

Area-Specific Amendment to the Sign By-law: 3 Bestobell Road

Date: March 4, 2025
To: Planning and Housing Committee
From: Chief Building Official and Executive Director, Toronto Building (Interim)
Wards: 3 – Etobicoke-Lakeshore

SUMMARY

Adopted in 2010, Toronto's Sign By-law is a harmonized, City-wide set of regulations governing signs. Any member of the public may apply to City Council to amend the Sign By-law requesting permanent changes to regulations for specific properties or areas. Upon receiving an application, the Chief Building Official and Executive Director, Toronto Building ("CBO") assesses the proposal to determine if the proposed changes to the Sign By-law align with the objectives and purposes of the City's regulations, including the Sign By-law itself.

The Bader Group Inc. (the "Applicant"), authorized by the property owner, Fisnik Pristine (the "Owner"), has applied for an Area-Specific Amendment to Toronto's Sign By-law (the "Proposed Amendment"), to replace the current sign regulations applicable to the property at 3 Bestobell Road (the "Premises"). If granted, the Proposed Amendment would not only permit a third party sign in an area where City Council has specifically determined that no third party signs should be displayed, but would also establish regulations that deviate significantly from the regulations for third party electronic signs found in the Sign By-law. Specifically, the Proposed Amendment would allow for, and regulate:

- A third party sign in a location regulated by two site-specific area restrictions which prohibit the construction of third party signs.
- A sign that would be three times larger and more than 50 percent taller than the existing regulations generally permit.
- A sign with a "v-shaped" configuration, rather than the permitted "back-to-back" configuration.
- Reducing the required separation between third party signs and to sign districts considered sensitive.
- Placing a sign within minimum setbacks where no signs are permissible.
- An initial ten-year permit term, double of the standard five-year term.

The Applicant could have sought approvals from the Sign Variance Committee for the Proposed Sign, including proximity to sensitive land uses and location within the area-specific prohibitions for third-party signs. However, this application is proceeding as an amendment due to the request to modify the initial sign permit term from five to ten years, without justification for such a policy change exclusively for the Premises. To address Sign By-law Amendment applications of this nature, City Council granted the CBO the authority in April 2024 to refer area-specific amendment applications to the Sign Variance Committee when appropriate. Since the Proposed Amendment application was submitted prior to the changes to the Sign By-law, it is not subject to the April 2024 amendments and cannot be referred to the Sign Variance Committee. The Applicant was notified of the early 2024 review of the Sign By-law and offered the opportunity to have portions of their application referred to the Sign Variance Committee, however they requested that the whole application proceed to City Council as an area-specific amendment to the Sign By-law.

The CBO, in consultation with City Planning and Transportation Services, conducted a review of the application and is of the opinion that the Proposed Amendment is not consistent with broader City's policies, the objectives of the Sign By-law, or the specific Sign By-law regulations enacted for 3 Bestobell Road and the surrounding area. Therefore, CBO does not support approval of the Proposed Amendment.

RECOMMENDATIONS

The 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 3 Bestobell Road 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

PH11.6 - Improvements to the Sign By-law Amendment and Sign Variance Process

(<https://secure.toronto.ca/council/agenda-item.do?item=2024.PH11.6>)

At its meeting of April 18, 2024, City Council adopted amendments to Toronto Municipal Code Chapter 694, Signs, General, to modify the provisions concerning the processing of applications for amendments to, and variances from the provisions the Sign By-law, as well as to delegate authority to the Chief Building Official and Executive Director, Toronto Building to implement amendments to sign district designations contained in Schedule A, Maps, and related matters.

PH7.16 - Area-Specific Amendment to the Sign By-law: 496 Evans Avenue
(<https://secure.toronto.ca/council/agenda-item.do?item=2023.PH7.16>)

At its meeting of November 8, 2023, City Council adopted without amendments the CBO's recommendation to refuse 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.

CC13.2 - Ontario-Toronto New Deal Agreement
(<https://secure.toronto.ca/council/agenda-item.do?item=2023.CC13.2>)

In its meeting on December 13, 2023, City Council approved item 2023.CC13.2 which included the terms of the Ontario-Toronto New Deal in principle. The "New Deal" includes the upload of the Gardiner Expressway by the Province.

SB27.1 - Application by Permit World for One Third Party Electronic Ground Sign at 3 Bestobell Road
(<https://secure.toronto.ca/council/agenda-item.do?item=2018.SB27.1>)

On September 18, 2018, the Sign Variance Committee refused to grant the variances from §§ 694-22E, 694-24A(1), 694-25C(2)(a), 694-25C(2)(b), 694-25C(2)(d) and 694-25C(2)(f) required to allow the issuance of a permit for the erection and display of one third party electronic ground sign to be located at the premises municipally known as 3 Bestobell Road.

COMMENTS

Annual Reporting

The CBO brings applications to amend the Sign By-law together on an annual basis for City Council consideration, this allows City Council to assess the overall and cumulative impact of these applications on the city's built environment, and the Sign By-law itself. This practice also allows for applications made throughout the year to be reviewed and considered in a more comprehensive manner.

The Sign By-law permits members of the public to apply for amendments that implement significant changes to the regulations for a specific property or area. These applications are not merely about approving an individual sign; they aim to alter the regulations governing signage at for a premises or area in perpetuity. As such, the Sign By-law amendment process should be reserved for broader policy issues and not be used to simply expand permissions for a sign that is permitted by the Sign By-law and could obtain approvals through the Sign Variance process.

2024 Amendments to the Sign By-law

In recent years, Toronto Building staff noted that many applications for amendments to the Sign By-law have sought deviations to allow third party signs involving a combination of technical deviations from the Sign By-law, which have been delegated to the Sign Variance Committee, and policy-related matters requiring City Council's consideration.

To prevent these types of applications and ensure applications to vary or amend the Sign By-law are considered by the proper decision making body, the Planning and Housing Committee directed the CBO in 2023 to review the Sign By-law. Following this review, City Council amended the Sign By-law in April 2024, granting the CBO authority to refer Sign By-law amendment applications, in whole or in part, to the Sign Variance Committee when appropriate.

Several permissions requested in the Proposed Amendment fall within the Sign Variance Committee's authority. The Applicant could have sought approvals from the Sign Variance Committee for deviations in sign face configuration, height, size, setbacks, shape configuration, and separation distances, as well as for area-specific prohibitions for third party signs. This application is required to proceed to City Council solely due to the request to extend the initial sign permit term from five to ten years.

Since the Proposed Amendment was submitted before the 2024 changes to the Sign By-law, The CBO is not able to refer it to the Sign Variance Committee. The Applicant was notified of the early 2024 review of the Sign By-law and offered the opportunity to have portions of their application referred to the Sign Variance Committee, however they requested that the whole application proceed to City Council as an area-specific amendment to the Sign By-law, calling into question the proper role of the Sign By-law amendment and sign variance processes.

Applicant's Amendment Proposal

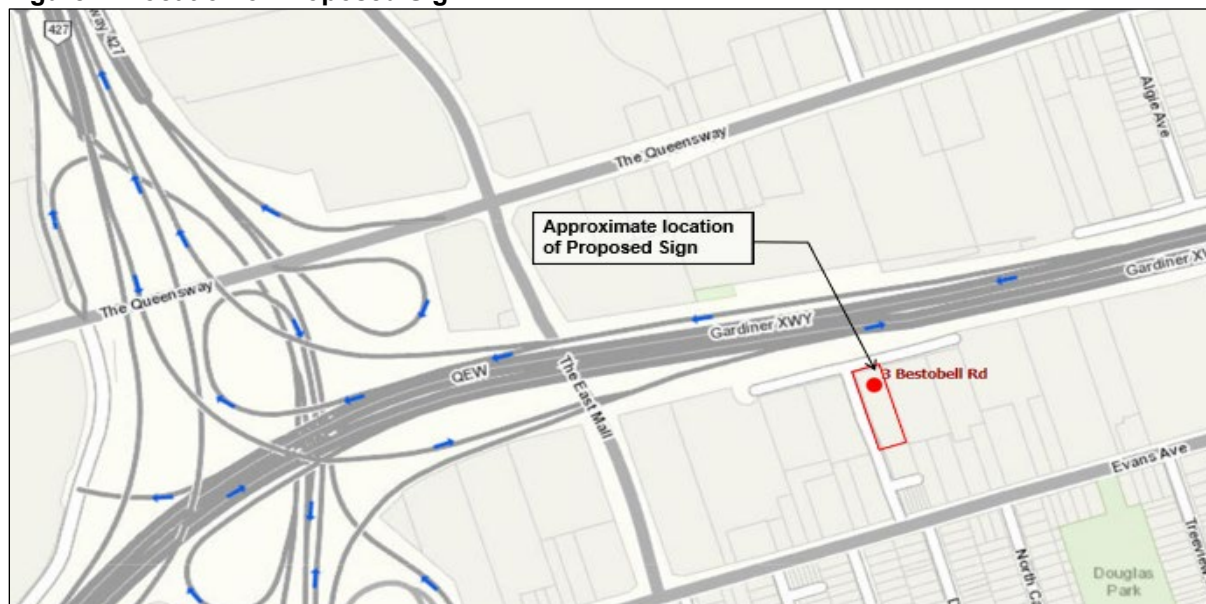
The Applicant is seeking an area-specific amendment to the Sign By-law to replace the current sign regulations for the property at 3 Bestobell Road. The Premises fall within an Employment ("E") sign district, where third party electronic signs are typically permitted. However, if granted, the Proposed Amendment would exclude 3 Bestobell Road from two area-specific restrictions prohibiting third party signs within 400 meters of the F.G.

Gardiner Expressway between the Humber River and Highway 427, and within 400 meters of any portion of Highway 427 within the city limits.

The Proposed Amendment would allow and regulate an electronic ground sign at the Premises, with two sign faces directed east and west along the F.G. Gardiner Expressway displaying electronic static copy. The Proposed Sign would be approximately 12 meters from the limits of the F.G. Gardiner Expressway and the south off-ramp from Highway 427, contrary to the 400-meter separation requirements. The Proposed Sign would have a sign face area of approximately 63.2 square meters, more than three times what is permitted in an E Sign District, and a height of almost 15.3 meters, comparable to a three-story building. The sign faces would be configured in a “v-shaped” orientation, which is not consistent with the general “back-to-back” configuration for third party signs.

Additionally, the Proposed Amendment seeks to reduce the required separation distance between third party electronic ground signs facing nearby R, CR, and OS Sign Districts. It also seeks to modify the standard five-year sign permit duration to establish an initial ten-year permit for the Proposed Sign.

Figure 1: Location of Proposed Sign



Since third party electronic ground signs are permitted in E Sign Districts, the Applicant could seek approvals from the Sign Variance Committee for deviations in setback, sign face configuration, height, or size requirements as well as facing requirements towards sensitive sign districts. The Applicant could also seek variances to address area-specific restrictions for third party signs within 400 meters of the F.G. Gardiner Expressway.

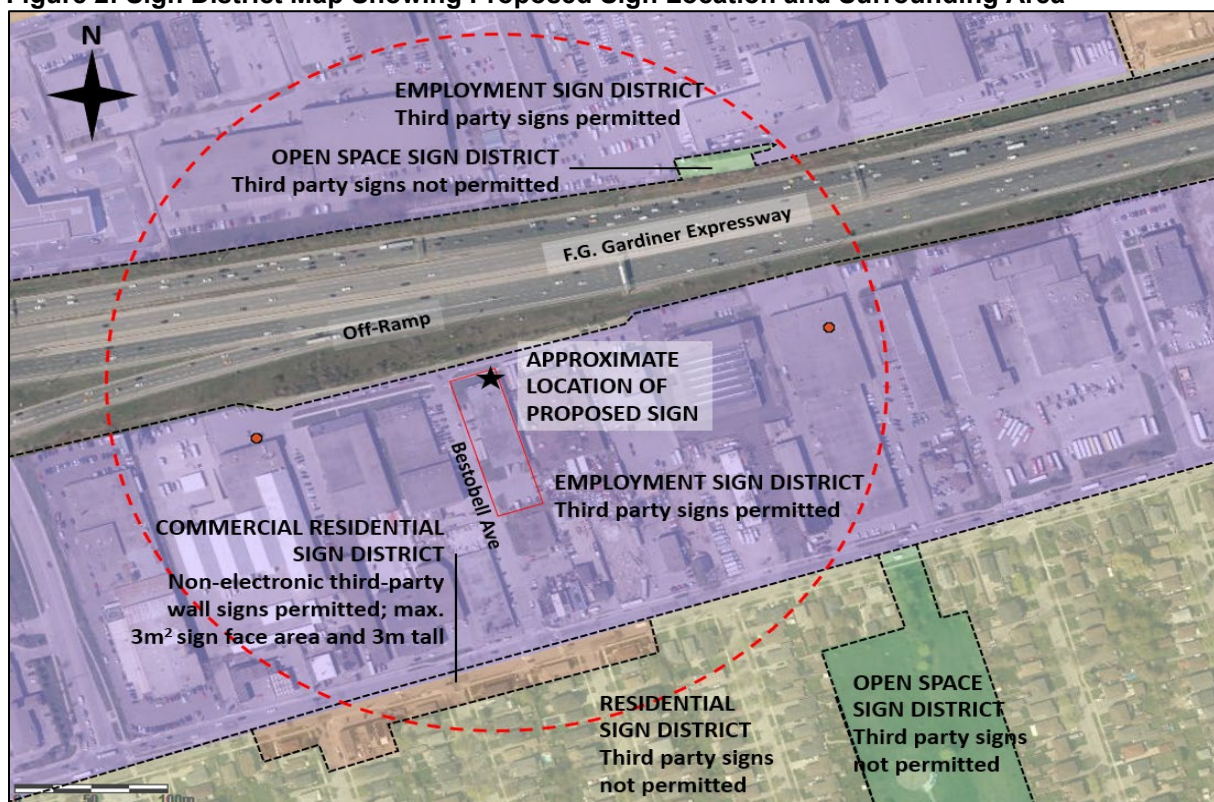
As previously stated, this application is proceeding as an amendment solely due to the request to modify the initial sign permit term from five to ten years.

Site Context – 3 Bestobell Road

The property at 3 Bestobell Road, located on the east side of Bestobell Road in Ward 3, contains a low-rise building for printing services company. It is in an E Sign District, surrounded by E Sign Districts to the east, south, and west. To the north is the F.G. Gardiner Expressway and the off-ramp from Highway 427. Within 250 meters are R and CR Sign Districts, largely comprised of low-rise buildings and single-family houses.

3 Bestobell Road falls within two of the Sign By-law's 84 Area-Specific Restrictions listed in section 694-24A, both of these areas reflecting City Council's decision to be characterized by the absence of third party signs. Erecting any third party sign in this area directly conflicts with City Council's decision.

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



In addition to permitting the Proposed Sign in an area with two area-specific restrictions prohibiting third party signs, the Proposed Amendment would allow a sign that diverges from several other regulations in the Sign By-law. The Proposed Sign would not adhere to general regulations prohibiting “v-shaped” sign face orientation for all third party signs. It would also exceed the permitted sign face area and height for electronic ground signs in E Sign Districts and be closer than typically permitted to the R, CR and OS Sign Districts located south of Evans Avenue.

There is an existing first party ground sign displaying static copy on the west frontage of the Premises, identifying the business. Although the existing sign may have little

relationship with the Proposed Sign, erecting two ground signs at the property, one being a third party sign, contravenes the Sign By-law provisions for the Premises.

Another property, approximately 100 meters from the Proposed Sign at 496 Evans Avenue, has submitted an application for a similar area-specific Sign By-law amendment. Both applications are from the same Applicant and seek to replace the Sign By-law regulations for the property to allow third party electronic ground signs. If both the Proposed Amendment and the application for a third party electronic ground sign at 496 Evans Avenue are approved, there would be two electronic ground signs in an area where City Council has specifically prohibited third party signs. Additionally, the proximity between these two signs would violate the 500-metre separation distance required in the Sign By-law for third party electronic ground signs (see Figure 4).

Figure 4: Rendering of signs proposed at 496 Evans Ave and 3 Bestobell Rd



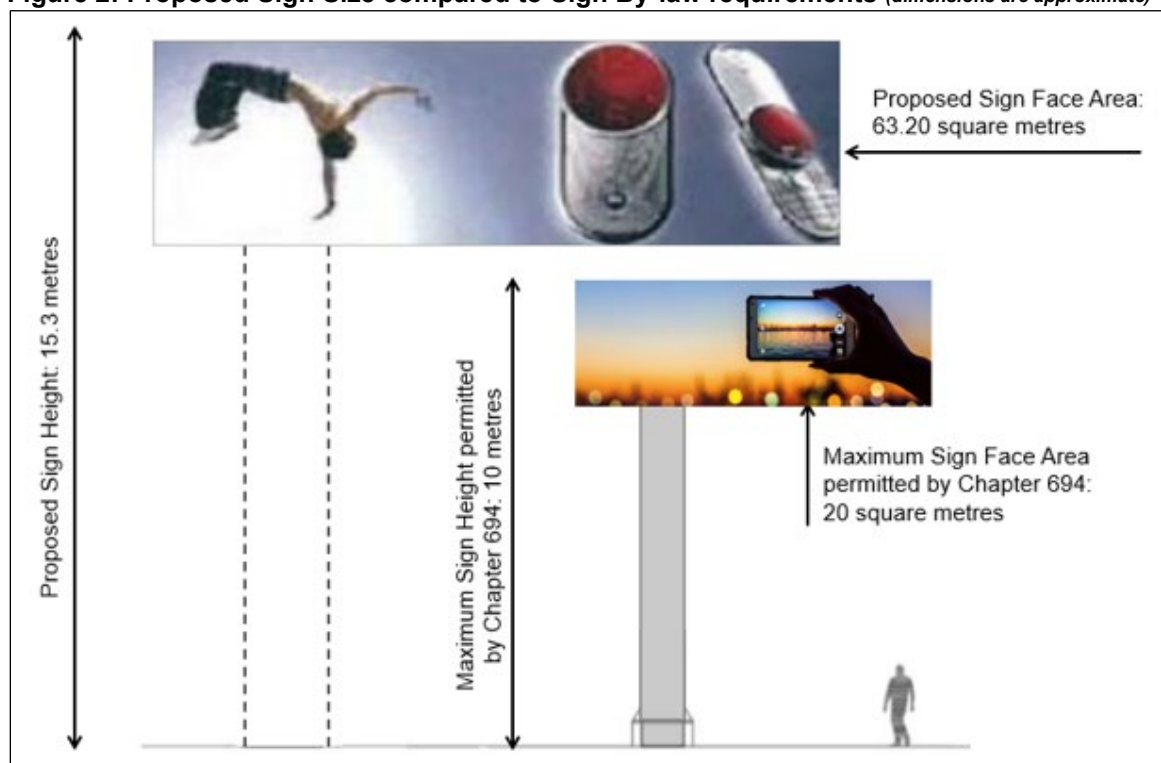
In both of these applications, the Applicant could have requested to remove or modify the area-specific restrictions (prohibiting signs within 400 metres of the F.G. Gardiner Expressway and/or Highway 427), which would be appropriate for a Sign By-law amendment. Instead, the Applicant has opted for two area-specific amendments for properties approximately 100 meters apart, undermining the objective established by City Council to prohibit third party signs and maintain the area's visual character. Both area-specific amendments, primarily seeking variances to the Sign By-law, must be considered by City Council because the proposals were "bundled" with a policy-related matter to extend the initial permit term.

Area Compatibility

Lands within E Sign Districts, such as the Premises, generally permit third party electronic ground signs, provided they are not near sensitive land uses or in areas where City Council has prohibited third party signs.

The Proposed Amendment would replace existing regulations to allow the Proposed Sign at 3 Bestobell Road, with tailored regulations for an electronic ground sign significantly exceeding what is permitted in E Sign Districts. The Proposed Sign would have a sign face area approximately three times larger and be over fifty percent higher than allowed for third party electronic signs in E Sign Districts (See Figure 5).

Figure 2: Proposed Sign Size compared to Sign By-law requirements *(dimensions are approximate)*



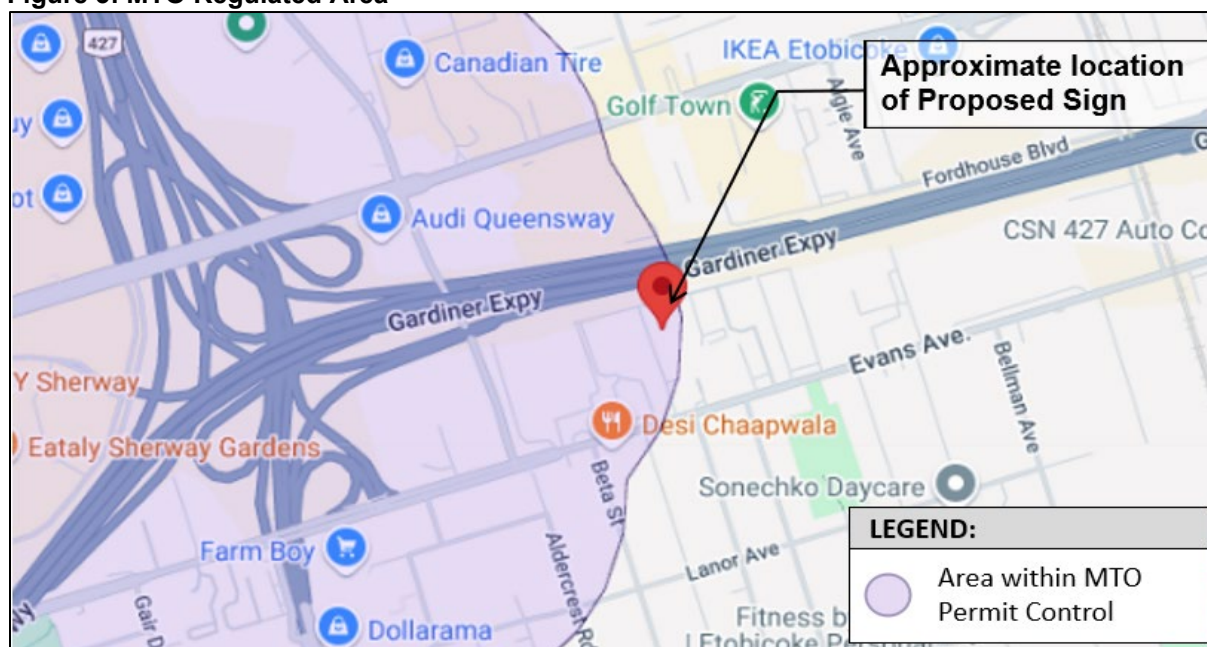
The MTO Corridor Management Policy requires a 400-metre separation between provincial highways and third party signs, consistent with the City's prohibition within 400 meters of Highway 427 (see Figure 6). The area within 400 meters of any portion of Highway 427 is also one of 84 areas where City Council has prohibited third party signs, deeming them inconsistent and incompatible with the surrounding area. The Applicant argues that this restriction, carried over from previous By-laws, should be considered moot due to similar signs and numerous Minister's Orders exempting digital billboard advertising.

To date, no Minister's Order or other approval from MTO has been provided for the Proposed Sign. In the event that a Minister's Order or other approval from MTO exempting the Proposed Sign from MTO regulations was produced, it would not affect City Council's prohibition of third party signs within these areas.

The area within 400 meters of the F.G. Gardiner Expressway between the Humber River and Highway 427 is also one of the 84 areas where City Council has prohibited third party signs. The Applicant claims the Proposed Sign would be similar to existing

third party electronic ground signs along the F.G. Gardiner Expressway. Most existing third party signs in the restricted area surrounding the F.G. Gardiner Expressway were permitted through variances to previous municipal sign by-laws. When the Sign By-law was amended in 2015 to expand permissions for electronic signs, the site-specific restrictions for third party signs were neither removed nor amended. Although existing signs are permitted to remain, they do not align with City Council's current policy for the area. The CBO does not support further deviations from this policy.

Figure 3: MTO Regulated Area



In 2018, the Sign Variance Committee refused an application for a third party electronic ground sign at the Premises. In 2023, City Council refused an area-specific amendment for a third party electronic ground sign at 496 Evans Avenue, approximately 100 meters east of the Proposed Sign. These decisions support the validity of the existing Sign By-law regulations and restrictions for maintaining an area free from third party signs.

Also important to note, on December 13, 2023, City Council approved in principle the Ontario-Toronto New Deal, which includes a provincial commitment to upload the Gardiner Expressway and the Don Valley Parkway to the Government of Ontario, subject to a due diligence review still underway. The due diligence review is a provincially led process and includes an assessment of the highways, financial and legal reviews and corridor management controls. As the Proposed Amendment impacts property adjacent to the F.G. Gardiner Expressway, City staff have informed the Province of the applications and recommendations to Council.

The Sign By-law prohibits third party electronic ground signs from facing R, CR, or OS Sign Districts within 250 meters, designated for “sensitive land uses”. The Proposed Sign would face an OS sign district 190 meters to the north and premises in the CR and R Sign Districts to the southwest and southeast, respectively.

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

Approximately 200 meters away, the Proposed Sign would be visible from a low-rise residential neighborhood on the south side of Evans Avenue. This visibility concern is exacerbated by the sign's height and face area, which are significantly larger than permitted. The Applicant Submission materials have not demonstrated that the Proposed Sign wouldn't impact these residential properties.

The Proposed Sign would also be directly south of the off-ramp from Highway 427 to F.G. Gardiner Expressway. The Applicant has not addressed potential safety impacts on vehicles and drivers using this off-ramp.

The Proposed Amendment also seeks to modify the Sign By-law's administrative provisions to issue a ten-year permit instead of the standard five-year term for third party sign permits. The Applicant cites the leasing agreement with the property owner but has not provided any planning or development studies to support this request. The CBO believes this private contractual relationship does not justify doubling the standard permit term and opposes the proposal to extend the permit term, as it contradicts measures to ensure signs do not remain unsuitable for extended periods.

Community Consultation

In compliance with the Sign By-law requirements, notice of the application for the Proposed Area-Specific Amendment was provided to all property owners within a 250-meter radius of the Premises. Additionally, the Applicant was instructed to post a notice of the application in a publicly visible location on the premises where the sign is proposed to be erected, for a minimum of 30 days prior to the City's consideration of the application, as stipulated in the Sign By-law.

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 3 Bestobell Road to residential 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 agree 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 and within 400 meters of any limit of any portion of Highway 427. As such, 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 sufficient justification for the CBO to support an area-specific amendment to the Sign By-law for 3 Bestobell Road. The Proposed Amendment would permit a third party sign in an area where City Council has explicitly prohibited such signs and establish unique performance standards that significantly deviate from general regulations for third party electronic signs. This deviation undermines the established regulatory framework and specific restrictions set by City Council for this area.

The CBO believes the proposed regulations would result in a sign incompatible with its surroundings, not contributing positively to Toronto's appearance or visual character. The submissions do not indicate otherwise. Furthermore, the Proposed Amendment does not align with City Council's current policy for the area, which aims to maintain a specific visual and functional character by restricting third party signs.

Additionally, the Applicant has not provided a valid policy basis to justify extending the permit term for the Proposed Sign from five to ten years, double the standard duration permitted by the Sign By-law. Given these considerations, the CBO maintains that the current regulations for 3 Bestobell Road are appropriate and should not be modified as requested by the Applicant.

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SIGNATURE

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Toronto Building

ATTACHMENTS

1. Proposed Area-Specific Amendment – 3 Bestobell Road