



ADMINISTRATIVE REPORT

Report Date: January 21, 2009
Contact: C. Robbins
Contact No.: 604.873.7563
RTS No.: 07880
VanRIMS No.: 08-2000-20
Meeting Date: March 5, 2009

TO: Standing Committee on Planning and Environment

FROM: Director of Licenses and Inspections

SUBJECT: Removal of Non-Conforming Rooftop sign and structure at 1880 - 1888 Main Street

RECOMMENDATION

- A. THAT Council approve the attached resolution and order the registered owners of the building at 1880 - 1888 Main Street, pursuant to Section 571A(2) of the Vancouver Charter, to remove the non-conforming sign and supporting sign structure located on the roof of the above noted building within 30 days of a copy of the resolution being served.
- B. THAT in the event that the owners fail to comply with the order set forth in the preceding paragraph, Council authorize the Director of Legal Services, in her discretion, to commence a legal action or proceeding in relation to the non-conforming rooftop sign at 1880 - 1888 Main Street and may in her discretion seek injunctive relief in that action or proceeding in order to have the rooftop sign removed.

GENERAL MANAGER'S COMMENTS

The General Manager of Community Services recommends approval of the foregoing. There is a long-standing Council policy (over 38 years) prohibiting rooftop signs in the City of Vancouver.

CITY MANAGER'S COMMENTS

The City Manager recommends approval of the foregoing.

COUNCIL POLICY

Sign By-law 6510 was amended in 1970 to prohibit rooftop signs.

Subsection 571A(2) of the Vancouver Charter, authorizes Council by resolution of not less than two-thirds of all its members, to order the removal of any sign, whether located on private or on public property which has been non-conforming for not less than five years.

PURPOSE

The purpose of this report is to request that Council order the removal of the existing non-conforming sign and supporting structure on the roof of the building at 1880-1888 Main Street. In addition, this report supports Council's longstanding policy of prohibiting rooftop signs.

BACKGROUND

The Sign By-law defines a sign as any device, notice or medium including its structure and other components, which is visible from any street or from any site other than the one on which it is located and which is used or is capable of being used to attract attention for advertising etc.

In 1970, in response to concerns expressed by citizens about the proliferation and overcrowding of signs in the City, Council amended the by-law regulating signs to prohibit rooftop signs and billboards near bridges and freeway approaches.

In 1976, Council approved a directive requesting voluntary and gradual phasing out of signs (including rooftop signs) in the City which had become non-conforming as a result of the 1970 amendments. Following this directive, it was reported that over 420 non-conforming signs were voluntarily removed.

In 1980, Council adopted a resolution providing that any non-conforming rooftop signs still in existence be ordered removed.

Since 1996, Council has approved various Sign By-law amendments prohibiting billboards adjacent to residential zones, rapid transit or passenger rail lines, etc. The intent of the Sign By-law provisions that prohibit billboards is to minimize their visual impact on the city as a whole and in particular on residential districts as well as along major city gateways.

As a result of these by-law amendments, it is estimated that approximately 250 existing billboards are non-conforming. Staff are preparing a report back to Council on a removal strategy for these billboards.

To the best of our knowledge, this is one of only two remaining rooftop signs (billboards) in Vancouver. The existence of this rooftop sign came to our attention when we were enforcing removal of the non-conforming rooftop sign on the Lee Building at 175 East Broadway. Due to a lengthy legal process, compliance with Council's order on the Lee Building was not achieved until December of 2008. Now that the rooftop sign on the Lee Building has been removed, we have turned our attention to this rooftop sign.

Staff initially sent an order to the owners of the property requiring removal of this sign. Because the owners failed to remove the sign, it was referred to the City Prosecutor for charges. This enforcement action prompted an inquiry by legal counsel for Pattison Outdoor Advertising Ltd. as to the legal status of this sign. It was then discovered that the rooftop sign had been legally installed under a Building Permit issued in 1958. However, the passing of the 1970 amendment to the Sign By-law resulted in this sign becoming non-conforming to the current regulations.

Accordingly, the charges were withdrawn and the owners and their legal counsel were advised that this matter would be brought before City Council for consideration under Section 571A of the Vancouver Charter.

DISCUSSION

The non-conforming sign and sign structure at 1880 - 1888 Main Street constitutes a vested right which - at Council's discretion - may be terminated pursuant to s. 571A(2) of the Vancouver Charter.

The continued existence of this rooftop sign does not accord with Council's 39 year policy prohibiting rooftop signs in Vancouver and is not in conformance with the current provisions of the Sign By-law prohibiting rooftop signs in Vancouver.

The owners of the property have been invited before Council in order to make representations regarding this matter.

FINANCIAL IMPLICATIONS

There are no financial implications.

CONCLUSION

It is recommended that the non-conforming sign and sign structure located on the roof of the building located at 1880 - 1888 Main Street be ordered to be removed.

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In the Matter of Section 571A(2) of the
Vancouver Charter and
1880 - 1888 Main Street

RESOLUTION

Be it resolved by the Council of the City of Vancouver:

- i. THAT the non-conforming sign and supporting sign structure located on the roof of the building at 1880 - 1888 Main Street, Lot A, Block 15, Plan 934, District Lot 200A, New Westminster, PID 015-051-943, be removed.
- ii. THAT the owners of the building at 1880 - 1888 Main Street are hereby ordered to remove the non-conforming rooftop sign and supporting sign structure within 30 days of a copy of this resolution being served.
- iii. THAT in the event that the owners fail to comply with the order set forth in the preceding paragraph, the Director of Legal Services be authorized to commence a legal action or proceeding in relation to the non-conforming rooftop sign at 1880 - 1888 Main Street and may in her discretion seek injunctive relief in that action or proceeding in order to have the rooftop sign and supporting sign structure removed.

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