



STAFF REPORT ACTION REQUIRED

New Sign By-law Second Interim Report

Date:	March 24, 2009
To:	Planning and Growth Management Committee
From:	Chief Building Official and Executive Director
Wards:	All
Reference Number:	P:\2009\Cluster B\BLD\CBO Office\PG002

SUMMARY

The Planning and Growth Management Committee at a Special Meeting on December 8, 2008, requested the Chief Building Official and Executive Director, Toronto Building and the Sign By-law Project Team to provide a second interim report on the status of the Sign By-law Project and to consider a series of motions adopted by the Committee prior to introducing a draft of the new Sign By-law. This report is a response to the motions adopted by Committee Members and provides the results of Public Consultations held in January 2009 as well as Stakeholder Consultations held in January and March 2009.

The new Sign By-law is expected to be presented to the Planning and Growth Management Committee in June 2009.

RECOMMENDATIONS

The Chief Building Official and Executive Director, Toronto Building recommends that:

1. This report be referred to the Chief Building Official and Executive Director, Toronto Building, for consideration in the development of the new City-wide Sign By-law, to be submitted to the June 4, 2009 Planning and Growth Management Committee meeting, as directed by City Council.

FINANCIAL IMPACT

There are no financial impacts with this report.

DECISION HISTORY

Coordinated Street Furniture Program - Revenues; and Establishment of a New "Public Realm" Reserve Fund (All Wards)

<http://www.toronto.ca/legdocs/mmis/2007/ex/bgrd/backgroundfile-8835.pdf>

Current Status of Harmonized Sign By-law

<http://www.toronto.ca/legdocs/mmis/2007/ex/bgrd/backgroundfile-9032.pdf>

Harmonized Sign By-law Interim Report

<http://www.toronto.ca/legdocs/mmis/2008/pg/bgrd/backgroundfile-17603.pdf>

ISSUE BACKGROUND

Since Toronto's amalgamation in 1998, the various existing Sign By-laws of the former municipalities have continued to be applied. The Sign By-law Project Team was created to develop a single comprehensive Sign By-law reflecting the City's public realm objectives, consistent with the Official Plan and compatibility with specific areas of the City. The Project Team, supported by an expert consultant in sign regulations, initiated extensive discussions and consultations with stakeholders, City staff from various divisions, local councillors and the public-at-large over the past year. Furthermore, background material such as City policies, By-laws, reports, studies, etc. were collected for various areas of the City to provide a relevant context for the regulations of the new Sign By-law.

Project Update

Four public consultation sessions were held throughout the month of September in each of the respective districts of the City. In December, an issues and options report was prepared and a presentation was made to a Special Meeting of the Planning and Growth Management Committee (refer to project website: www.toronto.ca/signbylawproject) and submissions were made by the public.

This past winter, a second series of public consultation sessions were held. These sessions were well attended and details were provided on possible regulations for first party signs. Public responses were recorded for consideration in the preparation of the new Sign By-law.

Also, a series of focussed consultation workshops with both the outdoor advertising industry and those identified with an active interest in the matter of signs in the community were also conducted. At these workshops proposals for sign regulations were presented on, amongst other items, third party sign regulations.

This report provides responses to the requests from the Planning and Growth Management Committee, and also considers the submissions made by stakeholders and the public at the December meeting of the Planning and Growth Management Committee.

It is expected that the new Sign By-law will be presented to the Planning and Growth Management Committee in June 2009.

COMMENTS

At the Special Meeting of the Planning and Growth Management Committee in December of 2008, the Committee adopted and requested that the Chief Building Official and Executive Director of Toronto Building consider and report back on:

1. How identified Heritage Districts could constitute stand alone zones or districts.

Heritage Conservation Districts (HCDs) are created pursuant to the Ontario Heritage Act with the intent of preserving specific heritage attributes of an area. If signage were identified as a significant heritage factor in a potential HCD, the Conservation District Plan would stipulate the parameters for Heritage preservation. This tool can only regulate in areas where it is specifically addressed in a Conservation District Plan. If the Conservation District Plan does not contain provisions with respect to signage then the Sign By-law would be the only regulation in effect.

Council could also consider establishing additional design controls for signage in particular HCDs where further control is considered necessary as part of the special sign district concept that would be enabled by the by-law.

2. Guidelines governing political advertising to ensure fair and balanced access to display area.

Regulations for the display of election signs on billboards are already in place and are found in the current Municipal Code (§693 Article II). Regulations relating to the display of election advertising should remain as a matter for §693 Article II rather than the proposed new Sign By-law.

3. Revenues, penalties and how rates could be used to finance proposed changes.

Under City Council's direction, Toronto Building is investigating the potential of a third party sign charge. A staff report on this matter is expected to go to the

Executive Committee in June 2009. Additionally, the new City of Toronto Act, 2006 allows the City to establish special fines “designed to reduce or eliminate any economic advantage or gain from contravening the by-law” [S. 370.(2)(d)].

4. An approval and appeal process that sustains Community Council as the body of final decision.

This motion is under review as a result of the feedback from the consultation.

The proposal presented to the Special Meeting of the Planning & Growth Management Committee in December 2008 and expanded on through the public consultation process in January 2009 suggested staff be delegated authority to grant variances for first party signs with the ability for bump-up to Community Council at the Councillor’s request.

The December report also recommended variances on third party sign applications be decided by the Planning and Growth Management Committee with the final decision by City Council. Based on comments from the consultation some alternatives are being considered to maintain the role of Community Council for variances to both first and third party signs. While delegation to staff of variances for less controversial sign types may be considered, this could be coupled with a clearer process for both variances and amendments to the new Sign By-law, with the latter considered by the Planning and Growth Management Committee.

5. Include environmental guidelines that require electronic signs to either self generate electricity as part of the sign or allow for off site offsets.

Through further consultation this motion is being explored. In a recent stakeholder consultation session, it was proposed that all new third party signs provide on-site renewable energy production or that renewable energy from an authorized distributor would be purchased.

6. How MPAC currently assesses signs and billboards and what impact a standardized tax classification might have on city revenues.

An economist has been retained to conduct an Economic Impact Analysis of a potential third party sign charge. The analysis includes discussions with the Municipal Property Assessment Corporation (MPAC) to determine how billboards are assessed. Once the analysis is completed, the answer will be more definitive and is expected to be addressed in the staff report to the Executive Committee in June 2009.

7. Specific and clear identification of any new recommendations for as-of-right permissions to erect signs.

Part of the mandate of the Sign By-law Project is to examine what the existing regulations permit. A matrix will be provided to describe, in general terms, performance standards of specific sign types in each of the former municipalities in comparison to the new Sign By-law.

8. Staff develop a policy on the donation of community benefits by sign companies.

The legislative authority contained in the City of Toronto Act, 2006 does not contain any specific authority for City of Toronto staff or Council to negotiate direct or indirect benefits in exchange for the granting of any permissions, variances, amendments or any other relief from the by-laws enacted thereunder. Unlike for example, a by-law enacted under the authority of Section 37 of the Planning Act, the City has not been provided with a specific legislative authority to approve alteration to a by-law regulating advertising devices under the City of Toronto Act, 2006 in connection with an exchange of community benefits. As a result, any policy established concerning the exchange of community benefits in relation to signage regulation would need to comply with the general provisions of the City's Policy on donations to the City for community benefits.

For the Policy on donations to the City for community benefits,
(<http://www.toronto.ca/legdocs/2006/agendas/council/cc060925/pof7rpt/cl003.pdf>)

9. Significant attempts be made to have meaningful consultation with Residents and Councillors

Following the staff report and presentation at the Special Meeting of the Planning and Growth Management Committee in December 2008, an invitation for further consultation was sent to all local Councillors and the Mayor. In addition, meetings with staff, active interest groups and stakeholders have been ongoing since the inception of the project. A second round of public consultation sessions was held in January 2009 where public notice was provided on three separate occasions, both in the Toronto Star and the local Metroland papers. For this second round of public consultations a formal notice was mailed to all known resident and ratepayer groups in Toronto. A list of over 300 interested members of the public and stakeholders is maintained. The Project Office continues to update and maintain a Sign By-law Project website as well as receive and respond to mail, e-mail and telephone inquiries.

10. The character of the distinctive areas and the wishes of residents be noted and respected.

Through the second round of public consultation sessions, conducted in January 2009, the comments and suggestions made by the participants were noted and will be considered in the drafting of the new Sign By-law. Approaches to identifying special areas are also under consideration in the preparation of the new Sign By-law.

11. Construction hoarding be treated as advertising where it functions as a billboard advertising a product, and further, consideration be given to charging a fee.

Temporary signs on the public right-of-way are not within the mandate of this project. The current practice of charging a fee for construction hoarding erected on public streets is already in place. Right-of-Way Management in Transportation Services issues permits and applies a fee based on the square metres of hoarding proposed. The hoarding is installed in a manner satisfactory to the General Manager, Transportation Services, to ensure the safety and protection of the public. A staff report from Transportation Services on the specific matter of regulation of signage displayed on construction hoarding is expected to go to the Planning and Growth Committee for the April 2009 meeting.

12. If the delegation of 1st party signs to staff is recommended, that these be accredited by consultation with Councillors and a bump-up provision.

If any delegation to staff is recommended and approved, it is expected to be accompanied by notice to the public as well as consultation with the local Ward Councillor and the ability for the Councillor to 'bump-up' the decision to Community Council.

13. Consider a notification process for residents for any large sign variance applications.

Proposals for notification were suggested during consultation and formed part of the second round of public consultation sessions. For first party signs, it was proposed that there be a mailed notice to residents within 60.0 metres of the property on which the sign is located and in addition there be a posting of a notice on the property, with a picture of the proposed sign. For third party sign variances, the proposal being considered would require notice to residents within 120.0 metres of the location and the posting of a notice with a picture of the proposed sign.

14. Consider companies which have illegal signs 30 days after enactment of the new Sign By-law not be granted a licence to operate in the City of Toronto.

The Sign By-law Project, along with representatives from Legal and Municipal Licensing and Standards, are currently exploring the possibility of licensing of sign

companies who erect, install, and/or operate third party signs within the City. Revocation and suspension of the licence to operate these businesses would rest with the Licensing Tribunal. If this proposal were adopted, the licensing of sign companies would be an additional means of ensuring compliance with the regulations to be found in the new by-law.

15. Provide the Committee with information on the number of illegal signs in the City of Toronto and the companies involved.

Toronto Building is currently in the process of completing a comprehensive third party sign inventory. This is expected to be finished by spring 2009 with further verification expected to be completed by fall/winter 2009. When the attributes and locations of existing signs are measured against building permits and other records, staff will be able to ascertain the validity and legality of many third party signs.

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SIGNATURE

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