



ACTION REQUIRED With Confidential Attachments

2 Strachan Avenue Sign – Agreement with Clarity Outdoor Media Inc. (“Clarity”)

Date:	May 31, 2013
To:	Planning and Growth Management Committee
From:	Dianne Young, Chief Executive Officer/Exhibition Place
Wards:	Not Applicable
Reference Number:	Security of the Property of the Municipality or local Board

SUMMARY

This report outlines in detail the background with respect to the billboard sign located at 2 Strachan Avenue, the agreement between Clarity and the Board, and related amendments to the Toronto Municipal Code Chapter 694 Signs, General.

RECOMMENDATIONS

It is recommended that City Council:

- 1) Receive this report for information; and
- 2) Direct that the confidential report contained in Attachment 1 to this report remain confidential in its entirety and not be released publicly in order to protect the competitive position, future economic and legal interests of the Board.

Financial Impact

There are no financial implications resulting from this report.

DECISION HISTORY

At its meeting of May 24, 2013, the Board of Governors of Exhibition Place (“the Board”) considered subject report, and unanimously referred it to the Planning & Growth Management Committee.

At its meeting of April 12, 2013, the Board adopted a motion recommending that Exhibition Place staff provide a report to the next meeting of the Board about all issues related to the Clarity billboard sign located at Manitoba and Strachan, and particularly report on all matters related to any sign by-law amendments that have occurred in the time period from January 1, 2012 and January 31, 2013, and attach to this report copies of all written correspondence related to these matters.

At its meeting of May 29, 2009, the Board approved entering into a 15-year agreement (“Agreement”) with Clarity for the operation and maintenance of the existing double-sided billboard sign, which Agreement was approved by City Council at its meeting of August 5, 2009.

At its meeting of May 25, 2012, the Board approved of amendments to the Agreement to permit upgrades to the east and west side of the sign subject to City requirements, including in respect of Municipal Code Chapter 694 Signs, General, which contractual amendments were approved by City Council at its meeting of July 11, 2012.

ISSUE BACKGROUND

Appendix “A” sets out in detail each step of the process and actions taken with respect to the “Recent Amendments / Requested Amendments to the Displays of the Sign”.

COMMENTS

From September 2012 to April 2013, Clarity has approached Exhibition Place staff regarding ongoing issues it has with the direction of City officials regarding upgrades to the Strachan sign. Exhibition Place over this period has continually indicated to Clarity that it is the City Planning Department, the Planning and Growth Management Committee and City Council, and not the Board, who have sole responsibility and jurisdiction for any legislative amendments to permit the changes to the Strachan Sign proposed by Clarity. However, Exhibition Place staff have worked with Clarity and City officials to the extent of explaining the Board’s position with respect to this sign and assisting Clarity to explain their position.

CONTACT

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Submitted by:

Dianne Young
Chief Executive Officer

ATTACHMENTS

- Appendix "A" – Background relating to Billboard Sign at Strachan Avenue
- Appendix "B" - Public documents Related to Clarity Sign and Agreement
- Confidential Attachment 1 and Appendix "C" – Confidential Documents related to the Clarity Sign and Agreement

Background relating to Billboard Sign at Strachan Avenue

1. The Sign was first installed at the 2 Strachan location on Exhibition Place grounds in May 1999 for a nine-year term with Gallop & Gallop, which expired on August 31, 2009. The City granted site specific permission for the Sign through the enactment of an amending by-law to the Municipality of Metropolitan Toronto sign by-law, and granted variances with respect to Chapter 297 of the former City of Toronto Municipal Code. Such permission was for a specific sign with the following displays:
 - a. three faces on the east facing side (one face displaying static copy, one face displaying electronic moving copy, and one face displaying mechanical (tri-vision) copy;
 - b. two faces on the west facing side (one face displaying static copy and one face displaying an electronic readograph); and
 - c. as per the by-law at the time there were no restrictions on any aspect of illumination (including hours of operation).
2. At the expiry of the term, Exhibition Place issued a public RFP to lease the sign. August 5, 2009 – Council approved of the lease agreement between Exhibition Place and Clarity (the “Clarity Agreement”). This report mentions that the existing sign is a permitted sign under City by-laws and that the report does not constitute regulatory approval of any future changes or enhancements of the sign.
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2009.EX33.50>
3. January 26, 2010 – Council approved of amendments to the terms of the arrangement with Clarity, as previously approved by Council related to the schedule for payments.
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2010.EX39.3>
4. February 23, 2010 – By-law No. 196-2010 was enacted by Council adding new Municipal Code Chapter 694 Signs, General.
5. April 6, 2010 – Municipal Code Chapter 694 Signs, General - came into effect – deadline for transition to allow variances or amendments under previous sign regime. All special permissions for new signs must now comply with the provisions of Chapter 694.
6. August 2010 – Council approved of further amendments to the previously approved terms and conditions of the arrangement with Clarity related to the financial terms.
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2010.EX46.52>
This report specifically mentioned Clarity's intention to reconfigure and enhance the west face of the Sign.
7. August 2010 – Formal agreement between the Board and Clarity is executed.
8. Terms of the Clarity Agreement provided that the specific advertising faces of the Sign would remain as existing in 2009 as permitted at that location, as described in Paragraph #1 above but also imposed upgrade obligations on Clarity.

Recent Amendments / Requested Amendments to the Displays of the Sign

9. Clarity determined it would be more beneficial to seek permission for a different sign from both the Board of Governors and the City. Clarity understood that such

- proposed changes would require amendments to the Agreement as well as a site-specific amendment to Municipal Code Chapter 694 Signs, General.
10. May 25, 2012 – The Board of Governors of Exhibition Place approved amendments to the Agreement to permit (subject to Clarity complying with all requirements of the City) upgrades to “the existing east and west side of the Sign from static vinyl to tri-vision displays” as specifically described in the Board report as follows:
 - a. east facing side: The existing east facing side displayed static vinyl in the upper left hand, full-motion video in the upper right and lower portion of the Sign displaying mechanical (tri-vision) copy. The Board approved the Clarity proposal to replace the static vinyl portion with mechanical (tri-vision) copy.
 - b. west facing side: The existing west facing side displayed static vinyl in the upper portion and a readograph in the lower portion. The Board approved of the upgrades proposed by Clarity which would result in the west facing side matching the proposal for the east facing side.
 11. July 11, 2012 – Council approved of amendments to the Clarity Agreement respecting the display areas of the Sign.
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.EX21.32>
 12. September 2012 – PGM considered item PG17.2 and by way of a motion before the Committee recommended modifications to permit the east facing side of the sign to be modified to include two faces displaying mechanical (tri-vision) sign copy and one face displaying electronic moving sign copy, and exempting the east facing side from most of the illumination restrictions (including hours of illumination) as set out in Chapter 694. These specifications generally were the same as outlined in the July 2012 Board report.
 13. October 2012 – Council adopted the recommendations of PG17.2
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.PG17.2>
 14. January 28, 2013 – PGM considers item PG20.5 which staff report recommended the upgrading of the west facing side to replace the two existing sign faces (one with static copy, and one with animated readograph display) with three sign faces (two displaying mechanical copy and one displaying electronic static copy) and all other provisions of Chapter 694 (illumination and hours of operation) applying to the Sign. Clarity voiced concerns about the restrictions imposed by Chapter 694 and sought assistance from members of the PGM Committee and Exhibition Place staff. At the Committee meeting a motion (as set out in the report to Council) was moved seeking to exempt the west facing side of the Sign from most of the illumination restrictions (including the restrictions on the hours of operation). This direction was in keeping with the motion brought in respect of the east facing side and adopted by Council and also with the illumination conditions of the existing Sign dating from 1999 and the proposals approved by the Board of Governors in May 2012. This motion was not carried by the Committee. The Committee adopted the staff report and recommendation.
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.PG20.5>
 15. February 20, 2013 – Council did not adopt the recommendations of PG20.5 but referred the matter back to the April 11, 2013 Planning and Growth Management Committee meeting for further consideration.
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.PG20.5>

16. April 11, 2013 – PGM Committee deferred consideration of the matter in light of the fact that there was an outstanding “Notice of Violation” issued by the City of Exhibition Place and Clarity, as noted below, and that the Board would be considering this entire matter at its meeting of May 24, 2013.

Notice of Violation

17. Notice of Violation 13-123363 SNP 00 VI which was subsequently rescinded and subsequent Notice of Violation 13-125219 SNP 00 VI issued on February 26, 2013, for replacing a displayed readograph with static copy without first obtaining a building permit.

Legislative Regime

18. Former Municipality of Metropolitan Toronto By-law 211-79, "To prohibit signs on lands adjacent to certain Metropolitan Roads" prohibited signs in the intended location of the sign. This is because, prior to amalgamation, certain roads were within the jurisdiction of the former Municipality of Metropolitan Toronto and not the former City of Toronto, such as the Gardiner Expressway. Upon amalgamation, by-laws of former municipalities continued in force and effect unless and until amended or repealed.
19. By-law 211-79 is amended by City of Toronto By-law 243-199, "To allow for the erection of a sign within certain lands located within 45 metres of the southerly limit of the Frederick G. Gardiner Expressway and within Exhibition Place", in order to permit the sign to be erected at the 2 Strachan Avenue location.
20. Once in place at the 2 Strachan location, the sign is governed by the regulatory provisions of the former City of Toronto Municipal Code Chapter 297 – Signs, which was the by-law which regulated signs in the geographic area of the former City of Toronto, and which continued in force upon amalgamation, and the variances granted in respect of the sign in 1999, when it was first moved to the 2 Strachan location.
21. City of Toronto Municipal Code Chapter 694 Signs, General is enacted on February 23, 2010, and comes into force on April 6, 2010. This by-law harmonized the various sign by-laws of the former municipalities and applies City wide. Among other things, Chapter 694 introduces standards in respect of the illumination of signs, which standards are not included in Chapter 297.
22. By operation of section 110(1) of the *City of Toronto Act* ("COTA"), any new sign by-law enacted by the City does not apply to a sign which existed at the time of the enactment of the new by-law unless the sign is substantially altered. Thus, despite the enactment of Chapter 694, the 2 Strachan sign continues to be governed by the provisions of Chapter 297.
23. Clarity applies to the City for permission to modify the east facing side of the sign to permit a change of one of the sign faces from static copy to mechanical copy. The City was of the view that such modification constituted a "substantial alteration" within the meaning of the COTA, such that once the 2 Strachan sign was so altered, Chapter 694 would now apply to the sign, and Chapter 297 would no longer apply. Given that Chapter 694 specifically did not allow any signs at the 2 Strachan Avenue

location, a site specific amendment to Chapter 694 was required in order to permit the sign to lawfully continue to operate at that location.

24. At its meeting of October 2, 2012, City Council approved of the site specific amendment to Chapter 694 in respect of the sign. Such approval made the sign subject to most, but not all, of the other provisions of Chapter 694. In particular, the sign was made subject to the maximum and minimum illumination requirements of Chapter 694, however the sign was permitted to continue with its existing permissions in terms of hours of illumination, uplighting and light spillage, as it had been since its erection at the 2 Strachan Avenue location thirteen years prior.
25. City Council enacts By-law 1640-2012 "To amend City of Toronto Municipal Code Chapter 694, Signs, General, Schedule B, Signage Master Plans and Area Specific Amendments, to implement an area specific amendment with respect to the premises municipally known as 2 Strachan Avenue."

Public Documents Related to Clarity Sign & Agreement



CNE Board upgrades

In order to comply with contract between Clarity Outdoor Media Inc. and Exhibition Place, approved by the City of Toronto, August 6, 2009 and signed July 9, 2010 by Clarity and Exhibition Place, Clarity must upgrade or replace its equipment at least once during the 15 year contract. In addition to the above, the contract was premised on the replacement of the static vinyl on the west facing board with trivision and a full motion LED screen.

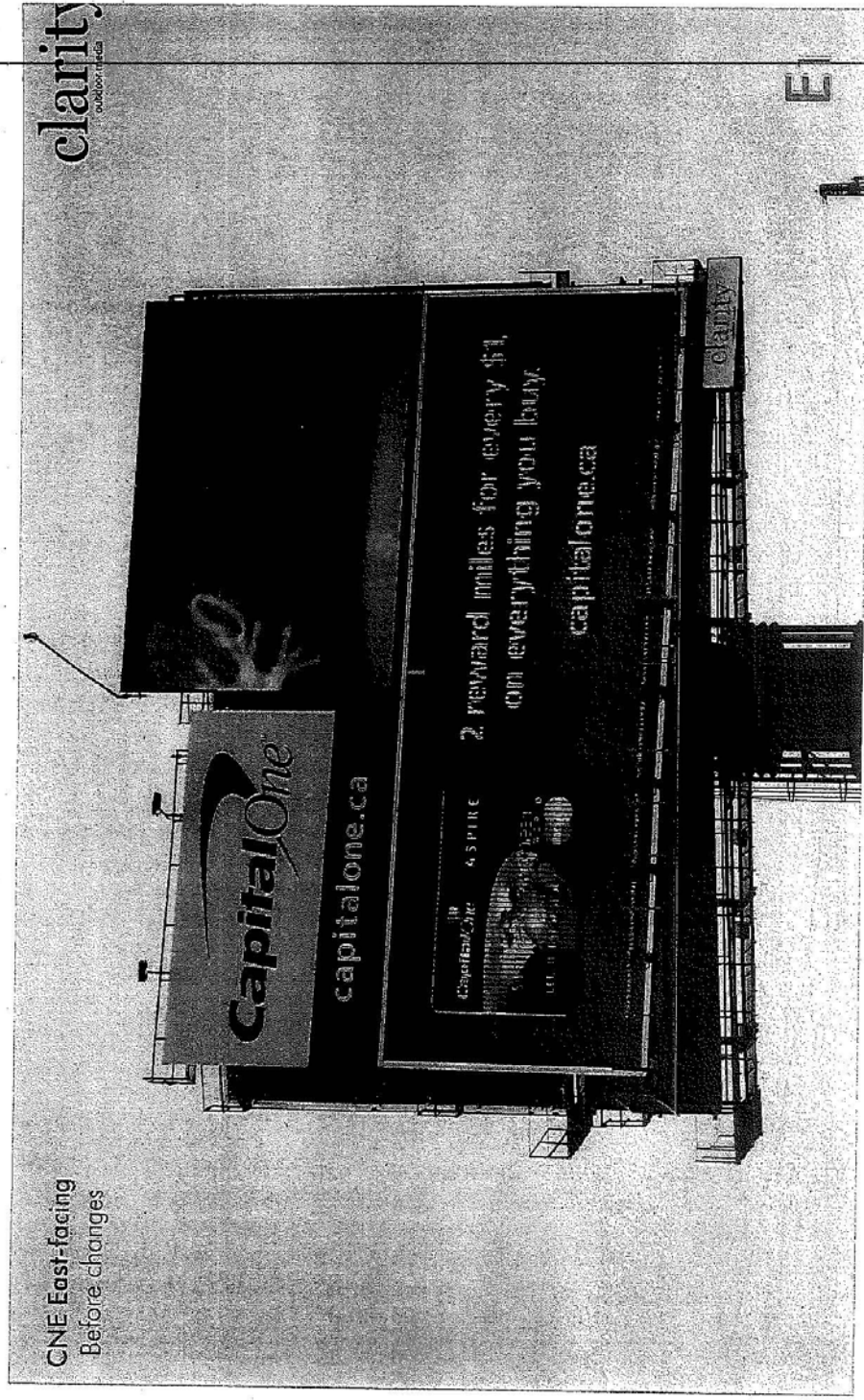
As at August 2011, Clarity has already replaced its full motion LED screen and the trivision on the east facing board. In light of the increased competition from the significant number of new LED boards approved by the City for the Gardiner Expressway, two of which are located on Exhibition Place grounds, to remain competitive, Clarity must now replace its static vinyl portion of the east facing board, top left hand corner, with a trivision of equal size, measuring approximately 16 feet high by 28 feet wide. The overall size of the board will not change, and the existing LED and trivision displays on the east face will remain unchanged. See E1 & E2 attached. Clarity currently has two signed contracts which are contingent upon the vinyl portion of the board being changed to trivision by April 15, 2012.

The size of the west face of the board will not change however the equipment situated on the board will. A full motion LED video screen will be placed in the top left hand corner. Beside and below the LED board trivision will be added. See W1 & W2 attached. All of these changes are consistent with Clarity's response to the RPF submitted to Exhibition Place and the City in March of 2009 on which the July 2010 contract was approved by the Exhibition Place and the City.

The enhancements to the board on the West face will allow Clarity to comply with the contract as well as maintain and hopefully increase the revenue generated from the sale of third party advertising.

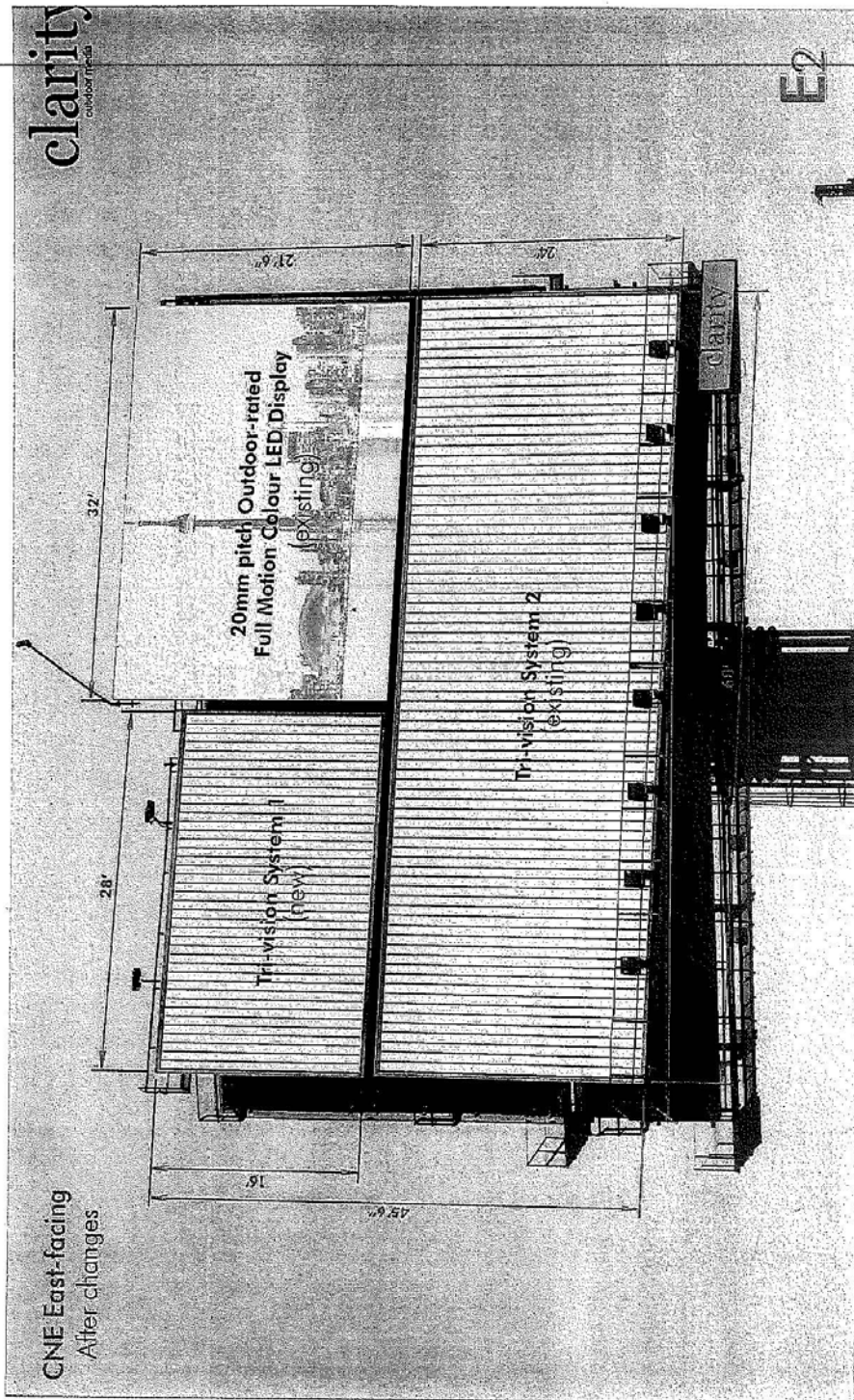
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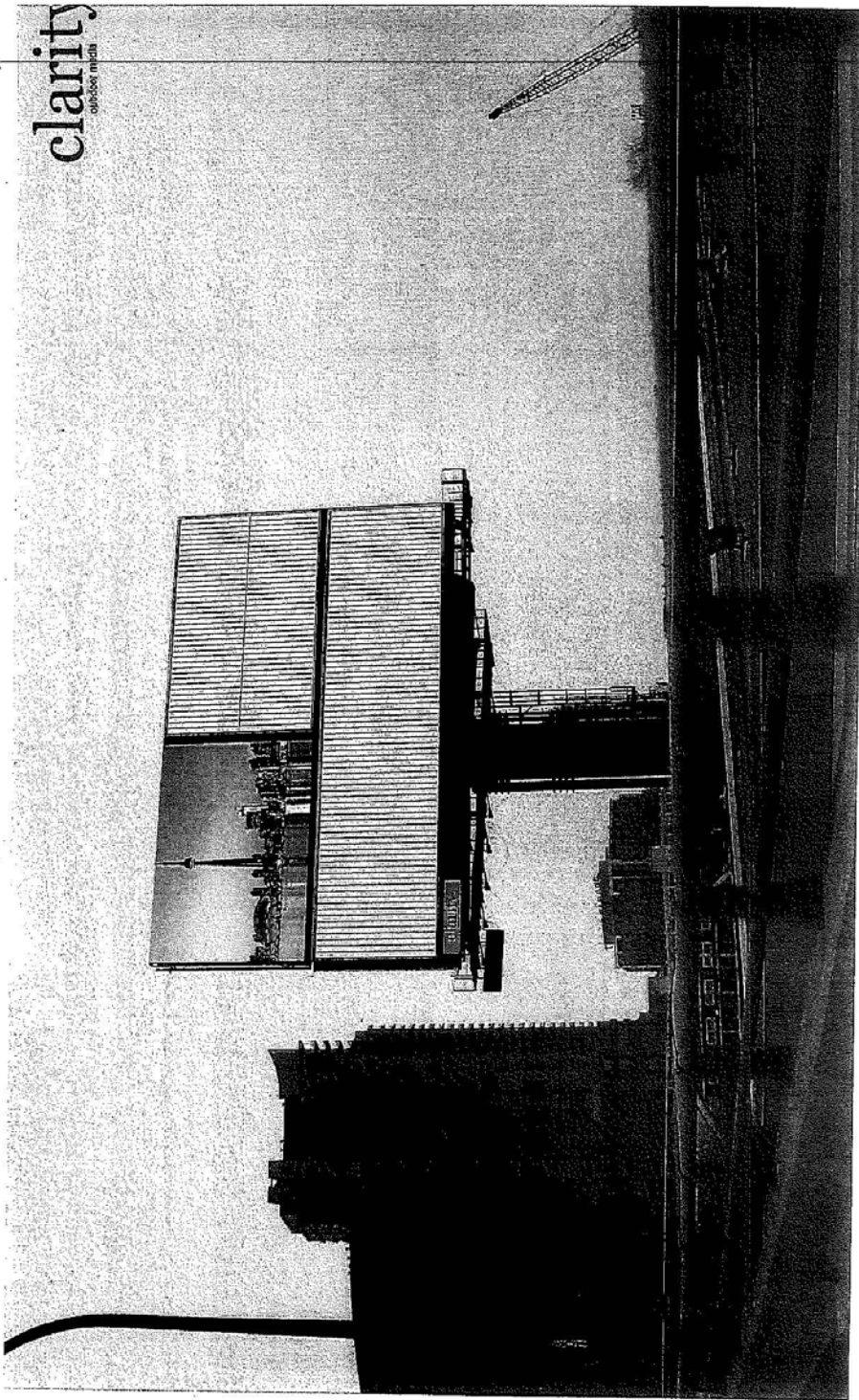


CNE East-facing
Before changes

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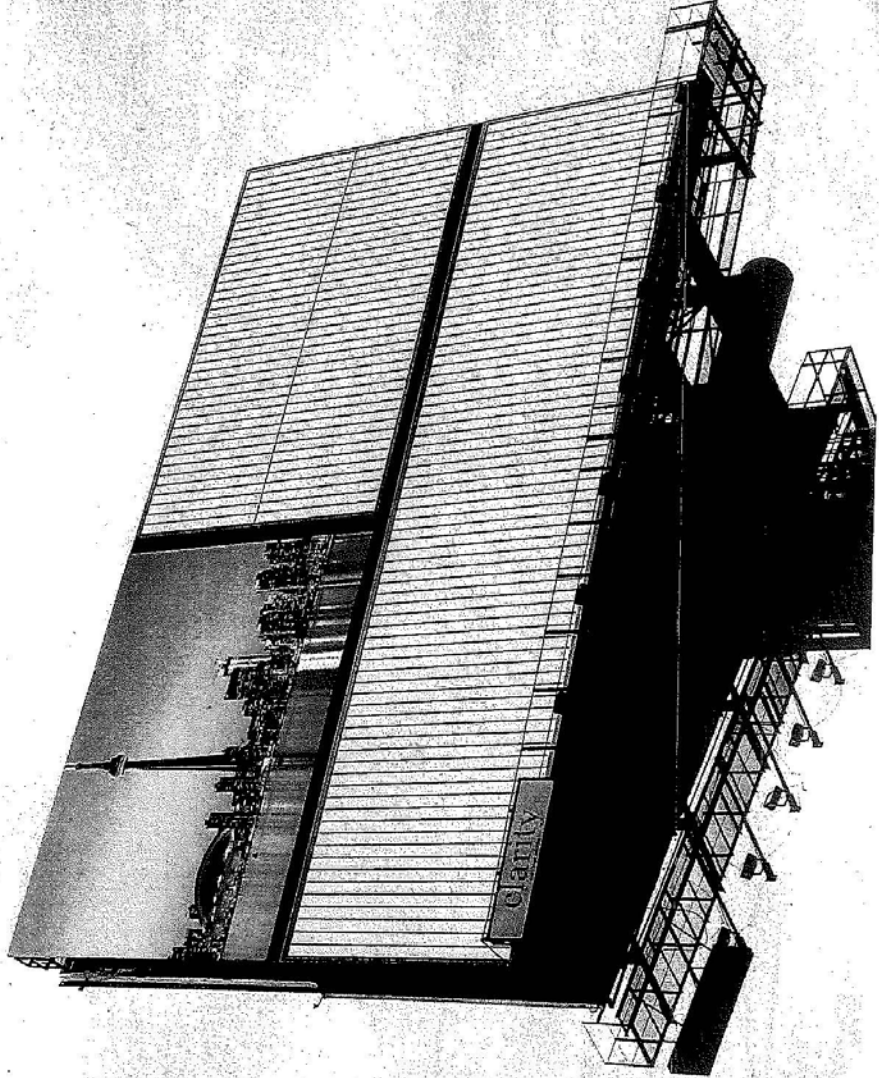
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**ACTION REQUIRED
with Confidential Attachment**

**Upgrade of Strachan Outdoor Billboard Sign – Clarity
Outdoor Media Inc.**

Date:	May 28, 2012
To:	Executive Committee
From:	Dianne Young, Chief Executive Officer, Exhibition Place
Wards:	N/A
Reason for Confidential Information	Security of the Property of the Municipality or local Board

SUMMARY

This report recommends City Council authorize the amendment of the agreement (the "Agreement") between the Board of Governors of Exhibition Place ("the Board") and Clarity Outdoor Media Inc. ("Clarity") to permit Clarity to upgrade portions of the existing east and west side of the Gardiner/Strachan Outdoor Billboard Sign from static vinyl to tri-vision displays as described more fully in this report and shown on Appendix "A" and "B". Replacing the existing static vinyl to trivision results in more displays with more advertisers and therefore has the potential for significant additional income stream to the Board. In addition, with conversion to a trivision display Exhibition Place will continue to have the benefit of 10 second spots at no cost. The amendment to the agreement would be subject to Clarity obtaining the necessary approvals and permits under the City's Municipal Code Chapter 694-Signs-General.

RECOMMENDATIONS

It is recommended that City Council:

1. Authorize the Board of Governors of Exhibition Place to amend the Agreement to permit Clarity Outdoor Media Inc. to upgrade its sign in a manner more particularly set out in this report, subject to Clarity complying with all requirements of the City, and obtaining all of the necessary approvals, including City Council approval of any amendment to the City's Municipal Code Chapter 694 – Signs - General.
2. Direct that the Confidential Information in Attachment 1 not be released publicly in order to protect the competitive position and the future economic interests of Exhibition Place.

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Financial Impact

Once the sign is upgraded, it is expected that the Board will realize a significant increase to the income stream as detailed in Confidential Attachment 1.

DECISION HISTORY

At its meeting of May 25, 2012, the Board considered subject report and unanimously approved same and recommend it to City Council for approval.

At its meeting of May 29, 2009, the Board approved entering into a 15-year agreement with Clarity for the operation and maintenance of the existing double sided billboard sign (the "Strachan Billboard") which Agreement was approved by City Council at its meeting of August 5, 2009.

At its meeting of January 29, 1999, the Board approved of entering into a ten year agreement with Gallop & Gallop Advertising Inc. for the construction, operation and maintenance of a pillar billboard structure on the south side of the Gardiner Expressway near Strachan Avenue for the Strachan Billboard, which agreement was subsequently approved by City Council at its meeting of May 11 and 12, 1999. Subsequently, the Board approved of an assignment of the Gallop agreement to Mediacom Inc. which was purchased by CBS Outdoor Ltd. The Gallop Agreement expired on August 31, 2009.

City Council at its meeting of November 30, December 1, 2, 4 & 7, 2009 adopted Municipal Code Chapter 694, "Signs-General" which came into effect on April 6, 2010.

ISSUE BACKGROUND

The provisions of Chapter 694, which apply to the area in which the Strachan Billboard is located, will not allow the as-of-right approval of certain changes that Clarity wishes to implement in respect of the Strachan Billboard. The changes sought by Clarity are not within the delegated authority of City staff and therefore a Sign By-law amendment by City Council is required pursuant to Chapter 694. Clarity has indicated its intention to apply to the City for approval of its proposed changes and in order to do this it first needs approval of such changes by the Board's. It is anticipated that Council will be considering a report from the City's Sign By-law unit staff in respect of these proposed changes sometime within the next few months.

COMMENTS

Appendix "C" sets out in detail the proposed physical changes and Clarity's rationale for moving in this direction.

East Face: (Appendix A)

The east side configuration of Clarity sign in 2009 was a static vinyl in the upper left hand corner, full-motion LED video in the top right hand corner, and the lower portion of the sign was all tri-vision. In 2010, the trivision on the lower portion was replaced with a new trivision. In

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2011, the LED display of the Sign was replaced with a state-of-art full-motion LED video screen.

Clarity is now proposing to replace the vinyl portion of its East Face with trivision. The vinyl portion is located in the upper left hand side of the board and is approximately 16 feet high by 28 feet wide. Under the new sign bylaw this would be considered Mechanical Copy defined as "Sign copy which physically moves in whole or in part and shall include tri-vision sign copy".

Over the last few years Clarity's clients have commented on the "cluttered" look of the Sign having one permanent advertiser on the static vinyl in the upper left hand corner of the Sign. More customers are now opting for straight single faced vinyl or static electronic copy To eliminate this "cluttered" appearance, Clarity, through its agents, had proposed to a number of clients the concept of the trivision in the upper left corner. This trivision can be synchronized with the lower trivision and the full motion video screen to provide 30-second site domination for each of three clients. The reaction to this configuration has been positive and Clarity has pending contracts in hand for all three positions available. Two of the contracts are for 52 weeks and the other contract is for a 35 weeks period.

By replacing the static vinyl portion of the East Face Clarity will be able to offer its customers full equal time on the board. This will allow more customers to take what is called a "site domination" position on the board. In other words, there can be three separate customers displaying their creative once every 30 seconds on a one hundred second loop, with the remaining 10 seconds continuing to be available for Exhibition Place messaging. Site domination positions command a higher price from the customer and traditionally the contracts are for longer periods, 1 to 3years in length. Exhibition Place will continue to have a 10 seconds spot available at no cost.

West Face: (Appendix B)

The existing West Side is a static vinyl in the upper portion and a non-functional reader board on the lower portion. The reader board ceased to function many years ago, long before Clarity took over operation of the west face of the sign. These two portions are separated by a cat-walk which impairs the sight lines of customers' creative messaging. Clarity very seldom has a customer who rents the lower portion because of the issues noted above.

Given the very positive reaction to the proposed reconfiguration of the East Face, Clarity proposes to reconfigure the West Face in substantially the same manner. The overall size of the West Face under the new configuration will not change. What will change is the upper cat-walk which will be removed to bring the whole board together. This change will require a sign and building permit, once the changes to the sign have been approved by City Council.

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Static vinyl allows for one customer to advertise at a time. By changing the West Side to mirror the East Face, Clarity is increasing its inventory of rentable space threefold, while still being able to offer attractive site domination in substantially the same manner as on the East Face.

Conclusion:

Preliminary discussion with staff in the City's Sign By-law Unit indicate that Clarity's proposed changes to the east and west sign faces require specific City Council approval and an amendment to Municipal Code Chapter 694, they fall outside of the scope of the Agreement and therefore an amendment to the Agreement is required. Finally, pursuant to Chapter 694, sign permits are issued for a period 5 years, subject to renewal on certain conditions. Accordingly, the approval to be requested from City Council for the changes noted will fall within the scope of Chapter 694 which may set timeframes less than as provided under the Board's Agreement.

Green Initiatives:

Clarity's environmental initiatives include expanding the use of energy efficient LEDs in signage as a means of replacing inefficient incandescent electronic message displays. In keeping with the City policy, Clarity will be replacing the reader board, which uses all incandescent lights, with LEDs thus reducing the environmental footprint in the delivery of the advertising. In August 2010, Clarity had already replaced its full motion LED video board on the East Face with a more energy efficient one resulting in a 29% reduction in electrical use. As of April 1, 2012 Clarity has partnered with Bullfrog power to supply electricity from 100% renewable sources to both sides of the board. Overall these changes will save a total of 28.6 tonnes of CO₂, 50.8 Kg of SO₂ and 39.5 kg of NO_x.

On a go forward basis Clarity will be looking for ways to have its PVC trivision panels recycled. Clarity is in discussions with Kal-Trading Inc., a recycler of vinyl and PVC, who are now in conversation with Clarity's PVC supplier with a view to recycling Clarity's PVC.

In addition to the financial terms and condition set out in the Confidential Attachment and the proposed amendments to the Agreement, all other terms and conditions contained within the current Clarity Agreement dated July 1, 2010, shall remain substantially the same.

CONTACT

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Dianne Young, Chief Executive Officer
Exhibition Place

Clarity Outdoor Media Inc.

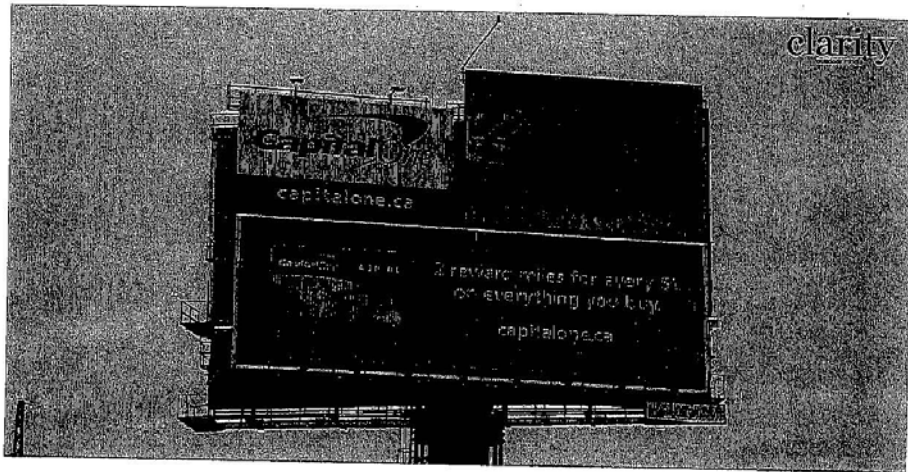
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ATTACHMENTS

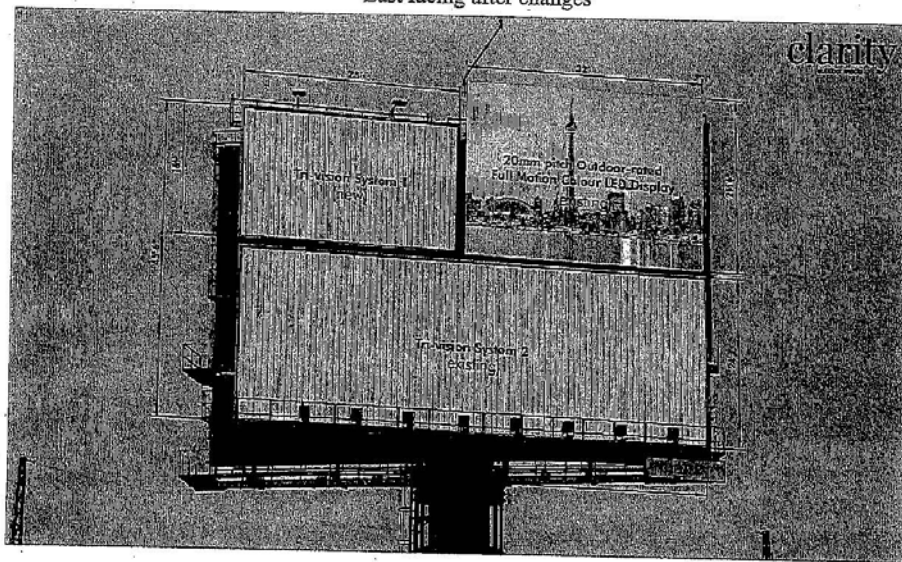
Appendix "A" - Existing Configuration – East facing side
Appendix "B" - Existing Configuration – West facing side
Appendix "C" - Proposed Physical Changes/Rationale
Confidential Attachment

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Appendix "A"
Existing Configuration - East facing side

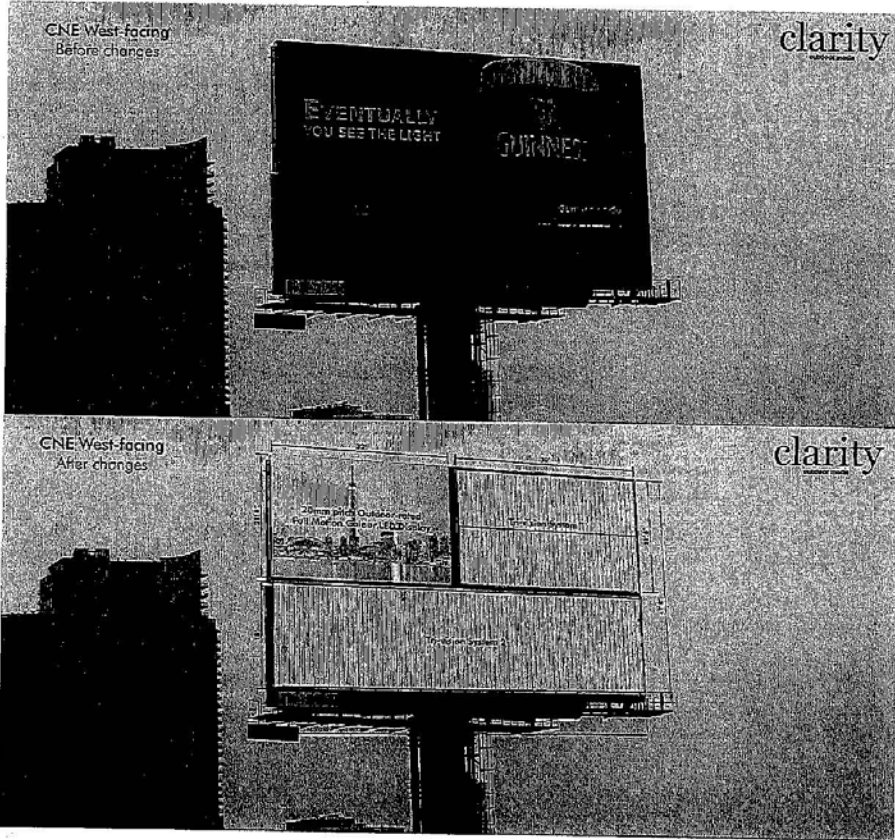


East facing after changes



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Appendix "B" - Existing Configuration - West facing side



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APPENDIX "C"

PHYSICAL CHANGES		
CURRENT	PROPOSED	RATIONALE
<u>East Face – Sign Components:</u> 1. Electronic Moving Copy (LED) – 22' x 32' 2. Mechanical Copy (Tri-vision 1) – 24' x 60' 3. Static Copy (Vinyl) – 16' x 28'	1. No change 2. No change 3. Mechanical Copy (Tri-vision 2) – 16' x 28' <u>Total Sign area is unchanged from existing configuration</u>	<ul style="list-style-type: none"> • Static vinyl is no longer competitive and creates a "cluttered" look • Change to tri-vision will allow an advertiser to present one message theme on the entire sign face at a time
<u>West Face – Sign Components:</u> 1. Static Copy (Vinyl) 2. Readerboard	1. Electronic Moving Copy (LED) – 32' x 22' 2. Mechanical Copy (Tri-vision 1) – 18' x 68' 3. Mechanical Copy (Tri-vision 2) – 22' x 36' <u>Total Sign area is unchanged from existing configuration</u>	<ul style="list-style-type: none"> • Static vinyl is no longer competitive • Readerboard is obsolete technology and has not functioned for many years – long before Clarity commenced operation of the Sign West Face • Changes will allow an advertiser to present one message theme on the entire sign face at a time

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TORONTO Item
Tracking Status

- City Council adopted this item on July 11, 2012 without amendments and without debate.
- This item was considered by the Executive Committee on June 12, 2012 and adopted without amendment. It will be considered by City Council on July 11, 2012.

City Council consideration on July 11, 2012

EX21.32	ACTION	Adopted on Consent		
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Upgrade of Strachan Outdoor Billboard Sign – Clarity Outdoor Media Inc.**City Council Decision**

City Council on July 11, 12 and 13, 2012, adopted the following:

1. City Council authorize the Board of Governors of Exhibition Place to amend the Agreement to permit Clarity Outdoor Media Inc. to upgrade its sign in a manner more particularly set out in this report, subject to Clarity complying with all requirements of the City, and obtaining all of the necessary approvals, including City Council approval of any amendment to the City's Municipal Code Chapter 694 – Signs - General.
2. City Council direct that the Confidential Information in Attachment 1 of the letter (May 28, 2102) from the Chief Executive Officer, Exhibition Place, not be released publicly in order to protect the competitive position and the future economic interests of Exhibition Place.

Confidential Attachment 1 to the letter (May 28, 2102) from the Chief Executive Officer, Exhibition Place, remains confidential in its entirety in accordance with the provisions of the City of Toronto Act, 2006 as it pertains to the security of the property of the municipality or local board and in order to protect the competitive position and the future economic interests of Exhibition Place.

Confidential Attachment - The security of the property of the municipality or local board**Background Information (Committee)**

(May 28, 2012) Letter from the Chief Executive Officer, Exhibition Place, with Attachments A to C, on Upgrade of Strachan Outdoor Billboard Sign – Clarity Outdoor Media Inc.
<http://www.toronto.ca/legdocs/mmis/2012/ex/board/backgroundfile-47890.pdf>
 Confidential Attachment 1 - Upgrade of Strachan Outdoor Billboard Sign – Clarity Outdoor Media Inc.

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Executive Committee consideration on June 12, 2012

Source: Toronto City Clerk at www.toronto.ca/council

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**STAFF REPORT
ACTION REQUIRED**

Site-Specific Sign By-law Amendment - 2 Strachan Avenue – Phase 1

Date:	August 22, 2012
To:	Planning and Growth Management Committee
From:	Chief Building Official and Executive Director, Toronto Building
Wards:	Ward 19 – Trinity-Spadina
Reference Number:	P:2012\Cluster B\BLD\PG12018

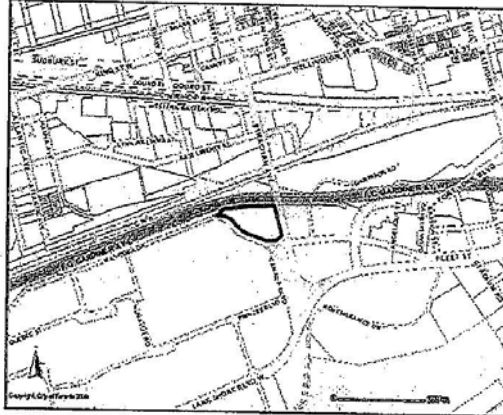
SUMMARY

At its meeting of July 11, 2012, City Council adopted Item EX 21.32, which authorized the Board of Governors of Exhibition Place to amend the agreement with Clarity Outdoor Media Inc (the "Applicant"). The approved contract amendment permits the Applicant to undertake specific modifications to both the east and west sign faces of an existing third-party ground sign at 2 Strachan Avenue, subject to the Applicant complying with all applicable City requirements.

This report reviews and recommends the approval of a site-specific amendment to Municipal Code Chapter 694, Signs, General, to permit the modification of the east sign faces outlined in Item EX21.32.

The proposed modification to the east side of the sign is to replace one of the existing Sign Faces displaying static sign copy with a Sign Face

Figure 1: Key Map - 2 Strachan Avenue



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of identical measurements using mechanical (tri-vision) sign copy.

An amendment to Chapter 694 is required because the sign is located in an OS-Open Space Sign District where no third party signs are permitted. Since the proposed changes constitute a substantial alteration to the existing sign, the updated sign is required to comply with Chapter 694.

RECOMMENDATIONS

The Chief Building Official and Executive Director, Toronto Building recommends that:

1. City Council amend Schedule B, Signage Master Plans and Area Specific Amendments, Chapter 694, Signs, General, of the City of Toronto Municipal Code, to add an area-specific amendment to allow the erection and display of one third party ground sign at the premises municipally known as 2 Strachan Avenue substantially in accordance with the draft by-law set out in Attachment I to this report; and,
2. The City Solicitor be authorized to prepare the necessary Bills for introduction in Council to implement the above recommendations, subject to such stylistic and technical changes to the draft bills as may be required.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

Toronto Community Council Report No. 7, Clause No. 1, as adopted by City of Toronto Council on May 11 and 12, 1999 - To further amend By-law No. 211-79 of the former Municipality of Metropolitan Toronto, being "A By-law to prohibit signs on lands adjacent to certain Metropolitan Roads" to permit the erection of a sign on Exhibition Place within 40 metres west of Strachan Avenue.
(<http://www.toronto.ca/legdocs/bylaws/1999/law0243.pdf>)

Agreement for the Existing Strachan Outdoor Billboard Sign - Clarity Outdoor Media Inc.
(http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2009_EX33_50)

Upgrade of Strachan Outdoor Billboard Sign - Clarity Outdoor Media Inc.
(http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012_EX21_32)

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ISSUE BACKGROUND

The sign at 2 Strachan Avenue is located on a small parcel of land which abuts the Gardiner Gateway Special Sign District. The sign is within an area specified in Chapter 694 which restricts third party signs surrounding Fort York; this is a continuation of a regulation contained in Chapter 297, Signs of the former City of Toronto Municipal Code.

History of the Third Party Ground Sign at 2 Strachan Avenue

- In May 1999, Council enacted By-law 243-1999, allowing the erection and display of a two-sided sign at Exhibition Place for identification and advertising;
- In 1999 the Exhibition Place Board entered into a nine-year agreement with Gallop & Gallop Advertising Inc. for the construction, operation, and maintenance of the subject third party ground sign - this agreement expired on August 31, 2009;
- In August 2009, Council approved an agreement between Exhibition Place and Clarity Media for the operation and maintenance of the subject third party ground sign for a period of 15 years;
- In November 2009, Council adopted item PG 33.10 – New Sign Regulation and Revenue Strategy for the City of Toronto;
- In July 2012, Council approved amendments to the agreement between Exhibition Place and Clarity Media (EX 21.32) to permit the proposed modifications to the existing sign, subject to compliance with the applicable City requirements.

As the Applicant did not submit an application to alter the sign under the previous Sign Bylaws, prior to the effective date of Chapter 694 (April 6, 2010), a Sign Bylaw amendment application is required to implement the specific modification to the east sign face as described in EX 21.32.

COMMENTS

Despite previous approvals, a substantial alteration to an existing sign requires the approval of the altered sign to be in accordance with the provisions of Chapter 694.

The subject sign is one of seven third party signs located at Exhibition Place, exclusive of the large scoreboard erected at BMO field, including:

- two roof signs located on top of the Ricoh Coliseum;
- two ground signs erected along the F.G. Gardiner Expressway, each containing electronic static and readograph copy; and,
- two signs located along Lake Shore Boulevard West.

Doc. page 3 of 12

The sign in question has been located on a small parcel of land on the east side of Exhibition Place since 1999 and contains three methods of copy display on three separate sign faces. As it exists today, the sign does not meet the needs of the Board of Governors of Exhibition Place or the interests of the Applicant and is proposed to be modified and brought into a state of good repair.

The Applicant has indicated their intent to apply for approval for modifications to the east and west sign sides of the sign separately.

Phase 1 – East Side (Current phase)

The sole modification to the east side of the sign is to the sign face located in the upper left hand side of the board. The proposed modification is to change the method of sign copy display on this sign face from static copy to mechanical copy. The upper left sign face is approximately 4.9 metres by 8.5 metres, with a total sign face area of 41.65 square metres. Phase 1 will result in no modifications to the two other existing sign faces.

With respect to the proposed changes on the east side of the sign, it should be noted that Chapter 694 allows all third party signs to display Mechanical Sign Copy. Through the background study and consultation process in the development of Chapter 694, it was determined that mechanical (tri-vision) sign copy has few, if any, impacts beyond those of static sign copy and that the two should be permitted as-of-right where any new third party signs are permitted.

Reduction in Sign Clutter

The proposed changes will reduce the type of sign copy display on the east side of the sign from the three (static, mechanical and electronic moving) that are currently displayed to two (mechanical and electronic moving) on three sign faces. As a result, the sign may appear less cluttered if the proposed mechanical (tri-vision) copy is synchronized with the lower mechanical (tri-vision) copy and the electronic moving copy portion of the sign as planned.

Illumination:

Chapter 694 contains provisions respecting the illumination of signs. These illumination provisions include:

- Controls respecting the brightness and brilliance of sign illumination;
- Controls respecting the hours of the day in which these signs can operate;
- Prevention of light "spill" and light "trespass" on sensitive land uses; and
- Controls to implement the City's adopted "Bird-friendly Guidelines", including no 'up-lit' signs.

If the proposed amendment is approved by Council, the Applicant will be required to comply in all respects with the illumination provisions outlined in Chapter 694.

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7

Currently, the sign at 2 Strachan is permitted to operate 24 hours a day and has no restrictions on the levels or methods of illumination. If the proposed amendment is approved, the sign will only be permitted to be illuminated between the hours of 7am and 11pm. The limited operating hours of the sign will result in the existing video screen and all of the lights on the sign having to be shut off between 11pm and 7am; greatly reducing the overall impact of the existing sign.

The applicant will also be required to reconfigure the lighting on the existing mechanical (tri-vision) panel on the lower portion of the sign and on the west facing portion of the sign. These portions of the sign are currently 'up-lit' and would be required to be 'down lit'. Phase 1 of the modifications will also require the sign to be modified to prevent light spilling onto adjacent properties.

Traffic Safety:

Chapter 694 currently does not permit new third party signs to be erected or displayed within 400 metres of the F.G. Gardiner Expressway from a point 250 metres west of Strachan Avenue to the easternmost limit of Booth Avenue.

Transportation Services Staff were consulted during the development of Chapter 694 and are in agreement with the regulations in the Chapter governing signs and their proximity to public highways.

Introducing the controls in Chapter 694 respecting illumination may reduce any impacts that the sign currently has on traffic along the Gardiner Expressway.

Administration and Enforcement:

As noted in the Legislative History above, the current sign has received approvals to allow for its erection, display and modifications over a number of years commencing in 1999. The sign at 2 Strachan has received all of the necessary permits to operate as it is today.

There are a number of provisions in Chapter 694 respecting third party signs that the current sign does not comply with. These include:

- Five sign faces whereas the maximum permitted is two;
- Sign face areas all exceed the maximum permitted 20 square metres;
- Location on a designated heritage property (Exhibition Place);
- Location within 400 metres of the F.G. Gardiner Expressway; and
- Height to exceed ten metres whereas the existing sign is approximately 35 metres in height.

Doc page 5 of 12

Figure 2: Existing Configuration

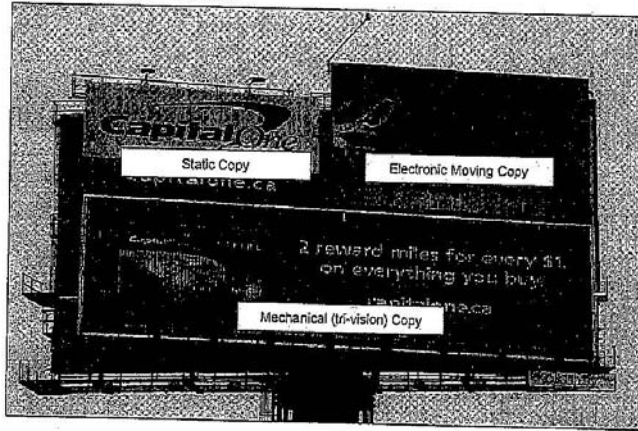
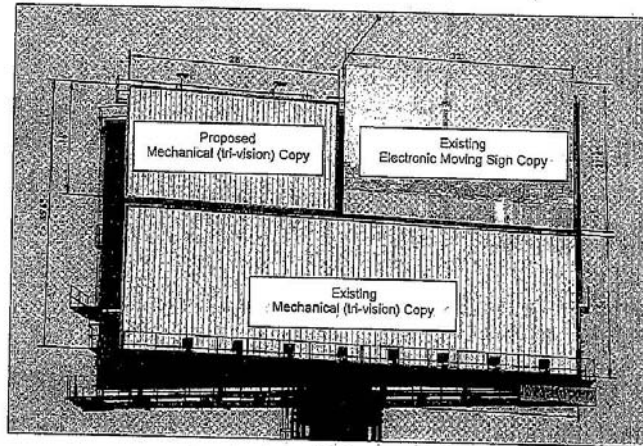


Figure 3: Proposed Configuration



Due to the lawful status of the sign, it is exempt from any of the provisions in Chapter 694. If approved, the proposed site-specific amendment for the sign at 2 Strachan will allow the administrative and enforcement provisions of Chapter 694 to be fully applied to the sign.

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Phase I – West Side (Future phase)

As a result of similar issues outlined above with respect to Phase I, Phase II of the proposed modifications will require a site-specific amendment to Chapter 694. This application is expected to be submitted at a later date.

CONTACT

Ted Van Vliet, Manager
Sign By-law Unit
Tel: 416-392-4235
Email: tvanvli@toronto.ca

John Heggie,
Director, Toronto Building
Tel: 416-396-5035
E-mail: jheggie@toronto.ca

SIGNATURE

V. Ann Borooah
Chief Building Official and Executive Director, Toronto Building

ATTACHMENTS

1. Draft By-law for Site-Specific Amendment respecting 2 Strachan Avenue

Doc page 7 of 12

APPENDIX A – DRAFT BYLAW – SITE SPECIFIC AMENDMENT FOR THE PREMISES MUNICIPALLY KNOWN AS 2 STRACHAN AVENUE

Authority: Planning and Growth Management Committee Item No. __, as adopted by City of Toronto Council on __, 2012.

Enacted by Council: _____, 2012

CITY OF TORONTO

BY-LAW No. XXX-2012

To amend Schedule B, Signage Master Plans and Area Specific Amendments, to Chapter 694, Signs, General, to implement an area specific amendment with respect to the premises municipally known as 2 Strachan Avenue.

WHEREAS under sections 7 and 8 of the *City of Toronto Act, 2006* (the “Act”), the City may pass by-laws in respect of the health, safety and well-being of persons and the economic, social and environmental well-being of the City; and

WHEREAS subsection 8(1) of the Act, provides the City with broad authority to provide any service or thing the City considers necessary or desirable for the public; and

WHEREAS the City has the authority to pass by-laws respecting matters related to Structures, including fences and signs under subsection 8(2) of the Act; and

WHEREAS the City provides the regulation of signs to the citizens of Toronto as a necessary and desirable service; and

WHEREAS Council has authorized regulations that promote the public’s ability to utilize signs to express messages, while ensuring signs are appropriate to their function and compatible with their surroundings; and

WHEREAS at its meeting of February 22 and 23, 2010, City Council by adoption of By-law No. 196-2010, enacted Municipal Code Chapter 694, Signs, General; and

WHEREAS Section 694-31A of Chapter 694, Signs, General, permits a person to obtain an amendment to the provisions of the chapter with respect to specific premises or an area; and

WHEREAS Council has determined that, due to the specific nature, and historic uses of a portion of the premises municipally known as 2 Strachan Avenue, an area specific amendment to the provisions of Chapter 694 to permit the erection and display of a specific form of a ground sign is appropriate; and

WHEREAS notice of the intention to enact this by-law has been provided in accordance with the Act and its regulations;

Doc. page 8 of 12

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Chapter 694, Signs, General, of The City of Toronto Municipal Code is amended by adding the following as Subsection 2.X to Schedule B to Ch. 694, Signage Master Plans and Area Specific Amendments:

X. 2 Strachan Avenue - Notwithstanding §§ 694-18, 694-22 (C), and 694-24 but subject to all other provisions of this chapter, the area of the premises municipally known as 2 Strachan Avenue, as delineated with heavy lines on the diagram indicated at Subsection X(2) as Area Map 1 – Part of 2 Strachan Avenue, may contain only the following sign:

i. One ground sign provided:

(a) The height shall not exceed 29.0 metres;

(b) The sign shall only display sign copy that:

[1] identifies the location of the National Trade Centre and Exhibition Place;

[2] informs the public of the events occurring in the National Trade Centre and at Exhibition Place, or

[3] advertises, promotes, or directs attention to businesses, goods, services, matters, or activities that are not available at or related to the premises where the sign is located;

(c) The sign shall have no more than five sign faces, and;

[1] Three sign faces shall be oriented to be displayed in an easterly direction and shall comply with the following requirements:

[a] One sign face shall display static or mechanical copy only; and,

[i] The vertical distance between grade and the highest point of the sign face shall not exceed 22.0 metres;

[ii] The sign face area shall not exceed 135.5 square metres;

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-
- [iii] No horizontal measurement of the sign face shall exceed 18.3 metres;
 - [iv] No vertical measurement of the sign face shall exceed 7.4 metres;
 - [v] The sign face may be illuminated, provided the sign face complies with 694-18;
- [b] One sign face shall display static or mechanical copy only; and,
- [i] The vertical distance between grade and the highest point of the sign face shall not be less than 22.0 metres and shall not exceed 27.0 metres;
 - [ii] The sign face area shall not exceed 42.2 square metres;
 - [iii] No horizontal measurement of the sign face shall exceed 8.6 metres;
 - [iv] No vertical measurement of the sign face shall exceed 4.9 metres;
 - [v] The sign face may be illuminated, provided the sign face complies with 694-18;
- [c] One sign face shall display static, mechanical or electronic moving copy only; and,
- [i] The vertical distance between grade and the highest point of the sign face shall not be less than 22.0 metres and shall not exceed 28.5 metres;
 - [ii] The sign face area shall not exceed 64.7 square metres;
 - [iii] No horizontal measurement of the sign face shall exceed 9.8 metres; and,

Doc. page 10 of 12

[iv] No vertical measurement of the sign face shall exceed 6.6 metres;

[v] The sign face may be illuminated, provided the sign face complies with 694-18;

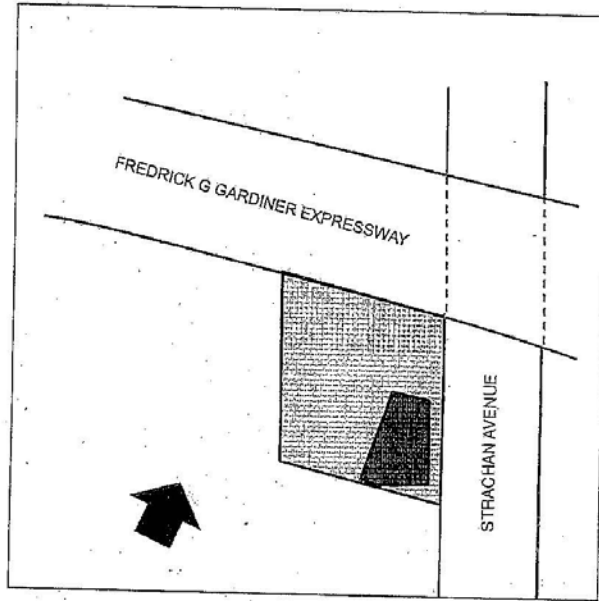
[2] Two sign faces shall be oriented to be displayed in a westerly direction which shall comply with following requirements:



(i) the sign faces shall comply with the permissions previously provided under the applicable provisions of Chapter 297, Signs, of the Municipal Code of the former City of Toronto, and By-law No. 211-79 of the former Municipality of Metropolitan Toronto, as amended by By-law No. 243-1999 of the City of Toronto as they applied on the day before this chapter came into effect to the area of the premises municipally known as 2 Strachan Avenue, as delineated with heavy lines on the diagram indicated at Subsection X(2) as Area Map 1 – Part of 2 Strachan Avenue;

(d) The sign shall be erected and displayed entirely within the boundaries of the specific location labeled as Sign Location on the diagram at Subsection X(2) titled Area Map 1 – Part of 2 Strachan Avenue.

Don page 11 of 12

2. Area Map 1 – Part of 2 Strachan Avenue



- Scale 1:750
-  Area of the Premises 2 Strachan to which Subsection X(1) applies
 -  Sign Location

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TORONTO Item
Tracking Status

- This item will be considered by Planning and Growth Management Committee on September 13, 2012. It will be considered by City Council on October 2, 2012, subject to the actions of the Planning and Growth Management Committee.

Planning and Growth Management Committee consideration on September 13, 2012

PG17.2	ACTION	9:30 AM		Ward:19
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Site-Specific Sign By-law Amendment - 2 Strachan Avenue - Phase 1

Statutory - City of Toronto Act, 2006

Origin

(August 22, 2012) Report from the Chief Building Official and Executive Director, Toronto Building

Recommendations

The Chief Building Official and Executive Director, Toronto Building recommends that:

- City Council amend Schedule B, Signage Master Plans and Area Specific Amendments, Chapter 694, Signs, General, of the City of Toronto Municipal Code, to add an area-specific amendment to allow the erection and display of one third party ground sign at the premises municipally known as 2 Strachan Avenue substantially in accordance with the draft by-law set out in Attachment 1 to the report (August 22, 2012) from the Chief Building Official and Executive Director, Toronto Building.
- City Council authorize the City Solicitor to prepare the necessary Bills for introduction in Council to implement the above recommendations, subject to such stylistic and technical changes to the draft bills as may be required.

Summary

At its meeting of July 11, 2012, City Council adopted Item EX 21.32, which authorized the Board of Governors of Exhibition Place to amend the agreement with Clarity Outdoor Media Inc (the "Applicant"). The approved contract amendment permits the Applicant to undertake specific modifications to both the east and west sign faces of an existing third-party ground sign at 2 Strachan Avenue, subject to the Applicant complying with all applicable City requirements.

This report reviews and recommends the approval of a site-specific amendment to Municipal Code Chapter 694, Signs, General, to permit the modification of the east sign faces outlined in Item

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EX21.32.

The proposed modification to the east side of the sign is to replace one of the existing Sign Faces displaying static sign copy with a Sign Face of identical measurements using mechanical (tri-vision) sign copy.

An amendment to Chapter 694 is required because the sign is located in an OS-Open Space Sign District where no third party signs are permitted. Since the proposed changes constitute a substantial alteration to the existing sign, the updated sign is required to comply with Chapter 694.

Financial Impact

The recommendations in this report have no financial impact.

Background Information

(August 22, 2012) Report from the Chief Building Official and Executive Director, Toronto Building on Site-Specific Sign By-law Amendment - 2 Strachan Avenue - Phase 1

(<http://www.toronto.ca/teadocs/mmis/2012/pg/bard/backgroundfile-49696.pdf>)

(August 22, 2012) Draft By-law for Site-Specific Amendment respecting 2 Strachan Avenue

(<http://www.toronto.ca/teadocs/mmis/2012/pg/bard/backgroundfile-49782.pdf>)

Source: Toronto City Clerk at www.toronto.ca/council

Doc. page 2 of 2

Hardat Persaud

From: Dianne Young
Sent: January 25, 2013 4:27 PM
To: councillor_digiorgio@toronto.ca
Cc: Alison Fowles (AFowles@toronto.ca); Hardat Persaud; Dianne Young
Subject: RE: Clarity Sign Report at Planning & Growth Committee
Attachments: PGM Jan 28 03 motion for 2 Strachan west face (2).doc
Importance: High

Sorry all forgot the attachment

Dianne Young | Chief Executive Officer | Exhibition Place
Direct Energy Centre | Allstream Centre

200 Princes' Blvd. | Exhibition Place | Toronto, ON M6K 3C3 | Phone: (416) 263-3611 | Fax: (416) 263-3640 |
www.directenergycentre.com | www.allstreamcentre.com | www.explace.on.ca | www.theex.com

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From: Dianne Young
Sent: January 25, 2013 4:25 PM
To: councillor_digiorgio@toronto.ca
Cc: Alison Fowles (AFowles@toronto.ca); Hardat Persaud; Dianne Young
Subject: Clarity Sign Report at Planning & Growth Committee
Importance: High

Councillor Di Giorgio

Thank you for bringing forward the attached motion.

Exhibition Place is in favour of the motion and Hardat Persaud, CFO, Exhibition Place will be at the meeting as will Alison Fowles of City Legal who are knowledgeable about this request.

Again, this motion addresses the "grandfathering" of existing features and is in keeping with directions taken by the Committee and Council regarding the East Face of the same sign in October 2012.

Regards
Dianne

Dianne Young | Chief Executive Officer | Exhibition Place
Direct Energy Centre | Allstream Centre

Doc page 1 of 4

200 Princes' Blvd | Exhibition Place | Toronto, ON M6K 3C3 | Phone: (416) 263-3611 | Fax: (416) 263-3640 |
www.directenergycentre.com | www.allstreamcentre.com | www.explace.on.ca | www.theex.com

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Doc page 2 of 4

MOTION # 1 – 2 Strachan – West side (but without hours of operation restriction and without most of illumination restrictions to reflect the existing contractual arrangements and in keeping with the direction taken with respect to the East side in October 2012)

1. City Council amend Chapter 694, Signs, General, of the City of Toronto Municipal Code, Schedule B, Signage Master Plans and Area Specific Amendments, subsection K, 2 Strachan Avenue, as follows:

(1) subsection 1.K.(c) is amended by substituting the word "six" for the word "five" in subsection 1.K.(c)[1]; and

(2) by deleting subsection 2.K.(c)[2] and substituting the following:

[2] Three sign faces shall be oriented to be displayed in a westerly direction and shall comply with the following requirements:

[a] One sign face shall display static or mechanical copy only; and,

[i] The vertical distance between grade and the highest point of the sign face shall not exceed 35.0 metres;

[ii] The sign face area shall not exceed 71.8 metres;

[iii] No horizontal measurement of the sign face shall exceed 11.0 metres;

[iv] No vertical measurement of the sign face shall exceed 7.0 metres;

[v] The sign face may be illuminated, provided:

[A] the illumination shall not exceed 5,000 nits during the period between sunrise and sunset;

[B] the illumination shall not exceed 500 nits during the period between sunset and sunrise.

[b] One sign face shall display static or mechanical copy only; and,

[i] The vertical distance between grade and the highest point of the sign face shall not exceed 28.5 metres;

[ii] The sign face area shall not exceed 115.0 metres;

Don: page 3 of 4

-
- [iii] No horizontal measurement of the sign face shall exceed 10.0 metres;
 - [iv] No vertical measurement of the sign face shall exceed 5.5 metres;
 - [v] The sign face may be illuminated, provided;
 - [A] the illumination shall not exceed 5,000 nits during the period between sunrise and sunset;
 - [B] the illumination shall not exceed 500 nits during the period between sunset and sunrise; and
 - [c] One sign face shall display static, mechanical or electronic static copy only; and,
 - [i] The vertical distance between grade and the highest point of the sign face shall not be less than 28.5 metres and shall not exceed 35.0 metres;
 - [ii] the sign face area shall not exceed 64.0 square metres;
 - [iii] No horizontal measurement of the sign face shall exceed 20.0 metres;
 - [iv] No vertical measurement of the sign face shall exceed 7.0 metres;
 - [v] The sign face may be illuminated, provided;
 - [A] the illumination shall not exceed 5,000 nits during the period between sunrise and sunset;
 - [B] the illumination shall not exceed 500 nits during the period between sunset and sunrise.

Doc. page 4 of 4



January 28, 2013

Re: PG20.5 - Site-Specific Sign By-law Amendment - 2 Strachan Avenue – Phase 2 (Ward 19)

Dear Chair and Planning and Growth Committee Members,

I am writing to urge the Committee to reject the site-specific sign by-law amendment requested for the sign at 2 Strachan in Ward 19.

The proposed amendment to the by-law would allow for a significant change to the sign and a step in exactly the wrong direction. Currently the sign at 2 Strachan includes two sign faces; the majority covered by static copy and the rest by an animated readograph (i.e. moving text) display along the bottom. The proposal would allow for three sign faces, one of which would be electronic (i.e. digital) copy and the other two trivision mechanical and so changing copy. I have included a photo from the staff report to help demonstrate the significance of this request.

This sign is not within the Gardiner Gateway Special Sign District (GG-SSD). Electronic sign copy is not permitted in the district where this sign is located.

Further as the staff report points out, the surrounding neighbourhood continues to be re-developed into high-density residential. There are many condominium towers newly built and underway in the area. Permitting electronic copy allows for an adverse impact on Ward 19 residents.

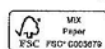
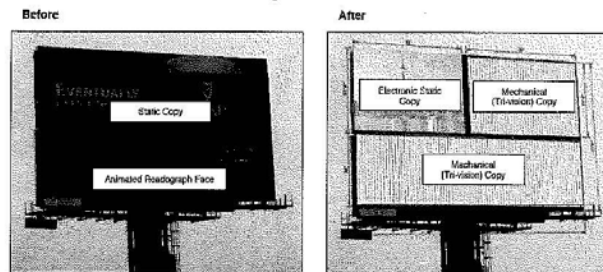
I am opposed to the continued spread of digital billboards on our expressways. I believe electronic static copy signs present a serious hazard to motorists and City Council needs to fully consider available data on the impacts of these signs before it permits any additional upgrades to static digital copy signs. Further, it was the goal of the sign by-law to reduce sign clutter in Toronto. The proposed by-law amendment would increase the number of sign faces on this sign and overall clutter in the area, not reduce it.

I urge the committee to reject the site-specific sign by-law amendment requested.

Sincerely,

Mike Layton
City Councillor
Ward 19, Trinity-Spadina

Figure 2: Before Photo and After Rendering – West Face





Toronto Building
 Ann Borosah,
 Chief Building Official and Executive Director
 Sign Bylaw Unit 416-392-8000

Notice of Violation

Pursuant to § 694-28 of the City of Toronto
 Municipal Code Chapter 694, Signs General

Notice Number: 13 125219 SNP-00 VI

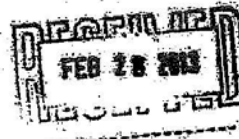
Date Notice issued: February 26, 2013

Address to which Order applies:
 2 STRACHAN AVE

Sign Permit Number:
 N/A

Notice issued to :

BOARD OF GOVERNORS OF EXHIBITION PLACE
 BOARD OF GOV. OF EXHIBITION PLACE
 200 PRINCESS BLVD
 TORONTO, ON M6K 3C3



An inspection conducted on or about February 25, 2013 at the above-referenced address found the following contravention(s) of the City of Toronto Municipal Code Chapter 694.

You are hereby ordered to correct the contraventions itemized below by March 12, 2013.

Item	Reference	Description and location	Required action and compliance date
1	694-5A	<p>There is 1 double-sided ground sign with third-party copy at 2 Strachan Ave. On the west sign face, the bottom portion of the sign was displaying electronic readograph copy. However, recently a static copy advertisement has replaced this readograph sign face, without first obtaining a sign permit.</p> <p>[694-5(A)] No person shall erect, display, modify or restore, or cause to be erected, displayed, modified or restored, any sign within the City without first obtaining a sign permit from the Chief Building Official pursuant to this chapter.</p>	Remove the sign(s) or produce valid permit records for the signs in question within 14 days.

Notice issued by:

Signature: *Nathan Jankowski* BCIN Telephone: (647) 454-5213
 Name: Nathan Jankowski, Sign Building Code Examiner/Inspector Facsimile: (416) 696-3676
 Address: Toronto Building Division, City Hall, Gr. Floor, East Tower

Note:

- The Signature above is the unique electronic signature of Nathan Jankowski, it can only be added by Nathan Jankowski and was produced after Nathan Jankowski electronically authenticated this document.
- Where a Notice of Violation has been issued under § 694-28, Subsection A and the sign has not been brought into compliance with the requirements of Chapter 694 of the City of Toronto Municipal Code within 14 days, the Chief Building Official may remove or cause the sign or any part thereof to be removed or may take any action necessary to prevent the sign copy from being displayed, and the City may recover the costs incurred by action or by adding the costs to the tax roll for the property on which the sign was located and collecting them in the same manner as property taxes.

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Toronto Building
Ann Barosch,
Chief Building Official and Executive Director
Sign Bylaw Unit 416-392-8000

Notice of Violation

Pursuant to § 694-28 of the City of Toronto
Municipal Code Chapter 694, Signs General

- Where a sign or any part thereof has been removed, the Chief Building Official may store or dispose of the sign or any part thereof as he or she deems fit.
- Where a sign or any part thereof has been removed and the Chief Building Official has stored the sign or any part thereof, the City may enforce the associated care and storage costs by claiming a lien under the Repair and Storage Liens Act.

Doc. page 2 of 3

7242 05

Page 2 of 2

February 26, 2013

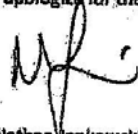
To whom it may concern:

Please note that Notice of Violation 13-123368 SNP 00-VI, for a double-sided ground sign at 2 Strachan Ave., has been issued in error and is hereby rescinded effective immediately. In this Notice, it was identified that the sign was not built in accordance with the issued permit.

Rather, there was recently an alteration made to the west sign face, where the bottom portion which displayed readograph copy was replaced by static copy without first obtaining a sign permit. Therefore, Notice of Violation 13-125219 SNP 00-VI has been issued today, and requires that the sign be brought into compliance, either by removing it or obtaining the necessary permit, by March 12, 2013.

If you have any questions or wish to discuss this further, please feel free to contact me at 647-454-5213, or via e-mail at njankow@toronto.ca.

I apologize for the administrative error and any confusion it may have caused.



Nathan Jankowski

Sign Building Code Examiner/Inspector

Doc. page 3 of 3



Exhibition Place

April 8, 2013

To: Planning & Growth Management Committee
From: Dianne Young, CEO, Exhibition Place
Subject: Agreement with Clarity Outdoor Media Inc. (Clarity) for Existing 2 Strachan Outdoor Billboard Sign (the "Sign"); Item No. PG20.5, April 11, 2013 Agenda

Please find attached specific details and dates related to the background of the matter of the Clarity Sign as considered and approved by the Board of Governors of Exhibition Place since this sign was first transferred to Exhibition Place in 1999 from a location near High Park.

The two approvals by the Board of Governors relating to the present matter before the Committee took place on May 29, 2009 and May 25, 2012.

At its meeting of May 29, 2009, the Exhibition Place Board approved of an agreement with Clarity for the Sign which Agreement terms were subsequently approved by Council on August 5, 2009. One of the terms of the Clarity Agreement provided that the specific advertising faces of the Sign would remain as existing in 2009 and as permitted at the Strachan location, including illumination levels and hours of operation. A further condition imposed obligations on Clarity to upgrade the sign faces.

Subsequently, Clarity submitted a proposal to the Board of Governors of Exhibition Place to substantially change the Sign. The Clarity proposal which was specifically described in the Board report was approved by the Board as an amendment to the Agreement at the Board meeting of May 25, 2012 and was as follows:

- a. east facing side: The existing east facing side displayed static vinyl in the upper left hand, full-motion video in the upper right and lower portion of the Sign displaying mechanical (tri-vision) copy. The Board approved the Clarity proposal to replace the static vinyl portion with mechanical (tri-vision) copy;
- b. west facing side: The existing west facing side displayed static vinyl in the upper portion and a readograph in the lower portion. The Board approved of the upgrades proposed by Clarity which would result in the west facing side matching the proposal for the east facing side; and,
- c. changes to illumination levels (including hours of operation) were not part of the Clarity proposal or the Board approval.

The Board of Governors May 25th report was subsequently approved by Council at its meeting of July 11, 2012.

While the Board of Governors supported the proposed changes to the Sign now before the Committee and reflected in the motion moved at the PGM Committee of January 28, 2013 (as set out in the report to Council), the Board of Governors understood, as specifically stated in the Board report, that any proposed changes to the Sign were subject to requirements of the City and approval of Council.

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THE BOARD OF GOVERNORS OF EXHIBITION PLACE

Exhibition Place, Toronto, Ontario M6K 3C3 Tel: (416)263-3600 www.explace.on.ca

I will be attending the PGM Committee meeting of April 11, 2013 if there are any further questions on any approvals by the Board of Governors.

Sincerely



Dianne Young
Chief Executive Officer

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Background

1. The Sign was first installed at the 2 Strachan location on Exhibition Place grounds in May 1999 for a nine year term with Gallop & Gallop which expired on August 31, 2009. The City granted site specific permission for the Sign through the enactment of an amending by-law to the Municipality of Metropolitan Toronto sign by-law, and granted variances with respect to Chapter 297 of the former City of Toronto Municipal Code. Such permission was for a specific sign with the following displays:
 - d. three faces on the east facing side (one face displaying static copy, one face displaying electronic moving copy and one face displaying mechanical (tri-vision) copy;
 - e. two faces on the west facing side (one face displaying static copy and one face displaying an electronic readograph); and
 - f. as per the by-law at the time there were no restrictions on any aspect of illumination (including hours of operation)
2. At the expiry of the term, Exhibition Place issued a public RFP to lease the sign. August 5, 2009 - Council approved of the lease agreement between Exhibition Place and Clarity (the "Clarity Agreement").
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2009.EX33.50>
3. January 26, 2010 – Council approved of amendments to the Clarity Agreement related to the schedule for payments.
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2010.EX39.3>
4. February 23, 2013 – By-law No. 196-2010 was enacted by Council adding new Municipal Code Chapter 694 – Signs, General.
5. April 6, 2010 – Municipal Code Chapter 694 – Signs, General - came into effect – deadline for transition to allow variances or amendments under previous sign regime. All special permissions for new signs must now comply with the provisions of Chapter 694
6. August 2010 - Council approved of amendments to the Clarity Agreement related to the financial terms
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2010.EX46.52>
7. Terms of the Clarity Agreement provided that the specific advertising faces of the Sign would remain as existing in 2009 as permitted at that location, as described in Paragraph #1 above but also imposed upgrade obligations on Clarity.

Recent Amendments / Requested Amendments to the Displays of the Sign

8. Clarity determined it would be more beneficial to seek permission for a different sign from both the Board of Governors and the City. Clarity understood that such proposed changes would require amendments to the Agreement as well as a site-specific amendment to Municipal Code Chapter 694 – Signs, General
9. May 25, 2012 – The Board of Governors of Exhibition Place approved amendments to the Agreement to permit (subject to Clarity complying with all requirements of the City) upgrades to “the existing east and west side of the Sign from static vinyl to tri-vision displays” as specifically described in the Board report as follows:
 - a. east facing side: The existing east facing side displayed static vinyl in the upper left hand, full-motion video in the upper right and lower portion of the Sign displaying mechanical

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(tri-vision) copy. The Board approved the Clarity proposal to replace the static vinyl portion with mechanical (tri-vision) copy.

- b. west facing side: The existing west facing side displayed static vinyl in the upper portion and a readograph in the lower portion. The Board approved of the upgrades proposed by Clarity which would result in the west facing side matching the proposal for the east facing side.
10. July 11 2012 – Council approved of amendments to the Clarity Agreement respecting the display areas of the Sign.
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.EX21.32>
11. September 2012 – PGM considered item PG17.2 and by way of a motion before the Committee recommended modifications to permit the east facing side of the sign to be modified to include two faces displaying mechanical (tri-vision) sign copy and one face displaying electronic moving sign copy and exempting the east facing side from most of the illumination restrictions (including hours of illumination) as set out in Chapter 694. These specifications generally were the same as the outlined in the July 2012 Board report.
12. October 2012 – Council adopted the recommendations of PG 17.2
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.PG17.2>
13. January 28, 2013 – PGM considers item PG 20.5 which staff report recommended the upgrading of the west facing side to replace the two existing sign faces (one with static copy, and one with animated readograph display) with three sign faces (two displaying mechanical copy and one displaying electronic static copy) and all other provisions of Chapter 694 (illumination and hours of operation) applying to the Sign. Clarity voiced concerns about the restrictions imposed by Chapter 694 and sought assistance from members of the PGM Committee and Exhibition Place staff. At the Committee meeting a motion (as set out in the report to Council) was moved seeking to exempt the west facing side of the Sign from most of the illumination restrictions (including the restrictions on the hours of operation). This direction was in keeping with the motion brought in respect of the east facing side and adopted by Council and also with the illumination conditions of the existing Sign dating from 1999 and the proposals approved by the Board of Governors in May 2012. This motion was not carried by the Committee. The Committee adopted the staff report and recommendation.
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.PG20.5>
14. February 20, 2013 – Council did not adopt the recommendations of PG 20.5 but referred the matter back to the April 11, 2013 Planning and Growth Management Committee meeting for further consideration.
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.PG20.5>

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Planning and Growth Management Committee - My comments for 2013.PG23.6 on April 11, 2013
Planning and Growth Management Committee

From: "William Moore" <wmoore@mandaville.com>
To: <pgmc@toronto.ca>
Date: 4/10/2013 11:45 AM
Subject: My comments for 2013.PG23.6 on April 11, 2013, Planning and Growth Management Committee
CC: "Glenn McMichael" <glenn.memichael@clarityoutdoor.com>, "Allan Herman" <allan.herman@waldjn.ca>, <wmoore@mandaville.com>
Attachments: Memorandum to P&GM April 10, 2013.pdf; PGM Jan 28 13 Motion for 2 Strachan West Face.pdf

To the City Clerk:

Please add my comments to the agenda for the April 11, 2013 Planning and Growth Management Committee meeting on item 2013.PG23.6, Site-Specific Sign By-law Amendment - 2 Strachan Avenue - Phase 2, Item PG20.5 referred by City Council on February 20 and 21, 2013

I understand that my comments and the personal information in this email will form part of the public record and that my name will be listed as a correspondent on agendas and minutes of City Council or its committees. Also, I understand that agendas and minutes are posted online and my name may be indexed by search engines like Google.

Comments:

Please circulate the attached Memorandum and accompanying Motion to the Committee in advance of the April 11, 2013 meeting.

Could you also please confirm receipt of this email and attachments.

Thank you.

William Moore, Director
Clarity Outdoor Media Inc.

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MEMORANDUM

To: Planning & Growth Management Committee (P&GM)

From: Glenn McMichael and William Moore, Directors
Clarity Outdoor Media Inc. (Clarity)

Subject: Meeting April 11, 2013 – Agenda Item PG23.6
Site-Specific Sign By-law Amendment - 2 Strachan Avenue - Phase 2, Item
PG20.5 referred by City Council on February 20 and 21, 2013

Initially heard by the Committee on January 28, 2013, the subject item has been referred back to P&GM by Council for further consideration.

With respect to the West face of the subject Sign, Clarity is in agreement with the majority of the recommendations contained in the Staff Report dated January 4, 2013, as submitted to P&GM for its meeting of January 28, 2013, with three exceptions which are outlined below.

Clarity is also in agreement with the following elements of the Staff recommendation, which are consistent with what has already been approved and enacted with respect to the East face of the Sign:

- a. That the West face of the Sign have a maximum brightness less than 6.5 lux above the ambient lighting level; and
- b. That the West face of the Sign have a maximum absolute brightness of (5,000 nits between sunrise and sunset; and 500 nits between sunset and sunrise).

For reasons that are described in the balance of this memorandum, Clarity is not in agreement with, and takes exception to the following elements of the recommendations in the Staff Report:

1. That the West face of the Sign not be up-lit;
2. That the West face of the Sign have no light projecting onto premises located in an R, RA, CR, I, or OS sign district;
3. That the West face of the Sign be illuminated only between 7am and 11pm.

In this regard, Clarity submits the following information to the Committee members for consideration.

With respect to uplighting:

- As with the reconfiguration of the East face, which was approved by Council in October 2012, the proposed reconfiguration of the West face is consistent with Clarity's 2009 response to the City of Toronto RFP, which resulted in the current 15-year Agreement between Clarity and Exhibition Place. The electronic display and tri-vision components currently being considered were proposed in that response, for both faces, and formed the

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basis for Clarity's revenue projections for the Sign, and its resulting payment commitments to Exhibition Place.

- The reconfiguration of the East and West faces of the Sign, as proposed by Clarity, were approved by Exhibition Place in May 2012, and by Council in July 2012, without the restrictions currently being sought by Staff regarding hours of operation and illumination.
- The 2012 approvals by Exhibition Place and Council included full motion video (electronic moving copy) for both East and West faces. However, as a concession to Staff, Clarity has agreed to substitute electronic static copy on the West face.
- Both East and West faces have been uplit since the Sign was first erected on Exhibition Place grounds in early 2000, some 13 years ago.
- The continued use of uplighting on the East face was enacted by Council on November 29, 2012 in By-Law No. 1640-2012.
- As a practical consideration, the configuration of the Sign makes it very difficult to do without uplighting.
- To apply uplighting restrictions to the West face of the Sign, is inconsistent with all of the following:
 - Clarity's 2009 response to the City's RFP, which resulted in the current 15-year Council-approved Agreement between Clarity and Exhibition Place;
 - The 13-year operating history of the Sign;
 - Clarity's reconfiguration proposals which were consistent with its RFP response, and which were approved by both Exhibition Place and Council in 2012;
 - By-Law No. 1640-2012 which governs the East face of the Sign, and which was enacted by Council in November 2012.

With respect to light projecting onto premises located in an R, RA, CR, I, or OS sign district:

- It is not possible to comply with this recommendation. The Sign is in an OS sign district, and has been since it was first erected on Exhibition Place grounds in early 2000, some 13 years ago. For reasons that are not clear, virtually all of the Exhibition Place grounds are a Special Sign District, but the corner of Exhibition Place lands on which the Sign sits is an OS district.
- There are no premises in R or RA districts adjacent to the Sign. Clarity believes that the closest such district is more than 200 metres away, on the opposite side of the Gardiner Expressway. But neither Exhibition Place nor Clarity can control rezoning of any adjacent properties and are incapable of ensuring compliance with this provision over the remainder of the 15-year term of the Agreement.
- There are no CR or I districts adjacent to the Sign, but again, any future rezoning is beyond the parties' control.

With respect to restrictions on hours of illumination:

- Such a restriction is inconsistent with all of the following:

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MOTION # 1 – 2 Strachan – West side (but without hours of operation restriction and without most of illumination restrictions to reflect the existing contractual arrangements and in keeping with the direction taken with respect to the East side in October 2012)

1. City Council amend Chapter 694, Signs, General, of the City of Toronto Municipal Code, Schedule B, Signage Master Plans and Area Specific Amendments, subsection K, 2 Strachan Avenue, as follows:

(1) subsection 1.K.(c) is amended by substituting the word "six" for the word "five" in subsection 1.K.(c)[1]; and

(2) by deleting subsection 2.K.(c)[2] and substituting the following:

[2] Three sign faces shall be oriented to be displayed in a westerly direction and shall comply with the following requirements:

[a] One sign face shall display static or mechanical copy only; and,

[i] The vertical distance between grade and the highest point of the sign face shall not exceed 35.0 metres;

[ii] The sign face area shall not exceed 71.8 metres;

[iii] No horizontal measurement of the sign face shall exceed 11.0 metres;

[iv] No vertical measurement of the sign face shall exceed 7.0 metres;

[v] ~~The sign face may be illuminated, provided:~~

~~[A] the illumination shall not exceed 5,000 nits during the period between sunrise and sunset;~~

~~[B] the illumination shall not exceed 500 nits during the period between sunset and sunrise.~~

[b] One sign face shall display static or mechanical copy only; and,

[i] The vertical distance between grade and the highest point of the sign face shall not exceed 28.5 metres;

[ii] The sign face area shall not exceed 115.0 metres;

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- [iii] No horizontal measurement of the sign face shall exceed 10.0 metres;
- [iv] No vertical measurement of the sign face shall exceed 5.5 metres;
- [v] ~~The sign face may be illuminated, provided:~~
 - [A] ~~the illumination shall not exceed 5,000 nits during the period between sunrise and sunset;~~
 - [B] ~~the illumination shall not exceed 500 nits during the period between sunset and sunrise; and~~
- [c] One sign face shall display static, mechanical or electronic static copy only; and,
 - [i] The vertical distance between grade and the highest point of the sign face shall not be less than 28.5 metres and shall not exceed 35.0 metres;
 - [ii] the sign face area shall not exceed 64.0 square metres;
 - [iii] No horizontal measurement of the sign face shall exceed 20.0 metres;
 - [iv] No vertical measurement of the sign face shall exceed 7.0 metres;
 - [v] ~~The sign face may be illuminated, provided:~~
 - [A] ~~the illumination shall not exceed 5,000 nits during the period between sunrise and sunset;~~
 - [B] ~~the illumination shall not exceed 500 nits during the period between sunset and sunrise.~~

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