



REPORT FOR INFORMATION

Supplementary Report: Strategy for Minimizing the Negative Impacts of Residential Infill Construction

Date: May 22, 2018

To: City Council

From: General Manager, Transportation Services

Wards: All

SUMMARY

At its May 1, 2018 meeting, the Planning and Growth Management Committee considered the April 23, 2018 report from the Chief Building Official and Executive Director, Toronto Building on the status of actions undertaken to implement the strategy for minimizing the negative impacts of residential infill construction.

This supplementary report responds to the Committee's request that the Chief Building Official and Executive Director, Toronto Building and the General Manager, Transportation Services report directly to City Council on a "plan to remove illegally placed signage on construction hoarding and to collect the appropriate fees where the payment of such fees would be required". The regulation and enforcement of the specific program providing for signage on construction hoarding is the responsibility of Transportation Services.

Ongoing efforts over the last two years in Transportation Services have proved to be helpful to speed up the process in reviewing construction sites and rectifying violations of permit conditions.

The Chief Building Official and Executive Director, Toronto Building has been consulted in the preparation of this report.

FINANCIAL IMPACT

There are no financial impacts associated with this supplementary report.

DECISION HISTORY

At its meeting of May 1, 2018, the Planning and Growth Management Committee considered the report from the Chief Building Official and Executive Director, Toronto Building on the status of actions undertaken to implement the Residential Infill Strategy. <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.PG29.1>

In considering the report, the Planning and Growth Management Committee adopted the following motion:

That the General Manager, Transportation Services and the Chief Building Official and Executive Director, Toronto Building be requested to report directly to Council on a plan to remove illegally placed signage on construction hoarding and to collect the appropriate fees where the payment of such fees would be required.

COMMENTS

Background

Signs located within the public right-of-way and displayed on the various forms of fencing and walls commonly referred to as "construction hoarding" are an exception to the City's general regulations concerning signs, contained in Chapter 694, Signs, General. Under Chapter 694, there are limited opportunities for signs to be displayed on construction fences and the short-term walls which form construction hoarding (for example, signs on fences are generally prohibited). Toronto Building regulates and enforces signs located on fences and walls located outside of the public right-of-way, in accordance with the regulations applicable to all signs on fences and walls applicable throughout the City.

As such the only "Construction Hoarding Signs" are the signs on construction hoarding in the public right of way regulated by Transportation Services' specific construction hoarding sign program (detailed under Article III, Temporary Signs, of Chapter 693). Construction Hoarding Signs are permitted only under this specific program operated by Transportation Services.

As part of this program, Construction Hoarding Signs must pay a permit application fee which was designed to recover 100% of the expenses incurred by Transportation Services concerning the issuance of Construction Hoarding Signs permits and enforcement of the construction hoarding sign regulations; and, as of January 1, 2015, a monthly "rental fee" for the entitlement to utilize a portion of the public right of way for the display of a sign.

At this time, Transportation Services is of the position that the fees charged for the use of the public right of way for the display of Construction Hoarding Signs and the permit fees charged are of the appropriate amount. Transportation Services does not have a basis to support any change to these amounts at this time, but is undertaking a review of these fees charged by the division and will report any recommended changes with respect to these fees as part of Transportation Services' annual budget.

Enforcement Steps Taken to Date

Coordinated and ongoing efforts over the last two years in Transportation Services, and more recently including Toronto Building, have proved to be helpful to speed up the process in reviewing sites and rectify violations with permit conditions.

- **Targeted Enforcement Strategy** - Transportation Services initiated a multi-divisional blitz with Toronto Buildings and Municipal Licensing & Standards the week of March 13-17, 2017. Staff reviewed 821 sites during the week, reviewing the following: safety, protection of city infrastructure, proper storage of materials and complaints on construction hoarding and signage. Results revealed the largest infractions were related to improper storage of materials, erection of construction hoarding contrary to regulations or without permissions granted by Transportation Services, and construction hoarding signs displayed without, or contrary to the provisions of, a construction sign permit. This blitz was a success, owing in large part to the coordinated efforts of the three divisions, allowing for synchronised enforcement of infractions both within and outside the public right-of-way.
- **Increase Staff for Summer Months** - Three temporary Technical Trainees were recruited for the period of May to August 2017 to deal with additional volumes during the construction season. These positions assisted existing technical and enforcement staff to issue permits, field check routine service requests and inspections not requiring enforcement.
- **Review of Staffing Levels** - Conducted a citywide review of the staffing levels, versus the historical service requests to determine whether staff could be realigned to better meet the needs of the Division. As a result of this analysis, 5 additional Transportation Standards Officers and 2 additional Engineering Technologist Technicians levels were brought forward and approved as part of the 2018 Budget process.

Next Steps and Ongoing Areas of Investigation

Transportation Services is part of the End-to-End Development Review project being led by the City's Chief Transformation Officer. In addition to tabling this issue as part of that process, TS will also explore additional avenues to improve enforcement of right of way conditions around infill development sites including illegally placed signage on construction hoarding. This includes the following:

- **Staffing Levels** - Increased levels of pro-active enforcement efforts are in progress, but are dependent on the hiring of the approved additional Transportation Standards Officers.
- **Improved Systems** - Staff are exploring opportunities to upgrade the permit issuance system to be geocoded to provide data on approved and valid permits, development locations and capital projects to better focus our efforts on construction hot spots. Although Transportation Services will be moving to a new work management system, this area of work will not be programmed until 2019 and beyond. In the meantime an interim solution will be explored utilising the current open data and systems in place.

- **Review of Duties and Priorities of Standards Officers** - A review to prioritize the types of enforcement and inspections undertaken by the Transportation Standards Officers. These Officers are responsible for both inspections and enforcement of many areas under Transportation's jurisdiction. Some of these duties are related to: encroachment proposals, as built measurements, construction meetings, pre/post damage inspections, and complaints ranging from traffic and sight lines to snow, leaves and grass/weeds. Many of these inspection service requests have the same priority level, and time frame for response and so a review of the priority levels and time frames would provide better direction and focus to the Standards Officers on how to prioritize their work load. This could include placing a higher priority on the safety and infrastructure issues currently resulting from residential infill construction.
- **Enforcement and Collection of Fees** - The City has provisions in the Municipal Code which require persons installing construction hoarding and construction hoarding signage on right-of-way lands to obtain permits prior to doing either of these activities.

Where staff receive applications for construction hoarding and signs on construction hoarding, staff charge the requisite fees under Chapter 441, Fees. Staff often, however, encounter construction hoarding and construction hoarding signs which have been installed on the right-of-way without the requisite applications having been submitted or the requisite fees having been paid.

Chapter 693, permits the City to take enforcement action concerning improperly displayed construction hoarding signs against any person who: is described, or identified, on the construction hoarding sign; installed the construction hoarding sign; is in lawful control of the construction hoarding sign; benefits from the message on the construction hoarding sign; is the person who engages in the business of: installing, leasing, renting construction hoarding signs and is the owner of the sign in question.

Staff have begun increased enforcement efforts to ensure persons who install construction hoarding or construction hoarding signage on the right-of-way are prosecuted. Staff have commenced enforcement efforts to require the construction hoarding signs be removed, or the proper permits obtained and the applicable fees under City by-laws paid to the City. Sections 693-26D, E provide Transportation Services the ability where a construction hoarding sign is not displayed with the required permit to require any and all of the individuals noted above to pull down, remove, or otherwise render the construction hoarding sign non-visible; or require the construction hoarding sign be brought into compliance within 48 hours, and where this is not done for Transportation Services, to remove the construction hoarding sign at the owner's expense.

The additional staff hired will assist with the increased level of enforcement activity Transportation Services has undertaken. These enforcement efforts, once suitably staffed, should ensure that the City collects the appropriate fees where the payment of such fees would be required.

Transportation Services is also undertaking a review of the relevant by-law provisions to consider if by-law amendments to modify the penalties charged for violations, including the potential for special fines to be imposed in addition to the regular fine for an offence designed to eliminate or reduce any economic advantage or gain from contravening the by-law, are appropriate.

Transportation Services will also continue to work with its partners in Toronto Building and Municipal Licensing and Standards to refer any observations of improperly displayed signs on private property, or other issues noted while inspecting sites to ensure compliance of all applicable by-laws.

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SIGNATURE

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