

Application for Four Variances, Each Subject to One Condition, Respecting One Third Party Electronic Ground Sign

Newmarket Subdivision, North of Wilson Ave, East of Keele Street

May 10, 2024

Proposed Sign Description

Sign Type	Electronic Ground Sign
Sign Copy Type	Electronic Static Copy
# of Sign Faces	One Sign Face
Sign Location	Newmarket Subdivision, immediately to the north side of Wilson Avenue
Face Orientation	Easterly direction
Sign Face Dimensions (width x length)	2.23 metres vertically x 8.68 metres horizontally
Sign Face Area / height	19.35 square metres
Sign height	Max. 10 metres

Sign District Designation

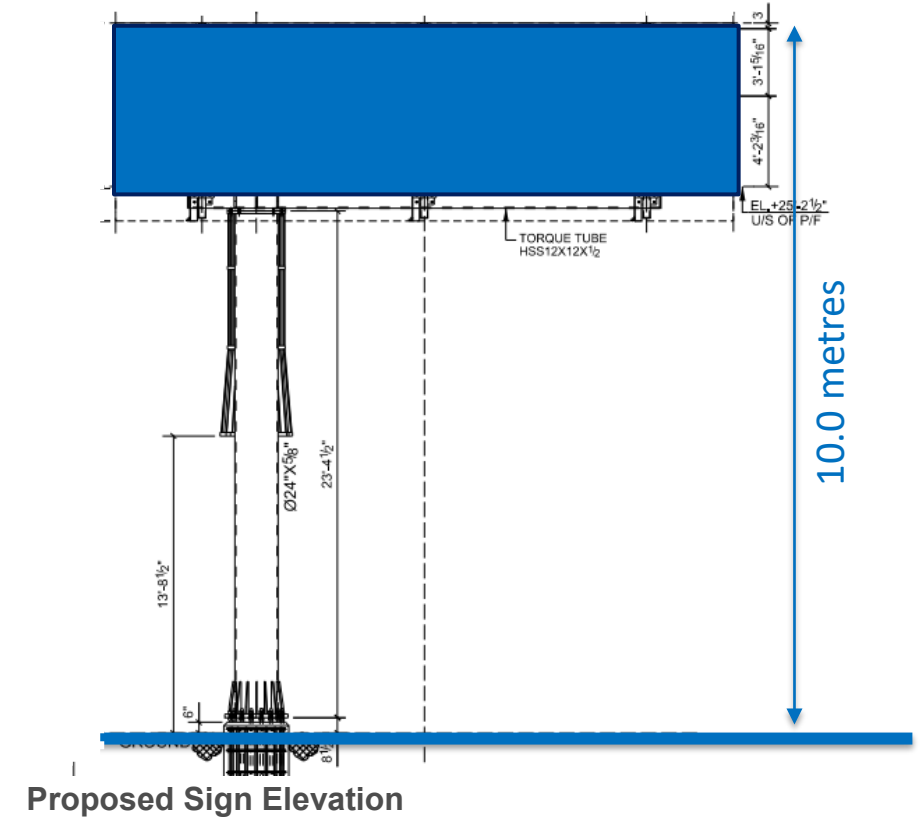


Sign District Map

Proposed Sign Details



Reference Rendering looking west along Wilson Avenue



Requested Variances – Proposed Sign

Sign By-Law Reference	Requirement	Proposal
§ 694-24.A(58)	A third party sign shall not be erected or displayed or caused to be erected or displayed in whole or in part within the portions of Newmarket Subdivision within 100 metres of the location therein near Wilson Avenue and west of Murray Road, upon which, as of July 11, 2014, a third party ground sign was erected or displayed.	To allow for the Proposed Sign to be located in whole within the area regulated by the site-specific area restriction in 694-24.A(58)
§ 694-24.A(66)	A third party sign shall not be erected or displayed or caused to be erected or displayed in whole or in part within the portions of Newmarket Subdivision within 100 metres of the location therein Wilson Avenue and west of Murray Road, upon which, as of July 11, 2014, a third party ground sign was erected or displayed.	To allow for the Proposed Sign to be located in whole within the area regulated by the site-specific area restriction in 694-24.A(66)
§ 694-25.D(3)(e)	An Utility ("U") sign district may contain a third party electronic ground sign provided the sign shall not be erected or displayed within 60.0 metres of any premises located, in whole or in part, in an R, RA, CR, I or OS sign district.	The Proposed Sign would be erected 15.0 metres of a premises located in an OS sign district.
§ 694-25.D(3)(f)	An Utility ("U") sign district may contain a third party electronic ground sign provided, where a sign is located within 250 metres of an R, RA, CR, I, or OS sign district, the sign cannot face any premise in the R, RA, CR, I or OS sign district.	The Proposed Sign would face the CR and R sign districts which are located less than 250 metres to the east.

Conditions

If granted, staff recommend that each of the four requested variances should be subject to the following condition:

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

Chapter 694 Amendment: By-law No. 402-2024

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

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

- (1) Belong to a sign class permitted in the sign district where the premises is located;*
- (2) Be compatible with the development of the premises and surrounding area;*
- (3) Support the Official Plan objectives for the subject premises and surrounding area;*
- (4) Not adversely affect adjacent premises;*
- (5) Not adversely affect public safety, including traffic and pedestrian safety;*
- (6) Not be a sign prohibited by § 694-15B;*
- (7) Not alter the character of the premises or surrounding area; and,*
- (8) Not be, in the opinion of the decision maker, contrary to the public interest.*

Sign Variance Criteria – Established Criteria

694-30A(1) - The Proposed Sign belongs to a sign class permitted in the Sign District.

- Third party signs are permitted in an Employment Sign District

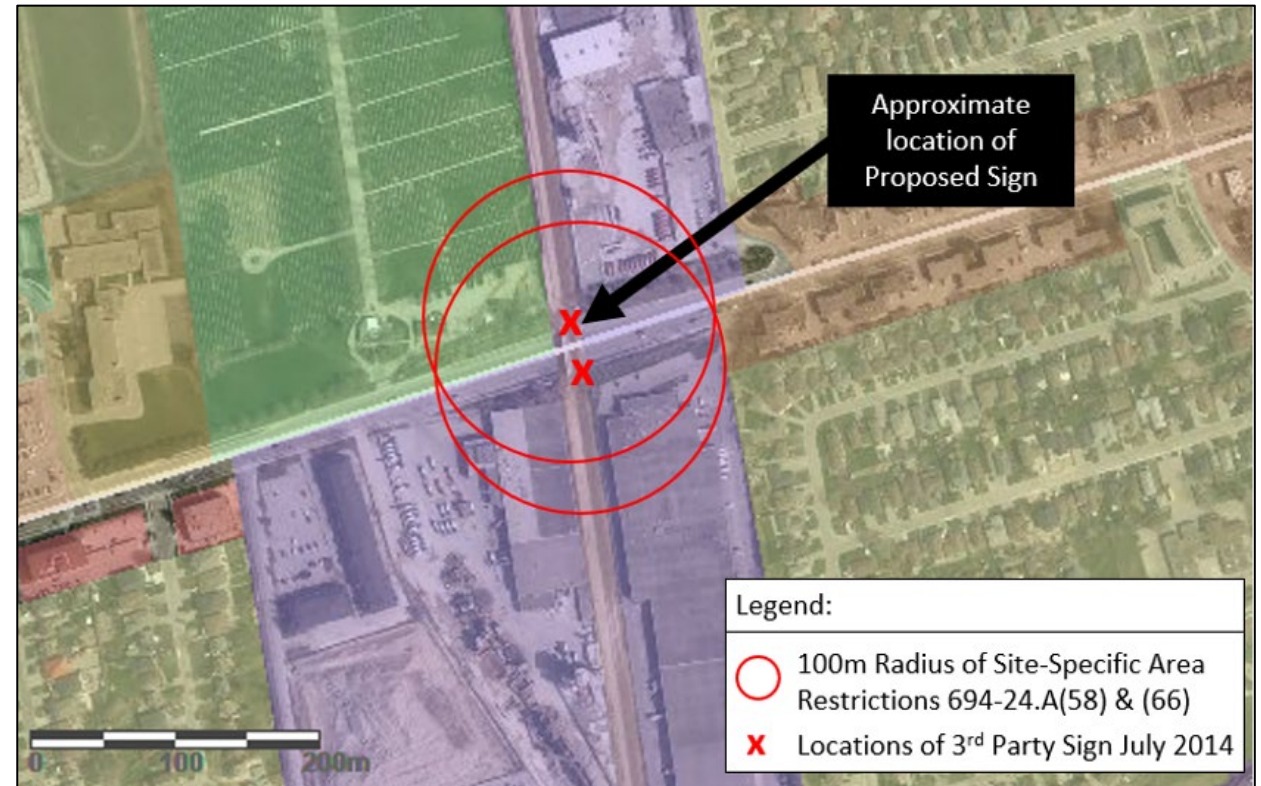
694-30A(6) - The Proposed Sign is not a sign prohibited by §694-15B.

- The Proposed Sign is not technically a sign on a bridge. It is simply located in proximity to the bridge and adjacent to the supporting structure of the bridge.
- As such, the Proposed Sign would not be a sign prohibited as described in §694-15B.

Sign Variance Criteria – Established Criteria

694-30A(2): The Proposed Sign is not compatible with the development of the premises and surrounding area

- The property is located within the Utility Sign District (U) which typically permits third party electronic ground signs, at a height and size consistent with the Proposed Sign.
- However, the specific location of the Subject Premises is subject to two site-specific area restrictions that prevent the erection of third-party signs, as a result of an amendment to the Sign By-law adopted by City Council in 2014.



Approximate Area of Site-Specific Area Restrictions

Sign Variance Criteria – Established Criteria

694-30A(2): The Proposed Sign is not compatible with the development of the premises and surrounding area

- The Applicant argues that the prohibitions enacted in 2014 are outdated and no longer serve the area.
- Staff could not identify any specific changes in the area over the past decade that would support the installation of a third-party sign, like the Proposed Sign, and be compatible with Council's decision.
- The CBO is of the opinion that the Applicant's materials were not sufficient to determine that the Proposed Sign would be compatible with the development of the premises and surrounding area.

Sign Variance Criteria – Established Criteria

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



Official Plan Map 16 Land Use Plan – Subject Premises

- Proposed Sign's location is a Utility Corridor as designated in Toronto's Official Plan.
- Policy 4.4.1 of the Official Plan states that Utility Corridors are hydro and rail corridors primarily used for the movement and transmission of energy, information, people, and goods
- Proposed Sign is consistent with the purpose and intent of this designation and related policies
- Immediately surrounding properties are mostly comprised of areas designated Employment in the Official Plan or Zoning By-Law.
- Proposed Sign should not detract from the planned function of the Employment Areas

Sign Variance Criteria – Established Criteria

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

- Properties adjacent to the Proposed Sign are designated as E sign districts, which allow for third-party electronic ground signs, and do not contain uses deemed sensitive.
- A variance is required to place the Proposed Sign approximately 15 metres west of the Mount Sinai Memorial Park cemetery, an OS sign district.
 - The Proposed Sign would have minimal relationship with the OS Sign District due to its orientation to the east and existing physical and natural barriers.
- A variance is also necessary to allow the Proposed Sign to face properties in the CR and R sign districts, located within the 250-metre separation required in the Sign By-law.
 - The CR Sign District containing residential buildings, is surrounded by a natural barrier of vegetation that would reduce light trespass.
 - The Applicant has proposed, as a condition of approval, to reduce the operating levels of the Proposed Sign to 150 NITS to mitigate impacts on the CR and R sign districts.

Sign Variance Criteria – Established Criteria

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

- A light shed study was provided to demonstrate the effectiveness of this condition.
- It is the CBO's opinion that the Proposed Sign, subject to the condition, would not adversely affect the adjacent premises.

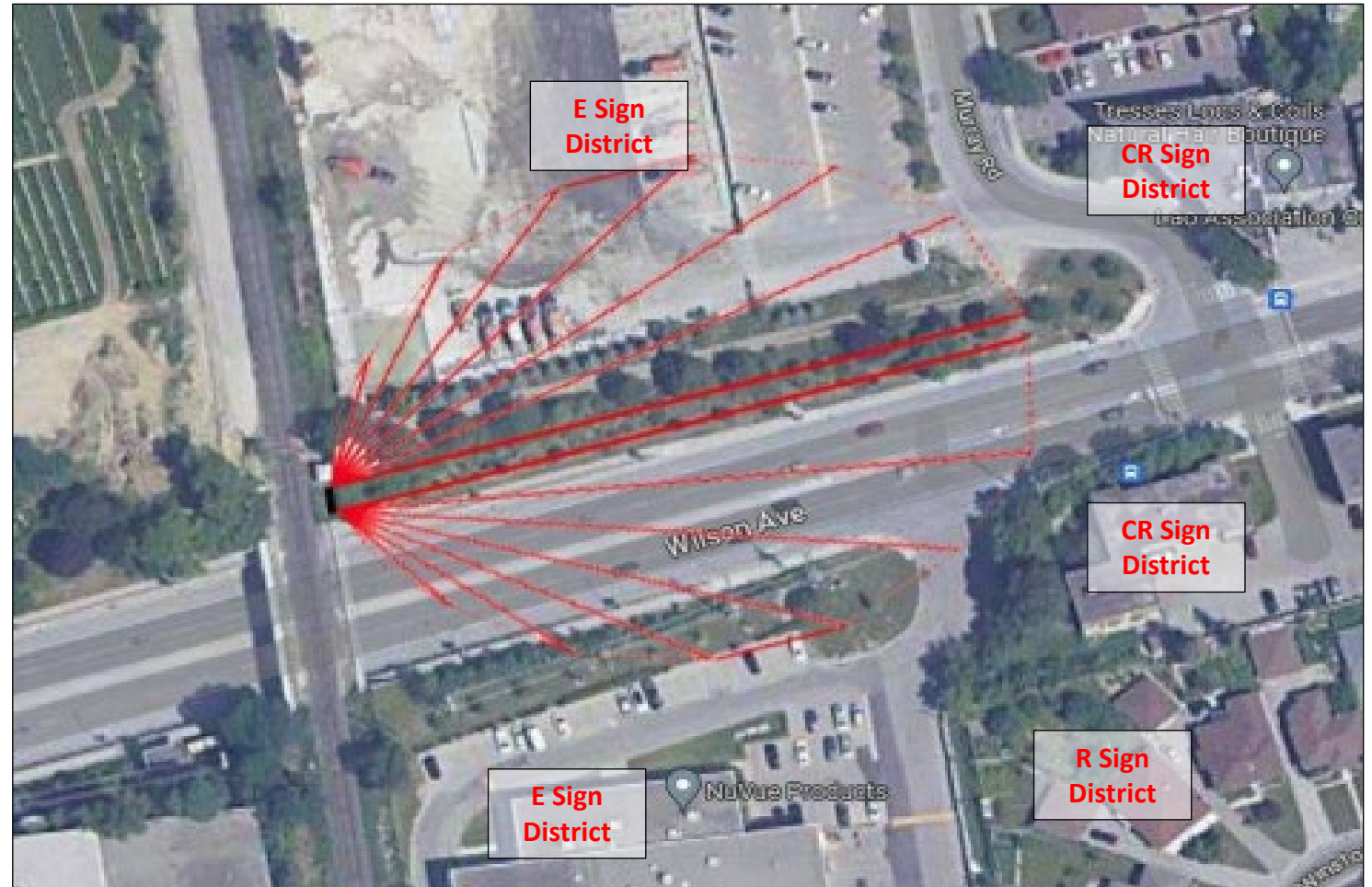


Diagram Illustrating Light Shed Dispersion at 150 NITS

Sign Variance Criteria – Established Criteria

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

- The Proposed Sign will be professionally designed and installed according to Ontario Building Code requirements.
- The Sign By-law regulations aim to prevent adverse impacts on public safety for signs that meet the requirements.
- There are regulations in place to address driver distraction, setback from intersections, distance from street lines, and pedestrian triangles, and the Proposed Sign meets these requirements.
- The message duration between changes in copy complies with the Sign By-law provisions, which aim to reduce the potential for driver distraction to a reasonable level.
- City staff conducted a review of the Proposed Sign and concluded that there is no reasonable basis for any concern regarding public safety arising from the sign.

Sign Variance Criteria – Established Criteria

694-30A(7) - The Proposed Sign does alter the character of the premises or surrounding area.

- The Premises is designated as a U Sign District, which typically permits electronic ground signs.
- However, the Subject Premises is subject to two site-specific area restrictions that prevent the erection of third-party signs on the specific location of the Proposed Sign.
 - The Applicant argued that these restrictions are outdated and no longer beneficial to the area.
 - However, the Applicant failed to identify any significant changes since the 2014 amendment that would suggest that the Proposed Sign would align with the intended character of the area as envisioned by the City Council.
- City Council had a clear intent of removing and restricting third party signs from these areas, which were considered unsuitable for these type of signs.
- 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.

Sign Variance Criteria – Established Criteria

694-30A(8): The Proposed Sign is contrary to the public interest.

- The Proposed Sign will comply with the provisions set out in the Sign By-law in terms of height, size, setbacks from the property and from an intersection, requirement for use of renewable energy, message duration and transition, illumination and time-of-day regulations.
- Concerning the requested variances to permit a reduced separation distance from OS, R and CR sign districts, staff is of the opinion that:
 - The Proposed Sign would face away from the OS Sign District, preventing light emission into this area.
 - The light study sufficiently demonstrated that the condition of operating the Proposed Sign at a reduced level of illumination should alleviate effects on these properties.

Sign Variance Criteria – Established Criteria

694-30A(8): The Proposed Sign is contrary to the public interest.

- Regarding the variances to allow for the Proposed Sign to be erected on the specific location of the Subject Premises that is subject to two site-specific area restrictions:
 - The Applicant argues that the prohibitions enacted in 2014 are outdated and no longer serve the area, however did not identify any significant changes in the area over the past 10 years.
 - The Applicant also states that, as the City evolves, associated site-specific restrictions should also evolve. In staff's view, the assessment of whether the Sign By-law restrictions align with the City's development is a more comprehensive policy matter and should not be resolved by the Sign Variance Committee for a single sign.
 - Staff believe that the Proposed Sign would not be compatible with the Council's vision for the area, as per restrictions enacted in 2014 Amendment.
- As such, is the CBO's position the Applicant has failed to establish that the Proposed Sign will not be contrary to the public interest.

Conclusion and CBO Recommendation

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

The Sign Variance Committee **refuse** to grant the requested variances, subject to the condition, as required to allow for the issuance of a permit respecting the erection and display of the Proposed Sign at the area municipally known as the Newmarket Subdivision, immediately to the north side of Wilson Avenue, approximately 750 meters east of Keele Street.

QUESTIONS?