

Application for Two Variances, Each Subject to Two Conditions, Respecting One Third Party Electronic Ground Sign - 1150-1176 Morningside Avenue

Date: April 22, 2025

To: Sign Variance Committee

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

Wards: Scarborough-Rouge Park (Ward 25)

SUMMARY

JOLT Charge Inc (the "Applicant") has submitted a sign variance application requesting four variances 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 1150-1176 Morningside Avenue (the "Subject Premises").

The Subject Premises is designated as Commercial Residential ("CR") Sign District, which allows third party signs however, does not expressly permit electronic ground signs. Variance is required to permit the erection and display of a sign type that is not permitted in the CR Sign District.

A variance is also being sought to allow the Proposed Sign to be placed within an area governed by a site-specific area restriction. The Proposed Sign would be situated around 150 metres north of Highway 401, whereas the Sign By-law mandates a minimum separation of 400 metres.

The Proposed Sign would have a maximum height of 2.65 meters from grade. It would feature two rectangular sign faces in a back-to-back configuration, oriented north and south, perpendicular to Morningside Avenue. Each sign face would measure 0.93 meters by 1.65 meters, resulting in a sign face area of 1.54 square meters. Further details of the Proposed Sign are provided in Attachment 1.

Following a review of the Applicant's submissions and additional information provided by 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 two variances, each subject to two 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 694-15.A and 694-24.A(14), each subject to two conditions, as required to allow for the issuance of a permit respecting the erection and display of the Proposed Sign, as further described in Attachment 1 to this report.

FINANCIAL IMPACT

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

DECISION HISTORY

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

On its meeting of April 18, 2024, the 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.

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

ISSUE BACKGROUND

Required Variances and Conditions

Table 1: Summary of Requested Variances

Section	Requirement	Proposal
694-15.A	Anything not expressly permitted by Chapter 694 is prohibited.	Third party electronic ground signs are not expressly permitted in CR-Sign Districts.

Section	Requirement	Proposal
694-24.A(14)	A third party sign shall not be erected or displayed or caused to be erected or displayed in whole or in part within 400 metres of any limit of any portion of Highway 401 contained within the municipal boundaries of the City.	The proposed sign would be placed entirely within an area regulated by this site-specific area restriction.

If granted, each of the two requested variances, would be subject to the following conditions:

- 1) The height of the Proposed Sign shall not exceed 2.65 metres.
- 2) The sign structure of the Proposed Sign shall not be attached, affixed, combined with, or otherwise associated with, any elements in whole or in part, which may be understood or referred to as “an electric vehicle charging station”, prior to all applicable approvals having been obtained for the erection, installation, display or utilization of the “electric vehicle charging station” being presented to the Chief Building Official (CBO); and that no permits for the erection and display of the Proposed Sign, or the modification of the Proposed Sign, shall be issued until such time as sufficient information is provided to the CBO to satisfy the CBO acting reasonably that all applicable approvals for the electric vehicle charging station have been obtained, and that no further approvals for the electric vehicle charging station are required as the date the information is provided to the CBO.

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 1150-1176 Morningside Avenue, 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 measuring 0.93 metres (horizontal dimension) and centre line measuring 1.65 metres (vertical dimension), with a sign face area not exceeding 1.54 square metres. The sign faces would be oriented approximately to the north and south, targeting commuters on Morningside Avenue travelling in both

Figure 1: Render of Proposed Sign (from Submissions)



directions. The Proposed Sign is described further in Attachment 1.

Staff have confirmed that the Subject Premises is currently designated as being a CR Sign District, located to the west of Morningside Avenue, south of Sheppard Avenue East and north of Milner Avenue, in Ward 25 - Scarborough-Rouge Park, see SignView Map in Figure 2.

There are two buildings on the Subject Premises, one single-storey and one two-storey building, housing a variety of commercial uses. There is also one first party ground sign featuring two sign faces displaying static copy, which serves to identify the various businesses operating on the Subject Premises (the "Existing Party Sign"). The Proposed Sign would be erected on the same frontage as the Existing Party Sign, roughly 30 metres to the north.

Figure 2: SignView Map - 1150-1176 Morningside Avenue



Surrounding premises:

North: Open Space (OS) Sign District, forested park (Malvern Woods)

East: Commercial (C) Sign District, one-storey commercial (retail plaza)

South: Employment (E) Sign District, one-storey building (Telecom Company)

West: Institutional (I) Sign District, two-storey building (place of worship)

COMMENTS

Applicant Information

The Applicant has stated they have been authorized by Pleasence Corp. (the " Owner") to apply for two variances, each subject to two 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 at the Subject Premises.

Application Background

The Proposed Sign would be situated along the east frontage of the Subject Premises, perpendicular to Morningside Avenue. It would feature two rectangular sign faces, displaying electronic static copy. Each face would measure 0.93 metres by 1.65 metres, resulting in a sign face area of 1.54 square metres. The sign faces would be directed towards the north and south, allowing visibility for commuters travelling in both directions along Morningside Avenue.

According to the Applicant's Submissions, the Proposed Sign would be affixed to a structure also containing an electric vehicle charging station ("EV charging station"). Given that Chapter 694 only governs signs, the matters subject to this report solely pertain to the Proposed Sign's components. Any matter related to the EV charging station component of the structure, including applicable laws and regulations, fall outside the purview of this review.

Community Consultation

The CBO has adopted a practice of engaging in enhanced consultation process concerning variance applications for electronic signs. Notice required by the City's Sign By-law was provided to premises within a 250-metre radius of the Proposed Location. Additionally, the Applicant was instructed to post a notice of the application in a publicly visible location on the premises where the sign is proposed to be erected, for a minimum of 30 days prior to the Sign Variance's Committee's consideration, in compliance with the Sign By-law requirements. At 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 eight established criteria.

The Sign Variance Committee (the "SVC") is required to conduct an evaluation and determine that party seeking the proposed variances meets all 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, supplemented by staff research, 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 CR Sign District, and that CR 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 Proposed Sign would be located.

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

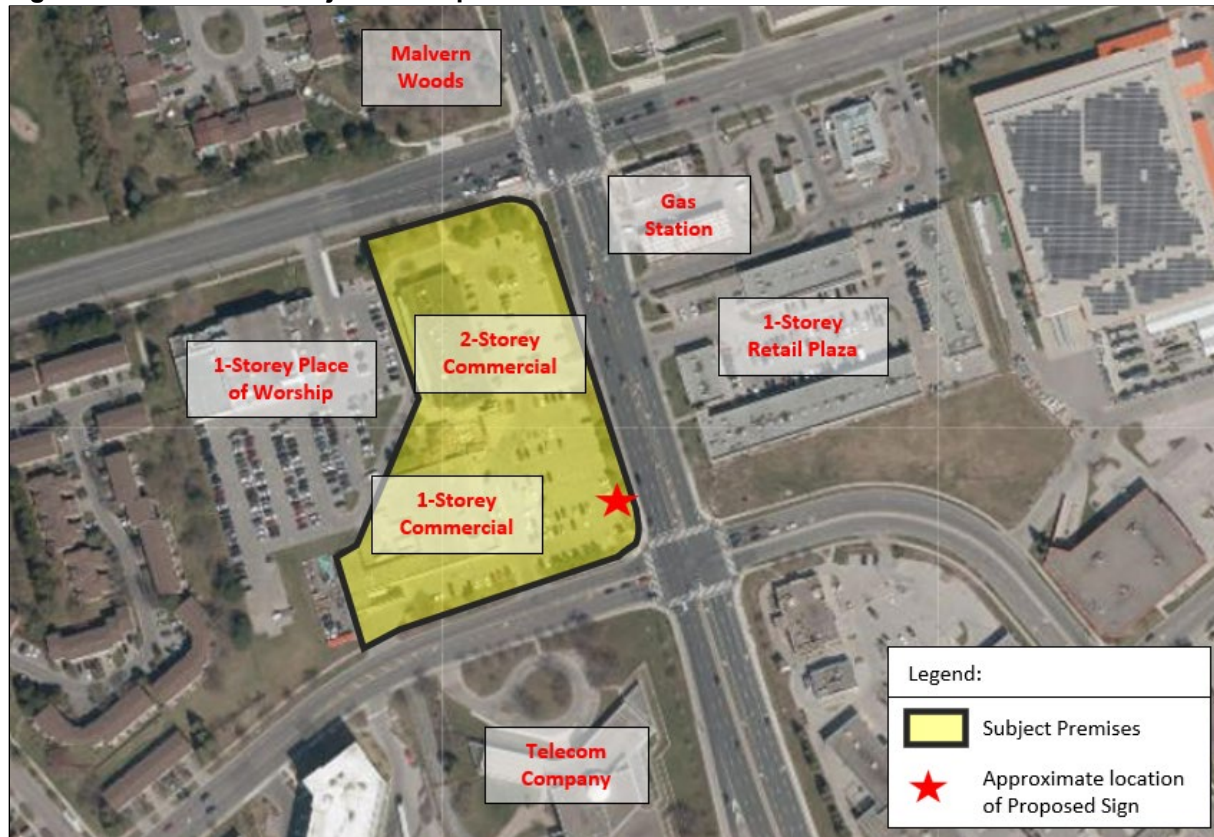
Section 694-30A(2): The Proposed Sign is compatible with the development of the premises and surrounding area

The Subject Premises is designated CR Sign District and contains a retail plaza. The buildings on adjacent properties serve commercial and employment purposes (Shopping Centre, Gas Station, Tim Hortons, and Telecom Company). The adjacent property to the north is designated as an OS sign district, where Malvern Woods (a 4.0 hectare forested park) is located. The property to the east is designated as an I sign district.

While CR Sign District provisions permit third-party wall signs, electronic ground signs are not expressly permitted. Consequently, there are no district specific regulations for third party electronic ground signs, like the Proposed Sign. In sign districts where third party electronic ground signs are permitted, the Sign By-law requires that the sign shall not face any premises in the CR, OS and I sign districts within 250 metres. The Proposed Sign, located in the CR sign district and facing I and OS sign districts only 100 metres and 150 metres away, respectively, would not comply with these separation requirements.

Submissions indicate that the retail plaza located on the Subject Premises is representative of the commercial character of the area. All neighbouring properties located within 60 meters of the Proposed Sign are designated C and E Sign Districts and do not contain residential uses that could be impacted by the Proposed Sign.

Figure 3: Aerial View - Adjacent Properties Uses



The Applicant further contends that the potential impacts of the Proposed Sign on the OS Sign District to the north would be mitigated by trees surrounding Malvern Woods and lining the Subject Premises along Morningside Avenue. The I Sign District to the west would have no visibility of the Proposed Sign given the presence of the buildings on the Subject Premises, which are placed between the Proposed Sign and the property to the west.

Staff investigation also revealed that the only two development applications within 250 metres of the Subject Premises are for commercial or light industrial buildings that would unlikely be impacted by the Proposed Sign. While staff concurs that the Proposed Sign would not have negative impacts on the existing uses identified in the area, according to the Zoning By-law, sensitive uses such as parks, residential care home, retirement home and student residence are permitted on the Subject Premises.

The submissions do not indicate how allowing the erection of a sign type not permitted in the CR Sign District would be compatible the permissible uses on the Subject Premises, which could include uses deemed sensitive.

As a result, the CBO is of the opinion that this criterion has not been established.

Figure 4: Aerial View - Natural Barriers (from Submissions)



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

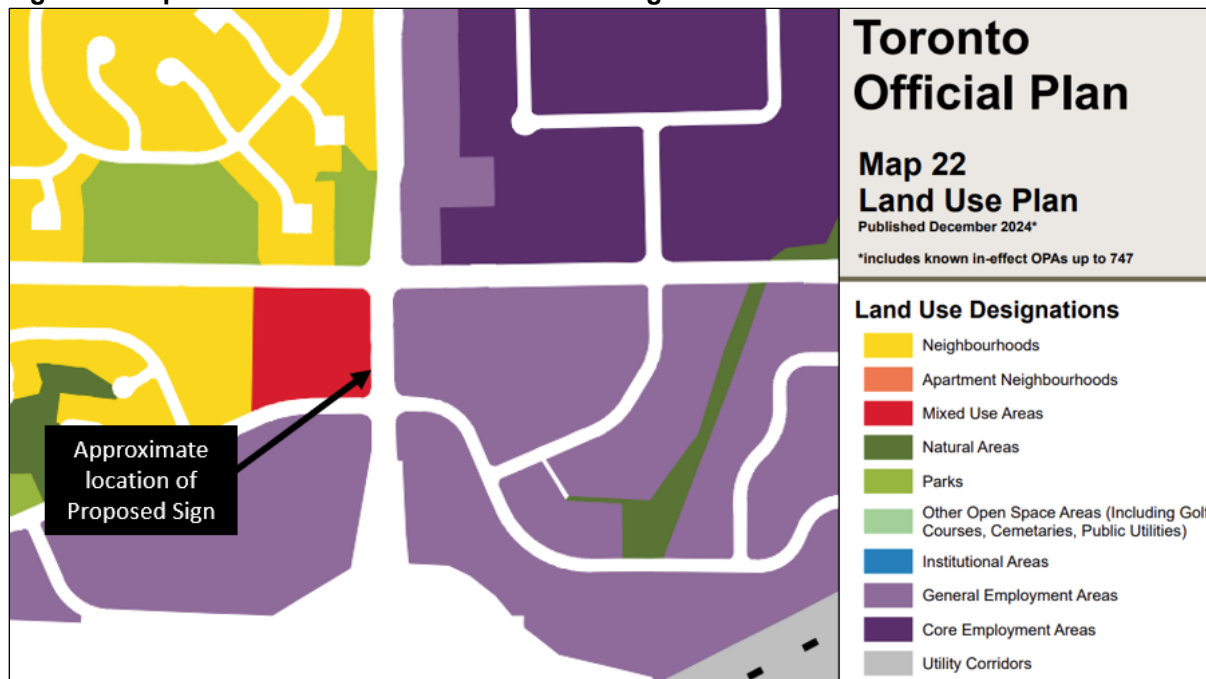
The Official Plan land use designation for the property at 1150-1176 Morningside Avenue is Mixed Use Area. Mixed Use Areas, such as the surrounding properties, are intended to promote a balanced and dynamic community by accommodating diverse needs through a combination of commercial, residential, institutional, and open space uses, similar to the uses currently identified on the surrounding properties. The Subject Premises houses two low-rise multi-tenant commercial buildings, aligning with the Sign District's and the Official Plan's designations for the property.

The surrounding areas to the east and south are designated general Employment, and the lands to the north are Parks in 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 CBO believes that the location of third party signs, such as the Proposed Sign does not conflict with the Policies for Employment areas in the Official Plan.

Submissions indicate policies and strategies that would be supported by the installation of an EV charging station. The CBO holds the view that even though the EV charging station and the Proposed Sign might share the same structure, the fact that the EV charging station may support Official Plan objectives does necessarily imply that the Proposed Sign would also support the objectives of the Official Plan. As mentioned

previously, this report speaks solely to the matters related to the third party electronic ground sign, which are subject to Chapter 694.

Figure 5: Map 22 Land Use Plan – 150-1176 Morningside Avenue



It's important to note that if granted, the variance would allow the installation of any third-party electronic ground sign on the Subject Premises, so long as it meets the specified attributes, combined or not with an EV Charging Station. Submissions do not identify any specific policies that the Proposed Sign would support.

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. 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.

Based on staff investigation, the Subject Premises is subject to the City of Toronto Zoning By-law 569-2013 and is designated as Commercial Residential (CR) zone. The permitted uses in the CR zones are consistent with those typically found in CR Sign Districts. These uses can include parks, residential care homes, retirement homes, and student residences, which are considered sensitive. Although staff research revealed that the only two development applications within 250 metres of the Subject Premises are for non-sensitive commercial or light industrial buildings, the submissions lack details concerning the relationship between the Proposed Sign and permissible uses on the Subject Premises.

After reviewing the Applicant's submission materials, CBO is of the opinion that not sufficient evidence was provided to demonstrate that the Proposed Sign would support

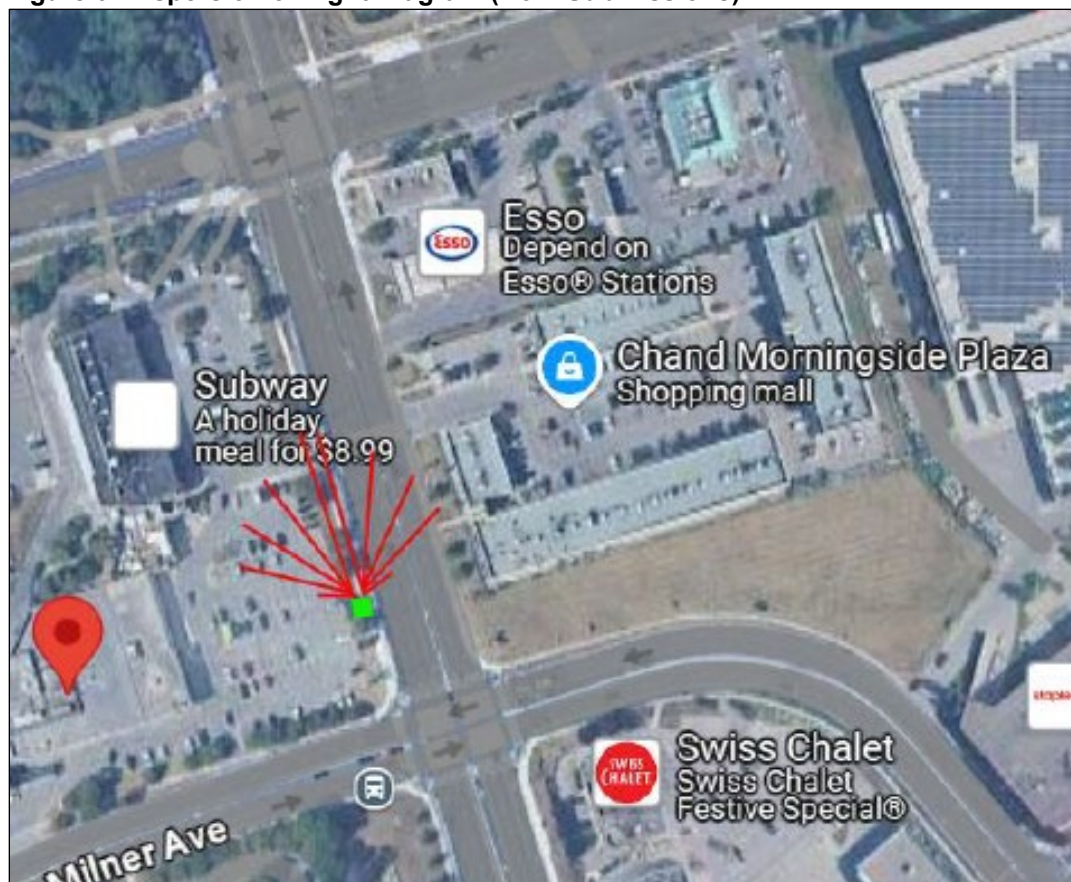
the Official Plan objectives for the Subject Premises and surrounding area. As a result, this criterion has not been established.

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

The Proposed Sign would be facing premises in the I sign district located 100 metres to the west, and in the OS sign district 150 metres to the north, respectively. In sign districts where third party electronic ground signs are permitted, the Sign By-law mandates that the sign shall not face any premises in the OS and I sign districts within 250 metres.

The Applicant contends and staff has confirmed that visibility of the Proposed Sign from the property to the west, designated I sign district, would be entirely obstructed by the existing buildings on the Subject Premises, which are much taller than the Proposed Sign.

Figure 6: Dispersion of Light Diagram (from Submissions)



The Applicant's Submissions also indicate that the electronic static displays of the Proposed Sign, operating at the allowable Sign By-law brightness of 300 NITS, would have a light reach of 50 meters. At this distance the intensity of light emitted equates to that emitted from a full moon, which is the threshold of when emitted light becomes negligible. As such, they assert that there would be no light shed trespass into the OS

sign district located 150 metres away, and the Proposed Sign would not adversely affect Malvern Woods or natural features to the north. The Applicant's Submissions assert that any amount of light outside the light shed cone represented in Figure 6 is negligible and will be less than what a full moon emits.

Staff agree that, based on the details provided in the submissions, the illumination impacts of the Proposed Sign on the adjacent lands to the north should be negligible.

A variance is being requested to place the Proposed Sign 150 meters of Highway 401, as opposed to the 400-metre separation mandated by the Sign By-law. The Applicant contends that the Proposed Sign would not be seen by vehicular traffic travelling along Highway 401. Staff confirmed that there is a grade difference between the Highway and Morningside Avenue that obstructs any view of the Proposed Sign from the Highway lanes. This physical barrier, combined with the Proposed Sign's height and sign face area, results in the very little relationship between the Proposed Sign and the Highway.

Although, the Proposed Sign may still be visible from the Highway 401 on and off ramps, the Applicant contends, and staff agree that there should be no adverse effects for drivers exiting or entering Highway 401 at Morningside Avenue as the Proposed Sign would not interfere with vehicular decision points.

Therefore, the CBO is of the opinion that the Applicant's submission materials, supplemented by staff's investigation have provided sufficient information to confirm that the Proposed Sign, subject to 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. Additionally, the Proposed Sign would not be situated in proximity to sidewalks, roadways, or driveways in a manner that could create impact on pedestrian or traffic safety.

Although there are concerns about driver distraction, the City has existing regulations (set back from intersections, distance from street lines, and pedestrian triangles) to adequately address the potential for adverse safety impacts for all signs, including signs displaying electronic static copy. The Proposed Sign would be located more than 30 metres away from the closest traffic controlled intersection and it would 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 Sign By-law prohibits third party signs from being erected within 400 metres of any limits of the Highway 401. Submissions indicate that the existing configuration of the Highway, combined with the Proposed Sign attributes, would prevent the Proposed Sign from being visible from the Highway. Transportation Services Division was consulted and confirmed that they have no concerns regarding traffic safety arising from the Proposed Sign.

Additionally, the Applicant has provided a letter from the Ministry of Transportation (the "MTO") informing that Proposed Sign does not require MTO approval. Staff agree that the relationship between the Proposed Sign and Highway 401 should be minimal.

Based on the review of the available information with respect to the Proposed Sign, the requested deviations from the mandatory requirements of the Sign By-law, and the proposed location within the Subject Premises, staff are of the opinion that there is no reasonable basis for any concern regarding public safety arising from the Proposed Sign.

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

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

According to §694-15B of the Sign By-law, the following signs are expressly prohibited:

- (1) A sign erected on a tree or a fence;
- (2) A roof sign, except a first party roof sign included in a Signage Master Plan consisting solely of first party signs, or a roof sign located in the Dundas Square Special Sign District;
- (3) A sign erected on a parked vehicle or trailer where the primary purpose of the vehicle or trailer is the display of the sign;
- (4) A sign erected on a vehicular, railway or pedestrian bridge;
- (5) A sign which obstructs or interferes in any way with the use of any fire escape, fire exit, door, flue, air intake, exhaust, or required parking space or window, but shall not include a window sign permitted by this chapter;
- (6) A sign which interferes with any electrical or telephone wires or associated supports;
- (7) A sign emitting sound or odour;
- (8) A sign discharging any gas, liquid, or solid;
- (9) A sign containing interactive copy.

The Applicant's Submissions indicate that the Proposed Sign would contain elements serving an accessory purpose of an EV charging station. The nature of these accessory elements of the sign structure raise potential concerns with respect to the following subsections of §694-15B, requiring a detailed review: (6) A sign which interferes with any electrical or telephone wires or associated supports; (7) A sign emitting sound or odour; (8) A sign discharging any gas, liquid, or solid; and, (9) A sign containing interactive copy.

As these elements are considered part of the Proposed Sign's structure under the Sign By-law, the structure on its entirety must comply with §694-15B. Since the Sign By-law does not regulate EV charging stations, matters related to the EV charging station's component fall outside the scope of this review. To ensure that any granted variances for the Proposed Sign does not conflict with the provisions of §694-15B, a condition requiring the Applicant to obtain all necessary approvals for the EV charging station before receiving a permit for the Proposed Sign was imposed. If the accessory elements of the sign structure interfere with electrical or telephone wires, emit sound, discharge any gas, liquid, or solid, or contain interactive sign content, the Proposed Sign would be prohibited, and enforcement action would be initiated.

Based on the review of the available information pertaining solely to the Proposed Sign's components, staff is of the opinion that the Applicant's documents and drawings contain sufficient information to confirm that the 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 Applicant's submissions indicate that the Subject Premises and surrounding area have buildings that range from 8-15 meters in height and are commercial in nature. Along with the buildings in and around the area, there are transit shelters that display signs of similar same size and format as the Proposed Sign, and as such, the Proposed Sign would blend with the area to compliment and improve the man-made environment.

Although staff agree that the area is largely commercial, the land use designation of the Subject Premises is in fact CR, where residential and recreational uses are permitted. Additionally, the transit shelters identified nearby, when displaying signs, contain copy of the static type. There were no signs of the electronic type nor other third party signs identified the surrounding area.

The Proposed Sign would be placed approximately 30 metres to the north of a first party ground sign currently placed on the Subject Premises (the "Existing Sign"). Where the Sign By-law allows for two signs to be erected on the same frontage, it mandates a minimum separation of 100 meters. The Applicant contends that the separation between the two signs will be sufficient to alleviate concerns regarding clutter and that the location of the new structure was carefully selected to position the Proposed Sign away from the OS Sign District, while meeting setback requirements of the intersection.

Figure 7: Transit shelter in front of Subject Premises displaying static copy sign



Staff believe that, given the proximity between the Existing Sign and Proposed Sign, they would likely be visible and readable simultaneously. As a result, the concerns regarding sign clutter were not fully addressed by the submissions.

Figure 8: View from Morningside Avenue facing the Subject Premises



As a result, is the CBO's opinion that not sufficient information was provided to demonstrate that the Proposed Sign would not alter the character of the Subject 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 terms of 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. Because third party electronic ground signs are not expressly permitted in the CR sign district, there are no district-specific third party sign regulations for the Proposed Sign's type.

A variance is required to 694-24A(14) to allow the Proposed Sign to be erected within 400 metres of Highway 401. The Applicant contends that the Proposed Sign will not be interfere with Highway traffic given that it would not be visible from vehicular traffic along the Highway lanes and would not interfere with vehicular decision points. Staff, in consultation with Transportation Services Division, have confirmed that the impacts of the Proposed Sign on the Highway should be minimal.

Regarding the requested variance to 694-15A, the Subject Premises is designated as a CR sign district under Chapter 694, is also designated as Mixed Use Areas in the Official Plan and CR zone under the Zoning By-law. While the Applicant's submissions demonstrate that the Proposed Sign's illumination impacts should be negligible on the surrounding properties, the relationship between the Proposed Sign and the Commercial Residential designations of the Subject Premises remains unclear. The Proposed Sign would be placed in proximity to a ground sign identifying the businesses on the Subject Premises, as well as it would be visible at the same time as the Existing Sign, raising concerns of clutter.

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

CONCLUSION

The Applicant's materials, even supplemented by 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 two requested variances, each 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
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ATTACHMENTS

Attachment 1 – Description of Signs and Required Variances

Attachment 2 – Applicant's Submission Package