



November 6, 2017

12th Floor, West Tower, City Hall
100 Queen Street West
Toronto, ON M5H 2N2
Attention, Marilyn Toft

Re: PW 24.4 Improving Accountability in the Utility Cut Process - comments re the Universal Placement Guidelines recommendation in Appendix 1

Dear Mayor John Tory and Members of City Council,

The Federation of North Toronto Residents' Associations (FoNTRA) is a non-profit, volunteer organization comprised of over 30 member organizations. Its members, all residents' associations, include at least 170,000 Toronto residents within their boundaries.

FoNTRA urges City Council not to approve the proposed Guidelines at this time. On November 3, we had the opportunity to discuss our concerns with staff and believe approval would be premature as there are many issues to be addressed. Our detailed comments are included in Appendix 2. The issues are complex and are just beginning to be on the public's radar at a time, when the public realm is facing competing interests in our fast intensifying City. City Planning is in the process of undertaking studies that include consideration of infrastructure and therefore utilities and these studies should help provide direction to the Guidelines. Further consultation with the public must take place.

FoNTRA believes that it is premature to approve this utilities policy that fails to incorporate comprehensive consideration for the public realm, and therefore makes the following recommendations:

- 1. That the Universal Equipment Placement Guidelines not be approved by City Council in their current form.** We support the comments from the ABC Residents Association in their November 4 letter to City Council that the Municipal Consent Regulations (MCR) are more protective of our rights of way than the proposed

guidelines. The MCR require more scrutiny in reviewing applications for downtown locations and arterial roads, where the installations can be the most disruptive, in requiring justification for above ground plant, and in specifying notice requirements. Our detailed comments on the Guidelines, provided to staff on November 3, are attached.

2. That the General Manager, Transportation Services Division ensure that all applications for above grade plant be treated as “Full Stream”¹ and be directed to notify the following officials and groups of such applications:

a. The General Manager, Parks, Forestry & Recreation Division, when there is an application for an installation in or adjacent to a Park or Parkette. The review should include consultation with Enbridge to ensure an appropriate location and screening. The installation must not dominate the park as the one at MacPherson Park does. Parks and the City Councillor can help ensure that relevant communities are part of the consultation.

b. The Chief Planner and Executive Director, City Planning, when there is an application for in the Downtown and on an arterial road, a heritage site and other significant locations. City Planning can consider the appropriate location and screening of installations as part of their review of development applications for properties on arterial roads and advise on other applications that can have negative impacts on the affected property and surrounding areas. This review would include consultation with Enbridge on appropriate solutions. Relevant community organizations, such as residents associations and BIAs should be consulted.

c. The relevant City Councillor for the proposed location. The Councillor can advise the appropriate BIA Residents and Association and facilitate consultation with Enbridge to ensure an acceptable solution.

3. That the Chief Planner and Executive Director, City Planning, include consideration of the impacts of above grade installations in all studies regarding the public realm, such as Midtown in Focus, TOCore, Patio and Sidewalk policies etc.

Representatives of FoNTRA, along those of affected residents and business associations, met with Transportation Services Division staff in July, 2017 to raise issues about the utilities municipal requirements for City streets. The main concern raised related to the recent appearance of large above ground plant in the public realm, particularly in public parks and along busy sidewalks. Attached are photos of number of examples of the above ground plant appearing in our neighbourhoods that are unsafe, unsightly and inappropriate. Given that one of the City’s key objectives is enhancement of the public realm, which is important for an intensifying City, we are concerned about increased cluttering of the public realm with pipes and boxes of pipes. We were pleased that that Transportation Services staff understood and

¹ Unfortunately, the installations at MacPherson Park and St. George United Church at 35 Lytton Blvd. were not treated as “full stream”.

agreed with our concerns, and indicated that further proposals for discussion would be developed. Therefore, we were very surprised and disappointed to see the recommendation for approval of the Guidelines at PWIC, which did not reflect our concerns. Furthermore the Guidelines were attached to a report with a different subject! Nevertheless PWIC heard our deputant's concerns, and directed staff to consult with FoNTRA and reps of certain RAs before the item comes to City Council on November 7. The November 3 meeting with staff did not resolve our concerns and further review of this complex and critical issue for our City is essential.

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Tracey Cook, General Manager, Municipal Licensing and Standards
Bloor Yorkville BIA
ABC Residents Association
Lytton Park Residents Organization (LPRO)

Attachment 1: Examples of recent at grade installations



Four Seasons on Yorkville east of Bay St.



MacPherson Parkette on Avenue Road



Rabba at Yonge and Charles



St. George United Church on Lytton Blvd at Duplex

Attachment 2: FoNTRA Comments on Proposed Universal Equipment Placement Guidelines (Re draft included in PW24.4, September 2017)

The guidelines are presented in a layering approach – general to more specific. This is confusing and hard to understand for a particular type of application for a location. You have to read through all the sections to find the relevant parts.

The document is full of typos and grammatical errors and inconsistencies in use of terminology. Examples of the latter are: street/right of way (term used in the MCR)/boulevard; structures/plant/installations/equipment; and hedges/shrubs where landscaping would cover all options.

There are also inconsistencies in the between the stated objectives and the following guidelines, between the MCR and the Guidelines and between stated City policies for accessibility and Vibrant Cities and the Guidelines. The Guidelines do not refer to actual City land use designations, missing Mixed Use Areas that are both residential and commercial.

BACKGROUND

- “Within the streets and boulevards” should be “Within the rights of way” as rights of ways contain paved streets, sidewalks and sometimes boulevards that are between sidewalks and the paved street and there is also the land that is between the curb or sidewalk and the property line.

OBJECTIVES

- “Define best practices for placements patterns and various techniques to best disguise or bury above ground plant to minimal visual impact.” A great objective but not effectively carried through: for example, the Guidelines do not define best practices and techniques to bury above ground plant. More detail and illustrations are needed. Some photos do not illustrate good examples.
- “Ensure that all utility companies install equipment that are consistent with City of Toronto standards to provide accessibility/ good operations of streets.” It is not clear how these are reflected in the Guidelines. While they do say that equipment must be placed away from walkways for Parks but not with respect to equipment that can block sidewalks. Good operations of streets may be just to not block sight lines. What about compliance with the Vibrant Street guidelines that do not envisage open pipes and big boxes. More is needed on what are appropriate “aesthetic treatments” and a guide with visual examples would be helpful as there seem to be few good examples to date and some of those in the report are not.
- “Discourage new and redundant equipment adjacent to residential areas.” Do you mean residential properties? Why not everywhere? Require redundant equipment to be taken out.
- “Provides an opportunity for meaningful public consultation with affected property owners.” This is important but how is this done? It is not referred to in the Guidelines: only notification to “adjacent property owner(s)” and very limited concurrence is provided, and notifying Councillors only when there is an installation proposed for a

Park. In a residential neighbourhood all properties that can see the location need to have a voice but this is not reflected in the Guidelines. The example of the notification form from the gas company does not say there can be "consultation", only answering questions.

- "Develop better practices to reduce the amount, impact, necessity of above ground plant." We agree but how do the guidelines do this? They appear to just "discourage" them- "it is preferred that all equipment installations be below ground/grade level". Any application for an above ground plant must include reasons (as required in the MCRs on page 27 under "Justification") why it cannot be installed below ground and criteria should be established for evaluation.

PRINCIPLES/GUIDING LEGISLATION

- Accessibility – Need to add a requirement that installations cannot impede pedestrian safety by jutting out into sidewalk areas.
- Vibrant Streets – While the Vibrant Streets Document is referred to on page 5 of the Guidelines, the Guidelines do not incorporate any of the relevant principles. Also the criteria for appropriate location and means of reducing impacts of equipment installations should be developed with Planning/Urban Design and also referred to in the Vibrant Streets objectives.
- Municipal Consent Regulations – These are more restrictive than the proposed guidelines.

GENERAL PLACEMENT PRACTICES

- We note that the statements in this section and those under "Design Placement Considerations" are repetitive and confusing. Can they not be combined under one category to avoid flipping back and forth?

Preserving the aesthetic view

- What does this mean? Minimizing the visual impact of an installation, I assume so say that. Need to have better examples of what would qualify. No "wrapping paper" around boxes.
- Does this only apply in residential areas as there is reference to 'adjacent homeowners'?
- Who are the "adjacent homeowners" – people who live in the property abutting the installation in the right of way? What about everyone else? Should include the people living in houses along the street and across the street, and in the case of an installation on a flanking street, the people who live on that street and who use it, as well as people walking or driving along the street – they are all impacted, and not just the "adjacent" homeowner.
- "Inner boulevard" is an unused term – clearer wording is "portion of the right of way between a sidewalk that abuts a roadway (or a roadway if there is no sidewalk) and the property line.
- Many lots are small and do not have room for "landscaping /shrubbery" to mitigate aesthetic concerns.

Clustering of Equipment

- What does “ensure neutrality” mean? Again it is about reducing the visual impact so say that.
- Why does this objective just apply in residential areas? It should cover all areas.
- How does one decide about what is less appealing for the neighbourhood?
- Again, what is “aesthetic treatment”? Who decides? Is this part of consultation/concurrence?

Above Ground Plant

- “It is preferred” is not strong – need a requirement for submission of reasons why the plant cannot be below ground.
- Why is it “preferred” to have equipment placed on projected property lines - to share the burden?
- Why is it “preferred”, not required, to have equipment screened behind fences and hedges? Are these existing fences/hedges?
- Whose view is screened? It has to be all surrounding properties that have a view of the installation as well as the pedestrians on the sidewalk and the vehicles along the street.
- Why hedges only? There are many types of planting and landscaping solutions and the key objective has to be to screen the installation. It needs to be the right height and width.
- Why is the requirement for “aesthetic treatment” only for larger installations? Again , issues with the term “aesthetic treatment”.
- Reference to requiring provision of “alternative locations options” should give a reason why - to minimize visual impacts.

No above ground plant will be placed:

- How does the requirement for a setback of .05m works when a building abuts the right of way, common especially on older streets? Why does this not refer to “road, curb or sidewalk” as is required under MCR appendix O?
- **“In a manner which is in plain sight of a window, window display, door, unless the owner or occupant provides written consent.”** This is a critical requirement, yet is not carried through to the guidelines dealing with Notification/Concurrence, which specify much narrower requirements.
- Why not require installations to be incorporated into new buildings that abut sidewalks or major renovations of these, where the requirement can be tied to building permit issuance through using the fact that permits must comply with “applicable law”. Development review and rezoning applications should have this requirement.

Below Grade Plants (grade level)

- Again why the preference for location along a projected property line?
- Why the need for fences and hedges if below grade?
- What does “mindful of “mean? Does this just apply in residential areas? What about other areas? Why just the “adjacent residential property or home owner”.

No “above” ground plant will be placed:

- This is formatted as a sub heading under “Below Grade Plants”
- Why does the locational requirements not refer to less than 0.5m from a “road, curb or sidewalk” as is required under MCR appendix O?

Pictures at the bottom of p.7

- Left side – what is this supposed to show? There is planting on one side only. This is not screening. The installation is viewed by pedestrians and drivers.
- Right side – This is described as an example of clustering. Why is this good? It is ugly especially for a high use sidewalk or road. These installations need screening.

Notifications/Sign offs

- Confusing title - why use “Notification and Concurrence Requirements”

Introduction

- “Consulting with the public” – what “public”? What is the “consulting” referring to?
- This section should focus on notifying the affected people and allowing them to object to installations that will negatively impact them.
- Wording should not be “leads to” a smooth construction process but “can lead to”.
- “Notification/concurrence letters must include the type, size and location of the plant”. Size/dimensions should include protective measures (ie bollards etc). What about a picture, and contact information as stated in the very next sentence under “Notice of Design”. Inconsistent and repetitive.
- What happens if the affected people do not sign off?

Notice of design

- This goes to “affected residences”. What type of residences? Does this include condo buildings, apartment buildings, residential portion of mixed use buildings? It should.
- Who are “affected” residences? See comments under the next three headings about who is to get notices.

Above Ground Plant Notification

- What does “adjacent owners” include in the 3 situations – on the flank of a property, on the boulevard between the sidewalk and the curb, and installations in front of a park larger than 1m x 1m x 1m. What about owners who are across the street? Notification should be to any property where the installation would be visible. NOTE: the MCR requires (page 28) “written notification to all adjacent properties, and all properties that will face or will have a line of sight to the proposed plant.”
- In the case of Parks there should be opportunity to have community consultation if concerns are raised. Is this the responsibility of councillors? Owners beside and across from Parks should be notified as well.
- Notification of BIAs is missing for locations in their areas. This is specifically required in the MCR (page 28). Can notification trigger public consultation?

Above Ground Plant Concurrence

- The “adjacent owners” must include owners of all properties from which the installation will be visible and agreed approval must include the type screening of the installation. Not just an owner “fronting a property”.
- There are three locational conditions, not two. “Boulevard” is not the usual term for the right of way between the property line and the sidewalk.
- One type of location of the installation is in the “boulevard” (not “grass boulevard” as this area is not always grassed) portion of the right of way between the sidewalk and the paved road, the second type of location in the portion of the right of way between the paved road and the property line, and the third type of location is the portion of the right of way between the sidewalk that abuts the roadway and the property line. Concurrence must also be required from the BIA.

Below Grade Plant Notification

- Notification must be to all owners of property that can see the installation.
- Diagrams at the bottom of p.8 are not clear, especially in black and white print. Need to make information much clearer. Where is the property line, where is the right of way and where are the boulevard between the roadway and sidewalk and areas between the sidewalk and property line and areas. Use usual short dash long dash lot line indicators.

Construction Notice

- Timing- 48 hour notice may be too short for people to make arrangements to deal with intrusive construction.
- “Effected” should be “affected”
- Who are “affected residences/businesses”? Who decides this? What about notices to the BIAs?

DESIGN PLACEMENT CONSIDERATIONS

Residential

- Should be clarified to include all forms of residential buildings from single family houses to tall apartment/condo buildings and residential portions of mixed use buildings that front on the right of way.

Above Ground Structures

- The impacts are not only about curb appeal but about the value of the property as an ugly installation will reduce property values, and about the impact on the streetscape view for all who live on the street and use it.
- Not just “consider” a smaller or below grade equipment but require rationale and justification for considering above grade structures at all.
- Putting the installation on the flank of a street may mean in the direct view of another residential building. **In areas with smaller lots, the side of the property is not a valid alternative.**
- The criteria that the location not be visible from the front door/window of a house does not work for houses on narrow lots. This should be the criteria of no visibility from any residential buildings.

- Utilization of “fences and shrubs” must screen the installation not just “potentially” screen them. Why just “shrubs”, why not use “landscaping” as there are many different planting solutions for attractive. Are these existing fences and shrubs?
- Many residential properties do not have the “preferred” boulevard area between the curb and the sidewalk. So then the structure has to be located in the right of way adjacent to the front yard of the house and must be well screened from it. This is not feasible on smaller lots.
- Why is it necessary to repeat the clearances of 0.5m as this is already stated under GENERAL PLACEMENT PRACTICES. Why “driveways/sidewalks” and under General Placement Practices it is stated differently.

Photos at the bottom of p.10

- Picture to the left – what is to the right of the installation. It is in full view of what? Should it be fully screened?
- Picture to the right – Can’t figure out what this shows. There is something on the ground in the boulevard. What is behind the fence? It all looks pretty desolate.

Large Scale Above Grade Structures

- Location on a flanking street means the structure will be visible from the other houses/buildings on the flanking street.
- Why necessary to repeat safe sight lines and setbacks when this is already stated under General Placement Practices?

Commercial/Institutional/Industrial

- Where do properties in Mixed Use Areas fit? Should be Residential?

Above Ground Structures

- Add a requirement that locations on arterial and high traffic roads with high pedestrian traffic must comply with Vibrant Streets criteria.
- Add requirements for high pedestrian traffic sidewalk areas that: locations such as at the rear of the property be a priority location, that installations not intrude into sidewalk area, and that a requirement for City approval of proposed buildings be that installations be incorporated into the design of proposed buildings, and that they be enclosed with compatible screening.
- Why a height limit of 1.2m? Why is there no height limit in Residential?
- Why is it necessary to repeat the clearances of 0.5m and sight lines as these are already stated under GENERAL PLACEMENT PRACTICES. Why “driveways/sidewalks” and under General Placement Practices it is stated differently.

Large Scale Above Ground Structures

- Add a requirement that they be screened. Have Urban Design staff recommend a kit of design options.
- Why a height limit if 1.2m.? Can some be shorter?
- What happens if there is no boulevard location available?

- Why is it necessary to repeat the clearances of 0.5m and sight lines as these are already stated under GENERAL PLACEMENT PRACTICES. Why “driveways/sidewalks” and under General Placement Practices it is stated differently.

Picture at the bottom of page 11.

- The structure is screened from the adjacent property but open to view from across the street and by pedestrians, vehicles and is unattractive. It has no “aesthetic treatment”. It should have a planted screen around it or an attractive enclosure.

Public Spaces – Parks & Parkettes, Community & Open Spaces

- Above ground structures should not be permitted at all in smaller Parks/Parkettes.
- Location need not be “furthest from an entrance” but must not be a major feature as happened at Jay MacPherson Park.
- What are “elements” in the park?
- What does “consider the corners of the park boundary” mean? Consider them as they are away from park activity? But they may be next to other uses that should be screened. . “Aesthetic treatment” must not focus on blending the equipment in but mitigating its impacts. Planting and screening has to be of adequate height.
- Notification should be able to trigger consultation and include local residents associations. The notification of the local councillor of the application is good as he/she is in the beat position to advise on who should be consulted.
- The Parks Division, councillor and local residents association should approve all installations in Parks, not just larger than 1m x 1m x 1m (which must be clear to include protective measures). The Parks Division should develop design standards for mitigation of impacts of equipment and consider the use of public competitions for to introduce public art.

Photos at the bottom of p. 12

Consider having public art competitions for decorative screening. The photo on the right looks much better than the one on the left. Can’t see what is on the one in the middle.

Special Considerations

Special Situations

What are “special situations” and how would they be dealt with?