

## **Application for Four Variances, Each Subject to One Condition, Respecting One Third Party Electronic Ground Sign - Newmarket Subdivision, North of Wilson Ave, East of Keele Street**

**Date:** April 25, 2024

**To:** Sign Variance Committee

**From:** Manager, City Wide Priorities, Toronto Building

**Wards:** York Centre (Ward 6)

### **SUMMARY**

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OUTEDGE Media Canada LP (the "Applicant") has applied for four variances, subject to one condition, required to allow for a permit to be issued to construct a third party electronic ground sign, with one sign face, displaying electronic static copy (the "Proposed Sign"). The Proposed Sign would be located on the railway corridor lands, on portion of the area municipally known as the Newmarket Subdivision, immediately to the north side of Wilson Avenue, approximately 750 meters east of Keele Street, North York (the "Subject Premises").

The Subject Premises is designated as Utility ("U") sign district, which generally allows for third party electronic ground signs. Despite this, the Proposed Sign would be located in two separate areas where City Council has specifically determined that no third party sign shall be erected or displayed.

The Proposed Sign would have a maximum height of 10.0 metres, and would contain one rectangular sign face, with a horizontal dimension of 8.68 metres and vertical dimension of 2.23 metres, with a total sign face area of 19.35 square metres. The Proposed Sign is described further in Attachment 1.

The Proposed Sign requires four variances to Chapter 694, each subject to one condition, to allow 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 requirements are summarized below:

- 1) **§ 694-24.A(58)** – A third party sign shall not be erected or displayed or caused to be erected or displayed in whole or in part within the portions of Newmarket Subdivision within 100 metres of the location therein near Wilson Avenue and west of Murray Road, upon which, as of July 11, 2014, a third party ground sign was

erected or displayed. **Proposed New Requirement:** To allow the Proposed Sign to be located within the area regulated by the site-specific area restriction in 694-24.A(58).

2) **§ 694-24.A(66)** – A third party sign shall not be erected or displayed or caused to be erected or displayed in whole or in part within the portions of Newmarket Subdivision within 100 metres of the location therein Wilson Avenue and west of Murray Road, upon which, as of July 11, 2014, a third party ground sign was erected or displayed. **Proposed New Requirement:** To permit the Proposed Sign to be located within the area regulated by the site-specific area restriction in 694-24.A(66).

3) **§ 694-25.D(3)(e)** – An Utility ("U") sign district may contain a third party electronic ground sign provided the sign shall not be erected or displayed 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:** To allow for the Proposed Sign to be erected 15.0 metres of a premises located in an OS sign district.

4) **§ 694-25.D(3)(f)** – An Utility ("U") 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:** To permit that the Proposed Sign be facing Commercial Residential ("CR") and a Residential ("R") sign districts located within 250 metres.

If granted, each of the four requested variances would be subject to the following condition:

1) The Proposed Sign shall operate at a maximum level of illumination of 150 NITS during the period between sunset and sunrise.

Following a review of the Applicant's submissions and additional information provided by the staff, the CBO has determined that there is not a sufficient basis to conclude that the eight required criteria in §694-30A of the Sign By-law have been established with respect to the four variances, subject to the noted condition, as described further in Attachment 1 to this report.

## **RECOMMENDATIONS**

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

1. The Sign Variance Committee refuse to grant the requested variances to sections 694-24.A(58), 694-24.A(66), 694-25.D(3)(e) and 694-25.D(3)(f), each subject to one condition, as required to allow for the issuance of a permit respecting the erection and display of the Proposed Sign, as further described in Attachment 1 to this report.

## **FINANCIAL IMPACT**

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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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### **PH11.6 - Improvements to the Sign By-law Amendment and Sign Variance Process**

At the meeting of April 18, 2024, City Council adopted amendments to Toronto Municipal Code Chapter 694, Signs, General, to modify the provisions concerning the processing of applications for amendments to, and variances from the provisions the Sign By-law, and delegate authority to the Chief Building Official and Executive Director, Toronto Building to implement amendments to sign district designations contained in Schedule A, Maps, and related matters. Specifically, the criteria listed in section 694-30A were amended deleting the criteria listed at Subsection 694-30A(2) ("In the case of a third party sign, be of a sign type that is permitted in the sign district, where the premises is located") and renumbered section 694-30A accordingly.

(<https://secure.toronto.ca/council/agenda-item.do?item=2024.PH11.6>)

### **PG34.8 - Four Area-Specific Amendments to Chapter 694 Concerning Third Party Ground Signs Located on Rail Lands Immediately Adjacent to Highways 401 and 427**

On its meeting of July 8, 2014, the City Council adopted to amend Chapter 694 to permit the erection and display of four ground signs displaying electronic static third party copy and impose area-specific restrictions to Metrolinx rail corridors, including the two locations described in § 694-24.A(58) and § 694-24.A(66) referenced in this report, in order to prevent new third party signs from being constructed at the 38 locations where signs were proposed to be removed. The amendment application was made on behalf of property owner, Metrolinx.

(<https://secure.toronto.ca/council/agenda-item.do?item=2014.PG34.8>)

## ISSUE BACKGROUND

### Required Variances

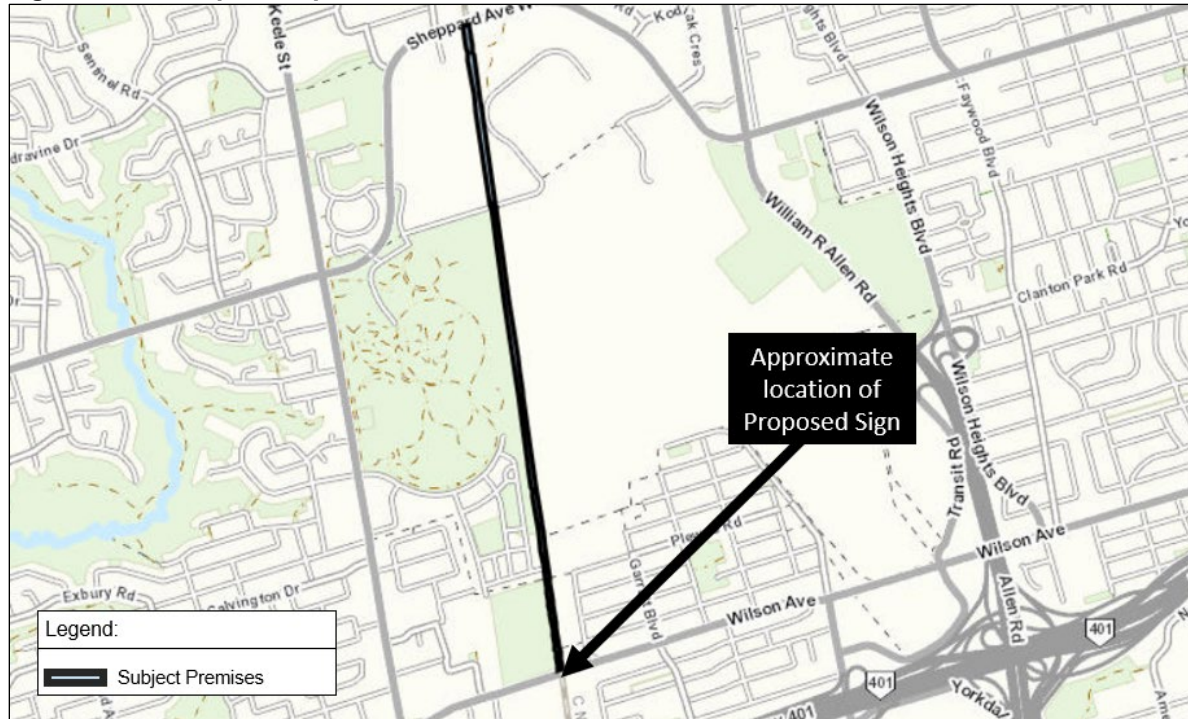
**Table 1: Summary of Requested Variances**

| Section               | Requirement                                                                                                                                                                                                                                                                                                                           | Requested Variance                                                                                                                    |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|
| <b>694- 24A(58)</b>   | A third party sign shall not be erected or displayed or caused to be erected or displayed in whole or in part within the portions of Newmarket Subdivision within 100 metres of the location therein near Wilson Avenue and west of Murray Road, upon which, as of July 11, 2014, a third party ground sign was erected or displayed. | To allow for the Proposed Sign to be located in whole within the area regulated by the site-specific area restriction in 694-24.A(58) |
| <b>694- 24A(66)</b>   | A third party sign shall not be erected or displayed or caused to be erected or displayed in whole or in part within the portions of Newmarket Subdivision within 100 metres of the location therein Wilson Avenue and west of Murray Road, upon which, as of July 11, 2014, a third party ground sign was erected or displayed.      | To allow for the Proposed Sign to be located in whole within the area regulated by the site-specific area restriction in 694-24.A(66) |
| <b>694- 25D(3)(e)</b> | An Utility ("U") sign district may contain a third party electronic ground sign provided the sign shall not be erected or displayed 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 would be erected 15.0 metres of a premises located in an OS sign district.                                          |
| <b>694- 25D(3)(f)</b> | An Utility ("U") 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 would face the CR and R sign districts which are located less than 250 metres to the east.                          |

## Sign Attributes and Site Context

The Subject Premises is designated as a Utility ("U") sign district, in Ward 6 - York Centre. The Proposed Sign would be placed within the railway corridor, on the area municipally known as the Newmarket Subdivision, immediately to the north of Wilson Avenue and approximately 750 meters east of Keele Street (the "Subject Premises") see Figure 1.

**Figure 1: GIS Map Excerpt - Portion of the lands known as the Newmarket Subdivision**



The Subject Premises is on portion of the Newmarket Subdivision (Metrolinx railway corridor) and the Proposed Sign would be erected on the east side of the tracks, displayed perpendicularly to Wilson Avenue. The Proposed Sign would contain one sign face directed easterly, as described further in Attachment 1.

### Surrounding premises:

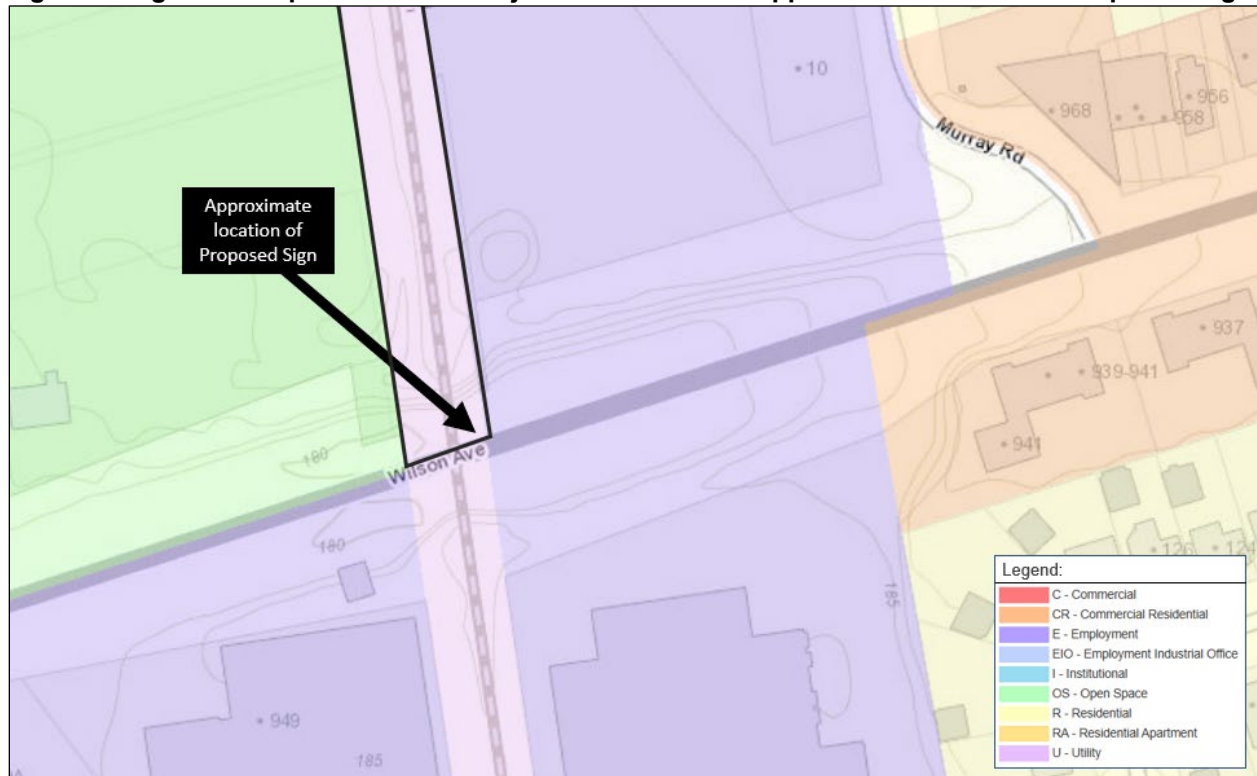
**North:** Utility ("U") Sign District, railway corridor

**South:** Utility ("U") Sign District, railway corridor; and Employment ("E") Sign District, low-rise commercial (business park)

**East:** Employment ("E") Sign District, low-rise commercial (concrete corporation)

**West:** Open Space ("OS") Sign District, Mount Sinai Memorial Park (Cemetery)

**Figure 2: SignView Map - Portion of Subject Premises with Approximate location of Proposed Sign**



## COMMENTS

### Applicant Information

The Applicant has stated that they have been authorized by the owner of the Subject Premises to apply for four variances, each subject to one condition, required to allow for a permit to be issued for a third party electronic ground sign, with one sign face, displaying electronic static copy (the "Proposed Sign").

### Application Background

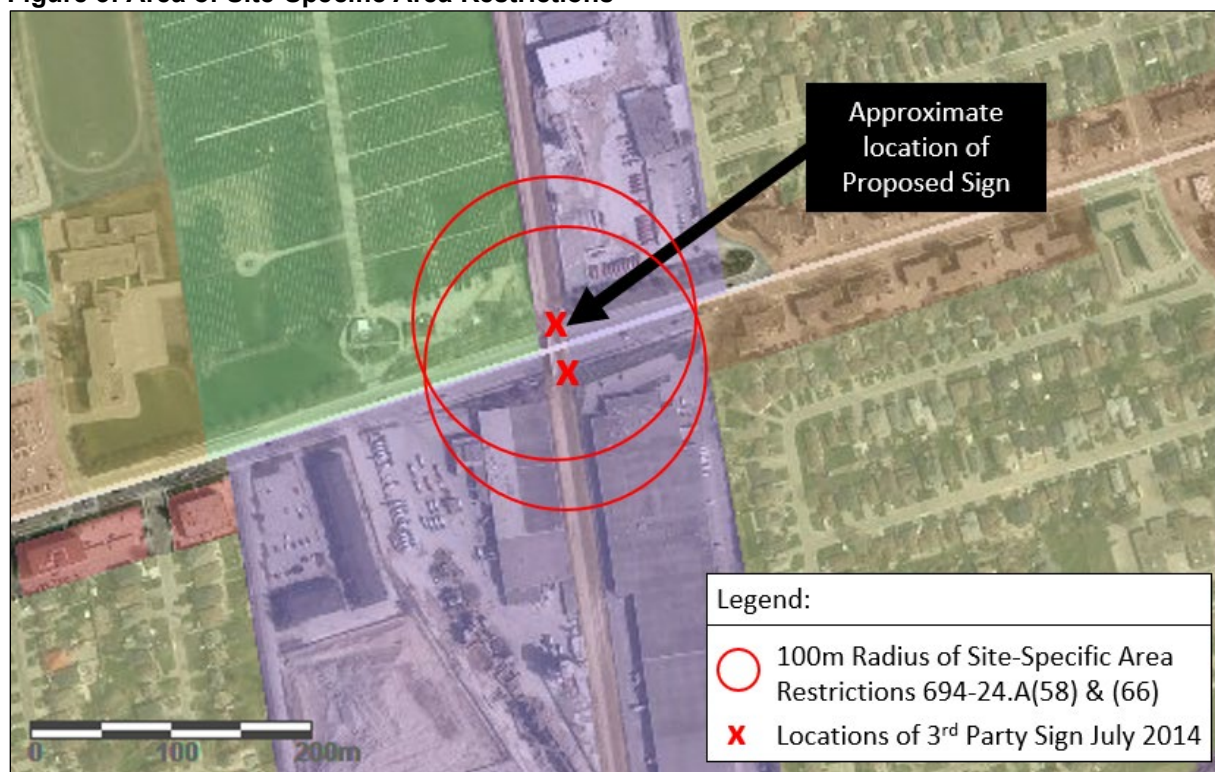
The Proposed Sign would be erected within the railway corridor, on portions of the area municipally known as the Newmarket Subdivision, located on the north side of Wilson Avenue and approximately 750 meters east of Keele Street. The Proposed Sign would have a maximum height of 10.0 metres from the grade, and would contain one rectangular sign face, with a bisecting line (horizontal measurement) not exceeding 8.68 metres and a centre line (vertical dimension) not exceeding 2.23 metres, with a sign face area of not more than 19.35 square metres. The Proposed Sign is described further in Attachment 1.

Four variances are necessary to allow for the erection of the Proposed Sign. If granted, each of the requested variances are subject to one condition, which would require all aspects the sign to operate at a reduced level of illumination of 150 NITS during the period between sunset and sunrise.

The Applicant is seeking variances to allow for the erection of an electronic ground sign less than 60 metres from, but not facing, the OS sign district to the west, to be facing properties in the R and CR sign districts located less than 250 metres to the east, and to be placed entirely on lands regulated by two site-specific area restrictions, prohibiting the erection or display of any third party signs. These site-specific area restrictions were incorporated to the Sign By-law as a result of an amendment adopted by City Council in 2014, at the request of the property owner of the Subject Premises (the "2014 Amendment"). The property owner has not changed since the 2014 Amendment.

The 2014 Amendment addressed multiple premises owned by Metrolinx. The effect was to allow for four locations within the railway corridors in close proximity to highways to have large electronic third party signs, which would not have been permitted in these locations if it wasn't for the 2014 Amendment. The 2014 Amendment stated that the erection of each of the four signs would be conditional on the removal of existing specified third party signs (38 in total) within the railway corridors. To ensure that these conditions were not effectively undone by the re-erection of signs in these areas, the 2014 Amendment also imposed area-specific prohibitions indicating that no third party signs would be suitable in areas at or near the locations where the 38 pre-existing signs were required to be removed.

**Figure 3: Area of Site-Specific Area Restrictions**



In 2014, the City Staff's recommendation to City Council was to not amend Chapter 694. The staff report stated that the multiple provisions establishing conditions for the removal 38 pre-existing third party static signs and imposing the requested area-specific prohibitions, were not sufficient to: a) off-set the impact on various premises and surrounding areas of the four non-compliant signs that the amendment would allow for;

and, b) prevent attempts for the erection of new non-compliant signs within the railway corridors, undermining the benefit to the City as a whole.

City Council believed the removal of signs would be an opportunity to eliminate signs from areas where they may be deemed undesirable, to reduce sign clutter within the City, and reduce the number of signs which, in some cases, were non-compliant with the City's Sign By-law's provisions, within the various property holdings of this property owner, as an appropriate policy decision.

## **Community Consultation**

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

The CBO also informed the public of an additional virtual Community Consultation. The virtual Community Consultation meeting was scheduled to be held on the evening of March 19, 2024. No one attended the Community Consultation meeting, and as of the date of this report no concerns have been received from the public.

## **Criteria Established by §694-30A of The Sign By-law**

The Sign By-law contains criteria to be used in evaluating variance application for Proposed Signs. Specifically, §694-30A states that an application for variance may only be granted where it is established that the Proposed Sign meet each of the established criteria.

At its meeting of April 18, 2024, the City Council enacted By-law No. 402-2024 which amended Chapter 694 in multiple respects; including deleting the criteria previously listed at Subsection 694-30A(2) ("In the case of a third party sign, be of a sign type that is permitted in the sign district, where the premises is located") . The criteria listed in section 694-30A now read as follows:

An application for variance from the provisions of this chapter may be granted where it is established that the proposed sign or signs will:

- (1) Belong to a sign class permitted in the sign district where the premises is located;
- (2) Be compatible with the development of the premises and surrounding area;
- (3) Support the Official Plan objectives for the subject premises and surrounding area;
- (4) Not adversely affect adjacent premises;
- (5) Not adversely affect public safety, including traffic and pedestrian safety;

- (6) Not be a sign prohibited by § 694-15B;
- (7) Not alter the character of the premises or surrounding area; and,
- (8) Not be, in the opinion of the decision maker, contrary to the public interest.

The subject application was submitted before this amendment, and consequently, the parties initially applied under the framework of nine criteria. The CBO initially evaluated applications against the nine criteria in effect at the time. However, to align with the amended Chapter 694-30A, the formerly applicable second criterion has been removed from the report, and the remaining criteria have been renumbered accordingly. The sign variance application evaluation now revolves around these eight criteria.

As such, the Sign Variance Committee is required to conduct an evaluation and determine that party seeking the proposed variances meets all eight of the mandatory criteria, on the basis of the information presented by the parties before the SVC. Upon the review of the submissions, the CBO is of the opinion that the information submitted by the Applicant does not provide a sufficient basis to conclude that the eight required criteria established in §694-30A of the Sign By-law have been met.

### **Applying the Established Criteria**

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

Based on the review of City staff, the Subject Premises can be confirmed as being designated as U Sign District, which permits signs belonging to the third party sign class.

The CBO has confirmed that as per the information contained in the Applicant's submission, the Proposed Sign is a third party sign, as it will advertise, promote, or direct attention to businesses, goods, services, matters, or activities that would not be available at, or related to, the premises where the sign would be located. Therefore, the CBO is of the opinion that this criterion has been established.

#### **Section 694-30A(2): The Proposed Sign is compatible with the development of the premises and surrounding area**

The Subject Premises is designated as U sign district. Third party electronic ground signs, at a size and height consistent with the Proposed Sign, are generally permitted on U sign districts. However, the Subject Premises is also subject to multiple provisions specifically prohibiting any third party signs, specifically determined by City Council.

The Proposed Sign would be situated beside a railway bridge over Wilson Avenue. The Sign By-law generally prohibits all signs on bridges in order to safeguard the public right-of-way. City Council, when enacted Chapter 694, specifically prohibited signs on

bridges. Since the Proposed Sign is neither attached to the bridge nor infringing on the public right-of-way, it is not subject to this prohibition. The land parcel where the Proposed Sign would be erected does not have any buildings that could be affected by its installation.

**Figure 4: Rendering of Proposed Sign Looking west along Wilson Avenue (from Applicant's Submission)**

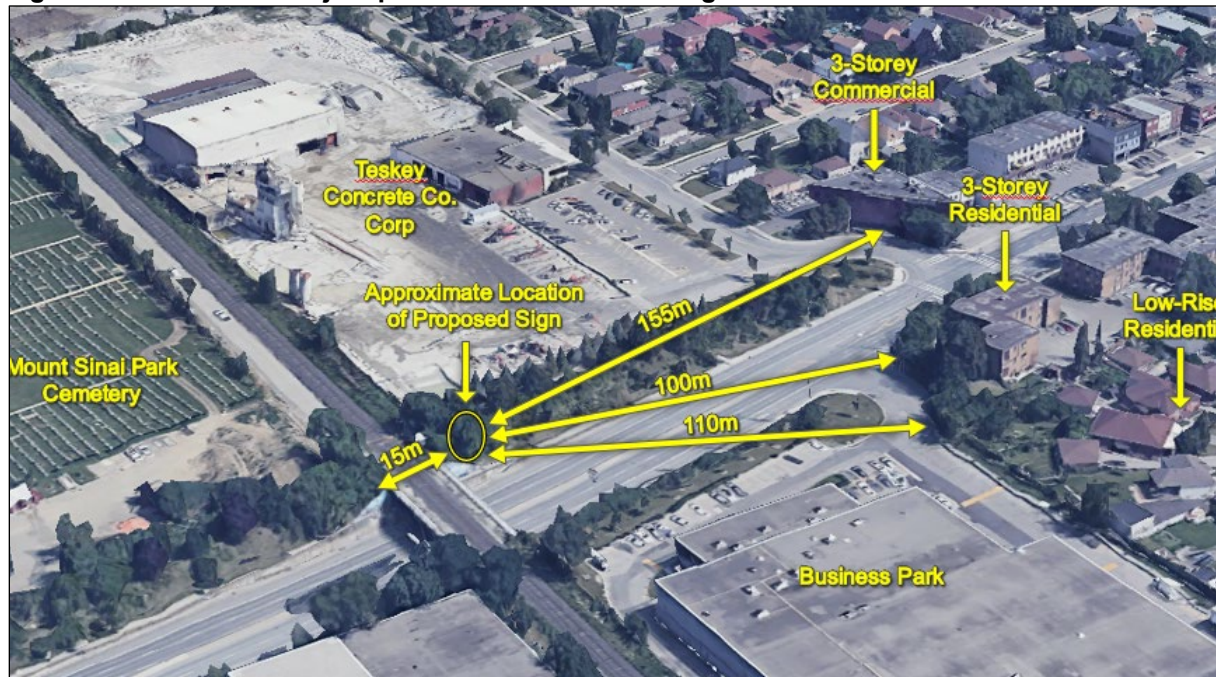


Adjacent to the Proposed Sign, on both the northern and southern sides of Wilson Avenue, the properties to the east are designated as E sign districts, which are areas within the city that allow for third-party electronic ground signs, such as the Proposed Sign. These properties are occupied by commercial buildings, including a concrete corporation and a business park. These uses align with the district's designation and are not deemed sensitive.

The Proposed Sign would be placed approximately 15 metres west of the Mount Sinai Memorial Park cemetery, which is designated an OS sign district. This proximity between the Proposed Sign and the OS sign district falls short of the minimum 60 metres separation mandated by the Sign By-law. According to the Applicant's submissions, the Proposed Sign would contain one sign face oriented away from the OS sign district, thereby not casting any light towards the open space. Furthermore, any sightline to the sign structure from the park/cemetery would be obstructed by the barriers formed by vegetation and a railway that is situated at a higher elevation than the Proposed Sign (refer to Figure 4). Staff concurs that the Proposed Sign and the OS Sign District to the west would have minimal relationship.

The Applicant is also requesting a variance to allow the Proposed Sign to be facing premises in the CR sign districts approximately 100 and 155 meters to the east and in the R sign districts approximately 110 metres to the southeast and 140 to the northeast. When the signs contain faces oriented towards these districts, the Sign By-law stipulates a minimum separation of 250 meters.

**Figure 5: View of the Subject premises and Surrounding Area**



According to the Applicant's submission, the CR and the R sign districts on the south side of the Wilson Avenue, containing residential buildings, is surrounded by vegetation that obstructs light of trespassing onto the area. To further mitigate the impacts on these districts, the Applicant proposed the condition of reducing the operating levels to a maximum of 150 NITS between sunset and sunrise. This represents a reduction of 50% of what would be permitted by the Sign By-law.

To ensure the effectiveness of the proposed condition, the Applicant provided a light shed study in the supporting documents. The study also demonstrates that light will not intrude into the CR sign district on north side of Wilson Avenue, which contains a dental/medical office. Staff believe that, based on the information provided, the potential impacts on the surrounding areas would be reduced with the proposed condition.

However, the specific location of the Subject Premises under consideration is subject to two site-specific area restrictions that prevent the erection of third-party signs. As mentioned before, these restrictions were incorporated into the Sign By-law as a result of an amendment to the Sign By-law adopted by City Council in 2014.

In support of the requested variances concerning the site-specific area restrictions, the Applicant has provided a supplementary rationale, suggesting that the previous submissions by the property owner to City Council in 2014, as to the best manner to develop the properties in question, are no longer valid. The Applicant submits that City Council's specific enactment of prohibitions, which were implemented 10 years ago, on the recommendation of the property owner, are now outdated and no longer serve the area. The Applicant claims that the local geographies and municipal landscapes have evolved, however, upon examination of the submissions, Staff could not identify any particular change in the area over the past decade that could further that the installation of a third-party sign, like the Proposed Sign, would be compatible with Council's decision.

The Applicant makes reference to the June 3, 2014 Report from the CBO, noting that City Council adopted the 2014 Amendment despite CBO recommending the refusal of the proposal for static sign structure removals and future site-specific restrictions. They suggest that based on Staff's recommendation, the property owner should be excused from the prohibitions adopted, which were sought by the property owner.

Although the June 3, 2014 Report was not supportive of the amendments proposed by the property owner, City Council did express a clear intent of restricting third party signs in various areas around the city by passing the 2014 Amendment. As this is the case, Staff believes that new third party signs placed in any of these lands would not be compatible with the Council's vision for the area. The vision for the development of the Subject Premises and immediate surrounding, requested by the property owner and enacted by City Council in the 2014 Amendment, is now sought by the property owner to be reconsidered by the Sign Variance Committee.

The Applicant also states that, as the City evolves, associated site-specific restrictions adopted by City Council and written into By-Laws, should also evolve. In Staff's view the assessment of whether the Sign By-law restrictions align with the City's development is a more comprehensive policy matter and should not be resolved by the Sign Variance Committee for a single sign.

Given the above, the CBO is of the opinion that the Applicant's materials are not sufficient to determine that the Proposed Sign would be compatible with the development of the premises and surrounding area, and that this criterion has not been established.

### **Section 694-30A(3): The Proposed Sign supports Official Plan objectives for the subject premises and surrounding area**

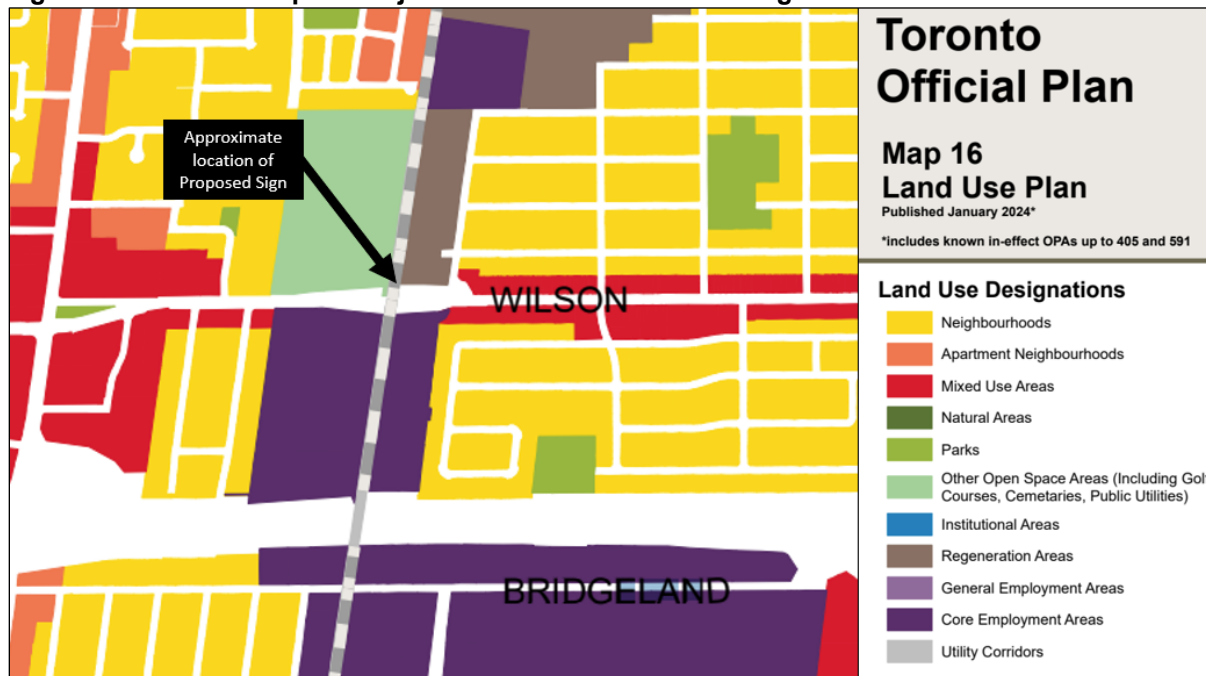
The designated land for the Subject Premises, as per the Toronto Official Plan, is Utility Corridor (see to Figure 6). Utility corridors mainly consist of rail and hydro rights-of-way. The Applicant's submission states that "Utility Corridors are hydro and rail corridors primarily used for the movement and transmission of energy, information, people and goods" and that the Proposed Sign is consistent with the purpose and intent of this designation and related policies. Staff agree that the Proposed Sign would not impact or hinder the use of the utility corridor where it is located.

Regarding the neighboring area, to the south of Subject Premises is Core Employment Areas, which "are places of business and economic activities". The CBO agrees that the operation of a third party sign is a commercial activity and that it does not conflict with the Core Employment Areas objectives. The Subject Premises is also located next to a Regeneration Area, a land designation that promotes revitalization and investment. The Applicant argues that the Proposed Sign aligns with the Official Plan's goals by attracting investment and fostering economic growth, thereby aiding in the city area's reintegration.

Staff's investigation revealed that although the Official Plan states that regeneration areas may provide for a broad mix of uses, including sensitive uses such as residential,

institutional, parks and open space, there is no Secondary Plan in place to steer the redevelopment of these particular area. The land is zoned as Employment Industrial, and since there are no development applications on record for this area, it is unlikely that there will be any sensitive uses in the foreseeable future.

**Figure 6: Land Use map of Subject Premises and Surrounding Area**



The Applicant maintained that the Proposed Sign would be in harmony with the goals of the most updated Toronto Official Plan. They pointed out that most properties along Wilson Avenue fall under Mixed Use Areas, Core Employment Areas, and/or Regeneration Areas, which permit a wide range of uses and encourage places and activities crucial to Toronto's economy and growth prospects.

Given the above, the CBO is of the opinion that sufficient information was provided to confirm that the Proposed Sign supports the Official Plan objectives for the Subject Premises and the surrounding area. Therefore, this criterion has been established.

#### **Section 694-30A(4): The Proposed Sign does not adversely affect adjacent premises**

The portion of the Subject Premises where the Proposed Sign would be erected contains only tracks of the railway corridor and does not house any buildings which could be adversely affected by it.

The Subject Property is mainly surrounded by U and E sign districts, which are areas within the City where third party electronic ground signs, such as the Proposed Sign, are permitted. On the immediate surrounding properties there are predominantly low-rise buildings with commercial and/or industrial uses, which do not contain any sensitive land uses, such as Residential or Institutional. As such, the Proposed Sign should have no adverse impacts on these properties.

**Figure 7: Aerial View - Adjacent Properties Uses**



The adjacent property to the west of the Subject Premises is designated OS Sign, where the Mount Sinai Memorial Park cemetery is located. The distance between the Proposed Sign to this OS sign district is less than the 60 metres separation required by the Sign By-law. The Applicant submissions demonstrated the Proposed Sign would have one single face, oriented to the east, ensuring no light spills into the open space. Additionally, the visibility of the sign structure from the cemetery would be obstructed by existing physical barriers between the Proposed Sign and the OS sign district. Staff agrees that the direct adverse impacts of the Proposed Sign on the open space area shall be minimal.

The Proposed Sign would be facing CR sign districts situated roughly 100 metres and 155 meters east of the Proposed Sign's location, and R sign districts about 110 meters to the southeast and 140 metres to the northeast. This does not meet the Sign By-law, requirement, which stipulates that a third-party electronic ground sign within 250 meters of an R or CR sign district should not face these districts.

As part of the supporting documents, the Applicant provided a light shed dispersion study conducted by Optotech (see Figure 8). This light study indicates that due to the sign's orientation, the impactful light would not reach the CR sign district on the north side of Wilson Avenue. To further reduce potential effects of the Proposed Sign on the CR and R sign districts, the Applicant suggests a condition to lower the display's operating levels to a maximum of 150 NITS from sunset to sunrise. This represents a 50% reduction from what the Sign By-law would normally allow. According to the study, the light dispersion to 150 NITS would result in a light shed reach of 402 feet (or 122.5

metres) and anything beyond this reach would be less impactful than the illumination provided by the existing streetlamps along Wilson Avenue.

**Figure 8: Diagram Illustrating Light Shed Dispersion at 150 NITS (from Applicant's Submissions)**



The Applicant also stated, and Staff has confirmed, that the CR Sign District on Wilson Avenue's south side, housing residential buildings, is surrounded by vegetation. This serves as a natural barrier to reduce light trespass on the area. Applicant indicated that the Proposed Sign would comply in all other respects with the illumination requirements of the Sign By-law.

The CBO is of the opinion that the Applicant's Submission, along with Staff investigation, provided sufficient information to confirm that the Proposed Sign would not adversely affect the adjacent premises. Therefore, this criterion has been established.

#### **Section 694-30A(5): The Proposed Sign does not adversely affect public safety, including traffic and pedestrian safety**

The 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 would be situated entirely outside this prohibited zone for signs.

The Proposed Sign clearance would be compliant with the minimum clearance requirement of 4.25 meters set out in the Ontario Building Code. This clearance ensures that pedestrians and vehicles can pass safely underneath the Proposed Sign without issues. It will also prevent the sign face to interfere or obstruct the visibility of vehicular traffic along Wilson Avenue.

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 would meet the setback requirements outlined in Chapter 694 of the Toronto Municipal Code, would be located more than 30 metres away from the closest traffic controlled intersection and would not obstruct any sight triangles for vehicular traffic.

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

It is the opinion of Staff that, based on the review of the available information, the proposal 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(6): 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 does not meet the description of any of the signs which are specifically prohibited by §694-15B.

Although, the Proposed Sign may appear on preliminary examination to be located on elements of the bridge, Staff have confirmed from a review of the Applicant's documents and drawings that it is not technically a sign on a bridge. The Proposed Sign is simply located in proximity to the bridge and adjacent to the supporting structure of the bridge. In CBO's view, based on the review of the available information, the Proposed Sign is not on the bridge for purposes of §694-15B.

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

#### **Section 694-30A(7): The Proposed Sign does not alter the character of the premises or surrounding area**

As mentioned earlier, the Premises is designated as U Sign District, which would typically permit electronic ground signs at a size and height consistent with the

Proposed Sign. The Proposed Sign would have a single sign face directed to the east. The properties immediately to the east of the Proposed Sign, on both north and south sides of Wilson Avenue, are designated E sign districts and do not contain any sensitive land uses, such as Residential or Institutional. E sign districts are also areas within the City where third party electronic ground signs such as the Proposed Signs are permitted.

The Subject Premises is surrounded by other U sign districts to the north and south, and OS sign district to the west. Staff reviewed the Applicant's submissions and confirmed that the Proposed Sign would face away from the OS Sign District, where Mount Sinai Memorial Park cemetery is located, preventing light emission into this area. Moreover, any visibility of the sign structure from the cemetery would be obstructed by physical barriers located between the OS sign district and the Proposed Sign.

The Proposed Sign is positioned to face the CR and R sign districts, which are situated to the east and southeast, within 250 metres. The Applicant has submitted a light study as supplementary evidence, indicating that the proposed sign's diminished lighting intensity, which is proposed as a condition if variances are granted, should alleviate effects on these properties. The CR sign district on the southern side of Wilson Avenue, which includes residential structures, benefits from additional shielding provided by vegetation.

The Subject Premises is subject to two site-specific area restrictions that prevent the erection of third-party signs, a result of an amendment to the Sign By-law adopted by the City Council in 2014 and requested by the Subject Premises. The Applicant argued that these restrictions are outdated and no longer beneficial to the area. Nevertheless, the Applicant failed to identify any significant changes since the 2014 amendment that would suggest that the placement of a third party sign, such as the Proposed Sign, would align with the intended character of the area.

As mentioned before, City Council, through the adoption of the amendment, had a clear intent of removing and restricting third party signs from areas within the City they may consider unsuitable for them. The Applicant did not demonstrate that the erection and display of the Proposed Sign, in a location where the Sign By-law explicitly does not permit third party signs, would not be contrary to the character for the Subject Premises and the surrounding area that City Council envisioned.

As such, it is the CBO's opinion that the Applicant's submissions are not sufficient to determine that the Proposed Sign would not alter the character of the premises and surrounding area, and that this criterion has not been met.

### **Section: 694-30A(8): The Proposed Sign is not contrary to the public interest**

The Proposed Sign would comply with some of the provisions set out in the Sign By-law for third party electronic ground signs in an Utility Sign District, such as: height, size, configuration, setbacks from the street 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), and with the illumination and time-of-day regulations.

The Applicant seeks a variance to the Section 694-25D (3)(e), to allow the Proposed Sign to be closer than 60.0 metres of an OS sign district. Since the Proposed Sign, with a single face, would be facing on the opposite direction of the OS sign district, Staff anticipate that no light spillage into the Open Space from the Proposed Sign would take place. Furthermore, the visibility to the sign structure from the western property would be obstructed by existing barriers between these lands and the Proposed Sign. Staff believe that the Proposed Sign would have little relationship with the OS Sign District, and not negatively impact this area.

Granting the requested variance to Section 694-25D (3)(f) would allow the Proposed Sign to face the CR and R Sign Districts within 250.0 metres. As demonstrated by the submissions, the impact on these areas is expected to be minimal due to the Proposed Sign's orientation, reach and the existing natural and physical barriers. To further reduce adverse effects, the Applicant proposed as a condition of approval that the Proposed Sign would operate at a reduced level of illumination of 150 NITS between sunset and sunrise. Staff believe that these measures should ensure any impacts from the Proposed Sign on surrounding premises would be minimal.

With respect to the variances to Sections 694-24A (58) and 694-24A (66), the Proposed Sign would be located on lands regulated by two site-specific area restrictions. City Council amended the Sign By-law in 2014, imposing conditions that pre-existing signs were to be removed. The 2014 Amendment established that the placement of third party signs at, and within a 100-meter radius of, the locations of the 38 removed signs, was deemed incompatible with the development of the area and the City as whole. The Proposed Sign's erection and display would deviate from the area restrictions established for the Subject Premises, and not reflect City Council's view as to the Proposed Sign's suitability for this area.

The Applicant alleges that the restrictions are now outdated and no longer beneficial to the area. They argue that as local geographies and municipal landscapes change, so should the site-specific restrictions incorporated into the By-Laws. Staff however, believe that revisiting the Sign By-law restrictions and their compatibility with the City's development is a broader policy issue, not to be addressed by the Sign Variance Committee for an individual sign. Furthermore, the Applicant has not identified any specific changes in this area to justify such an examination.

The Applicant states that the decision to limit future private property development along railway corridors hinders efficient land use on smaller parcels and overlooks the potential advantages it could offer to the City of Toronto. They argue that this project aims to generate revenue for Metrolinx through advertising, with the proceeds being reinvested into the maintenance and expansion of transportation infrastructure. However, 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. It is CBO's position is that the Sign Variance Committee should not consider this information in making its decision.

The owner of the Subject Premises had previously requested to the City Council to Amend the Sign By-law and prevent third party signs in these areas as unsuitable for the premises, however, is now seeking variances to lift the restrictions in place. Staff found the Applicant's arguments unsupported and would regard allowing the Proposed Sign as a turnaround in the position of the landowner, who remains the same since 2014.

In the opinion of the CBO, the Applicant has failed to provide sufficient evidence to support how the requested variances to allow the Proposed Sign in a specific location where City Council has determined third party signs to be incompatible with the overall vision for the area and the City as a whole, and as a result would 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 would not be contrary to the public interest. Consequently, this criterion has not been satisfied.

## **CONCLUSION**

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The Applicant's materials, even supplemented by City Staff's research and investigation, have not provided sufficient information for the CBO to conclude that all eight criteria required to grant an approval for the requested variances have been established.

Specifically, the CBO is of the opinion that there was not sufficient information to establish that the Proposed Sign would be compatible with the development of the premises and surrounding area; would not alter the character of the premises or surrounding area; 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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Fernanda Patza, Policy Development Officer, City Wide Priorities, Toronto Building  
Email: [Fernanda.Patza@toronto.ca](mailto:Fernanda.Patza@toronto.ca); Tel: 416-392-6987

## **SIGNATURE**

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Ted Van Vliet  
Manager, City Wide Priorities, Toronto Building

## **ATTACHMENTS**

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

Attachment 2 – Applicant's Submission