

ITEM SUPPLEMENTARY 9
MANAGER'S REPORT NO. 60
COUNCIL MEETING 1983 10 11

RE: BURNABY SIGN BYLAW REVIEW
POSTER PANEL PROPOSAL AND OTHER RELATED
TOPICS REFERRED BY COUNCIL

MUNICIPAL MANAGER'S RECOMMENDATION:

1. THAT the recommendations of the Director Planning & Building Inspection be adopted.

* * * *

TO: MUNICIPAL MANAGER 1983 October 05
FROM: DIRECTOR PLANNING & BUILDING INSPECTION Our File: 02.230
SUBJECT: BURNABY SIGN BYLAW REVIEW
POSTER PANEL PROPOSAL AND OTHER RELATED TOPICS
REFERRED BY COUNCIL

RECOMMENDATIONS:

1. THAT the Burnaby Sign Bylaw 1972 not be amended to permit the introduction of poster panel signs or other billboard-type advertising displays.
2. THAT the Sign Bylaw not be amended to permit the introduction of signs with changeable copy incorporating rotating or revolving parts.
3. THAT the Municipal Solicitor be authorized to draft the amendments to Section 3(1) and 3(3) of the Burnaby Sign Bylaw to reflect the changes proposed in Item 3.11, Attachment #2 to this report.
4. THAT copies of this report be sent to Mr. Robert Boyce, Chairman, Sign Bylaw Committee, Burnaby Chamber of Commerce, Loughheed Mall, 100 Loughheed Mall, Burnaby, B.C., V3J 1N4; and to Mr. R. D. Sinclair, Vice-President and General Manager, Seaboard Advertising Company, 1885 Clark Drive, Box 2063, Vancouver, B.C., V6B 3S4.

SUMMARY

This report addresses the proposal submitted by Seaboard Advertising Company in connection with the text amendment proposals put forward by the Sign Bylaw Committee of the Chamber of Commerce in 1982 November. It assesses the ramifications of the proposal to permit poster panels up to 200 square feet in area on an exchange basis for existing billboards, and reports on the effectiveness of the Sign Bylaw as adopted in 1972 in controlling and, in fact, reducing substantially the number of billboards in Burnaby. The report also discusses the two topics (Items 3.7 and 3.11) of a former report that were referred back to staff for consideration in conjunction with the subject of poster panel signs.

The conclusions, in summary, are that:

- (a) Billboard-type signs are as inappropriate today as they were in 1972 when the Sign Bylaw was adopted, and no steps should be taken to re-introduce them as a permitted form of display.
- (b) Council's policy of prohibiting billboard-type advertising signs since 1972 has been successful in reducing the number of such signs by 40% and the number of billboard locations by 53%.

- (c) There is every indication that this trend to the elimination of billboards in the community will continue, due to the process of redevelopment and intensification of land-use and also to the fact that the billboard structures are aging and tending towards the end of their physical "lifetime".
- (d) It would be counterproductive to take any steps at this stage that would arrest or reverse this process in this community.
- (e) Poster panel signs differ from billboard signs as defined in marginal size, but otherwise are regarded as billboard-type advertising displays. Any advantages of one over the other would seem minor or short-term, whereas the disadvantages to the community in legalizing and perpetuating the presently unlawful billboard-style sign are fundamental and long-term.
- (f) From a legal point of view, Council is advised to avoid any arrangement that would be seen to give a particular privilege to some person or commercial undertaking, such as would emerge from the proposal put forward.
- (g) Poster panel-type signs can be approved, under the current bylaw provisions, as permitted non-accessory signs on sites of qualifying size and location under Schedule V (C3, C4, C7 Districts).
- (h) The opportunity exists for further use of illuminated bus shelter advertising signs in the public streets in C and M Districts, in a form approved by Council in keeping with the scale and visual character desired for this community, and the sign industry is encouraged to pursue this form of display where it wishes to replace outmoded billboard signs.

REPORT

1.0 BACKGROUND

1.1 On 1982 November 15, Council received a set of proposals from the Sign Bylaw Review Committee for text amendments to the Burnaby Sign Bylaw. Included in these proposed amendments was a section devoted to creating regulations that would permit the introduction of a category of sign called "poster panels" into Burnaby. Upon discussion, it was agreed that staff and the Committee would proceed with a staff report on the other topics raised, but would defer comment on the matter of poster panels until a later date, as the subject of a separate report. Additionally, Council on 1983 April 25 referred two other items to the report on poster panels (Item 3.7 - Changeable Copy Signs, and Item 3.11 - copy changes and modifications to non-conforming signs).

1.2 Since that date, Council has adopted recommendations dealing with the remaining topics that were put forward, and is expected to be dealing with the resulting amending bylaw in the near future. Further submissions from Seaboard Advertising have been received in the interim and have been considered by staff in light of the intent of Council's policy enacted in 1972 through adoption of the present Sign Bylaw, and we are now in a position to make recommendations on these remaining outstanding topics.

2.0 PROPOSAL TO PERMIT POSTER PANEL SIGNS

2.1 The proposal to amend the bylaw to allow large-scale, third-party advertising signs on a wide spread basis in Burnaby is outlined on Attachment #1 appended to this report.

This submission was contained in a letter dated 1983 June 20 directed to the Chairman of the Sign Bylaw Review Committee from Seaboard Advertising, and it represents an elaboration on the proposal initially submitted in 1982 November. The salient points are:

- a poster panel is distinguished from a Billboard Sign in that it would have a maximum display area of 200 square feet (exclusive of any frame which is an integral part of the display), whereas a Billboard Sign is one which exceeds 200 square feet in area;
- would permit rotating face as well as fixed face signs;
- would permit freestanding or wall-mounted signs but by inference would not permit roof mounting; and
- establishes setback and height regulations and a distance separation criterion for poster panels on the same street facing the same traffic flow.
- limits the total number of poster panels in the Municipality and proposes a restriction to the effect that not more than 90% of the poster panels permitted may be owned by a single company or organization.
- would permit these signs in C3, C4, C5, C6, C7, M1, M2, M3, M4, M5, M6 and M7 Districts.
- would permit these signs in addition to the normal complement of signs permitted on a given property under the present bylaw.

2.2 The advertising company had proposed that new poster panels be permitted on a one-for-one replacement basis with respect to existing billboards and has stated that if the proposed section on poster panels is adopted substantially as proposed, Seaboard will remove all roof-top billboards within 5 years of passage of the bylaw with at least 5 of these signs coming down in 1983.

3.0 BILLBOARD SIGNS - THE PRESENT SITUATION

3.1 In 1972 Council adopted Bylaw No. 6163, the Burnaby Sign Bylaw, which among other things defines Billboard Signs and, in Section 5.1(8), specifically prohibits them along with revolving signs, flashing signs, balcony signs and signs that obstruct doorways and fire escapes. Council adopted this bylaw after careful consideration of the issues, one of which was the matter of billboard-style advertising in an urban municipality such as Burnaby.

On 1972 October 10, Council confirmed its intention to regulate billboard signs in this way, following consideration of a report from the Director of Planning commenting on an industry submission which advocated acceptance of billboard signs. The report outlined the reasons for opposing the further development of billboards as follows:

- (a) They attract attention to a degree where they represent an intrusion into surrounding areas, as well as being a hazard on heavily travelled thoroughfares.
- (b) Large structures of this type tend to obliterate the view and detract from other advertising.
- (c) Such signs are often characterized by unsightly supporting structures and poor site maintenance.

Staff also reported on other jurisdictions that do not permit billboards and ones which were taking steps to prohibit them. The report included the results of a survey of the then-existing billboards in Burnaby, and made the following observation:

"Burnaby is fortunate in that existing billboards occupy a relatively limited number of locations in the municipality and it is our opinion that these billboards will gradually disappear as they are replaced by development or redevelopment of the sites on which they are located."

3.2 In preparing a response to the current Seaboard proposal, staff has prepared an up-to-date photographic survey of the billboard signs remaining in Burnaby in 1983 August. The results are shown in the table following, displayed along with the 1972 data.

BILLBOARD SIGNS IN BURNABY	LOCATIONS	PANELS (FACES)	FREESTANDING/WALL-MOUNTED	ROOF MOUNTED
1972 SURVEY	Principal Use	28	28	-
	Accessory Use	71	37	34
	TOTAL	99	65	34
1983 SURVEY	Principal Use	16	16	-
	Accessory Use	43	11	32
	TOTAL	59	27	32
BILL-BOARDS ELIMINATED SINCE 1972	Principal Use	12	12	-
	Accessory Use	28	26	2
	TOTAL	40	38	2

NOTE: The discrepancy between the number of signs initially claimed by Seaboard Advertising (52 signs) and the number actually in existence 1983 August 04 (59 signs) is due to omissions and an error by Seaboard - this has been clarified in consultation with Seaboard staff, and 59 is the correct number.

From this information it may be seen that 40 of the 99 billboard faces existing in 1972 (at 23 of the 43 locations) have been removed in the past 11 years. This has been in general due to the redevelopment activity that has taken place, producing new urban development on sites previously occupied by billboard signs. (The 1972 report had indicated that an almost ten-fold increase in assessed values would be realized with development of such sites, and that a non-conforming status for billboards would tend to accelerate the process).

Correspondingly, a total of 59 billboard signs remain in Burnaby at this date, under a non-conforming status at 20 locations. Many of these signs, based on visual observation, are old and may be deteriorating, further suggesting that they are nearing the end of their practical "lifetime" and will be due for removal in the not-too-distant future.

Sketches No. 1 and 2 attached illustrate the billboard locations existing as of 1983 August 04 and the locations from which billboards have been removed since 1972.

3.3 It should be noted that while billboard signs (exterior non-accessory signs exceeding an area of 200 square feet) are prohibited under the bylaw, smaller non-accessory freestanding signs are permitted in the various districts as part of the total complement of signs permitted on a site. In the C3, C4 and C7 Districts, the maximum sign areas are related to the area of the lot, the maximum size permitted being a sign of 200 square feet. Accordingly, a poster panel-type sign could be approved on a suitable qualifying site under the present bylaw as a non-accessory sign.

4.0 DISCUSSION

4.1 The proposition before Council is that the sign industry be permitted to maintain the present number of signs, with permission to substitute new poster panel-type signs on qualifying sites over a period of time, and with a commitment to remove roof-top signs over a period of 5 years

In assessing this proposal, any advantages would appear to be superficial or short-term in nature:

presumably an improved structural appearance presented by a new poster panel sign compared with a deteriorating older sign, a marginal size reduction from over 200 square feet to not more than 200 square feet, and a program for removal of roof-mounted signs.

The disadvantages, however, are fundamental and long-term in nature:

the amendment proposed would allow perpetuation of the current number of such signs in Burnaby from this date on, effectively stopping the natural economic process that has been gradually reducing the number of these undesirable structures at locations across the Municipality since the adoption of the Bylaw.

Arguments similar to those raised in 1972 in opposition to billboard signs also apply to poster panels:

- visual intrusion into surrounding areas,
- tendency to obliterate desirable views and to detract from other advertising,
- production of signs out of scale with an increasingly urban setting,
- alternative forms of general advertising are now available, including illuminated bus shelter advertising panels on the more heavily-travelled public streets.

Billboard-type signs are presently the sole principal use of properties at six (6) locations in Burnaby, accommodating 16 sign faces. As was pointed out to Council in 1972, this reflects an un-economic use of land from an assessed value point of view. A substantial increase in assessed value would be realized with development of these sites, and a continued non-conforming status for billboards without the possibility of replacement with a new generation of poster panel signs, would tend to accelerate the redevelopment process.

4.2 Moreover, in that one company controls all the billboard signs presently in the Municipality, there is the potential difficulty in creating regulations which clearly favour that company in terms of future business, efforts to create up to a 10% provision for other companies or organizations notwithstanding.

The Municipal Solicitor points out that the Municipal Act contains restrictions on Council granting privileges and prohibitions against aid to an industrial or commercial undertaking in Sections 291 and 292, RSBC 1979. Accordingly, Council is advised to avoid passing a bylaw which would appear to give preferential treatment to one company by effectively granting it, as the owner of the existing billboard signs, the right to control of the future market for a new type of advertising sign.

(The company in question has provided information on communities in another Province that have enacted bylaws that establish quotas for the number of off-premise, non-accessory signs; however, Burnaby must be guided by British Columbia legislation and by local conditions insofar as ownership/sign-replacement privileges are concerned.)

4.3 It is worth noting that while billboard-type signs have been prohibited since 1972, as they are not suitable forms of display for a quality, developing urban area such as Burnaby, acceptance was given in 1978 to a newer form of public advertising display in the form of illuminated sign panels incorporated as an integral part of approved bus shelters in commercial and industrial districts in the Municipality. To date, approximately 40 shelters incorporating such advertising have been provided, not only offering a new and rather attractive, colorful form of public advertising at the motorist's eye level at a scale not inconsistent with the sidewalk streetscape, but also affording weather protection for patrons of the bus system.

Further opportunities exist for developing the bus shelter form of advertising display at qualifying locations in C and M Districts on the more heavily-travelled streets, and encouragement should be given to exploiting these opportunities rather than returning to billboard-style poster panel signs.

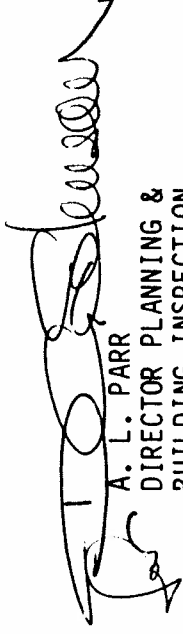
5.0 "CHANGEABLE COPY PANEL SIGNS" AND "COPY CHANGES AND MODIFICATION TO NON-CONFORMING SIGNS"

5.1 On 1983 April 25 Council deferred action on the staff recommendations on Item 3.7 and 3.11 of Item 9, Manager's Report No. 28 pending consideration of the report on poster panel signs (copies attached as Attachment #2).

It is now appropriate to bring these recommendations forward for consideration.

The conclusions that it would be inappropriate to amend the bylaw to allow signs that exhibit rotating or revolving parts or to allow structural modifications that will extend the physical life of non-conforming signs including billboards are both still valid in light of the poster panel study. However, the acceptance of copy changes only to non-conforming signs has been supported, and the original recommendations are resubmitted to Council at this time for adoption.

cc: Municipal Solicitor
Chief Building Inspector
Director Engineering
Municipal Clerk


A. L. PARR
DIRECTOR PLANNING &
BUILDING INSPECTION

Attachments (4)

DGS:lf

BY-LAW CHANGES REQUIRED TO ALLOW FOR POSTER PANEL

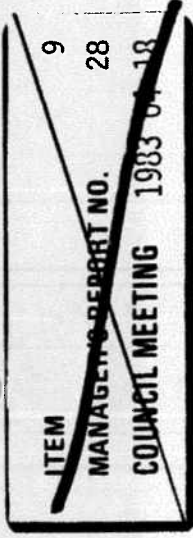
- 1) Page 2 add definition of poster panel

Poster Panel means a third-party, off-premise sign either single faced or rotating face that advertises goods, products, services or facilities, or directs persons to a different location from where the sign was installed. (Source: Vancouver Sign By-Law with adaptation)
- 2) Page 3 amend definition of sign, freestanding

Sign, freestanding means a sign not attached to or forming part of a building, but does not include a billboard sign or poster panel.
- 3) Page 4 amend definition of sign, non-accessory

Sign, non-accessory means a sign which directs attention to a business, commodity, service or entertainment, not exclusively related to the premises at which the sign is located, or to a business, commodity, service or entertainment which is conducted, sold or offered elsewhere than on the premises at which the sign is located, but does not include a poster panel.
- 4) Page 7 add new section 5.3(4) Poster Panels a & b
 - a) No two poster panel structures on the same street shall be closer to one another than 300 feet when facing the same traffic flow.
 - b) Location
 - 1) No part of the poster panel shall be closer to the street line that the front line of the nearest building or a line drawn between two building fronts when it is located between two buildings.
 - 2) When a poster panel is located on the same street as a residential district, a minimum distance of 200 feet measured at right angles to the front of the poster panel shall be maintained between the poster panel and the residential district.
- 5) Page 7 add new section 5.4(5) Poster Panels a, b, c, d & e
 - a) The maximum display area of a poster panel shall be 200 sq. ft. exclusive of any frame which is an integral part of the display.
 - b) Height - The maximum height of a poster panel shall be 20 feet above the grade, or the height of the front wall of buildings on adjoining properties, whichever is less.

- c) Support - The support structure of a freestanding poster panel shall consist of no more than two columns properly anchored to the ground. The support structure of a poster panel attached to a wall shall not be more than 12 inches above the roof line or top of the parapet, or of the wall of the building to which it is attached. All other structural elements shall be concealed.
- d) Lighting - Sources of illumination shall be properly concealed to eliminate glare.
- e) Numerical limitations
- 1) The total number of poster panels permitted in the District of Burnaby shall be 52.
 - 2) No single company or organization may control or own more than 90% of the poster panels permitted.
- 6) Page 14 Schedule No. IV - add new section 1(3)
Poster panels except in C2. The requirements for poster panels shall be as set out in Section 5.3(4) and 5.4(5).
- 7) Page 15 Schedule No. V - add new section 1(3)
Poster panels. The requirements for poster panels shall be as set out in Section 5.3(4).



ATTACHMENT #2

3.11 Subject:

Proposal to amend "Application" section of bylaw to correct typographical error, to permit copy changes to be made to non-conforming signs, and to permit modifications to be made to non-conforming signs including billboards.

Category:

Proposals related to administrative or procedural changes affecting the application and scope of the Bylaw.

Bylaw Page Number: 5

Bylaw Section: 3(1) and 3(3) "Application".

Original Proposal (Sign Bylaw Committee):

It was proposed that a typographical error be corrected (by substituting the word "within" for the word "with" in Section 3(1), and that extensive additional wording be inserted in Section 3(3) to enable without permit a variety of copy changes, face repairs, replacement of structural elements, copylighting, and refurbishing of non-conforming signs, provided that the dimensions of the original sign face or copy area remains unchanged. Further, modifications to non-conforming, existing billboards would be permitted subject to certain conditions.

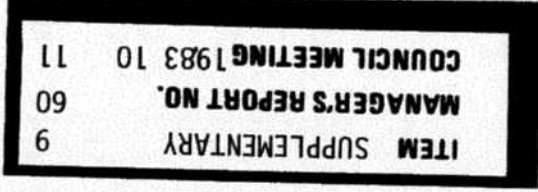
Original Staff Report Comment and Recommendation:

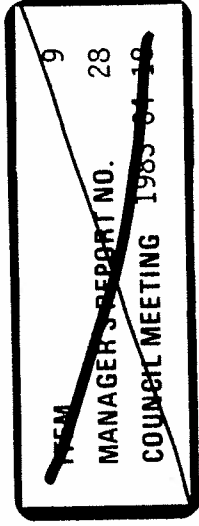
Staff advised that while "maintenance" of existing, non-conforming signs has never been at issue, structural replacements, copy changes, and modifications have been prohibited unless in conformity with the provisions of the Bylaw. This was designed to ensure that while non-conforming signs may continue to be used (provided they are maintained in a safe condition) signs of types, sizes, or in locations which offend the adopted bylaw should not be perpetuated beyond their normal, functional lifetime. It was stated that this provision should be maintained in order to provide for an orderly, gradual transition to modern sign displays which do conform to contemporary community standards, and that the only effective way of achieving this would be to maintain the requirement for permit application and review prior to physical modifications being started. It was recommended that the current provisions of Section 3(3) be maintained, but that the Solicitor prepare a minor amendment related to the word "with" in Section 3(1).

Discussion Resulting from Review Process:

In the meetings considerable emphasis was placed on the economic hardship placed on a new business owner if he is forced to obtain a new sign to replace an existing non-conforming one, and the argument was raised that the provisions of the Sign Bylaw for continuing use ("occupancy") of a non-conforming sign should parallel the provisions of the Municipal Act for non-conforming land uses.

With this in mind, staff have re-examined the position on copy changes, and are able to appreciate the arguments raised. There is agreement that it would be inconsistent with the "Municipal Act parallel" principle to permit structural modifications other than those of an internal nature (brackets, internal braces, etc.), and accordingly external structural modifications to non-conforming signs would not be permitted.





ATTACHMENT #2

3.7 Subject:

Proposal to add definition of "Sign, Changeable Copy".

Category:

Proposals that would lead to the introduction of types of signs which are presently prohibited under the Bylaw. **133**

Bylaw Page Number:

3

Bylaw Section:

Section 2 "Definitions".

Original Proposal (Sign Bylaw Committee):

It was proposed that a definition be introduced, linked to the proposal to permit electronically-switched message centre signs and indexing signs (using 3-sided rotating panels), as well as signs on which copy is changed manually.

Original Staff Report Comment and Recommendation:

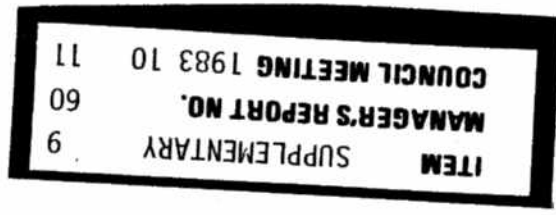
Staff reviewed previous reports on signs containing flashing lights and rotating elements, including reference to certain of the guiding principles that were embodied in the sign bylaw from its inception when first submitted in 1971. (See also comments under 3.4 above.) The recommendation was that the current prohibition of signs which contain flashing lights, which exhibit noticeable changes in light intensity, or which contain rotating or revolving parts, be retained.

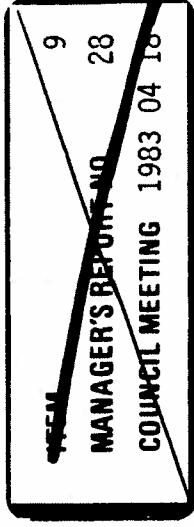
Discussion Resulting from Review Process:

As noted in Section 3.4 of this report above, the possibility of accepting Illuminated Changing Message System signs under suitable definition and standards is discussed. With respect to indexing signs however, it is considered essential that the clear, direct nature of the bylaw be preserved in its prohibition of signs containing rotating or revolving elements. To permit the re-introduction of signs with rotating parts or other mechanical contrivances would be a retrograde step in relation to the standards that have been achieved and are now beginning to be manifest in the quality of the sign environment.

RECOMMENDATION:

THAT the Sign Bylaw not be amended to permit the introduction of signs with changeable copy incorporating rotating or revolving parts.





3.11 (Cont'd.)

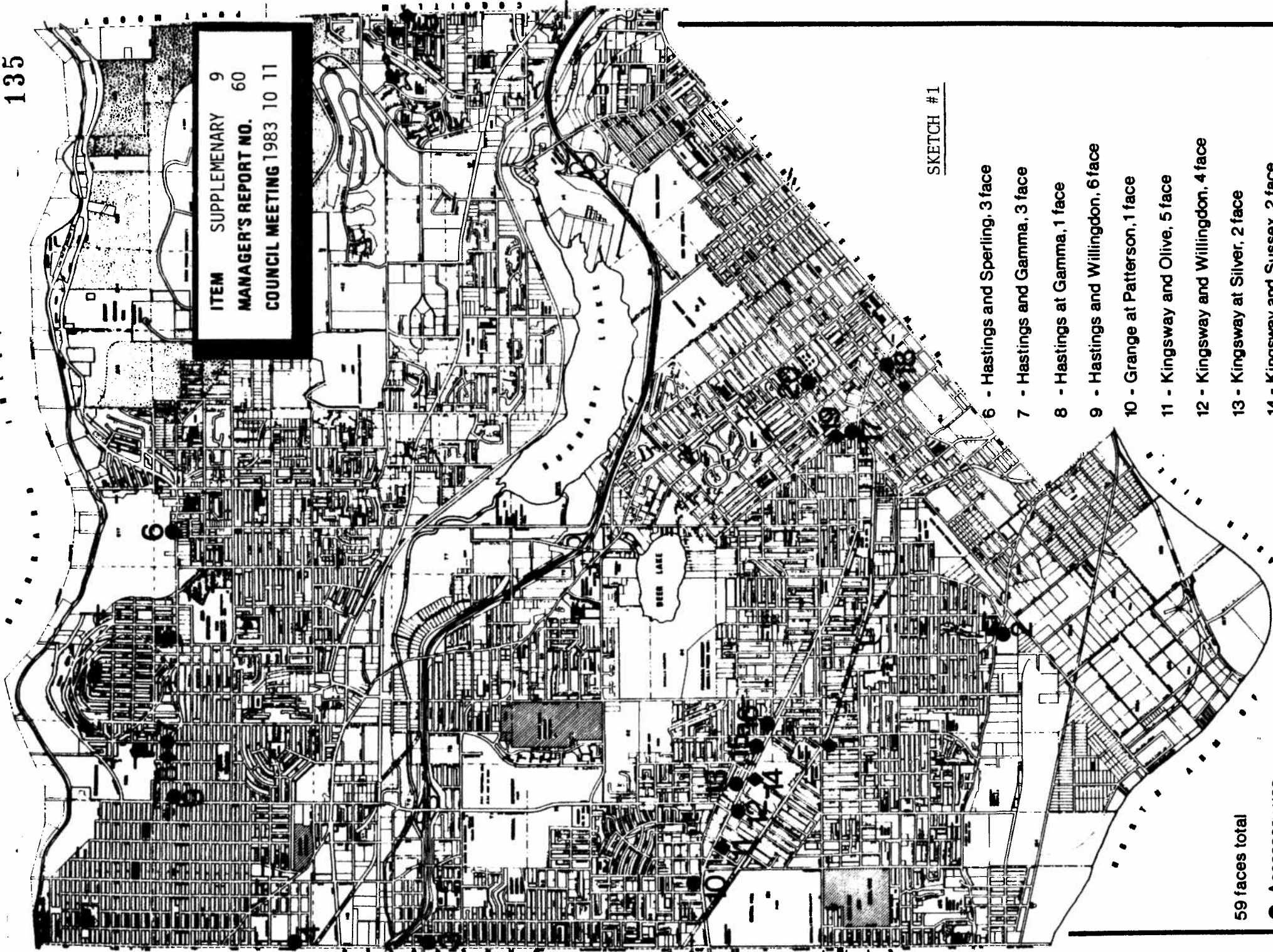
ATTACHMENT #2

The proposition therefore is to amend Section 3(3) to permit copy changes and face repairs provided the dimensions of the original sign face or copy area remains unchanged, and further to provide (by way of clarification) that all normal maintenance operations, including replacement of internal structural elements, copy lighting, and refurbishing of signs shall not require an application or permit, but shall conform with all other provisions of the Bylaw. The proposal with respect to modifications to non-conforming billboards is deleted.

RECOMMENDATION:

THAT the Municipal Solicitor be authorized to draft the amendments to Section 3(1) and 3(3) as outlined above.

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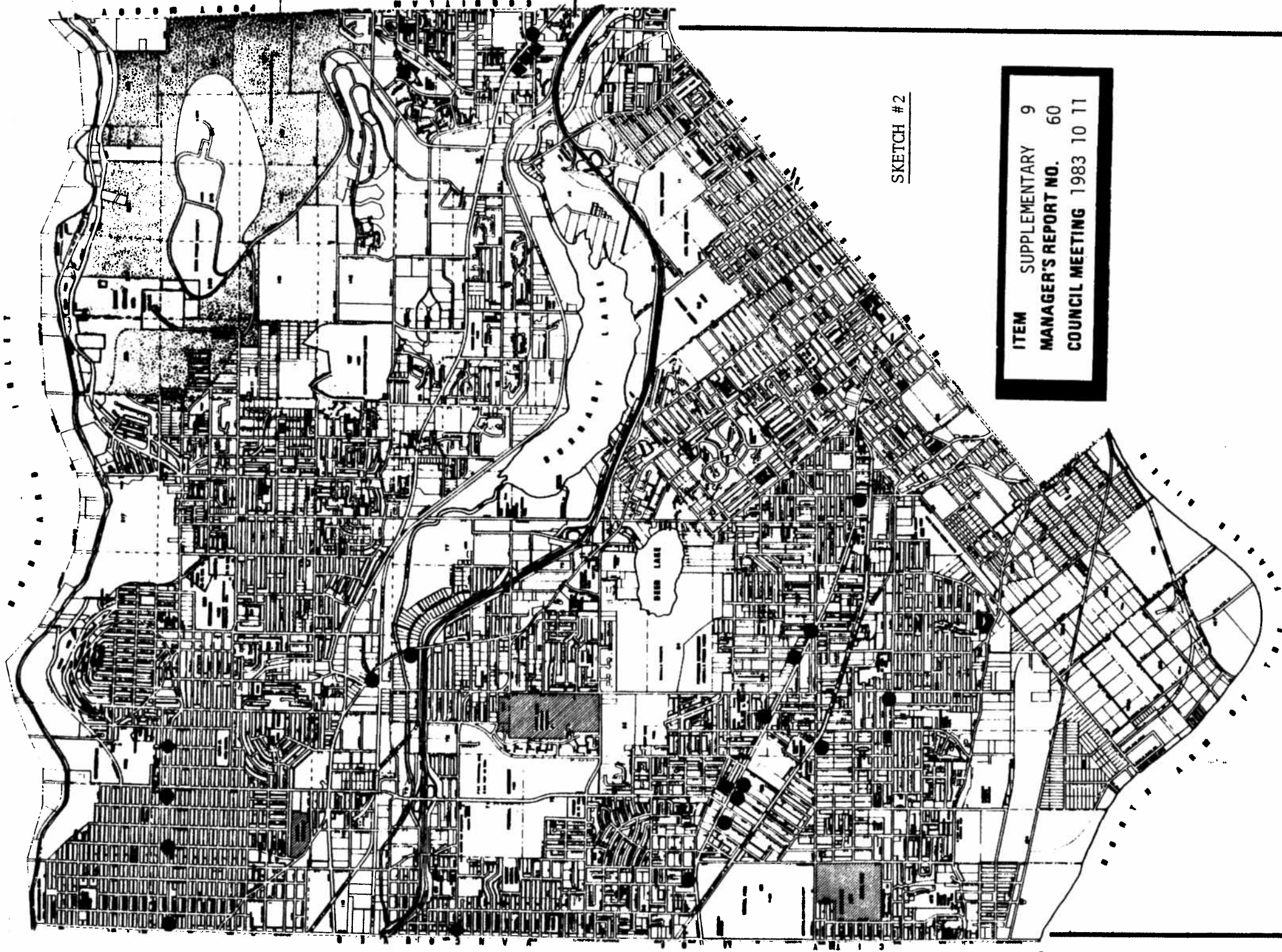
SKETCH #1

59 faces total

- Accessory use
- ◆ Principal use

- 1 - Imperial and Jubilee, 1 face
- 2 - Marine Drive at Gilley, 4 face
- 3 - Boundary and Grandview Hwy, 3 face
- 4 - 1622 Boundary, 2 face
- 5 - North Rd. and Clark Rd., 3 face
- 6 - Hastings and Sperling, 3 face
- 7 - Hastings and Gamma, 3 face
- 8 - Hastings at Gamma, 1 face
- 9 - Hastings and Willingdon, 6 face
- 10 - Grange at Patterson, 1 face
- 11 - Kingsway and Olive, 5 face
- 12 - Kingsway and Willingdon, 4 face
- 13 - Kingsway at Silver, 2 face
- 14 - Kingsway and Sussex, 2 face
- 15 - Kingsway at McMurray, 2 face
- 16 - Kingsway at Nelson, 4 face
- 17 - Kingsway and Edmonds, 5 face
- 18 - Kingsway and Thirteenth, 4 face
- 19 - Edmonds at Kingsway, 2 face
- 20 - Edmonds at Mary, 2 face

BILLBOARD LOCATIONS EXISTING 1983 AUGUST 04



SKETCH #2

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- Accessory use
- ◆ Principal use



4/10/11