

Application for Four Variances, Each Subject to Five Conditions, Respecting One Third Party Electronic Ground Sign - 5395 Eglinton Avenue West

Date: August 22, 2024

To: Sign Variance Committee

From: Project Director, Business Transformation and Citywide Priorities, Toronto Building

Wards: Etobicoke Centre (Ward 2)

SUMMARY

PATTINSON Outdoor Advertising Limited Partnership (the "Applicant") has applied for four variances, subject to five 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 premises municipally known as 5395 Eglinton Avenue West, in Etobicoke (the "Subject Premises").

The Subject Premises is designated as an Employment ("E") Sign District, which allows third party electronic ground signs. The Proposed Sign will have a maximum height of 9.0 metres from the grade, and will contain two rectangular sign faces, each with a maximum centre line of 5.79 metres; a maximum bisecting line of 2.91 metres, with a sign face area not exceeding 16.85 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)(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 New Requirement:** To allow the Proposed Sign to be erected 3.0 metres of a premises located in an OS sign district.

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 New Requirement:** To permit the Proposed Sign to be facing premises in an OS Sign District 3.0 metres to the

southwest, an OS Sign District 140.0 metres to the east, and an R Sign District 241.0 metres to the east.

3) **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 New Requirement:** To allow the Proposed Sign to be an additional sign erected on a premises which contains already one first party ground sign.

4) **Existing Requirement § 694-25C(2)(k):** An E – Employment Sign District may contain a third party electronic ground sign, provided where the sign has two faces, the sign faces shall be back to back. **Proposed New Requirement:** To permit the Proposed Sign to contain two sign faces in a "V-shape" configuration.

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

Condition 1: The Proposed Sign have installed and maintained a physical barrier along the eastern edge of the southwestern sign face, which shall sufficiently block illumination from the sign to the satisfaction of the Chief Building Official.

Condition 2: The interior angle of the sign faces shall not exceed 45 degrees.

Condition 3: The height of the sign shall not exceed the lesser of 9.0 metres or the height of the existing buildings located on the Subject Premises as of August 22, 2024.

Condition 4: The Proposed Sign's sign faces shall be orientated in the approximately northerly and southwesterly directions.

Condition 5: The sign shall operate with a reduced brightness of 150 NITS between sunset and sunrise.

Following a review of the Applicant's submissions and additional information provided by the staff, the CBO has determined that there was sufficient information 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 all of 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 grant the requested variances to sections 694-25.C(2)(e), 694-25.C(2)(f), 694-25.C(2)(h) and 694-25.C(2)(k), each subject to five 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>

Centennial Park Master Plan Implementation

The City updated the Centennial Park Master Plan in 2021 to guide decision-making around improvements, programming and management of the park. The Centennial Park Master Plan Update seeks to find a new balance between the natural environment and recreational facilities, addressing the existing fragmentation of the site and revealing unique features that should be cherished and preserved. The document outlines strategies that will be implemented over the course of 20 years.

<https://www.toronto.ca/city-government/planning-development/construction-new-facilities/parks-facility-plans-strategies/centennial-park-master-plan/>

ISSUE BACKGROUND

Required Variances

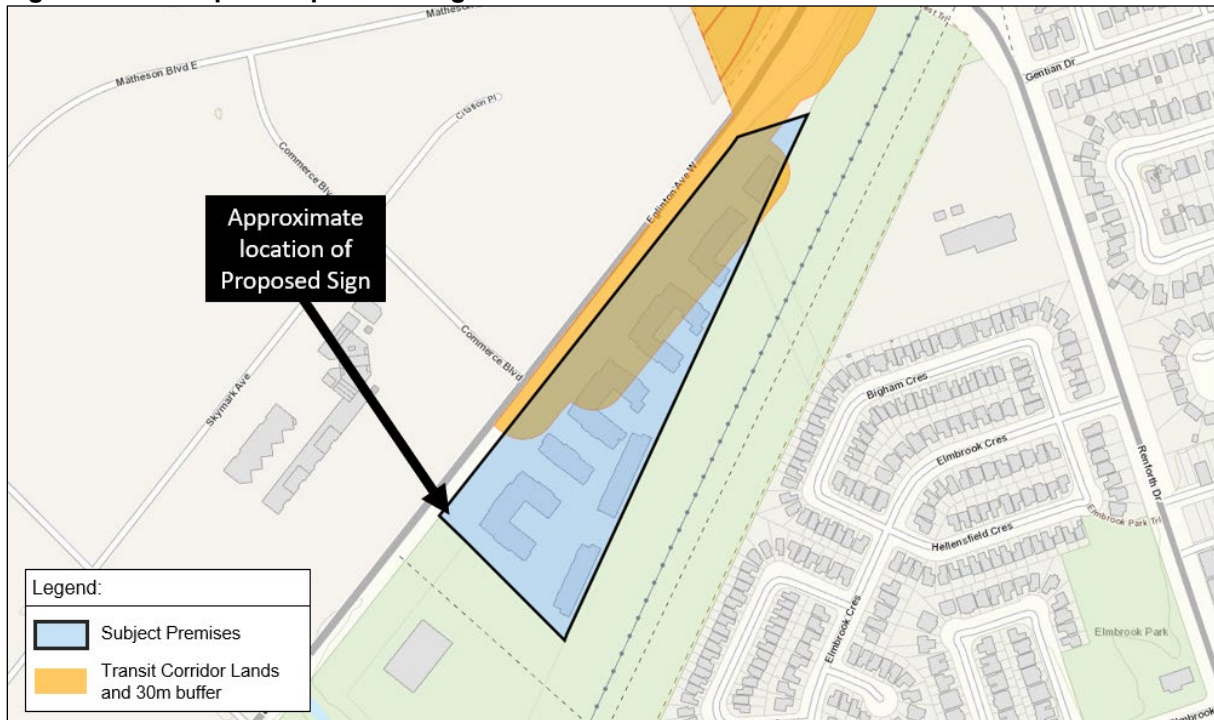
Table 1: Summary of Requested Variances

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 60.0 metres of any premises located, in whole or in part, in an R, RA, CR, I or OS sign district.	The Proposed Sign would be erected 3.0 metres of a premises located in an OS 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 face premises in an OS Sign District 3.0 metres to the southwest, an OS Sign District 140.0 metres to the east, and an R Sign District 241.0 metres to the east.
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.
694-25C(2)(k)	An Employment "E" Sign District may contain a third party electronic ground sign, provided where the sign has two faces, the sign faces shall be back to back.	The Proposed Sign would contain two faces in a "V-shape" configuration.

Sign Attributes and Site Context

The Proposed Sign is an electronic ground sign with two sign faces displaying electronic static copy. The Proposed Sign would be located at the property municipally known as 5395 Eglinton Avenue West, on the west frontage, near the south-westerly limits of the Subject Premises. The sign faces would be oriented in a "V-shape" configuration to be viewed by vehicular traffic travelling along Eglinton Avenue West in both directions.

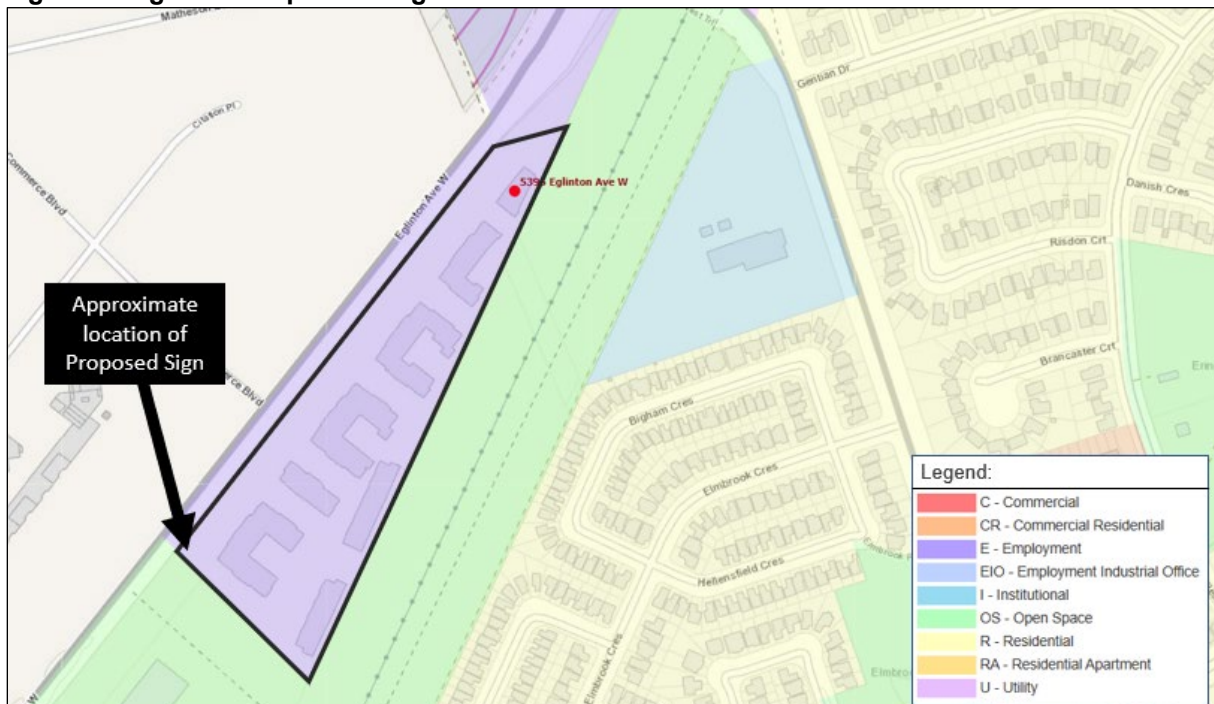
Figure 1: GIS Map Excerpt – 5395 Eglinton Avenue West



There are eight low-rise commercial buildings located at 5395 Eglinton Avenue West, as per GIS map in Figure 1. The buildings on the Subject Premises are occupied by offices and restaurants.

Staff have confirmed that the Subject Premises is designated as being entirely in an Employment ("E") Sign District, located to the east of Eglinton Avenue West in Ward 2-Etobicoke Centre, see SignView Map in Figure 2.

Figure 2: SignView Map - 5395 Eglinton Avenue West



The Subject Premises currently has one first party ground sign, containing two sign faces displaying static copy, located on the Eglinton Avenue West frontage and facing the north-easterly and the south-westerly directions (Figure 3). The existing ground sign identifies the London Gate Pub, a business located on the Subject Premises.

Surrounding premises:

North: Employment (E) Sign District, vacant land.

South: Open Space (OS) Sign District, Centennial Park.

East: Open Space (OS) Sign District, Centennial Park and hydro corridor area.

West: Eglinton Avenue West, City of Mississauga.

Figure 3: Looking Southeast from Eglinton Avenue West to the Subject Premises



COMMENTS

Applicant Information

Pattinson has stated that they have been authorized by the owner of the property municipally known as 5935 Eglinton Avenue West to apply for four variances, each subject to five conditions, required to allow for a permit to be issued for one third party electronic ground sign with two sign faces, displaying electronic static copy, as further described in Attachment 1.

Application Background

The Proposed Sign would be located along Eglinton Avenue West, on the west frontage of the property, with two faces facing in an approximate southwesterly and northerly directions, to be viewed by commuters travelling along Eglinton Avenue West in both directions.

The Proposed Sign would contain two rectangular sign faces, displaying electronic static copy, each with a maximum center line of 5.79 metres (horizontal measurement of the sign face); a maximum bisecting line of 2.91 metres (vertical measurement of the sign face), with a maximum sign face area of 16.85 square metres, in a “V-shape” configuration. The Proposed Sign is described further in Attachment 1.

Community Consultation

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

The CBO also informed the public of an additional virtual Community Consultation. The virtual Community Consultation meeting was held on the evening of March 12, 2024. No one attended the Community Consultation meeting, and as of the date of this report, the City has received two emails expressing opposition to the Proposed Sign with concerns regarding potential light impacts and changes to character of the area.

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 eight established criteria.

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 and staff, 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

The Subject Premises (5395 Eglinton Avenue West) is located in an E Sign District, which permits electronic ground signs at a size and height consistent with the Proposed Sign. 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 Proposed Sign would face OS Sign Districts approximately 3.0 metres to the southwest and 140.0 metres to the east, and an R Sign District to 241.0 metres also to the east from the Proposed Sign's location, contrary to the Sign By-law separation requirements. The Sign By-law restricts electronic ground signs to be located within 60 metres of the R and OS Sign Districts, and when located within 250 metres of R and OS Sign Districts, the Sign By-law does not allow the sign to face any premises on such districts.

Figure 4: Aerial View - Adjacent Properties Uses



The Applicant's submissions indicate that the visibility and impacts of the Proposed Sign on the properties to the east would be minimal. This is primarily due to the physical barrier created by the eight existing two-storey buildings on the Subject Premises, which are situated between the Proposed Sign and the eastern properties. Furthermore, according to the Applicant's submissions, any residential properties that could have some visibility of the Proposed Sign would be at a distance of at least 250 metres, in compliance with the separation requirements of the Sign By-law.

The CBO believes that any potential impact on the sign districts to the east would be further mitigated by the conditions of restricting the height of the Proposed Sign and requiring the sign faces to be oriented in the northerly and southwesterly directions. These conditions would ensure that the Proposed Sign does not surpass the height of the existing buildings on the Subject Premises and limit the visibility of the sign face from the residential area.

Regarding the impacts in the OS Sign District to the south, where Centennial Park is located, the Applicant states that the open space and employment properties are separated by mature trees and differences in grade, which would obstruct the visibility of the Proposed Sign from any public space in Centennial Park. Moreover, the nearest building in the park, an indoor soccer facility, is situated approximately 90 metres south of the Proposed Sign's location and has no windows towards the Proposed Sign. The other amenities are located more than 250 metres away.

In 2021, the City updated the Centennial Park Master Plan establishing a 20 year plan to guide decision-making around improvements, programming and management of the park. Staff has reviewed the Centennial Park Master Plan and discovered that the former Soccer City Building has been repurposed as a Service and Operations Yard. No imminent developments were identified that could be impacted by the Proposed Sign. However, to verify this information, a consultation with Parks Forestry and Recreation Division (PF&R) was conducted. PF&R indicated that the redevelopment of the northwest portion of Centennial Park includes a cricket hub, with one of the proposed new fields situated just over 50 meters from the Proposed Sign. Sketches were provided to illustrate the locations (see Figure 5).

To mitigate impacts on the surrounding premises, the Applicant has requested a variance to allow the Proposed Sign to be erected in a "V-shape" configuration, as opposed to a back-to-back configuration required by the Sign By-law. According to Applicant's submission, the "V-shape" configuration would reduce the visibility of the Proposed Sign's southwestern face from the eastern and southeastern properties. Moreover, it would ensure that the content is aimed at the target audience on Eglinton Avenue West. The suggested arrangement would also deflect light away from the park's public areas, thereby reducing the impact on these areas.

The Applicant also proposed as conditions of approval that a physical barrier be installed on the southwestern face of the Proposed Sign, along the edge closest to the open space premises, and that the sign shall operate with a reduced brightness of 150 NITS between sunset and sunrise, which is 50% of what is currently permitted in the Sign By-Law.

Although PF&R did not definitively establish whether there would be no concerns arising from the Proposed Sign, staff believe that, upon reviewing the submissions along with the provided sketches, the proposed "V-shape" configuration, combined with conditions regarding height, orientation, reduced illumination, and the installation of shielding, would minimize the visibility and light spill of the sign faces from both the park and residential areas, thereby reducing the impacts on the OS and R Sign Districts.

Figure 5: Sketches Provided by Parks Forestry and Recreation



Within a radius of at least 900 metres from the location of the Proposed Sign, there are no other electronic third-party signs. The Applicant has noted the existence of four static third-party ground signs along Eglinton Avenue West, which have been a part of the landscape for many years (refer to Figures 6 and 11). The Applicant suggests that the presence of these signs substantiates compatibility with the area.

CBO conducted a review, however, was not able to determine the date when the permission for the erection of the signs was granted. Staff's investigation confirmed that, although these signs would not comply with the current Sign By-law regulations, they were all installed before the implementation of Chapter 694. The former Etobicoke Zoning By-law designated the lands where the existing signs are situated as I.C1 (Industrial - Class 1), and according to Chapter 215 of the Etobicoke Municipal Code, outdoor advertising signs were permitted in Industrial Zones. The Proposed Sign would not be introducing a new sign class to the area.

Figure 6: Setback of Proposed Sign from Existing Ground Signs



Given all the above, the CBO is of the opinion that sufficient information was provided to establish that the Proposed Sign, with the five specified conditions, would be compatible with the development of the premises and surrounding area. Therefore, this criterion has been established.

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

The Subject Premises is designated as a Core Employment Areas in the Official Plan. Employment Areas are places of business and economic activity and include a wide array of uses such as manufacturing, warehousing, distribution, research and development facilities, utilities, media facilities, parks, hotels, retail outlets, restaurants and small-scale stores and services that serve these businesses and workers.

According to the Applicant's submissions, Core Employment Areas, in particular, are typically located on major roads, where businesses and services would benefit from visibility and transit access to draw the broader public.

The CBO agrees that Policy Statement 2.2.4 2 b) is contained in Chapter 2 of the Official Plan which states that:

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

Figure 7: Map 14 Land Use Plan – 5395 Eglinton Avenue West



The Subject Premises is also regulated by the Site and Area Specific Policy 29 - Lester B. Pearson International Airport Operating Area. The Site and Area Specific Policy 29 establishes that:

Within the Lester B. Pearson International Airport (L.B.P.I.A.) Operating Area, new development for residential and other sensitive land uses is prohibited, unless permitted by existing zoning.

This policy indicates that future new development for residential uses is unlikely to happen within the LBPIA Operating Area, as they are not permitted by the current zoning regulations for the property. Therefore, the Proposed Sign would not conflict with the Site and Area Specific Policy 29.

The Proposed Sign would be in proximity to Centennial Park, an area designated as Parks in the Official Plan. The Official Plan establishes that the developments in Parks and Open Space Areas shall protect and enhance natural heritage, improve public visibility and access, create recreational corridors, and improve the usability for public parks, recreational and cultural purposes. Electronic ground signs do not generally align with the Official Plan's objectives for Parks.

However, according to Policy 5 in section 2.2.4, any new sensitive land uses near to an Employment Area, should be planned to ensure they are appropriately designed, buffered and/or separated as necessary from these areas. Policies 5(a) and (c) in section 2.2.4 of the Official Plan states that:

5. Sensitive land uses, including residential uses, where permitted or proposed outside of and adjacent to or near to Employment Areas or within the influence area of major facilities... a) prevent or mitigate adverse effects from noise, vibration, and emissions, including dust and odour; c) prevent or mitigate negative impacts and minimize the risk of complaints

The Subject Premises is an Employment Area adjacent to a sensitive land use (Centennial Park). The conditions concerning sign face orientation, height, illumination, and the installation of a physical barrier could help lessen the influence of the Proposed Sign on the adjacent park lands. As such, the Applicant's efforts to manage the impacts, through the multiple conditions of the Proposed Sign, provides some support of policies 5(a) and (c) in section 2.2.4 of the Official Plan.

The Zoning By-Law is the primary way in which the City implement's its Official Plan; it 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 is designated as an Employment Industrial Zone Category. Permitted uses in an E zone encompass a wide variety of industrial and commercial activities, consistent with those typically found in Employment Sign Districts and present at the Subject Premises. Uses permitted in E zones are generally not considered sensitive and are unlikely to be impacted by an electronic sign, such as the Proposed Sign. Furthermore, according to the requirements of Zoning By-law 569-2013, the Proposed Sign meets the yard setbacks for buildings and structures within the E zone.

The Applicant's submission materials in addition to staff investigation provide sufficient information to confirm that the Proposed Sign, subject to all the specified conditions, provides some support of the Official Plan objectives for 5395 Eglinton Avenue West and the surrounding area. As such, the CBO is of the opinion that this criterion has been established.

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

The Subject Premises is in an E Sign District, which allows third party electronic ground signs with the same size and height as the Proposed Sign. It contains eight two-storey commercial buildings with offices and restaurants. The character and function of other uses in the area to the west, on the other side of Eglinton Avenue West, are similar to that of the Subject Premises, and do not appear to be of a sensitive nature (see Figure 8).

The Applicant stated that the Proposed Sign's would be visually separated from most of the eastern properties by the existing buildings on the Subject Premises. The residential properties with potential visibility of the Proposed Sign would be at least 250 metres away, which would comply with the separation requirements of the Sign By-law.

The CBO agrees that the existing physical barriers would indeed limit the visibility of the sign from the properties to the east. With the conditions concerning the height, illumination, and sign faces' orientation any potential impact of the Proposed Sign on sensitive sign districts to the east would be further reduced.

Figure 8: Streetview of the Surrounding Premises - Eglinton Avenue West facing Northeast



In relation to the OS Sign District to the south, the Applicant asserts that the view of the Proposed Sign would be blocked by mature trees. They state that the Subject Property and the neighboring open space are at different elevations, which could serve as a natural barrier between these properties. Also, that the closest building in the park does not have any windows that would be facing the Proposed Sign, and there are no other public use areas within 250 metres of the Proposed Sign's location in Centennial Park that could be impacted by it.

Figure 9: StreetView from Centennial Park lands facing Northeast to the Subject Premises



As mentioned before, in 2021 the City updated the Centennial Park Master Plan. Following consultations with Parks Forestry and Recreation division, it was determined that the redevelopment of the northwest portion of Centennial Park would include a cricket hub. One of the proposed new fields is planned to be located just over 50 metres from the Proposed Sign (see Figure 5).

Figure 10: Diagrams Extracted from Media Resources Light Impact Report



To mitigate impacts on the surrounding premises, the Applicant has requested a variance to allow the Proposed Sign to be erected in a “V-shape” configuration. According to the Applicant, this configuration would ensure that the sign copy is primarily directed away from publicly accessible areas of the park, thereby minimizing any potential impact on these areas.

Additionally, the Applicant proposed to operate the sign at a reduced brightness of 150 NITS between sunset and sunrise. This condition, along with the installation of a physical barrier on the southwestern face of the sign, would reduce the visibility and light spill of the Proposed Sign towards the OS sign district.

To illustrate the light effects of the Proposed Sign on adjacent lands, the Applicant provided a report from Media Resources Inc (Figure 10). The Applicant noted that the submitted light impact study represents the illumination impacts without the light-shielding barrier, which is proposed as a condition for the approval of the Proposed Sign.

Although the Proposed Sign may be noticeable from the park areas (see Figure 9), the CBO concurs that the multiple conditions for the Proposed Sign would aid in reducing any potential adverse effects of the Proposed Sign on the R and OS sign districts surrounding the Subject Premises.

Due to the proximity between the Proposed Sign and Centennial Park, staff have also consulted with Toronto Conservation Authority (TRCA). TRCA confirmed that the Proposed Sign is located outside of the Regulated Area and that they have no objection to the proposal.

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. In addition, the Proposed Sign shall comply with the minimum clearance requirement from the grade to the bottom of the sign faces set out in the Ontario Building Code.

Regarding potential 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.

The Applicant proposes to construct the sign faces in a 'V-shape' arrangement, which deviates from the Sign By-law's back-to-back requirement for electronic ground signs with two sign faces. The submissions from the Applicant indicate that the angle between the two sign faces will be maintained at less than 45 degrees. Based on similar previous cases, the staff concurs that this design will largely minimize the possibility that drivers from seeing both sign faces at the same time, thereby addressing any potential issues associated with the Proposed Sign's layout in light of the general safety regulations. It is stipulated that, as a condition of approval, the Proposed Sign must have a maximum interior angle of 45 degrees between the two sign faces.

Based on City staff's investigation, the CBO is satisfied that the Proposed Sign generally accords with the Sign By-law regulations which ensure reasonable expectations of safety; and that the specific variances as subject to conditions would not mark such a significant departure from generally permissible signs, that new safety concerns could be of reasonable expectation.

Therefore, based on the review of the available information in addition to staff's investigation with respect to the Proposed Sign, the requested variances along with the conditions do not raise a reasonable basis for any concern around public safety arising from the Proposed Sign. As such, the CBO is of the opinion that this criterion has been established.

Section 694-30A(6): The Proposed Sign is not a sign prohibited by §694-15B

According to staff review, the Applicant's documents and drawings contains sufficient information to confirm that Proposed Sign does not meet the description of any of the signs which are specifically prohibited by §694-15B.

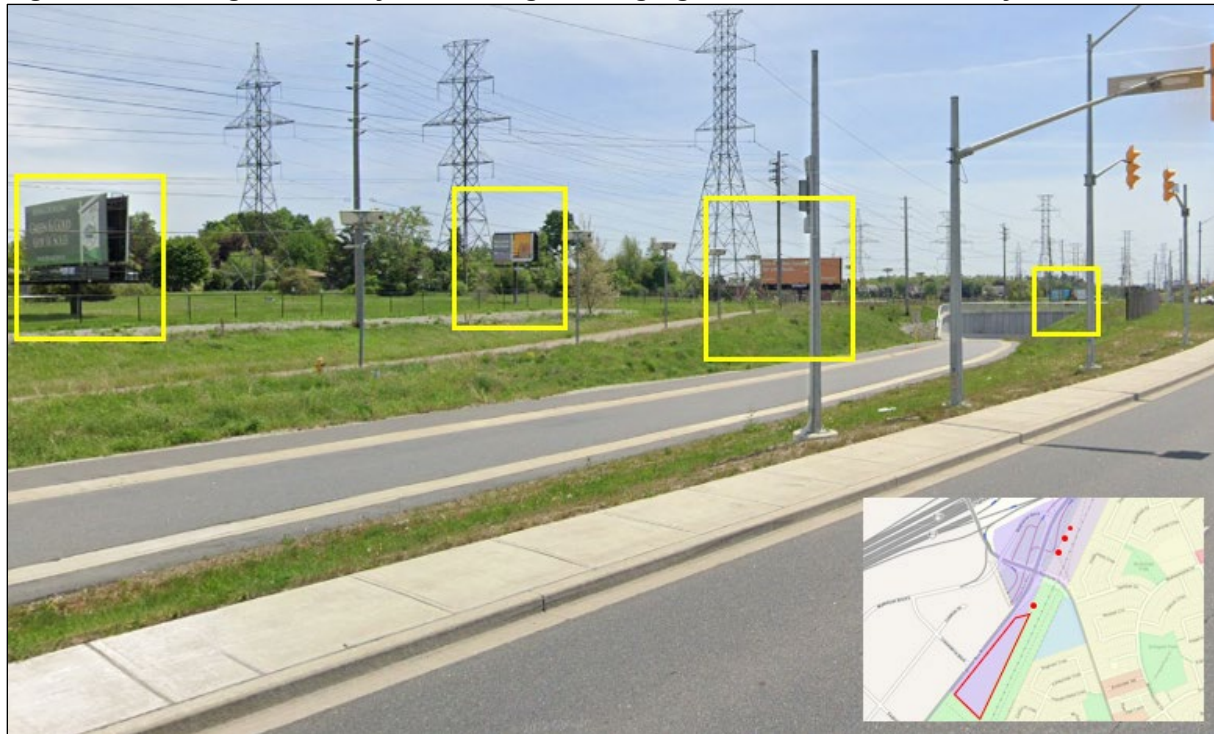
As such, the CBO is of the opinion that this criterion has been established.

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

As mentioned earlier, the Subject Premises is an E Sign District, which permits electronic ground signs at a size consistent with the Proposed Sign. Applicant informed

that there are four third party static copy ground signs within 900 metres of the Proposed Sign's location.

Figure 11: Existing Third Party Ground signs along Eglinton Avenue West on hydro corridor



These signs were all erected well prior to the enactment of Chapter 694. The four existing signs are located on the hydro corridor area, three are situated on a property designated U sign district, and the fourth sign is within the OS sign district. The CBO has conducted a review, however was not able to precise the dates when the permissions for such signs were granted. Staff's investigation has revealed that under the current regulations these signs would not be permitted.

Third party ground signs are not allowed on properties in the OS sign districts, and although they are generally permitted in U sign districts, the existing signs on these properties do not comply with the current Sign By-law's separation requirements. Additionally, the properties where the signs are located are currently subject to specific area restrictions that prohibit third party signs within 400 metres of Highways 401 and 427. These could suggest that if these signs were to be removed, no other third-party ground signs would be allowed on the surrounding properties, making the Proposed Sign the only one of its kind in the area.

Despite the above, the Proposed Sign's location is not within the lands regulated by the site-specific area restriction. The Proposed Sign would not be introducing a sign class that is not permitted on the Subject Premises nor a new sign class to the area, and as a result, would not alter the character of the area in this respect.

With respect to the presence of the first-party ground sign on the property and the four third-party ground signs along Eglinton Avenue West, staff does not foresee any concerns regarding sign clutter. Although the existing first party sign and the Proposed

Sign would be situated on the same frontage, they would be more than 390 metres apart (refer to Figure 6). Moreover, numerous trees along the Eglinton Avenue West frontage would prevent the signs to be visible at the same time (refer to Figure 3). Given the separation, the visual barriers and different sign classes, staff are of the opinion that there is little relationship between these two signs.

The Proposed Sign would also comply with the Sign By-law regulations for third party signs' separation requirements: none of the existing third party signs are located within 150-metre radius and there are no third-party electronic ground signs within 500 metres of the Proposed Sign's location.

As to the character of the surrounding sign districts, Eglinton Avenue West is separated from the OS sign district by a green buffer. This natural barrier also detaches the park lands from the location of the Proposed Sign on the Subject Premises. The staff is of the opinion that due to this vegetation buffer, coupled with the configuration of the Proposed Sign and all the specified conditions, the Proposed Sign would have minimal relationship with the OS sign district to the south.

The Proposed Sign would be mainly visible from Eglinton Avenue West, which except for Centennial Park, is predominantly comprised with light industrial and office buildings in this stretch. Outside park lands, the area is mostly accessed by vehicles and it does not provide for any recreational use that could be impacted by the Proposed Sign. The Proposed Sign does not conflict with this employment character of Eglinton Avenue West.

Figure 12: Street View of the Surrounding Premises - Eglinton Avenue West Facing Southwest



Given that the impacts on the public areas of the park would be minimal, that the Proposed Sign is in keeping with most regulations for signs in E sign districts and the fact that the Proposed Sign would not be introducing a sign class that is not already found in nearby properties, it is the CBO's opinion that the Proposed Sign along with the

conditions would not alter the character of the premises or surrounding area, therefore this criterion has 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, setbacks from the property and from an intersection, as well as the requirement for use of renewable energy, message duration and transition (i.e. no distracting visual effects such as scrolling, flashing, blinking or full-motion video), and with the illumination and time-of-day regulations.

With respect to the requested variance to the Section 694-25C (2)(k), the Proposed Sign would be allowed to be erected with a "V-shape" configuration, as opposed to the back-to-back configuration required by the Sign By-law for electronic ground signs displaying two sign faces.

Staff believes that although the configuration deviates from the Sign By-law requirements, it would contribute to reduce potential impacts of the Proposed Sign on the adjacent premises. The condition of approval that the Proposed Sign shall have a maximum interior angle between the two sign faces of 45 degrees would minimize the possibility of drivers seeing both sign faces simultaneously, thereby addressing any potential concerns on public safety.

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.

Due to the separation, the visual obstructions between the signs and the different sign classes, staff are of the opinion that there is little relationship between these two signs and that the Proposed Sign will not significantly contribute to sign clutter in the Subject Premises.

In relation to the requested variances to the Sections 694-25.C(2)(e) and 694-25C (2)(f), the Proposed Sign will be allowed to be located within 60.0 metres of the OS Sign District and facing an OS and a R Sign Districts within 250.0 metres.

Staff believe that the physical barrier created by the existing buildings on the Subject Premises, added to the conditions of approval concerning height, illumination and sign face orientation, the impacts of the Proposed Sign on the OS and R sign districts, located to the east lands should be mitigated. Despite the proximity between the Proposed Sign and the OS Sign District where Centennial Park is located, staff believes that the conditions of approval to orient the sign faces away from these lands, reduce the illumination to 150 NITS, and to install a physical barrier on the southwestern face of the Proposed Sign would reduce any visibility and light spill towards the park.

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

CONCLUSION

The Applicant's submitted materials, combined with the additional information obtained by research and investigation by staff, have provided sufficient information for the CBO to form the opinion that it has been established that the Proposed Sign has met all required eight criteria for approval of the requested variances, subject to the noted conditions.

As such, the CBO is supportive of the Sign Variance Committee granting the requested variances, each subject to five conditions.

CONTACT

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SIGNATURE

Ted Van Vliet
Project Director, Business Transformation and Citywide Priorities
Toronto Building

ATTACHMENTS

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