

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

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, Mersen Canada DN Ltd (the "Owner"), has applied for an Area-Specific Amendment to Toronto's Sign By-law (the "Proposed Amendment"), seeking to replace the current sign regulations applicable to the property at 496 Evans Avenue (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 establish unique regulations that deviate significantly from the general regulations for third party electronic signs. Specifically, the Proposed Amendment would allow for, and regulate:

- A third party sign in a location regulated by a site-specific area restriction, prohibiting the erection of any third party sign.
- 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 generally permitted "back-to-back" configuration.
- Reducing the required separation between third party signs and 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 the Premises and 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 496 Evans Avenue with regulations to allow for, and regulate, a single third party electronic ground sign, as described in Attachment 1 of this report.

FINANCIAL IMPACT

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.

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.

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.

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 496 Evans Avenue. The Premises fall within an Employment ("E") sign district, where third party electronic signs are typically permitted. However, it also falls within one of the 84 Area-Specific Restrictions where City Council has prohibited third party signs.

If granted, the Proposed Amendment would exclude 496 Evans Avenue from a restriction prohibiting third party signs within 400 meters of the F.G. Gardiner Expressway between the Humber River and Highway 427. The amendment would also establish unique regulations allowing for a third party electronic ground sign with a size and height exceeding what is normally permitted in Toronto.

The 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 have a sign face area of approximately 63.20 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 does not comply with the “back-to-back” configuration generally required for third party signs.

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

Figure 1: Premises and Approximate Location of Proposed Sign



Since third party electronic ground signs are permitted in E Sign Districts, the Applicant could have sought approvals from the Sign Variance Committee for deviations in sign face configuration, height, or size requirements, as well as facing requirements towards sensitive land uses. The Applicant could also seek variances to address the area-specific prohibition 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.

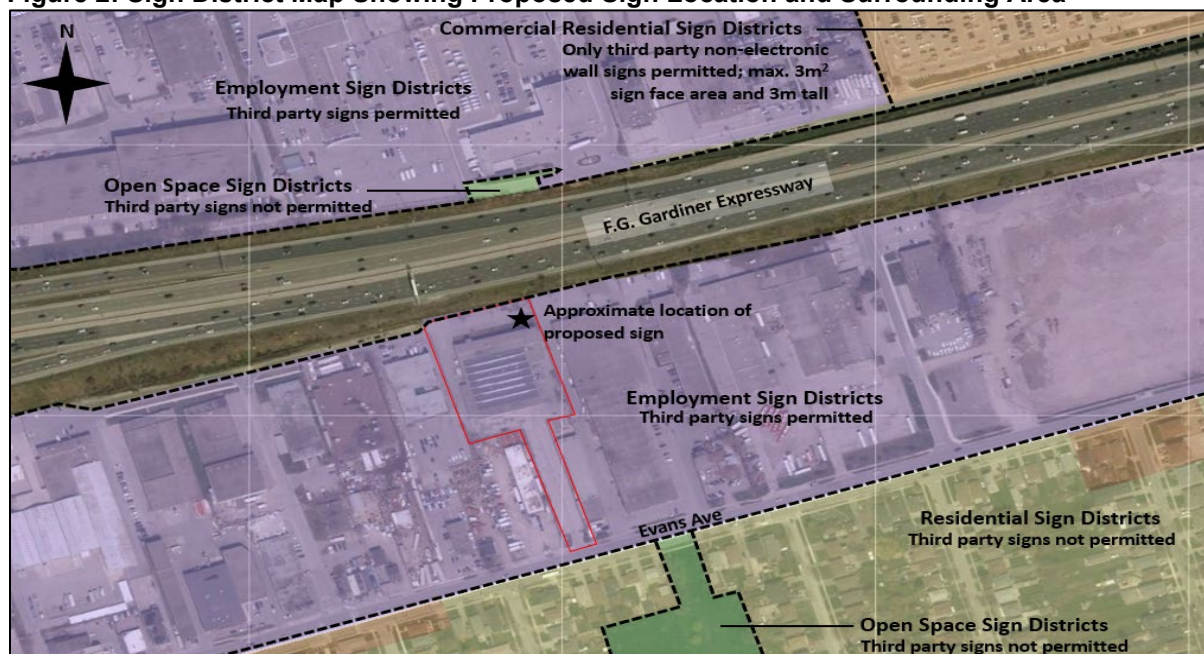
Site Context - 496 Evans

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

Space (OS) Sign Districts. The area is mostly comprised of low-rise buildings with commercial and light industrial uses, compatible with E Sign Districts.

496 Evans Avenue falls within a portion of the city bounded by the northernmost limit of the F.G. Gardiner Expressway, extending 400 meters north; the Humber River to the east; the southernmost limit of the F.G. Gardiner Expressway, extending 400 meters south; and Highway 427 to the west, which is one of the Sign By-law's 84 Area-Specific Restrictions listed in section 694-24A. This restriction reflects City Council's decision to characterize this area 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 a specific restriction against 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 regulations prohibiting a “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 and OS Sign Districts to the south of Evans Avenue.

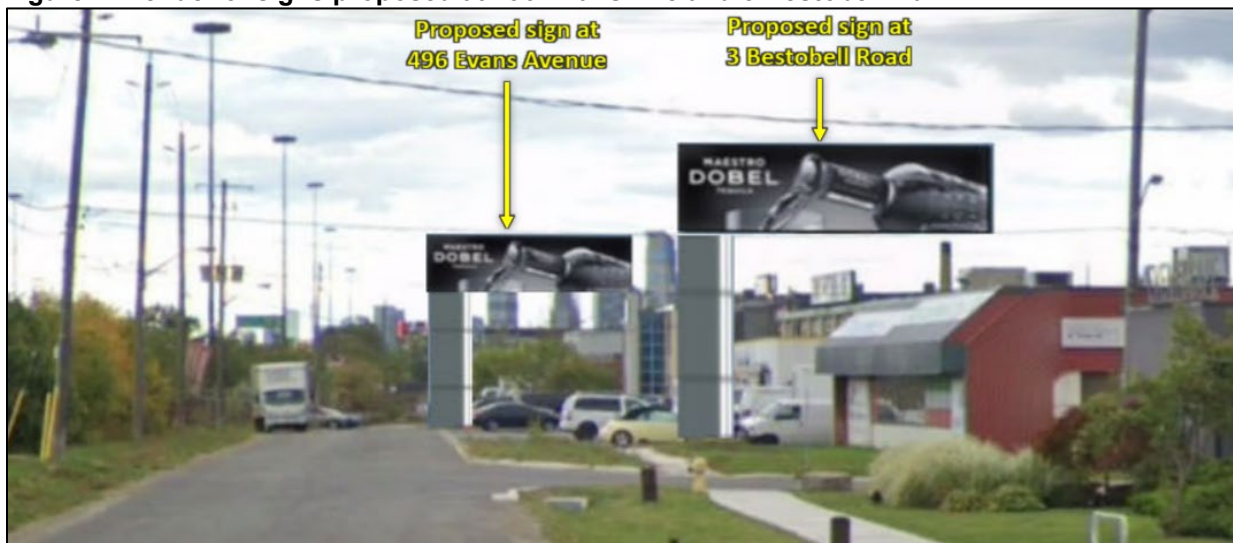
There is an existing first party ground sign displaying static copy on the south frontage of 496 Evans Avenue, identifying the business (see Figure 3). Although the existing sign may have little relationship with the Proposed Sign, erecting two ground signs at the property, one being a third party sign,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

Figure 3: Premises and existing First Party Ground Sign
Area-Specific Sign By-law Amendment - 496 Evans Avenue



Another property, approximately 100 meters from the Proposed Sign at 3 Bestobell Road, 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 3 Bestobell Road 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 below).

Figure 4: Render 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 Applicant has requested an area-specific amendment to allow the Proposed Sign to be located 1.5 meters from the F.G. Gardiner Expressway, whereas the Sign By-law requires a 400-meter separation. According to the Applicant's submission, the Proposed Sign would be similar to previously approved third party electronic ground signs along the F.G. Gardiner Expressway. The Applicant asserts that the provision in subsection 694-24A(1) should be considered moot due to the presence of similar signs in the area.

The area within 400 meters of the F.G. Gardiner Expressway between the Humber River and Highway 427 is one of 84 areas where City Council has prohibited third party signs. These site-specific restrictions were imposed by City Council, deeming third party signs inconsistent and incompatible with the surrounding area.

There is currently one electronic ground sign within 500 meters of the Proposed Sign visible from 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. Under the current Sign By-law transition provisions, these signs can remain as long as they are not substantially altered. No other electronic ground signs in the immediate vicinity of the Proposed Sign have been approved since the current Sign By-law was enacted in 2010, except for one at 33 Wickman Road, more than 700 meters east of the Proposed Sign.

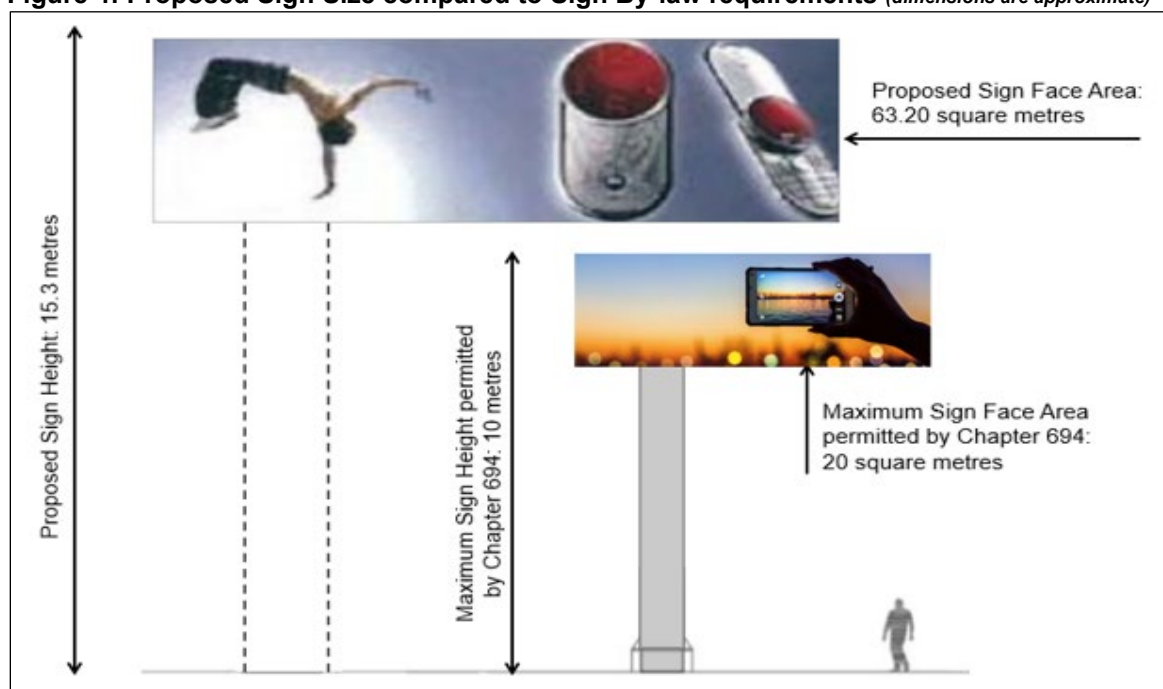
When the Sign By-law was amended in 2015 to expand permissions for electronic signs, the site-specific restrictions for third party signs were neither removed nor amended. Although existing signs are permitted to remain, they do not align with City Council's current policy for the area. The CBO does not support further deviations from this policy.

On November 8, 2023, City Council refused an area-specific amendment for 496 Evans Avenue, which sought to permit a single third party electronic ground sign. This decision reinforces the appropriateness of the existing Sign By-law regulations and restrictions, 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 Proposed Amendment would replace existing regulations to allow the Proposed Sign at this location, with tailored regulations for an electronic ground sign significantly exceeding what is generally permitted in E Sign Districts. The Proposed Sign would have a sign face area approximately three times larger and be more than 50 percent taller than allowed for third party electronic signs in E Sign Districts.

Figure 4: Proposed Sign Size compared to Sign By-law requirements *(dimensions are approximate)*



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 Applicant’s amendment contravenes these regulations, as the Proposed Sign would face an OS sign district 90 meters to the north and multiple R Sign Districts approximately 220 meters to the south.

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. However, the R District to the south of the Premises contains mostly low-rise residential buildings, and the OS Sign District includes Douglas Park. The Proposed Sign, at approximately 15.3 metres

high, is about six meters taller than the existing building on the Premises. The Applicant has not demonstrated that the Proposed Sign, with its greater height, would not be visible from properties in the R and OS Sign Districts to the south.

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 496 Evans Avenue to residential and open space areas, as well as concerns about sign clutter along the F.G. Gardiner Expressway.

With respect to possible concerns about traffic safety, Transportation Services was consulted throughout the development of the Sign By-law and agrees with the regulations in the Sign By-law prohibiting the erection or display of third party signs located within 400 metres of the F.G. Gardiner Expressway between the Humber River and Highway 427. Transportation Services does not support the application as it is not in keeping with the requirements in the Sign By-law for this area.

Conclusion

The Applicant has not provided sufficient justification for Toronto Building to support an area-specific amendment to the Sign By-law for 496 Evans Avenue. 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 that is incompatible with its surroundings and would not contribute positively to Toronto's appearance or visual character. The Applicant's Submissions do not provide sufficient evidence to demonstrate 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 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 496 Evans Avenue 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 – 496 Evans Avenue