

Appeal of the Chief Building Official's Decision for a Signage Master Plan Application for Multiple First Party Signs at 335 Yonge Street

Date: January 23, 2026

To: Sign Variance Committee

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

Wards: Toronto Centre (Ward 13)

SUMMARY

This report concerns an appeal of the decision of the Chief Building Official and Executive Director, Toronto Building ("CBO") respecting an application for a Signage Master Plan (the "Proposed SMP") at the premises municipally known as 335 Yonge Street.

Architect Osama Abo Nassar (the "Applicant") stated they were authorized by 2160943 Ontario LTD (the "Owner") to apply for the Proposed SMP described in Attachment 1. The Proposed SMP pertains to one variance sought for the erection and display of 27 first party wall signs (the "Proposed Signs") intended to offer identification for the businesses on the Subject Premises. Variance is sought for 18 of the Proposed Signs contained in the Proposed SMP.

After conducting a review and public consultation in accordance with the requirements of the Sign By-law, the CBO made a decision to grant the requested variances on the basis that the Proposed SMP, in the opinion of the CBO, met all of the mandatory criteria in §694-30A. After the issuance of the CBO's decision, one of the parties to the hearing, J Ken Rutherford (the "Appellant") filed an appeal of the CBO's decision.

As a result of the Appellant filing the appeal, the Sign Variance Committee (the "SVC") is now conducting an *appeal de novo*, meaning that the SVC are required to conduct an evaluation to determine whether the Applicant has demonstrated that the Proposed SMP meets all eight criteria, on the basis of the information presented to the SVC. The SVC may make a decision to refuse, or grant the variances requested by the Applicant for the Proposed SMP, or to make a decision to grant different variances, or impose conditions which the Applicant did not include in the Proposed SMP.

RECOMMENDATIONS

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

1. The Sign Variance Committee grant the requested variance to Subsection 3E(5) of Schedule C, Additional Special Sign District Regulations, to Chapter 694, Signs, General, required for the implementation of the Proposed SMP on the premises municipally known as 335 Yonge Street, as detailed in Attachment 1 of this report.

FINANCIAL IMPACT

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

DECISION HISTORY

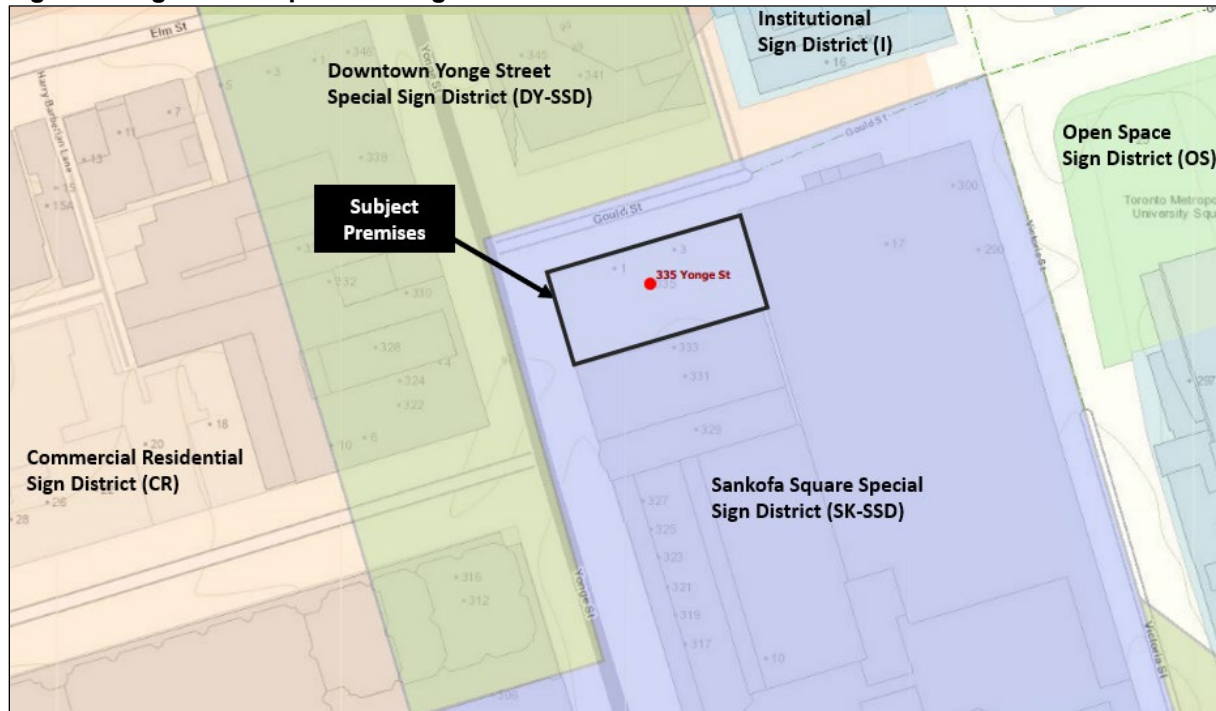
There have been no previous decisions by the Sign Variance Committee or Council directly related to this application.

ISSUE BACKGROUND

Site Context and Sign District:

The Subject Premises is located entirely within the Sankofa Square Special Sign District ("SK-SSD"), situated at the southeast corner of Gould Street and Yonge Street in Ward 13 – Toronto Centre. It is bordered by the SK-SSD to the east and south, and by the Downtown Yonge Street Special Sign District ("DYS-SSD") to the north and west, see Figure 1.

Figure 1: SignView Map - 335 Yonge Street



North: DYS-SSD - Toronto Metropolitan University

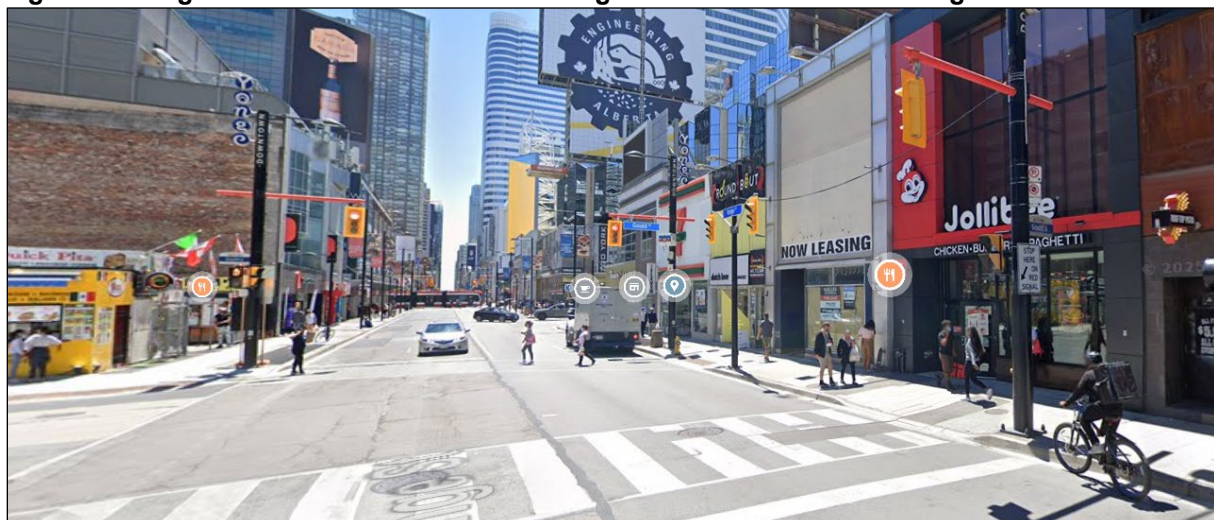
East: SK-SSD - Toronto Metropolitan University

South: DYS-SSD - low-rise commercial building

West: SK-SSD - low-rise commercial building

The Subject Premises accommodates multiple food-service-related commercial uses, and the broader area is characterized predominantly by low- to mid-rise buildings with retail or restaurants at grade. The uses on the Subject Premises are generally compatible with the surrounding building uses. An institutional building, housing Toronto Metropolitan University, is located immediately north of the site along Yonge Street. No residential uses were identified on immediately adjacent properties.

Figure 2: Google Street View at Gould and Yonge streets intersection facing south



The SK-SSD is characterized by a high concentration of commercial activity and signage, including third party large-format signs. In 2009, City Council formally recognized that vibrant, large-scale signage was an established and defining feature of the area, and adopted the “Signage Vision” for the Downtown Yonge BIA to reinforce and maintain this character of Sankofa Square. As a result, the area was designated as a Special Sign District governed by site-specific regulations that differ from those applicable elsewhere in the City. Considering that neighbouring buildings within the SK-SSD and DY-SSD facing Yonge Street contain signage of a similar nature and scale, the Proposed SMP is not expected to introduce a new sign type or a visual element that is not already present in the area.

At the time of Proposed SMP review, the Subject Premises contained multiple signs (the “Existing Signs”). Upon inspection, it was determined that the Existing Signs were installed without permits and required to be brought to compliance. As a result, the Applicant was required to pursue approval through the Signage Master Plan process. The Applicant worked collaboratively with staff to develop a signage package that not only addressed regulatory compliance, but also improved the overall visual quality of signage on the Subject Premises. The resulting Proposed SMP introduces a more cohesive and coordinated signage design, enhancing visual consistency across the Subject Premises.

During the review, staff identified three high-rise developments containing residential uses either under construction or planned within approximately 120 metres of the Subject Premises, including one proposed on the Subject Premises itself. Consultation with City Planning confirmed that construction of the proposed development at 335 Yonge Street is not anticipated to commence in the near term. Accordingly, staff evaluated the Proposed SMP based on the existing built context. Moreover, given that the Proposed Signs would be located at street level on single-storey structures, the Proposed SMP is not anticipated to result in impacts beyond those of the existing condition.

Variances:

The Proposed SMP is seeking various variances to allow for 27 signs on the Subject Premises, which are described in Attachment 1. A summary of the variances for the Proposed SMP is provided in Table 1 and detailed further also in Attachment 1.

Table 1: Summary of Variances and Conditions for the CBO-Designed SMP

Section	Requirement	Proposal
Schedule C - 3E(5)	The Sankofa Square Special Sign District - SS-SSD - may contain a wall sign other than a sign displaying a logo or corporate symbol permitted by Subsection D above, provided, the sign shall not extend above the wall or parapet wall of a building.	18 proposed wall signs extend above the wall or parapet wall of a building.

COMMENTS

Criteria Established by §694-30A of The Sign By-law

The Sign By-law contains specific criteria used in evaluating Sign Variance and Signage Master Plan applications. Specifically, §694-30A states that a variance may only be granted where it has been determined that proposed sign(s) meets each of the established criteria.

When a decision regarding a first party Sign Variance or Signage Master Plan application is appealed, the Sign Variance Committee conducts an *appeal de novo*. This would require the Sign Variance Committee to conduct an evaluation to determine whether the party seeking the variance(s) has demonstrated that the proposed sign, or signs contained within a Sign Variance, meet all eight criteria established in the Sign By-law at present, based on the information presented to the Sign Variance Committee.

Applying the Established Criteria

Section 694-30A(1): The Proposed Signs belong to a sign class permitted in the Sign District where the premises is located

The Subject Premises has been confirmed as being designated as SK-SSD, and that first party signs are permitted in SK-SSD. The CBO has also confirmed that as per information contained in the Applicant's submission, the Proposed Signs contained in the Proposed SMP belong to the first party sign class, since they advertise, promote, or direct attention to businesses, goods, services, matters, or activities that are available at, or related to, the Subject Premises where the sign is located.

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

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

The Subject Premises is located within the SK-SSD, at the intersection of Yonge Street and Gould Street. The SK-SSD is an area characterized by a high concentration of commercial uses and the presence of prominent, large-format signage. The Proposed Signs are intended to serve commercial and food-service uses at grade, which are consistent with the existing uses on the Subject Premises and on this stretch of Yonge Street. In staff's opinion, the Proposed SMP is compatible with both the function of the Subject Premises and the broader mixed commercial context.

The Proposed Signs would be located on single-storey structures at street level, oriented to pedestrians. The Proposed SMP has been developed to bring the signage on the Subject Premises to compliance, and in the view of staff, it was deemed as an improvement compared to the existing condition as it resulted in a coordinated signage

scheme, which would improve cohesion and visual consistency. The Proposed SMP does not introduce new sign types or visual elements that are not already present within the SK-SSD.

The Appellant contends that the surrounding area is characterized by single and multi-tenant buildings and that future development is anticipated to include additional large condominium projects, asserting that the presence of temporary structures and multiple exterior signs at 335 Yonge Street is not compatible with the development of the Subject Premises and surrounding area. Staff review has determined, however, that the concerns raised are directed primarily at the existence, condition, and appearance of the structures themselves, rather than at the specific attributes of the Proposed Signs.

While the Appellant's concerns have been acknowledged, Chapter 694 regulates signs only and requires that determinations on granting or refusing a variance be grounded in objective, evidence-based findings directly related to signage. As such, concerns relating to the appearance or condition of the underlying structures do not establish that the Proposed Signs themselves are incompatible with the development of the Subject Premises or surrounding area for the purposes of this review.

Based on the review, the CBO concluded that the Proposed SMP is compatible with the development of the premises and surrounding area and this criterion has been satisfied.

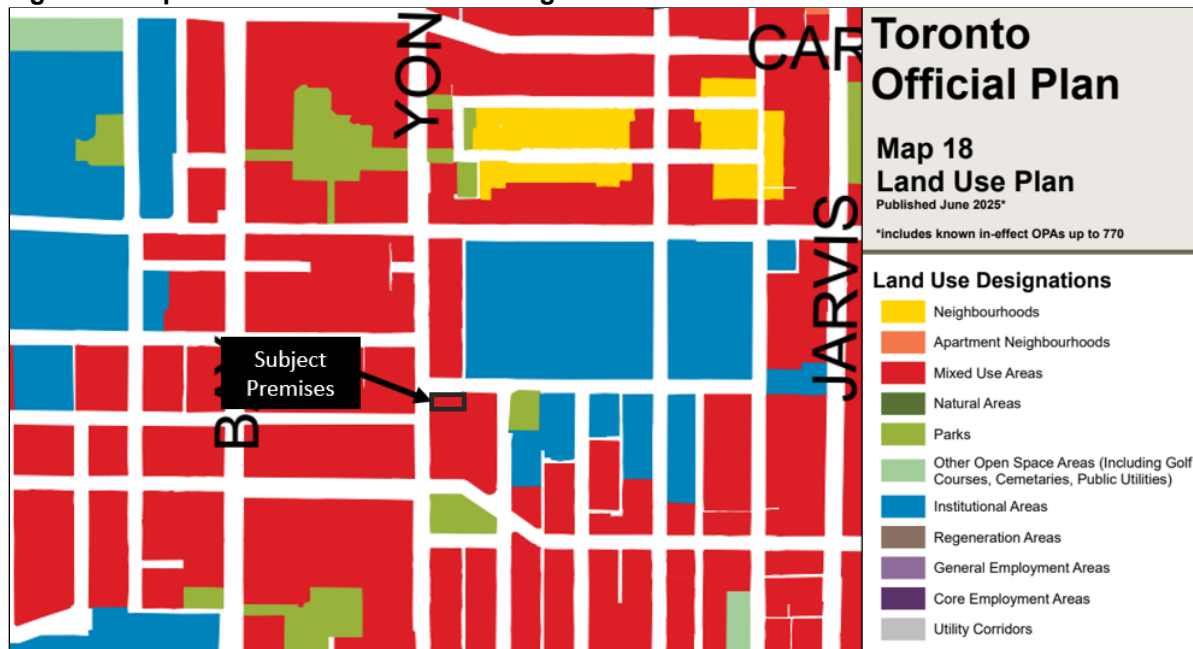
Section 694-30A(3): The Proposed Signs support Official Plan objectives for the subject premises and surrounding area

The Subject Premises is designated as a Mixed Use Area in the Official Plan. Mixed Use Areas are areas within the city that blend various land uses, such as office, retail, institutional, entertainment, residential, recreational, and cultural, to achieve multiple objectives. The Subject Premises is also within the Downtown Plan Secondary Plan, where it is designated 'Mixed Use Areas 2'.

As part of the staff review, it was found that that Area-Specific Policy 174 in the Official Plan also relates to the area containing 335 Yonge Street. The general planning objectives of Policy 174 are to promote and enhance Downtown Yonge Street as a primary location for street-related retail and entertainment uses by attracting new investment to Downtown Yonge Street. Policy 174 outlines several provisions for achieving these objectives, and contains specific references to signage specifically with respect to Yonge-Dundas Square, Policy 174a.ii.c.iv encourages the following attributes:

“opportunities for view corridors and landmark buildings with building elements such as signage and architectural treatments that create a focal point and a prominent place within Downtown Yonge Street at the commercial core of the City;”

Figure 3: Map 18 Land Use Plan – 335 Yonge Street



Although the Applicant's submissions do not reference any specific policy supported by the Proposed SMP, staff believes that its function as a medium to facilitate identification and promotion of the businesses on the Subject Premises would contribute to economic activity in the Subject Premises. Accordingly, in staff's view the Proposed SMP aligns with the objectives of Mixed Use Areas and Area-Specific Policy 174 of the Official Plan.

Based on this assessment, the CBO concludes that this criterion has been established.

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

The Proposed SMP involves the replacement of Existing Signs that been in place for an extended period without any known adverse impacts on adjacent properties. The Proposed SMP introduces a coordinated signage scheme that reduces the overall number of signs on the site, thereby ensuring no increase in clutter.

Given that the proposal results in a net reduction in sign count, the Proposed SMP is not anticipated to generate greater adverse impacts on neighboring premises relative to the existing condition. Accordingly, the CBO is of the opinion that this criterion has been satisfied.

Section 694-30A(5): The Proposed Signs do 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. The Applicant's submission documents indicate, and staff investigation confirmed, that, given its location, the signs in the Proposed SMP would meet all clearances and setbacks as

required in the Sign By-law. They will not flash or display any form of intermittent illumination and not obstruct any sight triangles for vehicular traffic. The Proposed Signs are also required to be designed and installed in accordance with the requirements of the Ontario Building Code.

Based on the available information, staff are of the opinion that there is no reasonable basis for any concern regarding public safety arising from the Proposed Signs. Therefore, the CBO is of the opinion that this criterion has been established for the Proposed SMP.

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

According to staff review, the Applicant's documents and drawings contains sufficient information to confirm that the Proposed Signs contained in the Proposed SMP do not meet the description of any of the signs which are specifically prohibited by §694-15B.

As such, this criterion has been established.

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

The Proposed SMP would not introduce signage where no signs currently exist, nor does it constitute a significant departure from signage found on the Subject Premises or the surrounding area. The Proposed SMP consolidates and regularizes signage on the Subject Premises rather than expands its presence. The Proposed Signs are consistent in type, scale, and placement with signage already characterizing properties within the SK-SSD, where commercial signage at grade is a defining and expected component of the streetscape.

While the Appellant raises broader concerns related to the former heritage status of the Subject Premises, the collapse of the previous building, the anticipated future redevelopment of the Subject Premises, and perceived economic impacts on Yonge Street, these matters do not fall within the scope of the character assessment under Chapter 694. Considerations relating to built form, land use change, or enforcement history are regulated through other planning and regulatory processes and are not determinative in assessing whether a proposed signage scheme alters the character of an area.

The implementation of the Proposed SMP is not anticipated to increase sign clutter on the Subject Premises or in the surrounding area. The Applicant worked to reduce visual redundancy and introduce a coordinated signage proposal with consistent design elements. In Staff's view, the Proposed Signs would not introduce new sign types or visual elements that are not already characteristic of the district, nor do they alter the established look and feel of the area.

In the CBO's opinion, the Applicant has provided sufficient evidence to ensure that the Proposed SMP would not alter area's character. As such, this criterion has been established.

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

Public notice of the application was provided in accordance with Toronto Municipal Code Chapter 694, including on-site posting for a minimum of 30 days and circulation to surrounding properties within the prescribed notification area. Comments received during the notice period, including the Appellant's submissions, were reviewed and considered as part of the City's evaluation of whether the proposal is contrary to the public interest.

The Appellant raised significant concerns regarding the condition of the Subject Premises, the presence and duration of temporary structures, the history of regulatory enforcement, and perceived economic, safety, and character impacts on Yonge Street. The Appellant's asserts that approving the Proposed SMP for this site legitimizes an undesirable and non-compliant condition and contributes to negative impacts on neighboring properties and the broader retail environment.

While the CBO acknowledges that these concerns are sincerely held, the assessment under Chapter 694 must be limited to matters falling within the scope of the Sign By-law. The application under review pertains solely to a Signage Master Plan. Approval of the Proposed SMP does not confer approval of any structures on the Subject Premises, and does not override or replace requirements for sign permits, building permits, or compliance with other applicable by-laws and regulations. Matters relating to the legality, permanence, safety, or regulatory compliance of the structures at 335 Yonge Street are administered through other processes and cannot be resolved through a sign variance decision.

The Appellant further characterizes the Proposed SMP as contributing to ongoing negative economic impacts on Yonge Street, including a decline in business performance attributed to the presence of multiple food vendors operating from temporary structures on the Subject Premises. The Appellant has also expressed dissatisfaction with perceived regulatory advantages granted to these businesses. While these concerns are noted, the CBO's assessment is based on the attributes of the Proposed Signs themselves and their potential signage-related impacts, rather than broader considerations related to market conditions, business models, or economic competition. Dissatisfaction with unrelated regulatory outcomes or enforcement practices does not, in itself, establish that a proposal is contrary to the public interest under Chapter 694. The criteria require that determinations be grounded in evidence directly related to signage effects.

Based on these considerations, the CBO concluded that the Proposed SMP would not be contrary to the public interest, and that this criterion has been established.

CONCLUSION

The CBO has determined that the Applicant's submission, submissions received from other parties to the hearing, followed by a review of the application, and an analysis of the Premises and surrounding area, provided sufficient information to establish that the Proposed SMP met all eight of the criteria set out in §694-30A of the Sign By-law.

As a result, the CBO is of the opinion that the SVC should grant the variances as contained in Attachment 1.

CONTACT

Fernanda Patza, Policy Development Officer, City Wide Priorities, Toronto Building
Email: Fernanda.Patza@toronto.ca; Tel: 416-392-6987

SIGNATURE

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

ATTACHMENTS

Attachment 1 – Description of Proposed SMP
Attachment 2 – Appeal Submission Package
Attachment 3 – Proposed SMP Submission Package