

Application for Seven Variances, each subject to three Conditions, Respecting One Third Party Electronic Ground Sign – 476 Evans Avenue

Date: March 9, 2022

To: Sign Variance Committee

From: Manager, Sign By-Law Unit, Toronto Building

Wards: Etobicoke-Lakeshore (Ward 03)

SUMMARY

Xmedia (the "Applicant") has stated that they have been authorized by the owner of the property municipally known as 476 Evans Avenue (the "Subject Premises"), to apply for seven variances, each subject to three 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") at 476 Evans Avenue.

The Subject Premises is a relatively unique location within the City, as it is one of the few locations that is subject to more than one of the 74 separate area specific restrictions enacted by City Council, which specifically prohibit any third party signs from being erected on the premises.

The Proposed Sign would be located along the north-west frontage of the Subject Premises, facing the Gardiner Expressway, in a westerly and north-easterly direction. It will have a maximum height of 13.47 metres, and will contain two rectangular sign faces, in a "back to back" configuration each with a maximum horizontal measurement of 14.63 metres (centre line) and maximum vertical measurement 4.27 metres (bisecting line), with a sign face area of 62.47 square metres. The Proposed Sign is described further in Attachment 1.

Seven variances to Chapter 694, each subject to three conditions, are required to allow the Chief Building Official ("CBO") to issue the sign permit for the Proposed Sign. The requirements in Chapter 694, which have been requested to be varied, and proposed new requirements are as below:

- 1) **§ 694-24.A(1)** - 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 the F.G. Gardiner Expressway from Highway 427 to the Humber River, transferred from the Province by Order in Council 534/97. **Proposed New Requirement:** The Proposed Sign would be erected and displayed within the prohibited area comprised of any location within 400 metres of any limit of the F.G. Gardiner Expressway from Highway 427 to the Humber River, specifically the Proposed Sign would be erected and displayed approximately 1.5 meters of southern limit of F.G. Gardiner Expressway between Highway 427 and the Humber River).

2) **§ 694-24.A(17)-** 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 Highway 427 contained within the municipal boundaries of the City. **Proposed New Requirement:** The Proposed Sign would be erected and displayed within the prohibited area comprised of any location within 400 metres of Highway 427 contained within the municipal boundaries of the City, specifically the Proposed Sign would be erected and displayed approximately 290 metres from the Highway 427 off-ramp onto the F.G. Gardiner Expressway.

3) **§ 694-25.C(2)(a)-** An Employment "E" Sign District may contain an electronic ground sign provided the sign face area shall not exceed 20.0 square metres. **Proposed New Requirement:** The Proposed Sign would have a sign face area that would not exceed 62.47 square meters on each sign face (which is approximately three times the permitted sign face area on each sign face).

4) **§ 694-25.C(2)(b)-** An Employment Sign District may contain an electronic ground sign provided the height shall not exceed 10.0 meters. **Proposed New Requirement:** The Proposed Sign would have a height that would not exceed 13.47 meters.

5) **§ 694-25.C(2)(d)-** An Employment Sign District may contain an 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 applicable Zoning By-law. **Proposed New Requirement:** The Proposed Sign would be located within the minimum permitted rear and side yard setback in the City's applicable Zoning By-law, specifically within 1.5 metres from the rear and side yard property lines where the required rear and side yard setback for the premises are 7.5m & 3m respectively.

6) **§ 694-25.C(2)(f)-** An Employment Sign District may contain an electronic ground sign provided where a sign is located within 250 metres of an R, RA, CR, I or OS sign district, the sign cannot face any premise in the R, RA, CR, I or OS sign district.- **Proposed New Requirement:** The Proposed Sign would face OS sign districts located within 125 meters of the North West sign face and within 220 metres of the South West sign face, as well a CR sign district located 230 meters to the North East and an R sign district located 220 metres to the South East.

7) **§ 694-25C(2)(h)** – An (E) Employment Sign District may contain a third party electronic ground sign, provided there shall be no more than one ground sign or electronic ground sign erected on the premises. **Proposed New Requirement:** The Subject Premises be allowed to contain a third party electronic ground sign, although the Subject Premises contains a single first party ground sign (A ground sign located on the South East frontage of 476 Evans Ave, identifying the existing business in the property, "Global Alliance").

Each of the seven requested variances will be subject to the following three conditions:

- Condition 1. The sign face bottom shall be no less than 4.25 metres from the ground for all sign faces.
- Condition 2. The Proposed Sign shall be located no closer than 1.5 metres from the northern property line of the Subject Premises.
- Condition 3. The Proposed Sign shall be located no closer than 1.5 metres from the eastern property line of the Subject Premises.

Following a review of the Applicant's submissions and the results of research and investigation by Sign By-law Unit staff, the CBO has determined that the Applicant has not provided sufficient information to determine that the Proposed Sign meets all nine of the criteria established in §694- 30A of the Sign By-law.

Specifically, the information provided has not established that the Proposed Sign is compatible with the development of the premises and surrounding area; supports the Official Plan objectives for the premises and surrounding area; does not alter the character of the premises and surrounding area; does not adversely affect adjacent premises; does not adversely affect public safety, including traffic and pedestrian safety; and, is not contrary to the public interest.

Therefore, the CBO does not support the Sign Variance Committee granting the seven requested variances, each subject to three conditions, for the Proposed Sign.

RECOMMENDATIONS

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

The Sign Variance Committee refuse to grant any of the seven requested variances to sections 694-24.A(1), 694-24.A(17), 694-25.C(2)(a), 694-25.C(2)(b), 694- 25.C(2)(d), § 694-25.C(2)(f), and § 694-25.C(2)(h), each subject to three conditions, which would be required to allow for the issuance of a permit

respecting the erection and display of the Proposed Sign at the property municipally known as 476 Evans Ave as described in Attachment 1 of this report.

FINANCIAL IMPACT

There are no current or known future year financial impacts arising from the recommendation contained in this report.

DECISION HISTORY

EY 35.47 – Sign Variance Report 476 Evans Avenue

At its meeting of March 9, 2010; the Etobicoke York Community Council deferred consideration of a sign similar to the Proposed Sign to its meeting of April 27, 2010. It does not appear that a final decision on the application was provided.

(<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2010.EY35.47>)

ISSUE BACKGROUND

Required Variances

Table 1: Summary of Requested Variances for Proposed Sign

Sign By-Law Reference	Requirement	Proposal
§ 694-24.A(1)	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 the F.G. Gardiner Expressway from Highway 427 to the Humber River, transferred from the Province by Order in Council 534/97;	The Proposed Sign is located in an area where a third party sign shall not be erected or displayed (1.5 metres to the south of the southern limit of the portion of F.G. Gardiner Expressway between Highway 427 and the Humber River).
§ 694-24.A(17)-	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 Highway 427 contained within the municipal boundaries of the City.	The Proposed Sign is located in an area where a third party sign shall not be erected or displayed (290 metres from a limit of Highway 427).

§ 694-25.C(2)(a)	An Employment Sign District may contain an electronic ground sign provided the sign face area shall not exceed 20.0 square metres;	The Proposed Sign would have a maximum sign face area of 62.47 square meters which is approximately three times the standard permitted sign face area.
§ 694-25.C(2)(b)	An Employment Sign District may contain an electronic ground sign provided the height shall not exceed 10.0 meters;	The Proposed Sign would have a maximum height of 13.47 meters which is approximately twice the standard permitted height.
§ 694-25.C(2)(d)	An Employment Sign District may contain an 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 applicable Zoning By-law;	In Employment-Industrial Zone minimum permitted rear yard and side yard setback is 7.5 metres & 3 metres respectively, whereas the Proposed Sign's proposed setbacks from north property line (adjacent to the Gardiner Expressway) and from east property line is 1.5 metres
§ 694-25.C(2)(f)	An Employment Sign District may contain an electronic ground sign provided where a sign is located within 250 metres of an R, RA, CR, I or OS sign district, the sign cannot face any premise in the R, RA, CR, I or OS sign district;	The Proposed Sign would face OS sign districts located within 125 meters of the North West sign face and within 220 metres of the South West sign face, as well as a CR sign district located 230 meters to the North East and an R sign district located 220 metres to the South East.
§ 694-25.C(2)(h)	An (E) Employment Sign District may contain a third party electronic ground sign, provided there shall be no more than one ground sign or electronic ground sign erected on the premises;	The Proposed Sign would be allowed to be on the premises, although there is a first party ground sign currently erected on the Subject Premises

Sign Attributes and Site Context

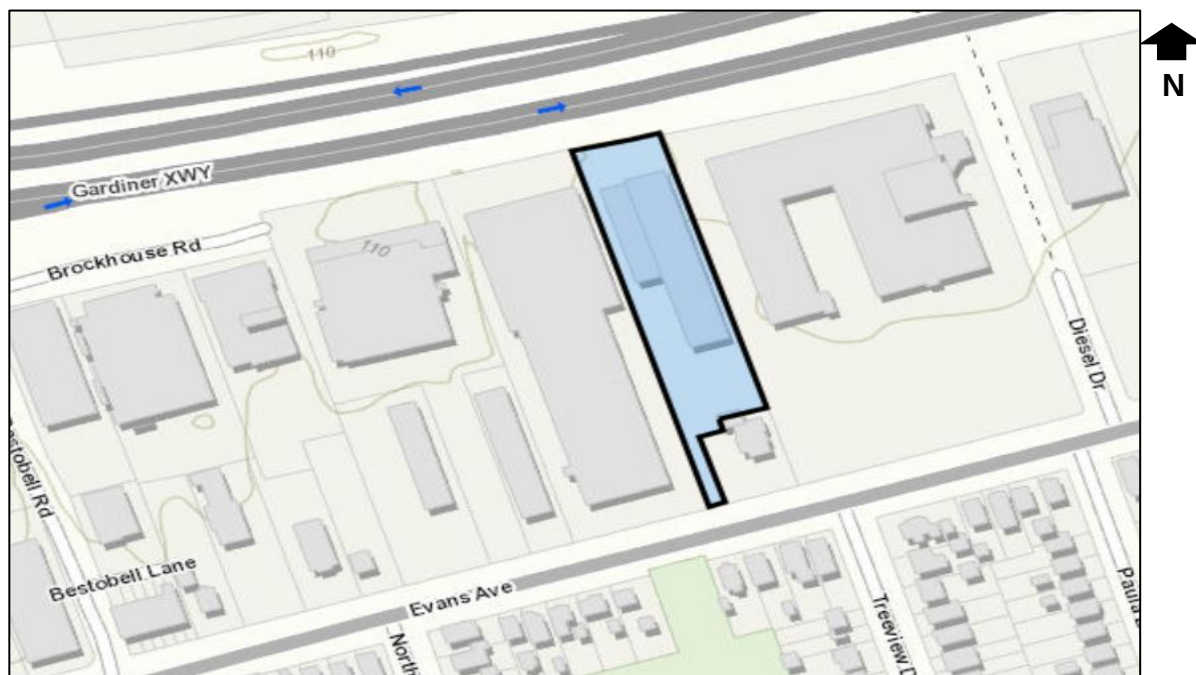
476 Evans Avenue is located in two of the 74 specific areas within the City, where City Council has determined that third party signs should be specifically prohibited. These seventy-four area-specific restrictions were imposed by City Council based on the determination that third party signs in these locations are inconsistent and incompatible with the surrounding area, and would not contribute

positively to the quality of Toronto's appearance.

It is rare, but not unprecedented, that the borders of more than one of these specified areas where third party signs are specifically prohibited, would overlap to implement multiple prohibitions on a premises containing third party signs. This overlapping "multiple prohibitions" is most common where a premises is in close proximity to multiple roadways which form a part of an area specific restriction. The Subject Premises, 476 Evans Avenue, belongs to a relatively small group of properties in the City where multiple area-specific restrictions prohibiting third-party signs are in place.

476 Evans Avenue is designated as an Employment ("E") Sign District and is located in Ward 3 - Etobicoke-Lakeshore. There is one low-rise commercial building located at the Subject Premises, as per GIS map in Figure 1. The Subject Premises is occupied by "Global Alliance" which offers limousine rental/hire services.

Figure 1: GIS Map Excerpt - 476 Evans Ave



To the east and west, the Subject Premises is surrounded by one and two storey commercial buildings, containing commercial and employment uses. Immediately to the North is F.G. Gardiner Expressway and to the immediate south is Evans Ave. To the south of the Subject Premises, are properties designated as Residential ("R") and Open Space ("OS") Sign Districts.

Figure 2: Looking South from F.G. Gardiner Expressway to 476 Evans Ave

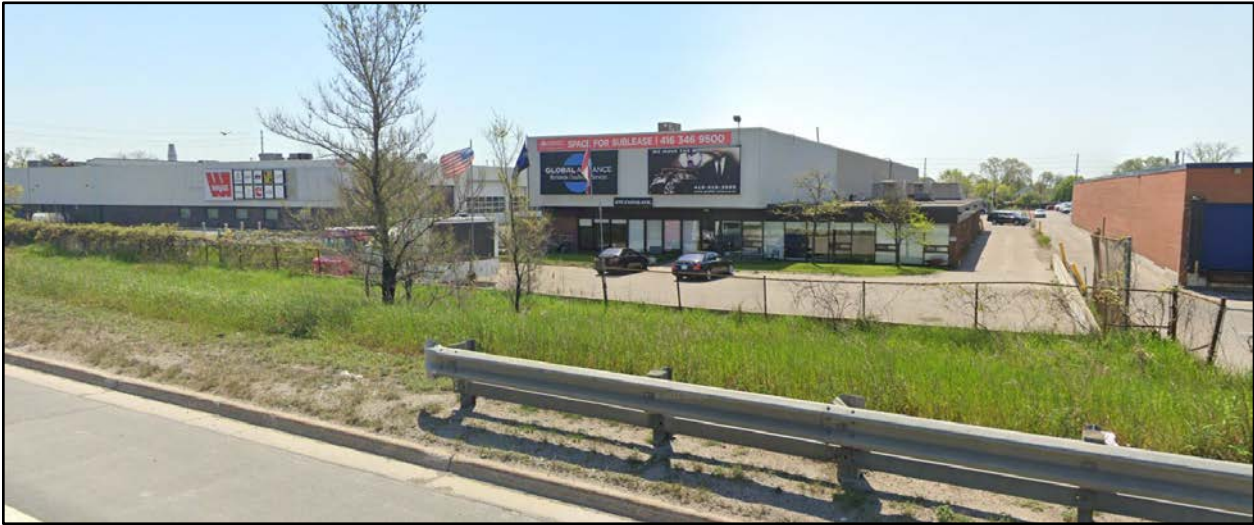


Figure 3: Looking East from 476 Evans Ave along the F.G. Gardiner Expressway



Surrounding Premises:

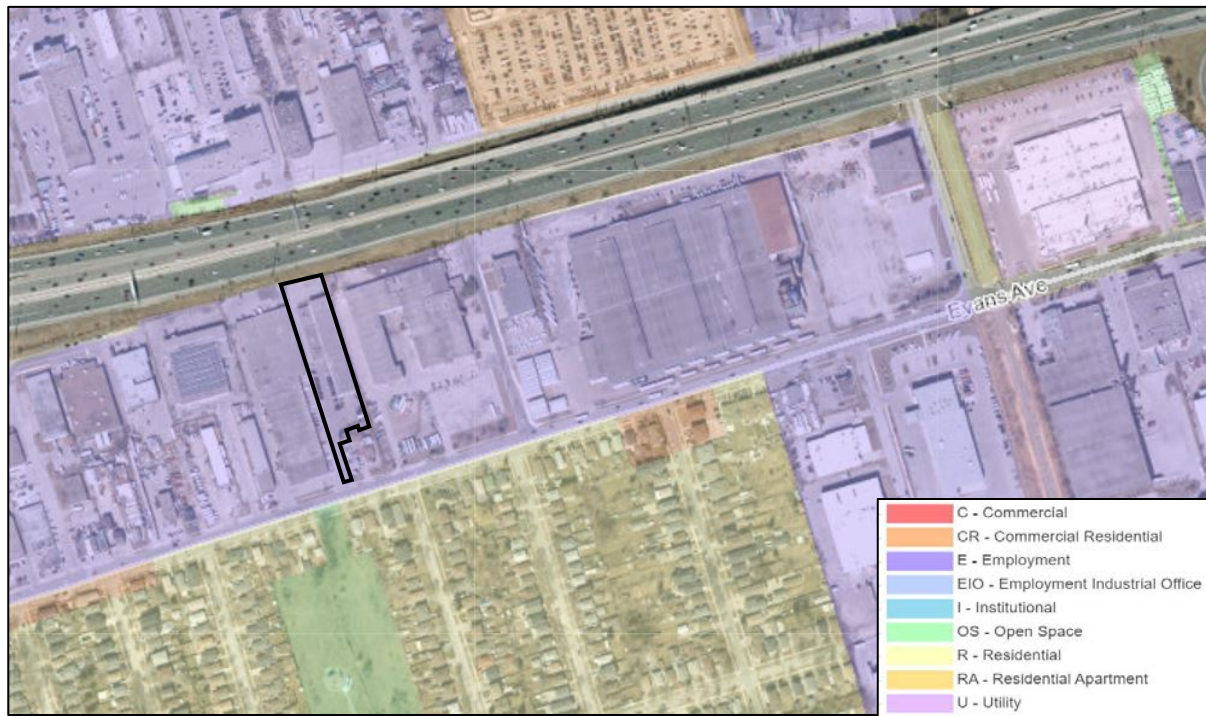
North: Employment E Sign District, F.G. Gardiner Expressway and employment uses

East: Employment E Sign District, employment and commercial uses

West: Employment E Sign District, employment and commercial uses

South: Residential and Open Space Sign Districts, residential and park land uses

Figure 4: Sign District Map - 476 Evans Ave



Applicant Information

Xmedia has stated that they have been authorized by the owner of the property municipally known as 476 Evans Avenue, to apply for seven variances, each subject to three 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 at 476 Evans Avenue.

Application Background

The Proposed Sign will be located along the north-west frontage of 476 Evans Ave, facing the Gardiner Expressway, in a westerly and easterly direction. It will have a height of 13.47 metres, and will contain two rectangular sign faces, each with a maximum centre line (horizontal dimension) of 14.63 metres and maximum bisecting line (vertical dimension) of 4.27 metres, with a maximum sign face area of 62.47 square metres located in a “back to back” configuration. The Proposed Sign is described further in Attachment 1.

Community Consultation

The CBO has adopted a practice of engaging in enhanced consultation processes concerning variance applications proposing electronic signs. Notice

required by the City's Sign By-law was provided to premises within a 250 metre radius of the Subject Premises, advising about the proposal.

The CBO also held and informed the public of a virtual Community Consultation meeting. The Community Consultation meeting was held on the evening of March 8, 2022. No one attended the community consultation meeting, and as of the date of this report, no comments or concerns have been received from the public.

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

The Sign By-law contains criteria to be used in evaluating an application for variance(s). Specifically, §694-30A states that an application for variance(s) may only be granted where it is established that the Proposed Sign(s) meet each of the nine established criteria.

The Sign Variance Committee is required to conduct an evaluation and determine that the Applicant seeking the proposed variances meets all nine of the mandatory criteria, on the basis of the presented information.

Applying the Established Criteria:

Section 694-30A(1): The Proposed Sign belongs to a sign class permitted in the Sign District where the premises is located

Based on the review of the Sign Unit staff, the property at 476 Evans Avenue can be confirmed as being designated as an E Sign District which permit signs belonging to the third party sign class.

The CBO has confirmed that as per the information contained in the Applicant's submission, the Proposed Sign is a third party sign, 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 694-30A(2): In the case of a third party sign, the Proposed Sign is of a sign type permitted in the Sign District where the premises is located

Based on the review of the Sign Unit staff, the property at 476 Evans Avenue can be confirmed as being designated as an E Sign District. The Applicant's submission contains sufficient information (in the description and diagrams provided) to confirm the Proposed Sign is an electronic ground sign.

Electronic ground signs are a sign type that is permitted in E Sign Districts. Therefore, the CBO is of the opinion that this criteria has been established.

Section 694-30A(3): The Proposed Sign will be compatible with the development of the premises and surrounding area

The Subject Premises is designated as an E Sign District, which is a Sign District that would generally allow electronic ground signs. It is surrounded by properties in the E Sign District to the immediate north, east and west. These areas of the City contain largely commercial and employment uses and were specifically set out in the Sign By-law to contain third party electronic ground signs.

Approximately 220 metres to the south of the Proposed Sign are properties designated as Residential and Open Space Sign Districts. However, due to the location of the Proposed Sign and its orientation towards the F.G. Gardiner Expressway and away from the properties in the Residential and Open Space Sign Districts to the south, staff believe that there is little, if any relationship between the Proposed Sign and these properties.

The Proposed Sign is facing a small Open Space Sign District approximately 125 metres to the northwest and a Commercial Residential Sign District approximately 230 meters to the northeast side. The applicant states in the rationale that the Proposed Sign will be facing the F.G. Gardiner Expressway with a back to back configuration and will be oriented directly to the east and west and will not impact these properties.

There are currently no third party signs located at 476 Evans Ave, which is consistent with the area-specific restrictions of the Sign By-law. Also, there are no third party signs within a 150 metre radius of the Proposed Sign which is also consistent with the requirements of the current Sign By-law.

The building located on the Subject Premises has a height of 9.2 metres; this height is consistent with buildings to the immediate east and west. The Applicant states in their rationale that a clearance of 9.2 metres to the bottom of the Proposed Sign will ensure that the design, fascia and architecture of the 9.2 metre high building will not be obstructed by the Proposed Sign. Despite this, the Proposed Sign will exceed the maximum permitted height in the Sign By-law by almost 3.5 metres (or 35%) and will be more than 4 metres taller than the building located on the Subject Premises, as well as the buildings to the immediate east and west of the Proposed Sign.

Area-specific restrictions in the Sign By-law prohibit any third party signs being erected within 400 metres of the limits of the F.G. Gardiner Expressway and the limits of Highway 427. The Proposed Sign will be located 1.5 meters from the

southern limit of the F.G. Gardiner Expressway, which is prohibited by 694-24A(1) of the Sign By-law. The Subject Premises is also and approximately 290 metres from the off-ramp from Highway 427, and so the Proposed Sign would be also prohibited by 694-24.A(17).

The area-specific restrictions in the Sign By-law (such as the ones listed in subsections 694-24A(1) and (17)) are due to a specific determination made by City Council that third party signs are incompatible with the premises and surrounding area for these areas, would not contribute positively to the quality of the appearance of this area, and would not enhance the image of the area or Toronto as a whole if erected or displayed in this area.

When amendments were made to the Sign By-Law in 2015 concerning electronic signs, this restriction was neither removed nor amended, and with the exception of the Gardiner Gateway Special Sign District (over 9km to the east), the area within 400 metres the F.G. Gardiner Expressway and Highway 427 remain two of the areas within the City where the erection or display of third party signs is not permitted by the Sign By-Law.

The Applicant has provided no materials as to why this location is unique and how this Proposed Sign at this location would be consistent with the development of the Subject Premises and surrounding area; in light of City Council's determination to the contrary.

The Applicant also states in their submission package (Attachment 2) that there are not any third party electronic ground signs within 500 meters on the same street as the Proposed Sign. Although there are no other signs within 500 metres located on the F.G. Gardiner Expressway, Sign Unit staff have identified an existing third party electronic sign at 29 Algie Avenue Boulevard (to the north of the F.G. Gardiner Expressway) which is approximately 230 metres away from the Proposed Sign, and is oriented towards traffic on the F.G. Gardiner Expressway. The third party sign at 29 Algie Avenue was approved by the Etobicoke York Community Council in February 2010, prior to the current Sign By-law being in-force.

Although the Applicant also states any future land development along Evans Ave will not be impacted, as the Proposed Sign will be located to the extreme north of the property adjacent to the Gardiner Expressway, the Applicant has not provided any planning or development studies or other materials in their rationale to support this statement.

As such, it is CBO's position that the Applicant has not provided sufficient information that would support a conclusion that the Proposed Sign is compatible with the development of the premises and surrounding area. Therefore, it is the CBO's position that the Applicant has failed to provide sufficient information to demonstrate that this criterion has been established.

Section 694-30A(4): The Proposed Sign will support Official Plan objectives for the subject premises and surrounding area

According to staff investigation, the property municipally known as 476 Evans Ave is designated Core Employment Areas in Map 15 Land Use Plan as illustrated in Figure 5.

The Applicant's submission states that 476 Evans Ave has been designated as an Employment Area in City of Toronto Official Plan, and the Proposed Sign would not compromise or contradict the Official Plan objectives. The Applicant states in their rationale that the Proposed Sign supports the Official Plan objectives by contributing to the viability and continuation of the existing uses carried out at the Subject Premises. The applicant also states that the signage will highlight the presence of many businesses in the area and present multiple opportunities for local and national businesses in the area.

The CBO agrees that this supports Policy Statement 2.2.4 2 b) in Chapter 2 of the Official Plan which states that:

Employment Areas will be used exclusively for business and economic activities in order to: ... b) protect and preserve Employment Areas for current and future business and economic activities

The Applicant also states that the Proposed Sign supports the Official Plan objectives surrounding climate change, in that it will use only renewable energy (as required by the Sign By-Law) and also the electronic signs have the capability to eliminate unnecessary costs and resources for maintenance crews to repeatedly access the site, the road travel associated with regular changes to the copy and produce less waste and significantly reduces the environment footprint.

The CBO agrees that this supports Policy Statement 3.4 1 c) i., iii and iv. in Chapter 3 of the Official Plan which states that:

"to support strong communities, a competitive economy and a high quality of life, public and private city-building activities and changes to the built environment, including public works, will be environmentally friendly, based on: ...c) Addressing environmental stresses caused by the consumption of natural resources, by reducing: i. The amount of solid waste requiring disposal in landfill and by promoting programs for reducing, reusing, recycling and composting, ... iii. Energy consumption and greenhouse gas emissions; and iv. Reliance on carbon-based fuels for energy"

Despite the above, the Zoning By-Law remains the primary way in which the City implement's its Official Plan. The Zoning By-Law governs the built form of the city in a way that is consistent with the Official Plan objectives for properties throughout the city.

The Proposed Sign is located within the setbacks required by the City's applicable Zoning By-Law. Non-compliance with the applicable Zoning By-Law could be an indicator that the Proposed Sign does not support the Official Plan

objectives for the premises, particularly objectives that are intended to guide built form and the mitigation of impacts through separation distances from adjacent properties or land uses.

Figure 5: Official Plan Map - 476 Evans Ave



Although it is possible to not meet the Zoning By-law requirements for a property and still support the Official Plan objectives for that property (e.g. there is a similar requirement for minor variances in the Planning Act), The Applicant has not provided any information in their rationale as to how the reduced setbacks of the Proposed Sign will support the Official Plan objectives for the Subject Premises.

As such, it is CBO's position that, Applicant has failed to provide sufficient information to establish as required by this criterion, that the Proposed Sign supports the Official Plan objectives for the Subject Premises and surrounding area.

Section 694-30A(5): The Proposed Sign will not adversely affect adjacent premises

The Subject Premises is designated as an E Sign District as are the properties to the east and west. To the north of the Subject Premises is the F.G. Gardiner Expressway.

Approximately 220 metres to the south of the Proposed Sign there are properties

designated as Residential and Open Space Sign Districts. As stated above, due to the orientation and location of the Proposed Sign to the properties in these Sign Districts, it is Staff's position that there is little, if any relationship between the Proposed Sign and these properties.

In their application materials, the Applicant states that due to their Sign District designations, the adjacent properties contain uses that could not be adversely affected by the presence of the Proposed Sign. The Applicant also states that both the east and west buildings are of similar height and have no offices facing the rear of the properties, and that there is no sensitive land uses on adjacent premises or surrounding area.

The Applicant's submission has not, however, described how the Proposed Sign, which will be 1.5 metres from F.G. Gardiner Expressway will not adversely affect it. Although the Proposed Sign will operate within the requirements of the Sign By-law which regulate illumination and time of day operation; signs with electronic copy can be visually intense and dominant in places where they are located. Due to its size, height and method of copy display, it is likely that the Proposed Sign will have an adverse impact on users of the F.G. Gardiner Expressway.

Based on the staff review of the premises surrounding the Proposed Sign, as well as the Applicant's materials, it is the CBO's opinion that the possibility of an adverse effect on adjacent premises, specifically the F.G. Gardiner Expressway has not been sufficiently addressed. Therefore, it is CBO's position that this criteria has not been established.

Section 694-30A(6): The Proposed Sign will not adversely affect public safety, including traffic and pedestrian safety

The Applicant states that the Proposed Sign will be designed and installed in accordance with the requirements of the Ontario Building Code to ensure the public safety. The Applicant has also proposed a condition where the minimum clearance height of the sign faces will be 9.2 metres, which is more than twice the 4.25 metres required by the Ontario Building Code.

The Proposed Sign will be located 190 metres from the travelled portion of Evans Ave and it is not in a visibility zone, as the Proposed Sign is at north of the property whereas the ingress and egress is at south of the property.

The Applicant's submission materials state that Transportations Services in the City of Toronto conducted a statistical analysis of collision before and after the electronic signs were installed. A total of 1,727 collisions at 11 separate locations along the Gardiner Expressway and Highway 27 were analyzed for review and the results indicated that there was a four percent decrease in the number of collision after the electronic signs were installed. The applicant has not

commented specifically on the relationship between this study and the Proposed Sign.

The Applicant states the Proposed Sign will be set back more than 1.3 km from the F.G. Gardiner Expressway off-ramp at Islington Avenue, however, they make no mention of the off-ramp and merge lanes leading from Highway 427 to the F.G. Gardiner Expressway which are less than 300 metres away from the Proposed Sign.

Although the Proposed Sign will comply with the requirement of the Sign By-law with respect to message transitions and brightness which should reduce the possibility of driver distraction, there are still concerns about driver distraction where electronic signs are located adjacent to highways and/or are located in close proximity to each other.

The closest electronic sign is 29 Algie Avenue, which is approximately 230 metres distance from the Proposed Sign to the north of, and oriented towards traffic on the F.G. Gardiner Expressway. These two signs are both likely to be visible to motorists at the same time. The Applicant has not provided any information on the relationship between the combined impacts of the sign at 29 Algie Avenue and the Proposed Sign.

As such, it is CBO's position that the Applicant has not provided sufficient information to demonstrate that the Proposed Sign will not adversely affect public safety, including traffic and pedestrian safety. Therefore, it is CBO's position that this criteria has not been established.

Section 694-30A(7): The Proposed Sign will not be a sign prohibited by §694-15B

According to staff review, the Applicant's documents and drawings contains sufficient information to confirm that Proposed Sign does not meet the description of any of the signs which are specifically prohibited by §694-15B. As such, the CBO is of the opinion that this criteria has been established.

Section 694-30A(8): The Proposed Sign will not alter the character of the premises or surrounding area

The Applicant's submission materials state that there are five third party electronic signs along the F.G. Gardiner Expressway between Highway 427 and Islington Avenue. Despite this, staff have confirmed that, there are no other electronic ground signs in the area immediately surrounding the Proposed Sign that have been approved after the current Sign By-Law was enacted in 2010. The only similar electronic ground sign in the immediate area is located at 29 Algie Avenue

(approximately 230 metres to the east) which was approved by Etobicoke York Community Council in 2010.

The Sign By-Law restricts third party signs within 400 meters of the F.G. Gardiner Expressway. The majority of the signs that the Applicant's submission materials refer to are signs that were either approved under prior Sign By-Laws (pre-2010), or signs that have little or no relationship to the Proposed Sign.

The Applicant's submission materials state that the Subject Premises is designated as an Employment Sign District which permits third party electronic ground signs. Despite this, the Proposed Sign will have a sign face area approximately three times larger than the permitted sign face area in Employment Sign District and the Proposed Sign will be 3.5 metres higher than the maximum permitted height for signs in Employment Sign Districts.

Based on the above, the CBO is of the opinion that the Applicant has not provided sufficient information to demonstrate that the character of the premises and surrounding area will not be altered, and as a result, that this criteria has not been established.

Section 694-30A(9): The Proposed Sign will not be, in the opinion of the decision maker, contrary to the public interest

The rationale provided by the Applicant states that the Proposed Sign is located in the subject premises that is designated as a Core Employment Area in the City of Toronto Official Plan and indicates the type and class of the sign which is permitted in E Sign district is for benefit of Torontonians, local and national businesses to promote their products and services.

The Applicant's rationale also states that the use of renewable energy will be implemented through an agreement with a leading energy provider to reduce the emissions footprint and support the growth of renewable energy – which is one of the ways the sign may be powered as required by the Sign By-law. The Applicant goes on to say that the illumination of Proposed Sign would be according to the mandatory regulations applicable to all third party signs as contained in Subsection 694-18E of the Sign By-law.

The Applicant also states that the Proposed Sign would be not visible from the CR sign district to the North east which is approximately 230 metres away from the Proposed Sign. The Applicant has not provided any explanation as to how this would demonstrate that the Proposed Sign is not contrary to the public interest.

After extensive public and industry consultation, the Sign By-law requirements for Employment Sign Districts were amended in 2015 to permit electronic ground signs, however not at the size or height of the Proposed Sign. Also, the area-

specific restriction prohibiting signs within 400 metres of the F.G. Gardiner Expressway has been in the Sign By-law since 2010 without amendment. The Applicant states that the Proposed Sign height is much lower than other existing signs along F.G. Gardiner Expressway. However no information has been provided to indicate how this variance would not be contrary to the public interest.

The Applicant has also requested variances for the setback of the sign. This variance has not been addressed in the Applicant's submission materials, and as a result, no information has been provided to indicate how this variance would not be contrary to the public interest, concerning the development of the Subject Premises as required by the City's Zoning By-laws.

As well, the rationale provided by the Applicant simply does not explain how being granted seven variances to the Sign By-law would not be contrary to the public interest.

It is the CBO's position that these statements are not sufficient to support a conclusion that the Proposed Sign is not contrary to the public interest. As such, the CBO is of the opinion that this criteria has not been established.

Conclusion

In the CBO's opinion, the Applicant's materials have not provided sufficient information to establish that all nine criteria required to grant the seven requested variances for Proposed Sign, have been met. As such, the CBO is not supportive of the Sign Variance Committee granting the requested variances to Proposed Sign subject to the specified conditions.

CONTACT

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SIGNATURE

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

ATTACHMENTS

Attachment 1 – Description of Proposed Sign, Requested Variances, and Conditions

Attachment 2 – Applicant's Submission Package

ATTACHMENT 1: DESCRIPTION OF THE PROPOSED SIGN, REQUESTED VARIANCES, AND CONDITION

Proposed Sign Description:

One third party electronic ground sign described as follows:

- a) Contains two sign faces orientated as follows:
 - i) one facing in an approximate North-Westerly direction; and,
 - ii) one facing in an approximate South Easterly direction;
- b) Contains two sign faces in a "back to back" configuration;
- c) Each sign face shall comply with the following:
 - i) Have a maximum bisecting line no greater than 4.27 meters;
 - ii) Have a maximum center line of no greater than 14.63 meters;
 - iii) Have a maximum sign face area of no greater than 62.47 square meters;
 - iv) Display electronic static copy, only;
- c) Having a maximum height of 13.47 meters;
- d) Located no closer than 1.5 metres from the northern property line of the premises; and,
- e) Located no closer than 1.5 metres from the eastern property line of the premises;

Required Variances:

1) § 694-24.A(1) - 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 the F.G. Gardiner Expressway from Highway 427 to the Humber River, transferred from the Province by Order in Council 534/97. **Proposed New Requirement:** The Proposed Sign would be erected and displayed within the prohibited area comprised of any location within 400 metres of any limit of the F.G. Gardiner Expressway from Highway 427 to the Humber River, specifically the Proposed Sign would be erected and displayed approximately 1.5 meters of southern limit of F.G. Gardiner Expressway between Highway 427 and the Humber River).

2) § 694-24.A(17)- 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 Highway 427 contained within the municipal boundaries of the City. **Proposed New Requirement:** The Proposed Sign would be erected and displayed within the prohibited area comprised of any location within 400 metres of Highway 427 contained within the municipal boundaries of the City. The Proposed Sign is located approximately 290 metres from the Highway 427 off-ramp onto the F.G. Gardiner Expressway.

3) § 694-25.C (2)(a)- An Employment "E" Sign District may contain an electronic ground sign provided the sign face area shall not exceed 20.0 square metres. **Proposed New**

Requirement: The Proposed Sign would have a sign face area that would not exceed 62.47 square meters on each sign face (which is approximately three times the permitted sign face area on each sign face).

4) § 694-25.C(2)(b)- An Employment Sign District may contain an electronic ground sign provided the height shall not exceed 10.0 meters. **Proposed New Requirement:** The Proposed Sign would have a height that would not exceed 13.47 meters.

5) § 694-25.C(2)(d)- An Employment Sign District may contain an 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 applicable Zoning By-law. **Proposed New Requirement:** The Proposed Sign would be located within the minimum permitted rear and side yard setback in the City's applicable Zoning By-law, specifically within 1.5 metres from the rear and side yard property lines where the required rear and side yard setback for the premises are 7.5m & 3m respectively.

6) § 694-25.C(2)(f)- An Employment Sign District may contain an electronic ground sign provided where a sign is located within 250 metres of an R, RA, CR, I or OS sign district, the sign cannot face any premise in the R, RA, CR, I or OS sign district.- **Proposed New Requirement:** The Proposed Sign would face OS sign districts located within 125 meters of the North West sign face and within 220 metres of the South West sign face, as well a CR sign district located 230 meters to the North East and an R sign district located 220 metres to the South East.

7) 694-25C(2)(h) – An (E) Employment Sign District may contain a third party electronic ground sign, provided there shall be no more than one ground sign or electronic ground sign erected on the premises. **Proposed New Requirement:** The Subject Premises be allowed to contain a third party electronic ground sign, although the Subject Premises contains a single first party ground sign (A ground sign located on the South East frontage of 476 Evans Ave, identifying the existing business in the property, "Global Alliance").

Each of the seven requested variances will be subject to the following three conditions:

Condition 1. The sign face bottom shall be no less than 4.25 metres from the ground for all sign faces.

Condition 2. The Proposed Sign shall be located no closer than 1.5 metres from the northern property line of the Subject Premises.

Condition 3. The Proposed Sign shall be located no closer than 1.5 metres from the eastern property line of the Subject Premises.

ATTACHMENT 2 – APPLICANT'S SUBMISSION PACKAGE