

**REPORT FOR ACTION****Application for Four Variances, Each Subject to Four Conditions, Respecting One Third Party Electronic Ground Sign - 3639 Dufferin Street**

Date: August 04, 2020
To: Sign Variance Committee
From: Manager, Sign By-law Unit, Toronto Building
Wards: York Centre (Ward 06)

SUMMARY

Pattison Outdoor (the "Applicant") has been authorized by the owner of the property municipally known as 3639 Dufferin Street (the "Premises"), Suncor Energy Products Partnership, to apply for four variances, each subject to four conditions, required to allow for a permit to be issued for one third party electronic ground sign with two sign faces, displaying electronic static copy (the "Proposed Sign") on the Premises.

The Proposed Sign will have a height of 7.65 metres, and will contain two sign faces, each with a sign face area of 18.60 square metres. The proposed sign will be located along the northerly property frontage of the Premises and will have a setback of 3.00 metres. The two sign faces on the Proposed Sign will be in a "v-shaped" configuration. The Proposed Sign is described further in Attachment 1.

Four variances to Chapter 694, each subject to four conditions are required to allow the Chief Building Official ("CBO") to issue the sign permit for the Proposed Sign. The requested variances are as bellow:

- 1) The Proposed Sign will have a setback of 3.00 metres from the street line, however the required setback of a building from a street line is 7.50 metres
- 2) The Proposed Sign will be located within approximately 305.00 metres of Highway 401, however no third party sign is permitted on any premises within 400.00 metres of any limit of Highway 401;
- 3) The Proposed Sign faces into a Commercial Residential Sign District within 75.00 metres, however no electronic sign is permitted within 250.00 metres of Commercial Residential Sign District; and,

- 4) The Proposed Sign will have two faces configured in a "v-shaped" formation, however the Sign By-law By-law requires a sign with two sign faces to have the sign faces in a back-to-back formation.

Each of the four requested variances, are sought to have the following four conditions;

- a) Any and all existing third party signs located at 721 Wilson Avenue shall be removed and all associated permits revoked prior to the issuance of a sign permit for the Proposed Sign;
- b) Notwithstanding subsection 694-18.E. (5) the illumination of the Proposed Sign shall not exceed 150 nits during the period between sunset and sunrise;
- c) The sign face bottom shall be no less than 4.5 metres for all sign faces; and,
- d) The orientation of the two sign faces to be in a generally north-westerly and north-easterly direction as follows:
 - 1. the angle of the sign face and the street line of the Premises with respect to Wilson Avenue for the sign face closest to the street line of the Premises and Dufferin Street shall if projected as a line intersecting the street line separating the Premises from Wilson Avenue be no more than 67.5 degrees and no less than 45.0 degrees; and,
 - 2. The angle of the sign face and the street line of the Premises with respect to Wilson Avenue for the sign face furthest from the street line of the Premises and Dufferin Street shall if projected as a line intersecting the street line separating the Premises from Wilson Avenue be no more than 67.5 degrees and no less than 45.0 degrees; and,
 - 3. The internal angle of the two sign faces to be no more than 90 degrees and no less than 45.0 degrees.

The Proposed Sign will be located approximately 5.0 metres from an existing third party ground sign at 721 Wilson Avenue. This existing sign must be removed as a condition of approval prior to the issuance of a sign permit for the Proposed Sign.

Following a review of the Applicant's submissions, additional studies commenced by the Applicant's experts, and the results of research and investigation by the staff of the Sign By-law Unit, the CBO has determined that sufficient information exists to confirm that all of the nine established criteria in the Sign By-law have been met, with respect to the requested variances, subject to the four required conditions.

Therefore, the CBO recommends that the Sign Variance Committee grant all of the requested variances, each subject to the four required conditions.

RECOMMENDATIONS

The Chief Building Official and Executive Director, Toronto Building, recommends that:

1. The Sign Variance Committee grant the requested variances to sections 694-24 (A)(14), 694-25(C)(2)(d), 25(C)(2)(f), 25(C)(2)(k) and 694-22E, each subject to four conditions, as required to allow for the issuance of a permit for the erection and display of one third party electronic ground sign at 3639 Dufferin Street, as described in Attachment 1 to this report.

FINANCIAL IMPACT

There is no financial impact resulting from adopting the recommendations in this report.

DECISION HISTORY

This item has not been previously considered by the Sign Variance Committee.

ISSUE BACKGROUND

Required Variances

Table 1: Summary of Requested Variances

Section	Requirement	Proposal
694-25(C)(2)(d)	An (E) Employment Sign District may contain a third party electronic ground sign, provided the sign shall not be erected within any required setback of a building from a street as regulated by the City's Zoning By-law	The Proposed Sign will have a setback of 3.00 metres from the street line, however the required setback of a building from a street line is 7.50 metres
694-24 (A)(14)	A third party sign shall not be erected or displayed or caused to be erected or displayed in whole or in part within 400 metres of any limit of any portion of Highway 401 contained within the municipal boundaries of the City	The Proposed Sign will be located within 305.0 metres rather than 400.00 metres of a limit of a portion of Highway 401

694-25(C)(2)(f)	An (E) Employment Sign District may contain a third party electronic ground sign, provided where the sign is located within 250 metres of an R, RA, CR, I, or OS Sign District, the sign cannot face any premises in that district	The Proposed Sign faces Commercial Residential Sign District which is within 75.0 metres rather than 250.00 metres
694-25(C)(2)(k)	An (E) Employment Sign District may contain a third party electronic ground sign, provided where there are two sign faces, the sign faces shall be back-to-back	The Proposed Sign will have two faces configured in a "v-shaped" formation, rather than in the required "back-to-back" formation.

Sign Attributes and Site Context

The Premises is designated as an E Sign District, located in Ward 06 (York Centre). The Premises contain a building which is currently being utilized as a gas station.

Surrounding premises:

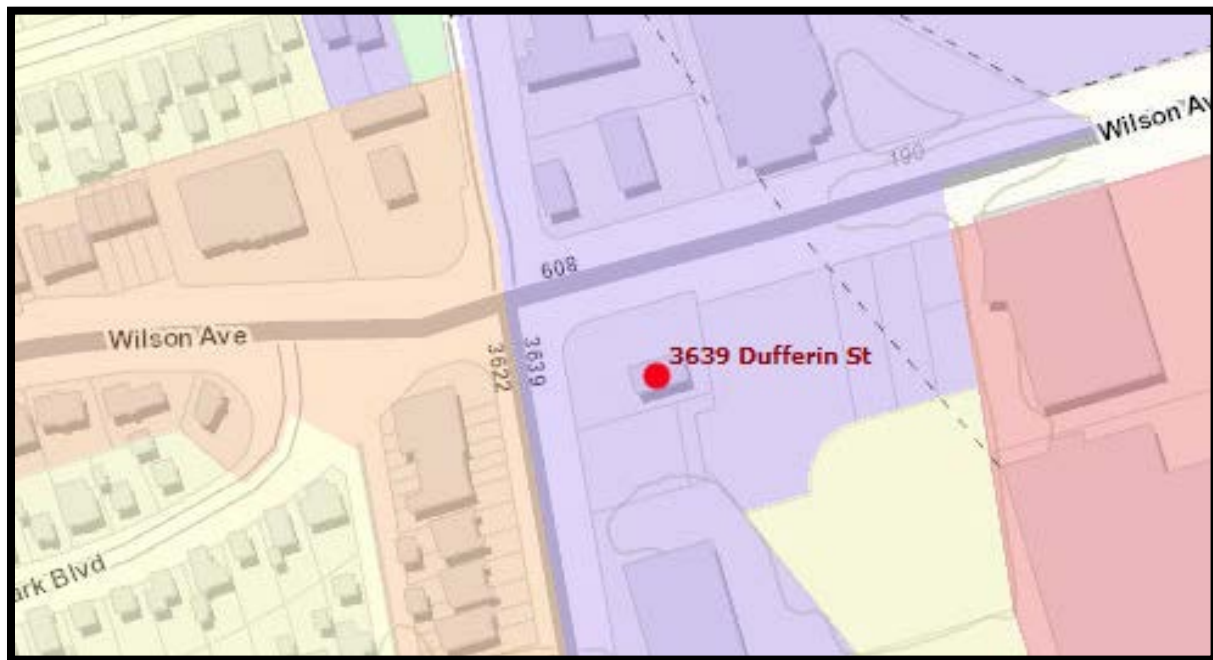
North: Employment (E) Sign District, a gas station and auto dealership

South: Employment (E) Sign District, a five-storey office building

East: Employment € Sign District, vacant lands

West: Commercial Residential (CR) Sign district, two story mixed use building with commercial tenants, on the first floor, including Benjamin Moore and Coffee Time, and residential tenants on the second floor.

Figure 1: Sign District Map Excerpt - 3639 Dufferin Street



COMMENTS

Criteria Established by §694-30A of The Sign By-law

The Sign By-law contains criteria used to evaluate variance proposals. Specifically, §694-30A states that a variance may only be granted where the Proposed Sign meets each of the nine established criteria.

The Sign Variance Committee is required to conduct an evaluation and determine that the party seeking the proposed variances meets all nine of the mandatory criteria, on the basis of the presented information. It is the CBO's opinion sufficient information to establish that the Proposed Sign meets these nine criteria, has been located, and that the Sign Variance Committee should grant the requested variances required to allow the issuance of a Sign Permit to erect and display the Proposed Sign.

Applying the Established Criteria

Section/Criteria Description: §694-30A(1): *The Proposed Sign belongs to a sign class permitted in the Sign District*

Based on a staff review, the Premises can be confirmed as being designated as an E Sign District, and that E Sign District permits third party signs. The CBO has confirmed that, as per information contained in the Applicant's submission, the Proposed Sign belongs to the third party sign class, as it will advertise, promote, or direct attention to businesses, goods, services, matters, or activities that would not be available at, or related to, the premises where the sign would be located. Therefore, the CBO is of the opinion that this criteria has been established.

Section/Criteria Description: §694-30A(2): *In the case of a third party sign, the Proposed Sign is of a sign type permitted in the Sign District*

The Applicant's submission contains sufficient information (in the description and diagrams provided) to confirm the Proposed Sign is a third party sign, and is an electronic ground sign. Staff have reviewed and confirmed that electronic ground signs are a permitted sign type in E Sign Districts, according to 694-25(C)(2). Therefore the CBO is of the opinion that this criteria has been established.

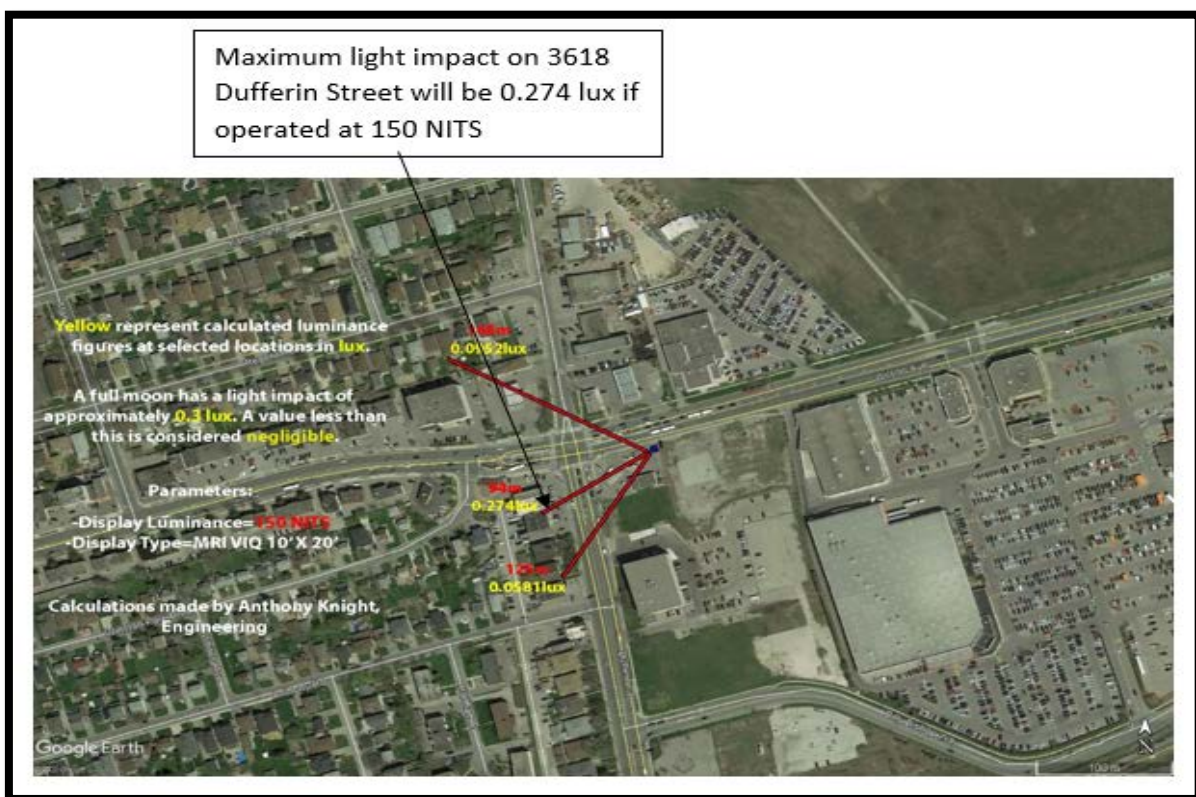
Section/Criteria Description: §694-30A(3): *The Proposed Sign is compatible with the development of the premises and surrounding area*

The Premises is an E Sign District, which permits electronic ground signs at a size and height consistent with the Proposed Sign. The Premises is also surrounded by E Sign Districts to the north, east and south. These areas of the City were specifically set out in the Sign By-law to contain third party electronic ground signs and contain largely commercial and employment uses.

To the west, across Dufferin Street, is a Commercial Residential (CR) Sign District containing a mixed use building with commercial and retail uses on the first storey, as well as a commercial, retail uses and small number of residential units on the second storey, of a mixed use building. This building is predominately utilized for commercial and retail uses. The proposed “v-shaped” configuration, and required orientation only allows the sign face directed north-west, to only be visible to a gas station at the north-west corner of Wilson Avenue and Dufferin Street, and a five-storey office building further west.

Lighting impact analysis has been conducted on July 21, 2020 by Anthony Knight P.Eng, to assess possible significant light impact on the residential uses located to west of Dufferin Street (the "July 21, 2020, Lighting Analysis"). The submitted report concluded that the lighting impact on the residents located in CR Sign District located at south-east corner of Wilson and Dufferin, is negligible. However, the report's conclusion requires the Proposed Sign to operating at 150 NITS between sunset and sunrise, and to contain the north-west/north-east orientation of the sign faces. (See figure 2 below)

Figure 2: Overhead view of Proposed Sign and the lighting impacts on certain nearby premises (150 NITS)



At 7.65 metres, the height of the Proposed Sign would be in line with an existing first party ground sign in place at the Subject Premises for “Petro Canada”, and no building or structure in the area would be overshadowed by the Proposed Sign.

There is an existing third party sign located at 721 Wilson Ave, within 150.00 metres of the Proposed Sign's anticipated location. However, one of the required conditions requires the removal the existing third party sign located at 721 Wilson Ave, prior to constructing the Proposed Sign, to ensure the minimum separation distance of 150.00 metres between a third party electronic ground sign and any other lawful third party sign is achieved.

The Proposed Sign will be located within 400.00 metres of the Highway 401, however Sign By-law states that, a third party sign shall not be erected or displayed or caused to be erected or displayed in whole or in part within 400.00 metres of any limit of any portion of Highway 401 contained within the municipal boundaries of the City. The Proposed Sign will be located within an area where third party signs are prohibited; however it will be located near the outer edges of this portion of the area, 305.00 metres north of the portion of Highway 401 referred to as the "Dufferin on-ramp", in the Applicant's submission. As noted by the Applicant, the Proposed Sign will be no closer than 395.00 metres from the "non-on-ramp" portion of Highway 401 in the area.

There are also a number of buildings that are located between the Proposed Sign and Highway 401, so there is no connection between the Proposed Sign and Highway 401, and the Proposed Sign will not be visible from the any part of Highway 401, including the Dufferin on-ramp. As a result, it is compatible with the development of the Premises and surrounding area.

The Proposed Sign will have a 3.0 metre setback from the north property line which does not meet the required setback of a building from a street line. The required setback for the premises is 7.5 metres as established by the former North York Zoning By-law No.7625.

Despite the setback requirements in the By-law No.7625, the investigation of several of the buildings to the east of the Proposed Sign appear to have setbacks much less than 7.5 metres (potentially even 0.0 metres) from the Wilson Avenue property line. Sign Unit staff have also found a Minor Variance application for a setback form Wilson Avenue of 1.5 metres that was granted in 2018 for a nearby commercial building.

The reduced side yard setback of the Proposed Sign will result in a setback from the sign to Wilson Avenue that is consistent with the buildings to the east of the Premises. (See Figure 3 below)

Figure 3: Geographic Information System Excerpt - 3639 Dufferin Street



The Proposed Sign will help to support the *Official Plan* objectives for the proposed Mixed Use Area by providing a medium for local and national businesses to promote themselves and advertise their goods and services, contributing to future economic growth.

The Proposed Sign will also support the *Official Plan* objectives for the current designation, as *Regeneration Areas* open up unique areas of the City to a wide array of uses to help attract investment, re-use buildings, encourage new construction and bring life to the streets. These areas are key to the *Official Plan*'s growth strategy, reintegrating areas of the City that are no longer in productive urban use due to shifts in the local or global economies.

The *Official Plan* Amendment for the Dufferin and Wilson area currently under appeal recommends a new building setback of 5.00 metres along Dufferin Street and 3.00 metres along Wilson Avenue. As the proposed sign will be located 3.00 metres from the property line along the Wilson Avenue frontage, it will be compatible with the *Official Plan* amendment for this area (See Attachment 3).

In addition to land use considerations, the Applicant also states that this application supports *Official Plan* goals regarding climate change by removing an existing ground sign powered by non-renewable energy, and replacing it with an electronic ground sign powered by renewable energy via an agreement with Bullfrog Power as required by the Sign Bylaw. The Proposed Sign will use "green" power, and contribute to a healthier environment.

The Applicant's materials establish sufficient information to confirm that the proposed sign supports the *Official Plan* objectives for the property and surrounding area, therefore the CBO is of the opinion that this criteria has been established.

Section/Criteria Description: 694-30A(5): *The Proposed Sign does not adversely affect adjacent premises*

Directly north, east and south of the Premises are other premises designated as E Sign Districts, which include places of business and economic activities. To the north-west of the proposed sign is a gas station and a five-storey office building. To the north-east is a Volkswagen car dealership. These uses are consistent with what is found in E Sign Districts throughout the city where third party electronic ground signs are permitted. As the Sign By-law Unit's review has indicated that there are no sensitive uses, nor any other unique characteristics relevant to the current application, located within the E Sign Districts, the Proposed Sign will not adversely affect these adjacent premises.

To the west, across Dufferin Street, is a CR Sign District with a mixed use building, containing predominately commercial and retail uses. As previously noted, this building contains commercial and retail uses on the first storey and second storey, and small number of residential units on the second storey. The proposed 'V' shape of the sign faces will direct the images and the light from the Proposed Sign away from the portions

Pattison Outdoor – One Third Party Electronic Ground Sign – 3639 Dufferin Street Page 9 of 14

of the CR Sign District which may contain residential units, and in the opinion of the CBO, should eliminate the potential for adverse effects on the premises.

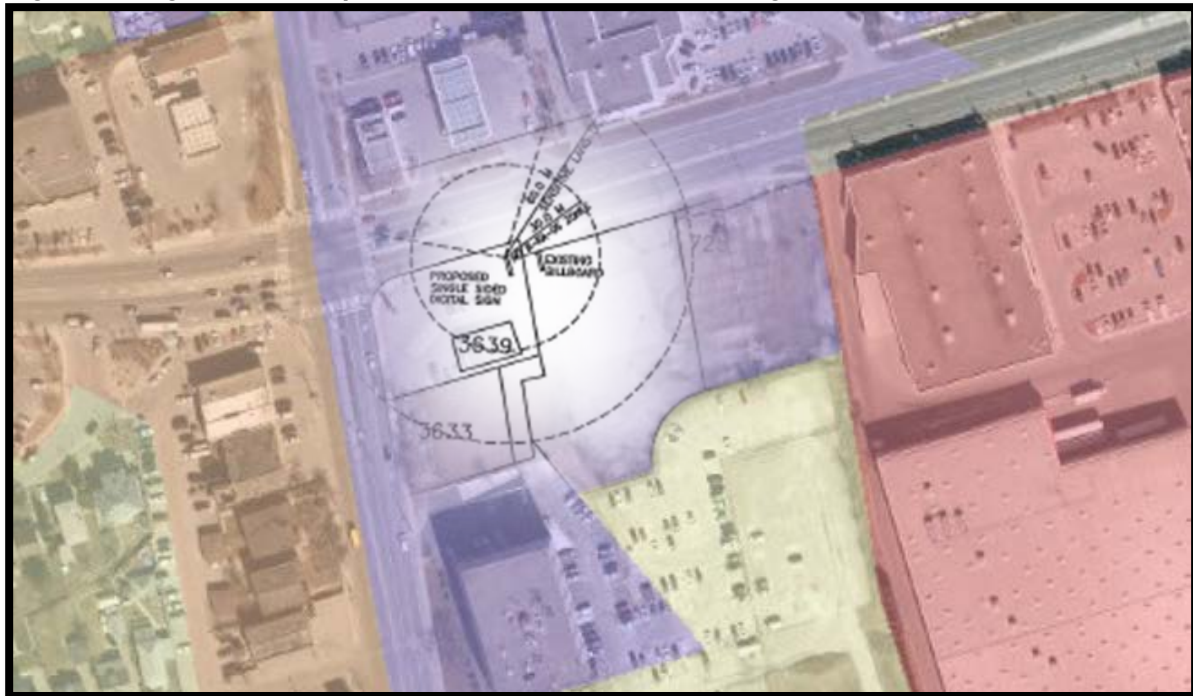
There are also Residential (R) Sign Districts located behind the CR Sign Districts to the west, however the visibility of the Proposed Sign from this R Sign District is completely blocked by the commercial buildings along the southwest corner of Dufferin Street and Wilson Avenue (See the Sign District Map Excerpt Figure 3 below).

The July 21, 2020, Lighting Analysis assessed the possible significant light impact on the residential uses located to west of Dufferin Street. The submitted report concluded that the lighting impact on the residents located in CR Sign District located at south-east corner of Wilson and Dufferin, is negligible. However, the report's conclusion requires the Proposed Sign to operating at 150 NITS between sunset and sunrise, and to contain the north-west/north-east orientation of the sign faces

The Proposed Sign also meets the required 30.0 metre setback from the intersection of Dufferin Street and Wilson Avenue as required by the Sign By-law and should have no adverse impacts on this intersection. With respect to the reduced setback from Wilson Avenue; as stated above, the setback of the Proposed Sign is consistent with the setbacks in the *Official Plan* amendment for buildings and structures along Wilson Avenue. As a result, with the 3.00 setback between the Wilson Avenue property frontage and the Proposed Sign should not adversely impact Wilson Avenue.

In addition, v-shaped configuration rather than back-to-back will help direct the sign copy and illumination away from the R Sign District to the south and the CR Sign District to the west.

Figure 4 – Sign District map of the Premises and surrounding area



The Applicant's materials provide sufficient information to confirm that the proposed sign will not adversely affect the adjacent premises, therefore the CBO is of the opinion that this criteria has been established.

Section/Criteria Description: 694-30A(6): *The Proposed Sign does not adversely affect public safety, including traffic and pedestrian safety*

The Proposed Sign is located closer to Wilson Avenue than is currently permitted in the Zoning By-law, and therefore, as noted in the Applicant's materials and the Sign By-law Unit's investigation and review of the Premises, near a point of vehicular ingress and egress from the Premises. The Sign By-law has requirements for signs not to be within a "Visibility Zone" – defined as the area within three metres of the outermost points of a vehicular ingress or egress of a property where it intersects with a street. The requested set back variance will establish this sign as outside this prohibited zone for signs.

One of the conditions for the Proposed Sign is to have a minimum clearance of 4.5 metres from grade to the bottom of the sign faces (this measurement is defined as "Sign Face Bottom" in the Sign By-law) This 4.5 meter Sign Face Bottom measurement will help to ensure that pedestrians and vehicles can pass safely underneath the Proposed Sign without issue and that views around the sign are not obstructed. This exceeds the minimum clearance requirement of 2.6m set out in the Ontario Building Code.

Although there are concerns about driver distraction, the City has existing regulations to adequately address the potential for adverse safety (set back from intersections, distance from street lines, and pedestrian triangles) impacts for all signs (including signs displaying electronic static copy). Compliance with the City's regulations are designed to ensure that there are no adverse impacts on public safety, these regulations are designed to work in conjunction with the specific regulations otherwise applicable to signs; however the Applicant's materials appear to indicate that the Proposed Sign does not raise a foreseeable possibility of adverse safety outcomes.

The Proposed Sign will meet the required 30.0 metre setback from the intersection of Wilson Avenue and Dufferin Street, it is the opinion of staff, that the change of the sign face orientation from back-to-back to V-shaped and the orientation to focus these two sign faces into and across the intersection, rather than having the sign faces in a back-to-back orientation does not foreseeably raise any potential adverse effect on traffic safety.

The Proposed Sign will comply with the Sign By-law provisions for message duration of 10 seconds between changes in copy. It will not include any visual effects between one message and the next, such as flashing, blinking or movement. It is the opinion of staff that the changes to the Proposed Sign's orientation and location from the requirements of the Sign By-law do not raise any foreseeable concerns with respect to public safety in this regard, and the Sign Bylaw regulations are entirely sufficient to address this potential safety concern with respect to the Proposed Sign.

It is the opinion of staff – based on review of the premises, and the Applicants submissions and supplemental report, that it has been established that neither the v-shaped orientation of the Sign Faces directing multiple faces into the intersection or the reduction of setback to 3.0 metres, will interfere with the site lines, visibility or accessibility of automotive or pedestrian traffic on the Premises, along Wilson Avenue, or within the Dufferin/Wilson intersection.

It is also the opinion of staff, based on the review of all available information that the existing requirements concerning distance from visibility zones and intersections are sufficient to ensure that there are no adverse safety impacts arising from the Proposed Sign.

Based on the Applicant's materials, and the investigation and review of Sign By-law Unit staff, the CBO is of the opinion that this criteria has been established.

Section/Criteria Description: 694-30A(7): *The Proposed Sign is not a sign prohibited by §694-15B*

The Applicant's materials contain sufficient information to confirm that the Proposed Sign is not a sign that is prohibited by §694-15B of the Sign By-law, and therefore the CBO is of the opinion that this criteria has been established.

Section/Criteria Description: 694-30A(8): *The Proposed Sign does not alter the character of the premises or surrounding area*

As stated above, the Premises is an E Sign District, which permits electronic ground signs. The Premises is also surrounded by other E Sign Districts to the north, east and south.

In addition, the Proposed Sign is generally in keeping with the regulatory provisions respecting third party electronic ground signs in an E Sign District. It is the expectation that such signs are consistent with the character of the surrounding area. The Proposed Sign is at a scale and nature that is consistent with the surrounding built form.

With respect to the CR Sign District located on the west side of Dufferin Street; mixed use plaza in a. The Proposed Sign meets the required 60.0 metres separation distance from the CR Sign District, and the conditions require the sign faces to be oriented away from the property and as a result has little, if any relationship to these premises.

The Applicant's submission materials provide sufficient information to confirm that the Proposed Sign will not alter the character of the premises or surrounding area, therefore the CBO is of the opinion that this criteria has been established.

Section/Criteria Description: 694-30A(9): *The Proposed Sign is not contrary to the public interest*

The Proposed Sign will comply with the provisions set out in the Sign By-law for third party electronic ground signs in E Sign Districts in terms of: height, size, setback from an intersection, setback from R, RA and OS Sign Districts, setback to other static and electronic third party signs, as well as the requirement for use of renewable energy, message duration, and transition (i.e. no distracting visual effects such as scrolling, flashing, blinking or full-motion video), and with the illumination and time-of-day regulations.

Four variances to the Chapter 694 is required to allow CBO to issue the sign permit for the Proposed Sign, each subject to four conditions. The requested variances are:

- 1) The proposed sign will have a setback of 3.0 metres from the street line, however the required setback of a building from a street line is 7.5 metres
- 2) The proposed sign will be located within 400.0 metres of Highway 401, however no electronic sign is permitted within 400.0 metres of Highway 401
- 3) The proposed sign faces into a Commercial Residential Sign District within 250.0 metres, however no electronic sign is permitted within 250.0 metres of Commercial Residential Sign District
- 4) The Proposed Sign will have two faces configured in a "v-shaped" formation, however the Sign By-law requires the sign faces to have a back-to-back formation

Based on the Applicant's submission, the four variances that have been requested for the Proposed Sign each subject to the four conditions, will not result in a sign that is contrary to the public interest.

Granting the variance for the Proposed Sign to be in a v-shaped configuration rather than back-to-back will help direct the sign copy and illumination away from the R Sign District to the south and the CR Sign District to the west. This is in keeping with the Sign By-law requirement to not have third party sign copy impact properties in R and CR Sign Districts and will not create any adverse impacts on adjacent properties.

Granting the variance to allow the Proposed Sign to be setback 3.00 metres will still keep the Proposed Sign safely out of the way of pedestrians and vehicles accessing the gas station services at the subject premises. The proposed 3.00 metres setback also meets the recent *Official Plan* Amendment for the Dufferin and Wilson area, which recommends a setback of 3.0 metres for buildings and structures along Wilson Avenue.

With respect to the CR Sign District located on the west side of Dufferin Street; mixed use plaza in a. The Proposed Sign meets the required 60.0 metres separation distance from the CR Sign District, and the conditions require the sign faces to be oriented away from the property and as a result has little, if any relationship to these premises.

The Applicant's materials establish sufficient information to confirm that the proposed sign will not be contrary to the public interest, therefore the CBO is of the opinion that this criteria has been established.

CONCLUSION

The combined results of the Applicant's submissions, additional studies commenced by the Applicant's experts, and the Sign By-law Unit staff research and investigation has provided sufficient information for the CBO to form the opinion that that all nine criteria required to grant an approval for the four requested variances, each subject to four conditions, have been established. As such, the CBO is supportive of the Sign Variance Committee granting the requested variances.

CONTACT

Farnaz Bigdeli
Acting Supervisor Variance Tax and Permits
Sign By-law Unit
E-mail: Farnaz.Bigdeli@Toronto.ca; Tel: 416-392-4113

SIGNATURE

Ted Van Vliet
Manager, Sign By-law Unit, Toronto Building

ATTACHMENTS

Attachment 1 – Description of Sign and Required Variance
Attachment 2 – Sign District View Mapping of the Premises and surrounding Area
Attachment 3 – Applicant's Submission Package
Attachment 4 – July 21, 2020, Lighting Analysis

Attachment 1: Description of Sign and Required Variance

Sign Description:

One third party electronic ground sign described as follows:

- a) having a height of 7.65 metres;
- b) may be illuminated;
- c) located no closer than 3.00 metres from the Wilson Avenue Street line of the premises;
- d) contains two sign faces in an approximate north-east and north-west orientation, placed in a “v-shaped” configuration
- e) each sign face shall comply with the following:
 - i) have a maximum bisecting line of no greater than 3.05
 - ii) have a maximum centre line of no greater than 6.10
 - iii) have a maximum sign face area of no greater than 18.60 square metres;
 - iv) may display static, or electronic static sign copy, but not both;

Required Variance:

1. The requirement contained at §694-25(C)(2)(d), which states that (E) Employment Sign District may contain a third party electronic ground sign, provided the sign shall not be erected within any required setback of a building from a street as regulated by the City's Zoning By-law, be varied to allow the Proposed Sign to be erected 3.00 metres from the Wilson Avenue Street line of the Premises, which is within the required setback of a building from a street under the applicable Zoning By-law, subject to conditions 1, 2, 3 and 4 listed below;

2. The requirement contained at §694-24 (A)(14), which states that a third party sign shall not be erected or displayed or caused to be erected or displayed in whole or in part within 400 metres of any limit of any portion of Highway 401 contained within the municipal boundaries of the City, be varied to allow the Proposed Sign to be erected or displayed within 305.00 metres of any limit of any portion of Highway 401 contained within the municipal boundaries of the City subject to conditions 1, 2, 3 and 4 listed below;

3. The requirement contained at §694-25(C)(2)(f), which states that (E) Employment Sign District may contain a third party electronic ground sign, provided where the sign is located within 250 metres of an R, RA, CR, I, or OS Sign District, the sign cannot face any premises in that district, be varied to allow the Proposed Sign to be located within 75.00 metres of a CR Sign District, and to face this CR Sign District subject to conditions 1, 2, 3 and 4 listed below;

4. The requirement contained at §694-25C(2)(k), which states that (E) Employment Sign District may contain a third party electronic ground sign, provided where there are two sign faces, the sign faces shall be back-to-back; be varied to allow a the Proposed Sign

to have two sign faces in a “v-shaped” configuration subject to conditions 1, 2, 3 and 4 listed below.

Conditions:

Condition 1. Any and all existing third party signs located at 721 Wilson Avenue shall be removed and all associated permits revoked, prior to the erection or display of the Proposed Sign;

Condition 2. Notwithstanding subsection 694-18.E.(5) the illumination of the Proposed Sign shall not exceed 150 nits during the period between sunset and sunrise;

Condition 3. The sign face bottom shall be no less than 4.5 metres for all sign faces and,

Condition 4. The orientation of the two sign faces to be in a generally north-westerly and north-easterly direction as follows:

1. the angle of the sign face and the street line of the Premises with respect to Wilson Avenue for the sign face closest to the street line of the Premises and Dufferin Street shall if projected as a line intersecting the street line separating the Premises from Wilson Avenue be no more than 67.5 degrees and no less than 45.0 degrees; and,
2. The angle of the sign face and the street line of the Premises with respect to Wilson Avenue for the sign face furthest from the street line of the Premises and Dufferin Street shall if projected as a line intersecting the street line separating the Premises from Wilson Avenue be no more than 67.5 degrees and no less than 45.0 degrees; and,
3. The internal angle of the two sign faces to be no more than 90 degrees and no less than 45.0 degrees.

Attachment 2: Sign District View Mapping of the Premises and surrounding Area



Attachment 3: Applicant's Submission Package



Application Sign Variance

Folder Number	Date (yyyy-mm-dd)
---------------	-------------------

Project Information

Street Number 3639	Street Name Dufferin Street	Lot Number	Plan Number
Describe the variance(s) being applied for: Please see attached letter.			
If it is an application for a variance required for the modification or restoration of an existing sign, please provide the following:			
Existing Sign Dimensions		Location	
Please provide the reasons/justification for the request (Attach any supporting documentation or additional pages as required):			

Property Owner Information

First Name Celia		Last Name Patrician	
Company Name (if applicable) Suncor Energy Products Partnership			Telephone Number (403) 767-2647
Street Number 150	Street Name 6th Avenue S.W.	Suite/Unit Number	Mobile Number
City/Town Calgary	Province Alberta	Postal Code T2P 3E3	Fax Number
Email cpatrician@suncor.com			

Attachment Required

- Sign Variance Data Sheet
- Copies of any supporting documents
- All necessary plans and specifications required to verify the nature of the Sign By-law Variance(s) requested

Continue on next page

Applicant Information and Declaration

First Name I, Nicholas		Last Name Campney	
Company Name Pattison Outdoor Advertising L.P.			Telephone Number (905) 282-6853
Street Number of 2700	Street Name Matheson Boulevard East, West Tower	Suite/Unit Number 500	Mobile Number
City/Town Mississauga	Province Ontario	Postal Code L4W 4V9	Fax Number
Email ncampney@pattisonoutdoor.com			
Do hereby declare the following: • That I am ☐ the Property Owner as stated above ☒ the owner's authorized agent. ☐ an officer/employee of _____, which is an authorized agent of the owner. ☐ an officer/employee of _____, which is the Property Owner's authorized agent. • That statements contained in this application are true and made with full knowledge of all relevant matters and of the circumstances connected with this application. • That the plans and specifications submitted are prepared for the sign variance(s) described and are submitted in compliance with copyright law • That the information included in this application and in the documents filed with this application is correct.			
 Signature		Nicholas Campney Print Name (First, Last)	2018-10-10 Date (yyyy-mm-dd)

Continue on next page



Data Sheet
Sign Variance

Folder number	Request Date (yyyy-mm-dd)
---------------	---------------------------

This data sheet forms part of an application for a Variance From Chapter 694 of the Toronto Municipal Code, Signs

Project Information

Street Number	Street Name	Lot Number	Plan Number
3639	Dufferin Street		

Site and Building Data

Lot Area	Lot Frontage	Lot Depth
1,846m ²		
Number of Building(s) on the lot	Date of Construction of Building(s) if known (yyyy-mm-dd)	
1		
Building Height(s)	Number of Storeys	Building(s) Gross Floor Area
20'	1	
Building Uses(s)		
Occupied gas station		

Site Context

Please describe the land uses, buildings and sign districts surrounding the proposal (use additional pages if necessary)	
North	Employment
South	Employment
East	Employment
West	Commercial Residential

Proposal

Please describe in detail what is being proposed (use additional pages if necessary) Please see attached letter.
--

Continue on next page

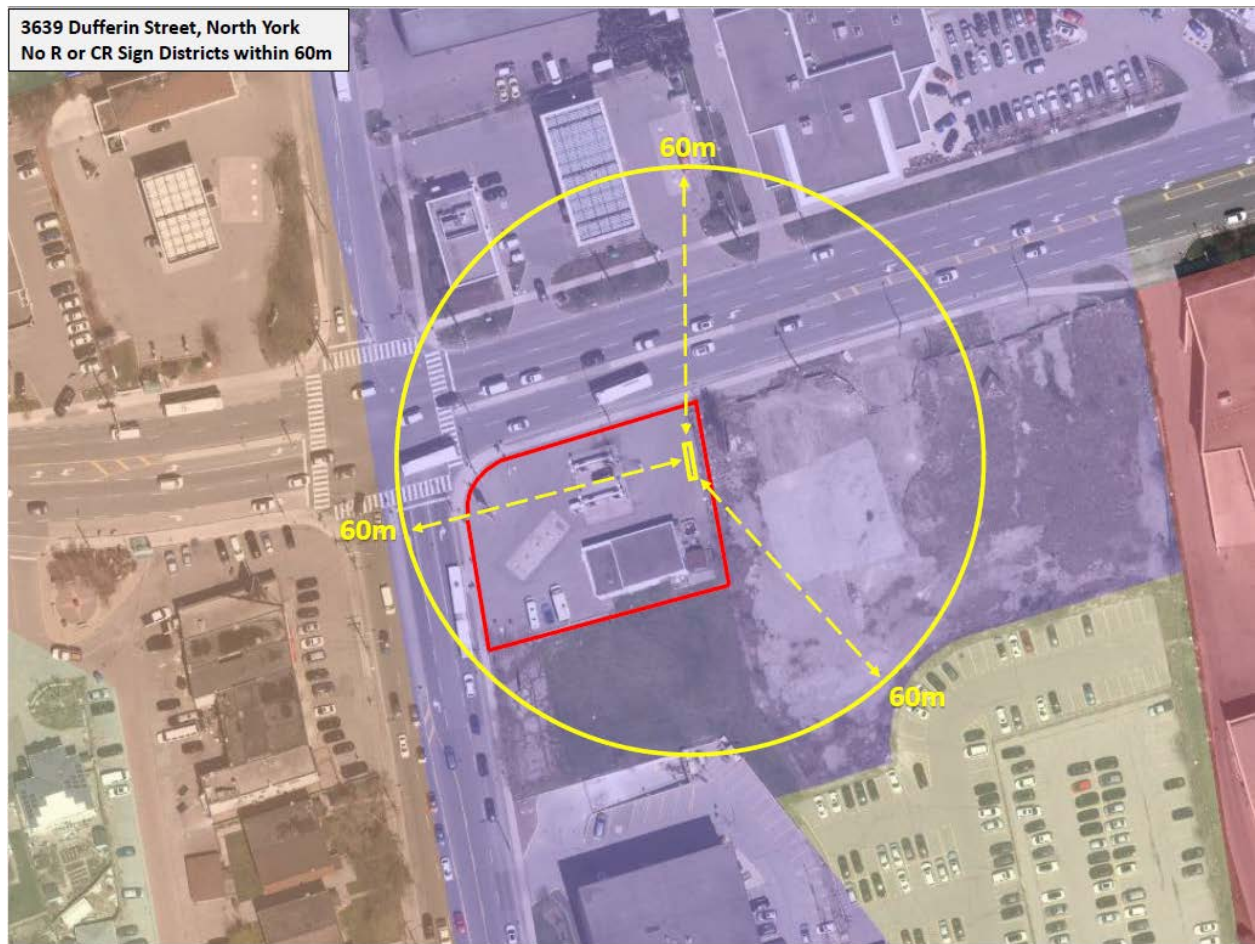
Rationale

Decisions for all Sign Variance Applications are evaluated against criteria listed in Toronto Municipal Code Chapter 694-30 A. A Variance may be granted where it is demonstrated that the proposed sign(s):

- Belong to a sign class permitted in the sign district where the premises is located
- In the case of a third party sign, be of a sign type that is permitted in the sign district, where the premises is located
- Be compatible with the development of the premises and surrounding area
- Support the Official Plan objectives for the subject premises and surrounding area
- Not adversely affect adjacent premises
- Not adversely affect public safety, including traffic and pedestrian safety
- Not be a sign prohibited by Toronto Municipal Code Chapter 694-15B
- Not alter the character of the premises or surrounding area
- Not be, in the opinion of the decision maker, contrary to the public interest

Please describe in detail how the proposal satisfies each of the criteria listed above
(use additional pages if necessary)

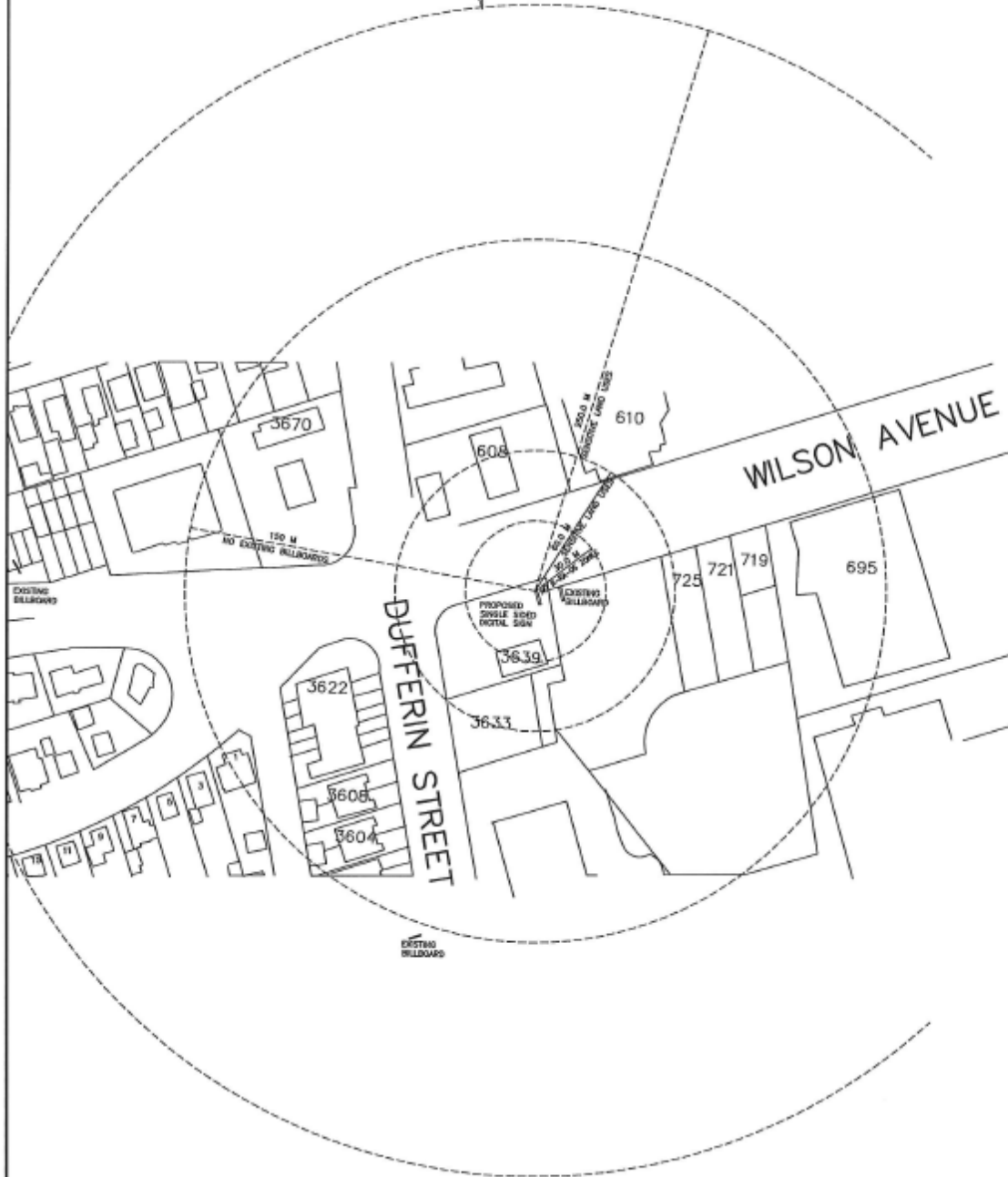
[Please see attached letter.](#)



Copyright© 2002-2018 Terasnet Inc. and its suppliers. All rights reserved. [Privacy Terms Of Use](#) [Security](#)

SKETCH SHOWING EXISTING BILLBOARDS OF
3639 DUFFERIN STREET
 CITY OF TORONTO
 (FORMERLY CITY OF YORK)
 NOT TO SCALE
 VLADIMIR DOSEN SURVEYING O.L.S.

METRIC
 DISTANCES SHOWN ON THIS PLAN ARE
 IN METRES AND CAN BE CONVERTED
 TO FEET BY DIVIDING BY 0.3048m



NO PERSON MAY COPY, REPRODUCE, DISTRIBUTE OR ALTER THIS
 PLAN IN WHOLE OR IN PART WITHOUT THE WRITTEN PERMISSION
 OF V.D.D.S. O.L.S.

NOTE
 THIS IS NOT A PLAN OF SURVEY
 AND SHALL NOT BE USED FOR
 MORTGAGE OR TRANSACTION
 PURPOSES.

SURVEYOR'S CERTIFICATE
 I CERTIFY THAT:

THE FIELD WORK WAS COMPLETED ON THE
 6th, DAY OF JUNE 2018.

JUNE 20, 2018
 DATE
 VLADIMIR DOSEN, B.Sc.
 ONTARIO LAND SURVEYOR

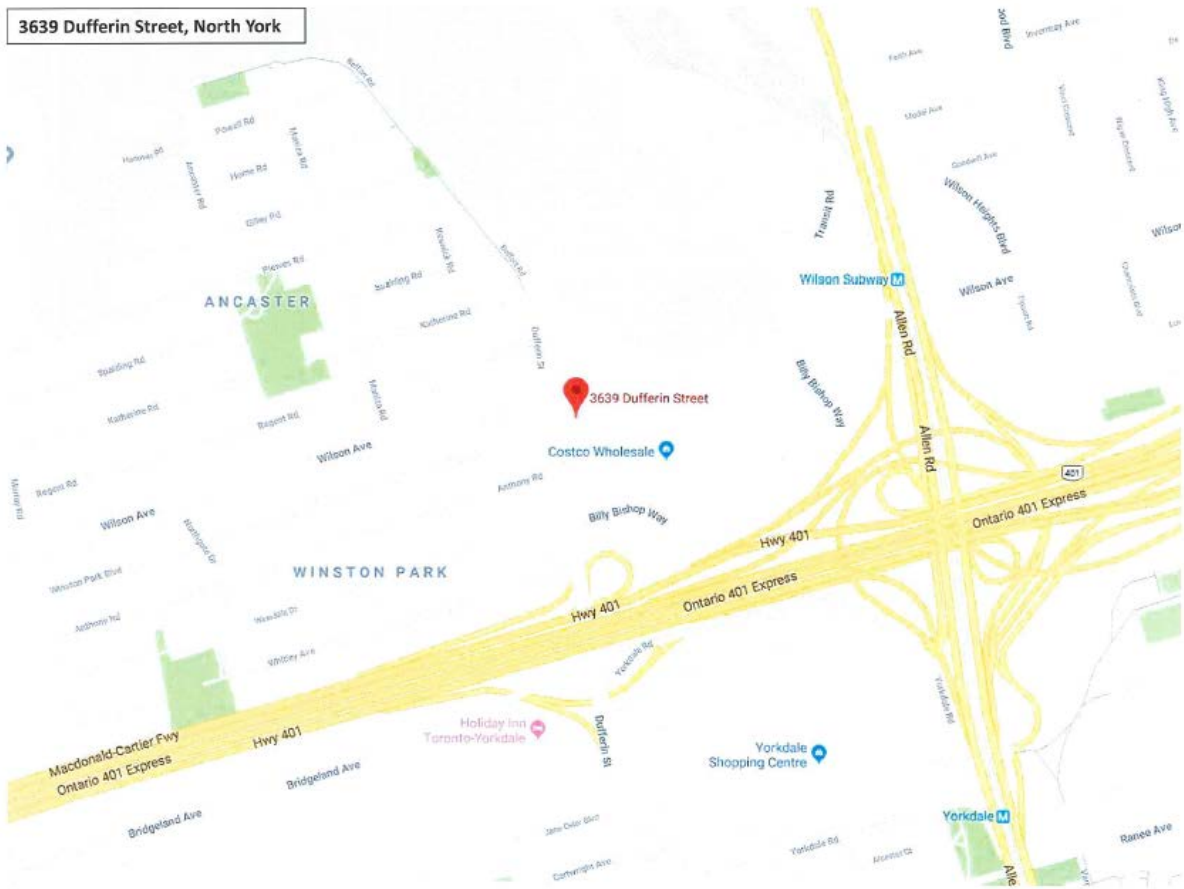
**VLADIMIR DOSEN SURVEYING
 ONTARIO LAND SURVEYORS**

555 DAVISVILLE AVENUE
 TORONTO, ONTARIO M4S 1J2
 PHONE: (416) 527-0408 EMAIL: vlad@vldosen.com

DRAWN BY: VD
 CHECKED BY: VD
 CAD FILE: 3639 DUFFERIN STREET.dwg
 FILE: 18-077
 JPD M.L. 10010



3639 Dufferin Street, North York



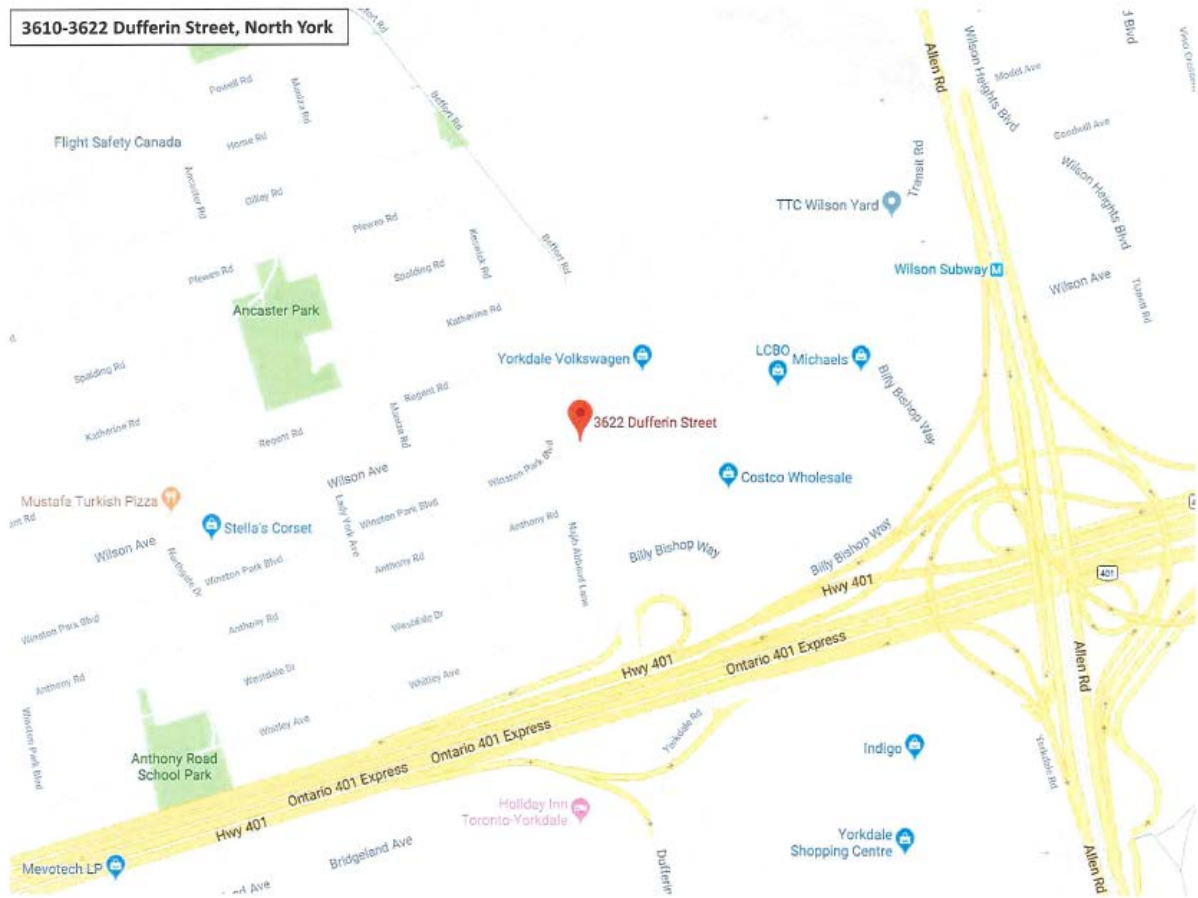


3639 Dufferin Street, North York



3639 Dufferin Street, North York





3610-3622 Dufferin Street, North York



Looking Directly West from the
Subject Premises at 3639 Dufferin Street

3610-3622 Dufferin Street, North York



3610-3622 Dufferin Street, North York





July 21st, 2020

City of Toronto Sign By-law Unit
100 Queen Street West
First Floor, East Tower
Toronto, ON M5H 2N2

RE: Application for Variance from the Sign By-law – 3639 Dufferin Street

Attn: Ted Van Vliet, Manager, Sign By-law Unit
Farnaz Bigdeli, Acting Supervisor, Variances & Permits, Sign By-law Unit

Please accept this Supplementary Rationale as part of our application for five (5) variances from the Sign By-law, which are required for Pattison Outdoor to obtain a Sign Permit for one third party electronic ground sign with two sign faces, directed north-east and north-west (the “proposed sign”), to be located along the north frontage of 3639 Dufferin Street (the “Subject Premises”).

Our application is seeking the necessary variances to erect the proposed sign, which will contain two (2) rectangular-shaped sign faces aligned in a “v-shaped” configuration, each measuring 6.10 metres horizontally by 3.05 metres vertically (or 10’ x 20’). Each of the sign faces directed north-east and north-west will contain electronic static copy, and the proposed sign will have a height of 7.62 metres (or 25’).

The five variances required to allow a Sign Permit to be issued for the proposed sign are:

- (i) **694-25(C)(2)(d)** – An (E) Employment Sign District may contain a third party electronic ground sign, provided the sign shall not be erected within any required setback of a building from a street as regulated by the City’s Zoning By-law – The required setback of a building from a street line is 7.5 metres, however the proposed sign will be setback 3 metres;
- (ii) **694-25(C)(2)(f)** – An (E) Employment Sign District may contain a third party electronic ground sign, provided where the sign is located within 250 metres of an R, RA, CR, I, or OS Sign District, the sign cannot face any premises in that district – The proposed sign faces into a CR Sign District within 250 metres (75 m to the north-west);
- (iii) **694-24A(14)** – A third party sign shall not be erected or displayed within 400 metres of any limit of any portion of Highway 401 contained within the municipal boundaries of the City – The proposed sign is approximately 305 metres from the Dufferin on-ramp to Hwy 401.

- (iv) **694-25C(2)(k)** – An (E) – Employment Sign District may contain a third party electronic ground sign, provided where there are two sign faces, the sign faces shall be back-to-back - The proposed sign has a “v-shaped” configuration, and;
- (v) **694-22E** – A third party electronic sign shall not be erected within 150 metres of another lawful third party sign, whether or not erected – The proposed sign will be located approximately 5 metres from an existing sign at the property adjacent to the east, however this sign is owned by Pattison and will be removed as a condition of approval.

Conditions of Approval:

1. The existing third party ground sign with two sign faces displaying static sign copy located at the property adjacent to the east (721 Wilson Avenue) shall be removed if the required variances are granted, and any associated sign permits will be revoked, prior to the issuance of a sign permit for the proposed sign; and
2. The proposed sign be operated at a maximum brightness level of 150 nits between sunset and sunrise, in order to minimize any impacts on the adjacent CR Sign District to the west of the subject premises.

Achieving the Nine Established Criteria

(1) The proposed sign will belong to a sign class permitted in the district where the premises is located

The proposed sign is a third party electronic ground sign, which advertises, promotes, or directs attention to business, goods, services, matters or activities which are not available at or related to the premises where the sign is located. The Subject Premises is located within an E Sign District. As third party electronic ground signs are permitted in E Sign Districts, we believe this criteria has been met.

(2) In the case of a third party sign, the proposed sign will be of a sign type that is permitted in the sign district, where the premises is located

The proposed sign is a third party electronic ground sign, which is a sign type that is permitted in the E Sign District where the Subject Premises is located. Therefore, we believe this criteria has been met.

(3) The proposed sign will be compatible with the development of the premises and surrounding area

The Subject Premises has been designated as an E Sign District, and is surrounded by other E Sign Districts to the north, east and south. To the west, across Dufferin Street, there are Commercial Residential Sign Districts on the north and south side of Wilson Avenue. Further east is a car dealership and a plaza with several big-box retail stores (Costco, Home Depot, Michael's, etc).

If the variance required to orient the proposed sign in a “v-shaped” configuration is granted, it will allow the sign face directed north-west to only be visible to a gas station at the north-west corner of Wilson Avenue and Dufferin Street, and a five-storey office
Pattison Outdoor – One Third Party Electronic Ground Sign – 3639 Dufferin Street Page 23 of 37

building further west. As there are no Residential uses within any of these CR Sign Districts from which the proposed sign would be visible, we believe granting this variance helps to establish that the proposed sign is compatible with the development of the premises and surrounding area.

The use of the Subject Premises as an occupied gas station is compatible with the employment, commercial and industrial uses found in the surrounding area, and third party signs have existed in the surrounding area for many years.

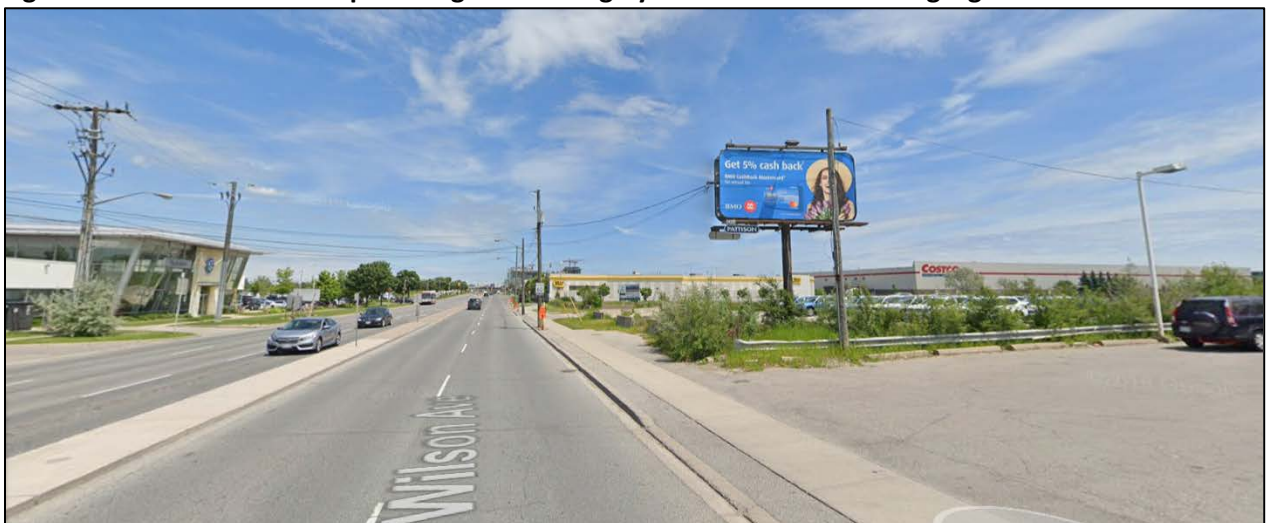
Condition of approval #1 will ensure the existing sign at 721 Wilson Avenue would be removed, in order for the minimum separation distance of 150 metres between a third party electronic ground sign and any other lawful third party sign to be maintained.

At 7.62 metres, the height of the proposed sign would be approximately in line with the height of an existing first party ground sign in place at the Subject Premises for “Petro Canada”, and no building or structure in the area would be overshadowed by the proposed sign.

There will be no adverse impacts if the variance for the required setback for Employment Zones under the Zoning By-law is granted. The proposed sign will be set back 3 metres from the north property line, which would exceed the minimum setback of 2 metres required by the Sign By-law. This setback of 3 metres will ensure the proposed sign is located safely out of the travelled portion of the driveway and/or parking area for this gas station.

As can be seen in Figure 1 below, the setback of the proposed sign will be roughly in line with the setback of the existing sign at 721 Wilson Avenue, which will be removed if the requested variances are granted. It will not interfere with the visibility of pedestrians or drivers accessing the Subject Premises, but be close enough to allow for clear visibility from the intended audience travelling on Wilson Ave.

Figure 1 – Setback of the Proposed Sign to be roughly in line with the Existing Sign at 721 Wilson Ave.



We believe the variance for allowing the proposed sign to be facing premises located in a CR Sign District within 250 metres of the proposed sign can be granted because all but one of these CR Sign Districts do not allow for any residential uses that could be impacted by the electronic sign copy. The two CR Sign Districts from which the proposed sign will be most visible contain a gas station and a five-storey office

building, neither of which would be adversely affected by the proposed sign. Please see Figure 2 below for an image showing the two CR Sign Districts from which the proposed sign will be visible.

Figure 2 – Looking north-west from the Subject Premises to the nearby CR Sign Districts



In an effort to further minimize any potential impacts on possible residential uses at the second storey of the plaza located at the south-west corner of Dufferin Street and Wilson Avenue, the maximum brightness of the proposed sign will be reduced to 150 nits between sunset and sunrise – half the maximum permitted during this period in the Sign By-law – as Condition of Approval #2.

Site Plan Drawings for the proposed sign have already been circulated to the Ministry of Transportation for review. Although the Subject Premises is located within 400 metres of the Ministry's right-of-way (approximately 395 metres north of Highway 401, 305 metres north of the Dufferin on-ramp), the MTO has concluded that the proposed sign at 3639 Dufferin Street "is not directed towards Highway 401, and therefore will not require an MTO permit". This email correspondence with MTO has been provided as part of our application package, found in **Attachment 1** to this rationale (following the last page).

For these reasons, we believe that the proposed sign is compatible with the development of the premises and surrounding area, and this criteria has been met.

(4) The proposed sign will support the Official Plan objectives for the Subject Premises and surrounding area

In May 2017, a City-initiated report studied the Dufferin and Wilson area and recommended that lands within the study area be re-designated within the *Official Plan* from *Regeneration Areas* to *Mixed Use Areas* and *Employment Areas*. This recommendation has since been appealed to the Local Planning Appeal Tribunal (LPAT) for a final decision.

The purpose of this *Official Plan* Amendment is to set out draft policy framework that “*unlocks underutilized lands for transit supportive development, introduces new connections, supports the creation of a complete community and promotes economic vitality. The re-designation of these lands will accomplish this goal while ensuring the long-term viability of the employment opportunities, ensuring this area’s economic role will continue to be expanded.*”

The proposed sign will help to support the *Official Plan* objectives for a healthy and vibrant *Mixed Use Area* by providing a medium for local and national businesses to promote themselves and advertise their goods and services, contributing to future economic growth.

Mixed Use Areas achieve a multitude of planning objectives by combining a broad array of residential uses, offices, retail and services, institutions, entertainment, recreation and cultural activities, and parks and open spaces. Torontonians will be able to live, work, and shop in the same area, or even the same building, giving people an opportunity to depend less on their cars, and create districts along transit routes that are animated, attractive and safe at all hours of the day and night.

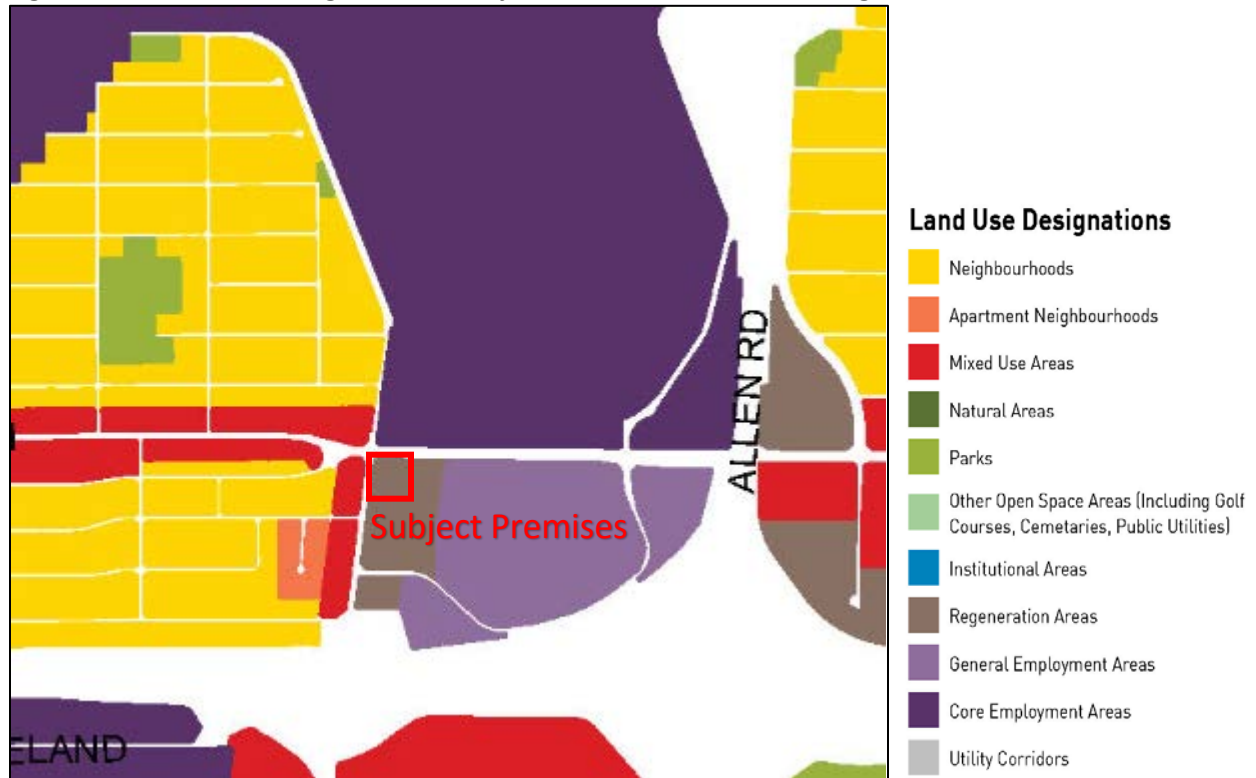
The proposed sign will also support the *Official Plan* objectives for the current designation, as *Regeneration Areas* open up unique areas of the City to a wide array of uses to help attract investment, re-use buildings, encourage new construction and bring life to the streets. These areas are key to the *Official Plan*’s growth strategy, reintegrating areas of the City that are no longer in productive urban use due to shifts in the local or global economies.

In *Regeneration Areas*, commercial, residential, live/work, institutional and light industrial uses can be mixed within the same block or even the same building. In every case, *Regeneration Areas* represent a tremendous opportunity to unlock potential and help direct growth within the City, and the proposed sign would support these goals of economic growth.

Regeneration Areas can include a broad mix of uses in an urban form to:

- revitalize areas of the City that are largely vacant or under-used;
- create new jobs and homes that use existing roads, transit, sewers, social services and other infrastructure and create and sustain well-paid, stable, safe and fulfilling employment opportunities for all Torontonians;
- restore, re-use and retain existing buildings (in this case, an existing sign) that are economically adaptable for re-use, particularly heritage buildings and structures, through the use of incentives;
- achieve streetscape improvements and the extension of the open space network; and
- promote the environmental clean-up and re-use of contaminated lands.

Figure 3: Official Plan Designation of Subject Premises and Surrounding Area



Adapting to the changes and improvements in technology that have been achieved within the industry since the inception of the Sign By-law in 2009, and considering the needs of local and national business to promote their products or services, also support the objectives laid out in the *Official Plan*. The introduction of the proposed sign as an ancillary use will not compromise or be contrary to the *Official Plan* objectives for *Mixed Use Areas* or for *Regeneration Areas*.

Additionally, the *Official Plan* Amendment for the Dufferin and Wilson area currently under review recommends a new building setback of 5 metres along Dufferin Street and 3 metres along Wilson Avenue. As the proposed sign will be located 3 metres from the property line along the Wilson Avenue frontage, it will be compatible with the recommended changes to the *Official Plan* for this area (See Attachment 2).

The *Official Plan* states that climate change is one of the biggest challenges facing our planet, and has committed to addressing this challenge in order to provide a sustainable future for all Torontonians. The proposed sign supports the *Official Plan's* goals regarding climate change by removing an existing ground sign with static copy which requires considerable maintenance and materials, and will replace it with an electronic ground sign powered by renewable energy via an agreement with Bullfrog Power. The proposed sign will use "green" power, and contribute to a healthier environment.

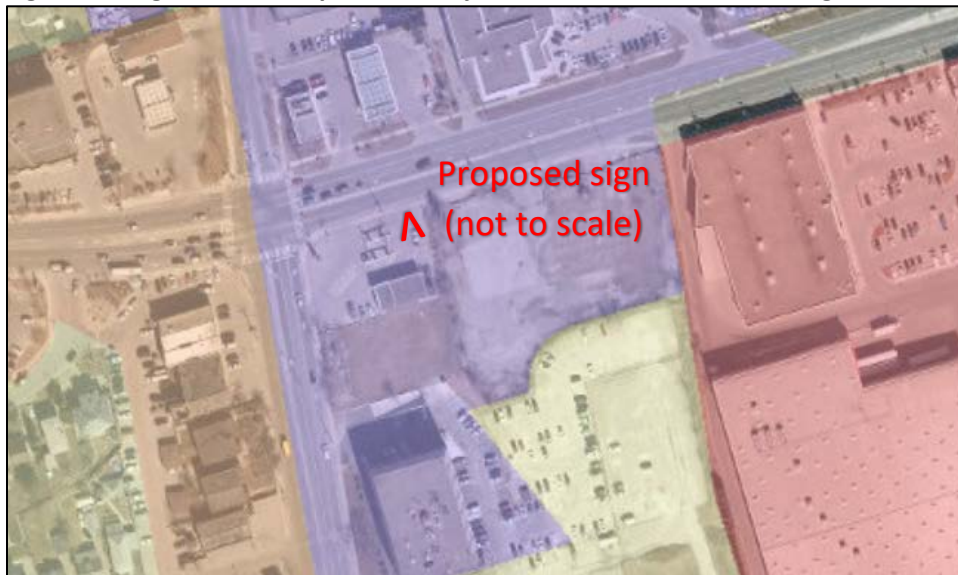
One very important benefit to allowing third party signs to display electronic copy, compared to signs which display static copy, is that the messages are capable of being changed remotely. This eliminates the need for maintenance crews to access the site, the travel associated with regular changes to the copy, and the printing and disposal of paper / vinyl copy. This significantly reduces our environmental footprint, and helps the proposed sign further support the *Official Plan* objectives. For these reasons, we believe this criteria has been met.

(5) The proposed sign will not adversely affect adjacent premises

Directly north, east and south of the Subject Premises are properties designated as E Sign Districts, which often include places of business and economic activity. These areas of the City were specifically set out in the Sign By-law to contain third party electronic ground signs. These permitted uses will not be adversely affected by the presence of the proposed sign.

The CR Sign Districts located west and north-west of the Subject Premises do not appear to contain any residential uses. Directly west of the Subject Premises is a two-storey strip plaza designated as a CR Sign District, with tenants that include Benjamin Moore and Coffee Time. To the north-west of the proposed sign is another gas station, and a five-storey office building. North-east is a Volkswagen dealership, and to the east is a Commercial Sign District with several big-box retail stores. These places of business and economic activity are compatible uses and will not be adversely affected by the proposed sign.

Figure 4 – Sign District map of the Subject Premises and surrounding area



The proposed sign meets the setback requirement from the adjacent intersection of Dufferin Street and Wilson Avenue. It also meets the setback requirement from the R Sign District to the south of the Subject Premises, which appears to be in the process of re-development to a self-storage facility. We have also requested a variance to orient the proposed sign in a v-shaped configuration, which will further ensure that no part of the sign copy is visible from the R Sign District to the south, or to any of the second-storey uses at the property adjacent to the west. See Figure 4 for a map of the Sign Districts adjacent to the Subject Premises.

To minimize any impacts on the two-storey plaza west of Dufferin, we have proposed Condition of Approval #2, which will limit the maximum brightness of the proposed sign between sunset and sunrise to 150 NITS. This is half the maximum brightness allowed by the Sign By-law during these hours, and will ensure the light impact on this adjacent property, located approximately 80 metres west of the proposed sign, will be negligible. Please refer to **Attachment 3** for a Light Impact Analysis conducted by Media Resources for further details.

There are R Sign Districts located behind and beyond the CR Sign Districts to the west, but the closest is located more than 160 metres from the proposed sign, and the sign copy or structure will not be visible due to the built form between the Subject Premises and these residential uses. As the visibility of the

proposed sign from all nearby sensitive land uses is blocked by virtue of the built form of the commercial buildings fronting Dufferin Street and Wilson Avenue, we believe the proposed sign will not affect any adjacent premises, and that this criteria has been established.

(6) The proposed sign will not adversely affect public safety

In E Sign Districts, electronic ground signs are required to be at least 30 metres from an intersection of a major street with any other street. The proposed sign will not be located within this minimum setback, as it will be located approximately 45 metres from the intersection of Wilson Avenue and Dufferin Street, and nearly 50 metres from the travelled portion of Dufferin Street.

The proposed sign will not be located within a visibility zone, and it will be safely located away from vehicular traffic entering and exiting the Subject Premises. In the proposed location, the foundation will not interfere with underground fuel-storage tanks.

While a variance is required for not meeting the 7.5-metre setback of a building from Wilson Avenue set out in the Former North York Zoning By-law, the proposed sign will be located approximately 6 metres from the travelled portion of Wilson Avenue. The proposed setback of 3 metres from the property line along Wilson Avenue meets the standard 2-metre setback from a property line set out for other ground signs in the Sign By-law, as well as the common side-yard setback for Employment Zones of 3 metres.

The clearance of 4.5 metres from grade to the bottom of the sign faces exceeds the requirements set out in the Ontario Building Code, and will help to ensure that pedestrians and vehicles can pass safely underneath the proposed sign without issue.

As part of the *Electronic and Illuminated Sign Study* conducted by the City of Toronto in 2015, the Transportation Services division completed a review of electronic signs and their impacts on traffic safety, comprised mainly of two elements. The first element was a literature review of studies that had been completed on the topic; the second element was a statistical analysis of locations in Toronto where electronic signs have been installed, in an effort to determine whether there has been an increase in traffic collisions.

Transportation Services conducted a statistical analysis of collisions before and after electronic signs were installed using the methodology outlined in the *American Association of State Highway Traffic Officials Highway Safety Manual*, which included more than six years of data.

A total of 1,727 collisions at 11 separate locations along the Gardiner Expressway and Highway 27 were analyzed for this review. The results indicated there was a four per cent decrease in the number of collisions after the electronic signs were installed, which is considered to be statistically insignificant. The main conclusion of this study by Transportation Services was they were unable to identify any statistically significant effect on collisions where electronic signs had been installed.

As can be expected, shorter message duration results in drivers being more likely to observe a change in the message being displayed, which can result in a higher likelihood that a driver will glance at a longer duration. The proposed sign will comply with the Sign By-law provisions for message duration of 10 seconds between changes in copy, in order to further reduce the potential for driver distraction.

The proposed sign will change between messages instantaneously, and will not include any visual effects between one message and the next, such as flashing, blinking or movement, in a further effort to minimize driver distraction.

Recently, the Ministry of Transportation has granted special approvals for several third party electronic ground signs at minimal setbacks from 400-series highways, which have also been reviewed and approved by multiple municipalities, including Toronto. With sign faces in excess of 62 square metres located in direct view of, and in close proximity to the travelled portion of these highways, we believe this contributes towards demonstrating that the impacts of electronic signs on highway traffic has been deemed to be negligible.

The proposed sign will also be designed, engineered and installed in accordance with Ontario Building Code requirements. As well, all operational requirements for electronic signs as defined in the City's Sign By-law will also be maintained by the proposed sign. As such, we do not believe that any issues related to public safety are foreseeable, and that this criteria has been established.

(7) The proposed sign will not be a sign prohibited by Toronto Municipal Code Chapter 694-15B

The proposed sign is not a prohibited sign listed under §694-15B of the Sign By-law, and therefore this criteria has been established.

(8) The proposed sign will not alter the character of the premises or surrounding area

The proposed sign would be identical in shape, size and height to that of the existing third party ground sign on the adjacent property located at 721 Wilson Avenue, which has been in place since 1997. We believe that this existing sign, along with the other third party signs in the surrounding area, contribute towards the character of the premises and surrounding area.

The Subject Premises is located at the south-east corner of the intersection of Dufferin Street and Wilson Avenue. The adjacent property to the east (721 Wilson Avenue) is a vacant parcel, which currently contains an existing third party ground sign. This sign would be removed as a condition of approval, so the proposed sign would not alter the character of this premises. Further east, there are several big-box retail stores such as Best Buy, Home Depot and Costco.

The adjacent property to the west, located on the west side of Dufferin Street, is a strip plaza designated as a CR Sign District. This property contains a two-storey building with multiple tenants, including Benjamin Moore paint supplies, Coffee Time restaurant, Crypto-Currency Buy & Sell, Monarch Paints & Wallpaper, and two other small restaurants – Chito's Pizza and Kalesa (See Figure 5 below). This property also had a third party roof sign in place for many years, which was removed in 2018.

These businesses occupy space at the first and second storey, and the building does not appear to contain any second-storey residential uses. Even if the second storey contained residential uses, granting the variance to allow a "v-shaped" configuration for the proposed sign will direct any light cast in a north-west direction away from this plaza, which will minimize any impacts on this building and any of the tenants within (See Attachment 3 to this rationale for a Light Impact Analysis performed by Media Resources).

Figure 5 – Strip Plaza located at the south-west corner of Dufferin Street and Wilson Avenue



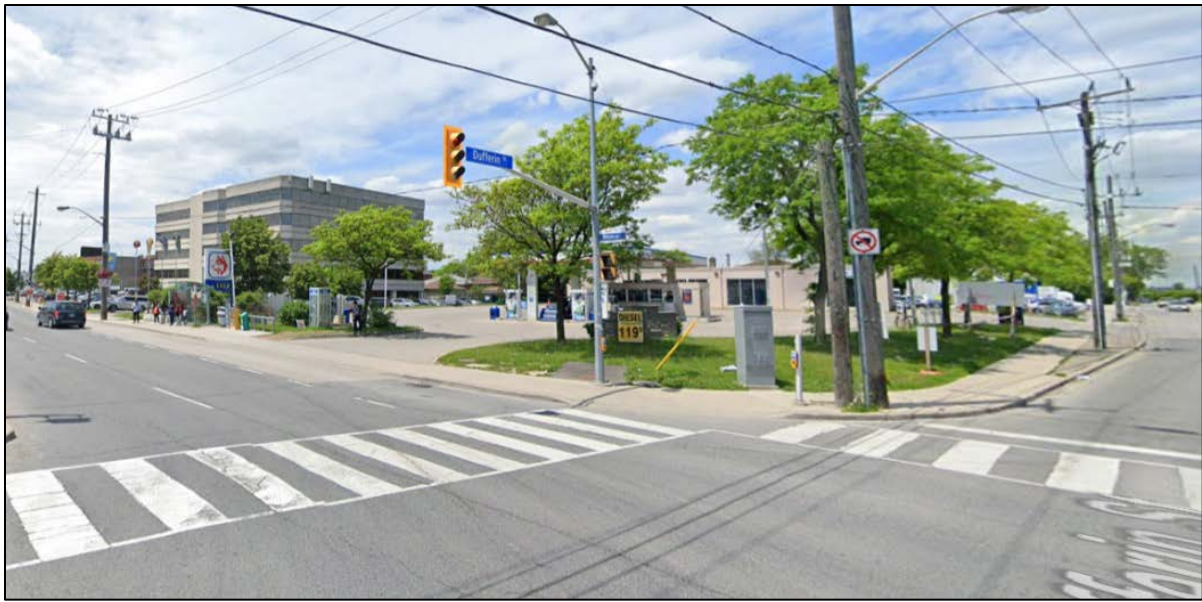
To the north is a “Shell” gas station, with a Volkswagen auto dealership located immediately east (See Figure 6 below). These are the two nearest properties from which the proposed sign would be visible from the north, and we do not anticipate any negative impacts on these adjacent premises. There are no sensitive land uses further north that could be impacted by the proposed sign.

Figure 6 – Looking west along Wilson Avenue at properties to the north of the proposed sign



There is another gas station (“Husky”) located at the north-west corner of the intersection, which is designated as a CR Sign District. To the west of this property is another CR Sign District containing a five-storey office building and associated parking area. There are no residential uses located at either of these two properties that could be impacted by the proposed sign (See Figure 7 below).

Figure 7 – Looking north-west along Wilson Avenue at CR Sign Districts facing the proposed sign



The Subject Premises and properties surrounding it to the north, east and south are designated as E Sign Districts, which allow third party electronic ground signs as-of-right. This helps to demonstrate that third party electronic ground signs such as the proposed sign are in line with the character of Employment Zones and E sign districts. There is one R Sign District located approximately 70 metres to the south, but this property does not contain any residential uses and is currently used as a parking lot for a nearby five-storey office building (See Figure 8 below).

Figure 8 – R Sign District to the south of the proposed sign



Based on signage currently in place at this property, it appears to be in the initial stages of re-development into a self-storage facility. We not believe this use would not be adversely impacted by the proposed sign. For these reasons, we believe that the proposed sign will not alter the character of the premises or surrounding area, and that this criteria has been met.

(9) The proposed sign will not be, in the opinion of the decision maker, contrary to the public interest

We do not believe that the proposed sign will be contrary to the public interest, as the subject property is designated as an E Sign District and third party electronic ground signs are permitted by the Sign By-law, and because it meets each of the nine criteria required for a variance to be granted.

Granting the variance for the signs to be in a v-shaped configuration rather than back-to-back will help direct the sign copy towards the intended viewers and away from the R Sign District to the south and the CR Sign District to the west, and Highway 401 to the south.

Granting the variance to allow the sign to be set back 3 metres from Wilson Avenue will keep the sign safely out of the way of vehicles entering or exiting the gas station at the Subject Premises. It also ensures that any excavation for the foundation will not interfere with underground fuel-storage tanks.

The proposed setback of 3 metres achieves the 2-metre setback required under the Sign By-law, and is in line with the proposed *Official Plan* amendments for the Dufferin and Wilson Re-generation Area, which recommends a building setback of 3 metres along Wilson Avenue (See Attachment 2).

There are several buildings in the surrounding area which are built within the 7.5-metre setback from either Dufferin Street (ie. the five-storey office building located to the south of the Subject Premises), or from Wilson Avenue (ie. the Volkswagen auto dealership to the north-east of the Subject Premises, as well as the big-box retail store to the east). We do not believe allowing the proposed sign within the 7.5-metre setback set out in the former North York Zoning By-law will have any significant impacts on the streetscape or compromise any of the planning objectives for the Subject Premises or the Dufferin and Wilson Re-generation Area.

Granting the variance to allow the proposed sign to be closer than 150 metres to another lawful third party sign can be remedied by the proposed condition of approval, that will ensure the existing third party ground sign at 721 Wilson Avenue will be removed, which will result in no lawful sign being located within 150 metres of the proposed sign.

And lastly, we believe the variance for facing a premises located in a CR Sign District within 250 metres of the proposed sign can be granted because these CR Sign Districts do not contain any residential uses that could be impacted by the proposed sign. We do not believe it will affect the use of the gas stations, the big-box retailers, the auto dealership, the restaurants or the retail stores that operate in the surrounding area, or the potential development of the R Sign District located south of the Subject Premises.

On the contrary, it could provide an opportunity for these businesses to connect with their patrons more effectively.

The proposed sign will also comply with the provisions set out in the Sign By-law for third party electronic ground signs in an E Sign District in terms of height, size, setback from an intersection, setback from R, RA and OS Sign Districts, setback to other static and electronic third party signs, as well as the requirement for use of renewable energy, message duration and transition (ie. no distracting visual effects such as scrolling, flashing, blinking or full-motion video), and with the illumination and time-of-day regulations contained within the Sign By-law.

In conformity with the Sign By-law requirements, all residents and property owners within 250 metres of the subject property were notified of this application. In addition, a community consultation session was conducted at Downsview Library, in order to obtain public feedback regarding the proposed sign.

Only one (1) person attended the community consultation, and this individual was merely seeking additional information and clarification regarding the proposed sign. Upon conclusion of the session, this individual noted they had no concerns with the proposed sign, but did state that a property owner to the south is interested in potential re-development.

In an effort to eliminate any future concerns, Pattison has requested the variance to allow the proposed sign to have a v-shaped configuration, so that no portion of the sign copy can be seen from the south. Therefore, any future development looking north-bound at the proposed sign will not see the electronic copy being displayed.

In conclusion, Pattison strongly believes that the requested variances are in keeping with the general intent and purpose of the Sign By-law and the *Official Plan*, and not contrary to the public interest. For these reasons, we believe this criteria has been met.

We thank you for your time and consideration of our variance application, and hope that the information provided establishes that the proposed sign meets all nine of the criteria required for requested variances to be approved. Should there be any questions regarding this application, please do not hesitate to contact me.

Yours Truly,

Nicholas Campney
Pattison Outdoor Advertising

ATTACHMENT 1: CORRESPONDENCE WITH MTO AND SITE PLAN PROVIDED TO MTO

Nicholas Campney

From: Aslam, Nasir (MTO) <Nasir.Aslam@ontario.ca>
Sent: Tuesday, June 05, 2018 12:01 PM
To: Nicholas Campney
Cc: Singh, Christian (MTO)
Subject: RE: 725 Wilson Avenue Billboard Sign

Hi,

The billboard sign will be placed at north east corner 3639 Dufferin Street. It is acceptable to MTO as per the site plan. If the location were to change, this letter will be void and the new site plan will have to be reviewed and approved by MTO.\

Best Regards,

Nasir Aslam, C.E.T., rcji | Corridor Management Officer - Toronto Region

Ministry of Transportation | Corridor Management Section

159 Sir William Hearst Ave, 7th floor Building D, Downsview ON M3M 0B7

P : (416) 235 – 5382

E : nasir.aslam@ontario.ca

W Corridor Policies : www.mto.gov.on.ca/english/engineering/management/corridor/index.html

W Permit Application : <https://www.hcms.mto.gov.on.ca/>



Highway
Corridor
Management



Please consider the environment before printing this email.

From: Nicholas Campney [mailto:NCampney@pattisonoutdoor.com]
Sent: June 5, 2018 11:47 AM
To: Aslam, Nasir (MTO)
Cc: Singh, Christian (MTO)
Subject: RE: 725 Wilson Avenue Billboard Sign

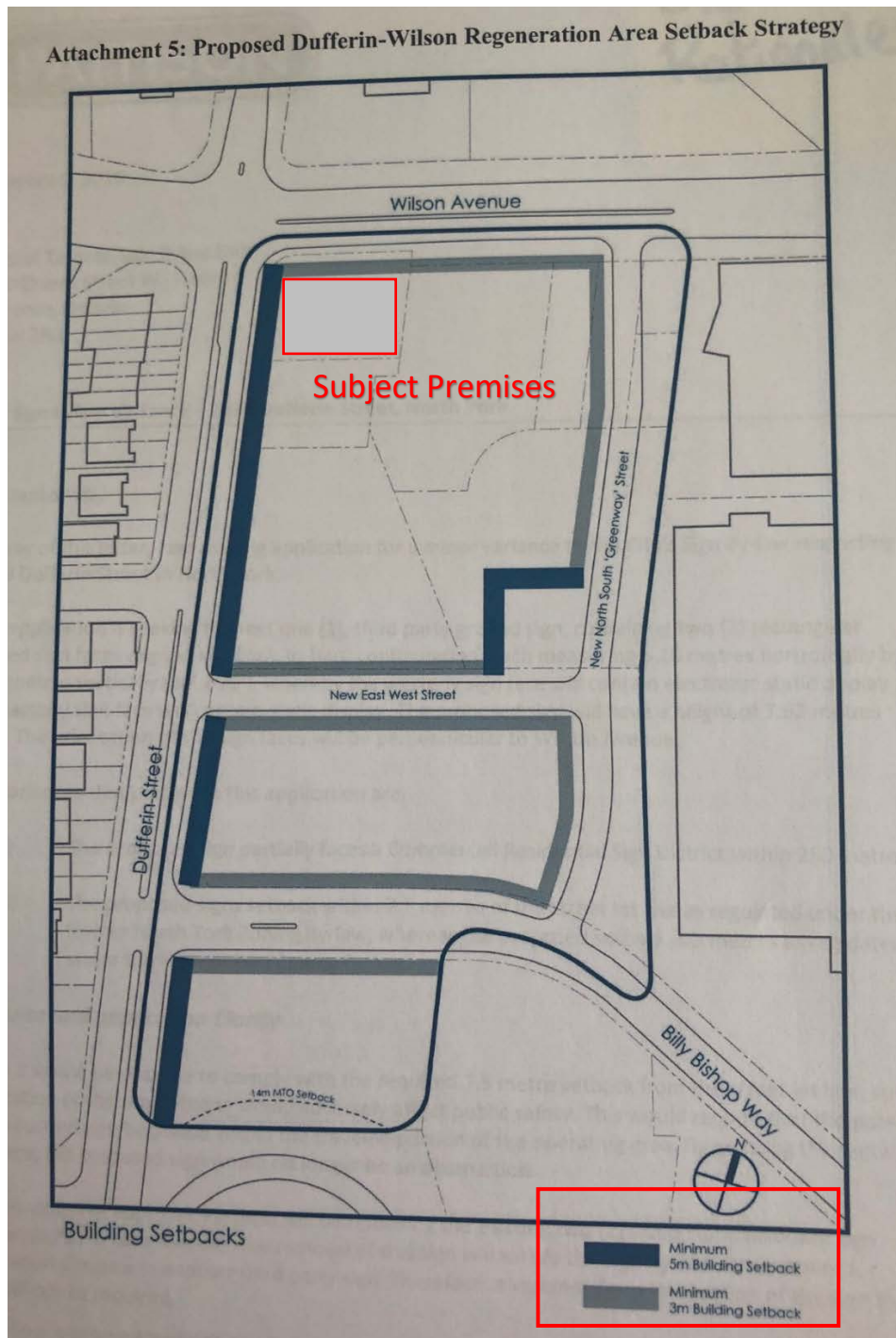
Hi Nasir,

As a point of clarification, the new billboard sign is to be located on 3639 Dufferin Street. The existing billboard sign we propose to remove is located on 725 Wilson Avenue. Please confirm that our approval applies to 3639 Dufferin Street as indicated by the attached site plan.

Thank you,
Nicholas



ATTACHMENT 2: PROPOSED NEW SETBACKS FOR DUFFERIN AND WILSON REGENERATION AREA



July 21st, 2020

Lighting Impact Analysis: 3639 Dufferin Street, Toronto ON

The proposed 10' x 20' electronic ground sign is located at the south-east corner of the intersection of Dufferin Street and Wilson Avenue in North York, Ontario [3639 Dufferin Street]. Specifically, the proposed sign is approximately 49 meters east of Dufferin Street, and 3 meters south of Wilson Avenue.

The proposed sign is approximately 80 meters east-northeast of a two-story building which may contain residential uses at the second story on the west side of Dufferin Street [3618 Dufferin Street]. Concerns regarding the light impact emanating from the proposed sign and experienced by possible residents of these units have necessitated the conduction of a lighting impact analysis.

Calculations were performed and it was concluded that the lighting impact on the residents is negligible. With the proposed sign operating at 150 NITS between sunset and sunrise, and re-orienting the sign to be directed to the north-west (away from possible residents), no resident at 3618 Dufferin Street will experience illumination values in excess of 0.274 lux (negligible)(as seen in Figure 1 below).

Had the operating brightness been set to 300 NITS (standard maximum level during this period set out in the Toronto Sign By-law), as opposed to 150 NITS, the light impact would have been 0.548 lux for 3618 Dufferin Street (as seen in Figure 2 below).

Figure 1 – Overhead view of proposed sign and the lighting impacts on surrounding properties (150 NITS)

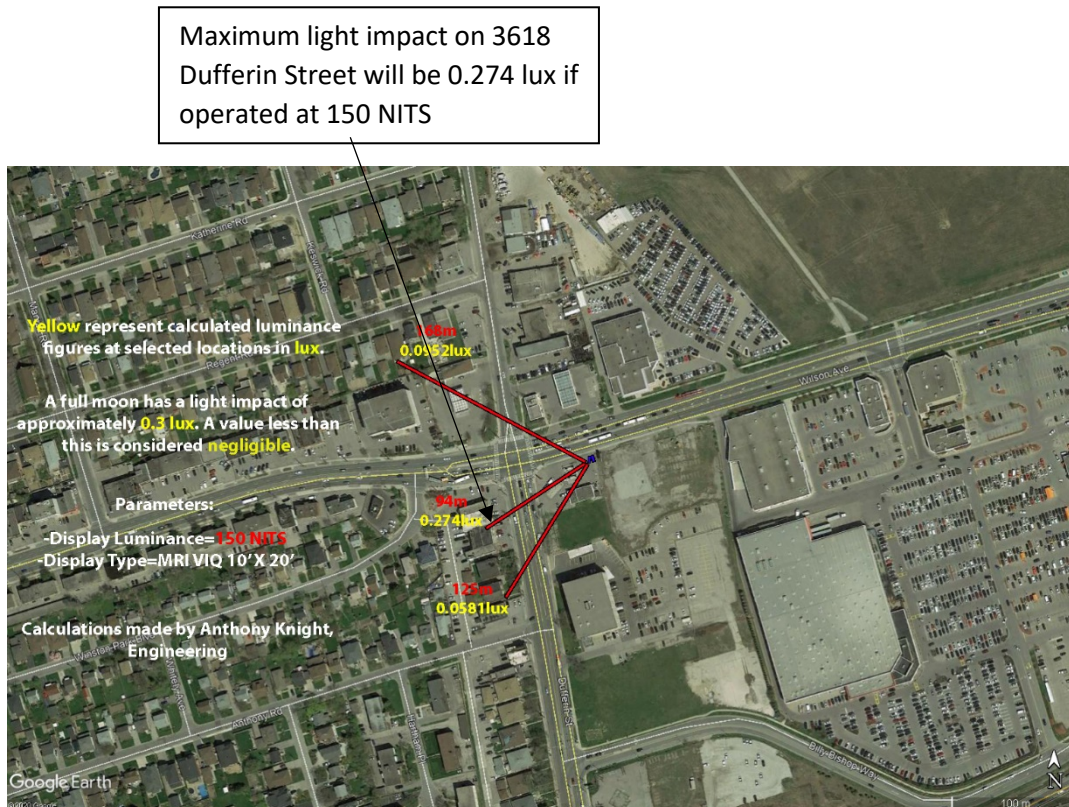
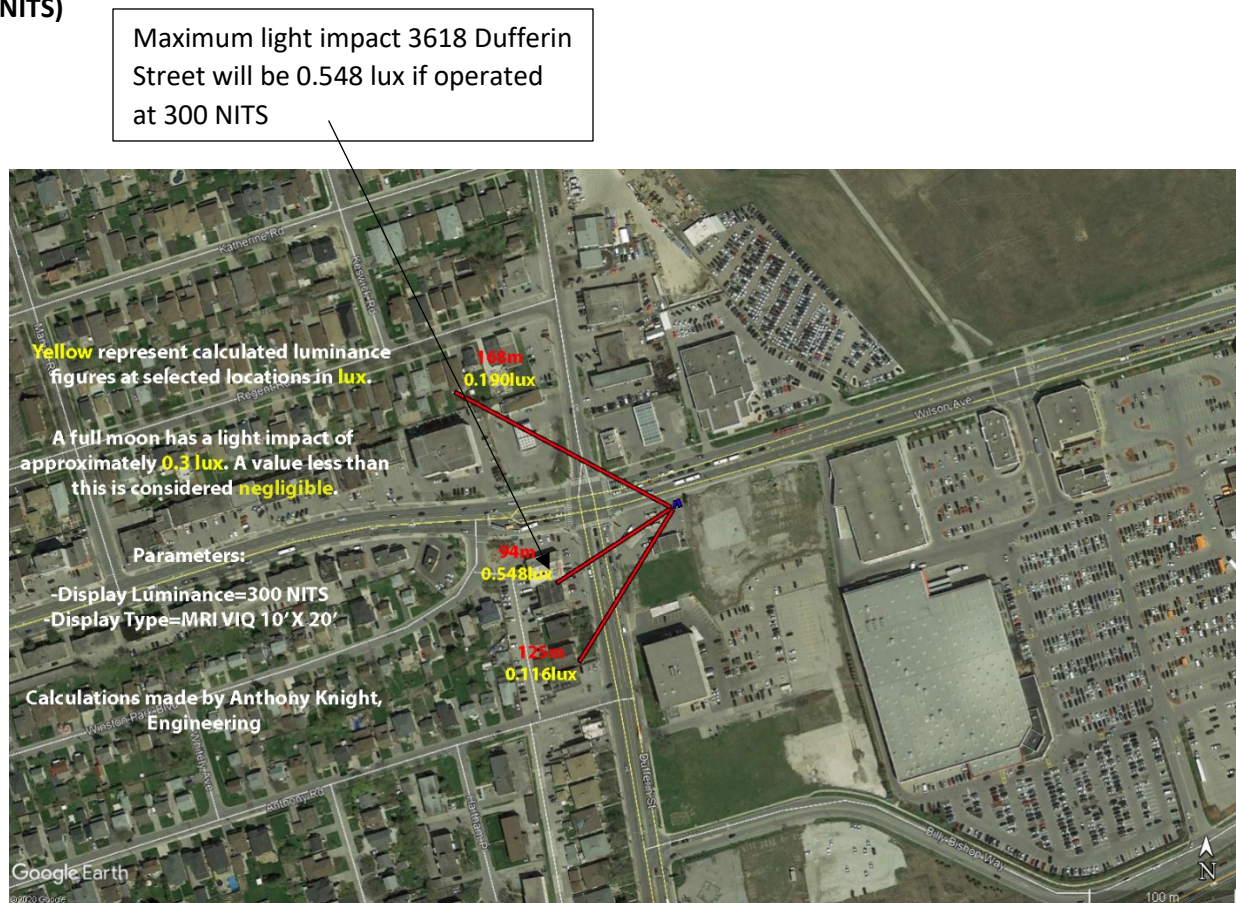


Figure 2 – Overhead view of proposed sign and the lighting impacts on surrounding properties (300 NITS)



Note that the presence of buildings, infrastructure and other obstacles subdues the light impact even further, but these calculations conservatively assumed worst-case scenarios.

Besides the possible residents at 3618 Dufferin Street, no other residential areas will experience any significant light impact because of the proposed sign. This is because other residences are either further away (bearing in mind that light spill drops exponentially with increased distance from the sign), or are obstructed from viewing the proposed sign by commercial buildings.

In conclusion, with the proposed sign operating at 150 NITS between sunset and sunrise, we do not foresee the proposed electronic ground sign at 3639 Dufferin Street as having any significant light impact on the possible residential uses located to west of Dufferin Street.

Anthony Knight
Engineering
aknight@mediaresources.com
(647) – 207 - 5502