

Attachment 2 - Applicant's Submission Package



Virginie Favreau
Manager Real Estate

7550 Ogden Dale Road SE
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T2C 4X9

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December 14, 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: Permit applications for Sheppard Ave W east of Weston Road by Van Horne Outdoor Limited Partnership ("Van Horne").

This letter is provided by Canadian Pacific Railway Company ("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 permits for signs at Sheppard Ave W east of Weston Road, and CP owns and controls such lands and has the rights to maintain, erect and remove signs 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,

A handwritten signature in blue ink that reads "Virginie Favreau".



Application
Sign Variance

Folder Number	Date (yyyy-mm-dd)
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Project Information

Street Number	Street Name	Lot Number	Plan Number
Mile 6.62	Mactier Subdivision	15 Concession 5	
Describe the variance(s) being applied for: See attached rationale			
If it is an application for a variance required for the modification or restoration of an existing sign, please provide the following:			
Existing Sign Dimensions		Location	
Please provide the reasons/justification for the request (Attach any supporting documentation or additional pages as required):			

Property Owner Information

First Name		Last Name	
Virginie		Favreau	
Company Name (if applicable)			Telephone Number
Canadian Pacific Railway Company			(403) 319-3712
Street Number	Street Name	Suite/Unit Number	Mobile Number
7550	Ogden Dale Road SE		
City/Town	Province	Postal Code	Fax Number
Calgary	Alberta	T2C 4X9	
Email			

Attachment Required

- Sign Variance Data Sheet
- Copies of any supporting documents
- All necessary plans and specifications required to verify the nature of the Sign By-law Variance(s) requested

Continue on next page

Application
Sign Variance

Applicant Information and Declaration

First Name I. Christopher		Last Name Bentler	
Company Name Van Horne Outdoor LP			Telephone Number
Street Number of 366	Street Name Adelaide Street West	Suite/Unit Number 207	Mobile Number (647) 808-4678
City/Town Toronto	Province Ontario	Postal Code M5V 1R9	Fax Number
Email			
Do hereby declare the following: • That I am ☐ the Property Owner as stated above ☐ the owner's authorized agent. ☒ an officer/employee of <u>Van Horne Outdoor</u>, which is an authorized agent of the owner. ☐ an officer/employee of _____, which is the Property Owner's authorized agent. • That statements contained in this application are true and made with full knowledge of all relevant matters and of the circumstances connected with this application. • That the plans and specifications submitted are prepared for the sign variance(s) described and are submitted in compliance with copyright law • That the information included in this application and in the documents filed with this application is correct.			
 Signature		Christopher Bentler Print Name (First, Last)	2022-12-14 Date (yyyy-mm-dd)

Continue on next page

Toronto Building collects personal information on this form under the legal authority of the City of Toronto Act, S.O. 2006, Chapter 11, Schedule A, 136(c) and the City of Toronto Municipal Code, Chapter 694, Signs, General and Chapter 771, Taxation, Third Party Sign Tax. The information will be used for processing applications and creating aggregate statistical reports, for enforcement of the City of Toronto Municipal Code Chapter 694, Signs, General, Chapter 771, Taxation, Third Party Sign Tax, and any other applicable sign by-law of the City of Toronto, and for contacting permit holder(s) or authorized agent(s). Questions about this collection can be directed to the Manager, Sign By-law Unit, Toronto Building, 100 Queen Street West, Ground Floor, East Tower, Toronto, Ontario, M5H 2N2 or by telephone at 416-392-4235.

14-0043 2016-12

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Date Sheet
Sign Variance

Folder number	Request Date (yyyy-mm-dd)
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This data sheet forms part of an application for a Variance From Chapter 894 of the Toronto Municipal Code, Signs

Project Information

Street Number	Street Name	Lot Number	Plan Number
Mile 6.62	MacTier Subdivision	15 Concession 5	

Site and Building Data

Lot Area	Lot Frontage	Lot Depth
Number of Building(s) on the lot	Date of Construction of Building(s) if known (yyyy-mm-dd)	
Building Height(s)	Number of Storeys	Building(s) Gross Floor Area
Building Uses(s)		

Site Context

Please describe the land uses, buildings and sign districts surrounding the proposal (use additional pages if necessary)	
North	See attached rationale
South	See attached rationale
East	See attached rationale
West	See attached rationale

Proposal

Please describe in detail what is being proposed (use additional pages if necessary) See attached rationale
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Continue on next page

14-0043 2016-12

1 of 2

Rationale

Decisions for all Sign Variance Applications are evaluated against criteria listed in Toronto Municipal Code Chapter 694-30 A. A Variance may be granted where it is demonstrated that the proposed sign(s):

- Belong to a sign class permitted in the sign district where the premises is located
- 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
- Be compatible with the development of the premises and surrounding area
- Support the Official Plan objectives for the subject premises and surrounding area
- Not adversely affect adjacent premises
- Not adversely affect public safety, including traffic and pedestrian safety
- Not be a sign prohibited by Toronto Municipal Code Chapter 694-15B
- Not alter the character of the premises or surrounding area
- Not be, in the opinion of the decision maker, contrary to the public interest

Please describe in detail how the proposal satisfies each of the criteria listed above
(use additional pages if necessary)
[See attached rationale](#)

Sign Data Sheet

Date (yyyy-mm-dd) 2022-12-14	Folder No.
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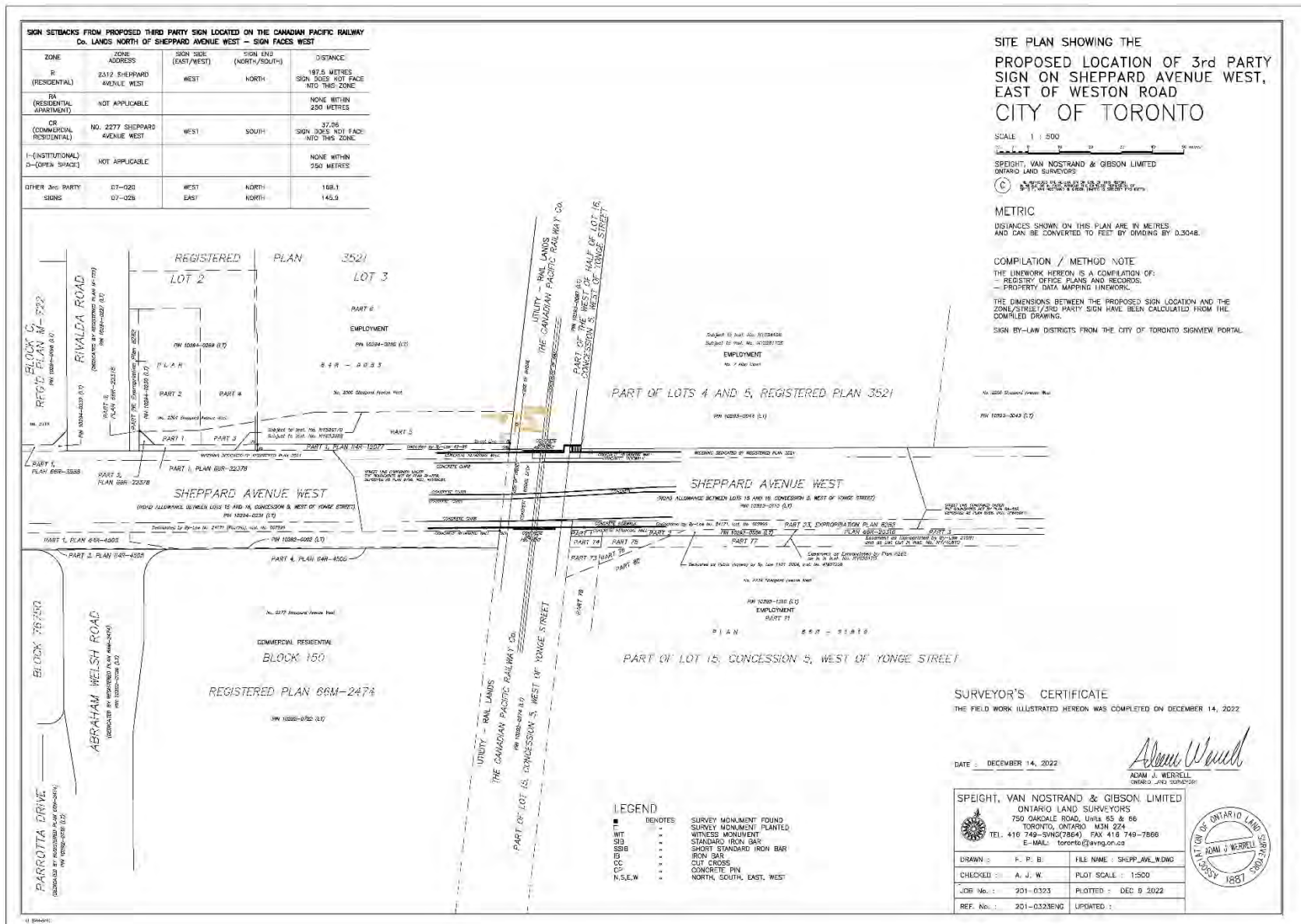
Sign Information

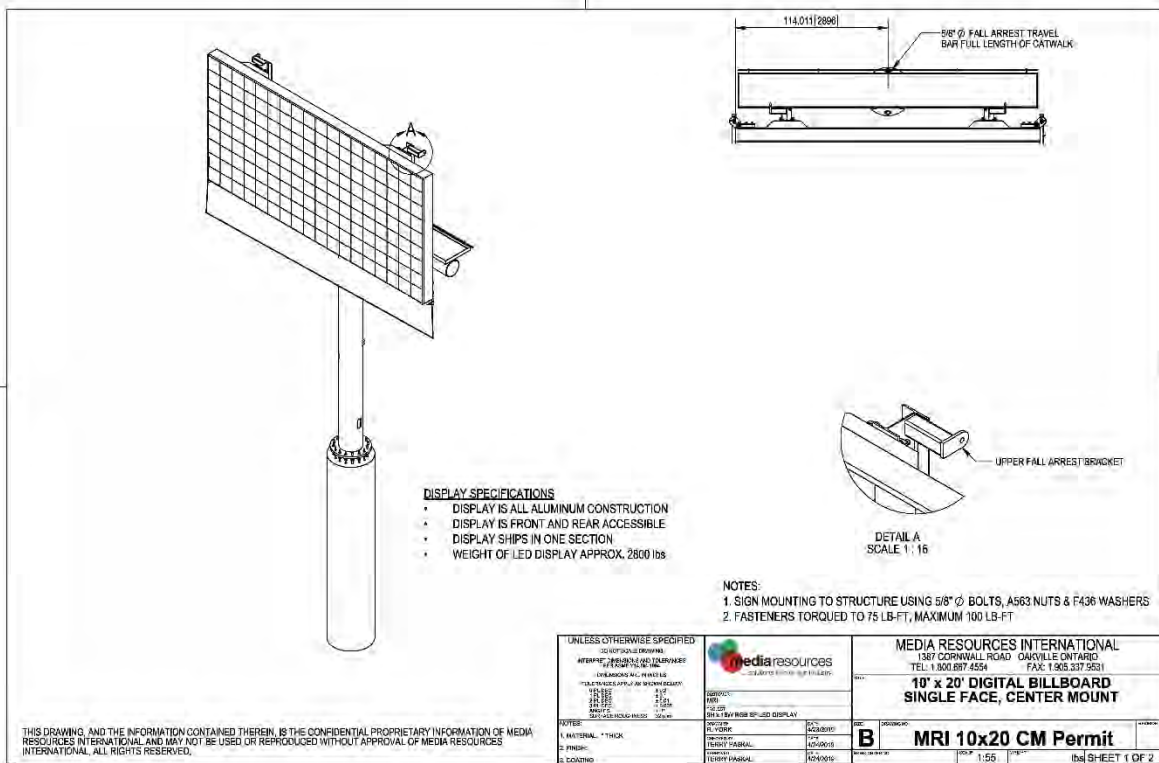
Sign No.*	Sign Type	Method of Copy Display	Sign Face Dimensions (maximum)			Sign Depth (metres)	Sign Height (metres)	Illumination (Yes/No)	Professional Design Required (Yes/No)
			Length (metres)	Width (metres)	Area (m ²)				
1	Ground Sign	Electronic Static Copy	3.05	6.10	18.60	0.60	10.00	Yes	Yes
					1.00				
					1.00				
					1.00				
					1.00				
					1.00				
					1.00				
					1.00				
					1.00				

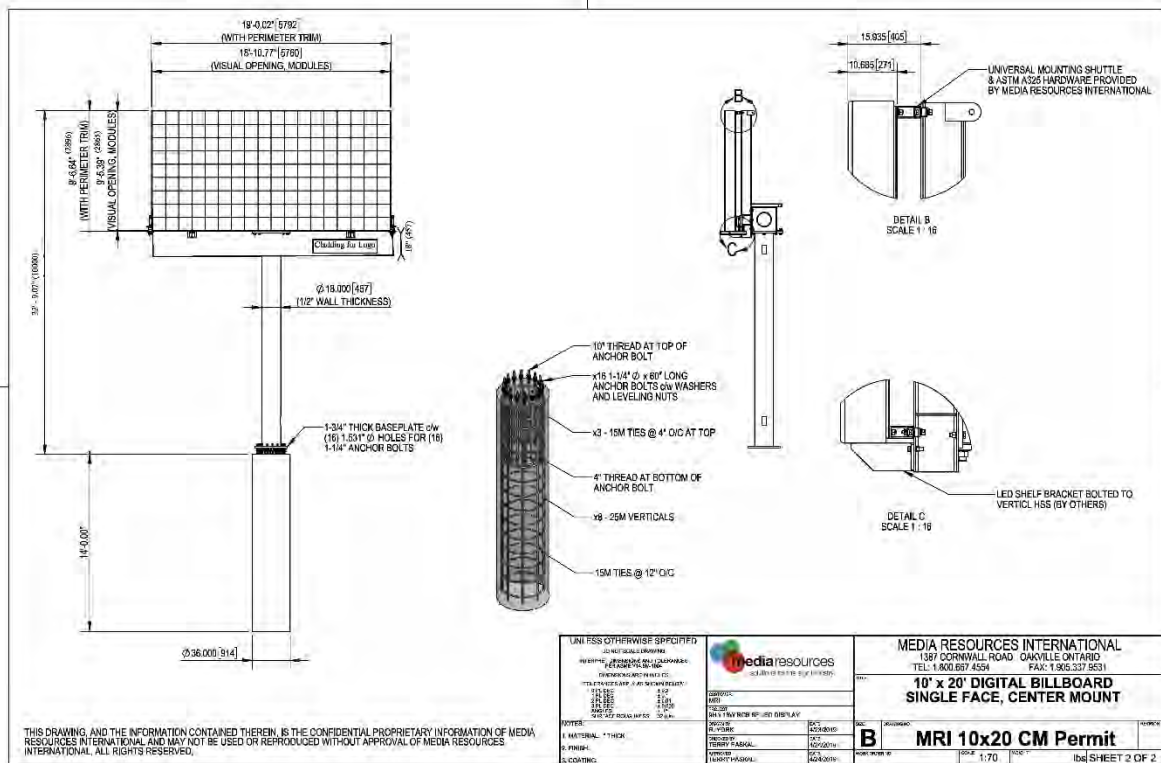
* Please ensure that the sign numbers listed in this sheet are indicated on all sign plans

14-0037 2020-06

Please Use Additional Pages as required







December 14, 2022

File #: 22-123511

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 – SHEPPARD AVENUE
WEST, EAST OF WESTON ROAD, FACES WEST

Dear Nikoo,

I am pleased to apply for minor variances to the City's Sign By-law, on behalf of Van Horne Outdoor LP, in support of a signage proposal at the property contained within a railway corridor owned by Canadian Pacific Railway, on the north side of Sheppard Avenue West and east of Weston Road known as Mactier Subdivision Mile 6.62. We anticipate that our application will be presented to the Sign Variance Committee at your earliest opportunity.

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 2000s to assist public property owners with developing and managing 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.

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TORONTO, ON M5V 1R9

PROPOSED SIGN

The sign that is the subject of this application is an illuminated third-party electronic ground sign containing one sign face displaying an electronic static copy and facing west, capturing eastbound vehicular traffic along Sheppard Avenue West. The sign is proposed to be located within the railway corridor, owned by CPR, on the north side of Sheppard Avenue approximately 475 metres east of Weston Road. The proposed signs' attributes are as follows:

- Containing one sign face, being 3.05 metres in length by 6.10 metres in width (10' x 20');
- On the north side of Sheppard Avenue, facing westerly along Sheppard Avenue;
- Located within a railway corridor;
- At a height of no more than 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 to 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.

REQUESTED VARIANCES

The following variances are required to allow for the proposed electronic ground sign:

1. A variance to the provision contained at §694-25D(3)(e) which requires that the sign shall not be erected within 60.0 metres of any premises located, in whole or in part, in an "R", "RA", "CR", "I" or "OS" sign district, whereas the proposed sign is 37.39 metres to a "CR" sign district located to the west; and
2. A variance to the provision contained at §694-25D(3)(f) which requires that, where facing a sensitive land use ("R", "RA", "CR", "I", or "OS"), the sign shall not be within 250 metres of such sensitive land use, whereas the proposed sign is 181.92 metres and facing an "R" sign district to the west, and 37.39 metres and facing a "CR" Sign District to the west; and
3. A variance to the provision contained at §694-22E which requires that a third party electronic sign, as permitted by Subsections 694-25A(2), C(2), D(3), D(4), 694-26I(1), (2) and (3) shall not be erected within 150.0 metres of any other lawful third party sign whether or not erected.

SITE AND NEIGHBOURHOOD CONTEXT

The railway overpass crosses Sheppard Avenue West approximately 475m east of Weston Road along CPR's Mactier Subdivision Mile 6.62. The subject property is an active railway corridor, designated as a U-Utility Sign District (see Figure 1).

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FIGURE 1: SIGN DISTRICT MAP EXCERPT – RED DOT DENOTES APPROXIMATE LOCATION OF PROPOSED SIGN

Figure 2 depicts a street view approach eastbound along Sheppard Avenue West to the CP bridge. Figure 3 provides an aerial view of the same approach. The area to the west and facing the subject site consists of a retail plaza on the south side of Sheppard Avenue with Wendy's, Starbucks, Mary Brown's Chicken, and the Sunset Grill. On the north side of Sheppard directly adjacent to the subject site is a large employment zone property partially utilized by the CLI College of Business, Health, and Technology. Further west on the north side of Sheppard at Rivalda Road is a Tim Hortons and Metro Motors. On the south side of Sheppard, west of Rivalda is a new Townhouse Development. This development is separated from the proposed sign by the large retail plaza between the rail corridor and Rivalda Road.

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FIGURE 2: EASTBOUND APPROACH TO SUBJECT SITE ALONG SHEPPARD AVENUE WEST

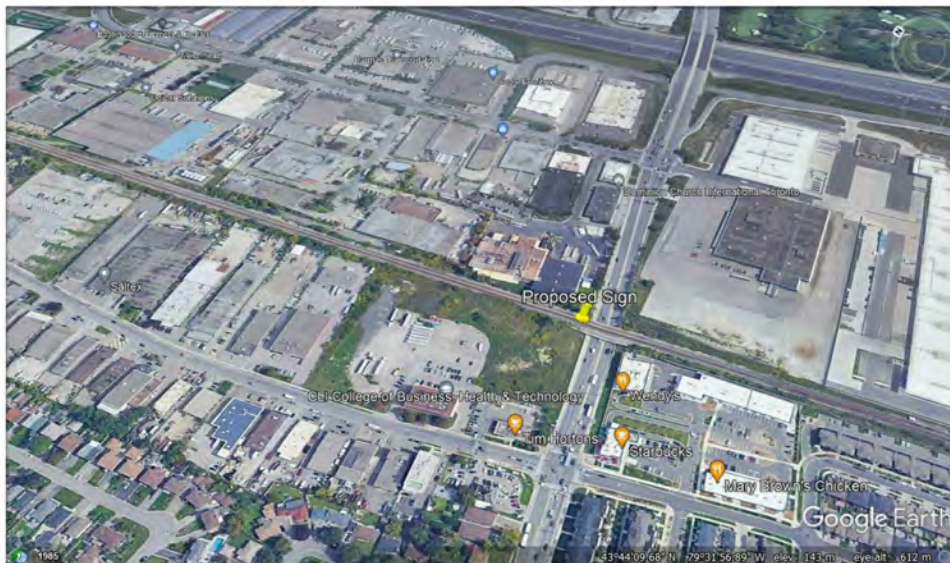


FIGURE 3: AERIAL VIEW, LOOKING WEST OF SUBJECT SITE AND SURROUNDINGS

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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 by the definition of 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 siding 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 railway siding 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.

Furthermore, the deployment of MRI's sight restriction technology (described further in Criteria (5) below), together with reducing the daily evening illumination to **50% of what is required in the Sign By-law**, ensures 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.



The subject site is immediately surrounded to the north and south by lands designated as *General Employment Areas* and *Core Employment Areas*. These areas “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 *General Employment Areas* and *Core Employment Areas*.

While the west side of Rivalda Road has some low-rise residential uses and is designated *Neighbourhoods* and *Mixed Use Areas*, the proposed sign will have no impact on this area through a combination of the proposed signs’ attributes and configuration (focused on and directed toward vehicular traffic along Sheppard Avenue), distance, and grading profiles (e.g. grade-separated road crossings, railway bridge infrastructure, and embankments).

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(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 west, the only potential adverse effect may be considered on the property located west of Rivalda Road – containing some low-rise residential developments. The proposed sign is wholly focused and directed towards vehicular traffic traveling eastbound along Sheppard Avenue. The proposed sign is not intended to be viewed from within the residential area and is separated by *Employment Areas*, consisting of a retail plaza on the south side of Sheppard with a Wendy's, Starbucks, Mary Brown's Chicken, and the Sunset Grill, and a large employment zone on the north side of Sheppard consisting of the CLI College of Business, Health, and Technology, a Tim Hortons, and Metro Motors.

A light analysis, prepared by Media Resources Inc. ("MRI"), was performed at the subject site, to address some minor concerns by City staff. The light analysis has been included as submission materials in this sign variance application. The light analysis was undertaken to ensure that there would be no adverse effects from the proposed sign on the residential area located on the west side of Rivalda Road. The light analysis revealed the following:

- [MRI has] calculated the expected illuminance impact to surrounding areas of concern, [namely the residential area west of Rivalda Road].
- For reference, 150NITS is approximately half the brightness of a typical [laptop] computer [screen].
- In terms of illuminance at the nearest residential property line approximately 160m away, there will be a lux value of 0.146lux.
- This is equivalent to less than a 60W incandescent lightbulb at 13M away.
- In other words, this digital billboard will have at maximum a lower light impact compared to a neighborhood porch light.

It is for these reasons the proposed sign will not adversely affect adjacent premises.

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

The proposed sign, containing one sign face and facing west, is more than 150m from the intersection at Rivalda Road and does not interfere with any traffic signal infrastructure. On that basis, it poses no public safety concern. There is no cycling infrastructure on the high-volume four-lane Sheppard Avenue.

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

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

- i. A sign erected on a tree or a fence;

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TORONTO, ON M5V 1R9

- 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 are characterized by railway and bridge infrastructure encompassed by employment uses, including a large commercial retail plaza directly adjacent to the subject site. The proposed sign is consistent with the predominant character and function of other *Utility Corridor* uses, 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 are 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;

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- 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."

The proposed sign is not located near any high-rise mixed-use developments, and with the limited viewing angle provided by the topography, railway bridge infrastructure, the signs' attributes and configuration, and being surrounded by non-sensitive employment uses, there is no impact on the low-rise residential dwelling units on the west side of Rivalda Road.

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

366 ADELAIDE STREET WEST, SUITE 207
TORONTO, ON M5V 1R9

SIGN SETBACKS FROM PROPOSED THIRD PARTY SIGN LOCATED ON THE CANADIAN PACIFIC RAILWAY Co. LANDS NORTH OF SHEPPARD AVENUE WEST - SIGN FACES WEST				
ZONE	ZONE ADDRESS	SIGN SIDE (EAST/WEST)	SIGN END (NORTH/SOUTH)	DISTANCE 187.5 METRES SIGN DOES NOT FACE INTO THIS ZONE
RA (RESIDENTIAL)	2312 SHEPPARD AVENUE WEST	WEST	NORTH	NONE WITHIN 250 METRES
RA (RESIDENTIAL APARTMENT)	NOT APPLICABLE			
CR (COMMERCIAL RESIDENTIAL)	NO. 2277 SHEPPARD AVENUE WEST	WEST	SOUTH	37.06 SIGN DOES NOT FACE INTO THIS ZONE
I-(INSTITUTIONAL) O-(OPEN SPACE)	NOT APPLICABLE			NONE WITHIN 250 METRES
OTHER 3 RD PARTY SIGNS	07-020 07-028	WEST EAST	NORTH NORTH	169.1 145.9

SITE PLAN SHOWING THE
PROPOSED LOCATION OF 3rd PARTY
SIGN ON SHEPPARD AVENUE WEST,
EAST OF WESTON ROAD
CITY OF TORONTO

SCALE 1 : 500

SPEIGHT, VAN NOSTRAND & GIBSON LIMITED
ONTARIO LAND SURVEYORS

METRIC

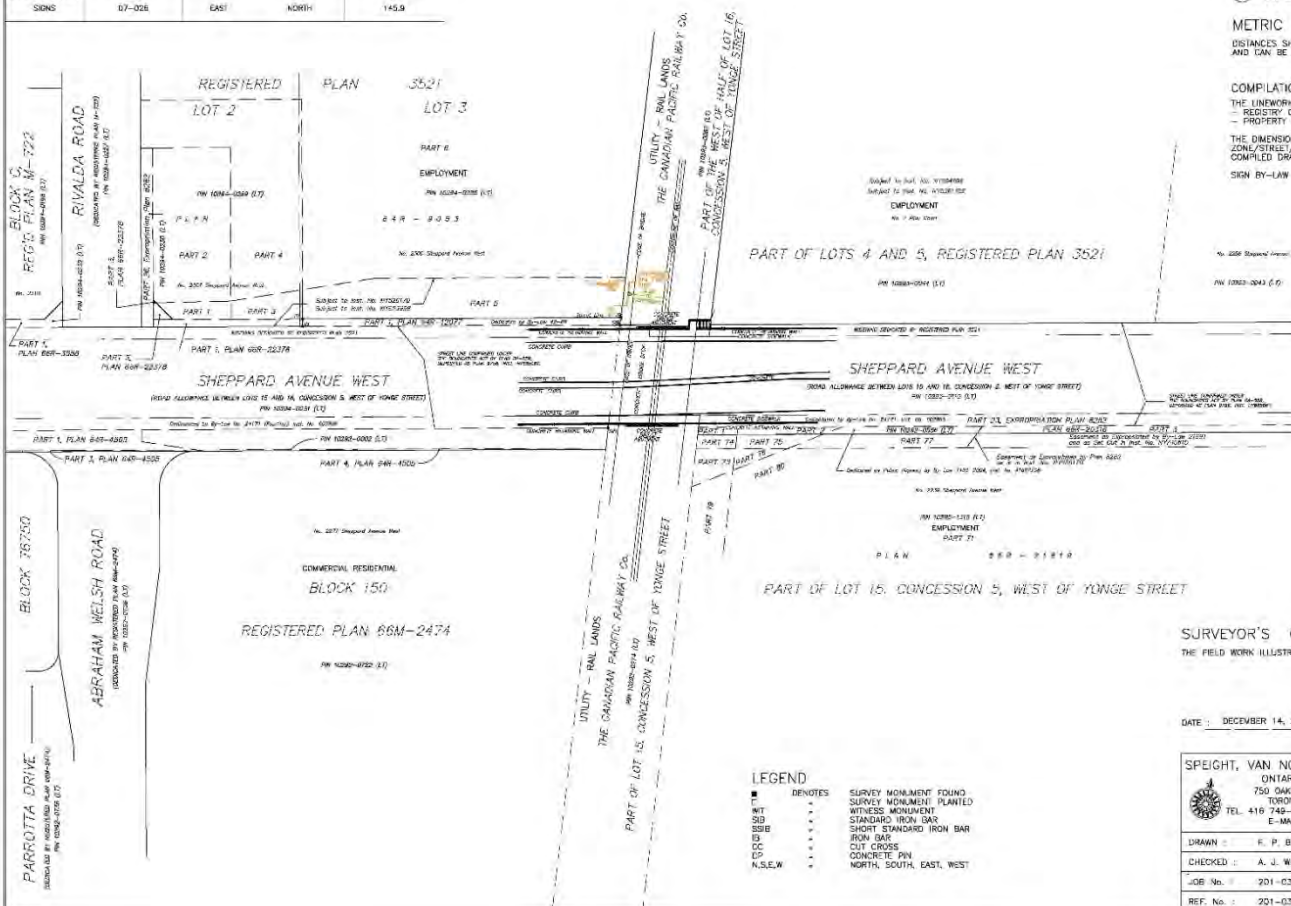
DISTANCES SHOWN ON THIS PLAN ARE IN METRES
AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

COMPILATION / METHOD NOTE

THE LINWORK HEREON IS A COMPILATION OF:
- REGISTRY OFFICE PLANS AND RECORDS.
- PROPERTY DATA MAPPING LINWORK.

THE DIMENSIONS BETWEEN THE PROPOSED SIGN LOCATION AND THE ZONE/STREET/3RD PARTY SIGN HAVE BEEN CALCULATED FROM THE COMPILED DRAWING.

SIGN BY-LAW DISTRICTS FROM THE CITY OF TORONTO SIGNVIEW PORTAL



SURVEYOR'S CERTIFICATE

THE FIELD WORK ILLUSTRATED HEREON WAS COMPLETED ON DECEMBER 14, 2022

DATE : DECEMBER 14, 2022

ADAM J. WERRELL
ONTARIO JURY SERVICES

SPEIGHT, VAN NOSTRAND & GIBSON LIMITED
ONTARIO LAND SURVEYORS
750 OAKDALE ROAD, Suite 55 & 66
TORONTO, ONTARIO M3H 2Z4
TEL. 416 749-5VNG(7864) FAX 416 749-7866
E-MAIL: toronto@svng.on.ca

DRAWN :	F. P. B.	FILE NAME :	SKIPP_AVE_WDWC
CHECKED :	A. J. W.	PLOT SCALE :	1:500
JOB No. :	201-0323	PLOTTED :	DEC 9 2022
REF. No. :	201-0323ENG	UPDATED :	



