

Application for Seven Variances, Each Subject to Two Conditions, Respecting One Third Party Electronic Ground Sign - 1139-1141 Kennedy Road

Date: April 24, 2024

To: Sign Variance Committee

From: Manager, City Wide Priorities, Toronto Building

Wards: Scarborough Centre (Ward 21)

SUMMARY

The BADER GROUP Inc., Jolt Charge Inc., and George Gagne (collectively described as the "Applicant") have applied for seven variances, each subject to two conditions condition, 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 premises municipally known as 1139-1141 Kennedy Road (the "Subject Premises").

The Subject Premises is designated as an Employment ("E") Sign District, which allows 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 horizontal dimension of 0.93 metres and maximum vertical dimension of 1.65 metres, 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 § 694-14R:** No sign shall be located in a visibility zone.

Proposed Varied Requirement: To allow the Proposed Sign to be erected in a visibility zone.

2) **Existing requirement § 694-22D:** A third party sign shall not be erected within 100.0 metres of any other lawful third party sign whether or not erected. **Proposed**

Varied Requirement: To allow the Proposed Sign to be erected approximately 89 metres from other lawful third party sign located at 1149 Kennedy Road.

3) **Existing requirement § 694-22E:** A third party electronic sign, as permitted by Subsections 694-25A(2), C(2), D(3), D(4), 694-26I(1), (2) and (3) shall not be erected within 150.0 metres of any other lawful third party sign whether or not

erected. **Proposed Varied Requirement:** To allow the Proposed Sign to be erected approximately 89 metres from other lawful third party sign located at 1149 Kennedy Road.

4) **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 be erected 0.5 metres from the property line, whereas the minimum Zoning By-law required setback is 3.0 metres.

5) **Existing requirement § 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 metres of any premises located, in whole or in part, in an R, RA, CR, I or OS sign district. **Proposed Varied Requirement:** To allow the Proposed Sign to be erected approximately 31.0 metres of a premises located in a CR sign district and 40 metres of a premises in a R sign district.

6) **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 CR sign district approximately 31 metres to the west, in the R sign districts 40 metres to the northwest and 70 metres to the west, and in the I sign district approximately 245 metres to the south.

7) **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 seven 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 694-14.R, 694-22.D, 694-22.E, 694-25.C(2)(d), 694-25.C(2)(e), 694-25.C(2)(f) and 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

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 renumbering section 694-30A accordingly.

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

ISSUE BACKGROUND

Required Variances

Table 1: Summary of Requested Variances

Section	Requirement	Proposal
694-14.R	No sign shall be located in a visibility zone.	To allow the Proposed Sign to be erected in a visibility zone.

Section	Requirement	Proposal
694-22.D	A third party sign shall not be erected within 100.0 metres of any other lawful third party sign whether or not erected.	To allow the Proposed Sign to be erected approximately 89 metres from other lawful third party sign located at 1149 Kennedy Road.
694-22.E	A third party electronic sign, as permitted by Subsections 694-25A(2), C(2), D(3), D(4), 694-26I(1), (2) and (3) shall not be erected within 150.0 metres of any other lawful third party sign whether or not erected.	To allow the Proposed Sign to be erected approximately 89 metres from other lawful third party sign located at 1149 Kennedy Road.
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 be erected 0.5 metres from the property line, whereas the minimum Zoning By-law required setback is 3 metres.
694-25.C(2)(e)	An E – Employment Sign District may contain a third-party electronic ground sign, provided the sign shall not be erected within 60 metres of any premises located, in whole or in part, in an R, RA, CR, I or OS sign district.	To allow the Proposed Sign to be erected approximately 31 metres of a premises located in a CR sign district and 40 metres of a premises in a R sign district.
694-25.C(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.	To allow the Proposed Sign to be facing premises in the CR sign district approximately 31 metres to the west, in the R sign districts 40 metres to the northwest and 70 metres to the west, and in the I sign district approximately 245 metres to the south.
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.	To allow the Proposed Sign to be an additional sign erected on a premises containing one first party ground sign.

Sign Attributes and Site Context

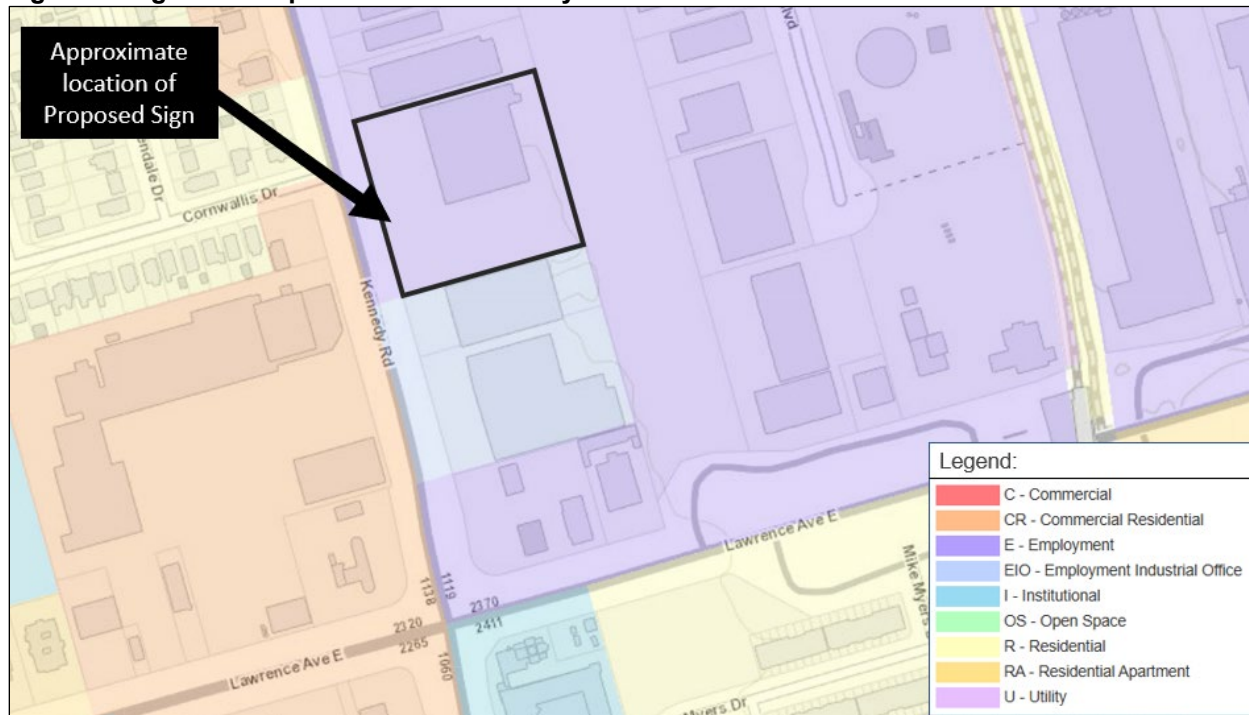
The Proposed Sign would be an electronic ground sign displaying electronic static copy, located at the property municipally known as 1139-1141 Kennedy Road, near the westerly limit of the Subject Premises. The Proposed Sign would consist of two rectangular sign faces in a back-to-back configuration, each with a maximum horizontal measurement of 0.93 metres and a maximum vertical dimension of 1.65 metres, with a sign face area of no more than 1.54 square metres. The sign faces would be oriented in the north-west and south-east directions, toward commuters on Kennedy Road travelling in both directions. The Proposed Sign is currently proposed to have a maximum height (vertical distance between grade and the highest point of a sign) of 2.65 metres. The Proposed Sign is described further in Attachment 1.

Figure 1: Image from Applicant's Submissions



Staff have confirmed that the Subject Premises is designated as being entirely in an E-Employment Sign District, located to the east of Kennedy Road Avenue in Ward 21 - Scarborough Centre, see SignView Map in Figure 2.

Figure 2: SignView Map - 1139-1141 Kennedy Road



There is one single-storey building located at the Subject Premises, containing a fitness studio. There is also one first party ground sign on the Subject Premises, containing two sign faces displaying static copy, located on the west frontage along Kennedy Road (the "Existing Sign").

Surrounding premises:

North: Employment (E) Sign District, single storey commercial building

South: Employment Industrial Office (EIO) Sign District, two-storey multi-tenanted commercial building

East: Employment (E) Sign District, low-rise, light industrial/commercial buildings

West: Commercial Residential (CR) Sign District, two-storey storey retail plaza; Residential (R) Sign District; low-rise residential

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: George Gange is the owner of the Subject Premises, and that Bader Group Inc. has been retained to represent the owner of the property and Jolt Charge Inc. as the applicant in the current variance application.

The Applicant has applied for seven 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 1139-1141 Kennedy Road, as further described in Attachment 1.

Application Background

The Proposed Sign is planned to be situated along the west frontage of the Subject Premises, along Kennedy Road. 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 directed approximately towards the northwest and southeast, allowing visibility for commuters travelling in both directions along Kennedy Road. Further details about the Proposed Sign can be found in Attachment 1.

The Proposed Sign would be positioned less than 10 metres north of an existing first party ground sign, which serves to identify the fitness centre operating on the Subject Premises.

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 are outside the scope of this report.

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 a virtual Community Consultation. The virtual Community Consultation session was held on the evening of April 16, 2024. No one attended the Community Consultation meeting, and as of the date of this report, no comments or concerns have been received from the public.

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

The Sign By-law contains criteria 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 the 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, in the CBO's opinion the information submitted by the Applicant does/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 staff, 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 allows 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 approximately 1.54 square metres and a height of 2.65 metres, the Proposed Sign complies with these Sign By-law requirements.

The property at 1139-1141 Kennedy Road houses a single-storey commercial building. This use is in-line with the Sign District and the Official Plan designations of the Subject Premises. The adjacent properties to the north, south and east feature low-rise buildings with commercial and light industrial uses. The properties to the west of the

Subject Premises contain low-rise commercial buildings and single-family houses. Staff's research did not identify any new developments in the immediate vicinity.

Figure 3: Aerial View - Adjacent Properties Uses



The Applicant has requested variances to locate the Proposed Sign within 60.0 metres of the nearby R and CR Sign Districts as well as to face the premises within the R, CR and I Sign Districts located less than 250 metres to the northwest, west and south, respectively.

According to the Applicant, the characteristics of the Proposed Sign differ significantly from those of many traditional outdoor advertising signs. The Proposed Sign is expected to be roughly 25% of the maximum height and have a sign face area that is approximately 7.6% of the maximum size that the Sign By-law allows in E sign districts. The Applicant states that the Sign By-law regulations for third-party electronic ground signs were established for larger outdoor advertising signs, which generally seek to be as close to the maximum size permitted by the Sign By-law, suggesting that the Proposed Sign, because of its scale, would be compatible with the existing surrounding.

Staff agree that the separation distances in the Sign By-law were established for signs of all sizes, up to the maximum allowed by regulation. However, while potential impacts of the Proposed Sign might be less pronounced than those of an electronic ground sign with the maximum sizes permitted by the Sign By-law, in these specific circumstances, Staff do not agree that the Proposed Sign, even at the height and sign face area imposed as conditions, would not negatively affect various premises in the surrounding area.

Given its height and face area, attributes imposed as conditions for the Proposed Sign, the illumination impacts are unlikely to reach 250 metres. Consequently, staff are of the opinion that there should be little relationship between the Proposed Sign and the I sign

district situated around 240 metres to the south. Staff also confirmed that the premises designated as CR sign district to the west does not appear to contain uses that could be affected by the operation of the Proposed Sign.

However, in Staff's view, the Applicant has not provided sufficient evidence to ensure that an electronic ground sign, displaying electronic static copy, would not negatively affect the residential properties in the R sign district to the northwest, which are deemed sensitive.

The Proposed Sign is planned to be situated approximately 40 meters southeast of the premises in the R sign district, while the separation distance required by the Sign By-law would be 60 metres, regardless of whether it faces the premises. Furthermore, the Proposed Sign would face these same premises, which are located at a distance that is only a sixth of the minimum 250-metre separation required for any third-party electronic ground sign otherwise permitted by the Sign By-law. Staff do not believe that the Applicant has provided enough evidence to show how the Proposed Sign, being so close to residential properties, would be compatible with the development of the surrounding area.

Therefore, it is the CBO's opinion that sufficient information has not been provided to establish that the Proposed Sign would be compatible with the development of the premises and surrounding area and that this criterion has not been met.

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

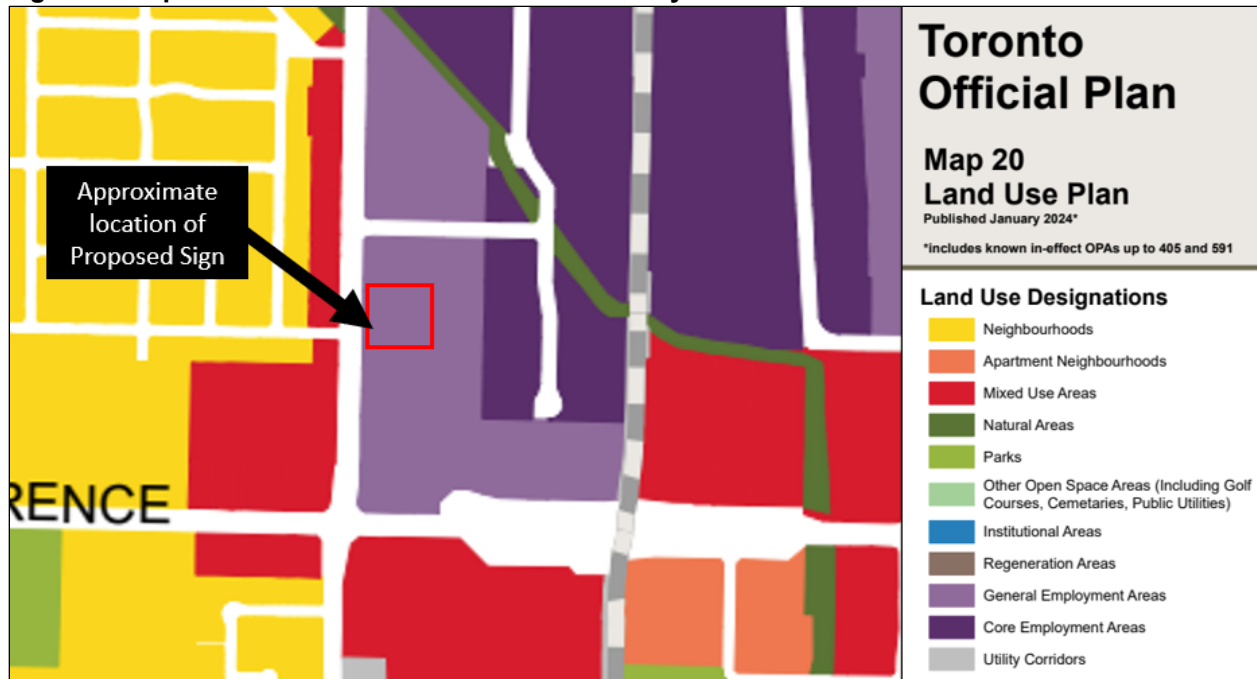
The property at 1139-1141 Kennedy Road is designated as a General Employment Area within the Official Plan. The area surrounding the Subject Premises is predominantly covered with Employment Area within the Official Plan (see Figure 4). Employment Areas are places of business and economic activity and 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 houses a single-storey commercial building, aligning with the Sign District and the Official Plan's designation for the property. The Applicant asserts 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.

The Applicant also stated that this Official Plan designation serves to protect and enhance the planned function of the subject site and the surrounding area by, among other things, prohibiting sensitive land uses within and adjacent to designated employment areas. However, this assertion appears contradictory as the lands directly west of the Subject Premises are designated as Mixed Use Areas, which according to the Official Plan could allow for uses of sensitive nature, such as residential. The application's supporting documents do not mention how the Proposed Sign would

support the Official Plan objectives for the Mixed Use surrounding the Subject Premises.

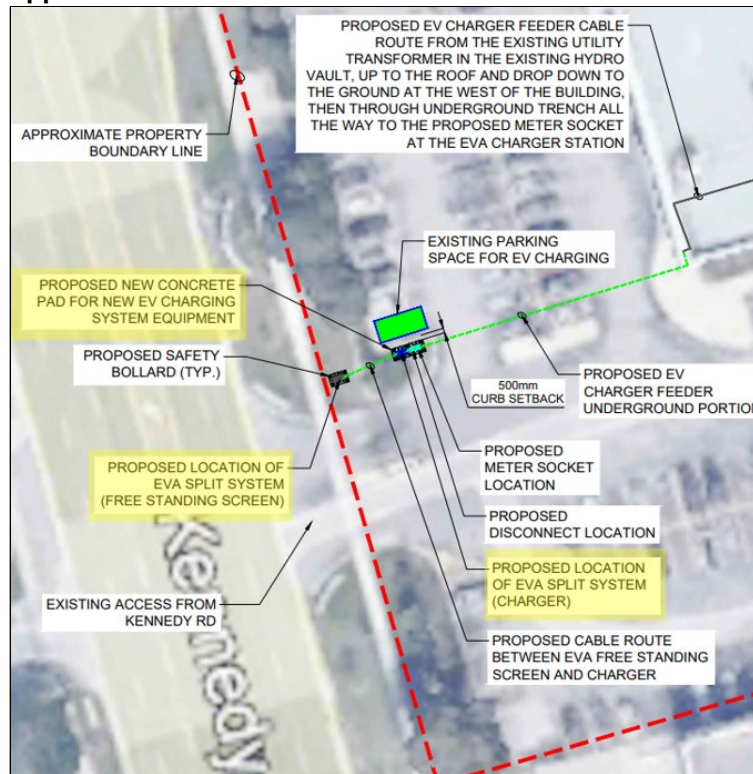
Figure 4: Map 20 Land Use Plan – 1139-1141 Kennedy Road



The Applicant's supporting documents suggest that the proposed electronic static sign and an EV charging station could potentially share the same structure. However, there seems to be a discrepancy in the submitted documents, indicating that the Proposed Sign and the EV charging station may be separate structures (see Figure 5). 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. This means that if granted, the variances would allow the installation of any third-party electronic ground sign with the specified attributes on the Subject Premises, regardless of the presence (or not) of an EV Charging station.

According to the Applicant's submissions, the construction of the EV charging station would support several policies in the Official Plan, suggesting that the proposed EV charging station would enhance the viability of the overall employment area by serving a larger public interest. However, the CBO maintains the view that even if the EV charging station and the Proposed Sign 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, such as the Proposed Sign, would support the Official Plan policy. This correlation would be even less significant if the structures are entirely separate. The submissions did not specify any objectives of the Official Plan that would be supported by the Proposed Sign.

Figure 5: Location of Proposed Sign in Relation to Electric Vehicle Charging Station - From Applicant's Submissions



The Zoning By-Law is the primary way in which the City implement's its Official Plan. The Zoning By-Law governs the built form of the city in a way that is consistent with the Official Plan objectives for properties throughout the city. 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 (ME) and Highway Commercial (HC) Zone Category. The permitted uses in the 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.

According to the submissions, Kennedy Road provides a generous sidewalk and boulevard on the right-of-way. This would allow for the Proposed Sign to be more than 9.5 metres from the road's travelled portion, as well as would not obstruct the pedestrian walkway or interfere with the existing landscaping. Applicant also stated that the placement of the Proposed Sign would be compatible with the existing first party ground signs at the Subject Premises and on the adjacent properties. Despite that, Staff is of the opinion that the Applicant did not provide sufficient evidence to demonstrate that the requirements of the Sign By-law could not be met, nor sufficient information to justify the requesting 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.

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

The property municipally known as 1139-1141 Kennedy Road is in an E Sign District, which allows third party electronic ground signs. The properties to the immediate east, 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 properties to the west are designated as CR and R sign districts, where third party electronic ground signs would typically not be permitted.

The Applicant is requesting variances to locate the Proposed Sign within 60.0 metres of the nearby R and CR Sign Districts as well as to face the premises within the R, CR and I Sign Districts located less than 250 metres to the northwest, west and south, respectively.

According to the Applicant's Submissions, the 250-metre separation requirement of the Sign By-law for electronic third-party ground signs was designed for conventional outdoor advertising products, and given that the Proposed Sign would be considerably smaller than what these regulations would permit, the impacts from the Proposed Sign on the surrounding area should be minimal.

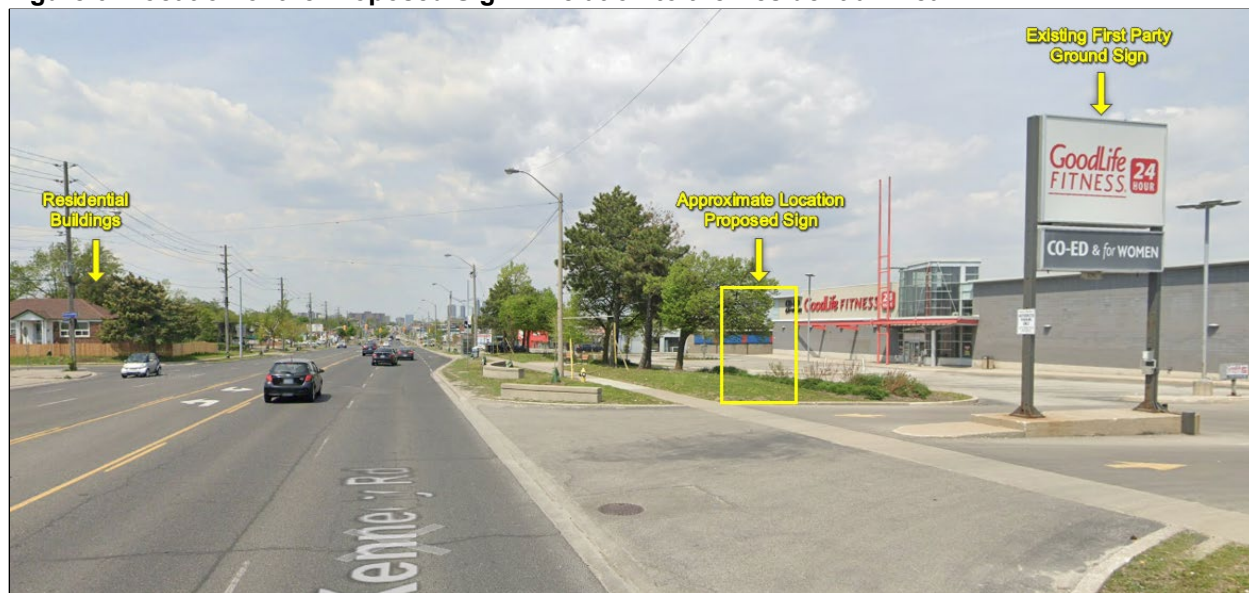
As mentioned before, the separation distances in the Sign By-law were established to regulate all signs otherwise permitted under the regulations, including signs with a greater sign face area and/or height. While there are provisions of the Sign By-law which do vary based on attributes of a sign or the premises on which it is located, the provisions for which the Applicant seeks a variance are not of that type. These provisions establish a minimum requirement regardless of the specific attributes of a sign within the permissible envelope.

Staff agree that the attributes of a sign are important to evaluate in the context of determining if a sign meets the requirements for a variance. In this specific case, Staff do agree that due to the orientation, location and dimensions required by the conditions, the Proposed Sign should not result in any adverse effects in the I sign district located around 240 metres to the south. Staff also agree that the premises designated as CR sign district to the west does not appear to contain uses that could be negatively affected by the operation of the Proposed Sign.

With respect to the properties located northwest of the Proposed Sign, which contain sensitive uses, the Applicant's submission suggests that these single-family residential lots are more of an exception than the rule, as most properties along Kennedy Road, from Lawrence Avenue East to Highway 401, are used for non-residential purposes. However, Staff investigation found that the areas west of the Subject Premises are classified as CR and R sign districts and are designated as Neighbourhood and Mixed

Use areas in the Official Plan. This implies that not only are sensitive uses like residential ones permitted, but new developments incorporating residential uses would also be deemed suitable for these properties.

Figure 6: Location of the Proposed Sign in relation to the Residential Area



Despite the argument that the potential impacts of the Proposed Sign would be less significant than those of an electronic ground sign of the maximum sizes permitted by the Sign By-law, Staff are of the opinion that the Applicant has not provided sufficient information to ensure that an electronic ground sign, displaying electronic static copy, would not cause any adverse impacts on the nearby residential properties, located approximately 40 metres to the northwest, and have a have a line of sight to the Proposed Sign.

The CBO is of the opinion information provided was not sufficient to confirm that the Proposed Sign would not have adverse effects on adjacent premises, and that this criterion has not 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 City has established regulations to effectively mitigate potential safety risks associated with all signs, including those displaying electronic static copy. These regulations encompass various factors such as setback from intersections, distance from street lines, and pedestrian triangles. Although The Proposed Sign complies with

some of these requirements, not all aspects have been adequately addressed in this proposal.

The Sign By-law has requirements that 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 requires a variance to be allowed to be situated entirely within this prohibited area for signs.

The supporting documents provided by the Applicant do not specifically address any potential impacts that may result from placing the sign in a visibility zone, only noting the ample existing right-of-way on Kennedy Road. Although the separation from the road might offer some support that the Proposed Sign's setback from the roadway would not pose traffic hazard, the Applicant has not furnished sufficient evidence to confirm that the proximity to the sidewalk and driveway would not affect pedestrian safety. Furthermore, no information was provided to support the selected location for the Proposed Sign nor to determine whether the Sign By-law's requirements could otherwise be met.

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, it is Staff's opinion that not sufficient basis was provided to ensure that the Proposed Sign would not adversely affect public safety. As such, the CBO is of the opinion that this criterion has not 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.

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, in conjunction with the investigation conducted by City staff, confirm that the proposed sign is situated in an E Sign District, which allows for third-party electronic ground signs. The Subject Premises houses a single-storey commercial building, and the surrounding area along this section of Kennedy Road primarily consists of low-rise buildings with similar uses.

The Applicant is seeking variances to install the proposed sign 89 metres from an existing static third-party ground sign, located on the neighboring property to the north. The submissions have not addressed the relationship between these two signs, nor provided any justification for this request for reduced separation.

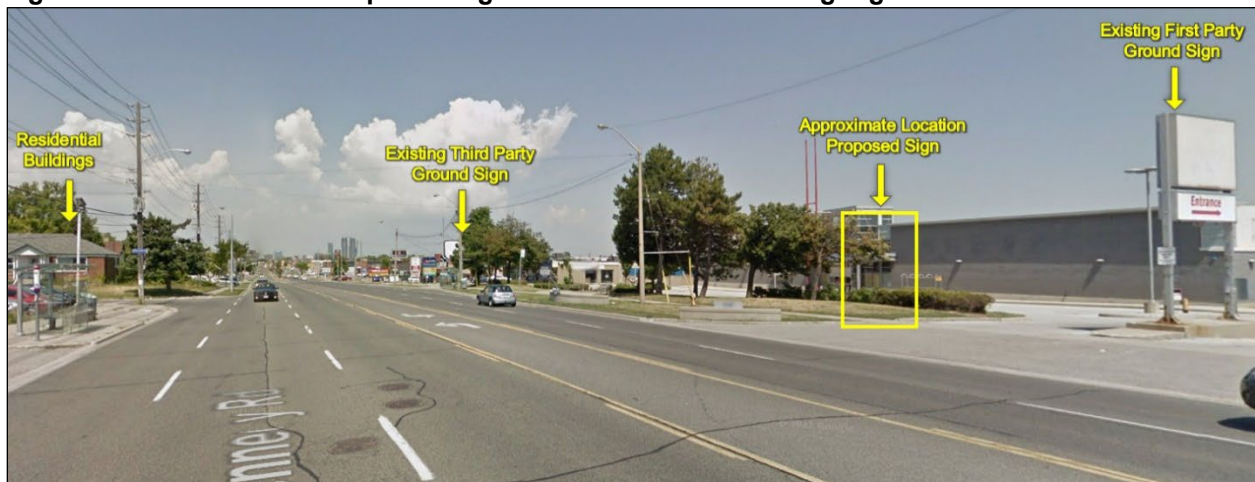
Additionally, the Applicant is requesting a variance to erect the Proposed Sign at premises that already contain one static first-party ground sign. The Existing Sign identifies the business at the Subject Premises, and is located on the east frontage along Kennedy Road, the same frontage where the Proposed Sign would be displayed.

Despite the submissions not addressing the potential clutter due to the presence of the first-party ground sign at the Subject Premises, the Applicant submitted a separate correspondence opposing the need for a variance to §694-25C(2)(h), arguing that this provision applies solely to third-party signs. They highlight that the Sign By-law distinguishes between two classes of signs - first-party and third-party, each regulated by different provisions based on the sign district and type. They contend that §694-25C(2)(h) was designed to ensure only one third-party sign on the property and was not intended 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 distinguish between first and third-party signs in the regulation.

The Proposed Sign and the Existing Sign would be positioned less than 10 metres apart. Where allowed, the Sign By-law requires a minimum separation of 100 metres between signs on the same frontage. Staff is of the view that the proximity between these signs could result in increased clutter on the Subject Premises, and the Applicant has not provided adequate information to prove otherwise.

Figure 7: Location of the Proposed Sign in relation to the Existing Signs



Given the above, it is the CBO's opinion that insufficient 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.

To allow for a permit to be issued for the erection and display of the Proposed Sign, the applicant is seeking variances to sections 694-14.R, 694-22.D, 694-22.E, 694-25.C(2)(d), 694-25.C(2)(e), 694-25.C(2)(f), and 694-25.C(2)(h). In summary, if granted, these variances would allow the Proposed Sign to be erected in a visibility zone, with a reduced separation from other third-party signs and from sensitive sign districts, situated within the required setback and on a property that already has an existing ground sign.

The CBO believes that the applicant's materials, even when supplemented by Staff research, did not provide adequate evidence to demonstrate that the Proposed Sign would be compatible with the premises and surrounding area, would support the Official Plan objectives for the premises and surrounding area, would not adversely affect impact adjacent premises, would not adversely affect public safety, and would not alter the character of the premises or surrounding area.

Consequently, in the CBO's opinion, the Applicant has failed to establish the Proposed Sign will not be contrary to the public interest, and this criterion has not been met.

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 seven requested variances, subject to two conditions, have been met.

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

CONTACT

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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