

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

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**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.mcmichael@clarityoutdoor.com>, "Allan Herman" <allan.herman@waldin.ca>, <wmoore@mandaville.com>  
**Attachments:** Memorandum to P&GM April 10, 2013.pdf; PGM Jan 28 13 Motion for 2 Strachan West Face.pdf

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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.

# 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

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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

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:

- 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.
- Such a restriction would effectively restrict the hours of operation of the West face of the Sign. This would constitute a "Fundamental Change" under the terms of the Agreement between Exhibition Place and Clarity and gives Clarity certain rights which, if invoked by Clarity, will have a significant adverse impact on the legal and financial relationship between the parties. The Staff Report states that "The recommendations in this report have no financial impact". But if the recommendations regarding hours of illumination are enacted, then a financial impact will certainly result.

### **Impact of Uplighting on Bird Safety**

During the January 28 P&GM meeting, comment was made that uplighting of signs has a significant adverse impact on bird safety.

While it is a well-documented fact that Toronto's numerous glass-faced buildings, and their related lighting practices, are responsible for the deaths of thousands of birds annually, Clarity cannot find any evidence of adverse impact in Toronto regarding sign uplighting.

More relevant, Clarity has made specific inquiry of those persons who manage the grounds at Exhibition Place where the subject Sign is located, and has been advised that there are no reported incidents of bird death around or under the Sign, whether related to uplighting or to any other cause. As stated above, the Sign has been in operation at its current location for more than 13 years, and it has been uplit on both faces for all of that time, without any apparent adverse consequences to the bird population.

### **Clarity's Request**

At the January 28 P&GM meeting, a Motion was presented to the Committee for its consideration, as an alternative to the Staff recommendations.

This Motion is enclosed for consideration. It is identical to the recommendations made in the Staff Report, except for the three items described above, having to do with illumination, light projection and restrictions of hours.

Clarity requests that the Committee adopt this Motion, and recommend same to Council at its upcoming meeting of May 7, 2013.

Respectfully submitted.

**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;

[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.