

Application for Five Variances Respecting One Third Party Electronic Ground Sign

The Galt Subdivision (West of Highway 427)

June 4, 2021

Proposed Sign Description

Sign Type	Electronic Ground Sign
Sign Copy Type	Electronic Static Copy
# of Sign Faces	Two sign faces in a “V-shaped” configuration
Sign Location	Approximately 300 metres north of North Queen Street, between The East Mall and The West Mall and 10.15 metres west of Highway 427
Face Orientation	North-East and South-East
Sign Face Dimensions (width x length)	14.63 metres x 4.27 metres
Sign Face Area / height	62.47 square metres / 18 metres

Sign District Designation & Sign Location

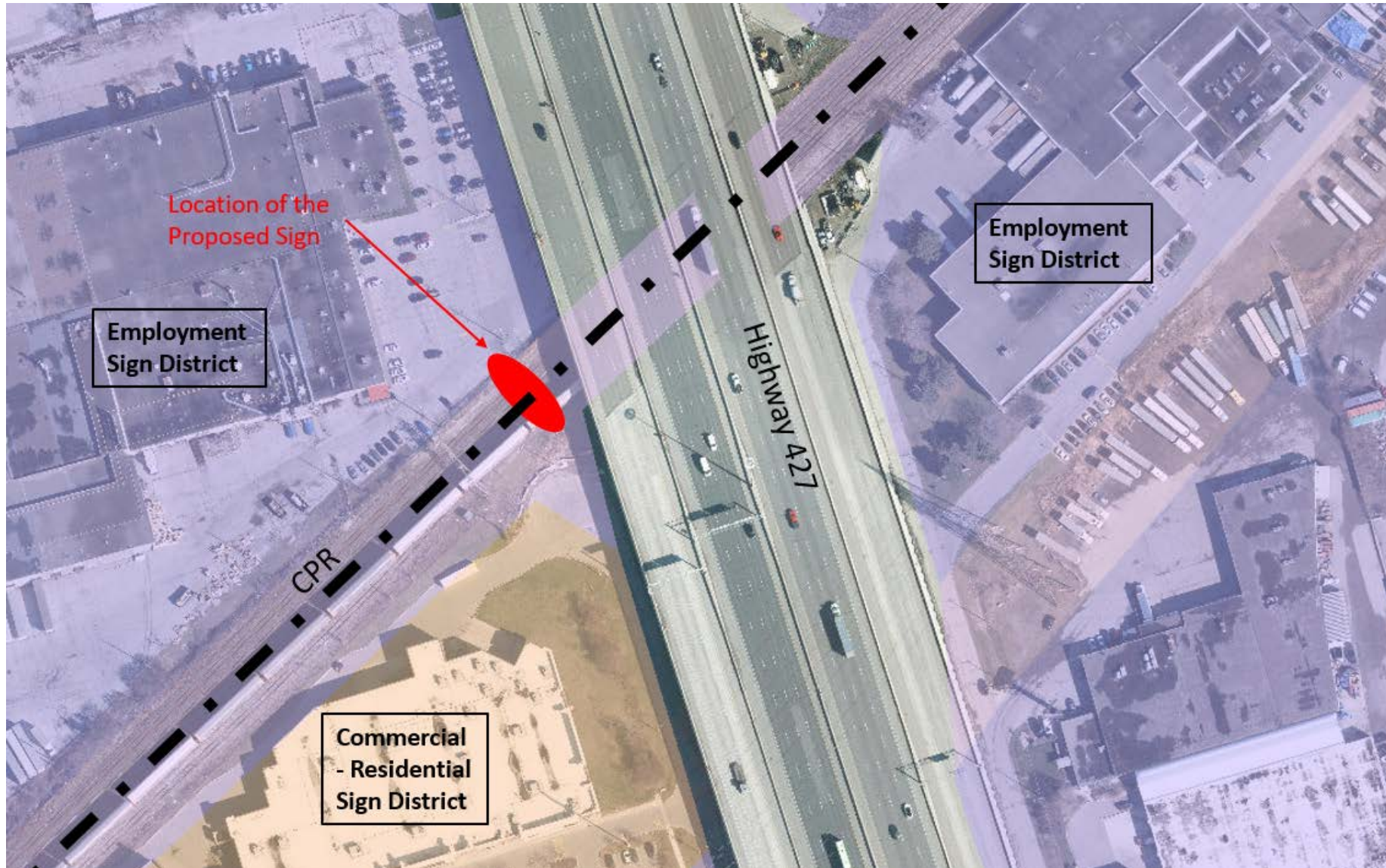


Figure 1: Sign District Map and Approximate Location of the Proposed Sign

Proposed Sign Description

Figure 3:
Approximate
location of
Proposed Sign



Proposed Sign Description

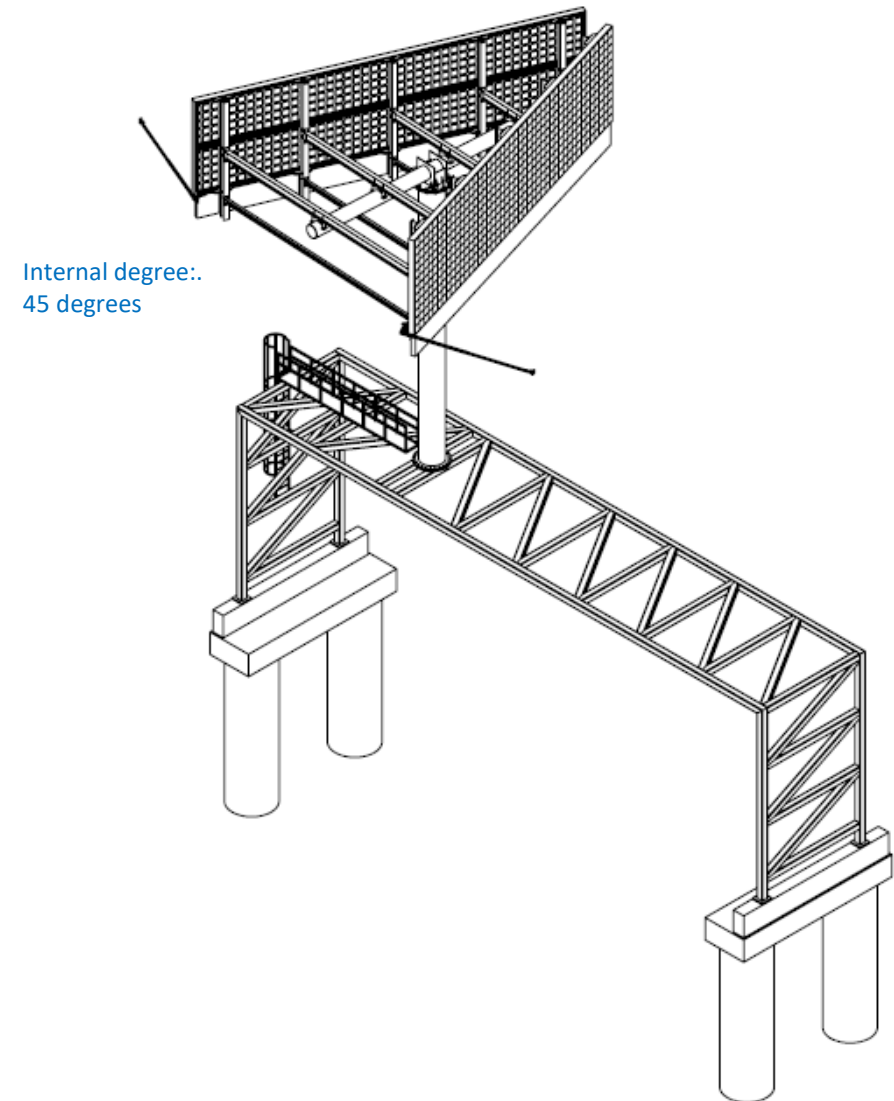
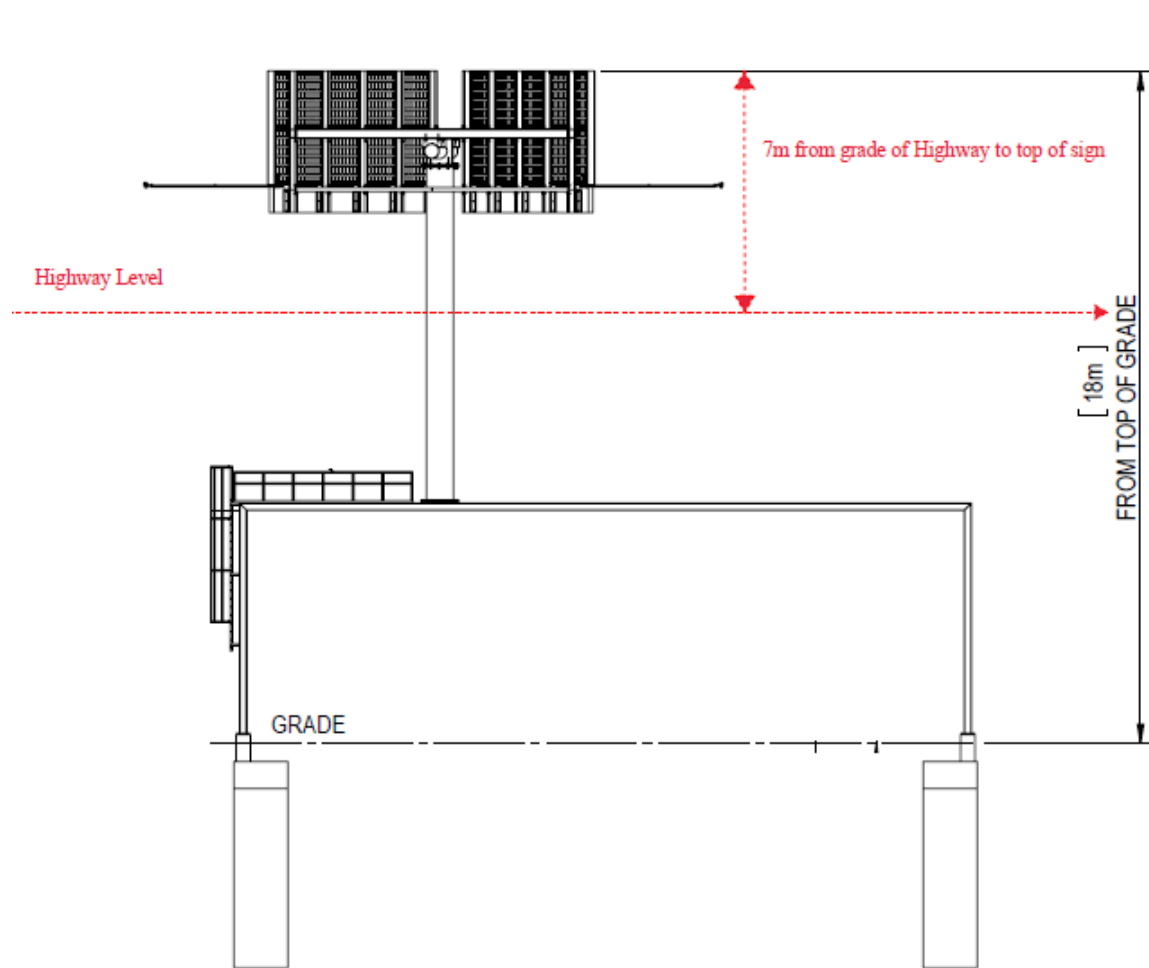


Figure 2:
Proposed Sign

Requested Variances – Proposed Sign

Sign By-Law Reference	Requirement	Proposal
§ 694-24.A(17)	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 Highway 427 contained within the municipal boundaries of the City;	The Proposed Sign would be erected or displayed 10.15 metres west of the western limit of Highway 427 within the municipal boundaries of the City, rather than the required minimum of 400 metres.
§ 694-25D(3)(a)	A Utility Sign District may contain an electronic ground sign provided the sign face area shall not exceed 20.0 square meters ;	The Proposed Sign would contain an electronic ground sign with a sign face of area 62.47 square metres which exceeds the maximum permitted sign face area of 20.0 square metres.
§ 694-25D(3)(b)	A Utility Sign District may contain an electronic ground sign provided the height of the sign shall not exceed 10.0 meters	The Proposed Sign would have a maximum height of 18 metres rather than 10.0 metres.
§ 694-25D(3)(e)	A Utility Sign District may contain an electronic ground sign provided, the sign shall not be erected within 60.0 metres of any premises located, in whole or in part, in an R, RA, CR, I or OS sign district;	The Proposed Sign would be within approximately 30 metres to a CR – Commercial Residential sign district located south of the location of the Proposed Sign, rather than the required 60 metres.
§694-25D(3)(k)	A Utility 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-	The Proposed Sign would have the sign faces in a “ v-shaped ” configuration versus the required back-to-back configuration.

Required Conditions

Condition 1 for variance 694-25D(3)(k)

If the variance 694-25D(3)(k) granted, which allows two sign faces to be in a “V”- shaped configuration, rather than the required back-to-back configuration, the internal angle between the two sign faces shall not be more than 45 degrees.

Order from the Minister of Transportation

- The Proposed Sign is in one of the locations that is covered by an Order from the Minister of Transportation (The Minister's Order) issued in February, 2019
 - The Minister's Order covers 12 locations throughout the Greater Toronto Area
- Subject to certain conditions, The Minister's Order provides the Proposed Sign with an exemption to Sections 34 and 38 of the *Public Transportation and Highway Improvement Act*
 - The Minister's Order states the reason for this exemption as being due to the Ministry of Transportation Sign Policy being updated to provide opportunities for digital signs
- This exemption from the requirements of the *Public Transportation and Highway Improvement Act* does not constitute a permit from the Ministry of Transportation for the Proposed Sign, which would be the normal course for signs approved to be displayed adjacent to Highways, only an exemption from the requirements of the Act subject to certain conditions
- As a result, The Minister's Order makes the regulation of the Proposed Sign exclusively a City of Toronto matter.

Similar Third Party Electronic Signs in Toronto

- In 2014, City Council approved four area-specific amendments to the Sign By-law to allow third party electronic ground signs with similar sizes and heights as the Proposed Sign on rail corridors owned/operated by Metrolinx located adjacent to Highway 401 and Highway 427.
- These signs were granted an exemption from the requirement for permits from the Ministry of Transportation through the Minister's Order which forms part of this application for the Proposed Sign

However,

- Neither the Proposed Sign or the Proposed Location were considered by City Council in 2014, and were not included as part of the four area-specific amendments approved by City Council.

Donation of Messaging on the Proposed Sign:

- The Applicants Submission Materials state that the Proposed Sign, will provide:
 - 15% of advertising time on each digital screen shall be provided for non-commercial advertising to Metrolinx and the community at large;
 - Local and provincial authorities shall have access to the screens for emergency messaging, such as pandemics, natural disasters, and amber alerts;
 - For a period of 6 months following the installation of the proposed sign, the applicant shall provide 25% of available space for economic recovery initiatives related to Covid 19.

However,

- Should the City directly benefit from these donations, they may risk being in contravention of the “Donations to the City of Toronto For Community Benefits Policy” which specifically prohibits a benefit or donation being considered as part of a City approval unless otherwise authorized; and,
- Neither the Sign By-law nor any other City policy explicitly allow a benefit provided by an applicant to the City, a local community or other organization to be a factor that staff or the Sign Variance Committee should consider in deciding whether to approve or deny a Sign Variance or Sign By-law Amendment application.

Sign Variance Criteria – Established Criteria

- ✓ **694-30A(1)** - The Proposed Sign belongs to a sign class permitted in the Sign District.
- ✓ Third party signs are permitted in a Utility Sign District.
- ✓ **694-30A(2)** - In the case of a third party sign, the Proposed Sign is of a sign type permitted in the Sign District.
- ✓ Electronic ground signs are permitted a Utility Sign District.
- ✓ **694-30A(7)** - The Proposed Sign will not be a sign prohibited by §694-15B.
- ✓ It is not a Prohibited Sign.

Sign Variance Criteria – Criteria Not Established

694-30A(3): The Proposed Sign is not compatible with the development of the premises and surrounding area, because:

The Applicant's submission does not provide an explanation of how the Proposed Sign is compatible with the development of the premises and surrounding area,

However,

- The sign face area is **more than 3 times** of the maximum permitted;
- The height of the sign is **almost twice** the maximum permitted height;
- There is no other third party electronic sign in the area – the closest similar sign is more than 1km away

And,

- The Applicant's Planning submission does not comment on the location of the Proposed Sign being only 10.15 m from Highway 427, where third-party signs have been specifically prohibited by the Sign Bylaw.

Sign Variance Criteria – Criteria Not Established

694-30A(3): The Proposed Sign is not compatible with the development of the premises and surrounding area

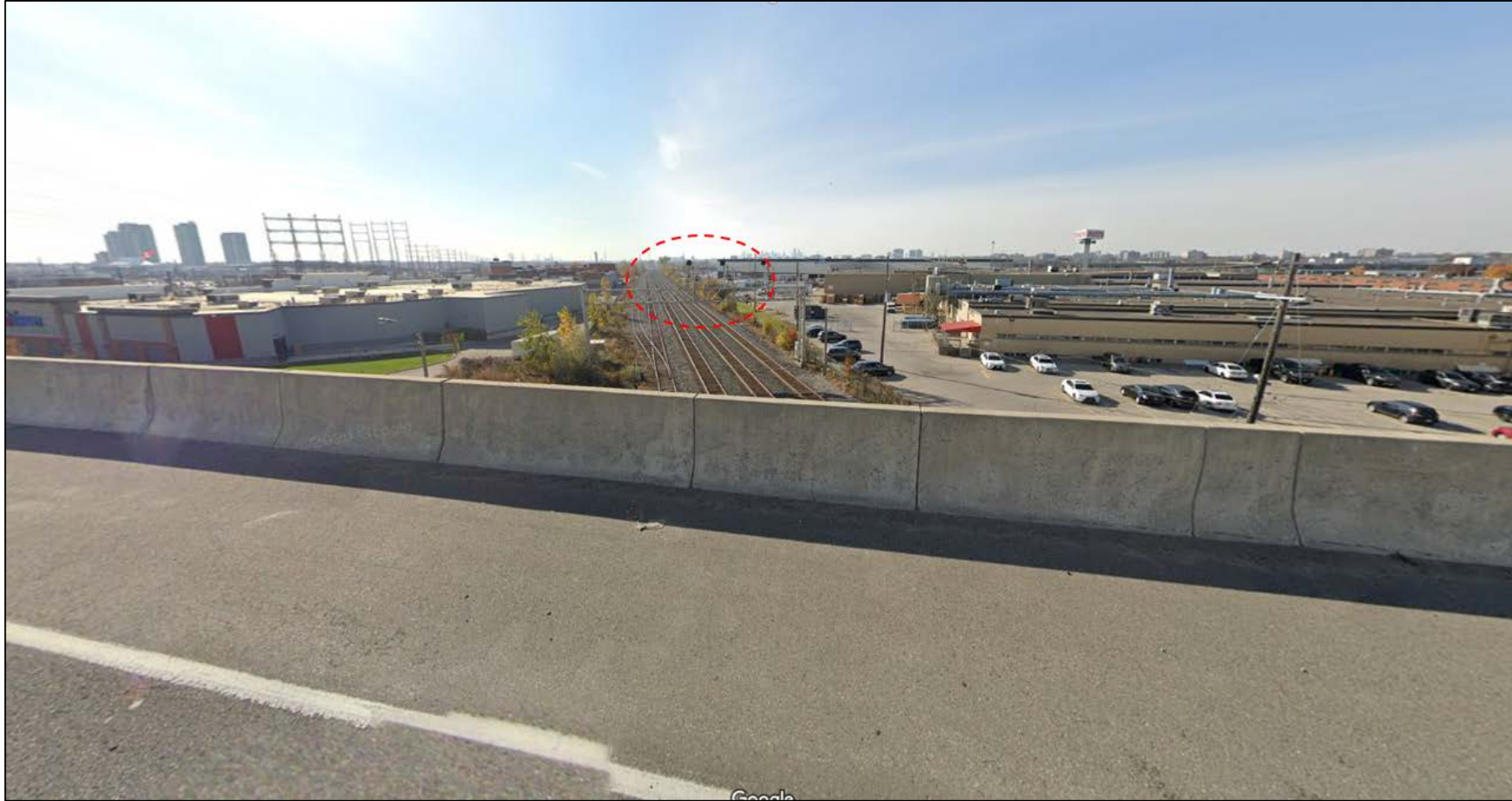


Figure 4: Approximate sign view from highway 427- Google street view

Sign Variance Criteria – Criteria Not Established

694-30A(4) - The Proposed Sign does not support Official Plan objectives for the premises and surrounding area

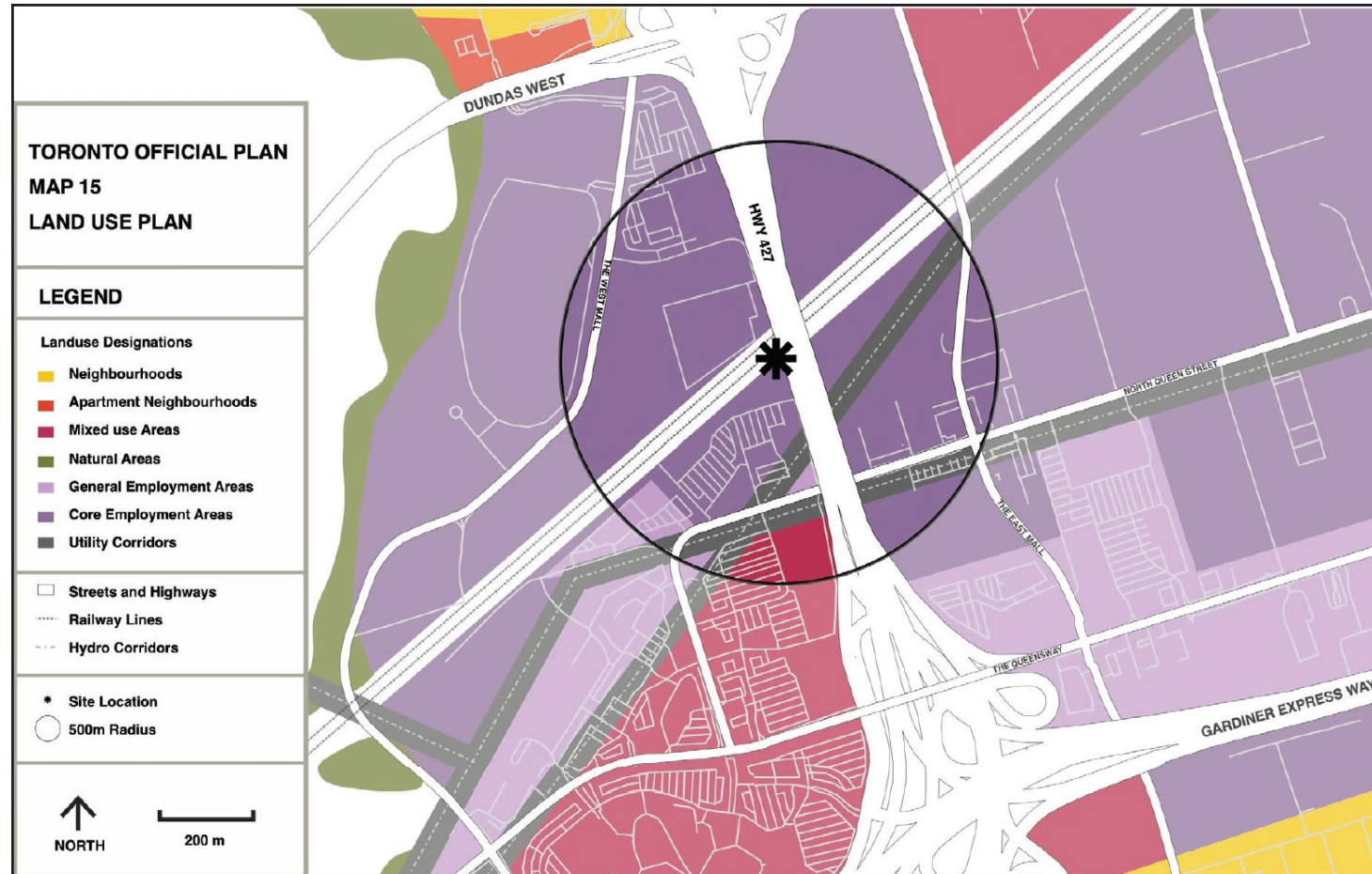


Figure 5: Map 15 Land Use Plan

Sign Variance Criteria – Criteria Not Established

694-30A(4) - The Proposed Sign does not support Official Plan objectives for the premises and surrounding area,

The Applicant's Planning Submission states:

The Proposed Location is designated as a Utility Corridors in the Toronto Official Plan (Section 4.4), which states that such areas “play a vital role in the City as corridors for the transmission of energy, communications and the movement of people and goods”;

More specifically, Policy 4.4.1 of the Official Plan states that “Utility Corridors are hydro and rail corridors primarily used for the movement and transmission of energy, information, people and goods.”

However,

- Aside from these statements, the Applicant's Planning Opinion does not provide a clear connection between the Official Plan objective of "the movement and transmission of energy, information, people and goods" and the Proposed Sign.

Sign Variance Criteria – Criteria Not Established

694-30A(5) - The Proposed Sign will adversely affect adjacent premises.

Although the Applicant's Planning Opinion provides an analysis of the impacts of the Proposed Sign on several of the surrounding properties,

However,

- There is little that has been provided in the Applicant's submission package with respect to any adverse impacts on Highway 427. Specifically, there are no details on how the Proposed Sign, which will be significantly larger and taller than permitted by the Sign By-law and being only 10.15 metres from Highway 427, will not adversely affect Highway 427 (Figure 6).

Sign Variance Criteria – Criteria Not Established

- **694-30A(5)** - The Proposed Sign will adversely affect adjacent premises.

Figure 6:
Google Street
View –
Approximate
Location of the
proposed sign in
relation to the
HWY 427



Sign Variance Criteria – Criteria Not Established

694-30A(6) - The Proposed Sign will adversely affect public safety, including traffic and pedestrian safety.

The Applicant's submission provides comparisons to signs and a safety study that was completed for signs along the F.G. Gardiner Expressway and Highway 27;

However,

- The applicant has not provided any specific information or analysis with respect to the Proposed Sign and Highway 427.

Sign Variance Criteria – Criteria Not Established

694-30A(6) - The Proposed Sign will adversely affect public safety, including traffic and pedestrian safety.

The Minister's Order suggests that Metrolinx work with the Ministry of Transportation on a monitoring program to determine if there are any adverse impacts from the placement of similar signs, as well as a review after one year from installation to determine if any changes should be made.

However,

- The Applicant's submission materials do not make any mention of, or provide any details of a planned one-year review or monitoring program of the impacts on the Proposed Sign.
- In addition, staff have not been provided any information regarding any monitoring program or review after one year from installation of similar Metrolinx signs in other locations, provided by the applicant, to show the possible same impacts.
 - These similar signs were permitted by the same Minister's Order

Sign Variance Criteria – Criteria Not Established

694-30A(8) - The Proposed Sign does alter the character of the premises or surrounding area, because:

The Applicant's Planning Submission concludes that The Proposed Sign is compatible with and will not alter the character of the premises or surrounding area as:

The Proposed Sign is consistent with the predominant character and function of other Utility Corridor uses, and those industrial and related uses of the immediate surrounding Core Employment Areas and General Employment Areas.

The sign class and sign type being proposed is a recognized use in a Utility District and the method of display copy, electronic static copy, is found in Utility Sign Districts throughout the City.

However,

- The applicant does not discuss the fact that the Sign By-Law prohibits third party signs within 400 meters of Highway 427; and
- There are no similar third party signs within 1 kilometer of the Proposed Sign, specifically along highway 427 (Figure 7).

Sign Variance Criteria – Criteria Not Established

694-30A(8) - The Proposed Sign does alter the character of the premises or surrounding area

Figure 7:
Sign View Map –
Location of the
sign in relation to
existing third party
signs



Proposed Sign



Existing third party signs



Sign Variance Criteria – Criteria Not Established

694-30A(9): The Proposed Sign is contrary to the public interest, because:

The Applicant's Planning Opinion states that the Proposed Sign "will not be contrary, directly or indirectly, to the public interest. And that the Proposed Sign is consistent with the objectives and policies of the Official Plan, which articulates the public interest with respect to matters of land use planning and development". Aside from this statement, the Applicant's submission materials have not provided any evidence as to how the Proposed Sign, would not be contrary to the public interest, Specifically where:

- Council has specifically determined that third party signs should not be located within 400 metres of this part of Highway 427 and the Proposed Sign will be located almost 40 times closer;
- The Proposed Sign, which is more than three times larger than permitted by the Sign By-law; and has almost twice the permitted height that is permitted by the Sign By-law; and,
- The reasons for a “V” shaped sign face and reason as to how the condition concerning the maximum internal angle would be relevant to the Proposed Sign meeting the nine required criteria.

Conclusion and CBO Recommendation

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

The Sign Variance Committee **refuse** the requested variances to the Sign By-Law, as required to allow the Applicant to obtain a permit for the erection and display of one third party electronic ground sign at the Proposed Property.

QUESTIONS?