

Application for Five Variances, Each Subject to Two Conditions, Respecting One Third Party Electronic Ground Sign - 1380 Don Mills Road

Date: April 24, 2024

To: Sign Variance Committee

From: Manager, City Wide Priorities, Toronto Building

Wards: Don Valley East (Ward 16)

SUMMARY

BADER GROUP Inc., JOLT Charge Inc. and Concordian Realty Management Inc. (collectively described as the "Applicant") have applied for **five** 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 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 by 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 § 694-14R:** 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 § 694-25C(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 9.0 metres.

3) **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 R sign district.

4) **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 R sign district and the OS sign district located, respectively, 31 and 220 metres to the east.

5) **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 conditions:

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 five 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, 694-25.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.	The Proposed Sign would be erected in a visibility zone.
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.	The Proposed Sign would be erected 0.5 metres from the property line, whereas the minimum Zoning By-law required setback is 9.0 metres.

Section	Requirement	Proposal
694-25.C(2)(e)	An Employment "E" 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.	The Proposed Sign would be erected approximately 31.0 metres of a premises located in a R sign district.
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	The Proposed Sign would be facing premises in the R and OS sign districts, located approximately 31 and 220 metres to the east, respectively.
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

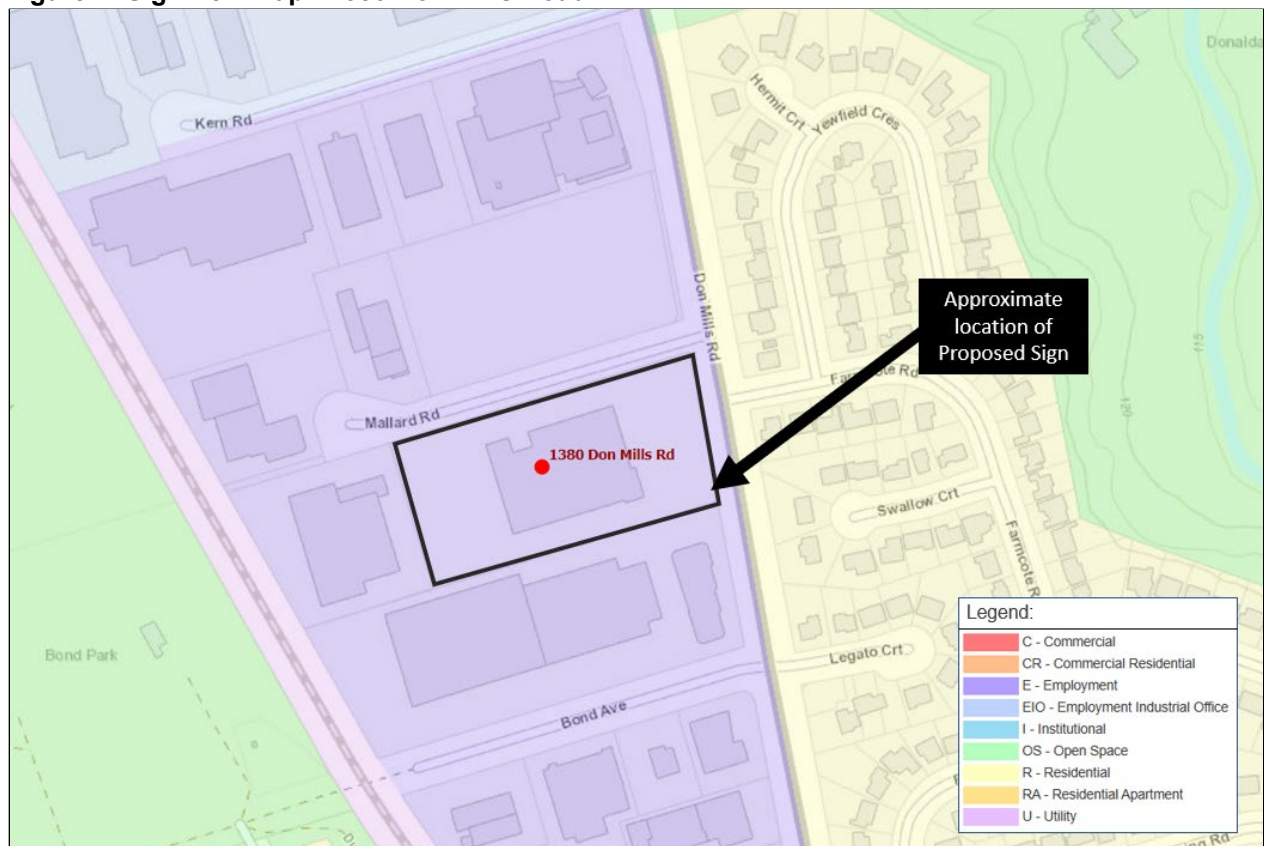
The Proposed Sign would be an electronic ground sign, displaying electronic static copy, located at the property municipally known as 1380 Don Mills Road, near the easterly limit of the Subject Premises. It would consist of two rectangular sign faces in a back-to-back configuration, each with a bisecting line not exceeding 0.93 metres (horizontal measurement of the sign face) and centre line not exceeding 1.65 metres (vertical dimension of the sign face), with a sign face area of not more than 1.54 square metres. The sign faces would be oriented approximately in the north-west and south-east directions, targeting commuters on Don Mills Road travelling in both directions. The Proposed Sign is described further in Attachment 1. The Proposed Sign would 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 west of 1380 Don Mills Road in Ward 16 - Don Valley East, see SignView Map in Figure 2.

Figure 2: SignView Map - 1380 Don Mills Road



There is one single-storey building located at the Subject Premises, housing a gym and fitness club. There is also one first party ground sign identifying the business operating on the Subject Premises, which contains two sign faces displaying static copy, and is located on the northeast portion of the Subject Premises, near the Don Mills Road and Mallard Road intersection. (the "Existing Sign").

Surrounding premises:

North: Employment (E) Sign District, single storey retail plaza

South: Employment (E) Sign District, low-rise multi-tenanted commercial building

East: Residential (R) Sign District, low-rise single family dwellings

West: Employment (E) Sign District, School.

COMMENTS

Applicant Information

For purposes of this report, the term Applicant will be used to describe all of the entities declaring 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 five 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 1380 Don Mills Road, 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 Don Mills Road. It would feature two rectangular sign faces, each 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 in the north-west and south-east directions, allowing visibility for commuters travelling in both directions on Don Mills Road. Further details about the Proposed Sign can be found in Attachment 1.

The Proposed Sign would be positioned around 78 metres south of an existing first party ground sign, which serves to identify the gym and fitness club operating on the Subject Premises.

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 which was attended by a member of the Community who had expressed an interest in the application, as well as representatives of both the Applicant and the City.

As of the date of this report, the City has received one correspondence opposing the construction of the Proposed Sign. The concerns raised by the public were centered around the potential effects of the Proposed Sign's illumination, the alterations it could introduce to the character of the area, and its compatibility with the surrounding residential neighborhood.

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 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 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.

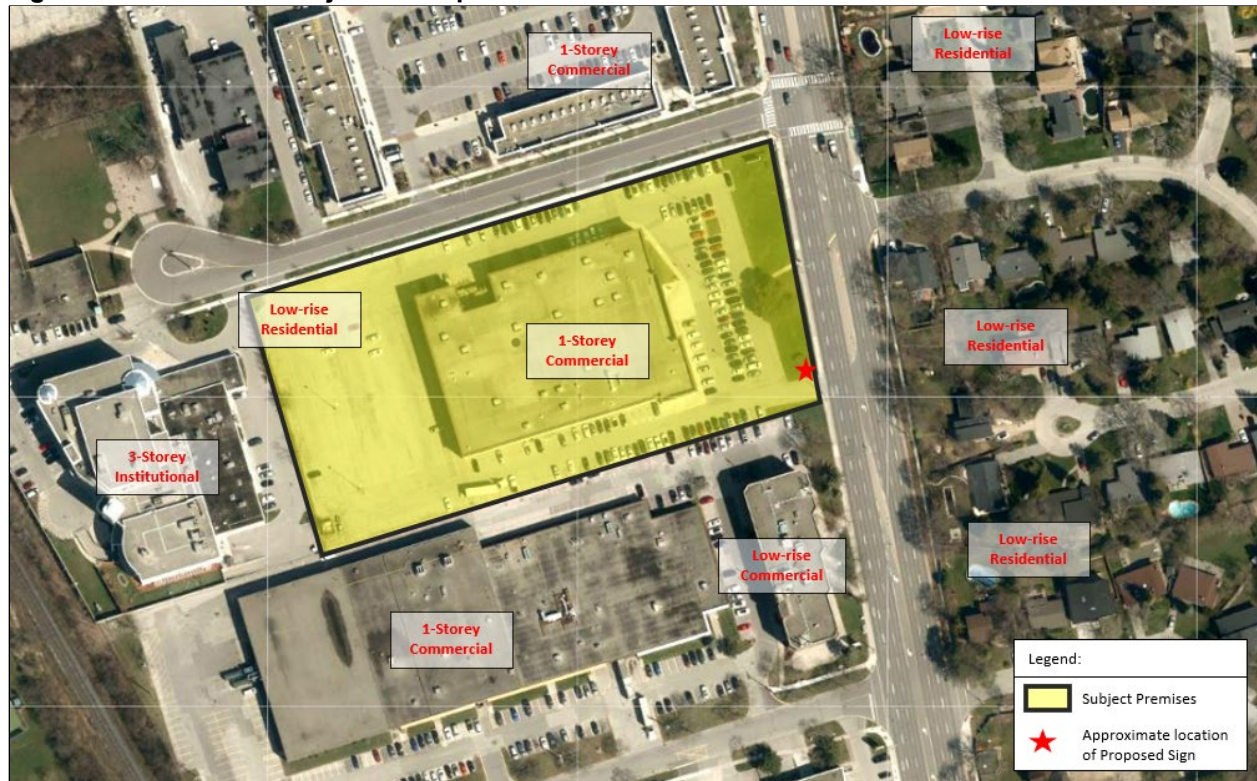
The Sign By-law permits a maximum sign face area of 20 square metres and a maximum height of 10 metres for third party electronic signs in E Sign Districts. With a sign face area of approximately 1.54 square metres and a maximum height of 2.65 metres, the Proposed Sign complies with these Sign By-law requirements.

The property municipally known as 1380 Don Mills Road contains 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 and south feature low-rise buildings with commercial and office uses. The property immediately to the west of the Subject Premises contains a secondary school and a daycare. The premises to the east are predominantly single-family dwellings.

The Applicant has requested variances to locate the Proposed Sign within 60.0 metres of the nearby R sign districts, as well as to face the premises within the R and OS Sign Districts located less than 250 metres to the east.

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 approximately 25% of the maximum permitted height and have a sign face area that is around 7.6% of the maximum permitted size in the Sign By-law for 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.

Figure 3: Aerial View - Adjacent Properties Uses



Staff agrees 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. Therefore, the potential impacts of the Proposed Sign given its height and face area, attributes imposed as conditions for the Proposed Sign, are unlikely to extend up to 250 metres. In staff's opinion these attributes of the Proposed Sign coupled with the existing buildings separating the OS sign district from the Subject Premises, should have minimal relationship between the Proposed Sign and the OS sign district located approximately 200 metres to the east.

However, Staff do not agree that the proposed height and sign face area, even imposed as conditions for the Proposed Sign, sufficiently address potential impacts of the Proposed Sign on various premises in the surrounding area. In Staff's view, the Applicant has not provided enough evidence to assure that an electronic ground sign displaying electronic static copy, such as the Proposed Sign, would not negatively affect the residential properties in the R sign district.

The Applicant stated that the visibility of the Proposed Sign from the residential area on the east side of Don Mills Road is completely shielded by fencing, mature vegetation and the 'back-lotting' configuration of the residential subdivision. Staff's assessment of the area suggests that the visibility of the Proposed Sign would not be entirely obstructed by existing barriers (see Figure 4).

While the impacts of the Proposed Sign might be less pronounced than those of an electronic ground sign of the maximum sizes permitted by the Sign By-law, the Proposed Sign is intended to be located about 31 meters west of the premises in the R sign district. This is nearly half the minimum required distance, even if the electronic

ground sign does not face the Sign District in question. Furthermore, the Proposed Sign would face these same premises, which are located at a distance that is only an eighth of the minimum 250-metre separation required by the Sign By-law. Staff believes that the Applicant has not provided sufficient information to show how the Proposed Sign, being so close to residential properties would be compatible with the development of the surrounding area.

Figure 4: Location of the Proposed Sign in relation to the Residential Area



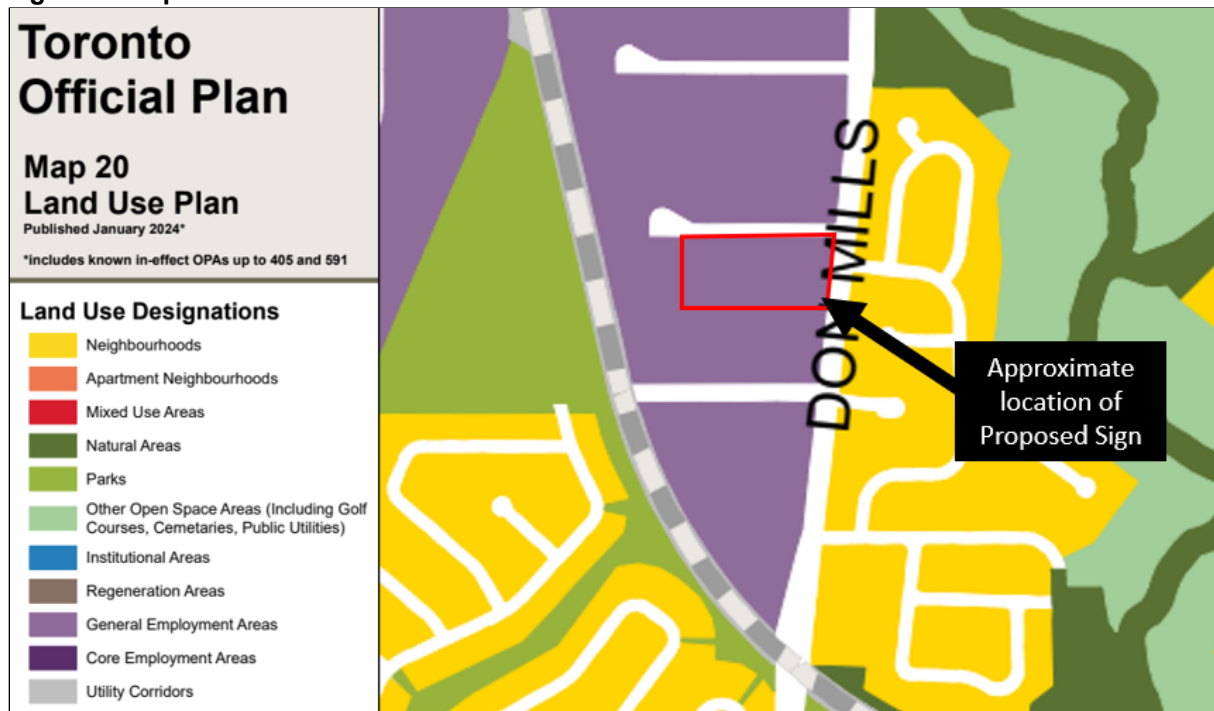
Therefore, it is the CBO's opinion that not sufficient information was provided to establish that the Proposed Sign would be compatible with the development of the premises and surrounding area and that this criterion has not been met.

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

The property at 1380 Don Mills Road is designated as a General Employment Area within the Official Plan. The area surrounding the Subject Premises to the north, south and west is also covered with Employment Area within the Official Plan (see Figure 5). 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 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.

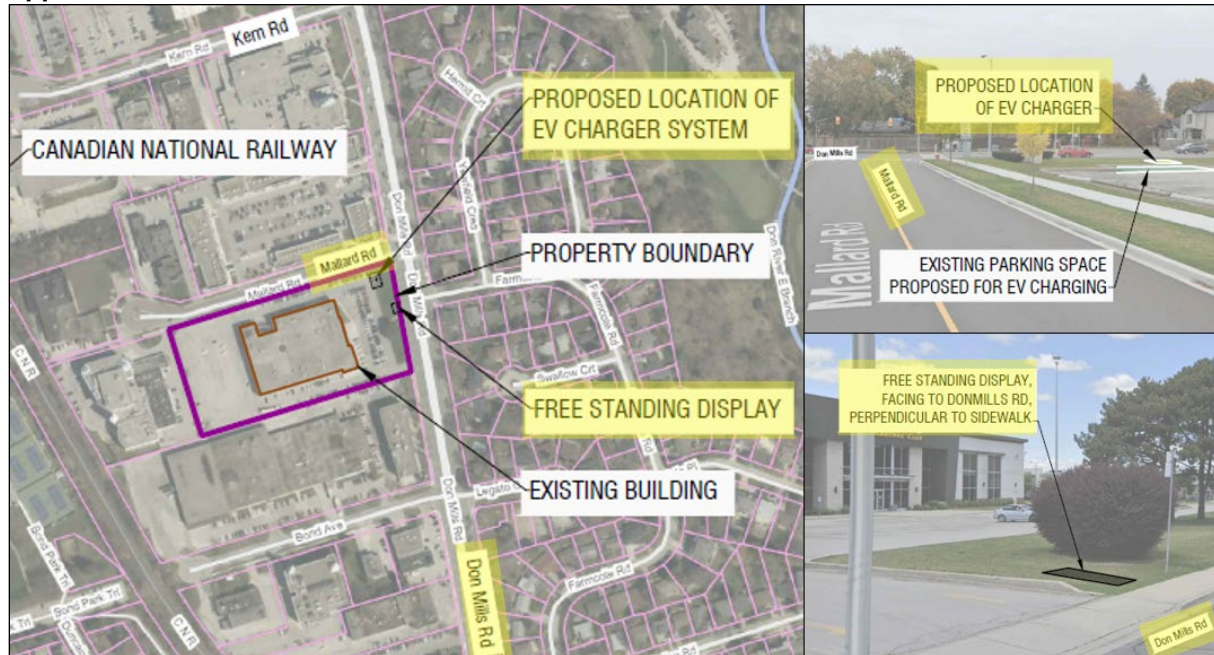
Figure 5: Map 20 Land Use Plan – 1380 Don Mills Road



The Applicant also states that the Official Plan designation aims to protect and enhance the planned function of the Subject Premises and its surroundings by, among other measures, prohibiting sensitive land uses within and adjacent to designated employment areas. However, this assertion appears contradictory as the lands directly east of the Subject Premises are designated as Neighbourhood Areas. As per the Official Plan, Neighbourhoods areas are considered physically stable areas made up of residential uses in lower scale buildings, which is consistent with the current use of the area. The application documents do not mention how the Proposed Sign would support the Official Plan's objectives for the Neighbourhood Areas surrounding the Subject Premises.

The Applicant's submissions state several policies in the Official Plan that would be supported by the installation of an electric vehicle charging station, however the supporting documents suggest that the electric vehicle charging station would be situated over 70 metres away from the Proposed Sign's location, and on a different frontage (see figure 6). Consequently, there appears to be little relationship between the Proposed Sign and the electric vehicle charging station planned for the Subject Premises.

Figure 6: 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 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 North York By-law No. 7265 and is designated as Industrial-Commercial Zone. 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 Applicant's submissions, Don Mills Road provides a generous sidewalk and boulevard on the right-of-way, and the Proposed Sign would not obstruct the pedestrian walkway or interfere with the existing landscaping. Moreover, several buildings and existing first party ground signs on the surrounding properties that are positioned closer than the setback required by the Zoning By-law.

The Applicant also states that the existing first party ground sign's setback is roughly 4.5 metres, not adhering to the front yard setback regulations. 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.

In spite of that, Staff is of the opinion that the Applicant did not provide sufficient evidence to demonstrate why the Sign By-law requirements could not be met, nor adequate information to justify the request for a reduced setback.

It is the CBO's opinion that 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, this criterion has not been established.

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

The property at 1380 Don Mills Road is in an E Sign District, which allows third party electronic ground signs. The adjacent properties to the immediate north, west and south of the Proposed Sign's location are also E sign districts. The properties to the east are designated as R sign district, where third party electronic ground signs are not permitted.

The Applicant is requesting variances to locate the Proposed Sign within 60.0 metres of the nearby R sign districts as well as to face the premises within the R and OS Sign Districts located respectively 31 metres and 220 metres to the east. According to the submissions, the separation requirements 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 typically 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. While there are provisions in the Sign By-law which do vary based on attributes of a sign, or the premises which it is located upon, the provisions for which the Applicant seeks a variance are not of that type. The provisions The Applicant has requested to vary establish minimum requirements 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, City staff agree that due to the orientation, location and dimensions of the Proposed Sign the reach of its potential impacts should be less than 250 metres. The existing structures separating the OS sign district and the Subject Premises, along with the Proposed Sign attributes, subject to the requested conditions, led Staff to the conclusion that the impacts of the Proposed Sign on the OS sign district 220 metres to the east would be negligible.

With regards to the premises situated east of the Proposed Sign, which are deemed sensitive, the Applicant's submission implies that these single-family homes would have a limited view of the Proposed Sign due to obstructions from existing vegetation and fences. However, Staff's investigation found that some of the residential units, being

two-storey buildings, could have a line of sight to the Proposed Sign, as they are taller than the fences. 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 evidence to ensure that an electronic ground sign, displaying electronic static copy and located so close to residential properties, would not negatively impact these areas.

Therefore, the CBO is of the opinion that the 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. While the Proposed Sign complies with some of these standards, not all aspects have been adequately addressed in this proposal.

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 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 Don Mills 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 and why it could not meet the Sign By-law requirements.

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 to the north and south of the Subject Premises primarily consists of low-rise buildings with similar uses.

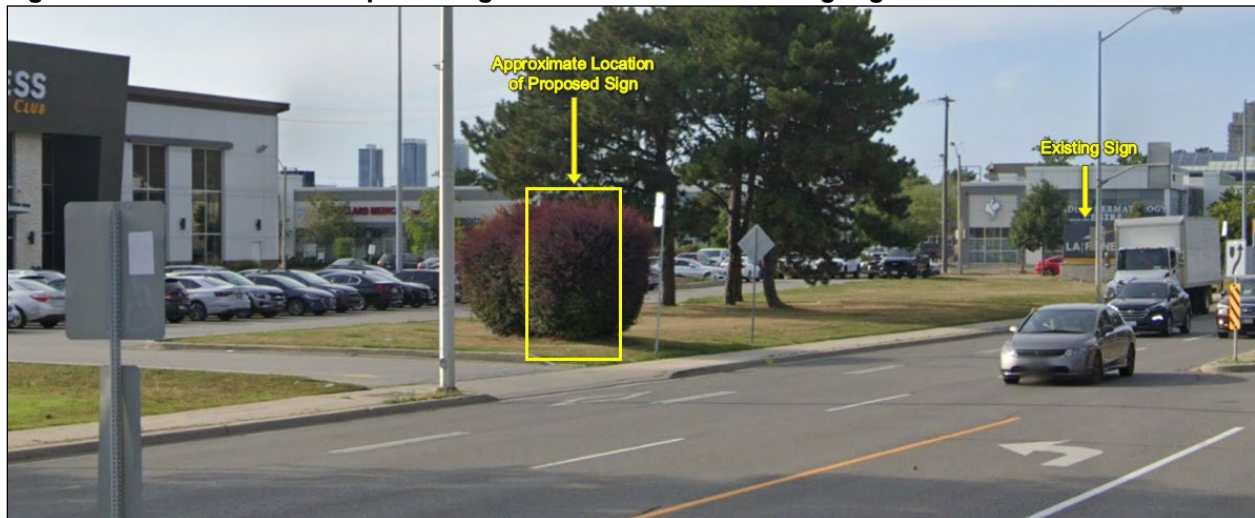
The Applicant is requesting a variance to erect the proposed sign at premises that already contain one static first-party ground sign. The Existing Sign identifies the business on the Subject Premises and is located around 78 metres to the north of the Proposed Sign's location.

Although The Applicant's supporting documents do not specifically address the potential clutter due to the presence of the first-party ground sign at the Subject Premises, the Applicant submitted other correspondences 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 premises and was not intended to control and regulate the number of first-party signs on the premises.

However, the CBO disagrees with the Applicant's 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.

Staff reviewed the submitted documents and believe that due to the separation between the Proposed Sign and the Existing Sign being more than 75 metres, along with the extent of the frontage where the Proposed Sign would be located, there is no reasonable basis for any concern regarding increased clutter on the Subject Premises.

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



With respect to the character of the surrounding area, the Applicant states that the Proposed Sign would align with the primary character and purpose of the industrial and associated activities in the immediately surrounding General Employment Areas. However, there is no mention of how a third-party electronic ground sign would harmonize with the character of the adjacent residential area to the east.

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, 694-25.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 sensitive land uses, situated within the required setback and on a premises that already has an existing ground sign.

The CBO believes that the Applicant's materials, even when supplemented by Staff's 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.

Moreover, the Proposed Sign has raised concern from the community. Members of the community are in a unique position to provide feedback on any impacts or concerns regarding the Proposed Sign. Written feedback and input received from members of the community expressed that the Proposed Sign is not compatible with the character of surrounding area and may impact the surrounding properties. This feedback further indicates a concern that the Proposed Sign would adversely impact the community as a whole.

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, even supplemented by 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, each subject to two conditions, variances 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