

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

Date: August 2, 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 two 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 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.

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

A second variance is also being sought to allow the Proposed Sign to be placed within an area governed by a site-specific area restriction mandating that no third party sign shall be erected or displayed within 400 metres of the Highway 401. The Proposed Sign would be situated approximately 150 metres of the northern limit of Highway 401.

Following a review of the Applicant's submissions and additional information provided by staff, the CBO has determined that there is 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 four conditions, as described further in Attachment 1 of this report.

RECOMMENDATIONS

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

1. The Sign Variance Committee grant the requested variances to sections 694-15.A and 694-24.A(14), each subject to four 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

SB16.2 - Application for Two Variances, Each Subject to Two Conditions, Respecting One Third Party Electronic Ground Sign - 1150-1176 Morningside Avenue

At its meeting of May 2, 2025, the Sign Variance Committee adopted without amendments the CBO's recommendation to 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 a third party electronic ground sign on the premises municipally known as 1150-1176 Morningside Avenue.

(<https://secure.toronto.ca/council/agenda-item.do?item=2025.SB16.2>)

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

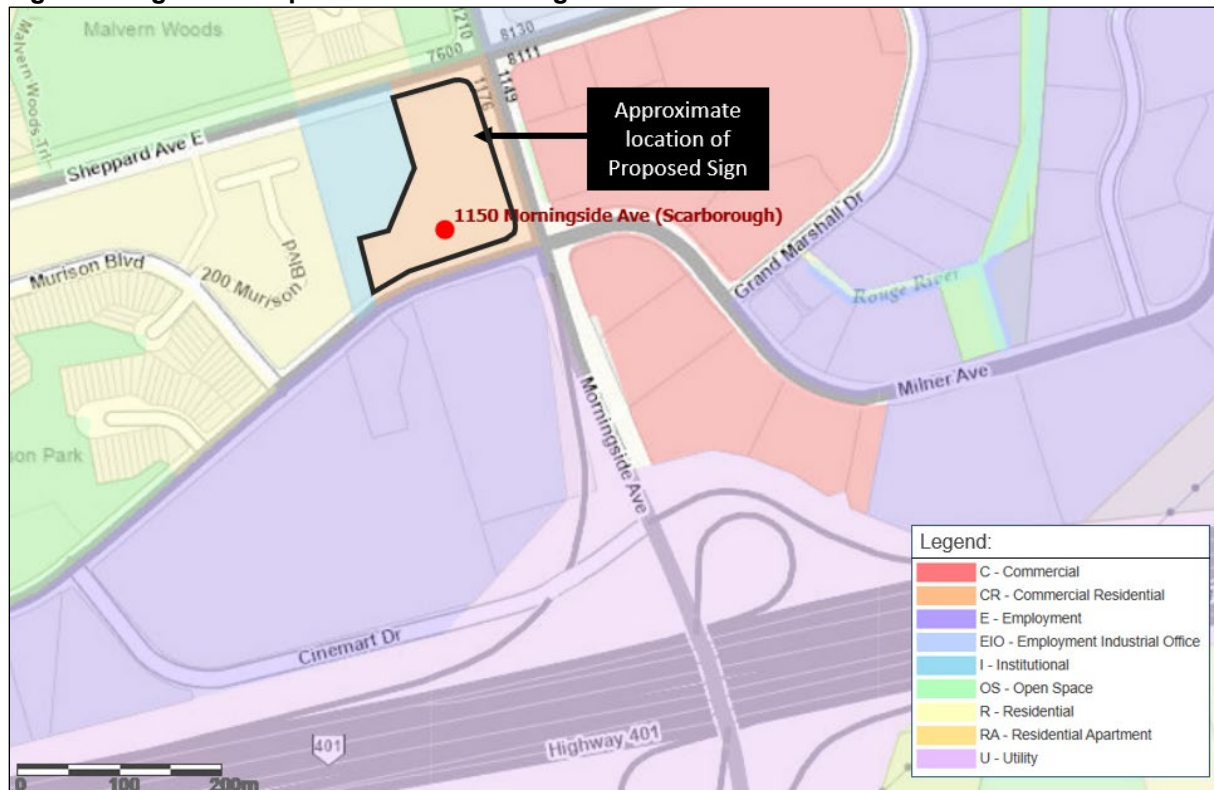
Sign Attributes and Site Context

The Proposed Sign is an electronic ground sign 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 directions. The Proposed Sign is described further in Attachment 1.

Figure 1: Render of Proposed Sign (from Submissions)



Figure 2: SignView Map - 1150-1176 Morningside Avenue



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 Figure 2.

There are two buildings on the Subject Premises, one single-storey and one two-storey, 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 Sign"). The Proposed Sign would be erected on the same frontage as the Existing Sign, roughly 100 metres to the north.

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)

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.
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 Proposed Sign shall conform to the specifications set out in the Proposed Sign Description in Attachment 1, 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 100.0 metres of the Existing Sign.

3) 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.

4) 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 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.

COMMENTS

Applicant Information

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

In March 2025 an application for two variances to permit the installation of a third party electronic ground sign on the Subject Premises was received by the City. The matter was reviewed by the CBO, who at the time formed the opinion that the Proposed Sign did not meet all required criteria for approval and was not supportive of the Sign Variance Committee granting the requested variances. Specifically, the CBO was of the opinion that the submissions did not sufficiently demonstrate that the sign proposed would be compatible with the development of the premises and surrounding area, support Official Plan objectives, not alter the character of the premises or surrounding area and not be contrary to the public interest. During the meeting on May 2, 2025, the Sign Variance Committee (the "SVC") decided to refuse to grant the two variances requested, each subject to two conditions.

Subsequently, the Applicant opted to submit a new application, with the objective of presenting a modified proposal to the SVC for consideration. Although the Proposed Sign in the current submission shares some similarities with the version reviewed in May 2025, the application differs significantly. The location of the sign has been changed, and the rationale supporting the proposal has been further developed.

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 on each side. 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, this report exclusively addresses matters concerning the Proposed Sign's components of the structure. Any matter related to the EV charging station component, including applicable laws and regulations, fall outside the purview of this review.

While the Applicant has submitted extensive documentation regarding the EV charging station, staff emphasizes that this information holds limited relevance to the matters under review. 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.

As the EV charging component falls outside the jurisdiction of the SVC, its presence should not influence the Committee's decision on the Proposed Sign. Also important to note that if granted, the variances would allow the installation of the specified third party electronic ground sign on the Subject Premises, combined or not with an EV charging station. The SVC's role is to assess whether the Applicant was able to demonstrate that the Proposed Sign satisfies the eight mandatory criteria outlined in §694-30A of the Sign By-law. Business operations related to the EV charging station do not contribute to meeting these criteria required for a sign variance to be granted and therefore should not be considered in the evaluation.

The CBO has reviewed the submissions related to the Proposed Sign and is of the opinion that, contingent on the four conditions imposed, the Proposed Sign fulfills all required criteria for approval stated in §694-30.A of the Sign By-law. Further details will be provided in this report.

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 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 is of the opinion that the information submitted by the Applicant, supplemented by staff research, provide a sufficient basis to conclude that the eight required criteria outlined in §694-30A of the Sign By-law have been met for the 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 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 mainly commercial purposes (Retail Plaza, Gas Station, 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, housing a place of worship.

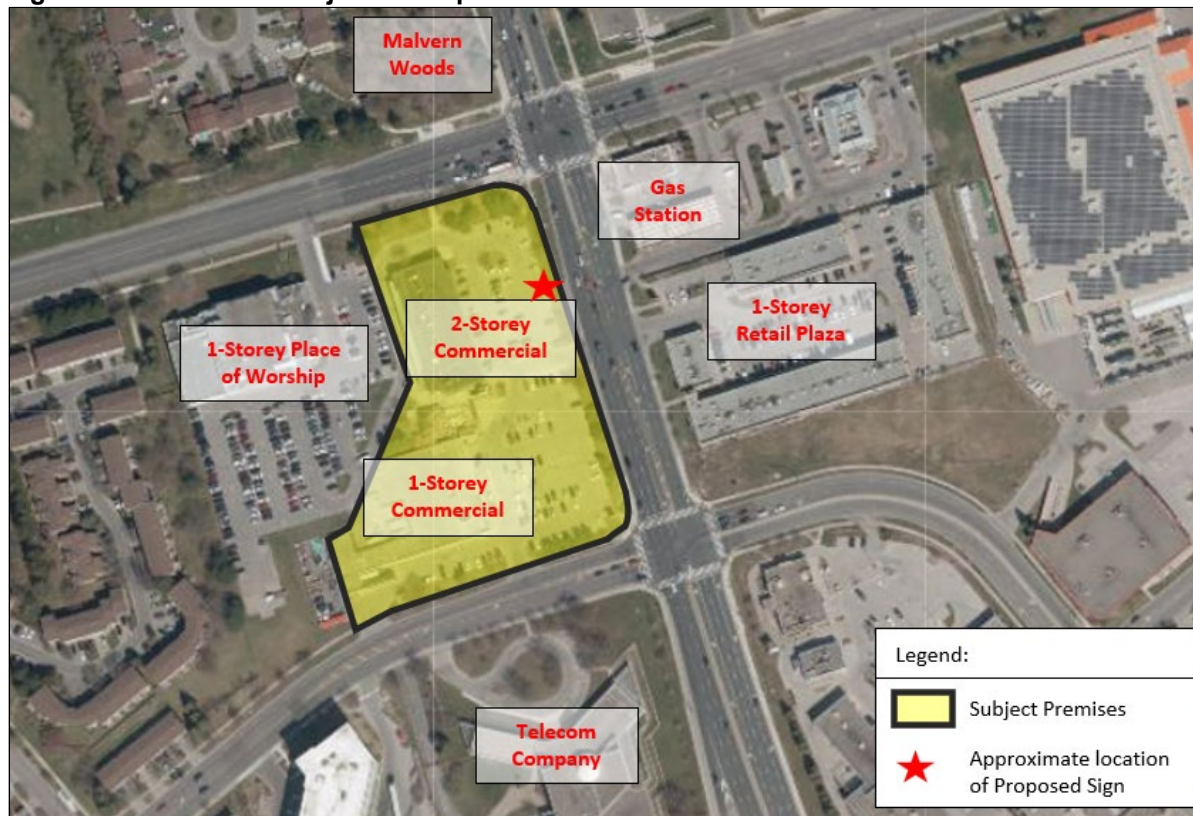
While CR Sign District provisions permit third party signs, electronic ground signs are not expressly permitted. Consequently, there are no district specific regulations governing third party electronic ground signs, like the Proposed Sign. In districts where such signs are permitted, the Sign By-law stipulates a minimum separation distance of 60.0 metres from R, RA, CR, I, or OS Sign Districts. The Proposed Sign, situated within the CR Sign District, does not meet this separation requirement.

Submissions indicate that the surrounding properties within a 60-metre radius of the Proposed Sign are designated as C and E Sign Districts, in keeping with the 60-metre

separation, and do not host uses that are considered sensitive that could be impacted. The Applicant contends that the retail plaza on the Subject Premises reflects the commercial nature of the area and that the existing uses within this CR Sign District would not be affected.

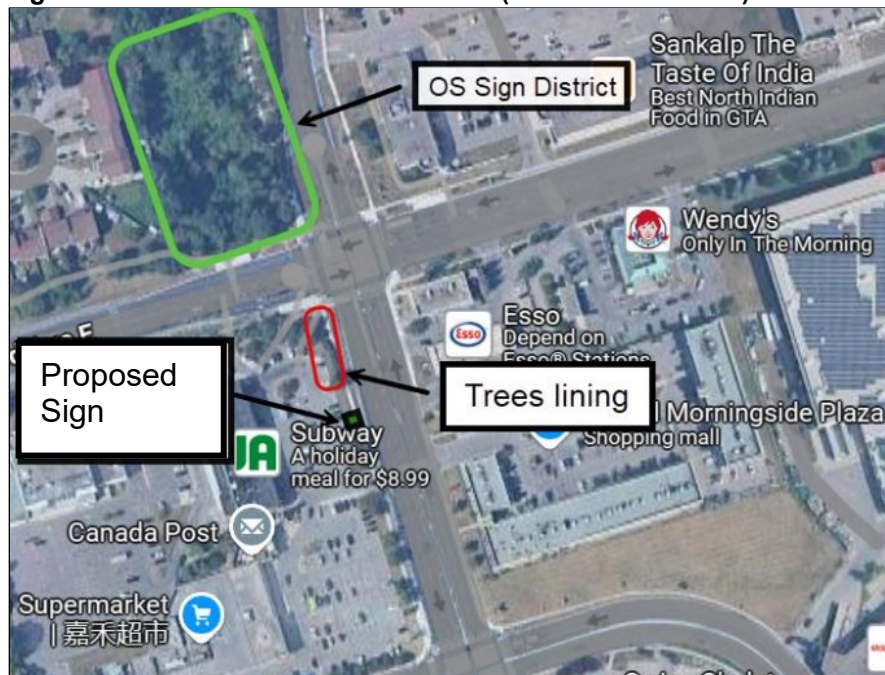
The Subject Premises, designated Commercial Residential (CR) zone under the Zoning By-law, would be the only property within the defined radius intended to accommodate residential uses, based on current zoning designations. Notwithstanding this designation, the applicable zoning regulations for the property restrict developments for dwelling units. The Applicant has asserted, based on Owner's advice, that there are no current plans to redevelop the property or alter its existing use.

Figure 3: Aerial View - Adjacent Properties Uses



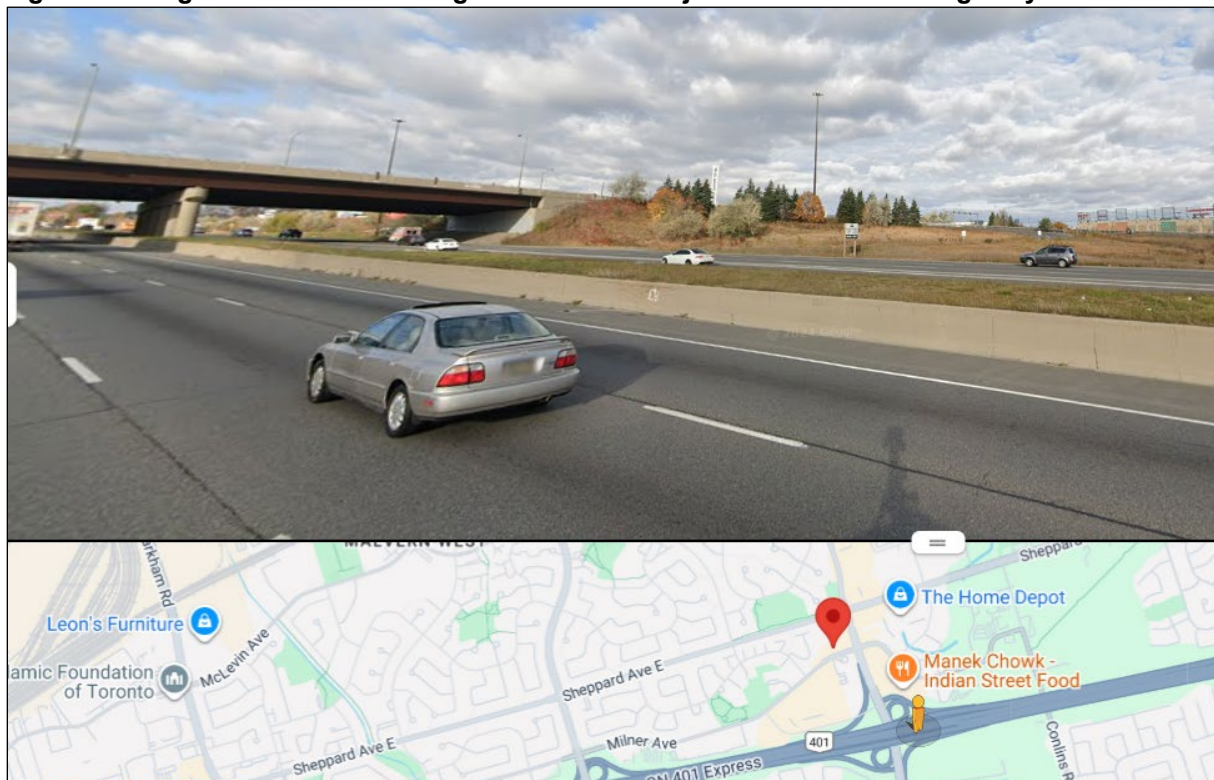
The Sign By-law also typically mandates that third party electronic ground signs must not face premises within CR, OS, or I Sign Districts located within 250 metres. The Proposed Sign would face I and OS Sign Districts approximately 75 and 82 metres away, respectively. The Applicant states that the light emitted by the Proposed Sign, operating at the permitted brightness of 300 NITS, would only reach 50 metres, and therefore not impact these sensitive districts. They also note that natural and built features help mitigate visual impact. Specifically, tree coverage along Morningside Avenue and within Malvern Woods limits visibility from the OS Sign District, while buildings on the Subject Premises obstruct views from the I Sign District to the west. Additionally, the sign faces would not be oriented west, so visibility from the I Sign District would remain limited even without these barriers.

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



Staff investigations identified only two active development applications within 250 metres of the Subject Premises, both pertaining to commercial or light industrial uses. These types of developments are not expected to be negatively impacted by the Proposed Sign, especially in light of the specific conditions imposed regarding its height and orientation.

Figure 5: Google Street View looking towards the Subject Premises from Highway 401



To ensure that the Proposed Sign, deemed compatible with the existing land uses in the area, does not adversely affect potential future developments should the area's character evolve, the CBO is imposing minimum separation distances from R, RA, I, and OS Sign Districts.

A variance is also 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 Morningside Avenue sits at a higher elevation and crosses over Highway 401 via an overpass, creating a physical and visual obstruction (see Figure 5). Subject to the size conditions, the Proposed Sign does not compromise the functional or visual integrity of Highway 401, or any development expected along this corridor.

Based on the review of the submissions, additional staff findings, and subject to the specified conditions, the CBO is of the opinion that 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 1150-1176 Morningside Avenue is Mixed Use Area. 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. 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 land.

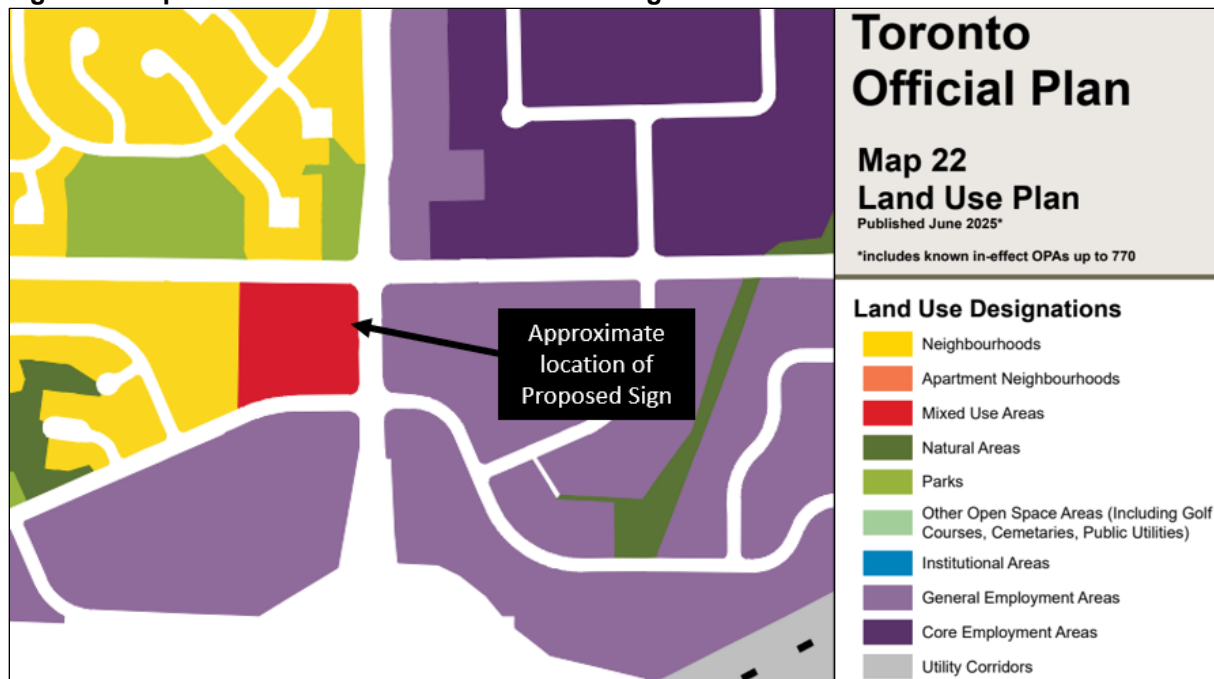
The surrounding areas to the east and south are designated as General Employment Areas in the Official Plan, and the lands to the north as Parks (see Figure 6). Employment Areas are places of business and economic activity and include a wide array of uses such as manufacturing, warehousing, distribution, research and development facilities, utilities, media facilities, parks, hotels, retail outlets, restaurants and small-scale stores and services that serve these businesses and workers, in keeping with the uses currently identified on the surrounding properties. 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.

The Applicant's Submissions identify policies and strategies that would be supported by the installation of an EV charging station, however, 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 objectives of the Official Plan. Moreover, decisions regarding the EV charging station component of the structure fall outside the jurisdiction of the SVC.

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

Figure 6: Map 22 Land Use Plan – 150-1176 Morningside Avenue



Submissions indicate that the Proposed Sign aligns with Sections 2.2.2, 2.3.1, 3.1.1, 3.4, and 4.5.2 of the Official Plan and Urban Design Guidelines as it: enhances the public realm by being contextually appropriate - modest in size and scale - and placed in underutilized lawn space to avoid interference with pedestrian flow; respects neighbourhood character through context-sensitive design; supports economic vitality by providing advertising space for local businesses and events; and mitigates land use conflicts, with no adverse effects on adjacent uses, including nearby open space.

The Zoning By-Law is the primary way in which the City implements 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 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. Staff research revealed that, while the zoning designation is CR, specific zoning regulations applicable for the Subject Premises restrict building types for dwelling units. Additionally, the Applicant has stated the property owner has expressed no intention to redevelop the site. The only two development applications within 250 metres of the Subject Premises are for non-sensitive commercial or light industrial buildings.

After reviewing the Applicant's submission materials supplemented by staff's research, the CBO is of the opinion that sufficient evidence was provided to demonstrate that the Proposed Sign would be in line with 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 Proposed Sign would be facing premises in the I sign district located 75 metres to the west, and in the OS sign district 82 metres to the north. 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 R, RA, CR, I and OS sign districts within 250 metres.

The Applicant has indicated, and staff has confirmed, that due to the orientation of the sign faces, visibility of the Proposed Sign's displayed content from the adjacent property to the west is expected to be minimal. Moreover, the existing buildings on the Subject Premises, substantially taller than the Proposed Sign, would further obstruct views of the Proposed Sign from this I sign district.

Figure 7: 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 only 50 meters. At this distance the intensity of light emitted equates to that emitted from a full moon, which the applicant states 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 82 metres away, and the Proposed Sign would not adversely affect Malvern Woods or natural features to the north.

The Applicant also states that any amount of light outside the light shed cone represented in Figure 7 is negligible and will be less than what a full moon emits. Additionally, they contend the light emitted from the displays are less than what the city streetlamps emit that line the intersection and border Malvern Woods (Figure 8). Staff agree that, based on the details provided in the submissions, the illumination impacts of the Proposed Sign on the open space lands to the north should be negligible.

Figure 8: Streets Lamps Lining Morningside Ave and Sheppard Ave.



A variance is being requested to place the Proposed Sign within 400 metres of Highway 401. The Applicant has indicated, and staff have confirmed, that the Proposed Sign would not be seen by vehicular traffic travelling along Highway 401. The visibility of the Proposed Sign from the on and off ramps exiting or entering Highway 401 at Morningside, located over 100 metres away, would also be obstructed by trees along the east frontage of the Subject Premises. As such the Proposed Sign would not interfere with traffic decision points.

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. Therefore, 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 an approval from the Ministry of Transportation (the "MTO").

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 subject to the condition for 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 subsections §694-15B(6), (7) and (9).

Since the Sign By-law does not regulate EV charging stations, matters related to the EV charging station components 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 Sign 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 Proposed Sign would be deemed prohibited. In such cases, 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 integrate with the existing built environment.

The Proposed Sign is to be installed along the same frontage as an existing first party ground sign (the "Existing Sign"). In accordance with the Sign By-law, where two signs are permitted on the same frontage, a minimum separation distance of 100 metres is

required. The Applicant has confirmed that this separation will be met to address concerns related to visual clutter.

Staff agree that the proposed 100-metre separation distance between signs satisfies the intent of the Sign By-law and addresses concerns regarding visual clutter. Accordingly, the CBO recommends that this separation requirement be imposed as a condition for approval of the requested variances.

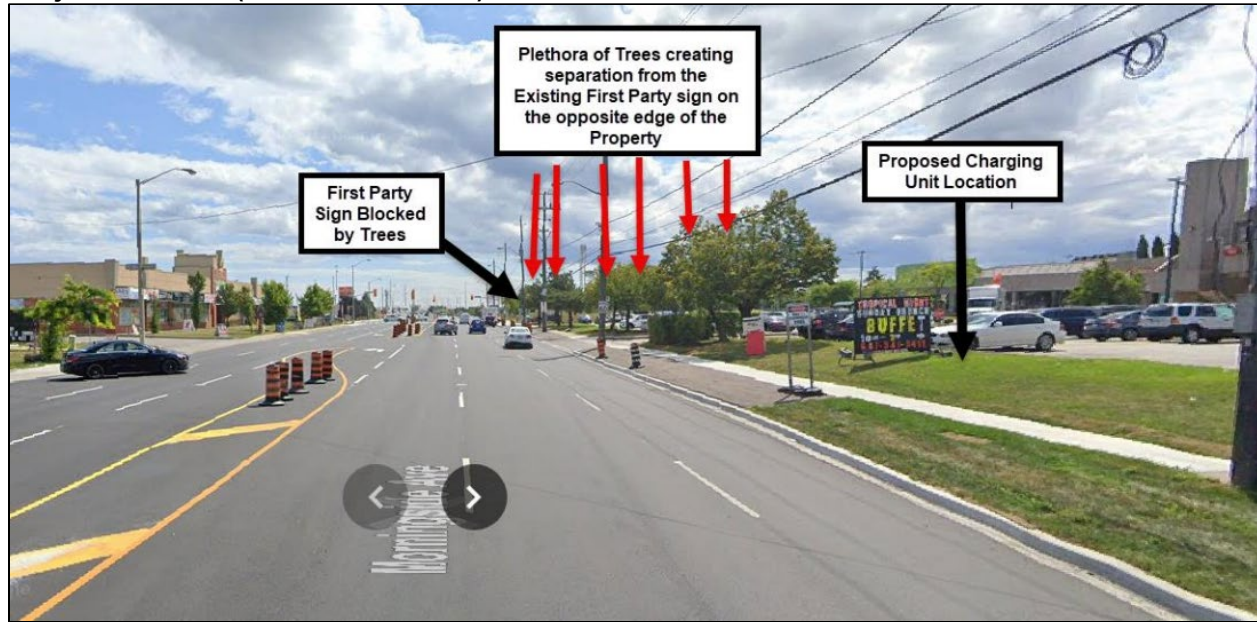
The Applicant's submissions also indicate that approximately ten mature trees located along the Morningside Avenue frontage function as a natural visual buffer between the Existing and Proposed Signs, contributing to improved visual separation. (see Figures 9 and 10).

Figure 9: Trees between the Proposed and Existing Signs (from Submissions)



The Applicant contends that the location of the Proposed Sign was selected to ensure an appropriate setback from the intersection and from the adjacent OS Sign District, to minimize potential light trespass into Malvern Woods. This consideration is supported by the dispersion of light diagram in Figure 7.

Figure 10: Google Streetview of Proposed Sign and Existing Sign locations and Trees Lining the Subject Premises (from Submissions)



City Council enacted in the Sign By-law a specific provision noting that the character of the area should be marked by an absence of third party signs. While the installation of a sign within this site-specific area restriction would typically be contrary to that intent, the Proposed Sign presents a fundamentally different impact than third party signage typically restricted near highways. Because of its scale, the Proposed Sign would maintain a lower visual impact, distinct from the prominence and potential distraction typically associated with standard third party signage. The surrounding land uses are predominantly commercial and employment, with no sensitive uses in proximity, and the site itself is not slated for redevelopment. Additionally, the Proposed Sign is visually obstructed by grade differences and existing physical barriers that separate it from adjacent sensitive sign districts and the highway. Combined, these factors ensure that the Proposed Sign remains consistent with the area's intended visual and functional identity.

Although no electronic sign types were identified within the immediate vicinity, the Applicant asserts that the Proposed Sign has been designed to be context-sensitive, modest in both size and scale, and is not anticipated to generate any adverse impacts on surrounding land uses, including the highway.

It is the CBO's opinion that sufficient information was provided to demonstrate that the Proposed Sign would not alter the character of the Subject Premises or surrounding area. As a result, this criterion has been established.

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

The proposal is seeking for two variances 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. While submissions indicate that the Proposed Sign would

be affixed to a structure also containing an EV charging station, as previously noted, information related to this component is considered to have limited relevance in determining whether the Proposed Sign would be contrary to the public interest.

In spite of the above, staff has established that 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.

As a result, variances are being sought to permit the Proposed Sign to be erected within 400 metres of Highway 401 and to allow for a non-permitted sign type on the Subject Premises. The Applicant states that the Proposed Sign 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 401 should be minimal.

The Applicant suggests that the commercial character of the surrounding area supports the appropriateness of the Proposed Sign's location. The Applicant's Submissions describe how the Proposed Sign's design, modest in both size and scale, aligns with the area's established context and is not expected to result in adverse effects. The surrounding area is primarily made up of commercial and employment uses, with no sensitive uses nearby, and the site itself is not currently intended for redevelopment.

Additionally, the Proposed Sign's visibility is naturally limited due to elevation changes and existing physical barriers, which contributed to separate it from adjacent sensitive sign districts and the highway. Staff believes that these factors, combined with all the imposed conditions, support the conclusion that the Proposed Sign would be compatible with the functional and visual character of the area.

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

CONCLUSION

The Applicant's materials, supplemented by staff's research and investigation, have 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 four conditions, have been met for the Proposed Sign.

As such, the CBO is 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, Requested Variances and Required Conditions
Attachment 2 – Applicant's Submission Package