



STAFF REPORT ACTION REQUIRED

Construction Staging Areas – Planning, Public Art, and Accessibility

Date:	February 3, 2014
To:	Planning and Growth Management Committee
From:	General Manager, Transportation Services
Wards:	All Wards
Reference Number:	P:\2014\Cluster B\TRA\Toronto and East York District\TOP\PG2014022te.top.doc

SUMMARY

Many of the buildings being constructed in the City of Toronto are designed to occupy the entire property on which they are situated, resulting in the need for construction staging areas to provide unloading zones and storage of construction materials. These staging areas must be very close to the site and usually occupy the curb lane and sidewalk adjacent to the building being constructed.

This report addresses requests from Toronto and East York Community Council and the Planning and Growth Management Committee to report on various issues related to construction staging areas within the public right-of-way. Staff recommendations aim to reduce the negative impact of construction staging on neighbourhood quality of life, the public realm and on the movement of pedestrians, cyclists, and vehicles including people with disabilities.

Solutions proposed in this report include improved tools and processes to determine the impacts of staging areas earlier in the development process and minimize the impact of construction staging areas once they are in place. Attachments also include proposed guidelines for providing information to the public, increasing the accessibility and wayfinding of covered walkways, as well as improving their appearance and illumination. Finally, this report addresses the current Construction Hoarding Sign Permit Fee and its potential use for generating funding for artistic programming in the public right-of-way through a program administered by the Toronto Arts Council.

RECOMMENDATIONS

Transportation Services recommends to Planning and Growth Management Committee that:

1. City Council direct the General Manager, Transportation Services, to report back to the June 19 meeting of the Planning and Growth Management Committee with an update on the initiatives directly related to reducing the impact of construction staging areas on congestion and any recommendations for changes to the permit fees for street occupations.
2. City Council direct the General Manager, Transportation Services, when providing comments on zoning amendment or site plan applications, to include comments on the anticipated overall impacts that construction of the proposed development may have on the adjacent roadways, and that City Council direct the Chief Planner and Executive Director to include these comments in their Final Reports (rezoning and site plan) to Community Council.
3. City Council adopt the "Guideline for Emergency Contact Sign on Hoarding" attached as Appendix B to the report (February 3, 2014) from the General Manager, Transportation Services entitled "Construction Staging Areas – Planning, Public Art, and Accessibility".
4. City Council adopt the "Guidelines for Covered Walkways" attached as Appendix C to the report (February 3, 2014) from the General Manager, Transportation Services entitled ". Construction Staging Areas – Planning, Public Art, and Accessibility".
5. City Council maintain the current permit fee structure of a one-time fee of \$6.45 (2014) per linear metre for a Construction Hoarding Sign permit.

Financial Impact

There are no financial impacts associated with the adoption of the recommendations in this report.

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

DECISION HISTORY

Planning and Growth Management Committee, at its meeting on November 8, 2012 considered a letter from the Chair of the Toronto and East York Community Council requesting reports, information and policy changes on the following items (Item PG19.14):

1. That Final Reports for the approval of development applications include construction impact statements that would include disclosure of plans being contemplated for construction staging including traffic and sidewalk lane closures, accommodation plan, etc.
2. That all construction sites be required to provide illumination, public art, and posting of a 24-hour construction hotline.
3. That the City staff be requested to report on the construction guidelines and regulations in other jurisdictions, Manhattan in particular, that require all development and construction to be entirely staged on private property.
4. That the Acting Director, Transportation Services be requested to report on accessibility requirements for construction staging and to bring forward recommendations to support stronger accommodation guidelines to address safety concerns experienced by people with disabilities.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.PG19.14>

At its meeting on November 6, 2012, Planning and Growth Management Committee (Item PG19.15) requested:

1. The General Manager, Transportation Services to review and report to Planning and Growth Management Committee on:
 - a. amending City of Toronto Municipal Code Chapter 693, Article III, Temporary Signs, and City of Toronto Municipal Code Chapter 441, Fees and Charges, to eliminate the fee for the issuance of a Construction (Private Parties) Permit (Application and Approval Fee for Construction Hoarding Sign) in the current amount of \$6.14 per linear metre;
 - b. amending City of Toronto Municipal Code Chapter 441, Fees and Charges, City of Toronto Municipal Code Chapter 693, Temporary Signs, and City of Toronto Municipal Code Chapter 743, Streets and Sidewalks, Use of, to impose a new fee for the temporary use of City property for the display of Construction Hoarding Signs, in particular any amendments required to impose such a monthly rental fee (i.e. A monthly fee of \$6.00 per linear metre of any encroachment upon the public right-of-way utilized for the display of Construction Hoarding Signs); and,

- c. any other necessary amendments.
2. The Deputy City Manager & Chief Financial Officer to report to Planning and Growth Management Committee, in conjunction with the report of the Acting General Manager, Transportation Services, on the feasibility and appropriate mechanism to direct any potential funds arising from the temporary use of City property for the display of Construction Hoarding Signs to the purposes of improvements and enhancements to the public right-of-way through local arts initiatives and projects, as administered by the Toronto Arts Council Foundation.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.PG19.15>

At its meeting on November 20, 2013, the Public Works and Infrastructure Committee approved the Congestion Management Plan 2014-2018 (Item PW27.12) and Downtown Operations Transportation Study – Final Report (Item PW 27.13), which both included recommended activities to reduce the impacts of construction staging areas.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.PW27.12>
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.PW27.13>

ISSUE BACKGROUND

In the last few years, an unprecedented number of buildings have been under construction in the City of Toronto. This development has been particularly concentrated in the downtown core, in North York centre, in parts of south Etobicoke, along the Humber River, and along Lake Ontario. Many of the buildings being constructed are designed to occupy the entire property on which they are situated. This has resulted in the need for construction staging areas, which tend to occupy the curb lane and sidewalk adjacent to the building being constructed. As of January 2014, there are approximately 85 staging areas in place city-wide, and the City is continuing to receive applications for more.

Construction staging areas that occupy the curb lane have a significant impact on the movement of vehicles. They create bottlenecks that can result in congestion, particularly if several streets in the same area have lane closures at the same time. The temporary removal of the curb lane can also create unsafe conditions for cyclists, by eliminating bike lanes and/or constraining their access. Construction staging areas also have an impact on pedestrians and on the public realm, as sidewalks are temporarily replaced by covered walkways that are usually made from basic materials and are not aesthetically pleasing. The construction itself and the presence of the staging area also affect the neighbourhood quality of life. This report provides background information on construction staging areas. It addresses requests to consider:

- Inclusion of construction impact statements in development applications;

- Posting of information regarding 24-hour construction hotlines;
- Accessibility, illumination, and public art requirements for construction staging areas; and
- Changes to the fees for display of signs on construction hoarding and uses of the associated revenue.

COMMENTS

Regulation of Construction Staging Areas

Construction staging areas are currently regulated for safety issues by the Ontario Ministry of Labour through the Occupational Health and Safety Act Regulations for Construction Projects. The Act states that:

"If work on a project may endanger a person using a public way, a sturdy fence at least 1.8 metres in height shall be constructed between the public way and the project." O. Reg. 213/91, s. 65.

The Act further states that:

"No work shall be carried out on a building or structure located within 4.5 metres of a public way unless a covered way is constructed over the part of the public way that is adjacent to the project." O. Reg. 213/91, s. 64 (1).

These two regulations result in the placement of fencing or hoarding around a site where construction is taking place, and the construction of covered walkways for pedestrians to walk in proximity to the site.

Municipal Code Chapter 743, Streets and Sidewalks, Use Of provides the authority for the General Manager, Transportation Services to issue permits for the temporary occupation of the street for the purposes of construction on the property adjacent to the street.

Purpose and Duration of Construction Staging Areas

Construction of a condominium or office building often involves full excavation of the property. Even if the final building is set back from the street, the underground structure (typically parking) may be constructed right up to the property line.

Construction staging areas are not required for the initial phases of construction. During demolition, site preparation, and excavation, all construction work can usually be accommodated on site, with construction fencing (or hoarding) placed along or just outside the property line. Piling, shoring, and excavation materials and equipment are stored on site, and dump trucks enter and exit the site to remove the excavated material.

Construction staging areas are set up once the construction of the foundation and underground structure begins. At this point, cranes are erected within the site, and space outside of the excavated area is needed for delivery and storage of construction material. Construction staging areas usually include an area for construction vehicles to drive in, wait while material is unloaded, and then drive out. It also usually includes a covered pedestrian walkway to separate pedestrians from traffic and from construction activity.

Once the underground structures are complete, it is sometimes possible to take down construction staging areas and move to on-site delivery and storage of construction materials. This is not common, however, as construction staging areas usually must remain in place until the exterior and interior finishing is complete, as most buildings are designed to occupy the entire property on which they are situated.

Depending on the size and complexity of the development, the construction staging area could be in place for a few months or for a few years. Impacts of construction staging areas on City streets also vary by location. In the downtown core, with the typical right-of-way widths of 20 metres, the sidewalk and roadway is generally the only space available for construction staging areas, and it is often necessary to close a travel lane. On major arterial roadways in suburban areas with right-of-way widths of 36 metres, there is often an opportunity to accommodate the required work on-site without impacting the roadway.

Municipal Code Chapter 937, Temporary Closing of Highways, provides the authority for the General Manager of Transportation Services to close all or part of a roadway. It specifies that all full or partial closures longer than 30 days require Council approval.

Permit Fees for Construction Staging Areas

Transportation Services issues permits when site protection is required on the public road allowance. These permits cover scaffolding, hoarding, covered walkways, and enclosures for the purpose of providing a construction staging area, under the authority of Municipal Code Chapter 743, Street and Sidewalks, Use of.

Several fees are collected in relation to the Site Protection permit process. The fees are calculated and collected as follows:

Fee Type	Frequency	Fee Cost for 2014 (exclusive of HST)	Purpose	Use of Funds
Site Protection Permit Application Fee	One-time	Fixed fee of \$501.19 per application	Funds the review of the site protection application and subsequent inspection and enforcement	Cost-recovery
Hoarding Permit Fee	One-time	\$16.94 per linear metre of hoarding on the public right-of-way	Funds the review of the proposed scaffolding, hoarding, fencing, and walkways, as well as subsequent inspection and enforcement	Cost-recovery
Boulevard Enclosed Fee	Monthly	\$5.64 per square metre of public right-of-way that is enclosed within the hoarding	Rental fee for the exclusive use of the public right-of-way for private construction staging	Cost-recovery
Construction Hoarding Sign Permit Fee	One-time	\$6.45 per linear metre of hoarding signage	Funds the review of proposed first party advertising on construction hoarding and subsequent inspection	Cost-recovery

Minimizing Impact of Construction Staging Areas – Existing and Approved Measures

Transportation Services staff carefully review each application for a staging area on public roadways within the City of Toronto with the developer and construction firm. Occupation of the roadway for a construction staging area is considered a last resort, and developers are encouraged to explore all options for using the site itself for delivery and storage of materials. When a construction staging area in the public right-of-way is necessary, the Division works with the developer to minimize the impact of this road occupation. Measures to minimize impact include:

- Allowing road occupation only when it becomes absolutely necessary, and ensuring that staging areas are removed as soon as they are no longer needed.
- If the site has frontage on more than one street, establishing only one staging area and locating the staging area on the street where it will have the least impact on traffic and pedestrians (e.g. a local street or laneway rather than a major arterial).
- Encouraging storage of construction trailers and materials on site, or raised above covered walkways to reduce the space needed on the road.
- Re-striping pavement markings, if sufficient width exists, to maintain the same number of lanes for vehicular traffic even with partial occupation of the roadway.

Recent reports adopted by City Council from Transportation Services on the Congestion Management Plan 2014-2018 and the Downtown Transportation Operations Study – Final Report have identified a number of initiatives to reduce the impact of construction which would apply to construction staging areas. These include:

Smart Work Zones – Develop a standardized approach to work zone management including use of closed-circuit television (CCTV) cameras and vehicle detectors to monitor traffic conditions, and portable electronic messaging signs to inform motorists. A first step will include installing portable CCTV cameras in select work zones by 2014.

Lane Occupancy Permit Review - Review cost of lane occupancy permits, fines and related contract conditions to ensure they reflect potential impacts on traffic, with the goal to speed up the work and shorten the disruptions to traffic flows.

Work Zone Performance Management and Monitoring – Implement changes to contract requirements that require contractors to comply with the conditions of lane occupancy permits. Consider monitoring the traffic performance within the work zone and requiring the contractor to maintain specific levels of service throughout the day as a future enhancement.

Disruption Mitigation Plan – Explore making it a requirement of road/lane occupancy permit applications that applicants prepare a disruption mitigation plan that includes impacts to the road network and consideration of all modes and mitigation measures.

Construction Management Practices in Other Cities

Transportation Services conducted a review of construction management practices in other leading cities and identified a number of commonalities.

All municipalities, including New York City, allow use of the sidewalk and curb lane for development-related construction in all parts of the city. However, municipalities do not automatically and unconditionally permit the use of sidewalk and curb lane. Like Toronto, other cities strive to minimize the negative impacts of construction on street users.

Best practices to manage and mitigate the negative impacts of construction include the following:

- **Collaboration with developers and contractors.** In cities such as Vancouver, City staff work closely with developers from the start of the development application process to identify likely construction challenges and develop construction plans that will minimize impacts on the right-of-way.
- **Temporary changes to allocation of space in the right-of-way.** Most cities attempt to maintain an affected street's capacity for vehicles, bikes and/or

pedestrians. They may restrict parking on the opposite curb, restripe roadways, or temporarily convert to a one-way street. In Vancouver, a lane of traffic may be diverted to maintain space for pedestrians and cyclists.

- **Notification.** Most cities strive to make extensive use of notification and outreach, to ensure that travelers are aware of construction activities. New York City makes use of fixed signage, variable message board signs and/or community and media outreach. Vancouver manages an online map with information on current and upcoming lane closures and street closures.
- **Enforcement.** Many cities have enhanced enforcement as the number of developments under construction has increased. They have hired additional inspectors, and have issued significant fines to developers that do not comply with the terms of their building permits.
- **Fees.** Most cities charge fees for occupation of the public right-of-way. In Chicago, the daily fees for occupying the right-of-way are higher in the Central Business District than in the rest of the city. They also increase over time, discouraging occupancies of more than 540 days in duration.

Many of these "best practices" are currently used in Toronto, and opportunities to enhance notification and enforcement are identified in this report. Additional information on practices in New York City, Vancouver, Chicago, and Calgary is provided in Appendix A.

Construction Impact Statements in Final Reports

Transportation Services typically requires that developers submit construction management plans after Site Plan approval, as part of any applicable permit applications. At this point, all elements of the development size, design, layout, etc. have been approved, and construction staging plans can be based on approved site plans. It is not practical to have applicants submit construction management plans prior to Site Plan approval, as the ultimate size, design, and layout of their developments are still subject to change.

However, there is an opportunity to provide additional information on anticipated construction impacts to Community Council as part of City Planning's final rezoning or site plan reports. Transportation Services can generally predict the following prior to Site Plan approval, based on the scale and type of development in question:

- The number of lanes that may be needed to facilitate a construction staging area;
- The street(s) where construction staging areas may be required; and
- The approximate length of time that will be required for construction

Transportation Services could incorporate comments on these anticipated impacts in their responses to City Planning (via Engineering and Construction Services), under "Other

City Approvals and Requirements". These comments could then be included in the main body of the final Planning report (rezoning or site plan) to Community Council. Businesses in the affected areas and members of the general public would be able to review the rezoning reports to get a sense of the construction impacts. The applicant would then be required to submit a construction management plan during the permit approval process.

24-Hour Construction Hotline

Subsection 743-29F of City of Toronto Municipal Code Chapter 743, Streets and Sidewalks, Use Of, specifies that:

"F. To warn the public of any obstruction in a street and to maintain pedestrian and vehicle safety, every permit holder shall provide and maintain, to the satisfaction of the General Manager and the Toronto Police Service, signage stating the permit holder's name, twenty-four hour contact phone number and the name of the person who is working on their behalf."

Recently, Toronto and East York Community Council has been amending approvals for construction staging areas to require a 24-hour monitored construction hotline number that must be prominently placed on the hoarding board and legible from 20 metres away, at all elevations.

Since there is already a requirement for signage within Municipal Code Chapter 743, there is no need to amend the bylaw or to add this additional requirement to approvals for construction staging areas. However, there is room for improvement in the information provided to applicants. There is also an opportunity to increase enforcement, to ensure that this requirement is being adhered to in an acceptable manner.

Transportation Services have developed the proposed *Guideline for Emergency Contact Sign on Hoarding*, Drawing No. 421G-1340 dated January 2014 which is attached to this report as Appendix B. This guideline sets out the required information on the sign, and the minimum dimensions of both the sign and the lettering, which will be required to be displayed prominently at each work site.

Accessibility, Illumination, and Art Requirements for Construction Staging

The Occupational Health and Safety Act Regulation 213/91 sets out minimum requirements for hoarding and covered walkways for construction projects. Transportation Services also has guidelines ("Hoardings and Covered Ways with Screened Openings" RE-1556M, Sept. 1992) that are provided to applicants proposing to construct on or adjacent to a public roadway. The 2004 City of Toronto Accessibility Design Guidelines also contain recommendations for accommodating pedestrians in areas with construction. The following table compares the requirements in each of these regulations or guidelines:

Features of a Covered Walkway	Occupational Health and Safety Act Reg. 213/91	Accessibility Design Guidelines	Transportation Services Guidelines
Minimum Unobstructed Height	2.4 metres	1.98 metres, recommended 2.03 metres	2.4 metres
Minimum Unobstructed Width	1.1 metres	1.1 metres	1.5 metres, recommended 1.7 to 2.1 metres where feasible
Minimum load supported	2.4 kN per square metre		Certified by professional engineer
Roof	Weather-tight		Water-tight
Construction side of walkway	Partition with a smooth surface	If provided, viewing hole at 1.22 metre height	Plywood hoarding painted royal blue
Street side of walkway	Railing 1 metre from ground level		Railing 1 metre from ground level
Both sides at street level		Bottom rail on both sides for "long cane"	"2x4" plate
Lighting	Adequate lighting		Electrical fixtures minimum 4.0 metres apart

Based on this comparison, Transportation Services' guidelines for covered walkways meet or exceed the requirements of both the Occupational Health and Safety Act and the Accessibility Design Guidelines.

However, there are opportunities to improve the City's guidelines to make covered walkways safer, more attractive, and easier for pedestrians of all abilities to negotiate. Transportation Services has developed updated "Guidelines for Covered Walkways" which are attached to this report as Appendix C.

Proposed changes to the current guidelines are described below:

1. **Materials.** The current guidelines specify plywood and wooden posts, bracing and rafters. The guidelines have been modified to allow for alternate materials, as long as they can be certified to withstand the minimum required loads specified by the Regulations of the Ontario Health and Safety Act. An example of an alternative design is the "Urban Umbrella" covered walkways which have been installed at two construction sites in Toronto; they are more pedestrian-friendly, attractive, and well-lit with natural light.
2. **Height. Currently the minimum vertical clearance is 2.0 metres.** We are proposing to increase the minimum unobstructed height to 2.4 metres. This results in an increase in the minimum height of the walkway by 0.4 metres. This increased height will result in walkways that are less closed in with more natural light.
3. **Width.** Currently the minimum clear width required within a covered walkway is 1.5 metres. We are proposing that, wherever possible, a covered walkway shall

have an unobstructed width of not less than 2.1 metres or, if it is over a sidewalk that is less than 2.1 metres wide, it shall have a width equal to the width of the sidewalk. This proposal allows for wider walkways, where they are feasible on the roadway and on wider sidewalks, but acknowledges that there are many areas within the City where sidewalks are still only 1.5 metres wide.

4. **Sides.** The proposed guidelines will require that the side of the walkway adjacent to the construction zone will have smooth sides from floor to roof with no protrusions, and with screened openings for viewing at both 1.2 metres and 1.8 metres height. The side of the walkway adjacent to the street will have openings at a minimum spacing to allow for escape. In addition to a handrail at 1.0 metre height, a bottom rail or plate will be required to allow for use of a long cane.
5. **Minimum lighting levels.** Presently, applicants installing covered walkways for pedestrians must supply, at a minimum, electrical fixtures on the ceiling of the walkway spaced a minimum of 4.0 metres apart. However, there are no requirements for minimum lighting levels, either inside or outside of the hoarding, during the day or at night. A reduction in the minimum spacing between fixtures to 2.0 metres with lighting required within the walkway at all times is recommended to increase safety and comfort for people using the covered walkway.
6. **Walking Surface.** The current guidelines make no mention of the walking surface within the covered walkway. We are proposing that there be a requirement to provide a level walking surface within the walkway. If on a sidewalk or on the roadway, there should be no surface discontinuities within the walkway that exceed 2 cm, and it should be maintained for the duration of the project. If necessary, decking can be provided as long as sufficient drainage is maintained on the roadway. If there is a change in elevation, (for example from the sidewalk to the road), the slope of pedestrian routes should not exceed 1:20.
7. **Sightlines and Wayfinding.** Whenever there are construction accesses or entrances to businesses, TTC stations, or cross-streets, either within the covered walkway, or in very close proximity, it is proposed that safe sightlines between pedestrians in the walkway and those entering/exiting will be provided. Also, signs should be provided for pedestrians within the walkway to assist in guiding them to where they need to go.
8. **Provision of artwork.** Construction staging areas with covered walkways and hoarding have a significant visual impact on the community in which the development is taking place. The provision of artwork on the hoarding can make this impact less onerous and can offset the potential for graffiti vandalism and posters. Recently, the provision of public art has been added as a condition of approval of construction staging areas for several developments by Toronto and East York Community Council. This report recommends that the guidelines for covered walkways and hoarding should contain a provision for the applicant to

provide community artwork, and the design of that artwork should be developed in consultation with the Ward Councillor. Should developers be interested in researching artists experienced with mural and street art, they can visit the City's Street Artist Directory at www.toronto.ca/streetart.

Transportation Services has consulted with the Disability Issues Committee on these proposals for updating the City's guidelines for covered walkways. Transportation Services has also reviewed the guidelines for covered walkways from other North American cities.

Fees for Construction Hoarding Signs

Transportation Services was requested by Planning and Growth Management Committee to report on a proposal to eliminate the Construction Hoarding Sign Permit Fee and replace it with a modified monthly rental fee, where the rental of City property is not only for use as a construction staging area, but also for the display of a "Construction Hoarding Sign".

On August 25, 26 and 27, 2010, City Council adopted a report from the General Manager of Transportation Services, as amended by Planning and Growth Management Committee, which recommended changes to Municipal Code Chapter 693, Signs. This was to provide a harmonized, City-wide approach to regulate the display of first-party signs on construction hoarding erected within the public right-of-way through the issuance of a Construction Hoarding Sign permit. The Planning and Growth Management Committee amendment was intended to implement a fee which would provide "full cost recovery for inspection and processing costs" concerning the harmonized City-wide approach to first-party signage on construction hoarding erected within the public right-of-way. At the same time, Chapter 441, Fees and Charges, was amended to add a fee for the issuance of a construction hoarding sign permit at a rate of \$6.00 per linear metre.

The Construction Hoarding Sign permit was instituted effective January 4, 2011. Since that time, the total fees collected for signage on construction hoarding are as follows:

Year	Fees Collected
2011	\$9,404.07
2012	\$4,606.93
2013	\$5,913.94

Consistent with the City of Toronto's User Fee Policy, and the requirements of the *City of Toronto Act, 2006*, the revenue collected through these fees has been used in the administration, inspection and enforcement of these permits.

Although the amounts charged are relatively modest, given that a valid permit for the installation of construction hoarding in public property is required as a condition for issuance of a permit for a construction hoarding sign, the review of compliance with the two separate sets of municipal regulations are conducted by the same Transportation

Services staff, usually at the same time. Therefore the incremental cost of issuance of the construction hoarding sign permit is not significant. This increased efficiency is one of the reasons why the permitting regime for temporary signage erected on construction hoarding (ie. Construction Hoarding Sign) is administered by Transportation Staff, rather than by staff with the City's Municipal Licensing and Standards division (as is the case with all other temporary signs).

Elimination of the fee for the Construction Hoarding Sign permit would result in a loss of revenue to the City of up to \$10,000 per year which currently off-sets the costs incurred in the administration of this additional permit by Transportation Services staff.

Elimination of this fee would not be consistent with the City's User Fee Policy and, as such, Transportation Services does not recommend any changes to the Construction Hoarding Sign Fee.

Transportation Services also does not support an increase in the rental fees charged for the use of the public right-of-way where the use includes the installation of graphics and first party advertising on the construction hoarding.

The placement of graphics and public art on construction hoarding is desirable as it enhances the aesthetic appearance of the streetscape through the initiation of a major construction project to its completion. There is concern that introducing an increased cost for signage within the occupied right-of-way, where a construction hoarding sign with first-party graphics and advertising is installed, would actually discourage developers from improving the look of the construction hoarding around their site.

Should City Council wish to proceed with an increase to the monthly rental fee as proposed, with revenue "directed to the purposes of improvements and enhancements to the public right-of-way through local arts initiatives and projects, as administered by the Toronto Arts Council Foundation", the following actions are necessary:

- 1) Research to determine the additional value, if any, derived by a developer, who, in addition to renting the public space enclosed within the construction staging area, is also renting this space for the purpose of first-party advertising displayed on the construction hoarding.

- 2) Create a new Boulevard Enclosed with Construction Hoarding Sign Fee in addition to the Boulevard Enclosed Fee. This new Boulevard Enclosed with Construction Hoarding Sign fee would be applied when a construction hoarding sign is displayed. This would be a monthly fee charged on the basis of the area of any portion of the public right-of-way that is enclosed within the hoarding and the time during which the right-of-way is occupied. This fee would be equal to the existing Boulevard Enclosed Fee plus an incremental amount that would be based on the additional value as determined above. The existing Boulevard Enclosed Fee would be maintained and would apply when no first-party graphics and/or advertising is requested to be installed on the construction hoarding.

- 3) Consultation with the Toronto Arts Council Foundation to determine whether they are willing and able to establish a programme for improvements and enhancements to the public right-of-way through local arts initiatives and projects. The scope, guidelines for the nature of local arts, and oversight and administration of this arts programme would need to be determined before it could be established.
- 4) Examination of the feasibility and legality of using the incremental revenues collected through the new Boulevard Enclosed with Construction Hoarding Sign Fees to fund this programme.
- 5) Determine the most appropriate Division within the City to consider and review an initiative of this type. Although the fees would be collected by the Transportation Services Division, as an Arts and Culture initiative it may be more appropriately fall under the purview of Economic Development and Culture.
- 6) Determine how this initiative fits into the City Manager's strategy to phase in increased Arts and Culture funding.

CONTACT

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SIGNATURE

Stephen Buckley
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Attachments

- Appendix A – Survey Results re: Regulating Construction Staging Areas in Other Cities
- Appendix B – *Guideline for Emergency Contact Sign on Hoarding*, Drawing No. 421G-1340
- Appendix C – *Guidelines for Covered Walkways*, February 2014

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