

Appeal of the Chief Building Official's Decision for a Sign Variance Application for Two First Party Wall Signs at 15-35 Mercer Street

Date: June 8, 2026
To: Sign Variance Committee
From: Project Director, Business Transformation, Toronto Building
Wards: 10 – Spadina-Fort York

SUMMARY

This report addresses an appeal of the decision of the Chief Building Official and Executive Director, Toronto Building (“CBO”) concerning an application for a Sign Variance (the “Proposed Sign Variance”), described in Attachment 1 to this report.

The Proposed Sign Variance was originally applied by Madison Group (the “Applicant”), The Proposed Sign Variance pertains to two illuminated first party wall signs displaying static copy (the “Proposed Signs”), which would be located on the uppermost storey of the west tower, one on the north and another one on the south elevations, at the premises municipally known as 15-35 Mercer Street (the “Subject Premises”). The Proposed Signs would each have one rectangular sign face, measuring 3.15 metres vertically by 7.11 metres horizontally, and overall height of approximately 156 metres.

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 in §694-30A. Specifically, the CBO determined that the Applicant failed to establish that the Proposed Sign described would be compatible with the development of the premises and surrounding area, would not alter the character of the premises or surrounding area and would not be contrary to the public interest. 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 an appeal of the CBO’s decision, the Sign Variance Committee (“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 Signs meet 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, or to grant different variances, or impose conditions which the Applicant did not include in their application.

RECOMMENDATIONS

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

1. The Sign Variance Committee refuse to grant the variance to 694-21.D(4)(a) of Chapter 694, Signs, General, requested to allow for the issuance of a permit for the erection and display of the Proposed Signs on the Subject Premises, as described in detail in Attachment 1 of this report.

FINANCIAL IMPACT

There is no financial impact resulting from adopting the recommendations in this report.

DECISION HISTORY

FP-25-35660 (File #25-248863)

On November 4, 2025, a Sign Variance application was submitted for two wall signs, illuminated, each containing one sign face displaying static copy, as described in Attachment 1 of this report. On December 12, 2025 a decision was made that refused to grant the requested variance for the Sign Variance on the basis that it failed on three of the criteria as contained in §694-30A of the Sign By-law. The Decision Notice can be found at Attachment 3 of this report. Subsequently, the Applicant filed an appeal of the CBO's decision.

ISSUE BACKGROUND

Required Variances:

Table 1: Summary of Required Variance for the Proposed Signs

SECTION	REQUIREMENT	PROPOSAL
694-21.D(4)(a)	A CR-Commercial Residential sign district may contain a wall sign displaying the logo or corporate symbol of a business located on the premises provided the sign shall only be erected on an office building containing 10 or more storeys.	The building where the Proposed Signs are located is not an office building. It is a mixed-use building containing residential, commercial and hotel uses.

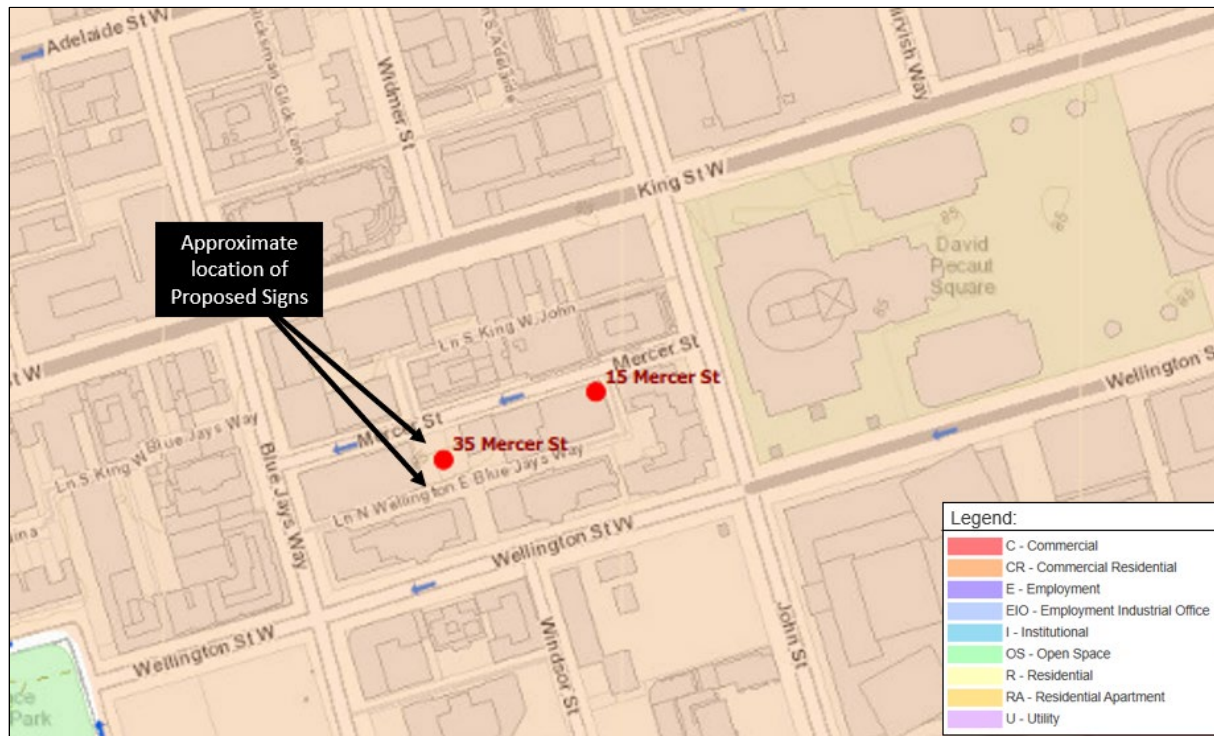
Sign Attributes and Site Context

In the submissions the Proposed Signs are identified in the datasheet as roof signs displaying electronic static copy (Attachment 2, p. 7). Staff would like to clarify that this identification is inaccurate, the drawings provided confirm the Proposed Signs to be mounted on the wall, rather than the roof, as do not contain any display that would qualify them as electronic sign types.

The Proposed Sign Variance contains two first party illuminated wall signs displaying static copy on the uppermost storey of the west tower of a two-tower mixed-use development. The Proposed Signs are located on the north and south elevations of the west tower and are intended to identify the Nobu Hotel and Restaurant located within the Subject Premises. Each sign consists of a rectangular face measuring approximately 3.15 metres in height and 7.11 metres in width, at an overall height of approximately 156 metres above grade.

The Subject Premises is designated as a Commercial Residential (“CR”) Sign District. Wall signs of the first party class are permitted in CR Sign Districts, however, such signs are generally restricted to locations at or below the second storey of a building. The intent of these provisions is to promote pedestrian-oriented signage that supports the streetscape and assists with business identification at grade. In this context, signage is not intended to function as skyline-oriented branding or high-level advertising. An exception is provided for office buildings with 10 or more storeys, mainly to identify major tenants of high-rise office buildings.

Figure 1: Sign District of the Subject Premises and Surrounding Area



The Applicant has identified the development as a mixed-use building containing hotel, retail, and residential uses, as well as corporate office space associated with the hotel.

Staff’s review indicates that the predominant use of the towers is residential, with the west tower, where the Proposed Signs are to be located, containing a relatively limited proportion of non-residential space. As such, the building does not satisfy the definition or functional characteristics of an office building for the purposes of applying the provisions for upper-level signage.

The surrounding area is characterized by residential and mixed-use buildings, and hotels. Staff observations indicate that adjacent and nearby residential buildings, including those along Mercer Street and surrounding corridors, do not feature wall signs at the uppermost storeys. This was also noted for the hotel on the adjacent property to the north. As a result, the Proposed Signs would represent a departure from the prevailing signage pattern within the immediate context.

Figure 3: View of Adjacent Properties (Note:



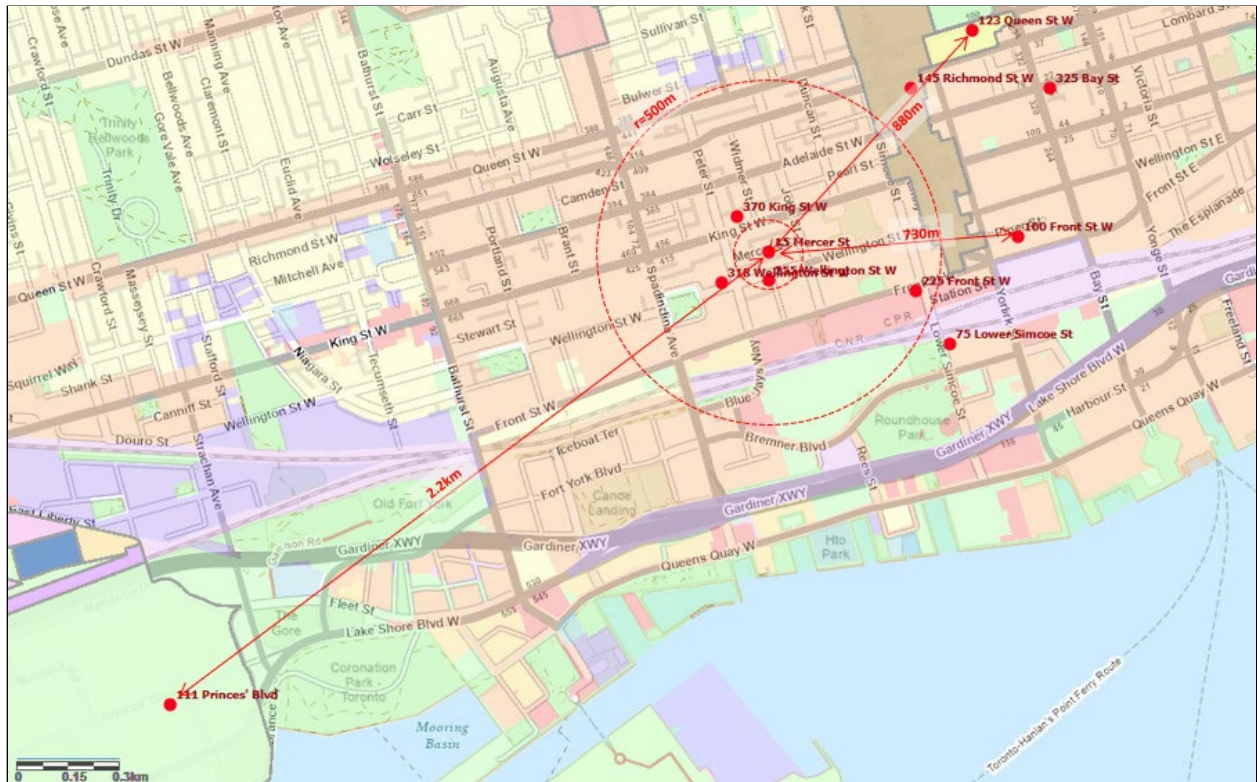
The Applicant has indicated that the Proposed Signs have been designed to complement the architectural expression of the building and are consistent with signage found elsewhere in the Entertainment District nearby. However, the Entertainment District planning framework and associated design guidelines emphasize the importance of enhancing the pedestrian environment, supporting active street frontages, and ensuring that signage is oriented toward users at or near grade level. Upper-level signage is generally not consistent with these objectives, which prioritize streetscape quality and pedestrian experience.

With respect to compatibility, the Applicant submits that similar signage exists elsewhere in the broader downtown area, particularly on hotel buildings. Staff acknowledges that examples of upper-level signage are present in other parts of the city; however, many of these instances predate the current Sign By-law or were

approved under different regulatory frameworks. The current By-law establishes updated standards intended to guide new development, and legacy signage does not constitute a basis for evaluating compliance or appropriateness under current provisions.

Furthermore, the examples provided by the Applicant are, in several cases, located at a considerable distance from the Subject Premises and outside the immediate context. As such, they are of limited relevance in assessing the character of the surrounding area or the appropriateness of the Proposed Signs at this location. The evaluation of variance applications must be grounded in the specific site context and applicable policy framework rather than broader or disparate precedents.

Figure 4: Examples' locations in relation to the Subject Premises



Surrounding Premises:

North: CR Sign District, mid-rise hotel

South: CR Sign District, mid-rise mixed-use commercial and residential

East: CR Sign District, high-rise mixed-use commercial and residential

West: CR Sign District, high-rise residential

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, meaning that they are required to conduct an evaluation to determine whether the party seeking the variance has demonstrated that the Proposed Signs meet all eight criteria, on the basis of the information presented to the Sign Variance Committee. The SVC has the authority to either approve or deny the variances requested by the Applicant for the Proposed Sign Variance. Additionally, the SVC can suggest alternatives or impose conditions not included in the Applicant's proposal.

Applying the Established Criteria:

Section/Criteria Description: 694-30A(1) - The Proposed Sign belongs to a sign class permitted in the Sign District

The Applicant identifies the Sign District as the CR Sign District (Attachment 2, pp. 9, 42). Staff confirms that, as per the Applicant's submission, the Proposed Signs belong to the first party sign class, which is a class permitted in CR Sign Districts. (Attachment 2, pp. 9–10).

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

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

The Applicant identifies the current use on the Subject Premises as a mixed-use development containing hotel, restaurant, residential units, and corporate office space for Nobu Canada (Attachment 2, pp. 9–10, 11). The surrounding area is described as the Entertainment District, characterized by a mix of office, residential, hotel, and restaurant uses, including both standalone and mixed-use buildings (Attachment 2, pp. 9, 12).

With respect to nearby developments, the submission references multiple existing and approved hotel developments with similar signage, including mixed-use buildings such as the TOOR Hotel (Attachment 2, pp. 11–12). It does not identify specific future developments that may be affected, nor does it assess impacts on such developments.

At a high level, compatibility is justified by emphasizing that first party wall signs are typical for hotel uses in the downtown core, are consistent with the established character of the area, and support wayfinding and brand recognition (Attachment 2, pp. 11–12).

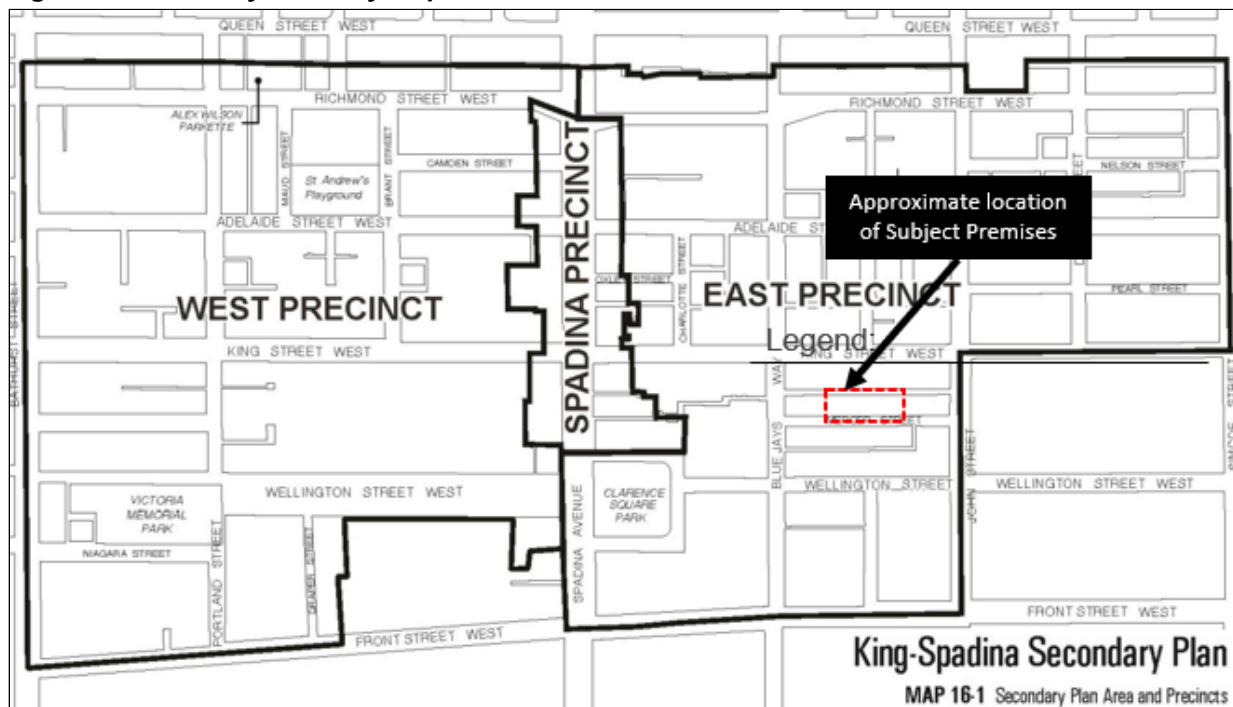
Given that the Subject Premises is not an office building and contains a significant residential component, the placement of large-format illuminated signage at the uppermost storey, staff concludes that the Proposed Signs are not consistent with the intent of the CR Sign District provisions, and the submissions did not sufficiently explain how the Proposed Signs would be compatible with the residential nature of the development on the Subject Premises, or align with the surrounding signage pattern.

As a result, the CBO is of the opinion that this criterion has not been met.

Section/Criteria Description: §694-30A(3) - The Proposed Sign supports the Official Plan objectives for the property and surrounding area

The Applicant identifies the Official Plan land use designation as Mixed Use Areas 1 within the King-Spadina Secondary Plan and Downtown Secondary Plan (Attachment 2, p. 13). Submissions outline general Official Plan objectives, including intensification, provision of a mix of uses (residential, hotel, retail, office), and support for economic vitality in the Downtown (Attachment 2, p. 13). While the rationale references these objectives conceptually, it does not cite any specific Official Plan policies that are supported by the Proposed Signs; rather, it relies on general alignment with mixed-use and economic development goals.

Figure 2: Secondary Plan Key Map



The Applicant frames the Proposed Signs as ancillary to an approved mixed-use development previously assessed through rezoning and site plan approval processes (Attachment 2, p. 13). They further note the property's location within the King-Spadina Heritage Conservation District, stating that the Proposed Signs are located on new construction and will not impact heritage-protected elements (Attachment 2, p. 13).

Based on the Applicant's rationale and staff investigation, the CBO is satisfied that the proposal provides some support for the Official Plan's objectives for the Subject Premises and surrounding area. As a result, this criterion has been met.

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

The Proposed Signs are confirmed to be illuminated first party wall signs (Attachment 2, pp. 7, 9). The submitted materials acknowledge the presence of adjacent residential uses within the mixed-use Entertainment District; however, it states that the Proposed Signs are located on the uppermost storey of the west tower, positioned to avoid direct facing toward residential units and to maintain vertical and horizontal separation (Attachment 2, p. 14). Sensitive uses are indirectly addressed, with the Applicant stating that there are no open space areas, major highways, or controlled intersections that would be impacted (Attachment 2, p. 14).

While the Proposed Signs may remain visible from nearby residential buildings and no specific mitigation measures have been identified, based on the Applicant's description of the surrounding context and orientation of the Proposed Signs, along with the absence of commentary regarding impacts received through the public consultation process, staff was satisfied that the effects on adjacent premises should not be materially significant.

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

Section/Criteria Description: 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.

The Applicant submits that the Proposed Signs are not located within a visibility zone (Attachment 2, p. 14) and confirms compliance with required setbacks, clearances, and structural requirements (Attachment 2, p. 14).

The Proposed Signs are identified as wall signs located on the uppermost storey, not projecting or overhanging structures (Attachment 2, pp. 7, 9). Accordingly, the submission does not identify any proximity to a controlled intersection within 30 metres, nor does it raise concerns related to such conditions. The rationale further concludes that the signs will not adversely impact traffic or pedestrian safety (Attachment 2, p. 14).

Based on the available information with respect to the Proposed Signs, the requested deviation from the mandatory requirements of the Sign By-law, and the proposed location within the Subject Premises, City 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.

Section/Criteria Description: 694-30A(6) - The Proposed Sign is not prohibited by §694-15B

The Applicant's submissions identify the Proposed Signs as roof signs in the datasheet (Attachment 2, p. 7), which would render them as prohibited under §694-15B(2). Under §694-1, a roof sign is defined as a sign located entirely on or above the roof of a building or located entirely on the top of or above the parapet wall of a building.

Staff review of the Applicant's drawings (Attachment 2, pp. 39–44) confirms that the Proposed Signs do not meet this definition, as they are indicated as mounted on the building wall below the roofline (Attachment 2, p. 39). The identification of the Proposed Signs as roof signs is therefore incorrect and has been disregarded. The Proposed Signs have instead been evaluated as wall signs in accordance with §694-1 (signs erected on and entirely supported by a building wall, with a sign face projecting no more than 0.60 metres from the wall)

Accordingly, staff determined that the application provides sufficient evidence that the Proposed Signs do not fall within any sign types explicitly prohibited by §694-15B. The CBO therefore considers this criterion to be satisfied.

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

As mentioned earlier in this report, the submissions assert that the Proposed Signs are compatible in scale, type, and placement with signage on comparable nearby properties, noting that first party wall signs at upper storeys are typical for hotel uses in the Entertainment District and Downtown Core, and provide multiple examples of signage on other premises (Attachment 2, pp. 11–12, 14). The Applicant further contends that the Proposed Signs will not contribute to visual clutter, citing their placement at the uppermost storey and cohesive design as mitigating factors (Attachment 2, pp. 9, 14).

Staff note that several of the examples cited by the Applicant are located outside the immediate vicinity of the Subject Premises and are not representative of the prevailing conditions within the surrounding area. As previously outlined, precedent is not a criterion under Section 694-30A, and the evaluation must be based on the specific planning context and applicable policy framework. Staff's review indicates that the immediately surrounding area is characterized by residential and mixed-use buildings, including hotel uses, none of which feature first party wall signs at the uppermost storey. In this context, the Proposed Signs represent a departure from the established signage pattern.

In terms of visual impact, the submissions indicate that the Proposed Signs are integrated into the architectural design of a 45-storey tower, using materials, size, and colour that complement the building (Attachment 2, pp. 9, 12, 14). The proposed placement on the mechanical penthouse level is intended to minimize visibility conflicts. The Proposed Signs are also described as supporting surrounding uses, particularly

tourism and hospitality, by enhancing wayfinding and brand recognition, which aligns with the character of the Entertainment District (Attachment 2, pp. 9–10, 14).

Staff notes that the Sign By-law includes provisions for directional signage to provide wayfinding in CR Sign, typically in the form of ground signs, which are specifically intended to support wayfinding. Signage located at the uppermost levels of a building provides limited functional benefit for pedestrians and motorists at street level and is more appropriately characterized as branding or advertising rather than navigational aid.

Given the predominantly residential nature of the Subject Premises and surrounding area, and the lack of similar signage in the immediate context, the CBO is of the opinion that the Applicant has not sufficiently demonstrated that the Proposed Signs would not alter the character of the premises and surrounding area. Accordingly, this criterion has not been satisfied.

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

The Applicant asserts that the Proposed Signs are not contrary to the public interest, indicating that they will not contribute to undue sign clutter due to their limited number and placement at the uppermost storey, as well as their integration with the building's design (Attachment 2, pp. 9, 14–15). The submission further states that similar signage exists throughout the Entertainment District, particularly on hotel buildings, and that the Proposed Signs are consistent with this broader context (Attachment 2, pp. 11–12, 14–15). The Applicant also maintains that the signs will support economic activity and enhance wayfinding for visitors to the hotel (Attachment 2, pp. 10, 15).

Staff, however, do not concur with this assessment. As noted previously, the Subject Premises is not an office building and contains a significant residential component, and the surrounding area is characterized by similar buildings that do not feature upper-storey signage. While the Sign By-law permits such signage for office buildings of sufficient scale, this permission does not extend to mixed-use buildings of this nature. The Applicant has not sufficiently demonstrated that the Proposed Signs are compatible with the established character of the area or that they align with the intent of the CR Sign District provisions.

Furthermore, the submissions do not adequately address why signage options permitted as-of-right under the Sign By-law would not meet the operational or wayfinding needs of the business. Similarly, there is limited analysis provided on the interface between the Proposed Signs and the residential components of the development.

In the absence of sufficient justification addressing these considerations, the CBO is of the opinion that the Applicant has not established that the Proposed Signs would not be contrary to the public interest. Accordingly, this criterion has not been met.

CONCLUSION

The CBO has determined that the Applicant's submission, followed by a review of the application, and an analysis of the Subject Premises and surrounding area, did not provide sufficient information to establish that the Proposed Sign meets 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 Sign Variance Committee should refuse to grant the variance required to allow for the erection of the Proposed Sign.

CONTACT

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SIGNATURE

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ATTACHMENTS

Attachment 1 – Description of Sign Variance and Required Variances

Attachment 2 – Sign Variance Submission Package

Attachment 3 – Appeal Submission Package