

## **Signage on Construction Hoarding – Phase III**

<b>Date:</b>	July 28, 2010
<b>To:</b>	Planning and Growth Management Committee
<b>From:</b>	General Manager, Transportation Services
<b>Wards:</b>	<b>All Wards</b>
<b>Reference Number:</b>	<i>p:\2010\ClusterB\TRA\NorthYorkDistrict\pg10119</i>

### **SUMMARY**

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The Planning and Growth Management Committee of June 16, 2010 requested the General Manager, Transportation Services, in consultation with appropriate staff to report back to the Planning and Growth Management Committee on:

1. An appeal mechanism that would allow local Community Councils to over-ride staff approval for hoarding advertising; and,
2. A fee structure to ensure full cost recovery for inspection and processing costs associated with this policy.

This report recommends amendments to Chapter 693, Signs, of the Toronto Municipal Code implementing a harmonized, City-wide approach to regulate the display of first party signs on construction hoarding erected within the public right-of-way.

### **RECOMMENDATIONS**

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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; and

2. 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**

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.

Prior to the above items being heard at The Planning and Growth Management Committee of April 14, 2009, North York Community Council at its meeting of October 2, 2007, 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 with the enactment of the new City-wide signage regulations contained in Chapter 694, Signs, General and the City-wide signage regulations for temporary signage contained in Chapter 693, Article III, Temporary

Signs, specific amendments are required to regularize the posting of first party information graphics and information on development related construction hoarding throughout the City.

## **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.

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.

One such program is 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, 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.

## **Hoarding Requirements**

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 adding a definition of hoarding, specifying that it must be a continuous enclosure, 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 adding a provision which regulates the timing of the erection of construction hoarding, this report and the attached by-law are meant to address and regulate the issue of signs on construction hoarding so that signs may not be erected on hoarding prematurely or remain on display when no construction activity is taking place. Therefore the draft amendments to Chapter 693, Article III, Temporary Signs, makes it a prerequisite for a valid permit for "Construction Hoarding/Site Protection" issued pursuant to the City's existing regulations on this matter to be obtained prior to the issuance of a permit to allow signage on the Construction Hoarding.

Currently, the issue of timing with respect to the issuance of permits for the erection of "Construction Hoarding/Site Protection" are currently dealt with under the respective streets by-laws of the pre-amalgamation municipalities which are currently administered throughout the City. The issue of time-restrictions with respect to Construction Hoarding/Site Protection permits is proposed to be dealt with under the proposed Chapter 743 of the Toronto Municipal Code, (the "Proposed Harmonized Streets By-law"). It would be more appropriate to address the matter of time restrictions on the issuance of permits for through ensuring a provision relating to the timing of the issuance of "Construction Hoarding/Site Protection" permits is included the Proposed Harmonized Streets By-law.

In addressing the member motion respecting an appeal mechanism to over-ride staff approvals for construction hoarding it is noted that there are already existing provisions addressing the ability for matters to be brought to Community Council and it is staff's recommendation that no further provisions are required to allow Community Council to review staff approvals for signs on construction hoarding.

## **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, as the provisions of the various sign by-laws of the pre-amalgamation municipalities, dealing with these matters had largely been harmonized, through the adoption of the various articles of Chapter 693, Signs.

The stated objectives of the sign by-law harmonization project which were addressed by the introduction of Chapter 694, Signs, General, 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 Chapter 694, Signs, General, 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 Unit in Toronto Building 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 Chapter 694, Signs, General.

## **Fees / Revenue**

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 Chapter 441, Fees and Charges 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 amendment to Chapter 693, Article III, Temporary Signs the following option could be chosen to satisfy this objective.

Recently, City Council approved a series of amendments to the City of Toronto Municipal Code in relation to the introduction of Chapter 694, Signs, General, one such amendment included establishing a fee of \$17.61 per square metre fee for the erection of new signs, which is contained in Chapter 441, Fees and Charges. 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, the following option is presented below relating to possible additional revenue generation from Chapter 693, Article III, Temporary Signs.

Should Council wish to pursue a fee, one option for a fee collection resulting from first party advertising on construction hoarding would be to calculate the fee for text displayed as an overall percentage of the surface area of the hoarding. This would be 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.

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.

There could also be some restriction as to the percentage of the hoarding that could be permitted to display 'text' applied to the preceding option. Presently, banner permits which are issued pursuant to Former Toronto Municipal Code Chapter 313 must comply with the stipulation contained in Section 68 (j) which states "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, the permitted area of first party signs on construction hoarding could be limited to a maximum of twenty percent (20%) of the overall surface area in connection to a standard application. As part of the application, scaled drawings showing proposed graphics and text would be required to be submitted along with the calculations establishing the area of the first party advertising copy will not exceed the 20% maximum area.

Consideration could be given to permit an additional twenty percent (20%) of the overall surface area of the hoarding for the display first party advertising copy, to permit a total surface area of forty percent (40%) upon payment of an additional fee. This would occur through an application to Transportation Services at the time of the construction hoarding sign permit application. The additional twenty percent of first party advertising could be subject to a fee equivalent to the Sign By-law fee of \$17.61 per square metre. By restricting the advertising of first party to either a 20% or 40% total area will give Transportation Services the authority to manage in regards to excessive advertising.

The remaining sixty percent (60%) of the hoarding surface area must be maintained in a good state of repair and free of posterage and graffiti, which is subject to By-law enforcement (through notices of violations, fines and/or removal of offending sections).

The above would rely on staff verifying on-site the number of panels used and 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.

Should Council proceed with this option and given the additional administration and training requirements Transportation Services would face under the above process, sufficient time lines to implement any additional procedures would be necessary. In order to ensure that appropriate staff training and administration protocols are in place, Transportation Services proposes late 2011 at the earliest as a target date for the beginning of any enforcement and revenue collection of first party advertising on construction hoarding.

## **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 Chapter 694, Signs, General, it is recommended 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, Article III, Temporary 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**

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## **SIGNATURE**

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Gary Welsh, P.Eng.  
General Manager

## **ATTACHMENTS**

Attachment 1: Proposed amendments to Chapter 441, Fees and Charges, and Chapter 693, Article III, Temporary Signs, of the City of Toronto Municipal Code