

Attachment 2 – Applicant's Submission



Virginie Favreau
Specialist Real Estate

7550 Ogden Dale Road SE
Calgary, Alberta
T2C 4K9

March 4, 2022

BY EMAIL

Sign By-Law Unit
100 Queen Street West
Ground Floor, East Tower
Toronto, ON M5H 2N2

To Whom It May Concern:

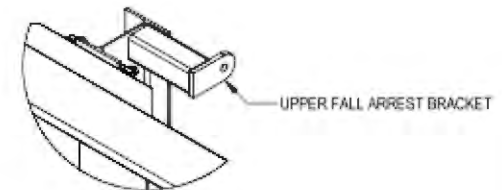
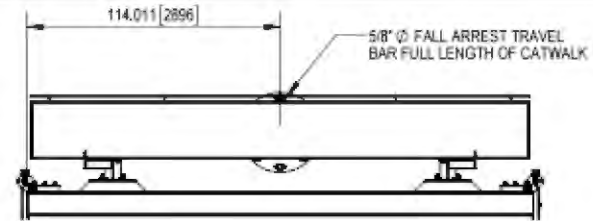
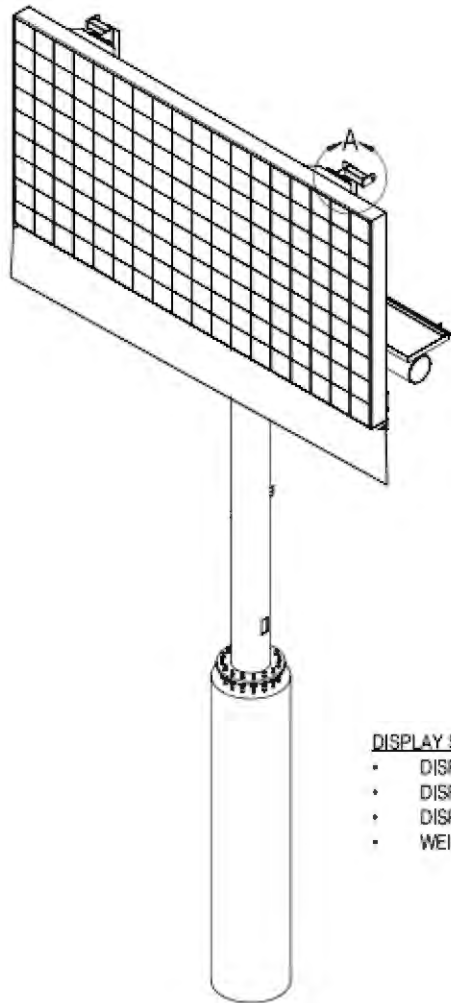
Re: Variance applications for "Warden ave South of Ellesmere Road" and "Ellesmere Road east of Warden Ave" by Van Home Outdoor Limited Partnership ("Van Horne").

This letter is provided by Canadian Pacific Railway ("CP") pursuant to your request in order to confirm certain rights and obligations of Van Horne. CP hereby confirms that Van Horne has the right to apply for applicable variances for signs at "Warden ave South of Ellesmere Road" and "Ellesmere Road east of Warden Ave", and CP owns and controls such lands and has the rights to maintain and erect on such lands. As such, CP hereby authorizes Van Horne and/or its officers, directors, consultants (including Christopher Bentler) to apply for any and all approvals and permits required to erect and maintain the signs and place advertising thereon. CP agrees to immediately notify the City of Toronto, in writing, of any changes regarding the above information.

Notwithstanding CP's acknowledgments and agreements in this letter, CP does not waive any rights or remedies that CP would otherwise have at law or in equity.

Please feel free to contact me with any questions.

Sincerely,



DETAIL A
SCALE 1 : 16

DISPLAY SPECIFICATIONS

- DISPLAY IS ALL ALUMINUM CONSTRUCTION
- DISPLAY IS FRONT AND REAR ACCESSIBLE
- DISPLAY SHIPS IN ONE SECTION
- WEIGHT OF LED DISPLAY APPROX. 2800 lbs

NOTES:

1. SIGN MOUNTING TO STRUCTURE USING 5/8" Ø BOLTS, A563 NUTS & F436 WASHERS
2. FASTENERS TORQUED TO 75 LB-FT, MAXIMUM 100 LB-FT

UNLESS OTHERWISE SPECIFIED

DO NOT REUSE DRAWING

INTERPRET DIMENSIONS AND TOLERANCES
SEE ASME Y14.5M-2014

UNLESS OTHERWISE SPECIFIED

TOLERANCES ARE AS SHOWN BELOW

1. FIN. DEC.	1/8"
2. FIN. DEC.	1/16"
3. FIN. DEC.	1/32"
4. FIN. DEC.	1/64"
5. FIN. DEC.	1/128"
6. FIN. DEC.	1/256"
7. FIN. DEC.	1/512"
8. FIN. DEC.	1/1024"
9. FIN. DEC.	1/2048"
10. FIN. DEC.	1/4096"

NOTES:

1. MATERIAL: 1" THICK

2. FINISH

3. COATING



DESIGNED BY
MRI
PROJECT
10' x 20' 1000 RGB SP LED DISPLAY

DRAWN BY
R. YORK
CHECKED BY
TERRY PASKAL
APPROVED BY
TERRY PASKAL

DATE
4/23/2019
DATE
4/24/2019
DATE
4/24/2019

MEDIA RESOURCES INTERNATIONAL
1387 CORNWALL ROAD OAKVILLE ONTARIO
TEL: 1.800.667.4554 FAX: 1.905.337.9531

**10' x 20' DIGITAL BILLBOARD
SINGLE FACE, CENTER MOUNT**

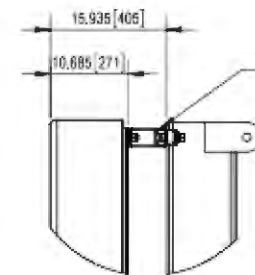
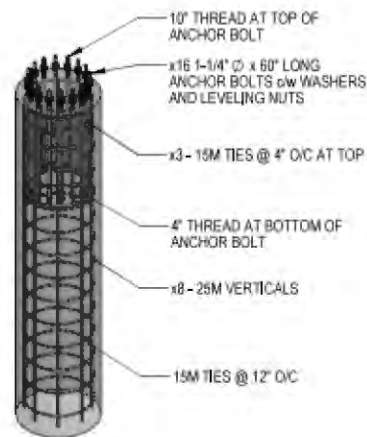
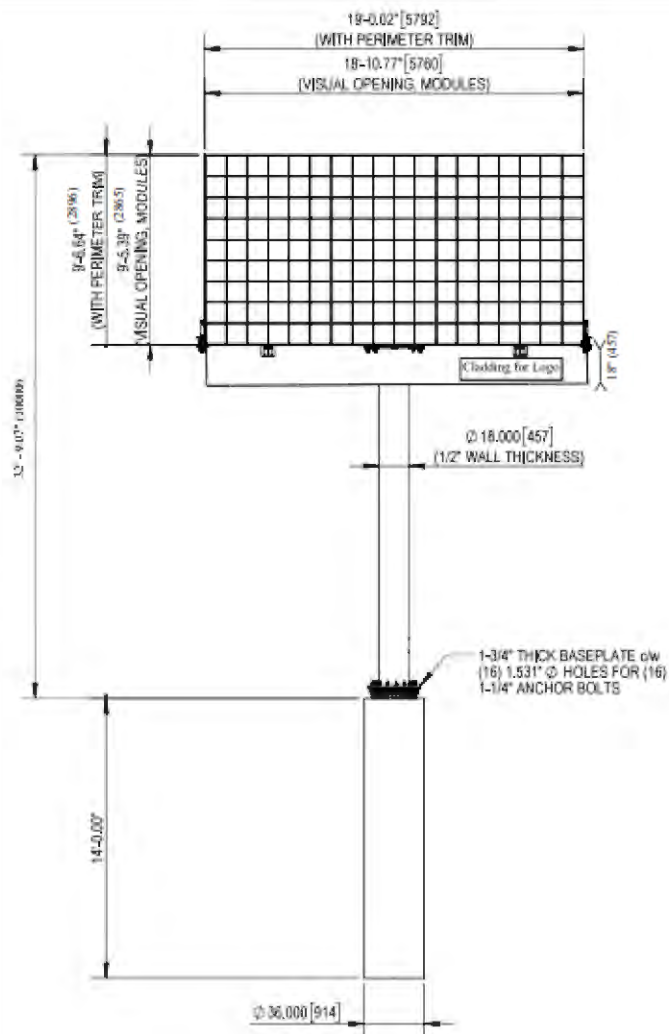
B

MRI 10x20 CM Permit

SCALE 1:55

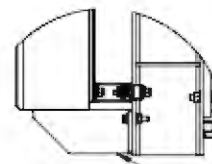
lbs SHEET 1 OF 2

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UNIVERSAL MOUNTING SHUTTLE & ASTM A325 HARDWARE PROVIDED BY MEDIA RESOURCES INTERNATIONAL

DETAIL B
SCALE 1 : 16



LED SHELF BRACKET BOLTED TO VERTICAL HSS (BY OTHERS)

DETAIL C
SCALE 1 : 16

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UNLESS OTHERWISE SPECIFIED	
DO NOT SCALE DRAWING	
INTERPRET DIMENSIONS AND TOLERANCES TO THIS DRAWING	
UNLESS OTHERWISE SPECIFIED	
TOLERANCES ARE IN MILLIMETERS	
1. MATERIAL	1. THICK
2. FINISH	
3. COATING	

mediaresources	
solutions for the sign industry	
PROJECT	
MRI 10x20 FOR OF LED DISPLAY	
DESIGNED BY	R. YORK
CHECKED BY	TERRY PRINCE
DATE	4/24/2018

MEDIA RESOURCES INTERNATIONAL	
1387 CORNWALL ROAD OAKVILLE ONTARIO	
TEL: 1.800.667.4554 FAX: 1.905.337.9531	
10' x 20' DIGITAL BILLBOARD	
SINGLE FACE, CENTER MOUNT	
B MRI 10x20 CM Permit	
SCALE	1:70
SHEET 2 OF 2	

March 4, 2022

File #: 21-227

Delivered by email: signbylawunit@toronto.ca
Nikoo.Shabestari@toronto.ca

Sign By-Law Unit
100 Queen Street West
Ground Floor, East Tower
Toronto, ON M5H 2N2

ATTENTION: NIKOO SHABESTARI, SIGN BUILDING CODE EXAMINER INSPECTOR
RE: SIGN VARIANCE APPLICATION – CP RAIL CORRIDOR – WARDEN
AVENUE/ELLESMERE ROAD

Dear Nikoo,

On behalf of our client, Van Horne Outdoor, in support of a signage proposal at the property contained within a railway corridor operated by Canadian Pacific Railway, east of Warden Avenue and on the north side of Ellesmere Road, we are pleased to submit an application requesting minor variances to the City's Sign By-law. We anticipate that our application will be presented to the Sign Variance Committee at your earliest opportunity, concurrent with another sign variance application at the property located south of Ellesmere Road on the west side of Warden Avenue, municipally known as 1416 Warden Avenue.

The Canadian Pacific Railway ("CPR") is a historic Canadian Class 1 railway incorporated in 1881. Headquartered in Calgary, Alberta, it owns approximately 20,100 kilometres (12,500 mi) of track in seven provinces of Canada and into the United States, stretching from Montreal to Vancouver, and as far north as Edmonton. The railway was first built between eastern Canada and British Columbia between 1881 and 1885; it was Canada's first transcontinental railway. Primarily a freight railway, the CPR was instrumental in the settlement and development of Western Canada.

Allvision was formed in the early 2000's to assist public property owners with the development and management of outdoor advertising assets in Canada, with particular emphasis on transportation agencies (i.e. railway properties). Its recent focus has been dedicated to digital outdoor advertising in Ontario, Quebec, and British Columbia.

Van Horne Outdoor ("VHO") is an out-of-home media company formed through a partnership between CPR and Allvision, where the two have entered into a multi-year venture to develop strategic outdoor advertising infrastructure along CPR's rights-of-way, with a focus on updating CPR's current billboard inventory located on the railway's right-of-way.

PROPOSED SIGN

The sign that is the subject of this application is an illuminated third party electronic ground sign containing a single sign face displaying electronic static copy and facing east to capture westbound vehicular traffic along Ellesmere Road. It is proposed to be located within CPR's railway corridor right-of-way, on the north side of Ellesmere Road approximately 75 metres east of Warden Avenue. The proposed signs' attributes are as follows:

- Containing a single sign face, 3.05 metres in length by 6.10 metres in width (10' x 20');
- On the north side of Ellesmere Road, facing easterly along Ellesmere Road;
- Located east of the railway tracks;
- At a height of 10 metres;
- Displaying electronic static copy;
- Not be up-lit;
- Not be illuminated (operational) between the hours of 11:00 p.m. and 7:00 a.m.;
- Not exceed more than 5000 nits during the daytime; and
- Not exceed more than *150 nits at dusk*; comprising a *50% reduction of light output*, as currently required by By-law regulation.

In addition, this application proposes the removal of not less than three conventional (10' x 20') and illuminated sign faces currently existing and operating on two sign structures within CPR's railway corridor, in and around the subject intersection of Warden Avenue and Ellesmere Road. These sign faces all contain paste-and-paper (static copy) display and are not subject to the Sign By-law's illumination provisions, including, up-lighting, time-of-day operation, and maximum levels of illumination. These two existing structures are also not subject to the expiration and renewal provisions of the Sign By-law.

If the variances subject to this request are granted, the three existing sign faces on the two existing sign structures will be removed indefinitely to support both the enhancement and beautification of the immediate area as well as responding to the critical policy direction of reducing "sign clutter."

Again, concurrent with this sign variance application, if the variances related to the proposed sign on Warden Avenue are granted there would be a wholesale removal of not less than eight sign faces on five sign structures.

REQUESTED VARIANCE(S)

The following variance is required to allow for the proposed electronic ground sign:

1. A variance to the provision contained at §694-25D(3)(f) which requires that, where facing a sensitive land use ("R", "RA", "CR", "T", or "OS"), the sign shall not be within 250 metres of such sensitive land use, whereas the proposed sign is approximately 35 metres and facing an "T" sign district and approximately 140 metres and facing an "OS" Sign District.

SITE AND NEIGHBOURHOOD CONTEXT

Two railway overpasses cross both Warden Avenue and Ellesmere Road along CPR's Belleville Subdivision, which stretches from Union Station to Smith Falls, Ontario.



The intersection of Warden Avenue and Ellesmere Road contains some relatively steep topography, caused by the infrastructure of the established railway located above the roadway, and requiring the removal of substantial fill to mitigate the railway overpass (see Figure 2). A varied mixture of land uses spreads across each of the four quadrants. At the north/west, the quadrant is fronted by a “CR” Sign District, where the initial property is dominated by a tall radio and cellular transmission tower and a large-scale retail warehouse with a great deal of surface-level parking. Further north is a single-storey plaza containing commercial retail and industrial uses, also with substantial surface-level parking. Behind the “CR” Sign District fronting Warden Avenue is an established low-rise residential neighbourhood. The proposed sign

is neither visible nor facing this quadrant of the intersection. The north/east quadrant of the intersection (the quadrant where the proposed sign is to be located) is designated as an "E" Sign District. A large-format retail warehouse and multi-tenanted industrial buildings dominate the quadrant, each with significant surface-level parking. There are no sensitive land uses in this quadrant of the intersection that are impacted by the display and operation of the proposed sign. The south/east quadrant contains further "E"-designated Sign District (most notably another large-format retail warehouse) surrounding Ellesmere Park and Community Centre, a small City-operated multi-functional active recreational use. The steep topography and intensive landscaping greatly contribute to mitigating the visual impacts of the proposed sign on the park and community centre and supports this sign proposal. The south/west quadrant of the intersection contains a mixture of "R", "C", "E" and "CR" Sign District designations with, much like the north/west quadrant, a multi-tenanted retail plaza fronting the intersection and an established low-rise residential neighbourhood lying behind the commercial uses.



FIGURE 2: IMAGES DEPICTING THE STEEP TOPOGRAPHY OF THE WARDEN & ELLESMERE INTERSECTION; CLOCKWISE FROM TOP LEFT – NORTH/WEST QUADRANT, NORTH/EAST QUADRANT, SOUTH/WEST QUADRANT, SOUTH/EAST QUADRANT

ESTABLISHED CRITERIA

§694-30A of the Sign By-law states that an application for a variance from the By-law provisions may only be granted where it is established that the proposed sign meets all nine of

the criteria. In support of a favourable decision respecting this application (and the proposed sign in the concurrent sign variance application), we provide the following response to each of the criteria:

(1) Belong to a sign class permitted in the sign district where the premises is located.

Sign class designations are provided at §694-4 of the Sign By-law. There are two designated classes of sign: first party signs and third party signs. The proposed sign is designated as a third party sign. Third party signs are defined as:

A sign which advertises, promotes, or directs attention to businesses, goods, services, matters, or activities that are not available at or related to the premises where the sign is located.

The proposed sign will operate in accordance with the definition for third party signs. The proposed sign will identify, advertise, promote, or direct attention to businesses, goods, services, matters or activities that are not available or related to the CPR railway corridor where it is proposed to be located.

The Sign District where the proposed sign is to be located is designated U-Utility. Third party signs are permitted in U-Utility Sign Districts.

(2) In the case of a third party sign, be of a sign type that is permitted in the sign district, where the premises is located.

The proposed sign is designated as a third party sign, to be located within a CPR rail corridor which is designated as a U-Utility Sign District. The sign type proposed is an electronic ground sign. Third party electronic ground signs are permitted in U-Utility Sign Districts.

(3) Be compatible with the development of the premises and surrounding area.

The subject property (premises) is a railway corridor designated as a U-Utility Sign District, which permits third party electronic ground signs – the proposed sign in this application is of a class, type, size, height, and method of copy display that is permitted by By-law regulation. Currently, five billboard structures, containing and displaying eight billboard faces, are located within the railway corridor in and around the intersection of Warden Avenue and Ellesmere Road. The existence of these billboards reveals that the proposed sign is compatible with the development of the premises and surrounding area. Notwithstanding the presence of these existing billboards, conforming to the matter of compatibility, they are intended to be removed as part of this application and the concurrent application, in order to improve conditions relating to pedestrianism and traffic safety and in order to both enhance and beautify the immediate area.

The proposed sign, as a single sign face, facing east, is neither directed nor visible to any adjacent properties to the north-east, north, north-west, south-east, south, and south-west. Additionally, as a single sign face, facing east, the proposed sign does not face into the intersection whereas some of the existing billboards which are intended to be removed, do face

into the intersection. Furthermore, in consideration of the illumination provisions contained in the Sign By-law, and the request contained in this application to reduce the daily evening illumination to *50% of what is required*, it is determined that the proposed sign is compatible with the development of the premises and surrounding area.

(4) Support the Official Plan objectives for the subject premises and surrounding area.

The subject site is designated *Utility Corridors* in the Toronto Official Plan (Section 4.4), which states that such areas “play a vital role in the City as corridors for the transmission of energy, communications and the movement of people and goods.” More specifically, Policy 4.4.1 states that “Utility Corridors are hydro and rail corridors primarily used for the movement and transmission of energy, information, people and goods.” The proposed sign is consistent with the purpose and intent of this designation and related policies.



FIGURE 3. OFFICIAL PLAN MAP EXCERPT – SUBJECT LOCATION AND SURROUNDING LAND USE DESIGNATIONS

The subject site is immediately surrounded to the north and south by lands designated as *General Employment Areas* and *Core Employment Areas* (Section 4.6), which “are places of business and economic activities” within the City. Permitted uses include “all types of manufacturing, processing, warehousing, wholesaling, distribution, storage, transportation facilities, vehicle repair and services, offices, research and development facilities, utilities, waste management systems, industrial trade schools, media, information technology and services, and vertical agriculture.” In addition, restaurants and all types of retail and service uses, including automobile dealerships, are permitted in *General Employment Areas*.

In effect, the Official Plan policies serve to protect and enhance the planned function of these areas by, among other things, prohibiting sensitive land uses within and adjacent to employment areas. The proposed sign is therefore compatible with, and will not detract from, the planned function of the surrounding *Core Employment Areas* and *General Employment Areas*.

While the west side of Warden Avenue is generally dominated by low-rise residential uses, designated *Neighbourhoods* (Section 4.1), through a combination of the proposed signs' attributes and configuration (single-faced; facing east), distance, grading profiles (e.g. grade-separated road crossings, railway bridge infrastructure, and embankments), the proposed sign will have no impact whatsoever on these residential areas.

(5) Not adversely affect adjacent premises.

Figure 1 identifies the Sign District designations for the subject property and the adjacent and surrounding properties. As a single-faced sign, facing east, the only potential adverse affect may be considered on the property located in the south/east quadrant of the intersection – containing both employment uses and Ellesmere Park and Community Centre – a small City-operated multi-functional active recreational use. The proposed single-faced sign is wholly focused and directed towards vehicular traffic travelling westbound along Ellesmere Road. The proposed sign is not intended to be viewed from within the park or the community centre. This intent is supported by the proposed single sign face screened from any potential sensitive park uses by both the steep topography (as previously described) and the intense landscaping that assists in separating the park and community centre from the railway corridor and the intersection (see Figure 4, below).



FIGURE 4: ILLUSTRATION – STEEP TOPOGRAPHY COMBINED WITH HEAVY AND DENSE LANDSCAPING MITIGATE VIEWS FROM THE PROPOSED SIGN

As mentioned, the west side of Warden Avenue is generally dominated by sensitive land uses containing low-rise residential dwellings, designated *Neighbourhoods* in the City's Official Plan and designated as R-Residential Sign Districts in the Sign By-law. However, through a combination of the proposed signs' attributes and configuration (single-faced; facing east),

distance, grading profiles (e.g. grade-separated road crossings, railway bridge infrastructure, and embankments), the proposed sign will have no impact whatsoever on these sensitive land uses.

(6) Not adversely affect public safety, including traffic and pedestrian safety.



FIGURE 5: DETAILED ILLUSTRATION OF EXISTING THIRD PARTY SIGN REMOVALS

Separately, this application proposes the removal of three third party sign faces on two third party sign structures (see Figure 5, above), and the concurrent sign variance application contemplates the removal of an additional five third party sign faces on three third party sign structures. Many of these sign faces are directed immediately into the intersection of Warden Avenue and Ellesmere Road. The proposed sign, containing only a single sign face and facing easterly, away from the intersection, is not visible to the intersection and therefore does not interfere with any traffic signal infrastructure. On that basis, it poses no public safety concern. There is no cycling infrastructure on either Warden Avenue or Ellesmere Road, each four-lane and six-lane high-volume arterial roads, respectively. Further, due to the lack of nearby residential uses, the area is not characteristically pedestrianized. In that manner, the proposed sign will not adversely affect pedestrian safety.

Comprehensively, this application and the concurrent sign variance application, if approved, will serve to improve public safety, by virtue of the removal of signs near and facing into the signalized intersection.

(7) Not be a sign prohibited by Toronto Municipal Code Chapter 694-15B.

Sign By-law prohibitions, as contained at §694-15B, are outlined as follows:

- i. A sign erected on a tree or a fence;
- ii. A roof sign, except a first party roof sign included in a Signage Master Plan consisting solely of first party signs, or a roof sign located in the Dundas Square Special Sign District;
- iii. A sign erected on a parked vehicle or trailer where the primary purpose of the vehicle or trailer is the display of the sign;
- iv. A sign erected on a vehicular, railway or pedestrian bridge;
- v. A sign which obstructs or interferes in any way with the use of any fire escape, fire exit, door, flue, air intake, exhaust, or required parking space or window, but shall not include a window sign permitted by this chapter;
- vi. A sign which interferes with any electrical or telephone wires or associated supports;
- vii. A sign emitting sound or odour;
- viii. A sign discharging any gas, liquid, or solid;
- ix. A sign containing interactive copy;
- x. An electronic roof sign, except a first party electronic roof sign included in a Signage Master Plan consisting solely of first party signs, or an electronic roof sign located in the Dundas Square Special Sign District.

It is confirmed that the proposed sign subject to this application is not descriptive of the signs identified on the list of prohibitions. The proposed sign is not prohibited.

(8) Not alter the character of the premises or surrounding area.

The premises and surrounding area is characterized by railway and bridge infrastructure (with steep topography and substantial landscaping) encompassed by employment and industrial uses. There is a preponderance of billboards (eight third party sign faces on five third party sign structures) within the CPR railway corridor, which contributes to establishing the surrounding area's character. Furthermore, there are 9 additional existing roof and ground billboard structures within a 500-metre radius of the proposed sign which also contributes to establishing this character. The proposed sign is consistent with the predominant character and function of other *Utility Corridor* uses, and those industrial and related uses of the immediate surrounding *Core Employment Areas* and *General Employment Areas*, as designated in the Official Plan.

§694-19 of the Sign By-law likewise designates this premises as a U-Utility Sign District. The sign class and sign type being proposed is recognized and permitted in the U-Utility Sign District and the method of copy display, electronic static copy, is found in such a district throughout the city.

The proposed sign is therefore compatible with and will not alter the character of the premises or surrounding area.

(9) Not be, in the opinion of the decision maker, contrary to the public interest.

There have been significant advances made in digital signage technology since the establishment of a new signage regime for the City, in 2009. The Sign By-law has responded, most recently by incorporating legislative changes that were considered through a comprehensive illuminated and electronic sign review which included:

- A Planning and Design Review of the impact of electronic and illuminated signs on surrounding land uses and methods used in other municipalities to address that;
- A Traffic Safety Study which examined the potential safety implications of electronic signs;
- Public and Stakeholder Consultations; and
- A Public Opinion Poll on electronic and illuminated signs.

The legislative changes to the Sign By-law included, in part:

- Expanding the areas where electronic signs can be located;
- Requiring an amendment to the Sign By-law where such signs are not otherwise permitted;
- Reducing the permitted brightness of these sign types by 40%; and
- Recognizing electronic signs as a separate sign type (not just a method in which sign copy is displayed).

The substance of the review revealed that people are concerned with such signs located where they live, particularly such a sign type's "impact on residential dwelling units in upper storeys of mixed-use buildings."

To be sure, the proposed sign is not located where people live and with the limited viewing angle provided by the single sign face on the proposed sign, there is no impact whatsoever on residential dwelling units in upper storeys of mixed-use buildings. The proposed sign cannot be seen from any residential dwelling units.

In addition, this application and the concurrent sign variance application contemplates the removal of a significant number of existing billboards. This contemplation improves public and traffic safety at the intersection of Warden Avenue and Ellesmere Road, particularly where a number of these existing sign faces face directly into the intersection; a noble consideration since these existing billboards are neither subject to the illumination provisions nor the expiration provisions of the Sign By-law.

It is for this reason that the proposed sign is not contrary to the public interest.

We trust that this is in accordance with your expectations, and we again look forward to your favourable consideration of this request. If you have any questions, please contact the undersigned.

Yours Truly,



Christopher Bentler
Executive Vice President
Van Horne Outdoor

