



Town of Whitby Staff Report

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Report Title: Van Horne Outdoors/ AllVision Proposal

Report to: Committee of the Whole

Date of meeting: February 26, 2024

Report Number: PDP 04-24

Department(s) Responsible:
Planning and Development Department
(Planning Services)

Submitted by:

R. Saunders, Commissioner of Planning
and Development

**Acknowledged by M. Gaskell,
Chief Administrative Officer**

For additional information, contact:

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1. Recommendation:

1. That Council consider the request from Van Horne Outdoors and AllVision to permit digital billboards on three railway bridges; and,
2. That should Council support the request from Van Horne Outdoors and AllVision, staff be authorized to enter into the necessary agreement substantially as outlined in Report PDP 04-24, and to the satisfaction of the Town Solicitor, and prepared amendments to Permanent Sign By-law #7379-18, to be brought forward for Council's consideration.

2. Highlights:

- Van Horne Outdoors and AllVision (VHO) has approached the Town of Whitby with a proposal to install digital billboards at three (3) railway crossings in the Town. Should Council support the request, Site-Specific Amendments to Permanent Sign By-law #7379-18 would be required for each of the proposed locations to permit digital billboards.

3. Background:

Council initially received a proposal from VHO at the March 2, 2020, Committee of the Whole meeting, Van Horne Outdoor made a presentation regarding the "Canadian Pacific Railway Bridge Enhancement and Modernization Program."

At the March 9, 2020, Council meeting, Staff were directed to:

“Identify relevant considerations related to the proposed program, along with an environmental scan of how other municipalities in the Greater Toronto Area are addressing the program, and other opportunities to improve the appearance of rail bridges in the Town.”

Staff reported back at the October 19, 2020, Committee of the Whole meeting (PL 44-20). At that time Council further directed Staff to:

“report back with a profile of how digital signage is being used and on reducing the size of digital signage outside of Schedules A and B of By-law #7379-18 to ensure the attention impact of digital signage is not larger than the impact of traditional signage.”

Staff reported back at the February 14, 2022, Committee of the Whole meeting (PDP 12-22). At that time Council further directed Staff to:

“report back on ways to manage digital signage consistent with the Council approved wayfinding and signage strategy.”

VHO presented a new proposal to the Planning Department in May 2023. The proposal was received and reviewed by Planning Services and circulated to Building, Engineering, Legal and Strategic Initiatives for consideration as well. After further discussion with the proponent regarding concerns with the Brock Street North and Maple Street location, an alternative proposal was presented for that location in which only the North side of the bridge will have a digital billboard sign.

4. Financial Considerations:

4.1. Digital Railway Bridge Sign Proposal

VHO proposes, through a site-specific sign bylaw amendment, to install digital signs on three (3) railway bridges to improve the aesthetic look of bridges and provide benefits to the municipality and community.

The proposed digital signs will be static digital displays that do not scroll, flash, or feature motion pictures to promote road safety and reduce driver distraction. The digital signs will be operated at an eight second dwell time. Modern digital signs are equipped with photocells to be compliant in illumination and brightness levels at different times of the day, adjusting for daylight hours and at sunset.

One half of each sign face will incorporate the Town’s corporate logo and the other half will be available for third party advertising, including provision for municipal and community messages. The Town will be entitled to a minimum of 10% of the total aggregate annual advertising time on the digital signs.

The look of bridge overpasses will be improved by adding modern galvanized rust-proof metal cladding.

The visual area of the digital signs will each be 2.72 metres high by 8.56 metres in length, totalling 23.3 square metres.

4.2. Proposed Locations

The locations for the digital signs on overpasses include:

1. Brock Street North – north of Maple Street, facing North only (Refer to Attachments #1A and 2A);
2. Thickson Road South – north of Highway. 401 (Refer to Attachments #1B and #2B); and,
3. Dundas Street East – west of Hopkins Street (Refer to Attachments #1C and #2C).

Refer to Attachment #3 for an overview of all three of the proposed sign locations. Refer to Attachment #4 for renderings of the proposed digital signs at the respective locations.

4.3. Removing Existing Paper Copy Billboards

Under the proposed agreement, VHO will remove 19 existing static paper billboard faces to modernize the aesthetic of the area around the bridges at the following locations:

- Thickson Road South north of Highway 401;
- Hopkins Street south of Dundas Street East;
- Dundas Street East, east of Hopkins Street;
- Brock Street south of Manning;
- Brock Street north of Maple Street;
- Rossland Road 200 metres west of Coronation Road; and,
- Lakeridge Road 900 metres north of Rossland Road.

Refer to Attachment #5 for examples of the static paper billboard faces that are to be removed.

4.4. Permanent Sign By-law Amendment

The Town's Permanent Sign By-law regulates signage based on the zoning of a property. Digital signage is currently prohibited in Downtown Whitby and Downtown Brooklin.

Poster Panel signs (paper copy billboards) erected on Railway Lands require approval from the railway having jurisdiction over the lands. The poster panel signs have a maximum permitted sign area of 18.6 square metres and a maximum permitted sign height of 7.6 metres. When poster panel signs are located at a railway/street crossing, no more than two (2) signs are permitted at any one (1) railway/street crossing and no more than one (1) sign per street frontage is permitted.

Digital billboard signs, also known as billboard signs with electronic changing copy, are not permitted by the Town's Sign By-law #7379-18. Therefore, site-specific amendments to the Sign By-law to permit the digital signs on the above noted Railway bridges will be required, if supported by Council.

4.5. Proposed Agreement with VHO

The following provides a summary of key elements of the proposed agreement:

- The proposed Agreement between the Town and VHO will give VHO the right to construct, use, maintain and repair the signs at the noted locations.
- The term of the proposed agreement is twenty (20) years, with two renewal options for five (5) years each. The Agreement will automatically renew on the same terms unless one of the parties elects not to renew and provides written notice of that election at least 60 days before the expiry of the Term or renewal term.
- VHO is responsible for addressing public safety concerns to the Town's satisfaction.
- VHO will obtain insurance as required by the Town.
- The locations have been selected by VHO. VHO has provided plans for the signs, and the installation of the signs will be contingent on the Town providing approval, based on the drawings provided.
- VHO will be permitted to sell advertising to third parties that will be displayed on the signs.
- The Agreement will set a minimum dwell time for the advertisements of 8 seconds. The Agreement would allow for a longer dwell time if requested.
- The Town would be entitled to a minimum of 10% of the total aggregate annual advertising time on the signs. There is provision to allow the Town additional time based on availability. The display time for Town copy is evenly distributed throughout the day. Any display time for emergency messaging is not included in the Town's 10% display time.
- Any copy that the Town would like to display must be submitted to VHO at least 5 business days prior to the date that the copy is to be

displayed and is subject to review and approval by VHO. The Agreement states that VHO's approval will not be unreasonably withheld. The content of all advertising displayed on the digital bridge signs must comply with the Canadian Code of Advertising Standards and any Town policies related to placing advertisements with the Town.

- The Town is not able to sell or trade display time to a third party, with one exception. The Town is permitted to provide part of its 10% aggregate annual advertising time to not-for-profit organizations, provided the Town does not receive anything of value in exchange for the advertising time. If the Town were to consider providing advertising to non-profit organizations, further direction from Council is required to develop internal policies to ensure that any advertising does not lead to a breach of the terms.

4.6. Installation and Maintenance:

Under the proposed Agreement, VHO will be responsible for the installation and maintenance of the signs, including all the costs associated with installation and maintenance. They have full control over the companies that are used for both the installation and maintenance. VHO will be responsible for all utilities, flagging, traffic controls and other safety measures with respect to each sign.

VHO will be responsible for the repair of any damage that may be caused through installation, removal, maintenance, or repair of the signs. Any restoration outside of normal wear and tear must be completed to the satisfaction of the Town. The signs are owned by VHO, and they are responsible for their removal at the end of the Term.

VHO is responsible for the payment of the utilities and for setting up separate metering however, the Agreement does require the Town to assist with the coordination with the utility companies, to the extent possible.

The Town can inspect or review the work on reasonable notice to VHO and during normal business hours.

5. Financial Considerations:

All costs associated with manufacturing, installation, operation, and maintenance of the overall program will be at no cost to the Town of Whitby. The indirect financial impacts include potential revenue from increased participation in Town offerings and programming due to additional advertising.

6. Communication and Public Engagement:

Not applicable.

7. Input from Departments/Sources:

The proposal was circulated to the following departments/divisions for consideration:

- Building Services;
- Engineering Services;
- Legal Services; and,
- Strategic Initiatives.

8. Strategic Priorities:

The Town of Whitby and other community groups (at the Town's discretion) will be provided with 10% of the overall display time, on the new digital signs, over an annual basis. This display time can be used for general community updates, transit updates, promotion of Town events and emergency override messaging. This will benefit the Town by increasing the communication channels with residents and visitors, increasing Town branding, and improving the aesthetic look of bridge overpasses.

9. Attachments:

Attachment #1A: Location Sketch – Brock Street North, north of Maple Street

Attachment #1B: Location Sketch – Thickson Road South north of Highway 401

Attachment #1C: Location Sketch – Dundas Street East west of Hopkins Street

Attachment #2A: Aerial Map – Brock Street North, north of Maple Street

Attachment #2B: Aerial Map – Thickson Road South north of Highway 401

Attachment #2C: Aerial Map – Dundas Street East west of Hopkins Street

Attachment #3: Proposed Digital Sign Locations

Attachment #4: Renderings of Digital Signs at the Proposed Locations

Attachment #5: Examples of Existing Paper Copy Billboard Signs to be Removed