

REPORT FOR ACTION



Application for Four Variances, Three Subject to One Condition, and One Variance Subject to Two Conditions, Respecting One Third Party Electronic Ground Sign at 200 Evans Avenue

Date: March 24, 2021

To: Sign Variance Committee

From: Manager, Sign By-Law Unit, Toronto Building

Wards: Etobicoke-Lakeshore (Ward 03)

SUMMARY

Pattison Outdoor (the "Applicant") has submitted an application for four variances, subject to conditions, to allow for one third party electronic ground sign with two sign faces containing electronic static copy (the "Proposed Sign") at the property municipally known as 200 Evans Avenue (the "Subject Premises").

The Proposed Sign will be located on the Subject Premises, with the two sign faces facing the F.G. Gardiner Expressway, in a north-westerly and north-easterly direction. The Proposed Sign is intended to be constructed in the same location as an existing third party ground sign, which displays mechanical copy and has a similar sign face area to the Proposed Sign. The current sign has been in place at the Subject Premises since 2009, and is directed towards traffic along the F.G. Gardiner Expressway.

The Subject Premises is designated as an Employment ("E") Sign District, which allows third party electronic ground signs. The Proposed Sign will have a height of 12.5 metres, containing two rectangular sign faces, each possessing a 6.1 metres centre line (horizontal measurement) and a 3.05 metres bisecting line (vertical measurement), resulting in a sign face area of 18.61 square metres. The sign faces on the Proposed Sign will be in a "v-shaped" configuration. The Proposed Sign is described further in Attachment 1.

The Proposed Sign will require four variances to Chapter 694, each subject to one condition, to allow the Chief Building Official ("CBO") to issue the sign permit. The requirements in Chapter 694 which have been requested to be varied, are as follows:

- 1) **§ 694-24.A(1)-** A third party sign shall not be erected or displayed or caused to be erected or displayed in whole or in part within 400 metres of any limit of the F.G. Gardiner Expressway from Highway 427 to the Humber River, transferred from the Province by Order in Council 534/97, whereas the Proposed Sign is located in an area where third party sign shall not be erected or displayed (specifically approximately 0.3 meters southwest of the limit of the portion of F.G. Gardiner Expressway between Highway 427 and the Humber River)
- 2) **§ 694-25.C(2)(b)-** An Employment Sign District may contain an electronic groundsign provided the height shall not exceed 10.0 meters whereas the Proposed Sign has a height of 12.5 meters which is approximately twenty percent more than the permitted height.
- 3) **§ 694-25.C(2)(d)-** An Employment Sign District may contain an electronic ground sign provided the sign shall not be erected within any required setback of a building from a street as regulated by the City's applicable Zoning By-Law, which for the Subject Premises would be a minimum setback of 7.5 metres, whereas the setback of the Proposed Sign from the North-East frontage of the Subject Premises is 0.3 metres.
- 4) **694-25C(2)(k) –** An (E) Employment Sign District may contain a third party electronic ground sign, provided where there are two sign faces, the sign faces shall be back-to-back, whereas the Proposed Sign would have a “v-shaped” configuration.

If granted, each of the four requested variances, would be subject to the following condition that all existing third party signs located at the property municipally known as 200 Evans Avenue shall be removed and all associated permits revoked, prior to the erection or display of the Proposed Sign.

In addition, the variance to 694-25C(2)(k), required to allow for a permit to be issued for the Proposed Sign which would have two sign faces in a “v-shaped” configuration, rather than the required back-to-back configuration would be subject to a second condition, that the Proposed Sign would have an internal angle of no more than 45 degrees as between the two sign faces.

Following a review of the Applicant's submissions and the results of research and investigation by Sign By-Law Unit staff, the CBO has determined that the Applicant has not provided sufficient information to determine that the Proposed Sign meets all nine of the criteria established in §694-30A of the Sign By-Law.

Specifically, the information provided has not established that the Proposed Sign is compatible with the development of the premises and surrounding area; supports Official Plan objectives for the Subject Premises and surrounding area; does not alter the character of the premises and surrounding area, will not adversely affect adjacent premises, and is not contrary to the public interest.

Therefore, the CBO does not support the Sign Variance Committee granting the four requested variances for the Proposed Sign.

RECOMMENDATIONS

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

1. The Sign Variance Committee **refuse** to grant any of the four requested variances to sections 694-24.A(1), 694-25.C(2)(b), 694-25.C(2)(d), 694- 25.C(2)(k), each subject to the specified conditions, as required to allow for the issuance of a permit respecting the erection and display of the Proposed Sign at the property municipally known as 200 Evans Avenue, as described in Attachment 1 to this report.

FINANCIAL IMPACT

There are no current or known future year financial impacts arising from the recommendations contained in this report.

DECISION HISTORY

Sign Variance Report - 200 Evans Avenue

Etobicoke York Community Council approved the request for variance from Article I of Chapter 693, Signs, of the Toronto Municipal Code, to permit installation of one v-shaped illuminated third-party tri-vision ground sign at 200 Evans Avenue and within 400 metres of the limit of the F.G. Gardiner Expressway

(<https://www.toronto.ca/legdocs/mmis/2009/ey/bgrd/backgroundfile-21363.pdf>)

ISSUE BACKGROUND

Required Variances

Table 1: Summary of Requested Variances for Proposed Sign

Sign By-Law Reference	Requirement	Proposal
694-24.A(1)	A third party sign shall not be erected or displayed or caused to be erected or displayed in whole or in part within 400 metres of any limit of the F.G. Gardiner Expressway from Highway 427 to the Humber River, transferred from the Province by Order in Council 534/97;	The Proposed Sign is located 0.3 m south-west of the right-of-way containing the F.G. Gardiner Expressway – Islington Avenue off-ramp; and, approximately 16 meters west of the travelled portion of the F.G. Gardiner Expressway – Islington Avenue off-ramp.
694-25.C(2)(b)	An Employment Sign District may contain an electronic ground sign provided the height shall not exceed 10.0 meters;	The Proposed Sign has a height of 12.5 meters
694-25.C(2)(d)	An Employment Sign District may contain an electronic groundsign provided the sign shall not be erected within any required setback of a building from a street as regulated by the City's applicable Zoning By-Law.	The required setback of the sign from the North-East frontage of the property (adjacent to the F.G. Gardiner Expressway –Islington off-ramp) is 0.3 metres, whereas the required setback of the Proposed Sign is a minimum of 7.5 metres.
694-25.C(2)(k)	An Employment Sign District may contain an electronic ground sign provided where the sign has two faces, the sign faces shall be back to back	The Proposed Sign has a v-shaped configuration.

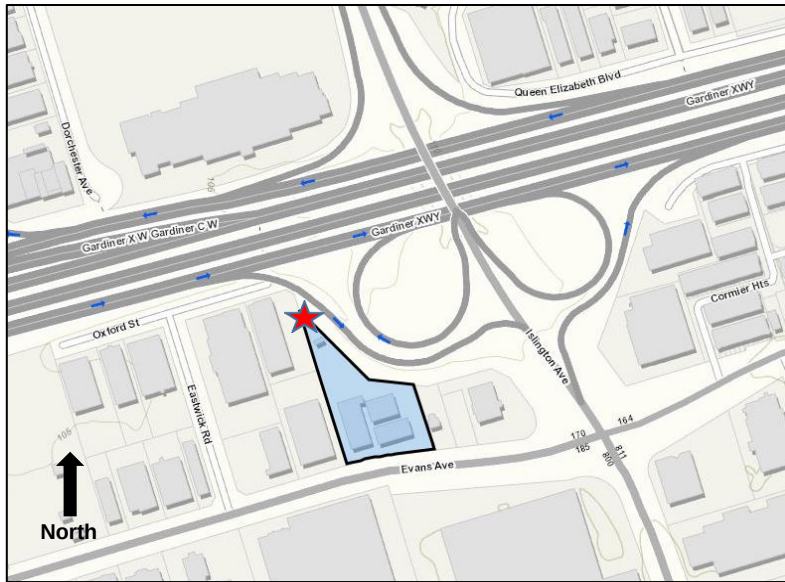
Sign Attributes and Site Context

200 Evans Avenue is designated as an Employment ("E") Sign District, located in Ward 3 - Etobicoke-Lakeshore. There are three low-rise buildings located at 200 Evans Avenue, containing offices and warehouses as per GIS map excerpt in Figure 1 below.

200 Evans Avenue is located in one of the 74 specific areas within the City, where City Council specifically determined that third party signs should be specifically prohibited. These seventy-four specific area restrictions were imposed by City Council based 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.

Generally the property at 200 Evans Avenue. is surrounded by one/two storey office buildings and warehouses. Immediately to the North is F.G. Gardiner Expressway.

Figure 1: GIS Map Excerpt - 200 Evans Ave.



Surrounding premises:

North: Employment E Sign District, F.G. Gardiner Expressway and employment uses

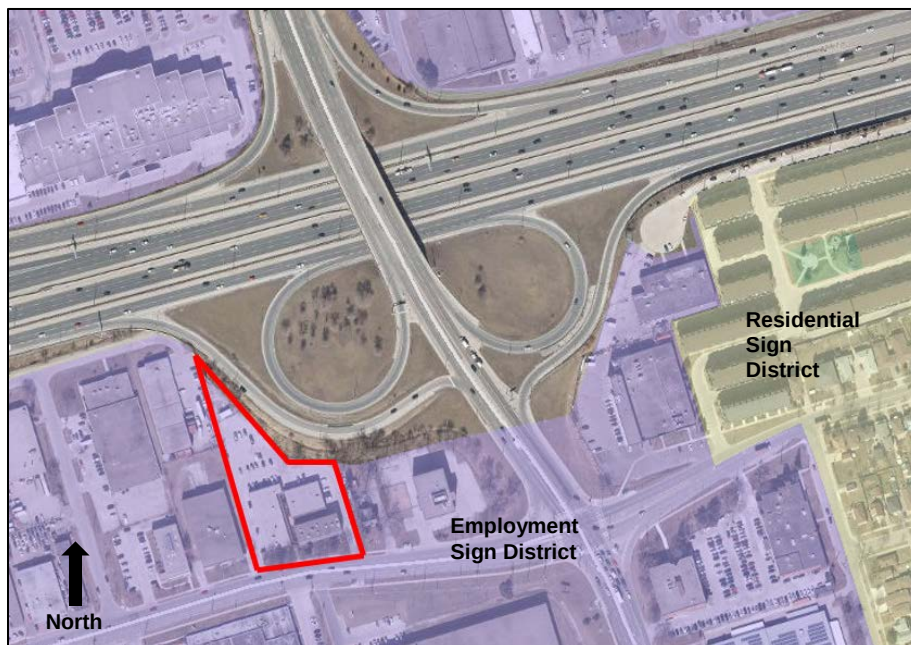
East: Employment E Sign District, Islington Avenue, employment uses and residential

West: Employment E Sign District, employment, commercial and retail uses

South: Employment E Sign District, employment, commercial and retail uses

See Figure 3 below.

Figure 3: Sign District Map - 270 Evans Ave.



200 Evans Avenue One Electronic Ground Sign – Four Variances

COMMENTS

Applicant Information

The Applicant represents that it has been authorized by the owner of the property municipally known as 200 Evans Avenue, to apply for four variances, each subject to one condition, required to allow for a permit to be issued for one third party electronic ground sign with two sign faces, displaying electronic static copy (the "Proposed Sign") at 200 Evans Avenue.

There is an existing third party sign on the Subject Premises displaying mechanical sign copy. This sign pre-dates the current Sign By-law and was approved by Etobicoke Community Council in 2009. The sign was approved with a maximum sign face area of 18.58 metres (approximately 3.0m x 6.0m) and a maximum height of 9.14m.

Application Background

The Proposed Sign will have a height of 12.5 metres, and will contain two rectangular shaped sign faces, each with a 6.1 metres centre line and 3.05 metres bisecting line, with a sign face area of 18.61 square metres. The sign faces on the Proposed Sign will be in a "v-shaped" configuration with a maximum interior angle of 35 degrees. The Proposed Sign is described further in Attachment 1.

Community Consultation

The CBO has adopted a practice of engaging in enhanced consultation process concerning variance applications for electronic signs. Notice required by the City's Sign By-Law was provided to premises within a 250 metre radius of the location of the Proposed Sign, advising of the proposal. The CBO also informed the public of an additional virtual Community Consultation.

The virtual Community Consultation meeting was held on the evening of March 11, 2021. No members of the public attended the consultation.

Criteria Established by §694-30A of The Sign By-Law

The Sign By-Law contains criteria to be used in evaluating an application for variance(s). Specifically, §694-30A states that an application for variance(s) may only be granted where it is established that the Proposed Sign(s) meet each of the nine established criteria.

The Sign Variance Committee is required to conduct an evaluation and determine that the Applicant seeking the proposed variances meets all nine of the mandatory criteria, on the basis of the presented information.

Applying the Established Criteria

Section 694-30A(1): The Proposed Sign belongs to a sign class permitted in the Sign District where the premises is located.

Based on the review of the Sign By-Law Unit staff, the premises at 200 Evans Avenue can be confirmed as being designated as an E Sign District, which permits signs belonging to the third party sign class.

The CBO has confirmed that as per the information contained in the Applicant's submission, the Proposed Sign is a third party sign, as it will advertise, promote, or direct attention to businesses, goods, services, matters, or activities that would not be available at, or related to, the premises where the sign would be located. Therefore, the CBO is of the opinion that this criteria has been established.

Section 694-30A(2): In the case of a third party sign, the Proposed Sign is of a sign type permitted in the Sign District where the premises is located.

Based on the review of the Sign By-Law Unit staff, the property at 200 Evans Avenue can be confirmed as being designated as an E Sign District. The Applicant's submission contains sufficient information (in the description and diagrams provided) to confirm the Proposed Sign is an electronic ground sign type.

Electronic ground signs are a sign type that is permitted in E Sign Districts. Therefore, the CBO is of the opinion that this criteria has been established.

Section 694-30A(3): The Proposed Sign will be compatible with the development of the premises and surrounding area.

The property at 200 Evans Avenue is surrounded by properties in the E Sign District to the south and west. These areas of the City were specifically set out in the Sign By-Law to contain third party electronic ground signs and contain largely commercial and employment uses. To the North is the F.G. Gardiner Expressway as well as employment land uses. To the east, there are Employment and Residential land uses, which are separated from the Proposed Sign by Islington Avenue and an off-ramp from the Gardiner Expressway.

There is an existing third party ground sign located at 200 Evans Avenue, which is not consistent with the current Sign By-Law and required a variance (in 2009) from Chapter 693 of the Municipal Code in order to be displayed within 400 metres of the Gardiner Expressway. The Applicant states in their rationale that the Proposed Sign will have a similar size to the existing sign on the Subject Premises, and that there are several other third party electronic ground signs in the surrounding area with greater height and larger sign face area than the Proposed Sign.

The only electronic sign that staff identified in close proximity of 200 Evans Avenue, is a third party sign at 82 Queen Elizabeth Blvd. which is approximately 400 metres away from the Proposed Sign, and was approved by the Sign Variance Committee in 2015. There is little if any relationship between this sign and the Proposed Sign due to the distance between the two signs as well as the fact that the two signs are separated by the Islington Avenue overpass. There are no other third party electronic signs in the immediate area.

Although the Proposed Sign has a similar sign face area to the existing sign, it exceeds the maximum permitted height in the Sign By-Law. The height of both the existing sign and Proposed Sign exceed the height of the buildings adjacent to the sign located at 200 Evans Avenue, as well as the buildings on many of the nearby properties along the north side of the F.G. Gardiner Expressway.

The furthest that the Proposed Sign is located from any traveled portion of F.G. Gardiner Expressway is approximately 55 meters south of the east-west portion of F.G. Gardiner Expressway between Highway 427 to the Humber River. The Proposed Sign would be 16 metres from the traveled portion of the portion of F.G. Gardiner Expressway, which may be informally referred to as the Gardiner-Islington off-ramp.

However, the City's regulations contained in 694-24 specifically prohibit signs in many areas of the City. Section 694-24.A.(1) prohibits third party signs from being within 400 metres from any limit of the F.G. Gardiner Expressway as between Highway 427 to the Humber River.

At its closest, the Proposed Sign is 0.3m, from the limit of F.G. Gardiner Expressway between from Highway 427 to the Humber River, specifically Gardiner-Islington off-ramp.

Sign By-Law provisions restricting third party signs from being located within 400 metres of any limit of the F.G. Gardiner Expressway were put in place for a variety of reasons concerning the suitability of signs for their surroundings, overall development of the City, as well as similar regulations concerning development and use of lands under provincial jurisdiction. Some of these area specific restrictions are generally consistent with regulations contained the Provincial Ministry of Transportation's Corridor Management Policy.

However, the prohibition on any third party signs being erected in the area described in 694-24.A.(1) is a specific determination by City Council that all third party signs are incompatible with the surrounding area, and would not contribute positively to the quality of the appearance of this area, and would not enhance the image of the area, and Toronto as a whole if erected or displayed in this area.

When amendments were made to the Sign By-Law in 2015 concerning electronic signs, those restrictions were neither removed nor amended, and with the exception of the Gardiner Gateway Special Sign District (over 7km to the east), the area within 400 metres the F.G. Gardiner Expressway remains one of the listed areas within the City where the erection or display of third party signs is expressly and specifically not permitted by the Sign By-Law.

As such, it is CBO's position that the Proposed Sign is not compatible with the development of the premises and surrounding area, and that the Applicant has failed to provide sufficient information to demonstrate that this criterion has been established.

Section 694-30A(4): The Proposed Sign will support Official Plan objectives for the Subject Premises and surrounding area

The Applicant's submission states that 200 Evans Avenue has been designated as an Employment Area in City of Toronto Official Plan, and the Proposed Sign would not compromise or contradict the Official Plan objectives. The Applicant states in their rationale that the Proposed Sign supports the Official Plan objectives by contributing to the viability and continuation of the existing uses carried out at the Subject Premises.

The CBO agrees that this supports Policy Statement 2.2.4 2 b) in Chapter 2 of the Official Plan which states that:

Employment Areas will be used exclusively for business and economic activities in order to: ... b) protect and preserve Employment Areas for current and future business and economic activities

The Applicant also states that the Proposed Sign supports the Official Plan objectives surrounding climate change, in that it will use only renewable power (as required by the Sign By-Law), but will also produce less waste as it won't require new materials each time the sign copy changes.

The CBO agrees that this supports Policy Statement 3.4 1 c) i., iii and iv. in Chapter 3 of the Official Plan which states that:

"to support strong communities, a competitive economy and a high quality of life, public and private city-building activities and changes to the built environment, including public works, will be environmentally friendly, based on: ...c) addressing environmental stresses caused by the consumption of natural resources, by reducing: i. the amount of solid waste requiring disposal in landfill and by promoting programs for reducing, reusing, recycling and composting, ... iii. energy consumption and greenhouse gas emissions; and iv. reliance on carbon-based fuels for energy"

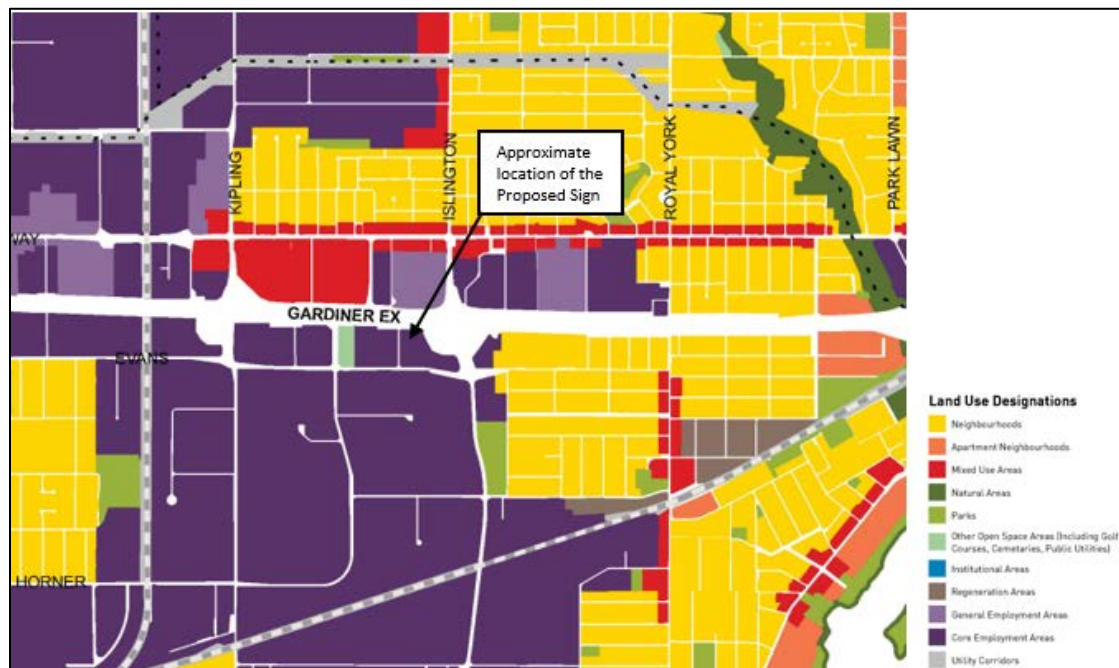
Despite the above, the Zoning By-Law remains the primary way in which the City implement's its Official Plan. The Zoning By-Law governs the built form of the city in a way that is consistent with the Official Plan objectives for properties throughout the city.

The Proposed Sign is located within the setbacks required by the City's applicable Zoning By-Law. Non-compliance with the applicable Zoning By-Law could be an indicator that the Proposed Sign does not support the Official Plan objectives for the premises, particularly objectives that are intended to guide built form and the mitigation of impacts through separation distances from adjacent properties or land uses.

Although it is possible to not meet the Zoning By-law requirements for a property and still support the Official Plan objectives for that property (e.g. there is a similar requirement for minor variances in the Planning Act), The Applicant has not provided any information in their rationale as to how the reduced setbacks of the Proposed Sign will support the Official Plan objectives for the Subject Premises.

As such, it is CBO's position that, Applicant has failed to provide sufficient information to establish as required by this criterion, that the Proposed Sign supports the Official Plan objectives for the Subject Premises and surrounding area.

Figure 4: Official Plan Map - 200 Evans Avenue



Section 694-30A(5): The Proposed Sign will not adversely affect adjacent premises

200 Evans Avenue is designated as an E Sign District, as are most of the properties to the east, south and west. To the north is the F.G. Gardiner Expressway.

The Sign Bylaw has a requirement that no electronic sign will face a property in an R Sign District if it is located within 250m of that property. This requirement is in place to ensure that electronic signs will not adversely affect these properties. Although there an R Sign District located to the east of the Subject Property, it is located more than 350 metres away from the proposed sign. As such, it is not likely that the Proposed Sign will have any adverse impacts on properties located in the R Sign District to the east.

As part of their submission, the Applicant has also provided an evaluation of the potential safety impacts of the sign prepared by Alexandre Nolet of the True North Safety Group

(see Attachment 4), which states that based on their assessment and given the location and orientation of the sign, it would have limited impact on motorists travelling on freeway segments where higher driver's workload is required – in the case of the Proposed Sign, the Gardiner-Islington off-ramp and the approach to it.

Aside from this statement, there is little evidence that has been provided in the Applicant's submission package as to how the Proposed Sign, approximately 16 metres from Gardiner-Islington off-ramp will not adversely affect it.

Based on the staff review of the premises surrounding the Proposed Sign, as well as the Applicant's materials, it is the CBO's opinion that the possibility of an adverse affect on adjacent premises has not been sufficiently addressed, specifically the Gardiner-Islington off-ramp. Therefore, it is CBO's position that this criteria has not been established.

Section 694-30A(6): The Proposed Sign will not adversely affect public safety, including traffic and pedestrian safety

According to the Applicant's submissions, the existing sign has been on the premises for years. The Applicant also states that the Proposed Sign will have a similar sign face area as the existing sign and will be designed and installed in accordance with the requirements of the Ontario Building Code to ensure public safety.

Although there are concerns about driver distraction, particularly where these signs are located adjacent to highways, the City has found there is not conclusive evidence that these signs are related to automobile collisions.

Furthermore, the applicant has provided an evaluation of the potential safety impacts of the sign prepared by Alexandre Nolet of the True North Safety Group, which states that based on their assessment, the number of collisions on the subject segment of the Gardiner Expressway is not expected to be statistically different after the installation of the Proposed Sign, and that the Proposed Sign is expected to have minimal impact on motorists travelling on the Gardiner Expressway.

Based on previous research completed by the City of Toronto and the Traffic Safety study provided by the applicant, the CBO is of the opinion that this criteria has been established.

Section 694-30A(7): The Proposed Sign will not be a sign prohibited by §694-15B

According to staff review, the Applicant's documents and drawings contains sufficient information to confirm that Proposed Sign meets the description of any of the signs which are not specifically prohibited by §694-15B.

As such, the CBO is of the opinion that this criteria has been established.

Section 694-30A(8): The Proposed Sign will not alter the character of the premises or surrounding area

The Applicant's submission materials state that the Subject Property is designated as an Employment-E Sign District which permits third party electronic ground signs, and that the existing sign at 200 Evans Avenue will be removed should the Proposed Sign be approved. The Applicant's submission materials also state that there are 15 third party signs along the F.G. Gardiner Expressway between Highway 427 and Islington Avenue.

The Sign By-Law restricts third party signs within 400 meters of the F.G. Gardiner Expressway. The majority of the signs that the Applicant's submission materials refer to are signs that were either approved under prior Sign By-Laws (pre-2010), or signs that have little or no relationship to the Proposed Sign and/or the F.G. Gardiner Expressway.

Sign By-Law Unit staff have found that there has been only one other third party electronic ground sign within 500m of the Proposed Sign, and which is visible from the F.G. Gardiner Expressway that has been approved after the current Sign By-Law was enacted in 2010. This sign is located at 82 Queen Elizabeth Blvd., which is approximately 400 metres away from the Proposed Sign. The sign at 82 Queen Elizabeth Blvd. also faces away from the Proposed Sign and is separated from the Subject Premises by the Islington Avenue overpass.

Based on the above, the CBO is of the opinion that the Applicant has not provided sufficient information to demonstrate that the character of the premises and surrounding area will not be altered, and as a result, that this criteria has not been established.

Section 694-30A(9): The Proposed Sign will not be, in the opinion of the decision maker, contrary to the public interest

After extensive public and industry consultation, the Sign By-Law requirements for E Sign Districts were amended in 2015 to permit electronic ground signs, however not in the location of the Proposed Sign. The area specific prohibition on third party signs being erected or displayed within 400 metres of any limit of the F.G. Gardiner Expressway has been in the current Sign By-Law since 2010 without amendment, as well as in prior By-Laws regulating the location of signs.

In their application, the Applicant has requested a variance in order to display the sign faces on the Proposed Sign in a "V" configuration as opposed to a "back-to-back" configuration as required by the Sign By-Law. The Applicant has provided very little information as to this request in their submission, or how the condition concerning the maximum internal angle would be relevant to the Proposed Sign meeting the nine required criteria.

The Applicant states that the increased height, although similar to the existing sign, has

been requested in order to allow the sign to be better viewed from the F.G. Gardiner Expressway. Although this may allow the Applicant to have a more competitive and marketable sign, no information has been provided to indicate how this variance would not be contrary to the public interest.

The Applicant has also requested variances for the setback of the sign from the Subject Premises property line. This variance has not been spoken to in the Applicant's rationale, and as a result, no information has been provided to indicate how this variance would not be contrary to the public interest, concerning the general utilization of premises as outlined in the City's Zoning By-laws.

Based on the variances requested and the information provided in the Applicant's submission package, the CBO is of the opinion that this criteria has not been established.

Conclusion

The Applicant's materials has not provided sufficient information for the CBO to establish that all nine criteria required to grant an approval for the four requested variances for Proposed Sign, have been met. As such, the CBO is not supportive of the Sign Variance Committee granting the requested variances to Proposed Sign subject to the specified conditions.

CONTACT

Nikoo Shabestari, Sign Building Code Examiner Inspector, Sign By-Law Unit
E-mail: Nikoo.Shabestari@toronto.ca; Tel: 416-338-1445

SIGNATURE

Ted Van Vliet
Manager, Sign By-Law Unit, Toronto Building

ATTACHMENTS

Attachment 1 – Description of Signs and Required Variances and Conditions

Attachment 2 – Sign District View Mapping of the Premises and surrounding Area

Attachment 3 – Applicant's Submission Package

Attachment 4 - Traffic Safety Analysis for Proposed Sign at 200 Evans Avenue