

TO:	CHAIR AND MEMBERS BUILT AND NATURAL ENVIRONMENT COMMITTEE MEETING ON MONDAY AUGUST 15, 2011, AT 5:00 PM
FROM:	GEORGE KOTSIFAS, P. ENG. DIRECTOR OF BUILDING CONTROLS
SUBJECT:	APPLICATION BY: CN RAIL AND RCC MEDIA SEEKING A MINOR VARIANCE TO THE SIGN & CANOPY BY-LAW TO PERMIT THIRD PARTY ADVERTISING ON RAILWAY OVERPASSES

RECOMMENDATION

That, on the recommendation of the Director of Building Controls, the request by CN Rail and RCC Media **BE APPROVED** to vary the Sign & Canopy By-law to permit non-accessory banner signs on Railway overpasses,

- a) Staff's report back to Council as per direction to Administration **BE RECEIVED** regarding item #16 of Planning Committee Report No. 21.
- b) the attached variance to the Sign and Canopy By-law **BE APPROVED** at the Municipal Council meeting on August 22, 2011;
- c) that CN Rail and RCC Media enter into a Licensing Agreement with the City before any permits are issued for the placement of banner signs on two CN railway overpasses; and,
- d) that the Mayor and City Clerk be authorized to execute such a Licensing Agreement and any other documents necessary to facilitate such an agreement.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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August 14, 2007 - Council Resolution (see Appendix 'A')

August 7, 2007 - Public Participation meeting to consider amending the Sign & Canopy By-law, to allow the installation of non-accessory signs on railway overpasses.

May 29, 2006 - Public Participation meeting to consider amending the Sign & Canopy By-law to allow non-accessory signs on CN Rail overpasses.

March 20, 2006 – Report on requests by CN Rail and RCC Media for non-accessory signs on railway overpasses. (see Appendix 'B')

BACKGROUND

In 1991, City Council adopted a Sign and Canopy By-law which regulates all types of signs. These include Permanent Accessory Signs which pertain to the same business on the property (facial wall signs, ground signs and projecting signs). In addition to this, individuals may potentially have A-Board signs and mobile signs to supplement their signage (temporary accessory signs). The By-law also includes Permanent Non-Accessory Signs (third party advertising). This type of sign does not relate to the use of the premises on which the sign is situated and includes signs commonly known as poster panels, billboards, painted bulletins and pillar signs.

The Sign and Canopy By-law regulates the number of permanent non-accessory signs in the City including the maximum sign face area, the maximum sign height, sign location restrictions, animation, illumination and general design criteria. This part of the City's By-law was challenged by representatives of the billboard industry in 1997. Ultimately the Courts upheld the City's approach to regulating the numbers of Permanent Non-Accessory Signs in the City.

In early 2006, CN Rail and RCC Media approached the City with a proposal to introduce third party advertising on railway overpasses in London. They were looking at this as a means to improve the appearance of the railway overpasses. The signs would be mounted on a frame attached to the overpass. They were originally considering eight locations in the City.

On April 24, 2006, billboard companies and the railways were contacted and invited to meet with staff on May 4, 2006, to discuss the proposal of third party advertising on railway overpasses over roads.

On May 4, 2006, a number of representatives attended a meeting scheduled by staff. The proposal by staff was outlined in detail to the individuals attending the meeting. Permits are required for the initial sign installation and insurance is required to indemnify the City from any claims. Representatives from CN were in support of the proposal and indicated they will continue to provide regular maintenance to their overpasses. CN was going to verify the size of the signage to be installed. CN representatives reiterated their need for these signs for an upcoming LPGA event in London in August 2006. Outdoor Opportunities Inc. (CP Rail's representative) was supportive of the proposal. Viacom, one of the billboard advertising agencies, was supportive of the proposal.

As per the results of the Public Participation meeting held on August 7, 2007, Council directed staff to report on the following items:

(a) As per clause 16 of the 21st report to Planning Committee:

16.(a) THE APPLICATION BE REFUSED;

16.(b) CIVIC ADMINISTRATION TO REVIEW THE OWNERSHIP OF CN RAILWAY OVERPASSES AND TO DETERMINE WHICH ARE JOINTLY OWNED BY CN AND THE CITY OF LONDON;

Based on enquiries by staff, all CN Railway overpasses are owned exclusively by CN and located over City of London owned road allowances. They are constructed and fully maintained by CN.

16.(c) CN RAIL TO PROVIDE INSPECTION REPORTS TO THE G.M. OF ENVIRONMENTAL & ENGINEERING SERVICES AND CITY ENGINEER;

Inspection reports are filed with Transport Canada. E.E.S.D. staff have raised a question of liability, that may arise as a result of their review of any CN Rail reports.

16.(d) CIVIC ADMINISTRATION TO REVIEW AND ENSURE , IN CONJUNCTION WITH CN, THAT ALL OVERHEAD CLEARANCE SIGNS ARE CLEARLY POSTED ON ALL RAILWAY OVERPASSES IN THE CITY;

CN has advised that overhead clearance signs are the responsibility of the road authority; namely the City of London. Review and approval is required from CN for anything that is to be attached to CN structures. Overhead clearance signs are required when said clearance above the roadway is 4.15m or less.

16.(e) CIVIC ADMINISTRATION TO REPORT ON A GENERAL BRIDGE MAINTENANCE STRATEGY AND TO INCLUDE A REVIEW OF STRATEGIES USED BY THE CITY OF STRATFORD AND MILTON TO ENSURE CN PROPERLY MAINTAINS ITS OVERPASSES (STRUCTURALLY AND VISUALLY).

As CN has ownership of the overpasses, the maintenance of said overpasses is the responsibility of CN. The City of Milton retains an "external" independent professional engineer on a contractual basis to provide maintenance reports. This contract is renewed on a bi-annual basis.

The City of Stratford has three bridge overpasses that are under the rail authority. Similar to the City of London, the City of Stratford does not inspect these overpasses. With CN's ownership of the railway, they are responsible to carry out regular inspections of their structures and perform any maintenance necessary. They do make the City of London aware of any planned maintenance activities on any of their structures within the City.

As documented in the August 14, 2007 Council Resolution, a bridge inspector from CN has noted that visual inspections are conducted by CN annually and more detailed inspections are carried out every five (5) years.

(b) RCC Media approached staff in November 2010 with a slightly revised proposal requesting a variance to the Sign and Canopy By-law to permit the installation of banner type signs on two railway overpasses in the City of London on a two-year trial basis. The two locations proposed are the railway overpasses at **Oxford Street west of Wonderland Road** and **Wellington Road north of Horton Street**.

Considering the signs are to be located over the City's road allowance, CN and RCC Media would have to enter into a Licensing Agreement with the City of London as per Section 2.7 of the Sign and Canopy By-law. CN and RCC Media's intention is to renew the agreement after the first "pilot" period of two (2) years and subsequently for five (5) year term intervals. The renewals would be granted subject to the City's Director of Corporate Communications approval or his/her designate.

CN Rail's advertising policy regarding signs on their property states that CN does not allow to place or display, or permit to be placed or displayed, upon any billboard or sign on CN's property, any advertising: (i) for any business that is directly competitive to CN's business; (ii) for any product or service that is prohibited under applicable law; (iii) for any product or service that contravenes or conflicts with CN's policies; (iv) for any alcohol, tobacco or sexually-related products; or (v) for any business involved in the sex industry.

They have requested that the maximum size of the advertising would be taking into consideration the width of the overpass providing the maximum possible sign coverage. The signage would include the CN logo, City of London logo plus third party advertisement. The advertising portion of the signs could be allocated in either of two options:

Option 1: It is proposed that the City and CN each control signage on one side of each bridge. For instance, the City may place a message on the full display area of one side of the overpass. CN may permit third party advertising to occupy the full display area on the signage on the other side of the overpass. CN will be able to place a small but visible CN logo beside the City's display area. The third-party advertising will be subject to CN's advertising policies and to prior review and approval by the City's Director of Corporate Communications or designate to ensure to the extent possible that the third party advertising is in good taste. The City of London intends that the third-party advertising be directed toward public service or provide a community benefit or provide a tasteful for profit message that presents a message aimed at corporate image enhancement.

Option 2: As an alternative, the City and CN may decide to split the display area on each side of the overpass into two equal halves. One half of the sign face will be the "City's portion" and the other half will be the "Third-Party Advertising portion." Of the City's portion one-third (1/3) would display the City's official logo, with a small CN logo appearing in the bottom of the left hand corner. The remaining two-thirds will be used by the City of London to advertise upcoming civic events. This portion may be changed up to three (3) times per year to remain current. London will provide the finished artwork for the City's portion of the sign and the Licensee sign company will absorb all costs associated with the installation and storage for the initial installation.

On the other half of the sign face, the Licensee and CN will erect and maintain third-party advertising. The third-party advertising will be subject to CN's advertising policies and to prior review and approval by the City's Director of Corporate Communications or designate to ensure to the extent possible that the third party advertising is in good taste. The City of London intends that the third-party advertising be directed toward public service or provide a community benefit or provide a tasteful for profit message that presents a message aimed at corporate image enhancement.

The Licensing Agreement for each sign will reflect whichever option is chosen.

In order to provide for this type of signage, the Sign and Canopy By-law would need a minor variance to accommodate the applicant's request.

The signs proposed are being viewed as Temporary/Mobile Non-Accessory signs that are permitted under the Sign and Canopy By-law but are restricted as to the length of time they are to be installed, their size and their location. The required variances are reflected in the Table below:

	Regulation Requirements	Current Proposal	Variance Required
Permitted Sign Classification	Accessory identification, information, advertising signs	Non-accessory Identification, information, advertising signs	To permit non-accessory signs
Signs in All Locations Except a Road Allowance	Prohibited on a road allowance	"Over" the City's road allowance	To allow temporary/ mobile non-accessory signs "over" the City's road allowance
Maximum Sign Face Area	6 sq.m	50 sq.m	To allow 50 sq.m of sign face area in place of the maximum 6 sq.m
Maximum Sign Height	4m	2m	N/A
Time Limitation Within a Calendar Year	210 days	Year round	To allow signage to be installed year round for a two year "pilot" term

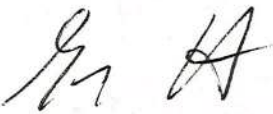

The current proposal provides for a fabric type banner to be installed to CN specifications and the City of London's approval. The banner would be suspended from mounting assemblies attached to the overpass. The design would allow for ongoing inspection and maintenance of the overpass by CN and RCC Media. Attached is a copy of their submission to the City (Appendix 'C'). The submissions depict graphical samples of what typical configurations may be possible.

CN Rail and RCC Media will maintain the signs in proper condition and to clean up any debris, graffiti, pigeon excrement etcetera which may include the installation of appropriate netting, as well as maintaining the grass, vegetation and removing weeds at each of the two railway overpass structures identified in this report.

The installation or maintenance of signs on the railway structures will impact traffic flow on the arterial roadways below. Considering this, the City will be requiring a Permit for Approved Works be issued with an accompanying Traffic Management Plan (TMP) to be provided. The TMP will define the anticipated work area and what measures will be put in place to maintain a safe work area and still provide a safe route through for traffic on the roadway. The work may be staged as the activities are carried out across the roadway. The TMP will be required to generally follow the Ontario Traffic Manual, Book 7 for Temporary Conditions.

CONCLUSION

CN Rail and RCC Media are proposing banner type signs on their railway overpasses at two locations; Oxford Street west of Wonderland Road and Wellington Street north of Horton Street. CN Rail and RCC Media are requesting to be allowed to erect these banner signs for a two year pilot term with the possibility of extending this term to five years pending a review and approval by the City towards the end of the initial two year term. A portion of the signs is available for advertising by the City of London. RCC Media and CN Rail would enter into a Licensing Agreement with the City before any permits are issued. They would provide the standard form of insurance and pay an annual fee for the privilege of having a sign over the road allowance. The Licensing Agreement would provide for a term of two years and then be renewed to reflect 5 year intervals thereafter. If the two year "pilot" is deemed successful and a request for similar signage on other CN overpasses, staff will consider amending the By-law accordingly and will report back to Council as such.

SUBMITTED BY:	RECOMMENDED BY:
	
PETER KOKKOROS, P.ENG. MANAGER PLANS EXAMINATION, ZONING AND SIGN & CANOPY BY-LAW	GEORGE KOTSIFAS, P.ENG. DIRECTOR OF BUILDING CONTROLS

PKL

Y:\Shared\building\Sign & Canopy\SignPCReports\2011Reports\CN RAIL Report.doc

May 30, 2011
LM/Attach.

APPENDIX 'A'



300 Dufferin Avenue
P.O. Box 5035
London, ON
N6A 4L9

London
CANADA

August 14, 2007

R. Panzer
General Manager of Planning and Development

I hereby certify that the Municipal Council, at its session held on August 13, 2007 referred clause 16 of the 21st Report of the Planning Committee back to the Civic Administration to obtain answers to the questions raised by the Planning Committee so that the Municipal Council can have the benefit of that information prior to making a decision on the matter, and for the Civic Administration to give consideration to Added Communication #6 on the August 13, 2007 Orders of the Day from G. Macartney, CEO, London Chamber of Commerce, pertaining to this matter.

Clause 16 read as follows:


16. That the following actions be taken with respect to the request by CN Rail and RCC Media to amend the Sign and Canopy By-law for non-accessory signs on Railway overpasses:

- (a) the application **BE REFUSED**;
- (b) the Civic Administration **BE REQUESTED** to review the ownership of the CN railway overpasses in the City to determine which overpasses are jointly owned by CN and the City of London and to report back at a future meeting of the Planning Committee;
- (c) the Civic Administration **BE REQUESTED** to ask CN Rail to provide its inspection reports for railway overpasses in the City to the General Manager of Environmental and Engineering Services and City Engineer;
- (d) the Civic Administration **BE REQUESTED** to review and ensure, in conjunction with CN Rail, that all overhead clearance signs are clearly posted on all railway overpasses in the City;
- (e) the Civic Administration **BE REQUESTED** to review and report back on a general bridge maintenance strategy and to include a review of strategies used by the City of Stratford and Milton to ensure that CN properly maintains its overpasses both visually and structurally; and
- (f) the Municipal Council **BE REQUESTED** to contact its MPs and MPPs and ask that CN be required to adequately maintain its railway overpasses and bridges;

it being pointed out that at the public participation meeting associated with this matter, the following individuals made an oral submission in connection therewith:

- T. Rominelli, RCC Media – representing CN's licensed media company and noting that with over 3500 steel bridges in Canada it is very expensive to paint them all for visual appeal when its core business is rail operations; noting that this is an opportunity not just for profit but to beautify the overpasses located in urban areas, that advertisements on the banners would be subject to both Canadian and CN advertising guidelines, as well as any guidelines the City may determine, that the City would have the ability to ask that objectionable signs be removed rather than pre-approve them and that the price schedule for the signs has not yet been determined.
- R. Spitterri, Bridge Inspector, CN – noting that he has been inspecting bridges for CN from Windsor to Pickering for 29 years during which time there have been no bridge failures, that bridges are visually inspected yearly with more detailed inspections occurring every five years, and that the overpass located at Wharncliffe Road and Stanley Street has some corrosion of components but that it is safe in its current condition.

- B. Wells, 408-190 Cherryhill Circle – reiterating comments provided in his communication dated August 5, 2007 and included on the Planning Committee added agenda noting that this is a flawed application that should be rejected until such time as CN properly maintains its overpasses and exercises due diligence in this regard.
- L. Smithers, 359 Riverside Drive – expressing concurrence with the views expressed by Mr. Wells and inquiring as to where the height restriction signs would be placed if these banners were affixed to the bridges and whether or not the signs would be illuminated; noting that approval of this application could be precedent setting.
- I. Kasiurak, 390 Princess Avenue – expressing concurrence with the B. Wells and L. Smithers and noting there has been significant negligence on the part of CN in many areas despite the fact it is a very profitable company, and urging Council to reject the proposal. (2007-D24-00) (AS AMENDED) (16/21/PC)


 Kevin Bain
 City Clerk
 /hw

cc: CN Rail, c/o E. Longo, Manager, Real Estate and Business Development, 1 Administration Road
 Concord, ON L4K 1B9
 RCC Media, c/o T. Rominelli, 4101 Steeles Avenue West, Suite 200, North York, ON M3N 1V7
 R. Spitterri, Bridge Inspector, CN, 1 Administration Road, Concord, ON L4K 1B9
 B. Wells, 408-190 Cherryhill Circle, London, ON N6H 2M3
 L. Smithers, 359 Riverside Drive, London, ON N6H 1G3
 I. Kasiurak, 390 Princess Avenue, London, ON N6B 2A8
 J. Murray, 550 Colborne Street, London, ON N6B 2T8
 P. Kemp, Pendas Productions, 525 Caterbury Road, London, ON N6G 2N5
 G. Macartney, CEO London Chamber of Commerce, 101-244 Pall Mall Street, London, ON N6A 5P6
 P. W. Steblin, General Manager of Environmental & Engineering Services & City Engineer
 R. Cerminara, Director of Building Controls
 B. Henry, Manager of Site Plan Approvals
 J. Nethercott, Documentation Services Representative

APPENDIX 'B'

TO:	CHAIR AND MEMBERS - PLANNING COMMITTEE
FROM:	R. W. PANZER GENERAL MANAGER OF PLANNING AND DEVELOPMENT
SUBJECT:	APPLICATION BY: CN RAIL AMEND THE SIGN & CANOPY BY-LAW TO PERMIT THIRD PARTY ADVERTISING ON RAILWAY OVERPASSES PUBLIC MEETING ON TUESDAY AUGUST 7, 2007, AT 4:45 P.M.

RECOMMENDATION

That, on the recommendation of the General Manager of Planning and Development, the request by CN Rail and RCC Media to amend the Sign & Canopy By-law for non-accessory signs on Railway overpasses,

- a) the attached amending by-law **BE APPROVED** and **BE INTRODUCED** at the Municipal Council meeting on August 13, 2007 to amend the Sign & Canopy By-law;
- b) that CN Rail and RCC Media enter into a Licensing Agreement with the City before any permits are issued for the placement of signs on the railway overpasses; and,
- c) that the Mayor and City Clerk be authorized to execute such a Licensing Agreement and any other documents necessary to facilitate such an agreement.

PREVIOUS REPORTS PERTINENT TO THIS MATTER

March 20, 2006 – Report on requests by CN Rail and RCC Media’s for non-accessory signs on railway overpasses.

May 29, 2006 - Public Participation meeting to consider amending the Sign & Canopy By-law.

BACKGROUND

In 1991, City Council adopted a Sign and Canopy By-law which regulates all types of signs. These include Permanent Accessory Signs which pertain to the same business on the property (facial wall signs, ground signs and projecting signs). In addition to this, individuals may potentially have A-Board signs and mobile signs to supplement their signage (temporary accessory signs). The by-law also includes permanent non-accessory signs (third party advertising). This type of sign does not relate to the use of the premises on which the sign is situated and includes signs commonly known as poster panels, billboards, painted bulletins and pillar signs.

The Sign and Canopy By-law regulates the number of permanent non-accessory signs in the City including the maximum sign face area, the maximum sign height, sign location restrictions, animation, illumination and general design criteria. This part of the City’s by-law was challenged by representatives of the billboard industry. Ultimately the Courts upheld the City’s approach to regulating the numbers of billboards in the City.

In early 2006, CN Rail and RCC Media approached the City with a proposal to introduce third party advertising on rail overpasses in London. They were looking at this as a means to improve the appearance of the railway overpasses. The advertising would eliminate the installation of banner signs on the overpasses. The advertising would be controlled and be attractive. They were considering eight locations in the City (see list).

They originally requested that the maximum size of the advertising would be 9' x 80' (taking into consideration the width of the overpass). The signage would include the CN logo, City of London logo plus the third party advertisement. The advertising portion would not exceed 50% of the sign face area per sign.

The signs would be mounted on a frame attached to the overpass. The design of the frame still permits CN to conduct regular maintenance to the overpass.

In order to provide for this type of signage, the Sign and Canopy By-law needs to be amended to accommodate the request. Amendments to the Sign and Canopy By-law require a public participation meeting of the Planning Committee in accordance with the Municipal Act.

On April 24, 2006, billboard companies and the railways were contacted and invited to meet with staff on May 4, 2006, to discuss the proposal of third party advertising on railway overpasses over roads.

On May 4, 2006, a number of representatives attended the meeting scheduled by staff. The proposal by staff was outlined in detail to the individuals attending the meeting. The proposal did not incorporate the full extent of the sizes initially requested provided the dimensions and areas would fully cover the largest span. Permits are required for the initial sign and insurance is required to indemnify the City from any claims. Representatives from CN were in support of the proposal and indicated they will continue to provide regular maintenance to their overpasses. CN was going to verify the size. CN representatives reiterated their need for these signs for the upcoming LPGA event in London in August 2006. Outdoor Opportunities Inc. (CP Rail's representative) was supportive of the proposal. Viacom was supportive of the proposal.

The Sign & Canopy By-law would have been amended by adding the following regulations:

Amend Part 7, Table 7.1 Regulations for permanent non-accessory signs by adding Column C including lines 1 to 8 inclusive.

Column	A	C
		Signs on Railway Overpasses Over a Road Allowance
Line 1	Permitted Sign Types	Single faced signs
2	Number of Signs	One sign on each side of the overpass
3	Maximum Sign Face Area	2.0 sq. metres per metre based on the length of the overpass but in no case greater than 50.0 sq. metres
4	Maximum Sign Height	2.0 metres
5	Sign Location Restrictions	Railway overpasses over City streets, not lower than the lowest portion of the overpass.
6	Animation	Prohibited
7	Illumination	Internal illumination prohibited. External illumination permitted.
8	General Design Criteria	The sign face shall be parallel to the face of the overpass. The signs shall include the railway's logo, the City of London logo, and in no case shall the advertising portion exceed 50% of the total sign face area permitted to a maximum of 25 sq. metres. The permanent framing shall be designed and mounted to allow crews to conduct regular maintenance of the overpass structure. All electrical wiring to service such signs shall be concealed. No overhead wires are permitted.

Amend Part 7 Subsection 7.2 Permits for Permanent Non-accessory Signs by adding the following subsections:

- 1) (i) Sections 7a, 7b, 7c, 7d, 7e, 7f, 7g, 7h do not apply to signs on railway overpasses over a road allowance.
- (j) Prior to issuance of a building permit for a sign on a railway overpass, the owner's insurance company shall provide and maintain a certificate of Insurance for the sign in accordance with Schedule of the by law.
- (k) Prior to issuance of a building permit for a sign on a railway overpass, the sign company shall enter into a licensing agreement with the City.

On May 12, 2006, notice was sent out to the stakeholders. On May 13, 2006, notice regarding the proposed amendment to provide for third party advertising on railway overpasses was placed in the Free Press.

On May 15, 2006, a letter was received from Pattison Outdoor indicating they did not object to the proposed amendment.

On May 15, 2006, a letter was received from Community Planners Inc. (Ted Halwa), expressing concern about the proposed amendment. (Letter attached)

On May 29, 2006, a public participation meeting of the Planning Committee was held. D. Parent, and CBS Outdoor, made representation at Planning Committee with respect to this proposal.

The matter was referred back to staff to further discuss with the applicant the proposed sign designs standards, the potential use of the signs by non-profit organizations as well as the issue of painting the overpasses.

In August, CN placed two temporary banner signs on the Oxford St West CN overpass. The banner signs were placed using the provisions of the Streets By-law. The banner signs were part of the LPGA event held at the London Hunt Club. These signs were removed subsequent to the event. We received two enquiries about the signs just prior to the removal of the signs.

In October 2006, we received an inquiry that is in support of the signs to improve the appearance of CN's rail overpasses.

In October 2006, RCC media made a submission to the City. They indicated CN's concerns are a safe railway, including safe right of way/tracks; safe equipment; safe bridges and financial viability. They indicated that the cost to paint a bridge was between \$100,000 and \$250,000.

CN is proposing to solve the bridge aesthetics dilemma while providing additional benefits to the London community by enhancing the appearance, eliminating unauthorized use of overpasses, reducing complaints, generating revenue to CN and providing free promotional space for non-profits.

The design provides for a light weight aluminium frame design to CN specifications and the Ontario Building Code. The frame would be fastened to the bridge and it would cover the entire surface of the bridge. The design allows for ongoing inspection and maintenance of the overpass. They are proposing a maximum area of 50 sq.m. Half would be paid for by advertising and half would be for community messaging/non-profits. Attached is a copy of their submission to the City (Schedule 'A').

Other Cities

In September 2006, the City of Vaughan approved in principle the entering into a Licence Agreement with CN and RCC Media. The Agreement included the duration of 5 years, with the Licensee CN to clean up debris, graffiti, etc and maintaining the grass, vegetation at each crossing where a sign is located.

In the Vaughan case, the proposed signs are located on CN property over regional roads. They were of the opinion that neither of their sign by-laws applied. This sign also required approval by the Region of York.

In addition to this, CN representations have indicated that Brampton, Regina, Calgary have given the go-ahead in addition to six locations in Toronto. They are planning to erect the signs in the spring of 2007. Out of the nine locations requested in Brampton only two were approved. The approval is for a period of up to ten years and the signs are to display the City's logo, CN's logo, the media agent's logo, a community message and associated messages approved by Council. Staff has requested the particulars of these approvals from CN representatives. In March 2007, CN's representative requested staff hold off on the proposed amendment in London until the other signs were erected.

In late May, RCC Media provided photographs of the signs installed in the Toronto area. (Photos attached) (Schedule B). It is apparent that other cities are moving forward with this type of signage. The signs are a similar size as being proposed in London.

On July 20, 2007, notice was sent out to stakeholders. On July 21, 2007, notice of the public meeting regarding the proposed amendment to the Sign & Canopy By-law was placed in the London Free Press. To date we have received one response by email. The writer was concerned with the poor maintenance of the bridges and public safety. "The CN bridges need to be made safe and made to appear safe."

CONCLUSION

CN is proposing that a light weight framing system be attached to the rail overpass. These framing systems would accommodate third party advertising for a fee back to CN. A portion of the sign is available for non-profit organizations. The signs would be a similar appearance as the temporary banner with a sign face area up to 50 square metres. The framing system would cover the entire overpass and would allow CN officials to maintain the overpass. RCC Media or CN would enter into a Licensing Agreement with the City before a permit is issued. They would provide the standard form of insurance and pay an annual fee for the privilege of having a sign over the road allowance. The Licensing Agreement would provide for a term up to 5 years.

PREPARED BY:	SUBMITTED BY:
B. HENRY MANAGER OF SITE PLAN APPROVALS	R. CERMINARA, P. ENG. DIRECTOR OF BUILDING CONTROLS
RECOMMENDED BY:	
R. W. PANZER GENERAL MANAGER OF PLANNING & DEVELOPMENT	

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July 28, 2007
BCH:lm
SP/Attach.

cc: Ernie Longo, Manager, Real Estate & Business Development, CN Rail
1 Administration Road, CONCORD ON L4K 1B9, **FAX: 905-760-5010**

G. Belch, Corporation Counsel, 10th Floor, City Hall

Danielle Parent, CBS Outdoor (Formerly VIACOM), **Fax: 905-695-1319**

Bill No.
2007

By-law No. S.-3775

A By-law to amend By-law No. S.-3775-94 entitled
"A by-law prohibiting and regulating signs and other
advertising devices, and regulating the placing of signs
and canopies upon highways".

The Municipal Council of the Corporation of the City of London enacts as
follows:

- 1) Amend Part 7, Table 7.1 Regulations for permanent non-accessory signs by adding Column C including lines 1 to 8 inclusive.

Column	A	C
		Signs on Railway Overpasses Over a Road Allowance
Line 1	Permitted Sign Types	Single faced signs
2	Number of Signs	One sign on each side of the overpass
3	Maximum Sign Face Area	2.0 sq. metres per metre based on the length of the overpass but in no case greater than 50.0 sq. metres
4	Maximum Sign Height	2.0 metres
5	Sign Location Restrictions	Railway overpasses over City streets, not lower than the lowest portion of the overpass.
6	Animation	Prohibited
7	Illumination	Internal illumination prohibited. External illumination permitted.
8	General Design Criteria	The sign face shall be parallel to the face of the overpass. The signs shall include the railway's logo, the City of London logo, and in no case shall the advertising portion exceed 50% of the total sign face area permitted to a maximum of 25 sq. metres. The permanent framing shall be designed and mounted to allow crews to conduct regular maintenance of the overpass structure. All electrical wiring to service such signs shall be concealed. No overhead wires are permitted.

- 2) Amend Part 7 Subsection 7.2 Permits for Permanent Non-accessory Signs by adding the following subsections:

- i) (i) Sections 7a, 7b, 7c, 7d, 7e, 7f, 7g, 7h do not apply to signs on railway overpasses over a road allowance.
- ii) (j) Prior to issuance of a building permit for a sign on a railway overpass, the owner's insurance company shall provide and maintain a certificate of insurance for the sign in accordance with Schedule of the by law.

- iii) (k) Prior to issuance of a building permit for a sign on a railway overpass, the sign company shall enter into a licensing agreement with the City.

This by-law comes into force and takes effect on _____, 2007

PASSED in open Council on _____, 2007.

Anne Marie DeCicco-Best
Mayor

Kevin Bain
Deputy City Clerk

First reading – _____, 2007
Second reading – _____, 2007
Third reading – _____, 2007

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APPENDIX 'C'

