



## CITY OF VANCOUVER

### ADMINISTRATIVE REPORT

Report Date: February 19, 2009  
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Meeting Date: March 5, 2009

TO: Standing Committee on Planning and Environment

FROM: Director of Licenses and Inspections in consultation with the Directors of Legal Services, Real Estate Services and Planning

SUBJECT: Non-conforming Billboards

#### RECOMMENDATION

- A. THAT the Director of Licenses and Inspections be instructed to implement the process and approach described in this report for bringing non-conforming billboards before Council to seek resolutions pursuant to section 571A of the Vancouver Charter;
- B. THAT, in accordance with the process and approach described in this report, the Director of Real Estate Services, in consultation with the Director of Legal Services, be instructed to take the necessary steps to terminate leases for non-conforming billboards located on City owned land.

#### GENERAL MANAGER'S COMMENTS

The General Manager of Community Services RECOMMENDS approval of the foregoing.

#### COUNCIL POLICY

The Sign By-law allows billboards in several commercial and all industrial zoning districts subject to location, spacing, height and size restrictions.

On November 26, 1996, Council amended the Sign By-law to prohibit billboards from locating within 30 metres of a building containing residential premises in Downtown South and Burrard Slopes. On June 22, 2000 Council amended the Sign By-law to prohibit billboards within 60 metres of any residential area.

On October 16, 2001, Council amended the Sign By-law to prohibit billboards within 60 metres of existing and future rapid transit or rail tracks with passenger trains.

As a result of these by-law amendments, many billboards became legally non-conforming and have now been non-conforming for over five years.

Section 571A of the Vancouver Charter authorizes Council, by resolution passed by not less than two-thirds of all its members, to order the removal of any sign (including billboards), whether located on private or on public property, which has been non-conforming for not less than five years.

Council policy with respect to billboards on city-owned sites controlled by Real Estate Services is to permit renewal of existing billboard leases but not enter into any new leases.

In 2006, 2007 and 2008 Council requested a report back from staff on a process for removal of non-conforming billboards.

## **SUMMARY AND PURPOSE**

This report responds to Council's request for information about the process for removal of non-conforming billboards in the city, and seeks Council approval for initiation of that process.

Each non-conforming billboard must be dealt with individually and on its own merits. A referral to Council for consideration pursuant to Section 571A requires a report to Council in relation to each non-conforming billboard. The owners and other affected persons must be given an opportunity to appear before Council. Council must then consider the circumstances of each particular case before deciding whether or not to pass a resolution ordering removal of the billboard.

If Council approves immediate implementation, staff estimate that it will take approximately six years to deal with all non-conforming billboards. Staff and Council resources required are significant. Removal of those billboards on City-owned sites will also result in financial loss to the city and there would be loss of opportunity and jobs for the billboard industry generally.

On the other hand, removal of non-conforming billboards has been an approved City direction for a number of years. The various Sign By-law amendments adopted by Council following Public Hearings aim to address the impacts of billboards on residential areas and along major city gateways. Concerns about billboards include the impact of lighting and noise on nearby residences, the use of the public realm for advertising, and the view that billboards detract from pedestrian and residential environments and the visual image of the city. Staff recommend that the process begin immediately and that it focus first on those billboards located within 30m of residential areas, followed by billboards located beyond 30m but within 60m of residential areas and, finally, billboards located within 60m of rapid transit and passenger rail and all other non-conforming billboards.

If Council approves this approach, the removal process for the next 2-3 years would focus on the 118 non-conforming billboards with the greatest impact on nearby residential - i.e., those billboards within 30m of residential.

## BACKGROUND

### Number of Billboards

There are approximately 612 billboards in the City. Staff estimate that approximately 313 of these are non-conforming and subject to removal, including 13 billboards located on city owned property.

The number of billboards in the City is not static. An inventory of all the billboards in the city was completed in 2003 and then updated in 2008, to ensure that the requirement of 5 years of non-conformity was met. This inventory found that between 2003 and 2008, about 300 billboards were removed, largely due to site redevelopment. In the same period, about 35 billboards were added, generally in industrial areas.

### Sign By-law Provisions for Billboards

Billboards are generally permitted only in the commercial and industrial areas of the city. Through various Sign By-law amendments adopted by Council following Public Hearings, additional limitations prohibit billboards in the following circumstances:

- Within 60 metres of a residentially zoned area (243 non-conforming billboards)
- Within 30 metres of a building with residential premises in Downtown South and Burrard Slopes (7 non-conforming billboards)
- In certain zoning districts and areas of the city, such as HA-3, RM-6(24 non-conforming billboards)
- Within 60 metres of a rapid transit or passenger rail line (39 non-conforming billboards)

The intent of these prohibitions is to minimize the visual impact of billboards on the city as a whole and in particular on residential districts. Some of the specific concerns raised include the impact of lighting and noise where indexing (rotation) is in place, the use of public streets and public realm for advertising and the view that billboards detract from pedestrian and residential environments. With respect to the prohibition of billboards near rapid transit or rail tracks, the intent is to deal with the potential negative impact to the visual image of the city if new billboards were concentrated along major city gateways. Others have noted benefits such as a source of income for property owners, opportunities for charity and non-profit organizations to advertise, and employment for workers in the billboard industry.

### Removal Authority

Billboards existing prior to Sign By-law amendments are considered legally non-conforming signs. Council has the authority to order the removal of signs (including billboards) that have been non-conforming for at least five years by passing a resolution supported by not less than two-thirds of all Councillors (s. 571A of the Vancouver Charter).

Staff are bringing this report forward at this time because both the 5 year inventory and the legal proceedings related to the Lee Building concluded in 2008.

### Past Input from the Billboard Industry

At the Public Hearing in June 2000, Council heard from a number of speakers regarding the amendment to the Sign By-law to prohibit billboards within 60m of a residential area. At this time, a representative from Pattison Outdoor, one of the two sign companies active in Vancouver noted that Pattison Outdoor would accept the distance of 60m to a residential zone, and would support the amendment. In addition, Council heard from the Outdoor Advertising Association of Canada, who proposed a 20m buffer between billboards and residential buildings, rather than the 60m proposed.

## DISCUSSION

### Removal Process

The removal process mandated under the Vancouver Charter will require significant staff resources and Council time. The process outlined below would be required for each of the 313 non-conforming billboards.

- 1) Staff prepare a report to Council along with a draft resolution for each non-conforming billboard.
- 2) At the Council meeting, the owner and other persons with legal interest in the matter must be given the opportunity to make representations to Council. Therefore, each affected property owner and other interested persons must be notified. While there are just two major sign companies with billboards in the city, the billboards are located on many privately-owned sites. It is anticipated that many owners will want to address Council about loss of revenue and hardship issues associated with the removal of the billboard.
- 3) After hearing from owners and other interested parties, Council will have to consider the circumstances of each case and decide whether or not to pass a resolution ordering the removal of the legally non-conforming billboard. Council's decisions have to be made on a case by case basis, based on the individual merits of each case rather than a blanket policy.
- 4) The resolution must be passed by two-thirds of all members of Council (i.e., at least eight votes).
- 5) If Council passes a resolution ordering removal of a billboard, staff must then take the necessary steps to enforce Council's order should the property owners refuse to comply with it. This may involve commencement of injunction proceedings or other litigation and will consume considerable Law Department resources.

### Removal Approach and Timing

Staff recommend beginning with billboards located within 30m of residential areas, followed by billboards beyond 30m but within 60m of residential areas and, finally, those within 60m of rapid transit and passenger rail lines and all other non-conforming billboards in other areas. If Council approves this approach, the removal process for the 118 non-conforming billboards within 30m of residential would take approximately 2 - 3 years. It will take approximately six years to deal with all the non-conforming billboards.

In the case of the 13 billboards located on City owned property, staff recommend that the Director of Real Estate be directed to terminate the leases for those billboards at the earliest opportunity permitted under the terms of the leases, in accordance with the approach outlined, i.e. starting with those billboards located within 30m of residential areas. This would mean 4 billboards.

Staff recommend the removal process commence immediately.

## Billboard Industry Input

Staff met with representatives of the two sign companies who own most billboards in the City (Pattison, CBS Outdoor) in early 2008. Staff explained the Council direction regarding non-conforming billboards and described the removal process. Both representatives expressed concern about the loss of opportunity that would result, as well as loss of jobs. In addition, they suggested the following alternatives:

- Increased opportunities around transit lines, including a decreased distance requirement
- Replacement of some billboards with digital billboards
- Increased opportunities for billboards in the entertainment district
- Opportunities for smaller billboards, building wraps
- Delay of removal requirement to a future time

## FINANCIAL IMPLICATIONS

The billboard inventory identified 13 non-conforming billboards on City-owned land. Four of these 13 non-conforming billboards are located within 30m of a residential area, and 2 are beyond 30m but less than 60m from a residential area. The remaining 7 non-conforming billboards are within 60m of passenger rail. In accordance with the phased removal approach outlined in this report, the 4 billboards closest to residential would be subject to removal as a first priority, and the Director of Legal Services recommends termination of their leases forthwith. The financial loss related to the removal of these 4 billboards is about \$74,000 per annum.

The remaining leases would be terminated according to the phased removal approach.

The removal of all of the 13 non-conforming billboards located on city-owned property will result in financial loss to the City of about \$207,000 per annum. Revenues paid to the City's Property Endowment fund would be reduced by an estimated \$157,000 and there would be an additional annual expense of about \$50,000 for maintenance (grass cutting, garbage removal) currently carried out by the sign companies on City property. In addition, an initial expenditure totalling about \$20,000 would be required for the installation of fencing on some sites to prevent problems such as dumping of garbage.

## CONCLUSION

Over the years, Council has expressed concern regarding the number and location of billboards in the City, and has enacted by-laws to limit billboards near residential areas and passenger rail lines. Council has the authority to order the removal of billboards that have been legally non-conforming for more than five years. Due to the removal requirements, staff are recommending a phased approach for bringing all non-conforming billboards for Council's consideration on individual basis as required under s. 571A of the Vancouver Charter. This approach would focus first on those billboards closest to residential areas. Affected sign companies have been consulted.

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