

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JANUARY 30, 2024

Item 1, Report No. 1, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on January 30, 2024.

1. APPEAL TO SIGN VARIANCE APPLICATION SV23-001

The Committee of the Whole recommends:

- 1) That consideration of this matter be deferred to a future Committee of the Whole meeting; and
- 2) That Communication C2 from Nathan Jankowski, Manager, Legislation and Permits, Pattison Outdoor Advertising, Mississauga, dated January 19, 2024, be received.

Recommendation

1. THAT Council uphold the recommendation of the Notice of Decision to REFUSE sign variance application SV 23-001.

Committee of the Whole (1) Report

DATE: Tuesday, January 23, 2024

WARD: 4

TITLE: APPEAL TO SIGN VARIANCE APPLICATION SV23-001

FROM:

Haiqing Xu, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To present for Council to uphold Notice of Decision to REFUSE sign variance application SV 23-001.

Report Highlights

- Applicant is proposing a one-sided digital billboard sign which is,
 - located within 100 metres from a building containing residential units or lands zoned Residential.

Recommendation

1. THAT Council uphold the recommendation of the Notice of Decision to REFUSE sign variance application SV 23-001.

Background

The applicant is requesting to install one (1) single-sided digital billboard sign at 721 Westburne Drive which is located within 100 metres from a building containing Residential units and lands zoned Residential.

721 Westburne Drive is currently zoned General Mixed-Use (GMU) and subject to exception 411 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 not be located within 100 metres of a building containing Residential units or lands Zoned Residential.

Previous Reports/Authority

None

Analysis and Options

The proposed one-sided digital billboard sign is less than 65% of the required distance to a residential lands.

The applicant has proposed to replace an existing ground sign that was approved by Development Agreement (DA)19.035 with a billboard sign. The location of the proposed billboard sign is near the South-East corner of Westburne Dr and Rutherford Rd, near the location of the approved ground sign. It should be noted that the installed ground sign under DA.19.035 is approximately 6.28 m² in area, whereas the proposed billboard sign will be 18.6 m² in area, taller, different in appearance and will display third party advertisements.

Summary Analysis of Variances Requested				
No.	Issue	Permitted	Proposed	Variance
1	Distance to a building containing Residential units or lands Zoned Residential	Minimum 100m	64.6m to lands Zoned Residential	Achieves 64.6% of the requirement

The applicant appeared before the Sign Variance Committee on August 17, 2023. The Sign Variance Committee reviewed the application and recommended that Sign Variance application SV 23-001 be APPROVED with the following conditions:

- (a) That the sign be dimmed to 150 nits from sunset to sunrise, and
- (b) The digital sign be turned off entirely between 11 pm and 7 am.

The Sign Variance Committee noted that the applicant has an existing ground sign near the proposed location of the billboard sign and is hoping to erect it elsewhere on their property at Rutherford Go station. The Sign Variance Committee advised the applicant that a building permit will be required to do so.

Section 21.4 of the Sign By-law states that the Committee (i.e., Sign Variance Committee) shall consider all applications respecting a minor variance to the Sign By-law and make recommendations to the Director of Building Standards, or in his or her absence, the Director of By-law and Compliance, Licensing and Permit Services, on the disposition of the applications.

As authorized by Section 21.5 of the Sign By-law, both the Director of Building Standards and the Director of By-law and Compliance, Licensing and Permit Services Department reviewed the application and determined that the variance requested was not minor in nature and therefore refused the application.

Financial Impact

None

Operational Impact

None

Broader Regional Impacts/Considerations

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

Conclusion

The Director of Building Standards Department and Director of By-law and Compliance, Licensing and Permit Services Department do not support this application.

Section 21.4 of the Sign By-law states that the Committee (i.e. Sign Variance Committee) shall consider all applications respecting a minor variance to the Sign By-law and make recommendations to the Director of Building Standards or in his or her absence, the Director of By-law and Compliance, Licensing and Permit Services, on the disposition of the applications.

Section 21.5 states that the power and authority to grant or refuse a Sign variance application is hereby delegated to the Director of Building Standards, and in his or her absence, the Director of By-law and Compliance, Licensing and Permit Services.

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 Plans
2. Sign Variance Application and Rationale
3. Sign Variance Committee Minutes
4. Notice of Decision

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



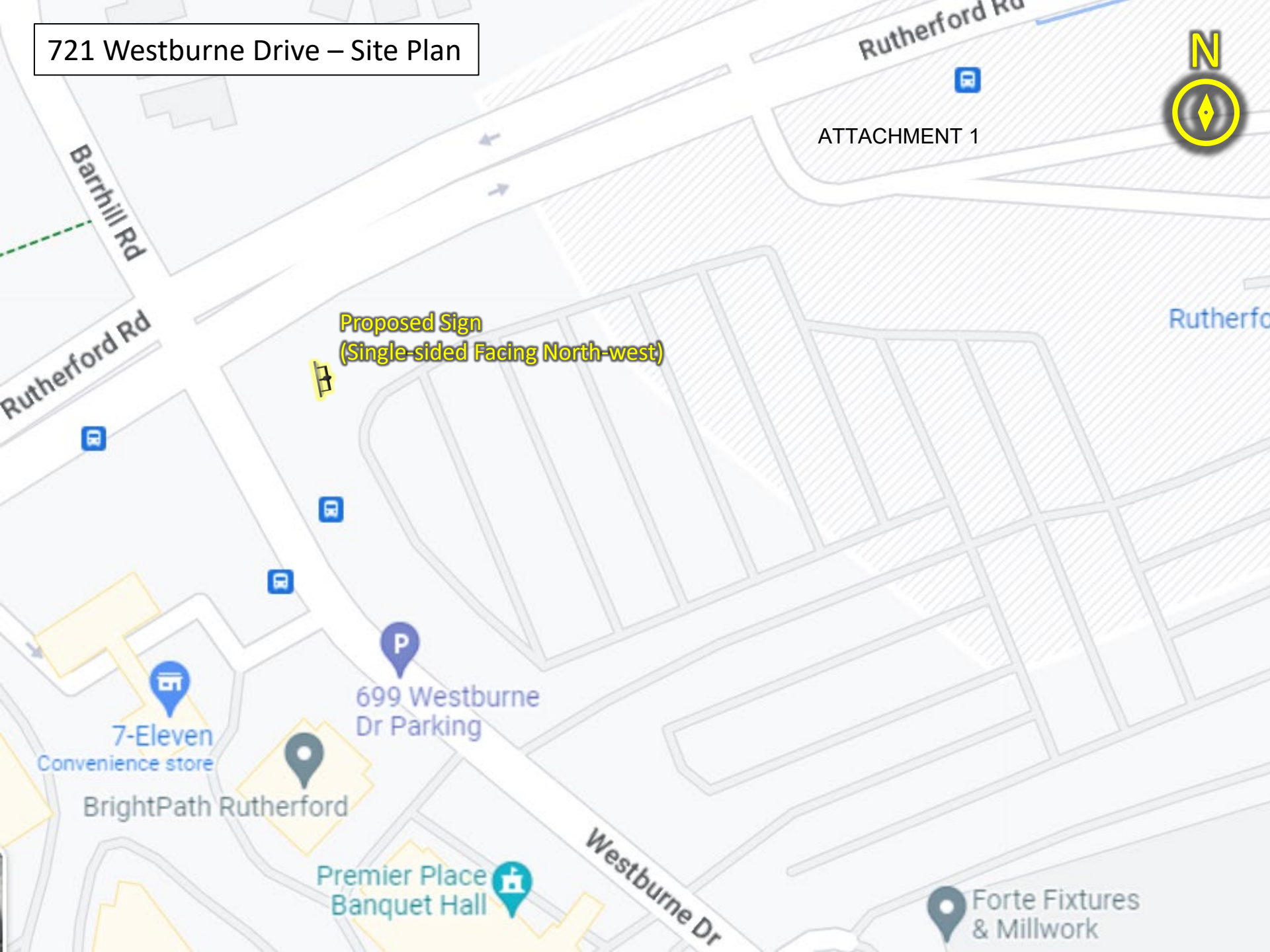
Haiqing Xu, Deputy City Manager,
Planning and Growth Management

Reviewed by



Nick Spensieri, City Manager

721 Westburne Drive – Site Plan



ATTACHMENT 1

Proposed Sign
(Single-sided Facing North-west)

7-Eleven
Convenience store

BrightPath Rutherford

Premier Place
Banquet Hall

Forte Fixtures
& Millwork

699 Westburne
Dr Parking

Westburne Dr

Rutherford Rd

Barhill Rd

Rutherford Rd

Rutherford

Red Lines = Property Boundaries

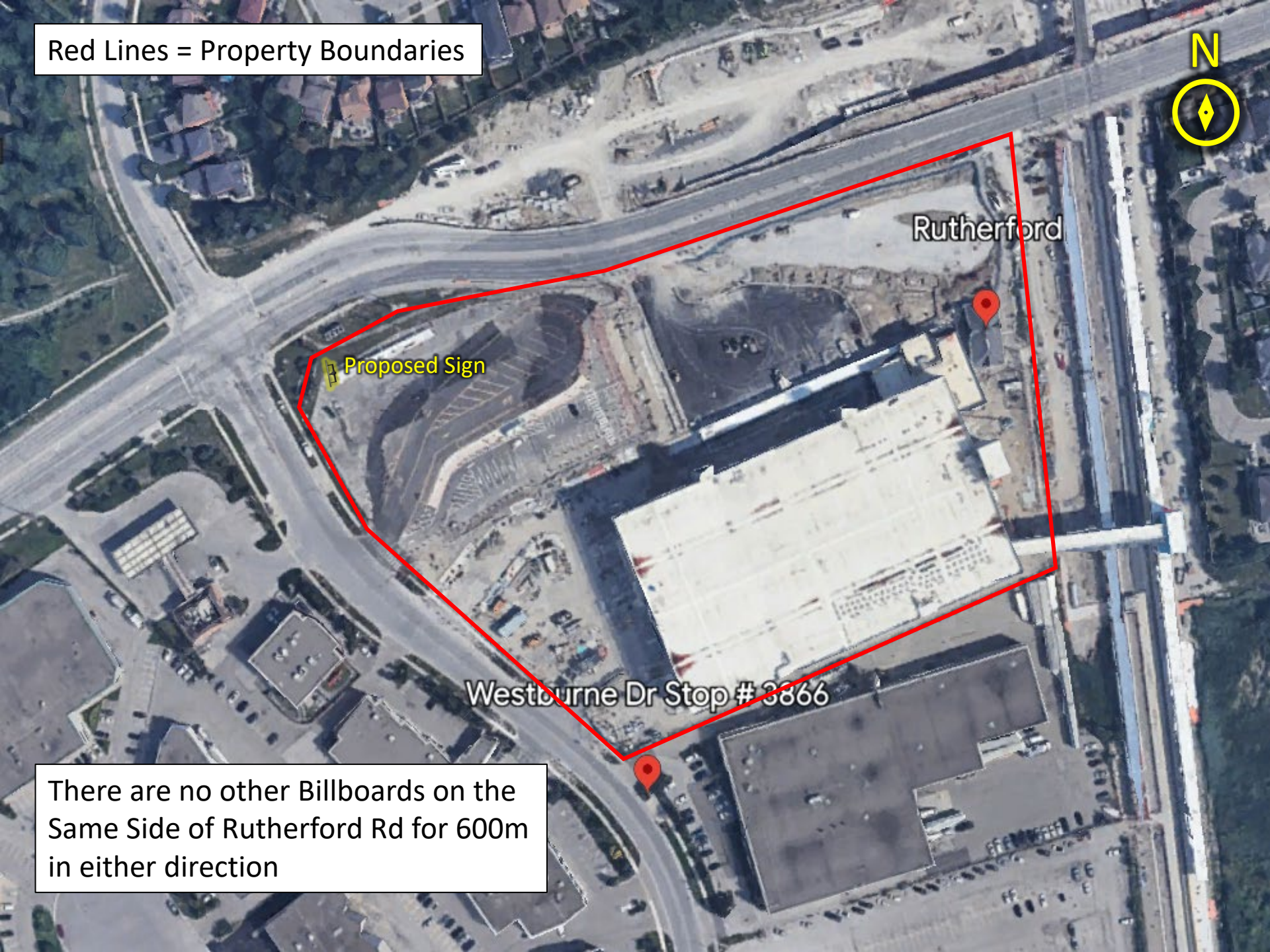


Rutherford

Proposed Sign

Westburne Dr Stop # 3866

There are no other Billboards on the Same Side of Rutherford Rd for 600m in either direction



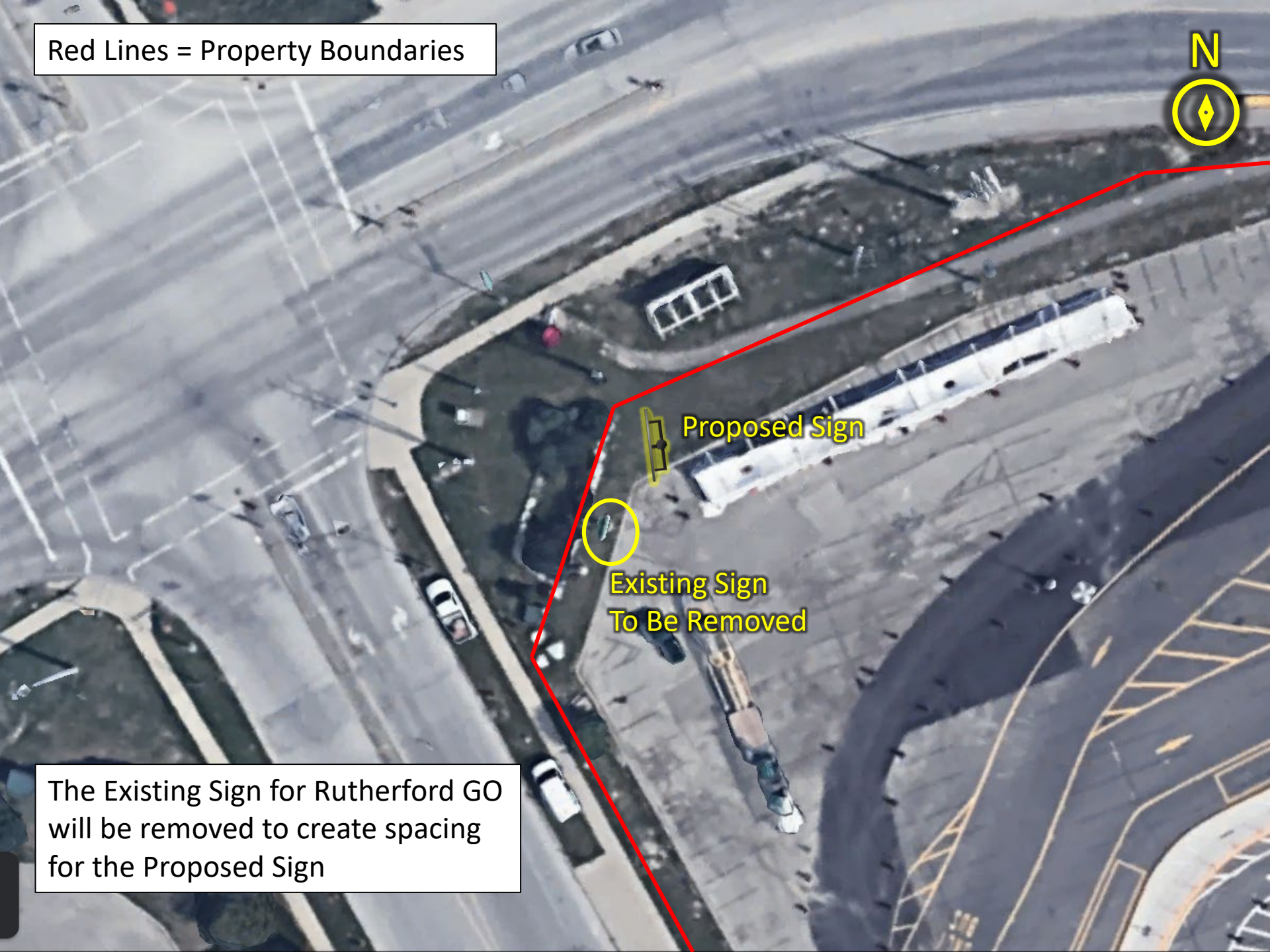
Red Lines = Property Boundaries



Proposed Sign

Existing Sign
To Be Removed

The Existing Sign for Rutherford GO will be removed to create spacing for the Proposed Sign



Red Lines = Property Boundaries



1.0m
4.0m

Proposed Sign
(Single-Sided Facing North-west)

19.0m

1.0m setback to Street Line of Rutherford Rd.
4.0m setback to Lot Line
19.0m setback to Street Line of Westburne Dr.

Red Lines = Property Boundaries

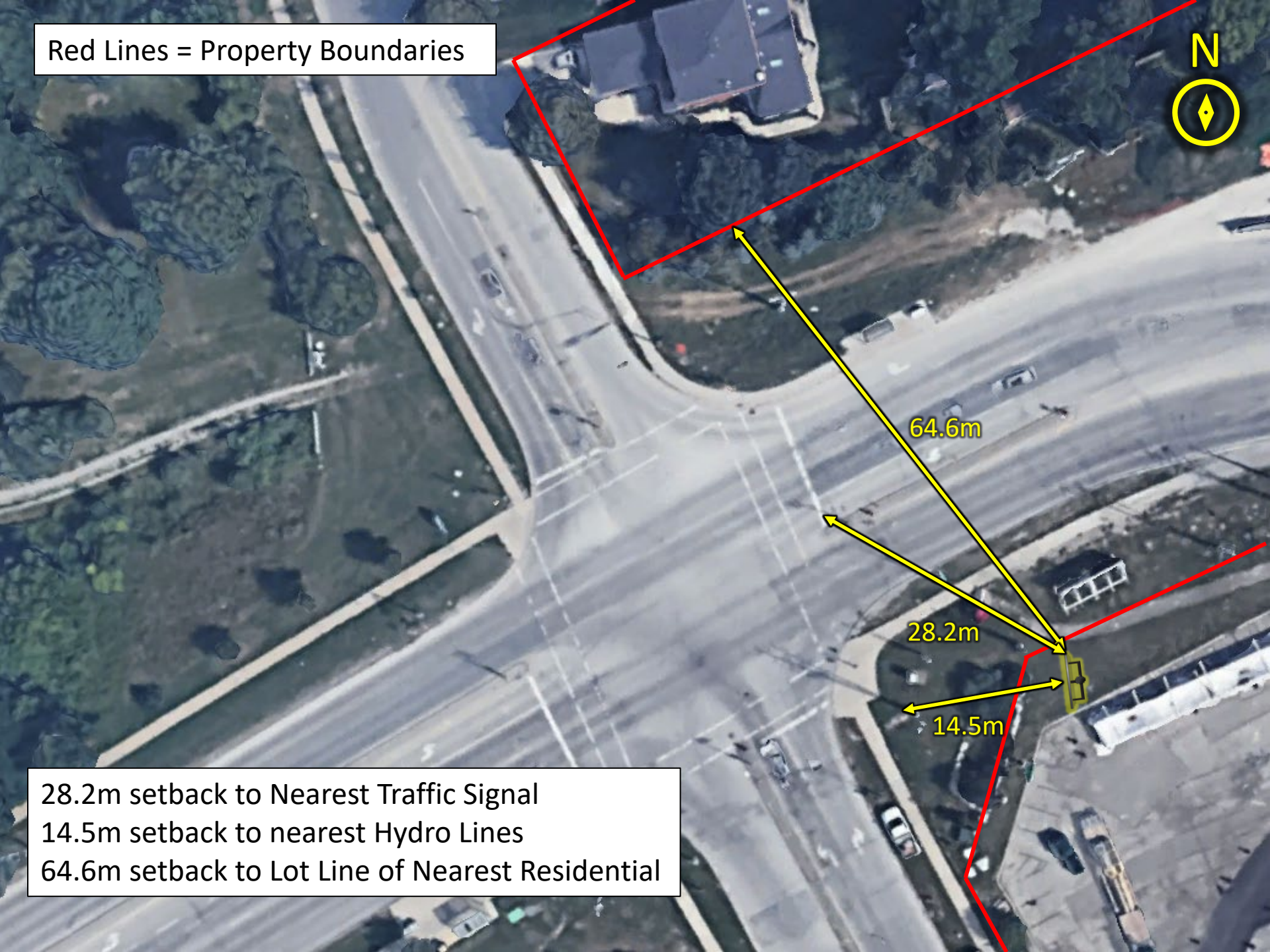


64.6m

28.2m

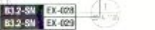
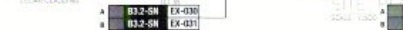
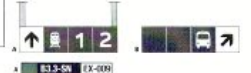
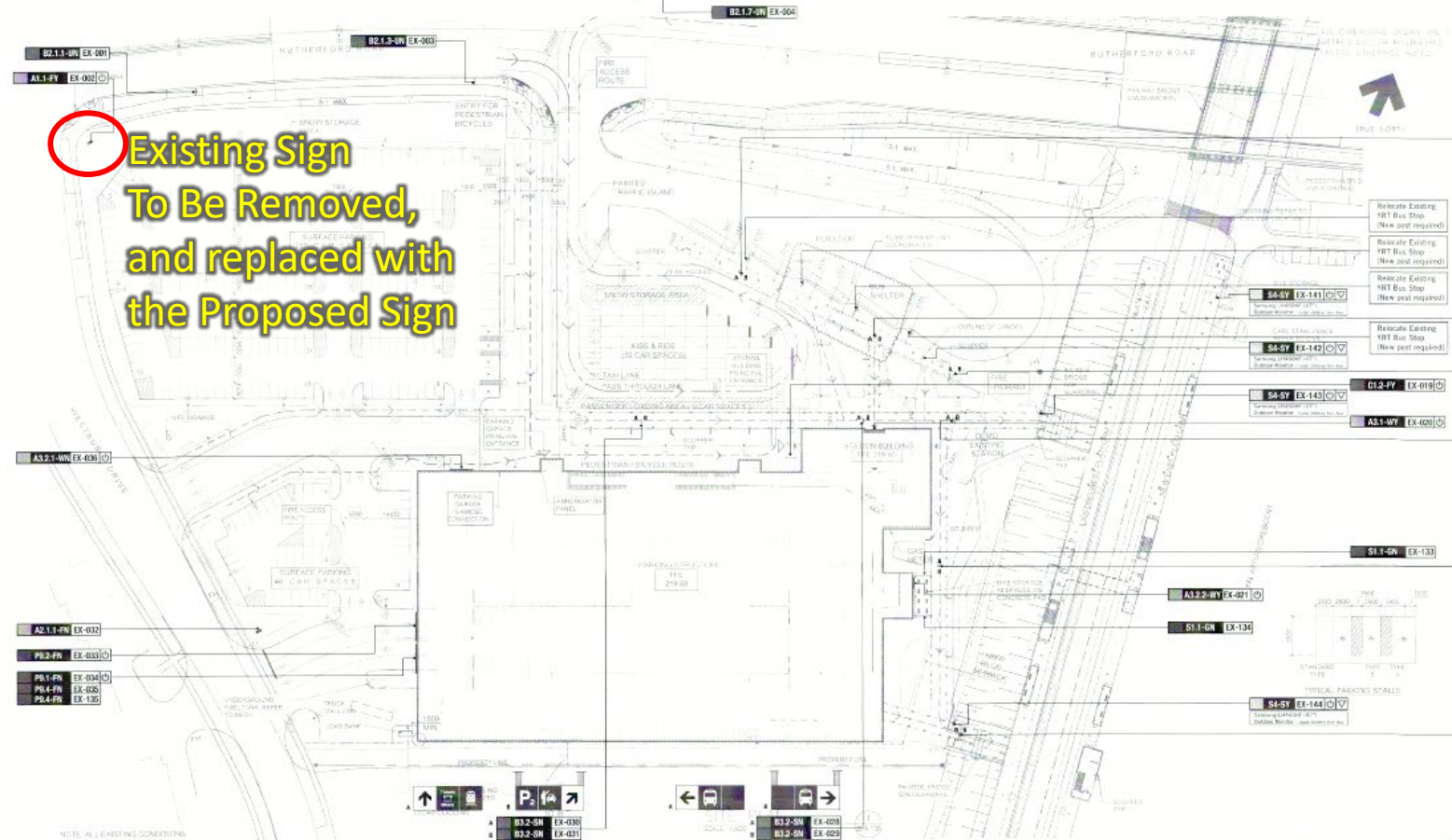
14.5m

28.2m setback to Nearest Traffic Signal
14.5m setback to nearest Hydro Lines
64.6m setback to Lot Line of Nearest Residential



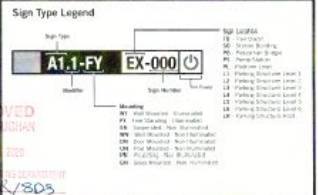


Existing Sign
To Be Removed,
and replaced with
the Proposed Sign



NOTE: ALL EXISTING CONDITIONS MUST BE VERIFIED ON-SITE.

PRODUCT FAMILY



APPROVED
CITY OF WINDHAM
MAY 20 2020
15/05/2020

REFERENCE DRAWINGS		ISSUE		REVISIONS	
DWG. NO.	TITLE	NO.	DATE	ISSUED FOR	REV. DATE
		2	18/08/07	ISSUED FOR 90% REVIEW	
		1	19/07/20	15-13-20 80%	

DRAWN BY: J.P. 19/08/07 CHECKED BY: E.C. 19/08/07	DESIGNED BY: J.P. 18/08/07 APPROVED BY: A.G. 18/08/07	SCALE: NTS
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EllisDon
INFRASTRUCTURE TALENT
1084 Wellington St., Suite 1000 Mississauga, Ontario L4Y 1R4
T: 905.880.8800 | F: 905.880.8811 | info@ellisdont.com

Ontario
Infrastructure Ontario
entrio

REGIONAL EXPRESS RAIL RUTHERFORD PROJECT SITE PLAN-1		
CONTRACT NO. 166316	DWG. NO. SW-007	REV. 2



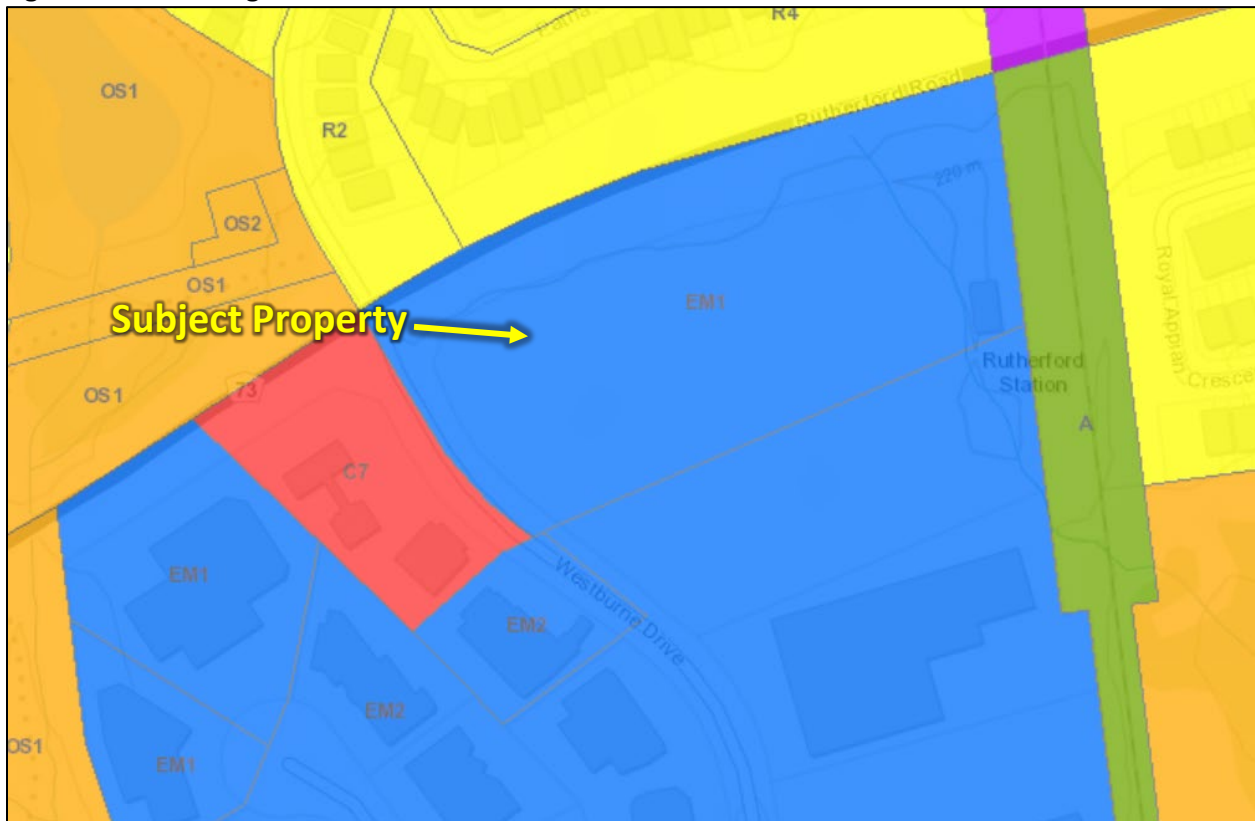
September 20th, 2022

Attn: Fatemeh Kamrani
 Senior Applications Expediter
 Building Standards Department
 2141 Major Mackenzie Drive
 Vaughan, ON L6A 1T1

RE: Sign Variance Application – Rutherford GO Station (721 Westburne Drive)

Please accept this letter as part of our formal application for a minor variance to the Vaughan Sign By-law. On behalf of Metrolinx, Pattison Outdoor is seeking approval to build one new digital billboard ground sign with a single face directed north-west (the Proposed Sign) at the **Rutherford GO Station (721 Westburne Drive)**. The proposed sign will be located within the approved area for Digital Billboards set out within Schedule E, as shown in Figure 1 below.

Figure 1 – Land Designations - Schedule 'E'





The Proposed Sign will have one single face with a total sign face area of 18.6 square metres, which will be directed north-west towards traffic travelling east-bound along Rutherford Road. The single sign face will have dimensions of 6.1 metres horizontally by 3.05 metres vertically (or approximately 10 feet by 20 feet). The height will not exceed 8.0 metres (or approximately 26 feet) from grade, and the sign will be set back approximately 4.0 metres from the Rutherford Road property line and approximately 19 metres from Westburne Drive.

Figure 2 – The Proposed Sign (Looking South-East along Rutherford Road)



The subject property is zoned '**EM1 – Employment**', and currently contains the Rutherford GO Station and an associated above-grade parking lot. Metrolinx is in the midst of a large renovation of the elevated parking structure, as well as the station itself. The Proposed Sign is part of a large network of new digital signs Metrolinx is looking to incorporate into the newly designed stations and parking structures across the Province, to provide updates and news to transit users.

The property has a large frontage along Rutherford Road of approximately 340 metres, which ensures the Proposed Sign will blend well with the streetscape. At 18.6 square metres in total size, it will also be smaller than the maximum size permitted by the Sign By-law.

PATTISON OUTDOOR ADVERTISING

Suite 500, West Tower, 2700 Matheson Blvd East, Mississauga, Ontario L4W 4V9 | Tel: 905-282-6800 Fax: 905-282-9698



The Proposed Sign would display a combination of third party messaging and Metrolinx-related content such as track updates and train delay advisements, as well as construction information, public health and safety notifications, and other messaging to inform the public and transit users of the Rutherford GO Station about important updates and news. The sign copy would be displayed as a series of still images, shown for a minimum of 10 seconds per message. At no time will the proposed sign display any distracting visual effects such as full-motion video, scrolling, flashing or blinking.

The nearest residential use on Barrhill Road would not have any visibility of the messaging on the Proposed Sign due to the orientation of the sign face, which will be directed north-west at an approximate angle of 45 degrees to Rutherford Road and to Barrhill Road.

Figure 3 – Location of the Proposed Sign relative to the nearest Residential Use on Barrhill Road



Pattison is seeking a variance for the Proposed Sign to allow for a reduced setback to a nearby residential use – which is 70 metres away where 100 metres is required. However, we believe this variance can be considered minor in nature because the angle of the Proposed Sign and natural barriers in place will ensure it won't be seen by the residential uses to the north.

Because the Proposed Sign is single-sided and directed to the north-west, none of the residential uses on Barrhill Road or Patna Crescent will have visibility of any messages displayed on the sign.

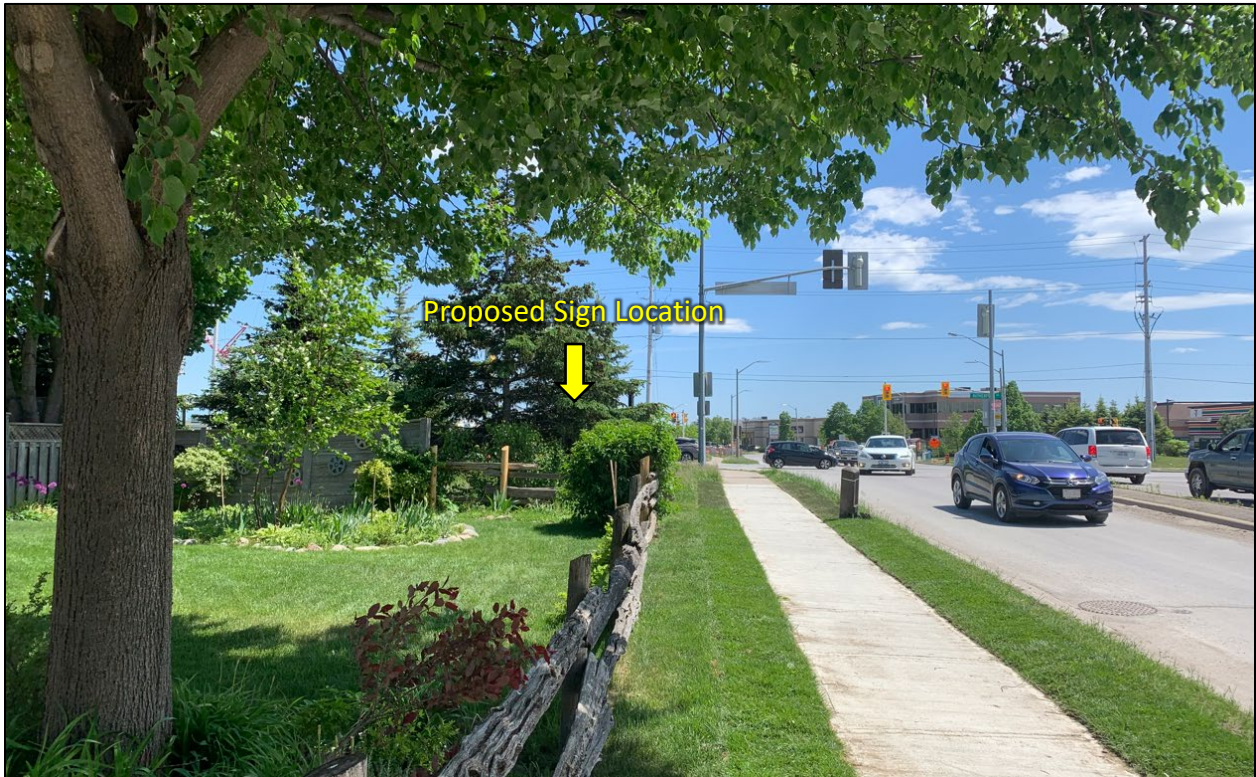
The intention of the Sign By-law requirement for a minimum separation distance between a digital sign and residential uses is to protect these sensitive properties from light spill, and in this case that protection is achieved due to the orientation of the sign face, and not having a second sign face.



To further illustrate that the proposed sign will have no impact on the residential uses to the north, we have undertaken a Light Impact Analysis to show how much light from the sign will reach these properties. As can be seen in this document, the amount of light from the Proposed Sign that will reach the nearest home on Barrhill Road is 0.228 lux, which is considered negligible as it is less than the equivalent brightness of a full moon.

To further ensure there are no impacts on the nearby residential uses, we are proposing a Condition of Approval, that we set the maximum brightness after sunset to 150 NITS. This will result in reducing the amount of light omitted by the Proposed Sign by half, and represent 50% of the maximum brightness level set out in the Sign By-law.

Figure 4 – Looking South towards the Proposed Sign from Barrhill Road



On behalf of Metrolinx, Pattison is seeking a variance from Section 15.2(i) of Sign By-Law 140-2018, specifically 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. (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;



While the Rutherford GO Station is separated from nearby Residential Zones by Rutherford Road, which spans about 32 metres, the nearest home is located approximately 70 metres from the Proposed Sign location. We are seeking variance approval to be less than the required 100 metres away, but believe we have placed and oriented the Proposed Sign strategically so that it will have no impact on the nearby residential uses.

There is also a mature tree line in place between the residential uses on Barrhill Road and Patna Crescent, which will further obstruct any visibility of the Proposed Sign from the north side of Rutherford Road, even in the Winter months (See Figure 4 above, and Figure 5 below). Along with the proposed Condition of Approval to reduce the brightness at night by 50%, we are confident the Proposed Sign will not impact nearby residents.

Figure 5 – Looking South towards the Proposed Sign from Barrhill Road (Winter months)



The Proposed Sign will comply with nearly all of the Sign By-law requirements for a digital billboard, including:

PATTISON OUTDOOR ADVERTISING

Suite 500, West Tower, 2700 Matheson Blvd East, Mississauga, Ontario L4W 4V9 | Tel: 905-282-6800 Fax: 905-282-9698



- Only permitted in lieu of an additional ground sign permitted by Section 6.1(i);
- Be located within the limits of the Employment Area shown in Schedule E;
- Be set back a minimum of 1.0 metres from all street lines;
- 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 (18.6 m² proposed);
- not exceed 8.0 metres in height measured from the finished grade level at the base of the supporting structure (8.0 metres proposed);
- be set back a minimum of 5.0 metres from any common lot boundary with an adjacent lot;
- not be located closer than 1.0 metre to any driveway;
- be set back a minimum of 600 metres from any other Billboard Sign located on the same side of the street (no billboards within 600 metres of the proposed sign);
- not be located within, and be setback 100 metres from, Special Sign Districts as shown on Schedules "A", "B", "C" and "D"; and
- shall not be placed within 400 m of any 400-series Highways, as per Ministry of Transportation Ontario guidelines.

The Proposed Sign will also meet all of the requirements set out in **Section 19 – General Provisions for Digital Signs** (See Attached Compliance Letter from Sign Manufacturer, Media Resources Inc.). It will only display static messages for a minimum duration of 10 seconds. The transition between messages will be instantaneous, and will not include any motion or visual effects such as animation, scrolling, blinking or flashing.

Whenever a digital sign is located near residential uses, its brightness should always be managed responsibly. Pattison is proud to confirm that all of our digital signs, including the Proposed Sign, come equipped with an ambient light sensor that ensures the brightness levels will be managed according to the time of day and ambient light levels.

The proposed Condition of Approval will ensure the maximum brightness of the Proposed Sign will be reduced to 150 NITS between sunset and sunrise, to further ensure there will be no impacts on the nearby residential zones.

The sign will be programmed to turn off in the event of a malfunction, and will also be monitored 24/7 by our Operations Centre via live video feed. This allows Pattison the control required to ensure that any malfunction is detected immediately and resolved as soon as possible, often without having to travel to the site or physically access the sign.

The Proposed Sign is one of many new infrastructure projects where Pattison has partnered with Metrolinx to build new digital signs at existing GO Stations and railway corridors, which have the flexibility to display a wide range of messaging. This new network will provide a significant public benefit to the surrounding communities and the commuters who use Metrolinx services.



At the same time, this state-of-the-art infrastructure will also provide new opportunities for local and national businesses looking to reach their target audiences, to help them expand their presence and identify the products and services they offer.

In addition to contributing to a healthier economy by providing opportunities for local and national businesses to promote and advertise their goods and services, the proposed sign will also improve Metrolinx' ability to communicate with commuters to promote ongoing initiatives, in addition to emergency communications such as Amber Alerts and extreme weather advisements.

Another important benefit of the Proposed Sign, compared to traditional billboards which display paper and glue copy, is that the messages can be changed remotely, and instantly. This eliminates the need for maintenance crews to access the site, the travel associated with regular changes to the copy, and the printing and disposal of paper / vinyl copy. This significantly reduces our environmental footprint, and helps the proposed sign further support the City of Vaughan *Official Plan* objectives for a healthier environment.

The Proposed Sign will also be designed, engineered and installed in accordance with Ontario Building Code requirements. As such, we do not believe that any issues related to safety are foreseeable.

We sincerely believe the requested variance is minor in nature, and can be granted with confidence that the goals and objectives set out in the Vaughan Sign By-law will be achieved. If you have any questions or concerns about this proposal, please feel free to contact us directly at any time. We thank you kindly for your consideration of our application.

Regards,

Nathan Jankowski
Manager, Leasing & Legislation, Central Region
Pattison Outdoor
Direct: 416-473-3366

(Lighting Impact Analysis and Letter of Certification attached)



1-800-667-4554
1387 Cornwall Rd.
Oakville, ON L6J 7T5
mediareources.com

August 18th 2022,
Letter of Certification for Pattison Outdoor Proposed Digital Billboard at Rutherford GO Station

To whom it may concern,

Media Resources Inc. has been engaged by Pattison Outdoor to certify the capabilities of the Media Resources VISIONiQ Digital Billboard product with regards to compliance with City of Vaughan Signage By-laws. Specifically, the VISIONiQ product as configured for the proposed Rutherford GO Station project will be fully equipped to comply with all provisions of Section

19.1 (b):*Digital Signs may only display static messages;*(c):*the transition time between one image to the next cannot exceed 1.0 second;*(d):*a Digital Sign must display messages for a minimum of 10 seconds;* (g):*the illumination shall not increase the light levels within 10.0 metres of all points of the Sign Face by more than 3.0 lux above the ambient lighting level;*(h):*the difference between the level of illumination before and after there is a transition of digital messages shall be no greater than 25 per cent;*(i):*the illumination shall not exceed 5,000 nits during the period between sunrise and sunset;*(j):*the illumination shall not exceed 150 nits during the period between sunset and sunrise;*(n):*the Digital Sign must shut off in the event of a malfunction;*(o):*to obtain a permit, the Digital Sign owner must produce third-party certification from a Digital Sign expert, such as a Digital Sign manufacturer, advising, that the Sign meets the requirements of the by-law with respect to the provisions in Section 19; of the Vaughan Digital Sign By-law.*

Further recognizing the need for dependable illumination management, we have also included a description of the brightness control system.

The proposed digital billboard will be well equipped with modern brightness controls, configured with dual redundant photocells, capable of sensing ambient light and managing the output brightness even in the event of a hardware failure. A number of secondary fail-safes are also implemented including communications watchdogs (self reduction to night time brightness in the event of a communication loss), and fallback to a brightness time schedule in the event of catastrophic photocell system failure.

Media Resources is committed to the responsible application of LED digital technology and are happy to engage with regulatory stakeholders at any time. Please feel free to contact us if you have any questions.

Sincerely,

Cheng Qian
Chief Product Architect
Media Resources Inc.
(905) 586-1064
cqian@mediareources.com

**CITY OF VAUGHAN
SIGN VARIANCE COMMITTEE
MINUTES
Thursday, August 17, 2023**

Members: Nick Borcescu, Senior Heritage Planner, Development Planning
Carol Ramchuram, Regulatory Policy Analyst, By-law and Compliance
Ester Tadrous, Senior Applications Expediter (Building Permits)

Regrets: Chrisa Assimopoulos, Urban Designer, Development Planning

Staff: Jutta Court, Coordinator – Programs and Projects, Building Standards
Tammy Bocci – Customer Service Representative, Building Standards
Franca Orlandi - Customer Service Representative, Building Standards

The meeting was called to order at 2:03 p.m. with Carol Ramchuram in the Chair.

0. ELECT CHAIRPERSON

MOVED by Nick Borcescu
seconded by Ester Tadrous

That Carol Ramchuram be the Chairperson for this meeting.

CARRIED

1. CONFIRMATION OF AGENDA

MOVED by Nick Borcescu
seconded by Ester Tadrous

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 Nick Borcescu
seconded by Ester Tadrous

That the Minutes of November 17, 2022 meeting be adopted as circulated.

CARRIED

4. APPLICATIONS FOR CONSIDERATION

Sign Variance Committee Recommendation

4.1 SUBJECT: NOTICE OF SIGN VARIANCE APPLICATION

FILE NO: SV 23-001

APPLICANT: Nathan Jankowski

OWNER: Metrolink (Rick Radovski)

SIGN TYPE: Billboard Sign

LOCATION: 721 Westburne Drive

PLAN 65M2795 Lot 23-24

Description of Variance Requested:

Applicant is proposing a Billboard sign at 721 Westburne Drive (Rutherford Go Station property) near the corner with Rutherford Road. Existing ground sign at corner to be replaced with proposed billboard sign in similar location.

Sign By-Law 140-2018 Requirements:

SECTION 2.0 DEFINITIONS

“Billboard Sign” means a Third-Party Sign that displays advertising with images, copy those changes mechanically and/or displays information or images on a digital or electronic screen, but not include a Ground Sign as defined by this by-law.

SECTION 15 – BILLBOARDS

15.2 Developed industrial and commercial zoned lands “

i) Not be permitted on a lot that abuts a Residential Zone and not be located within 100 meters from a building containing Residential units or lands Zoned Residential.

Development Agreement Information

As per Email received to a team member from Development Planning Department dated January 17, 2023,

Good Morning Nathan,

After discussing this over urban design staff and taking a thorough review of all approved drawings associated with the approval of DA.19.035, it has come to my attention that the general location you identified as part of your sign permit application was contemplated to house a freestanding illuminated sign. Please refer to the attached site plan which demonstrates that at the corner of Rutherford Rd. and Westburne Dr. an "A1.1-FY" is to be placed here in-which the legend references a free standing style sign (A1.1) that is illuminated (FY). In principal Development Planning has no concerns with the general placement of the sign and would not require a Minor Site Development Application, however, I do encourage this application be reviewed through the sign variance process as the overall design is quite different than what was previously proposed. I have cc'd Zainab so she could provide you with any additional information pertaining to the sign variance process. If you require any additional clarification feel free to contact me.

Regards,

Roberto Simbana, BURPI
Planner 1

Variance Analysis:

Variance to permit a Billboard sign to locate approximately within 64 meters from a land Zoned Residential: (Rutherford Road and Barrhill Road)

The applicant provided a presentation of the application

MOVED by Nick Borcescu
seconded by Ester Tadrous

That the Sign Variance Application SV 23 001 be **Approved** with the following conditions: (1) that the sign be dimmed to 150 nits from sunset to sunrise, and the digital sign be turned off entirely between 11 pm and 7 am.

Note that the applicant has an existing ground sign at the proposed location and is hoping to erect it elsewhere on their property at Rutherford Go station. The applicant has been advised that a building permit will be required in order to do so.

CARRIED

5. **OTHER BUSINESS**
None

6. **MOTION TO ADJOURN**
MOVED by Nick Borcescu
seconded by Ester Tadrous

That the meeting be adjourned at 2:47 p.m.



September 14, 2023

Metrolinx
Rick Radovski
97 Front Street West
Toronto, Ontario
M5J 1E6

Notice of Decision

Re: Sign Variance Application #23-001
Owner: Metrolinx
Location: 721 Westburne Drive

Dear Rick Radovski,

We have completed the review of your application for sign variance and considered the recommendations of the Sign Variance Committee.

It is our determination that the variance requested in this application is not considered a minor variance and is therefore beyond the authority granted by Section 21.4 of the Sign By-law.

As authorized by Section 21.5 of the Sign By-law, we wish to advise you that your application has been **REFUSED**.

As provided in Section 21.6 of the Sign By-law, you may appeal this refusal by delivering notice of appeal in writing to the City Clerk's Department within 7 days of being served with this decision.

Sincerely,

Handwritten signature of Ben Pucci in black ink.

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

Handwritten signature of Susan Kelly in black ink.

Susan Kelly, RVT, MLEO(c)
Director of By-law and Compliance,
Licensing and Permit Services Department
Chief Licensing Officer

cc: Pattison Outdoor
Attn: Nathan Jankowski
njankowski@pattisonoutdoor.com