

April 2, 2024

Planning & Housing Committee
Toronto City Hall
100 Queen Street West
Toronto, ON L8P 4Y5

RE: STAFF REPORT PH 10.8 RE “IMPROVEMENTS TO THE SIGN BY-LAW AMENDMENT AND SIGN VARIANCE PROCESS”

To the Chair and Members of the Planning and Housing Committee,

We are writing to express our concern for the proposed changes to the Sign By-Law Amendment and Sign Variance process, as outlined in the Staff Report PH 10.8 “Improvements to the Sign By-Law Amendment and Sign Variance Process”.

While we appreciate efforts to make the sign application review and approval process efficient, several proposed changes risk materially reducing the appropriate oversight and decision-making authority currently exercised by both the Planning and Housing Committee and Council as a whole.

OUR RECOMMENDATION

Referral of this matter back to staff to permit further deliberation and industry consultation stemming from the concerns outlined in this letter.

Staff Recommendation #1 - Provide clear authority to the CBO to determine the streaming of matters included in Sign Variance and Sign Bylaw Amendment Applications

Unfortunately, the proposed authority provided is not clear with respect to the Chief Building Officer (CBO) determining whether a sign application proceeds to the Sign Variance Committee or to the Planning and Housing Committee by way of a bylaw amendment.

Currently under the Toronto Sign By-law, if a sign applicant meets the stated requirements to apply for a bylaw amendment, the sign application proceeds to Planning and Housing Committee. The Toronto Sign Bylaw is constructed as such to ensure that amendments to the Sign Bylaw rather than technical variances, receive the appropriate level of political oversight.

The proposed change under this Recommendation grants the CBO the unilateral power to determine “the substantive effect of applications” and direct an application to proceed to the Sign Variance Committee instead of Planning and Housing Committee. This language is particularly vague. What constitutes “substantive effect” of a sign application and “substantially within” the authority of the Sign Variance Committee?

As a result, if a sign application is directed by the CBO to the Sign Variance Committee, Councillors have no opportunity to deliberate on the sign application. The decision of the Sign Variance Committee would be final, seriously overstepping its authority to make broad planning decisions that is best handled by the Planning and Housing Committee and ultimately City Council.

It is vital to ensure that decisions on bylaw amendments to the Toronto Sign By-law continue to rest with the Planning and Housing Committee and ultimately Council, where these decisions can benefit from a broader perspective and elected representation.

Staff Recommendation #2 Delegate to the CBO the authority to submit Bills directly to Council to update the Schedule A Maps (Sign District Maps)

As with Recommendations #1 and #4, we view the proposal to significantly alter the Sign District Zoning Map as another instance where important decisions are at stake. Such recommendations represent critical decisions that should be processed through the Planning and Housing Committee and Council. These decisions, pivotal in shaping the long-term character and development of neighbourhoods, warrant the focused attention and oversight of City Councillors who are directly elected to listen to and represent community interests.

Staff Recommendation #3 Provide the Chief Building Official with the authority to refuse applications for Sign Variances and Sign By-law amendment which are in contravention of City of Toronto Policies or other By-laws

Putting aside any potential legal issue of whether due process can be met by allowing such broad delegated authority to staff to outright refuse a sign application to be processed without appeal, the example provided by staff in this section of their Report is illustrative of our concern.

We disagree that the intent of the Donations to the City of Toronto for Community Benefits Policy is to prohibit the ability of sign applicants to demonstrate the value such projects could potentially bring to the greater community (particularly through proposing to provide a percentage of advertising space for public service, charitable or other community messaging). Like other development projects, demonstrating the community value of such projects is vital and are appropriate to consider as part of an overall application.

This further illustrates the advantages to having sign applications considered by elected community representatives who are directly accountable for advocating in the better interests of their constituents.

Staff Recommendation #4 Improve the Responsiveness and Flexibility of the Sign Variance Process by deleting the Third Party Sign Type restriction in Section 694-30A(2)

Under the Toronto Sign Bylaw, Employment and Utility Sign Districts are already pre-designated for third-party signage. However, property outside of these Districts, such

as Institutional Sign Districts, should continue to be reviewed by the Planning and Housing Committee and ultimately City Council.

These applications often present important questions of community interest and impact, such as zoning changes, necessitating the deliberation by elected City Councillors instead of a layperson committee that does not have visibility into larger planning matters.

We would be happy to meet with you to discuss this important matter in further detail at your convenience.

Thank you for taking the time to consider our feedback.

Sincerely,

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