

Supplementary Report: Application for One Variance, Subject to Three Conditions, Respecting One Third Party Electronic Ground Sign - 3493 Kingston Road

Date: August 28, 2025

To: Sign Variance Committee

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

Wards: Scarborough Southwest (Ward 20)

SUMMARY

At its June 13, 2025 meeting, the Sign Variance Committee (the "SVC") considered an application submitted by JOLT Charge Inc (the "Applicant") seeking one variance from the regulations of the Sign By-law, subject to three conditions, required to allow the issuance of a permit for the erection and display of one third party electronic ground sign (the "Original Proposed Sign") at the property municipally known as 3493 Kingston Road (the "Subject Premises").

For the purposes of allowing further submissions from the Applicant and preparing a supplementary report responding to, and transmitting to, the SVC these further submissions, the SVC referred the matter back to the he Chief Building Official and Executive Director, Toronto Building (the "CBO"). Following the Committee's decision, the Applicant provided additional submissions which resulted in a similar but different second proposal (the "Alternative Proposed Sign"). This second proposal required a comprehensive assessment. This Supplementary Report, along with its associated attachments, supplements the original report submitted by the CBO which was considered at the June's hearing; and the recommendations in this report supersede in full the recommendations within that previous report.

Based on the documentation provided, the Applicant has now submitted two distinct proposals for the placement of a third party electronic ground sign (the "Proposed Sign") on the Subject Premises. While both proposals contain signs similar in design and specifications, they differ in location. The Alternative Proposed Sign is to be situated approximately 45.0 metres west of the location identified for the Original Proposed Sign. For each proposal, the Applicant is seeking one variance, subject to three conditions. These conditions are comparable in nature but have been adjusted to reflect the respective locations.

The Alternative Proposed Sign, like the Original Proposed Sign, would contain two rectangular sign faces displaying electronic static copy in a back-to-back configuration, oriented northeast and southwest, perpendicular to Kingston Road. Each sign face would measure 0.93 metres by 1.65 metres, resulting in a sign face area of 1.55 square metres, and a maximum height of 2.65 meters from grade.

The portion of the Subject Premises where the both the Original Proposed Sign and the Alternative Proposed Sign (collectively the "Proposed Signs") are sought be placed is designated Commercial Residential ("CR") Sign District, which allows third party signs, however, does not expressly permit signs of the electronic ground sign type. A variance is required to permit the erection and display of a sign type that is not permitted in the CR Sign District.

The Applicant's submissions indicate for each of the Proposed Signs, that they 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 associated to the Proposed Signs. 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 research by staff, the CBO remains in the position that there is not a sufficient basis to conclude that the eight mandatory criteria in §694-30A of the Sign By-law have been established with respect to the one variance, subject to three conditions, sought for either the Original Proposed Sign or the Alternative Proposed Sign.

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 Original Proposed Sign, as further described in Attachment 1 to this report.
2. 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 Alternative Proposed Sign, as further described in Attachment 2 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

SB17.2 - Application for One Variance, Each Subject to Three Conditions, Respecting One Third Party Electronic Ground Sign - 3493 Kingston Road

At its June 13, 2025 meeting, the Sign Variance Committee considered an application seeking one variance from the regulations contained in the Sign By-law required to allow the issuance of a permit for the erection and display of one third party electronic ground sign at 3493 Kingston Road and decided to refer the matter back to the CBO for the purposes of receiving further submissions from the Applicant and report back to the September 12, 2025 meeting of the Sign Variance Committee.

(<https://secure.toronto.ca/council/agenda-item.do?item=2025.SB17.2>)

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 Variance and Conditions - Original Proposed Sign

Table 1: Summary of Requested Variances

Section	Requirement	Proposal
694-15.A	Anything not expressly permitted by Chapter 694 is prohibited.	To exempt the Subject Premises from this City-wide regulation allowing the Original Proposed Sign to be erected at a CR-Sign Districts, where third party electronic ground sign types are not expressly permitted.

If the requested variance is granted, the Original Proposed Sign will be subject to the following three conditions.

1) The sign shall conform in all respects to the specifications set out in the Proposed Sign Description, 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 sign structure of the 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 sign, or the modification of the 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.

3) The 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.

Required Variance and Conditions - Alternative Proposed Sign

Table 2: Summary of Requested Variances

Section	Requirement	Proposal
694-15.A	Anything not expressly permitted by Chapter 694 is prohibited.	To exempt the Subject Premises from this City-wide regulation allowing the Alternative Proposed Sign to be erected at a CR-Sign Districts, where third party electronic ground sign types are not expressly permitted.

If the requested variance is granted, the Alternative Proposed Sign will be subject to the following three conditions:

1) The sign shall conform in all respects to the specifications set out in the Proposed Sign Description, 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 sign structure of the 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 sign, or the modification of the 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.

3) The sign shall not be erected within 45.0 metres of any premises located, in whole or in part, in an RA, sign district; or within 60.0 metres of any premises located, in whole or in part, in an R, I or OS sign district.

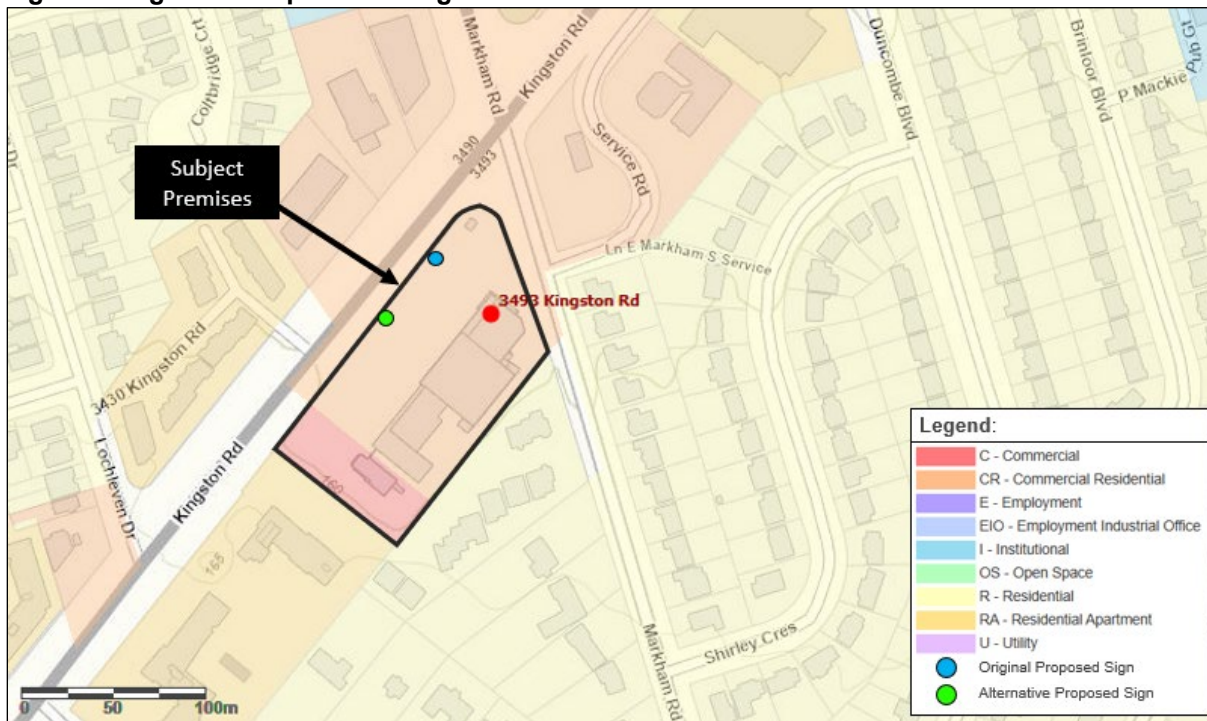
Sign Attributes and Site Context

The Alternative Proposed Sign, like the Original Proposed Sign, would be an electronic ground sign with two sign faces displaying electronic static copy. 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 1.55 square metres. The sign faces would be oriented approximately northeast and southwest, targeting commuters on Kingston Road travelling in both directions. The Original Proposed Sign is described further in Attachment 1. The Alternative Proposed Sign is described further in Attachment 2.

Figure 1: Render of Proposed Sign (from Submissions)



Figure 2: SignView Map - 3493 Kingston Road



The Subject Premises operates as a retail plaza, featuring three low-rise buildings with various commercial uses. There are also three static copy first party ground signs identifying the businesses operating on the Subject Premises (the "Existing Signs").

The Subject Premises is located east of Kingston Road and west of Markham Road, in Ward 20 - Scarborough Southwest. Staff have confirmed that the Subject Premises falls into two different Sign Districts: Commercial ("C") and Commercial Residential ("CR"). In both Original Proposed Sign and Alternative Proposed Sign, the Proposed Signs would be placed in the portion of the Subject Premises designated as a CR Sign District, see SignView Map in Figure 2. As a result, under section 694-14B, of the Sign By-law, the CR sign district provisions are the provisions which apply to these portions of the Subject Premises.

Submissions indicate that the Original Proposed Sign would be located at the northwesterly frontage of the Subject Premises, around 49 metres of the intersection of Kingston Road and Markham Road. The Alternative Proposed Sign would be placed further to the west, around 93 metres of this same intersection. The Alternative Proposed Sign would otherwise be similar to the Original Proposed Sign.

Surrounding premises:

North: CR Sign District, one-storey commercial building

East: CR Sign District, one-storey auto service centre

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

West: RA ("Residential Apartment") Sign District, eight-storey residential building

COMMENTS

Applicant Information

The Applicant has stated they have been authorized by E-lar Inc. (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

At its June 13, 2025 meeting, the SVC decided to refer back to the CBO an application for one variance, subject to three conditions, concerning one third party electronic ground sign at the Subject Premises. The SVC decision allowed for further submissions from the Applicant and directed the CBO to report back in the meeting of September 2025.

In accordance with the Committee's direction, this Supplementary Report is based on all submissions received up to the date of reporting. Since June's hearing, the Applicant has provided the following additional materials:

- Supplementary rationale concerning the original application for the Original Proposed Sign;
- A second proposal providing an alternative location - the Alternative Proposed Sign.

These additional submissions required a comprehensive reassessment of the Original Proposed Sign; and a new assessment for the Alternative Proposed Sign. As a result, this Supplementary Report, along with its associated attachments, supplements the original report which was considered at the June's hearing; and the recommendations in this report supersede in full the recommendations within that previous report.

The Applicant has submitted extensive documentation addressing matters not within the jurisdiction of the SVC's jurisdiction. Although the CBO has determined that the inclusion of such material has not caused the application to contravene any City program, policy, or by-law, the CBO advises caution in considering these submissions. Neither the Sign By-law nor any other applicable City policy permits consideration of benefits, whether to the City, local communities, or other organizations, associated with a sign or sign structure as a basis for approval. Such benefits are not recognized as valid factors for staff, City Council, or its appointed Committees to consider when evaluating sign variance applications. These matters are not permissible subjects of a sign variance application and, accordingly, the following materials are excluded from the current proposals and should not be considered by the SVC:

- Permit Duration and Expiry Conditions: The Applicant has proposed a condition to reduce the duration of the sign permit from five years to two years, and also a condition requiring the permit to expire and the sign to be removed upon the installation of residential dwellings on the Subject Premises. However, the Applicant subsequently requested via email that both conditions be withdrawn and excluded from consideration. Accordingly, the assessment provided in this report does not take these proposed conditions into account. S Staff notes that matters related to the permitting regime applicable to third party signs fall exclusively within the jurisdiction of City Council.
- EV Charging Station Submissions: The EV charging station component of the structure, outside of the specific issues of its relationship as part of the sign structure itself, lies outside the jurisdiction of the SVC. As such, staff emphasizes that the business operations and functionality of the EV charging station are of limited relevance to the matters under review. The SVC's role is strictly to determine whether the Applicant satisfies the eight mandatory criteria set out in §694-30A of the Sign By-law.

Community Consultation

The CBO has adopted a practice of engaging in an 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 is required 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.

The CBO also conducted an additional virtual community consultation session on the evening of May 22, 2025, to provide more information regarding the proposal and collect feedback of area residents and interested parties.

Although additional submissions by the Applicant made after public consultation proposed an alternative location for the sign, the substance of the application - including the sign type, the premises, and the nature of the variance sought under Chapter 694 - remains unchanged. Therefore, in accordance with the Sign By-law, no additional consultation was required for the Alternative Proposed Location.

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 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, has not provide a sufficient basis to conclude that the eight required criteria established in §694-30A of the Sign By-law have been met, with respect to either the Original Proposed Sign or the Alternative Proposed Sign.

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 falls into two different Sign Districts: C and CR. Both the Original Proposed Sign and the Alternative Proposed Sign would be in a portion of the Subject Premises 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, both of the Proposed Signs belong to the third party sign class because they 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 they are sought to be located.

Therefore, the CBO is of the opinion that this criterion has been established for both Original Proposed Sign and Alternative Proposed Sign.

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

The portion of the Subject Premises where either of the two Proposed Signs are sought to be placed is designated as a CR Sign District and surrounded by other CR Sign Districts to the north and east. These properties mainly serve commercial 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 southwest is designated as an RA Sign District where an eight-storey residential building is located.

Figure 3: Aerial View - Adjacent Properties Uses



While CR Sign District regulations 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 Signs. Since the Sign By-law was amended in 2024, removing the 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, based on the specific unique circumstances of the variance proposal.

Submissions note that the Subject Premises currently does not feature any residential uses. The Applicant has indicated, based on the Owner's advice, that there are no plans to redevelop or change the use of the property, and that either the Original Proposed

Sign or the Alternative Proposed Sign could be repositioned or removed if residential uses were introduced in the future.

Staff have conducted a review of the Zoning By-law, which confirmed that residential building types are restricted on the Subject Premises making the likelihood of a residential development in the near future minimal. Therefore, the CBO believes that the Proposed Signs would be consistent with the current range of developments outlined by the City for the Subject Premises.

To ensure that either of the Proposed Signs do not adversely affect potential future developments with respect to the surrounding area, conditions requiring minimum separation distances from R, RA, I, and OS Sign Districts are being imposed. While the conditions are similar in intent, they have been tailored to reflect the specific locations of each of the Proposed Signs.

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, in any of the locations, would comply with these provisions in terms of sign face area, height, and setback from the intersection, but not in terms of permitted sign type, forms of sign copy and number of sign faces.

The provisions of the Sign By-law regulating signs in CR Sign Districts are intended to promote more pedestrian-oriented signs and advertisements. The submissions indicate that the signage components are modest in size and scale, significantly smaller scale compared to the large-format billboards, and are designed to complement, not compete with, the existing urban fabric, thereby aligning with the objectives of the Sign By-law.

In districts where third party electronic ground signs are permitted, the Sign By-law stipulates a minimum separation distance of 60.0 metres from R, RA, CR, I, or OS Sign Districts. Neither the Original Proposed Sign nor the Alternative Proposed Sign, both located within the CR Sign District, would satisfy this separation requirement. Additionally, the Sign By-law stipulates that such signs must not face premises within CR, OS, or I Sign Districts located within 250 metres. At either location, the Proposed Signs would both be facing R and RA located less than 250 metres away.

The Applicant has suggested that the regulations outlined in the Sign By-law are primarily intended to govern larger scale signs, and has noted that the display area of the Proposed Signs would represent approximately 15% of a standard billboard size. The Applicant further contends that digital displays of the same make and model as the Proposed Signs are currently installed in transit shelters across the City, including in proximity to residential properties, thereby establishing a precedent the integration of similar digital signage within mixed-use areas.

It is important to note that, while existing signs can be used to some extent to assess the compatibility of a new sign, precedent is not a criterion listed in Section 694-30A for granting or refusing a variance. It also relevant to note that signs on bus shelters do not

fall in the scope of Chapter 694, as they are displayed wholly within the public right of way and governed by an agreement with the City enforced by Transportation Services Division.

In spite of the above, the Submissions demonstrate with light shed diagrams (see Figures 6 and 7) that the light emission from either the Original Proposed Sign or the Alternative Proposed Sign, is not expected to affect neighbouring residential areas. They have also indicated that potential visual impact would be further mitigated by existing mature trees and built structures (see Figure 4). Staff believe that, subject to conditions regarding size, height and orientation, both the Original Proposed Sign and the Alternative Proposed Sign would have minimal impacts on the properties in the RA Sign District.

Figure 4: Streetview C, CR and RA Sign Districts to the West (from Submissions)



Based on the review of the submissions and additional staff findings, the CBO is of the opinion that the Proposed Sign, at either the Original Proposed Sign and the Alternative Proposed Sign, subject to the specified conditions, would be consistent with the development of the Subject 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

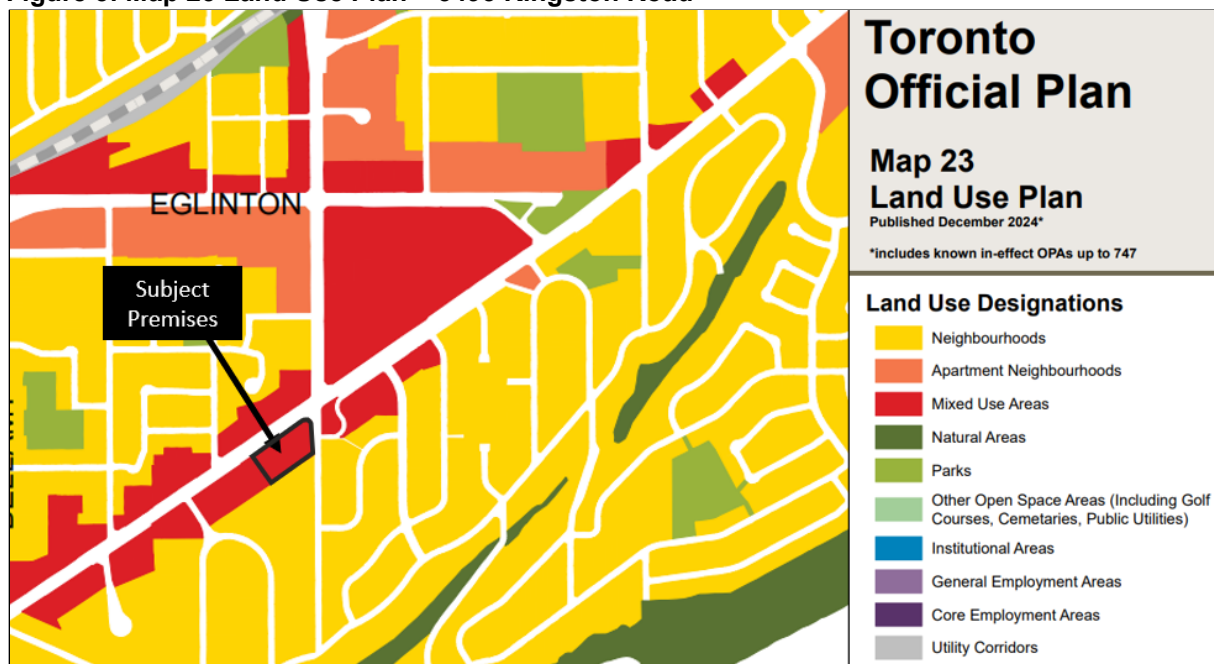
The Official Plan land use designation for the property at 3493 Kingston Road and surrounding lands to the north, east and west is Mixed Use (see Figure 5). Mixed Use Areas are intended to promote a balanced and dynamic community by accommodating diverse needs through a combination of commercial, residential, institutional, and open space uses, similar to the uses currently identified on the area. The Subject Premises houses three low-rise commercial buildings, aligning with the Sign District and the Official Plan designations for the property.

The lands to the south are designated as Neighbourhoods in the Official Plan. Although third party signs are generally not compatible with the Official Plan policies for Neighbourhoods, staff investigation revealed that, given its attributes and location, combined with the existing buildings on the Subject Premises situated between the

Proposed Sign and the residences to the south, the relationship between the Proposed Sign and the Neighbourhoods lands should be minimal.

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 Proposed Signs might share the structure with an EV charging station, the fact that the EV charging station may support Official Plan objectives does not necessarily imply that the Proposed Signs would also support the same objectives. Moreover, as mentioned previously, this report speaks solely to the matters related to the sign components, 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.

Figure 5: Map 23 Land Use Plan – 3493 Kingston Road



Submissions indicate that the Proposed Signs align with Sections 2.2.2, 2.3.1, 3.1.1 and 4.5.2 of the Official Plan and Urban Design Guidelines as they would: enhance the public realm; be contextually appropriate due to the modest size and scale; be located within active commercial areas; respect neighbourhood character through context-sensitive design; support economic vitality by providing advertising space for local businesses and events; and mitigate land use conflicts, with no adverse effects on adjacent uses.

The Applicant emphasizes that Mixed Use Areas vary significantly in their composition of commercial, office, institutional, and residential uses. Therefore, sign compatibility assessments must consider the specific context of each site. At 3493 Kingston Road, the designated Mixed Use Area is currently 100% retail and commercial, with no residential component or redevelopment plans. Staff research confirms that the Subject Premises and surrounding properties are designated Commercial Residential (CR) under Zoning By-law 569-2013. While some sensitive land uses may be permitted

within this zone, the development of residential building types is restricted these specific lands.

The Zoning By-Law is the primary way in which the City implements its Official Plan. It regulates built form to align with Official Plan objectives, particularly objectives that are intended to guide built form and the mitigation of impacts through separation distances from adjacent properties or land uses. Non-compliance with the Zoning By-law may suggest that the Proposed Sign does not fully support these objectives.

Although residential uses exist in the broader area, the Applicant has demonstrated that the orientation of the sign faces and the separation distances from these sensitive uses are sufficient to mitigate potential impacts.

After reviewing the Applicant's submission materials, supplemented by staff research, the CBO is of the opinion that sufficient evidence was provided to demonstrate that the either of the Proposed Signs would support the Official Plan objectives for the Subject Premises and surrounding area. As a result, this criterion has been established.

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

The Original Proposed Sign and the Alternative Proposed Sign would face premises to the east and south within 250 metres designated as R sign districts, and would also be in proximity to additional RA districts to the west and southwest. This contravenes separation requirements outlined in the Sign By-law for third-party electronic ground signs facing CR, I, OS, R, or RA Sign Districts. Additionally, the Alternative Proposed Sign would be located less than the typically required 60-metre separation from an RA sign district.

The northeast and southwest orientation of the sign faces would ensure that the displays do not directly face the residential properties located to the south of the Subject Premises. In addition, the existing buildings on the Subject Premises exceed the height of the Proposed Signs, providing a physical barrier that contributed to limiting visibility from the adjacent residential district.

The Applicant has submitted evidence demonstrating that the impactful light emitted by the electronic static displays, operating at the maximum brightness of 300 nits permitted under the Sign By-law, would reach approximately 50 metres. At this distance, the light intensity becomes comparable to that of a full moon, which the Applicant identifies as the threshold below which light impact is considered negligible. They assert that any light emitted beyond the defined light shed cone, illustrated in Figures 6 and 7, would fall below this threshold.

As a result, neither the Original Proposed Sign or the Alternative Proposed Sign are expected to result in light trespass into adjacent residential properties along Kingston Road or Markham Road.

Figure 6: Dispersion of Light Diagram - Original Proposed Sign (from Submissions)

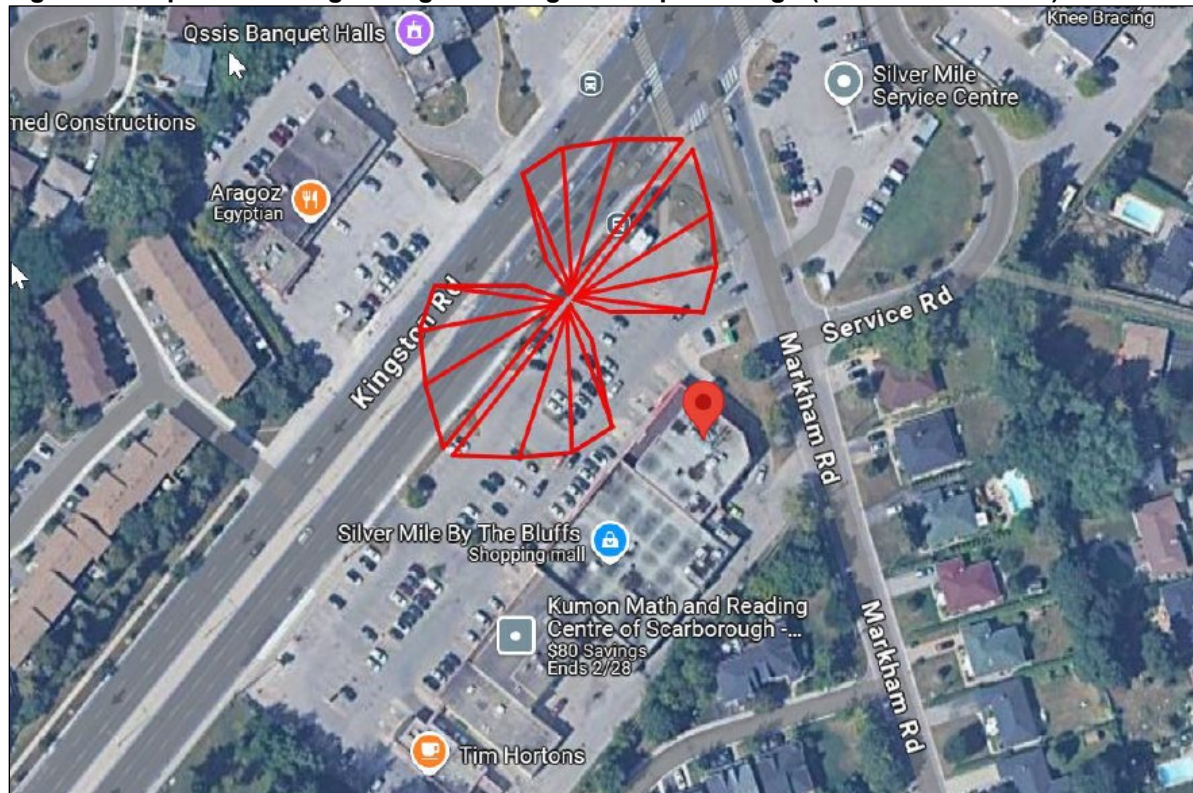
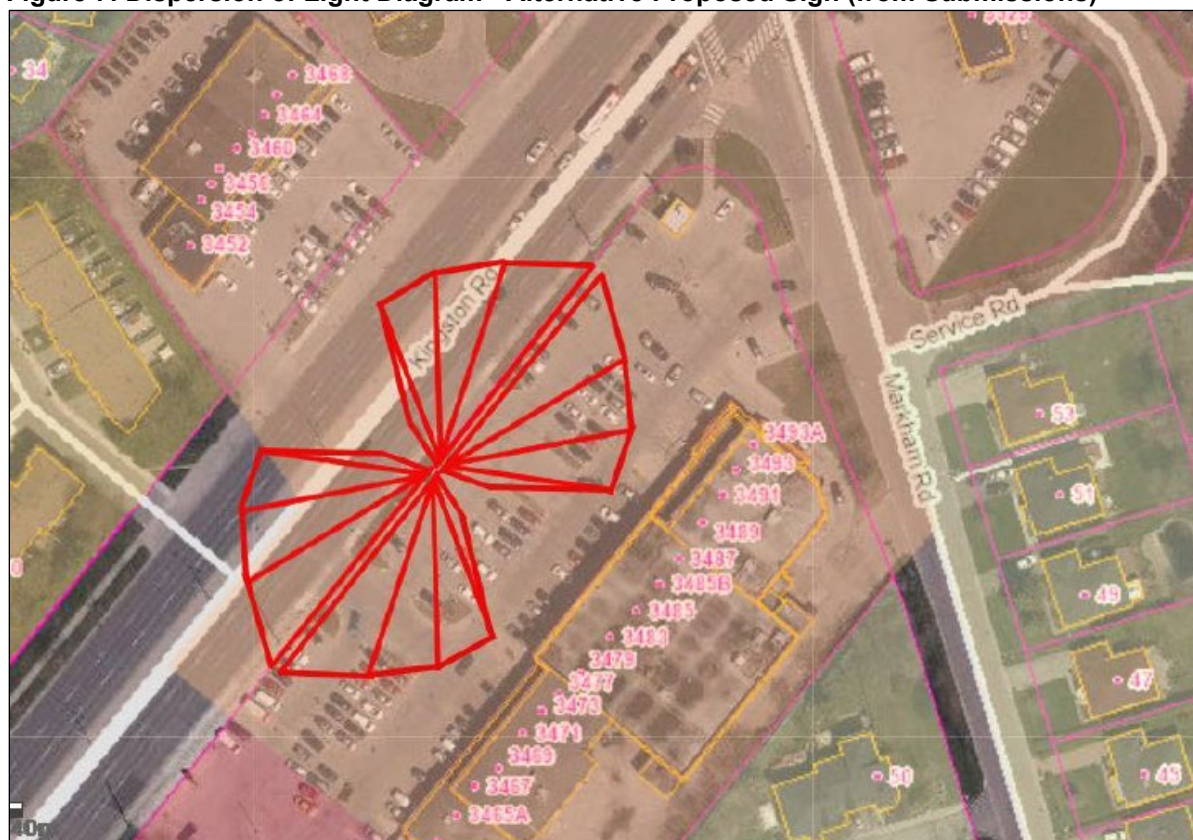


Figure 7: Dispersion of Light Diagram - Alternative Proposed Sign (from Submissions)



Although the Alternative Proposed Sign is sought to be placed at approximately 45 metres from an RA district, the Applicant contends that the nearest residential building is approximately 58 metres away, therefore light emissions are not expected to affect the property. This area is also buffered by a fence of similar height to the Proposed Signs and mature trees, which would further prevent light trespass and visual exposure.

Staff agree that, based on the details provided in the submissions and subject to conditions regarding size, height and orientation, the illumination impacts of the Original Proposed Sign or the Alternative Proposed Sign on the nearby residences should be minimal.

Therefore, the CBO is of the opinion that this criterion has been established for both of the Proposed Signs.

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 Applicant's submissions have indicated that both the Original Proposed Sign and the Alternative Proposed Sign would be situated entirely outside this prohibited zone for signs, nor 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. Both of the Proposed Signs 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. Both of the Proposed Signs 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, including the requested deviations from the mandatory requirements of the Sign By-law, staff have determined that there is

no reasonable basis for concern related to public safety arising from either the Original Proposed Sign or the Alternative 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 current intention with respect to both of the Proposed Signs is for these sign structures to 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 subsections §694-15B(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. The CBO's notes that the Applicant's submissions regarding the EV charging station portion of the structure were reviewed solely to determine whether any elements of the charging station would render the Proposed Signs prohibited under Section 694-15B of the Sign By-law. Staff have concluded that no such components are present. However, if any accessory elements of the sign structure interfere with electrical or telephone infrastructure, emit sound, discharge gas, liquid, or solid materials, or include interactive sign content, the sign would be deemed prohibited. In such cases, enforcement action would be initiated.

Submissions indicate that both the Original Proposed Sign and the Alternative Proposed Sign are intended to be located within an existing parking space on the Subject Premises, raising potential conflict with respect to subsection §694-15B(5). To offset the loss of this parking space, the Applicant has committed to providing an additional parking stall on-site. This arrangement has been reviewed and approved by Toronto Building through the issuance of a Zoning Applicable Law Certificate dated June 13,

2025. The certificate attached to the Applicant's Submission confirms that the proposal complies with the applicable provisions of the City's Zoning By-law and all other applicable law, as required under Division A, Part 2, Sentence 1.4.1.3 of the Ontario Building Code.

Based on the review of the available information pertaining solely to the Original Proposed Sign's and the Alternative Proposed Sign's components, staff is of the opinion that the Applicant's documents and drawings contain sufficient information to confirm that neither of the Proposed Signs meet the description of any of the signs which are specifically prohibited by §694-15B. As a result, this criterion has been established.

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

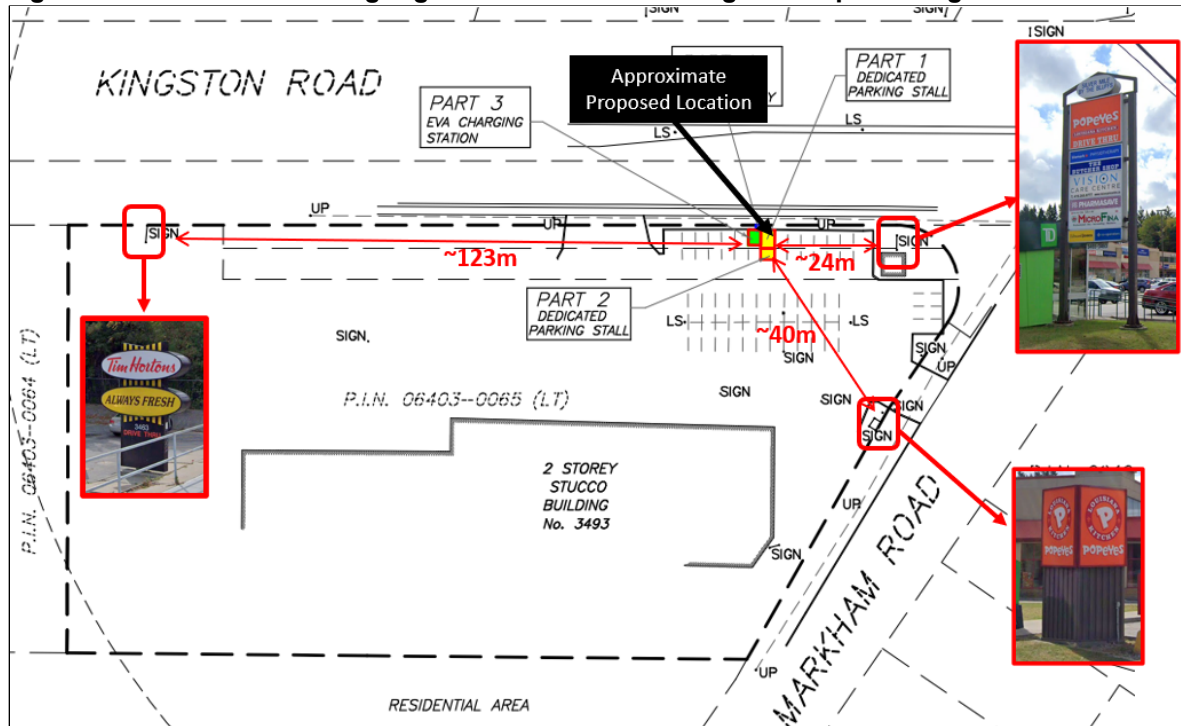
The Applicant's submissions indicate that there are nearby transit shelters that display signs of similar same size and format as the Proposed Sign, therefore the Proposed Sign would blend with the area to compliment and improve the man-made environment. Staff research revealed that signs on nearby transit shelters contain copy of the static type. There were no signs of the electronic type nor other third party signs identified the surrounding area. While existing signs can be used to some extent to assess the character of an area, precedent is not a criterion listed in Section 694-30A for granting or refusing a variance.

As previously noted, there are three existing static copy first party ground signs located on the Subject Premises: two along the Kingston Road frontage (the "Multi-Tenant Sign" and the "Tim Hortons Sign") and one along the Markham Road frontage (the "Popeyes Sign"). Pursuant to Chapter 694, in Sign Districts where third party electronic ground signs are permitted, such signs must be the only ground sign on the premises. Although one of the Existing Signs is situated on a separate frontage, the total number of signs significantly exceeds the permitted limit.

Under the current Sign By-law, properties with a frontage exceeding 200 metres are permitted a maximum of two first party ground signs, provided a minimum separation distance of 100 metres is maintained between them. The Subject Premises, with a frontage of approximately 170 metres along Kingston Road, qualifies for only one first-party ground sign under the current regulatory framework. Notwithstanding this limitation, two first party ground signs are presently installed on the frontage, which been erected prior to the enactment of the current Sign By-law.

The installation of either the Original Proposed Sign or the Alternative Proposed Sign would result in a third ground sign on the same frontage. Moreover, the Original Proposed Sign, located approximately 24 metres from the existing Multi-Tenant Sign (refer to Figure 8), falls significantly short of the required separation distance, contributing to concerns regarding visual clutter and cumulative signage impact. In response to these concerns, as identified in the June staff report, the Applicant has proposed an alternative location for the sign, resulting in the Alternative Proposed Sign.

Figure 8: Location of Existing Signs in relation to the Original Proposed Sign



The Alternative Proposed Sign would be located approximately 70 metres from the Multi-Tenant Sign and 78 metres from the Tim Hortons Sign, both situated along the Kingston Road frontage. The Applicant contends that mature trees along Kingston Road obstruct simultaneous visibility of the Alternative Proposed Sign and the Multi-Tenant Sign, thereby reducing visual clutter compared to the Original Proposed Sign. Staff acknowledges that these trees may provide partial screening; however, their effectiveness is seasonal due to foliage loss in winter. Moreover, no condition has been proposed to ensure the continued presence or maintenance of such obstructions.

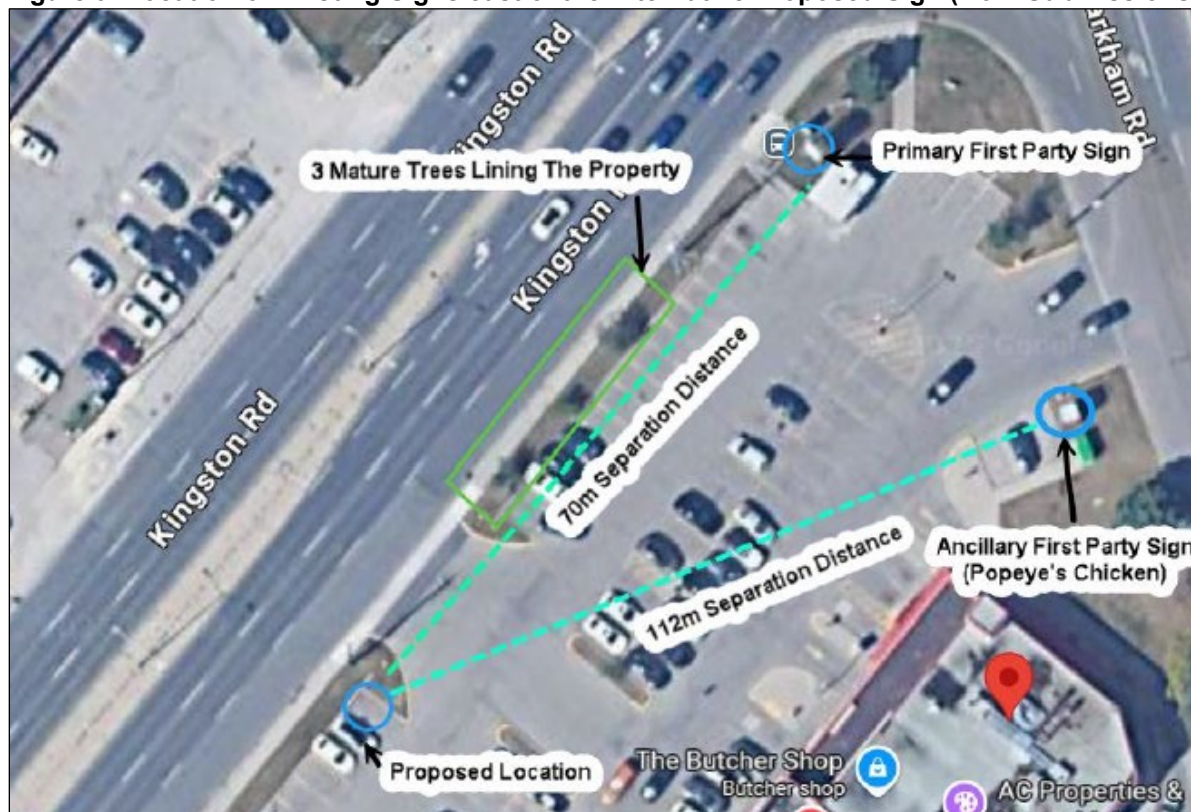
Submissions also indicate that the Alternative Proposed Sign would be separated by 112 metres from the Popeyes Sign on the Markham Road frontage, which faces a different traffic flow and is not within the same line of sight. Staff concurs that this separation minimizes the relationship between the Alternative Proposed Sign and the existing first party sign along Markham Road.

The Applicant contends that the west portion of the Subject Premises, currently containing a Tim Hortons, operates independently, with a separate lot number, a distinct C Sign District designation, and a 30-metre frontage. They argue that this parcel should be evaluated separately, and its signage should not be considered in assessing sign clutter on the larger 3493 Kingston Road property. Staff notes that the assessment in this report was conducted in accordance with the terms of Chapter 694, which requires that all signage on a premises be considered collectively.

Even if the east and parcels were considered separate properties, the Proposed Signs would both still constitute an additional ground sign on a frontage of 140 metres, where only one first party ground sign is permitted under the Sign By-law. Furthermore, the Proposed Sign would be placed closer to an existing sign than the minimum separation

distance typically required. These concerns are aggravated by the fact that the Proposed Sign is a third party electronic ground sign, for which the Sign By-law imposes stricter limitations: specifically, that such signs must be the only ground sign on the Subject Premises.

Figure 9: Location of Existing Signs east of the Alternative Proposed Sign (from Submissions)



Staff is of the opinion that the Alternative Proposed Sign presents a lower degree of incompatibility relative to the Original Proposed Sign, however, it still does not fully resolve concerns regarding sign clutter. The potential of multiple sign faces being visible simultaneously, the use of electronic copy on a ground sign of the third party sign class (both prohibited in CR sign districts), and the cumulative number of signs on the same frontage and across the Subject Premises continue to contribute to the issue.

As a result, it is the CBO's opinion that this criterion has not been established for either of the Proposed Signs.

Section: 694-30A(8): The Proposed Sign is not contrary to the public interest

The two different Proposed Signs will both comply with some of the provisions set out in the Sign By-law for third party electronic ground signs in terms of requirements for the 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.

Regarding the requested variance to 694-15A, Applicant's submissions demonstrate that the illumination impacts should be minimal on the nearby residential properties, and that the area is mostly comprised by commercial uses, that would not be negatively affected by either the Original proposed Sign or the Alternative Proposed Sign.

However, the Proposed Signs are sought to be erected on a premises already containing three first party ground signs, raising concerns of sign clutter beyond the level currently present. The potential of multiple sign faces being visible simultaneously, the introduction of electronic copy on a ground sign of the third party sign, and the overall number of signs on the same frontage and across the Subject Premises collectively contribute to concerns related to cumulative signage impacts and clutter.

Therefore, it is the CBO's opinion that the Applicant's materials, even when supplemented by Staff's research and subject to the conditions, have not provided sufficient information to confirm that the either the Original Proposed Sign or the Alternative Proposed Sign, would not be contrary to the public interest. As a result, 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 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 for either the Original Proposed Sign or the Alternative Proposed Sign.

CONTACT

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SIGNATURE

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

ATTACHMENTS

Attachment 1 – Description of Proposed Sign, Requested Variance and Required Conditions - Original Proposed Sign

Attachment 2 – Description of Proposed Sign, Requested Variance and Required Conditions - Alternative Proposed Sign

Attachment 3 – Applicant's Submission Package