

Application for One Variance, Subject to Three Conditions, Respecting One Third Party Electronic Ground Sign - 2901 Lawrence Avenue East

Date: May 30, 2025

To: Sign Variance Committee

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

Wards: Scarborough Centre (Ward 21)

SUMMARY

JOLT Charge Inc (the "Applicant") has submitted a sign variance application requesting one variance 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 2901 Lawrence Avenue East (the "Subject Premises").

The Subject Premises is designated 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.

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

The Applicant's Submissions indicate that the Proposed Sign would be affixed to a structure that also features an electric vehicle charging station (the "EV charging station"). As Chapter 694 exclusively regulates signs, this report focuses solely on the components of the Proposed Sign. All aspects related to the EV charging station, including relevant laws and regulations, are excluded from the scope of this report.

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 one variance, subject to three 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 variance to section 694-15.A, subject to three 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.	The Proposed Sign is a third party electronic ground sign, which is a sign type not expressly permitted in CR-Sign Districts.

If granted, the requested variance, would be subject to the following conditions:

- 1) The Proposed Sign shall conform in all respects to the specifications set out in the Proposed Sign Description in this Attachment, including but not limited to the number of sign faces, configuration, orientation of sign faces, copy displayed, maximum height, maximum sign face area, and location.
- 2) The Proposed Sign shall not be erected within 60.0 metres of any premises located, in whole or in part, in an R, RA, I or OS sign district.
- 3) The sign structure of the Proposed Sign shall not be attached, affixed, combined with, or otherwise associated with, 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 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 demonstrating that all applicable approvals for the electric vehicle charging station have been obtained.

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 2901 Lawrence Avenue East near the northerly frontage 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 east and west, targeting commuters on Lawrence Avenue East travelling in both directions. The Proposed Sign is described further in Attachment 1.

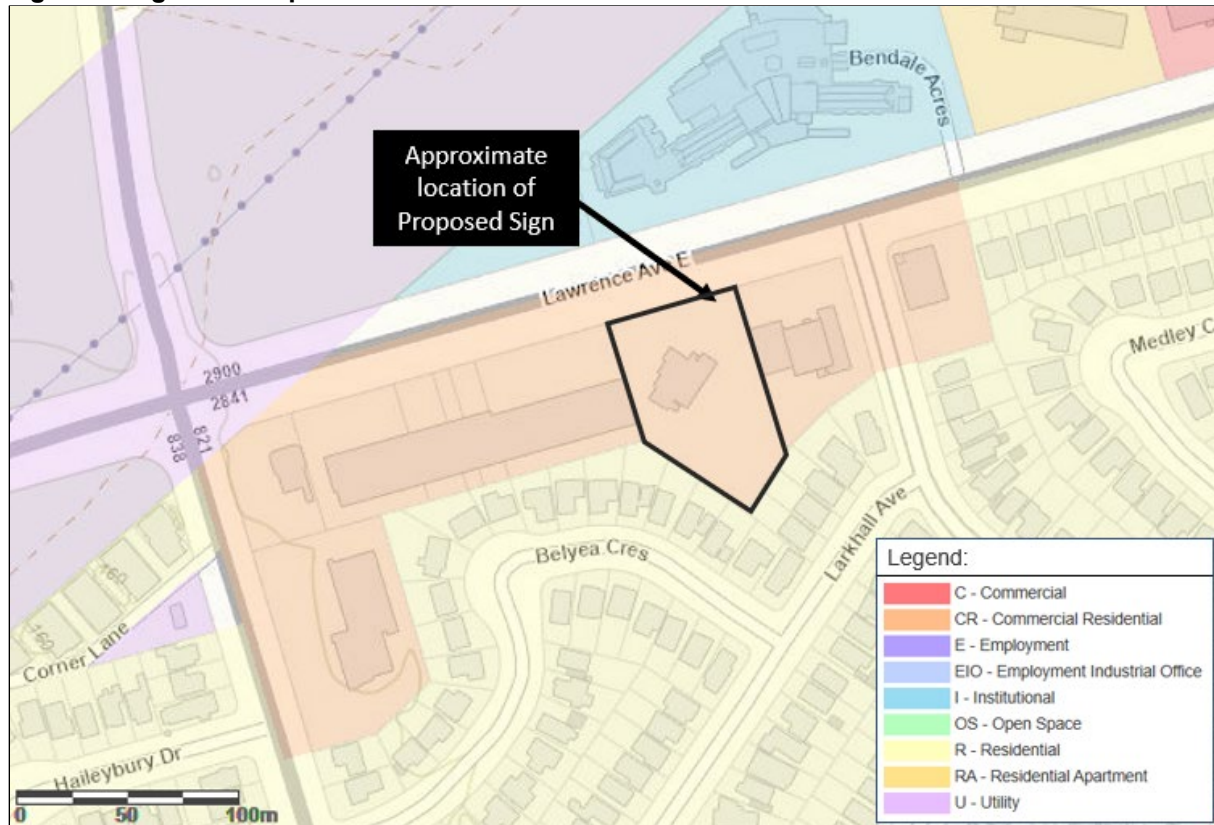
Figure 1: Rendering of Proposed Sign (from The Applicant's Submissions)



The Subject Premises contains a four-storey building serving a medical centre. There is also one static copy first party ground sign identifying the uses on the Subject Premises (the "Existing Sign"). The Proposed Sign would be erected on the same frontage as the Existing Sign, around 27 metres to the east.

The Subject Premises is located south of Lawrence Avenue East, in Ward 21 - Scarborough Centre, and it is designated as a Commercial Residential ("CR") Sign District, see SignView Map in Figure 2.

Figure 2: SignView Map - 2901 Lawrence Avenue East



Surrounding premises:

North: Institutional ("I") Sign District, six-storey long-term care facility

East: CR Sign District, two-storey multi-tenant commercial building

South: Residential ("R") Sign District, low-rise dwellings

West: CR Sign District, two-storey mixed-use building

COMMENTS

Applicant Information

The Applicant has stated they have been authorized by Lawrence Medical Centre (the "Owner") to apply for one variance, subject to three 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 north frontage of the Subject Premises, perpendicular to Lawrence Avenue East. 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 east and west, allowing visibility for commuters travelling in both directions along Lawrence Avenue East.

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 of the application required by the City's Sign By-law was served to premises within a 250-metre radius of the Subject Premises. Additionally, the Applicant was instructed to post a notice in a publicly visible location on the Subject 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.

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, even supplemented by staff research, 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 staff's review, the Subject Premises is designated as CR Sign District, where signs belonging to the third party sign class are permitted. 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 as a CR Sign District and it is surrounded by other CR Sign Districts to the east and west (see Figure 2). The uses identified on these properties generally serve commercial and residential purposes, consistent with the uses expected in CR Sign Districts. The properties to the south are designated as R Sign Districts and feature low-rise single-family houses. The property to the north is designated as an I Sign District where a six-storey long-term care facility is located.

Figure 3: Aerial View - Adjacent Properties Uses



While the CR Sign District provisions permit third party 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.

The provisions of the Sign By-law for CR Sign Districts aim to encourage pedestrian-oriented signage and advertisements, primarily for the identification of local businesses. Permitted third party signs in CR Sign Districts fall under one of the following sign types, as defined: wall sign and topiary wall sign. These permitted third party signs are limited to one sign face, with a maximum sign face area of 3.0 square meters and a maximum height of 3.0 meters. CR Sign Districts further restrict these third party signs from facing a street and from being positioned less than 30 metres of an intersection. The Proposed Sign would be in keeping with these provisions in terms of sign face area, height and setback from the intersection.

Since the Sign By-law was amended removing sign type from the criteria for granting a Sign Variance, applicants must provide additional evidence and analysis to demonstrate the compatibility of the proposal with the existing and planned development of the area. The Applicant contends that the EV charging station would provide utilities to residents. Staff is of the opinion that any potential benefit associated with the inclusion of an EV charging station is not pertinent to the current evaluation, as this report pertains solely to the sign component of the structure, which is regulated under Chapter 694. Approval of the requested variance would permit the installation of any third party electronic ground sign on the Subject Premises, provided it complies with the specified attributes and conditions, irrespective of the presence of an EV charging station.

The Applicant asserts that the Proposed Sign, due to its attributes, would complement the built environment without overpowering it, and would be thoughtfully integrated into the streetscape, thereby enhancing the pedestrian experience. While the Proposed Sign is not specifically focused on local business identification, staff concur that its scale would be more in keeping with pedestrian-oriented signage than large format billboards. However, the submissions lack information to demonstrate how allowing the erection of a sign type not permitted in CR Sign Districts would be compatible with the development of the area.

Submissions indicate that there would be no negative impact on the existing uses on the Subject Premises, and as per the Owner's advice, there are no plans to redevelop or change the use of the property in the future, and if this change, the unit can be repositioned or removed altogether. The Applicant also contends that third party sign permits are issued for the period of five years only, and that the City would be able to reassess any changes that may have occurred to the area when the sign permit expires. However, this rule does not apply to variances, which is the subject of this application, and if granted, variances remain valid for the Proposed Sign's lifetime and are not subject to expiration. Despite the above, staff's research has not identified any current development nearby that could be impacted by the Proposed Sign.

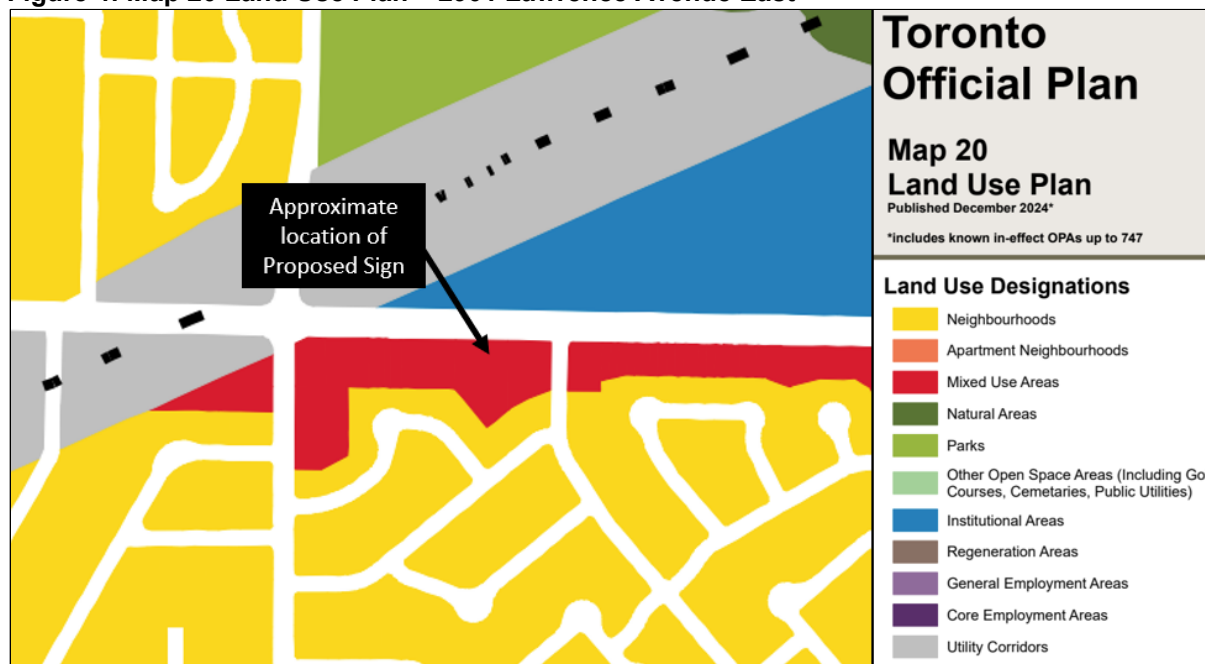
Based on the Applicant's submission materials and staff's investigation, the CBO is of the opinion that not sufficient evidence was provided to ensure the Proposed Sign would be compatible with the development of the premises and surrounding area, and that this criterion has not been met.

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

The Official Plan land use designation for the property at 2901 Lawrence Avenue East, and surrounding lands to the east and west is Mixed Use (see Figure 4). Mixed Use Areas 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 one mid-rise medical centre building, aligning with the Sign District's and the Official Plan's designations for the property.

The adjacent properties to the south are designated as Neighbourhoods in the Official Plan and to the north are Institutional Areas. Although third party signs are generally not compatible with the Official Plan policies for these land uses, staff investigation revealed that the relationship between the Proposed Sign and the properties to the north and south should be minimal, given the east-west sign faces' orientation and the presence of several physical barriers between the Proposed Sign and these properties.

Figure 4: Map 20 Land Use Plan – 2901 Lawrence Avenue East



The Applicant's Submissions indicate Official Plan 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 not necessarily imply that the Proposed Sign would also support the same objectives. Moreover, as mentioned previously, this report speaks solely to the matters related to the third party electronic ground sign, which are subject to Chapter 694. It is also important to note that if granted, the variance would allow the installation of any third party electronic ground sign on the Subject Premises combined or not with an EV Charging Station, so long it meets the specified attributes and conditions.

The Applicant asserts that the Proposed Sign aligns with the objectives of the Official Plan by supporting the integration of commercial uses within mixed-use zones and contributing to an attractive, comfortable, and safe pedestrian environment. They argue that the scale and design of the Proposed Sign would complement the existing streetscape, enhance the pedestrian experience, and stimulate the local economy by promoting businesses, supporting small enterprises, and increasing foot traffic to nearby retail establishments.

While its scale may be more in keeping with pedestrian-oriented signage than large format billboards, the Proposed Sign would be a third party sign, which by definition may advertise businesses not located on the Subject Premises. As such, its contribution

to the promotion of local businesses is not guaranteed and may not directly support the objectives cited by the Applicant.

The Zoning By-Law is the primary way in which the City implements 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. 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.

Staff investigation confirms that the Subject Premises falls in a Commercial Residential Zone (CR), under the City of Toronto Zoning By-law 569-2013. The Sign By-law mandates, in districts where third party electronic ground signs are permitted, they shall not be erected within the zoning-required building setback. The Proposed Sign, positioned 1.7 meters from the property line, would not meet the required setback, which must be the greater of 21.0 meters from the original center line of Lawrence Avenue East or 3.0 meters from a lot line abutting Lawrence Avenue East. The Proposed Sign is also intended to be placed on an existing accessible parking space. Although the Applicant has indicated that a Zoning Certificate application was made with the City to verify whether this reduction in the number of parking spaces would comply with Zoning By-law regulations, as of the date of this report, staff have not received confirmation.

Based on a review of the Applicant's Submission materials, the CBO is of the opinion that the Applicant has not provided sufficient evidence to demonstrate that the Proposed Sign supports the Official Plan objectives for the Subject Premises and surrounding area. As such, the CBO is of the opinion that this criterion has not been established.

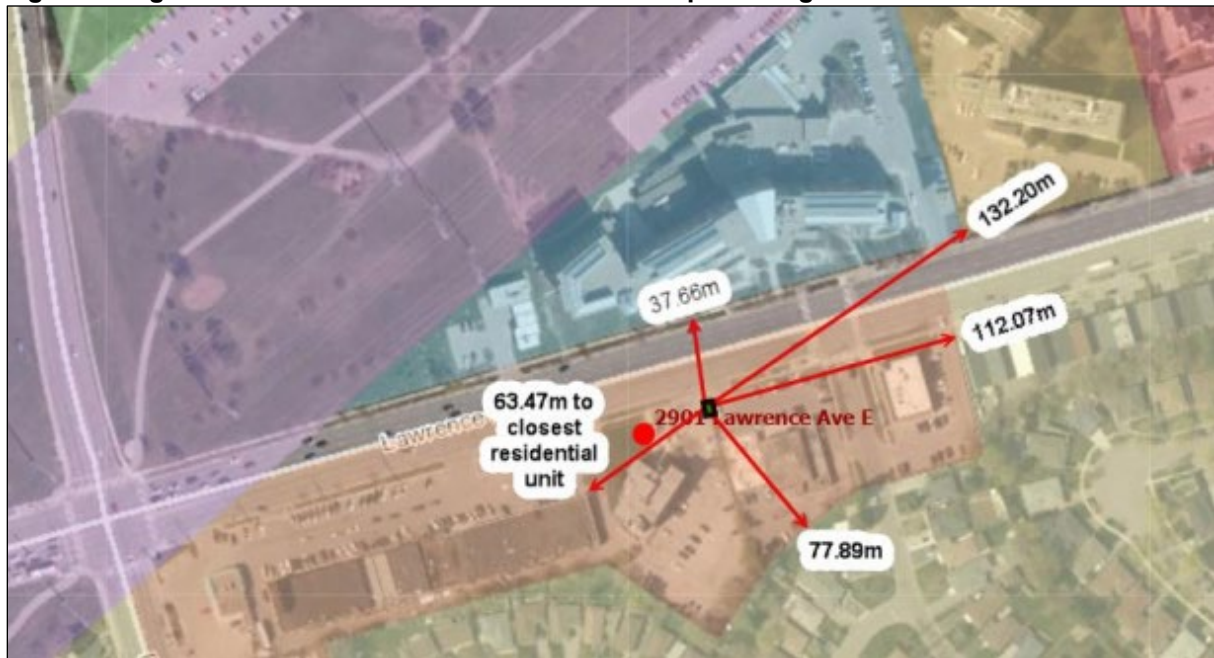
Section 694-30A(4): The Proposed Sign does not adversely affect adjacent premises

The Proposed Sign would be located in the CR sign district and facing I and R sign districts approximately 37 metres and 78 metres away. 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, I, OS, R or RA sign districts within 250 metres, as they may contain sensitive uses. The Proposed Sign would fall short of the required separation.

Staff have confirmed that visibility of the Proposed Sign from the residential properties to the south would be entirely obstructed by various existing barriers on the Subject Premises, such as the four-storey building, fence and trees.

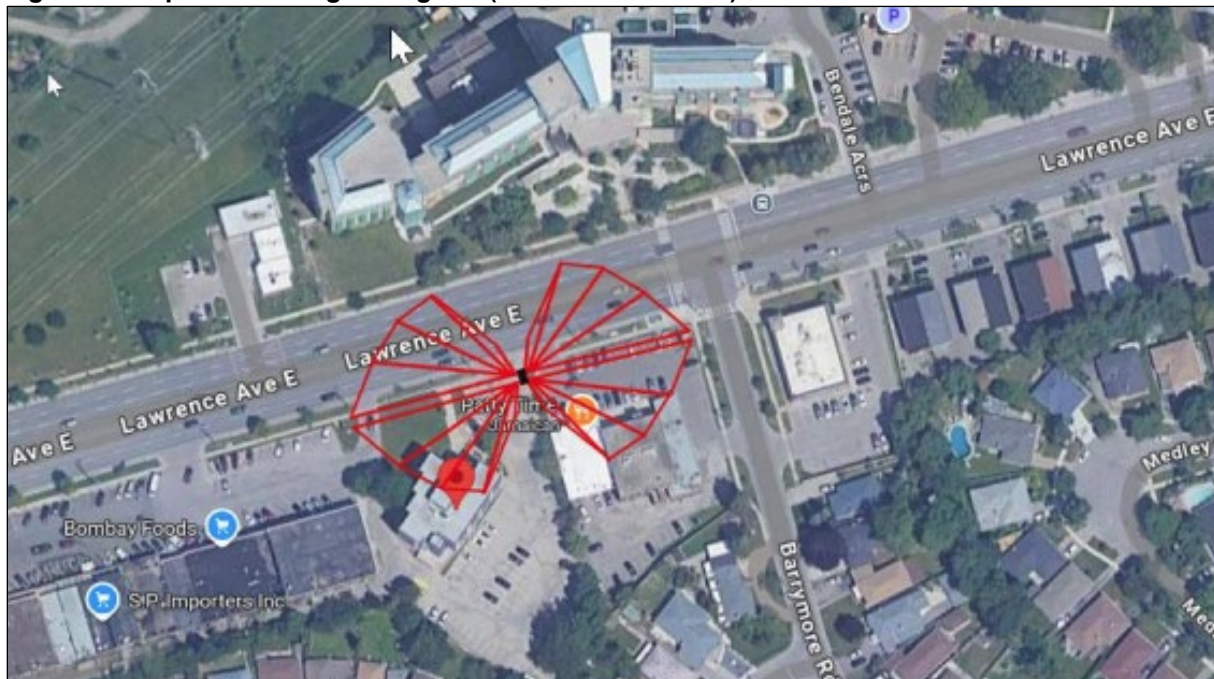
The I Sign District to the north features a long-term care home. The Applicant asserts that the large trees along Lawrence Avenue East would serve as a natural barrier for the building to the north, preventing the legibility of the displays.

Figure 5: Sign Districts' Setback in Relation to the Proposed Sign



Approximately 55 metres to the west of the Subject Premises, a CR Sign District contains both commercial and residential land uses. Submissions 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 approximately 50 meters. At this distance, the light emitted equates to that emitted from a full moon, which is the threshold the Applicant states light becomes negligible. The Applicant asserts that any light outside the light shed cone represented in Figure 6 will be less than what a full moon emits, and as a result, there would be no light shed trespass into the residential units to the west or into the long-term care facility to the north.

Figure 6: Dispersion of Light Diagram (from Submissions)



Staff agree that, based on the information presented in the supporting documentation and subject to compliance with the 60-metre separation distance and specifications conditions, the illumination impacts of the Proposed Sign on nearby sensitive land uses are expected to be minimal.

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 to not 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 regulations (set back from intersections, distance from street lines, and pedestrian triangles) to 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.

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. As these elements are considered part of the Proposed Sign's structure, under the Sign By-law the entire structure must comply with §694-15B. The nature of these accessory elements of the sign structure raises potential concerns with respect to §694-15B, specifically (6), (7) and (9).

Since the Sign By-law only regulates signs, matters related to the EV charging station's component fall outside the scope of this review. To ensure that any granted variance 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. Should 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 then be prohibited, and enforcement action would be initiated.

The Applicant's Submissions indicate that the Proposed Sign would be placed on an existing parking space, raising concerns regarding potential violation of subsection §694-15B(5). The Applicant has confirmed they applied for a Zoning Certificate to verify whether the reduction in parking spaces would be permissible under Zoning By-law regulations. However, as of the date of this report, staff have not received confirmation and could not establish that the Proposed Sign would not obstruct or interfere with the use of any required parking space.

As a result, the Applicant's documents and drawings lack information to ensure that the Proposed Sign does not meet the description of any of the signs which are specifically prohibited by §694-15B. The CBO is of the opinion that this criterion has been not 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 there are nearby 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. While existing signs can be used to some extent to assess the character of an area, it is important to note that bus shelters' signs are not regulated under Chapter 694, as such are not subject to the same provisions applicable to the Proposed Sign. Moreover, none of the bus shelters nearby appear to display copy of the electronic type.

As mentioned previously, there is one first party ground sign on the Subject Premises, displaying static copy. The Proposed Sign would be erected on the same frontage as the Existing Sign, around 27 metres to the east (see Figure 7).

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



In Sign Districts where third party electronic ground signs are permitted, the Sign By-law mandates that such signs be the only ground sign on the Subject Premises. For first party signs in CR Sign Districts, the Sign By-law permits multiple signs on the same frontage, but it limits the number of signs to a maximum of two and requires a minimum separation of 100 metres. Given the property frontage of approximately 60 metres, this separation would not be feasible under any circumstances.

The Applicant asserts that the separation between the Proposed Sign and the Existing Sign would sufficiently mitigate concerns regarding clutter. However, staff is of the opinion that these concerns were not fully addressed. The Proposed Sign would have a separation distance from an Existing Sign that is approximately one-third of the minimum typically required. The Proposed Sign would be also targeting the same audience, as both signs are oriented east-west. These, combined with the likelihood of the sign faces of the Proposed and Existing Signs being visible simultaneously, the use of electronic copy on a sign of the third party sign class (both prohibited in CR sign districts) further contribute to the issue.

As a result, it is the CBO's opinion that the Proposed Sign would alter the character of the Subject Premises or surrounding area, and 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.

With respect to the requested variance to §694-15A, while the Applicant's submissions demonstrate that the Proposed Sign's illumination impacts should be negligible on the surrounding properties, the Proposed Sign, located on a parking space, would also be placed within the zoning-required building setback. Staff believe that non-compliance with the Zoning By-law could be an indicator of a misalignment with the objectives of the Official Plan the Applicant's Submissions lack adequate information to confirm zoning compliance.

The Proposed Sign would be the only electronic sign within the surrounding area. Additionally, the Subject Premises already contains a first party ground sign, and the Proposed Sign would target the same audience and be visible simultaneously with the Existing Sign, raising concerns regarding visual clutter. Collectively, these could result in altering the character of the area.

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

CONCLUSION

The Applicant's materials, even when 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 requested variance, subject to three conditions, have been met.

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

CONTACT

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SIGNATURE

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

ATTACHMENTS

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