

January 16, 2017

Our File No. 136038

BY E-MAIL

Jennifer Forkes
Secretariat – Toronto Executive Committee
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Dear Ms. Forkes:

**Re: EX21.8 – Yonge-Dundas Square Sign By-law Amendments
Executive Committee Meeting – January 19, 2017
Submission on Behalf of Bentall Kennedy (Canada) LP**

We are counsel to Bentall Kennedy (Canada) LP. Through a subsidiary (10 Dundas Street Ltd.), our client owns and operates the sign installation at 10 Dundas Street East.

This letter is a written submission to the Executive Committee respecting its consideration of Item EX21.8, being a proposal for amendments to the Toronto Sign By-law to accommodate a new signage program at Yonge-Dundas Square. The proposed amendments and rationales in support are outlined in a staff report to Executive Committee dated January 3, 2017.

As the Executive Committee is no doubt aware, the sign installation at 10 Dundas Street East forms an integral part of the character of Yonge-Dundas Square. The installation was reviewed and approved by the City in 2007 and permits our client to display up to multiple third-party illuminated and animated “fascia sign areas”. This is in addition to permissions for various first-party signs advertising the restaurants, shopping, and entertainment facilities available within 10 Dundas Street East.

The maintenance of appropriate viewing corridors to the 10 Dundas Street East sign installation is of paramount importance to Bentall Kennedy. Obstructions are directly detrimental to the value of this space to both third-party advertisers and first-party tenants. The January 3, 2017 staff report confirms that the City shares this concern insofar as the City has required that the proponent of the new signage program for Yonge-Dundas Square analyze the potential impact of the proposed new signs on what is currently lawfully erected and on display on “surrounding properties”.

However, Bentall Kennedy is not satisfied that the analysis provided by the proponent (Kramer Design Associates on behalf of Outfront Media) provides the Executive Committee with sufficient evidence to conclude that the proposed new sign program will not obstruct existing signage at 10 Dundas Street East. In particular, Bentall Kennedy is

concerned with the height, size and placement of proposed Sign "A" (referred to in the Kramer Design submissions as the "Western Gateway Sign").

Sign "A" is a new ground sign proposed to be located at the northwest corner of Yonge-Dundas Square. This sign will be immediately south of 10 Dundas Street East and therefore has the potential of causing a significant obstruction within the viewing corridor looking north along Yonge Street.

According to the draft sign by-law amendment attached to the January 3 staff report, Sign "A" is to have a height of 15.2 metres (approximately 50 feet), which exceeds the maximum height for third-party ground signs within the Dundas Square Special Sign District. However, the description of Sign "A" at page 10 of the staff report indicates that the height of Sign "A" will be 15.5 metres. Clarification of the intended height of this sign is required.

Sign "A" is further proposed to have a sign face area of 34 square metres (approximately 366 square feet), which exceeds the maximum permitted area for third-party ground signs. While the staff report describes this as being less than any existing third-party electronic sign on properties within the Dundas Square Special Sign District, we note that Sign "A" will be the largest third-party ground sign within Yonge-Dundas Square – all existing third-party electronic signs within the District are either roof or wall signs and are significantly removed from street level.

Given that Sign "A" as proposed will constitute the largest and highest third-party electronic ground sign within the Dundas Square Special Sign District, particular attention needs to be paid to its potential impact both on the pedestrian experience within the Square and on the viewing corridors to existing installations that surround the Square. To this end, Kramer Design has submitted a Visibility Study (dated December 14, 2016), which is attached to the January 3 staff report as Attachment 3.

Bentall Kennedy has reviewed the Visibility Study and finds it to be wholly insufficient in demonstrating the potential impacts of Sign "A". The renderings offered are entirely computer generated and do not offer industry standard photo perspectives from distances of 100, 200, and 300 feet away. The closest Kramer Design comes to showing the potential real world impact of Sign "A" is a "travelling north" photo perspective offered in the Kramer Design Yonge-Dundas Square Revitalization Plan dated November 3, 2016 (see Attachment 2 to the January 3 staff report at page 13). The "travelling north" photo does not provide specifics as to its scale or distance; however, it does confirm that Sign "A" will at a minimum obstruct multiple first-party tenant signs at 10 Dundas Street East.

Our client is grateful that the City has undertaken direct consultation with neighbouring property owners in respect of the proposed new signage programme for Yonge-Dundas Square. Our client is also grateful that staff have sought to directly address the issue of potential impact on existing signage within the Square. Where Bentall Kennedy departs from staff is with respect to the sufficiency of the information provided by the proponent. In particular, Bentall Kennedy submits that the Visibility Study and renderings supplied by Kramer Design are insufficient to determine the impact proposed by the large third-party ground sign identified as Sign "A". As this element of the new sign program is to be

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devoted to third-party advertising, there is a concern that the proponent is pushing the limits of Sign "A" in a way that will cause detrimental impacts to the existing sign installation at 10 Dundas Street East.

Accordingly, we ask that Executive Committee refer the proposed sign by-law amendments back to staff for further review. Specifically, we ask that the proponent be directed to supply staff with a more comprehensive Visibility Study to demonstrate the real world impacts of the new sign program – in particular, Sign "A". Without a Visibility Study that meets industry standards, we submit that there is insufficient evidence for the Executive Committee to provide a positive recommendation to City Council at this time.

The undersigned will be in attendance at the January 19 meeting to speak to this letter and answer any questions that the members of the Executive Committee may have.

Yours truly,

AIRD & BERLIS LLP



Patrick J. Harrington
PJH

cc A. DiPalma, Bentall Kennedy (Canada) LP

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