

Appeal of the Chief Building Official's Decision for a Sign Variance Application for One First Party Electronic Wall Sign at 33 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 Sign Variance (the "Proposed Sign Variance").

Kramer Design Associated Limited (the "Applicant") stated they were authorized by GWL Realty Advisors. (the "Owner") to apply for the Proposed Sign Variance, described in Attachment 1. The Proposed Sign Variance pertains to one variance sought for one first party electronic wall sign (the "Proposed Sign") intended to offer identification and information for on-site services and tenants located on property municipally known as 33 Yonge Street (the "Subject Premises").

After conducting a review and public consultation in accordance with the requirements of the Sign By-law, the CBO made a decision to refuse to grant the requested variance on the basis that the Proposed Sign Variance did not meet all of the mandatory criteria. After the issuance of the CBO's decision refusing to grant the variance requested for the Proposed Sign Variance, the Applicant filed an appeal of the CBO's decision.

As a result of the Applicant filing the appeal, the Sign Variance Committee ("SVC") is now required to conduct an *appeal de novo*, meaning that the SVC shall determine whether the Applicant has demonstrated that the Proposed Sign Variance 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 variance requested by the Applicant for the Proposed Sign Variance, or to make a decision to grant different variances, or impose conditions which the Applicant did not include in the Proposed Sign Variance.

RECOMMENDATIONS

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

1. The Sign Variance Committee refuse to grant the variance to section 694-15.A as required to allow for the issuance of a permit respecting the erection and display of the Proposed Sign contained in the Proposed Sign Variance, 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

FP-25-35071 (File #25-207045)

On August 8, 2025, a Sign Variance application was submitted for one wall sign, containing one sign face, displaying electronic static copy. On September 29, 2025, a decision was made that refused to grant the requested variances for the Proposed Sign Variance on the basis that it failed on three of the eight criteria, as contained in §694-30A of the Sign By-law. Subsequently, the Applicant filed an appeal of the CBO's decision.

ISSUE BACKGROUND

Required Variance

Table 1: Summary of Requested Variances

Section	Requirement	Proposal
694-15.A	Anything not expressly permitted by the Chapter 694 is prohibited	Signs belonging to the electronic wall sign type are not expressly permitted in the CR - Commercial Residential Sign District.

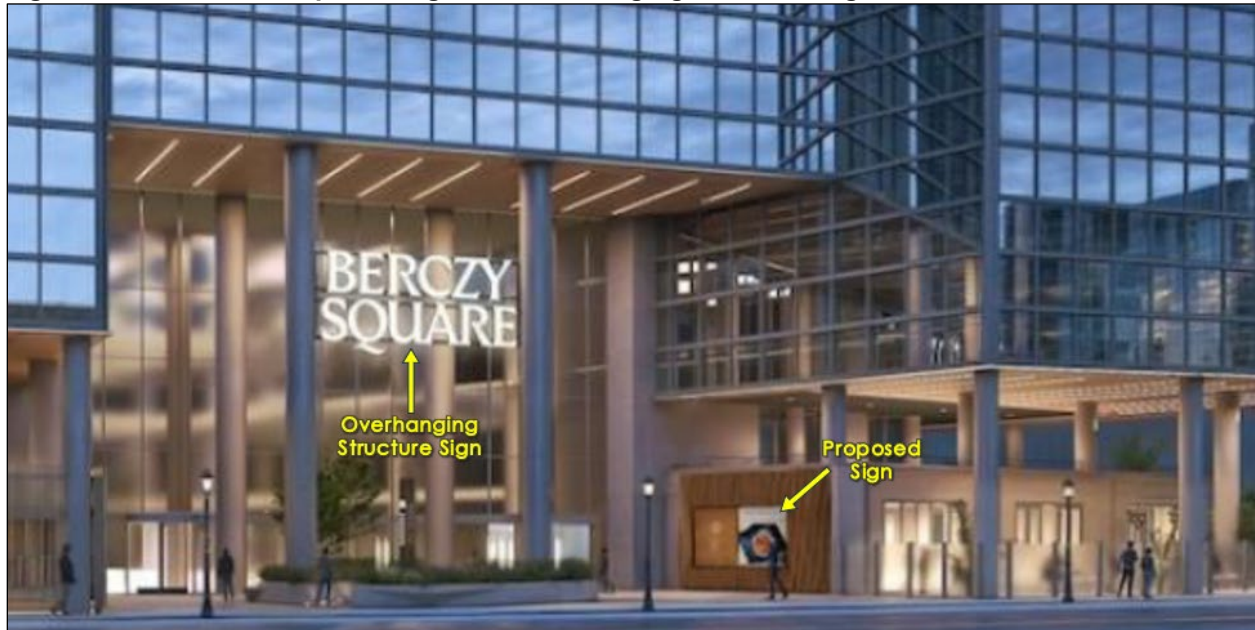
Sign Attributes and Site Context

The Proposed Sign Variance contains one first party electronic wall sign, which would have one sign face measuring 2.0 metres in length by 4.1 metres in width, 2.95 metres

in height and would be erected along Yonge Street façade of the building, facing north (the "Proposed Sign").

The Subject Premises currently houses a high-rise office building. The Applicant has indicated that the property has been recently named Berczy Square, and one first party overhanging structure sign displaying static copy along the same elevation provides for Berczy Square identification. There is also a permit issued for a static copy first party wall sign placed at the same location as the Proposed Sign; this sign would be replaced by the Proposed Sign should the variance be granted.

Figure 1: Renders of Proposed Sign and Overhanging Structure Sign

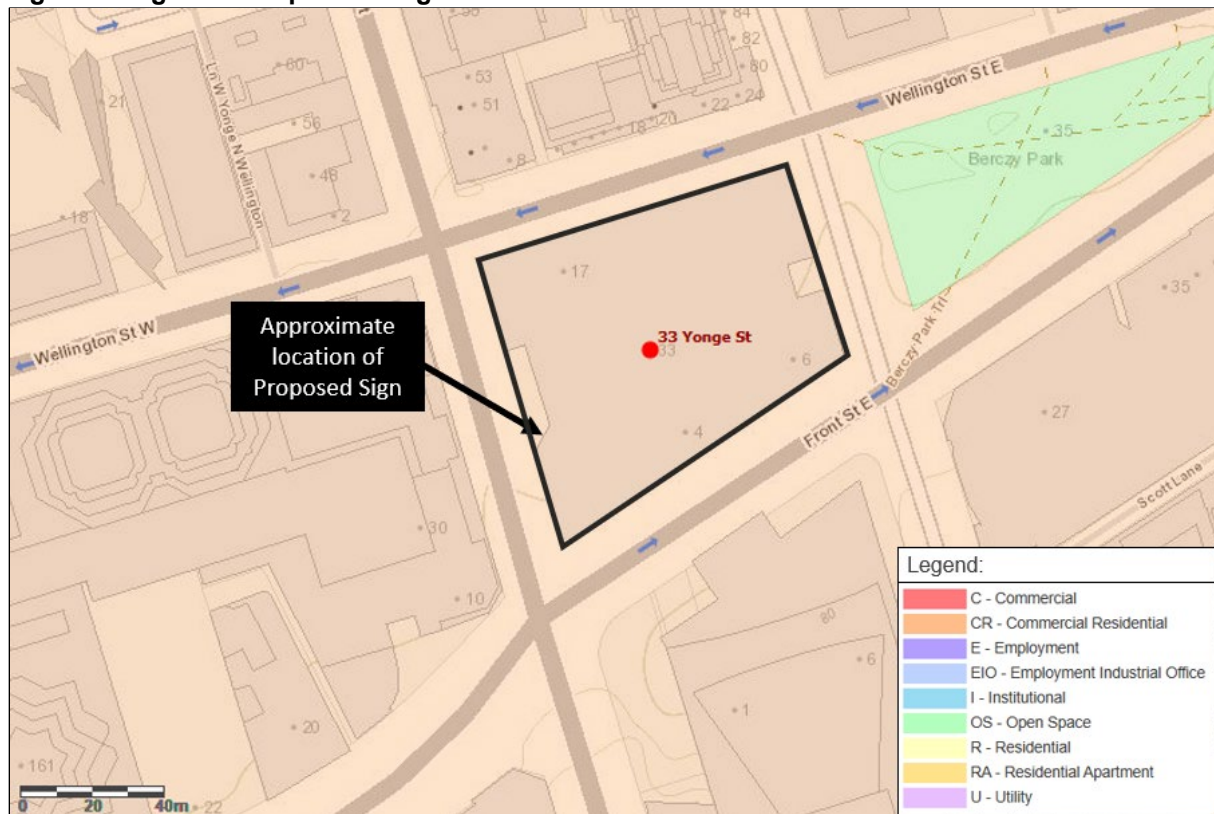


Staff have confirmed that the Subject Premises is designated as being entirely in a Commercial Residential ("CR") Sign District located at the northeast corner of Yonge Street and Front Street East in Ward 13 - Toronto Centre, see SignView Map in Figure 2.

While wall signs of the first party class are permitted in CR Sign Districts, first party electronic wall signs, displaying either electronic static or moving copy, are not expressly permitted, which triggers the variance being sought.

The Subject Premises is also surrounded by CR sign districts to the north, south and west, featuring uses like retail, offices and cultural spaces. To the east, the property is designated as Open Space ("OS") Sign District, where Berczy Park is located. The sign district designations for the Subject Premises and surrounding lands are compatible with the existing uses in the area.

Figure 2: SignView Map - 33 Yonge Street



Surrounding premises:

North: 4-storey commercial building – CR Sign District

South: Meridian Hall Performance Arts Theatre – CR Sign District

East: 3-storey commercial building – CR Sign District

West: Berczy Park – OS Sign District

COMMENTS

Applicant Information

The Applicant states that they have been authorized to apply for the Proposed Sign Variance and subsequently to file an appeal of the CBO's decision on behalf of the Owner of the property municipally known as 33 Yonge Street.

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 Sign belongs to a sign class permitted in the Sign District where the premises is located

The Subject Premises has been confirmed as being designated as CR Sign District, and that first party signs are permitted in CR sign districts. The CBO has also confirmed that as per information contained in the Applicant's submission, the Proposed Sign contained in the Proposed Sign Variance belongs 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 Sign is compatible with the development of the premises and surrounding area

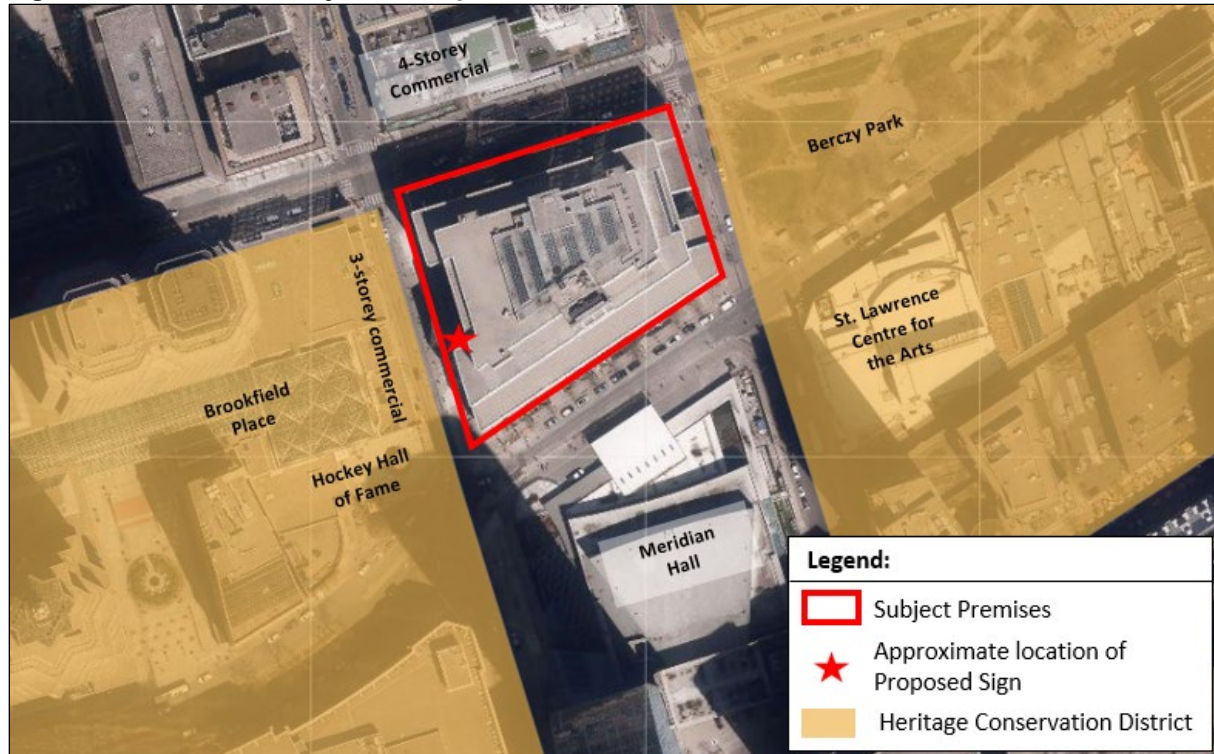
Submission materials indicate that the Subject Premises is located within a dense, highly active area of downtown Toronto. The surrounding context is predominantly commercial, characterized by office buildings, retail spaces, restaurants, and hospitality uses. Other buildings in the proximity include Meridian Hall Performance Arts Theatre, the Hockey Hall of Fame, and Union Station, reinforcing the area's role as a major commercial, cultural, and transit hub.

Staff investigation reveals that, although the Subject Premises itself is not listed on the Heritage Register, adjacent lands to the west fall within the Union Station Heritage Conservation District. The Official Plan directs that development on or adjacent to heritage properties maintain compatibility with street wall height, articulation, proportion, materiality, and alignment. Electronic signage is generally discouraged in Heritage Conservation Districts, which explains the limited presence of such signs in the immediate area.

Although the Applicant indicates the presence of first party electronic signs at the Meridian Hall and the St. Lawrence Centre for the Arts, these buildings serve unique cultural uses, which are distinct from the commercial uses that dominate the surrounding area. Multi-tenant commercial and office buildings nearby generally do not feature electronic signage, consistent with the provisions applicable to CR Sign Districts.

The Proposed Sign would introduce a sign type that is not permitted within the district into an area where such signs are uncommon and generally not permitted, particularly in proximity to a heritage-designated district. The submitted materials do not indicate any site-specific conditions that would require a sign type otherwise prohibited under the Sign By-law, nor does it demonstrate why sign types permitted as-of-right could not sufficiently serve the uses on the Subject Premises in a similar manner they support the commercial function of comparable office buildings within the downtown core.

Figure 3: Aerial View - Adjacent Properties Uses



Therefore, it is the CBO's opinion that the Proposed Sign would not be compatible with the development of the premises and surrounding area and that this criterion has not been met.

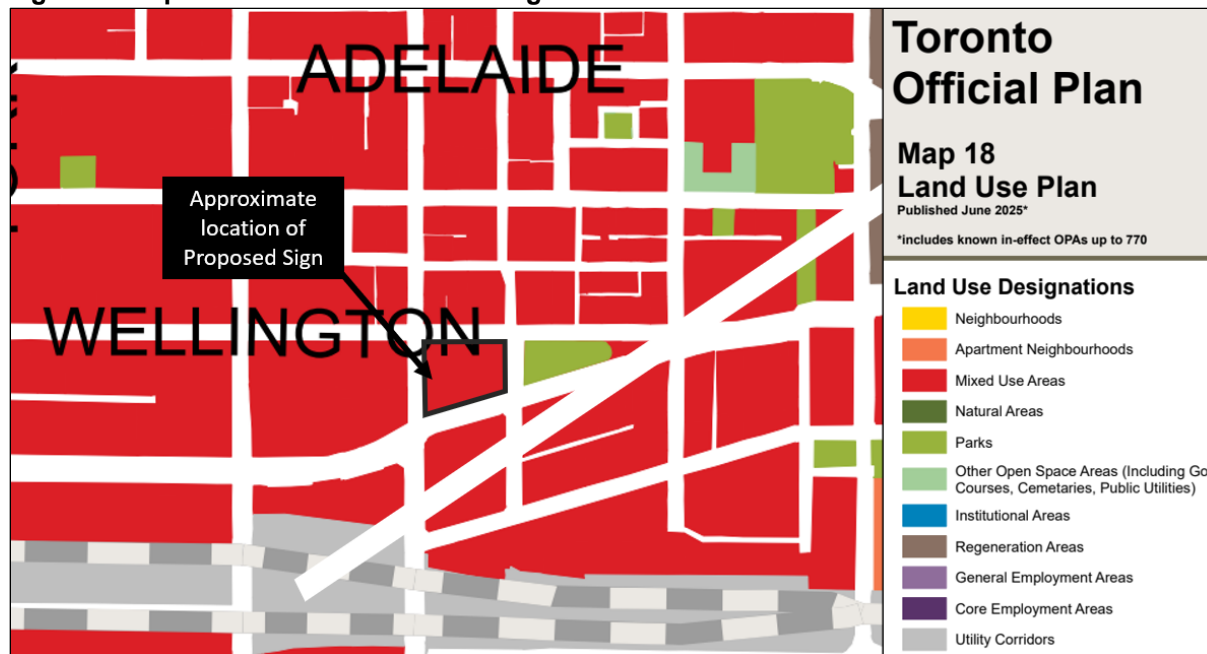
Section 694-30A(3): The Proposed Sign supports Official Plan objectives for the subject premises and surrounding area

The property at 33 Yonge Street is designated as a Mixed Use Area within the Official Plan, surrounded by Mixed Use Areas in all directions (see Figure 5). Mixed Use Areas are areas within the city that promote a balanced and dynamic community, accommodating diverse needs by combining commercial, residential, institutional, and open space uses. The Applicant contends that the Proposed Sign supports the overarching objectives of the City of Toronto's Official Plan by improving the ability of businesses to attract and retain customers, the sign plays a direct role in supporting local employment, economic growth, and vibrant street life.

Staff agree that by enhancing the identification of the services and activities available on the Subject Premises, the Proposed Signs could contribute to Mixed Use Areas

objectives. However, it's worth noting that other signs not requiring variances would also contribute to these objectives in a similar, if not identical, fashion.

Figure 4: Map 18 Land Use Plan – 33 Yonge Street



Based on the Applicant's rationale and staff investigation, the Proposed Sign for which the variance is sought provides some support for the Official Plan's objectives for the Subject Premises and surrounding area. As a result, the Chief Building Official believes that this criterion has been met.

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

The Applicant contends that the Proposed Sign would be located at the first storey, recessed within a plaza that functions as a transitional space between the public sidewalk and the main building entrance, and oriented northward. According to the Applicant, the Proposed Sign would primarily be visible to southbound vehicular and pedestrian traffic along Yonge Street, and its placement within the recessed plaza would limit its reach, mitigating potential light spill or disruption. Staff agree that, given its setback from the street and the predominance of non-residential uses at the lower levels of surrounding buildings, illumination-related impacts on nearby residential properties and sensitive land uses are expected to be minimal.

While it has not been conclusively demonstrated that the Proposed Sign would be entirely screened from residential buildings in the vicinity, its location on the first storey and within a predominantly commercial context supports the conclusion that potential adverse impacts on adjacent premises would be negligible.

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

Section 694-30A(5): The Proposed Sign does not adversely affect public safety, including traffic and pedestrian safety

The City's Sign By-law regulations are designed to ensure that there are no adverse impacts on public safety for signs which meet the requirements. These regulations are designed to work in conjunction with other regulations which would also apply to signs. The current criterion is intended to ensure that variances are not granted where they would result in signs that would have adverse impacts on public safety.

The Sign By-law has requirements for signs not to be within a "Visibility Zone" – defined as the area within three metres of the outermost points of a vehicular ingress or egress of a property where it intersects with a street. The Proposed Sign would be situated entirely outside this prohibited zone for signs.

The City has existing regulations to adequately address the potential for adverse traffic safety impacts for all signs, such as set back from intersections, distance from street lines, and pedestrian triangles. The Applicant's submission documents indicated, and staff investigation confirmed, that, given its location, the Proposed Sign would meet all clearances and setbacks as required in the Sign By-law.

With electronic signs that change from one message to the next, shorter message durations may result in drivers being more likely to observe a change in the message being displayed, which may result in a higher likelihood that a driver would glance at it for a longer duration. The Proposed Sign would comply with the Sign By-law provisions for a message duration of 10 seconds between changes in copy. This regulation is intended to perform many functions, including reducing the potential for driver distraction, to a reasonable level.

Based on the available information with respect to the Proposed Sign, City staff are of the opinion that there is no reasonable basis for any concern regarding public safety arising from the Proposed Sign.

Therefore, 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 staff review, the Applicant's documents and drawings contains sufficient information to confirm that Proposed Sign meets the description of any of the signs which are not 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 argues that digital signage is already established in the immediate area of the Proposed Sign, referencing examples of existing first party electronic signs at

cultural venues such as Meridian Hall and the St. Lawrence Centre for the Arts. While existing signs may inform an understanding of area character, precedent is not a criterion under §694-30A for granting or refusing a variance. Each application is evaluated individually based on site-specific conditions. Staff review indicates that the electronic signs cited by the Applicant are primarily located on cultural-use properties, which differ substantially from the office building on the Subject Premises.

In staff's view, the Applicant has not provided adequate justification for approving a sign type that is otherwise prohibited under the Sign By-law in CR Sign Districts. The Submissions have not demonstrated that the introduction of a sign featuring electronic copy would be in line with the established character of the area. Furthermore, the Applicant has not explained why sign types permitted within the district could not achieve the intended purpose of helping connect visitors, employees, and residents with on-site services. Commercial and office buildings within the immediate area generally do not feature electronic signage, consistent with the provisions of the CR Sign District for first party signs and broader objectives of the Sign By-law. The Proposed Sign would introduce a sign type not currently present on properties with similar uses, and would visually dominate the surroundings and represent a notable departure from the prevailing signage in the area.

Additionally, the Applicant has not addressed how the Proposed Sign would achieve compatibility, articulation, and alignment with the adjacent Union Station Heritage Conservation District, as directed by Official Plan policies.

Given these considerations, it is the opinion of the Chief Building Official that this criterion has not been satisfied.

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

The Applicant references examples of electronic signage at cultural venues to argue that digital signs are integrated into the local urban fabric and that the Proposed Sign would support economic activity and complement ongoing development. However, precedent is not a criterion under §694-30A for granting a variance, as each application must be assessed based on site-specific conditions.

Staff review indicates that the cited examples are primarily located on cultural-use properties, which differ significantly from the commercial context of the Subject Premises. Electronic signage is generally absent from commercial and office buildings in the immediate area, consistent with the provisions of the CR Sign District that do not expressly allow signs of the electronic type. Introducing a non-permitted sign type would represent a substantial departure from the established signage pattern, particularly adjacent to heritage-designated areas.

The Applicant has not demonstrated any unique site-specific conditions that would justify approval of a sign type otherwise prohibited under the Sign By-law, nor explained why permitted sign types could not achieve the sought objectives. While the Applicant contends that the Proposed Sign would serve as an economic tool to address declining foot traffic and support tenant viability, no evidence was provided to support this

statement. Additionally, economic factors, including business success or operational sustainability, are not among the criteria for granting a variance under §694-30A.

Consequently, in the CBO's opinion, the Applicant has failed to establish the Proposed Sign contained in the Proposed Sign Variance will not be contrary to the public interest, and this criterion has not been met.

CONCLUSION

The Applicant's materials, even supplemented by and 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 have been met.

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

CONTACT

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SIGNATURE

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Toronto Building

ATTACHMENTS

Attachment 1 – Description of Proposed Sign Variance
Attachment 2 – Appeal Submission Package
Attachment 3 – Sign Variance Submission Package