Agenda - Council - April 27, 2005

Report - Standing Policy Committee on Downtown Development - April 4, 2005

Item No. 5 CanWest Global Stadium - request to amend a Lease Agreement to permit an outdoor advertising sign on Parcel 5 - "The Island" between Pioneer and Water Avenues East of the CNR Highline File FI-2.2(32)

STANDING COMMITTEE RECOMMENDATION:

On April 20, 2005, the Executive Policy Committee concurred in the administrative recommendation of the Standing Policy Committee on Downtown Development and submits the following to Council:

1. That the Master Lease Agreement dated October 31, 1997 between the City and Riverside Park Management Inc., be amended to permit the establishment of an outdoor advertising sign structure on Parcel 5.

2. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the forgoing.

Report - Standing Policy Committee on Downtown Development - April 4, 2005

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 20, 2005, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Downtown Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On April 4, 2005, the Standing Policy Committee on Downtown Development concurred in administrative recommendation and submitted the matter to the Executive Policy Committee and Council.

On December 2, 2004, the Standing Policy Committee on Downtown Development recommended that the matter to amend the master lease agreement between the City and Riverside Park Management Inc., be referred back to the Administration to negotiate with Riverside Park Management Inc., on a form of design for an outdoor advertising facility sign within the following parameters:

1. Acknowledge the need for an outdoor advertising facility sign as part of the CanWest Global Stadium;
2. Consider an amendment to the lease for Parcel 5 (The Island) to permit the installation of an outdoor advertising facility sign; and
3. That the current proposal be denied.

Mr. Mark Newman, Legal Counsel, Fillmore Riley, and Mr. Andrew Collier, General Manager, Winnipeg Goldeyes Baseball club, submitted 4 computer generated images and a letter dated May 21, 2004, from The Asper Foundation and a letter dated September 22, 2004 from the Downtown Business Improvement Zone, with respect to the CanWest Global Stadium request to amend a Lease Agreement to permit an outdoor advertising sign on Parcel 5 - “The Island” between Pioneer and Water Avenues East of the CNR Highline.

The Director of Planning, Property and Development Department, submitted 5 computer generated images and a letter dated November 5, 2004, from Bob McMahon, Project Director, Friends of the Canadian Museum for Human Rights Inc., with respect to the CanWest Global Stadium request to amend a Lease Agreement to permit an outdoor advertising sign on Parcel 5 - “The Island” between Pioneer and Water Avenues East of the CNR Highline.

Report - Standing Policy Committee on Downtown Development - April 4, 2005

DECISION MAKING HISTORY: (continued)

COUNCIL:

On September 24, 2003, Council concurred in the recommendation of the Executive Policy Committee and adopted the following:

1. That the Leave and License Agreement for the encroachment of the third floor of the baseball stadium expansion into Pioneer Avenue as shown on Misc. Plan Nos. 11931 and 11931/1 be approved at an annual rent of $1.00 plus realty tax, business tax and applicable GST and in accordance with the terms and conditions outlined in the administrative report dated June 12, 2003.

2. That the request of Riverside Park Management Inc. for a waiver of the Development and Permit Fees as applicable to the baseball stadium expansion project be denied.

3. That the request for the City to pay the portion of municipal realty taxes assessed against the Westbrook Parking Lot portion of the leased premises under the Master Lease Agreement be denied.

4. That the request to add Parcel “5” as shown on Misc. Plan No. 11119/4 to the Master Lease Agreement between the City and Riverside Park Management Inc. dated October 31, 1997 be approved subject to terms which are consistent with the terms as apply to the Westbrook parking lot.

5. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Re: Canwest Global Stadium – Request to Amend a Lease Agreement to Permit an Outdoor Advertising Sign on Parcel 5 – "The Island" Between Pioneer and Water Avenues East of the CNR Highline

For submission to: **Standing Policy Committee on Downtown Development**

Original report signed by: **Director of Planning, Property and Development**

Report date: March 18, 2005

Recommendation(s):

1. That the Master Lease Agreement dated October 31, 1997 between the City and Riverside Park Management Inc. be amended to permit the establishment of an outdoor advertising sign structure on Parcel 5.
2. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the forgoing.

REPORT SUMMARY

Key Issues:

- Riverside Park Management Inc. wishes to install an Outdoor Advertising Sign within the boundaries of Parcel 5 to provide advertising for the Canwest Global Stadium and to sell third party advertising.

- In order to facilitate the subject proposal, the Master Lease Agreement requires an amendment to permit the establishment of an Outdoor Advertising Sign within Parcel 5.

Implications of the Recommendation(s):

General implications:

	None
	For the organization overall and/or for other departments
X	**For the community and/or organizations external to the City of Winnipeg**
	Involves a multi-year contract

Comment(s):

- Riverside Park Management Inc. will be able to establish a sign on City land as proposed.

Policy implications:

X	**No**
	Yes

-

Environmental implications:

X	**No**
	Yes

Comment(s):

-

Human resources implications:

X	**No**
	Yes

Comment(s):

-

Financial implications:

X	**Within approved current and/or capital budget**
	Current and/or capital budget adjustment required

Comment(s):

-

REASON FOR THE REPORT:

An amendment to the Master Lease Agreement with Riverside Park Management Inc. requires Council approval.

HISTORY:

At its meeting held on October 22, 1997, Council approved a request to enter into a Lease Agreement with Riverside Park Management Inc. for the development of an outdoor baseball stadium. The particulars of the Agreement are as follows:

Owner:	City
Tenant:	Riverside Park Management Inc.
Location:	City owned lands north of Pioneer Avenue and east of Westbrook Street and east of Pioneer Blvd as shown on Misc. Plan 11119/4
Size:	7.7342 ac.
Term:	25 years
Commencement Date:	July 28, 1998

At its meeting held on September 24, 2003, Council approved a request to add Parcel 5 to the Master Lease Agreement between Riverside Park Management Inc. and the City. The particulars of the amendment are as follows:

Owner:	City
Tenant:	Riverside Park Management Inc.
Location:	Residual Island between Pioneer Avenue and Water Avenue shown as Parcel 5 on the attached Misc. Plan No. 11119/4
Size:	0.57 ac.
Rent:	$1.00 per annum
Commencement Date:	September 24, 2003

Riverside Park Management Inc. has asked for approval to install an outdoor free standing pylon sign to include the ball team logo (business identification), a billboard for third party advertising (for revenue generation) and an electronic message board (event notification) to be located on City owned property referred to as Parcel 5.

The Administration did not support this sign because it included a billboard for third party advertising, which is not permitted under the Downtown Zoning By-law and the size and design were not appropriate for this important “gateway” to the downtown. The applicant was advised to situate the sign on the Ballpark site rather than the Pioneer Avenue median.

At its meeting held on December 2, 2004, the Standing Policy Committee on Downtown Development considered a report regarding a request to install an outdoor advertising sign on Parcel 5 and made the following motion:

" The Standing Policy Committee on Downtown Development referred the matter back to the administration to negotiate with Riverside Park Management Inc., on a form of design for an outdoor advertising facility sign within the following parameters:

1. Acknowledge the need for an outdoor advertising facility sign as part of the CanWest Global Stadium;
2. Consider an amendment to the lease for Parcel 5 (The Island) to permit the installation of an outdoor advertising facility sign; and
3. That the current proposal be denied."

The Committee accepted the Administrative recommendation but added that they would consider a revised proposal, which met the following:

- Did not include a billboard for third party advertising although the electronic sign could be utilized for same as a secondary use;
- Was reduced in height to more closely reflect the free standing height limit of 25 feet in this Sector; and,
- Was redesigned to be more compatible with the established context and character of Pioneer Avenue.

Subsequently, the Administration has met with representatives of the Electra Sign Co. and Riverside Park Management Inc. to discuss the subject matter.

DISCUSSION:

1. Sign Concept:

The Electra Sign Co. who represents Riverside Park Management Inc., redesigned the sign in substantial compliance with Standing Policy Committee on Downtown Development direction as follows:

- The billboard sign has been removed;
- The proposed height of the sign has been reduced from 40 feet to 28.8 ft;
- The support structures have been redesigned to reflect the existing architectural elements in the streetscape; and
- The electronic event notice board is larger than originally proposed after the applicant considered the size of the recently installed MTS Centre electronic sign.

The Electra Sign Co. has submitted the sign concept for approval, a copy of which is attached in Schedule "A". A Variance to permit this non-accessory sign has been approved Administratively. Provided there is no appeal of this variance, the Department is prepared to approve the revised design presented by Electra Signs.

2. Lease Amendment to the Master Lease Agreement:

The Planning, Property and Development Department acknowledges that all major entertainment and sport facilities/operators require a means of providing business identification and event promotions on site. Facilities such as the Manitoba Theatre Centre, the Planetarium, the Museum of Man and Nature, the Winnipeg Convention Centre, the MTS Centre and Winnipeg Stadium are examples wherein the facilities have outdoor advertising signs to promote upcoming events.

In a related but separate manner, the proponent has now provided a sign concept which is in a form acceptable to the Planning and Land Use Division.

For the above reasons, the Department is recommending approval of the following amendment:

The particulars of the amendment are as follows:

Owner:	City
Tenant:	Riverside Park Management Inc.
Location:	Residual Island between Pioneer Avenue and Water Avenue shown as Parcel 5 on the attached Misc. Plan No. 11119/4
Use:	To permit the establishment of a sign to include business identification, event notice and third party advertising within the boundaries of Parcel 5
Rent:	$1.00 per annum
Commencement Date:	April 1, 2005
Special Conditions:	That the Tenant obtain approval from the City for the design and location of this sign, as required under the Downtown Zoning By-law.

Financial Impact Statement Date: March 14, 2005

Request to Install Outdoor Advertising Sign within Parcel "5"

COMMENTS:

There are no financial impacts upon the City.

"Original Signed By"
Mike McGinn, C.A.
Manager of Finance

IN PREPARING THIS REPORT, THERE WAS CONSULTATION WITH AND CONCURRENCE BY:

Legal Services Division

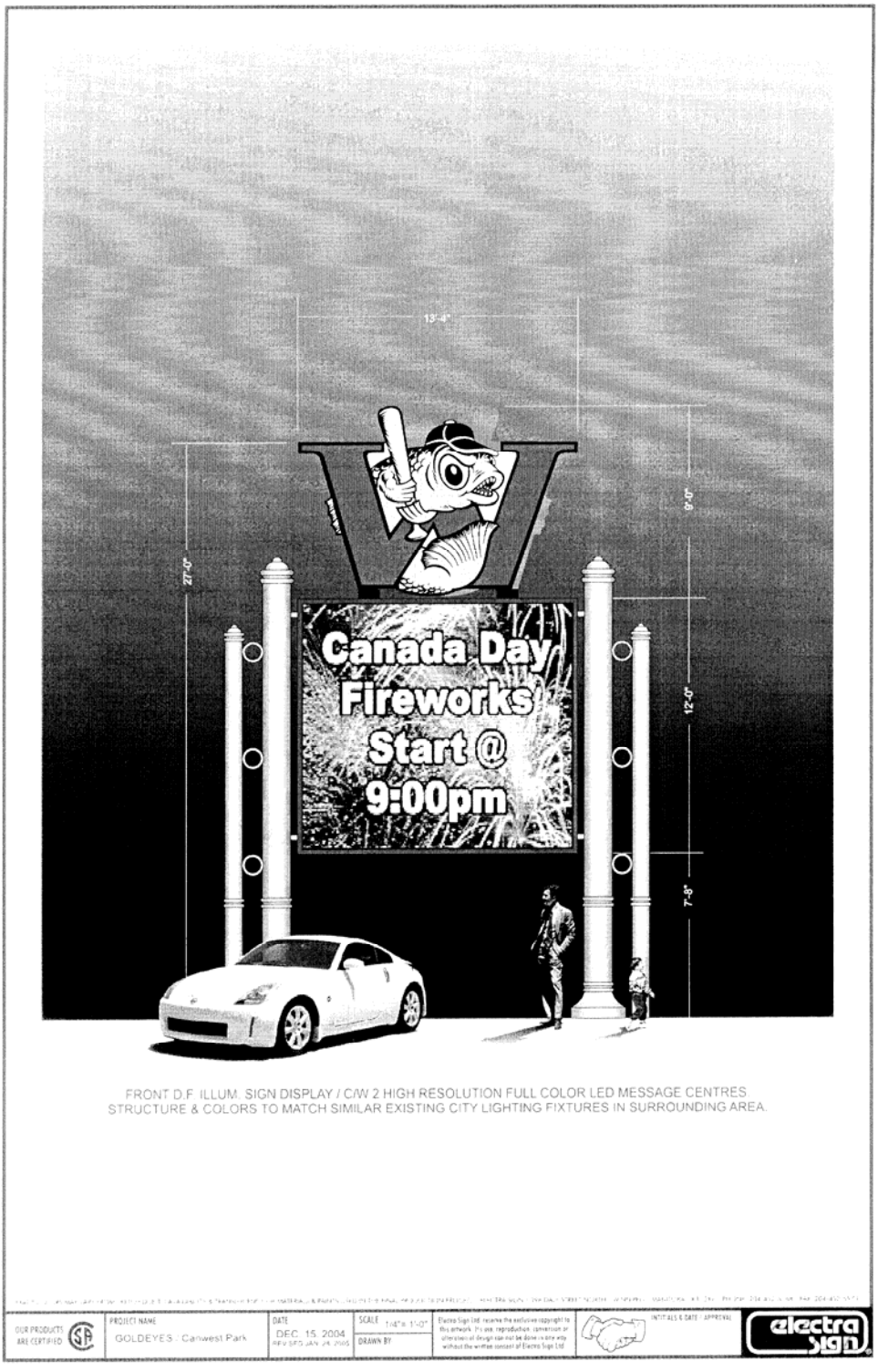
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THIS REPORT SUBMITTED BY:

Planning, Property and Development Department
Division: Real Estate
Prepared by: D. Armstrong
PPD File #: 7933/A V5

Document name: o:\reports directive\real estate\leasing\(da) canwest march 9.doc

Schedule "A" – Proposed Sign



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Schedule "B" – Site

