

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF APRIL 25, 2023

Item 1, Report No. 18, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on April 25, 2023.

1. APPEAL TO SIGN VARIANCE APPLICATION SV 22-001

The Committee of the Whole recommends:

1. That the Sign Variance Application SV22-001, Calloway REIT (Rutherford) Inc., be approved;
2. That the City of Vaughan be provided with messaging opportunities on the sign and that Office of Communications and Economic Development staff be notified of such;
3. That the sign be turned off at 11:00 p.m., in consideration of the adjacent residential area;
4. That the report of the Deputy City Manager, Planning and Growth Management, dated April 18, 2023, be received; and
5. That the comments of Mark Resnick, Calloway REIT (Rutherford) Inc., Highway 7, Vaughan, and Communication C5, dated April 18, 2023, be received.

Recommendations

1. THAT Council uphold the recommendation of the Sign Variance Committee and Notice of Decision to REFUSE sign variance application SV 22-001.

Committee of the Whole (2) Report

DATE: Tuesday, April 18, 2023 **WARD(S):** 4

TITLE: APPEAL TO SIGN VARIANCE APPLICATION SV 22-001

FROM:

Haiqing Xu, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To present for Council to uphold Notice of decision as informed by the recommendation of the Sign Variance Committee to REFUSE sign variance application SV 22-001.

Report Highlights

- Applicant is proposing a two-sided digital billboard sign which is,
 - not located within Employment Areas,
 - larger than permitted,
 - higher than permitted,
 - closer to an existing billboard sign than permitted,
 - located on a lot that abuts a Residential zone and
 - located within 100 m from a building containing residential units or lands zoned Residential.
- The Sign Variance Committee recommended that sign variance application SV 22-001 be REFUSED.

Recommendations

1. THAT Council uphold the recommendation of the Sign Variance Committee and Notice of Decision to REFUSE sign variance application SV 22-001.

Background

The applicant is requesting to install one (1) two-sided digital billboard sign at 9200 Bathurst Street which is:

1. not located within Employment Areas shown in Schedule “E” of the Sign By-law,
2. larger than permitted,
3. higher than permitted,
4. closer to an existing billboard sign than permitted,
5. located on a lot that abuts a Residential Zone and
6. located within 100 m from a building containing residential units and lands zoned Residential,

9200 Bathurst Street is currently zoned General Mixed Use (GMU) and subject to exception 740 under Zoning By-law 001-2021 as amended which permits commercial uses. According to Sign By-law 140-2018 as amended, billboard signs in Industrial Use or Commercial Use zones shall:

- be located within the within the limits of the Employment Areas as shown in Schedule “E” of the Sign By-law;
- not exceed a maximum *Sign Area* of 20.0 square metres for any single *Sign Face* with a total *Sign Area* of 40 square metres for all *Sign Faces* combined;
- not exceed 8.0 metres in height measured from the finished grade level at the base of the supporting structure;
- be set back a minimum of 600 metres from any other *Billboard Sign* located on the same side of the street;
- not be permitted on a lot that abuts a Residential Zone and
- not be located within 100 metres from a building containing Residential units or lands Zoned Residential.

Previous Reports/Authority

None.

Analysis and Options

The proposed two-sided digital billboard sign is 3.5 km from the Employment Areas identified in Schedule “E” of the Sign By-law, more than 10% larger than permitted, more than 25% higher than permitted, less than 1/3 of the distance to another existing billboard sign, located on a lot that abuts a residential zone and less than 1/2 permitted distance to a residential lot.

Section 6.1 of the Sign By-law permits two ground signs on a property under certain conditions as prescribed in the Section. However, Section 6.1 limits the maximum size of the sign to 4m² for third party advertising. A third ground sign was approved in the Development Agreement for the site that allows for a pylon sign with size of 3.0m x 3.0m x 9.0m high. A billboard sign with third party advertising has been proposed instead of a pylon sign in the approximate location of the third ground sign that was approved in the Development Agreement.

Summary Analysis of Variances Requested				
No.	Issue	Permitted	Proposed	Variance
1	Location within Employment Areas per Schedule "E"	Within Employment Areas	Not within Employment Areas	More than 3.5 km from an Employment Area
2	Maximum Sign Area (combination of all Sign Faces)	40 m ²	45 m ²	5 m ² = 12.5% increase
3	Maximum Sign Height	8m per Sign By-law 9 m per Development Agreement	10.25 m	2.25 m = 28% increase from Sign By-law 1.25 m = 13.9 % increase from Development Agreement
4	Minimum setback to another Billboard Sign on the same side of the street	600 m	Approximately 100 m	Achieves 17% of the requirement.
5	Lot abutting a Residential Zone	Not permitted	Lot abuts a Residential Zone	Lot abuts a Residential Zone
6	Distance to Residential units of lands Zoned Residential	Minimum 100 m	40 m	Achieves 40% of the requirement

The applicant appeared before the Sign Variance Committee on August 18, 2022 (deferred) and November 17, 2022. On November 17, 2022 the Sign Variance Committee reviewed the application and recommended that Sign Variance application SV 22-001, be REFUSED.

Financial Impact

None.

Broader Regional Impacts/Considerations

Region of York Engineering approval is not required for the proposed sign.

Conclusion

The Sign Variance Committee and Director of Building Standards do not support this application. Section 21.4 of the Sign By-law states that the Committee (i.e. the Sign Variance Committee) shall consider all applications respecting minor variances to the Sign By-law and make recommendations to the Director of Building Standards. The proposed variances are not considered minor variances.

If Council, however, finds merit in the application, a permit issued by the Building Standards Department is required.

For more information, please contact Jutta Court, Coordinator – Programs and Projects, ext. 8343.

Attachments

1. Submission Site Plan
2. Revised Variance Submission
3. Sign Variance Committee Minutes
4. Notice of Decision
5. Sign Variance Appeal Letter

Prepared by

Jutta Court, Coordinator – Programs and Projects, ext. 8343

Elvio Valente, Manager of Zoning Services and Zoning Administrator, ext. 8374

Ben Pucci, Director of Building Standards and Chief Building Official, ext. 8872

Approved by



Haiqing Xu, Deputy City Manager,
Planning and Growth Management

Reviewed by



Nick Spensieri, City Manager



RUTHERFORD ROAD

BATHURST STREET

TOTAL 532 CARS



BUILDING F SECOND FLOOR
 GFA = 11,988.15 SF
 GLA = 11,230.32 SF
 NLA = 9,616.03 SF

BLDG B
 TD BANK
 4,301 SF

BUILDING C
 TOTAL = 17,064 SF

BUILDING D
 TOTAL = 8,685 SF

BLDG E
 TIM HORTONS
 3,030 SF

BUILDING A
 SOBEYS
 48,890 SF

F1-1A
 GRANETHEORY
 ± 2,727 SF

F1-1B
 BENJAMIN MOORE
 TOTAL:
 ± 4,000 SF

F1-2
 ROGERS
 VIDEO
 4,262 SF

BUILDING F GROUND FLOOR
 GFA = 11,310 SF
 GLA = 10,989 SF



C13
 CRU
 1,751 SF

SD-047

THIS SITE PLAN HAS BEEN PREPARED AS AN ILLUSTRATION OF CONCEPT ONLY AND SUCH CONCEPT MUST BE CONFIRMED FOR ALL BUILDING CODES, REGULATIONS, AND RELATED ISSUES. BASED UPON THE INFORMATION PROVIDED REGARDING ALL EXISTING CONSTRUCTION, LOT LINES, AND ADJACENT PROPERTIES.

No.	REVISIONS	DATE	BY

SITE PLAN

SCALE: 1:500 FILE #

VAUGHAN RUTHERFORD VILLAG
 RUTHERFORD RD. AND BATHURST ST.
 VAUGHAN, ONTARIO

RETROFF PARTNERSHIP ARCHITECTS
RETROFF

350 TOWN CENTRE BLVD SUITE 107
 MARKHAM, ONTARIO CANADA L3R 0H8
 TEL: 416-479-7000 FAX: 416-479-7000

DESIGNED BY	AY/MB/PC/RU	PROJECT NO.	1305
CHECKED BY	AM	DATE	MARCH 07, 2013
DRAWN	SEPTEMBER 18, 2011	DATE	SD-04



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October 07, 2022

City of Vaughan | Building Standards Department
2141 Major Mackenzie Drive
Vaughan, ON L6A 1T1

ATT: Fatemeh Kamrani, Senior Applications Expediter (Building Permits)

Owner: Calloway REIT (Rutherford) Inc.
Location: 9200 Bathurst St, Vaughan
RE: Sign Variance Application 2nd Submission
City File: SV 22-001

Dear Fatemeh,

On behalf of SmartCentres (Calloway REIT) please accept this revised sign variance application for a new billboard sign with digital display at our shopping centre municipally known as 9200 Bathurst Street.

The revised application, as discussed below, responds to the written staff comments and discussions with the Committee at the August 18, 2022 meeting of the Sign Committee. The revised application is illustrated in the attached Curbex Digital Pylon Specification Sheet.

The chart below summarizes amended and reduced scope of variances being requested.

By-Law Standard	Original Application	Revised Application
Sign Height	12.19m (52% variance)	10.25 m (15% variance)
Combined Sign Face	+/- 59.56 m ² (49% variance)	45 m ² (12.5% variance)
Ad Display Length	6 seconds (40% variance)	10 seconds (no variance req'd)
Setback to: Residential Building Other Billboard Signs	100m (40% variance) 600m (83% variance)	No Change
Zoning	Proposed: Commercial Required: Employment	No Change



Sign Height

The height of the sign in the revised application has been reduced from 12.19m to 10.25m. A reduction of almost 2m. The reduced height of the sign is only a 15% variance from the 9m sign height permitted in the approved site plan. In comparison to the by-law maximum height of 8m the variance is 28%.

Located at Rutherford Marketplace across the street is a Billboard that we estimate (by comparing the structure to the adjacent RBC commercial building) to be approximately 12m in height. In addition to the height, the large columns in the design of the sign structure add substantially to its massing. In comparison, our proposed sign is smaller and would be more consistent with the other existing ground signs in the area.

Sign Face (maximum 20m² per side)

To achieve a sign face area more in line with the by-law requirements, significant adjustments have been made to the proposal including, removal of the lower sign panel, reduction to the size of the digital screen, and a reduction to the size of the upper panel. The sign face area for the adjusted proposal is 22.5m² per side and a combined total sign face area of 45m². This represents a variance of 12.5%.

Ad Display Length (minimum 10 seconds)

The revised application no longer seeks any reduction to the ad display length and will respect the by-law minimum of 10 seconds.

Setback to Other Sign and Residential Zone

The location of the sign has not been adjusted with this revised application. We wish to highlight, as discussed at with the Committee that the approved site plan permits a 3m x 3m x 9m ground sign in this location. As such, there is an existing approval for the chosen location of the sign. The approved site plan does not provide any dimensions that allow for a precise determination of the location of the permitted sign. Notwithstanding, the proposed sign is cited in a location that is generally consistent with the ground signage location on the approved site plan.

It seems punitive that the neighbouring shopping centres to the north and north-east have been permitted digital billboard signs within 600m of each other, are in proximity to residential buildings, and in proximity to the Bathurst and Rutherford intersection. We believe our request is consistent with the permissions granted on the each of these shopping centres.

The remaining setbacks related to street lines, the lot boundary and driveways; and the condition requested by the committee to not occupy a parking spot, will all be met. Contextually, the proposed sign is in proximity to large commercial areas where billboard installations may be considered appropriate.

Zoning Requirements

When reviewing the full context of the Bathurst Street and Rutherford Road intersection, we note it is primarily developed with retail and commercial uses. The south-east corner is a mix of residential and institutional uses (Menachem Zvi Jakubovic Learning Centre). The remaining three corners are developed with shopping centres. Both the Bathurst Glen Plaza (north-east corner) and Rutherford Marketplace (north-west corner) have digital billboard signs located at the intersection similar to our proposed sign location. Both signs are oriented towards the intersection and the digital billboard display of the sign on the Rutherford Marketplace faces directly towards the residential uses across the road.



SmartCentres acknowledges the residential communities across the street to the east and for this reason our proposed sign has been oriented in a north-south direction to not direct any light directly towards the residential uses to the east across Bathurst Street. There are no residential uses immediately to north, west, or south of proposed sign location on our property.

We are of the opinion that the proposed sign is in keeping with context of the area and the existing signage of the other shopping centres in terms of the proposed scale, height, and location and as such will not have a noticeable impact to adjacent residential uses.

Response to Other Comments

a) The proposed sign is the 3rd sign on this property

Under Section “6.1 Limit on Number of Signs” of By-law 140-2018 the shopping centre is permitted three (3) signs, which is due to the lot being greater than 125m and abutting two streets. This is further confirmed through the registered Site Plan that shows three (3) signs on the lot including one sign at the proposed location.

b) The proposal asks for the removal of a healthy tree in order to install a sign

SmartCentres is agreeable to a requirement to replace any trees that are impacted by the installation of the proposed sign.

In conclusion, significant revisions have been to respond to the comments and concerns raised on the original application. The revised application is now more in line with the generally accepted minor variance outlined by the Committee as being within approximately 15% of the by-law requirements where achievable.

We acknowledge consideration must be given to the sign’s proximity to residential areas, and while we understand this point, we maintain that the sign is appropriate for the immediate area which is largely commercial in character and the sign is consistent in scale and location with existing area signage.

The proposed billboard sign will serve to modernize the shopping centre and support our tenants’ economic activity of this area which is an overall net benefit. We hope that the Committee will support the approval of the application as revised. If you have any questions, please do not hesitate to contact the undersigned at (416) 358-0822 or mresnick@smartcentres.com.

Sincerely,



Mark Resnick, MCIP, RPP
Senior Director, Development

Enclosed: Curbex Digital Pylon 9200 Bathurst Street Specification



PROPOSAL

Prepared For:








Digital Pylon

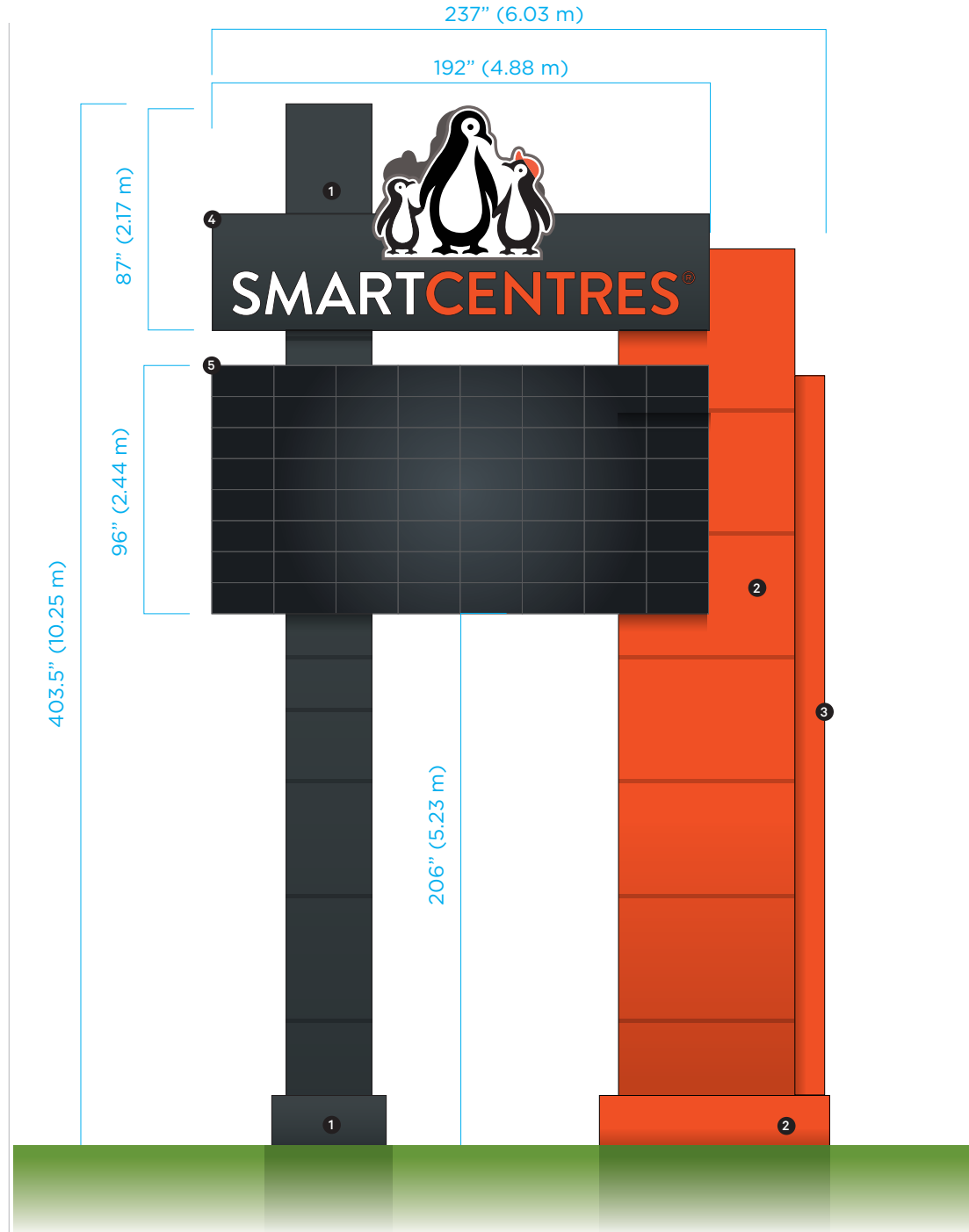
9200 Bathurst Street

- 1 Grey powdercoated aluminum cladding
- 2 Orange powdercoated aluminum cladding
- 3 LED backlit sidelight with orange vinyl overlay
- 4 Aluminum box with penguin channel letters (LED illuminated) and routed acrylic lettering (LED illuminated)
10.59 m²
- 5 16 ft wide by 8 ft high digital LED display screen
11.91 m²

OVA sign display area (as outlined above): **22.5 m²**

*NOTE: one side shown; applies to both sides of pylon

 Vinyl - Avery UC 900-360-T 9180T 'Orange'	 Powdercoat 'Orange - 171 C'
 Vinyl - Avery Blockout Black	 Powdercoat RAL 7011 'Iron Grey'
 Acrylic White	 Powdercoat RAL 9005 'Jet Black'



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CITY OF VAUGHAN
SIGN VARIANCE COMMITTEE
MINUTES

Thursday, November 17, 2022

Members: Chrisa Assimopoulos, Urban Designer, Development Planning
Nick Borcescu, Senior Heritage Planner, Development Planning
Carol Ramchuram, Regulatory Policy Analyst, By-law and Compliance
Fateme Kamrani, Senior Applications Expediter (Building Permits)

Staff: Jutta Court, Coordinator – Programs and Projects, Building Standards
Franca Malfara – Supervisor Business Services
Franca Orlandi – Applications Expeditor, Building Standards

The meeting was called to order at 2:04 p.m. with Chrisa Assimopoulos in the Chair.

1. CONFIRMATION OF AGENDA

MOVED by Nick Borcescu
seconded by Carol Ramchuram

That the Agenda be confirmed as presented.

CARRIED

2. DISCLOSURE OF INTEREST

There was no disclosure of interest from any member present.

3. ADOPTION OF MINUTES

MOVED by Carol Ramchuram
seconded by Fateme Kamrani

That the Minutes of September 15, 2022 meeting be adopted as circulated.

CARRIED

4. APPLICATIONS FOR CONSIDERATION

Sign Variance Committee Recommendation

4.1 SIGN VARIANCE APPLICATION

FILE NO: SV 22-001 (Resubmission)

APPLICANT: Smart Centres (Mark Resnick)

OWNER: Calloway Reit (Rutherford) INC

SIGN TYPE: Billboard Sign

LOCATION: 9200 Bathurst Street

Description of Variance Requested:

Applicant is proposing a Billboard sign at 9200 Bathurst Street, however this location is not within the Employment Area.

Sign By-Law 140-2018 Requirements:

6.1 LIMIT ON NUMBER OF SIGNS

- b. One Ground Sign per Lot, except when the following conditions are met:
 - i. One additional Ground Sign may be Erected for a lot having a street frontage greater than 125m;
 - ii. Where a lot abuts two or more streets an additional Ground Sign may be Erected on each street frontage provided that said street has a minimum frontage of 15.0 m;

15.2 DEVELOPED INDUSTRIAL AND COMMERCIAL ZONED LANDS

Notwithstanding Section 6 and Section 8, one (1) Billboard Sign may be permitted on a developed lot Zoned Industrial Use or Commercial Use, in accordance with the following requirements that Billboard Signs Erected in accordance with this subsection shall:

- a. only be permitted on a lot in lieu of the additional Ground Sign permitted by Section 6.1 (i) of this bylaw;
- b. be located within the within the limits of the Employment Areas as shown in Schedule "E";
- d. not exceed a maximum Sign Area of 20.0 square metres for any single Sign Face with a total Sign Area of 40 square metres for all Sign Faces combined;

- e. not exceed 8.0 metres in height measured from the finished grade level at the base of the supporting structure;
- h. be set back a minimum of 600 metres from any other Billboard Sign located on the same side of the street;
- i. not be permitted on a lot that abuts a Residential Zone and not be located within 100 metres from a building containing Residential units or lands Zoned Residential;

The applicant provided a presentation of the application.

Sign Variance Committee Recommendation

MOVED by Carol Ramchuram
seconded by Fatemeh Kamrani

That the Sign Variance Application SV 22 001 be REFUSED

CARRIED

6. OTHER BUSINESS

SIGN VARIANCE COMMITTEE MEETINGS @ 2:00 P.M.	LAST DAY FOR SIGN VARIANCE APPLICATION SUBMISSION
January 19, 2023	December 1, 2022
February 16, 2023	January 5, 2023
March 23, 2023	February 2, 2023
April 20, 2023	March 2, 2023
May 18, 2023	April 6, 2023
June 15, 2023	May 4, 2023
July 20, 2023	June 8, 2023
August 17, 2023	July 6, 2023
September 21, 2023	August 10, 2023
October 19, 2023	September 7, 2023
November 16, 2023	October 5, 2023
December 21, 2023	November 9, 2023

MOTION TO APPROVE

MOVED by Carol Ramchuram
seconded by Nick Borcescu

7. MOTION TO ADJOURN

MOVED by Nick Borcescu
seconded by Carol Ramchuram

That the meeting be adjourned at 2:44 p.m.



January 9, 2023

Calloway REIT (Rutherford) Inc.
3200 Highway 7
Vaughan, Ontario
L4K 5Z5

NOTICE OF DECISION

Re: Sign Variance Application #22-001
Owner: Calloway REIT (Rutherford) Inc.
Location: 9200 Bathurst Street
Lot 15, Concession 2

Dear Sir/Ms.

We have completed the review of your application for sign variance.

Request for minor variances are reviewed based on the merit of the application, and informed by the recommendations of the sign variance committee. Accordingly, we wish to advise you that your application has been **REFUSED**.

Furthermore, By-law 136-2017 provides that:

“where an applicant wishes to appeal the refusal to their application, the applicant shall deliver a notice of appeal in writing to the City Clerk’s Department within 7 days of being served with the decision. Council shall review the appeal and make a final determination to uphold or vary the decision.”

Therefore, a notice of appeal may be filed within the prescribed timeline to City Clerk’s Department. Please quote the sign variance application number in your notice of appeal.

Sincerely,

A handwritten signature in black ink, appearing to read 'BP' with a flourish.

Ben Pucci, P.Eng.,
Director of Building Standards Department, Chief Building Official

cc:

Mark Resnick
Mresnick@smartcentres.com



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SENT VIA E-MAIL TO: CLERKS@VAUGHAN.CA

January 13, 2023

Office of the City Clerk
Vaughan City Hall, Level 100
2141 Major Mackenzie Drive
Vaughan, ON L6A 1T1

Owner: Calloway REIT (Rutherford) Inc.
Location: 9200 Bathurst St, Vaughan
RE: Appeal of Sign Variance Refusal Decision
City File: SV #22-001

Please accept this letter as our appeal of the refusal decision for sign variance application #22-001 in accordance with the City of Vaughan Sign Variance Committee By-law 136-2017.

Kindly confirm receipt of this letter. If you have any questions, please do not hesitate to contact the undersigned at (416) 358-0822 or mresnick@smartcentres.com.

Sincerely,

Mark Resnick, MCIP, RPP
Senior Director, Development

Enclosed: Notice of Decision Sign Variance Application #22-001 (January 9, 2023)





January 9, 2023

Calloway REIT (Rutherford) Inc.
3200 Highway 7
Vaughan, Ontario
L4K 5Z5

NOTICE OF DECISION

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Owner: Calloway REIT (Rutherford) Inc.
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Sincerely,

A handwritten signature in black ink that reads "BP".

Ben Pucci, P.Eng.,
Director of Building Standards Department, Chief Building Official

cc:

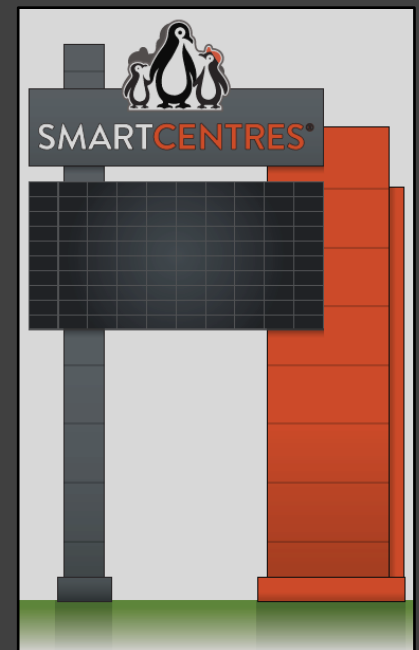
Mark Resnick
Mresnick@smartcentres.com



SMARTCENTRES RUTHERFORD VILLAGE

Sign Variance Application Appeal
9200 Bathurst St., Thornhill




April 18, 2023





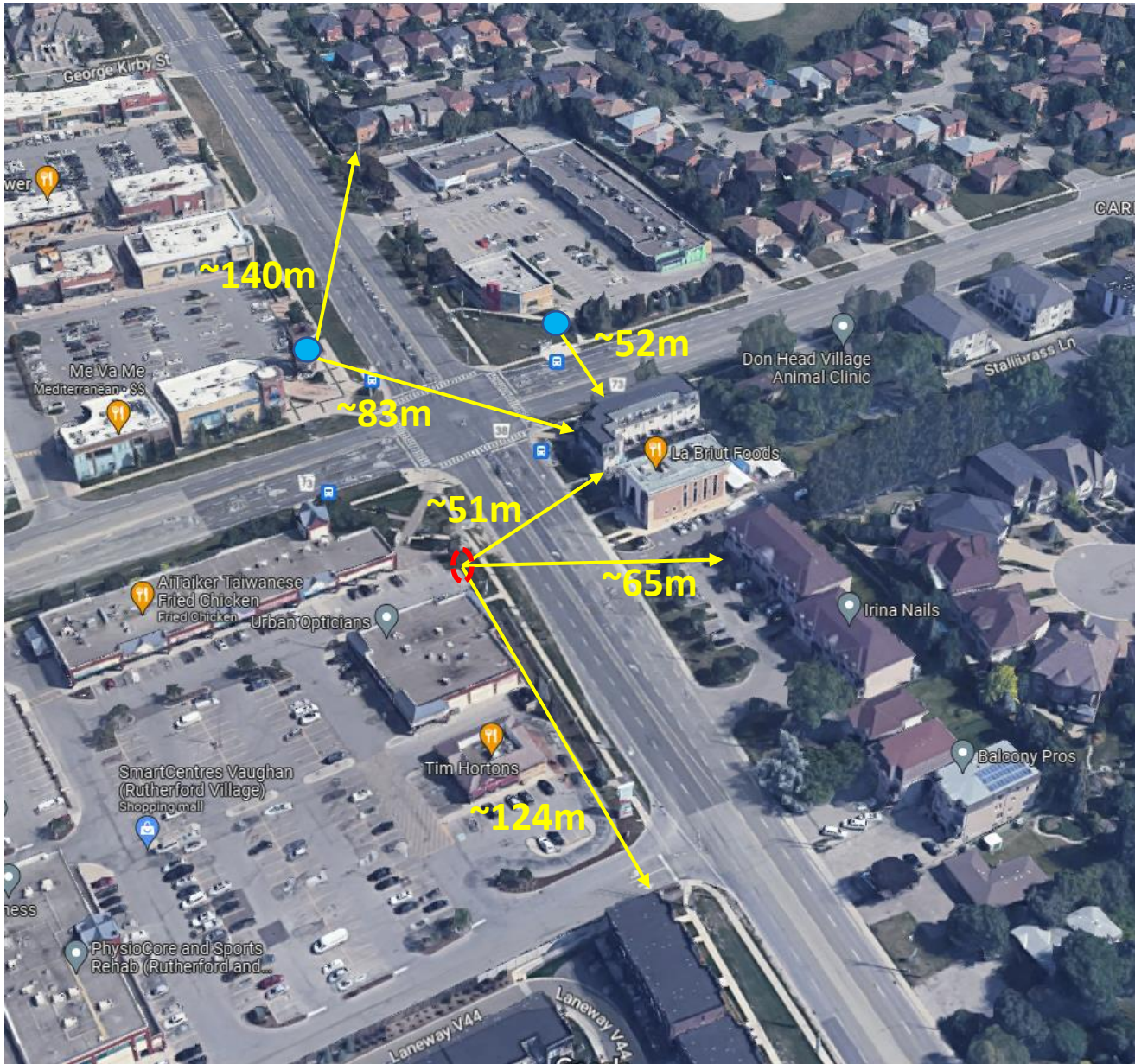
Site Context – Aerial View



-  Proposed Billboard Location
-  Existing Pylon Signage
-  Existing Digital Billboard Signs
(since at least Aug 2011 [First Cap] and July 2018 [Bat Glen Plaza])



Distance to Residential





Rendering – Proposed Digital Sign





Rendering – Comparison Digital Signs





Sign Dimensions Comparison

SmartCentres Proposed Billboard Sign



Existing Billboard Sign @ Rutherford Marketplace

