p>The people that live in the area surrounding the proposed sign are a valuable determiner in assessing the public interest. At the time of the preparation of this report, staff received communications from local residents sharing a variety of concerns, including but not limited to: the size of the sign; the negative visual impact the sign will create; the volume of such spectacular advertising devices in the City; and, the quantity of variances being sought.</p> <p>At its meeting on February 9th, 2015, the Sign Variance Committee heard and refused an application to permit a similar sign displaying electronic static copy at 486 Evans Avenue. Although there are some differences between the two signs, the differences are not sufficient for staff to conclude that this current proposed sign would not be contrary to the public interest as expressed by the decision of the Committee.</p> <p>The Applicant submits that the proposed sign is in the public interest because of the public benefit generated, including a financial benefit to Toronto-based charities and a hospital. While these financial benefits are admirable, the Applicant states that these are "existing and long-standing charitable partnerships." It is unclear whether these charitable partnerships will terminate if the variances being sought are not granted. Furthermore, the Applicant has not requested specific conditions be imposed through the granting of the variances which would require "revenue and screen time for its partners", as suggested in the rationale submitted. As well, the contribution of financial benefits to long-standing charitable partnerships is unlikely to mitigate the impacts that the sign may have on users of the F.G. Gardiner Expressway, and do not assist in making the sign more compatible with the surrounding area or mitigate the alteration to the character of the surrounding that that the sign will make. It will also not mitigate and negative visual impacts on the established high-rise residential communities surrounding the proposed sign.</p> <p>It is for these reasons that the Applicant has not established that the proposed sign is not contrary to the public interest and that staff are of the opinion that the proposed sign is contrary to the public interest.</p>	

CONCLUSION

Based on the rationale and materials submitted by the Applicant, a review of municipal policy and regulation, and, a review of similar applications, it is staff's position that the Applicant has not provided enough information to establish that the proposed sign meets all nine of the established criteria for the variances to be granted. Although, information exists to support that some of the criteria have been established, staff are of the opinion that there is not a sufficient basis to establish the proposed sign is compatible with the development of the premises and surrounding area; will not adversely affect adjacent premises; will not alter the character of the premise or the surrounding area; and, is not contrary to the public interest. There is information to support the conclusion that the proposed sign is, in fact, *not*

compatible with the development of the premises and surrounding area; *may adversely* affect adjacent premises; *will alter* the character of the premise or the surrounding area; and, *is contrary* to the public interest.

As such, it is recommended that the Sign Variance Committee refuse to grant the six variances from the Sign By-law required for the proposed sign.

CONTACT

Robert Bader
Supervisor, Sign By-law Unit
Tel: (416) 392-4113
E-mail: rbader@toronto.ca

SIGNATURE

Ted Van Vliet
Manager, Sign By-law Unit

ATTACHMENTS

1. Description of Sign and Required Variance
2. Applicant's Submission Package

ATTACHMENT 1: DESCRIPTION OF SIGN AND REQUIRED VARIANCES

Description of Sign:

One third party electronic ground sign to be located at the premises municipally known as 165 The Queensway, and commonly known as the Ontario Food Terminal, in the precise location and replacing the current ground sign authorized by Permit #: 97-084840 (Ref. #: B83947), containing:

(a) One sign face described as follows:

1. In the shape of a rectangle;
2. Having an area of 62.47 square metres;
3. Having a horizontal measurement of 14.63 metres;
4. Having a vertical measurement of 4.27 metres;
5. Having a height of 19.70 metres;
6. Displaying electronic static copy;
7. Illuminated; and
8. Oriented in a south-easterly direction.

(b) One sign face described as follows:

1. In the shape of a rectangle;
2. Having an area of 62.47 square metres;
3. Having a horizontal measurement of 14.63 metres;
4. Having a vertical measurement of 4.27 metres;
5. Having a height of 19.70 metres;
6. Displaying electronic static copy;
7. Illuminated; and
8. Oriented in a south-westerly direction

Required Variances:

1. The requirement contained at §694-24A(1) which states that a third party sign shall not be erected or displayed within 400 metres of any limit of the F.G. Gardiner Expressway from Highway 427 to the Humber River, whereas the proposed third party ground sign is to be located approximately 80 metres from the F.G. Gardiner Expressway;
2. The requirement contained at §694-25C(2)(a) which states that an electronic ground sign is permitted in an E-Employment sign district, provided the sign face area shall not exceed 20.0 square metres, whereas the proposed third party electronic ground sign is to have a sign face area of 62.47 square metres;
3. The requirement contained at §694-25C(2)(b) which states that an electronic ground sign is permitted in an E-Employment sign district, provided the sign shall not exceed a height of 10 metres, whereas the proposed electronic ground sign is to have a height of 19.70 metres;

4. The requirement contained at 694-25C(2)(f) which states that an electronic ground sign is permitted in an E-Employment District provided where a sign is located within 250 metres of an R, RA, CR, I or OS sign district, the sign cannot face any premise in the R, RA, CR, I or OS sign district, whereas the proposed third party electronic ground sign is to be approximately 80 metres from an OS sign district to the southeast;
5. The requirement contained at 694-25C(2)(g) which states that an electronic ground sign is permitted in an E-Employment District provided the sign be located a minimum of 500 metres from any other third party electronic sign located on:
[1] the same street; or [2] on a street which forms an intersection with the street on which the sign is located, whereas the proposed third party electronic ground sign is to be located approximately 250 metres and 240 metres from other third party electronic signs along the F.G. Gardiner Expressway; and
6. The requirement contained at 694-25C(2)(h) which states that there shall be no more than one third party ground sign or third party electronic ground sign erected on the premises, whereas the proposed third party electronic ground sign is in addition to an existing third party ground sign located at the south-west portion of the premises.

ATTACHMENT 2: APPLICANT'S SUBMISSION PACKAGE



Application
Sign Variance

Folder No.	Date (yyyy-mm-dd)
	2016-06-01

Project Information

Street No.	Street Name	Lot No.	Plan No.
165	The Queensway		

Describe the variance(s) being applied for:
See attached documentation "Description of Sign and Required Variances"

If it is an application for a variance required for the modification or restoration of an existing sign, please provide the following:

Existing Sign Dimensions	Location
14.63m horizontal x 4.27m vertical	165 The Queensway (Ontario Food Terminal)

Please provide the reasons/justification for the request (Attach any supporting documentation or additional pages as required):

See attached.

Property Owner Information

First Name	Last Name

Company Name (if applicable)	Telephone No.
Ontario Food Terminal Board	(416) 259-5479

Street No.	Street Name	Suite/Unit No.	Mobile No.
165	The Queensway		

City/Town	Province	Postal Code	Fax No.
Toronto	Ontario	M8Y 1H8	

E-mail Address
manager@otfb.com


Attachment Required

- Sign Variance Data Sheet
- Copies of any supporting documents
- All necessary plans and specifications required to verify the nature of the Sign By-law Variance(s) requested

Continue on next page



Applicant Information and Declaration

First Name Bill		Last Name Evans	
Company Name Toronto Wholesale Produce Association			Telephone No. (416) 259-7827
Street No. of 165	Street Name The Queensway	Suite/Unit No. 205	Mobile No.
City/Town Toronto	Province Ontario	Postal Code M8Y 1H8	Fax No.
E-mail Address bill.evans@twpa.ca			
Do hereby declare the following:			
<ul style="list-style-type: none"> • That I am <input type="checkbox"/> the Property Owner as stated above <li style="padding-left: 20px;"><input type="checkbox"/> the owner's authorized agent. <li style="padding-left: 20px;"><input type="checkbox"/> an officer/employee of _____, which is an authorized agent of the owner. <li style="padding-left: 20px;"><input checked="" type="checkbox"/> an officer/employee of TWPA, which is the Property Owner's authorized agent. • That statements contained in this application are true and made with full knowledge of all relevant matters and of the circumstances connected with this application. • That the plans and specifications submitted are prepared for the sign variance(s) described and are submitted in compliance with copyright law • That the information included in this application and in the documents filed with this application is correct. 			
Signature _____	 Print Name	2016-06-01 Date (yyyy-mm-dd)	

Continue on next page

The personal information on this form is collected under the City of Toronto Act, 2006, s. 136(c) and Chapter 694, Signs, General, of the City of Toronto Municipal Code. The information collected will be used for processing applications and creating aggregate statistical reports, for enforcement of the City of Toronto Municipal Code Chapter 694, Signs, General, Chapter 771, Taxation, Third Party Sign Tax, and any other applicable sign by-law of the City of Toronto, and for contacting permit holder(s) or authorized agent(s). Questions about this collection may be referred to the Manager, Sign By-law Unit, Toronto Building, 100 Queen Street West, Ground Floor, East Tower, Toronto, M5H 2N2 416-392-4235.

14 0043 2013-07

Data Sheet
Sign Variance

Folder no.	Request Date (yyyy-mm-dd)
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This data sheet forms part of an application for a Variance From Chapter 694 of the Toronto Municipal Code, Signs

Project Information

Street No. 185	Street Name The Queensway	Lot No. 4	Plan No. 1175
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Site and Building Data

Lot Area	Lot Frontage	Lot Depth
No. of Building(s) on the lot	Date of Construction of Building(s) if known (yyyy-mm-dd)	
Building Height(s)	No. of Storeys	Building(s) Gross Floor Area
Building Uses(s) Ontario Food Terminal - distribution centre for food to restaurants and independent grocery stores across Ontario		

Site Context

Please describe the land uses, buildings and sign districts surrounding the proposal (use additional pages if necessary)
North CR - Commercial Residential - sign location is 250m away from the district and does not face into it
South F.G. Gardiner Expressway
East F.G. Gardiner Expressway
West E - Employment District

Proposal

Please describe in detail what is being proposed (use additional pages if necessary) See attached documentation "Description of Sign and Required Variances", "Sign Rationale", and other supporting materials.
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Continue on next page

14-0043 2013-07

Rationale

Decisions for all Sign Variance Applications are evaluated against criteria listed in Toronto Municipal Code Chapter 694-30 A. A Variance may be granted where it is demonstrated that the proposed sign(s):

- Belong to a sign class permitted in the sign district where the premises is located
- In the case of a third party sign, be of a sign type that is permitted in the sign district, where the premises is located
- Be compatible with the development of the premises and surrounding area
- Support the Official Plan objectives for the subject premises and surrounding area
- Not adversely affect adjacent premises
- Not adversely affect public safety
- Not be a sign prohibited by Toronto Municipal Code Chapter 694-15B
- Not alter the character of the premises or surrounding area
- Not be, in the opinion of the decision maker, contrary to the public interest

Please describe in detail how the proposal satisfies each of the criteria listed above
(use additional pages if necessary)

See attached documentation "Sign Variance Rationale"



June 3, 2016

Robert Bader
Supervisor, Sign Variance & Tax
City Hall, Ground Floor, East Tower
100 Queen Street West
Toronto, ON M5H 2N2

Dear Mr. Bader,

Re: Variance to Municipal Code Chapter 694 Signs, General with respect to 165 The Queensway (Ward 5)

The Ontario Food Terminal (OFT) is the largest wholesale fruit and produce distribution centre in Canada and the third largest in North America. The OFT provides more than 2,500 direct onsite jobs, empowers small and mid-sized Ontario farmers and serves as the backbone for neighbourhood and ethnic grocers as well as small and mid-sized food service businesses.

The Toronto Wholesale Produce Association (TWPA) is a non-profit association of 21 produce wholesalers operating at the OFT.

Built in 1954, the OFT facility is in need of major capital upgrades to strengthen its long-term competitiveness and the sustainability of its current location in the City of Toronto. From 1950's era recycling and waste facilities to inefficient heating and cooling systems to an inadequate farmers' market, capital upgrades are long overdue.

The OFT receives no government funding and is entirely self-funded through user fees. A dramatic fee increase would adversely impact the price of produce.

This sign variance application is an innovative way to bring badly needed capital upgrades to the OFT. A partnership between the TWPA and the OFT Board, this application seeks the conversion of one existing onsite second party sign to a digital third party sign.

The conversion of the sign will have no adverse impact on the community:



Toronto Wholesale Produce Association
Ontario Food Terminal
165 The Queensway Suite 205
Toronto ON M8Y 1H8
T 416 259 7827 F 416 259 8521

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1. This application supports key Official Plan *Employment Area* objectives for the subject premises and surrounding area by strengthening the long-term success and sustainability of the OFT, a major employment hub;
2. There will be no increase in the amount of signage already located on the property. This application requests the conversion of one existing onsite sign to electronic static copy, an allowable sign type in an Employment Sign District;
3. The proposed sign will be turned off from 11 p.m. to 6 a.m., a significant reduction in operating hours compared to the existing signs and a significant improvement over the electronic static signs directly south of the OFT, both which are illuminated 24 hour per day;
4. The proposed signs are the same type and size as the existing Astral and Pattison signs on the south side of the Gardiner Expressway; and,
5. The proposed signs are well beyond the by-law required separation distance from residential areas and thus there will be no light trespass into residential areas.

If approved, this application will create a reliable new revenue stream, allowing the OFT Board to invest in critical capital upgrades to ensure the long-term success and viability of the OFT at its current location at no cost to the public.

This application will also allow the TWPA to strengthen its existing and longstanding charitable partnerships by providing revenue and screen time to its partners. Support letters from the Daily Bread Food Bank, Second Harvest, FoodShare and SickKids are attached to this application.

Please do not hesitate to contact me if you require any further information.

Sincerely,

Joe Da Silva
President
TWPA Board



Toronto Wholesale Produce Association

Ontario Food Terminal
165 The Queensway Suite 205
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FIGHTING HUNGER

May 18, 2016

Sign Variance Committee
Scarborough Civic Centre
150 Borough Drive, 3rd Floor
Toronto, ON M1P 4N7

Dear Chair and Committee Members,

Re: Variance to Municipal Code Chapter 694 Signs, General with respect to 160 The Queensway
(Ward 5)

The Daily Bread Food Bank (Daily Bread) is a non-profit charitable organization serving people through neighbourhood food banks and meal programs in 170 community agencies across Toronto. The largest food provider in the GTA, last year Daily Bread provided food for more than 700,000 visits to food banks and distributed more than 170,000 nutritious meals.

The Toronto Wholesale Produce Association (TWPA) is a Daily Bread supporter. Since 2014, the TWPA has donated a significant amount of fresh produce in addition to annual financial support.

We are writing to express our support for TWPA's sign variance application.

The Terminal remains an important Toronto-based job and food industry hub and a sign renewal program will also provide the opportunity to strengthen Daily Bread's partnership with the TWPA.

Thank you for the opportunity to share our feedback on this matter.

Sincerely,

Gail Nyberg
Executive Director
Daily Bread Food Bank

191 New Toronto Street, Toronto, ON M8V 2E7
Tel. 416.203.0050 Fax. 416.203.0049 www.dailybread.ca
Registered Charity Number: 11886 1549 RR0001



FoodShare

May 26, 2016

Sign Variance Committee
City of Toronto
Scarborough Civic Centre
150 Borough Drive, 3rd Floor
Toronto, ON M1P 4N7

Dear Chair and Committee Members,

Re: Variance to Municipal Code Chapter 694 Signs, General with respect to 160 The Queensway (Ward 5)

FoodShare is a non-profit organization that works with communities and schools to deliver healthy food and food education. Canada's largest food security organization, FoodShare has pioneered innovative programs like the Good Food Box, impacted what kids eat in school and improved the way people eat and grow food across Toronto.

We are writing to express our support for the Toronto Wholesale Produce Association's (TWPA) sign variance application.

The Ontario Food Terminal is Ontario's food industry hub. The Terminal allows FoodShare to access an unparalleled selection of quality fruits and vegetables at very competitive prices – helping make our award-winning programming possible.

TWPA's sign renewal program will provide new revenues for significant and long-overdue capital upgrades to the Ontario Food Terminal's facilities. The sign renewal program will also allow TWPA to strengthen its long-standing support of FoodShare.

Thank you for the opportunity to provide feedback.

If you need any more information, please do not hesitate to contact me at 416-363-6441 ext 228.

Respectfully yours,

Debbie Field, Executive Director, FoodShare Toronto

FoodShare Toronto 90 Croatia St, Toronto ON, M6H 1K9 p: 416.363.6441 f: 416.363.0474
Www.foodshare.net



May 25, 2016

Sign Variance Committee
Scarborough Civic Centre
150 Borough Drive, 3rd Floor
Toronto, ON M1P 4N7

Dear Chair and Committee Members,

Re: Variance to Municipal Code Chapter 694 Signs, General with respect to 160 The Queensway (Ward 5)

Second Harvest is the largest food rescue program in Canada. Since 1985, Second Harvest has been collecting donated, surplus food, which would otherwise go to waste, and delivering that food to community agencies in Toronto. Second Harvest provides more than eight million pounds of food to over 220 social service agencies across the city. We rescue enough food to provide 22,000 meals each and every day.

We are writing to share our support for the Toronto Wholesale Produce Association's sign variance application.

TWPA's sign renewal program will allow the Ontario Food Terminal to make significant investments in its aging facility, ensuring that it continues to play a central role as the City of Toronto's food industry hub.

Since 2014, the Toronto Wholesale Produce Association (TWPA) has generously supported Second Harvest through surplus food donations as well as annual financial support. The sign renewal program will allow TWPA to increase its support of Second Harvest.

We kindly request that you support TWPA's sign variance application.

Thank you for the opportunity to share our input on this issue.

Sincerely,


Debra Lawson
Executive Director
Second Harvest

1450 Louisa Road Unit 18 Toronto, Ontario M3J 3C1
1 416-408-2594 | 416-408-2598 secondharvest.ca
Charitable Registration number: 13386 5477 RR 0001





April 29, 2016

Sign Variance Committee
Scarborough Civic Centre
150 Borough Drive, 3rd Floor
Toronto, ON M1P 4N7

Dear Chair and Committee Members,

Re: Variance to Municipal Code Chapter 694 Signs, General with respect to
160 The Queensway (Ward 5)

Established in 1972, SickKids Foundation raises funds on behalf of The Hospital for Sick Children (SickKids). SickKids is Canada's leading centre dedicated to advancing children's health through integrated patient care, research and education.

The Toronto Wholesale Produce Association (TWPA) has been a supporter of SickKids Foundation since 1989.

TWPA's sign renewal program is an opportunity to strengthen its longstanding relationship with SickKids. If approved, TWPA has generously offered to donate a portion of sign revenues to SickKids.

Because of the support SickKids receives from individuals and companies like TWPA, important advances have been made in child health research, new life-saving medical equipment has been purchased for our clinics and operating rooms, and our young patients continue to receive the best care that science, technology, and compassion have to offer – here in Toronto and around the world.

Thank you for your consideration.

Sincerely,

Christina Beyer
Director of Corporate Partnerships
SickKids Foundation

828 University Avenue
14th Floor
Toronto, ON M5G 2L3
Phone 416 813 6166
Fax 416 813 5024
Toll Free 800 661 1083
www.sickkidsfoundation.com

CANADA REVENUE AGENCY
CHARITABLE BUSINESS NUMBER:
10006419030001

Ontario Food Terminal - 165 The Queensway (East Sign), Sign Variance Rationale

1. Belong to a sign class that is permitted in the sign district where the premises is located:

YES - the property is located in an E-Employment Sign District, where electronic ground signs are permitted.

2. In the case of a Third Party Sign be of a type that is permitted in the sign district where the premises is located:

YES - Digital Third Party Ground Signs are permitted in E-Employment Sign Districts containing electronic static copy.

3. Be compatible with the development of the premises and surrounding area:

YES - the variance application seeks the conversion of the existing 4.27m high x 14.63m wide second party sign displaying static copy to a third party sign displaying electronic static copy and measuring 4.27m high x 14.63m wide (an image of the existing sign is attached in this section below). The proposed size and location of the electronic static copy sign is identical to the existing sign. The sign will simply be modernized from static copy to electronic static copy.

Although the bylaw currently stipulates a 10m height for signs in E-Employment Sign Districts the existing sign to be modernized is already 19.7 metres in height. The request is to simply keep the same height that currently exists.

This variance application will not increase the amount of signage currently located on the property. The sign type and type of copy is identical to the existing Pattison and Astral signs located directly south of the proposed sign location on the south side of the F.G. Gardiner Expressway. The current height of the sign at 19.7 metres is lower than the existing Pattison and Astral signs.

The nearest residential uses are 295 and 315 metres from the sign location, greater than the by-law requirement of 250 metres. There will be no light trespass into these residential areas.

This application will also allow the Ontario Food Terminal (OFT) to invest in badly needed capital upgrades, ensuring the long term viability of the site as a key Toronto-based job and food industry hub.

The following image shows the existing sign on the property.



The next image illustrates how the sign will look after it has been modernized to electronic static copy.



4. Support the OFFICIAL PLAN objectives for the subject premises and surrounding area:

YES - this application will support key Official Plan *Employment Area* objectives for the subject premises and surrounding area by strengthening the long-term viability of the Ontario Food Terminal (OFT) at its current location – ensuring the OFT remains a key employment and food security driver and continues to play an important role at the centre of Toronto’s food industry cluster.

The OFT is designated *Employment Areas* in the Official Plan.⁴ The areas immediately east and west of the subject premises are also designated *Employment Areas*; the area immediately north of the subject premises is designated “Mixed Use Areas,” and the area immediately south of the subject premises is designated “Utility Corridors.” There are no residential areas impacted by this application.

⁴ References to the Official Plan are to OPA No. 231. While sections of OPA 231 are currently under appeal to the Ontario Municipal Board, OPA 231 is the City Council-approved approach to, and understanding of, *Employment Areas*.



The Official Plan places a strong emphasis on the long-term protection and improvement of *Employment Areas* as an “essential cornerstone of our diverse and thriving civic economy.”² Key Official Plan objectives for *Employment Areas* include:

- Protecting and strengthening existing businesses;³
- Expanding employment clusters that are important to Toronto’s competitive advantage;⁴
- Providing a broad range of stable full-time employment opportunities as well as work opportunities for residents of nearby neighbourhoods;⁵
- Promoting food security for the City’s residents;⁶
- Encouraging existing businesses to expand or diversify into new areas of economic activity;⁷
- Maintaining a strong and diverse economic base;⁸ and
- Maintaining a healthy tax base for the City.⁹

The Official Plan also calls for the enhancement of *Employment Areas* by, among other things, “facilitating investment through special tools, incentives...and other programs or partnerships,”¹⁰ which is precisely what this application will do.

² Section 2.2.4

³ Section 2.2.4, Policy 2.2.4.2(a), Section 3.5.1

⁴ Policy 3.5.1.1(e)

⁵ Policy 2.2.4.2(l)

⁶ Policy 2.2.4.2(g)

⁷ Policy 2.2.4.4(a)

⁸ Policy 3.5.1.1(a)

⁹ Policy 3.5.1.1(c)

¹⁰ Policy 2.2.4.4(b)

The OFT is an important employment hub and helps maintain the City's strong and diverse economic base. The largest fruit and produce distribution centre in Canada, the OFT contributes to the City of Toronto's strong and diverse economic base by providing 2,500 direct onsite jobs as well as approximately 40,000 indirect jobs.

The OFT is at the centre of Toronto's thriving food-industry cluster. The 5.5 million pounds of fruit and produce that move through the OFT every day are the backbone of restaurants, neighbourhood grocers, ethnic grocers as well as small- and mid-sized food service businesses. There are more than 1,100 food manufacturing establishments in Toronto employing more than 51,000 people.

The OFT also plays an important role in the City's food security, providing lower prices, better quality, and broader selection through onsite competition between wholesalers and growers.

In fact, the Official Plan recognizes the importance of the OFT at its current location. Site and Area Specific Policy No. 15 requires development proposals for an area south of the OFT (east of Park Lawn Road and north of Lake Shore Boulevard West) to be considered through a comprehensive lens that "acknowledges the importance of the [OFT] by not creating any adverse impacts upon the [OFT]."¹¹

Unique Project to Fund Badly Needed Capital Upgrades Supports OFT

The OFT facility was built in 1954 and is in critical need of capital upgrades to remain competitive. However, the OFT is entirely self-funded through user fees and a dramatic fee increase, to pay for crucial capital upgrades, will adversely impact the price of produce.

Revenues from this sign will be dedicated to badly needed OFT capital upgrades, including:

- Upgraded heating and cooling systems;
- Modernized waste and recycling facilities;
- New food recycling facilities;
- A new farmers' market; and,
- An improved interface with the surrounding community.

This application will fund critical capital upgrades to the OFT, supporting key Official Plan objectives for *Employment Areas* by contributing to the long-term success and viability of the OFT at its current location.

Increased Third-Party Sign Tax to the City of Toronto

The current signs on the property do not contribute to the Third-Party Sign Tax. Approval of this variance will result in an additional \$26,000.00 annually to the City of Toronto, which equates to a minimum of \$130,000.00 over the duration of the five year permit, not factoring in increases. The historical trend has been a 2% annual increase to the tax since its inception in 2010.

¹¹ Site and Area Specific Policy No. 15(a)(ii)

5. Not adversely affect adjacent properties:

YES – to the north is a CR-Commercial Residential Sign District 250 metres away which is 190 metres further away than the distance allowed in the sign by-law; in addition the sign will face southeast and southwest, not north, and thus there will be no adverse impact on these properties. To the south and east is the F.G. Gardiner Expressway and hydro and rail corridors with an unused OS-Open Space Sign District wedged between the highway and the rail corridor. To the west is the same E-Employment Sign District in which the sign is to reside.

Chapter 694-18E(3) of the sign by-law states “The illumination shall not increase the light levels within 10.0 metres of all points of the sign face by more than 3.0 lux above the ambient lighting level; [Amended 2015-10-02 by By-law No. 1041-2015]”. The following image illustrates that the sign will operate well under the allowable lux levels and there is no negative impact to adjacent properties.

1. The black circle represents a 250m radius around the sign which is the measurement used by the City of Toronto to assess the impact of electronic signs; however,
2. The outer blue line (indicated as 0.05 lux) represents the maximum distance from the sign that light is actually visible. At 0.05 lux the illumination level in this area is only 1.6% of the allowable lux level;
3. The second blue line (indicated as 0.1 lux) represents the distance from the sign that light is visible at a brightness level of 0.1 lux. At 0.1 lux the illumination level in this area is only 3% of the allowable lux level; and
4. The third blue line (indicated as 0.3 lux) represents the distance from the sign that light is visible at a brightness level of 0.3 lux. At 0.3 lux the illumination level in this area is only 10% of the allowable lux level.

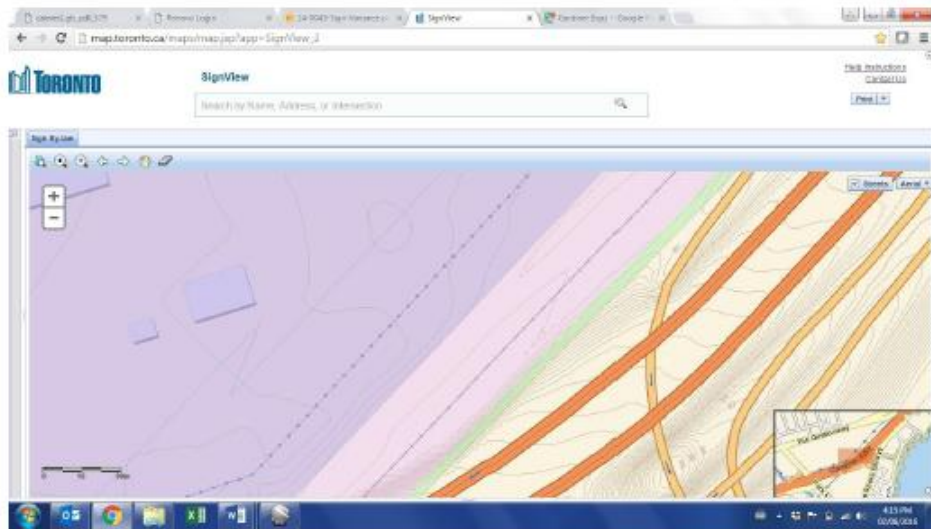
In sum the sign will operate well under the allowable lux level of 3.0 lux above ambient light within 10.0 metres of all points of the sign face; the greatest level illumination level visible from the sign is 0.3 lux which is only 10% of the allowable lux level.

The following image illustrates (in blue) light from the most easterly sign once converted to electronic static copy. Light is only visible to the OFT to the west, the OFT, another E-Employment Sign District to the east, and an OS-Open Space Sign District between the Gardiner Expressway and rail corridor to the southeast, a utility corridor, and another E-Employment Sign District to the south.

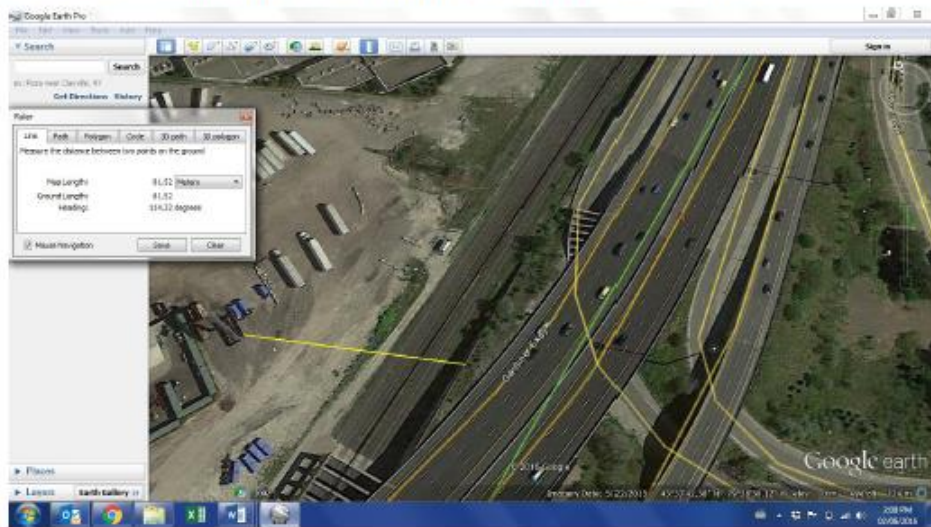


Furthermore, if the sign is modernized to electronic static copy it will be turned off completely from 11:00pm to 7:00am which will be an improvement to the area because it currently operates 24 hours per day and the two electronic static copy signs directly across the Gardiner Expressway run 24 hours per day (45% longer than the duration proposed in this variance application). The nearest residential use is close to 300 metres from the sign location, greater than the by-law requirement of 250 metres. There will be no light trespass into residential areas.

Although the sign is located 81.52 metres away from and faces into an OS-Open Space Sign District to the southeast (as shown on the next image in green) the potential light level in the District is 3% of the allowable light level in the bylaw.



Furthermore, the practical use of this District is not a park. This area is a small sliver of unattended grassy land that runs parallel to the rail corridor. In fact, this land is inaccessible to the public because it is wedged between the rail tracks and the Gardiner Expressway (see below image).



6. Not adversely affect public safety:

YES - the sign will not adversely affect public safety for the following reasons:

1. The proposed ground sign will contain electronic static copy only, which is an allowable sign type pursuant to Chapter 694 in E-Employment Sign Districts.
2. The sign will operate in accordance with all illumination provisions contained in chapter 694-14 and 694-18.
3. The sign will be used for the benefit of amber alerts and other important emergency messaging.
4. The City of Toronto released a safety study in 2013 (Safety Impacts and Regulations of Electronic Static Roadside Advertising Signs). The study found that over the study period (before and after signs were installed along the Gardiner Expressway) the number of accidents actually decreased during the 2 year period following the installation of the signs. The final conclusion of the study was "The results of the before/after study show there is not enough evidence to suggest that the electronic static roadside advertising signs have any impacts on road safety along the adjacent mid-block section of Highway 27 and the Gardiner Expressway, with 95% confidence." The type of sign proposed in this application is identical to the signs assessed in the aforementioned study.

7. Not be a sign prohibited by 694-15B of Chapter 694:

YES - the sign is not prohibited per 694-15B of Chapter 694.

8. Not alter the character of the premises or surrounding area:

YES – the premises is zoned as an E-Employment Sign District and the Ontario Food Terminal is the primary purpose of the premises. The practical use of the premise and surrounding area is of commercial / industrial nature lending itself appropriately to commercial signage. The current sign on the property, installed since 1998 and illuminated 24 hours per day, will simply be upgraded to modern electronic static copy illuminated only 16 hours per day.

In fact, the badly needed capital upgrades to the OFT that will be funded through the revenue from this sign will improve the site as well as its relationship with the surrounding neighbourhood.

The below image is an aerial view of the Ontario Food Terminal.



9. Not be, in the opinion of the decision maker, contrary to the public interest:

YES - This is a unique application with significant public benefits. This application will:

- Contribute to the long-term sustainability of the Ontario Food Terminal, a strategic Toronto-based job and employment hub.
- Promote Official Plan policies related to employment and employment lands as well as Site and Area Specific Policy No. 15.
- Provide revenue and screen time to key Toronto-based charities, including Daily Bread Food Bank, Second Harvest, FoodShare, and SickKids. Letters supporting this application from charitable partners are attached.
- Reduce community impacts
 - The new sign will be turned off from 11 p.m. to 7 a.m., a significant reduction in operating hours compared to the existing signs on the premises and the electronic static signs directly south of the Gardiner Expressway.
 - The proposed sign is well beyond the by-law required separation distance from residential areas.