

## **Area-Specific Amendment to the Sign By-law: 82 Queen Elizabeth Boulevard**

**Date:** October 12, 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.

82 Queen Elizabeth Boulevard (the "Premises") is located within one of 84 areas throughout the city where City Council has determined that third-party signs should not be permitted and where signage should be restricted to first-party signs only. On behalf of 2034038 Ontario Limited (the "Property Owner"), Pattison Outdoor Advertising (the "Applicant") is making an application (the "Proposed Amendment") to City Council. The purpose of this application is to replace the existing regulations applicable to the Premises with area-specific regulations.

These new regulations 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 ("the Proposed Sign"), but they would also establish unique regulations for the Proposed Sign. If approved, the Proposed Sign would be more than three times larger than what is generally allowed for third-party ground signs. Additionally, it would have a height approximately fifty percent taller than the maximum height typically permitted where such signs are allowed to be erected and displayed by the Sign By-law. The Proposed Amendment would also establish regulations to allow the Proposed Sign to have faces displayed in the generally prohibited "v-shaped" configuration. This is contrary to the generally permitted "back-to-back" configuration. Furthermore, the

Proposed Sign would face the Open Space (“OS”) and Residential (“R”) sign districts within 250 meters of its location. This is contrary to the minimum separation distances generally required by the Sign By-law.

The Proposed Amendment would also alter the Sign By-law's administrative provisions concerning sign permit term to allow 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; and, as well as establishing a further condition on the issuance a sign permit for the Proposed Sign, that the existing single-sided third party electronic ground sign \*the "Existing Sign") be removed from the Premises and all associated permits revoked.

Toronto Building, in consultation with City Planning and Transportation Services, conducted a thorough review of the application, and does not believe that the proposed site-specific amendment is consistent with the objectives of the Sign By-law. Therefore, Toronto Building does not recommend approval of this 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 82 Queen Elizabeth Boulevard 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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### **SB14.1 - Application by Pattison Outdoor for One Third Party Electronic Ground Sign at 82 Queen Elizabeth Boulevard**

In January 2017, the Sign Variance Committee refused to grant four variances required to allow the issuance of a permit for the erection and display of one third party electronic ground sign at the property municipally known as 82 Queen Elizabeth Boulevard. If granted, these variances would have permitted a third party electronic ground sign, similar to the Proposed Sign with two sign faces displaying electronic static sign copy, having a sign face area of 62.47 square metres and a height of 12.80 metres.

<https://secure.toronto.ca/council/agenda-item.do?item=2017.SB14.1>)

### **SB2.4 - Application by Pattison Outdoor Respecting Four Third Party Sign Variances With Respect to a Third Party Ground Sign on the Premises at 82 Queen Elizabeth Boulevard**

In March 2015, the Sign Variance Committee granted three of the four variances required to allow the issuance of a permit for the erection and display of one third party electronic ground sign, contrary to the Chief Building Official's recommendation. A variance requested to permit a sign face area of 62.47 square metres was refused by the Sign Variance Committee. The variances granted allowed for the issuance of a permit for a third party electronic ground sign, which would have functioned as a practical replacement of an existing third party ground sign with two sign faces displaying mechanical (tri-vision) copy with one third party electronic ground sign, containing one sign face displaying electronic static copy, at the property municipally known as 82 Queen Elizabeth Boulevard.

<https://secure.toronto.ca/council/agenda-item.do?item=2015.SB2.4>)

### **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. Third party electronic signs are now permitted in Employment, Utility and Commercial Sign Districts, but are not a permitted sign type in CR Sign Districts, where there are residential uses.

<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 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 82 Queen Elizabeth Boulevard 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 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.

Figure 1: Looking northwest from F.G. Gardiner Expressway to the Premises



The area-specific amendment would permit the erection of an electronic ground sign at 82 Queen Elizabeth Boulevard. The Proposed Sign would replace an existing single-faced electronic ground sign on the Premises, which was permitted by variance granted by the Sign Variance Committee in 2015. The Applicant stated that the Existing Sign is not appropriately sized for the intended audience travelling on the F.G. Gardiner Expressway and are requesting with this application a sign which would be significantly larger and higher than the Existing Sign.

The Proposed Sign would have two sign faces displaying electronic static copy, directed east and west, to be visible from vehicles travelling in both directions on the F.G. Gardiner Expressway. The area-specific amendment would allow for a maximum sign face area of approximately 62.5 square metres, more than three times what is permitted in an Employment ("E") Sign District, and a maximum height of 15 metres, comparable to that of a three-storey building.

Additionally, the requested amendment would reduce the distance separation required between third party electronic ground signs facing R and OS Sign Districts; as well as permit the sign to be within 400 metres of the F.G. Gardiner Expressway.

Finally, the proposed 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.

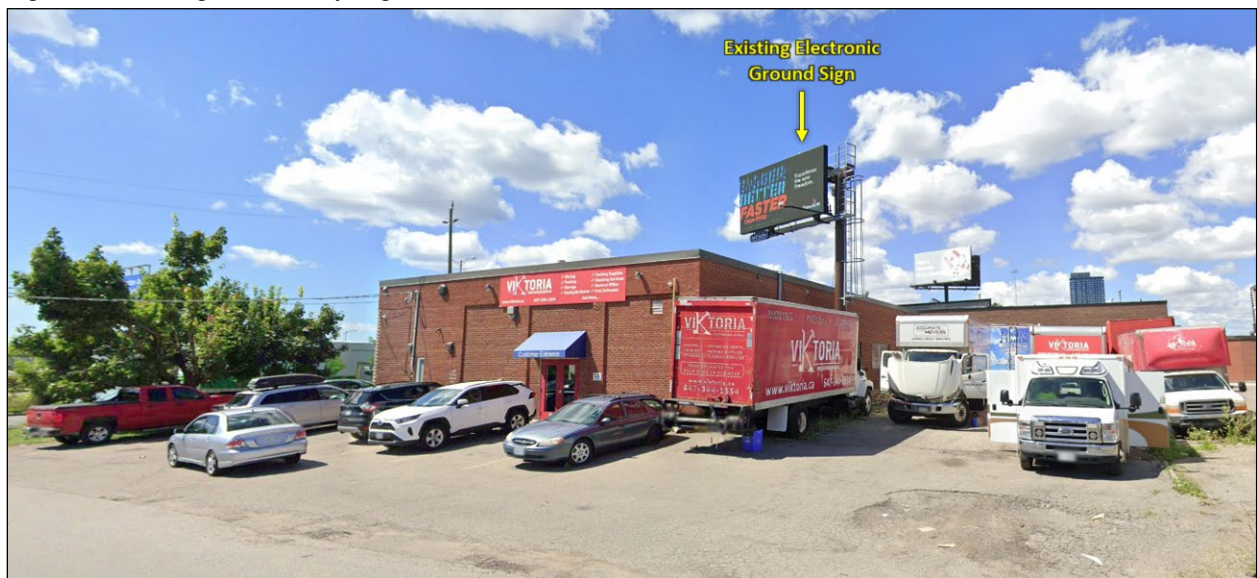
Because third party electronic ground signs are permitted in E Sign Districts, the Applicant could seek approvals from the Sign Variance Committee for not meeting the sign face configuration, height or size requirements in the Sign By-law, as well as the facing requirements towards sensitive land uses. 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.

## Sign History

As mentioned before, the existing electronic ground sign (the “Existing Sign”) was granted several variances in 2015 by the Sign Variance Committee. Initially, the application sought four variances from the Sign By-law to accommodate a third-party electronic ground sign. However, at its meeting on March 26, 2015, the Sign Variance Committee granted only three of the four requested variances. The Committee refused to grant the variance required for a sign face area of 62.47 square meters, where the Sign By-law permits only 20 square meters (See Item SB.2.4).

Figure 2: Existing Third Party Sign on the Premises



This decision by the Sign Variance Committee altered the requirements of the Sign By-law. Consequently, a sign permit was issued for the Existing Sign, which has one sign



face oriented in an easterly direction. The sign displays electronic static copy and has a vertical measurement of 3.05 meters, a horizontal measurement of 6.1 meters, and a height of 10.97 meters.

In 2016, the Applicant submitted a new application to the Sign Variance Committee requesting variances to the Sign By-law. These variances would have allowed for a third-party electronic ground sign similar to the Proposed Sign. However, at its meeting on March 24, 2017, the Sign Variance Committee declined to grant the four variances required for erecting and displaying a third-party electronic ground sign with two sign faces. Each face would have had a sign face area of 62.47 square meters and a height of 12.8 meters (See Item SB.14.1).

### **Site Context - 82 Queen Elizabeth Boulevard**

The property at 82 Queen Elizabeth Boulevard is situated in Ward 3 on the north side of Queen Elizabeth Boulevard. It is approximately 175 meters east of the on-ramp leading from the F.G. Gardiner Expressway to Islington Avenue. The Premises consists of a single low-rise building that serves as a moving services and supplies company.

The Premises is in an E Sign District, surrounded by E Sign Districts to the north, east and west. Immediately to the south is the F.G. Gardiner Expressway, with an R Sign District located further to the south.

The 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.

Despite the area-specific restriction, there is currently a single-faced electronic ground sign on the Premises, measuring 3.05 meters vertically, 6.1 meters horizontally, and 10.97 meters in height (see Figure 1 and 2). The Proposed Sign would represent a significant increase in electronic sign copy at the subject premises, as it would have a sign face area more than three times larger than the Existing Sign, as well as have two sign faces instead of only one.

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

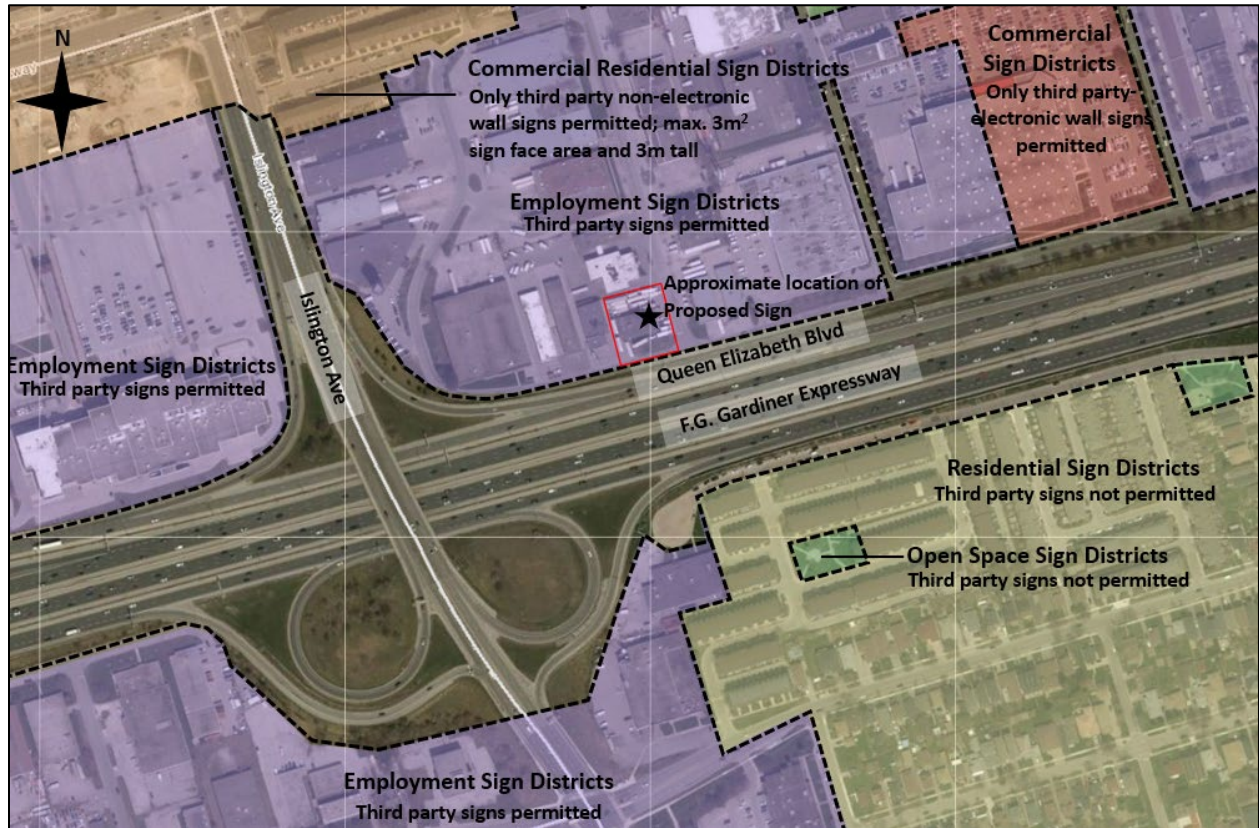


Figure 4: Comparison between Existing Sign and Proposed Sign sizes



The area-specific amendment requested by the Applicant would grant permission for the Proposed Sign to be erected on an area where there is an area-specific restriction prohibiting the installation of third party signs. In addition, the amendment would allow

for a sign that is not consistent with multiple regulations contained in the Sign By-law. The Proposed Sign would not be consistent with 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 R and OS Sign Districts to the south of the F.G. Gardiner Expressway.

## **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.

Moreover, the Premises is in relatively close proximity to premises containing and designated for "sensitive land uses," specifically OS sign and R Sign Districts 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 would also allow the Proposed Sign to have a sign face area approximately three times larger than the maximum permitted sign face area and approximately fifty percent taller than the maximum permitted height for signs located in E Sign Districts.

According to the Applicant's submission materials, the Proposed Sign would be similar to 18 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. Furthermore, City Council has not adopted similar area-specific amendments for other locations near the Premises. The only exception to this rule is one third-party sign similar to the Proposed Sign has been approved and constructed at 270 Evans Avenue, however this sign is more than 600 meters southwest 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.



According to the Sign By-law, where electronic ground signs are permitted, they are not allowed to face any R, RA, CR, I or OS Sign Districts located within 250 meters. The area-specific amendment requested by the Applicant would permit the Proposed Sign to face an R Sign District located 110 meters south of 82 Queen Elizabeth Boulevard and an OS Sign District approximately 190 meters south as well.

The R Sign District immediately south of the F.G. Gardiner Expressway is mostly comprised of low-rise residential buildings, while the OS Sign District is a parkette. The Proposed Sign would have a height of approximately 15 meters, more than four meters taller than the Existing Sign. However, there was not enough information provided in the Applicant's supporting documents to demonstrate that the Proposed Sign will not be visible from or impact properties in the R and OS Sign Districts to the south.

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 82 Queen Elizabeth Boulevard. 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 Proposed Amendment also seeks to amend the Sign By-law regulations by adding an additional condition that permits the Proposed Sign to be allowed subject to the removal of the Existing Sign and the revocation of all associated permits.

The Applicant did not provide a 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

## **Community Consultation**

As required by the Sign By-law, notification of the proposed amendment was sent to all property owners within a 250-metre radius of the Premises, and a notice was posted at 82 Queen Elizabeth Boulevard. The notice provided details of the proposed amendment and invited feedback by email, telephone, or at a virtual Community Consultation scheduled for August 23, 2023, via WebEx.

During the virtual consultation, two members of the community attended along with representatives from both the Applicant and the City. In the meeting, concerns were raised about the potential impacts of the Proposed Sign on adjacent commercial properties, such as creating shadows and detracting from existing first-party signs. These community members mentioned that these same concerns were brought to the attention of the Sign Variance Committee during variance applications made in 2015 and 2017 and indicated that the variances required to permit a sign face area of 62.47 square meters were refused as a result.

As of the date of this report, in addition to the meeting, the City has received two emails from the public opposing the construction of the Proposed Sign. The concerns raised by the community were related to the level of illumination produced by the Proposed Sign and its potential impact on the residential area. There were also concerns about the extended permit term and potential distractions for drivers traveling along the F.G. Gardiner Expressway.

## **Comments from Other City Divisions**

City Planning staff reviewed the application and, overall, were not in support. This was due to the proximity of the premises 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 governing 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 the F.G. Gardiner Expressway (a location subject to an area-specific restriction on third party signs) or facing the residential and open space areas 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 permitted by the Sign By-law should be allowed at 82 Queen Elizabeth Boulevard.

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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Ted Van Vliet  
Manager, Citywide Priorities, Toronto Building  
Tel: (416) 392-4235; Email: Ted.VanVliet@toronto.ca

## **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 – 82 Queen Elizabeth Boulevard