



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.



THE BOARD OF GOVERNORS OF EXHIBITION PLACE

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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

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

- (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>