

Application for two Variances, Respecting One Third Party Electronic Ground Sign at 757 Warden Avenue

Date: January 10, 2024

To: Sign Variance Committee

From: Manager, City Wide Priorities, Toronto Building

Wards: Scarborough Southwest (20)

SUMMARY

Zelinka Priamo LTD. (the "Applicant") has made an application for two variances required to allow the erection and display of one double-sided third party electronic ground sign displaying electronic static copy (the "Proposed Sign") to be located at Employment Sign District ("E Sign District"), which is, immediately to the east of Warden Avenue, and north of Malley Road at the premises municipally known as 757 Warden Avenue (the "Subject Premises").

The Subject Premises is designated as an E Sign District, which permits third party electronic ground signs. The Proposed Sign would have a height of 10 metres, and would contain two rectangular sign faces, with a centre line of 8.69 metres and a bisecting line of 2.30 metres for a maximum a sign face area of 19.99 square metres. The Proposed Sign will be located at the northwest corner of the Subject Premises and will have face orientation(s) to the north and south, is described further in Attachment 1 to this report. The Proposed Sign would require two variances to Chapter 694, to allow the Chief Building Official ("CBO") to issue the sign permit.

The requirements of Chapter 694 which have been requested to be varied, and the proposed varied requirements are summarized below:

Existing Requirement 1: § 694-25C(2)(e): An E – Employment Sign District may contain a third-party electronic ground sign, provided the sign shall not be erected within 60.0 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 located approximately 32 metres of an I Sign District to the south, 55 metres of an OS Sign District to the west.

Existing Requirement 2: § 694-25C(2)(f): An E – Employment 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 cannot face any premise in the R, RA, CR, I or OS Sign District.

Proposed New Requirement: The Proposed Sign is facing a I Sign District 32 metres to the south, an OS Sign District 55 metres to the west and an OS Sign District approximately 135 metres to the northeast.

After reviewing the Applicant's submissions and additional information provided by City staff, the CBO has determined that there are sufficient reasons to conclude that the nine required criteria in §694-30A of the Sign By-law have been established with respect to the two requested variances.

RECOMMENDATIONS

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

1. The Sign Variance Committee grant the requested variances to sections 694-25C(2)(e) and 694-25C(2)(f), as required to allow for the issuance of a permit respecting the erection and display of the Proposed Sign, as further described in Appendix 1 to this report.

FINANCIAL IMPACT

There are no current or known financial implications associated with the recommendations contained in this report.

DECISION HISTORY

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

ISSUE BACKGROUND

Table 1- Summary of Requested Variances:

Section	Requirement	Requested Variances
§ 694-25C(2)(e)	An E – Employment Sign District may contain a third-party electronic ground sign, provided the sign shall not be erected within 60.0 metres of any premises located, in whole or in part, in an R, RA, CR, I or OS Sign District.	The Proposed Sign will be located approximately 32 metres of an I Sign District to the south, 55 metres of an OS Sign District to the west.

§ 694-25C(2)(f)	An E – Employment 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 cannot face any premise in the R, RA, CR, I or OS Sign District.	The Proposed Sign is facing a I Sign District 32 metres to the south, an OS Sign District 55 metres to the west and an OS Sign District approximately 135 metres to the northeast.
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Sign Attributes and Site Context:

The Subject Premises is designated as an Employment ("E") Sign District, located in Ward 20 – Scarborough Southwest. The Proposed Sign will be located to the east of Warden Avenue and to the north of Malley Road. It will consist of two sign faces in a back-to-back configuration, measuring 8.69 metres horizontally by 2.30 metres vertically each, with a maximum a sign face area of 19.99 square metres.

Figure 1: Location of the Proposed Sign and the Surrounding Area on Sign District Map



The sign faces will display electronic static copy, oriented perpendicularly to Warden Avenue, targeting traffic traveling in both north and southbound directions. The Proposed Sign will face properties located in the Open Space ("OS") and Institutional ("I") Sign Districts to the north and south, respectively.

Surrounding premises:

North: Commercial Sign District (an insurance company), Employment Sign District (Employment/Industrial Uses)

East: Employment Sign District (Employment/Industrial)

West: Open Space Sign District (proposal for low-rise building)

South: Institutional Sign District (Fire Station), Commercial Sign District, (Retail).

COMMENTS

Applicant Information:

The Applicant has been authorized to apply for two variances, required to allow for a permit to be issued for one third party electronic ground sign with two back-to-back sign faces, displaying electronic static copy (the "Proposed Sign"), at 757 Warden Avenue (the "Subject Premises").

Application Background:

The Proposed Sign will have a maximum height of 10.00 metres from grade and will contain two rectangular sign faces in a back-to-back configuration, facing to the north and south. The sign faces, identical in size, will measure 8.69 metres horizontally by 2.30 metres vertically, with a sign face area of 19.99 square metres. The Proposed Sign will display electronic static copy.

Community Consultation:

The CBO has adopted a practice of engaging in enhanced consultation process concerning variance applications for electronic signs. Notice required by the City's Sign By-law was provided to premises within a 250-metre radius of the Proposed Location. At 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 has nine mandatory criteria for evaluating a sign variance application. According to §694-30A, the Proposed Sign must meet all nine criteria to have a variance from the Sign By-law approved. The Sign Variance Committee must assess the Proposed Sign based on the information from the parties before it and decide if it meets all nine criteria.

The CBO has determined that, based on the information submitted by the Applicant and investigation by City staff, provides a sufficient basis to conclude that the nine required criteria established in §694-30A of the Sign By-law have been met.

Applying the Established Criteria

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

City staff have confirmed that the Subject Premises is in an Employment Sign District, which allows third party signs. City staff have also confirmed, based on the Applicant's submission materials, that the Proposed Sign belongs to the third party sign class, as it would advertise, promote, or direct attention to things that are not available or related to the premises where the Proposed Sign would be installed.

Therefore, the CBO believes that this criterion has been met.

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

Based on the staff review, it can be confirmed that 757 Warden Avenue is designated as an Employment Sign District. According to 694-25(E)(2), E Sign Districts permit electronic ground signs. The Applicant's submission materials show that the Proposed Sign is an electronic ground sign, which is a type permitted in E Sign Districts.

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

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

The Proposed Sign, a third-party electronic ground sign, is a permitted class and type within E Sign Districts. The Sign By-law stipulates a maximum sign face area of 20 square metres and a maximum height of 10 metres for such signs in E Sign Districts. With a sign face area of 19.99 square metres and a height of 10 metres, the Proposed Sign complies with the Sign By-law requirements.

The property at 757 Warden Avenue contains a single storey multi-tenanted light industrial/commercial building, which is consistent with the Sign District and the Official Plan designation for the Subject Premises. The surrounding lands feature buildings with similar uses and low-rise structures.

Based on staff's investigation, the property to the east of the Subject Premises is in an E Sign District and contains industrial use. Although the Proposed Sign does not directly face this area, E Sign Districts within the city are permitted in the Sign By-law to accommodate third-party electronic ground signs such as the Proposed Sign.

To the west of the Subject Premises, there is a vacant property designated as an OS Sign District. Staff investigation has determined that the area currently does not serve any type of recreational or conservation use, which would be affected by the Proposed Sign. The property is regulated by the Former City of Scarborough Employment District By-Law No. 24982 and the land use designation is Industrial (M), as such, the OS Sign District is not in line with the zoning designation for the area. Moreover, staff identified various applications submitted to the City to redevelop the land. None of the proposed uses in the submitted applications is residential nor would be considered of sensitive nature.

The property immediately to the south of 757 Warden Avenue is designated as an I Sign District. Staff investigation has found that this property is occupied by a fire station. This specific institutional use is not deemed sensitive, and as a result having the Proposed Sign facing this property should not create any negative impacts.

Further to the south, approximately 100 metres from the Proposed Sign, there is a C Sign District containing four small retail stores. The property to the north of the Subject Premises is also designated C Sign District and contains a two-storey building housing an insurance company, approximately 20 metres from the Proposed Sign. Further to the north, there are properties within an E Sign District containing a low-rise light industrial/commercial building.

Staff research has confirmed that there are no uses that would be considered of sensitive nature, such as residential or open space, in close proximity to the Proposed Sign.

Figure 2: Surrounding premises and their uses



The Applicant has requested variances to locate the Proposed Sign within 60.0 metres of the nearby I and OS Sign Districts as well as to face the premises within the OS and I Sign Districts located less than 250 metres to the north and south, respectively. As stated earlier, although the Proposed Sign would be located closer than 60 metres to these two sensitive Sign Districts, the existing use of the buildings on the surrounding areas are not deemed sensitive. Therefore, the Proposed Sign would not cause any significant impacts on the surrounding nor be incompatible with the area.

In addition, the fact that this extent of Warden Avenue is mostly industrial in nature, makes it an appropriate location for third-party signs. As illustrated in Figure 3, there are other third-party signs along Warden Avenue, all within 500 metres of the Proposed Sign's location, affirming their compatibility with the surroundings. The Proposed Sign's distance from the existing third-party signs does not trigger any variances, as these signs are static billboards, each situated more than 150 metres away from the proposed sign. This complies with the Sign By-law's separation requirements, ensuring that the Proposed Sign will not contribute to sign clutter in the area.

Figure 3- Location of the Proposed Sign in relation to the existing third-party signs in the area



Based on the Applicant's submission materials and staff investigation, the CBO is satisfied that the Proposed Sign would be compatible with the development of the premises and surrounding area and that this criterion has been met.

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

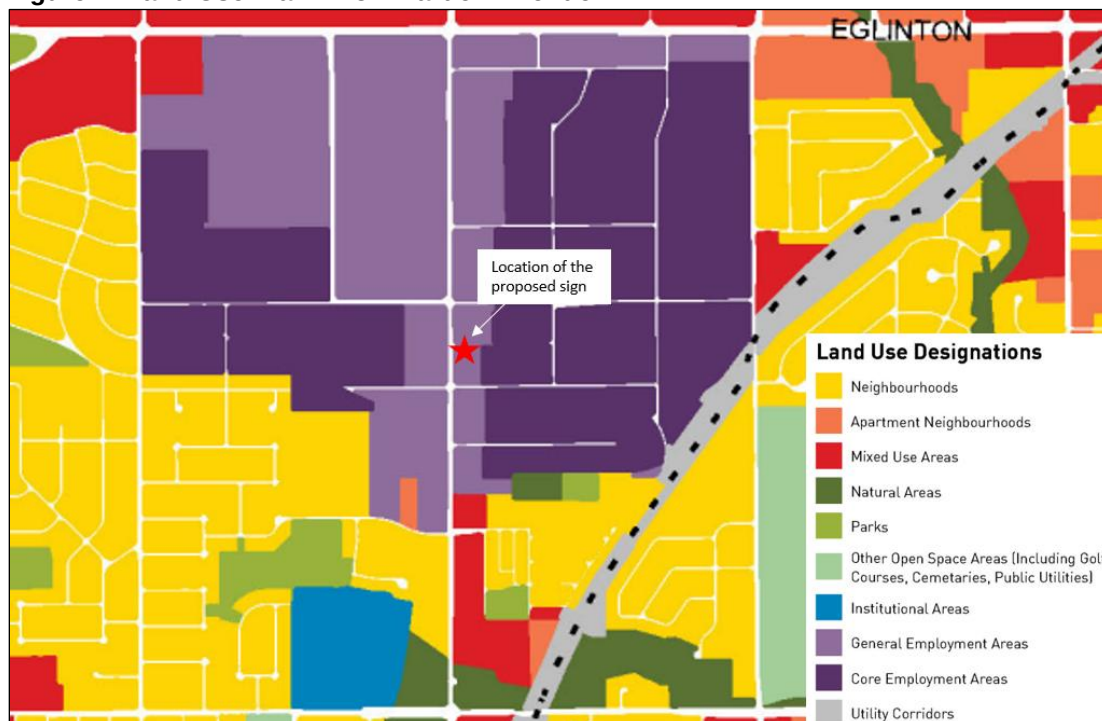
The property at 757 Warden Avenue is designated as a General Employment Area within the Official Plan. Employment Areas are places of business and economic activity and include a wide array of uses such as manufacturing, warehousing, distribution, research and development facilities, utilities, media facilities, parks, hotels, retail outlets, restaurants and small-scale stores and services that serve these businesses and workers.

The Subject Premises houses a single-level, multi-tenant light industrial/commercial building, aligning with the Sign District and the Official Plan's designation for the property. The neighboring areas are characterized by buildings of similar function and low-rise constructions.

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

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

Figure 4: Land Use Plan – 757 Warden Avenue



The CBO agrees that the location of the Proposed Sign is in line with the Official Plan designation. The area surrounding the Subject Premises, bounded by Eglinton Avenue to the north and Cleanside Road approximately 415 metres south, and by Pharmacy

Avenue to the west and Birchmount Road to the east of the Subject Premises, is predominantly Employment within the Official Plan (see Figure 4).

The Zoning By-Law is the primary way in which the City implements 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. Non-compliance with the applicable Zoning By-Law could be an indicator that the Proposed Sign does not support the Official Plan objectives for the premises, particularly objectives that are intended to guide built form and the mitigation of impacts through separation distances from adjacent properties or land uses.

Based on staff investigation, the Subject Premises falls under the Former City of Scarborough Employment District By-Law No. 24982 and is designated as a Mixed Employment Zone Category. The permitted uses in an E zone include a wide variety of industrial and commercial uses, consistent with what is generally found in Employment Sign Districts. Based on the requirements of Zoning Bylaw, the Proposed Sign meets the required setbacks in the Zoning By-law.

The Applicant's submission materials in addition to staff investigation provide sufficient information to confirm that the Proposed Sign supports several of the Official Plan objectives for 757 Warden Avenue and the surrounding area. As such, the CBO is of the opinion that this criterion has been established.

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

The property at 757 Warden Avenue falls within an E Sign District, which allows third party electronic ground signs with size and height consistent with the Proposed Sign. The Proposed Sign will contain two sign faces in a back-to-back configuration, oriented to the northbound and southbound traffic along Warden Avenue.

Staff have confirmed that the property is surrounded by an E Sign District to the immediate east, an OS Sign District to the west, a C Sign District to the north and an I Sign District to the south. According to the staff investigation, the properties to the east of the Proposed Sign are mostly low-rise industrial within the E Sign District, which permits third party electronic ground signs, such as the Proposed Sign.

The premises within the C Sign District immediately to the north of the Subject Premises contains a two-storey office/retail building (insurance corporation). This building is the closest building to the Proposed Sign and as such could be impacted the most. However, due to the fact that it is an office building which is occupied mostly during the day, staff are of the opinion that it would not be adversely affected by the Proposed Sign (see Figure 5). Furthermore, the Sign By-law does not impose any restrictions on electronic ground signs like the Proposed Sign regarding minimum distance or orientation towards C Sign Districts.

Figure 5: Location of the Proposed Sign in relation to the existing office building to the north



The Applicant has requested a variance to locate the Proposed Sign closer than 60 metres to the I and OS Sign Districts, and to face the OS and I Sign Districts located within 250 metres to the north and south of the Proposed Sign's location.

According to the staff investigation, the single property in I Sign District immediately south of the Subject Premises houses a fire station (see Figure 6). Given that a fire station is not a sensitive use, the Proposed Sign facing the fire station would not have an adverse effect on the property to the south.

There is a large vacant property to the west of the Subject Premises (west of Warden Avenue) which is within the OS Sign District. Although, the Proposed Sign does not directly face this area, the sign faces would be partially visible. Staff research found that the area does not serve any type of recreational or conservation use, which could be affected by the Proposed Sign.

In addition, the City has received applications to redevelop this property, and the proposed uses are be compatible with the employment/industrial character of the area. The fact that any potential new development on this land will not contain any residential or sensitive land uses should assure that the Proposed Sign's impact on this area is negligible.

The OS Sign District approximately 135 metres to the northeast of the Proposed Sign's location is currently part of the land that encompasses an outdoor storage and processing of recycled concrete materials. Although the Proposed Sign may be visible from the area, the current use of the lands should not be affected by it.

Figure 6: Fire Station located within I Sign District to the south of the Proposed Sign



As previously mentioned, the Subject Premises is predominantly surrounded by low-rise buildings with commercial and/or industrial uses. None of the adjacent properties contain uses which would be considered of sensitive nature. As such, the impacts of the Proposed Sign on the surrounding area are minimal.

Based on the information provided in the Applicant's Submission materials and staff investigation, there is sufficient evidence to confirm that the Proposed Sign should have no adverse effects on adjacent premises, therefore the CBO is of the opinion that this criterion has been established.

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

The City's Sign By-law regulations aim to prevent adverse impacts on public safety for signs that meet the requirements. This criterion tries to prevent variances that would result in signs that may impact public safety.

The Proposed Sign will be professionally designed and installed following Ontario Building Code requirements. As such, staff do not believe that any public safety issues are likely with the construction of the Proposed Sign.

The Sign By-law does not allow signs to be in a "Visibility Zone" - the area within three metres of the farthest points of a vehicle entrance or exit of a property where it meets a street. The Proposed Sign will be completely outside this zone for signs.

Although there are concerns about driver distraction, the Sign By-law has regulations to address the potential for adverse safety impacts for all signs (such as setbacks from intersections, distance from street lines, and sight triangles), including signs with electronic static copy.

The Proposed Sign has a three-metre setback of both west and north property lines, meeting the Zoning By-law requirements. Furthermore, the location of the Proposed Sign is approximately 40 metres from the intersection of Warden Avenue and Malley Road which satisfies the Sign By-law regulation of the sign not being closer than 30 metres to an intersection of two streets. In addition, the Proposed Sign does not block any sight triangles for vehicle traffic.

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

Based on City Staff's review of the Proposed Sign, the deviations from the mandatory requirements of the Sign By-law proposed, in the context of the Proposed Sign, and the proposed location within the Subject Premises; it is City Staff's opinion that there is no reasonable basis for any concerns regarding public safety arising from the Proposed Sign. As such, the CBO is of the opinion that this criterion has been established.

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

Staff confirmed that the submitted materials and drawings contain enough information to indicate that the Proposed Sign is not prohibited as described in 694-15. As such, the CBO is of the opinion that this criterion has been established.

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

The Applicant's submitted materials along with City staff's investigation, confirm that the Proposed Sign is located in an E Sign District, which permits third party electronic ground signs.

Historically, there have been several third-party ground signs along Warden Avenue, between Eglinton Avenue East and Cleanside Road (see Figure 7 below). This portion of Warden Avenue is predominantly surrounded by low-rise buildings with commercial and/or industrial uses, making it an appropriate location for signs such as the Proposed Sign.

Figure 7: Third Party Signs along Warden Avenue

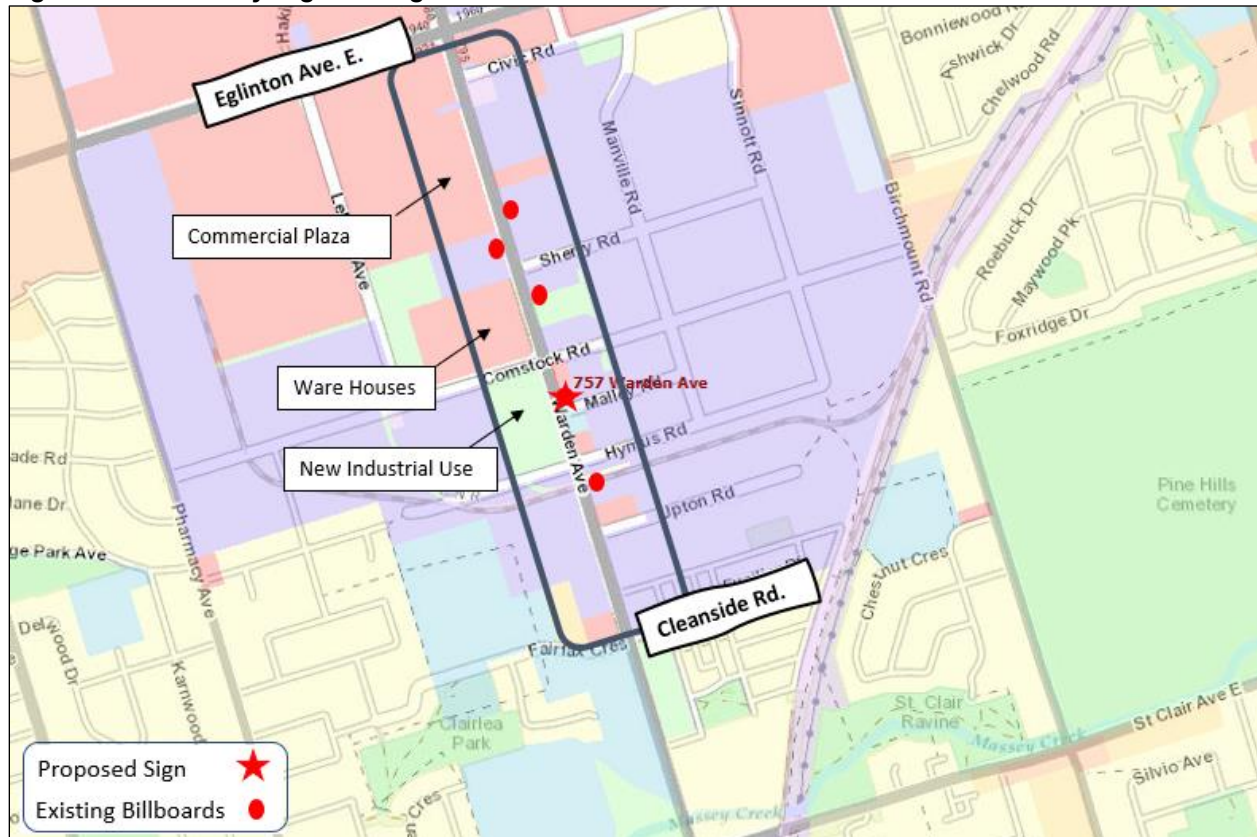


Figure 8: Third Party Sign at Warden Avenue, 200 m to the north of the Proposed Sign



Based on staff investigation and Applicant's submitted materials, it is the CBO's opinion that the Proposed Sign is not introducing a sign class or sign type other than what would be found or permitted in the surrounding area.

The Proposed Sign is consistent with the character and function of other uses in the area, which are mostly comprised of low-rise buildings with commercial and/or offices uses which are in line with the functions of the C and E Sign Districts.

As stated earlier, all properties to the east and the majority of properties to the north and south of the Subject Premises are within the E Sign District. E Sign Districts within the city are permitted in the Sign By-law to accommodate third-party electronic ground signs like the Proposed Sign.

The Sign By-law does not impose any restrictions on electronic ground signs like the Proposed Sign regarding minimum distance or orientation towards C Sign Districts. Moreover, City staff have confirmed that the properties in the C Sign District to the north and south of the Subject Premises are occupied by an office building and four small retail stores, respectively (see Figures 9 and 10), and these uses would not be significantly affected by the Proposed Sign.

Figure 9: Retail stores located within C Sign District to the south of the Proposed Sign



The single property within the I Sign District south of the Subject Premises contains a fire station (Figure 5). This specific institutional use is not deemed sensitive, and as a result having the Proposed Sign facing this property would not create any negative impacts.

In addition, the property to the west, designated as an OS Sign District, does not serve any type of recreational or conservation use that could be negatively impacted by the Proposed Sign. Moreover, the staff investigation has determined that the land, which is

designated General Employment area in the Official Plan, and is located in the Industrial Zone of the Golden Mile Employment District.

Figure 10: Office Building located within C Sign District to the north of the Proposed Sign



Staff have identified applications submitted to the City to redevelop the Premises in the OS Sign District. None of the proposed new buildings would contain uses considered of sensitive nature, such as residential. Based on the applications submitted to the City, the intended uses of this land to the immediate west of the Subject Premises would be compatible with the character of the area and not be significantly affected by the Proposed Sign.

Given the above, it is the CBO's opinion that the Proposed Sign would not alter the character of the Subject Premises and surrounding area. Therefore, the CBO is of the opinion that this criterion has been established.

694-30A(9): The Proposed Sign is not contrary to the public interest

The Proposed Sign will comply with most of the mandatory requirements of Chapter 694 that apply to all third party electronic ground signs, where permitted in E Sign Districts, specifically in terms of: the maximum height, maximum sign face area, configuration, setback from an intersection, setback of the street, as well as the requirement for use of renewable energy, message duration and transition (i.e. no distracting visual effects such as scrolling, flashing, blinking or full-motion video), illumination and time-of-day regulations.

With respect to the requested variances to 694-25C(2)(e) and 2(f), the Proposed Sign is located so that some properties in I and OS Sign Districts fall within the display zone. Regarding the OS Sign District to the west of the Subject Premises, the staff investigation identified that the land is undergoing studies to be redeveloped, and

applications received by the City contain either industrial or commercial uses. The OS Sign District approximately 135 metres to the northeast of the Proposed Sign currently contains industrial occupation. The premises within the I Sign District, directly south of the Subject Premises, is occupied by a fire station. None of the surrounding properties include uses that would be considered of sensitive nature.

In addition, the fact that this portion of Warden Avenue is largely comprised by employment areas, makes it an appropriate location for third party signs. Since the Proposed Sign would not cause any significant impacts on the surrounding and that it would not be introducing any sign type that is not already existing in the area, it is staff's opinion that the Proposed Sign will not be contrary to the public interest.

Therefore, it is the CBO's opinion that the Applicant's submission documents along with City of Toronto staff's research provide sufficient information to confirm that this criterion has been established.

CONCLUSION

The Applicant's submitted materials, when combined with the additional information obtained by research and investigation by staff, provided sufficient information for the CBO to form the opinion that it has been established that the Proposed Sign has met all required nine criteria for approval of the requested variances. As such, the CBO is supportive of the Sign Variance Committee granting the requested variances.

CONTACT

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SIGNATURE

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ATTACHMENTS:

- 1) Description of Sign and Required Variances
- 2) Applicant's Submission Package