

Area-Specific Amendment to the Sign By-law: 2378-2410 Eglinton Avenue East

Date: October 16, 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") applied to City Council to amend the Sign By-law. The aim was to replace the existing regulations concerning third-party signs with new regulations for the premises at 2378-2410 Eglinton Avenue East ("The Subject Premises"), designated as a Commercial Residential ("CR") Sign District. The Applicant initially proposed the Previous Proposal, which the Planning and Housing Committee considered at its May 2019 meeting. The committee referred it back to the Chief Building Official and Executive Director, Toronto Building, for further discussions with the Applicant. The Applicant subsequently revised the Previous Proposal and is now applying for an amendment to replace the existing third-party sign regulations applicable to the Subject Premises with new regulations ("The Current Amendment Proposal").

The Current Amendment Proposal would allow for and regulate the Proposed Sign, a third-party electronic ground sign. The Proposed Sign would contain two sign faces in a "V-shaped" configuration, displaying static copy on one side and electronic copy on the other. Each side would have a sign face area of 18.6 square metres, with a height of not

more than 7.62 metres. The Proposed Sign would face and be in close proximity to various forms of “Residential Sign Districts,” as well as being in close proximity to multiple other third-party signs. 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. The proposal would also require the removal of an existing third-party ground sign erected under the provisions of a Sign by-law of a former area municipality (the “Existing Sign”). Additionally, the initial permit term would be modified to 10 years from the usual 5 years.

The Current Amendment Proposal contains regulations that allow for and regulate 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 the maximum term of a sign permit to be 5 years rather than the 10 years sought by the Current Proposed Amendment.
- The Sign By-law typically prohibits third-party signs from having sign faces displayed in a “V-shaped” configuration.
- A sign face area of 18.6 square metres 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 60-135 metres of, and facing a CR 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 metres to or facing these types of Sign Districts.
- The Proposed Sign would be allowed to be erected within 90 metres of another third-party sign, where the Sign By-law generally prohibits third-party electronic signs from being within 150 metres of another third-party sign.

Toronto Building does not recommend approval of the Current Amendment Proposal to replace the existing regulations for 2378-2410 Eglinton Avenue East.

It is the opinion of the Chief Building Official and Executive Director, Toronto Building, that the Applicant has not provided sufficient justification for why the existing regulations for the Subject Premises are unsuitable 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 2378-2410 Eglinton 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

PH6.11 - Area-Specific Amendment to the Sign By-law: 2378-2410 Eglinton Avenue East

In May 2019, the Planning and Housing Committee referred the application for the Previous Proposal, specifically an amendment 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 2378-2410 Eglinton Avenue East to replace the existing regulations, with those which would allow for and regulate a specific third party electronic ground sign located in a CR Sign District, with a requested initial sign permit term of 10 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.PH6.11>

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 indirectly 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 additional administrative requirements concerning permitting requirements, such as the removal of the Existing Sign and revocation of all permits prior to issuance of a permit for the electronic ground sign. The initial permit term was also proposed 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 Current Amendment Proposal differs from the Previous Proposal in that the Proposed Sign that would be allowed to have the following features:

- The two sign faces would be configured in a “V-shape,” a generally prohibited arrangement, rather than the generally permitted “back-to-back” sign face orientation.
- A maximum permitted illumination level of 150 nits during the period between sunset and sunrise.

- A maximum height of 7.62 metres, rather than the previously sought maximum height of 9.75 metres. This maximum height of 7.62 metres is comparable to the height of the two-storey building located on the Subject Premises.

Otherwise, the Current Amendment Proposal and the Previous Proposal are the same; they both seek to replace the regulations applicable to the Subject Premises with specific regulations that would allow and regulate the Proposed Sign.

The Proposed Sign is an electronic third-party ground sign to be erected in a CR Sign District, where third-party electronic ground signs are not a permitted sign type. It would contain two rectangular sign faces, displaying static copy on one side and electronic copy on the other. The sign faces would each measure 3.05 metres vertically by 6.1 metres horizontally, for a total sign face area of approximately 18.6 square metres on each side. This is more than six times larger than permitted for third-party signs in CR Sign Districts.

The Current Amendment Proposal, like the Previous Proposal, still requires that light created through the illumination of the sign or the display of sign copy shall not project onto any portion of a building in an R or RA sign district containing residential tenancies or occupancies located within 250 metres of the premises, through shielding or other methods, Figure 1 provides a rendering of the Proposed Sign.

Figure 1: Rendering of the Proposed Sign



The Current Amendment Proposal, like the Previous Proposal, seeks to allow sign permits for third-party signs on the Subject Premises to have an initial sign permit term of 10 years instead of 5 years. As a condition of permit issuance, the existing third-party ground sign would also need to be removed from the Subject Premises, and all associated permits must be revoked.

As shown in Figure 2 below, there is an existing third-party ground sign located at the Subject Premises (the “Existing Sign”). The Existing Sign displays static copy on two sign faces, with a sign face area of approximately 18.6 square metres on each side. The Existing Sign does not comply with the requirements of the current Sign By-law and could not obtain a permit for its erection or display. However, the Existing Sign is currently displayed in accordance with an authority provided by the sign by-law of the former area municipality. Therefore, under the current Sign By-law transition provisions, it can remain in place as long as it is not substantially altered.

Figure 2: Existing Third Party Ground Sign



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.

The Applicant has also not provided any basis as to why it would be appropriate to enact new regulations to effectively allow the “replacement” of the Existing Sign, which does not comply with the current Sign By-law, with a sign that is even less consistent with the regulations for third-party signs in CR Sign Districts.

Site Context - 2378-2410 Eglinton Avenue East

The property at 2378-2410 Eglinton Avenue East is located in Ward 21 and contains a two-storey mixed-use building on the north side of Eglinton Avenue, approximately 95 metres west of Kennedy Road. The premises are in a CR Sign District, with R and RA Sign Districts to the north and west. There is a similar multi-tenant plaza on the south side of Eglinton Avenue East.

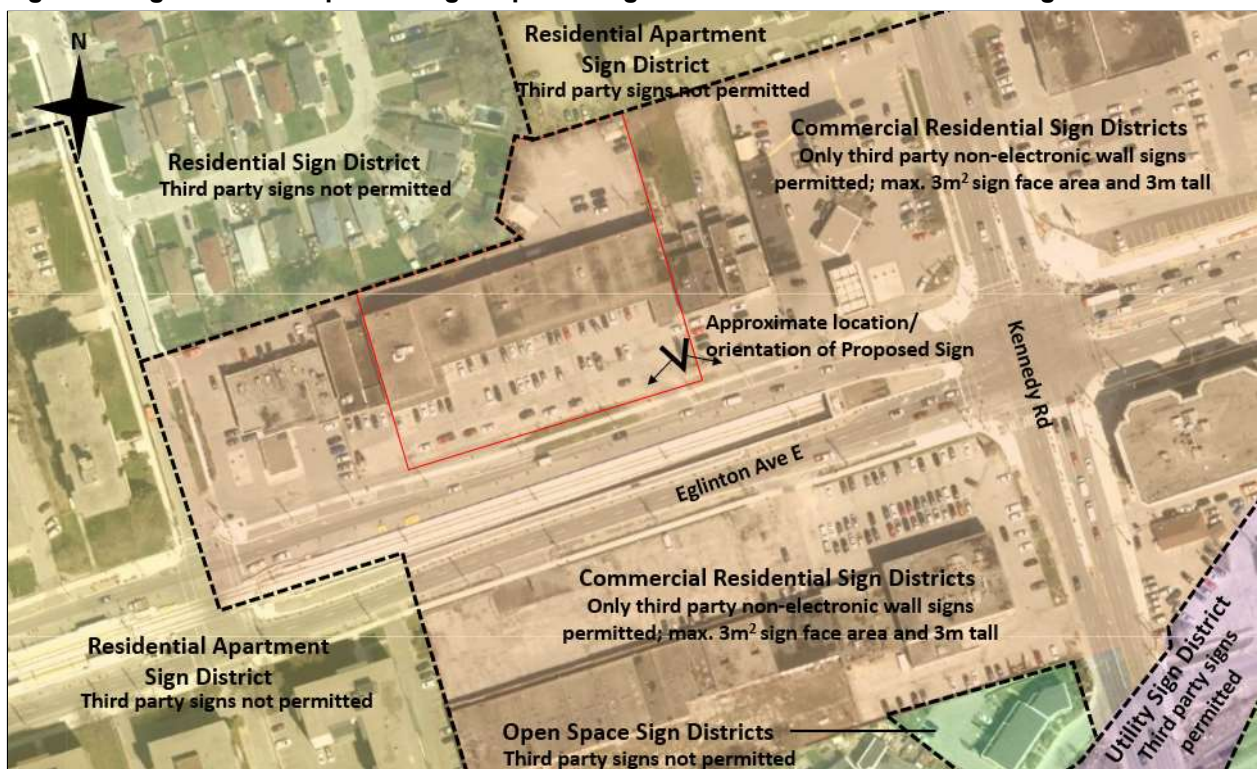
Several small-scale retail businesses operate on the ground floor of the premises, as well as a branch of the Toronto Public Library. The second storey contains a mix of residential and business uses.

The premises to the east contain a two-storey building with restaurants on the first storey and residential uses on the second storey. This building would have an unobstructed view of the electronic sign face. Further to the east is a car wash and a gas station.

The Subject Premises contain the Existing Sign, a third-party ground sign that displays static copy on two sign faces. The sign face area of the Existing Sign is approximately 18.6 square metres on each side. As previously stated, the Existing Sign does not comply with the requirements of the current Sign By-law and could not obtain a permit for its erection or display; however, the sign 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, the Existing Sign can remain in place as long as the sign is not substantially altered.

The revised amendment to the Sign By-law requested by the Applicant would allow for a new sign that is even less consistent with the regulations for a CR Sign District compared with the Existing Sign, due to the electronic copy being proposed.

Figure 1: Sign District Map Showing Proposed Sign's location and the Surrounding Area



Area Compatibility

CR Sign Districts generally exist where properties have a Commercial Residential designation in the Zoning By-law and a Mixed Use designation in the Official Plan. These areas are envisioned to contain a mix of commercial and residential uses. The Subject Premises contain a two-storey building with commercial and residential uses, which is consistent with what the Sign By-law, Zoning By-law, and Official Plan contemplate.

In the area surrounding the Subject Premises, there is a six-storey residential apartment building approximately 90 metres to the north and several residential apartments to the west of the Proposed Sign. These developments are also consistent with what would be contemplated by the Sign By-law, Official Plan, and the Zoning By-law designations for these properties.

As previously mentioned, electronic signs are not permitted in CR Sign Districts. However, even in districts where they are permitted, they must be separated by a minimum of 60 metres from sensitive land uses. The Current Amendment Proposal would allow for the Proposed Sign to be located within a CR Sign District, where there are nearby properties containing residential uses, including the building located at the Subject Premises.

Moreover, in areas where electronic signs are allowed, they are not permitted to be positioned in such a way that they face any CR, R, or RA Sign Districts within 250 meters. There is an R Sign District approximately 85 meters to the north and an RA Sign District about 135 meters to the southwest of the proposed sign's location. Both districts contain residential buildings from which the Proposed Sign would be visible.

The Applicant has proposed configuring the two sign faces of the Proposed Sign in a "V-shape" to direct the electronic sign copy towards the southeast, away from residential areas to the north and west. Additionally, the Applicant has proposed lowering the height of the Proposed Sign to 7.62 meters, which they claim would not be visible from the R Sign District due to the two-storey building that stands between the Proposed Sign and the R Sign District. While these measures may reduce the visibility of the Proposed Sign and its impact on some of the surrounding residential uses, the residents living on higher floors of nearby residential buildings may still be able to see it.

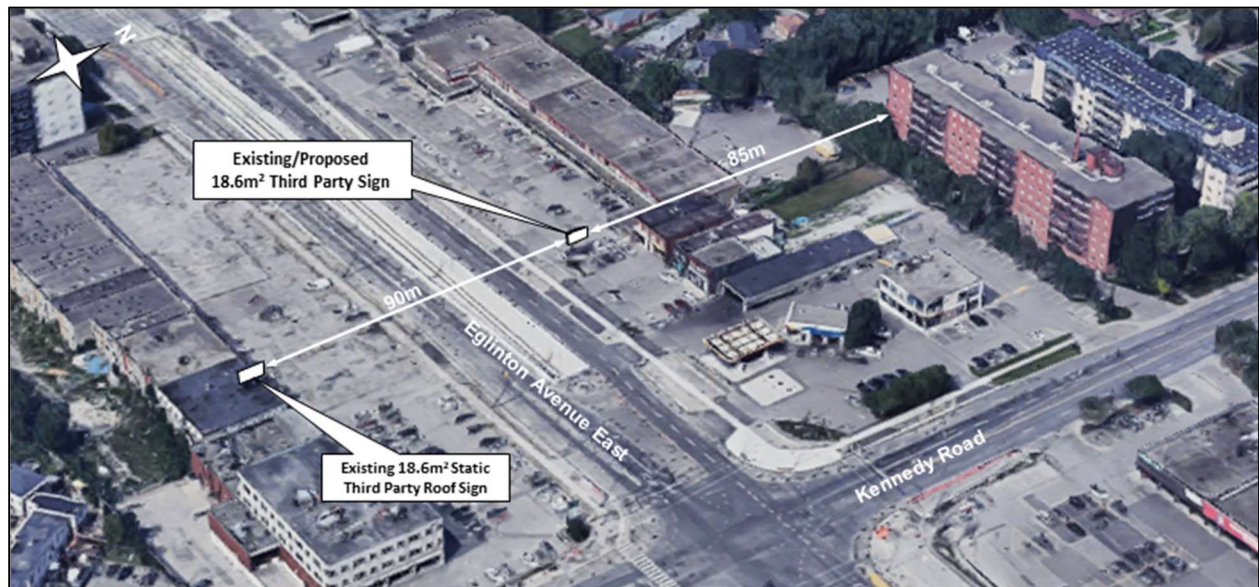
To reduce the illumination impacts on the surrounding properties, the Applicant has proposed limiting the brightness of the Proposed Sign to a maximum of 150 NITS after sunset. A Light Impact Study conducted by Media Resources Inc. assessed the amount of light that would be cast by the proposed sign when operating at this level of brightness. According to their findings, the light emitted by the Proposed Sign would be comparable to that generated by an external lighting fixture on the existing sign (See Attachment 2). Furthermore, the Applicant reported that none of the content displayed on the Proposed Sign would be visible to residents living north of it.

While these measures may mitigate the impact on nearby areas, they do not make the Current Amendment Proposal compatible with surrounding properties. The Applicant's proposal has not provided any specific justification for the inclusion of an electronic ground sign in a CR Sign District.

There are a significant number of first-party signs identifying the businesses in the area. The Applicant states in their submission materials that the Proposed Sign would blend in with this context. The Applicant has also stated that the Proposed Sign would assist local businesses by promoting high-traffic exposure. However, the Applicant has not provided any substantial evidence to support these statements. Due to its size and prominence along the property frontage, it is likely that the Proposed Sign will overpower and conflict with first-party signs on this and nearby properties.

To the south of the Subject Premises, there is another third-party roof sign that is approximately 90 metres from the Proposed Sign (see Figure 4). Where electronic signs are permitted, the Sign By-law requires that they must be separated from other third-party signs by at least 150 metres. The Current Amendment Proposal would eliminate the separation requirement for the proposed third-party electronic ground sign and contribute to sign clutter in the area.

Figure 2: Aerial Photo of Proposed Sign Location and Distances to a Nearby Third Party Sign and Residential Buildings (Distances are approximate)



In addition to the above, the area where the Proposed Sign would be located is expected to undergo significant redevelopment as the new Eglinton Crosstown project nears completion. Since 2019, the City has received an application for a new 35-storey mixed-use development close to Kennedy Station, which is consistent with the City's vision for the area. Redevelopment such as this will render the Current Amendment Proposal and the Proposed Sign even less compatible with the area surrounding the Subject Premises (see Figure 5).

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 invites feedback by email, telephone or in person at a public meeting which was held on February 5, 2019 at the Scarborough Civic Centre.

At the time of the Previous Proposal, staff received an email from a member of the surrounding community expressing concerns about the impact of the proposed sign on the environment and the health and safety of community members.

Figure 3: Proposed Sign Location Relative to Kennedy Station (Distances are approximate)



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 from City Planning identified that the intersection of Eglinton Avenue East and Kennedy Road is within the 'Kennedy Mobility Hub Area,' where intensification is planned and encouraged. A third-party electronic sign such as the Proposed Sign would not be compatible with the intended use of the area surrounding the Kennedy subway station, which is expected to change significantly in the future.

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 CR Sign District. There has also been no basis provided by the Applicant to justify extending the permit term to ten years, twice as long as is permitted by the Sign By-law.

The CBO does not recommend approval of this amendment as the Proposed Sign is likely to have a negative impact on the numerous existing first-party signs on the Subject Premises and surrounding properties, as well as add to sign clutter in the area. There is also one other third-party sign located within the 150-metre separation distance normally required by the Sign By-law, which the Current Proposed Amendment would eliminate.

In addition, the CBO does not believe that the Proposed Sign would be compatible with the existing residential development in the area or with the redevelopment that is expected to occur because of the Eglinton Crosstown transit project.

It is therefore 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 – 2378-2410 Eglinton Avenue East
2. Applicant's Submission Package with Lighting Study completed by Media Resources Inc.