

Application for Two Variances each subject to Two Conditions Respecting One Third Party Electronic Ground Sign – 170 Brockport Drive

Date: August 11, 2022

To: Sign Variance Committee

From: Project Director, Business Transformation, Toronto Building

Wards: Etobicoke North (Ward 01)

SUMMARY

Due to Construction Media (the "Applicant") has stated that they have been authorized by the owner of the property municipally known as 170 Brockport Drive (the "Subject Premises"), to apply for two variances each subject to two 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 170 Brockport Drive.

The Proposed Sign would be located along the south frontage of the Subject Premises, facing Belfield Road, in a westerly and easterly direction. It is proposed to have a maximum height of 7.62 metres, and two rectangular sign faces, in a "back to back" configuration, each with a maximum horizontal measurement of 5.76 metres (centre line) and maximum vertical measurement of 2.88 metres (bisecting line), with a maximum sign face area of 16.59 square metres. The Proposed Sign is described further in Attachment 1.

Two variances to Chapter 694, each subject to two conditions, would be required to allow the Chief Building Official ("CBO") to issue the sign permit for the Proposed Sign. The requirements of Chapter 694 which have been requested to be varied, and the proposed varied requirements are summarized below:

1) **§ 694-24.A (10)** - 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 27 from Highway 401 to Steeles Avenue, transferred from the Province by Order in Council 535/97; **Proposed New Requirement:** The Proposed Sign would be erected or displayed or caused to be erected or displayed in whole or in part within 111.3 metres of any limit of Highway 27, specifically the Highway 27 off-ramp onto Belfield Road.

2) **§ 694-24.A (16)** - 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 409 contained within the municipal boundaries of the City.

Proposed New Requirement: The Proposed Sign would be erected or displayed or caused to be erected or displayed in whole or in part within 82 metres of the off-ramp from Belfield Road to Highway 409.

If granted, the CBO recommends that each of the two requested variances be subject to the following conditions:

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

Condition 2: Prior to the issuance of a sign permit, the applicant provide evidence to the satisfaction of the Chief Building Official, that the Proposed Sign will not interfere with or occupy any parking spaces required by the City's applicable Zoning By-law.

It should be noted that the Applicant submitted an almost identical application earlier in 2022. The only difference between the previous application for 170 Brockport Drive and the Proposed Sign, is that the previous application was for a sign located approximately 90 metres to the east of the Proposed Sign. This previous application was refused by the Sign Variance Committee.

Following a review of the Applicant's submissions and the results of additional research and investigation by Sign By-law Unit staff, the CBO has determined that insufficient information has been provided to establish 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; does not alter the character of the premises and surrounding area; may adversely affect public safety; and, is not contrary to the public interest.

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

RECOMMENDATIONS

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

The Sign Variance Committee **refuse** to grant the two requested variances to sections 694-24.A(10), 694-24.A(16), each subject to two conditions required to allow for the issuance of a permit respecting the erection and display of the

Proposed Sign at the property municipally known as 170 Brockport Drive as described in Attachment 1 of this report.

FINANCIAL IMPACT

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

DECISION HISTORY

SB16.3 – Sign Variance Report 170 Brockport Drive

At its meeting of April 01, 2022; The Sign Variance Committee refused to grant any of the four requested variances to sections 694-24.A(10), 694-24.A(16), 694-25.C(2)(c), § 694-25.C(2)(d) required to allow for the issuance of a permit respecting the erection and display of the third party electronic ground sign at 170 Brockport Drive., with similar height and dimensions as the Proposed Sign and approximately 90 metres to the east of the Proposed Sign's location

(<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2022.SB16.3>)

ISSUE BACKGROUND

Required Variances

Table 1: Summary of Requested Variances for Proposed Sign

Sign By-Law Reference	Requirement	Proposal
1) § 694-24.A(10)-	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 27 from Highway 401 to Steeles Avenue, transferred from the Province by Order in Council 535/97;	The Proposed Sign is located approximately 111.30 metres from any limit of Highway 27.
§ 694-24.A(16)	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 409 contained within the municipal boundaries of the City;	The Proposed Sign would be located within 82 metres of the off-ramp from Belfield Road to Highway 409.

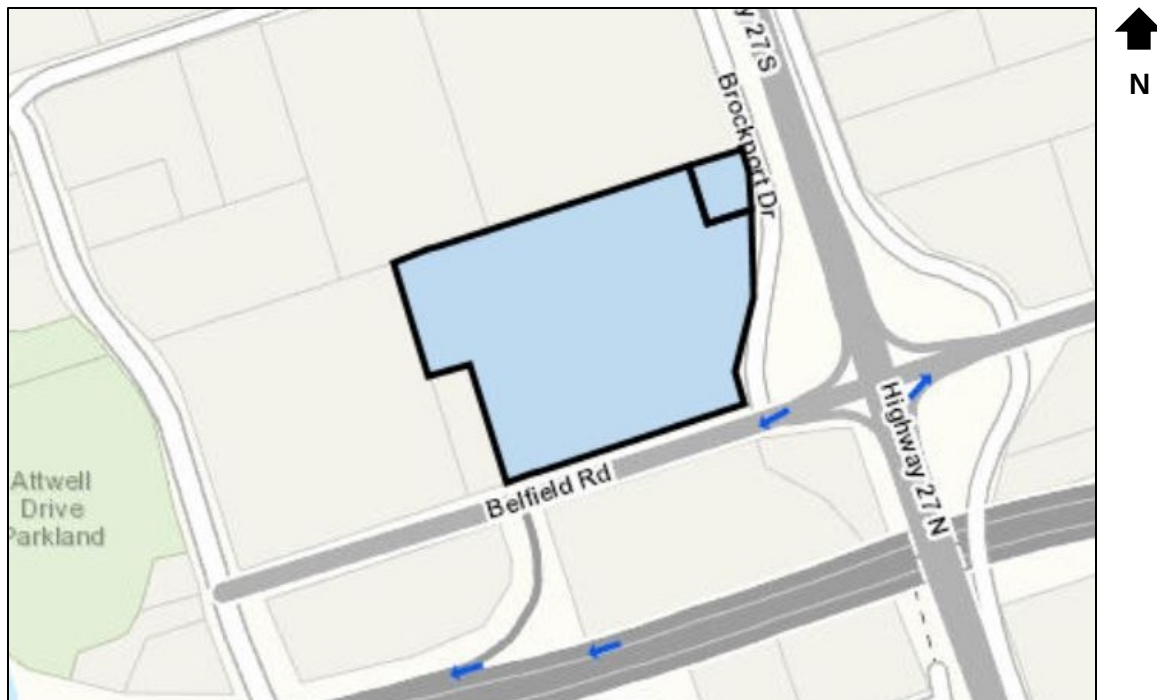
Sign Attributes and Site Context

170 Brockport Drive is located in two of the 84 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.

The borders of more than one of these specified areas where third party signs are specifically prohibited occasionally 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, 170 Brockport Drive, belongs to a relatively small group of properties in the City where multiple area-specific restrictions prohibiting third-party signs are in place.

170 Brockport Drive is designated as an Employment ("E") Sign District and is located in Ward 1 – Etobicoke North. There is one U-shaped low-rise building located at the Subject Premises, as per GIS map in Figure 1. The building on the Subject Premises contains employment, office and retail uses.

Figure 1: GIS Map Excerpt – 170 Brockport Drive



The Subject Premises is directly adjacent to the Highway 27 off-ramp at Belfield Road, there is a parcel of land between the traveled portion of Highway 27 and 170 Brockport Drive which covered by vegetation. 170 Brockport Drive is also located approximately 140 metres to the north of Highway 409 but is separated

from the Highway by a large industrial and manufacturing building as well as Belfield Road.

Further to the east of the Subject Premises, on the opposite side of Highway 27, there is a 5-storey hotel as well as one and two-storey office and warehouse buildings. To the north are one and two storey buildings and warehouses, containing commercial and employment uses. Immediately to the south is Belfield Road and a low-rise industrial building. To the west of the Subject Premises are office buildings and warehouses.

Figure 2: Looking West from the intersection of Brockport Drive & Belfield Road towards 170 Brockport Drive



Figure 3: Looking Northwest from Belfield Road towards 170 Brockport Drive



Surrounding premises:

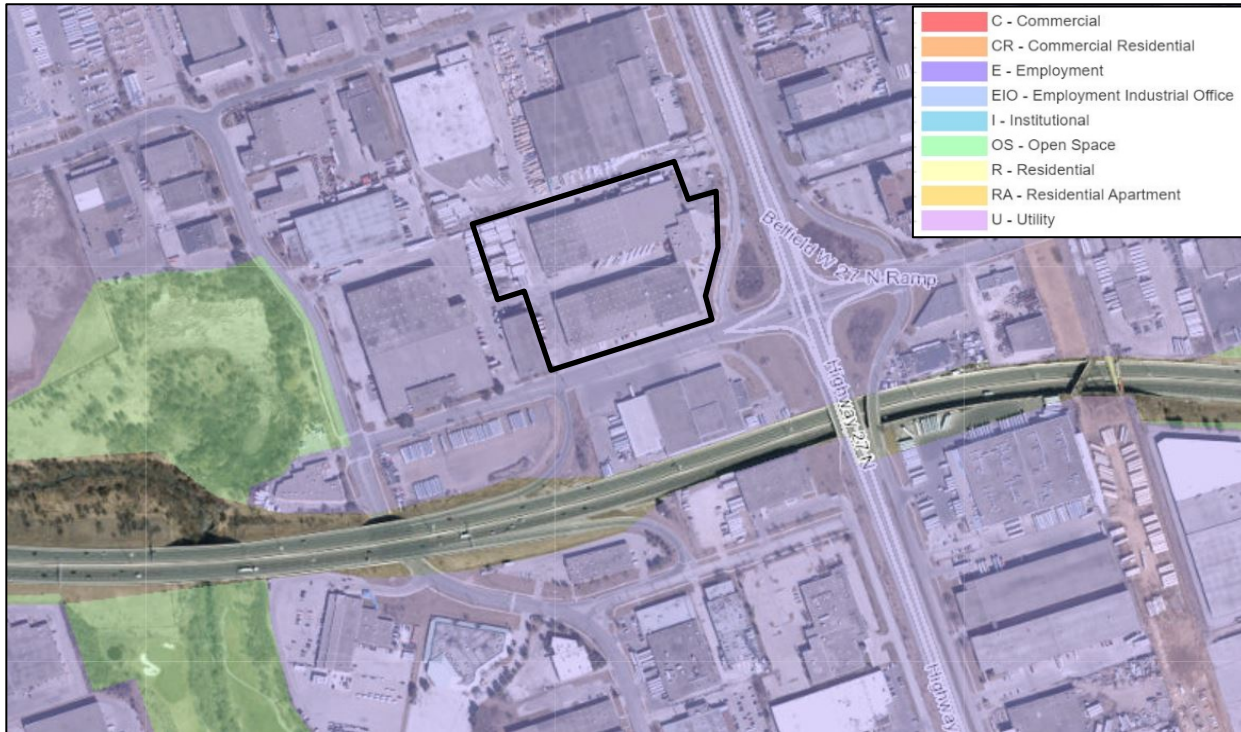
North: Employment E Sign District, industrial and office uses

East: Employment E Sign District, Hotel and office uses

West: Employment E Sign District, warehouse and offices

South: Employment E Sign District, warehouse and manufacturing facilities

Figure 4: Sign District Map – 170 Brockport Drive



COMMENTS

Applicant Information

Due to Construction Media (the "Applicant") has been authorized by an entity which alleges to be the owner of the property municipally known as 170 Brockport Drive (the "Subject Premises"), to apply for two variances, each subject to two 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 170 Brockport Drive.

Application Background

The Proposed Sign would be located along the south frontage of the Subject Premises, facing Belfield Road, in a westerly and easterly direction. It is proposed

to have a maximum height of 7.62 metres, and two rectangular sign faces, in a “back to back” configuration, each with a maximum centre line of 5.76 metres and maximum bisecting line of 2.88 metres, with a maximum sign face area of 16.59 square metres. The Proposed Sign is described further in Attachment 1.

The Applicant's submission package is virtually identical to their previous application for a third party electronic sign at 170 Brockport Drive. Despite the comments in the staff report and the Sign Variance Committee deliberations on the previous application, the Applicant has made no significant changes to their submission package aside from the location of the Proposed Sign.

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 July 27, 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 used to evaluate variances which are applied for. Specifically, §694-30A states that a variance may only be granted where the Proposed Sign to which the variance(s) relate meets 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 by the Sign Unit staff, the property at 170 Brockport Drive can be confirmed as being designated as an Employment "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 By-law Unit staff, the property at 170 Brockport Drive can be confirmed as being in an E Sign District. The Applicant's submission contains sufficient information (in the description and diagrams provided) to confirm the Proposed Sign belongs to the electronic ground sign type. 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 Proposed Sign would be located within two areas of the City where, City Council has enacted regulations on the basis that third party signs are incompatible with the area surrounding and would not contribute positively to the quality of the appearance of this area or enhance the image of the area, or Toronto as a whole. The Applicant has provided no materials as to why this location is unique and how the Proposed Sign at this location would be compatible with the development of the Subject Premises and surrounding area; in light of City Council's determination to the contrary.

The Proposed Sign would be located 111.3 metres from the off-ramp of Highway 27 onto Belfield Road and approximately 185 meters from the western limit of the travelled portion of Highway 27. The Proposed Sign will also be approximately 82 metres from the off-ramp leading from Belfield Road to Highway 409. The Proposed Sign would be located on premises subject to not one but two separate area-specific restrictions, specifically enacted by City Council on the basis that any third-party sign would not be compatible with the development of the premises and surrounding area.

The area-specific restrictions in 694-24A (10) and (16) are due to a determination made by City Council that third party signs are incompatible with the area surrounding Highways 27 and 409, and would not contribute positively to the quality of the appearance of this area or enhance the image of the area, and Toronto as a whole. When amendments were made to the Sign By-Law in 2015 concerning electronic signs, these restrictions were neither removed nor amended and the areas within 400 metres of Highway 27 and Highway 409 remain two of the areas where the erection or display of third party signs is prohibited by the Sign By-Law.

Section 38(2) of the *Public Transportation and Highway Improvement Act* prohibits the display of any sign, notice or advertising device within 400 metres of a controlled-access highway (such as Highway 409). Area-specific restrictions 694-24 A(10) and A(16) in the Sign Bylaw prohibit any third party signs being erected within 400 metres of Highway 27 and Highway 409 respectively.

It is important to note that the area-specific restrictions in the Sign By-law while compatible with, are completely independent of the Ministry of Transportation of Ontario ("MTO"), requirements for signs located adjacent to highways.

The Applicant states that the Proposed Sign will not be visible to northbound or southbound traffic on Highway 27 due to the land between Brockport Drive and Highway 27 being covered by trees and dense vegetation. The Applicant also states that the Proposed Sign is not angled toward Highway 27, and that drivers would be required to turn their heads 90 degrees to in order to view the sign. The Applicant has stated, and Sign By-law Unit staff have confirmed, that there is a large manufacturing building located between the Proposed Sign and Highway 409. The Applicant has also attached an email to their submission package from the MTO, which indicates that no MTO permit will be required for the Proposed Sign since it will not be visible from Highway 409. However, the MTO noted the applicant is required to obtain a municipal approval after the installation of the Proposed Sign. The MTO offered no comments as to whether the Proposed Sign is consistent with the development of 170 Brockport Drive or other premises within 400 metres of Highway 409.

It should be noted that the email from MTO that the applicant has provided was for a sign in a completely different location than the Proposed Sign. The location of the Proposed Sign is now within 100 metres of the off-ramp from Belfield Road to Highway 409 and, as of the date of this report, does not appear to have been reviewed by the MTO.

Aside from stating that the Proposed Sign would not require a permit under a separate and independent provincial regime, the Applicant has provided little to no information as to how the Proposed Sign would be compatible with the development of the Subject Premises and surrounding area.

Again, it is to be noted that City Council specifically prohibited the erection of any third party signs on premises subject to either of the two separate area-specific restrictions that apply to the Subject Premises. The Applicant's submission materials make no specific reference as to how the Proposed Sign, with the reduced separation distances from Highway 27 and Highway 409, is compatible with Council's goal for the development of the premises and surrounding area.

The Subject Premises is designated as an E Sign District, which permits electronic ground signs. It is surrounded by properties to the north, south, west and east, all of which are in the E Sign District. E Sign Districts are a sign district that have applicable provisions that allow for and regulate third party electronic ground

signs, along with other forms of first and third party signs. E Sign Districts largely contain commercial and employment uses.

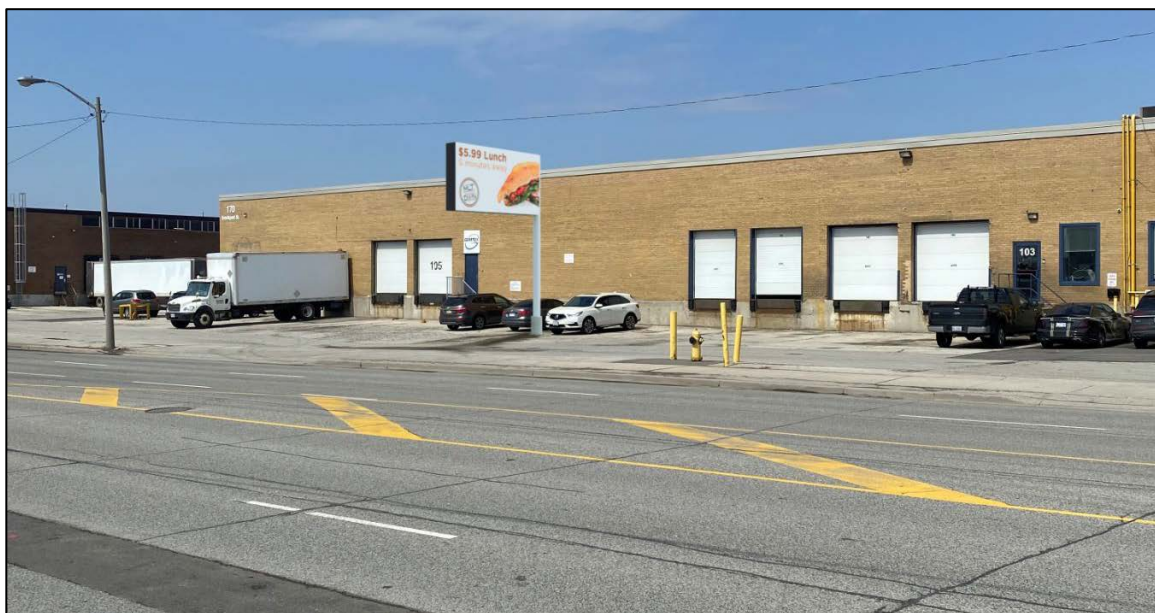
The Applicant states in their rationale and Sign By-law Unit staff can confirm that the size and height of Proposed Sign meet these standard requirements for electronic ground signs, where these signs would be permitted in an E Sign District. The Applicant also states the rectangular shape of the proposed sign blends in with the large 1 story and 2 story building complex located on the premises.

The building located at 170 Brockport Drive is occupied by various commercial and industrial tenants. There is both a one and two-story building on this property.

- To the West of the Subject Premises are buildings containing industrial and commercial uses.
- To the North is Brockport Home Systems & Design Studio by Great Gulf which is a two-storey building.
- To the East of the Subject Premises and between Brockport Drive and Highway 27 is a parcel of land consisting of trees and other vegetation.
- To the South is a Premium Beer Company which is a two-storey storage and moving facility.

Staff investigation has determined that there are no third party signs located at 170 Brockport Drive, which is consistent with the two area-specific restrictions of the Sign By-law. Also, there would also be no third party signs within a 150 metres radius and no electronic third party within the 500 metres radius of the Proposed Sign, which is also consistent with the requirements of the current Sign By-law.

Figure 5: Looking Northwest from Belfield Road towards 170 Brockport Drive



The Proposed Sign would be located in the parking lot for 170 Brockport; as such, the CBO recommends two conditions should the requested variance be approved: The first condition is that the sign face bottom be no less than 4.25 metres above the ground; the second condition is that prior to the issuance of a sign permit, the applicant provide evidence to the satisfaction of the Chief Building Official, that the Proposed Sign will not interfere with or occupy any parking spaces required by the City's applicable Zoning By-law. These conditions would allow the Proposed Sign, once constructed, to be compatible with the parking lot at 170 Brockport Drive.

Based on the above, particularly with respect to the location of the proposed sign within two area-specific restrictions, the CBO is of the opinion that the Proposed Sign is not compatible with the Sign By-law or Council's goals for the development of the premises and surrounding area, and 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

170 Brockport Drive is designated as an Employment Area in the Official Plan, specifically a Core Employment Area. Employment Areas are places of business and economic activity. The Applicant states that Proposed Sign will assist local businesses in advertising products and services to commuters travelling along Belfield Road and to residents and visitors to this area.

The Applicant discusses several economic benefits that can be realized by the property owner should the Proposed Sign be approved, some of these benefits which Applicant states is to provide a medium for local and national businesses and help to grow the economy. The Applicant has not provided any substantial evidence to support these statements.

The Applicant states that the Official Plan identifies that "diverse employment areas can adapt to changing economic trends and are poised to capture new business opportunities". The Applicant states that in order to facilitate growth, consideration should be given to the benefits of providing opportunities for property owners to erect third party signs for creating a new revenue stream of earnings, under circumstances like the exact ones we are experiencing today.

The applicant concludes by stating that they believe that the Official Plan objectives for Employment Areas are supported and this criterion has been met as the Proposed Sign will help to create a growth in revenues for both local businesses and the property owner and will provided associated economic benefits.

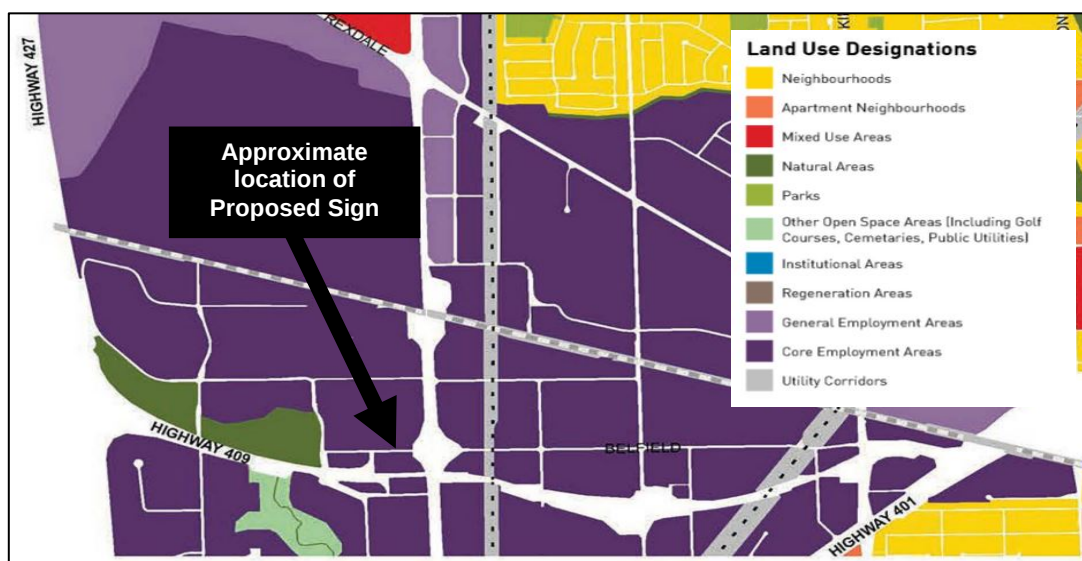
The CBO agrees that the operation of a third party sign is a commercial activity and that it does not conflict with the Policy Statement 2.2.4 2 b) in Chapter 2 of the

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 Proposed Sign would be located in the parking lot for 170 Brockport; as such, should the requested variances be approved the CBO recommends two conditions be added: The first condition is that the sign face bottom shall be no less than 4.25 metres above the ground; the second condition is that prior to the issuance of a sign permit, the applicant provide evidence to the satisfaction of the Chief Building Official, that the Proposed Sign will not interfere with or occupy any parking spaces required by the City's applicable Zoning By-law. These conditions would allow the Proposed Sign, once constructed, to support the zoning requirements, and as a result, the Official Plan objectives, for 170 Brockport Drive.

Figure 6: Official Plan Map – 170 Brockport Drive



After reviewing the Applicant's Submission materials, Sign By-law Unit staff have determined that, subject to the two conditions, the Proposed Sign would support the Official Plan objectives for the premises and surrounding area. As a result, the CBO is of the opinion that this criterion has been established.

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

In their application materials, the Applicant states that the land uses and built form of one and two storey buildings located on the adjacent premises is similar to that of 170 Brockport Drive and that there are no sensitive land uses on the adjacent premises or surrounding area which could be impacted by the Proposed Sign.

The Applicant states in their submission package, and staff can confirm that there are no Residential Sign Districts or other sensitive land uses near 170 Brockport Drive. The Applicant also states that based on the description and current layout of adjacent properties and developed lands, the Proposed Sign is compatible with this area and does not have a negative impact on surrounding area.

The Applicant also states that while the Proposed Sign is within 400 metres of Highway 409, the Proposed Sign is not visible from the Highway due to:

- The separation distance from Highway 409,
- The height of the industrial building located between the Proposed Sign and Highway 409,
- The height of the Proposed Sign 7.62 metres.
- And the retaining wall along the Highway 409 off ramp.

The Proposed Sign will also be more than 110 metres away from the intersection of Brockport Road and Bellfield Drive, well in excess of the 30 metres required by the Sign By-law. As such, the Proposed Sign should not have any adverse impacts on this intersection.

The Applicant has confirmed that the Proposed Sign will operate within the requirements of the Sign By-law with respect to illumination and time-of-day operating requirements. The applicant states that Proposed Sign will reduce its brightness as per regulations between sunset and sunrise and use photo-cell technology to ensure brightness changes with the seasonal adjustments to daylight hours.

The Applicant also states that the Proposed Sign will be monitored by a 24/7 video camera which will ensure that any malfunctions that may occur to the display will be identified and dealt with in a timely manner. In addition the Proposed Sign can also be completely turned off remotely if necessary - this is also a requirement of the Sign Bylaw in the event that signs displaying electronic static and electronic moving copy malfunction.

Based on the Applicant's submission materials and a staff review of the Proposed Sign, the Subject Premises and surrounding area, The CBO is of the opinion that the Applicant has provided sufficient information for this criterion has been established.

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

The City's Sign By-law regulations are designed to ensure that there are no adverse impacts on public safety for signs which meet the requirements. These regulations are designed to work in conjunction with other regulations which would

also apply to the signs. The current criteria is intended to ensure that variances are not granted where they would result in signs that would have adverse impacts on public safety.

Staff have reviewed the Proposed Sign, and the potential impacts of the requested variances, and have determined that requested variances subject to the proposed conditions, do not raise a reasonable basis for any concern around public safety arising from the Proposed Sign.

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 Proposed Sign would be located entirely outside this prohibited zone.

As a condition of approval, it is recommended by staff that the Proposed Sign have a clearance of 4.25 metres from grade to the bottom of the sign faces. This clearance ensures that pedestrians and vehicles can pass safely around the Proposed Sign without interference and would prevent the sign faces from obstructing visibility around the sign. The Proposed Sign would also meet the minimum clearance requirement of 4.25 meters set out in the Ontario Building Code.

Although there are concerns about driver's 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. The Proposed Sign meets the setback requirements outlined in Chapter 694 of the Toronto Municipal Code. The sign is located more than 30 metres away from the closest traffic controlled intersection and it does not obstruct any sight triangles for vehicular traffic.

With electronic signs that change from one message to the next, shorter message durations may result in drivers being more likely to observe a change in the message being displayed, which may result in a higher likelihood that a driver would glance at it for a longer duration. The Proposed Sign would comply with the Sign By-law provisions for a message duration of 10 seconds between changes in copy, this regulation is intended to perform many functions, including reducing the potential for driver distraction, to a reasonable level.

It should again be noted, that the Proposed Sign is now located within 100 metres of the off-ramp from Belfield Road to Highway 409, and as of the date of this report, does not appear to have been reviewed by the MTO.

Without an updated review and approval from the MTO, based on the Applicant's submission materials and a staff review of the Proposed Sign, the CBO is of the opinion that the Applicant has not provided sufficient information for this criterion has 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 Subject Premises is an E Sign District, subject to two separate area specific restrictions which apply to the Subject Premises and the surrounding area to prohibit the erection or display of any third party signs. Other E Sign Districts have provisions which would regulate and allow for various third party signs, including but not limited to electronic ground signs at a size and height consistent with that of the Proposed Sign.

The Proposed Sign would be located on premises subject to not one but two separate area-specific restrictions, specifically enacted by City Council on the basis that any third-party sign would not be compatible with the development of the premises and surrounding area.

The Applicant states that in their opinion and as shown over the years with other third party signs on developed, industrial lands, that an third party electronic sign on this parcel would not have any negative impacts to the neighboring businesses and is appropriate in this type of area that is surrounded by a variety of industrial uses. The Applicant makes reference to the number of third party signs already displayed in the surrounding area. There are third-party signs located along Belfield Road. One of them located approximately 364 metres and the other one located approximately 500 metres to the east of Proposed Sign. As a result, it is applicant's opinion that the Proposed Sign will not be introducing any sign type that is not currently found in the surrounding area.

Sign By-law Unit staff have reviewed the signs referred to in the Applicant's Submission and it appears as though all of these signs have been in place since at least 2007, and pre-date the requirements of the current Sign Bylaw.

The Proposed Sign; however, if the variances were granted to allow for a permit to be issued, would introduce a new Sign Type, an electronic ground sign, to the broader surrounding area, which will be located within two areas of the city subject to area-specific prohibitions for third party signs.

The Applicant has not provided any information regarding how this new sign type will not alter the character of the premises and surrounding area which is subject

to these two area-specific restrictions.

As such, the Proposed Sign would not be consistent with the character of the Subject Premises, as established by City Council enacting multiple prohibitions on the subject premises, as well as the surrounding areas where there are other E Sign Districts.

After reviewing the Applicant's Submission materials, Sign By-law Unit staff are not able to determine that the Proposed Sign will not alter the character of the Subject Premises and surrounding area. As a result, the CBO is of the opinion that this criterion 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 Applicant notes that a sign similar to the Proposed Sign could be permitted in another E Sign District – if the other E Sign District was not located in an area covered by multiple area specific restrictions, prohibiting any third party signs from being erected. The Applicant does not provide a basis as to how this supports the position that the Proposed Sign, in a location subject to two area-specific prohibitions, is not contrary to the public interest.

The Applicant also notes that the Proposed Sign would comply with many of the general provisions set out in the Sign By-law in terms of size, height, message duration (min. 10 seconds) and transition (no video, flashing, blinking) and with the illumination and time-of-day regulations, for such signs where permitted. The Applicant notes that it also plans to comply with the requirements of the Sign By-law concerning the use of renewable energy and plan to enter into an agreement renewable energy supplier.

The Applicant provides no reason as to why the Proposed Sign complying with Sign By-law provisions applicable to all third party signs would be relevant to the consideration of this criteria.

170 Brockport Drive is subject to not one, but two Area-Specific Restrictions enacted by City Council establishing that third party signs are prohibited on the premises: The restriction on signs being located on premises within 400 metres of Highway 27; and, the restriction on signs being located on premises within 400 metres of Highway 409.

The Applicant has provided little evidence as to how the Proposed Sign would contribute positively to the quality of the area's appearance, or enhance the image and attractiveness of Toronto. The Applicant has also provided little evidence as to how granting a variance to City Council's prohibition on third party signs within 400 metres of Highway 27 would not be contrary to the public interest.

The Applicant's submission material state that the MTO has no objection to the Proposed Sign in relation to Highway 409. Staff have reviewed the Proposed Sign and agree that since the Proposed Sign is unlikely to be visible from Highway 409, there is little relationship between Highway 409 and the Proposed Sign.

Despite this, the Applicant has provided little evidence as to how the Proposed Sign would contribute positively to the quality of the area's appearance, or enhance the image and attractiveness of Toronto. The Applicant has also not provided any evidence to how granting a variance to City Council's prohibition on third party signs within 400 metres of Highway 409 would not be contrary to the public interest.

After reviewing the Applicant's Submission materials, Sign By-law Unit staff did not have sufficient information to determine that the Proposed Sign will not be contrary to the public interest, particularly with respect to two Area-Specific Restrictions prohibiting third party signs within 400 metres of Highway 27 and Highway 409.

As a result, the CBO is of the opinion that this criterion has not been established.

Conclusion

The Applicant's materials has not provided sufficient information for the CBO to establish that all nine criteria required to grant an approval for the two requested variances for Proposed Sign.

The CBO is of the opinion that, based on the Applicant's Submission, in order to satisfy the requirement of 694-30A(4), requiring the Proposed Sign to support the Official Plan objectives for the Subject Premises and surrounding area, two conditions would be required, these conditions are: 1) That the sign face bottom shall be no less than 4.25 metres from the ground for all sign faces; and 2) Prior to the issuance of a sign permit, the applicant provide evidence to the satisfaction of the Chief Building Official, that the Proposed Sign will not interfere with or occupy any parking spaces required by the City's applicable Zoning By-law.

Notwithstanding the recommended conditions to meet 694-30A(4), it is the opinion of the CBO that insufficient evidence has been provided to establish that the Proposed Sign: is compatible with the development of the premises and surrounding area; will not alter the character of the premises and surrounding area; may adversely affect public safety; and, that the Proposed Sign is not contrary to the public interest.

As such, the CBO is not supportive of the Sign Variance Committee granting the two requested variances, each subject to two recommended conditions for the Proposed Sign.

CONTACT

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SIGNATURE

Ted Van Vliet
Project Director, Business Transformation
Toronto Building

ATTACHMENTS

Attachment 1 – Description of the Sign and Required Variances
Attachment 2 – Applicant's Submission Package

ATTACHMENT 1: DESCRIPTION OF THE SIGN AND REQUIRED VARIANCES

Proposed Sign Description:

One third party electronic ground sign described as follows:

- a) Contains two sign faces in an easterly and westerly orientation,
- 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 2.88 meters;
 - ii) Have a maximum center line of no greater than 5.80 meters;
 - iii) Have a maximum sign face area of no greater than 16.60 square meters; and,
 - iv) Shall display only electronic static copy;
- d) Have a maximum height of no greater than 7.65 meters;
- e) Shall be located no closer than 7.20 metres from the southern property line of the premises;

Required Variances:

1) The Requirement of **§ 694-24.A (10)** 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 Highway 27 from Highway 401 to Steeles Avenue, transferred from the Province by Order in Council 535/97; be varied so that the Proposed Sign may be located approximately 111.3 metres of a limit of Highway 27 from Highway 401 to Steeles Avenue, transferred from the Province by Order in Council 535/97;.

2) The Requirement of **§ 694-24.A (16)** 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 409 contained within the municipal boundaries of the City be varied so that The Proposed Sign may be located within 82 meters of the off-ramp leading from Belfield Road to Highway 409 contained within the municipal boundaries of the City;

The CBO recommends that each of the two requested variances should be subject to the following two conditions:

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

Condition 2: Prior to the issuance of a sign permit, the applicant provide evidence to the satisfaction of the Chief Building Official, that the Proposed Sign will not interfere with or occupy any parking spaces required by the City's applicable Zoning By-law.

ATTACHMENT 2: APPLICANT'S SUBMISSION PACKAGE