

Signage on Construction Hoarding – Phase II

Date:	May 3, 2010
To:	Planning and Growth Management Committee
From:	General Manager, Transportation Services
Wards:	All Wards
Reference Number:	<i>pgm10056</i>

SUMMARY

The Planning and Growth Management Committee of April 14, 2009 requested the General Manager, Transportation Services, in consultation with appropriate staff to report further on:

1. definition of hoarding specifying that it must be a continuous enclosure;
2. a provision which regulates the timing of the erection of construction hoarding in relation to the applicant obtaining demolition and building permits, so that hoarding cannot be erected prematurely or remain when no construction activity is taking place; and
3. information on the market value of first party advertising on hoarding, to assist the Committee and Council in the event that it wishes to increase revenue for the use of City property for first party advertising on construction hoarding.

This report recommends amendments to Chapter 693, Signs, of the Toronto Municipal Code implementing a harmonized, City-wide approach to permit first party project specific graphics and information on construction hoarding erected within the public right-of-way.

RECOMMENDATIONS

The General Manager of Transportation Services recommends that:

1. the amendments to City of Toronto Municipal Code Chapter 441, Fees and Charges, and to City of Toronto Municipal Code Chapter 693, Signs be adopted

substantially in the form set out in Attachment 1, subject to such minor stylistic and substantive changes as may be deemed necessary or appropriate by the General Manager of Transportation Services or the City Solicitor;

2. no fees in addition to the fees currently in place for the erection and placement of construction hoarding and/or covered sidewalk within the public right-of-way be required to obtain a permit for display of signage on construction hoarding; and
3. staff be directed to take any necessary actions to implement and otherwise put into effect the above recommendations.

FINANCIAL IMPACT

There is no financial impact resulting from the recommendations of this report.

DECISION HISTORY

At its meeting of October 2, 2007, North York Community Council, in debating a sign variance report from the Director of Building and the Chief Building Official for No. 24 Rean Drive, directed the General Manager of Transportation Services to report to the Planning and Growth Management Committee on:

- a) the policy to provide for signage on construction hoarding, stating what would be required to bring it into conformity with the Sign By-law; and
- b) examining the possibility that if advertising is allowed on construction hoarding located on City property, that this be used as a revenue generator for the City.

ISSUE BACKGROUND

Transportation Services, through the administration of various roads and streets by-laws currently regulates the placement and maintenance of construction hoarding within the public right-of-way. While each former municipality dealt with the issue of signs on hoarding under specific by-laws, in the absence of specific Council approved City-wide policy or by-law regulating or authorizing it, it has become a City-wide de-facto practice for the posting of first party information graphics and information on development related construction hoarding.

COMMENTS

Since amalgamation, the issuance of permits for the erection and placement of construction hoarding has been undertaken in the various Transportation Services Division Districts pursuant to the relevant by-laws of the former municipalities. As development in the respective former municipalities intensified, sidewalks often became

impassable due to the proliferation of development related a-frame signs within the boulevard and sidewalk space.

As an alternative to the proliferation of these signs and the expense in human and physical resources expended by the former cities in monitoring and removing them, the practice of allowing first party site/development specific graphics and information on the related hoarding evolved. Notwithstanding the differing provisions of the pre-amalgamation by-laws, a standardized practice has, over time, arisen with respect to applications for permissions to apply graphics and first party information on construction hoarding in all of the districts of the City of Toronto.

At present, the Right-of-Way Management Section of Transportation Services Division issues permits for the various uses of the City boulevard, one of which is the placement and erection of construction hoarding, although no specific section of any by-law provides a uniform city wide approach to this activity. These permits are only issued pursuant to site plan approval in connection with the preparation of the site, the issuance of either a demolition or construction permit, or for the protection of the public, where an existing, identified threat to public safety exists within the site.

As noted above, graphics and the presentation of site specific first party information is permitted in much of the City of Toronto under conditions established by the General Manager of Transportation Services.

The requirement for the placement/erection of hoarding in connection with construction activities is pursuant to Section 65 of O. Reg. 213/91 under the Occupation Health and Safety Act, R.S.O. 1990, c. O.1, wherein, it states that *“If work on a project may endanger a person using a public highway, a sturdy fence at least 1.8 metres in height shall be constructed between the public way and the project.”*

With regards to Item 1, as noted above, in the Summary, the definition of “Construction Hoarding” within the attached proposed by-law has been amended to include the stipulation that it form a continuous site enclosure.

With regards to Item 2, also noted above in the Summary, this report and the attached by-law are meant to address and regulate the issue of signs on construction hoarding. The issuance of permits for the erection of construction hoarding are currently dealt with under the respective streets by-laws administered throughout the city, and this issue is proposed to be dealt with under Chapter 743 of the Toronto Municipal Code, the Proposed Harmonized Streets By-law. It would therefore be more appropriate to ensure that a provision relating to the timing of the issuance of permits for the erection of construction hoarding be included under that chapter.

Policy for Signage on Construction Hoarding

North York Community Council requested that a policy to provide for signage on construction hoarding be developed, and that it be in conformity with the Sign By-law.

In this regard, staff from Transportation Services have met with the Manager of the Sign By-law Harmonization Project Team, to discuss the issue.

It was determined that the Sign By-law Harmonization Project Team issued a RFP No. 9119-08 7057 For: Sign Study and Subsequent By-Law, on March 10, 2008. The defined scope of the sign by-law harmonization project had originally been limited the application to permanent, signs, excluding postering, mobile signs, sidewalk (a-frame) signs, and election signs.

The stated objectives for the new sign by-law included, but were not limited to:

1. ensuring public safety;
2. facilitate aesthetic improvement of the City such that signage should be integrated with the architecture and landscaping not only to identify and inform, but also to compliment and enliven streetscape;
3. encourage and improve the quality of sign design;
4. provide commercial and industrial enterprises adequate, flexible means to identify themselves and their products or services, recognizing that the primary function of on-premise signage is to identify, rather than advertise; and
5. provide an easily understood and administrative set of objective guidelines by which signs be regulated.

Also discussed in the RFP document, was the idea that the Harmonized Sign By-Law should satisfy higher order City objectives such as Toronto's Official Plan, Council's Strategic Plan, the Economic Development Strategy, the Street Furniture Program and the Clean and Beautiful City Initiative.

In consideration of the foregoing, Transportation Services staff have worked, and will continue to work with the sign by-law team to ensure that any by-law, policy or criteria developed to regulate signage on hoarding within the public right-of-way is supportive and complimentary to the harmonized sign by-law.

Other City Initiatives to Enhance the Appearance of the Right of Way

The City has initiated several other programs to enhance the aesthetic appearance of our public right-of-way, and representatives of these initiatives were brought into the discussion regarding Construction Hoarding Signs.

The Co-ordinated Street Furniture Program report adopted by City Council on June 27, 28 and 29, 2006 states, on Section (2) recommendation A6 that "no other advertising

programs be authorized on any street element". Consultation with both City Legal and the Manager of the Street Furniture Program has confirmed that the temporary permitting of first party, site and development specific graphics or information on on-site construction hoarding does not contravene this provision of the program, or the terms of the City's street furniture contract.

The direction and substance of this report was also discussed with and developed through consultation with, among others, the Director of the Public Realm who indicated that the general quality and appearance of construction hoarding, in Toronto has been raised as a Clean and Beautiful City matter. It was also stated that although hoarding is temporary in nature, it has a significant impact on the look of the city. Additionally, every opportunity should be utilized to ensure that it is constructed in such a way that is attractive and well cared for, that pedestrian access and safety is maximized, and that opportunities for public art and decoration, as well as relevant information about the forthcoming project is incorporated.

It has been our experience that construction hoarding which is a solid colour, devoid of applied graphics or project information, often becomes a billboard for the posting of unsightly and illegal flyers and posters, full of staples and unauthorized, often offensive information and graffiti. Additionally, since developers have spent considerable money to have the graphics or information applied to the wall of hoarding they are more likely to invest additional time and money keeping it clean and free of posters, flyers, graffiti and staples.

As supported by the Public Realm Unit, and also noted in the foregoing, it is recommended that the placement of graphics and 'art' in public spaces to whatever degree is helpful. The permitting of first party graphics and information on construction hoarding does much to enhance the aesthetic appearance of the streetscape through a period of time that is largely considered undesirable, from the time major construction projects are initiated through to their completion.

Revenue Generation

The North York Community Council also requested that if advertising is allowed that this be used as a revenue generator for the City. At the present time fees are paid by developers and or their constructors for the erection and placement of construction hoarding and/or covered sidewalk within the public right-of-way. These fees are prescribed under the fee by-law and are \$11.90/linear metre, and an additional \$3.96/square metre/month for City property enclosed by this hoarding or covered sidewalk. In 2009, Transportation Services Division issued a total of 636 permits for construction hoarding, covered sidewalk, site protection and scaffolding which generated approximately 1.63 million dollars in revenue.

Given the various City fees already incurred by developers, including those noted above, it is not recommended that we collect fees for graphics on this hoarding, particularly in light of the higher order objectives discussed above relating to street/boulevard enhancement that are achieved by its presence.

As part of our review of this issue, Transportation Services staff contacted the Transportation Departments of several other major urban centres in North America on this matter. While others have no specific policy, the City of Vancouver advised that it issues permits for construction hoarding, and allows for the display of development related graphics and first party information, with no additional fees being charged.

Notwithstanding the foregoing, should Council decide that additional revenues should be generated from the administration of this proposed section of the sign by-law, one of the following options could be chosen to satisfy this objective. All fees generated from this by-law should be employed to off-set the cost of any work involved in the administration and enforcement of this by-law, moving towards full cost recovery.

Recently, City Council approved the Sign By-law which established a per square metre fee for the erection of new signs at \$17.61. Using this as a comparable fee for the placement of signs on construction hoarding, while recognizing the temporary nature of hoarding and the differences in the construction of it, two options are presented below relating to possible revenue generation from this by-law.

Option 1

Consider charging a flat fee of \$17.61 per panel of hoarding with text on it, this dollar amount is the same as the per square metre fee for a new sign under the new sign by-law. The fee calculation would then be based on the number of panels displaying any text shown on drawings provided as part of the application given construction hoarding times this flat rate per panel. Construction hoarding is usually constructed using 1.2m x 2.4m (4' X 8') sheets of plywood, over a timber frame assembled to form a continuous wall or site enclosure; or

Option 2

Calculate the fee for text displayed as an overall percentage of the surface area of the hoarding based on ratios of text to graphics or solid colour provided by the applicant. The fee used would be equivalent to the per square metre fee in the new sign by-law report of \$17.61/m sq.

For both of these preceding options, the per square metre fee for new signs under the recently approved Sign By-law is used, but applied differently, given the temporary nature of Construction Hoarding and the differences in the construction of it.

There should also be some restriction as to the percentage of the hoarding that could be permitted to display 'text' applied to both of the preceding options. Presently, banner

permits are issued pursuant to Former Toronto Municipal Code Chapter 313 Section 68 (j) wherein, it stipulates “That any corporate recognition on any banner sign will not exceed twenty per cent (20%) of the total area of the banner sign”. Using this existing benchmark, limit the text on any construction hoarding to a maximum of twenty percent (20%) of the overall surface area of the hoarding and charge a fee derived using one of the foregoing options to determine that fee. As part of the application, scaled drawings showing proposed graphics and text would be required to be submitted along with the calculations showing that the 20% maximum area for text will be adhered to.

Each of the above options would rely to some extent on staff verifying on-site either the number of panels used, or the percentage of overall hoarding surface used for text, and frequent monitoring of these sites to ensure the percentage of text is not increased throughout the life of the project. This is a labour intensive exercise and will place an additional burden on the existing staff compliment as this type of inspection is not presently undertaken. This additional administration, inspection, measurement and monitoring would necessitate the hiring of additional staff, as current staff will not be able cover these added duties and responsibilities.

Conclusion

Throughout the City of Toronto, first party information and graphics on construction hoarding are common sights, yet there is little in the way of formal direction from City Council on when hoarding may be erected, what information is permitted to be displayed, and what fees (if any) to apply, beyond the standard hoarding fees already in place.

In consideration of this, and the degree to which a policy and process designed to regulate this activity would be complimentary to the proposed Harmonized sign by-law, and supportive of the stated objectives, it is recommend that first party, project specific graphics and information be permitted to be displayed on construction hoarding erected within the public right-of-way, in accordance with proposed amendments to Chapter 693, Signs, of the Toronto Municipal Code as described in Attachment 1. It is also recommended that no additional fees be applied for the issuance of a permit to allow the placement and maintenance of first party graphics and information on construction hoarding.

CONTACT

Myles Currie, B.A.
Director, North York District
Transportation Services Division
Tel: 416-395-7480
Fax: 416-395-7544
Email: mcurrie@toronto.ca

SIGNATURE

Gary Welsh, P.Eng.
General Manager

ATTACHMENTS

Attachment 1: By-law No. xxx-xxxx (*pgm10056_bylaw*)