

## **Area-Specific Amendment to the Sign By-law: 270 Evans Avenue**

**Date:** May 4, 2021  
**To:** Planning and Housing Committee  
**From:** Chief Building Official and Executive Director, Toronto Building  
**Wards:** 3 – Etobicoke-Lakeshore

### **SUMMARY**

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

This report responds to an application for an amendment to the Sign By-law to replace the existing regulations concerning 270 Evans Avenue with regulations which would allow the property to display a third party electronic ground sign (the Proposed Sign), which is in contravention of numerous provisions of the Sign By-law and require the removal of an existing third party sign displaying static copy (the Existing Sign).

Specifically, Branded Cities (the "Applicant") seeks City Council to establish regulations which would modify the permitting regulations for third party signs at 270 Evans Avenue and allow for the Proposed Sign to be issued a sign permit which would have a ten-year duration, double the permit length for other third party signs set out in the Sign By-law.

In addition to the expanded permit timeframe, the proposed amendment would allow for, and regulate, a third party electronic sign which would be closer to other third party electronic signs than otherwise permitted, as well as being more than three times larger and almost three metres higher than what is typically permitted by the Sign By-Law. The amendment would also allow the Proposed Sign to be located approximately 33 metres from the F.G. Gardiner Expressway, contrary to an area-specific restriction set out in the Sign By-law which does not permit third party signs within 400 metres of the F.G. Gardiner Expressway.

Currently, 270 Evans Avenue contains a third party ground sign displaying static sign copy with a sign face area of approximately 111.5 square metres and a height of 17.2 metres (the "Existing Sign"). The Existing Sign was granted variances by Etobicoke York Community Council under the predecessor Sign By-law (Etobicoke Municipal Code Chapter 215) in 2008.

Toronto Building, in consultation with Transportation Services, conducted a thorough review of the application, and has concluded that the Applicant's rationale is not consistent with the traffic safety requirements or objectives of the Sign By-Law. For the reasons set out in this report, the CBO does not support amending the Sign By-Law for 270 Evans Avenue.

## **RECOMMENDATIONS**

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

1. City Council refuse the application to amend the Sign By-law to add an area-specific amendment to Schedule 'B' of Chapter 694, Signage Master Plans and Area-Specific Amendments, to establish regulations applicable to the premises municipally known as 270 Evans Avenue to require the removal of the existing third party sign and to allow for, and regulate, in addition to the signage otherwise permitted by the Sign By-law, a third party electronic ground sign, as described in Attachment 1 of this report.

## **FINANCIAL IMPACT**

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The recommendations in this report have no financial impact.

## **DECISION HISTORY**

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### **SB9.2 - Application for Seven Variances, Each Subject to Three Conditions, Respecting One Third Party Electronic Ground Sign - 270 Evans Avenue**

In November 2020, the Sign Variance Committee refused to grant seven variances for: distance to the F.G. Gardiner Expressway, sign face area and orientation, sign height, distance to an Open Space Sign District, distance facing a Commercial Residential Sign District, and distance from another electronic sign, which would have been required to allow for the issuance of a permit respecting the display of a similar third party electronic ground sign at 270 Evans Avenue.

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

These amendments attempt to minimize the adverse impact of electronic signs by establishing separation distances between electronic signs and sensitive land uses, and reducing the maximum brightness at night. Third party electronic signs are now permitted in Employment, Utility and Commercial Sign Districts, but are specifically not permitted within 400 metres of the F.G. Gardiner Expressway between the Humber River and Highway 427.

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

## **COMMENTS**

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### **Annual Reporting**

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

The Sign By-Law allows for applications by members of the public to amend the Sign By-Law to implement significant changes for an area. Examples of those changes include: developing a comprehensive plan for all signage on a premises, implementing a prohibition on signs in an area, altering a premises' sign district designation, or changes to administrative provisions, such as permitting requirements. The Sign By-law amendment process was not intended to be used to expand permissions for a permitted sign type that could potentially obtain approvals through the Sign Variance process.

### **Applicant's Amendment Proposal:**

The Applicant is seeking an area-specific amendment to the Sign By-law to exclude 270 Evans Avenue from an area-specific restriction on the display of third party signs within 400 metres of any limit of the F.G. Gardiner Expressway between the Humber River and Highway 427. The Applicant also seeks to establish regulations to allow for a third party electronic ground sign in excess of what is normally allowed within the City of Toronto for signs of this type.

The requested amendment would establish regulations allowing for an electronic ground sign with two sign faces directed east and west along the F.G. Gardiner Expressway displaying electronic static copy. The requested amendment would also allow the Proposed Sign to have a sign face area of approximately 62.5 square metres, more than three times what is permitted in an E Sign District and would allow for the Proposed Sign to have a height of almost 17.2 metres, comparable to a four-storey building. (See Figure 1).

Additionally, the requested amendment would seek relief from the restrictions concerning spacing between third party electronic signs, allowing the Proposed Sign to

be located approximately 350 metres from another third party electronic sign, where the Sign By-law requires a minimum separation of 500 metres.

Finally, the proposed amendment also seeks to modify the sign permit duration of five years, the standard permit length applicable to all third party sign permits, to establish an initial sign permit duration of ten years for the Proposed Sign. The Applicant states that this request is related to their leasing agreement with the property owner, and provides no other basis, other than its private contractual relationship, as to why the City should modify the Sign By-law's standard regulatory provisions.

### **Site Context: 270 Evans Avenue**

The property at 270 Evans Avenue is located on the north side of Evans Avenue in Ward 3; it contains four low-rise buildings that are used as a garden centre and nursery. It is in an E (Employment) Sign District, surrounded by other E Sign Districts which contain employment and industrial uses.

The property at 270 Evans Avenue contains one and two-storey buildings with employment and commercial uses, with E Sign Districts to the east, northeast and south. Immediately to the north is the F.G. Gardiner Expressway, and to the northwest is a CR (Commercial Residential) Sign District which is currently being developed as the IQ3 Condos at 45 Zorra Street. To the immediate west is an OS (Open Space) Sign District which contains the Lakeshore Asylum Cemetery.

There is an existing third party ground sign displaying static copy located at 270 Evans Avenue, which is not consistent with the current Sign By-law and which also required variances from the previous Sign By-law (Etobicoke Municipal Code Chapter 215) in order to be displayed. The Applicant has proposed to remove the Existing Sign upon approval of the requested area-specific amendment.

Despite removing the Existing Sign from 270 Evans Avenue, the area-specific amendment requested by the Applicant would still allow for a sign that is not consistent with the regulations in the Sign By-law for third party electronic signs in E Sign Districts

Figure 1 - Rendering of the Proposed Sign provided by the Applicant



Figure 2 - Rendering of the Existing Sign provided by the Applicant



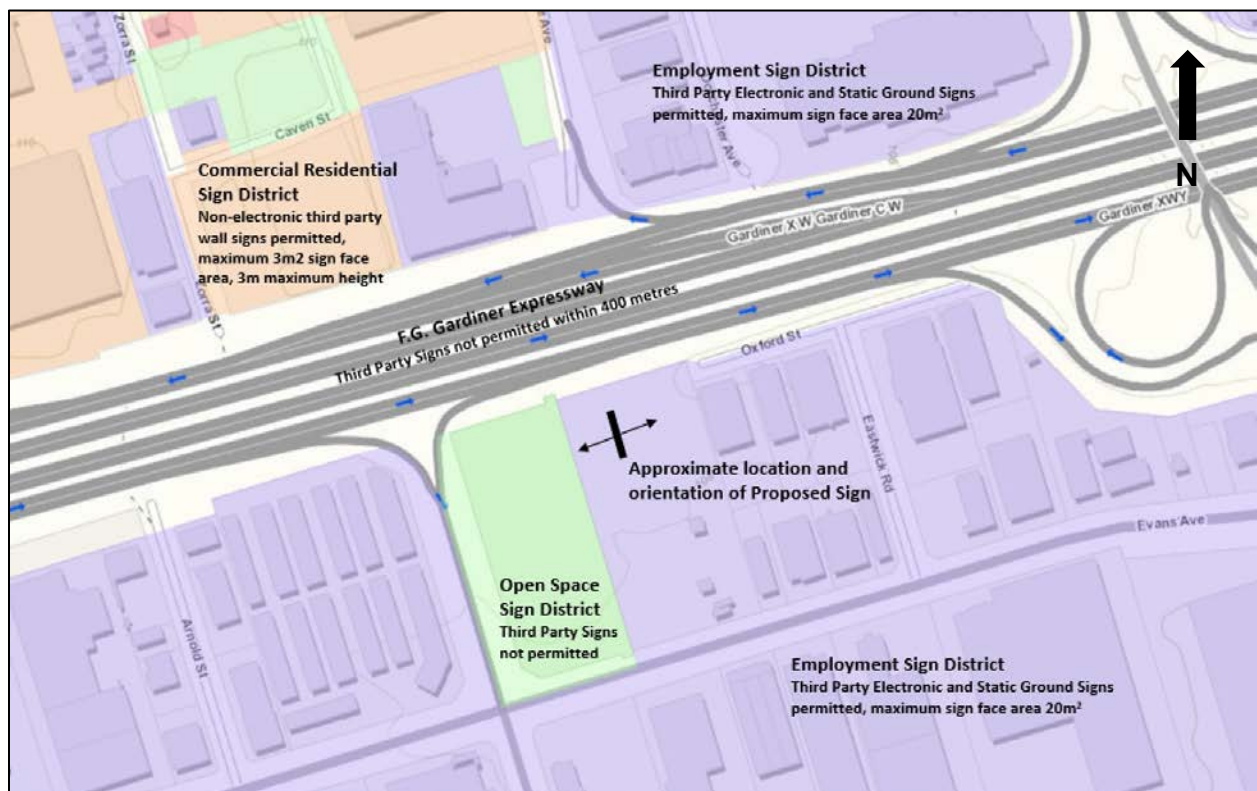
due to its sign face area, height, as well as its distance from other third party electronic signs, sensitive land uses and the F.G. Gardiner Expressway.

Aside from the fact that 270 Evans Avenue currently contains the Existing Sign, which is inconsistent with the previous and current Sign By-laws, the Applicant has not demonstrated that there is anything else unique about the property at 270 Evans Avenue which would justify the requested area-specific amendment.

### Area Compatibility:

The Applicant has provided materials in their submission to demonstrate that approving an area-specific amendment to the Sign By-law will allow for a third party electronic ground sign which will be similar to other previously-approved third party electronic ground signs in the surrounding area. The Applicant states that the City has permitted nine double-sided electronic signs along the western portion of the F.G. Gardiner Expressway between the Humber River and Highway 427 since the Existing Sign at 270 Evans Avenue was approved in 2008.

Figure 3 - Sign District Map Showing Proposed Sign Location and Surrounding Area



The closest third party electronic sign of a similar size is located at 16 Arnold Street, which is approximately 350 metres away from 270 Evans Avenue, and which was granted variances by Etobicoke York Community Council under the predecessor Sign By-law (Etobicoke Municipal Code Chapter 215) in 2008.

While there are nine similar third party electronic ground signs along the western portion of the F.G. Gardiner Expressway between the Humber River and Highway 427, (roughly a 6.4 kilometre distance), only two electronic third party signs of similar size have been permitted under the current Sign By-law in that area since 2010. These two signs are located at 33 Wickman Road, roughly 1.0 kilometre away from the Proposed Sign, where City Council approved a site-specific amendment to the Sign By-law in 2016, and, the Ontario Food Terminal (165 The Queensway), more than 3.0 kilometres away from the Proposed Sign, which was granted variances by the Sign Variance Committee also in 2016. The remaining third party electronic signs of similar size to the Proposed Sign were granted variances by the Etobicoke York Community Council under the former City of Etobicoke Sign By-law.

Where electronic ground signs are permitted by the Sign By-law, they are not permitted to face any CR or OS Sign Districts located within 250 metres. The area-specific amendment requested by the Applicant would permit the Proposed Sign to face a CR Sign District approximately 185 metres to the northwest of 270 Evans Avenue. The property within this CR Sign District (45 Zorra Street) is currently being redeveloped as a 24-storey residential building containing 520 dwelling units. Due to the height of this new building, it is likely that a number of units in this building will have a clear view of the Proposed Sign at 270 Evans Avenue.

The OS Sign District immediately to the west of 270 Evans Avenue contains the Lakeshore Asylum Cemetery and is not generally accessible to the public. Despite the size, height and separation distance to the adjacent OS Sign District, the Proposed Sign should have minimal impact on this property.

The area-specific amendment requested by the Applicant would also permit the Proposed Sign to be located approximately 33 metres from the F.G. Gardiner Expressway where the Sign By-law prohibits any third party signs from being located in whole or in part within 400 metres of the F.G. Gardiner Expressway.

The area within 400 metres of the F.G. Gardiner Expressway between the Humber River and Highway 427 is one of 74 specific areas throughout the city where City Council has determined that third party signs should not be permitted. These 74 area-specific restrictions were imposed by City Council on the determination that third party signs in these locations are inconsistent and incompatible with the surrounding area, and would not contribute positively to the quality of Toronto's appearance.

The 400-metre separation distance requirement is also consistent with the Provincial Ministry of Transportation's Corridor Management Policy which requires a 400-metre separation between provincial highways and third party signs throughout the province.

When amendments were made to the Sign By-law in 2015 to expand the permissions for electronic signs throughout the city, the area-specific restrictions applicable to third

party signs, including the restriction on third party signs along the F.G. Gardiner Expressway between the Humber River and Highway 427, were neither removed nor amended.

As a result of the above, the area-specific amendment requested by the Applicant would permit a sign that is not compatible with the area surrounding 270 Evans Avenue.

As set out in the Sign By-Law, notification of the proposed amendment was sent to all property owners within a 250-metre radius of the subject property, and a notice was posted at the property. The notice provides details of the proposed amendment and invites feedback by email, telephone or at a virtual public meeting which was held on April 21, 2019 via WebEx. No interested parties requested to attend the WebEx consultation, and, as of the date of this report, only one communication has been received which stated no objections to the proposed site-specific amendment.

### **Comments from other City Divisions:**

With respect to possible concerns about traffic safety, Transportation Services was consulted throughout the development of the Sign By-law and is in agreement with the regulations in the Sign By-law governing signs located within 400 metres of the F.G. Gardiner Expressway between the Humber River and Highway 427. As the application seeks to allow the Proposed Sign to be located well within the required 400-metre separation distance from the Gardiner Expressway, Transportation Services does not support the application as it is not in keeping with the requirements in the Sign By-law for this area.

### **Conclusion:**

The Applicant has not provided a basis for the CBO to support amending the Sign By-Law to establish unique regulations which would allow a large third party electronic ground sign in close proximity to the F.G. Gardiner Expressway (an area subject to an area-specific restriction on third party signs) or facing the new residential development to the northwest. There is also no policy basis provided to justify extending the permit term to ten years, twice as long as is permitted by the Sign By-law.

The proposed amendment would also allow a sign that is more than three times larger than permitted by the Sign By-Law, facing a new residential development approximately 185 metres to the northwest, and be located closer to other signs than would generally be permitted.

As a result, it is the position of the CBO that the current regulations for the subject property are appropriate, and should not be modified as requested by the Applicant.

## **CONTACT**

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## **SIGNATURE**

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Will Johnston P.Eng  
Chief Building Official and Executive Director  
Toronto Building

## **ATTACHMENTS**

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1. Draft of Proposed Area-Specific Amendment – 270 Evans Avenue