

## **Area Specific Amendment to the Sign By-law: 55 Beverly Hills Drive**

**Date:** May 16, 2022  
**To:** Planning and Housing Committee  
**From:** Chief Building Official and Executive Director, Toronto Building  
**Wards:** 7 - Humber River-Black Creek

### **SUMMARY**

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Toronto's 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 and Executive Director, Toronto Building ("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.

2817270 Ontario Limited (the "Applicant") has made an application seeking City Council approval to amend the Sign By-law to replace the existing regulations concerning 55 Beverly Hills Drive with new regulations which would:

- Establish regulations to allow for, and regulate, a third party electronic ground sign (the "Proposed Sign"), which would: have a sign face area of 62.4 square metres (more than three times larger than permitted by the Sign By-law) and a height of 13.8 metres (3.8 metres higher than permitted by the Sign By-law); be built with two sign faces in a "v-shaped" configuration, which is typically prohibited by the Sign By-law, and, be erected within 250 metres of, and face, an Institutional ("I") Sign District, a Commercial Residential ("CR") Sign District, and an Open Space ("OS") Sign District, contrary to the minimum separation distances required by the Sign By-law;
- Exempt 55 Beverly Hills Drive from the area-specific restriction listed in 694-24A(1) of the Sign By-law which prohibits third party signs from being displayed on the premises, which is located within 400 metres of Highway 401; and,

- Modify the permitting regulations for third party signs at 55 Beverly Hills Drive to allow for the Proposed Sign to be issued a sign permit which would have a ten-year duration, double the permit length for third party signs set out in the Sign By-law.

This application only qualifies for consideration by City Council as an amendment to the Sign By-law due to the request to amend the permitting regulations applicable to third party signs at 55 Beverly Hills Drive.

Toronto Building has reviewed the Applicant's submission materials and cannot determine any basis for City Council to amend the City's Sign By-law to the Proposed Sign which is contrary to City Council's direction with respect to third party electronic ground signs generally, or City Council's direction with respect to the prohibition of third party signs at 55 Beverly Hills Drive, which is within 400 metres of Highway 401.

Further, Toronto Building cannot determine a basis for City Council to amend the Sign By-law to allow a sign permit to have a duration twice as long as otherwise permitted for third party signs, where the Proposed Sign is so significantly different from the Sign By-law requirements for signs of this type throughout the City, as well as being located within an area of the City where third party signs are specifically prohibited.

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 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 55 Beverly Hills Drive.

## **RECOMMENDATIONS**

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The Chief Building Official and Executive Direction, 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 55 Beverly Hills Drive to allow for, and regulate, in addition to the signage otherwise permitted by the Sign By-law, one third party electronic ground sign, and modify the permitting regime with respect to this third party electronic ground sign, as described in Attachment 1 of this report.

## **FINANCIAL IMPACT**

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

## DECISION HISTORY

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### **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 any portion of Highway 401 within Toronto.

(<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 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.

The Sign Variance process requires nine specific criteria to be met prior to variances to be granted. It should be noted that because third party electronic ground signs are permitted in Employment Sign Districts, the Applicant could seek approvals from the Sign Variance Committee to address the "v-shaped" configuration of the sign faces, the area specific prohibition for third party signs within 400 metres of Highway 401, the separation distances to sensitive land uses, as well the increased size and height of the Proposed Sign.

The current application only qualifies to be brought forward to City Council due to the inclusion of the request to amend the permitting requirements, from a five year permit to a ten year permit.

## Applicant's Amendment Proposal

The Applicant is seeking City Council approval for an area-specific amendment to the Sign By-law to: modify permitting requirements for third party signs at 55 Beverly Hills Drive, doubling the initial permit term generally applicable to third party signs; to exclude 55 Beverly Hills Drive from an area-specific prohibition on the display of third party signs within 400 metres of Highway 401; and to establish regulations that would allow for a third party electronic ground sign that is not consistent with the regulations for third party electronic ground signs in Employment ("E") Sign Districts.

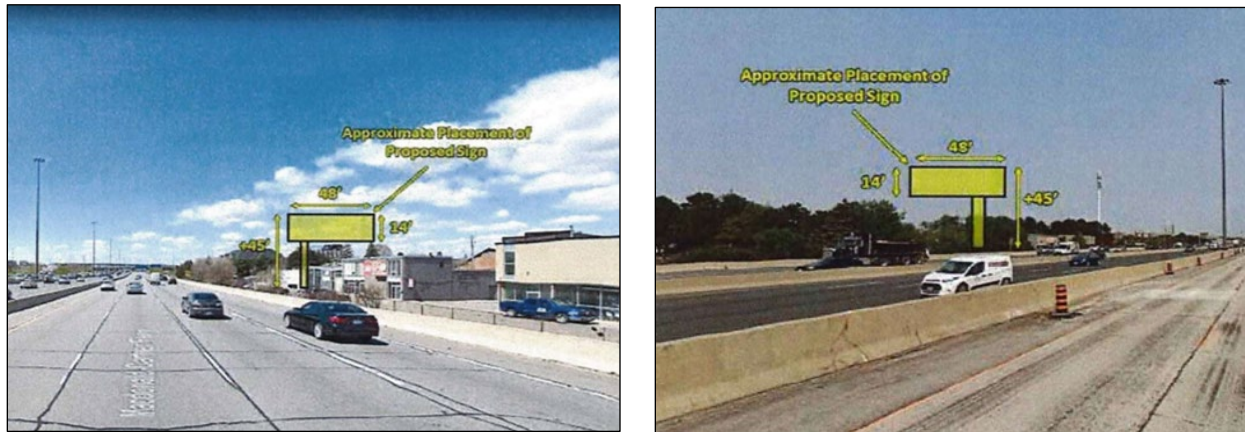
The requested amendment seeks to modify the sign permit duration of five years, the standard permit length applicable to all third party sign permits, to establish an initial sign permit duration of ten years for the Proposed Sign. The Applicant states that this request is related to providing greater certainty for the property owner, but provides no other basis as to why the City should modify the Sign By-law's standard regulatory provisions. The proposal to extend the permit term is contrary to measures in the Sign By-law enacted by City Council to ensure that signs would not be able to remain for extended periods where they may become unsuitable for their surroundings.

The Sign By-law prohibits the display of any third party signs within 74 specific locations within the City of Toronto. The property at 55 Beverly Hills Drive is located in one of these 74 prohibited areas – specifically within 400 metres of any limit of Highway 401 in the City of Toronto. The property at 55 Beverly Hills Drive is immediately adjacent to Highway 401 and the Applicant seeks an amendment to allow the Proposed Sign to be 2.0 metres away from Highway 401. The Applicant's submission does not address the fact that the Proposed Sign is contrary to City Council's prohibition on any third party signs from being constructed within 400 metres of Highway 401 (See Figures 1 and 2).

Figure 1 – Site Plan of Proposed Sign provided by the Applicant



Figure 2 – Renderings of Proposed Sign provided by the Applicant (Facing West (Left)) and Facing East (Right))



The Applicant also seeks to establish regulations to allow for a third party electronic ground sign contrary to multiple aspects of what is normally allowed within the City of Toronto for signs of this type in E Sign District:

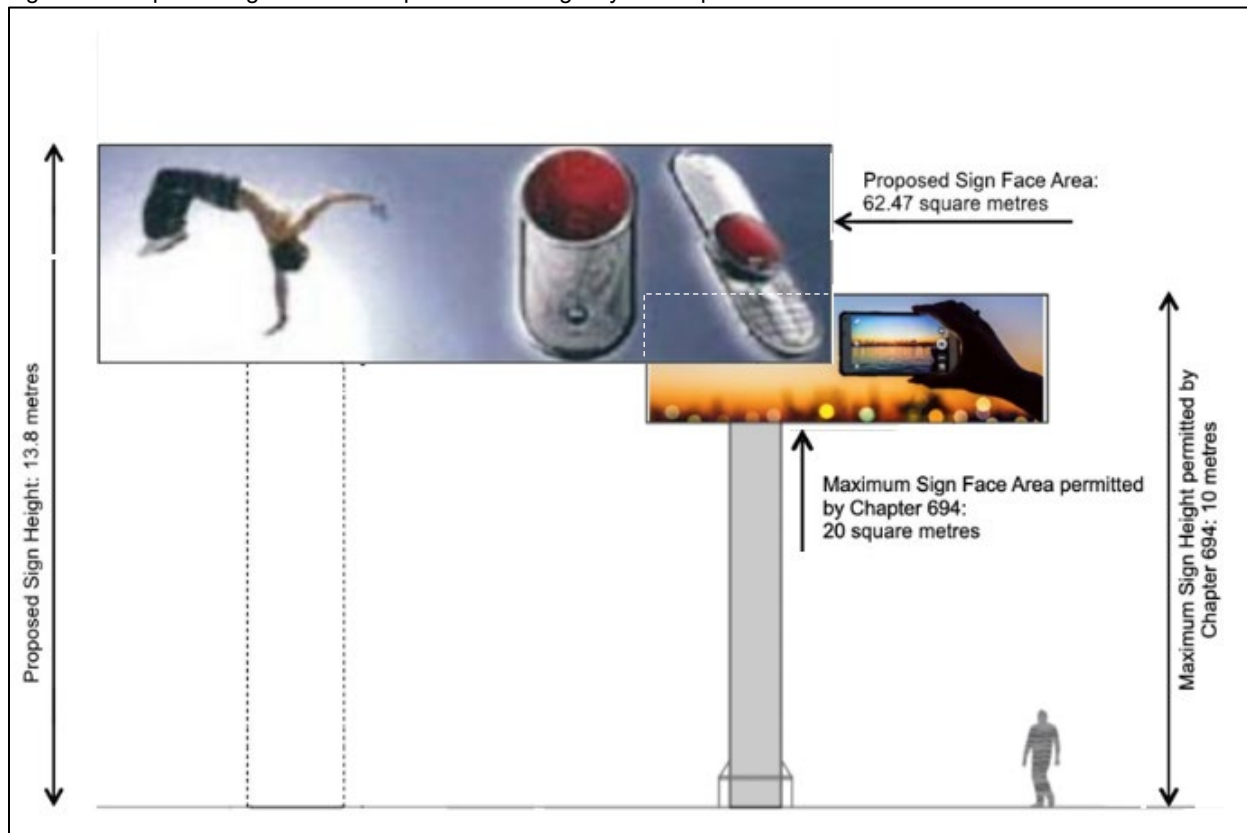
- The requested amendment would establish regulations for allowing an electronic ground sign with two faces in a "v-shaped" configuration directed east and west along Highway 401 displaying electronic static copy, where such a configuration is generally prohibited, and signs are restricted to a "back to back" configuration.
- The requested amendment would seek regulations allowing for an electronic ground sign with a sign face area of approximately 62.5 square metres, more than three times the 20 square metre maximum permitted in an E Sign District.
- The requested amendment would also allow for the Proposed Sign would also have a height of almost 13.8 metres, almost 40% taller than the 10 metre maximum height permitted by the Sign By-law. (See Figure 3).

Finally, the Proposed Sign would be erected 45 metres from a CR Sign District and 50 metres from an OS Sign District, where the Sign By-law requires a minimum of 60 metres from a CR or OS sign district. The Proposed Sign would also be erected within 250 metres of a CR, OS, and I Sign District and face properties in each of these districts, where the Sign By-law prohibits any signs located within 250 metres of a CR, OS, and I Sign District to face a property in those sign districts.

Because third party electronic ground signs are permitted in E Sign Districts, the Applicant could seek approvals from the Sign Variance Committee for not meeting the sign face configuration, height or size requirements for the sign in the Sign By-law, as well as the setback and facing requirements to sensitive land uses. The Applicant could also seek variances from the Sign Variance Committee to address the area-specific prohibition third-party signs within 400 metres of Highway 401.

It is only due to the request to modify the initial sign permit term from five to ten years that this application is proceeding as an amendment.

Figure 3 - Proposed Sign Size in comparison with Sign By-law requirements



### Site Context – 55 Beverly Hills Drive

The property at 55 Beverly Hills Drive is located on the south side of Beverly Hills Drive and east of Highway 400 in Ward 7 Humber River-Black Creek. It contains one and two-storey buildings, specifically a grocery store, health clinic, car dealership, and a place of worship, with E Sign Districts to the East. Immediately to the North is a CR Sign District, OS Sign District, and I Sign District. Directly to the West of the property is a CR Sign District. To the South is Highway 401 and the on-ramp leading from Highway 401 to Highway 400 - it should be noted that the area within 400 metres of Highway 400 is also subject to an area-specific restriction in the Sign By-law.

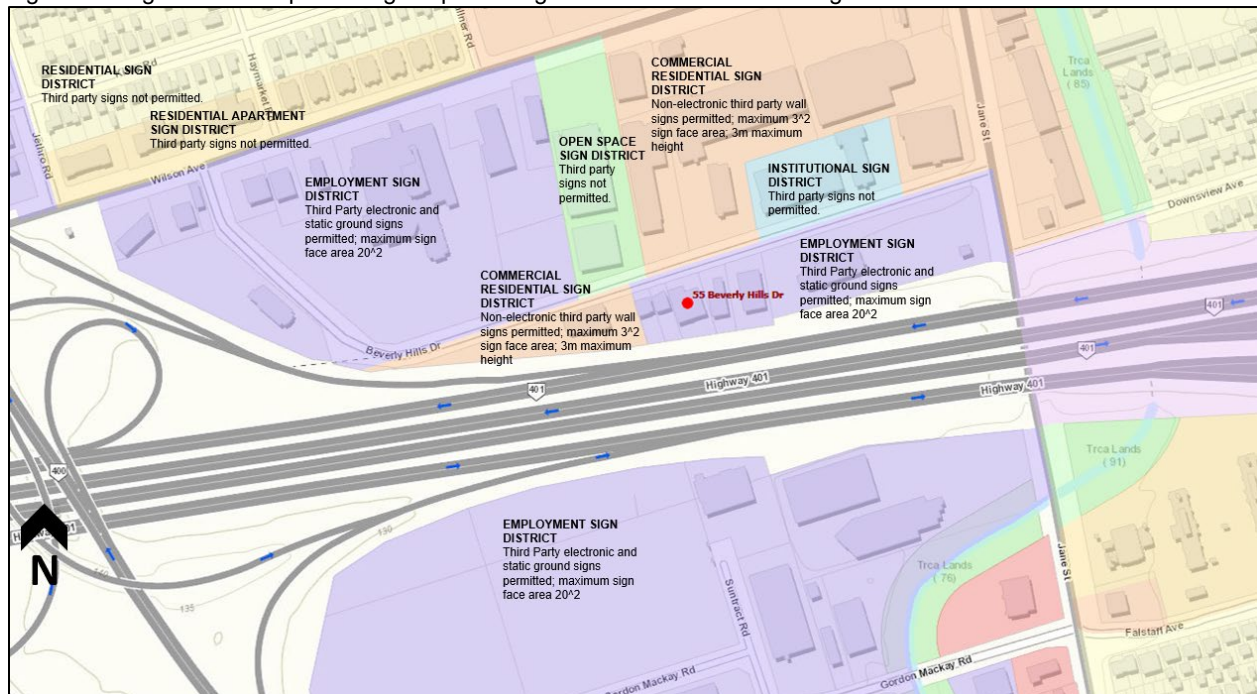
There are no third party signs currently located at the property, and no third party signs immediately surrounding the Proposed Sign. As of 2022, a portion of a roof sign structure remains at 55 Beverly Hills Drive. Staff have confirmed that it is not being used to display sign copy and have received correspondence indicating that the remaining structure is intended to be integrated into a future building addition.

In addition to the fact that there are no third party signs located at 55 Beverly Hills Drive or the adjacent properties, the Proposed Sign is not compatible with the property at 55 Beverly Hills Drive due to the fact that it is located within an area of the city which is subject to an area-specific prohibition on third party signs adjacent to Highway 401. This area specific prohibition was imposed by City Council on the determination that third party signs adjacent to Highway 401 are inconsistent and incompatible with the

surrounding area, and would not contribute positively to the quality of Toronto's appearance.

The area-specific amendment requested by the Applicant would also allow a sign that is not consistent with the regulations for an E Sign District because of the larger sign face area, height, and due to its proximity to nearby CR, I and OS Sign Districts, and the impacts that the Proposed Sign may have on the current and future uses of those properties.

Figure 4 – Sign District Map showing Proposed Sign Location and Surrounding Area



The area-specific amendment requested by the Applicant would allow a sign that is not consistent with multiple regulations contained in the Sign By-law; the Proposed Sign would not be consistent with general regulations prohibiting v-shaped sign face orientation for all third party signs; the area-specific regulations applicable to 55 Beverly Hills Drive prohibiting any third party signs from being located on the premises; and, the general regulations for an E Sign District because of the larger sign face area, and increased height than is otherwise permitted for electronic ground signs in these Sign Districts, as well as the Proposed Sign's proximity to the CR, I and OS Sign Districts.

### Area Compatibility

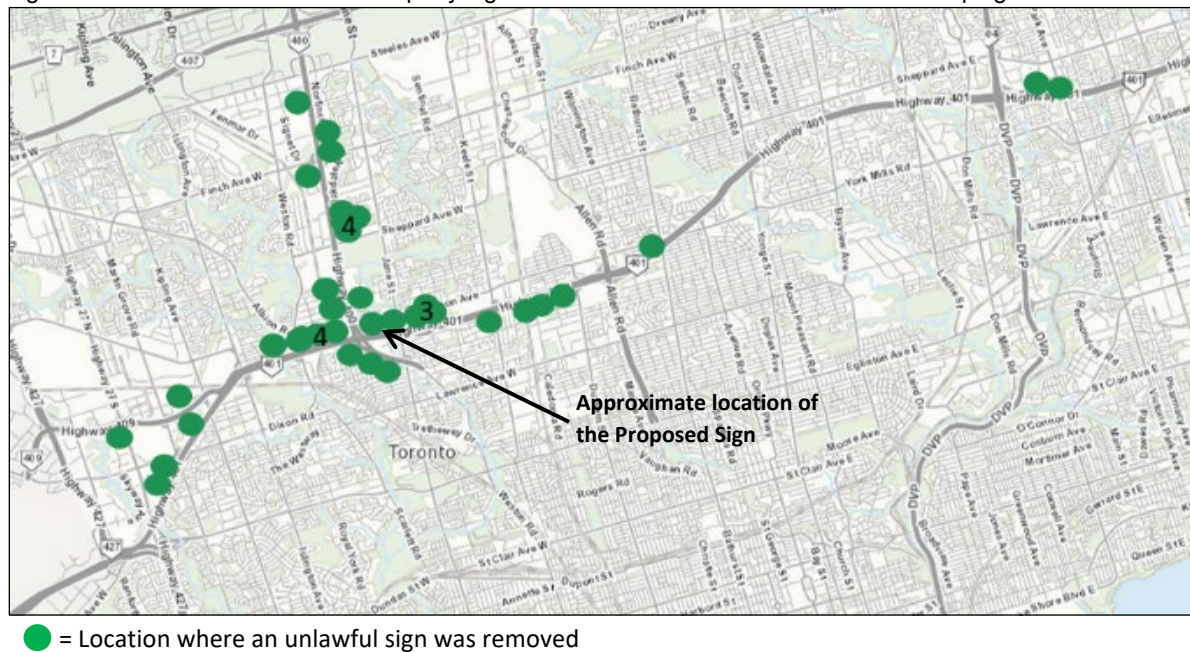
The area specific amendment requested by the Applicant would permit the Proposed Sign to be located approximately 2.0 metres from Highway 401, where the Sign By-law prohibits any third party signs from being located in whole or in part within 400 metres of Highway 401.

The area within 400 metres of the Highway 401 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 area-specific prohibition applicable to 55 Beverly Hills Drive, which is a direct and complete prohibition on any third party signs within any premises within 400 metres of any limit of Highway 401, is consistent with the Ministry of Transportation ("MTO") Corridor Management Policy which requires a 400-metre separation between provincial highways and third party signs throughout the province.

In 2016, the City, in consultation with the MTO conducted an investigation into the area immediately surrounding Highways 401, 400 and 427. The investigation concluded that there were 42 locations containing third party signs that were not in compliance with the MTO Corridor Management Policy and were not in compliance with the applicable Sign By-law. From 2016 to 2019, 36 of the 42 signs were removed (See Figure 5), leaving only six signs remaining. These six remaining signs are all in some stage of the enforcement process.

Figure 5 – Locations of unlawful third-party signs removed in 2016-2019 enforcement campaign.



As a result of this enforcement campaign, there are very few third party signs adjacent to any 400-series highways, including Highway 401, within the City of Toronto.

In their submission materials, The Applicant has stated that they have been working for the past two years to obtain a Minister's Order to exempt the Proposed Sign from the MTO Corridor Management Policy. The Applicant continues to say that if they were to receive a Minister's Order exempting the Proposed Sign from the Corridor Management



Policy, it would render the area specific restriction prohibiting third party signs within 400 metres of Highway 401 as set out in 694-24A(14) of the City of Toronto Sign By-law "moot".

The MTO Corridor Management Policy addresses specific issues related to the Ministry's jurisdiction concerning highways, including traffic safety, and contains a variety of factors surrounding MTO approvals. The City's 74 area-specific prohibitions on third party signs are regulations relating to the various concerns and issues within the City's jurisdiction to ensure that signs are appropriate to their function and compatible with their surroundings.

A Minister's Order exempting the Proposed Sign from the MTO Corridor Management Policy, would have no impact on City Council's direction that third party signs should not be constructed within 74 separate locations within the City, either within 400 metres of any limit of Highway 401, or any of the other areas where City Council has determined that third party signs should be prohibited.

Further to the above, when amendments were made to the Sign By-law in 2015 to expand the permissions for electronic signs throughout the city, City Council neither amended nor removed any area specific restrictions applicable to third party signs, including the restriction on third party signs within 400 metres of any limit of Highway 401 in the City of Toronto.

The Proposed Sign will also be directly north of the on-ramp leading from Highway 401 to Highway 400. The Applicant has not provided any information in their submission commenting on whether or not the Proposed Sign may have an impact on vehicles and drivers using this on-ramp.

The Applicant states in their submission materials that the "v-shaped" configuration of the sign faces, the increased sign face area and height of the Proposed Sign are in order to ensure that the sign is legible to drivers along Highway 401. Aside from this, the Applicant has provided no information as to how the "v-shaped" configuration, increased size or height will make the Proposed Sign more compatible with the property at 55 Beverly Hills Drive or the surrounding properties.

The area-specific amendment requested by the Applicant would also permit the Proposed Sign to be located within 45 metres of a CR Sign District and 50 metres of an OS Sign District, where the Sign By-law prohibits any third party signs from being located in whole or in part within 60 metres of a CR or OS Sign District. As well, the proposed area-specific amendment would permit the Proposed Sign to face CR, OS, and I Sign Districts, where the Sign By-law prohibits any electronic sign located within 250 metres of any CR, OS, and I Sign Districts, to face any properties within these Sign Districts. This is due to the fact that these Sign Districts may currently, or in the future contain land uses (such as residential, institutional or park/recreational uses) that are incompatible with and/or could be impacted by the Proposed Sign.

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 55 Beverly Hills Drive.

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 scheduled for May 2, 2022 via WebEx.

Staff received several comments and questions from surrounding property owners as to how City Council's approval of the Proposed Sign may impact their rights to a similar sign in the future.

### **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 Highway 401 in the City of Toronto. As the application seeks to allow the Proposed Sign to be located well within the required 400 metre separation distance from Highway 401 (only 2 metres away), Transportation Services does not support the application as it is not in keeping with the requirements in the Sign By-law for this area.

The property at 55 Beverly Hills Drive is also located within a Toronto Region Conservation Authority (TRCA) Regulated Area. Staff have confirmed that the Proposed Sign will require a permit from the TRCA, prior to the issuance of any sign or building permits.

### **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 for a large third party electronic ground sign in close proximity to Highway 401 (an area subject to an area-specific restriction on third party signs). The Proposed Sign is only approximately 2 metres from Highway 401. The Applicant has also provided no substantive rationale to justify extending the sign permit term to ten years, twice as long as is permitted by the Sign By-law for other third party signs in the City of Toronto

The requested amendment would allow a sign that is more than three times larger than permitted by the Sign By-law, which would contribute to sign clutter in the area along this portion of Highway 401, and may impact drivers due to its size and proximity to Highway 401 and the off-ramp to Highway 400.

The requested amendment would also allow a sign that is more than three times larger than permitted by the Sign By-law, almost four metres taller than permitted by the Sign By-law and, contrary to the Sign By-law, would be located within 60 metres of a CR and OS Sign District, and would within 250 metres of and facing CR, OS and I Sign Districts.

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**

Ted Van Vliet, Manager; Sign By-law Unit, Toronto Building  
Tel: (416) 392-4235; Email: [Ted.VanVliet@toronto.ca](mailto:Ted.VanVliet@toronto.ca)

## **SIGNATURE**

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

## **ATTACHMENTS**

1. Draft of Proposed Area-Specific Amendment – 55 Beverly Hills Drive