

Area-Specific Amendment to the Sign By-law: 2075 Lawrence Avenue East

Date: October 12, 2023
To: Planning and Housing Committee
From: Chief Building Official and Executive Director, Toronto Building (Acting)
Wards: 21 – Scarborough Centre

SUMMARY

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 ("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.

In 2018, Pattison Outdoor Advertising (the "Applicant") made an application requesting that City Council amend the Sign By-law ("the Previous Proposal"). This amendment would have allowed for the replacement of the existing regulations concerning third-party signs at 2075 Lawrence Avenue East (the "Subject Premises"), located in a Commercial Residential ("CR") Sign District, with new regulations. The Planning and Housing Committee considered the Previous Proposal at its May 2019 meeting and referred it back to the Chief Building Official and Executive Director, Toronto Building for further discussions with the Applicant.

Subsequently, the Applicant revised the Previous Proposal and is now applying for a similar amendment to replace the third-party sign regulations applicable to the Subject Premises with new regulations. The new regulations would allow for, and regulate, a third-party electronic ground sign in a CR Sign District, where it is not a permitted sign type (the "Current Amendment Proposal").

The Current Amendment Proposal would allow for and regulate the Proposed Sign, a third-party electronic ground sign containing two sign faces in a back-to-back configuration. Each side would display electronic static copy with a sign face area of 18.6 square meters, which is more than six times larger than permitted by the Sign By-law. The maximum height of the Proposed Sign would not be more than 7.65 meters.

The Current Amendment Proposal would have the Proposed Sign be limited to a maximum illumination level of 150 nits during the period between sunset and sunrise. It also contains provisions which would require the removal of multiple existing third-party ground signs erected under the Sign By-law (the “Existing Signs”); require the removal of various temporary signs; and the revocation of all associated permits. The Current Amendment Proposal also modifies the initial sign permit term for the Proposed Sign to 10 years from the usual 5 years.

The Current Amendment Proposal contains regulations allowing for, and regulating, the Proposed Sign. These regulations would be a significant departure from the regulations enacted by City Council concerning third-party electronic ground signs, the Subject Premises, and other premises within the City in the following ways:

- The Sign By-law mandates that the maximum term of a sign permit be 5 years rather than the 10 years sought by the Current Amendment Proposal.
- The Sign By-law generally prohibits third-party electronic ground signs in CR Sign Districts.
- A sign face area of 18.6 square meters is more than six times larger than permitted for a third-party sign in a CR Sign District, such as the Subject Premises, by the Sign By-law.
- The Proposed Sign would be allowed to be erected within 40-60 meters of and facing an Institutional (I) Sign District, Open Space (OS) Sign District, Residential (“R”) Sign District, and a Residential Apartment (“RA”) Sign District, where the Sign By-law generally prohibits third-party electronic signs from being closer than 250 meters to and facing these Sign Districts.

Toronto Building does not recommend approval of the Current Amendment Proposal to replace the existing regulations for 2075 Lawrence Avenue East.

In the opinion of the Chief Building Official and Executive Director, Toronto Building (“CBO”), the Applicant has provided an insufficient basis as to why the existing regulations for the Subject Premises are not suitable for the current and long-term uses of the Subject Premises, the surrounding area, and the City as a whole. Furthermore, it is the CBO’s opinion that the third-party electronic sign that would be allowed under the Current Amendment Proposal is not compatible with the Sign District, Zoning By-law, and Official Plan designations for the property. In addition, CBO believes that the Proposed Sign would also add to sign clutter in the area and would conflict with existing and future first-party signs on the Subject Premises and surrounding area.

RECOMMENDATIONS

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 2075 Lawrence Avenue East with regulations to allow for, and regulate, a single third party electronic ground sign, as described in Attachment 1 of this report.

FINANCIAL IMPACT

The recommendation in this report has no financial impact.

DECISION HISTORY

PH6.10 - Area-Specific Amendment to the Sign By-law: 2075 Lawrence Avenue East

In May 2019, the Planning and Housing Committee referred the application for the Previous Proposal, which would have amended Schedule B, Signage Master Plans and Area-Specific Amendments, of Chapter 694, Signs, General, to add an area-specific amendment for the premises municipally known as 2075 Lawrence Avenue East to replace the existing regulations, with those that would allow for and regulate a specific third party electronic ground sign in a CR Sign District, with an initial sign permit term of 10 years (as opposed to the regular sign permit term of five years), back to the Chief Building Official and Executive Director, Toronto Building for further discussions with the Applicant.

<https://secure.toronto.ca/council/agenda-item.do?item=2019.PH6.10>

COMMENTS

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 by members of the public to amend the Sign By-law to implement significant changes for an area. Examples of those changes would include: 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 as a method to obtain stand-alone permission for signs that are not permitted by the Sign By-law.

Applicant's Amendment Proposal

In 2018, the Applicant made an application to City Council to replace the existing regulations concerning third-party signs on the Subject Premises with new regulations allowing for a third-party electronic ground sign to be displayed on the Subject Premises. The new regulations were subject to specific administrative requirements concerning permitting requirements. These requirements included that the Existing Sign be removed, and all permits revoked prior to issuance of a permit for the electronic ground sign. The initial sign permit term was also requested to be modified to 10 years rather than 5 years, which is twice the length of the sign permit term for other third-party signs in the city.

In May 2019, the Previous Proposal was considered by Planning and Housing Committee and was referred to the CBO for further discussions with the Applicant. In 2022, the Applicant abandoned the Previous Proposal and submitted a modified application for amendments to the Sign By-law, the Current Proposed Amendment.

The main differences between the Previous Proposal and the Current Amendment Proposal are that the Proposed Sign that would be allowed would now be subject to two additional provisions that were not in the Previous Proposal, these are:

- Prior to issuance of a permit, in relation to the Proposed Sign, all temporary signs, as defined by Chapter 693, Article III, of the City of Toronto Municipal Code, must be removed from the Lawrence Avenue East frontage and all permits revoked; and,
- That the Proposed Sign have a maximum permitted illumination level of 150 nits during the period between sunset and sunrise.

In addition, under the Current Amendment Proposal, the regulations require that the Proposed Sign be restricted to a maximum height of 7.62 meters, rather than the previously requested maximum height of 9.75 meters. This maximum height of 7.62 metres is slightly less than the height of the two-storey building located on the Subject Premises.

The display and removal of temporary signs are regulated by Article III, Temporary Signs, Chapter 693, Signs, of the City of Toronto Municipal Code ("the Temporary Sign By-law"). This falls outside the scope of the Sign By-law (Chapter 694 of the Municipal Code). Consequently, the proposed condition to remove all temporary signage from the

Lawrence Avenue East frontage relates to City goals and objectives regulated by the Temporary Sign By-law and are unrelated to the Current Amendment Proposal. As well, the Applicant has not provided any information to verify that the current display of temporary signs on the Subject Premises complies with applicable municipal regulations.

The Current Amendment Proposal requests that the City enact regulations allowing sign permits issued in relation to the Subject Premises and the Proposed Sign have an initial sign permit term of 10 years, which is twice the length of the sign permit term for other third-party signs in the city. Like the Previous Proposal, as a condition of permit issuance the Current Amendment Proposal includes the removal of both an existing third-party ground sign displaying mechanical sign copy and a four-sided third-party ground sign displaying static copy from the Subject Premises.

Figure 1: Subject Premises and existing third party ground signs



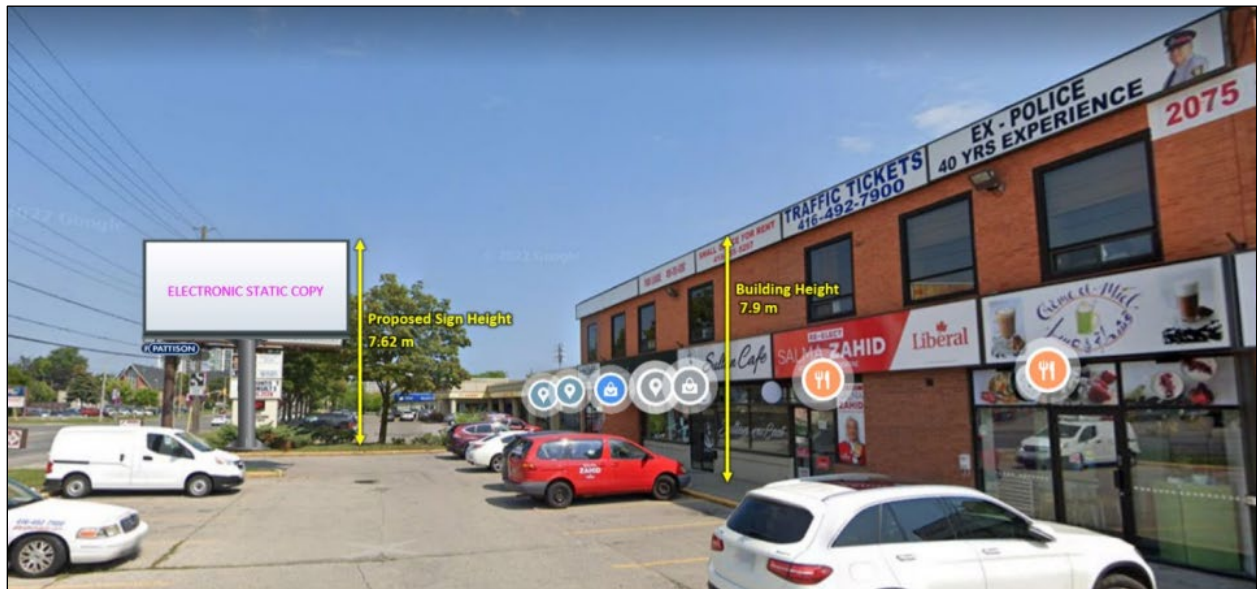
The Current Amendment Proposal and the Previous Proposal are quite similar. They seek to replace the regulations for the Subject Premises with specific regulations that allow for and regulate an electronic third-party ground sign in a CR Sign District where third-party electronic ground signs are not a permitted sign type.

A rendering of the Proposed Sign and the two-storey building currently existing on the Subject Premises is provided below (see Figure 2).

The Current Amendment Proposal seeks new regulations to allow for and regulate the Proposed Sign, which would contain two rectangular sign faces, each displaying electronic static copy directed east and west along Lawrence Avenue East. Each face would measure 3.05 meters vertically by 6.1 meters horizontally, for a total sign face area of approximately 18.6 square meters on each side. This is more than six times larger than what is permitted for third-party signs in CR Sign Districts.

The Applicant has also included in the proposed regulations that the Proposed Sign would be subject to the requirement that light created through the illumination of the sign or the display of sign copy by the sign shall not project onto any portion of a building in an R Sign District containing residential tenancies or occupancies located within 250 meters of the premises. This requirement must be satisfied through appropriate methods, such as placing shielding on the Proposed Sign to block any light.

Figure 2: Rendering of the Proposed Sign



The Current Amendment Proposal continues to seek to modify the sign permit duration of five years, which is the standard sign permit length for third-party sign permits. The proposal aims to establish an initial sign permit duration of ten years for the Proposed Sign. However, the Applicant has not provided any basis as to why the City should modify the Sign By-law's standard provisions for sign permit term.

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.

Site Context - 2075 Lawrence Avenue East

The property at 2075 Lawrence Avenue East is located in Ward 21 on the south side of Lawrence Avenue East, approximately 75 meters east of Warden Avenue. It is designated as a CR Sign District, with a residential neighborhood to the south in an R Sign District. There is a multi-tenant plaza across Lawrence Avenue East to the north, and an 11-story building with residential uses to the west, both located in CR Sign Districts (see Figures 3 and 5).

Several retail and service businesses operate at the Subject Premises. These businesses are located on the first and second stories of the building. There are no apparent residential uses on this property.

The property immediately west of Warden Avenue, located approximately 145 meters from the Proposed Sign, contains an 11-story building with residential units above the second story. These units would have an unobstructed view of the electronic sign face directed west.

There are two existing third-party ground signs located at the Subject Premises (the “Existing Signs”). One of the Existing Signs is a sign that displays mechanical copy on two sign faces and has a sign face area of approximately 18.6 square meters on each side (“Mechanical Sign”). The other Existing Sign is a sign containing at least four sign faces, each displaying static copy (“Pedestal Sign”).

Neither of the Existing Signs complies with the requirements of the current Sign By-law and could not obtain a permit for its erection or display. However, both of the Existing Signs are currently being displayed in accordance with an authority provided by a by-law regulating signs of a former area municipality. Therefore, under the current Sign By-law transition provisions, each of the two Existing Signs can remain in place as long as the signs are not substantially altered.

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



The Current Amendment Proposal seeks amendments to the Sign By-law to replace the existing Mechanical Sign with a sign that is even less consistent with the regulations for a CR Sign District, due to the electronic copy being proposed.

Area Compatibility

CR Sign Districts are generally consistent with Commercial Residential Zoning designations in the Zoning By-law and the Mixed-Use designation in the Official Plan. These areas are envisioned to contain a mix of commercial and residential uses, similar to the uses currently located on the Subject Premises and surrounding properties.

According to the Official Plan, Mixed Use Areas are intended to blend a wide variety of uses (residential, office, retail, institutional, entertainment, recreational, and cultural uses) to achieve a multitude of planning objectives. The Applicant stated that the requested area-specific amendment will allow for the Proposed Sign which would support Official Plan objectives for a healthy and vibrant economy by providing a medium for local businesses to promote themselves and advertise their goods and services, contributing to future economic growth. Nevertheless, the Applicant has not provided any substantial evidence to support this statement.

In addition, there are a significant number of first-party signs identifying the businesses in the area. It is staff's opinion that the addition of an electronic ground sign may overpower and conflict with first-party signs on this and nearby properties. Figures 4 and 5 show areas to the west and east of the Proposed Sign. According to the Applicant, the Proposed Sign would blend well with other signage in the area. However, staff believe that the Proposed Sign would contribute to, and further emphasize sign clutter along this section of Lawrence Avenue East.

Figure 4: Proposed Sign Location, looking East



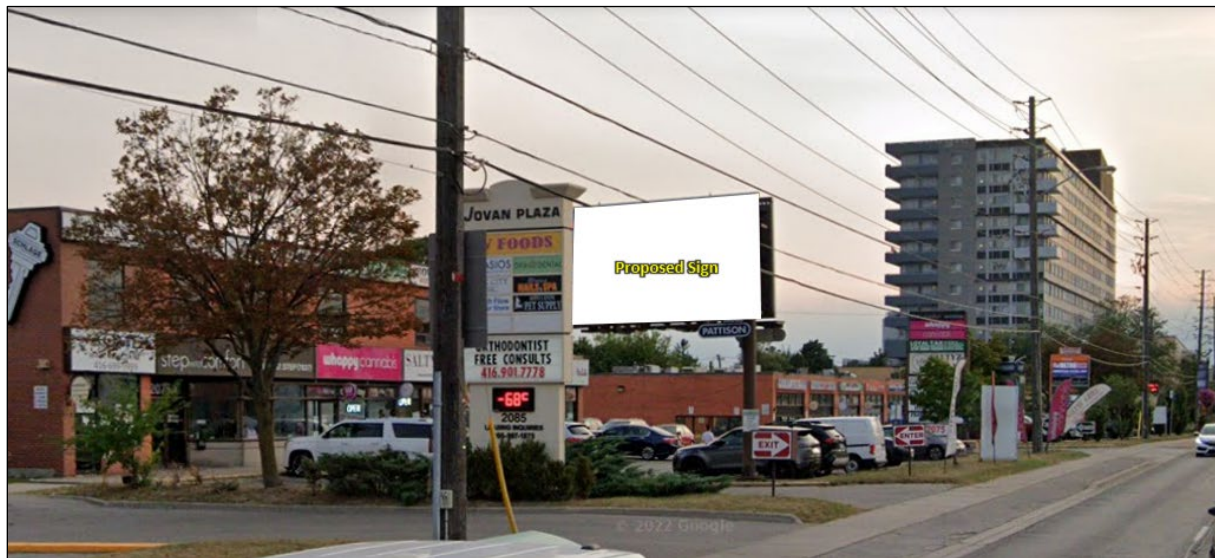
As previously mentioned, electronic signs are not permitted in a CR Sign District. However, even in districts where they are permitted, they must be separated by at least 60 meters from sensitive uses, including R Sign Districts. There is an R Sign District approximately 45 meters to the south. To minimize the impact on the residences in this Area-Specific Amendment to the Sign Bylaw - 2075 Lawrence Avenue East

district, the revised amendment application submitted proposes to reduce the height of the Proposed Sign to 7.65 meters. This would make the sign lower than the two-story building that stands between it and the R Sign District. The visibility of the Proposed Sign and its impact on residential homes is likely to be reduced by the existing buildings, fences, and shielding proposed by the Applicant.

Moreover, where electronic signs are permitted, they must not face any CR, R or RA Sign Districts located within 250 meters. Approximately 145 meters to the west is an 11-story building, also in a CR Sign District, with residential units above the second story. Although the Applicant identified that there are several barriers between the Proposed Sign's location and the building, residents located on higher stories in this building would have a direct view of the Proposed Sign.

To address potential impacts of the Proposed Sign on this property, Media Resources Inc. performed a Light Impact Study to assess the amount of light cast by the Proposed Sign on surrounding properties when operating at 150 NITS after sunset. According to the study, light generated by the Proposed Sign that would reach this building is negligible (See Attachment 2) and the brightness level would be similar to that generated by the external lighting fixture on the existing Mechanical Sign.

Figure 5: Proposed Sign Location, looking West



While measures such as reducing brightness and adding light trespass shielding can mitigate the impact on nearby areas, there is nothing in the Current Amendment Proposal that would make the Proposed Sign more compatible with its surroundings.

Furthermore, third-party electronic ground signs are not permitted in CR Sign Districts because they are not compatible with the designated uses of these areas; the Applicant has not provided any justification for the inclusion of an electronic sign in a CR Sign District, particularly where this sign type is not permitted by the Sign By-law.

Community Consultation

As required by the Sign By-law, notification of the previous area-specific amendment was sent to all property owners within a 250-meter radius of the subject property. A notice was also posted at the property. The notice provides details of the proposed amendment and invites feedback by email, telephone, or in person at a public meeting held on February 5, 2019, at the Scarborough Civic Centre.

Two telephone calls were received from the community at that time. The callers stated their objections to the area-specific amendment because of the sign clutter already in the area and the impact of the proposed sign, which would be allowed and regulated by the Previous Proposal, on the surrounding residential community. The CBO's review of the Current Proposed Amendment and the Proposed Sign, which would be allowed and regulated thereunder, indicates that such concerns would be applicable to the Current Amendment Proposal.

Comments from Other City Divisions

City Planning staff have reviewed the application and, overall, were not in support of the Current Amendment Proposal or the Proposed Sign that the amendment would allow and regulate. Staff identified that the Proposed Sign would not be compatible with the existing residential development in the area or the encouraged redevelopment of commercial areas along Lawrence into mixed-use mid-rise buildings. Moreover, staff raised concerns about potential impacts of the Proposed Sign on the planned public realm improvements for the Warden and Lawrence intersection.

It was also suggested that the addition of an electronic ground sign would contribute to sign clutter on the Subject Premises due to the large number of first-party signs already being displayed. The Proposed Sign would compete with first-party signs in the area, further impacting the ability of existing and future businesses to properly identify themselves.

Conclusion

The Applicant has not provided a sufficient basis for the CBO to recommend that City Council amend the Sign By-law to replace the regulations concerning third-party signs with a set of area-specific regulations to allow for and regulate the Proposed Sign in this specific CR Sign District. There has also been no basis provided by the Applicant to justify extending the permit term to ten years, which is twice as long as permitted by the Sign By-law.

The CBO does not recommend approval of this area-specific amendment as the Proposed Sign that would be permitted by the amendment is likely to have a negative impact on surrounding properties. The proposed amendment is also not compatible with

the Sign District, Zoning By-law, and Official Plan designations. In addition, the Proposed Sign conflicts with existing first-party signs on the Subject Premises and surrounding area and would contribute to sign clutter in the area.

Therefore, it is the position of the CBO that the CR Sign District designation and current regulations for the Subject Premises are appropriate and should not be modified as requested by the Applicant.

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SIGNATURE

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ATTACHMENTS

1. Proposed Area-Specific Amendment – 2075 Lawrence Avenue East
2. Applicant's Submission Package with Lighting Study completed by Media Resources Inc.