

## **Area-Specific Amendment to the Sign By-law: 496 Evans Avenue**

Date: September 28, 2023  
To: Planning and Housing Committee  
From: Chief Building Official and Executive Director, Toronto Building (Acting)  
Wards: 3 – Etobicoke-Lakeshore

### **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 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.

496 Evans Avenue (the "Subject Premises") is located within one of 84 areas throughout the city where City Council has determined that no third-party signs should be permitted, and that signage should be restricted to first-party signs only. The Bader Group Inc (the "Applicant") has been authorized by the property owner, Mersen Canada DN Ltd, to make an application (the "Proposed Amendment") asking City Council to replace the current regulations applicable to the Subject Premises, which prohibit any third-party signs from being erected and displayed, with regulations to allow for, and regulate, a third-party electronic sign (the "Proposed Sign").

The Proposed Amendment would not only allow for a third-party sign in an area where City Council has specifically enacted a regulation stating no third-party signs would be appropriate but would establish unique regulations for the Proposed Sign. These regulations would allow it to be more than three times larger than what is generally allowed for third-party ground signs and to have a height exceeding, by more than fifty

percent, the height that electronic ground signs are generally permitted to have by the Sign By-law.

The Proposed Amendment would further alter the regulations in the Sign By-law concerning the sign permit term to allow the Proposed Sign to be issued a sign permit with an initial term of ten years, which is double the permit length for other third-party signs set out in the Sign By-law. Additionally, it would allow the Proposed Sign to have faces displayed in a “v-shaped” configuration, rather than the generally permitted “back-to-back” configuration.

Not only would the Proposed Amendment allow the Proposed Sign to be located within an area where City Council has determined that no third-party signs should be displayed, but it would also allow for a third-party electronic ground sign to face Open Space (“OS”) and Residential (“R”) sign districts located within 250 meters. This is contrary to the minimum separation distances required by the Sign By-law.

Toronto Building, in consultation with City Planning and Transportation Services, conducted a thorough review of the Application, and the supporting material. It is the opinion of the CBO that the Proposed Amendment, which would allow for and regulate the Proposed Sign, is not consistent with the objectives of the Sign By-law, or the specific regulations enacted for the Subject Premises and surrounding area. Therefore, CBO does not support Council approval of the Proposed Amendment.

## **RECOMMENDATIONS**

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The Acting 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 replace the existing Sign By-law regulations concerning third party signs applicable to the premises municipally known as 496 Evans Avenue with regulations to allow for, and regulate, a single third party electronic ground sign, as described in Attachment 1 of this report.

## **FINANCIAL IMPACT**

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The recommendation in this report has no financial impact.

## **DECISION HISTORY**

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

The amendments approved by City Council in 2015 sought to reduce the impact of electronic signs by increasing the minimum separation required between electronic signs and sensitive land uses and reducing the maximum permitted brightness levels at night.

(<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 annually by City Council. 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 to amend the Sign By-law by members of the public 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 sign type that is permitted by the Sign By-law and 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 496 Evans Avenue from the area-specific restriction which prohibits the display of third-party signs within 400 meters of any limit of the F.G. Gardiner Expressway between the Humber River and Highway 427. The requested amendment would also establish regulations allowing for a third-party electronic ground sign in excess of what is normally permitted within the City of Toronto.

The area-specific amendment would allow and regulate the display of an electronic ground sign at 496 Evans Avenue, with two sign faces directed east and west along the F.G. Gardiner Expressway displaying electronic static copy. The Proposed Sign would have a sign face area of approximately 62.5 square meters, more than three times what is permitted in an E Sign District and to have a height of almost 15.3 meters, comparable to a three-storey building. The sign faces would be configured on a “v-shaped” sign face orientation, which is not consistent with general regulations for all third-party signs which restricts third-party signs to a “back-to-back” configuration.

Additionally, the requested amendment would reduce the distance separation required between third party electronic ground signs facing nearby R and OS Sign Districts, as well as permit the sign to be in an area where the display or erection of any third party is prohibited.

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.

**Figure 1: Subject Premises**



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 in the Sign By-law, as well as the facing requirements towards sensitive land uses. The Applicant could also seek variances from the Sign Variance Committee to address the area-specific prohibition for third-party signs within 400 metres of F.G. Gardiner Expressway.

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.

### **Site Context - 496 Evans**

The property at 496 Evans Avenue is located on the north side of Evans Avenue in Ward 3. It contains a low-rise building for an electrical specialties industry. The Subject Premises is in an E Sign District, surrounded by E Sign Districts to the east and west. Immediately to the north is the F.G. Gardiner Expressway, and to the south are Residential (R) and Open Space (OS) Sign Districts.

496 Evans Avenue also falls within one of the 84 Area-Specific Restrictions enacted by City Council. Each of these Area-Specific Restrictions is listed in section 694-24A of the Sign By-law. They reflect a decision by City Council that there is a municipal interest in characterizing a specific area of the City by the absence of any third-party sign. As a result, the erection and display of any third-party sign within this specific area would be contrary to the City's municipal interests for both the area and the City as a whole.

The Subject Premises also falls within one of the 84 Area-Specific Restrictions established by the City Council, outlined in section 694-24A of the Sign By-law. Each Area-Specific Restriction is a result of City Council's determination that this is an area of the City where third party signs should not be erected or displayed, and where signage should be restricted to first party signs only. Consequently, erecting and displaying any third-party sign within this designated area would be contrary to the City's interests both for the area, and the City as a whole.

Specifically, the Proposed Amendment aims to permit a third-party sign within a portion of the city bounded by the northernmost limit of the F.G. Gardiner Expressway, extending 400 meters to the north; the Humber River to the east; the southernmost limit of the F.G. Gardiner Expressway, extending 400 meters to the south; and Highway 427 to the west, as defined in section 694-24A of the Sign By-law.

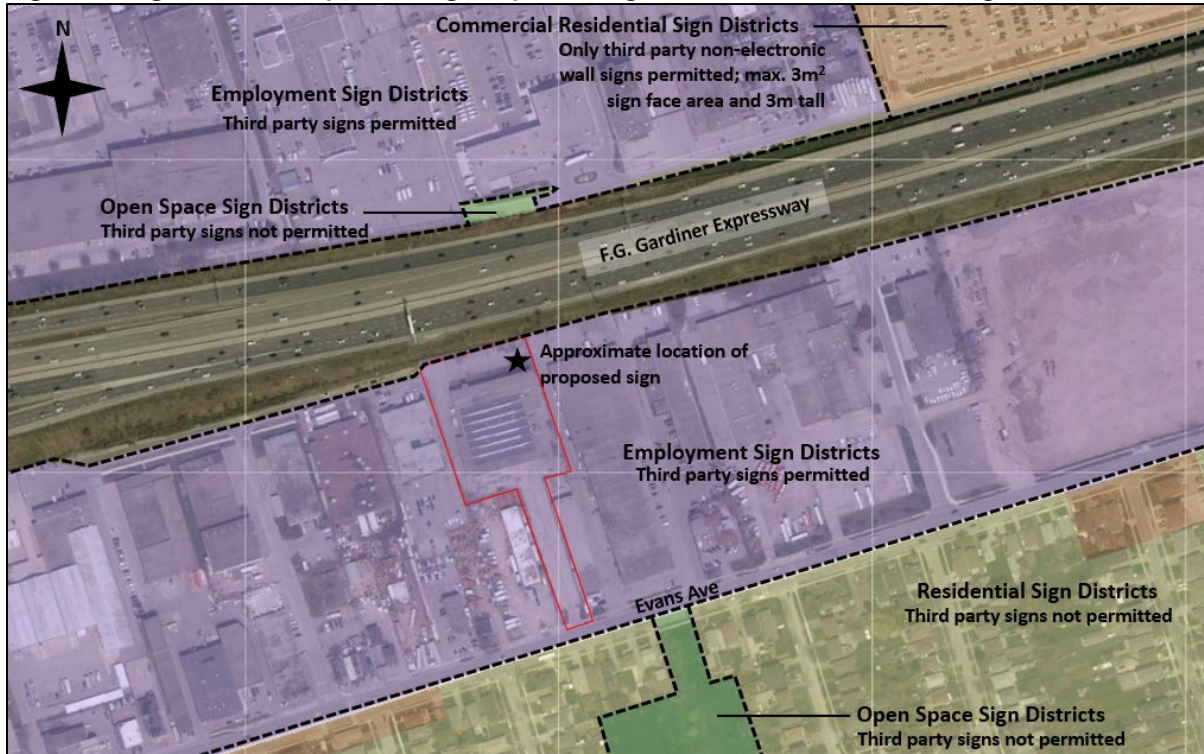
There is an existing first-party ground sign displaying static copy located on the south frontage of 496 Evans Avenue, which identifies the business in the Premises (See Figure 3). Although the existing sign may have little relationship with the Proposed Sign, the erection of two ground signs at the property, one being a third-party sign, contravenes the provisions of the Sign By-law for the Premises.

In addition to granting permission for the Proposed Sign to be erected in an area where there is an area-specific restriction prohibiting third-party signs, the amendment requested by the Applicant would allow a sign that is not consistent with several other 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, general regulations for an E Sign District because of a larger sign face area and height greater than is otherwise permitted for electronic ground signs in E Sign Districts,



as well as the Proposed Sign's proximity to the R and OS Sign Districts to the south of Evans Avenue.

**Figure 2: Sign District Map Showing Proposed Sign Location and Surrounding Area**



**Figure 3: Subject Premises and existing First Party Sign**



## Area Compatibility

Employment Sign Districts that are not in close proximity to sensitive land uses or within an area that City Council determined should not include any third-party signs would permit third-party electronic ground signs. The Premises is located in an area where City Council has specifically determined should not include third-party signs and that signage should be restricted to first-party signs only.

The Subject Premises is also in relatively close proximity to premises containing and designated for “sensitive land uses”. Specifically, an OS sign district is located 90 meters to the north, and multiple R Sign Districts are approximately 220 meters to the south. The City’s Sign by-law contains specific regulations to prevent third-party electronic ground signs in close proximity to such sensitive land uses.

The Proposed Amendment seeks to replace the existing regulations with regulations that would allow the Proposed Sign to exist in this location; this is necessary because the Proposed Sign is prohibited by multiple restrictions in the Sign By-law concerning its location. Despite these restrictions, the Proposed Amendment would also allow the Proposed Sign to have a sign face area approximately three times larger than the permitted sign face area in Employment Sign Districts. Additionally, the Proposed Sign would exceed the maximum permitted height for signs in Employment Sign Districts by more than fifty percent.

According to the Applicant’s submission materials, the Proposed Sign would be similar to seven previously approved third-party electronic ground signs along the F.G. Gardiner Expressway with the same size. Although there may be several electronic ground signs along this portion of the F.G. Gardiner Expressway, the majority of the existing signs were permitted through variances to previous municipal sign by-laws.

The Premises is contained within one of the areas established by City Council in 2010, where third-party signs are not permitted. As a result, there are no other electronic ground signs in the immediate vicinity of the Proposed Sign that have been approved after the current Sign By-law was enacted in 2010. The only exception to this is one third-party sign similar to the Proposed Sign that was approved and constructed at 33 Wickman Road, however this sign is more than 700 meters west of the Proposed Sign.

At the time of the enactment of the City’s Sign By-law, the City was prohibited from enacting new sign by-laws that would require the removal of existing signs displayed in accordance with a permit provided by a previous municipal by-law regulating signs. Therefore, under the current Sign By-law transition provisions, these signs can remain in place as long as they are not substantially altered. Despite this, these existing signs do not align with City Council’s current policy for the area, and as such the CBO does not support further deviations from the current policy objective for this area as established by City Council.

Where electronic ground signs are permitted by the Sign By-law, they are not permitted to face any R, CR, or OS Sign Districts located within 250 meters. The area-specific amendment requested by the Applicant would permit the Proposed Sign to face an OS sign district located 90 meters to the north of 496 Evans Avenue and an OS and R Sign Districts approximately 220 meters to the south.

The OS Sign District immediately to the north of the F.G. Gardiner Expressway contains a fire route and a portion of a landscaped traffic island. Despite the size, height, and separation distance to the adjacent OS Sign District, the Proposed Sign should have minimal impact on this property.

The R District to the south of the Premises is comprised mostly of low-rise residential buildings, and in the OS Sign District is Douglas Park. The Proposed Sign will have a height of approximately 15.3 meters, which is approximately six meters taller than the existing building on the Premises according to the Applicant's submission materials. However, there was not enough information provided in the Applicant's supporting documents to demonstrate that the Proposed Sign will not be visible from properties in the Residential and Open Space Sign Districts to the south.

The Applicant has requested an area-specific amendment that would allow the Proposed Sign to be located 1.5 meters from the F.G. Gardiner Expressway where the Sign By-law prohibits any third-party signs from being in whole or in part within 400 meters of the F.G. Gardiner Expressway. The Applicant's submission materials have not identified anything unique about the Proposed Sign or the property at 496 Evans Avenue that would justify this request

As mentioned previously, the area within 400 meters of the F.G. Gardiner Expressway between the Humber River and Highway 427 is one of 84 areas throughout the city where City Council has determined that third-party signs should not be permitted. These 84 area-specific 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.

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 within this area-specific restriction, were neither removed nor amended.

As a result, the Proposed Amendment requested by the Applicant would allow for a sign that is not compatible with City Council's vision for the area surrounding and including 496 Evans Avenue. The Proposed Amendment would also allow for a sign that is not compatible with City Council's vision for third-party electronic ground signs, where they are permitted.



In addition to the above, the Proposed Amendment seeks to modify administrative provisions of the Sign By-law so that the Proposed Sign could be issued a permit with a term of ten years rather than the standard permit term of five years, applicable to all third-party sign permits. These administrative provisions setting out a standard five year permit term were adopted by City Council and were designed to ensure that sign permits issued by the City would not allow for signs unsuitable for their surroundings for an extended period.

The Applicant states that this request to modify the Sign By-law's administrative provisions is related to their leasing agreement with the property owner, and that there is no expectation that the properties surrounding the Subject Premises, which are designated as employment areas, would become incompatible with the Proposed Sign over the next 10 years. The Applicant has not provided any planning or development studies or other materials in their rationale to support this statement.

It is CBO's position that this private contractual relationship does not constitute a sufficient reason as to why City Council should double the Sign By-law's standard provisions for the sign permit term. As well, 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.

### **Community Consultation**

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 invited feedback by email, telephone or at a virtual at a public meeting which was scheduled for August 23, 2023, 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 objecting to the proposed amendment, stating that the Proposed Sign would contribute to light pollution in the neighborhood.

### **Comments from Other City Divisions**

City Planning staff reviewed the application and, overall, are not in support of the requested Proposed Amendment. This is due to the proximity of 496 Evans Avenue to residential and open space areas, as well as concerns about sign clutter along the F.G. Gardiner Expressway.

With respect to possible concerns about traffic safety, Transportation Services was consulted throughout the development of the Sign By-law and agrees with the

regulations in the Sign By-law prohibiting the erection or display of third party signs located within 400 metres of the F.G. Gardiner Expressway between the Humber River and Highway 427. 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 Toronto Building 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 and facing (as defined by the Sign By-law) the residential area to the south.

The Applicant's submission has provided no basis to justify extending the permit term for the Proposed Sign to ten years, twice as long as is permitted by the Sign By-law, or why a sign that is more than three times larger and five metres taller than what is generally permitted by the Sign By-law should be allowed at 496 Evan Avenue.

As such, 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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Kamal Gogna  
(A) Chief Building Official and Executive Director  
Toronto Building

## **ATTACHMENTS**

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1. Proposed Area-Specific Amendment – 496 Evans Avenue