

## **Application for Three Variances, subject to Three Conditions, Respecting One Third Party Electronic Ground Sign - 9 Hanna Avenue; and One Variance subject to no Conditions, Respecting Another Existing Third Party Electronic Ground Sign - 9 Hanna Avenue**

**Date:** January 25, 2023

**To:** Sign Variance Committee

**From:** Manager, Citywide Priorities, Toronto Building

**Wards:** Spadina - Fort York (Ward 10)

### **SUMMARY**

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OUTFRONT Media Canada L.P. (the "Applicant") has stated that they have been authorized by the owner of the property municipally known as 9 Hanna Avenue (the "Subject Premises") to apply for three variances, each subject to three conditions required to allow for a permit to be issued to erect and display a single-faced third party electronic ground sign, displaying electronic static copy (the "Proposed Sign") on the Subject Premises; and an additional variance required to allow for a new permit to be issued to allow for the display of another single-faced third party electronic ground sign, displaying electronic static copy currently on the Subject Premises (the "Existing Sign").

The Subject Premises is designated Gardiner Special Sign District ("GG-SSD") with the additional designation "I" on the map contained in Schedule A. Further, the Subject Premises is subject to specific area specific provisions contained in Subsection 2BB to Schedule B, Signage Master Plans and Area Specific Amendments, of Chapter 694, Signs, General, which provides for additional unique signage provisions for the Subject Premises. This specific subsection of Schedule B allowed for the Existing Sign to be erected and displayed on the Subject Premises, on the condition that the Existing Sign be the only sign within a specified area. The Appellant will require a variance to this provision of the Sign By-law.

The variance required to allow for a permit to be issued for the display of the Existing Sign would be as follows

**1) Subsection 2(BB)(1)(k) of Schedule B, to Chapter 694** – There shall be no more than one third party ground sign erected or displayed within the area delineated with heavy lines on the diagram indicated at Subsection BB(2) as Area Map 1 - 9 Hanna

Avenue. **Proposed New Requirement:** The Existing Sign would be one of two signs sign erected or displayed within the area delineated with heavy lines on the diagram indicated at Subsection BB(2) as Area Map 1 - 9 Hanna Avenue

The Proposed Sign requires **three** variances to Chapter 694 to allow for the Chief Building Official ("CBO") to issue the sign permit. The requirements in Chapter 694 which have been requested to be varied, and the proposed varied requirements with respect to the Proposed Sign are summarized below:

1) **§ 694-26I(4)(a)** – The GG-SSD-I may contain an electronic third party ground sign containing electronic static copy, provided the sign face area shall not exceed 50.0 square metres. **Proposed New Requirement:** The sign face area of the Proposed Sign would be 145.61 square metres.

2) **§ 694-26I(4)(b)** – The GG-SSD-I - may contain an electronic third party ground sign containing electronic static copy, provided the height shall not exceed 15.0 metres. **Proposed New Requirement:** The height of the Proposed Sign would be 25 metres.

3) **§ 694-26I(4)(d)** – The GG-SSD-I may contain a third party ground sign provided the sign shall be erected only on a premises where, on the day before this chapter comes into effect, an existing lawful ground sign was erected and displayed containing electronic moving copy or electronic static copy as defined by this chapter, and the sign shall replace the existing sign. **Proposed New Requirement:** The Proposed Sign would not replace existing lawful ground sign which was erected and displayed on the day before this Chapter 694 came into effect containing electronic moving copy or electronic static copy as defined by Chapter 694.

The Applicant proposed has that the variances be granted subject to the following conditions:

- 1) Light shielding technology shall be installed on the Proposed Sign.
- 2) The sign shall operate with a reduced brightness of 200 NITS between sunset and sunrise.
- 3) The sign face shall be oriented in a south-westerly direction

If the variances are granted, the Existing Sign would have one rectangular sign face facing in a south-easterly direction, displaying electronic static copy, with a maximum sign face area of 146.0 square metres; a maximum vertical dimension (bisecting line) of 8.53 metres; maximum horizontal dimension (centre line) of 17.07 metres, a maximum height of 25.0 metres; and would be one of two signs in the specified area. Similarly, if variances are granted, the Proposed Sign would have one rectangular sign face facing in a south-westerly direction, displaying electronic static copy, with a maximum sign face area of 145.61 square metres; a maximum bisecting line of 8.53 metres; a maximum centre line of 17.07 metres, a maximum height of 25.0 metres and also be located within the specified area of the Subject Premises.

The Applicant wants to have two signs on the Subject Premises that are similar to the Existing Sign (one facing southwest and one facing southeast). The Proposed Sign, Existing Sign, and their variances and conditions are explained in Attachment 1.

The Chief Building Official and Executive Director, Toronto Building (“CBO”) has reviewed the Applicant’s submissions and additional information from the Sign By-law Unit staff. The CBO has found that the Applicant has not met the nine criteria in §694-30A of the Sign By-law for either the Proposed Sign or the Existing Sign. Therefore, the CBO does not support granting the four variances that the Applicant has requested for the Proposed Sign and the Existing Sign - the four variances and conditions are in Attachment 1.

## **RECOMMENDATIONS**

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

1. The Sign Variance Committee refuse to grant both the requested variances to sections 694-261(4)(a), 694-261(4)(b), 694-261(4)(d) and subject to three conditions - as required to allow for the issuance of a permit respecting the erection and display of the Proposed Sign; and the requested variance to Subsection 2BB (1)(k) of Schedule B to Chapter 694, Signs, General, as required to allow for the issuance of a permit respecting the alteration, erection and display of the Existing Sign, as further described in Attachment 1 to this report.

## **FINANCIAL IMPACT**

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

## **DECISION HISTORY**

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### **PG5.12 - Amendments to the Sign By-law and Related Fees**

In July 2015, City Council amended the City of Toronto Municipal Code Chapter 694, Signs, General. As a result, it was permitted within the boundaries of the GG-SSD the conversion or replacement of legally existing third party ground signs containing any electronic static or electronic moving sign copy with a sign containing electronic static copy.

(<https://secure.toronto.ca/council/agenda-item.do?item=2015.PG5.12>)

## **PG 5.13 - Electronic and Illuminated Sign Study and Recommendations for Amendments to Chapter 694**

These amendments attempt to minimize the adverse impact of electronic signs by establishing separation distances between electronic signs and sensitive land uses and reducing the maximum brightness at night. Third party electronic signs are now permitted in Employment, Utility and Commercial Sign Districts, but are specifically not permitted in OS Sign Districts, where there are open space and recreational uses. (<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.PG5.13>)

## **PG8.8 - Chapter 694 - Area-Specific Amendment Applications Concerning Electronic Signs**

In December 2015, City Council amended Schedule B, Signage Master Plans and Area-Specific Amendments, of Chapter 694, Signs, General, to add the area-specific amendment for the premises municipally known as 9 Hanna Avenue. As a result, the installation of one third party ground sign displaying electronic static copy was permitted at 9 Hanna Avenue. Approval for this electronic ground sign was contingent on the removal of an existing third party sign in a similar location to the Proposed Sign. (<https://secure.toronto.ca/council/agenda-item.do?item=2015.PG8.8>)

## **ISSUE BACKGROUND**

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### **Required Variances**

**Table 1: Summary of Requested Variances Respecting the Existing Sign**

<b>Section</b>	<b>Requirement</b>	<b>Proposal</b>
<b>Subsection 2(BB)(1)(k) of Schedule B, to Chapter 694.</b>	There shall be no more than one third party ground sign erected or displayed within the area delineated with heavy lines on the diagram indicated at Subsection BB(2) as Area Map 1 - 9 Hanna Avenue	The Existing Sign would be one of two signs sign erected or displayed within the area delineated with heavy lines on the diagram indicated at Subsection BB(2) as Area Map 1 - 9 Hanna Avenue.

**Table 2: Summary of Requested Variances Respecting the Proposed Sign**

<b>Section</b>	<b>Requirement</b>	<b>Proposal</b>
<b>694-26I(4)(a)</b>	The Gardiner Gateway Special Sign District, GG-SSD-I may contain an electronic third party ground sign containing electronic static copy, provided the sign face area shall not exceed 50.0 square metres.	The sign face area of the Proposed Sign would be 145.61 square metres.
<b>694-26I(4)(b)</b>	The Gardiner Gateway Special Sign District, GG-SSD-I may contain an electronic third party ground sign containing electronic static copy, provided the height shall not exceed 15.0 metres.	The Proposed Sign would be erected on a location where no lawfully existing ground sign was erected and displayed.
<b>694-26I(4)(d)</b>	The Gardiner Gateway Special Sign District, GG-SSD-I may contain a third party ground sign provided the sign shall be erected only on a premises where, on the day before this chapter comes into effect, an existing lawful ground sign was erected and displayed containing electronic moving copy or electronic static copy as defined by this chapter, and the sign shall replace the existing sign.	The Proposed Sign would not replace existing lawful ground sign which was erected and displayed on the day before this Chapter 694 came into effect containing electronic moving copy or electronic static copy as defined by Chapter 694.

## **Sign Attributes and Site Context**

The Existing Sign is an electronic ground sign with electronic static copy on the Subject Premises. It has a rectangular sign face facing southeast, with a maximum area of 146.0 square metres, a maximum bisecting line of 8.53 metres, a maximum centre line of 17.07 metres, and a maximum height of 25.0 metres. It is meant for vehicles travelling west along the F.G. Gardiner Expressway.

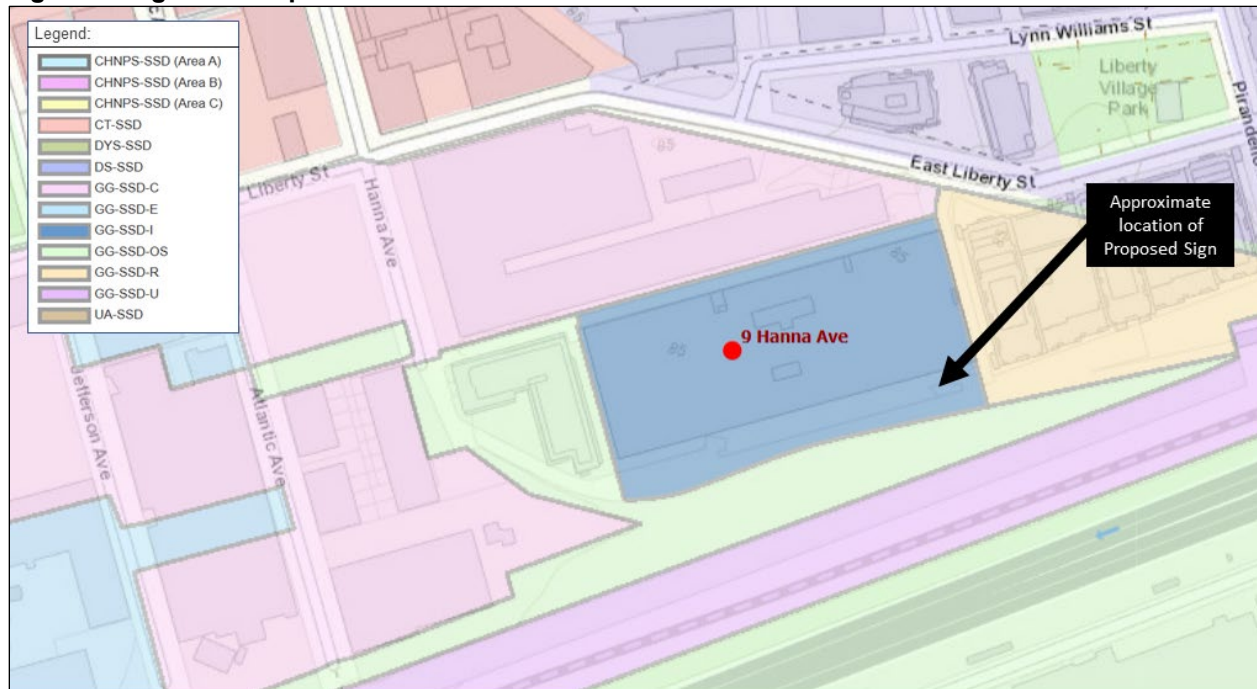
The Proposed Sign would be a second electronic ground sign displaying electronic static copy on the Subject Premises. It would have a sign face facing southwest, with a maximum area of 145.61 square metres, a maximum bisecting line of 8.53 metres, a maximum centre line of 17.07 metres, and a maximum height of 25.0 metres. It is meant for vehicles travelling east on the F.G. Gardiner Expressway.

The Subject Premises (9 Hanna Avenue) is in the Gardiner Gateway Special Sign District (GG-SSD), in Ward 10, Spadina - Fort York, on the north side of the rail corridor.

The GG-SSD was created when the Sign By-law was passed in 2010. It is a Special Sign District where many large-format third-party advertising signs are allowed as a distinctive feature of the area. While commonly, this allows for additional large-scale third party signs; certain premises within the GG-SSD were determined to be not suitable for any third-party signage, the Subject Premises being one such location.

The Subject Premises carries the designation of 'GG-SSD-I' in Figure 1 below.

**Figure 1: SignView Map - 9 Hanna Avenue**



The Subject Premises did not qualify for any third-party signs under the Sign By-law when it was passed. This is because the Subject Premises had an I designation in Schedule A, which did not allow any specific third-party signage; and, because the signs on the Subject Premises at that time did not have the display type that would let them be replaced with large third-party electronic ground signs with electronic static copy, as allowed by subsection 694-26(I).

Therefore, City Council decided that the Subject Premises, even though it was in the GG-SSD, was not a suitable location for third-party signs.

The Existing Sign is only on the Subject Premises because of an area-specific amendment that the Applicant applied for under the Sign By-law, which lets the public ask for changes to the City's Sign By-law. In 2016, City Council approved By-law 214-2016, which changed Schedule B of Chapter 694 to provide unique permissions for the Subject Premises. As a result, the Subject Premises has a permission that allows only one third party electronic ground sign at 9 Hanna Avenue; when adopted, this site-specific amendment also required the removal of another third-party sign that was in the same area of the Subject Premises where the Applicant wants to put the Proposed Sign.



The Applicant now requires a variance from the Sign By-law as the Proposed Sign would be a second sign on a premises where the Existing Sign is supposed to be the only sign, according to the specific conditions that City Council set when they changed the by-law for the Subject Premises.

The Subject Premises has one building used by the Toronto Police Services and one third-party electronic ground sign (See Figure 2). The Existing Sign is operated by the Applicant and has a single electronic sign face with an area of 145.61 square meters and a height of 25 meters.

In the past decades, the Liberty Village area has been significantly re-developed and there are many new residential buildings in and around the GG-SSD. These residential buildings are close to the existing large-format third-party signs in the GG-SSD. The Subject Premises is located near residential buildings on the north, west, and east sides, and is about 80 meters north of the F.G. Gardiner Expressway.

**Figure 2: Looking Northwest from Gardiner Expressway to the Subject Premises**



The Applicant requires a variance for the Proposed Sign as it would be taller and have a larger sign face area than the signs allowed by the general rules for the Subject Premises. The Applicant requires an additional variance as the Proposed Sign is not replacing any existing sign, as the previous sign that did not qualify for replacement was removed when the Existing Sign was approved by City Council in 2016.

Therefore, the Applicant is asking for variances to the existing rules of 694-26(I) and Schedule B of Chapter 694, to have two similar signs (one facing southwest, and one facing southeast) instead of one sign of this type that was allowed by an area-specific amendment approved by City Council.

### **Surrounding premises:**

**North:** Gardiner Gateway Special Sign District, subject to C designation in Schedule A (GG-SSD-C), high-rise mixed-use building with residential units.

**South:** Gardiner Gateway Special Sign District subject to OS designation in Schedule A (GG-SSD-OS), Metrolinx rail corridor and F.G. Gardiner Expressway.

**East:** Gardiner Gateway Special Sign District subject to R designation in Schedule A (GG-SSD-R), high-rise residential building.

**West:** Gardiner Gateway Special Sign District subject to OS designation in Schedule A (GG-SSD-OS), high-rise residential building.

## **COMMENTS**

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### **Applicant Information**

OUTFRONT Media has stated that they have been authorized by the owner of the property municipally known as 9 Hanna Avenue to apply for three variances, subject to three conditions, and one variance not subject to conditions, as required to allow for the necessary permits to be issued allow for the additional third party electronic ground sign with one sign face, displaying electronic static copy,(Proposed Sign) and the alteration to the existing third party electronic ground sign with one sign face, displaying electronic static copy (Existing Sign), as further described in Attachment 1.

### **Application Background**

The Proposed Sign will be located on the south frontage of the property, along the extension of Hanna Avenue, facing to the south-westerly direction, to be viewed by vehicles travelling east along the F.G. Gardiner Expressway.

The Proposed Sign will have a maximum height of 25 metres from the grade and will contain one sign face measuring 17.07 metres horizontally by 8.53 metres vertically, with a sign face area of 145.61 square metres. The Proposed Sign is described further in Attachment 1.

The result would be to allow for two third party electronic ground sign with one sign face, displaying electronic static copy

### **Community Consultation**

The CBO has implemented a practice of engaging in an enhanced consultation process regarding variance applications for electronic signs. Notice, as required by the City's Sign By-law, was provided to properties within a 250-metre radius of the Proposed Sign's location, informing them of the proposal.

Furthermore, the CBO communicated to the public about an additional virtual Community Consultation. This session was attended by a community member who had expressed interest. The meeting occurred on the afternoon of July 18th, 2023, and was



attended by representatives from both the Applicant and the City, along with the concerned community member.

As of the writing of this report, the City has received eight emails from the public expressing opposition to the construction of the Proposed Sign. The primary concern raised in the feedback is with respect to the level of illumination produced by the Proposed Sign. Additionally, the correspondences commented on the Proposed Sign's proximity to residential buildings and the potential distractions it could create for drivers traveling along the F.G. Gardiner Expressway.

### **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, based on the information presented by the parties before the SVC. The CBO has determined that, in their opinion, the information submitted by the Applicant does not provide a sufficient basis to conclude that the nine required criteria to be established in §694-30A of the Sign By-law have been met with respect to the Proposed Sign, or the Existing Sign, as it would be altered by the variances sought.

### **Applying the Established Criteria**

#### **Section 694-30A(1): The Proposed Sign and Existing Sign each belong to a sign class permitted in the Sign District where the premises is located**

City staff have checked and confirmed that the Subject Premises is a GG-SSD, and that GG-SSD allows third party signs. City staff have also confirmed that the Proposed Sign is a third party sign, based on the Applicant's information, as it would display advertising for goods, products or services that are not at or related to the place where the sign would be. City staff have also confirmed that the Existing Sign is a third party sign, because it also displays advertising for goods, products and services that are not at or related to the place where the sign is.

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

#### **Section 694-30A(2): In the case of a third party sign, the Proposed Sign and Existing Sign are a sign type permitted in the Sign District**

Based on the review of City staff, 9 Hanna Ave can be confirmed by the CBO as a premises designated as a GG-SSD 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. City staff review of the materials previous submitted with respect to the Existing Sign indicate it is also belongs to the electronic ground sign type. Electronic ground signs are a sign type permitted in the GG-SSD Sign District.

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

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

The Subject Premises is in the GG-SSD, which allows third-party electronic ground signs. The other properties around the Subject Premises are also in the GG-SSD Sign District (See Figure 2).

The GG-SSD was made a Special Sign District in 2010. It recognized the many large third-party signs, some with electronic sign copy, that were legally existing, as part of the district's character. After 2010, third-party electronic ground signs were permitted in the GG-SSD only where they replaced an existing third-party ground sign, that was permitted before Chapter 694, and displayed either electronic moving copy or electronic static copy. This requirement was meant to help improve and/or update existing signs in the GG-SSD while limiting sign clutter.

From 2010 to 2016, the Subject Premises did not meet the requirements that would permit any third party signs to be displayed. City Council decided that even though the GG-SSD had many large third-party signs, many with electronic sign copy, in the area, the Subject Premises was not a place where such signs could be.

In 2016, City Council changed Chapter 694 to permit the Existing Sign on the Subject Premises. City Council adopted a special regulation that let the Subject Premises have one third party sign with electronic static copy, specifying the size, height, and location of the sign, as well as the requirement that there could only be one such sign in a certain area (basically the whole Subject Premises) and that another sign on the Subject Premises had to be removed. This other sign was in the same area where the Proposed Sign would be located.

The Subject Premises did not have a sign with electronic static or electronic moving copy, as the Sign By-law required for replacement signs; but it did have another third party sign, which was adversely affecting the surrounding properties and the development of the area as it was close to residential uses in the GG-SSD. When City Council reviewed the rules for the Subject Premises, and granted it a site-specific amendment, they wanted to remove the existing sign because of how it hurt the larger community, and only permit one third party electronic ground sign on the Subject Premises. The Applicant's information does not say how the Proposed Sign along with the Existing Sign would fit with Council's vision for 9 Hanna Avenue as a premises with only one third party electronic ground sign.

The Proposed Sign does not meet the GG-SSD requirement of being a replacement of an existing third party ground sign with electronic moving copy or electronic static copy; this makes one of the variances in the application necessary. The Applicant's

submission does not clearly say how the Proposed Sign, which would be a new sign and not a replacement sign, would fit with the Sign By-law's goals for third party electronic signs in the GG-SSD.

The Proposed Sign is much larger and taller than what 694-26 would otherwise permit in the GG-SSD, with a sign face area almost three times bigger and a sign that would be ten meters taller than allowed. As such, variances are also required for the larger sign face area and height of the sign.

The Applicant says in their submission that signs in the GG-SSD have sign face areas up to 160 square meters. They say that the Proposed Sign, with a sign face area of 145.61 square meters, is in the range of other third-party electronic signs nearby and matches the GG-SSD. Staff checked and can confirm that the Proposed Sign's size and height are similar to other third party electronic ground signs in the GG-SSD.

**Figure 3: Existing signs along F.G. Gardiner Expressway**

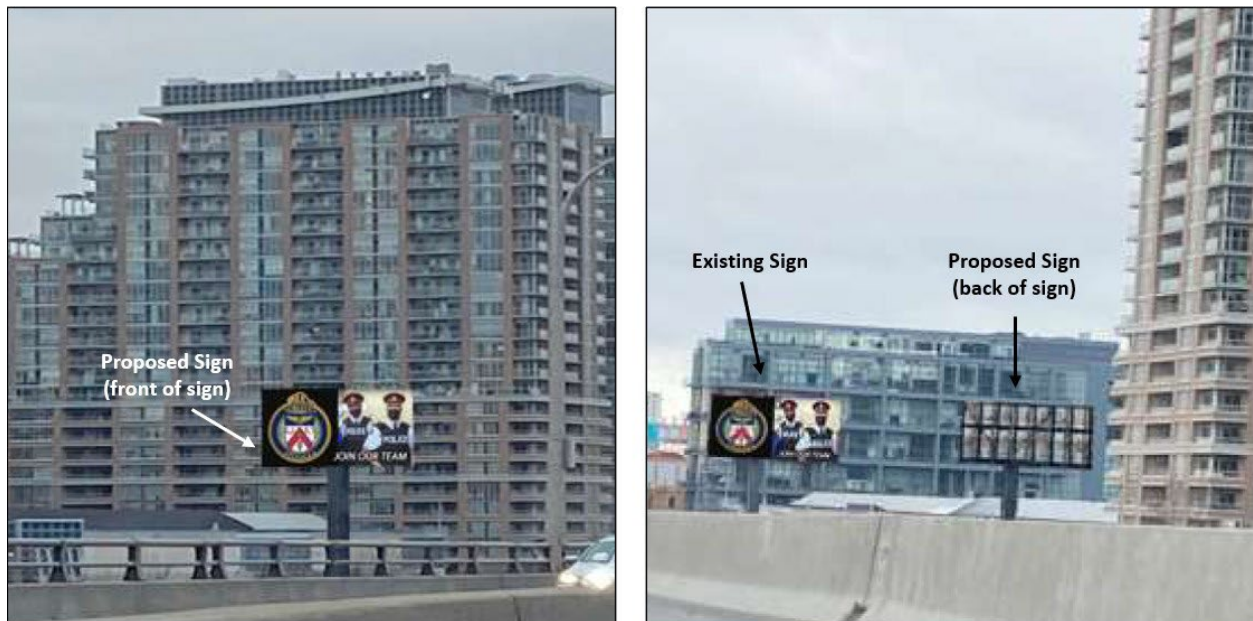


Although the size and height of the Proposed Sign is similar to other third party electronic ground signs in the GG-SSD, it is important to remember that the Proposed Sign will be located approximately 22m away from a tall residential building to the east. As a result, the Proposed Sign is likely to affect the views from some units in this residential building (see Figures 2, 4 and 8).

The Proposed Sign has raised a number of concerns from the surrounding community. Community members wrote that from what they saw with the Existing Sign, the Proposed Sign will not fit with how the surrounding area is changing and will negatively impact the properties around it.

The Applicant states that the changes in the GG-SSD have made fewer signs in the Special Sign District but does not say how this would be sufficient to demonstrate that a second large electronic sign on the Subject Premises would be compatible with how the Subject Premises and surrounding area are changing.

**Figure 4: The Proposed Sign and the adjacent residential building (Approx. 22m to the east)**



Based on the Applicant's submission, staff investigation and feedback received from the community, Staff do not believe that sufficient evidence has been provided to demonstrate that either the Proposed Sign, or the Existing Sign as amended, is compatible with the development of the premises and surrounding area. As such, the CBO does not believe that this criteria has been established.

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

Based on the Official Plan map (see Figure 5) the property is designated as a Core Employment Areas. 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 Subject Premises is also situated within the boundaries of Garrison Common North Secondary Plan, however it is not regulated by any of the site and area specific policies of the secondary plan.

The Applicant stated in the rationale letter that the Official Plan's Core Employment policies includes media, information & technology uses such as the proposed. The CBO has confirmed the Official Plan designations for the Subject Premises. The CBO notes that while no direct conflict between various policy statements and Official Plan objectives were noted, there is insufficient basis to determine how the presence of both the Proposed Sign and the Existing Sign, as altered would support the Official Plan objectives for the Subject Premises and surrounding area.

For example, while the CBO agrees that Policy Statement 2.2.4 2 b) in Chapter 2 of the Official Plan states:



*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 CBO notes that no support as to how determine how the presence of both the Proposed Sign and the Existing Sign, as altered, in comparison to the presence of the Existing Sign alone, would advance or otherwise support this objective.

Policy 7(k) in section 4.6 of the Official Plan 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.*

**Figure 5: Official Plan Land Use Designation (9 Hanna Avenue)**



The CBO acknowledges that the location of the Proposed Sign and the requirement that the Proposed Sign be turned to the south-west, have lower brightness levels, and contain physical barriers on the sign face to limit the visibility of the sign copy from the residential buildings around it, may reduce its impacts on the surrounding mixed use buildings. Despite this, The Applicant did provide any analysis on the cumulative impacts of both the Existing Sign and the Proposed Sign on the surrounding properties.

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, instead, it is the former Toronto Zoning By-law No. 438-86 that applies to the Subject Premises. Based on staff investigation, the Subject Premises is designated as an Industrial District (IC D3 N1.5) under the former Toronto Zoning By-law. The permitted uses in an IC district include a

wide variety of industrial and commercial uses, consistent with the Official Plan and Sign By-law designations.

The Proposed Sign meets the setback requirements from the street line (front yard) of 3.0 metres, it will also meet the required setback from the adjacent properties to the east and north. Similarly, the Existing Sign does not conflict with the determination of the relevant setbacks for the Subject Premises.

The Applicant's submission materials in addition to staff investigation do not provide sufficient information to confirm that the Proposed Sign, or the Existing Sign, as altered support the Official Plan objectives for 9 Hanna Avenue and the surrounding area. As such, the CBO is of the opinion that this criterion has not been established.

**Section 694-30A(5): The Proposed Sign and Existing Sign, as altered, do not adversely affect adjacent premises**

Based on the application's submission materials and staff's investigation, the area surrounding the Subject Premises is mostly comprised by buildings of commercial and residential uses, with high-rise residential located on the east, west and north of the Subject Premises. The property at 9 Hanna Avenue has one low-rise building which currently contains a building occupied in by the Toronto Police Services. There is also the Existing Sign, which has a similar height and sign face area as the Proposed Sign.

During the community consultation, residents raised concerns about the brightness of the Existing Sign and expressed opposition to the Proposed Sign as it could increase illumination levels in the area. Staff investigation revealed that the Existing Sign currently operates with an illumination level of 300 nits, which is the maximum generally permitted by the Sign By-law; however, the Existing Sign is allowed to have a maximum illumination level of 400 nits under the area-specific amendment for the Subject Premises. Feedback from residents also indicated that despite operating within the light levels in the Sign By-law, the Existing Sign emits light onto the residential building to the east of 9 Hanna Avenue.

To address concerns about the Proposed Sign's impact on nearby properties, the Applicant states in their submission that the Proposed Sign, being a single-sided sign, will not face or project light towards the east. Additionally, it will be positioned approximately 200 meters away from the residential building to the west. The Proposed Sign is intended to face in a southwesterly direction, targeting traffic along the Gardiner Expressway. The Applicant has proposed a condition for approval that mandates the illumination levels of the Proposed Sign remain below 200 nits from sunrise to sunset. This represents a reduction of approximately 30 percent from the Sign By-law requirement of 300 Nits.

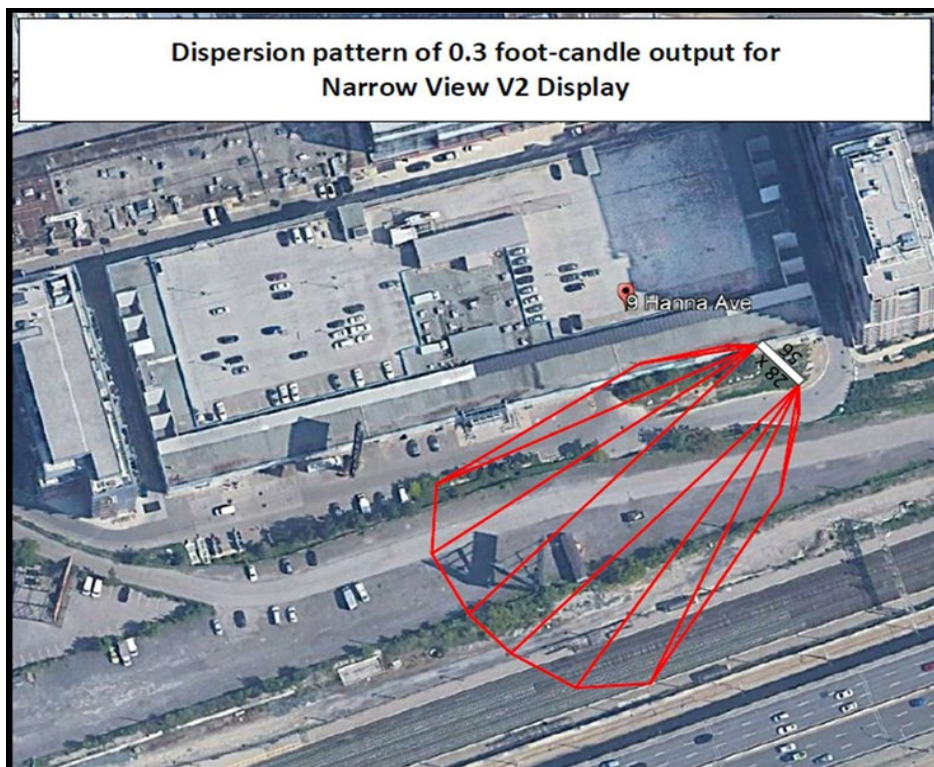
The Applicant has requested that the granting of variances be contingent upon the Proposed Sign being constructed with light shielding technology to mitigate impacts on the surrounding area. Furthermore, the Applicant provided a Light Shed Diagram (See Figure 7) to demonstrate that neighboring premises should remain unaffected by the

new electronic display. The Applicant's materials do not address the net effect of the presence of both the Proposed Sign and the Existing Sign, as altered.

**Figure 6: Aerial View - Adjacent properties and their uses**



**Figure 7 - Light Shed Diagram provided by Applicant**



After considering the Applicant's submission materials and staff investigation, the CBO believes that the conditions sought would mitigate somewhat the adverse impacts of the



Proposed Sign and/or Existing Sign, as altered, on adjacent premises, the CBO has formed the opinion that the Applicant has not established that the cumulative impacts of the Proposed Sign and/or the Existing Sign, as altered, would not adversely affect adjacent premises. As a result, the CBO is of the opinion that this criterion has not been established.

**Section 694-30A(6): The Proposed Sign, and Existing Sign, as altered, do 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 criterion is intended to ensure that variances are not granted where they would result in signs that would have adverse impacts on public safety.

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 is proposed to be entirely outside this prohibited zone for signs.

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 intersection controlled by traffic lights and it does not obstruct any sight triangles for vehicular traffic.

The Proposed Sign would also 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.

As previously mentioned, the Proposed Sign's placement would be approximately 80 meters north of the F.G. Gardiner Expressway travel lanes. An examination by staff also confirmed that several signs were already removed in this section of the Gardiner for planned rail corridor expansion. The presence of large electronic signs along this portion of the F.G. Gardiner Expressway is permitted by the Sign Bylaw and has been well established; as such, the Proposed Sign would not introduce any new risks to the area.

As the Proposed Sign is located within 30 metres of the Transit Corridor Lands, a Metrolinx Corridor Development Permit (CDP) will be required prior to the issuance of a permit, as prescribed by the Regulation under Section 84 of the 2020 Building Transit Faster Act.

According to the Applicant's submission, the Toronto Police Department, the current tenant on the Subject Premises, will be given a minimum of 10% of the static digital sign

face's operating run time to advertise public service messages. The Applicant states in the rationale that this provision will positively impact public safety by enabling crucial community messaging to be communicated through the Proposed Sign.

It is CBO's position is that the Sign Variance Committee should not consider this information in making its decision. Neither the Sign By-law nor any other City policy explicitly allow a benefit provided by an applicant to the City, a local community or other organization to be a factor that staff, or the Sign Variance Committee should consider in deciding whether to approve or deny an application for variances. Further, while the CBO does not have sufficient information to determine if the proposal to provide constitutes a "donation" to the "City or its agencies, boards or commissions" for purposes of the City's Donations to the City of Toronto for Community Benefits Policy, the CBO indicates the Applicant has not provided sufficient information to eliminate such a possibility. City's Donations to the City of Toronto for Community Benefits Policy, requires that donations as defined occur at arm's length from any City decision-making process from applicants for City approvals.

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 criterion 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. According to staff review, the documents and drawings previously provided with respect to the Existing Sign 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 criterion has been established.

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

As previously mentioned, the Proposed Sign does not follow the Sign By-law, because even though the GG-SSD is designed to contain large third-party electronic ground signs, the normal rules of the Sign By-law would not permit third party signs on the Subject Premises. Currently, there is one third-party electronic ground sign (the Existing Sign) on the Subject Premises, approximately 115 meters to the west of where the Proposed Sign would be located

This Existing Sign was permitted in 2016 when City Council approved By-law 214-2016, which amended Schedule B of Chapter 694 respecting the sign permissions on the Subject Premises. These regulations were tailored for the Subject Premises and

included a requirement that a sign in the same area as the Proposed Sign had to be removed before a permit for the Existing Sign could be issued, as well as a requirement that the Existing Sign could be the only sign on the Subject Premises.

While the dimensions of the Proposed Sign are in line with the Existing Sign, they exceed the requirements for third party electronic ground signs in the Sign By-law for both sign face area and overall height. The Applicant has presented evidence in their submission to illustrate that the size and height of the Proposed Sign are consistent with the GG-SSD's character. The CBO agrees that the Proposed Sign's dimensions are similar to other signs in the surrounding area.

City Council has twice considered the character of the Subject Premises, and surrounding area. Initially, City Council determined that while large scale third party signage for the GG-SSD would be appropriate, they determined that the character of the Subject Premises should be marked by an absence of such signs.

In 2016, City Council reconsidered the character of the subject premises, and determined that it would be acceptable for the subject Premises to also have large scale third party signage, but subject to specific conditions: one condition would be that the large scale third party signage would be far to the west side of the Subject Premises; a second condition was that signage in the easterly area would be removed from the Subject Premises; and a third condition was imposed by City Council to ensure that the character of the Subject Premises would be preserved was that that there would be no more than one sign on the Subject Premises. The Applicant has not provided sufficient information as to how the Proposed Sign, or the Existing Sign, as altered would be consistent with City Council's determination of the character of the Subject Premises.

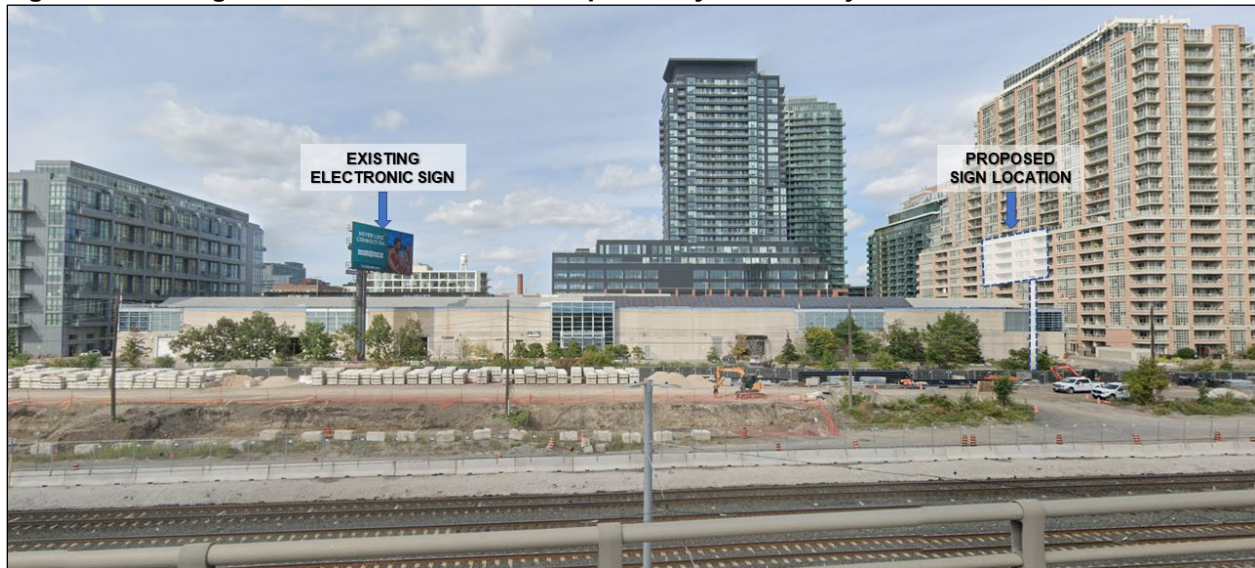
Regarding concerns about potential sign clutter, the Applicant stated in their rationale letter that the advertising industry experienced a loss of approximately 15 advertising faces in the GG-SSD due to Metrolinx expansion. Staff's investigation has verified the removal of 11 sign faces between 2021 and 2022 within a 260-meter radius of the Proposed Sign's location. The closest sign removal was approximately 75 meters away from the Proposed Sign. Staff agrees that the removal of signs has led to a reduction in visual clutter within the GG-SSD and along the F.G. Gardiner Expressway.

Despite the sign removals in the GG-SSD, the applicant has not provided a basis as to why the Proposed Sign, being an additional sign on a premises where City Council specifically determined one sign of this type to be the maximum; would not alter the character of the area and surrounding area as defined by City Council.

The area-specific amendment permitting the Existing Sign in 2016 allowed for the Existing Sign to be nearly three times larger and 10 meters taller than the size permitted in the Sign By-law. This amendment also specified that no more than one third-party ground sign could be erected or displayed on the Subject Premises. It's worth noting that at that time, the property at 9 Hanna Avenue had two static copy ground signs with a total of three sign faces. As a prerequisite for the Existing Sign, the site-specific amendment required the removal of the static copy signs, resulting in an overall reduction in advertising on the Subject Premises. Additionally, the Existing Sign was required to have lower brightness levels than the static copy signs which were removed.

This reduction in advertisement area and brightness was perceived as an enhancement for both the premises and the neighboring properties when the amendment was adopted.

**Figure 8: Looking north from F.G. Gardiner Expressway to the Subject Premises**



In their Submission Materials, the Applicant states that the Subject Premises is unique within the GG-SSD due to its approximately 200 meter width, which allows for a separation of more than 100 meters between the existing sign and the Proposed Sign (See Figure 8). Despite this, it is CBO's position that the Applicant's Submission Materials do not sufficiently explain how introducing the Proposed Sign, (which has a significantly larger than permitted height and sign face area), along with the Existing Sign will not contribute to sign clutter on the Subject Premises.

It is also the CBO's position that the Applicant's submission does not explain how the Proposed Sign aligns with the council's vision for the Subject Premises to contain only one third party electronic sign, as outlined in the 2016 site-specific amendment to the Sign By-law concerning 9 Hanna Avenue.

Considering both staff's investigation and the Applicant's materials, it is staff's opinion that the introduction of the Proposed Sign would alter the character of the Subject Premises. Therefore, the CBO believes that this criterion has not been established.

### **Section: 694-30A(9): The Proposed Sign and the Existing Sign as altered are not contrary to the public interest**

The Proposed Sign will comply with the same basic general provisions set out in the Sign By-law for third party electronic ground signs in the GG-SSD, such as matters respecting configuration, setbacks from the property line 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.

Otherwise, the Proposed Sign will mark a significant departure from the provisions imposed for the GG-SSD in general, and for the Subject Premises in particular. With respect to the requested variances to the maximum sign face area and maximum height of the sign, the Applicant is requesting to exceed the maximum requirements of 50 square meters for sign face area and 15 meters for height. Regarding the requested variance to the site-specific amendment for 9 Hanna Avenue which would permit a second third-party electronic ground sign on a premises where only one is allowed; the Applicant's submission does not explain how the Proposed Sign aligns with Council's vision for 9 Hanna Avenue which contemplated an enhancement to the Subject Premises by allowing only one large third party electronic ground sign.

With respect to the variance to the provisions of the GG-SSD which require any new third party electronic signs to be replacements of existing third party signs; the Applicant's submission materials do not provide any details as to how the Proposed Sign, which would be a new sign and not a replacement sign, would be compatible with the Sign By-law's objectives for third party electronic ground signs in the GG-SSD, or for the Subject Premises specifically.

The Applicant's submission states that the Proposed Sign, with one electronic sign face measuring 145.61 square meters and standing 25 meters tall, falls within the scope of existing third-party electronic signs in the vicinity and that it aligns with the GG-SSD's character. Additionally, the Applicant has provided details about the Proposed Sign's orientation and illumination have been provided to demonstrate that the Proposed Sign should have minimal impact on neighboring properties.

The Applicant also states that a recent reduction in advertising faces has occurred in the GG-SSD due to the Metrolinx expansion. However, the Applicant's submission materials do not describe how adding the Proposed Sign to the Subject Premises would be consistent with City Council's specific stated requirements for the Subject Premises. Despite the evidence provided by the Applicant, the Proposed Sign has raised some concerns from members of the community. Members of the community are in a unique position to provide feedback on any impacts or concerns regarding the Proposed Sign. Written feedback and input received from members of the community expressed that the Proposed Sign is not compatible with the development of surrounding area and may impact the surrounding properties. This feedback further indicates a concern that the Proposed Sign, installed in addition to the Existing Sign, would adversely impact the community as a whole.

The erection and display of the Proposed Sign in addition to the Existing Sign will mark a significant departure from the provisions imposed for the GG-SSD in general, and for the Subject Premises in particular. In adopting the Sign By-law, City Council determined that the Subject Premises should not contain third party signs. Upon a secondary review of the Subject Premises, City Council determined that the Subject Premises could contain a third party sign, on the conditions that there was no more than one sign on the premises, and that pre-existing signs, which appeared to be no longer compatible with the development of the surrounding area were removed.

In the opinion of the CBO, the Applicant has provided insufficient evidence to support how a the requested variances to allow a second electronic sign, on the Subject

Premises in the specific location that previous signs were determined by City Council to be incompatible with the overall vision for the area, and the City as a whole would not be contrary to the public interest.

Given the above and after reviewing the Applicant's Submission, and all other materials the CBO does not believe that sufficient information has been provided to conclude that the Proposed Sign and the Existing Sign, as altered will not be contrary to the public interest.

Consequently, it is the CBO's opinion that this criterion has not been satisfied.

## **CONCLUSION**

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The Applicant's materials and the Sign By-law Unit staff's research and investigation have not provided sufficient information for the CBO to conclude that all nine criteria required to grant an approval for the requested variances have been established.

Specifically, the CBO is of the opinion that there was not do sufficient information to establish that either the Proposed Sign or the Existing Sign, as altered: would be compatible with the development of the premises; would support Official Plan objectives for the subject premises and surrounding area; would not alter the character of the premises or surrounding area; do not adversely affect adjacent premises; and, would not be contrary to the public interest.

As such, the CBO is not supportive of the Sign Variance Committee granting the requested variances.

## **CONTACT**

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## **SIGNATURE**

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Ted Van Vliet  
Manager, Citywide Priorities,  
Toronto Building

## **ATTACHMENTS**

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

Attachment 2 – Applicant's submission Package



## **ATTACHMENT 1: DESCRIPTION OF THE PROPOSED SIGN, EXISTING SIGN, AND REQUESTED VARIANCES AND CONDITIONS**

### **Sign Descriptions:**

#### **Proposed Sign Description:**

One third party electronic ground sign described further as follows:

- (a) The sign shall contain no more than one sign face;
- (b) The sign face area shall not exceed 145.61 square metres;
- (c) The bisecting line shall not exceed 8.53 metres;
- (d) The centre line shall not exceed 17.07 metres;
- (e) The sign face shall be rectangular;
- (f) The sign shall display electronic static copy only;
- (g) The height shall not exceed 25.0 metres;
- (h) The sign face shall be oriented to face in a south-westerly direction.

#### **Existing Sign Description:**

One third party electronic ground sign described further as follows:

- (a) The sign shall contain no more than one sign face;
- (b) The sign face area shall not exceed 146.00 square metres;
- (c) The bisecting line shall not exceed 8.53 metres;
- (d) The centre line shall not exceed 17.07 metres;
- (e) The sign face shall be rectangular;
- (f) The sign shall display electronic static copy only;
- (g) The height shall not exceed 25.0 metres;
- (h) The sign face shall be oriented to face in a south-easterly direction and approximately parallel to the travelled portion of the F.G. Gardiner Expressway.

### **Required Variances and Requested Conditions, respecting the Proposed Sign:**

#### **Required Variances respecting the Proposed Sign:**

1. The Requirement of **§ 694-26I(4)(a)** that: a premises designated as Gardiner Gateway Special Sign District - GG-SSD may contain an electronic ground sign containing electronic static copy provided the sign face area shall not exceed 50.0 square metres; be varied to allow the Proposed Sign to have a sign face area of 145.61 square metres, subject to Conditions 1, 2, and 3 below;
2. The Requirement of **§ 694-26I(4)(b)** that: a premises designated as Gardiner Gateway Special Sign District - GG-SSD may contain an electronic ground sign containing electronic static copy provided the height shall not exceed 15.0 metres; be varied to allow the Proposed Sign to have a height not to exceed 25.0 metres, subject to Conditions 1, 2, and 3 below; and,

3. The Requirement of **§ 694-26I(4)(d)** that: a premises designated as Gardiner Gateway Special Sign District - GG-SSD may contain an electronic ground sign containing electronic static copy provided the sign shall be erected only on a premises where, on the day before this chapter comes into effect, an existing lawful ground sign was erected and displayed containing electronic moving copy or electronic static copy as defined by this chapter, and the sign shall replace the existing sign be varied to allow the Proposed Sign to be erected on a premises where, on the day before the Sign By-law came into effect, an existing lawful ground sign containing electronic moving copy or electronic static copy as defined by the sign by-law was not erected and displayed; and the Proposed Sign shall replace no existing sign on the premises subject to Conditions 1, 2, and 3 below.

### **Conditions, respecting the Proposed Sign:**

Condition 1) The illumination of the Proposed Sign shall not exceed 200 NITS between the between sunrise and sunset; and

Condition 2) The Proposed Sign have installed and shall maintain, some form of Light shielding technology, which shall sufficiently block illumination from the sign to the satisfaction of the Chief Building Official with respect to other adjacent and neighbouring premises; and,

Condition 3) The Proposed Sign's sign face shall be oriented to face in a south-westerly direction.

### **Required Variances, respecting the Existing Sign:**

1) The Requirement of **Subsection 2(BB)(1)(k) of Schedule B, to Chapter 694** – that the premises municipally known as 9 Hanna Avenue may contain a specific third party sign provided there shall be no more than one third party ground sign erected or displayed within the area delineated with heavy lines on the diagram indicated at Subsection BB(2) as Area Map 1 - 9 Hanna Avenue be varied to allow the Existing Sign to be one of two signs erected or displayed within the area delineated with heavy lines on the diagram indicated at Subsection BB(2) as Area Map 1 - 9 Hanna Avenue.

## **ATTACHMENT 2 – APPLICANT'S SUBMISSION PACKAGE**