

**REPORT TO THE SUBDIVISION AND  
DEVELOPMENT APPEAL BOARD**

<b>DATE:</b> <del>February 23, 2023</del> , April 13, 2023	<b>APPEAL NO.:</b> SDAB2023-0007 <b>FILE NO.:</b> DP2022-04716
<b>APPEAL BY:</b> Devan Reed, Pattison Outdoor Advertising, represented by Rick Grol	
<b>FROM A DECISION OF THE DEVELOPMENT AUTHORITY</b> where a  Temporary Use: Sign - Class F & G (Third Party Advertising Sign - east face, Digital Third Party Advertising Sign - west face)  was refused at <u>2807 Ogden Road SE</u> .	<b>LAND USE DESIGNATION:</b> I-G  Discretionary
<b>COMMUNITY OF:</b> Alyth/Bonnybrook	<b>DATE OF DECISION:</b> January 20, 2023
<b>APPLICANT:</b> Devan Reed, Pattison Outdoor Advertising, represented by Rick Grol	<b>OWNER:</b> 2291830 Alberta Ltd.

The hearing commenced on February 23, 2023 with consideration of procedural and jurisdictional issues. The Board adjourned the matter to April 13, 2023.

**Notes:**

- Notice has been given of the hearing pursuant to the *Municipal Government Act* and Land Use Bylaw, including notices to parties who may be affected by the appeal. The final determination of whether a party is an “affected person” will be made by the Board if required.
- This Report is provided as a courtesy only. The Board’s record may include additional materials, including notifications to affected parties and correspondence of a procedural or administrative nature. The Board’s record may be viewed at the Appeal Board office at: 4<sup>th</sup> Floor, 1212 31 Avenue NE, Calgary, Alberta during regular office hours.

In accordance with Sections 678 and 686 of the Municipal Government Act and The City of Calgary Bylaw 25P95, as amended, an appeal to the Subdivision and Development Appeal Board must be filed within the legislated time frame and each Notice of Appeal must be accompanied by the legislated fee.

Municipal Address of Site Under Appeal [required]	2807 Ogden Road SE
Development Permit/Subdivision Application/File Number [required]	DP2022-04716
Name of Appellant [required]	PATTISON Outdoor Advertising
Agent Name (if applicable)	
Street Address [required]	#274, 1011 9 Avenue SW
City [required]	Calgary
Province [required]	Alberta
Postal Code [required]	T2G 0H7
Residential Phone # [required]	(403) 770-5735
Business Phone #	
Email Address [required]	dreed@pattisonoutdoor.com

## APPEAL AGAINST

Required field. Check one item only: for multiple appeals you must submit another Notice of Appeal.

Development Permit Refusal

Final Date of Appeal	SDAB Number	Fee Paid?	Hearing Date	Date Received
<b>February 10, 2023</b>	<b>SDAB2023-0007</b>		<b>February 23, 2023</b>	<b>February 1, 2023</b>

ISC: Unrestricted

1/3

This document is strictly private, confidential and personal to its recipients and should not be copied, distributed or reproduced in whole or in part, nor passed to any third party.

Feb 1, 2023

11:46:41 AM

**SDAB2023-0007**

I do hereby appeal the decision of the Subdivision/Development Authority for the following reasons [required]

Please see the attached PDF document for reasoning.

In order to assist the Board in scheduling, please answer the following questions to the best of your ability:

Estimated Presentation Time 1.5 hours

Will you be using an agent/legal counsel? [required] Yes

Do you anticipate any preliminary issues with your appeal? (i.e. jurisdiction, parties status as affected persons, adjournment, etc.)? [required] No

If yes, what are the issues?

Do you anticipate bringing any witnesses/experts to your hearing? [required] Yes

If yes, how many will you be bringing? 1

*I confirm and acknowledge that*

- *I have read and understood this form;*
- *The information I have provided is accurate to the best of my knowledge; and*
- *I am responsible for paying the appeal fee and my notice of appeal will not be considered filed until my appeal fee has been received.*

Submission Date 2023-02-01

*This personal information is collected under the authority of the Freedom of Information and Protection of Privacy Act, section 33(c) and the Municipal Government Act, Sections 678 and 686. THIS INFORMATION WILL BE USED FOR PROCESSING YOUR APPEAL AND WILL BECOME PART OF A PUBLIC AGENDA. If you have any questions regarding the collection of this information, contact the Tribunal Coordinator, City Appeal Boards at 403-268-5312 or PO Box 2100, Stn "M", #8110, Calgary, AB, T2P 2M5.*

## Schedule A

### Reasons for the Appeal

1. In refusing the development permit application, the Development Authority (DA) failed to properly:

- (a) Evaluate the application;
- (b) Exercise its discretion pursuant to the Land Use Bylaw;
- (c) Apply the applicable Land Use Bylaw provisions that govern the site;
- (d) Have regard to the applicable plans and policies affecting the parcel;
- (e) Review the merits of the application for the proposed development; and
- (d) Apply sound planning principles.

2. The proposed Third Party Advertising Signs (double sided, one static face/panel "Sign-Class F" and one digital face/panel "Sign-Class G") replaces a double sided static Third Party Advertising Sign that existed in the same location for many years without interruption.

3. We respectfully disagree with the DA's review and assessment of the development permit application. The DA incorrectly determined that the digital panel of the proposed sign would result in traffic safety concerns and that rotating messages rotating messages of the LED sign would be a distraction and taking the driver's attention away from the two guide signs in the vicinity. There is no evidence that digital signs are more distracting than static signs.

3. In addition, contrary to the DA's assessment, the proposed sign does not result in two Third Party Advertising Signs facing the same traffic within 75.0 m. The proposed signs are not oriented to and not facing the "same traffic" than the nearest Third Party Advertising Sign, which is oriented to traffic on Ogden Rd.

4 In our opinion, the location for the proposed signs is an appropriate location for Third Party Advertising Signs and the proposed signs are compatible with the adjacent developments. The proposed signs do not materially interfere with or affect the use, enjoyment and value of neighboring properties, and do not unduly interfere with the amenities of the neighborhood. At the hearing we will provide supporting evidence that demonstrates that the test for Bylaw relaxation is met.

5. Such other grounds as may be submitted prior to and at the hearing.

6. We respectfully request that this appeal be scheduled for a Procedural and Jurisdictional Hearing. We require full disclosure from the DA regarding the DP application materials and all circulation reviews by City departments and other stakeholders, before being able to submit our written submissions for the merit hearing.

Respectfully,

Pattison Outdoor Advertising



The City of Calgary  
Planning & Development Services

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# Development Authority Appeal Response

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**Appeal Number:** SDAB2023-0007

**Development Permit Number:** DP2022-04716

**Address:** 2807 Ogden RD SE

**Description:** Temporary Use: Sign - Class F & G (Third Party Advertising Sign - east face, Digital Third Party Advertising Sign - west face)

**Land Use:** Industrial – General (I-G)

**Community:** Alyth/Bonnybrook

**Identified Appeal Body:**  
Subdivision and Development Appeal Board (SDAB)

**Development Authority Attendance:** Yes/ No/ Tentative

**Use:** Discretionary

**Notice Posted:** Not Required

**Public Response(s) Received?** No

**Applicable Planning Policies:**  
Calgary Third Party Advertising Guidelines

**Bylaw Relaxations:**  
The development requires the following Land Use Bylaw relaxations:

	Bylaw Requirement	Provided
115.3 Siting of Digital Third Party Advertising Signs	(3) A digital third party advertising sign: (b) must not be located within 75.0 m of any Third Party Advertising Sign facing the same on-coming traffic and must not result in more than two (2) signs displaying third party advertising greater than 4.6 m in height and 4.5 m <sup>2</sup> in area within a 225.0 m radius of each other facing the same street;	A Third Party Advertising Sign is located within 75.0 m (57.24 m) facing the same street.
	(6) A freestanding digital third party advertising sign must be separated from: (a) a Directional Sign, exceeding 3.0 m <sup>2</sup> in sign area, in a street right-of-way; (c) the curblineline or edge of a major street, expressway or freeway, to the satisfaction of the General Manager transportation or his delegate.	Transportation – City Traffic Engineer (Roads) does not support the location.

**Additional Factors, Considerations, and/or Rationale:**

1. Please see the Reasons for Refusal.
2. In response to the Notice of Appeal:
  - a) The proposed sign will be within 75.0 metres of another third party advertising sign. The proposed sign and the existing sign do not face the same oncoming traffic however, the proposed sign does not meet the second part of the rule that states *must not result in more than two (2) signs displaying third party advertising greater than 4.6 metres in height and 4.5 square metres in area within a 225.0 metre radius of each other facing the same street.* Both signs face the same street.

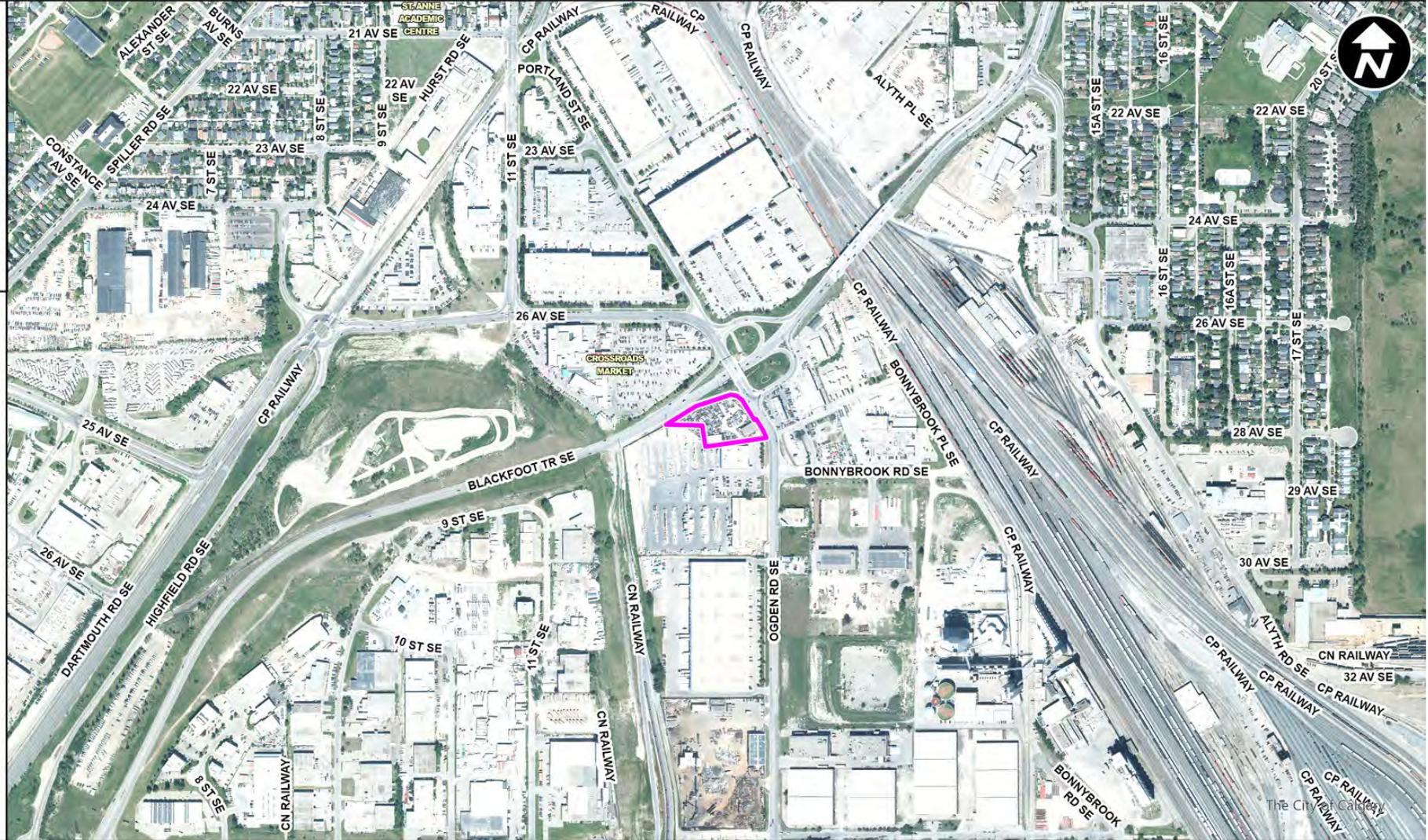


3. The Development Authority may provide additional materials prior to the merits hearing.

# Community Context SDAB2023-0007

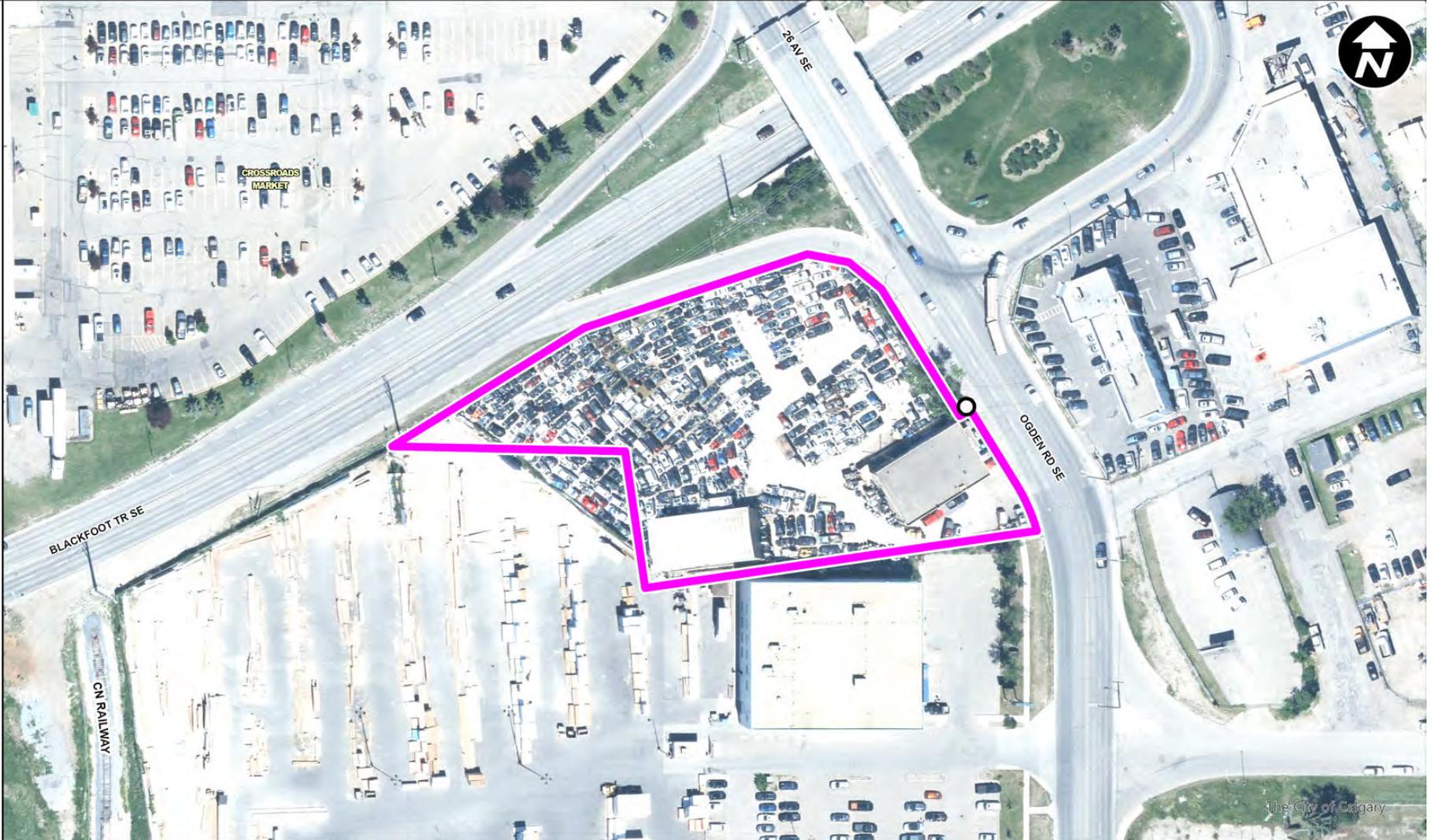


- Subject Site
- 600m buffer from LRT Station
- City Limits
- LRT Stations
- Blue
- Blue/Red (Downtown)
- Red
- Green (Future)
- LRT Line
- Blue
- Blue/Red
- Red
- Max BRT Stops
- MAX Orange
- MAX Purple
- MAX Teal
- MAX Yellow
- MAX Multi

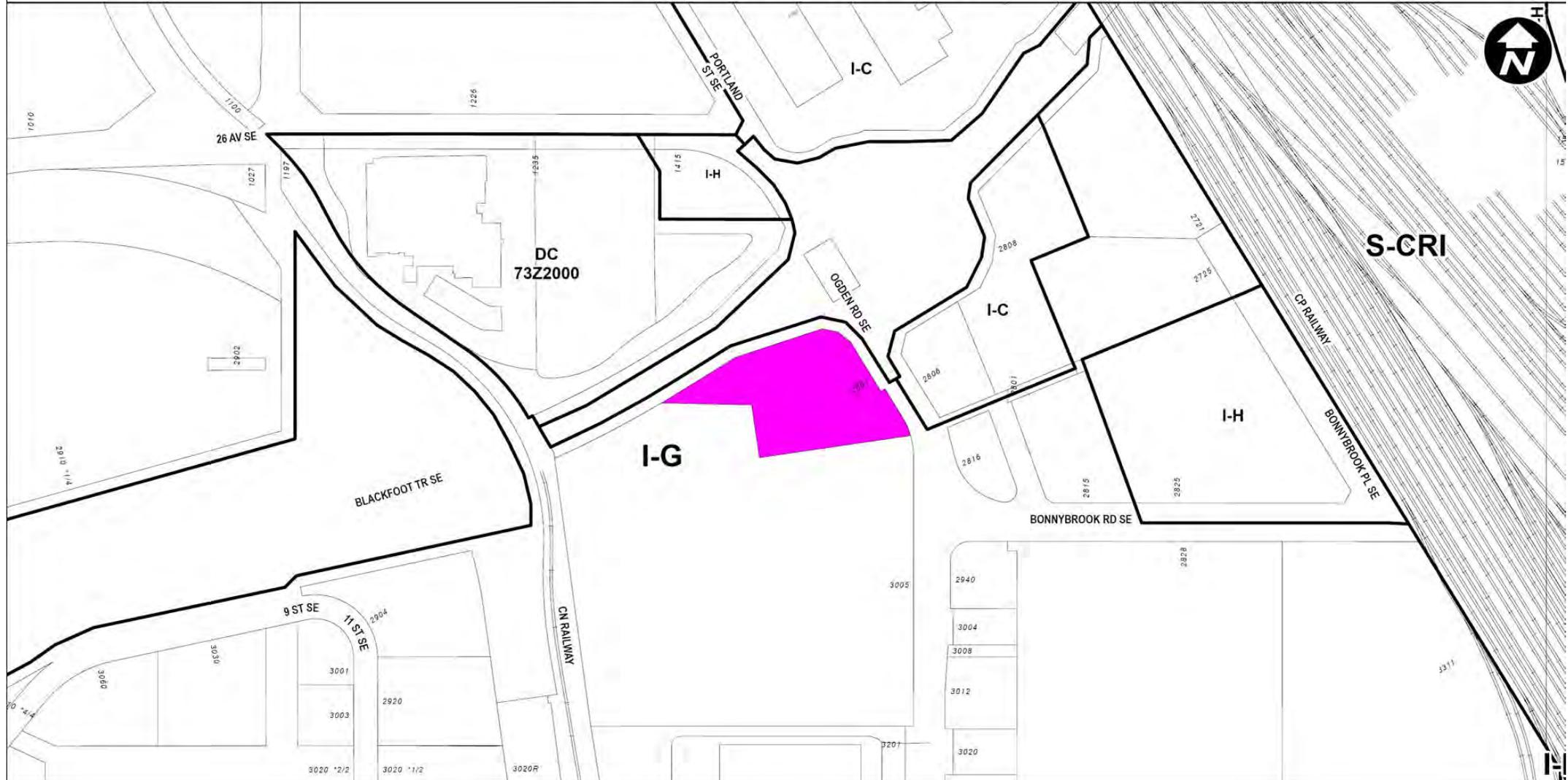


Site Context SDAB2023-0007

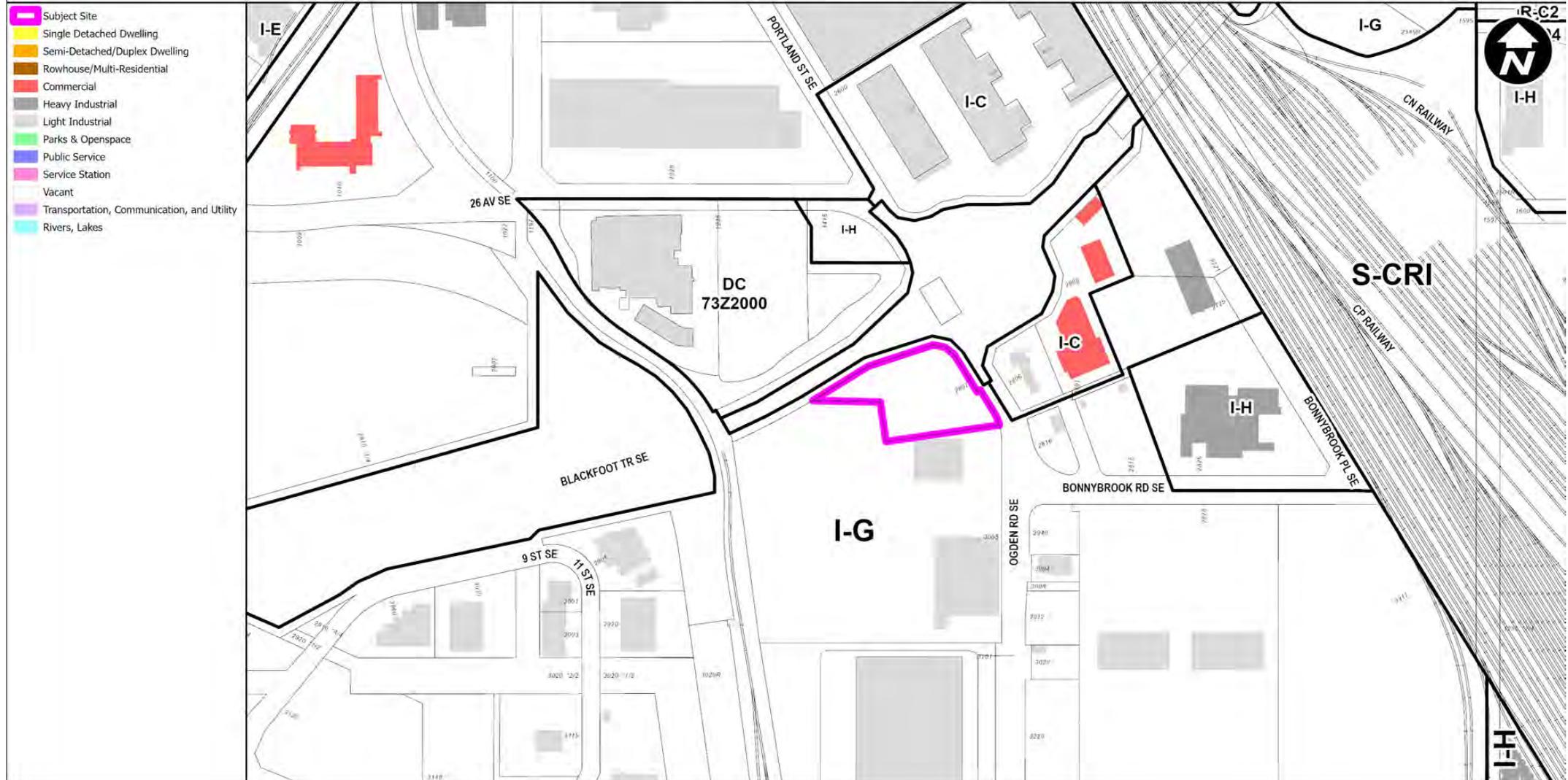
-  Subject Site
-  600m buffer from LRT Station
-  City Limits
- LRT Stations**
  -  Blue
  -  Blue/Red (Downtown)
  -  Red
  -  Green (Future)
- LRT Line**
  -  Blue
  -  Blue/Red
  -  Red
- Max BRT Stops**
  -  MAX Orange
  -  MAX Purple
  -  MAX Teal
  -  MAX Yellow
  -  MAX Multi
  -  Bus Stop



Land Use Districts SDAB2023-0007



Surrounding Land Use SDAB2023-0007



**Samnick, Cyrille**

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**From:** Yakemchuk, Michele  
**Sent:** Friday, January 20, 2023 9:53 AM  
**To:** [REDACTED]ttisonoutdoor.com  
**Cc:** Wilkinson, Mathew  
**Subject:** Notification of Decision for DP2022-04716 at 2807 OGDEN RD SE  
**Attachments:** DP2022-04716 Notification.pdf; DP2022-04716 Reasons for Refusal.pdf



Hello Devan,

This is your notification of the decision by the Development Authority to refuse the above-noted Development Permit application. Attached is the Notification of Refusal and the Reasons for Refusal. You have **21 days** to file an appeal, please review the attached Notification of Refusal letter for more information.

For more information about the Development Permit process please visit [www.calgary.ca/dpprocess](http://www.calgary.ca/dpprocess).

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Please contact me if you have any questions or concerns about your Development Permit.

Thank You,  
Michele

**Michele Yakemchuk**  
Senior Planning Technician  
Development & Subdivision Application Services | Community Planning  
Planning and Development Services  
T. 403.333.5612 | [www.calgary.ca](http://www.calgary.ca)

ISC: Protected



January 20, 2023

REED, DEVAN



**RE: Notification of Decision for DP2022-04716**  
**Subject: Temporary Use: Sign - Class F & G (Third Party Advertising Sign - east face, Digital Third Party Advertising Sign - west face)**  
**Address: 2807 OGDEN RD SE**

This is your notification of the decision by the Development Authority to refuse the above noted Development Permit application on January 20, 2023. Attached are the Reasons for Refusal.

If you wish to appeal, submit your appeal with reasons and the \$200.00 filing fee to the Subdivision and Development Appeal Board within 21 days of this notice of decision being given. The appeal may be filed online at [www.calgarysdab.ca](http://www.calgarysdab.ca) or in person or by mail.

Should you have any questions or concerns, please contact me at 403-651-5459 or by email at [Mathew.Wilkinson@calgary.ca](mailto:Mathew.Wilkinson@calgary.ca).

Sincerely,

MATHEW WILKINSON  
Senior Planning Technician  
Planning and Development



## Reasons for Refusal for DP2022-04716

This document summarizes the development permit review and refusal reasons. Information about the application process, Land Use Bylaw relaxations and other supporting information for the decision are included.

### Proposed Use

This application seeks approval for a new two-sided Third Party Advertising Sign, at 2807 Ogden Road SE in the community of Alyth/Bonnybrook. The sign will have a non-digital panel on the east side (Sign – Class F) and a digital panel on the west side (Sign – Class G). The proposed sign is intended to replace an existing two-sided Sign-Class F that was approved in 2021. The parcel is designated Industrial-General (I-G) District under the Land Use Bylaw and both signs are discretionary uses in this district.

### Planning Review and Analysis

During the review, the Development Authority considered the rules of the Land Use Bylaw, the Calgary Third Party Advertising Guidelines, the technical expertise provided by the City Traffic Engineer and the compatibility and impact of the proposed development with respect to the area context.

The proposed sign is located beside the Blackfoot Trail SE exit ramp onto Ogden RD SE. The sign is located 1.76 metres from the north property line which runs parallel to the Blackfoot Trail exit ramp. It is intended to be viewed by eastbound and westbound drivers on Blackfoot Trail SE and southbound drivers on Ogden RD SE, including the exit ramp from Ogden RD SE to Blackfoot Trail SE. Each sign panel will be 6.09 metres wide by 3.05 metres tall with a sign area of 18.5 square metres. The overall height of the structure will be 8.3 metres when measured from grade.

The Calgary Third Party Advertising Sign Guidelines provides guidance for the location and siting of Third Party Advertising Signs. The guideline places a high value on public safety, stating “Third Party Advertising Signs must be located on private property along streets in such a way that their location mitigates or avoids risk to public safety. The location should not create an obstruction to vision or contribute to visual confusion with official traffic control devices”. The Guideline also states “Applications will be circulated to the Transportation Department for review of visibility and public safety issues”. Furthermore, the guideline seeks to maintain “proper visibility of all signs and avoid visual sign clutter” by advising that minimum separation distances between Third Party Advertising Signs be met.

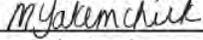
The City Traffic Engineer completed an analysis of the effect of the proposed sign on traffic safety. Concerns of traffic safety were raised as the rotating messages of the LED sign would be a distraction and taking the driver’s attention away from the two guide signs in the vicinity, especially in low-light conditions. The analysis also found that the shape of the proposed sign resembles a guide sign as well.

The Calgary Third Party Guidelines are reflected in the rules of the Land Use Bylaw, which requires a separation distance of 75.0 m between any Third Party Advertising sign, facing the same street. Also, a freestanding Digital Third Party Advertising Sign must be separated from Directional Signs exceeding 3.0 square metres and the curbline or edge of a major street, expressway or freeway to the satisfaction of the General Manager Transportation or his delegate. The proposed sign will result in two Third Party Advertising Signs facing the same traffic within 75.0 m and is not supported by City Transportation Department.

As a Discretionary Use, sections 35, 36 and 37 were applied. The Development Authority believes the sign location is inappropriate as it is contrary to the policy and rules of the Land Use Bylaw.

### Decision

For the above-noted reasons, this application is refused.

  
 Michele Yakemchuk, Development Authority

Jan 20, 2023  
 Date



**Attachments for DP2022-04716**

**Site and Context**



<b>Process</b>	
<b>Notice Posting</b>	Notice Posting was not required as per Section 27 of the Land Use Bylaw.
<b>Circulation</b>	City Traffic Engineer representative – Objection
<b>Public Responses</b>	No comments were received.
<b>Bylaw Review</b>	The application does not comply with the Land Use Bylaw as shown in the Bylaw Relaxations table below.



## Key Land Use Bylaw Provisions

### Discretionary Use Development Permit Application

**35** When making a decision on a *development permit* for a *discretionary use* the *Development Authority* must take into account:

- (a) any plans and policies affecting the *parcel*;
- (b) the purpose statements in the applicable land use district;
- (c) the appropriateness of the location and *parcel* for the proposed *development*;
- (d) the compatibility and impact of the proposed *development* with respect to *adjacent development* and the neighbourhood;
- (e) the merits of the proposed *development*;
- (f) the servicing requirements;
- (g) access, parking and transportation requirements;
- (h) vehicle and pedestrian circulation within the *parcel*;
- (i) the impact on the public transit system; and
- (j) sound planning principles.

### Discretionary Use That Does Not Comply

**36** (1) The *Development Authority* may approve a *development permit* application for a *discretionary use* where the proposed *development* does not comply with all of the applicable requirements and rules of this Bylaw if in the opinion of the *Development Authority*:

- (a) the proposed *development* would not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring properties; and
- (b) the proposed *development* conforms with a *use* prescribed by this Bylaw for that land or *building*.

### Development Authority's Decision

**37** (1) The *Development Authority* may approve, either permanently or for a limited period of time, a *development permit* application for a *discretionary use*, and may impose the conditions enumerated in section 38 of this Part.

- (2) The *Development Authority* may refuse a *development permit* application for a *discretionary use* even though it meets the requirements and rules of this Bylaw.



<b>Purpose</b>	
67	This Division is intended to regulate <i>signs</i> in order to: <ul style="list-style-type: none"> <li>(a) balance the need for signage and expression with safety and aesthetics;</li> <li>(b) support a hierarchy of <i>signs</i> which places informational and directional <i>signs</i> at a higher order than commercial <i>signs</i> through the regulation of the size, location and structure of <i>signs</i>;</li> <li>(c) provide many opportunities for the identification of businesses and <i>buildings</i>; and</li> <li>(d) prevent <i>sign</i> proliferation, to ensure that the effectiveness of informational and identification signage is not undermined through visual clutter.</li> </ul>
<b>Siting of Digital Third Party Advertising Signs</b>	
115.3 (3)	A Digital Third Party Advertising Sign: <ul style="list-style-type: none"> <li>(b) must not be located within 75.0 metres of any <b>Third Party Advertising Sign</b> facing the same on-coming traffic and must not result in more than two (2) <i>signs</i> displaying third party advertising greater than 4.6 metres in height and 4.5 square metres in area within a 225.0 metre radius of each other facing the same <i>street</i>;</li> </ul>
(6)	A freestanding <b>Digital Third Party Advertising Sign</b> must be separated from: <ul style="list-style-type: none"> <li>(a) a <b>Directional Sign</b>, exceeding 3.0 square metres in <i>sign area</i>, in a <i>street</i> right-of-way;</li> <li>(b) a <i>street</i> intersection or railway crossing by at least 30.0 metres; and</li> <li>(c) the curblin e or edge of a <i>major street, expressway</i> or freeway, to the satisfaction of the General Manager Transportation or his delegate.</li> </ul>

<b>Bylaw Relaxations</b>		
	<b>Bylaw Requirement</b>	<b>Provided</b>
<b>115.3 Siting of Digital Third Party Advertising Signs</b>	(3) A digital third party advertising sign: (b) must not be located within 75.0 m of any Third Party Advertising Sign facing the same on-coming traffic and must not result in more than two (2) signs displaying third party advertising greater than 4.6 m in height and 4.5 m <sup>2</sup> in area within a 225.0 m radius of each other facing the same street;	A Third Party Advertising Sign is located within 75.0 m (57.24 m). facing the same on-coming traffic.
	(6) A freestanding digital third party advertising sign must be separated from: (a) a Directional Sign, exceeding 3.0 m <sup>2</sup> in sign area, in a street right-of-way; (c) the curblin e or edge of a major street, expressway or freeway, to the satisfaction of the General Manager transportation or his delegate.	Transportation – City Traffic Engineer (Roads) does not support the location.



### Comments from Transportation

*I understand that these are existing static signs and they would like to upgrade it to digital signs. The potential concern is that the rotating messages of the LED sign would be a distraction and taking the drivers' attentions away from the 2 guide signs, especially at low light conditions. Also the shape of the sign resembles a guide sign as well.*

*With the above reasons it's acceptable to maintain the existing sign as a static one (given that it has been there for a long time even it's against the current bylaw.), but not recommending the upgrade to a LED sign.*





## Calgary Third Party Advertising Sign Guidelines

### 4. Principles of Third Party Advertising Sign Regulation

#### (B) Location and Siting

The appropriate location and placement of a Third Party Advertising Sign in an area produces a compatible relationship with other buildings, signs and the surrounding context. Achieving an appropriate distribution and spacing of Third Party Advertising Signs along a street or corridor promotes visibility, public safety and a sound streetscape. It also avoids creating visual sign clutter from the proliferation of too many signs.

#### Principles

- II. Third Party Advertising Signs must be located on private property along streets in such a way that their location mitigates or avoids risk to public safety. The location should not create an obstruction to vision or contribute to visual confusion with official traffic control devices.
- III. The placement of a Third Party Advertising Sign on a property must satisfy appropriate minimum setbacks from other buildings and structures on the parcel, street edges and parcel lines, other Freestanding Signs, other Third Party Advertising Signs, and Digital Message Signs. This will reduce sign proliferation and clutter which should be discouraged.
- V. Along a street or corridor, minimum separation distances between Third Party Advertising Signs on different properties will maintain proper visibility of all signs and avoid visual sign clutter along the streetscape including the undue concentration of Third Party Advertising Signs along a street.

#### (D) Illumination and Operational Characteristics

The technology of a digital display makes the entire Third Party Advertising Sign a direct light source and the sign must emit light both day and night to be visible. The sign's highest luminance levels or brightness are during the day in order to be seen in sunlight. Less luminance is required at night.

#### Principles

- V. Minimum separation distances between Digital Third Party Advertising Signs, Digital Message Signs and Third Party Advertising Signs will maintain proper visibility and prevent a proliferation of signs with automatically changing messages that could impact area aesthetics and the streetscape.

#### (E) Development Permit Review Process

The flexibility inherent in the development permit process for discretionary uses such as Third Party Advertising Signs allows The City to tailor the development permit approval to the specific circumstances of the location of the proposed Third Party Advertising Sign and its surrounding context.

The review of development permit applications involving Third Party Advertising Signs should take into account matters including: any relevant plans or policies, the suitability of the location and parcel for the Third Party Advertising Sign, compatibility and impact of the Third Party Advertising Sign on adjacent development, and principles of good planning.

#### Principles

- II. Applications will be circulated to the Transportation Department for review of visibility and public safety issues.



Public Trees

 Yes No N/A

## Sign Details

Digital third party advertising sign (Class G)

Digital Third Party Advertising Signs

Number of Signs: 1

1. Digital Third Party Advertising Signs Details

Q: Is the Sign new or existing?

A: New

Q: Are there any freestanding advertising signs within 30 metres of the proposed sign?

A: No

Q: Are there any digital third party advertising signs or digital message signs within 300 metres of the proposed sign?

A: No

Q: Will there be more than two third party advertising signs within a 225 metre radius of each other, facing the same street?

A: No

Q: Are there any digital third party advertising signs less than 4.6 metres high and 4.5 square metres in area (such as "pillar ads") within a 30 metres of the proposed sign?

A: No

Q: Is the proposed sign within, and visible from, 125 metres of a building containing a dwelling unit?

A: No

Q: Proximity to Sensitive Areas

Is the proposed sign located in or within 450 metres of any of the following?

A major park

A: No

Q: An escarpment

A: No

Q: A civic pathway

A: No

Q: A riverbank

A: No

Q: A natural area

A: No

Q: Is the power provided underground?

A: Yes

Q: Is the sign equipped with an ambient light metre (which will operate at all times the sign is operating)?

A: Yes

Q: Can the sign be set to not exceed 3.0 LUX?

A: Yes

Q: Industrial

Maximum Luminance (Nits) -- Sunrise to Sunset: 7500 -- Sunset to Sunrise: 500

A: Selected

Q: How often is the sign messaging proposed to change?

A: Every 6 Seconds

Q: 24 Hour Monitoring Contact

If the following information changes, the sign owner must provide The City with updated information, within 48 hours, by contacting 403-268-5311.

Applicant name:

A: Barry Bereziuk

Q: Company name:

A: Pattison Outdoor

Q: Contact email:

A: [bbereziuk@pattisonoutdoor.com](mailto:bbereziuk@pattisonoutdoor.com)

Q: Contact phone:

A: 4037705750

Q: Alternative contact phone:

A: 4037705735

**Submitted Documents**

Document Type: ARCHITECTURAL  
Document SubType: PLANS  
Document Name: Merged Site Block Structure 2807 Ogden Rd SE DIG.pdf

Document Type: SUPPORTING DOCUMENT  
Document SubType: CERTIFICATE OF TITLE  
Document Name: Current Title 2807 Ogden Rd.pdf

Document Type: SUPPORTING DOCUMENT  
Document SubType: LETTER OF AUTHORIZATION  
Document Name: Pattison authorization Jul 3 2022.pdf

Document Type: SUPPORTING DOCUMENT  
Document SubType: PHOTOS  
Document Name: Photos 2807 Ogden RD SE.pdf

Document Type: SUPPORTING DOCUMENT  
Document SubType: PUBLIC TREE DISCLOSURE  
Document Name: Public Tree Site Contamination 2807 Ogden RD SE.pdf

The personal information obtained on this form is being collected under the authority of section 33(c) of the FOIP Act. This information is being collected for the purpose of our inspection processes (if required) and will be disclosed to relevant City Business Units, Federal and Provincial agencies, Utility companies, Community Associations/Groups/Organizations, Adjacent Municipalities, Municipal school boards and/or any agencies required for review as part of the application review process. It may also be used to conduct ongoing evaluations of services received from Planning & Development. The name of the applicant and the nature of the application will be available to the public, as authorized by the FOIP Act. You may direct questions about the collection, use or disclosure of your personal information by the City of Calgary at 800 Macleod Trail SE Calgary, Alberta in relation to this program by emailing the FOIP Program Administrator for Planning and Development at [plngbldg@calgary.ca](mailto:plngbldg@calgary.ca) or by telephone at (403)268-5311.

## Online Services Terms of Use

PLEASE REVIEW THESE TERMS OF USE CAREFULLY. BY ACCESSING AND USING THIS ELECTRONIC ONLINE SERVICES WEBSITE, YOU ACCEPT AND AGREE TO THE FOLLOWING TERMS OF USE. IF YOU DO NOT AGREE WITH THESE TERMS OF USE YOU ARE NOT AUTHORIZED TO USE THIS ONLINE SERVICES SITE AND MUST IMMEDIATELY DISCONTINUE USE OF THIS ONLINE SERVICES SITE.

### 1. Interpretation

These **Online Application Consent and Confirmation of Applicant** supplement, and shall be interpreted consistently with, the general Terms of Use for the City of Calgary's website, found at the bottom of each web page.

### 2. Accuracy of Information Submitted

You acknowledge and agree that your electronic submission of information to The City of Calgary ("The City") using this Online Application is true and accurate and is intended to be your permit application to The City.

### 3. Consent to Electronic Decision

I agree that The City can issue its formal decision to in electronic form (e.g. electronic mail) to the email address provided through the Online Application. If my email address changes I will advise The City of the new email address or provide a mailing address for the formal approval.

### 4. Electronic Submission

Except as may otherwise be required by The City, you must only submit, provide and accept information or records related to your application in electronic form and you will not re-submit your application in paper form. The City does not guarantee that the entire electronic permit application process will be completed electronically, and The City reserves the right in its sole discretion to require you to submit information and records relating to your application in paper form.

### 5. Complete Application

I acknowledge that The City may inactivate or cancel incomplete permit applications that do not contain all of the requested information at The City's sole discretion.

### 6. Changes to Site and Terms of Use

The City reserves the right to make changes to this Online Services Site, the Terms of Use and provide

additional terms at any time without notice. The changes or additional terms are effective immediately upon being posted to this Online Services Site. Your use of the Online Services Site will be subject to the Terms of Use posted on the Online Services Site at the time of use. In the event any of the provisions of the Terms of Use are determined to be invalid, void, or unenforceable for any reason, that provision will be deemed to be severable and will not affect the validity or enforceability of any remaining condition of the Terms of Use. You may be asked to agree to separate terms of use for other pages or applications used elsewhere on The City's website.

#### 7. Disclaimer of Warranties and Conditions

THE CONTENTS, PRODUCTS AND SERVICES ON THIS ONLINE SERVICES SITE AND YOUR USE OF THIS ONLINE SERVICES SITE ARE PROVIDED IN GOOD FAITH ON AN "AS IS" AND "AS AVAILABLE" BASIS. YOU RELY ON THE INFORMATION CONTAINED IN THIS ONLINE SERVICES SITE AT YOUR OWN RISK.

THE CITY DISCLAIMS ALL WARRANTIES OR CONDITIONS, EXPRESS OR IMPLIED, WITH RESPECT TO THE CONTENTS, PRODUCTS AND SERVICES CONTAINED ON THIS ONLINE SERVICES SITE, INCLUDING WITHOUT LIMITATION, IMPLIED WARRANTIES AND CONDITIONS OF TITLE, MERCHANTABILITY, FITNESS FOR ANY PARTICULAR PURPOSE AND NON-INFRINGEMENT. THE CITY FURTHER DISCLAIMS ANY AND ALL WARRANTIES REGARDING SECURITY, CURRENCY, CORRECTNESS, QUALITY, ACCURACY, COMPLETENESS, RELIABILITY, PERFORMANCE, TIMELINESS, OR CONTINUED AVAILABILITY WITH RESPECT TO THE ONLINE SERVICES SITE OR YOUR USE OF THE SITE. THE CITY FURTHER DISCLAIMS ALL WARRANTIES WITH RESPECT TO ANY DELAYS OR ERRORS IN THE TRANSMISSION OR DELIVERY OF ANY MATERIALS, PRODUCTS OR SERVICES AVAILABLE THROUGH THIS ONLINE SERVICES SITE. THESE DISCLAIMERS APPLY TO THE FULLEST POSSIBLE EXTENT IN JURISDICTIONS THAT LIMIT THE EXCLUSION OF IMPLIED WARRANTIES.

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#### 8. Privacy Statement and Collection of Personal Information

Any information, including personal information, contained in a permit application submitted by using this site is being collected under the authority of The Calgary Building Permit Bylaw 64M94 (for Building Permits) or the Municipal Government Act, Section 640, and The City of Calgary Land Use Bylaw 1P2007 (Part 2) (for Development Permits) as well as the *Alberta Freedom of Information and Protection of Privacy Act* ("FOIP"), Section 33(a) and (c). This information will be used for The City's permit review and inspection processes and may be communicated to relevant City Business Units, utility providers, and Alberta Health Services for purposes related to these processes. Information may also be used by The City to conduct ongoing evaluations of services received from The City's Planning and Development Department. The name of the applicant and the nature of the permit will be made available to the public as authorized by FOIP. Please send inquiries by mail to the FOIP Program Administrator, Planning and Development, PO Box 2100, Station M, Calgary, AB T2P 2M5 or contact us by phone at 311.

#### 9. Alberta Law

You agree to be bound by Alberta law when using this Online Services Site and agree that any court

proceedings or other legal action will take place in Alberta.

#### 10. No Damage or Modification of Site

You agree that you will not take any action to damage, modify, or breach the security of this Online Services Site, or cause the Online Services Site to no longer be available for use. You agree not to impersonate or misrepresent your association with any other person. You agree that you will not submit any information that is harmful, unlawful, or otherwise objectionable.

#### 11. Site Ownership

The contents of this Online Services Site are owned or licensed by The City. You may not copy, transfer, store, upload, distribute, publish or otherwise use this content except as permitted by these Online Services Terms of Use. The words, phrases, names, designs or logos used on this Online Services Site may constitute trademarks, service marks or trade names of The City or other entities. The display of any such marks does not imply that The City or other entities have granted a license to you to use these marks.

#### 12. Security of Account Information

You are responsible for protecting the confidentiality of any account information, user names, logins, passwords, security questions and answers, and other information you might need to access and use this Online Services Site. You are responsible for all activities occurring under your account, user name, or login. You agree to notify The City if you suspect that your account, user name, or login is not secure or is being used for an inappropriate purpose.

#### 13. Violation of Terms of Use

Any rights you have to use this Online Services Site will terminate immediately upon any violation of these Online Services Terms of Use. The City may, in its sole discretion, temporarily or permanently terminate your access to and use of this Online Services Site, at any time, for any reason, without notice or liability to you. The City is not liable for any damages resulting from its termination of your access to, or use of, this Online Services Site.

#### 14. Copyright

I acknowledge and understand that, as part of The City's process in reviewing, evaluating, and processing the permit application, The City will need to make available, in print and digital form, copies of the application materials to relevant City business units, members of City council, utility providers, other municipalities, municipal school Boards, relevant community associations/groups/organizations (including their boards of directors and planning committees), members of the general public, and any other external agencies or third parties whose input is required by The City in connection with the processing of your application. I hereby (i) consent to The City's copying, reproduction, distribution, and communication of the permit application materials, in any material form and via any medium, as required for the purpose of enabling The City to process your application; and (ii) certify that I am authorized and have the right to grant such consent.

#### 15. Condominium Property

I have all authorizations required under the Condominium Property Act, RSA 2000, c C-22, as amended or replaced, the bylaws of the Condominium Corporation, and otherwise in law to apply for this application if it is respecting condominium property. I further agree to immediately notify The City, in writing, of any changes

regarding this information.

Development Permit Application Requirements

I am authorized to apply for this permit in accordance with section 26 (1) of the Land Use Bylaw 1P2007 as amended.



## LAND TITLE CERTIFICATE

S		
LINC	SHORT LEGAL	TITLE NUMBER
0034 504 499	5076GS;G	101 290 177

## LEGAL DESCRIPTION

PLAN 5076GS  
 PARCEL G  
 CONTAINING ONE AND EIGHTY SEVEN HUNDREDTHS (1.87) ACRES  
 MORE OR LESS  
 EXCEPTING THEREOUT THE STREET ON PLAN 61HS CONTAINING TWENTY  
 HUNDREDTHS (0.20) OF AN ACRE MORE OR LESS

ALSO EXCEPTING THEREOUT:

PLAN	NUMBER	HECTARES	(ACRES)	MORE OR LESS
ROAD	1013653	0.002	0.01	

EXCEPTING THEREOUT ALL MINES AND MINERALS  
 AND THE RIGHT TO WORK THE SAME

ATS REFERENCE: 5;1;24;11;SE

ESTATE: FEE SIMPLE

MUNICIPALITY: CITY OF CALGARY

REFERENCE NUMBER: 111B213 .

REGISTERED OWNER(S)				
REGISTRATION	DATE (DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION
101 290 177	30/09/2010	ROAD PLAN		

## OWNERS

2291830 ALBERTA LTD.  
 OF 212, 5555 ELBOW DR SW  
 CALGARY  
 ALBERTA T2V 1H7

(DATA UPDATED BY: CHANGE OF ADDRESS 161173894)

(DATA UPDATED BY: CHANGE OF NAME 201216726)

( CONTINUED )

## ENCUMBRANCES, LIENS &amp; INTERESTS

PAGE 2

# 101 290 177

## REGISTRATION

NUMBER	DATE (D/M/Y)	PARTICULARS
771 147 064	20/10/1977	ZONING REGULATIONS SUBJECT TO CALGARY INTERNATIONAL AIRPORT ZONING REGULATIONS
121 211 277	17/08/2012	CAVEAT RE : RESTRICTIVE COVENANT , ETC. CAVEATOR - RONA REVY INC. C/O BISHOP & MCKENZIE LLP 2500,10404-103 AVE EDMONTON ALBERTA T5J1V3 AGENT - SCOTT R TILLEY
131 087 297	18/04/2013	CAVEAT RE : EASEMENT , ETC. CAVEATOR - J. DIAMOND PROPERTIES LTD. 14457 MARINE DRIVE WHITE ROCK BRITISH COLUMBIA V4B1B4 (DATA UPDATED BY: TRANSFER OF CAVEAT 211046093)
161 235 527	04/10/2016	CAVEAT RE : LEASE INTEREST CAVEATOR - 1959755 ALBERTA LTD. ATTEN: AMRULLAH KHAIRULLAH 388 MOUNT ABERDEEN CLOSE SE CALGARY ALBERTA T2Z3N5 AGENT - KHALIL HAJI

TOTAL INSTRUMENTS: 004

## PENDING REGISTRATION QUEUE

DRR NUMBER	RECEIVED DATE (D/M/Y)	CORPORATE LLP TRADENAME	LAND ID
C0068OW	30/09/2021	ROBERTSON LLP 403-407-2605 CUSTOMER FILE NUMBER: 1320221 BC (LT/MCC)	
001		TRANSFER OF INSTRUMENT	5076GS;G

TOTAL PENDING REGISTRATIONS: 001

( CONTINUED )

PAGE 3  
# 101 290 177

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN  
ACCURATE REPRODUCTION OF THE CERTIFICATE OF  
TITLE REPRESENTED HEREIN THIS 5 DAY OF  
NOVEMBER, 2021 AT 12:19 P.M.

ORDER NUMBER: 43037808

CUSTOMER FILE NUMBER:



\*END OF CERTIFICATE\*

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THIS ELECTRONICALLY TRANSMITTED LAND TITLES PRODUCT IS INTENDED  
FOR THE SOLE USE OF THE ORIGINAL PURCHASER, AND NONE OTHER,  
SUBJECT TO WHAT IS SET OUT IN THE PARAGRAPH BELOW.

THE ABOVE PROVISIONS DO NOT PROHIBIT THE ORIGINAL PURCHASER FROM  
INCLUDING THIS UNMODIFIED PRODUCT IN ANY REPORT, OPINION,  
APPRAISAL OR OTHER ADVICE PREPARED BY THE ORIGINAL PURCHASER AS  
PART OF THE ORIGINAL PURCHASER APPLYING PROFESSIONAL, CONSULTING  
OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S).

IF MORE INFORMATION IS REQUIRED ON A PENDING REGISTRATION WHERE  
THE CONTACT INFORMATION DISPLAYS N/A PLEASE EMAIL LTO@GOV.AB.CA.



Planning Department  
The City of Calgary  
P.O. Box 2100, Station M (#8108)  
Calgary, AB T2P 2M5

SUBJECT: **2807 Ogden Rd SE, 5076GS;G**

**Jason Switzer**

Please be advised that, as owner(s) of the above mentioned property, I/we authorize **PATTISON Outdoor Advertising** to apply for any and all Third Party Sign Permits for the above mentioned property.

I/we further agree to immediately notify the City of Calgary, in writing, of any changes regarding the above information.

I am registered owner of the land.

OR

I am authorized agent of the registered owner(s).

Date Signed: \_\_\_\_\_

Signature:

Name and Title

\_\_\_\_\_  
(Please Print)

Company Name

\_\_\_\_\_  
(Please Print)

**Please note:** This form is to be signed by the titled owner(s) of the property or their authorized agents. The City of Calgary requires authorized agents to have documented proof from the titled owner(s) to sign on their behalf.

**PATTISON OUTDOOR ADVERTISING**

#274, 1011 – 9th Avenue SE Calgary, AB T2G 0H7

Telephone : 403 – 770 – 5700 Fax : 403 – 770 – 5704

**SDAB2023-0007**



North-facing view



East-facing view



West-facing view



South-facing view



## Public Tree Disclosure Statement

The City of Calgary Street Bylaw (20M88) and the Tree Protection Bylaw (23M2002) protect trees growing on City (public) land. An approved Tree Protection Plan is required when construction activities occur within 6m of a public tree. More information regarding protecting trees during construction and development is found here. Public trees are required to be shown on plans submitted for this application.

1. Are there public trees on the City lands within six meters of and/or overhanging the development site?  Yes  No

If you answered yes, ensure all trees identified are shown on the submitted plans.

Note: if you are not sure how to determine which trees are yours and which are public, you can:

- Use the [City's tree map](#) (may not be up to date for your property)
- Contact 3-1-1 to put in a "development tree inquiry" to get confirmation from an Urban Forester
- Send inquiries to [tree.protection@calgary.ca](mailto:tree.protection@calgary.ca)

2. Who will be submitting the Tree Protection Plan for this development?

Applicant  Owner  Builder  Other:

If Other: Name: Devan Reed Phone: ██████████

Email: ██████████

The Tree Protection Plan must be submitted directly to Urban Forestry at [tree.protection@Calgary.ca](mailto:tree.protection@Calgary.ca) following the [Tree Protection Plan Guidelines](#).

**FOIP DISCLAIMER:** The personal information on this form is being collected under the authority of The Freedom of Information and Protection of Privacy (FOIP) Act, Section 33(c). It will be used to provide operating programs, account services and to process payments received for said services. It may also be used to conduct ongoing evaluations of services received from Planning, Development & Assessment. Please send inquiries by mail to the FOIP Program Administrator, Planning, Development & Assessment, PO Box 2100, Station M, Calgary, AB T2P 2M5 or contact us by phone at 311.



## Site Contamination Statement

Application # \_\_\_\_\_  
for office use only

Site Address: 2807 Ogden Road SE

Legal Description: 5076GS;G

The information provided in this disclosure statement will assist the Development, Land Use and Subdivision Authorities in processing planning applications. The Authorities rely on the information provided in this statement to assist in determining the potential for site contamination, which may have been caused by current or historic activities.

You are responsible for the accuracy of the information provided in this statement. The questions must be answered to the best of your knowledge based upon diligent inquiry and the thorough inspection and review of all documents and other information pertaining to the subject property. **Please be aware that further site assessments may be required as part of the review of your application.**

1. Are you aware of any environmental investigations (audits, assessments, tests, surveys or studies) for this site?  Yes  No  
If yes, please provide copy(s).
2. Are you aware of any environmental requirements associated with any previous planning applications on this site? (i.e. development permit, land use redesign or subdivision)  Yes  No  
If yes please provided a brief description and the associated development application number(s):
3. Has there been site remediation or a request for such on the site?  Yes  No  
If yes, please provide a brief description:

4. Are you aware of any regulatory actions, past or current, which have been applied to this site?

Yes  No

Examples include (but are not limited to):

- Environmental Protection Orders
- Reclamation Orders or Certificates
- Control / Stop Orders, fines, tickets or prosecutions
- Violations of environmental statutes, regulations and bylaws
- Administrative penalties and warning letters

If yes, please describe and provide copies of relevant documents:

5. Have any permits been issued or are you currently operating under a license or approval issued by federal or provincial authorities or the Calgary Fire Department for activities which may impact the property? (e.g. certificates of approval, storage tank regulations, plant operating permits)

Yes  No

If yes, please describe:

6. Has there been contact with Alberta Environment or Calgary Regional Health Authority regarding possible contamination on the site?

Yes  No

If yes, please provided a brief description:

**NOTE:** This form is to be signed by the titled owner(s) of the property or their authorized agents or consultants.

I, the  owner,  authorized agent,  authorized consultant, state that, to the best of my knowledge, the information provided in this statement is accurate, complete and is based on diligent inquiry and thorough inspection and review of all the documents and other information reasonably available pertaining to the subject property. I am not aware of any other information that may indicate that the subject property is potentially contaminated.

10/7/2021

Date

Applicant Signature

Devan Reed

Applicant Name (Please Print)

Pattison Outdoor

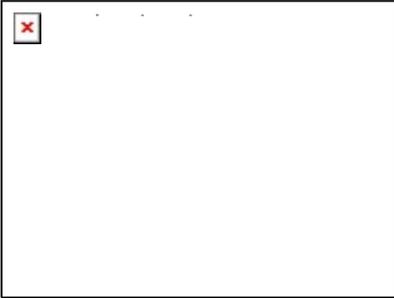
Company Name (Please Print)

**FOIP DISCLAIMER:** The personal information on this form is being collected under the authority of The Freedom of Information and Protection of Privacy (FOIP) Act, Section 33(c). It will be used to provide operating programs, account services and to process payments received for said services. It may also be used to conduct ongoing evaluations of services received from Planning, Development & Assessment. Please send inquiries by mail to the FOIP Program Administrator, Planning, Development & Assessment, PO Box 2100, Station M, Calgary, AB T2P 2M5 or contact us by phone at 311.

**Samnick, Cyrille**

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**From:** Mathew.Wilkinson@calgary.ca  
**Sent:** Thursday, July 21, 2022 7:52 AM  
**To:** Devan Reed  
**Cc:** Wilkinson, Mathew  
**Subject:** DP2022-04716 INITIAL REVIEW - 2807 OGDEN RD SE



---

**Re: DP2022-04716 INITIAL REVIEW - 2807 OGDEN RD SE**

Dear Applicant,

I am the file manager who will be reviewing your Development Permit application.

The initial review of your application has concluded that your application is incomplete as key pieces of information are missing. The application is on hold until the following information is provided:

Site plan lists digital sign as facing NE and static sign facing SW. Sign details state opposite. Letter of Authorization also does not reference the owner listed on title.

Please confirm which side is digital/static and update appropriate drawing, and provide an updated Letter of Authorization.

Please provide the information requested above by August 11, 2022, or your application will be deemed refused in accordance with Section 683.1(8) of the Municipal Government Act (MGA). There is no refund of fees if the application is deemed refused. If you are unable to meet this timeline, please contact me to discuss your options.

Please note that these initial comments are preliminary. Once the missing information is provided your application will undergo a detailed review which will include consulting with stakeholders to gather planning information relevant to your application.

For more information about the Development Permit Process please visit [www.calgary.ca/dpprocess](http://www.calgary.ca/dpprocess).

Please track your application, using your Job Access Code (JAC) DP2022-04716-00559, at [www.calgary.ca/vista](http://www.calgary.ca/vista).

Regards,

MATHEW WILKINSON  
Senior Planning Technician  
Mathew.Wilkinson@calgary.ca  
403-651-5459  
[www.calgary.ca/PDMap](http://www.calgary.ca/PDMap)



August 19, 2022

REED, DEVAN



Dear Applicant:

**RE: Detailed Review (DR)**

**Development Permit Number: DP2022-04716**

Based on the plans received, your application has been reviewed in order to determine compliance with the Land Use Bylaw and applicable City policies. Any variance from the Land Use Bylaw or City policies may require further discussion or revision prior to a decision being rendered.

A written response to the Prior to Decision issues in this DR is required from the Applicant by the end of the thirty (30) calendar day response due date. In the event that the response due date expires, the application may be inactivated subject to a fifteen (15) calendar day reactivation timeline. In the case of a non-responsive or incomplete application, the General Manager – Planning, Development and Assessment may cancel the application as per Section 41.1 of Land Use Bylaw 1P2007.

Should you have any questions or concerns, please contact me at 403-651-5459 or by email at [Mathew.Wilkinson@calgary.ca](mailto:Mathew.Wilkinson@calgary.ca).

Sincerely,

A handwritten signature in black ink, appearing to read "Mathew Wilkinson". The signature is fluid and cursive, written over a light grey background.

**MATHEW WILKINSON**  
Senior Planning Technician



## Detailed Review 1 – Development Permit

---

<b>Application Number:</b>	<b>DP2022-04716</b>
<b>Application Description:</b>	Temporary Use: Sign - Class F: Third Party Advertising Sign (east face), Sign - Class G: Digital Third Party Advertising Sign (west face)
<b>Land Use District:</b>	Industrial - General
<b>Use Type:</b>	Discretionary
<b>Site Address:</b>	2807 OGDEN RD SE
<b>Community:</b>	ALYTH/BONNYBROOK
<b>Applicant:</b>	REED, DEVAN
<b>Date DR Sent:</b>	August 19, 2022
<b>Response Due Date:</b>	September 19, 2022
<b>Planning:</b>	MATHEW WILKINSON 403-651-5459 Mathew.Wilkinson@calgary.ca

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## General Comments

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This application is for a Sign – Class F: Third Party Advertising Sign (east face), Sign – Class G: Digital Third Party Advertising Sign (west face). There is an existing Third Party Advertising Sign approved at this location. This application was reviewed in accordance with the Land Use Bylaw and the Third Party Advertising Sign Guidelines, and circulated for comments to our Transportation Department. The location of the sign conflicts with the Third Party Advertising Sign Guidelines with regards to traffic safety and sign proliferation/clutter. This is reflected by the relaxation required to the setback from other Third Party Advertising Signs and the concerns raised by our Transportation Department with regards to safety as outlined below. For these reasons, the proposed signage cannot be supported.

## Comments on Relevant City Policies

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### Third Party Advertising Sign Guidelines

#### 4. Principles of Third Party Advertising Sign Regulation

##### (B) Location and Siting

###### *Principles*

Track your application on-line with VISTA. Go to: [www.calgary.ca/vista](http://www.calgary.ca/vista) and enter your JOB ACCESS CODE (JAC) from the application form or call Planning Services Counter at (403) 268-5311.

II. *Third Party Advertising Signs must be located on private property along streets in such a way that their location mitigates or avoids risk to public safety. The location should not create an obstruction to vision or contribute to visual confusion with official traffic control devices*

III. *The placement of a Third Party Advertising Sign on a property must satisfy appropriate minimum setbacks from other buildings and structures on the parcel, street edges and parcel lines, other Freestanding Signs, other Third Party Advertising Signs, and Digital Message Signs. This will reduce sign proliferation and clutter which should be discouraged.*

V. *Along a street or corridor, minimum separation distances between Third Party Advertising Signs on different properties will maintain proper visibility of all signs and avoid visual sign clutter along the streetscape including the undue concentration of Third Party Advertising Signs along a street.*

## Comments from Traffic

I understand that these are existing static signs and they would like to upgrade it to digital signs. The potential concern is that the rotating messages of the LED sign would be a distraction and taking the drivers' attentions away from the 2 guide signs, especially at low light conditions. Also the shape of the sign resembles a guide sign as well.

With the above reasons it's acceptable to maintain the existing sign as a static one (given that it has been there for a long time even it's against the current bylaw.), but not recommending the upgrade to a LED sign.



Track your application on-line with VISTA. Go to: [www.calgary.ca/vista](http://www.calgary.ca/vista) and enter your JOB ACCESS CODE (JAC) from the application form or call Planning Services Counter at (403) 268-5311.

Page 3 of 7

<b>Bylaw Variances</b>		
<b>Regulation</b>	<b>Standard</b>	<b>Provided</b>
<b>115.3 Sitting of Digital Third Party Advertising Signs</b>	(3) A Digital third party advertising sign: (b) must not be located within 75.0m of any Third Party Advertising Sign facing the same on-coming traffic and must not result in more than 2 signs displaying third party advertising greater than 4.6m in height and 4.5m <sup>2</sup> in area within a 225.0m radius of each other facing the same street;	Plans indicate there is a Third Party Advertising Sign facing the same on-coming traffic within 75.0m (57.24m)  <b>Relaxation not supported</b>
	(6) A freestanding digital third party advertising sign must be separated from:(c) the curblineline or edge of a major street, expressway or freeway, to the satisfaction of the General Manager transportation or his delegate.	Sign is not supported by Transportation.  <b>Relaxation not supported.</b>

## Prior to Decision Requirements

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The following issues must be addressed by the Applicant through a written submission and amended plans prior to a decision by the Approving Authority:

### Planning

- The development, as proposed, is not supported for the following reasons:
  - Reference issues/rationale elsewhere in the Detailed Review, including policy section and Prior to Decision issues.

Indicate, in writing, the manner in which the application will proceed:

(A) Request **cancellation** of the application. Any applicable fee refund will be determined at the time of cancellation.

(B) **Pursue** the application, as proposed, with a decision of refusal by the Development Authority. The refusal will be based on the comments listed above.

OR

(C) **Amend** the application to address all prior to decision conditions of this detailed review (DR).

If option (C) is pursued, the last day to respond to the detailed review is thirty days from the date the detailed review was issued (see cover page of detailed review for exact date).

Track your application on-line with VISTA. Go to: [www.calgary.ca/vista](http://www.calgary.ca/vista) and enter your JOB ACCESS CODE (JAC) from the application form or call Planning Services Counter at (403) 268-5311.

## Permanent Conditions

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The following permanent conditions shall apply:

### Planning

2. The permanent conditions will be finalized at the time of Development Authority decision.
3. The development shall be completed in its entirety, in accordance with the approved plans and conditions. The stamped and signed plans are a legal document.
4. No changes to the approved plans shall take place unless authorized by the Development Authority. If changes to the development occur or are proposed, a new development permit or revised plan application may be required.
5. A Development Completion Permit shall be applied for and approval obtained, upon installation of the sign, before the use is commenced. Call Development Inspection Services at 403-268-5311 to request a site inspection for the Development Completion Permit.
6. All electrical servicing for site signage must be provided from underground.
7. This permit is valid for a period **three (3) years** from the date of approval. On expiry of this period, the digital display shall be discontinued, and the site restored to a condition acceptable to the Development Authority. A new development permit must be applied for prior to the expiry date of this temporary permit for the use to continue without interruption.
8. The sign owner must provide a contact person and telephone number, who can be reached 24 hours a day and that, has access and control to the digital technology. If the contact person/information should change in the future, the sign owner must inform the Development Authority of any changes.
9. An ambient light sensor must be installed and actively used with the digital display at all times when the sign is in operation and must adjust the sign output to changes to the ambient light levels around the sign, throughout the day. At no time while the digital display is in operation may the ambient light level around the sign location exceed 3.0 LUX.

The maximum light output of the digital display must not exceed:

- **7500 nits (nt)** from sunrise and sunset; and,
- **500 nits (nt)** from sunset to sunrise in the industrial districts.

Sunrise and sunset will be determined based by the National Research Council of Canada Sunrise/Sunset calculator.

Track your application on-line with VISTA. Go to: [www.calgary.ca/vista](http://www.calgary.ca/vista) and enter your JOB ACCESS CODE (JAC) from the application form or call Planning Services Counter at (403) 268-5311.

10. In the event of any malfunction of the technology of the sign, including the ambient light meter, the sign must be turned off and disabled until such time as the malfunction can be repaired and the sign returned to proper operation.
11. A digital display must not employ colours that could be confused as traffic directional or control devices. Colours, symbols or shapes that are the same or similar to those used by emergency vehicles, traffic lights or any traffic sign are prohibited.
12. The digital display must only employ the display of digital images in a static form, which must remain on the digital display for a minimum of six (6) seconds before switching to the next copy. The method of copy change must not include gradual fade, flashing, scrolling, animation or another method, to the satisfaction of the Development Authority.
13. The length of time between changes of advertising copy must not exceed 0.25 seconds.
14. The copy shown on the digital display must not include the display of full motion video, movies, Moving Picture Experts Group (MPEG) or non-static digital copy.
15. The copy shown on the digital display must not be shown in a way that intends for a message to be viewed or read over a series of sequential messages on the digital display or over multiple digital displays.
16. The digital display must be designed such that the sign supports are structurally sound and can support the weight of the sign, and movement of the sign during times of high wind, wet snow, and precipitation.
17. No trees nor shrubs that were approved by a development permit are permitted to be damaged or removed in order to make the sign more visible, to maintain a sign or to change the copy on the sign.
18. If a development permit for a freestanding sign is approved within 30.0 metres of this approved Digital Third Party Advertising Sign, the sign approved by this permit must be removed immediately upon expiry of this permit, at no risk and at no cost to the City of Calgary, and the ground surface restored to the satisfaction of the Development Authority.

## Advisory Comments

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The following advisory comments are provided as a courtesy to the Applicant and registered property owner. The comments represent some, but not all of the requirements contained in the Land Use Bylaw that must be complied with as part of this approval.

### Planning

19. The advisory comments will be finalized at the time of Development Authority decision.
20. The Applicant may appeal the decision of the Development Authority, including any of the conditions of the development permit. If you decide to file an appeal, please refer to the notification of decision letter for the appropriate appeal body and appeal process.
21. The approval of this development permit does not limit in any way the application of any federal, provincial, or municipal law, policy, code, regulation, bylaw, and/or guideline, nor does it constitute any permit or permission under any federal, provincial, or municipal law, policy, code, regulation, bylaw, and/or guideline.
22. There are many types of caveats and other agreements that can be registered on the title of the property that can restrict the ability to develop. The City has not reviewed or considered all instruments registered on the title to this property. Property owners must evaluate whether this development is in compliance with any documents registered on title.



October 3, 2022

REED, DEVAN



Dear Applicant:

**RE: Detailed Review (DR)**

**Development Permit Number: DP2022-04716**

Based on the plans received, your application has been reviewed in order to determine compliance with the Land Use Bylaw and applicable City policies. Any variance from the Land Use Bylaw or City policies may require further discussion or revision prior to a decision being rendered.

A written response to the Prior to Decision issues in this DR is required from the Applicant by the end of the thirty (30) calendar day response due date. In the event that the response due date expires, the application may be inactivated subject to a fifteen (15) calendar day reactivation timeline. In the case of a non-responsive or incomplete application, the General Manager – Planning, Development and Assessment may cancel the application as per Section 41.1 of Land Use Bylaw 1P2007.

Should you have any questions or concerns, please contact me at 403-651-5459 or by email at [Mathew.Wilkinson@calgary.ca](mailto:Mathew.Wilkinson@calgary.ca).

Sincerely,

A handwritten signature in black ink, appearing to read "Mathew Wilkinson". The signature is fluid and cursive.

**MATHEW WILKINSON**  
Senior Planning Technician



## Detailed Review 1 – Development Permit

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<b>Application Number:</b>	<b>DP2022-04716</b>
<b>Application Description:</b>	Temporary Use: Sign - Class F: Third Party Advertising Sign (east face), Sign - Class G: Digital Third Party Advertising Sign (west face)
<b>Land Use District:</b>	Industrial - General
<b>Use Type:</b>	Discretionary
<b>Site Address:</b>	2807 OGDEN RD SE
<b>Community:</b>	ALYTH/BONNYBROOK
<b>Applicant:</b>	REED, DEVAN
<b>Date DR Sent:</b>	October 3, 2022
<b>Response Due Date:</b>	November 3, 2022
<b>Planning:</b>	MATHEW WILKINSON 403-651-5459 Mathew.Wilkinson@calgary.ca

---

## General Comments

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This application is for a Sign – Class F: Third Party Advertising Sign (east face), Sign – Class G: Digital Third Party Advertising Sign (west face). There is an existing Third Party Advertising Sign approved at this location. This application was reviewed in accordance with the Land Use Bylaw and the Third Party Advertising Sign Guidelines, and circulated for comments to our Transportation Department. The location of the sign conflicts with the Third Party Advertising Sign Guidelines with regards to traffic safety and sign proliferation/clutter. This is reflected by the relaxation required to the setback from other Third Party Advertising Signs and the concerns raised by our Transportation Department with regards to safety as outlined below. For these reasons, the proposed signage cannot be supported.

## Comments on Relevant City Policies

---

### Third Party Advertising Sign Guidelines

#### 4. Principles of Third Party Advertising Sign Regulation

##### (B) Location and Siting

###### *Principles*

Track your application on-line with VISTA. Go to: [www.calgary.ca/vista](http://www.calgary.ca/vista) and enter your JOB ACCESS CODE (JAC) from the application form or call Planning Services Counter at (403) 268-5311.

II. *Third Party Advertising Signs must be located on private property along streets in such a way that their location mitigates or avoids risk to public safety. The location should not create an obstruction to vision or contribute to visual confusion with official traffic control devices*

III. *The placement of a Third Party Advertising Sign on a property must satisfy appropriate minimum setbacks from other buildings and structures on the parcel, street edges and parcel lines, other Freestanding Signs, other Third Party Advertising Signs, and Digital Message Signs. This will reduce sign proliferation and clutter which should be discouraged.*

V. *Along a street or corridor, minimum separation distances between Third Party Advertising Signs on different properties will maintain proper visibility of all signs and avoid visual sign clutter along the streetscape including the undue concentration of Third Party Advertising Signs along a street.*

## Comments from Traffic

I understand that these are existing static signs and they would like to upgrade it to digital signs. The potential concern is that the rotating messages of the LED sign would be a distraction and taking the drivers' attentions away from the 2 guide signs, especially at low light conditions. Also the shape of the sign resembles a guide sign as well.

With the above reasons it's acceptable to maintain the existing sign as a static one (given that it has been there for a long time even it's against the current bylaw.), but not recommending the upgrade to a LED sign.



Track your application on-line with VISTA. Go to: [www.calgary.ca/vista](http://www.calgary.ca/vista) and enter your JOB ACCESS CODE (JAC) from the application form or call Planning Services Counter at (403) 268-5311.

Page 3 of 7

<b>Bylaw Variances</b>		
<b>Regulation</b>	<b>Standard</b>	<b>Provided</b>
<b>115.3 Sitting of Digital Third Party Advertising Signs</b>	(3) A Digital third party advertising sign: (b) must not be located within 75.0m of any Third Party Advertising Sign facing the same on-coming traffic and must not result in more than 2 signs displaying third party advertising greater than 4.6m in height and 4.5m <sup>2</sup> in area within a 225.0m radius of each other facing the same street;	Plans indicate there is a Third Party Advertising Sign facing the same on-coming traffic within 75.0m (57.24m)  <b>Relaxation not supported</b>
	(6) A freestanding digital third party advertising sign must be separated from:(c) the curblin e or edge of a major street, expressway or freeway, to the satisfaction of the General Manager transportation or his delegate.	Sign is not supported by Transportation.  <b>Relaxation not supported.</b>

## Prior to Decision Requirements

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The following issues must be addressed by the Applicant through a written submission and amended plans prior to a decision by the Approving Authority:

### Planning

- The development, as proposed, is not supported for the following reasons:
  - Reference issues/rationale elsewhere in the Detailed Review, including policy section and Prior to Decision issues.

Indicate, in writing, the manner in which the application will proceed:

(A) Request **cancellation** of the application. Any applicable fee refund will be determined at the time of cancellation.

(B) **Pursue** the application, as proposed, with a decision of refusal by the Development Authority. The refusal will be based on the comments listed above.

OR

(C) **Amend** the application to address all prior to decision conditions of this detailed review (DR).

If option (C) is pursued, the last day to respond to the detailed review is thirty days from the date the detailed review was issued (see cover page of detailed review for exact date).

Track your application on-line with VISTA. Go to: [www.calgary.ca/vista](http://www.calgary.ca/vista) and enter your JOB ACCESS CODE (JAC) from the application form or call Planning Services Counter at (403) 268-5311.

## Permanent Conditions

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The following permanent conditions shall apply:

### Planning

2. The permanent conditions will be finalized at the time of Development Authority decision.
3. The development shall be completed in its entirety, in accordance with the approved plans and conditions. The stamped and signed plans are a legal document.
4. No changes to the approved plans shall take place unless authorized by the Development Authority. If changes to the development occur or are proposed, a new development permit or revised plan application may be required.
5. A Development Completion Permit shall be applied for and approval obtained, upon installation of the sign, before the use is commenced. Call Development Inspection Services at 403-268-5311 to request a site inspection for the Development Completion Permit.
6. All electrical servicing for site signage must be provided from underground.
7. This permit is valid for a period **three (3) years** from the date of approval. On expiry of this period, the digital display shall be discontinued, and the site restored to a condition acceptable to the Development Authority. A new development permit must be applied for prior to the expiry date of this temporary permit for the use to continue without interruption.
8. The sign owner must provide a contact person and telephone number, who can be reached 24 hours a day and that, has access and control to the digital technology. If the contact person/information should change in the future, the sign owner must inform the Development Authority of any changes.
9. An ambient light sensor must be installed and actively used with the digital display at all times when the sign is in operation and must adjust the sign output to changes to the ambient light levels around the sign, throughout the day. At no time while the digital display is in operation may the ambient light level around the sign location exceed 3.0 LUX.

The maximum light output of the digital display must not exceed:

- **7500 nits (nt)** from sunrise and sunset; and,
- **500 nits (nt)** from sunset to sunrise in the industrial districts.

Sunrise and sunset will be determined based by the National Research Council of Canada Sunrise/Sunset calculator.

Track your application on-line with VISTA. Go to: [www.calgary.ca/vista](http://www.calgary.ca/vista) and enter your JOB ACCESS CODE (JAC) from the application form or call Planning Services Counter at (403) 268-5311.

10. In the event of any malfunction of the technology of the sign, including the ambient light meter, the sign must be turned off and disabled until such time as the malfunction can be repaired and the sign returned to proper operation.
11. A digital display must not employ colours that could be confused as traffic directional or control devices. Colours, symbols or shapes that are the same or similar to those used by emergency vehicles, traffic lights or any traffic sign are prohibited.
12. The digital display must only employ the display of digital images in a static form, which must remain on the digital display for a minimum of six (6) seconds before switching to the next copy. The method of copy change must not include gradual fade, flashing, scrolling, animation or another method, to the satisfaction of the Development Authority.
13. The length of time between changes of advertising copy must not exceed 0.25 seconds.
14. The copy shown on the digital display must not include the display of full motion video, movies, Moving Picture Experts Group (MPEG) or non-static digital copy.
15. The copy shown on the digital display must not be shown in a way that intends for a message to be viewed or read over a series of sequential messages on the digital display or over multiple digital displays.
16. The digital display must be designed such that the sign supports are structurally sound and can support the weight of the sign, and movement of the sign during times of high wind, wet snow, and precipitation.
17. No trees nor shrubs that were approved by a development permit are permitted to be damaged or removed in order to make the sign more visible, to maintain a sign or to change the copy on the sign.
18. If a development permit for a freestanding sign is approved within 30.0 metres of this approved Digital Third Party Advertising Sign, the sign approved by this permit must be removed immediately upon expiry of this permit, at no risk and at no cost to the City of Calgary, and the ground surface restored to the satisfaction of the Development Authority.

## Advisory Comments

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The following advisory comments are provided as a courtesy to the Applicant and registered property owner. The comments represent some, but not all of the requirements contained in the Land Use Bylaw that must be complied with as part of this approval.

### Planning

19. The advisory comments will be finalized at the time of Development Authority decision.
20. The Applicant may appeal the decision of the Development Authority, including any of the conditions of the development permit. If you decide to file an appeal, please refer to the notification of decision letter for the appropriate appeal body and appeal process.
21. The approval of this development permit does not limit in any way the application of any federal, provincial, or municipal law, policy, code, regulation, bylaw, and/or guideline, nor does it constitute any permit or permission under any federal, provincial, or municipal law, policy, code, regulation, bylaw, and/or guideline.
22. There are many types of caveats and other agreements that can be registered on the title of the property that can restrict the ability to develop. The City has not reviewed or considered all instruments registered on the title to this property. Property owners must evaluate whether this development is in compliance with any documents registered on title.

**DP2022-04716 Detailed Review Response: 2807 Ogden Road SE****Transportation Comment:**

I understand that these are existing static signs and they would like to upgrade it to digital signs. The potential concern is that the rotating messages of the LED sign would be a distraction and taking the drivers' attentions away from the 2 guide signs, especially at low light conditions. Also the shape of the sign resembles a guide sign as well.

**Pattison Response:**

The Class G Digital signage specifications outlined on page 74 of the Calgary land use bylaw 1P2007 indicate appropriate hold (6 seconds) and transition (0.25 seconds) times which are meant to mitigate any increase in distraction so that a digital sign can be considered as similar to a static sign of the same size and height as possible. There are also auto dimming features and ambient light meters in place to ensure that lighting does not increase distraction for drivers with outputs that can minimize to under 3.0 LUX as to satisfy the light emission threshold for I-G (industrial general) zoning. These features together are designed to allow Pattison to decrease distraction to drivers to a level which matches that of the previous static signage.

Pattison sign dimensions are 10ft X 20ft and are restricted in their color usages so that they do not resemble any guide sign in either size, or color schematic. Our sign is the last in a row of 4 visible signs, two of which are directional guide signs. This would put Pattison as the last sign in the hierarchical order of signs in terms of messaging precedence. Our sign is also appropriately distanced from each sign being over 55.0m from the adjacent on premises Dick's lumber sign (bylaw only requires 30m of separation) as well as over 90.0m from the nearest guide sign.

**Bylaw Regulation Standard:**

(3) A Digital third party advertising sign: (b) must not be located within 75.0m of any Third Party Advertising Sign facing the same on-coming traffic and must not result in more than 2 signs displaying third party advertising greater than 4.6m in height and 4.5m<sup>2</sup> in area within a 225.0m radius of each other facing the same street.

**Pattison Response & Proposed Concessions:**

Concession: Increased angle to the NW of approved Ogden Road static sign

Pattison takes the position that the approved sign in question does not face the same direction of traffic, nor is it visible at the same time as proposed backside static sign Exhibit 1. The approved single faced static sign resides on the upper level overpass for Ogden Road and is positioned in such a way that it captures South- East bound traffic of that overpass as opposed to South-West bound traffic on Blackfoot Trail Exhibit 2. It is not the intent to target Blackfoot Trail with that approved sign, it is to target Ogden Road. That being said, if it pleases the Development Authority Pattison would be willing to revise our application for the East sign to increase the angle of the approved static to face more to be parallel with Blackfoot Trail. This would also allow us to satisfy the 225.0m radius rule of no more than 2 signs displaying third party advertising.

**Bylaw Regulation Standard:**

(6) A freestanding digital third party advertising sign must be separated from:(c) the curblineline or edge of a major street, expressway or freeway, to the satisfaction of the General Manager transportation or his delegate.

**Pattison Response & Proposed Concessions:**

Pattison would like to inquire as to what the appropriate separation from the curblineline or edge of major street, expressway or freeway would be in the specific instance of the proposed digital. Once we have a better idea of what would satisfy transportation, we are more than willing to work with the City to abide by those guidelines in order to position the sign to the satisfaction of transportation.

**Pattison Notable Comments:**

1) We would like to point out that the back side of the digital structure or North- West facing side, will be a static sign. This means that the current sign situation would remain unchanged from the perspective of South- West bound Blackfoot Trail Traffic. As mentioned by Transportation, it is “acceptable to maintain the existing sign as a static one (given that it has been there for a long time even it’s against the current bylaw.)”

**Exhibits:**

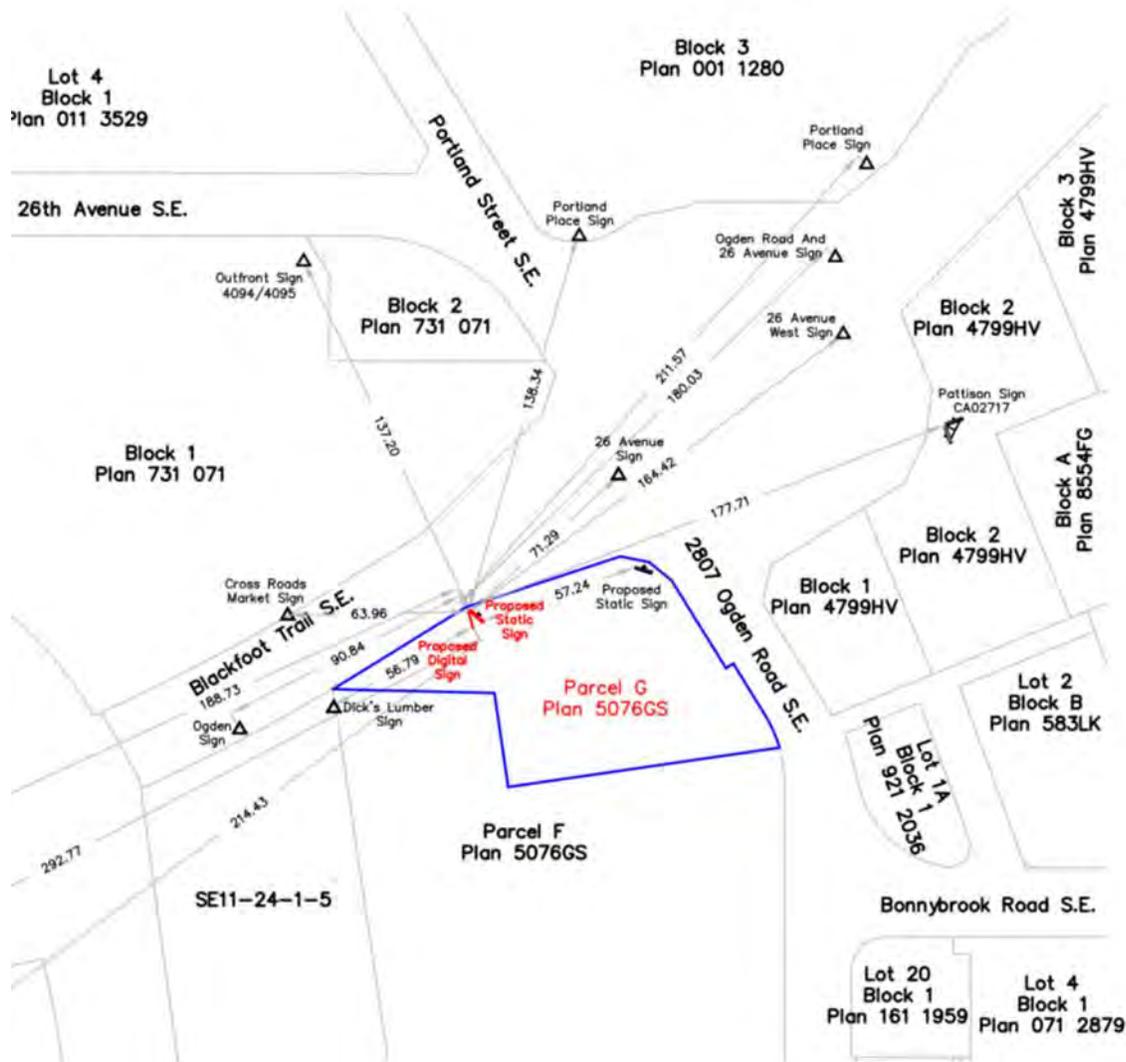
- 1) Pattison sign becomes visible as you come underneath the Ogden Road overpass. The single approved static is not visible at this time.



- The angle of the approved static is intended to reach Ogden Road traffic and not Blackfoot Trail



2)



**Reference Documents:**

- Detailed Review of DP2022-04716 (October 3rd 2022)
- Block Plan 224211A 2807 Ogden Road SE (June 16th 2022)
- Google Maps view (May 1st 2021)

**Samnick, Cyrille**

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**From:** Devan Reed <[REDACTED]@pattisonoutdoor.com>  
**Sent:** Thursday, October 20, 2022 11:39 AM  
**To:** Wilkinson, Mathew  
**Subject:** [External] RE: Action Required - Detailed Review for DP2022-04716 at 2807 OGDEN RD SE  
**Attachments:** DR Response Final .pdf  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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Hi Mathew,

Attached is a document outlining some comments and solutions we had regarding the DR. We are hopeful that we can work together to permit the signs in the near future. If you could please let me know your thoughts on the proposed solutions, that would be great. I look forward to hearing from you.

Thank you,

Devan Reed (he, his, him)  
Account Executive- Leasing

Pattison Outdoor Advertising  
Suite 274, 1011 - 9th Avenue SE  
Calgary, AB, T2G 0H7



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**From:** Wilkinson, Mathew <Mathew.Wilkinson@calgary.ca>  
**Sent:** Monday, October 3, 2022 1:46 PM  
**To:** Devan Reed <[REDACTED]@pattisonoutdoor.com>  
**Subject:** [EXTERNAL] RE: Action Required - Detailed Review for DP2022-04716 at 2807 OGDEN RD SE

This is an **EXTERNAL** email

---

Hi Devan,

Please see attached Detailed Review with the extended DR date. Everything else is the same as the previous document.

Thanks,

Mathew Wilkinson, AT  
Senior Planning Technician  
Development & Subdivision Application Services | Community Planning  
Planning and Development Services  
403-651-5459  
[Mathew.wilkinson@calgary.ca](mailto:Mathew.wilkinson@calgary.ca)



---

From: Devan Reed <[REDACTED]@pattisonoutdoor.com>  
Sent: Monday, October 3, 2022 1:42 PM  
To: Wilkinson, Mathew <[Mathew.Wilkinson@calgary.ca](mailto:Mathew.Wilkinson@calgary.ca)>  
Subject: [External] RE: Action Required - Detailed Review for DP2022-04716 at 2807 OGDEN RD SE

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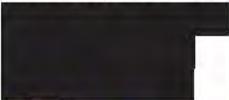
Hi Mathew,

We would very much appreciate the opportunity to extend the DR date. I will have more information for you shortly regarding the application.

Thank you,

Devan Reed (he, his, him)  
Account Executive- Leasing

**Pattison Outdoor Advertising**  
Suite 274, 1011 - 9th Avenue SE



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From: Wilkinson, Mathew <[Mathew.Wilkinson@calgary.ca](mailto:Mathew.Wilkinson@calgary.ca)>  
Sent: Monday, October 3, 2022 1:39 PM

To: Devan Reed [REDACTED] [pattisonoutdoor.com](mailto:pattisonoutdoor.com)>

Subject: [EXTERNAL] RE: Action Required - Detailed Review for DP2022-04716 at 2807 OGDEN RD SE

This is an EXTERNAL email

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Hi Devan,

Apologies this is a little late. Would you like me to extend the DR due date for this one?

Thanks,

Mathew Wilkinson, AT  
Senior Planning Technician  
Development & Subdivision Application Services | Community Planning  
Planning and Development Services  
403-651-5459  
[Mathew.wilkinson@calgary.ca](mailto:Mathew.wilkinson@calgary.ca)



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From: Wilkinson, Mathew

Sent: Thursday, September 8, 2022 4:03 PM

To: Devan Reed <[REDACTED]@pattisonoutdoor.com>

Subject: RE: Action Required - Detailed Review for DP2022-04716 at 2807 OGDEN RD SE

Hi Devan,

Right now the due date for the Detailed Review is September 18<sup>th</sup>. If I don't hear anything back by that date I will follow up with you. I can reissue the DR to extend this by a month at that time if needed.

Thanks,

Mathew Wilkinson, AT  
Senior Planning Technician  
Development & Subdivision Application Services | Community Planning  
Planning and Development Services  
403-651-5459  
[Mathew.wilkinson@calgary.ca](mailto:Mathew.wilkinson@calgary.ca)



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From: Devan Reed [REDACTED] [pattisonoutdoor.com](mailto:pattisonoutdoor.com)>

Sent: Thursday, September 8, 2022 2:06 PM

To: Wilkinson, Mathew <[Mathew.Wilkinson@calgary.ca](mailto:Mathew.Wilkinson@calgary.ca)>

Subject: [External] RE: Action Required - Detailed Review for DP2022-04716 at 2807 OGDEN RD SE

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Hello Mathew,

I am writing today to ask for some additional time to get the information in for this DP. We have requested a traffic study to be done on the area through WATT Consulting. If you could please let me know if this is acceptable, that would be appreciated.

Thank you,

Devan Reed  
Account Executive- Leasing  
Pattison Outdoor  
S [REDACTED]

---

From: Wilkinson, Mathew <[Mathew.Wilkinson@calgary.ca](mailto:Mathew.Wilkinson@calgary.ca)>  
Sent: Friday, August 19, 2022 10:44 AM  
To: Devan Reed [REDACTED] <[\[REDACTED\]@pattisonoutdoor.com](mailto:[REDACTED]@pattisonoutdoor.com)>  
Subject: [EXTERNAL] Action Required - Detailed Review for DP2022-04716 at 2807 OGDEN RD SE

This is an EXTERNAL email

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Hi [REDACTED] Devan,

The detailed review for your Development Permit has been completed and we require additional information before we are able to proceed to a decision.



This email contains the following information:

- Detailed Review

For more information about the Development Permit process please visit [www.calgary.ca/dpprocess](http://www.calgary.ca/dpprocess).

For status updates and more information on your specific Development Permit please visit [www.calgary.ca/pdmap](http://www.calgary.ca/pdmap).

---

Please contact me if you have any questions or concerns about your Development Permit.

Thank You,

Mathew Wilkinson, AT  
Senior Planning Technician  
Development & Subdivision Application Services | Community Planning  
Planning and Development Services  
403-651-5459  
[Mathew.wilkinson@calgary.ca](mailto:Mathew.wilkinson@calgary.ca)



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Page 2		73 Rules Governing All Signs		D.P. # 2022-04716		
Rule	Requirements		Evaluation			
		Notes	Provided/Variance			
73 Rules Governing All Signs	(2) No sign, other than an approved Sign – Class F or Sign – Class G, may display third party advertising.		C	N/C	N/A	N/I
	(4) A sign must not:	(a) have the position, shape, colour, format or illumination which is similar to a traffic sign, signal or device; or	C	N/C	N/A	N/I
		(b) display lights which is similar to lights generally associated with danger or those used by police, fire, ambulance or other emergency vehicles.	C	N/C	N/A	N/I
	(5) Sign in residential districts must not be internally illuminated, but may be illuminated indirectly in a manner that prevents the trespass of light onto adjacent parcels		C	N/C	N/A	N/I
	(6) Signs, sign supports and structures for signs must be located a minimum of 0.75m back from a curb line.		2.42			
	(7) Signs must not be placed in or on a required motor vehicle parking stall or loading stall, and must be placed so as to not reduce the number of required motor vehicle parking stalls or loading stalls required pursuant to this Bylaw or a development permit.		C	N/C	N/A	N/I
	(8) Signs must not be placed within a corner visibility triangle where any part of the sign is higher than 0.75m and lower than 4.6m above the lowest elevation of the street.		C	N/C	N/A	N/I
	(9) Signs, sign supports and structures for signs must not be located in the required road rights-of-way setbacks as referenced in section 53 Table 1.		C	N/C	N/A	N/I
	(12) Trees and shrubs must not be removed or damaged to erect a sign, to make a sign more visible, to maintain a sign, or to change copy on a sign.		C	N/C	N/A	N/I
	(14) The Development Authority may only relax the requirement of subsection (12) if the Development Authority is satisfied that new trees or shrubs will be planted to replace any trees and shrubs that are removed or damaged and that the new plantings are consistent with any conditions respecting landscaping on a development permit for the parcel where the sign is located.		C	N/C	N/A	N/I

Page 3 <b>74 Rules Governing Signs containing Digital Displays</b>		D.P. # 2022-04716			
Rule	Requirements		Evaluation		
		Notes	Provided/Variance		
<b>74 Rules Governing Signs containing Digital Displays</b>	(1) Copy shown on a digital display must be static and remain in place for a minimum of 6 seconds before switching to the next copy		COA	N/A	N/I
	(2) The maximum transition time between each digital copy must not exceed 0.25 seconds		COA	N/A	N/I
	(4) Copy must not be shown on the digital display using full motion video or otherwise give the appearance of animation or movement, and the transition between each digital copy must not be displayed using any visible effects, including but not limited to action, motion, fading in and out, dissolving, blinking, intermittent, or flashing light or the illusion of such effects.		COA	N/A	N/I
	(5) Copy must not be shown in a manner that requires the copy to be viewed or read over a series of sequential copy messages on a single digital display, or sequenced on multiple digital displays.		COA	N/A	N/I
	(5.1) All signs containing a digital display must be equipped with an ambient light sensor.		COA	N/A	N/I
	(5.2) A sign containing a digital display must not increase the light levels adjacent to the digital display by more than 3.0 LUX above the ambient light level.		COA	N/A	N/I

Page 4		Digital Third Party Advertising Signs (Class G)			D.P. # 2022-04716			
Rule	Requirements			Evaluation				
				Notes	Provided/Variance			
115.2 Prohibited Locations for Digital Third Party Advertising Signs	(2) Digital third party advertising are prohibited on any site where the sign is positioned such that the copy on the sign is visible from roadways listed in 115.2(2)(a) through to (uu):				C	N/C	N/A	N/I
	(3) Digital third party advertising signs are prohibited on sites adjacent to Bowness Road from 62 street NW to 65 street NW.				C	N/C	N/A	N/I
	(4) Digital third party advertising signs are prohibited on street or utility rights-of-way.				C	N/C	N/A	N/I
	(5) Digital third party advertising signs must be a minimum 450.0m from; (a) major parks as identified in section 115 and in map 3; (b) escarpments and pathways; (c) riverbanks; and (d) natural areas. When the copy is visible.				C	N/C	N/A	N/I
	(6) A Digital Third Party Advertising Sign is prohibited if: (a) the digital display is visible from a building containing a Dwelling Unit; and (b) it is located less than 125.0m, measured from the face of the digital display to a building containing a Dwelling Unit.				C	N/C	N/A	N/I
115.3 Sitting of Digital Third Party Advertising Signs	(1) A digital third party advertising sign must not be located within 30.0m of any freestanding identification sign, facing the same oncoming traffic;				56.79		26.79	
		(a) must be located at least 300.0m from any other Digital Message Sign or Digital Third Party Advertising Sign when measured from the closest point of the sign containing the digital display to the closest point of another sign containing the digital display when the signs are facing the same oncoming traffic;				C		
		(b) must not be located within 75.0m of any Third Party Advertising Sign facing the same on-coming traffic and must not result in more than 2 signs displaying third party advertising greater than 4.6m in height and 4.5m <sup>2</sup> in area within a 225.0m radius of each other facing the same street;			2 signs facing east within 75 within 225 radius: east facing - 2 west facing 2	57.24		
	(3) A Digital third party advertising sign:	must be located at least the following distances from any property line shared with a street:	(i) 17.0m where the posted speed limit of the public thoroughfare is 100km/hr or greater;					
			(ii) 16.0m where the posted speed limit of the public thoroughfare is 90 km/hr;					
			(ii) 14.0m where the posted speed limit of the public thoroughfare is 80 km/hr;					
		(ii) 10.0m where the posted speed limit of the public thoroughfare is 70 km/hr; and						
		(ii) 6.0m where the posted speed limit of the public thoroughfare is 60 km/hr or less.			1.76	-4.24		

Page 5		Digital Third Party Advertising Signs (Class G)			D.P. # 2022-04716			
Rule	Requirements			Notes	Evaluation			
					Provided/Variance			
	(d) may be located closer to a property line shared with a street identified in subsection (c) provided that:	(i) the sign replaces an existing approved Sign - Class F on a parcel;		C	N/C	N/A	N/I	
		(ii) the development permit approving the Sign - Class F remains in effect; and		C	N/C	N/A	N/I	
		(iii) the distance from the sign to any property line is not less than that of the existing approved Sign - Class F.		C	N/C	N/A	N/I	
	(4) Tree required under an approved development permit must not be removed or altered in any way to accommodate the placement or visibility of a digital third party advertising sign				C	N/C	N/A	N/I
	(5) A digital third party advertising sign must not be located on, or attached to, a roof if a building.				C	N/C	N/A	N/I
	(6) A freestanding digital third party advertising sign must be separated from:	(a) a directional sign, exceeding 3.0m <sup>2</sup> in sign area, in a street right-of-way;		C	N/C	N/A	N/I	
		(b) a street intersection or railway crossing by at least 30.0m; and		C				
(c) the curbline or edge of a major street, expressway or freeway, to the satisfaction of the General Manager transportation or his delegate.			C	N/C	N/A	N/I		

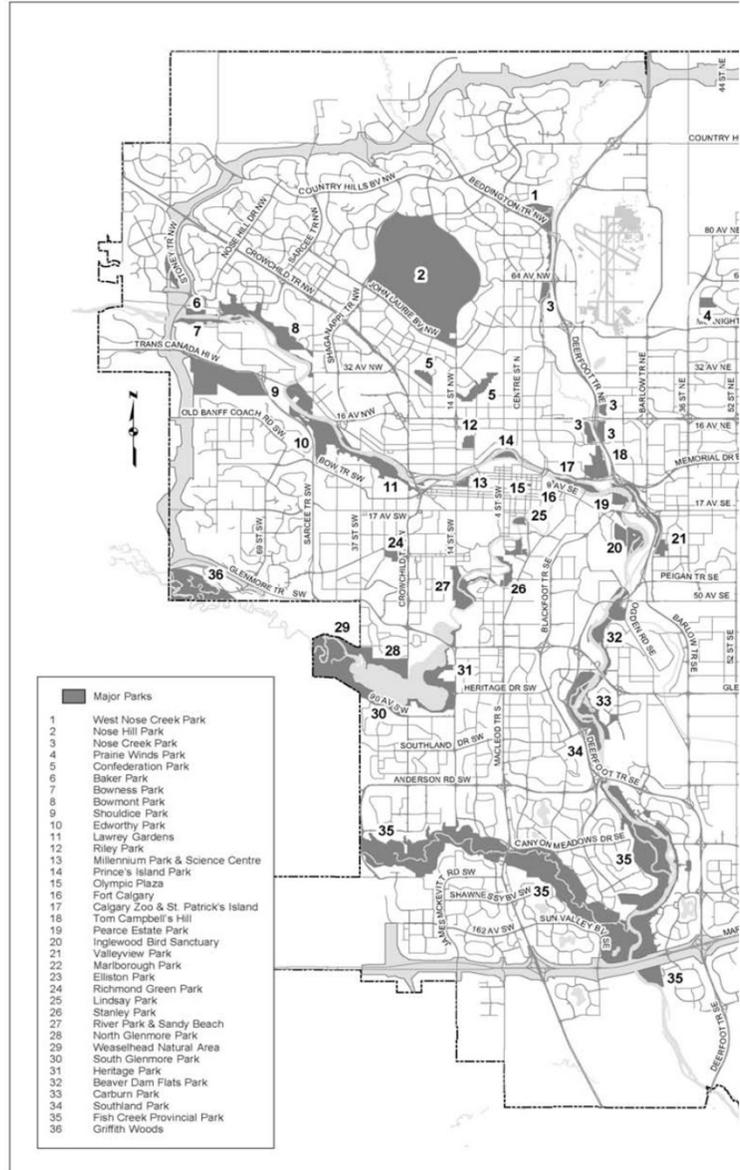
Page 6 <b>Digital Third Party Advertising Signs (Class G)</b>		D.P. #	2022-04716	
Rule	Requirements		Evaluation	
		Notes	Provided/Variance	
	(1) The maximum height of a wall-mounted or a freestanding-flush digital third party advertising sign is 10.5m and it must not extend above the eaveline.			
	(2) The maximum height of a freestanding digital third party advertising sign is 8.3m, and if any portion of a freestanding digital third party advertising sign is		8 30	0 00

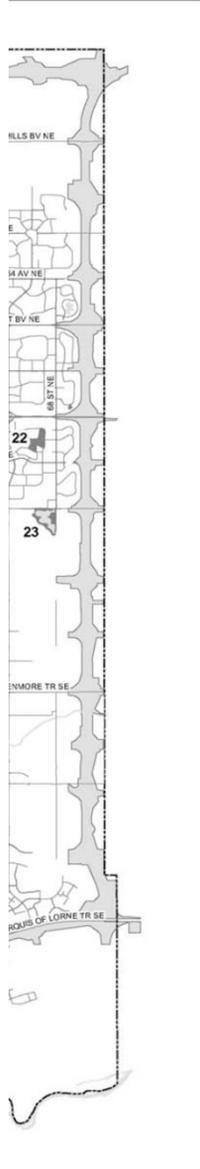
Page 7		<b>Digital Third Party Advertising Signs (Class G)</b>		D.P. # 2022-04716		
Rule	Requirements		Evaluation			
		Notes	Provided/Variance			
<b>115.4 Height and Size of Digital Third Party Advertising Signs</b>	located within 6.5m of a building less than 8.3m in height, the sign must not exceed the height of the building or 6.5m, whichever is greater.		8.50		8.00	
	(3) The dimensions of the sign area of a digital third party advertising sign must not exceed a vertical dimension of 5.8m by a horizontal dimension of 7.0m, with allowance for a 1.5m cut-out to the top and face and a 0.70m cut-out to the sides and bottom of the digital third party advertising sign.		Vertical (m)			
			3.00		-2.80	
			Horizontal (m)			
	(4) The maximum area of a digital third party advertising sign must not exceed 25.0m <sup>2</sup> and only one face of a double-faced sign may be used to calculate sign area.		6.00		-1.00	
			18.6		-6.4	
<b>115.5 General Rules for Digital Third Party Advertising Signs</b>	(1) The applicant for a development permit for a digital third party advertising sign must show, to the satisfaction of the development authority, that the digital third party advertising sign is compatible with the general architectural lines and forms of nearby buildings and the character of the streetscape or area within which it is to be located, and does not severely obstruct the horizon line.		C	N/C	N/A	N/I
	(1.1) Digital Third Party Advertising Signs with a sign area greater than 4.5m <sup>2</sup> may only be located in the CR20-C20/R20 District where: (a) it forms part of a comprehensive development; and (b) it has be incorporated into the design of a building or structure.		C	N/C	N/A	N/I
	(2) A digital third party advertising sign must not block natural light or the sky from surrounding buildings' windows and doors.		C	N/C	N/A	N/I
	(3) The lighting or orientation of a digital third party advertising sign must not adversely affect any neighbouring residential areas		C	N/C	N/A	N/I
	(4) An auxiliary sign or other material must not be attached to, on, above or below a digital third party advertising sign.		C	N/C	N/A	N/I
	(5) The backs of all digital third party advertising signs and all cut-outs must be enclosed to the satisfaction of the development authority.		C	N/C	N/A	N/I
	(6) The space between the faces of a double-faced digital third party advertising sign must be enclosed		C	N/C	N/A	N/I
(7) Electrical power supply to the digital third party advertising signs or base landscaping must be underground unless otherwise allowed by the development authority such as, but not limited to, situations where reasonable access to an underground power source is not available or the digital third part advertising sign is located in an area where underground power has not commenced.		C	N/C	N/A	N/I	
<b>1068 S-CRI Discretionary Uses</b>	(4) The following uses are discretionary uses when carried on by, or on behalf of, the City where located on parcels identified in subsections (5) and (6): (a) Sign – Class F; and (b) Sign – Class G					
	(5) The uses listed in subsection 1068 (4) may be located on a parcel identified as one or more of the following: (a) Block 1 Plan 7611002 excepting Road Plan 8211009 and Subdivision Plan 8911094; (b) Lot 1 Block 13 Plan 7810679; and (c) Block C Plan 7811204.		C	N/C	N/A	N/I

Page 8	<b>Digital Third Party Advertising Signs (Class G)</b>		D.P. # 2022-04716
<b>Rule</b>	<b>Requirements</b>		<b>Evaluation</b>
		<b>Notes</b>	<b>Provided/Variance</b>

- (a) 14 Street N.W. from John Laurie Boulevard, north to Country Hills Boulevard;
- (b) 14 Street S.W. from Glenmore Trail S.W., south to Canyon Meadows Drive S.W.;
- (c) 52 Street East, from 17 Avenue S.E., north to McKnight Boulevard;
- (d) 85 Street N.W. from Bowness Road, north to Bearspaw Dam Road;
- (e) 87 Street N.W. from Bearspaw Dam Road, north to Nose Hill Drive;
- (f) 17 Avenue South from the eastern **City** limit, west to the Canadian National Railway crossing of 17 Avenue;
- (g) 32 Avenue N.E. from 36 Street N.E., east to the **City** limits;
- (h) 64 Avenue N.E. from 36 Street N.E., east to the **City** limits;
- (i) 96 Avenue NE from Harvest Hills Bv to Deerfoot Tr;
- (j) 144 Avenue N.W.;
- (k) 162 Avenue S.W. from 37 Street S.W., east to Macleod Trail;
- (k.1) Airport Trail;
- (l) Anderson Road;
- (m) Barlow Trail from the north **City** limits, south to the junction of McKnight Boulevard;
- (n) Bearspaw Dam Road from 87 Street N.W., east to 85 Street N.W.;
- (o) Beddington Trail;
- (p) Bow Bottom Trail;
- (q) Bow Trail from the junction of Sarcee Trail S.W., east to the junction of Crowchild Trail;
- (r) Canyon Meadows Drive;
- (s) Chaparral Boulevard;
- (t) Country Hills Boulevard;
- (u) Crowchild Trail;
- (v) Deerfoot Trail;
- (w) Falconridge Boulevard N.E.;
- (x) Glenmore Trail from Elbow Drive S.W., west to the **City** limits;
- (y) Glenmore Trail from the Bow River, east to Ogden Road S.E.;
- (z) Harvest Hills Boulevard;
- (aa) Heritage Drive from 14 Street S.W., east to Haddon Road S.W.;
- (bb) Heritage Drive from Bonaventure Drive S.E., east to Blackfoot Trail;
- (cc) John Laurie Boulevard from Nose Hill Drive, east to McKnight Boulevard;
- (dd) Macleod Trail from 162 Avenue S.W., south to the **City** limits;
- (ee) McKenzie Lake Boulevard S.E.;
- (ff) McKenzie Towne Boulevard S.E.;
- (gg) McKenzie Towne Drive S.E.;
- (hh) McKnight Boulevard from Deerfoot Trail east to Barlow Trail and from 36 Street N.E., east to the **City** limit;
- (ii) Memorial Drive N.E. from 39 Street S.E., east to the **City** limits;
- (ii.1) Metis Trail;
- (jj) Nose Hill Drive;
- (kk) Peigan Trail;
- (ll) Sarcee Trail N.W. from Crowchild Trail, north to the Transportation and Utility Corridor;
- (mm) Sarcee Trail from the Trans-Canada Highway, south to the junction of Glenmore Trail and from Southland;
- (nn) Shaganappi Trail;
- (oo) Shawnessy Boulevard from west **City** limits, east to Shawnessy Drive S.W.;
- (pp) Southland Drive from west **City** limits, east to Haddon Road S.W.;
- (qq) Southland Drive from Bonaventure Drive S.E., east to Deerfoot Trail;
- (rr) Sun Valley Boulevard from Macleod Trail, east to Chaparral Boulevard;
- (ss) the Transportation and Utility Corridor;
- (tt) Trans-Canada Highway from the Bow River, west to the **City** limits; or
- (uu) Trans-Canada Highway from 6 Street N.E., east to the **City** limits.

1. West Nose Creek Park
2. Nose Hill Park
3. Nose Creek Park
4. Prairie Winds Park
5. Confederation Park
6. Baker Park
7. Bowness Park
8. Bowmont Park
9. Shouldice Park
10. Edworthy Park
11. Lawrey Gardens
12. Riley Park
13. Millennium Park & Science Centre
14. Prince's Island Park
15. Olympic Plaza
16. Fort Calgary
17. Calgary Zoo & St. Patrick's Island
18. Tom Campbell's Hill
19. Pearce Estate Park
20. Inglewood Bird Sanctuary
21. Valleyview Park
22. Marlborough Park
23. Elliston Park
24. Richmond Green Park
25. Lindsay Park
26. Stanley Park
27. River Park & Sandy Beach
28. North Glenmore Park
29. Weaselhead Natural Area
30. South Glenmore Park
31. Heritage Park
32. Beaver Dam Flats Park
33. Carburn Park
34. Southland Park
35. Fish Creek Provincial Park
36. Griffith Woods
37. Ralph Klein Park
38. 12 Mile Coulee Park





Pedestrian Scaled Third Party Advertising Signs (Class F)			D.P. #				
Rule	Requirements		Evaluation				
		Notes	Provided/Variance				
<b>NOTE: Pedestrian Scaled Third Party Advertising signs are limited to parcels located in Section 1068 (5) &amp; (6) which are transit property.</b>							
103.1 Pedestrian Scaled Third Party Advertising	(a) with a maximum height of 2.0m and a max sign area of 2.0m <sup>2</sup> ;		Height (m)				
			Area (m <sup>2</sup> )				
	(b) that may have copy visible from a pathway		F/M Discretion	N/A	N/I		
	(c) that must not be located within 20.0m of any Freestanding Sign, other than Third Party Advertising Signs or Digital Third Party Advertising Signs on the same parcel, when measured from the closest point of the sign, containing the digital display to the closest point of another sign; and						
	(d) that must be oriented to pedestrians and must not be legible from streets.		F/M Discretion	N/A	N/I		
1068 S-CRI Discretionary Uses	(4) The following uses are discretionary uses when carried on by, or on behalf of, the City where located on parcels identified in subsections (5) and (6): (a) Sign – Class F; and (b) Sign – Class G						
	(6) The uses listed in subsection 1068 (4) may be located on a parcel identified as one or more of the following, if they are pedestrian scaled third party advertising:  <i>(see 1068(6) locations tab)</i>		C	N/C	N/A	N/I	
1073.1 Sign - Class F and Sign - Class G	(1) The rules contained in Part 3, Division 5: Signs apply to Sign - Class F and Sign - Class G, except as follows:	(a) Sign - Class F pedestrian scaled third party advertising may only be illuminated in a manner that prevents the trespass of light onto adjacent parcels;		Requires review by planner or technician	N/A	N/I	
		(b) Notwithstanding subsections 115.2(6), where a Sign - Class G pedestrian scaled third party advertising is visible from and located within 125.0m of a building containing a Dwelling Unit, the sign must not operate, or must only display a blank screen between 10pm and 7am;		Requires review by planner or technician	N/A	N/I	
		(c) In addition to any sign approved under subsections 1068(2), (3), and (5), a max of one Sign - Class F or Sign - Class G larger than a max height of 2.0m and a max sign area of 2.0m <sup>2</sup> may be located on each parcel identified in subsection 1068(5); and		Height (m)			
				Area (m <sup>2</sup> )			
	(d) When a Third Party Advertising Sign or Digital Third Party Advertising Sign is located on a parcel identified in subsection 1068(5)(a), it must be a minimum of 200.0 metres from another Third Party Advertising Sign or Digital Third Party Advertising Sign, facing the same oncoming traffic.		C	N/C	N/A	N/I	

- (a) That portion of Research Road NW which lies east of 33 Street NW on Plan 8110138;
- (b) Lot 5 Block 5 Plan 8110138;
- (c) Lot 9 Block 5 Plan 9712289;
- (d) Block 4 Plan 9512418;
- (e) Block 1 Plan 7611002 excepting Road Plan 8211009 and Subdivision Plan 8911094;
- (f) Lot 1 Block 1 Plan 8510947;
- (g) Block 14 Plan Haysboro Industrial Calgary 5115HV;
- (h) Block 9 Plan Franklin Park Industrial Calgary 7410806; excepting Street Widening Plan 7811004;
- (i) Lot 10 Block 1 Plan 9912694;
- (j) Lot 1 Block 9 Plan 8211309;
- (k) Block 2 Plan 9911775;
- (l) Lot 106 Block 13 Plan 9710384;
- (m) Lot 1 Block 13 Plan 7810679;
- (n) Block C Plan 7811204; and
- (o) Lot 1 Block 39 Plan 0012045

**Samnick, Cyrille**

---

**From:** Devan Reed [REDACTED]@tisonoutdoor.com>  
**Sent:** Thursday, November 3, 2022 10:37 AM  
**To:** Wilkinson, Mathew  
**Subject:** [External] RE: Action Required - Detailed Review for DP2022-04716 at 2807 OGDEN RD SE

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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Hi Mathew,

We would like to take the refusal and move to appeal the decision.

Thank you for your time and consideration in reviewing the application with us.

Regards,

Devan Reed (he, his, him)  
Account Executive- Leasing

Pattison Outdoor Advertising  
Suite 274, 1011 - 9th Avenue SE  
Calgary, AB, T2G 0H7



---

**From:** Wilkinson, Mathew <Mathew.Wilkinson@calgary.ca>  
**Sent:** Friday, October 21, 2022 8:38 AM  
**To:** Devan Reed [REDACTED]@pattisonoutdoor.com>  
**Subject:** [EXTERNAL] RE: Action Required - Detailed Review for DP2022-04716 at 2807 OGDEN RD SE

This is an **EXTERNAL** email

---

Hi Devan,

Thank you for the response to the Detailed Review. I have met with the Development Authority and the decision to not support the sign remains. While the bylaw has regulations with regards to digital signage, we still depend on the expertise from our Traffic Engineers to determine if a digital sign will be a distraction to drivers and has safety concerns. While angling the adjacent sign will help resolve the bylaw concern for 2 TPA signs within 75m facing the same oncoming traffic, the sign itself still poses those safety concerns and cannot be supported. With regards to your last inquiry, if you would like I can help set up a pre-application meeting with our Transportation department where they can go over their guidelines for future applications. Their review on this sign includes their concerns with regards to the location adjacent to this major street and the guide signs. If you do not agree with this assessment, you are able to appeal this decision

Please let me know how you would like to proceed with this application.

Thanks,

Mathew Wilkinson, AT  
Senior Planning Technician  
Development & Subdivision Application Services | Community Planning  
Planning and Development Services  
403-651-5459

[Mathew.wilkinson@calgary.ca](mailto:Mathew.wilkinson@calgary.ca)



---

From: Devan Reed <[REDACTED]@ttisonoutdoor.com>  
Sent: Thursday, October 20, 2022 11:39 AM  
To: Wilkinson, Mathew <Mathew.Wilkinson@calgary.ca>  
Subject: [External] RE: Action Required - Detailed Review for DP2022-04716 at 2807 OGDEN RD SE

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Hi Mathew,

Attached is a document outlining some comments and solutions we had regarding the DR. We are hopeful that we can work together to permit the signs in the near future. If you could please let me know your thoughts on the proposed solutions, that would be great. I look forward to hearing from you.

Thank you,

Devan Reed (he, his, him)  
Account Executive- Leasing

**Pattison Outdoor Advertising**  
Suite 274, 1011 - 9th Avenue SE  
Calgary, AB, T2G 0H7  
[REDACTED]



From: Wilkinson, Mathew <[Mathew.Wilkinson@calgary.ca](mailto:Mathew.Wilkinson@calgary.ca)>  
 Sent: Monday, October 3, 2022 1:46 PM  
 To: Devan Reed <[devan@attisonoutdoor.com](mailto:devan@attisonoutdoor.com)>  
 Subject: [EXTERNAL] RE: Action Required - Detailed Review for DP2022-04716 at 2807 OGDEN RD SE

This is an **EXTERNAL** email

Hi Devan,

Please see attached Detailed Review with the extended DR date. Everything else is the same as the previous document.

Thanks,

Mathew Wilkinson, AT  
 Senior Planning Technician  
 Development & Subdivision Application Services | Community Planning  
 Planning and Development Services  
 403-651-5459  
[Mathew.wilkinson@calgary.ca](mailto:Mathew.wilkinson@calgary.ca)



From: Devan Reed <[devan@attisonoutdoor.com](mailto:devan@attisonoutdoor.com)>  
 Sent: Monday, October 3, 2022 1:42 PM  
 To: Wilkinson, Mathew <[Mathew.Wilkinson@calgary.ca](mailto:Mathew.Wilkinson@calgary.ca)>  
 Subject: [External] RE: Action Required - Detailed Review for DP2022-04716 at 2807 OGDEN RD SE

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Hi Mathew,

We would very much appreciate the opportunity to extend the DR date. I will have more information for you shortly regarding the application.

Thank you,

Devan Reed (he, his, him)

Account Executive- Leasing

**Pattison Outdoor Advertising**

Suite 274, 1011 - 9th Avenue SE  
Calgary, AB, T2G 0H7

C [REDACTED]



---

**From:** Wilkinson, Mathew <[Mathew.Wilkinson@calgary.ca](mailto:Mathew.Wilkinson@calgary.ca)>  
**Sent:** Monday, October 3, 2022 1:39 PM  
**To:** Devan Reed [REDACTED] <[ttisonoutdoor.com](mailto:ttisonoutdoor.com)>  
**Subject:** [EXTERNAL] RE: Action Required - Detailed Review for DP2022-04716 at 2807 OGDEN RD SE

**This is an EXTERNAL email**

---

Hi Devan,

Apologies this is a little late. Would you like me to extend the DR due date for this one?

Thanks,

Mathew Wilkinson, AT  
Senior Planning Technician  
Development & Subdivision Application Services | Community Planning  
Planning and Development Services  
403-651-5459  
[Mathew.wilkinson@calgary.ca](mailto:Mathew.wilkinson@calgary.ca)



---

**From:** Wilkinson, Mathew  
**Sent:** Thursday, September 8, 2022 4:03 PM  
**To:** Devan Reed [REDACTED] <[ttisonoutdoor.com](mailto:ttisonoutdoor.com)>  
**Subject:** RE: Action Required - Detailed Review for DP2022-04716 at 2807 OGDEN RD SE

Hi Devan,

Right now the due date for the Detailed Review is September 18<sup>th</sup>. If I don't hear anything back by that date I will follow up with you. I can reissue the DR to extend this by a month at that time if needed.

Thanks,

Mathew Wilkinson, AT  
Senior Planning Technician  
Development & Subdivision Application Services | Community Planning

# BLOCK PLAN

**LEGAL DESCRIPTION:**

Parcel G, Plan 5076GS  
 Excepting Thereout The Street On  
 Plan 61HS Also Excepting Thereout  
 Road Plan 101 3653

**MUNICIPAL ADDRESS:**

2807 Ogden Road S.E.  
 Calgary, Alberta

**PREPARED FOR:**

Pattison Outdoor Advertising

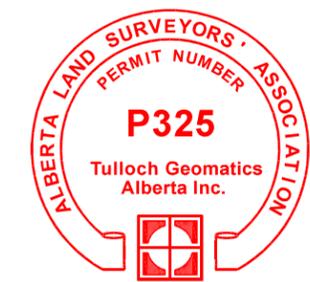
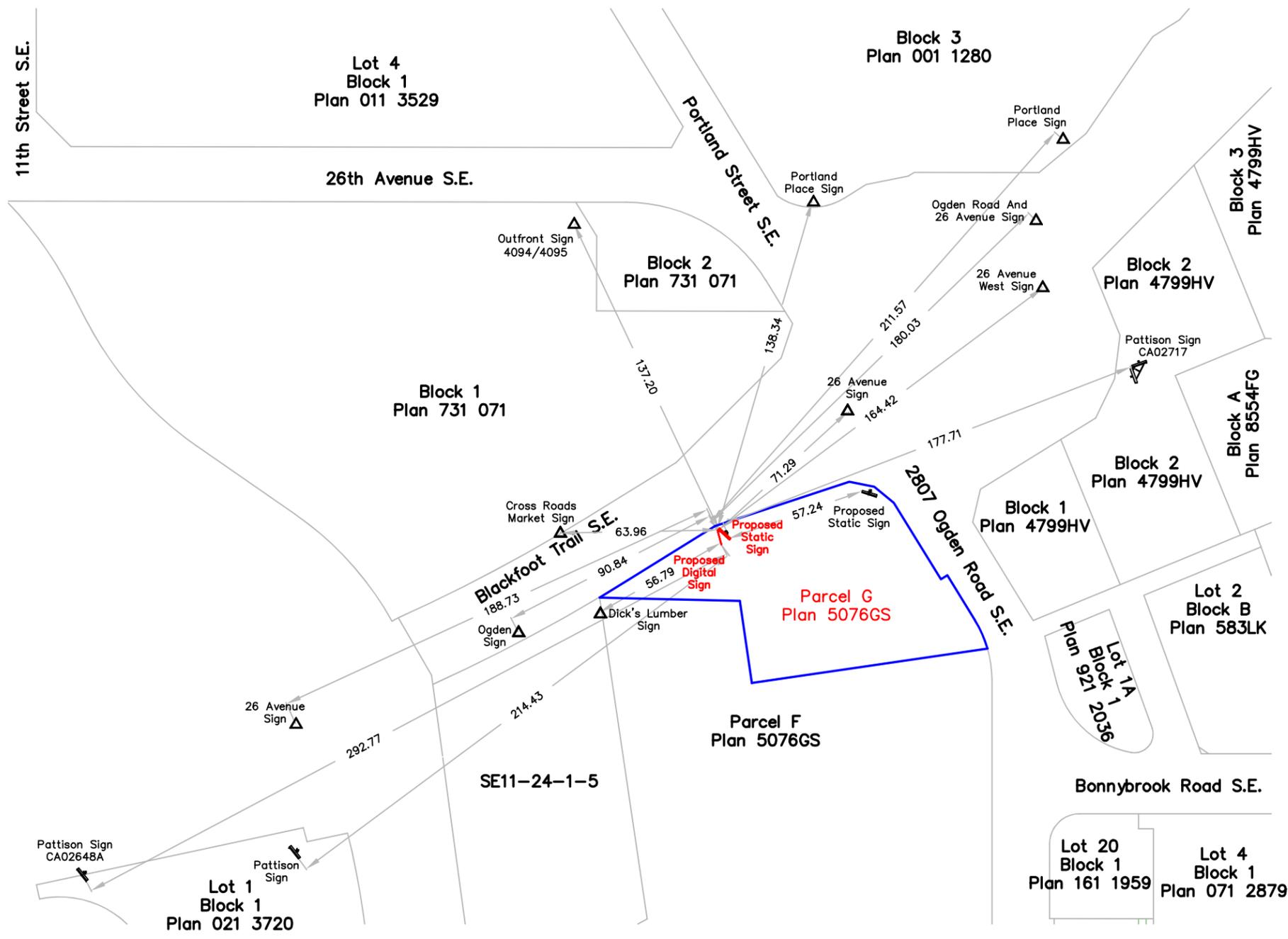
**DATE OF SURVEY:**

June 16th, 2022

**LEGEND**

- denotes Property line
- △ ----- denotes Sign

**SCALE:** 1:2000



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<b>Tulloch Geomatics Alberta Inc.</b>	
#203, 1201 5th Street SW Calgary, Alberta T2R 0Y6	Ph.: 286-7937 Fax: 247-0325
Surveyed: TW	Drawn: Wang
File No.: 224211A	Date: Jul. 26, 2022

# SITE PLAN

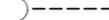
**LEGAL DESCRIPTION:**  
 Parcel G, Plan 5076GS  
 Excepting Thereout The Street On  
 Plan 61HS Also Excepting Thereout  
 Road Plan 101 3653

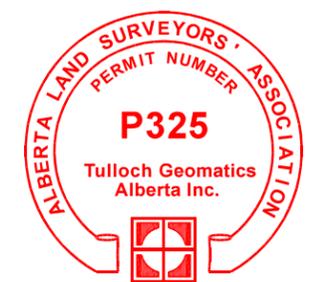
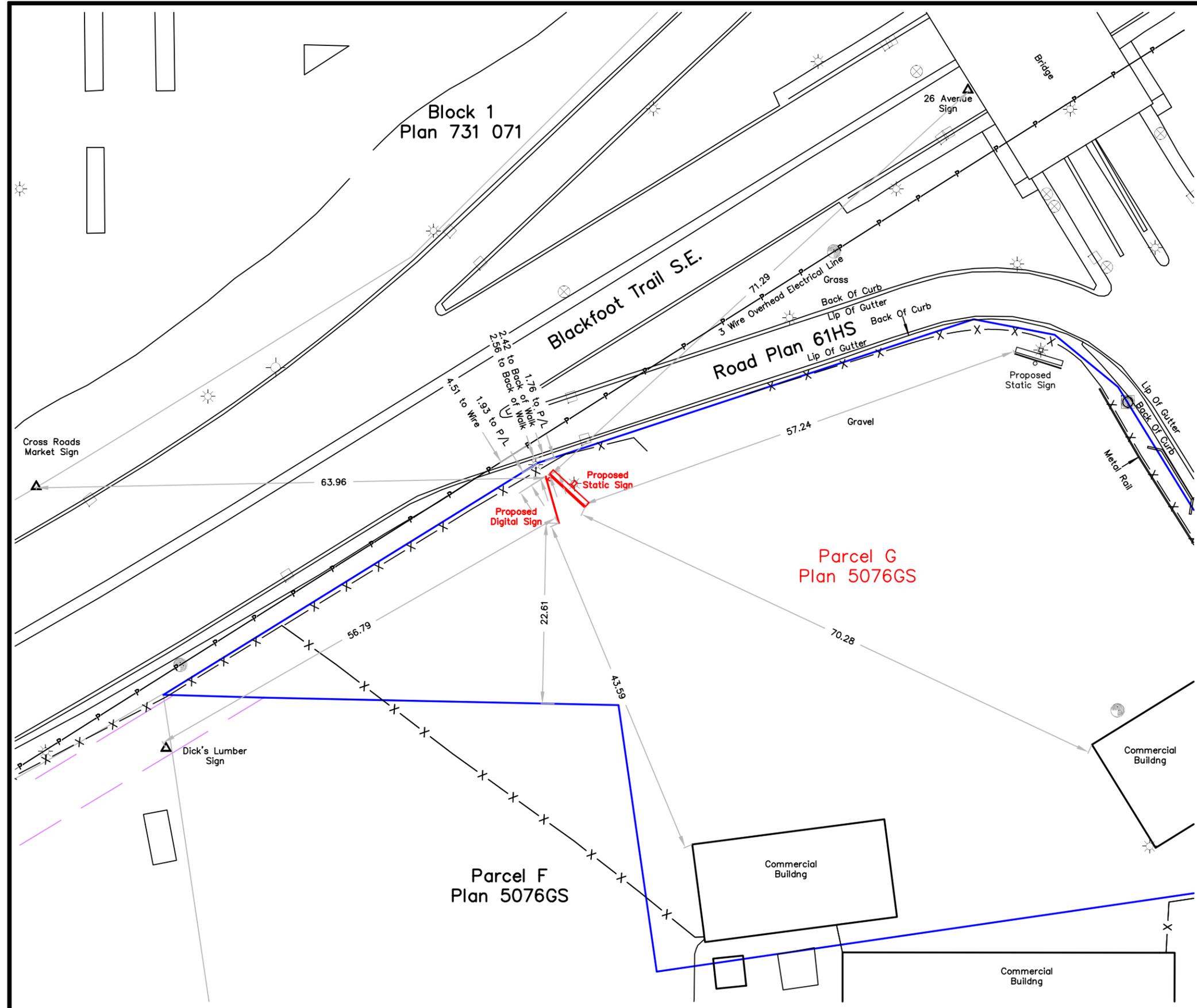
**MUNICIPAL ADDRESS:**  
 2807 Ogden Road S.E.  
 Calgary, Alberta

**PREPARED FOR:** Pattison Outdoor Advertising  
**DATE OF SURVEY:** June 16th, 2022

**SCALE:** 1:500

**LEGEND**

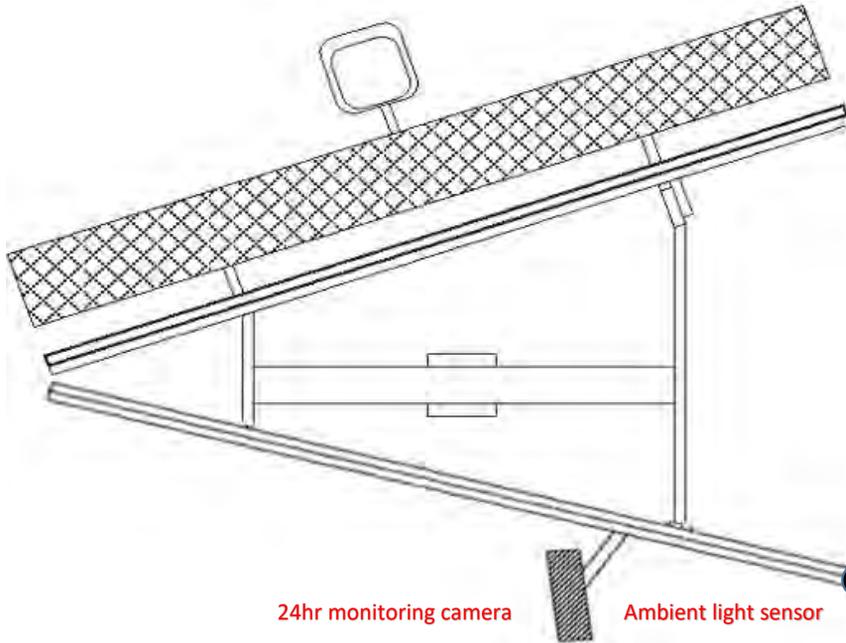
-  denotes Property line
-  denotes Utility line
-  denotes Fence line
-  denotes Light Pole
-  denotes Traffic Light Pole
-  denotes Pedestals
-  denotes Manhole
-  denotes Power Pole
-  denotes Power Anchor
-  denotes Electrical Cabinet
-  denotes Light Sweeps
-  denotes Catch basin Cover
-  denotes Sign
-  denotes Utility Box
-  denotes Power Pole With Light Sweep
-  denotes Hydrant



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#203, 1201 5th Street SW Calgary, Alberta T2R 0Y6	Ph.: 286-7937 Fax: 247-0325
Surveyed: TW	Drawn: Wang
File No.: 224211A	Date: Jul. 26, 2022



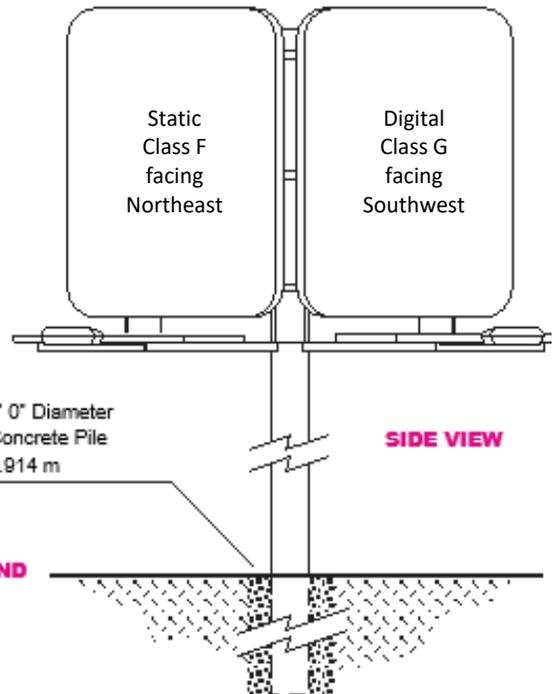
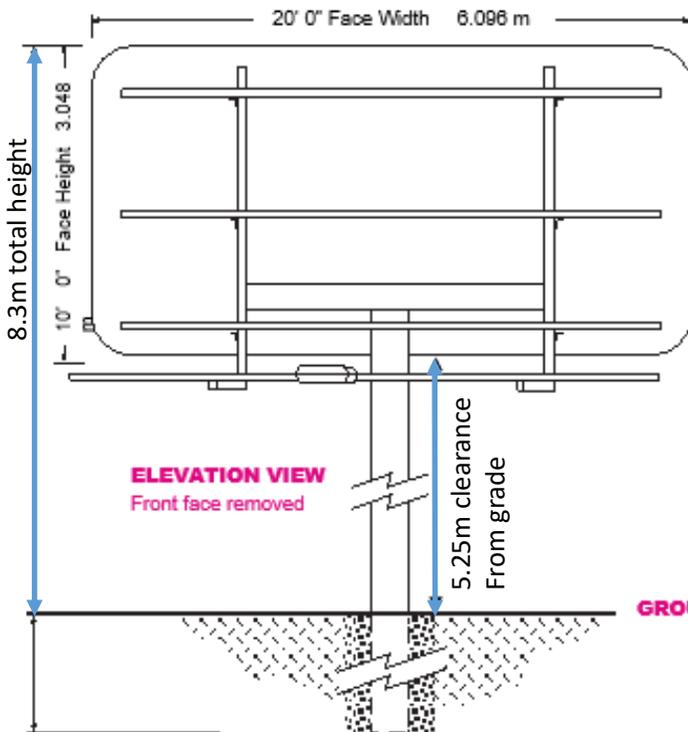
Static Class F  
Facing Northeast

2807 Ogden RD SE  
Legal: 5076GS;G  
New Sign  
Underground Power

24hr monitoring camera

Ambient light sensor

Digital Class G  
Facing Southwest



Appeal Board rec'd: April 5, 2023  
Submitted by: D. Reed, appellant/applicant

Presentation Pattison Outdoor Advertising  
2807 Ogden Road SE  
SDAB 2023-0007/ DP2022-04716  
Hearing April 13<sup>th</sup> 2023



# Content

- Sign Location Details and Photos
- Surrounding Area and Compatibility
- Class F Separation and Setback
- Guide Sign Separation and Differentiation
- Sign Hierarchy
- Examples of Similar Approved Class G Signs

## Sign Location Details & Photos

- The proposed Class F/G sign will be replacing an approved double-sided Sign Class F that has resided on the property since its first approval in **1988**. The property is approved for two Class F sign structures all the way into **2026** with the most recent renewal of those permits happening in 2021 (5 year permit) this marks **35 years of consecutive approval** for 3<sup>rd</sup> party advertising signs on the property.

# Permit History

**Consecutively Approved  
and renewed from:  
1988-2026**

## Application Information: Permit # 1988-0582

Building Address: 2807 OGDEN RD SE	Permit Status: Released
Applicant: N/A	Application Date: 1988/04/08
Description: Converted Job - BILLBOARD (5 YEARS)	
Land Use Description at Time of Application:	
• N/A N/A	
Proposed Land Use Description:	
• B8170 SIGN	
Decision: Approval	Decision Date: 1988/04/21
Decision By: Development Authority	Release Date: 1988/04/21
DCP #: 1988-4232	Securities: NO

## Application Information: Permit # 1993-0033

Building Address: 2807 OGDEN RD SE	Permit Status: Released
Applicant: N/A	Application Date: 1993/01/08
Description: Converted Job - THIRD PARTY ADVERTISING (RENEWAL DP88/0582)	
Land Use Description at Time of Application:	
• I-2 GENERAL LIGHT INDUSTRIAL DISTRICT	
Proposed Land Use Description:	
• B8170 SIGN	
Decision: Approval	Decision Date: 1993/01/28
Decision By: Development Authority	Release Date: 1993/01/28
DCP #: 1993-1105	Securities: NO
Expiry of Temporary Approval:	Revised Plan: NO
Must Commence By: 1995/01/28	Cancellation Date:

## Application Information: Permit # 1998-0255

Building Address: 2807 OGDEN RD SE	Permit Status: Expired
Applicant: PATTISON OUTDOOR GROUP	Application Date: 1998/01/26
Description: Converted Job - THIRD PARTY ADVERTISING SIGN (RENEWAL OF DP 93/0033)(5 YEARS)	
Land Use Description at Time of Application:	
• I-2 GENERAL LIGHT INDUSTRIAL DISTRICT	
Proposed Land Use Description:	
• B8170 SIGN	
Decision: Approval	Decision Date: 1998/02/03
Decision By: Development Authority	Release Date: 1998/02/03
DCP #: 1998-0494	Securities: NO
Expiry of Temporary Approval: 2003/02/03	Revised Plan: NO
Must Commence By: 2000/02/03	Cancellation Date:

**Application Information: Permit # 2004-0272**

Building Address: 2807 OGDEN RD SE  
 Applicant: PATTISON OUTDOOR GROUP  
 Description: THIRD PARTY ADVERTISING SIGN (RENEWAL - 5 YEARS)  
 Land Use Description at Time of Application:

Permit Status: Expired  
 Application Date: 2004/02/05

• I-2 GENERAL LIGHT INDUSTRIAL DISTRICT  
 Proposed Land Use Description:

• B8170 SIGN  
 Decision: Approval  
 Decision By: Development Authority  
 DCP #: 2004-0239  
 Expiry of Temporary Approval: 2009/02/12  
 Must Commence By: 2006/02/11

Decision Date: 2004/02/11  
 Release Date: 2004/03/05  
 Securities: NO  
 Revised Plan: NO  
 Cancellation Date:

**Appeal Information**

Appeal #:  
 Appeal Decision:

Hearing Date:

**Application Information: Permit # 2000-1598**

Building Address: 2807 OGDEN RD SE  
 Applicant: PATTISON OUTDOOR GROUP  
 Description: Third Party Advertising Sign (5 Years)  
 Land Use Description at Time of Application:

• I-2 GENERAL LIGHT INDUSTRIAL DISTRICT  
 Proposed Land Use Description:

• B8170 SIGN  
 Decision: Approval  
 Decision By: Development Authority  
 DCP #: 2001-1704  
 Expiry of Temporary Approval: 2006/05/02  
 Must Commence By: 2003/05/02

Permit Status: Expired  
 Application Date: 2000/05/03

Decision Date: 2001/05/02  
 Release Date: 2001/09/18  
 Securities: NO  
 Revised Plan: NO  
 Cancellation Date:

**Application Information: Permit # 2009-0751**

Building Address: 2807 OGDEN RD SE  
 Applicant: CBS OUTDOOR CANADA

Permit Status: Expired  
 Application Date: 2009/03/12

Description: Sign - Class F: Third Party Advertising Sign (5 Years)  
 Land Use Description at Time of Application:

• I-G Industrial - General  
 Proposed Land Use Description:

• C2720 SIGN - CLASS F  
 Decision: Approval  
 Decision By: Development Authority  
 DCP #: 2009-0558  
 Expiry of Temporary Approval: 2014/03/24  
 Must Commence By: 2011/03/24

Decision Date: 2009/03/24  
 Release Date: 2009/04/22  
 Securities: NO  
 Revised Plan: NO  
 Cancellation Date:

**Appeal Information**

Appeal #:  
 Appeal Decision:

Hearing Date:

**Application Information: Permit # 2006-1952**

Building Address: 2807 OGDEN RD SE  
 Applicant: PATTISON OUTDOOR GROUP  
 Description: Third Party Advertising Sign (X-Ref DP2000-1598) (5 Years)  
 Land Use Description at Time of Application:

• I-2 GENERAL LIGHT INDUSTRIAL DISTRICT  
 Proposed Land Use Description:

• B8170 SIGN  
 Decision: Approval  
 Decision By: Development Authority  
 DCP #: 2006-1046  
 Expiry of Temporary Approval: 2011/06/29  
 Must Commence By: 2008/06/29

Permit Status: Expired  
 Application Date: 2006/06/14

Decision Date: 2006/06/29  
 Release Date: 2006/07/25  
 Securities: NO  
 Revised Plan: NO  
 Cancellation Date:

Applicant: OUTFRONT MEDIA CANADA  
 Description: Temporary Use: Sign - Class G: Digital Third Party Advertising Sign (West Face), Sign - Class F: Third Party Advertising Sign (East Face)  
 Land Use Description at Time of Application:
 

- I-G Industrial - General

 Proposed Land Use Description:
 

- C2721 SIGN - CLASS G

 Decision:
 

Decision Date:	2016/05/20
Decision By:	Release Date:
DCP #:	Securities: NO
Expiry of Temporary Approval:	Revised Plan: NO
Must Commence By:	Cancellation Date: 2016-12-21

#### Appeal Information

Appeal #:
 

Hearing Date:
---------------

 Appeal Decision:

#### Application Information: Permit # 2016-0243

Building Address: 2807 OGDEN RD SE  
 Applicant: OUTFRONT MEDIA CANADA  
 Description: Temporary Use: Sign - Class F (Third Party Advertising Signs - 2)(5 years)  
 Land Use Description at Time of Application:
 

- I-G Industrial - General

 Proposed Land Use Description:
 

- C2720 SIGN - CLASS F

 Decision: Approval
 

Decision Date: 2016/03/10
Decision By: Development Authority
DCP #: 2016-0500
Expiry of Temporary Approval: 2021/03/10
Must Commence By: 2018/03/10
Permit Status: Expired
Application Date: 2016/01/25
Release Date: 2016/04/04
Securities: NO
Revised Plan: NO
Cancellation Date:

Building Address: 2807 OGDEN RD SE  
 Applicant: REED, DEVAN  
 Description: Temporary Use: Sign - Class F & G (Third Party Advertising Sign - east face, Digital Third Party Advertising Sign - west face)  
 Land Use Description at Time of Application:
 

- I-G Industrial - General

 Proposed Land Use Description:
 

- C2721 SIGN - CLASS G

 Decision: Refusal
 

Decision By: Development Authority
DCP #:
Expiry of Temporary Approval:
Must Commence By:

Permit Status: Pending Appeal  
 Application Date: 2022/07/05

Decision Date: 2023/01/20  
 Release Date:  
 Securities: NO  
 Revised Plan: NO  
 Cancellation Date:

#### Appeal Information

Appeal #: SDAB2023-0007  
 Appeal Decision:
 

Hearing Date:
---------------

#### Application Information: Permit # 2021-1491

Building Address: 2807 OGDEN RD SE  
 Applicant: OUTFRONT MEDIA CANADA  
 Description: Temporary Use: Sign - Class F (Third Party Advertising Signs - 2 (5 years))  
 Land Use Description at Time of Application:
 

- I-G Industrial - General

 Proposed Land Use Description:
 

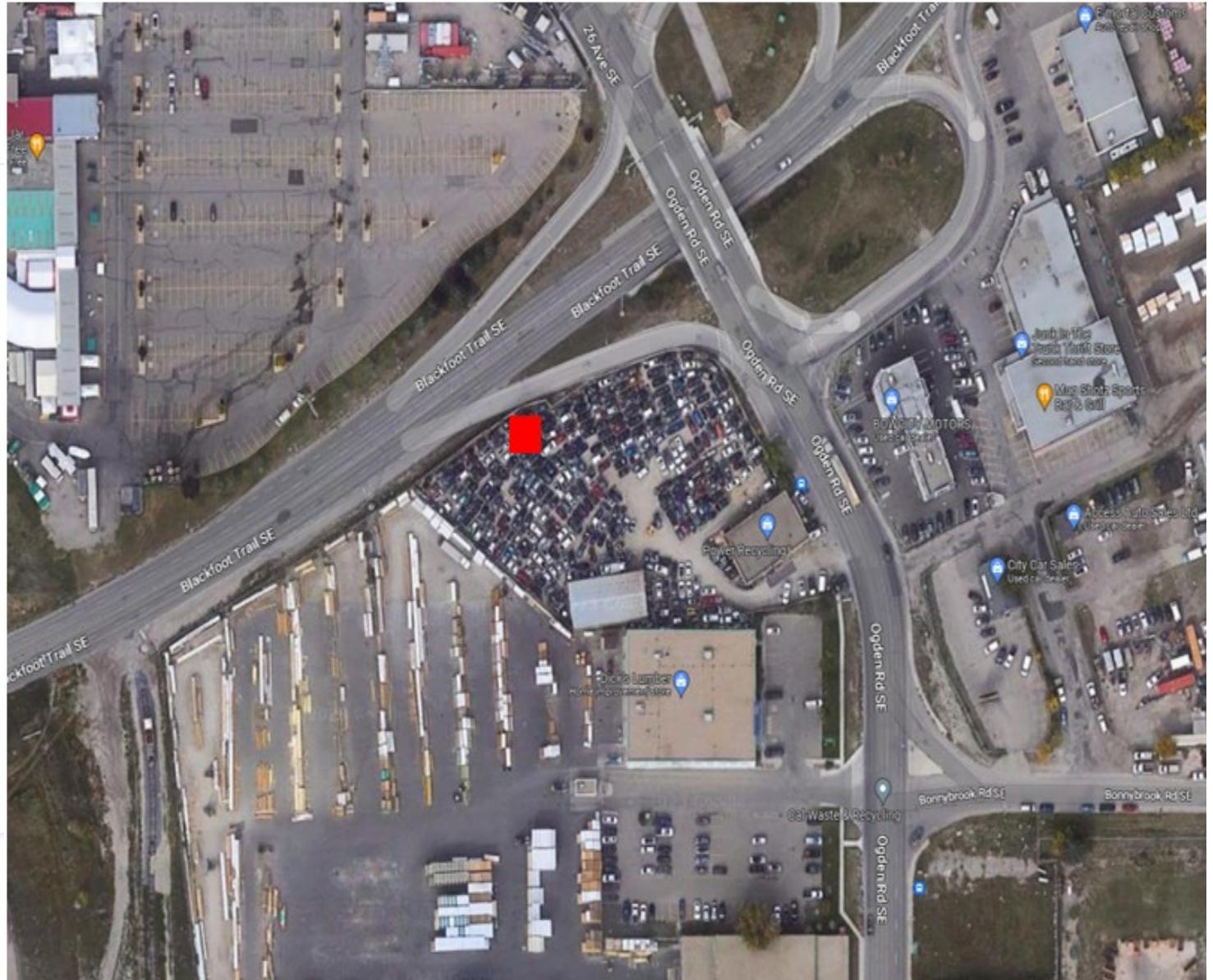
- C2720 SIGN - CLASS F

 Decision: Approval
 

Decision Date: 2021/04/05
Decision By: Development Authority
DCP #: 2021-1611
Expiry of Temporary Approval: 2026/04/05
Must Commence By: 2023/04/05
Permit Status: Released
Application Date: 2021/03/08
Release Date: 2021/05/04
Securities: NO
Revised Plan: NO
Cancellation Date:

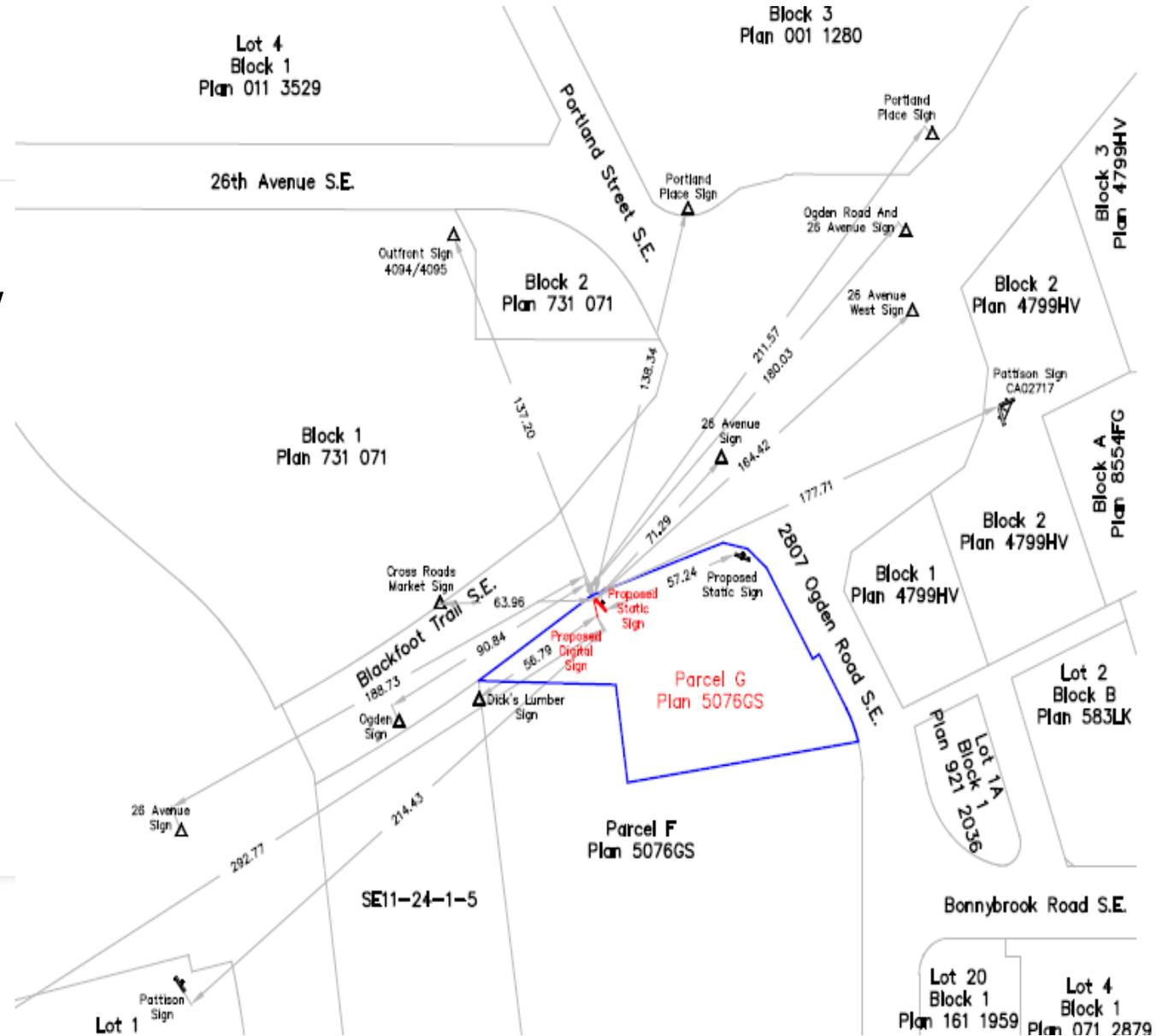
Proposed Sign  
Location Highlight

Indicated by Red Square



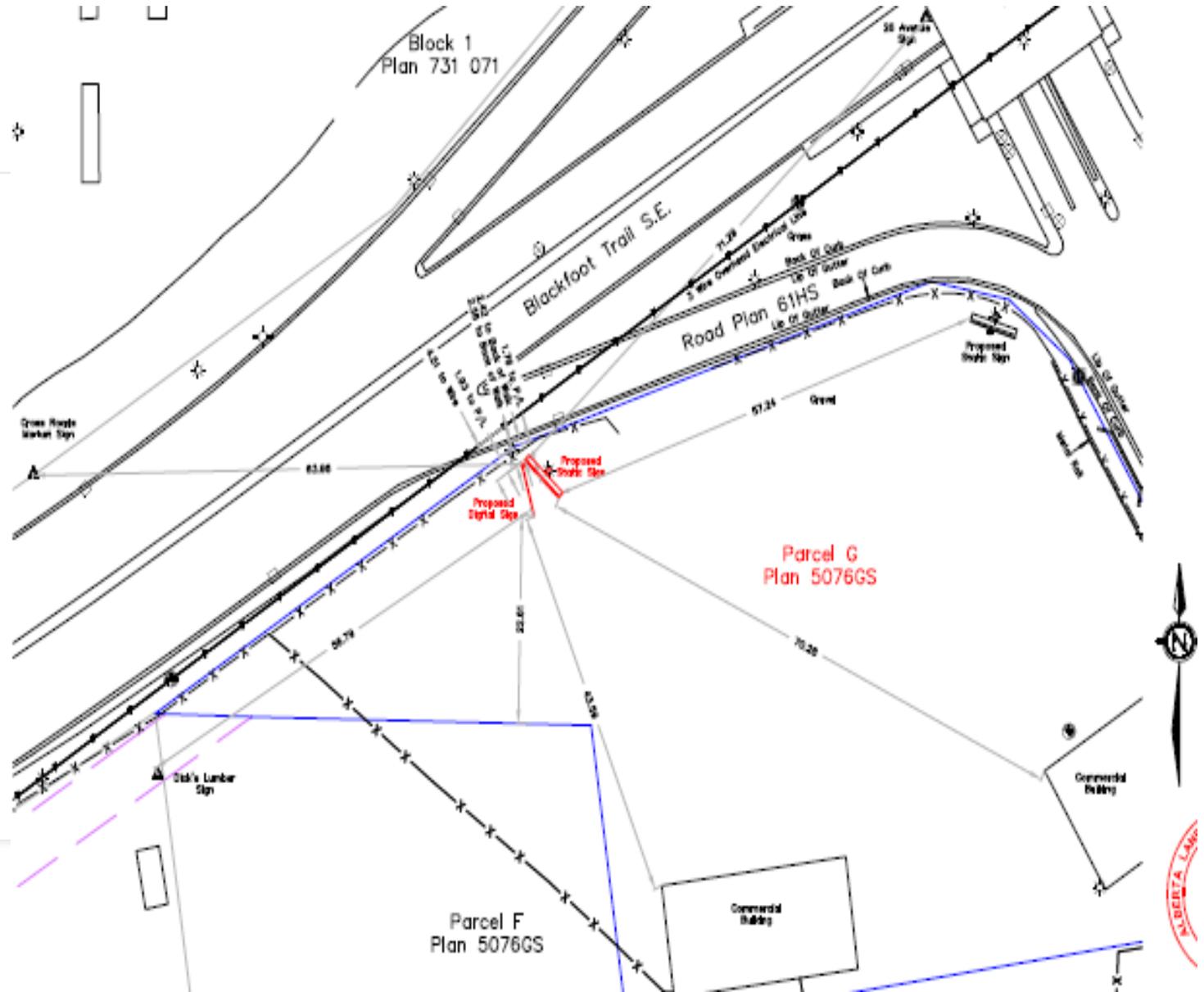
# Block Plan Aerial View

- Signage Type and Orientation
- Proposed Sign Indicated In Red



# Site Plan Aerial View

- Signage Type and Orientation
- Proposed Sign Indicated In Red

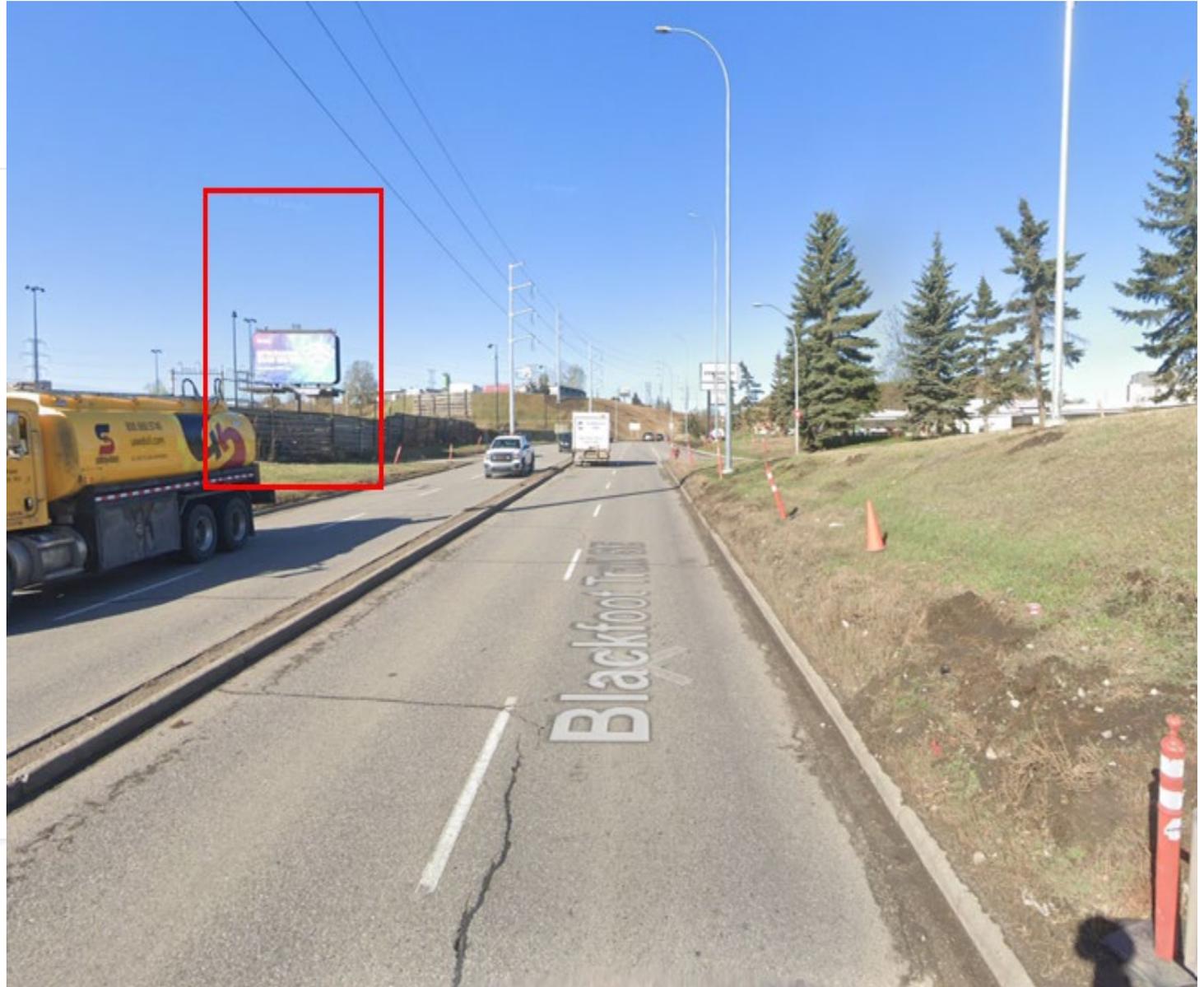


Currently Approved  
Double-sided Sign  
Class F

Approved Since 1988  
Permit # 1988-0582  
Current: DP2021-1491

NE Face

Proposed Static Face  
Location View



Currently Approved  
Double-sided Sign  
Class F

Approved Since 1988  
Permit # 1988-0582  
Current: DP2021-1491

SW Face

Proposed Digital Face  
Location View



## Surrounding Area and Compatibility

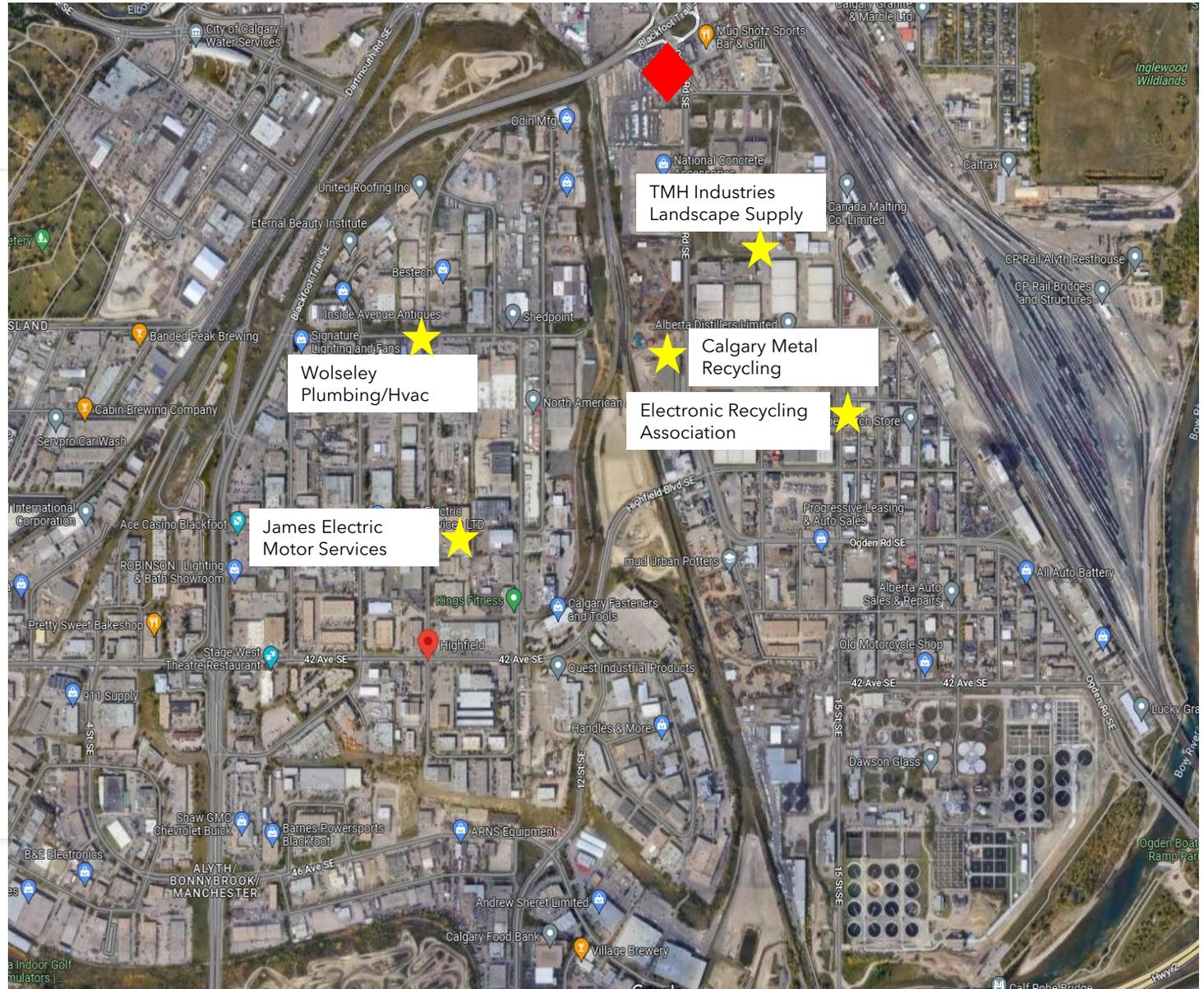
- Parcel zoning is **I-G (Industrial General)** as are most of the surrounding parcels industrially zoned
- Speed Limit 70KMPH
- Third party advertising signs are very common in the surrounding area
- Blackfoot Trail and Ogden Road are both considered **arterial streets** according to the City of Calgary road classification system
- Below is an excerpt from **The City of Calgary Third Party Advertising Sign Guidelines**

### Principles

- I. The appropriate location for Third Party Advertising Signs is generally in commercial and industrial Land Use Districts, preferably on properties adjoining Arterial Streets, Industrial Arterials, Urban Boulevards and a limited of Skeletal Roads, as designated in the Calgary Transportation Plan (CTP)

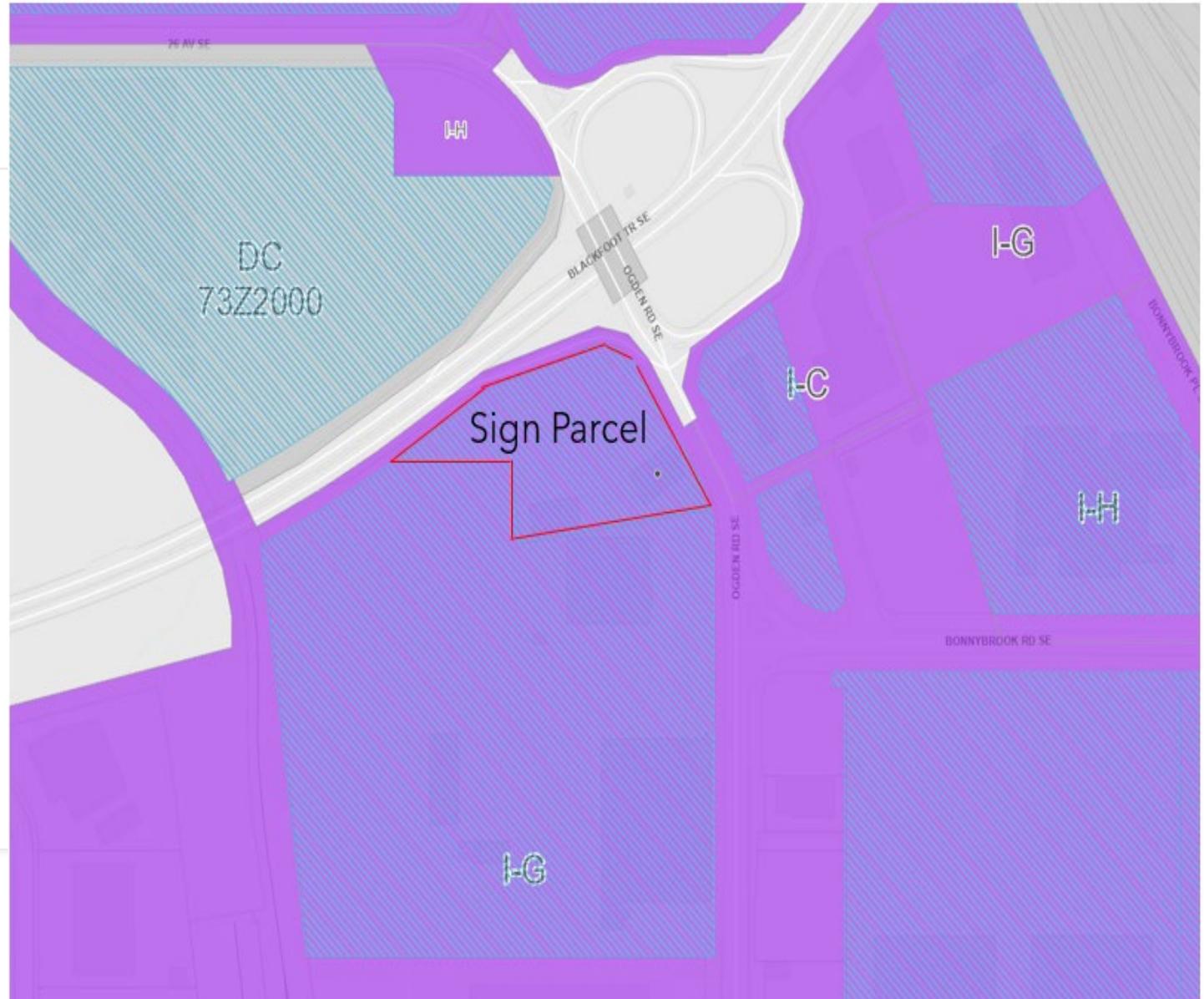
# Highfield

- General sign area indicated by red diamond
- It should be noted that the primary use in this area is industrial



## Zoning and Adjacent Parcels

- Purple Indicates Industrially Zoned Parcels
- Proposed sign parcel outlined in red



Parcel

**2807 Ogden Road SE**



## Sign Separation & Setback

- The proposed sign targets Blackfoot Trail, and is not facing the same oncoming traffic as the Class F on the Ogden overpass (3) **A Third Party Advertising Sign** must not be located within 75.0 metres of any other **Third Party Advertising Sign** facing the same on-coming traffic and must not result in more than two (2) freestanding **Third Party Advertising Signs** greater than 4.6 metres in height and 4.5 square metres in area within a 225.0 metre radius of each other facing the same *street*, except:
- The proposed sign is not visible at the same time as the approved sign Class F on the parcel

## Approved Sign Class F

The approved sign Class F is targeting Ogden Road and not Blackfoot Trail



Both Third Party signs are not visible at the same time

- The proposed sign is not visible from Ogden Road and is deliberately outside of the driver cone of vision when traveling on Ogden Road (photo taken from traffic lights on Ogden Road, North of Blackfoot Trail)
- Distance from overpass to proposed sign is **87.37m**.
- It should be noted that there is a large **gradient difference** from the overpass height to the proposed sign of **4.5m**.



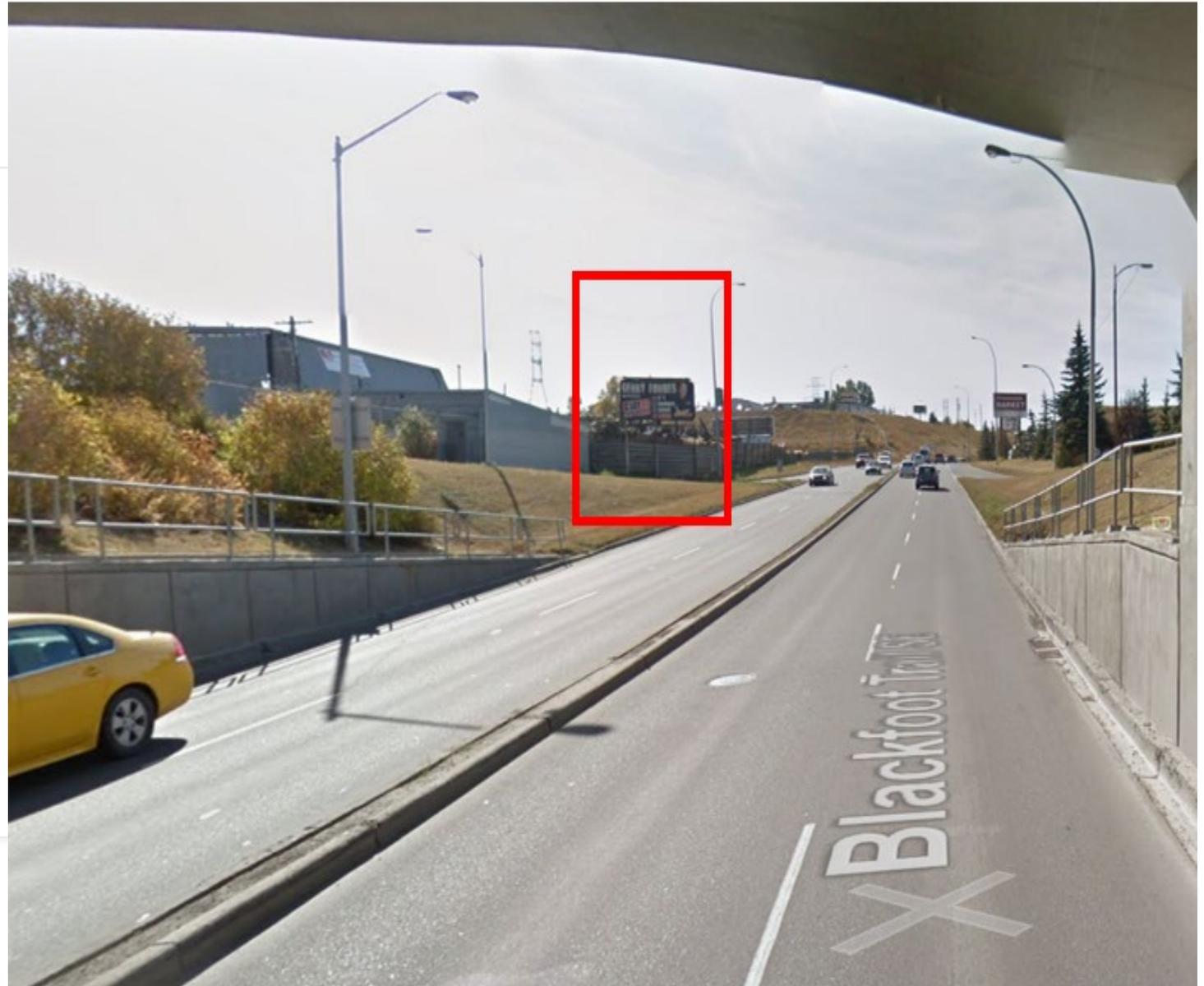
## Driver Perspective Traveling West on Blackfoot Trail

The proposed sign is not visible due to the obstruction of the Ogden Road Overpass. Both signs are never visible at the same time.



## Driver Perspective Traveling West on Blackfoot Trail

The static face of the proposed sign only becomes visible as you emerge from beneath the Ogden Road Overpass.



## Driver Perspective Traveling East on Blackfoot Trail

Both signs are never visible  
at the same time.



## Sign Setback from Roadway

- As the new Class F/G sign is replacing an existing Class F sign, LUB 1P2007, Pg112.2; Sitting of Digital Third Party Advertising Signs; Section 115.3 (3); d(i), (ii) & (iii) apply
- It should be noted that the proposed sign is **1m further setback** from the property line that the approved Class F

4P2013

4P2013

development greater than 10 metres in height and the square metres in area within a 225.0 metre radius of each other facing the same **street**;

- (c) except where specified in subsection (d), must be located at least the following distances from any **property line** shared with a **street**:
- 17.0 metres where the posted speed limit of the public thoroughfare is 100 kilometres per hour or greater;
  - 16.0 metres where the posted speed limit of the public thoroughfare is 90 kilometres per hour;
  - 14.0 metres where the posted speed limit of the public thoroughfare is 80 kilometres per hour;
  - 10.0 metres where the posted speed limit of the public thoroughfare is 70 kilometres per hour; and
  - 6.0 metres where the posted speed of the public thoroughfare is 60 kilometres per hour or less.

- (d) may be located closer to a **property line** shared with a **street** identified in subsection (c) provided that:
- the **sign** replaces an existing approved **Sign – Class F** on a **parcel**;
  - the **development permit** approving the **Sign – Class F** remains in effect; and
  - the distance from the **sign** to any **property line** is not less than that of the existing approved **Sign – Class F**.

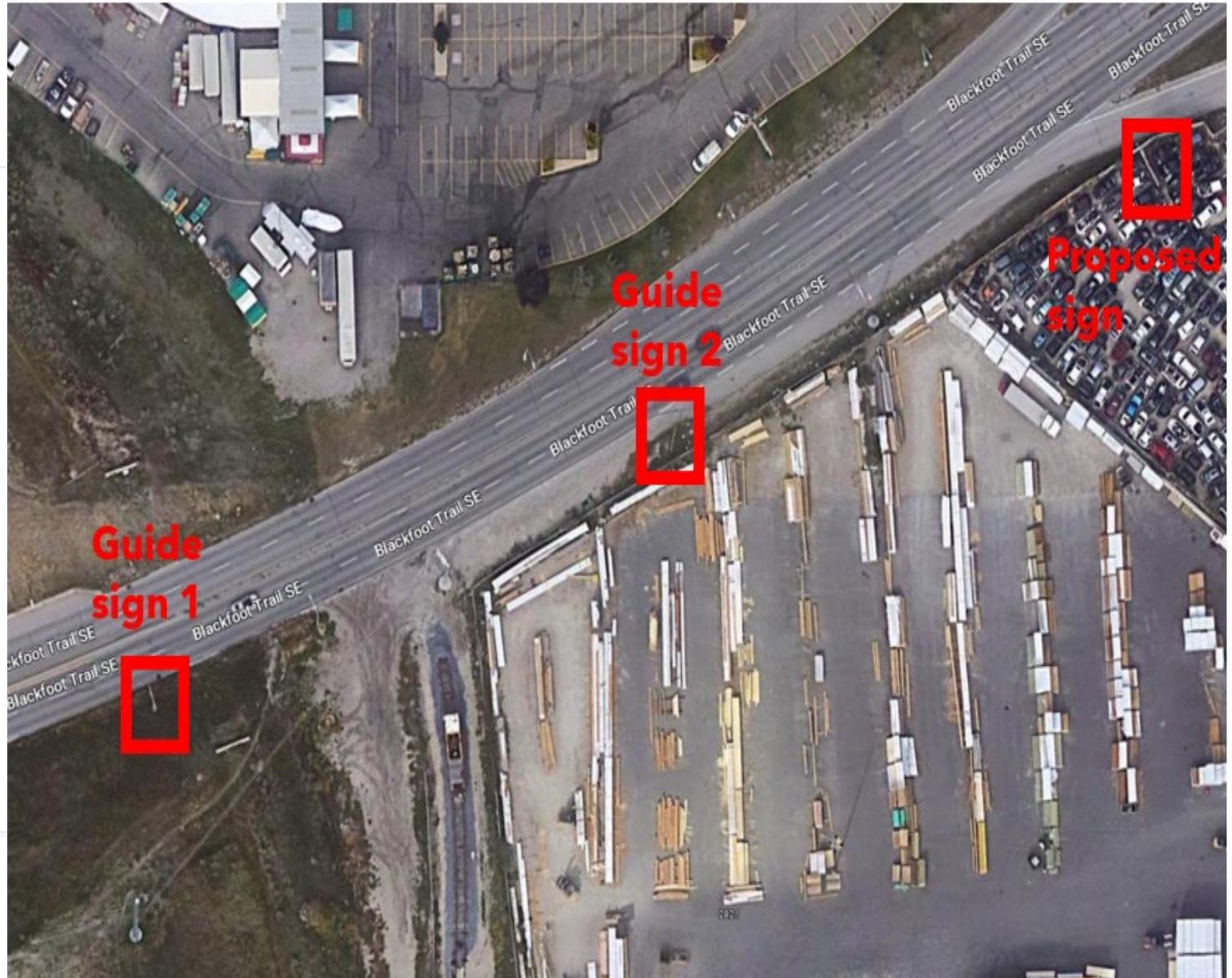
- (4) Trees required under an approved **development permit** must not be removed or altered in any way to accommodate the placement or visibility of a **Digital Third Party Advertising Sign**.

## Guide Sign Separation and Differentiation

- The Guide Sign in closest proximity to the proposed Sign Class G face is over **91m away**
- The separation between both Guide Signs is 97.70m
- Similar situations where Guide Signs are in closer proximity to approved Third Party Advertising Signs existing throughout Calgary

Location of Guide Signs in Relation to the Proposed Sign Class G

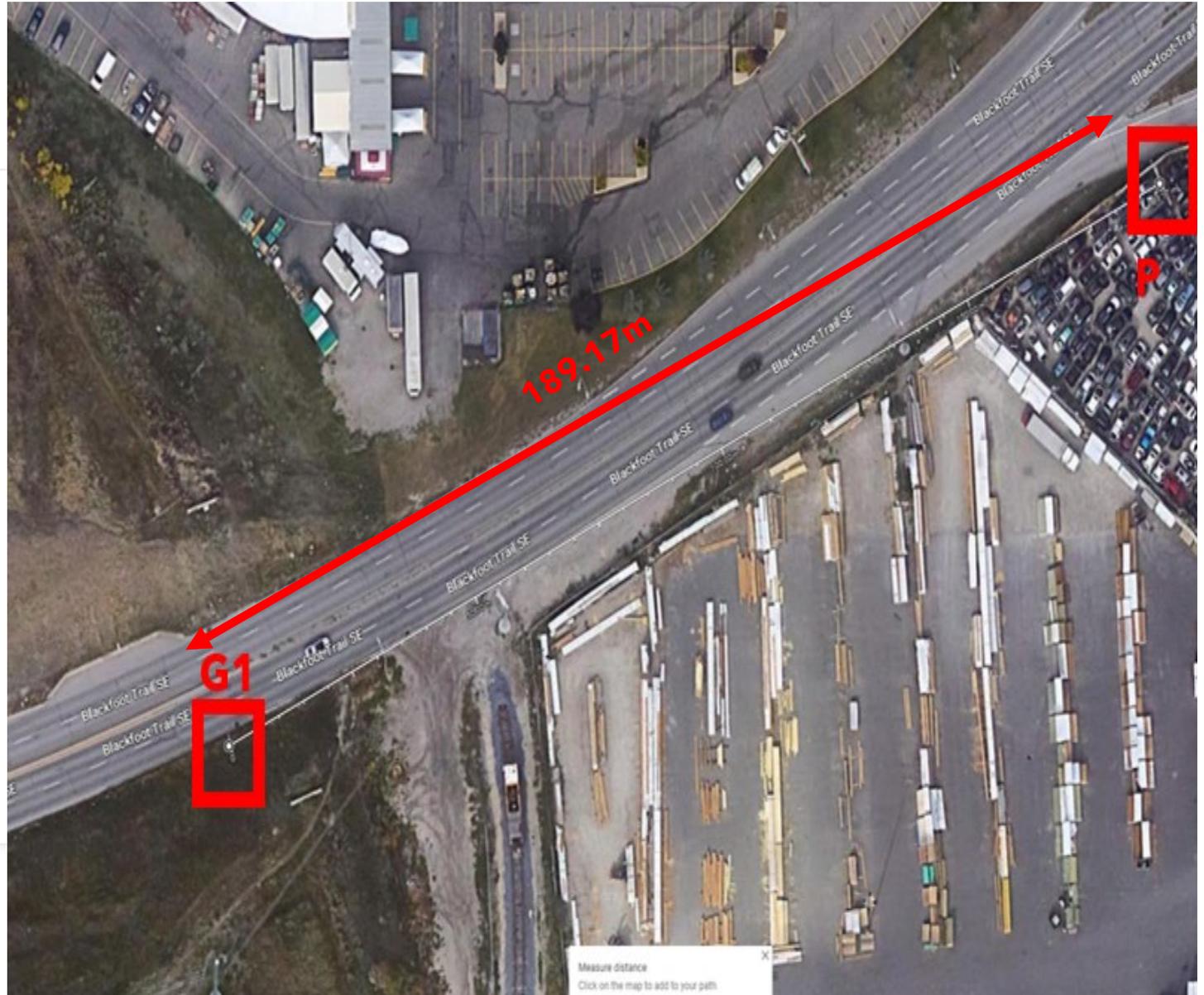
Google Maps Aerial View



Distance from Guide Sign 1 (G1) to the Proposed Sign (P)

**189.17m**

As indicated with google maps aerial measuring tool



Street-view from  
Guide Sign 1 Facing  
the Proposed Sign



Distance from Guide Sign 2 (G2) to the Proposed Sign (P)

**91.39m**

As indicated with google maps aerial measuring tool



Street-view from  
beside Guide Sign 2  
facing the proposed  
sign



Distance Between  
Guide Signs 1 & 2

**97.70m**

As indicated with google  
maps aerial measuring tool



# Differentiation of Sign Dimensions

## **Pattison Class G Sign**

- Sign size 10ft X 20ft
- Sign height 8.3m
- 24h Light Monitoring Camera
- Unipole design



## **City of Calgary Directional Guide Sign**

- Sign size 4ft X 11ft appx.
- Sign height 2.5m appx.
- Dual pole design

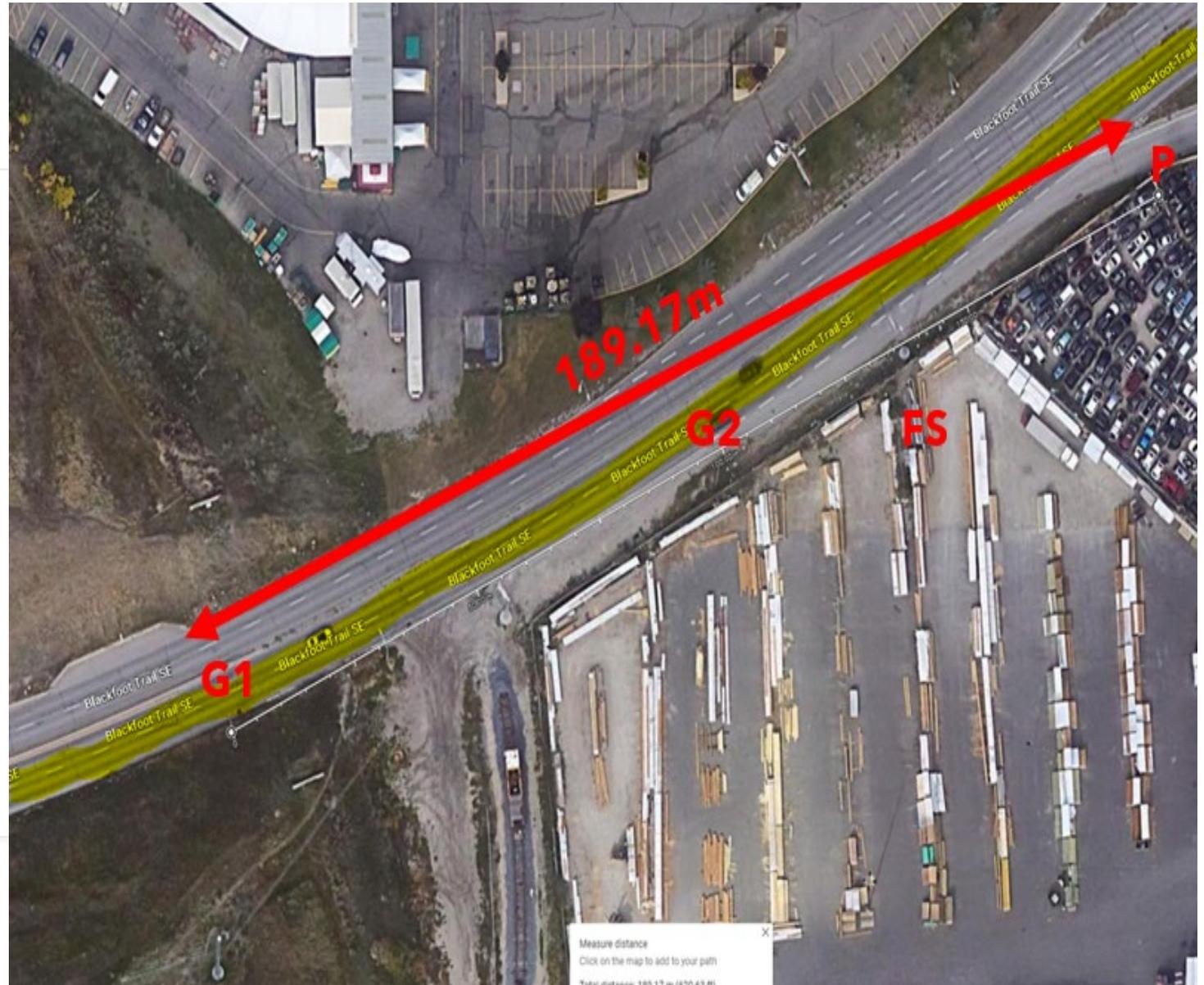
## Sign Hierarchy

- The proposed sign Class G face is the last in line of 2 Guide Signs and 1 freestanding sign spanning **189.17m** when traveling East on Blackfoot trail. This allows the driver to make deliberate decisions on direction of travel prior to being subjected to the sign Class G copy.

Measurement from Guide sign 1 all the way to the Proposed sign Class G

**189.17m total span**

When travelling Eastbound on Blackfoot Trail, the proposed sign would be the last in the line of signs in question. This allows for the 2 Guide Signs to be first priority and visibility to drivers.



## Examples of Approved Sign Class G's in closer Proximity to Guide Signs

1. Macleod Trail & James McKevitt Road
2. Blackfoot Trail & Heritage Drive
3. Glenmore Trail Near Blackfoot Trail Overpass
4. Blackfoot Trail & Highfield Road
5. Macleod Trail & 78 Ave S

Example 1)

Approved Class G  
Sign on Macleod  
Trail SW & James  
McKevitt Road

**108.86m**

Only 17m further away than  
the proposed sign but  
much more similar  
dimensionally to the Class  
G sign



## Aerial Measurement

Distance from Guide Sign:  
**108.68m**



Example 2)

Approved Class G  
Sign on Blackfoot  
Trail SE & Heritage  
Drive

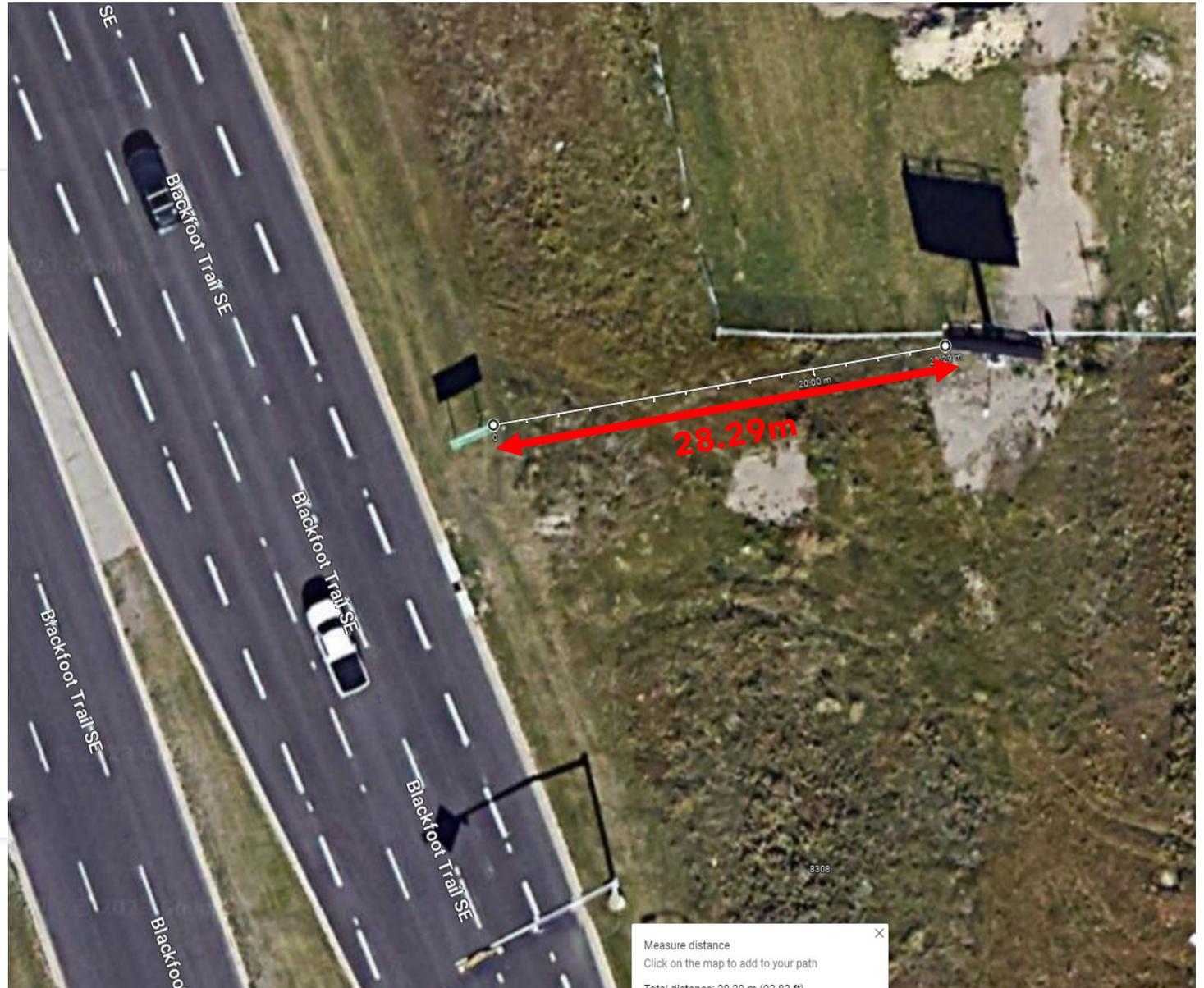
**28.29m**

It should be noted that the  
Class G sign is also in front  
of the Guide Sign and  
therefore out of order in  
terms of sign hierarchy



## Aerial Measurement

Distance from Guide Sign:  
**28.29m**



Example 3)

Approved Class G Sign on Glenmore Trail Near Blackfoot Trail Overpass

**42.66m**

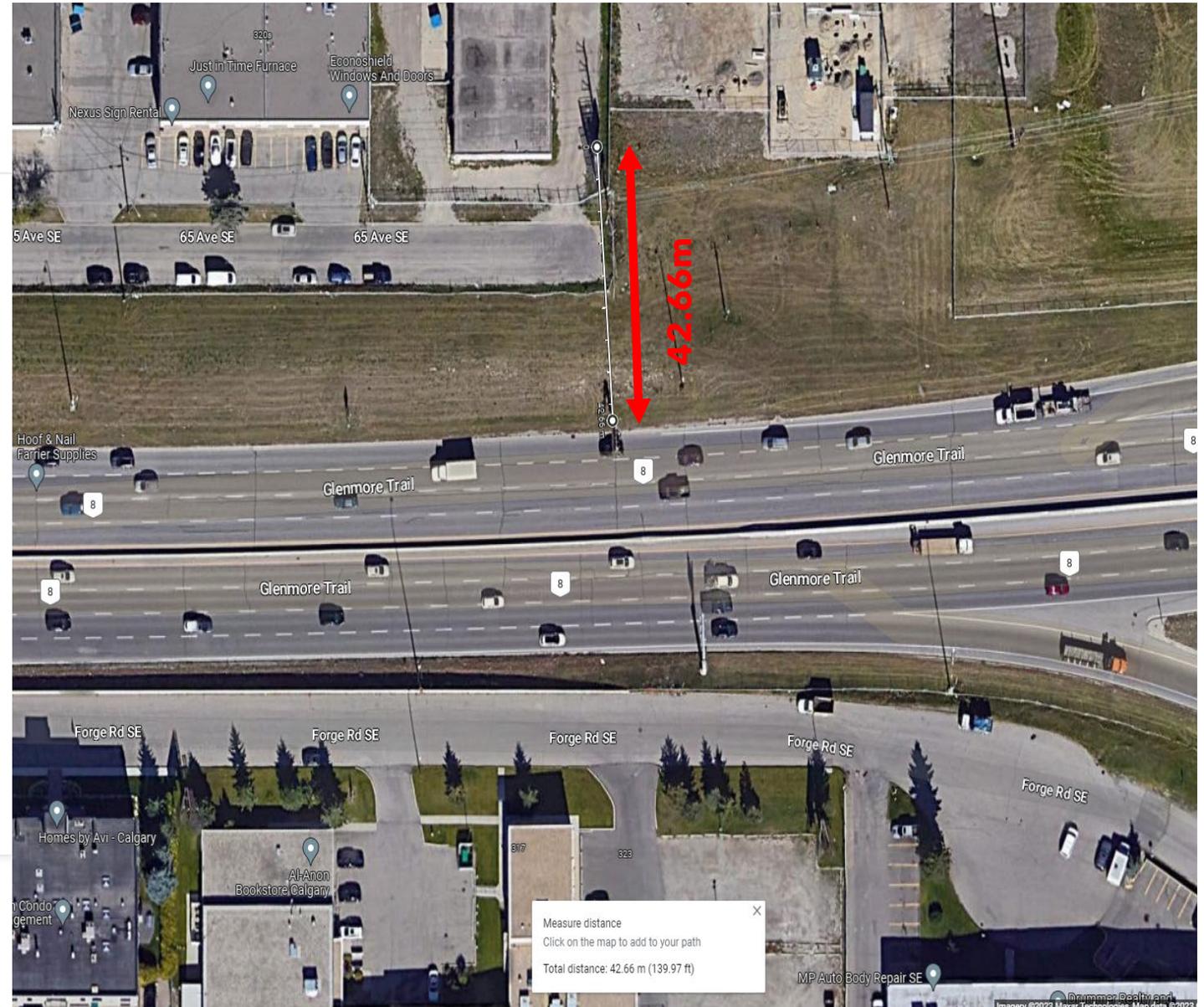


120

## Aerial Measurement

Distance from Guide Sign:  
**42.66m**

Note that this Guide Sign is more similar in dimensions to the approved Class G



Example 4)

Approved Class F at  
Blackfoot Trail and  
Highfield Road

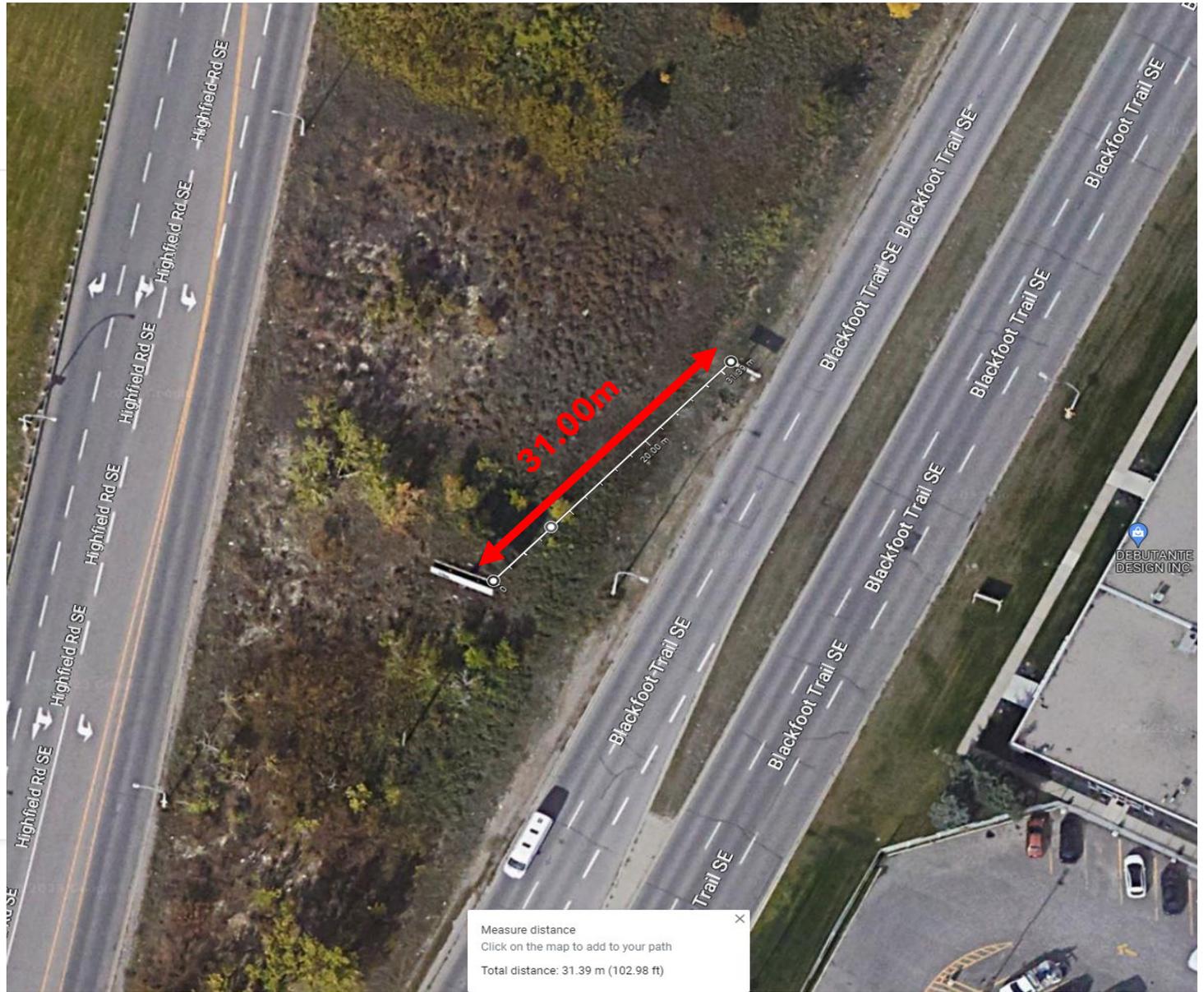
### 31.00m

This is a static sign, however given the comments by WATT, we feel that both sign types should be treated equally.



## Aerial Measurement

Distance from Guide Sign:  
**31.00m**



Example 5)

Approved Class G  
Sign on Macleod  
Trail SE & 78 Ave S

**72.33m**



# Aerial Measurement

Distance from Guide Sign:  
**72.33m**



## WATT Consulting Group Support Letter Summary

In summary, it is my professional opinion that with no additional signs being added to the area, the conditions created from the replacement of the existing static sign to a digital sign will not result in a significant impact from the existing conditions with a static sign.

**126**

**Appeal Board rec'd: April 5, 2023**  
**Submitted by: R. Grol, agent to appellant/applicant**

**Calgary Subdivision and Development Appeal Board**

In the Matter of:

Appeal by Pattison Outdoor Advertising (c/o Devan Reed) against the Development Authority's decision to refuse a Temporary Use: Sign - Class F & G (Third Party Advertising Sign – east face, Digital Third Party Advertising Sign – west face) at 2807 Ogden Road SE, Calgary.

SDAB2023-0007

DP2022-04716

Hearing: February 23, 2023

Adjourned to: April 13, 2023

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**HEARING SUBMISSIONS**

of

**Pattison Outdoor Advertising, the Appellant/Applicant**

---

Date: April 4, 2023

Submitted by Rick Grol, Agent for the Appellant/Applicant

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## I. Introduction

1. The Appellant, who is also the Applicant, appealed the Development Authority's decision to refuse Development Permit application DP2022-04716 for a new "Sign – Class F" (Third Party Advertising Sign – east face) and "Sign – Class G" (Digital Third party Advertising Sign – west face) at 2807 Ogden Road SE
2. Under Land Use Bylaw 1P2007 (LUB) the parcel has the land use designation "Industrial - General (I-G) District". The proposed sign is a discretionary use in this district.
3. The Appellant respectfully disagrees with the DA's decision for the reasons outlined in the Notice of Appeal and in this submission.

## II. Background

4. The subject site is located in the community of Alyth/Bonnybrook. The application seeks approval of a new two-sided Third Party Advertising Sign at the subject location. The sign will have a static, non-digital, panel/face on the east sign ("Sign – Class F" use) and a digital panel/face on the west side ("Sign – Class G" use). The proposed sign replaces an existing static two sided Third Party Advertising Sign ("Sign – Class F") that existed on the parcel with DP approvals since 1988.
5. The DA's decision and the reasons for refusal of the subject application are outlined on page 14 of the Board report. The DA refused the subject development permit application for the proposed sign for the reasons, among other things, that:

(a) The Calgary Third Party Advertising Sign Guidelines provide guidance for the location and siting of Third Party Advertising Signs. The guidelines place a high value on public safety, stating "Third Party Advertising Signs must be located on private property along streets in such a way that the location mitigates or avoids risk to public safety. The location should not create an obstruction to visions or contribute to visual confusions with official traffic control devices". The Guideline also state "Applications must be circulated to the Transportation department for review of visibility and public safety issues". Furthermore the guideline seeks to maintain "proper visibility of all signs and avoid visual sign clutter" by advising that minimum separation distances between Third Party Adverting Signs be met;

(b) The Traffic Engineer completed an analysis of the effect of the proposed sign on traffic safety. Concerns of traffic safety were raised as the rotating messages of the LED sign would be a distraction and taking the driver's attention away from the two guide signs in the vicinity, especially in low-light conditions. The analysis also found that the shape of the proposed sign resembles a guide sign as well;

(c) The Calgary Third Party Advertising Signs are reflected in the rules of the Land Use Bylaw, which requires a separation distance of 75.0 m between any Third Party Advertising Sign facing the same street. Also a freestanding Digital Third Party Advertising Sign must be separated from Directional signs exceeding 3.0 square metres and the curblineline or edge of a major street, expressway or freeway to the satisfaction of the General Manager Transportation or his delegate. The proposed sign will result in two Third Party Advertising Signs facing the same traffic within 75.0 metres and is not supported by the City Transportation Department; and

(d) As a discretionary use, section 25, 36 and 37 were applied. The Development Authority believes the sign location is inappropriate as it is contrary to the policy and rules of the Land Use Bylaw.

### III. Evidence and Arguments

6. The Appellant submits that in refusing the application the DA failed to, among other things, properly:
  - (i) Evaluate the application;
  - (ii) Apply section 35 of the LUB and consider section 36 of the LUB;
  - (iii) Apply section 72(2) of the LUB;
  - (iv) Take into account the applicable plans and policies affecting the parcel. The DA failed to properly apply the policies of the MDP and Third Party Advertising Guidelines;
  - (v) Review the merits of the application; and
  - (vi) Apply sound planning principles and transportation engineering factors.
7. We respectfully disagree with the DA's review and analysis of the development permit application. The DA incorrectly determined that the digital panel of the proposed sign would result in traffic safety concerns and that rotating messages of the LED sign would be a distraction by taking the driver's attention away from the two guide signs in the vicinity. There is no evidence that digital signs are more distracting than static signs.
8. In addition, contrary to the DA's assessment, the proposed sign does not result in two Third Party Advertising Signs facing the same traffic within 75.0 metres. The proposed sign is not oriented to and is not facing the "same traffic" from the nearest Third Party Advertising Sign, which is oriented to traffic on Ogden Road.

#### IV. Applicable Plans and Policies

##### ***Municipal Development Plan***

9. The MDP (Volume 1), which is a statutory plan, applies. However, it is a high-level plan, with numerous broad policies that for the most part are aspirational. It is a policy document that typically is general in nature and sets out long term planning objectives as well as goals for future development for the whole city. The MDP contains many policies, each of which do not stand on their own. They need to be read in consideration of the broader context of the MDP and in combination with all other applicable policies contained in the MDP. It is not a menu to pick one's favourite policies from.
10. It is significant that the MDP, Volume 1, does not prohibit, nor places limitations on, third party advertising signs, whether digital or non-digital signs. The MDP does not contain specific policies with respect to third party advertising signs.
11. The MDP in Part 2, City-wide Policies, section 2.1, supports a prosperous and diverse economy and supporting businesses & investments. While these policies are high-level, allowing a sign development on the subject land is in furtherance of the goals and objectives of the MDP.
12. The Appellant submits that providing land owners the ability to pursue the highest and best use (including the use of third party advertising signs) for its properties is part of sound planning considerations. This is in accordance with section 617 of the *Municipal Government Act*, RSA 2000, c M-26, as amended (Act or MGA), to achieve the orderly, economical and beneficial development and use of land. Under the scheme of the Act and a land use bylaw, and its operations a property owners has the right to develop their property in accordance with the LUB and applicable policies.
13. The Appellant submits that the proposed development is consistent with the objectives and policies of the MDP.

##### ***Sections 35 and 72 of the LUB***

14. When reviewing an application for a discretionary third party adverting sign, pursuant to section 72(1) of the LUB the DA's exercise in discretion must be guided by, among other things: (a) test for relaxation referenced in section 36; (b) purpose statement of Part 3 of the Bylaw, Division 5; (c) rules relating to the opportunity for signage; (d) character of the District where the sign is to be located; and (e) amount of signage in the nearby surroundings.

15. According to the Purpose Statement contained in section 67 of the LUB, Division 5, Signs, Division 5 is intended to, among other things, balance the need for signage and expression with safety and aesthetics, and prevent sign proliferation and visual clutter.
16. There is no evidence of sign proliferation in this case. In addition, there is no evidence that the proposed sign is unsafe at the proposed location.

### ***Calgary Third Party Advertising Sign Guidelines***

17. The Appellant submits that the proposed sign is in accordance with the policies of the Calgary Third Party Advertising Sign Guidelines. [Appendix A]
18. The site contains an industrial/commercial development. Signage is in keeping with the character of the immediate area.
19. There is no evidence of sign proliferation or sign clutter in this case. In addition, there is no evidence that the proposed sign is unsafe at the proposed location.
20. There have been no concerns raised by nearby property owners or businesses about the proposed sign.
21. Principle 4(A)(I) (page 5) of the Guidelines states that the appropriate location for third party advertising signs is in commercial and industrial land use districts, preferably on properties adjoining arterial streets, industrial arterials. Blackfoot Trail and Ogden Road are “Arterial Streets” (MDP, Map 3, Road and Street Network). [Appendix B] The subject sign is on an industrial parcel. Thus the sign location is consistent with the Guidelines.
22. In addition, the proposed sign does “not create an obstruction to vision or contribute to visual confusion with official traffic control devices.” (Principle 4(B)(II) of the Guidelines).
23. The DA in its decision refers to the Guidelines and states that “Applications must be circulated to the Transportation department for review of visibility and public safety issues”. The City Traffic Engineer analyzed the application and could not support the application in this regard.
24. Frequently the City Traffic Engineer relies on the Transportation Association of Canada (TAC) Guidelines. The TAC Guidelines are transportation industry guidelines. They have not been adopted by City Council. The TAC Guidelines are not referenced in the LUB. There is no reference in the Calgary Third Party Advertising Sign Guidelines to the TAC Guidelines. Nor are they published on the City’s website. Therefore, pursuant to section 638.2(3) of

the MGA neither the DA nor the Board can have regard to the TAC Guidelines in reviewing the subject application.

### ***Lack of Causal Evidence***

25. As the Board in many of its decisions states: Simply raising an issue without more is not evidence ([Gendron v. Calgary \(City\), 2009 ABCA 367 \(CanLii\)](#), at para.16). This applies to the DA's decisions regarding development permit applications as well. There needs to be supporting evidence for alleged concerns with respect to a proposed development. Some of the DA's statements in the reasons for refusal are devoid of evidentiary foundation and lack merit. They are unsubstantiated statements and are opinion evidence.
26. There is no evidence from the DA showing an increase in accidents near digital third-party advertising signs. Neither is there evidence that a digital sign is more distracting to motorists than other distractions that are already in the immediate area surrounding the sign location or than the existing sign that is located at this location.
27. In terms of operational characteristics, the proposed sign does not adversely affect adjacent developments, nearby residential communities and areas. The sign adheres to Principles 4(D) of the Guidelines. It is important to note that the LUB contains extensive and strict operational rules that must be adhered to when digital signs are operational.
28. It is important to note that a static, double-sided, third party advertising sign has existed on the site since 1988 with development permit approval (first by development permit DP1988-0582, approved on April 21, 1988, and subsequent renewal permits). We respectfully request the Board places significant weight on this fact.
29. There is no evidence of sign proliferation or visual clutter that would have negative impacts.
30. The Appellant submits that the DA's decision in this case is identical to the DA's refusal of development permit application DP2022-04324, which was appealed to the Board ([SDAB2023-0003 \(Re\), 2023 CGYSDAB 3 \(CanLII\)](#)). The DA's reasons for refusal are identical to the case at hand. The development permit application required the same Bylaw relaxations as the subject development permit application. [Appendix C]
31. While the Board is not bound by precedent, prior decisions of administrative tribunals provide important context ([Altus Group Limited v Calgary \(City\), 2015 ABCA 9 \(CanLII\)](#), at para 18). The Appellant submits that decision SDAB2023-0003 is relevant as the applicable rules of the Land Use Bylaw are the same and the circumstances and facts of the applications are the same, or at least very similar. The aforementioned SDAB decision, which allowed the proposed third party advertising signs, speaks for itself. Consequently,

the Appellant respectfully request the Board to take into account the mentioned SDAB decision, as there should be some consistency in applying the Land Use Bylaw rules and the Third Party Advertising Guidelines.

32. There is no evidence that the approval of the proposed sign will create or increase danger to motorist.
33. Mr. Brendan Stevenson, a professional Transportation Engineer with WATT Consulting Group, reviewed the application and provided a letter in support of the application. [Appendix D] His letter concludes that “the conditions created from the replacement of the existing static sign to a digital sign will not result in a significant impact from the existing conditions with a static sign.”
34. The Appellant submits that the proposed sign is compatible with the general architectural lines and forms of nearby buildings and the character of the streetscape or area within which it is located, and does not severely obstruct the horizon line., as required by section 115.5(1) of the LUB. At the hearing the Appellant will provide additional evidence in this regard.

#### **V. Relaxations Land Use Bylaw**

35. The DA determined that the subject application requires two Bylaw relaxations:

(1) Section 115.3(3)(b) – Digital Third Party Advertising Signs must not be located within 75.0 m of any Third Party Advertising Sign facing the same on-coming traffic. The DA determined that another Third Party Advertising Sign is located within 75.5 m (57.24 m) facing the same street.

(2) Section 115.3(6) – “ A freestanding Digital Third Party Advertising Sign must be separated from: (a) a Directional Sign , exceeding 3.0 square metres in sign area, in a street right-of-way; [...], (c) the curb line or edge of a major street, expressway or freeway, to the satisfaction of the General Manager Transportation or his delegate.” The City Traffic Engineer does not support the location.

36. The Appellant submits that the first alleged Bylaw relaxation is incorrect. The proposed sign, both the static panel and digital panel, are oriented to and directed to traffic on Blackfoot Trail. Contrary to the DA’s assessment, the proposed sign does not result in two Third Party Advertising Signs within 75.0 metres facing the “same on-coming traffic”. The proposed signs are not oriented to and not facing the “same on-coming traffic” than the nearest Third Party Advertising Sign, which is oriented to traffic on Ogden Road. If the

Board determines the application would require a Bylaw relaxation of section 115.3 (3)(b), then we submit that the test for relaxation is met nonetheless.

37. With respect to the second alleged Bylaw relaxation, the Appellant submits that this is matter of opinion. The City's Transportation Engineer provided an opinion without supporting evidence. The DA adopted the opinion and stated the digital panel of the proposed sign would result in traffic safety concerns and that rotating messages of the LED sign would be a distraction and taking the driver's attention away from the two guide signs in the vicinity. Please note that the two guide signs along Blackfoot Trail north bound leading up to the sign are at a significant distance to the proposed sign.
38. As stated above, there is no evidence that digital signs are more distracting than static signs. In numerous decisions regarding digital Third Party Advertising Signs, the Board over the years has ruled and found that there is no evidence that digital signs are distracting to motorists. This is also confirmed in the aforementioned Board decision (SDAB2023-0003).

**Relaxation Test is Met**

39. As the Board is aware, the test for Bylaw variances/relaxations is set out in sections 36 of the LUB (for the DA) and in section 687(3)(d) of the MGA (for the Board). It is important to note that the size, percentage or magnitude of the relaxation is irrelevant and is not determinative; it is the context of the proposed development and whether the test is met. In the case of [White v Okotoks \(Subdivision and Development Appeal Board\), 2018 ABCA 86](#), (CanLii), at para 20 the Court of Appeal held that the relaxation power of the DA and the Board is broad and unlimited. The Court stated at para 21: "[...] Moreover, the relevant inquiry is whether the variance does not unduly affect the amenities, use or enjoyment of the site of neighbouring properties [...]"
40. Furthermore, in [Newcastle Centre GP Ltd v Edmonton \(City\), 2014 ABCA 295 \(Canlii\)](#) the Court of Appeal directed that the factors contained in section 617 of the MGA are not relevant and should not be considered when applying the test in section 687(3)(d) of the Act. By analogy, it follows from *Newcastle* that the policies of the Calgary Third Party Advertising Sign Guidelines are irrelevant for the test of section 687(3)(d) of the MGA.
41. The Appellant submits that the DA provided no evidence as to why the proposed development does not meet the test for relaxation as stipulated in section 687(3)(d) of the Act. As stated above, the *Gendron* case applies to the DA's review of a development permit application too. Stating that the relaxation test is not met, is not sufficient. There need to be some substantiating evidence.
42. There is no evidence of sign proliferation or visual clutter that would have negative impacts.

43. There is no negative impact from the proposed sign on the adjacent properties or on the amenities of the neighbourhood.
44. There is no evidence that the proposed development materially interferes with the use, value or enjoyment of neighbouring parcels of land. Neither is there any evidence that the proposed development will unduly interfere with the amenities of the neighbourhood. Consequently, the relaxation test of section 687(3)(d) of the MGA is met.

## VI. Summary

45. It is the position of the Appellant that:

- (a) The proposed sign development, subject to required relaxations, complies with the LUB;
- (b) The required applicable Bylaw relaxations/variances meet the test of section 687(3)(d) of the MGA;
- (c) The proposed development complies with the plans and policies affecting the subject site;
- (d) The proposed sign development complies with the MDP, and is consistent with the Calgary Third Party Advertising Guidelines;
- (e) The proposed development meets the purpose statement of the I-G District;
- (f) The proposed sign development is compatible with, and will have minimal or no impact on adjacent developments and the neighbourhood; and
- (g) The proposed development is suitable for the site based on sound planning principles and from a planning and transportation perspective is appropriate for the parcel.

## VII. Conclusion

46. The Appellant submits the proposed development complies with the applicable plans and policies. Further, the proposed development is compatible with the adjacent developments and, from a planning perspective, is suitable and appropriate for the parcel. The test for relaxation of section 36 of the LUB and section 687(3)(d) of the MGA is met.

47. The Appellant respectfully requests that: (a) The appeal be allowed; and (b) A development permit be issued for a term of three (3) years with standard conditions of approval as typically imposed by the DA for a “Sign – Class G” and a “Sign-Class F”.

Respectfully submitted on behalf of the Appellant/Applicant,

A handwritten signature in blue ink, appearing to be 'Rick Grol', written over a horizontal line.

Rick Grol, Agent for the Appellant/Applicant

Encl.:

- Appendix A – Calgary Third Party Advertising Sign Guidelines
- Appendix B – MDP, Map 3
- Appendix C – SDAB decision
- Appendix D – Letter WATT Consulting Group

APPENDIX A

Calgary Third Party Advertising Sign Guidelines



# Calgary Third Party Advertising Sign Guidelines

Originally approved by Council July 30, 2012, PUD2012-0380

June 11, 2018 – PUD2018 - 0381

# Table of Contents

<b>1. Purpose of the Guidelines</b>	<b>3</b>
<b>2. Application of the Guidelines</b>	<b>3</b>
<b>3. Approach to Regulating Third Party Advertising Signs</b>	<b>4</b>
<b>4. Principles of Third Party Advertising Sign Regulation</b>	<b>4</b>
(A) Land Use Districts	4
(B) Location and Siting	6
(C) Size and Height	7
(D) Illumination and Operational Characteristics	8
(E) Development Permit Review Process	9

## 1. Purpose of the Guidelines

The purpose of this guideline is to provide support on the appropriate use and location of Third Party Advertising Signs in Calgary.

Third Party Advertising Signs are sometimes referred to as Billboards. These signs contain copy directing attention to a business, commodity, service, or entertainment that is conducted, sold, or offered elsewhere than on the parcel where the sign is located. A Third Party Advertising Sign may or may not contain a digital display to present its copy.



*Third Party Advertising Sign*



*Digital Third Party Advertising Sign*

Third Party Advertising Signs have been a part of Calgary throughout its history. Calgary has grown into a major urban centre and outdoor advertising has evolved alongside the changes in the City. Third Party Advertising Signs are a long-standing part of the Calgary community and economy, supporting businesses and helping keep Calgarians informed.

## 2. Application of the Guidelines

Third Party Advertising Signs are a discretionary use in Calgary's Land Use Bylaw. As such, they are considered generally appropriate for particular Land Use Districts, but of a nature that may not necessarily make them compatible with other uses or development in the district.

The city, in exercising its discretion, can apply considerations to Third Party Advertising Signs by adapting Bylaw rules to the context of the location to achieve greater compatibility. This may involve relaxing the rules governing Third Party Advertising Signs to a lesser or higher standard and attaching conditions to the development permit to address issues.

This guideline should direct the review of development permit applications for Third Party Advertising Signs. The guideline is to be read in its entirety and all relevant principles are to be applied to each situation.

This policy must be used in conjunction with other applicable Council approved policies for Third Party Advertising Signs, such as Entranceway Guidelines, an Area Structure Plan or Area Redevelopment Plan, to help guide decisions on Third Party Advertising Signs. When a new Area Structure Plan or Area Redevelopment Plan is being prepared, these guidelines may be considered to help determine if there are appropriate locations of Third Party Advertising Signs.

### 3. Approach to Regulating Third Party Advertising Signs

The Calgary Municipal Development Plan (MDP) and the Calgary Transportation Plan (CTP) provide the long-term strategy for managing growth and change in Calgary consistent with Council adopted land use goals and objectives. These include creating a prosperous economy, shaping a more compact urban form, creating great communities, using urban design to create a livable and attractive city, connecting the city, and greening the city.

The policies of the MDP and CTP direct implementation of Calgary's planning processes. This includes tools such as the regulation of land use and the approval of development permits. The principles of this Third Party Advertising Sign guideline are based on these policies and intended to ensure their consistent application in the development approval process.

The Land Use Bylaw rules govern the development of all types of signs in Calgary. The priorities for regulating Third Party Advertising Signs are:

- Promoting community aesthetics and public safety in the approval and development of signs;
- Preventing visual clutter arising from sign proliferation; and
- Protecting Calgary's communities and visual environment from unsuitable signs.

These priorities for Third Party Advertising Signs can be addressed in the Land Use Bylaw by rules dealing with:

- Land Use Districts where Third Party Advertising Sign development is appropriate;
- Requirements for the location and siting of Third Party Advertising Signs;
- Size and height regulations;
- Illumination and operational characteristics; and
- The development permit review process.

The focus of the following principles of Third Party Advertising Sign regulation is to maintain and enhance a high quality urban environment in Calgary and a city that continues to be a desirable community in which to live, work, and visit.

## 4. Principles of Third Party Advertising Sign Regulation

### (A) Land Use Districts

Third Party Advertising Signs are commercial advertising signs that benefit from high visibility and maximum exposure of their advertising and information to passersby. A Third Party Advertising Sign's success depends on attracting attention.

Third Party Advertising Signs can be among the largest signs in cities and are generally free standing structures on private property. The introduction of digital display screens to Third Party Advertising Signs has changed the traditional visual characteristics with respect to sign brightness and the manner in which sign copy is changed and displayed.

Third Party Advertising Signs are designed to attract attention to their advertising and requires that they be located in appropriate Land Use Districts among compatible development. This reduces

the potential for adverse impacts on their surroundings and conflicts with adjacent Land Use Districts with a different land use character and purpose. This basic planning principle applies to all uses and is inherent in all Land Use Districts.

## Principles

- I. The appropriate location for Third Party Advertising Signs is generally in commercial and industrial Land Use Districts, preferably on properties adjoining Arterial Streets, Industrial Arterials, Urban Boulevards and a limited number of Skeletal Roads, as designated in the Calgary Transportation Plan (CTP).
- II. Third Party Advertising Signs are not an appropriate use in districts that promote residential development including: low density, multi, and high density residential land use districts, or in parks, open space and natural areas. When not competing with business and building identification signage, some Third Party Advertising Signs may be appropriate in the Special Purpose – City and Regional Infrastructure District on select Calgary Transit parcels. Third Party Advertising Signs may also be considered in the Special Purpose - Recreation District when associated with sponsorship of sport activities on playing fields.
- III. Any Third Party Advertising on select Calgary Transit parcels should predominately be oriented to pedestrians as these areas should have a strong relationship to the human scale.
- IV. The development of Third Party Advertising Signs in the Commercial – Corridor 1 (C-COR1), Commercial – Corridor 2 (C-COR2), Centre City Mixed Use (CC-X), and Centre City Commercial Corridor (CC-COR) Districts, where residential development is allowed, must have regard to maintaining and protecting quality living environments for residents. When in these districts, Third Party Advertising Signs must have a sign area that is oriented to a pedestrian and copy must be at the eye level of pedestrians. When in areas that have been specifically identified as pedestrian oriented areas, Third Party Advertising Signs are not appropriate as they take away from limited opportunities for businesses to advertise.
- V. Third Party Advertising Signs must not be located at the major road entrance points to Calgary or along thoroughfares that pass through or adjacent to primarily residential communities. This maintains the visual amenity of these points, open and landscaped boulevards and enhances traffic safety.
- VI. A prime objective in locating Third Party Advertising Signs is to maintain views and vistas of Calgary’s downtown skyline, the Foothills and Rocky Mountains.
- VII. The character, visual amenity and quality of public parks, escarpments, regional pathways, rivers, and natural areas will be maintained free of the view of copy on Third Party Advertising Signs. Pedestrian scaled and oriented Third Party Advertising Signs on Calgary Transit parcels may be visible from regional pathways leading to Transit facilities or stations.
- VIII. The location of Third Party Advertising Signs will take into consideration maintaining the visibility of and views to landmarks and buildings of historical, cultural or architectural significance.
- IX. Where appropriate in the Centre City, signs with digital displays may be integrated into development and be of a form and quality that contributes to defining a distinct identity for adjacent public space, and enhances the experience of the space through good urban design.

## (B) Location and Siting

The appropriate location and placement of a Third Party Advertising Sign in an area produces a compatible relationship with other buildings, signs and the surrounding context. Achieving an appropriate distribution and spacing of Third Party Advertising Signs along a street or corridor promotes visibility, public safety and a sound streetscape. It also avoids creating visual sign clutter from the proliferation of too many signs.

### Principles

- I. The orientation of Third Party Advertising Signs and their distance from residential communities, major parks, natural areas and similar sensitive uses must be suitably regulated to minimize and limit their visual intrusion into these areas.
- II. Third Party Advertising Signs must be located on private property along streets in such a way that their location mitigates or avoids risk to public safety. The location should not create an obstruction to vision or contribute to visual confusion with official traffic control devices.
- III. The placement of a Third Party Advertising Sign on a property must satisfy appropriate minimum setbacks from other buildings and structures on the parcel, street edges and parcel lines, other Freestanding Signs, other Third Party Advertising Signs, and Digital Message Signs. This will reduce sign proliferation and clutter which should be discouraged.
- IV. Priority must always be given to a business owner to advertise on their parcel over the ability to have a Third Party Advertising Sign. Any Third Party Advertising Sign that no longer meets the separation rules from other first party signs should be reviewed and discouraged upon renewal of a permit.
- V. Along a street or corridor, minimum separation distances between Third Party Advertising Signs on different properties will maintain proper visibility of all signs and avoid visual sign clutter along the streetscape including the undue concentration of Third Party Advertising Signs along a street.
- VI. On Calgary Transit parcels, every effort should be made to orient Third Party Advertising Signs into the site and away from surrounding streets, neighbourhoods and businesses so adjacent buildings and businesses do not have to compete for signage opportunities.
- VII. A Third Party Advertising Sign attached or adjacent to the wall of a building may not cover or obscure the openings and windows of the surrounding buildings or architectural features and decorative elements.
- VIII. No Third Party Advertising Sign may be located on a heritage building unless such a sign was originally on the building and is an acknowledged part of the heritage asset.

### (C) Size and Height

Third Party Advertising Signs come in a variety of sizes. Third Party Advertising Sign size and height are factors for achieving an appropriate fit between the Third Party Advertising Sign with surrounding buildings and spaces so that it is in scale with its context and the character of the area.

#### Principles

- I. A freestanding Third Party Advertising Sign supported above the ground by a structure may have a height no greater than twice the vertical dimension of the sign area.
- II. It may be appropriate to lower the height of a freestanding Third Party Advertising Sign when it is in proximity to a building to maintain a suitable relationship to its height and scale.



*Third Party Advertising Sign next to a building and below the roofline.*

- III. A Third Party Advertising Sign may not be located above the second floor of a building when it is attached to the wall of a building.
- IV. A Third Party Advertising Sign must not project above the eave or roofline of a building or be located on the roof of a building.
- V. The largest size Third Party Advertising Signs are suited to auto-oriented corridors. These are where access to properties is primarily by automobile and there is little pedestrian circulation. The development fabric is characterised by low density development, relatively large lots, low parcel coverage, and buildings that are well set back from the street edge. Select Calgary Transit parcels may be appropriate for large Third Party Advertising Signs when the adjacent area is generally commercial or industrial in character and signs do not impact pedestrian circulation.
- VI. Pedestal Type Third Party Advertising Signs are smaller in scale than other Third Party Advertising Signs and are suited in districts that have commercial development on both sides of the street, with buildings that are close to each other and have a relationship with the street and public sidewalk.
- VII. Where Council has identified specific pedestrian areas which promote business opportunities, such as Business Revitalization Zones, Third Party Advertising Signs are not appropriate as they provide additional visual clutter that may detract from the local businesses in the immediate vicinity.

### (D) Illumination and Operational Characteristics

The technology of a digital display makes the entire Third Party Advertising Sign a direct light source and the sign must emit light both day and night to be visible. The sign's highest luminance levels or brightness are during the day in order to be seen in sunlight. Less luminance is required at night.



*Digital Third Party Advertising Sign at Night*



*Light Overspill from Excessive Sign Illumination*

Digital displays also give signs the flexibility to change sign copy frequently. Single images can be displayed and changed in sequence or full animation video can be shown on the sign as well as other kinds of animation and graphic effects.

These new operational characteristics of signs with digital displays increase their ability to attract attention and potentially distract drivers as they attempt to follow the changing messages and images.

Rapidly changing sign copy can also alter the visual character of an area where, except for the movement of traffic, the visual environment consists predominantly of objects and surfaces that do not move, change or flash. In some settings, this visual excitement from signs may help define or brand a place; in others, it can be disturbing and inappropriate.

### Principles

- I. The illumination of Third Party Advertising Signs must not adversely affect adjacent development, neighbouring residential communities and areas or the character of the streetscape.
- II. The luminance of Digital Third Party Advertising Signs must be suitable to the time of day or night and the surrounding context. Light from signs must not adversely affect adjacent development, neighbouring residential communities, or the character of the streetscape.
- III. Driver distraction is reduced by limiting the frequency of message changes on Digital Third Party Advertising Signs and prohibiting animation, sequential messages, and full motion video on Digital Third Party Advertising Signs.
- IV. Digital Third Party Advertising Signs will include a light sensor to control sign luminance within appropriate levels and incorporate measures to display a blank black screen in the case of a malfunction of the display.

- V. Minimum separation distances between Digital Third Party Advertising Signs, Digital Message Signs and Third Party Advertising Signs will maintain proper visibility and prevent a proliferation of signs with automatically changing messages that could impact area aesthetics and the streetscape.
- VI. Where a parcel in the City is identified through policy as an area where Third Party Advertising Signs will be a part of the character or design, consideration may be given to the use of various types of Third Party Advertising Signs and the use of full animation and video. This may be considered through careful site design, paying attention to ensuring that signage is oriented to the site, ensuring that digital displays are not oriented to any adjacent residential development or the street, and ensuring that light trespass does not affect adjacent parcels.

### (E) Development Permit Review Process

The flexibility inherent in the development permit process for discretionary uses such as Third Party Advertising Signs allows The City to tailor the development permit approval to the specific circumstances of the location of the proposed Third Party Advertising Sign and its surrounding context.

The review of development permit applications involving Third Party Advertising Signs should take into account matters including: any relevant plans or policies, the suitability of the location and parcel for the Third Party Advertising Sign, compatibility and impact of the Third Party Advertising Sign on adjacent development, and principles of good planning.

#### Principles

- I. The objective for the review of development permits for Third Party Advertising Signs is to maintain and improve the quality of Calgary's communities and its overall visual character.
- II. Applications will be circulated to the Transportation Department for review of visibility and public safety issues.
- III. Where a proposed Third Party Advertising Sign is located in an area that is subject to a specific policy or plan, any applicable policies on signage or urban design will be taken into consideration.
- IV. Prior to making a decision on an application for a Digital Third Party Advertising Sign, the Development Authority must post a notice when the application is adjacent to a parcel that has the potential to contain a dwelling unit.
- V. The public will receive notification of the approval of a development permit for any Third Party Advertising Sign.
- VI. Conventional Third Party Advertising Signs may be approved for a maximum of five years. An application to renew the permit can be granted if the Development Authority is satisfied that the Third Party Advertising Sign remains compatible with its location and the character of the surrounding area.
- VII. Digital Third Party Advertising Signs may be approved for a maximum of three years. This provides a suitable time period to assess the operation of this different type of sign display and illumination technology and implement changes considered appropriate when an application is made for a new development permit.

- VIII. When reviewing an application for any Third Party Advertising Sign, the Development Authority may consider relaxing bylaw standards provided that the applicant can demonstrate that such relaxations are unique, do not create a clustering of signage on a parcel or lead to sign proliferation in the general area.

**147**

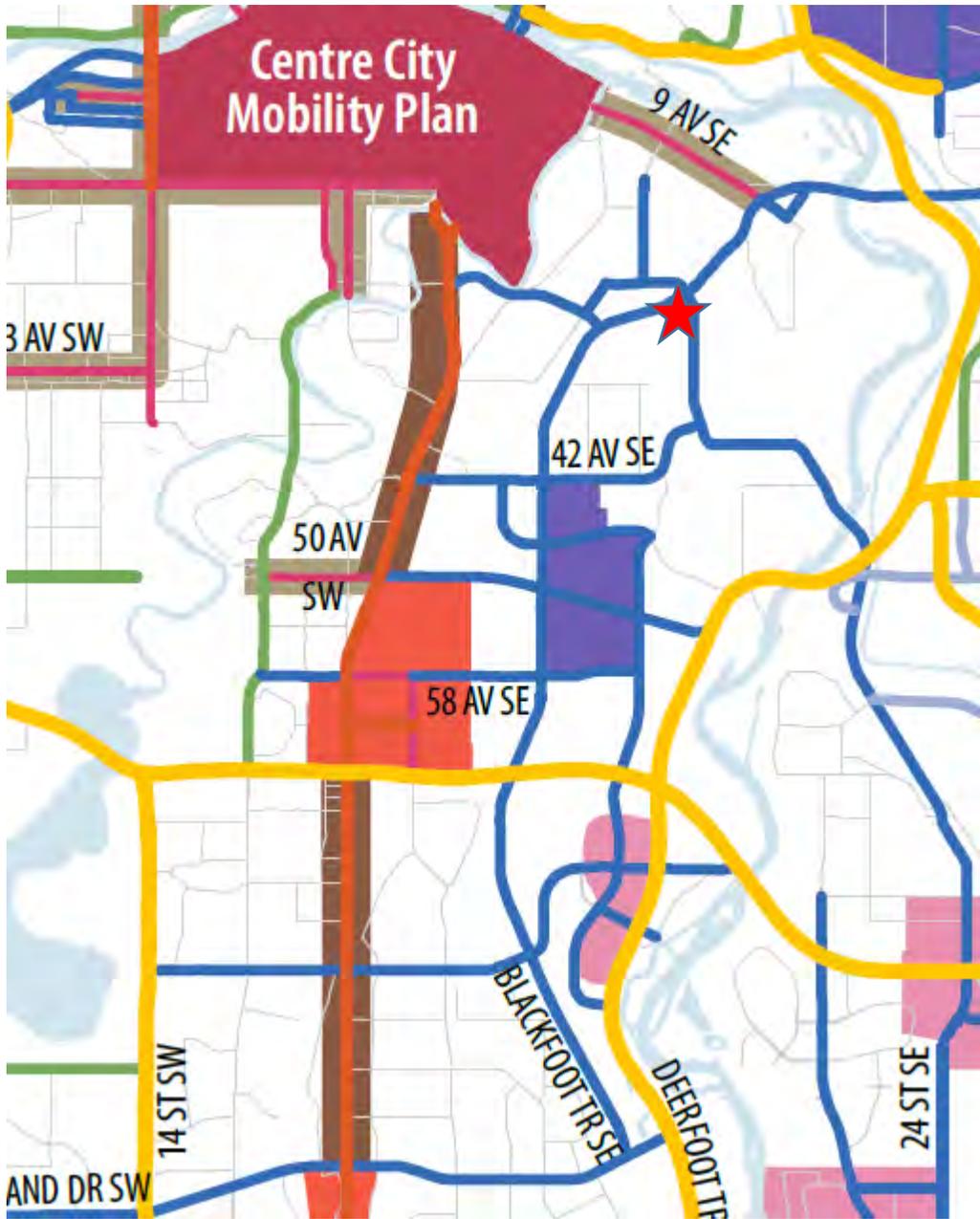
**APPENDIX B**

**MDP, Volume 1, Part 7, Maps**

**Map 3**

# 3

## Road and Street Network



## Legend

### Roads and Street Network

- Skeletal Road
- Arterial Street
- Urban Boulevard
- Industrial Arterial
- Neighbourhood Boulevard
- Parkway

- Roadway within City limits  
(To be classified through future local area plans)
- Roadway outside City limits
- Connection to Route in Region
- Collector Roads
- Transportation/Utility Corridor
- City Limits

### Urban Structure

- Greater Downtown
- Major Activity Centre
- Community Activity Centre
- Urban Main Street
- Neighbourhood Main Street
- Future Greenfield
- Industrial - Employee Intensive

**150**

**APPENDIX C**

**SDAB Decision 2023-0003, 2023 CGYSDAB 3**

Calgary Subdivision and Development Appeal Board  
PO Box 2100, Station M, #8110  
Calgary, AB T2P 2M5  
Email: info@calgarysdab.ca



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**CALGARY SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

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*Citation: 2023 CGYSDAB 03*

Case Name: SDAB2023-0003

File No: DP2022-04324 (Re)

Appeal by: Outfront Media Canada

Appeal against: Development Authority of The City of Calgary

Hearing dates: February 2, 2023  
March 2, 2023

Decision date: March 17, 2023

Board members: Jim Palmer, Presiding Officer  
David Frid  
Carol Hampton  
Andy Orr

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**DECISION**

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**Description of Application:**

1 The appeal before the Subdivision and Development Appeal Board was brought by Mark Sze for Outfront Media Canada.

2 On December 19, 2022, the Development Authority refused the application of Outfront Media Canada for a Temporary Use: Sign - Class F: Third Party Advertising Sign (east face), Sign - Class G: Digital Third-Party Advertising Sign (west face) at 343 Forge Road SE in Fairview Industrial. The property has a land use designation of I-G Industrial General.

### Procedural History:

3 The hearing commenced via video conferencing on February 2, 2023, with consideration of procedural and jurisdiction issues. The Board adjourned the hearing to March 2, 2023. The hearing concluded on that same date.

### Decision:

4 For the reasons set out below, the appeal is allowed, and the decision of the Development Authority is overturned. A development permit shall be issued subject to the following conditions.

### Permanent Conditions

1. The development shall be completed in its entirety, in accordance with the approved plans and conditions. The stamped and signed plans are a legal document.
2. No changes to the approved plans shall take place unless authorized by the Development Authority. If changes to the development occur or are proposed, a new development permit or revised plan application may be required.
3. A Development Completion Permit shall be applied for and approval obtained, upon installation of the sign, before the use is commenced. Call Development Inspection Services at 403-268-5311 to request a site inspection for the Development Completion Permit.
4. All electrical servicing for site signage must be provided from underground.
5. This permit is valid for a period of **three (3) years** from the date of approval. On expiry of this period, the digital display shall be discontinued, and the site restored to a condition acceptable to the Development Authority. A new development permit must be applied for prior to the expiry date of this temporary permit for the use to continue without interruption.
6. The sign owner must provide a contact person and telephone number, who can be reached 24 hours a day and that, has access and control to the digital technology. If the contact person/information should change in the future, the sign owner must inform the Development Authority of any changes.
7. An ambient light sensor must be installed and actively used with the digital display at all times when the sign is in operation and must adjust the sign output to changes to the

ambient light levels around the sign, throughout the day. At no time while the digital display is in operation may the ambient light level around the sign location exceed 3.0 LUX. The maximum light output of the digital display must not exceed: • 7500 nits (nt) from sunrise and sunset; and, • 500 nits (nt) from sunset to sunrise in the industrial districts. Sunrise and sunset will be determined based by the National Research Council of Canada Sunrise/Sunset calculator.

8. In the event of any malfunction of the technology of the sign, including the ambient light meter, the sign must be turned off and disabled until such time as the malfunction can be repaired and the sign returned to proper operation.
9. A digital display must not employ colours that could be confused as traffic directional or control devices. Colours, symbols or shapes that are the same or similar to those used by emergency vehicles, traffic lights or any traffic sign are prohibited.
10. The digital display must only employ the display of digital images in a static form, which must remain on the digital display for a minimum of six (6) seconds before switching to the next copy. The method of copy change must not include gradual fade, flashing, scrolling, animation or another method, to the satisfaction of the Development Authority.
11. The length of time between changes of advertising copy must not exceed 0.25 seconds.
12. The copy shown on the digital display must not include the display of full motion video, movies, Moving Picture Experts Group (MPEG) or non-static digital copy
13. The copy shown on the digital display must not be shown in a way that intends for a message to be viewed or read over a series of sequential messages on the digital display or over multiple digital displays.
14. The digital display must be designed such that the sign supports are structurally sound and can support the weight of the sign, and movement of the sign during times of high wind, wet snow, and precipitation.
15. No trees nor shrubs that were approved by a development permit are permitted to be damaged or removed in order to make the sign more visible, to maintain a sign or to change the copy on the sign.
16. If a development permit for a freestanding sign is approved within 30.0 metres of this approved Digital Third-Party Advertising Sign, the sign approved by this permit must be removed immediately upon expiry of this permit, at no risk and at no cost to the City of Calgary, and the ground surface restored to the satisfaction of the Development Authority

### **Submissions:**

- 5 In addition to the materials comprising the Board Report, the Board received oral submissions at the hearing from:

- a) Mark Sze, Outfront Media Canada, applicant/appellant;
- b) Tim Bardsley, agent for the applicant/appellant;
- c) Steve Wolowich, Outfront Media Canada, for the applicant/appellant.

**Preliminary Issues:**

6 The Presiding Officer raised two preliminary issues.

7 Regarding the first issue, the Presiding Officer arranged for the distribution of decision *Pattison Outdoor Advertising Ltd v Calgary Subdivision and Development Appeal Board 2015 ABCA 317* to the parties before the commencement of the hearing. He asked them to comment on it when making their verbal submissions.

8 Regarding the second issue, the Presiding Officer advised that he had served on the panel in the 2017 decision for the development permit for this location referenced in the Board Report and asked if any parties had concerns regarding his presence on the current panel.

9 Tim Bardsley noted that he was familiar with the with the court decision distributed and would provide response to it in his submission.

10 No participants at the hearing had any jurisdictional issues or concerns regarding the Presiding Officer's involvement in the previous 2017 decision regarding the development permit at this location.

**Background and Summary of Evidence:****Submission of the Development Authority**

11 The Development Authority noted that the application requests permission for a Temporary Use: Sign - Class F Third Party Advertising Sign (east face), Sign - Class G: Digital Third-Party Advertising Sign (west face) at 343 Forge Road SE.

12 Forge Road SE is a business access road in Fairview Industrial. The section of Forge Road SE where the proposed sign would be located is directly south of the exit ramp from eastbound Glenmore Trail SE to southbound Blackfoot Trail SE.

13 The proposed sign fronts onto a private road, which acts as a continuation of Forge Road SE. The private road runs parallel to the exit ramp from Glenmore Trail SE to Blackfoot Trail SE. The site is directly visible from both sides of Glenmore Trail SE and from southbound Blackfoot Trail SE.

14 The proposed sign is approximately 1.26 metres from the north property line shared with the private road. It is intended to be viewed by eastbound and westbound drivers on Glenmore Trail SE and those on the Blackfoot Trail SE ramp accessing eastbound Glenmore

Trail SE. The west sign panel will be 7.01 metre wide by 3.54 metres high with a sign area of 24.8 square metres. The east sign panel will be 6.10 metres wide by 3.05 metres high. The overall height of the structure will be 8.3 metres when measured from grade.

15 In making their decision, the Development Authority referenced The City of Calgary Third Party Advertising Guidelines (“the Guidelines”). The Guidelines provide guidance for the location and siting of Third Party Advertising Signs. The Guidelines place a high value on public safety, stating “Third Party Advertising Signs must be located on private property along streets in such a way that their location mitigates or avoids risk to public safety” and that “Applications will be circulated to the Transportation Department for review of visibility and public safety issues.”

16 The Guidelines also seek to maintain “property visibility and avoid visual sign clutter” by providing minimum separation distances between Third Party Advertising Signs.

17 The City Traffic Engineer completed an analysis of the effect of the proposed sign on traffic safety. The analysis found that the proposed sign falls within the restricted area for the interchange of Glenmore Trail SE and Blackfoot Trail SE based on the stopping sight distance and decision sight distance to the nearest ramp exit. In the opinion of the City Traffic Engineer, the proposed digital sign is a visual distraction and presents a traffic hazard that is a risk to public safety.

18 The Land Use Bylaw 1P2007 (“the Bylaw”) restricts the number of Third Party Advertising signs within a 225-metre radius facing the same street and requires separation from the curb line or edge of a major street, expressway, or freeway to the satisfaction of the General Manager Transportation or his delegate. The proposed sign will result in four signs within the 225-metre radius facing the same street and is not supported by The City Traffic Engineer.

19 When considering the relaxations required for approval, the Development Authority referred to sections 35, 36, and 37 of the Bylaw. The Development Authority concluded the proposed development did not comply with the tests for relaxation and thus refused the application.

#### Submissions of the Appellant/Applicant

20 Mark Sze of Outfront Media noted that the application currently under appeal, DP2022-0434, was identical to the previously submitted application DP2016-2442.

21 DP2016-2442 was rejected by the Development Authority and Outfront Media appealed this decision to the Subdivision and Development Appeal Board, as SDAB2017-0025. The Board overturned the decision of the Development Authority and ordered the development permit be issued.

22 Outfront Media did not proceed with the installation of the digital sign within three years of the date of approval and the development permit expired.

23 Mr. Sze explained that the physical context of the sign placement has not changed since the original approval. All nearby roadways, buildings and traffic patterns remain the same. He noted the wider context of the proposed sign had changed in that digital signs were now more common and more familiar to motorists than they were in 2017.

24 He explained that the placement of the existing sign is such that the sign is primarily visible to motorists who have already moved into the left most lane and committed to exiting Glenmore Trail SE, continuing to southbound Blackfoot Trail SE. The sign is not highly visible on Glenmore Trail SE further west of this exit area, where motorists would be expected to make their decision to exit and change lanes if required.

25 Referring to a photo on page 92 of the Board Report, Mr. Sze noted that although there were four currently permitted signs with within 225 metres of the proposed digital sign, these signs were not all visible at the same time and therefore did not create the appearance of excessive signage.

26 The photograph was taken from a motorist's perspective on westbound Glenmore Trail SE, approximately 225 metres west of the proposed sign. Two third party static Advertising Signs are clearly visible, one on the south side of Glenmore Trail and one on the north side. The currently existing static sign at the site of the proposed digital sign is obscured by coniferous trees at this point of view.

27 Referring to a photograph on page 93 of the Board Report, Mr. Sze noted that the subject sign was not clearly visible until motorists on westbound Glenmore Trail SE had travelled at least an additional 75 metres and were within 150 metres of the sign's location.

28 Mr. Sze advised that the four existing development permits for Class F Third Party Advertising Signs within 225 metres of the proposed sign are:

DP2019-6491 and DP2022-02359, located at 303 Forge Road SE.

DP2020-7810, located at 343 Forge Road SE (the subject site).

DP2021-7028, located at 330 65 Avenue SE.

29 Mr. Sze noted that approximately 600 metres to the west of the subject site there was another area with four Third Party Advertising Signs located within 225 metres of each other. One of these signs is a double-sided sign with Class G digital display.

30 He explained that within this 225-metre length starting approximately 600 metres to the west of the subject site, there is an off-ramp from eastbound Glenmore Trail SE to Centre Street South, as well as an on-ramp to westbound Glenmore Trail SE from Fairmount Drive SE. Thus, this section of roadway includes traffic patterns like those near the subject site which is located near an off-ramp.

31 He noted that the Bylaw did not differentiate between Class F and Class G signs in its regulations regarding spacing between signs and the maximum number of signs in a 225-

metre span. Thus, if the number of Class F static signs in a span was considered acceptable, then a change to a Class G digital sign should not change the acceptable number of signs.

32 Mr. Sze advised that the digital sign would be the same size as the existing static sign and would be orientated to the same angle. The supporting structure for the sign would be slightly different than the existing sign due to the access required by installers and technicians.

33 Steve Wolowich advised that the time that had passed since the approval of Outfront's first application for a digital sign at this location served to strengthen the application, as there was now a longer track record of safe operation of digital signs in the City.

34 Tim Bardsley stated that the doctrine of *res judicata* was applicable to this situation. He argued that as the applicant/appellant, the application, and context of this appeal were substantively the same as those of SDAB2017-0025, the Board should consider the matter to be already determined and therefore render the same decision as in the prior appeal.

35 He noted that the Board was not required to follow precedent cases in their decisions and explained that the doctrine of *res judicata* differed from the concept of precedent cases, as precedent cases required a decision maker to follow the example of the precedent when making their decision while *res judicata* instructed that there is no decision to make, as the matter has already been settled between those parties.

36 Mr. Bardsley stated that the case which the Board had asked him to comment on, *Pattison Outdoor Advertising Ltd v Calgary Subdivision and Development Appeal Board*, relates to the concept of issue estoppel, not *res judicata*. He stated that while some may consider that the same principles would apply to both of these concepts, in his view they do not.

37 Mr. Bardsley explained that the Transportation Association of Canada ("TAC") is a not-for-profit entity which created the *Digital and Projected Advertising Displays: Regulatory and road safety assessment guidelines*, a 2013 study on the road safety impacts of digital advertising signs. They stated that there have been no definitive conclusions about the presence or strength of adverse safety impacts of digital signs, as measured by increased collision frequency. TAC's guidelines for digital advertising signs state that, as they are non-essential roadside features, they should be prohibited as potential distractions.

38 Mr. Bardsley argued that although the TAC guidelines have not been formally included in the Bylaw, because section 115.3(6) of the Bylaw requires Third Party Advertising Signs to be approved by a City of Calgary traffic engineer (who will follow the TAC guidelines), the City is enforcing the TAC guidelines without explicitly including them in the Bylaw. Thus, the TAC guidelines becomes *de facto* the sole grounds for refusal of a development permit application with no reasons provided for making this decision.

39 The appellants submitted an expert assessment report from Bunt & Associates which states that the proposed sign will not create additional traffic safety concerns at this location.

40 Mark Sze confirmed that Outfront Media can abide by all conditions imposed on the development permit when it was approved in appeal SDAB2017-0025, including those limiting the frequency of screen updates and restricting the sign to static images.

41 Mr. Sze noted that the industry standard measurements for a digital sign had changed since the appeal SDAB2017-0025 was allowed. The measurements for the proposed sign were now 11 feet by 23 feet, rather than 10 feet by 20 feet. He advised that the area of the sign, at 23.5 square metres was still under the maximum of 25 square metres stated by the Bylaw.

**Reasons:**

42 The Board reviewed the context of the proposed development while also considering the written, verbal, and photographic evidence submitted, and notes that the appeal pertains to the Development Authority's refusal of a temporary development permit for a sign – Class F (east facing Third Party Advertising Sign), and sign – Class G (west facing Third Party Advertising Sign) at 343 Forge Road SE, in the community of Fairview Industrial. The land use designation is I-G and the use is discretionary.

43 In determining this appeal, the Board considered the relevant provincial legislation and land use policies, the Bylaw, the Calgary Third Party Advertising Sign Guidelines and considered all the relevant planning evidence presented in writing and at the hearing, the arguments made and the circumstances and merits of the application.

44 The Board finds that the Calgary Third Party Advertising Sign Guidelines in section 4E(Principle II) requires Third Party Advertising Sign applications to be circulated to the Transportation Department for review of visibility and public safety issues. The Board also notes that as part of the review process, The Development Authority is to tailor the development permit approval to the specific circumstances of the location of the proposed Third-Party Advertising Sign and its surrounding context.

45 The Board finds that the existing sign was previously approved as a double-sided Class F non-digital Third Party Advertising Sign and was subsequently approved by the Board to include a Class G digital sign facing west in 2017 for a three year period. The digital sign however was not added, and the sign has remained in a Class F non- digital format.

46 The Board determined that previous approvals for the sign had expired, and evaluated this application based solely on its own merits. As required by the Bylaw, any approval for these types of signage uses can only be granted on a temporary basis for limited time periods.

47 The Board acknowledges that the appellant referred to the Transportation Association of Canada (TAC) guidelines and noted that the guidelines are not referenced in the Bylaw, or the Council adopted Third Party Advertising Sign Guidelines. The TAC Guidelines are a transportation industry guideline, as opposed to a plan or policy adopted by City Council. In addition, the Board notes that the reasons for refusal did not specifically

refer to these guidelines but stated in part that the sign was not supported by the City traffic engineer as it falls within the restricted area for both stopping sight distance and decision sight distance, is a visual distraction, presents a traffic hazard and is a risk to public safety. The traffic engineer also stated in the report that it did not recommend that the digital sign be installed within this restricted area.

48 The Board finds that there was no supporting details or evidence to support this claim provided by the transportation engineer. No information was provided if there was or would be an increase in traffic accidents in the close vicinity of the sign. There were also no submissions from the Development Authority identifying that digital signs are more distracting to motorists than other distractions that are already in the immediate area surrounding the sign location or that the existing sign has created a safety issue. Simply stating that the sign would create a visual distraction and a public safety risk without providing evidence to support that claim is not a sufficient ground for the Board's decision.

49 The Board acknowledges the applicant's submission provided by Bunt & Associates' Jason Dunn, a professional transportation engineer and accepts his analysis concerning the dynamics of this area and that the conversion of one side of an existing sign to a digital format does not create an increased safety impairment to traffic circulation.

50 The Board did not base its decision on the TAC. However, to the extent that the TAC could be considered relevant, the Board notes that the sign is assessed as being located in a restricted zone by the TAC and the TAC discourages signs in that area but it does not restrict or forbid them.

51 In the Board's view, the proposed sign is compatible with the general architectural lines and forms of nearby buildings and the character of the streetscape or area within which it is located and would not severely obstruct the horizon line as required by section 115.5(1) of the Land Use Bylaw.

52 The Board, based on the evidence and aforementioned factors, finds that the proposed sign is in keeping with the intent of the Calgary Third Party Advertising Sign Guidelines. It is located in an industrial and commercial land use area, is compatible with adjacent buildings, and is on a property adjoining an arterial street which is respectful of the intent of the Guidelines.

53 The Development Authority has not satisfied or provided evidence to the Board that the proposed development is unsafe or will interfere with operations of the roadway; only that the proposed development falls within an area where it would be restricted by a document which has not been adopted or approved by Council.

54 The Board finds that under section 115.3(3)(b) of the Bylaw a relaxation is required due to the presence of three other Class F signs within a radius of 225 metres, resulting in four signs within this radius facing the same street, whereas the Bylaw allows only two. In the Board's view, this relaxation is warranted given that it maintains the existing context in the area, which consist of industrial and commercial uses, including a number of existing Third-Party Advertising Signs in the same vicinity. There is already an existing sign in this

location that is going to be replaced and the Development Authority has provided no evidence that the current sign causes any detriment or safety issues in the area, or that the sign would have undue impact on the adjacent properties or the amenities of the neighbourhood. Therefore, the Board is not satisfied that the changes to the sign are material to the impact on the surrounding neighbourhood or to roadway safety. In the Board's opinion, the sign location relaxation meets the criteria of section 687(3)(d) of the *Municipal Government Act*.

55 After reviewing all the evidence presented and all relevant arguments in considering the merits of the application, the appropriateness of the location and the site for the development, the compatibility and impact and merits of the sign on the neighborhood and adjacent developments, the Board finds based on the reasons described above, that the proposed sign is appropriate for the parcel.

56 Based on the above, it is not necessary for the Board to consider or comment on the appellant's arguments respecting the doctrine of *res judicata*.

### **Conclusion:**

57 For the reasons set out above, the appeal is allowed, and the decision of the Development Authority is overturned. A development permit shall be issued subject to the conditions noted above.

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Andy Orr, Decision Writer,  
Subdivision and Development Appeal Board

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Jim Palmer, Presiding Officer,  
Second Vice Chair and Presiding Officer, Subdivision and Development Appeal Board

Issued on this 17th day of March 2023.

**161**

**APPENDIX D**

**Letter WATT Consulting Group**



WATT CALGARY  
 1300 – 736 6th Ave SW  
 Calgary, AB T2P 3T7  
 403-273-9001

Pattison Outdoor Advertising  
 Suite 274, 1011 – 9<sup>th</sup> Ave SE  
 Calgary, AB T2G 0H7  
 By email via cainsworth@pattisonoutdoor.com

April 4, 2023  
 Our File No: 4085.T01

To: Chris Ainsworth, Manager, Strategic Development, Southern Alberta

**Re: 2807 Ogden Road SE Digital Billboard Support Letter**

The intent of this letter is to document our support of the proposed digital advertising sign, located at 2807 Ogden Road SE in the City of Calgary (City). Pattison Outdoor Advertising is proposing that the existing southwest facing static sign be replaced with a digital display. Currently a double-sided static sign is present at this location, which has been in operation since its approval in 1988.

The proposed digital is required to adhere to the permanent conditions imposed by the City in accordance the Land Use Bylaw, which include:

- An ambient light sensor must be installed and actively used with the digital display at all times when the sign is in operation and must adjust the sign output to changes to the ambient light levels around the sign, throughout the day. At no time while the digital display is in operation may the ambient light level around the sign location exceed 3.0 LUX.
- The maximum light output of the digital display must not exceed:
  - 7,500 nits between sunrise and sunset
  - 500 nits from sunset to sunrise.
- The digital display must not employ colours that could be confused as traffic directional or control devices. Colours, symbols or shapes that are the same or similar to those used by emergency vehicles, traffic lights or any traffic sign are prohibited.
- The digital display must only employ the display of digital images in a static form, which must remain on the digital display for a minimum of six (6) seconds before switching to the next copy. The method of copy change must not include gradual fade, flashing, scrolling, animation, or another method.
- The copy shown on the digital display must not include the display of full motion video, movies, Moving Picture Experts Group (MPEG) or non-static digital copy.
- The copy shown on the digital display must not be shown in a way that intends for a message to be viewed or read over a series of sequential messages on the digital display or over multiple digital displays.

As a result of the above conditions, the proposed digital sign face will operate in the consistently with the existing static sign and will not substantively impact the existing conditions for motorists.

It is noted that there is an additional existing static sign located within 75 m of the proposed digital sign. However, that existing static sign faces northeast, while the proposed digital sign will face southwest. As such, drivers viewing the digital sign face will not also be able to view the existing static sign. This is also an existing condition.

There are also noted to be two existing guide signs along Blackfoot Trail northeast bound leading up to the proposed digital sign. The City noted their concern with the proposed digital billboard interfering with visibility of these two guide signs due to the rotating messages and the brightness in low light conditions. As noted in the permanent conditions in the Land Use Bylaw from the City above, "the digital display must not employ colours that could be confused as traffic directional or control devices" and "the digital display must only employ the display of digital images in a static form, which must remain on the digital display for a minimum of six (6) seconds before switching to the next copy." In addition, the sign is required significantly to reduce the light levels between sunset and sunrise. As a result, the digital sign face is not expected to change the current conditions with the existing static sign for drivers travelling along Blackfoot Trail in the northeast direction.

In summary, it is my professional opinion that with no additional signs being added to the area, the conditions created from the replacement of the existing static sign to a digital sign will not result in a significant impact from the existing conditions with a static sign. If the application was to provide an additional sign, WATT would not have queried the City refusal.

Sincerely,

WATT Consulting Group

**Brendan Stevenson**, P.Eng., PTOE, PMP

Regional Lead, Transportation

C 587-432-3282

E bstevenson@wattconsultinggroup.com

#WEAREWATT





SDAB2023-0007 / DP2022-04716

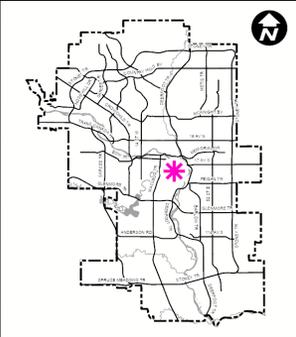
Appeal of:

Temporary Use: Sign - Class F & G (Third Party Advertising Sign - east face, Digital Third Party Advertising Sign - west face)

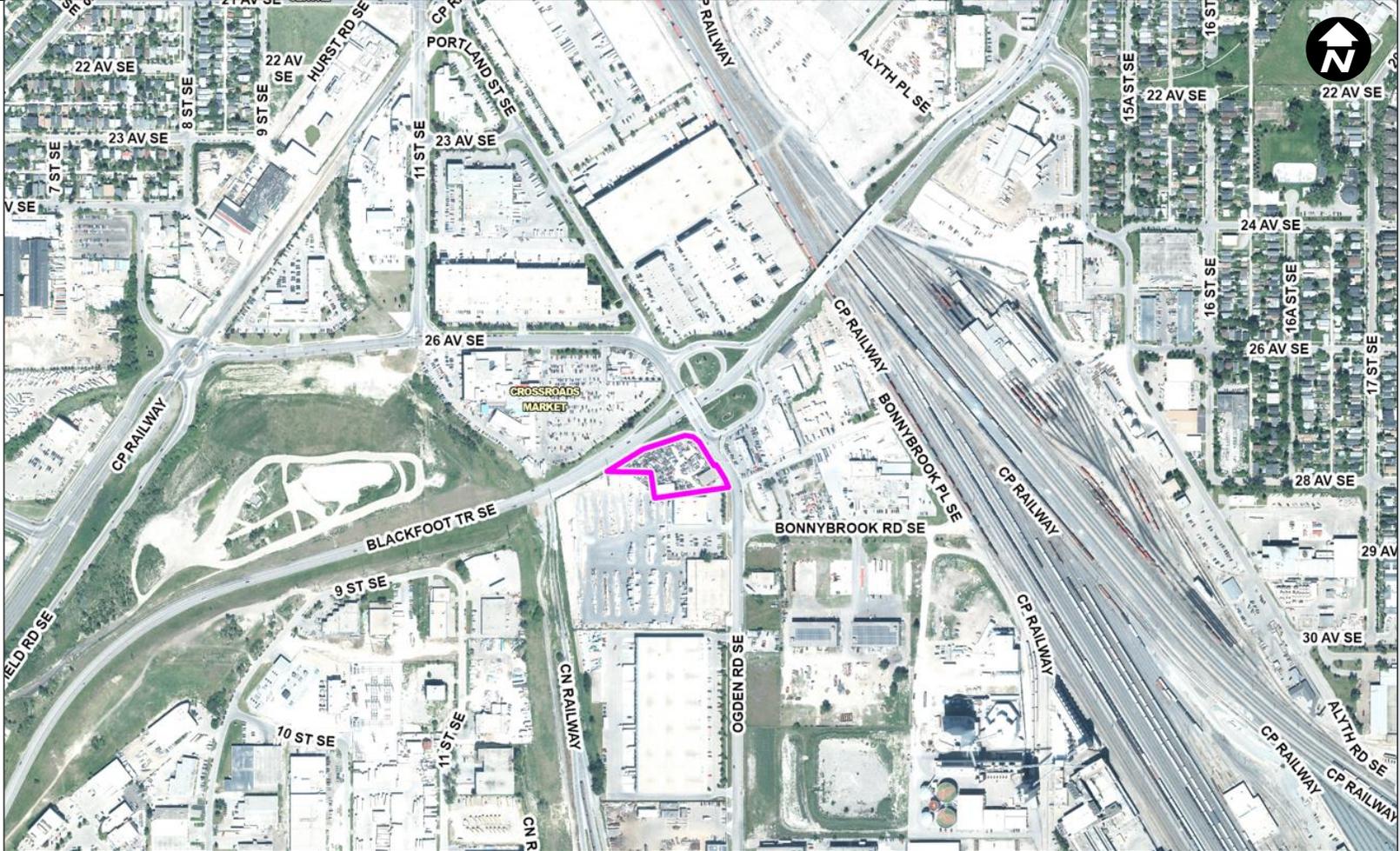
Discretionary

# Community Context

Community Context SDAB2023-0007



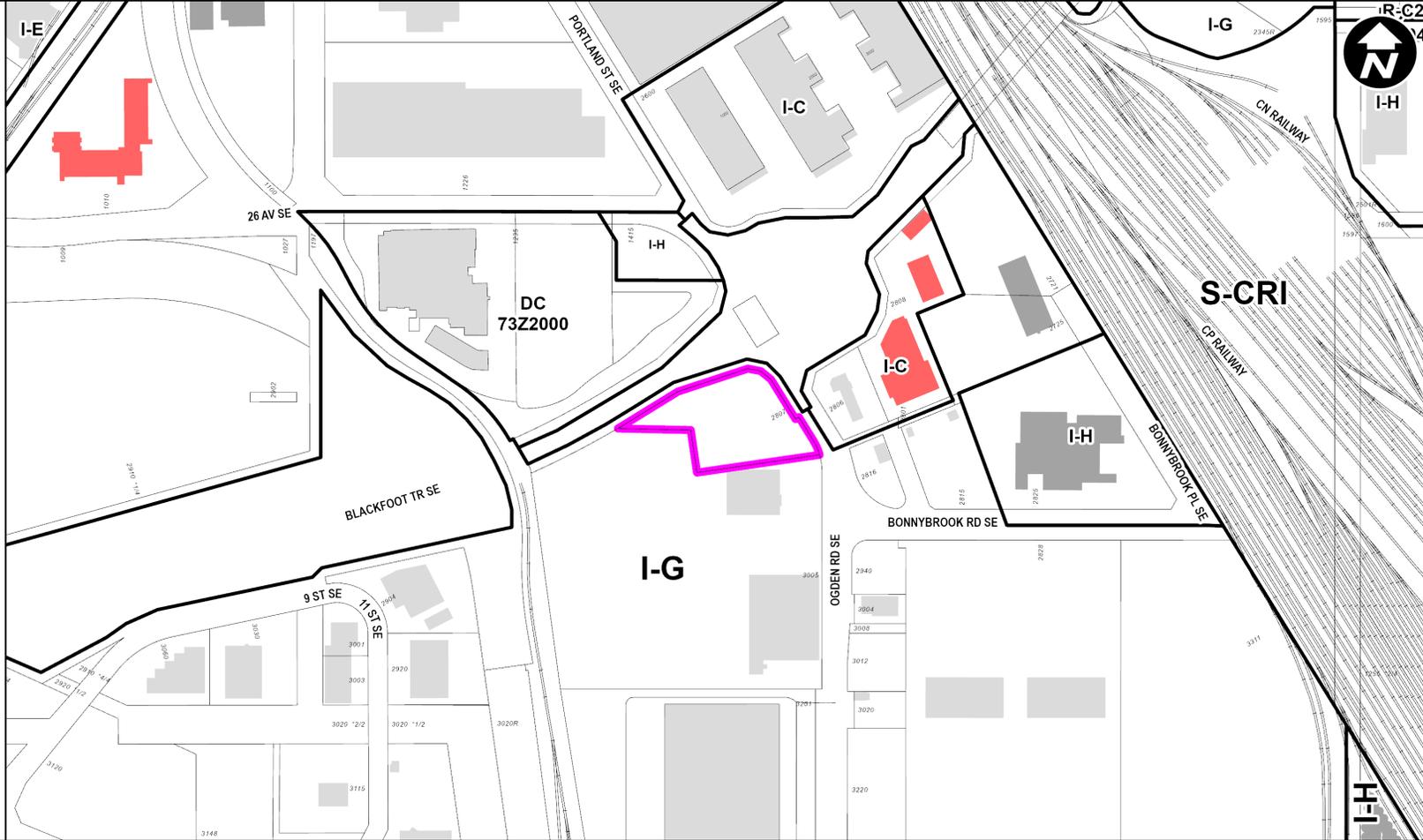
- Subject Site
- 600m buffer from LRT Station
- City Limits
- LRT Stations
  - Blue
  - Blue/Red (Downtown)
  - Red
  - Green (Future)
- LRT Line
  - Blue
  - Blue/Red
  - Red
- Max BRT Stops
  - MAX Orange
  - MAX Purple
  - MAX Teal
  - MAX Yellow
  - MAX Multi



# Surrounding Land Use

Surrounding Land Use SDAB2023-0007

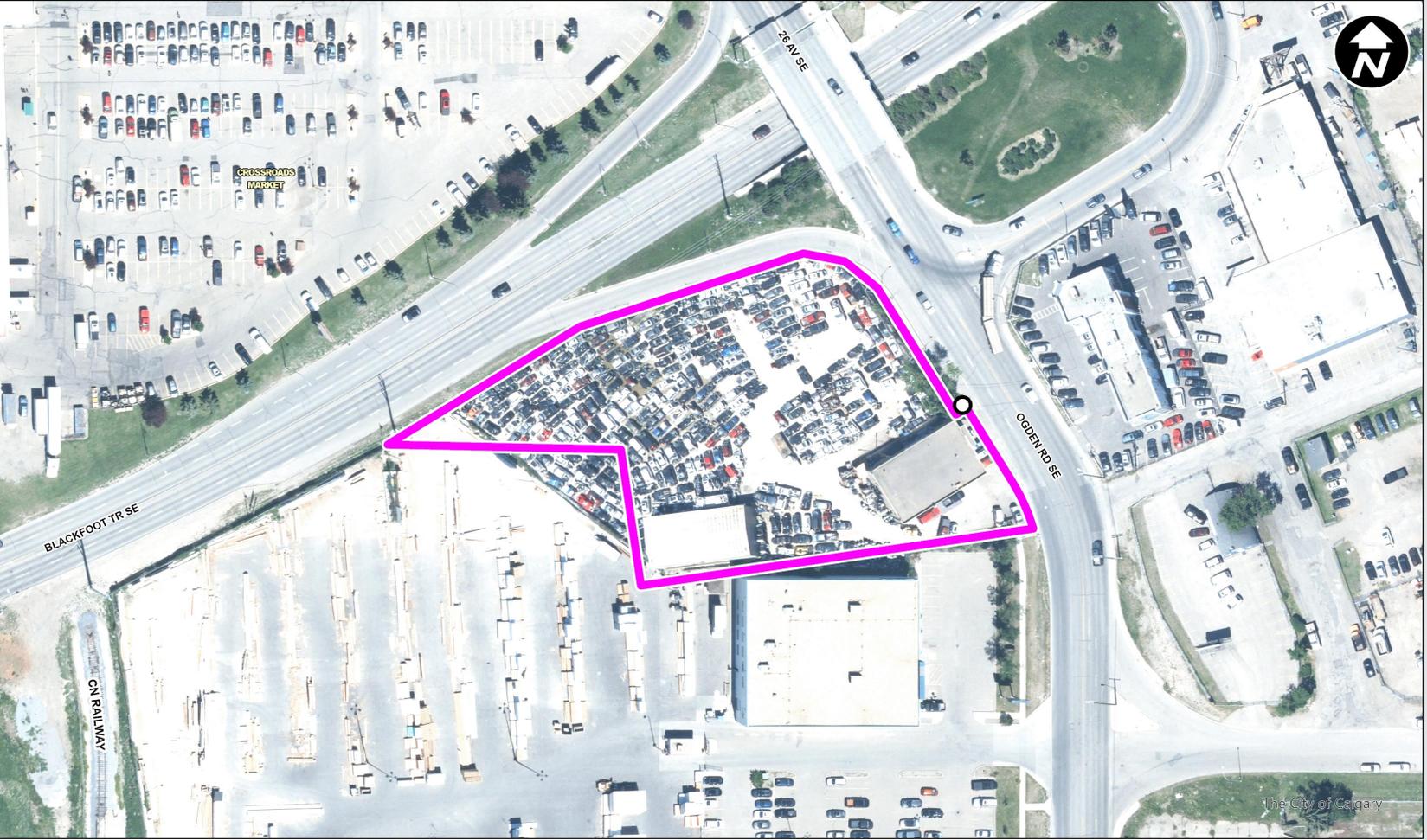
- █ Subject Site
- █ Single Detached Dwelling
- █ Semi-Detached/Duplex Dwelling
- █ Rowhouse/Multi-Residential
- █ Commercial
- █ Heavy Industrial
- █ Light Industrial
- █ Parks & Openspace
- █ Public Service
- █ Service Station
- █ Vacant
- █ Transportation, Communication, and Utility
- █ Rivers, Lakes



# Site Context

Site Context SDAB2023-0007

-  Subject Site
-  600m buffer from LRT Station
-  City Limits
- LRT Stations
  -  Blue
  -  Blue/Red (Downtown)
  -  Red
  -  Green (Future)
- LRT Line
  -  Blue
  -  Blue/Red
  -  Red
- Max BRT Stops
  -  MAX Orange
  -  MAX Purple
  -  MAX Teal
  -  MAX Yellow
  -  MAX Multi
  -  Bus Stop



The City of Calgary

## Site Photos



Blackfoot Trail SE

Looking east at existing static sign

Proposed sign is 2.2m taller than the existing sign

Page 32

## Site Photos



Blackfoot Trail SE

Looking west at existing static sign

Proposed sign is 2.2m taller than the existing sign

Photo from Google Streetview



## Land Use Bylaw Purpose Statement

### Purpose

67 This Division is intended to regulate **signs** in order to:

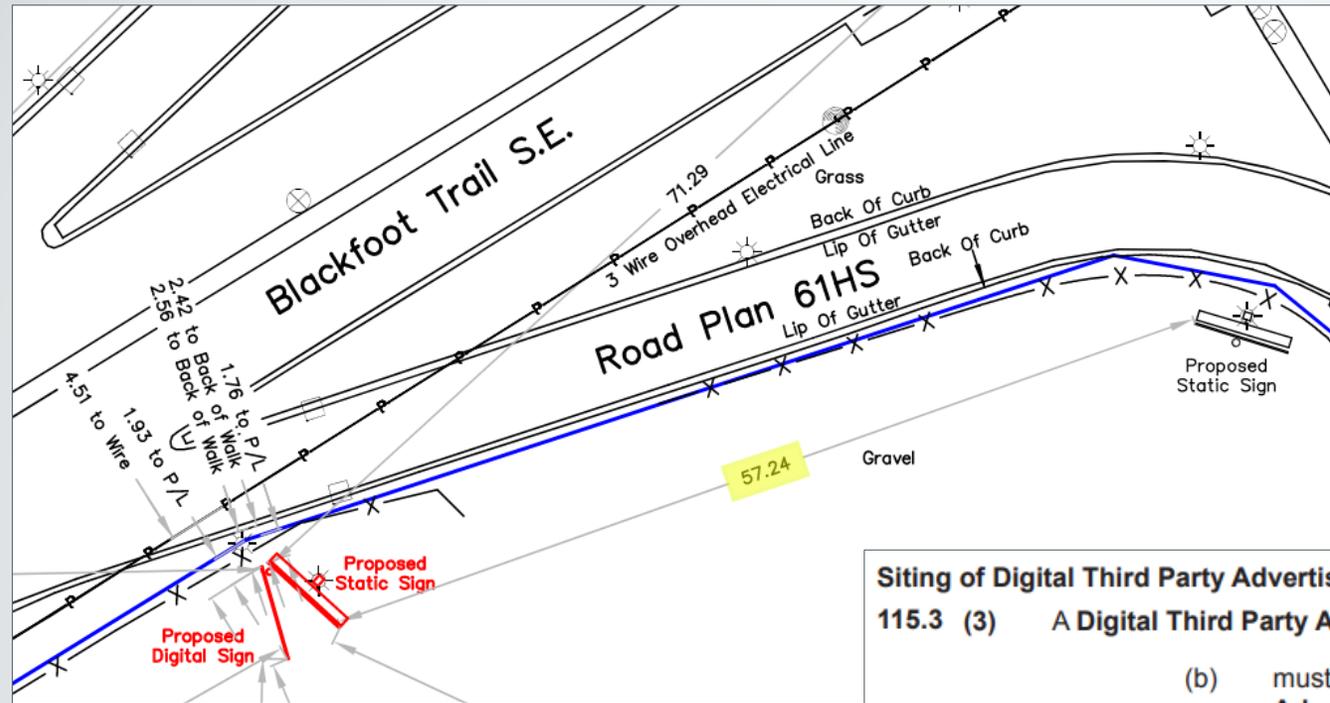
- (a) balance the need for signage and expression with safety and aesthetics;
- (b) support a hierarchy of **signs** which places informational and directional **signs** at a higher order than commercial **signs** through the regulation of the size, location and structure of **signs**;
- (c) provide many opportunities for the identification of businesses and **buildings**; and
- (d) prevent **sign** proliferation, to ensure that the effectiveness of informational and identification signage is not undermined through visual clutter.

## Land Use Bylaw Relaxations

	<b>Bylaw Requirement</b>	<b>Provided</b>
<b>115.3 Siting of Digital Third Party Advertising Signs</b>	(3) A digital third party advertising sign: (b) must not be located within 75.0 m of any Third Party Advertising Sign facing the same on-coming traffic and must not result in more than two (2) signs displaying third party advertising greater than 4.6 m in height and 4.5 m <sup>2</sup> in area within a 225.0 m radius of each other facing the same street;	A Third Party Advertising Sign is located within 75.0 m (57.24 m). facing the same street.
	(6) A freestanding digital third party advertising sign must be separated from: (a) a Directional Sign, exceeding 3.0 m <sup>2</sup> in sign area, in a street right-of-way; (c) the curbline or edge of a major street, expressway or freeway, to the satisfaction of the General Manager transportation or his delegate.	Transportation – City Traffic Engineer (Roads) does not support the location.

## Bylaw Relaxation - Siting

Page 6



While the signs do not face the same on-coming traffic, they do face the same street

#### Siting of Digital Third Party Advertising Signs

##### 115.3 (3) A Digital Third Party Advertising Sign:

- (b) must not be located within 75.0 metres of any **Third Party Advertising Sign** facing the same on-coming traffic and must not result in more than two (2) **signs** displaying third party advertising greater than 4.6 metres in height and 4.5 square metres in area within a 225.0 metre radius of each other facing the same **street**;

# Bylaw Relaxation - Siting



Photo from Google Streetview

## Bylaw Relaxation – Transportation – City Traffic Engineer (Roads)



Proposed sign is 2.2m taller than the existing sign

Page 17

I understand that these are existing static signs and they would like to upgrade it to digital signs. The potential concern is that the rotating messages of the LED sign would be a distraction and taking the drivers' attentions away from the 2 guide signs, especially at low light conditions. Also the shape of the sign resembles a guide sign as well.

With the above reasons it's acceptable to maintain the existing sign as a static one (given that it has been there for a long time even it's against the current bylaw.), but not recommending the upgrade to a LED sign.

## Policy – Third Party Advertising Sign Guidelines



### Calgary Third Party Advertising Sign Guidelines

Originally approved by Council July 30, 2012, PUD2012-0380

June 11, 2018 – PUD2018 - 0381

calgary.ca | contact 311

#### (E) Development Permit Review Process

The flexibility inherent in the development permit process for discretionary uses such as Third Party Advertising Signs allows The City to tailor the development permit approval to the specific circumstances of the location of the proposed Third Party Advertising Sign and its surrounding context.

The review of development permit applications involving Third Party Advertising Signs should take into account matters including: any relevant plans or policies, the suitability of the location and parcel for the Third Party Advertising Sign, compatibility and impact of the Third Party Advertising Sign on adjacent development, and principles of good planning.

#### Principles

- II. Applications will be circulated to the Transportation Department for review of visibility and public safety issues.

## Summary

### Discretionary Use Development Permit Application

**35** When making a decision on a *development permit* for a *discretionary use* the *Development Authority* must take into account:

- (a) any plans and policies affecting the *parcel*;
- (b) the purpose statements in the applicable land use district;
- (c) the appropriateness of the location and *parcel* for the proposed *development*;
- (d) the compatibility and impact of the proposed *development* with respect to *adjacent development* and the neighbourhood;
- (e) the merits of the proposed *development*;
- (f) the servicing requirements;
- (g) access, parking and transportation requirements;
- (h) vehicle and pedestrian circulation within the *parcel*;
- (i) the impact on the public transit system; and
- (j) sound planning principles.

The proposed Sign – Class G does not align with the:

- Land Use Bylaw; and
- Calgary Third Party Advertising Guidelines