

Application for Four Variances, Each Subject to Two Conditions, Respecting One Third Party Electronic Ground Sign - 746 Warden Avenue

Date: April 23, 2024

To: Sign Variance Committee

From: Manager, City Wide Priorities, Toronto Building

Wards: Scarborough Southwest (Ward 20)

SUMMARY

BADER GROUP Inc., JOLT Charge Inc. and Concordian Realty Management Inc. (collectively described as the "Applicant") have applied for four variances, each to subject to two conditions, required to allow the Chief Building Official ("CBO") to issue a sign permit to erect and display a double-faced third party electronic ground sign, displaying electronic static copy (the "Proposed Sign"), on the property municipally known as 746 Warden Avenue (the "Subject Premises").

The Subject Premises is designated as an Employment ("E") Sign District, which allows for third party electronic ground signs. The Proposed Sign would have a maximum height of 2.65 metres, and would contain two rectangular sign faces, each with a maximum 0.93 metres horizontal dimension and a 1.65 metres vertical dimension, with a maximum sign face area of 1.54 square metres. The Proposed Sign is described further in Attachment 1.

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

1) **Existing requirement § 694-25C(2)(d):** An E – Employment Sign District may contain a third-party electronic ground sign, provided the sign shall not be erected within any required setback of a building from a street as regulated by the City's applicable Zoning By-law. **Proposed Varied Requirement:** To allow the Proposed Sign to have a setback of 2.0 metres, whereas the minimum Zoning By-law requirement is 3.0 metres.

2) **Existing Requirement § 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 Varied Requirement:** To allow the Proposed Sign to be facing premises in the RA sign district approximately 65 metres

to the southwest, in the I sign districts 125 metres to the southwest, 175 metres to the southeast and 190 metres to the west, and in the OS and R sign districts approximately 190 metres to the southeast.

3) **Existing Requirement § 694-25.C(2)(g)[1]:** An E – Employment Sign District may contain a third party electronic ground sign, provided the sign be located a minimum of 500 metres away from any other third party electronic sign located on the same street. **Proposed Varied Requirement:** To allow the Proposed Sign to be located 350 metres from another electronic third party ground sign at 757 Warden Avenue.

4) **Existing Requirement § 694-25.C(2)(h):** An E – Employment Sign District may contain a third party electronic ground sign, provided there shall be no more than one ground sign or electronic ground sign erected on the premises. **Proposed Varied Requirement:** To allow the Proposed Sign to be an additional sign erected on a premises containing one first party ground sign.

Each of the requested variances, if granted, would be subject to the following condition:

Condition 1: The sign faces of the Proposed Sign shall each have a sign face area not exceeding 1.54 square metres.

Condition 2: The height of the Proposed Sign shall not exceed of 2.65 metres.

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, each subject to the noted conditions, as described further in Attachment 1 of this report.

RECOMMENDATIONS

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

1. The Sign Variance Committee refuse to grant the requested variances to sections 694-25.C(2)(d), 694-25.C(2)(f), 694-25.C(2)(g)[1], 694-25.C(2)(h), each subject to two conditions, as required to allow for the issuance of a permit respecting the erection and display of the Proposed Sign, as further described in Attachment 1 to this report.

FINANCIAL IMPACT

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

DECISION HISTORY

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

On is meeting of April 18, 2024, the City Council adopted amends 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 renumbering section 694-30A accordingly.

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

SB6.7 - Application for Two Variances, Respecting One Third Party Electronic Ground Sign at 757 Warden Avenue

On February 2, 2024, the Sign Variance Committee granted the requested variances, as required to allow for the issuance of a permit respecting the erection and display of a third party electronic ground sign on the premises municipally known as 757 Warden Avenue.

(<https://secure.toronto.ca/council/agenda-item.do?item=2024.SB6.7>)

ISSUE BACKGROUND

Required Variances

Table 1: Summary of Requested Variances

Section	Requirement	Proposal
694- 25.C(2)(d)	An E – Employment Sign District may contain a third-party electronic ground sign, provided the sign shall not be erected within any required setback of a building from a street as regulated by the City's applicable Zoning By-law.	To allow the Proposed Sign to have a setback of 2.0 metres; whereas the minimum Zoning By-law required setback of a building from a street is 3.0 metres.

Section	Requirement	Proposal
694-25.C(2)(f)	An Employment "E" Sign District may contain a third party electronic ground sign, provided where a sign is located within 250 metres of an R, RA, CR, I, or OS sign district, the sign cannot face any premise in the R, RA, CR, I or OS sign district	To allow the Proposed Sign to be facing premises in the RA sign district approximately 65 metres to the southwest, in the I sign districts 125 metres to the southwest, 175 metres to the southeast and 190 metres to the west, and in the OS and R sign districts approximately 190 metres to the southeast.
694-25.C(2)(g)[1]	An E – Employment Sign District may contain a third party electronic ground sign, provided the sign be located a minimum of 500 metres away from any other third party electronic sign located on the same street	To allow the Proposed Sign to be less than 500 metres from another electronic third party ground sign located at 757 Warden Avenue.
694-25.C(2)(h)	An Employment "E" Sign District may contain a third party electronic ground sign, provided there shall be no more than one ground sign or electronic ground sign erected on the premises.	The Proposed Sign would be erected on a premises containing one first party ground sign.

Sign Attributes and Site Context

The Proposed Sign would be an electronic ground sign with two sign faces displaying electronic static copy. The Proposed Sign would be located at the property municipally known as 746 Warden Avenue, near the easterly limit of the Subject Premises. The Proposed Sign would consist of two rectangular sign faces in a back-to-back configuration, each with a bisecting line not exceeding 0.93 metres (horizontal measurement of the sign face) and centre line not exceeding 1.65 metres (vertical dimension), with a sign face area of not more 1.54 square metres. The sign faces would be oriented approximately in the north-west and south-east directions, targeting commuters on Warden Avenue travelling in both directions. The Proposed

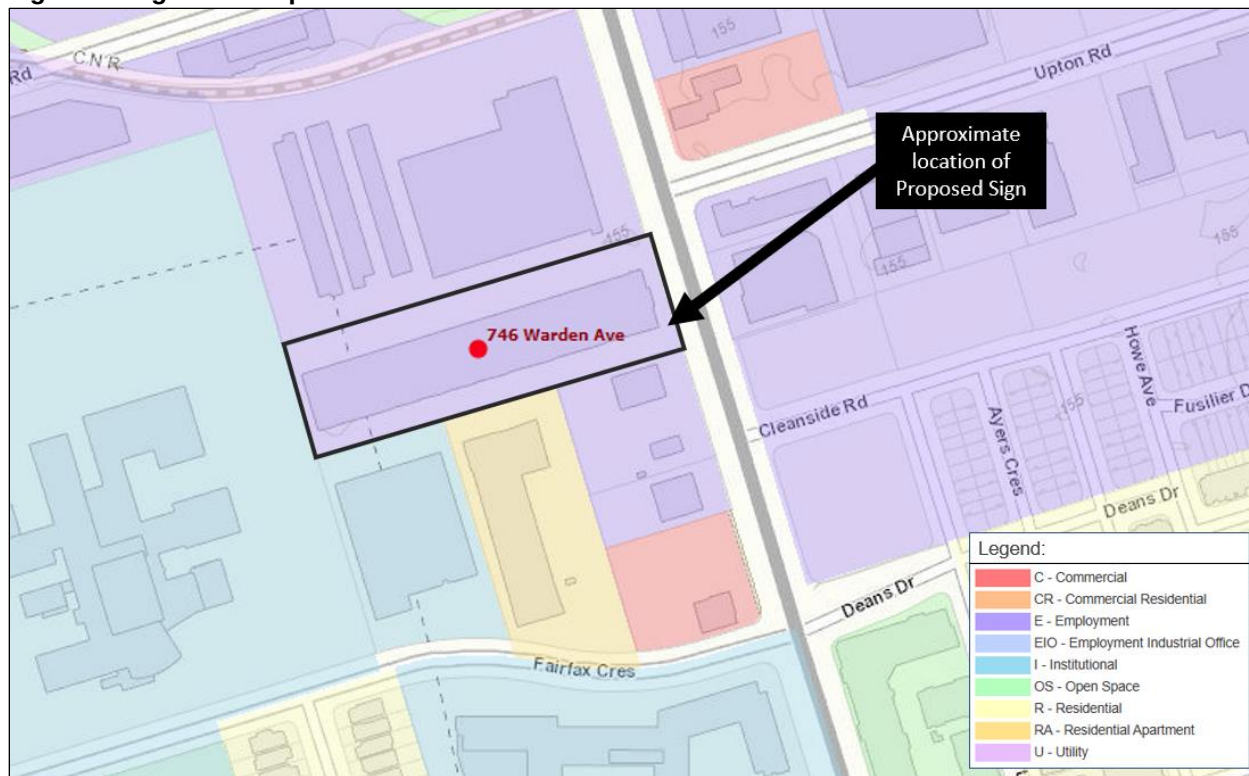
Figure 1: Image from Applicant's Submissions



Sign is currently proposed to have a maximum height (the measurement of the highest point of as sign from grade) of 2.65 metres. The Proposed Sign is described further in Attachment 1.

Staff have confirmed that the Subject Premises is designated as being entirely in an E-Employment Sign District, located to the west of Warden Avenue in Ward 20 - Scarborough Southwest, see SignView Map in Figure 2.

Figure 2: SignView Map - 746 Warden Avenue



There is one single-storey building located at the Subject Premises, housing a variety of industrial uses. There is also one first party ground sign on the Subject Premises, containing two sign faces displaying static copy, located on the east frontage along Warden Avenue (the "Existing Sign").

Surrounding premises:

North: Employment (E) Sign District, single storey multi-tenanted light industrial/commercial building

South: Employment (E) Sign District, vehicle repair shop; Residential Apartment (RA) Sign District, mid-rise residential building; and Institutional (I) Sign District, community living building.

East: Employment (E) Sign District, Youth Transition Home and Emergency Shelter and Institute of Technical Trades

West: Institutional (I) Sign District, School.

COMMENTS

Applicant Information

For purposes of this report, the term Applicant will be used to describe all of the entities alleging to be the Applicant for the current variance application. The materials filed indicate that Concordian Realty Management Inc. is the owner of the Subject Premises, and that Bader Group Inc. has been authorized to represent the owner of the property and Jolt Charge Inc. in the current variance application.

The Applicant has applied for four variances, each subject to two conditions, required to allow for a sign permit to be issued for one third party electronic ground sign with two sign faces, displaying electronic static copy, on the premises municipally known as 746 Warden Avenue, as further described in Attachment 1.

Application Background

The Proposed Sign is planned to be situated along the east frontage of the Subject Premises, along Warden Avenue. It would feature two rectangular sign faces, displaying electronic static copy. Each face would measure 0.93 metres by 1.65 metres, resulting in a sign face area of approximately 1.54 square metres. The sign faces would be placed in a back-to-back configuration, directed towards the north-westerly and south-easterly, allowing visibility for commuters travelling in both directions along Warden Avenue. Further details about the Proposed Sign can be found in Attachment 1.

The Proposed Sign would be positioned roughly 7 metres south of an existing first party ground sign, which serves to identify the various businesses operating on the Subject Premises (the "Existing Sign").

According to the submissions, the sign faces displaying electronic static sign copy would be on a structure also containing an Electric Vehicle Charging Station ("EV charging station"). Given that Chapter 694 only governs signs, the subject of this report concerns solely the components of the structure associated with the Proposed Sign. The applicable laws and regulations concerning the EV charging station components of the structure fall outside the purview of this review.

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 session was held on the evening of April 16, 2024. This session was attended by a community member who had expressed interest and

representatives from both the Applicant and the City parties. The member of the community expressed no concerns regarding the application and, as of the date of this report, no other communications 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.

On 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 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. The CBO has determined 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 Staff review, the Subject Premises can be confirmed as being designated as an E Sign District, and that E Sign Districts permit third party sign class. The CBO has confirmed that, as per information contained in the Applicant's submission, the Proposed Sign belongs to the third party sign class because it would advertise, promote, or direct attention to businesses, goods, services, matters, or activities that would not be available at, or related to, the premises where the sign would be located.

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

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

As mentioned before, the Subject Premises is in an E Sign District. Areas designated as E Sign Districts within the City contain largely commercial and employment uses and were specifically set out in the Sign By-law to contain third party electronic ground signs, such as the Proposed Sign.

The Sign By-law permits a maximum sign face area of 20 square metres and a maximum height of 10 metres for third party electronic signs in E Sign Districts. With a sign face area of not more than 1.54 square metres and a maximum height of 2.65 metres, the Proposed Sign complies with these requirements of the Sign By-law.

The property at 746 Warden Avenue contains a single-storey, multi-tenant light industrial/commercial building, aligning with the Sign District and the Official Plan designations of the Subject Premises. The neighboring properties predominantly feature similar low-rise buildings.

Staff's investigation confirmed that the adjacent properties to the immediate north and south of the Proposed Sign's location are E sign districts and do not contain uses that would be considered of sensitive nature. The property to the east contains a Municipal Shelter, and although this use could be more associated with a residential occupancy, the Proposed Sign would not be facing directly towards this premises. Staff's investigation did not uncover any new development in the immediate vicinity that could be impacted by the Proposed Sign.

The Applicant is requesting a variance to permit the sign to face properties located less than 250 metres from sensitive sign districts. As per the Applicant's submission, the Proposed Sign would be roughly 65 metres from the RA sign district, which contains a 7-storey residential condominium, and over 120 metres from the I sign districts to the

west and southwest. The Applicant has indicated that the building on the Subject Premises has an approximate height of 4.9 metres, while the Proposed Sign would stand at a height of only 2.65 metres. Given the positioning of the building between the sensitive lands and the Proposed Sign, the visibility of the sign from these properties, would be completely obstructed by the existing building.

Figure 3: Aerial View - Adjacent Properties Uses



The OS, R, and I sign districts to the south are located at a distance exceeding 150 metres. The Applicant states that the Sign By-law regulations for electronic third-party ground signs were designed for conventional outdoor advertising products, and that the Proposed Sign would approximately 25% of the maximum height, and its face area would be only 7.6% of what the Sign By-law would typically permit in E sign districts. According to the Applicant, these attributes suggest that the Proposed Sign is compatible with the existing landscape.

Staff agree that the separation distances in the Sign By-law were established to accommodate signs of all sizes, up to the maximum allowed by the regulation. The potential impacts of the Proposed Sign, given its height and face area, attributes that were imposed as conditions for the Proposed Sign, are unlikely to extend up to 250 metres or significantly affect the OS, R, and I sign districts. Given the presence of these conditions and the existing physical obstructions between the Proposed Sign and the sensitive land uses, the Proposed Sign is expected to have minimal relationship with the OS, R, RA, and I sign districts.

Based on the Applicant's submission materials and staff's 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.

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

The property at 746 Warden Avenue is designated as a General Employment Area within the Official Plan. The area surrounding the Subject Premises is predominantly covered with Employment Area within the Official Plan (see Figure 4). 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 contains a single-storey, multi-tenant light industrial/commercial building, aligning with the Sign District and the Official Plan's designation for the property. The Applicant states that the Proposed Sign is compatible with, and will not detract from, the planned function of the surrounding Core Employment Areas and General Employment Areas. The CBO agrees that the location of third party signs, such as the Proposed Sign does not conflict with the Policies for General Employment areas in the Official Plan.

According to the Applicant's submissions, the erection of the EV charging station would support several policies in the Official Plan, suggesting that the proposed EV station would enhance the viability of the overall employment area by serving a larger public interest. It's important to note, however, that the installation of the EV charging station is a separate matter and the subject of this report is solely the third-party electronic ground sign.

The CBO holds the view that even though the EV charging station and the Proposed Sign might share the same structure, whether or not an EV charging station would support an Official Plan policy does not necessarily imply that a third party electronic ground sign of the dimensions of the Proposed Sign would support the Official Plan policy. The submissions did not outline any objectives of the Official Plan that would be supported by the Proposed Sign.

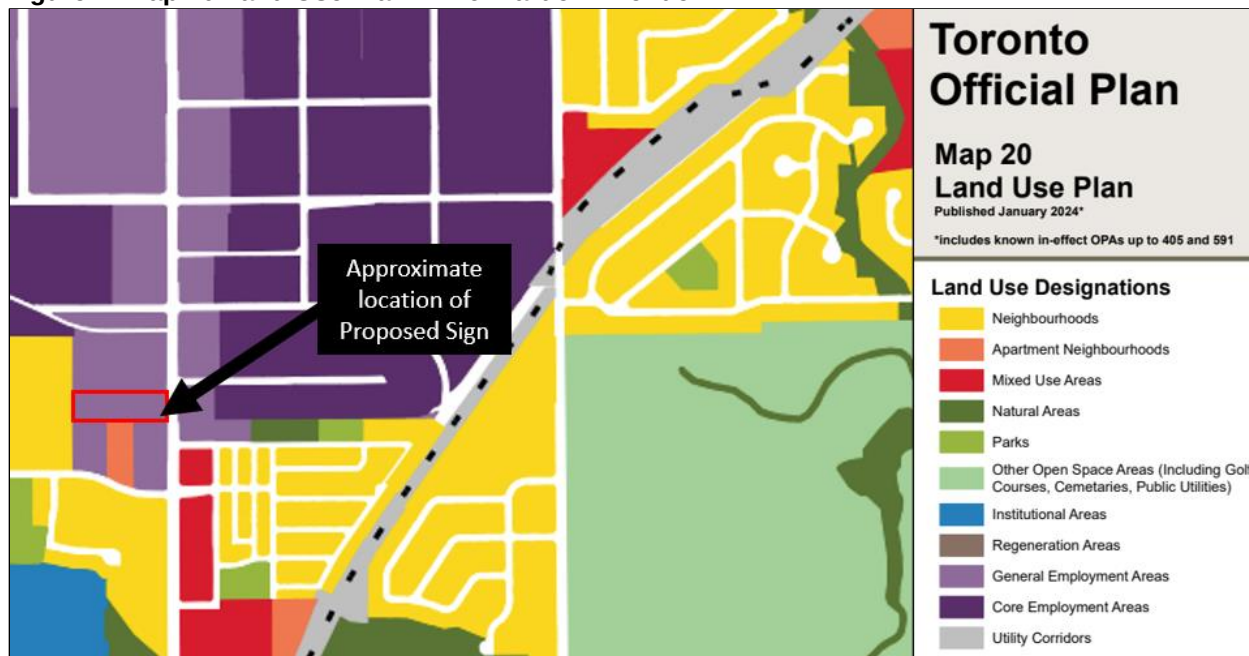
It is also important to highlight that, if granted, the variances would allow the installation of any third-party electronic ground sign with the specified attributes on the Subject Premises, combined or not with an EV Charging station.

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. 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 Industrial (M) Zone Category. The permitted uses in an M zone include a wide variety of industrial and commercial uses, consistent with what is generally found in Employment Sign Districts.

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. The Applicant is

seeking a variance to permit the Proposed Sign to be erected within the setback required by the City's applicable section. The Proposed Sign would have a setback of 2.0 metres; whereas the minimum Zoning By-law required setback of a building from a street is 3.0 metres.

Figure 4: Map 20 Land Use Plan – 746 Warden Avenue



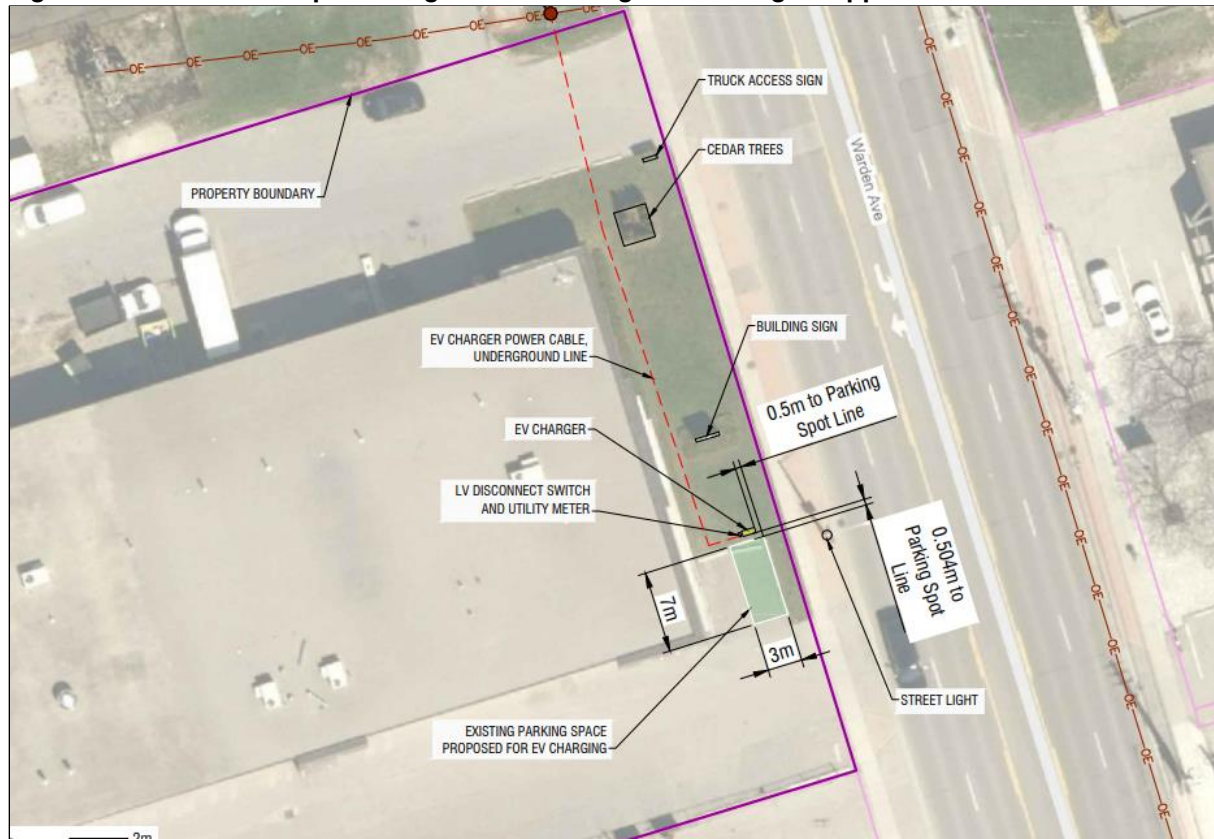
According to the submissions, the wide sidewalk and boulevard on Warden Avenue right-of-way would allow the Proposed Sign to be more than 6.0 metres from the road's travelled portion, as well as would not obstruct the pedestrian walkway or interfere with the existing landscaping.

The Applicant's submissions indicate that the existing first party ground sign's setback, roughly 2.5 metres, not adhering to the front yard setback regulations. However, this affirmation is not accurate. Due to their size and the impacts that they can have on surrounding properties, the Sign Bylaw adopts the Zoning By-law requirements for setbacks for third party signs only, and not first party signs. The setback requirements in the Sign Bylaw for first party signs is 2.0m from the property line in E sign districts, and as such, the Existing Sign does meet the front yard setback regulations in the Sign By-law.

Upon reviewing the supporting documents, Staff concluded that the Applicant did not provide sufficient information to indicate that the requirements of the Sign By-law could not be met, nor was any justification provided for the request for a reduced setback.

The Applicant's submission materials have not provided sufficient information to confirm that the Proposed Sign would support of the Official Plan objectives for the premises and the surrounding area. As such, the CBO is of the opinion that this criterion has not been established.

Figure 5: Setback of Proposed Sign from Existing Ground Sign - Applicant's Submissions



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

The property at 746 Warden Avenue is in an E Sign District, which allows third party electronic ground signs. The adjacent properties to the immediate north and south of the Proposed Sign's location are E sign districts and do not contain uses that would be considered of sensitive nature.

The Applicant is requesting a variance to permit the sign to face properties located less than 250 metres from premises in the OS, R, RA, and I sign districts. As per the Applicant's submission, the nearest sensitive land uses are located to the southwest of the Proposed Sign.

As noted earlier, the Proposed Sign is set to be approximately 65 metres from the RA sign district, home to a 7-storey "L-shaped" residential condominium, and more than 120 metres from the I sign districts to the west and southwest. The Applicant's submissions demonstrate that the existing building on the Subject Premises, which is around 2.25 metres taller than the Proposed Sign and located between the Proposed Sign and the sensitive lands, would completely block the Proposed Sign's visibility from these properties, including the residential units in the condominium.

Figure 6: Location of the Proposed Sign in relation to existing building to the southwest



Concerning the OS, R, and I sign districts between 150 and 190 metres to the south, the Applicant states that the separation requirements of the Sign By-law for electronic third-party ground signs were designed for conventional outdoor advertising products, and that the Proposed Sign, is considerably smaller than what these regulations would typically permit. These attributes of the Proposed Sign, along with the existing barriers between the Proposed Sign and the surrounding properties, ensure that there are no impacts from the Proposed Sign on the surrounding area.

Figure 7: View from the OS sign district to the south on Warden Avenue to the Subject Premises



Staff agree that the separation distances in the Sign By-law were established to regulate all signs otherwise permitted under the regulations, including signs with a greater sign face area and/or height. In light of the Proposed Sign's attributes, specifically the height and sign face area imposed as conditions for the Proposed Sign, the reach of impacts should be less than 250 metres. Considering the presence of the two specific conditions, which would limit the impact of the Proposed Sign, along with the presence of physical barriers between the Proposed Sign and the premises in the OS, R, RA, and I sign districts, staff is of the opinion that the Proposed Sign would not result in any adverse effects in these districts.

Therefore, the CBO is of the opinion that the Applicant's submission materials and staff's investigation have provided sufficient information to confirm that the Proposed Sign with the specified conditions, should have no adverse effects on adjacent premises, and that this criterion has been established.

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

The City's Sign By-law regulations are designed to ensure that there are no adverse impacts on public safety for signs which meet the requirements. These regulations are designed to work in conjunction with other regulations which would also apply to signs. The current 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. While the Proposed Sign is located in proximity to sidewalks and roadways, it is the CBO's opinion that it would not be situated in proximity to sidewalks, roadways, or driveways in a manner that could create impact on pedestrian or traffic safety.

Although there are concerns about driver 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 the zoning by-law. The sign is located more than 30 metres away from the closest traffic controlled intersection and it does not obstruct any sight triangles for vehicular traffic.

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 the review of the available information with respect to the Proposed Sign, the requested deviations from the mandatory requirements of the Sign By-law, and the proposed location within the Subject Premises, City staff are of the opinion that there is no reasonable basis for any concern regarding 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 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(7): The Proposed Sign does not alter the character of the premises or surrounding area

The materials submitted by the Applicant, along with the Staff's investigation, verify that the Proposed Sign at 746 Warden Avenue is located in an E Sign District, which allows for third-party electronic ground signs.

This stretch of Warden Avenue is primarily comprised of low-rise buildings used for commercial and/or industrial purposes, making it a suitable location for third-party signs like the Proposed Sign. An existing static third-party ground sign is located approximately 165 metres northeast of the Proposed Sign's location on Warden Avenue. This separation between signs complies with the Sign By-law's requirements. Due to the presence of third party signs in the area, Staff are of the opinion that the Proposed Sign does not introduce a new sign class or type in the surrounding area.

The Applicant is requesting a variance to allow the Proposed Sign to be placed less than 500 metres from another electronic third-party ground sign on the same street. The Applicant has not provided any information regarding this variance in their submissions, as neither the variance nor the permit for the sign at 757 Warden Avenue had been granted at the time the application was submitted.

City Staff investigated the relationship between these two locations, and believe that although the signs might be visible at the same time, due to their varying scales, they would likely be seen by different audiences. There are also numerous physical barriers between the Proposed Sign and 757 Warden Avenue, such as first and third-party ground signs, traffic signs, reducing the likelihood of reading the content displayed on both signs simultaneously. Therefore, Staff believe that the relationship between these two signs should be minimal.

The Proposed Sign also requires a variance to be an additional ground sign on the Subject Premises, which already has a first-party ground sign. In response to this

requirement, the Applicant submitted that they disagree with the CBO's interpretation that such a variance to §694-25C(2)(h) is necessary. They pointed out that the Sign By-law categorizes signs into two classes - first-party and third-party, each governed by different provisions based on the sign district and type. They contended that §694-25C(2)(h) was intended to ensure only one third-party sign on the property and was not meant to control and regulate the number of first-party signs on the property.

However, the CBO does not share the same interpretation. The Sign By-law explicitly states in §694-25C(2)(h) that "an Employment Sign District may contain a third-party electronic ground sign, provided there is no more than one ground sign or electronic ground sign erected on the premises", and it does not differentiate between first and third-party signs in the regulation.

The Proposed Sign and the Existing Sign would be positioned less than 8 metres apart. Where the Sign By-law allows for signs to be erected on the same frontage, it mandates a minimum separation of 100 metres between signs. Given the property frontage of only 61.2 metres, this separation would not be feasible under any circumstances. Staff believe that the number of signs on the same frontage, which is less than 100 metres wide, and the proximity between the signs would increase the sign clutter on the Subject Premises. The Applicant has not provided any information to address this concern.

Figure 8: Looking Northwest from Warden Avenue to the Subject Premises



Given the above, it is the CBO's opinion that not sufficient information was provided to demonstrate that the Proposed Sign would not alter the character of the premises or surrounding area. Therefore, this criterion has not been established.

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

The Proposed Sign will comply with the provisions set out in the Sign By-law for third party electronic ground signs in an Employment Sign Districts in terms of: size, height, configuration, setback 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.

Regarding the requested variance to 694-25C(2)(d), the Proposed Sign would be allowed to be 2.0 metres from the eastern property line, whereas the minimum required setback is 3.0 metres. Staff determined that the applicant failed to provide sufficient information demonstrating that the Sign By-law requirements could not be met, nor did they provide any rationale for the reduced setback request. Moreover, the submissions did not sufficiently demonstrate how the Proposed Sign would support the Official Plan for the premises and surrounding area.

With respect to the requested variance to the Section 694-25C(2)(f), the Proposed Sign would be located so that some properties in R, RA, I and OS sign districts fall within the display zone. Given the dimensions of the Proposed Sign's sign face, its placement on the Subject Premises, combined with numerous existing physical barriers between the Proposed Sign and such sign districts, the Proposed Sign is not likely to cause any significant impacts on the surrounding area.

With respect to the requested variance to the Section 694-25.C(2)(k), the Proposed Sign would be allowed to be located 350 metres from another electronic third party ground sign at 757 Warden Avenue, contrary to the minimum 500 metres separation requirement. Due to the attributes of the Proposed Sign, the visual obstructions between the signs and the fact that they target different audiences, staff are of the opinion that there is little relationship between these two signs.

Regarding the requested variance to the Section 694-25.C(2)(h), the Proposed Sign would be permitted to be erected on a premises containing one first party ground sign, as opposed to the Sign By-law requirement allowing only one ground sign or electronic ground sign to be erected on the premises. Staff are of the opinion that the Applicant did not provide sufficient information to demonstrate that the reduced separation between signs would not contribute to clutter on the Subject Premises.

Therefore, it is the CBO's opinion that the Applicant's materials, even when supplemented by staff's research, did not provide sufficient information to confirm that the Proposed Sign will not be contrary to the public interest, and that this criterion has not been established.

CONCLUSION

The Applicant's materials and staff's research and investigation have not provided sufficient information for the CBO to establish that all eight criteria required to grant an

approval for the four requested variances, each subject to two conditions, have been met.

Specifically, the CBO is of the opinion that there was not do sufficient information to establish that the Proposed would support the Official Plan objectives for the Subject 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

Fernanda Patza, Policy Development Officer, City Wide Priorities, Toronto Building
Email: Fernanda.Patza@toronto.ca; Tel: 416-392-6987

SIGNATURE

Ted Van Vliet
Manager, City Wide Priorities, Toronto Building

ATTACHMENTS

Attachment 1 – Description of Signs, Requested Variances and Required Conditions
Attachment 2 – Applicant's Submission Package