

Application for Four Variances each subject to Three Conditions Respecting One Third Party Electronic Ground Sign – 3985 Keele Street

Date: March 05, 2023

To: Sign Variance Committee

From: Project Director, Business Transformation, Toronto Building

Wards: York Centre (Ward 06)

SUMMARY

Pattison Outdoor (the "Applicant") has stated that they have been authorized by the owner of the property municipally known as 3985 Keele Street (the "Subject Premises"), to apply for four variances each subject to three conditions, required to allow for a permit to be issued for one third party electronic ground sign with one sign face, displaying electronic static copy (the "Proposed Sign") at 3985 Keele Street.

The Proposed Sign would be located at the west frontage of the Subject Premises along Keele Street, with a single face directed to the southwest. It is proposed to have a maximum height of 7.65 metres, and a rectangular sign face with a maximum horizontal measurement of 6.10 metres (centre line) and maximum vertical measurement of 3.05 metres (bisecting line), with a maximum sign face area of 18.61 square metres. The Proposed Sign is described in Attachment 1 to this report.

Four variances to Chapter 694, each subject to three conditions, would be required to allow the Chief Building Official ("CBO") to issue a 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) **§ 694-25.C(2)(d)** - An Employment "E" Sign District may contain a third party electronic ground sign provided, the sign shall not be erected within any required setback of a building from a street as regulated by the City's applicable Zoning By-law, which requires a minimum 9 metres setback. **Proposed New Requirement:** The Proposed Sign will have a 3 metres setback from the street.

2) **§ 694-25.C(2)(e)** - An E Sign District may contain a third party electronic ground

sign provided, the sign shall not be erected within 60 metres of any premises located in whole or in part, in an R, RA, CR, I or OS sign district. **Proposed New Requirement:** The Proposed Sign will be erected within approximately 50 metres of the premises located in an Institutional “I” sign district.

3) **§ 694-25.C(2)(f)** - An E Sign District may contain a third party electronic ground sign provided, where a sign is located within 250 metres of an R, RA, CR, I or OS sign district, the sign face cannot face any premise in the R, RA, CR, I or OS sign district. **Proposed New Requirement:** The Proposed Sign will be located approximately 110 metres from the OS and 50 metres from the I sign district and the sign face will face to the premises in the I sign district.

4) **§694-25C(2)(h)** – An E Sign District may contain a third party electronic ground sign, provided there shall be no more than one ground sign or electronic ground sign on the premises. **Proposed New Requirement:** The Proposed Sign would be the second ground sign on the premises.

If granted, staff recommend that each of the four requested variances should be subject to the following three conditions:

Condition 1: All existing third party ground signs located at the west frontage of the premises municipally known as 3985 Keele Street shall be removed and all associated permits revoked, prior to the erection or display of the Proposed Sign.

Condition 2: The Proposed Sign shall contain sufficient physical barriers on the sign face to minimize the visibility of the sign copy from the I and OS Sign Districts to the west on Keele Street to the satisfaction of the Chief Building Official acting reasonably; and,

Condition 3: The Proposed Sign's sign face shall be orientated in a south-westerly direction.

Following a review of the Applicant's submissions and additional information provided by Toronto Building 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 four variances, subject to the noted conditions as described further in Appendix 1 to this report.

Therefore, the CBO supports the Sign Variance Committee granting the four requested variances, each subject to the three conditions described in Attachment 1 to this report.

RECOMMENDATIONS

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

The Sign Variance Committee grant the requested variances to sections 694-25C(2)(d), 694-25C(2)(e), 694-25C(2)(f) and 694-25C(2)(h), each subject to three conditions, required to allow for the issuance of a permit for the erection and display of one third party electronic ground sign at the property municipally known as 3985 Keele Street, as 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 Variances for Proposed Sign

Sign By-Law Reference	Requirement	Proposal
§ 694-25C(2)(d)	An Employment "E" Sign District may contain a third party electronic ground sign provided, the sign shall not be erected within any required setback of a building from a street as regulated by the City's applicable Zoning By-law, which requires a minimum 9 metres setback;	The Proposed Sign will have a 3 metres setback from the street.

<p>§ 694-25C(2)(e)</p>	<p>An Employment "E" Sign District may contain a third party electronic ground sign provided, the sign shall not be erected within 60 metres of any premises located in whole or in part, in an R, RA, CR, I or OS sign district;</p>	<p>The Proposed Sign will be erected within approximately 50 metres of the premises located in an I sign district.</p>
<p>§ 694-25C(2)(f)</p>	<p>An Employment "E" Sign District may contain a third party electronic ground sign provided, where a sign is located within 250 metres of an R, RA, CR, I or OS sign district, the sign face cannot face any premise in the R, RA, CR, I or OS sign district;</p>	<p>The Proposed Sign will be located approximately 110 metres from an OS and 50 metres from an I sign district and the sign face will face to a premises in an I sign district.</p>
<p>§ 694-25C(2)(h)</p>	<p>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 on the premises.</p>	<p>The Proposed Sign would be the second ground sign on the premises.</p>

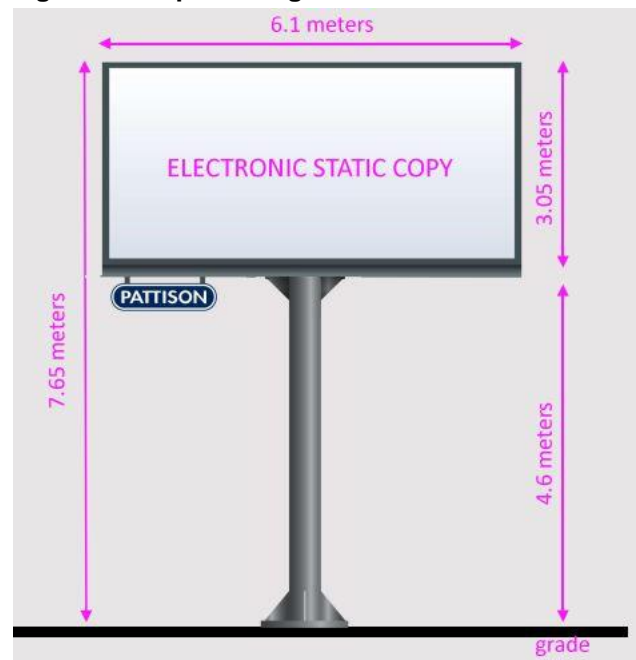
Sign Attributes and Site Context

3985 Keele Street is designated as an Employment ("E") Sign District and is in Ward 6 – York Centre. There is an existing one storey office building, a warehouse and holding facility located at the Subject Premises. The Subject Premises occupied by "Suncor Energy"

The Subject Premises currently has a third party ground sign, containing of two sign faces in a "v-shaped" configuration, each displaying static copy, which is located at the west frontage along Keele Street and approximately 12 metres south of the Proposed Sign location.

If the variances are granted to the Proposed Sign, the existing third party ground sign will be removed.

Figure 1: Proposed Sign



Surrounding premises:

Immediately to the North is The Pond Road and a one-storey warehouse and a commercial plaza located across The Pond Road. To the east the Subject Premises

is a two-storey office building containing employment uses. Immediately to the west is Keele Street and a large property which is largely vacant except for a construction site along the southern portion of the property. To the south of the Subject Premises is a bulk fuel storage facility.

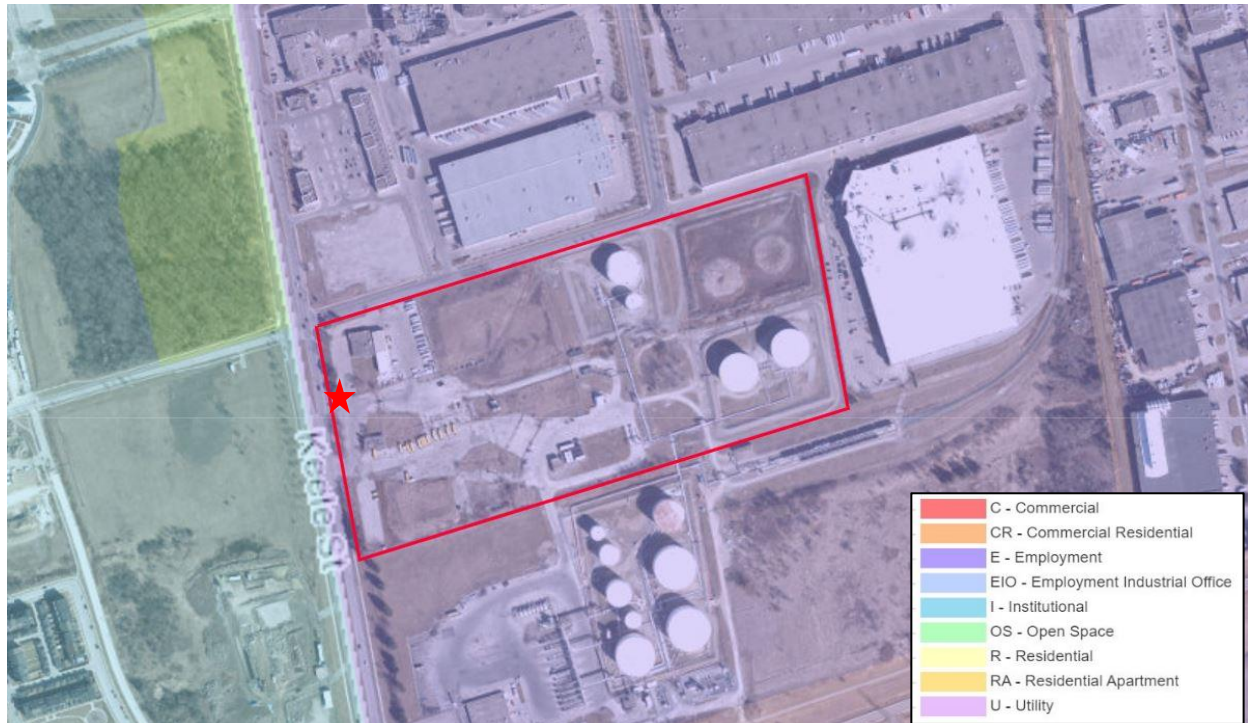
North: Employment E Sign District, commercial and industrial uses

East: Employment E Sign District, Industrial and office uses

West: Institutional Sign District, Vacant land with a construction site at southern part

South: Employment E Sign District, Fuel storage facility.

Figure 2: Sign District Map – 2385 Keele Street and approximate location of the Proposed Sign



COMMENTS

Applicant Information

Pattison Outdoor has stated that they have been authorized by the owner of the property municipally known as 3985 Keele Street, to apply for four variances, each subject to three conditions, required to allow for a permit to be issued for one third party electronic ground sign with one sign face, displaying electronic static copy.

An existing third party ground sign with two sign faces in a "v-shaped" configuration, each face displaying static copy, which is located at the west frontage along Keele Street on the Subject Premises would be removed as a condition to the four requested variances.

Application Background

The Proposed Sign would be located along the Keele Street at west frontage of 3985 Keele Street, with a single face directed to the southwest. It will have a height of 7.65 metres and will contain a rectangular sign face with a maximum centre line (horizontal dimension) of 6.10 metres and maximum bisecting line (vertical dimension) of 3.05 metres, with a maximum sign face area of 18.61 square metres. 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 October 17, 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, based on 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 a staff review, the property at 3985 Keele Street can be confirmed as being designated as an Employment "E" Sign District which permits sign 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, the property at 3985 Keele Street 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.

As electronic ground signs are a sign type that is permitted in E Sign Districts, 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 permits third party electronic ground signs at a height consistent with the Proposed Sign, it is surrounded by properties in the E Sign District to the north, immediate south and east and by properties in the I Sign District to the west.

The Subject Premises contains a one-storey building with an office, warehouse and holding facility. To the north and east of the Subject Premises are properties containing mainly one-storey and two-storey buildings with commercial, employment and industrial uses. There is a large property to the south with a bulk fuel storage facility occupied by Shell Canada. To the west, there is a large parcel of vacant land with a construction site at southern part of the premises.

The applicant has stated that the area of Toronto bounded by Steeles Avenue West, Keele Street, Finch Avenue West and Dufferin Street is comprised entirely of E and U Sign Districts, which are the only two sign districts in Toronto that allow third party electronic ground signs, as such the applicant believes the proposed sign is compatible with the Subject Premises and surrounding area. Except for the Keele Reservoir which is located more than 500 metres to the north of the Proposed Sign and is designated as an OS Sign District, staff agree with this statement.

Based on the Staff's investigation, there are no third party electronic signs within 500 metres from the Proposed Sign. Also, subject to the condition that the existing third party sign on the Subject Premises is removed, there are no third party signs within 150 metres of the Proposed Sign. The only third party sign is a static roof sign which is located approximately 350 metres to the north of the Proposed Sign.

The Applicant states and staff has confirmed there are currently no sensitive land uses close to the Proposed Sign. There is an OS Sign District which is located approximately 110 metres northwest of the Proposed Sign; however the Proposed Sign has a single face which directed to the southwest, and will not be visible from this OS Sign District. The eastern side of the OS Sign District along Keele Street is a treed area which will obscure the visibility of the sign from the properties to the west of the Proposed Sign.

Figure 3: Proposed Sign distance to OS and I Sign Districts

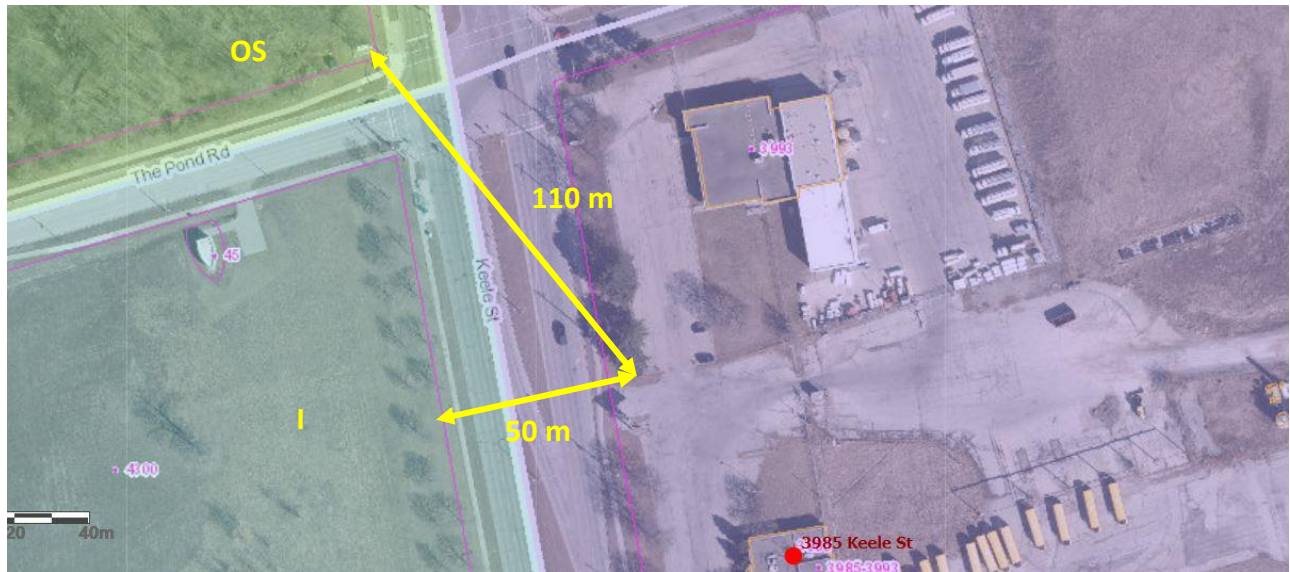


Figure 4: Looking North- Keele Street- Existing ground sign & Proposed Sign approximate location



The Applicant states and staff have confirmed that the Institutional “I” Sign District, located approximately 50 metres to the west of the Proposed Sign, currently contains a vacant parcel of land and does not contain any Institutional uses that

would be impacted by the Proposed Sign. A staff search found that there are no active development applications that are currently with the city for the properties in this I Sign District.

The existing tree-line along Keele Street will further obscure the view of the Proposed Sign from the I Sign District, and the recommended condition that the Proposed Sign contain sufficient physical barriers on the sign face to minimize the visibility of the sign copy from the I Sign District will further reduce or eliminate the impacts that the Proposed Sign may have on properties on the west side of Keele Street.

The Proposed Sign height is 7.65 metres which is less than 10 metres permitted by the Sign By-law. The sign face area is also 18.61 square metres which is less than 20 square metres permitted by the Sign By-law.

The Applicant states that the Proposed Sign location, which will be at the 3.0 metres setback for the Proposed Sign, is in line with the setback requirements in the Harmonized Zoning By-law and with the larger portion of the Subject Premises which is already designated under the new Zoning By-law which requires a setback of 3.0 metres.

The Proposed Sign would be located on the Subject Premises in a way that is compatible with the development of the premises. If the Proposed Sign were to be displayed in compliance with the required 9.0m setback, as opposed to the 3.0 metres requested in this application, it would be located within a parking area and driveway on the Subject Premises.

The Applicant also states that due to several mature trees along the Keele Street frontage of the Subject Premises, locating the Proposed Sign at a 9.0 metre setback to the property line would create a significant obstruction for the Proposed Sign to be visible to traffic along Keele Street, and by granting the requested variance, the Proposed Sign will not result in driver's glancing too far into the property to view the Proposed Sign's display.

Where there is a third party electronic sign located on a premises, the Sign Bylaw only permits one ground sign per premises; this is intended to minimize sign clutter in the surrounding area. The Proposed Sign would be located 64.5 metres south of a small existing first party ground sign for "Frew Energy", the Applicant states that there is a heavy, mature tree line along this frontage that blocks visibility of both signs along the same viewpoint. Staff agree that these trees, along with a transit shelter in between the Proposed Sign and the existing first party sign minimizes any relationship between the two signs and reduces the chances of them being visible at the same time.

Subject to the removal of the existing third party ground sign, the orientation of the Proposed Sign in a south-westerly direction and that the Proposed Sign contain sufficient physical barriers on the sign face to minimize the visibility of the sign copy

from the I Sign District, staff agree that the Proposed Sign is compatible with the development of properties and surrounding area of 3985 Keele Street.

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

Based on the Official Plan map (see Figure 5 below), the west portion of the property at 3985 Keele Street where the Proposed Sign is located, is designated as a General Employment Area. The east portion of the Subject Premises is designated as a Core Employment Area. 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 Applicant's submission states that General Employment Areas are typically located on major roads, where businesses and services would benefit from visibility and transit access to draw the broader public.

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

Figure 5: Official Plan Map – 3985 Keele St



Properties along the west side of Keele Street in between Finch Avenue West and Steeles Avenue are part of the York University Secondary Plan. The properties immediately opposite the Proposed Sign along Keele Street are in the 'South Keele

Street Precinct of the Secondary Plan. The Keele Street frontage of this Precinct is planned to develop as a high density, mixed use corridor which will be developed with pedestrian-oriented mixed-use buildings containing retail and service uses located at grade.

Staff agree that the location of the Proposed Sign and the condition that the Proposed Sign be oriented in a south-westerly direction only will support policy 7(k) in section 4.6 of the Official Plan which states that:

7. Development will contribute to the creation of competitive, attractive, highly functional Employment Areas by ... k) providing a buffer and/or mitigating adverse effects, where appropriate, to Neighbourhoods, Apartment Neighbourhoods and Mixed Use Areas

Further support for policy 7(k) is achieved by the recommended condition that the Proposed Sign shall contain physical barriers on the sign face to minimize the visibility of the sign copy from the I and OS Sign Districts to the west on Keele Street which will further reduce or eliminate the impacts that the Proposed Sign may have on the mixed use properties in the South Keele Street Precinct.

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.

Zoning By-law (569-2013) is not currently applicable to this portion of the Subject Premises, it is the former North York Zoning By-law No. 7625 that applies to the portion of the Subject Premises where the Proposed Sign is located.

Based on staff investigation, the Subject Premises is designated as an Industrial Commercial - MC(H) Zone under the former North York Zoning By-law. The permitted uses in a MC zone include a wide variety of industrial and commercial uses, consistent with what is generally found in Employment Sign Districts. The Holding Zone (H) provisions are only related to floor space limits on retail and personal service uses.

The required setback of the Proposed Sign from the street (the western property line) in the Zoning By-law 7625 is 9 metres, however, the setback of the Proposed Sign from the street is 3 metres. It should be noted that, despite this setback requirement, the former North York Sign By-law (Bylaw 30788), which worked in concert with the requirements of Zoning Bylaw 7625, did not have any setback requirements for ground signs on Industrial properties - this is evident when looking at the setbacks of several other ground signs located in that area along Keele Street and Finch Avenue West.

The Applicant's submission materials in addition to staff's investigation provide sufficient information to confirm that, subject to the conditions recommended in this report, the Proposed Sign supports several of the Official Plan objectives for 3985 Keele Street 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 will not adversely affect adjacent premises

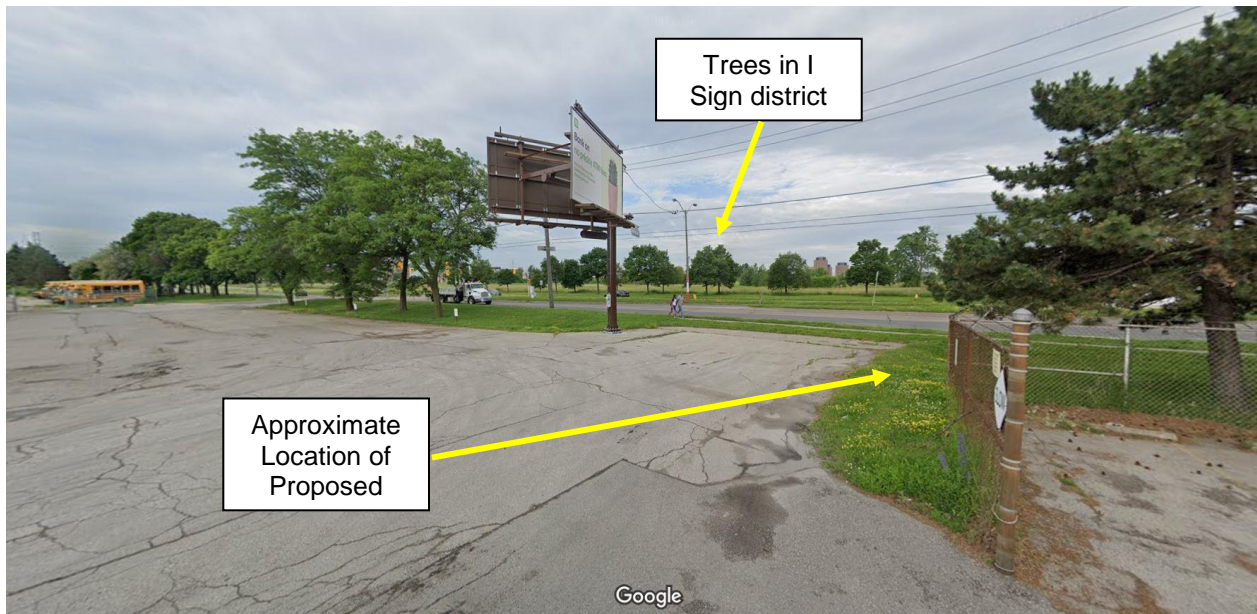
The property at 3985 Keele Street is designated as an E Sign District which permits third party electronic ground signs at a size and height consistent with the Proposed Sign. Staff have confirmed that the Subject Premises is surrounded by E Sign Districts to the immediate north, east and south.

The Subject Premises contains a one-storey building with an office and industrial use. To the north and east of the Proposed Sign are predominantly one and two-storey buildings with commercial and/or industrial and Employment uses. The immediate property to the south is a bulk fuel storage facility occupied by Shell Canada. To the west of the Subject Premises is Keele Street and an I Sign District which is currently a vacant parcel of land with a construction site at the southern portion.

The height and size of the Proposed Sign will comply with the requirements of the Sign By-law, The Proposed Sign also meets the requirement setback from the intersection (approximately 80 metres), although the intersection is at the north and the Proposed Sign face will be directed to the southwest.

While there is an Institutional Sign District to the west of the Subject Premises across Keele Street, there is a tree line along Keele Street which will further obstruct the visibility of the Proposed Sign from land uses in the I Sign District (see Figure 6 below). Also, the recommended condition that the Proposed Sign contain physical barriers on the sign face will further reduce or eliminate impacts that the Proposed Sign may have on the I Sign District on the west side of Keele Street.

Figure 6: Google Street view – Looking from 3985 Keele St to the west



Although the Proposed Sign would only be located 3.0 metres from the western property line of the Subject Premises, staff agree that this should be sufficient to allow the Proposed Sign to be constructed without interference with the Keele Street right-of-way.

The Applicant's rationale states, and staff have confirmed that the Proposed Sign is not located within 250 metres of any R, RA or CR Sign Districts. While there is an I Sign District further to the west containing some residential uses, the nearest residential building is located at Assiniboine Road, approximately 370 metres away from the Proposed Sign (see Figure 7).

With respect to the location of the Proposed Sign along the Keele Street: as stated above, the reduced setback for the Proposed Sign to the western property line is unlikely to result in any adverse impacts on Keele Street, as it:

- Would be of a similar size to the existing third party ground sign on the Subject Premises along Keele Street.
- The recommended condition that the Proposed Sign contain sufficient physical barriers on the sign face to minimize the visibility of the sign copy from the I Sign District to the west on Keele Street will further reduce or eliminate the impacts that the Proposed Sign may have on the I Sign District on the west side of Keele Street.
- Would be a single sign face which, along with the recommended condition for the sign to face in a southwesterly direction, will not face the OS Sign district located to the northwest; and,
- Would have a similar setback from Keele Street as the existing third party ground sign at the Subject Premises - the existing sign would be removed as a condition of approval of the requested variances.

Figure 7: Distance from Proposed Sign to nearest Residential Buildings



It should be noted that there are several third party electronic ground signs in E and Utility "U" Sign Districts throughout the city of a similar size and height to the Proposed Sign with setbacks from the street line of 3.0 metres; staff have no record of these signs having any adverse impacts on surrounding properties.

As a result of the above, the Proposed Sign is not expected to have any adverse effects on the adjacent premises, therefore the CBO is of the opinion that this criteria has been established.

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

Based on their submission package the Applicant believes, the proposed 3.0 metre setback should ensure the Proposed Sign will not interfere with or obstruct the visibility of vehicular traffic along Keele Street. The Proposed Sign also meets the required setback from a controlled intersection and is located well outside of the visibility zone.

The Applicant states, regarding the display of electronic static copy on the Proposed Sign, as part of the Electronic and Illuminated Sign Study conducted by the City of Toronto in 2015, the Transportation Services division completed a review of electronic signs and their impacts on traffic safety, comprised mainly of two elements: the first element was a literature review of studies that had been completed on the topic; the second element was a statistical analysis of locations in Toronto where electronic signs have been installed, in an effort to determine whether there has been an increase in traffic collisions. The main conclusion of this study was that at the time of the study, there was no statistically significant effect on automobile collisions where electronic signs had been installed in Toronto.

The Proposed Sign will also be professionally designed, engineered, and installed in accordance with Ontario Building Code requirements. As such, The Applicant does not believe that any issues related to public safety are foreseeable with the construction of the Proposed Sign.

The Applicant's submission material states that while it would be possible to comply with the required setback of 9.0 metres from the Keele Street frontage, they are seeking an additional variance with respect to the criteria established in 694-25.C(2)(d).

One reason for this additional variance is that the Applicant has proposed to locate the Proposed Sign a specific distance from the northern and southern boundaries of the Subject Premises, in light of the interests in maximizing visibility to vehicular traffic on Keele Street. However, by selecting this specific distance from the Subject Premises' northern and southern boundaries, the Applicant has proposed to locate the Proposed Sign in a specific area of the Subject Premises that contains other existing site conditions that:

- a) are in whole or in part located 9.0 metres from the Subject Premises' western property line;
- b) the Applicant does not wish to modify or relocate; and,
- c) if located in close proximity to the Proposed Sign, could in the opinion of the Applicant form a safety hazard.

Specifically, the Applicant submission material indicate, that there is a "traveled area" toward the parking area and office building on the Subject Premises, meaning specifically an area utilized for internal vehicular and pedestrian traffic, that if it was located near the Proposed Sign would be a safety hazard. (see Figure 8 below).

As a result, the Applicant must address the potential safety hazard that would arise as the Applicant indicated by placing the Proposed Sign in close proximity to "travelled area" – which the Applicant is unwilling to relocate. There are several available options with respect to addressing the potential safety hazard noted by the Applicant's submission material, these options include:

1. locating the Proposed Sign, in a different location in relation to the Subject Premises' northern and southern boundaries, so that if the Proposed Sign was located 9.0 metre from the western property line, it would not be in sufficient proximity to the "travelled area"; or
2. Imposing conditions on the variances granted as to ensure suitable mitigation measures were in place to eliminate these safety hazards arising from the specific site conditions noted by the Applicant (such as relocating the travelled area to elsewhere on the Subject Premises, or establishing buffer or other guards, or mandating that the sign may be no closer than 9.0 plus an acceptable buffer from the safety hazard from the western property limit); or
3. Seeking additional variances to the provisions regulating the Subject Premises so that Proposed Sign, would be in the same relative location in relation to the Subject Premises northern and southern boundaries, but would be located closer to the western property line and further from the site conditions that the Applicant identified.

Options 1 and 2 noted above, would have required the Applicant to seek different variances and different conditions than what are contained the current application. These options were not adopted by the Applicant.

Option 3 to address the Applicant's identified concern would be to seek a further variance to the Sign By-law specifically in relation to the western property line setback requirement. This is the option adopted by the Applicant. The safety hazard does not arise from the existing provision of the Sign By-law, but rather solely from the fact the Applicant's selected a location for the Proposed Sign relative to the Subject Property's northern and southern boundaries, that if the Proposed Sign was located in accordance with the default western property line setback requirement, would result a potential safety hazards, due to the presence of existing site conditions that the Applicant is unwilling to modify, The Applicant

has sought to mitigate safety hazards arising from the specific decisions made concerning the application by seeking additional variances to the Sign By-law. This is similar to other variances sought to allow signs otherwise not permitted under the Sign By-law by seeking a suite of variances to address site conditions.

Specifically, the Applicant is seeking to address this potential concern by seeking variances to allow the Proposed Sign to have a setback of 3.0 metres from the western property line, to place a minimum distance between the Proposed Sign, and the existing site conditions which the Applicant are concerned would be a safety hazard, but are unwilling to modify. This option to address this concern is preferable option to the Applicant, as the Applicant otherwise is seeking this variance same variance for purposes of maximizing the signs visibility with respect to vehicular traffic on Keele Street.

Staff has confirmed that the proposed variance to decrease the minimum required distance from the western property line would not provide a reasonable basis to conclude that this variance, or the other variances in relation to the Proposed Sign would have an adverse impact on public safety. Staff are unable to on the materials submitted and their own investigation, indicate either the appropriate variances with respect to locating the Proposed Sign elsewhere within the Subject Premises; further appropriate conditions to be imposed on the other two variances sought to address the issue of the proximity between the Applicant's chosen location for the Proposed Sign and the site conditions which the Applicant is unwilling to remove or otherwise modify to eliminate potential safety concerns.

Therefore, Staff is unable to advise on the feasibility of options 1 and 2 with respect to this criteria or otherwise; but can indicate that option 3 (seeking the multiple specific variances each subject to the specific conditions indicated in Appendix 1) in the opinion of the CBO does meet this specific criteria.

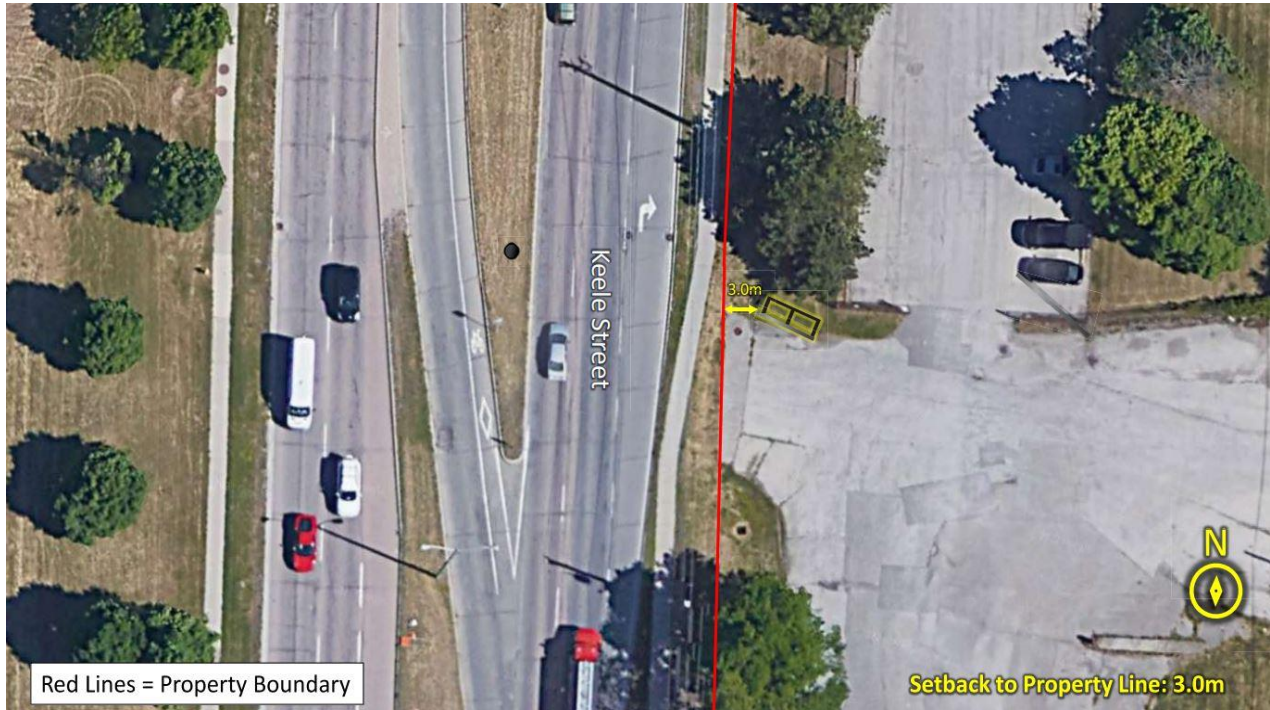
As stated above, there are several third party electronic signs throughout the city of a similar size and height to the Proposed Sign with setbacks from the street line of 3.0 metres; staff have no record of any concerns around public safety as a result of those signs.

Staff have reviewed the Proposed Sign and the requested variances, and in their opinion the variance with respect to the location of the sign within required setback, does not raise any foreseeable adverse safety outcomes.

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 is the opinion of staff that, based on the review of the available information with respect to the Proposed Sign, that the requested variance for reduced setbacks, do 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.

Figure 8: Google Map- Proposed Sign approximate location & distance from property line



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 property at 3985 Keele Street is designated as an E Sign District which permits third party electronic ground signs at a size and height consistent with the Proposed Sign. Staff have confirmed that the Subject Premises is surrounded by E Sign Districts to the immediate north, east and south.

The Applicant states that third party signs in the surrounding area, including the existing third party sign on the Subject Premises, contain sign faces measuring approximately 18.60 square metres which is consistent with the sign face area of the Proposed Sign. Although the maximum permitted height in an E Sign District is 10 metres, the Proposed Sign will have a height of 7.65 metres, which is also consistent with the existing third party ground sign on the Subject Premises.

There are multiple third party signs located along Keele Street between Sheppard Avenue and Steeles Avenue West, including on the Subject Property. There are also third party signs (both static and electronic) located along Finch Avenue West, to the south of the Proposed Sign. This helps to demonstrate that the Proposed Sign will not be introducing a new sign class or sign type to the area.

The Applicant also states, and staff agree that by removing the existing third party sign on the Subject Premises as a condition of approval, the total number of sign faces would be reduced from two down to one which helps reduce sign clutter in the area, which is one the goals of the Sign By-law.

Based on The Applicant's submission materials and Staff's investigation, sufficient information has been provided to confirm that the Proposed Sign should 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 will not be, in the opinion of the decision maker, contrary to the public interest

The Applicant states and staff have confirmed that the Proposed Sign will comply with many of the requirements for third party electronic ground signs in E Sign Districts. The Proposed Sign will comply with the requirements for the size, height, setback from an intersection, number of signs per property, required configuration and method of copy displayed.

The Applicant also states the Proposed Sign will comply with the illumination provisions, the requirements for transition and message duration for electronic static copy, as well as the five-year renewal of the Sign Permit and the requirement to be powered by renewable energy (via Bullfrog Power).

The Proposed Sign would be the second ground sign on the Subject Premises and would be located 64.5 metres to the south of a small first party ground sign for "Frew Energy". The Applicant stated that the tree line along this frontage will block visibility of both signs along the same viewpoint. Staff agree that the tree line, as well as a transit shelter located between the Proposed Sign and the existing first party sign minimizes any relationship between the two signs.

The Applicant believes that while a variance is required for the setback from the front yard of 9.0 metres, granting the variance to allow the proposed setback of 3.0

metres allows the Proposed Sign to be placed within the grassy area, which staff agree is better suited for signage, and away from the traveled portion of the tenant's parking area. Staff agree that placing the Proposed Sign at the 9 metres setback required by the Zoning By-law could also create an unsafe condition as the Proposed Sign would be located over the parking area and could interfere with the driveway to the Subject Premises.

The surrounding area consists of light industrial, employment and/or commercial uses and is not occupied with sensitive uses, residential dwellings or public open spaces. The Proposed Sign would have a sufficient distance from the sidewalk along Keele Street, as well as the travelled portion of the road so as not to interfere with its operation or function.

The existing tree-line along Keele Street will obscure the view of the Proposed Sign from the I Sign District to the west of the Proposed Sign, and the recommended condition that the Proposed Sign contain sufficient physical barriers on the sign face to minimize the visibility of the sign copy from the I Sign District will further reduce or eliminate the impacts that the Proposed Sign may have on properties in the I Sign District.

The condition that the sign be oriented in a south-westerly direction will ensure that the Proposed Sign does not impact the OS Sign District to the north-west of the Subject Premises. Also, the condition that the existing ground sign on the Subject Premises be removed would also address any concerns about sign clutter on the Subject Premises and in the area.

Subject to the removal of the existing third party ground sign, the orientation of the Proposed Sign in a south-westerly direction and that the Proposed Sign contain sufficient physical barriers on the sign face to minimize the visibility of the sign copy from the I Sign District, it is the CBO's opinion that the Applicant's materials are sufficient to determine that the Proposed Sign is not contrary to the public interest, and that this criteria has been established.

Conclusion

The Applicant's submission materials and 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 variances have been met. As such, the CBO is supportive of the Sign Variance Committee granting the requested variances, subject to the conditions specified in this report.

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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 one sign face in a southwest orientation,
- b) The sign face shall comply with the following:
 - i) Have a maximum bisecting line no greater than 3.05 meters;
 - ii) Have a maximum center line of no greater than 6.10 meters;
 - iii) Have a maximum sign face area of no greater than 18.61 square meters; and,
 - iv) Shall display only electronic static copy;
- c) Have a maximum height of no greater than 7.65 meters;
- d) Shall be located no closer than 3 metres from the southern property line of the premises;

Required Variances:

1) The Requirement of § 694-25.C(2)(d) that: An Employment "E" Sign District may contain a third party electronic ground sign provided, the sign shall not be erected within any required setback of a building from a street as regulated by the City's applicable Zoning By-law, which requires a minimum 9.0 metres setback, be varied to allow the Proposed Sign to be located within any required setback of a building from a street as regulated by the City's applicable Zoning By-law specifically that the sign be located no closer than 3.0 metres setback from the western property line, subject to Conditions 1, 2, and 3 below;

2) The Requirement of § 694-25.C(2)(e) that: An Employment "E" Sign District may contain a third party electronic ground sign provided, the sign shall not be erected within 60 metres of any premises located in whole or in part, in an R, RA, CR, I or OS sign district be varied to allow the Proposed Sign to be erected within 50 metres of an I sign district, subject to Conditions 1, 2, and 3 below;

3) The Requirement of § 694-25.C(2)(f) that: An Employment "E" Sign District may contain a third party electronic ground sign provided, where a sign is located within 250 metres of an R, RA, CR, I or OS sign district, the sign face cannot face any premise in the R, RA, CR, I or OS sign district be varied to allow the Proposed Sign to be erected within 110 metres of and face an OS sign district and within 50 metres of and face from an I sign district, subject to Conditions 1, 2, and 3 below;

4) The Requirement of § 694-25C(2)(h) that: 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 on the premises be varied to allow the

Proposed Sign to be one of no more than two of the ground signs or electronic ground signs on the premises, subject to Conditions 1, 2, and 3 below;

If granted, each of the four requested variances should be subject to the following three conditions:

Condition 1: All existing third party ground signs located at the west frontage of the premises municipally known as 3985 Keele Street shall be removed and all associated permits revoked, prior to the erection or display of the Proposed Sign.

Condition 2: The Proposed Sign shall contain sufficient physical barriers on the sign face to minimize the visibility of the sign copy from the I and OS Sign Districts to the west on Keele Street to the satisfaction of the Chief Building Official acting reasonably; and,

Condition 3: The Proposed Sign's sign face shall be orientated in a south-westerly direction.

Attachment 2: Applicant's Submission Package