

Application for One Variance, Subject to One Condition, Respecting One Third Party Electronic Ground Sign - 821 Kipling Avenue

Date: October 11, 2022

To: Sign Variance Committee

From: Project Director, Business Transformation, Toronto Building

Wards: Etobicoke - Lakeshore (Ward 3)

SUMMARY

Pattison Outdoor Advertising LP (the "Applicant") states that they have been authorized by the owner of the property municipally known as 821 Kipling Avenue (the "Subject Premises") to apply for one variance, subject to one condition, required to allow for a permit to be issued to erect and display a double-faced third party electronic ground sign, displaying electronic static copy on the premises (the "Proposed Sign").

The Subject Premises is designated as an Employment ("E") Sign District, which allows third party electronic ground signs. The Proposed Sign will have two sign faces in a back-to-back configuration, each measuring 6.10 metres horizontally by 3.05 metres vertically with a height of 10 metres. The Proposed Sign is described further in Attachment 1 to this report.

The Proposed Sign requires one variance to Chapter 694, to allow the Chief Building Official ("CBO") to issue the sign permit; this variance, if approved, would be subject to one condition. The requirement in Chapter 694 which has been requested to be varied is summarized below:

- 1) **§ 694-25.C(g)[1]** – An Employment "E" Sign District may contain a third party electronic ground sign, provided the sign be located a minimum of 500 metres from any other third party electronic sign located on the same street. **Proposed New Requirement:** The Proposed Sign would be located approximately 486.7 metres from a third party electronic sign, located further north on Kipling Avenue

If granted, the requested variance would be subject to the following condition:

- 1) The existing third party roof sign at 821 Kipling Avenue shall be removed prior to the issuance of the sign permit for the Proposed Sign, and any and all associated sign and building permits shall be revoked.

Following a review of the Applicant's submissions, as well as research conducted by the Sign By-law Unit staff, the CBO has determined that there is a sufficient basis to conclude that the nine required criteria in §694-30A of the Sign By-law have been established with respect to the requested variance, subject to the noted condition as described further in Appendix 1 to this report.

RECOMMENDATIONS

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

1. The Sign Variance Committee grant the requested variance to section 694-25.C(2)(g)[1], subject to one condition, as required to allow for the issuance of a permit respecting the erection and display of the Proposed Sign, as further described in Attachment 1 to this report.

FINANCIAL IMPACT

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

DECISION HISTORY

There have been no previous decisions by the Sign Variance Committee or Council directly related to this application.

ISSUE BACKGROUND

Required Variances

Table 1: Summary of Requested Variance

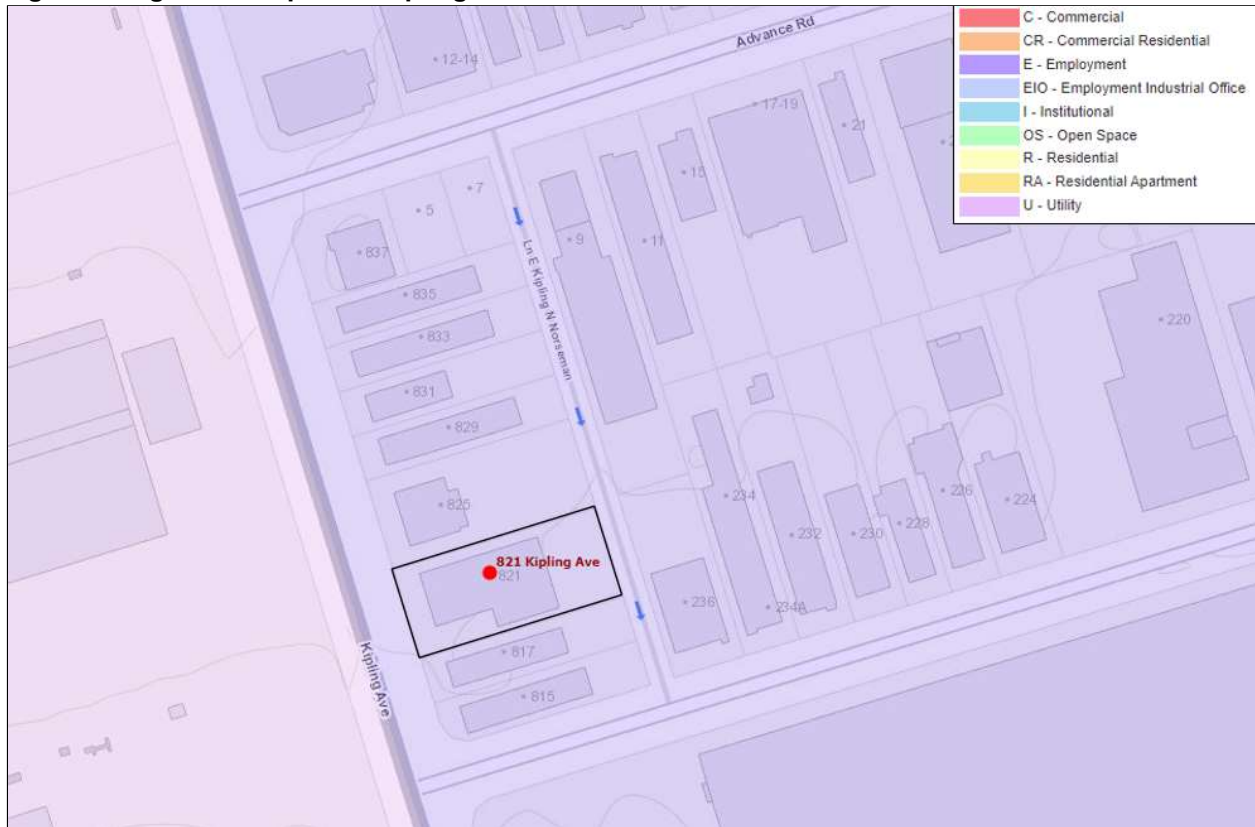
Section	Requirement	Proposal
694- 25.C(2)(g)[1]	An Employment "E" Sign District may contain a third party electronic ground sign, provided the sign be located a minimum of 500 metres from any other third party electronic sign located on the same street.	The Proposed Sign would be located approximately 486.7 metres from a third party electronic sign located on the same street.

Sign Attributes and Site Context

The Proposed Sign to be displayed at 821 Kipling Avenue, will consist of one electronic ground sign, with two sign faces and will display electronic static copy. The Proposed Sign has two sign faces in a back-to-back configuration, oriented north and south, to be viewed by vehicles travelling both directions along Kipling Avenue.

The Subject Premises is designated as being an Employment (E) Sign District, located on the east side of Kipling Avenue in Ward 3 - Etobicoke-Lakeshore. There is a low-rise commercial building located at the Subject Premises, occupied by 'A & W Auto' which operates as an auto repair shop see Figure 1 below.

Figure 1: SignView Map - 821 Kipling Avenue



The Subject Premises currently has a third party roof sign, which contains two sign faces in a 'v-shaped' configuration displaying static copy, and facing in a northerly-southerly direction. This sign is proposed to be removed if the variance is granted for the Proposed Sign.

Approximately 487 metres to the north of the premises there is an existing third party electronic ground sign. The Sign By-law requires a minimum of 500 metres of separation between third party electronic signs located on the same street; as such, the Proposed Sign will be approximately 13 metres short of the required separation distance between the two electronic signs.

Figure 2: Looking Northeast from Kipling Avenue to the Subject Premises

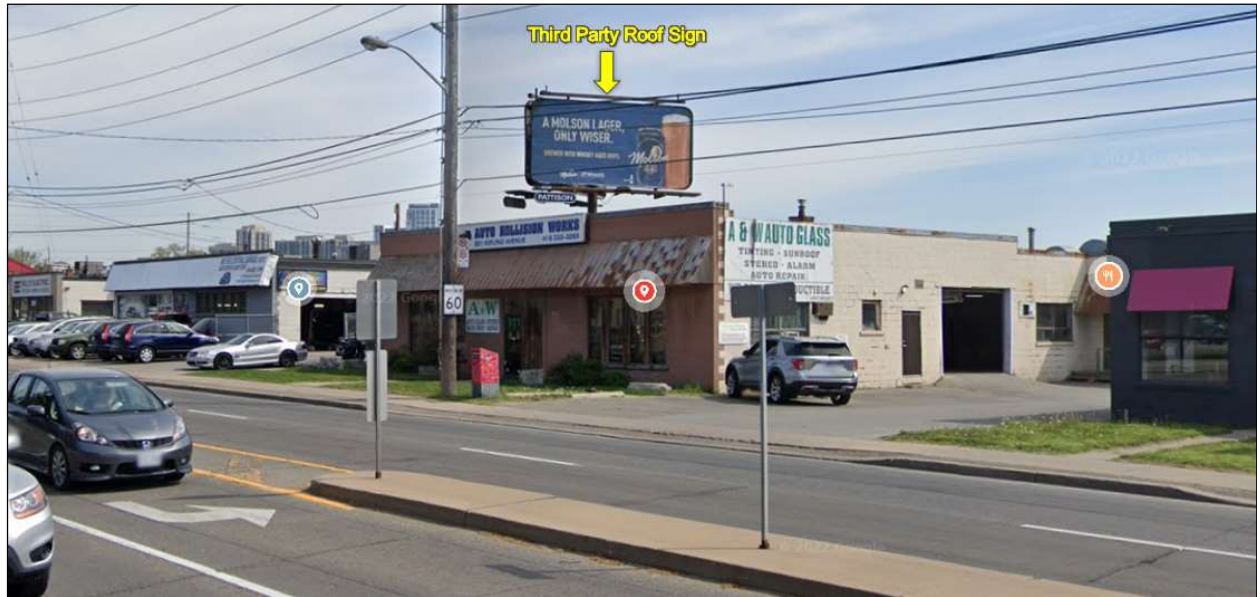


Figure 3: The Proposed Sign location and location of existing electronic sign to the north



Surrounding premises:

North: Employment (E) Sign District, auto repair shop

South: Employment (E) Sign District, restaurant

East: Employment (E) Sign District, Lane E Kipling N Norseman and store

West: Utility (U) Sign District, A.W. Manby Transmission Station

COMMENTS

Applicant Information

Pattison has stated that they have been authorized by the owner of the property municipally known as 821 Kipling Avenue to apply for one variance, subject to one condition, required to allow for a permit to be issued for one third party electronic ground sign with two sign faces, displaying electronic static copy, as described in Attachment 1.

Application Background

The Proposed Sign would be located along the west frontage of the Subject Premises, on Kipling Avenue, facing in a northerly-southerly directions. The Proposed Sign will have a maximum height of 10.0 metres from the grade, and will contain two rectangular sign faces, in a back-to-back configuration, each measuring 6.10 metres horizontally by 3.05 metres vertically, with a sign face area of 18.61 square metres.

The Proposed Sign will be separated from another electronic ground sign approximately 487 metres to the north where the Sign By-law requires a separation distance of 500 metres between third party electronic signs. This application requests a variance to allow the Proposed Sign to be within the minimum separation distance required by the Sign By-law.

The requested variance, if approved, would subject to one condition which would require that the existing third party roof sign at 821 Kipling Avenue be removed, and that any and all associated sign and building permits shall be revoked prior to the issuance of the sign permit for the Proposed Sign.

Community Consultation

The CBO has adopted a practice of engaging in enhanced consultation process concerning variance applications for electronic signs. Notice required by the City's Sign By-law was provided to premises within a 250 metre radius of the location of the Proposed Sign, advising of the proposal.

The CBO also informed the public of an additional virtual Community Consultation. The virtual Community Consultation meeting was held on the evening of October 17th, 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 variance application for Proposed Signs. Specifically, §694-30A states that an application for variance may only

be granted where it is established that the Proposed Sign meet each of the nine established criteria.

The Sign Variance Committee is required to conduct an evaluation and determine that party seeking the proposed variances meets all nine of the mandatory criteria, on the basis of the information presented by the parties before the SVC. The CBO has determined that, in their opinion the information submitted by the Applicant and Sign By-law Unit staff, provides a sufficient basis to conclude that the nine required criteria established in §694-30A of the Sign By-law have been met.

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 Subject Premises can be confirmed as being designated as an E Sign District, and that E Sign Districts permit third party sign class. The CBO has confirmed that as per information contained in the Applicant's submission, the Proposed Sign can be confirmed to belong to the third party sign class, because it would 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

Based on the review of the Sign Unit staff, 821 Kipling 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 a third party sign, and belongs to the electronic ground sign type. Electronic ground signs are permitted in E Sign Districts according to 694-25(C)(2).

Therefore, the CBO is of the opinion that this criteria has been established.

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

The Property at 821 Kipling Avenue is located in an E Sign District, which permits electronic ground signs at a height and size consistent with the Proposed Sign. The Subject Premises is occupied by one building that serves as an auto repair shop. The Subject Premises is surrounded by other E Sign Districts to the north, east and south and by U Sign District to the west (see Figure 1).

Areas designated as E Sign Districts within 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. Based on Sign By-law Unit investigation, many of the buildings in the general vicinity are consistent with the types and uses of buildings found in E Sign Districts, as well as the Subject Premises: low-rise buildings with uses such as light industrial and commercial.

Although the Subject Premises is surrounded by E and U sign districts which could permit a third party electronic ground sign similar to the Proposed Sign without a variance for separation distance between electronic signs, staff investigation found that there are a number of factors that make the Subject Premises somewhat unique and more compatible with the Proposed Sign than many of the surrounding premises.

To the west of the Subject Premises along Kipling Avenue, almost all of the properties from North Queen Street up to a Canadian Pacific Railway corridor contain a treed landscaped strip and in most cases, the trees would be too close together to accommodate the Proposed Sign without removing one or more of them. The areas along the west side of Kipling Avenue where a sign could be placed without interfering with the treed landscape strip are limited and contain first party signs; placing the Proposed Sign in one of these areas would be likely to require variances to the Sign Bylaw as well as possibly contribute to sign clutter.

The properties to the immediate south of the Subject Premises on the east side of Kipling Avenue would also permit a third party electronic ground sign, however placing the sign there would require variances for the Proposed Sign being located too close to the intersection of Norseman Street and Kipling Avenue and could impact the safety of the intersection. As well, many of the properties further to the south of the Subject Premises between Norseman Street and Jutland Road use their Kipling Avenue frontages as parking areas; placing the Proposed Sign in these areas could interfere with the use of these parking areas. Moving the Proposed Sign further to the south would also place the Proposed Sign close to a concentration of three third party static signs located around the intersection of Jutland Road and Kipling Avenue resulting in sign clutter.

The property at 821 Kipling Avenue is one of only a few properties along Kipling Avenue between Norseman Street and Advance Boulevard that does not use the Kipling Avenue frontage for parking. The property to the immediate south of 821 Kipling Avenue also does not have parking along the Kipling frontage, however it does contain a patio and displays a first party ground sign - also as previously stated, placing the sign further to the immediate south could also interfere with the intersection at Kipling Avenue and Norseman Street.

Finally, moving the sign further to the north along the east side of Kipling Avenue would increase the magnitude of the variance required between the Proposed Sign and another third party electronic sign, as well as move it closer to a third party static sign, approximately 220 metres to the north of the Subject Premises.

The Subject Premises currently contains one double-sided third party roof sign. Roof signs are a prohibited sign type according to the Sign By-law in force since 2010,

however the existing roof sign was approved and erected before 2010. Removing the existing roof sign as a condition of the Proposed Sign's approval will prevent sign clutter on the Subject Premises. As well, the removal of the existing third party roof sign at the Subject Premises will help to make the Subject Premises and surrounding area more in line with Council's vision for third party signs in E Sign Districts.

The proposed separation distance between the Proposed Sign and the existing electronic ground sign 487 metres to the north, whereas 500 metres is required, should not lead to sign clutter in the surrounding area. As well, and as can be seen in Figure 3 above, there are a number of visual obstructions (trees, hydro and light poles, first party signs) between the proposed sign and the existing electronic ground sign to the north, such that the two signs will have very little visibility from one another.

For these reasons, the CBO is of the opinion that this criteria has been established and that the Proposed Sign is compatible with the development of the premises and surrounding area.

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

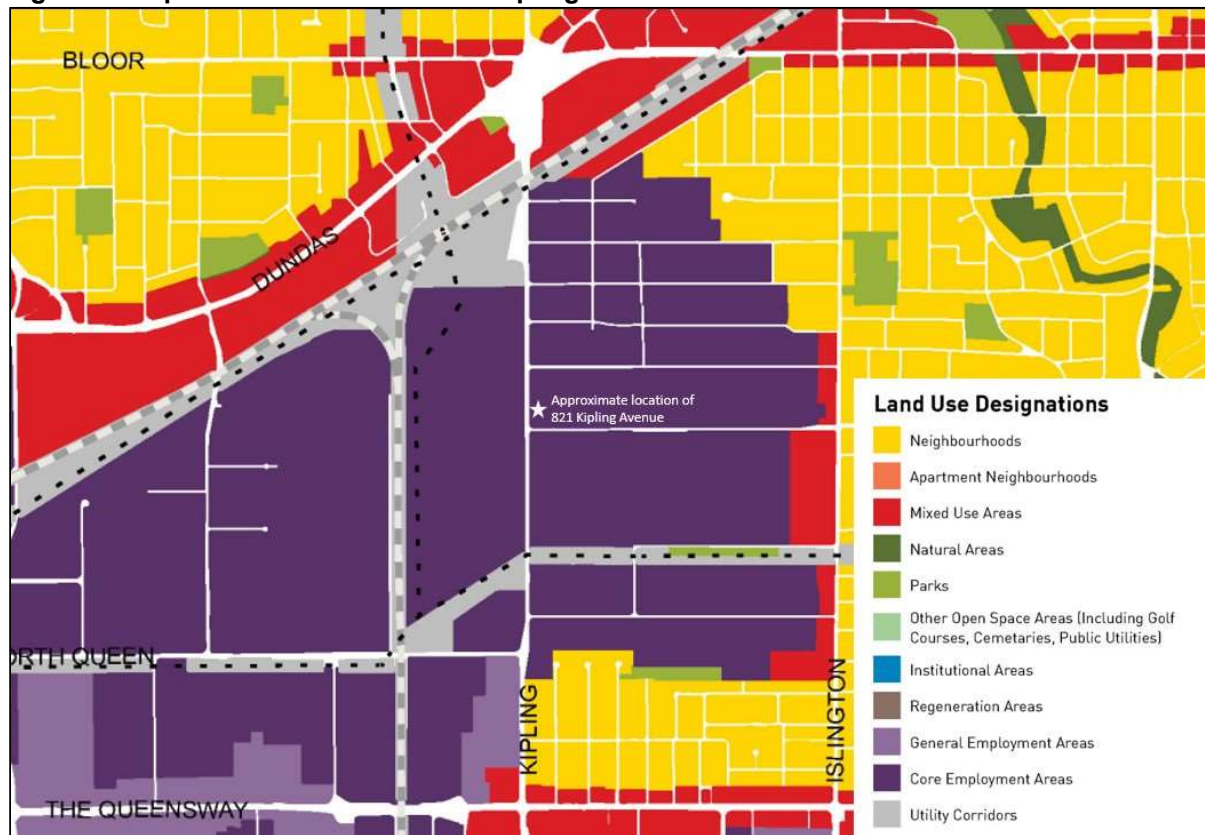
The Premises is designated as a Core Employment Area in the Official Plan. Employment Areas are places of business and economic activity, and include a wide array of uses such as manufacturing, warehousing, distribution, research and development facilities, utilities, media facilities, parks, hotels, retail outlets, restaurants and small-scale stores and services that serve these businesses and workers. The CBO agrees that this Proposed Sign supports Policy Statement 2) in Chapter 4.6 of the Official Plan which states that:

Core Employment Areas are places for business and economic activities. Uses permitted in Core Employment Areas are all types of manufacturing, processing, warehousing, wholesaling, distribution, storage, transportation facilities, vehicle repair and services, offices, research and development facilities, utilities, waste management systems, industrial trade schools, media, information and technology facilities, and vertical agriculture.

The Proposed Sign can assist businesses in advertising products and services to commuters and visitors to this area. By providing local businesses the opportunity to promote their goods and services, the Proposed Sign can assist businesses in advertising products and services to commuters, residents and visitors passing through this area. In addition, the Proposed Sign will not block any visibility to the existing business on site.

The Zoning By-Law is 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.

Figure 4: Map 19 Land Use Plan – 821 Kipling Avenue



Based on staff investigation, the Subject Premises is designated as an Employment Industrial Zone. The permitted uses in an Employment Industrial zone include a wide variety of industrial and commercial uses, consistent with what is generally found in E Sign Districts. Also, based on the requirements of Zoning By-law 569-2013, the Proposed Sign meets the setbacks required by the City's applicable section.

The Applicant's submission materials in addition to staff investigation provide sufficient information to confirm that the Proposed Sign supports the Official Plan objectives for 821 Kipling Avenue and the surrounding area. As such, the CBO is of the opinion that this criteria has been established.

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

The land uses and built form of the adjacent premises are similar to that of the Subject Premises and there does not appear to be any sensitive land uses on the adjacent premises' nor in the surrounding area.

The Sign By-law requires that any third party electronic ground sign be located at least 60 metres away from R, RA, CR, I or OS Sign Districts, and that it is not permitted to face into any premises in any of those districts within 250 metres. The Applicant's Submission states, and staff have confirmed that the Proposed Sign exceeds all of these requirements, with the nearest OS Sign District more than 550 metres away, and

the nearest Commercial Residential and Residential Sign Districts over 700 metres away.

Figure 5: Aerial View - Adjacent Properties Uses



Staff have confirmed that the Subject Premises is surrounded by E Sign Districts to the immediate north, east and south, and by Utility ("U") Sign District to the west. Third party electronic ground signs such as the Proposed Sign are permitted in both E and U Sign Districts.

The property at 821 Kipling Avenue contains one building that serves as an auto repair shop. None of the adjacent properties contain Residential, Institutional, or Open Space uses, which would be considered of sensitive nature. As such, the Proposed Sign should have no adverse impacts on these properties.

As a result, it is the opinion of staff that the Proposed Sign will have no adverse effects on any of the adjacent premises. The Applicant's materials and staff investigation provided 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 694-30A(6): The Proposed Sign does 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 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.

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.

The Sign Bylaw requires a separation distance of 500 metres between third party electronic signs located on the same street. This requirement is in place to reduce the relationship between large electronic signs and to reduce the possibility of driver distraction due to having two electronic signs displaying changing messages at different times. The proposed separation distance between the Proposed Sign and the existing electronic ground sign to the north is 487 metres, approximately 97.4% of the requirement of the Sign By-law. As previously stated, there are a number of visual obstructions (trees, hydro and light poles, first party signs) between the Proposed Sign and the existing electronic ground sign to the north, such that the two signs will have very little visibility from one another.

If the Proposed Sign was to be moved 13 metres to the south to meet the Sign By-law minimum separation distance of 500 metres, the Proposed Sign would be less 30 metres away from the closest traffic controlled intersection, which could result in an increased potential for adverse safety and concerns about driver's distraction.

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 will be entirely outside this prohibited zone for signs.

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 will 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 is the opinion of staff that, based on the review of the available information, the Proposed Sign does not raise a reasonable basis for any concern around public safety arising from the Proposed Sign. As such, the CBO is of the opinion that this criteria has been established.

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

According to staff review, the Applicant's documents and drawings contains sufficient information to confirm that Proposed Sign meets the description of any of the signs which are not 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 does not alter the character of the premises or surrounding area

As already mentioned, the Premises is an E Sign District, which permits electronic ground signs at a size and height consistent with the Proposed Sign.

The Premises currently contains one double-sided third party roof sign, which would be removed as a condition of approval should the variance be granted for the Proposed Sign. Roof signs are a prohibited sign type according to the Sign By-law in force since 2010, however the existing roof sign was approved and erected before 2010. The Proposed Sign will not be introducing any sign class that is not currently found on the premises or surrounding area, and as a result, will not alter the character of the premises and surrounding area.

Figure 6: Looking south from existing electronic sign at Kipling Avenue to the Subject Premises



Currently there are at least four existing third party ground signs along Kipling Avenue, within a radius of 700 metres from the Proposed Sign's location, containing both static and electronic sign copy. The presence of third party signs along this portion of Kipling Avenue is consistent with the Sign By-law provisions, as areas designated as E Sign Districts within the City were specifically set out in the Sign By-law to contain third party signs such as the Proposed Sign.

Regarding possible sign clutter due to the existence of a third party electronic ground sign less than 500 metres from the Proposed Sign; the distance between the existing sign and the Proposed Sign achieves 97.4% of the required separation distance of 500 metres. Also, the Applicant's submission stated, and staff have confirmed that there are

a number of physical obstructions in between these two signs, such as trees, hydro and light poles, first party signs. These obstructions will reduce the visibility between the sign copy being displayed on the Proposed Sign and the existing electronic sign to the north.

In addition, removing the existing roof sign as a condition of the Proposed Sign's approval helps to establish compatibility with the premises and surrounding area by removing a currently prohibited sign type and introducing a permitted sign type at the Subject Premises.

Based on staff investigation and the Applicant's materials, it is staff's opinion 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: 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 Employment Sign Districts in terms of: height, size, configuration, setbacks from the property and from an intersection, 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), illumination and time-of-day regulations.

With respect to the requested variance to the Section 694-25.C(g)[1] the Proposed Sign would be allowed to be erected less than 500 metres from an existing other third party electronic sign located on the same street.

The separation between the existing sign and the Proposed Sign achieves 97.4% of the separation distance of 500 metres required by the Sign By-law. Due to the distance and the fact that there are a number of physical obstructions in between the existing electronic ground sign and the Proposed Sign, staff are of the opinion that there is little, if any relationship between these two signs.

The Proposed Sign will not be introducing a sign class or sign type that is not currently found in the area surrounding the Subject Premises. As well, none of the adjacent properties contain Residential, Institutional, or Open Space uses, which would be considered of sensitive nature; therefore, the Proposed Sign should have no adverse impacts on these properties.

It is also staff's opinion that the Proposed Sign is compatible with the development of the premises and surrounding area, as there are other existing third party ground signs along Kipling Avenue, containing both static and electronic copies, which is consistent with the Sign By-law provisions for the area. As previously mentioned, even though third party electronic ground sign would be permitted on many of the surrounding properties, there are a number of factors that make the Subject Premises somewhat unique and more compatible with the Proposed Sign than many of the surrounding premises.

As a condition of approval, the existing third party roof sign at the Subject Premises will be removed prior to the issuance of the sign permit for the Proposed Sign, and any and all associated sign and building permits shall be revoked. Removing the existing roof sign helps to make the Subject Premises and surrounding area more in line with Council's vision for third party signs in E Sign Districts.

Therefore, it is the CBO's opinion that the Applicant's materials and the Sign By-law Unit staff's research provided sufficient information to confirm that the Proposed Sign will not be contrary to the public interest, and that this criteria has been established.

CONCLUSION

The Applicant's materials and the Sign By-law Unit staff's research and investigation have provided sufficient information for the CBO to establish that all nine criteria required to grant an approval for the requested variance have been met. As such, the CBO is supportive of the Sign Variance Committee granting the requested variance, subject to the specified condition.

CONTACT

Fernanda Patza, Sign Building Code Examiner Inspector, Sign By-law Unit
Email: Fernanda.Patza@toronto.ca; Tel: 416-392-6987

SIGNATURE

Ted Van Vliet
Project Director, Business Transformation, Toronto Building

ATTACHMENTS

Attachment 1 – Description of Signs and Required Variances and Conditions

Attachment 2 – Applicant's Submission Package

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

Proposed Sign Description:

One third party electronic ground sign described as follows:

- a) Contains two sign faces, facing in an approximate Northerly and Southerly directions; and,
- b) The sign face shall comply with the following:
 - i) Have a maximum bisecting line no greater than 3.10 meters;
 - ii) Have a maximum center line of no greater than 6.05 meters;
 - iii) Have a maximum sign face area of no greater than 18.61 square meters;
 - iv) Display electronic static copy, only;
- c) The maximum height of 10.0 meters.

Required Variances:

1) **§ 694-25.C(g)[1]** – An Employment "E" Sign District may contain a third party electronic ground sign, provided the sign be located a minimum of 500 metres from any other third party electronic sign located on the same street. **Proposed New Requirement:** The Proposed Sign would be located approximately 486.7 metres from a third party electronic sign, located further north on Kipling Avenue

The requested variance would be subject to the following condition:

Condition 1. The existing third party roof sign at 821 Kipling Avenue shall be removed prior to the issuance of the sign permit for the Proposed Sign, and any and all associated sign and building permits shall be revoked.

ATTACHMENT 2 – APPLICANT'S SUBMISSION PACKAGE