

Consolidated Clause in Works Committee Report 5, which was considered by City Council on July 25, 26 and 27, 2006.

6

**Co-ordinated Street Furniture Program -  
Various Information Items (All Wards)**

*City Council on July 25, 26 and 27, 2006, adopted this Clause without amendment.*

*Council also considered additional material, which is noted at the end of this Clause.*

---

**The Works Committee recommended that:**

- (i) **City Council adopt the staff recommendations in the Recommendations Section of the report (June 27, 2006) from Deputy City Manager Fareed Amin, subject to amending Recommendation (1) by adding the words “in principle” after the word “endorsed”, so that the recommendations now read as follows:**

**“It is recommended that:**

- (1) the general principles for the placement of street furniture as set out in the “Street Furniture Placement Guidelines, June 2006” draft document, Attachment A to this report, be endorsed in principle and incorporated in “Vibrant Streets: Toronto’s Co-ordinated Street Furniture Program Design and Policy Guidelines”;**
  - (2) the award of an honorarium in an amount of \$2,000.00 be authorized for each member of the design jury selected to evaluate the design elements of the street furniture proposals, to recognize the contributions of individuals participating in this important aspect of the project; and**
  - (3) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto, including the introduction in Council of any Bills that may be necessary.”; and**
- (ii) **the Design Jury consult with TABIA at any point in their deliberations.**

Action taken by the Committee:

The Works Committee:

- (1) requested the General Manager, Transportation Services and the Chief Planner and Executive Director, City Planning to invite all of those who have attended public consultations, including TABIA, all BIAs, and City Committees, such as the Toronto Pedestrian Committee and the Disabilities Issues Committee, to attend a meeting or provide written comments, prior to the meeting of City Council on July 25, 26 and 27, 2006, to discuss the Street Furniture Placement Guidelines; and further to provide all of the above with a copy of the Street Furniture Placement Guidelines before the meeting;
- (2) requested the General Manager, Solid Waste Management Services to notify all Members of Council that, in order to have the Eucan test bins removed from within their Wards, an official request must be made, in writing, to the General Manager; and
- (3) referred the communication (July 4, 2006) from Councillor Fletcher to the General Manager, Solid Waste Management Services, as the official request to have all Eucan bins removed from Ward 30 streets within 30 days.

**The Works Committee submits the report (June 27, 2006) from Deputy City Manager Fareed Amin.**

Purpose:

As requested by the Works Committee, to report back to the Committee, prior to the issuance of a Request for Proposals (RFP), on a number of information requests arising from consideration of the “Co-ordinated Street Furniture Program - Design and Policy Guidelines and Directions” staff report of April 18, 2006.

Financial Implications and Impact Statement:

There are no financial implications arising from the adoption of this report at this time.

Recommendations:

It is recommended that:

- (1) the general principles for the placement of street furniture as set out in the “Street Furniture Placement Guidelines, June 2006” draft document, Attachment A to this report, be endorsed and incorporated in “Vibrant Streets: Toronto’s Co-ordinated Street Furniture Program Design and Policy Guidelines”;
- (2) the award of an honorarium in an amount of \$2,000.00 be authorized for each member of the design jury selected to evaluate the design elements of the street furniture proposals, to recognize the contributions of individuals participating in this important aspect of the project; and

- (3) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto, including the introduction in Council of any Bills that may be necessary.

Background:

City Council, at its meeting of May 23, 24, 25 and its special meeting of June 14, 2006, had before it Clause 1a of Report 3 of the Works Committee, entitled “Co-ordinated Street Furniture Program – Design and Policy Guidelines and Directions Report (All Wards) and Supplementary Information on the Eucan Recycling/Litter Bin Test”. Committee and staff recommendations are tabled dealing with, among other things, endorsement of general design principles for a co-ordinated street furniture program as set out in the draft “Vibrant Streets: Toronto’s Co-ordinated Street Furniture Program Design and Policy Guidelines, May 2006” document. Council has also been asked to establish a framework for the development of detailed RFP and contract provisions, addressing key issues of project scope, role of advertising, contract structure and term, and RFP evaluation principles. The matter was postponed for consideration by Council to its next regular meeting, however, staff have been requested to report back to the Works Committee, prior to the issuance of the RFP in some cases, on a number of further information items. This report addresses these requests:

- (1) An independent jury be selected to evaluate the design aspects of the proposals received, composed of City staff, City consultants or private citizens with competencies and qualifications in a design discipline including local urban designers, planners, architects, artists, landscape architects and industrial designers; to be selected by their professional organizations, and the Design Exchange be requested to assist with the selection of the jury; and staff report to the Works Committee for confirmation of the individuals.
- (2) Deputy City Manager Fareed Amin report before the RFP is issued on how to incorporate appropriate review mechanisms on a periodic basis to ensure that the original objectives of the contract are realized.
- (3) The General Manager, Transportation Services, and the Chief Planner and Executive Director, City Planning, report prior to the release of the RFP on the draft guidelines for placement of street furniture.
- (4) Several other report requests of the General Manager and Chief Planner, although not prerequisites to the issuance of an RFP, are also addressed:
  - (i) possible annual revenues if advertising space was:
    - (a) held constant at the current 198,200 square feet; or
    - (b) increased by 10 percent;
    - (c) increased by 20 percent; or
    - (d) decreased by 20 percent;
  - (ii) how to maximize diversion rates, including measures such as organic collection and battery collection;

- (iii) how to maximize the use of solar panels and/or wind power to power lighting/advertising;
- (iv) how to include locational indicators and City of Toronto identification;
- (v) including a binding dispute resolution mechanism within the RFP; and
- (vi) ensuring the City has the right to review any advertising proposed and withdraw any advertising at its sole discretion with no financial penalties.

Comments:

Draft Guidelines for Placement of Street Furniture:

The draft document, “Vibrant Streets: Toronto’s Co-ordinated Street Furniture Program Design and Policy Guidelines, May 2006” established over-arching design principles for the project involving cohesive design, identity, flexibility, scale and context, modularity, functionality, durability, accessibility, safety, environmental awareness and placement. The Works Committee requested that draft guidelines for placement of street furniture be further elaborated.

Attachment A to this report provides Placement Guidelines, which will assist in integrating street furniture into the public realm. The Placement Guidelines were developed by City Planning and Transportation Services. It has been emphasized through the deliberations to date that the placement of street furniture is as important to the success of the program as the design itself. The guidelines are based on a series of goals, including:

- establishing and maintaining a distinct pedestrian clearway;
- furniture scale to be responsive to maintaining the pedestrian path;
- the quantity of furnishings reflecting use patterns and placement opportunities;
- sidewalks and street furniture accessible to all users;
- maintain sightlines; and
- respond to surrounding architecture and open space.

The Placement Guidelines will work in conjunction with other applicable right-of-way regulations and standards (i.e., TTC Technical Guidelines for the Placement of Transit Stops, Accessibility Design Guidelines, Streetscape Manual, publication box by-law, etc.) While they are intended to provide general guidance so that street furniture is placed in an accessible and safe manner while maintaining a level of consistency across the City, it is recognized that site specific solutions will be developed as conditions dictate. The guidelines will form part of the Design and Policy Guidelines document to be included in the RFP, and will be refined with a successful proponent in light of ongoing advancements that may be made by various City Divisions.

In terms of approvals for the location of street furniture, it is noted that the current transit shelter agreement contains a number of provisions setting out the contractor’s responsibilities to adhere to the City’s rules, regulations, by-laws, construction standards and permit process. Locations are determined collaboratively, however, all installations require the prior final approval of the General Manager. This also applies to relocation and removal. Further, the agreement provides

that the contractor must, upon receiving notice from the General Manager to do so, remove or relocate a shelter or ad caisson. These provisions would be reflected in the street furniture RFP and contract.

#### Impact on Revenues Arising from Increased Advertising:

The issue of advertising on street furniture has generated a great deal of discussion and debate, in the various public forums, as well as at Works Committee and Council. A point of view has been advanced very passionately and concertedly that no advertising should be contemplated. On the other hand, advertising can generate substantial revenues to ensure the supply and ongoing maintenance of a high quality, viable street furniture program.

Discussions at Works Committee and Council acknowledged these factors and generally resulted in suggestions and recommendations that will control advertising under the program. Clear direction has been given that the design and placement of street furniture must demonstrate quality, beauty and appropriateness for its intended use. The design must be driven by the needs of its users, and the public must be instantly able to recognize the functionality of elements. The size and scale should not be enlarged simply to accommodate larger advertising panels and advertising must be tastefully integrated into the design of street furniture.

In essence, based on Works Committee and Council discussion to date, a number of factors other than simply maximizing advertising revenues are to take precedence under the program. In this regard, key constraints on advertising have been contemplated, among them:

- total amount of advertising on street furniture be reduced from current levels;
- no more than one advertising element be deployed at a given location;
- advertising on individual elements not be considered;
- advertising on benches not be considered;
- no other advertising program be authorized on any other street element or future pilot outside the program.

In the previous report (April 18, 2006), staff provided an analysis, for illustrative purposes, of current amounts of advertising on street furniture and potential changes under a future co-ordinated program based on area of ad coverage. An indication of the order of magnitude revenue value based on current transit shelter, litter/recycling receptacle and bench programs was also provided.

Translating these analyses into a projection of revenue scenarios based on advertising area is not possible (i.e., if the advertising space is held at the current range of 198,200 square feet; increased by 10 percent; increased by 20 percent; decreased by 20 percent). Many factors have a bearing on revenue which, in effect, render a simple correlation of revenue to ad space impractical to quantify. These include market conditions, advertising format (backlit versus posterboard), location, size and orientation of individual ad, medium (is it on a transit shelter, litter bin, bench?), exposure to vehicular/pedestrian traffic, nature of that traffic, surrounding environment, competing ad formats (stores, billboards), other visual distractions, etc.

Using the existing transit shelter program as an example, as has been noted previously, slightly less than half contain an ad caisson. While a number of these are attributable to sightlines, many

do not contain an ad caisson simply because it is not economical to do so. Accordingly, as set out in the previous report, because the more viable locations have already been tapped, increased revenue due to additional space being made available cannot be viably forecast. Attempting to fine tune the projections previously provided would involve considerable speculation and there would be concern about the reliability of such figures. It is noted that by adopting an approach of sharing advertising revenue, in conjunction with minimum payments, as has been the cornerstone of the previous agreements, the City would receive the benefit of any increase in revenues throughout the term of the agreement.

#### Advertising Content:

The Works Committee has raised the matter of the City requiring the removal of any proposed advertising at its sole discretion with no financial penalties. This provision has in fact been a longstanding condition in existing contracts. More particularly, the current transit shelter contract stipulates that “all advertising shall be in accordance with the regulations and standards set by the Advertising Council of Canada, in accordance with good taste and shall not include any content, including and not limited to tobacco products, which is prohibited or restricted by the policies of City Council or applicable law. In addition, the contractor shall not permit the placing of any advertising which is, in the opinion of the Commissioner, offensive to the public on religious, racial or other grounds.”

The existing contract contains the explicit condition that “where the City makes a request to the contractor to remove any prohibited or offensive advertising, the contractor shall, at its sole expense, immediately remove the advertisement and shall make no claim against the City with respect thereto.” There is, therefore, currently no financial penalty to the City for invoking this mechanism.

Incidents of “offensive” ads come up from time to time and this clause has been invoked successfully. At times the ads may be in bad taste, but it can be extremely difficult for staff to draw the line as to where something goes from being questionable to becoming truly offensive in a general way. The City could just as easily be accused of unreasonably stifling free expression by segments of society who do not happen to share the same viewpoint. Currently, for a variety of practical reasons, there is no mechanism in place that involves the City pre-vetting advertising content, nor do we feel this should be the City’s role. However, an approach employed by the Toronto Transit Commission is worth considering for the RFP. Their contract contains a clause that requires the contractor to submit ads that it determines may be problematic to a panel of three Commissioners for sign off prior to posting. A group of three Councillors who sit on the Works Committee, including the Chair, could be requested to undertake a similar responsibility in relation to the street furniture program.

#### Other Detailed Contract Specifications:

Three of the issues raised by the Works Committee, although involving quite different content, essentially illustrate the type of issues that will be addressed by staff when developing detailed RFP specifications. The use of solar/wind power to energizing lighting; how to include locational indicators and City identification and maximizing diversion rates through street furniture design are a few of the many practical aspects that will be scoped out in the RFP

document. Based on the parameters that are established, respondents will be given leeway to create innovative solutions and these proposals will be rated accordingly.

Many suggestions emerged through the consultation activities related to environmental initiatives. The RFP will set minimum requirements, and further innovations will be weighted accordingly. It is noted that all new transit shelters installed under the current contract with roof lighting are now using solar power (about 300 in total). Both the contractors supplying transit shelters and mega bins are currently testing solar-powered ad panels, which suggests this measure should be viable in the near future. The RFP will establish the framework and specifications for these types of advancements, taking into account the City's environmental procurement policy.

In terms of encouraging recycling and waste diversion, Solid Waste Management staff are developing a more detailed technical framework that will be included in the RFP dealing with a number of functional and ergonomic requirements for prospective respondents to address. These will deal with aspects such as size, height, weight, liners, compartments for litter and recycling, openings, modular considerations, ease of use, orientation, cleaning, emptying, etc. All of these elements contribute to the functionality and support of the diversion programs.

The matter of location identification will be addressed in a similar manner. For example, minimum standards will be established, such as the requirement for street names on all transit shelters, info pillars and even community notice boards. The range of items being requested and objectives of achieving some customization of street furniture elements are certainly geared toward allowing respondents to come forward with creative ideas on locational identification.

#### Contractual Protections and Review Mechanisms:

The previous staff report outlined the results of the assessment of contract issues and alternatives that led to the recommendation of one contract being issued to achieve the City's objectives under the Co-ordinated Street Furniture Program. Further, in light of the scope and investment required, it was recommended that a contract term of 20 years would ensure a high quality design, manufacture, number of elements, sustained maintenance and revenue stream to the City. Although this contract framework will most effectively serve the City's interests, concerns have been raised respecting risks associated with contracting with one entity for this length of term.

With a long-term contract, the projection of future needs becomes less precise, and there is certainly a need to build in reasonable provisions to accommodate changing circumstances and protections to ensure contractual obligations are satisfied on an ongoing basis. The following are a sample of the types of provisions that are largely contained in the City's existing contracts, or in other cities' contracts, and will be addressed in the detailed RFP:

- proposed street furniture demonstrates adaptability to accommodate technological advancements that may emerge over time;
- contingencies for future large-scale City initiatives (i.e., 2015 World's Fair);
- if specified quantities of given elements are not achieved, allow substitution of other elements or predetermined payments to City; similarly if more elements are required, set fair purchase parameters;

- guarantees and formula to provide and maintain clarity and the City's (and contractor's) financial position throughout the term. The existing transit shelter agreement required the payment of an upfront lump sum on signing and an annual payment of a minimum amount or percentage of advertising revenue, whichever is greater;
- provisions at mid-point of term for design review and adjustments;
- requirement for performance securities (e.g., letter of credit);
- service level requirements (e.g., maintenance and repair standards and response times);
- various remedies for contract breach, default, non-compliance, insolvency, bankruptcy, assignment, including appropriate penalty clauses up to and including contract termination (it is noted that over the years the former municipalities successfully dealt under these types of terms in their transit shelter contracts, with many such contingencies including bankruptcy of the company, the company being sold, the agreement being assigned (sold), corporate reorganization and consolidation in the industry);
- upon termination or expiry, ownership of the street furniture elements at the City's option, should revert to the City, including entitlement to use of all designs and specifications;
- prior to expiry, City at its option may buy out the contract at fair market value pursuant to a process and terms to be established.

In terms of day-to-day operations and ensuring compliance, staff have developed, and applied for several years, operating practices that were articulated in response to an audit of the program and address ongoing delivery under the transit shelter contract. This is documented in "Transit Shelter Program Guidelines, September 2003", and addresses responsibilities of the contractor and various City staff related to, among other things: installation, removal, replacement and relocation procedures; construction and permitting; maintenance, repair and cleaning; insurance, inventory and reporting. This document essentially operationalizes the contract provisions to ensure that responsibilities are properly carried out. Of course, the remedies outlined above would be established in the contract to rectify any breach. An updated document will form part of the background of the RFP.

The previous report also discussed at length the need to provide an appropriate administrative support infrastructure and associated resources to adequately manage the many activities involved in implementing the program. The magnitude of the program will require clear lines of responsibility to ensure proper deployment and placement of street furniture elements. As the RFP process advances, consideration will be given to the City's organizational response to this program. Although the detailed structure is not yet determined, it is readily apparent by virtue of the number of City Divisions that will be directly affected by street furniture (Transportation; Solid Waste; City Planning; Municipal Licensing and Standards; Tourism; Economic Development; Parks, Forestry and Recreation; Toronto Water, etc.), a multi-disciplinary approach will be required. As noted previously, the Deputy City Manager will be reporting back at such time as contract award is recommended on appropriate organizational considerations for

managing the Co-ordinated Street Furniture Program and any initiatives related to furthering the overall streetscape goals of the City.

Binding Dispute Resolution:

In its recommendations, the Works Committee requested that staff report back on the inclusion of a binding dispute resolution process as a term of the RFP and agreement with the successful proponent. This request reflected a concern by some members of the Committee that this could ensure that the City does not end up in litigation with a proponent before the courts. However, it is typically the case that commercial parties will reserve the right to go to court in certain circumstances. The City Solicitor has noted that the following are typical characteristics/issues to be considered when contemplating a commercial dispute resolution clause:

**Graduated Process:** Many agreements will provide for a graduated system in order to attempt to resolve disputes in the quickest and most cost efficient way possible. For example, a dispute may first be referred to senior representatives of the parties for discussion or negotiation. Next, there might be an attempt at non-binding mediation to see if a mutually agreeable compromise or settlement can be worked out. If that is not successful, one of the parties will typically have the option to request binding arbitration (subject to any agreed upon exceptions) before one or more arbitrators. Each of these steps will be subject to set timelines for notice, submissions, responses, appointment of decision-makers, etc. This can add up to a long process of easily a year or more, including the actual hearing of the case before an arbitrator and the rendering of a decision.

**Selection of Arbitrators:** The process will typically require that the parties mutually agree on at least one arbitrator.

**Appeal Rights:** Staff cannot categorically say that the parties should not have the right to go to court in respect of a dispute under an agreement. Dispute resolution provisions will often provide an option to either party dissatisfied with an arbitrator's ruling to seek to have a court determine the matter. This might occur in some limited circumstances, e.g., on a question of law or mixed fact and law (as opposed to a pure question of fact), or where the dispute concerns dollar amounts (e.g., amounts owed to the City) over a certain threshold. Depending on the circumstances, either the City or the proponent might wish to utilize this option in respect of a particular dispute.

**Time and Expense:** Although often quicker than the court process, commercial arbitrations do have the potential to be lengthy and costly. After the preliminary steps of negotiation and mediation, parties will be forced to prepare for the arbitration in much the same way that they would prepare and present a court case. The parties will be represented by lawyers and, if appropriate, engage expert witnesses. They will seek to introduce the same evidence that they would put before a court and will want the full opportunity to examine and cross-examine witnesses, request and review documentary evidence and seek rulings on procedural matters from the arbitrator. This approach can be costly. In addition, it should be noted that, unlike a judge, the arbitrator(s) are private service providers who are paid a fee for their participation. They may also have a certain level of professional/technical expertise in the topic under discussion. Daily fees can vary, but depending on the expertise of the individual, would

likely be in the range of \$3,500.00 a day. The payment of these fees might be shared by the parties or could be solely the responsibility of the losing party.

Given these variables, it is normally the case that the parties will negotiate and agree on the specific terms of a dispute resolution clause. Staff would therefore suggest that the RFP require a dispute resolution clause but provide for the negotiation of the specific terms in the context of a recommended agreement.

#### Design Jury:

It has been recommended that to ensure appropriate attention is paid to design elements, a jury be selected which may consist of members outside City staff and project consultants, with design expertise. The Works Committee further recommended that the submissions be reviewed by an independent jury of local urban designers, planners, architects, artists, landscape architects and industrial designers, selected by their professional organizations, and that the Design Exchange be requested to assist with the creation of such a jury.

The project team has met with Design Exchange executives to consider this matter. The directions currently emerging contemplate the following organizations advancing names of prospective jurors:

- Ontario Association of Architects (and the Toronto Society of Architects);
- Ontario Association of Landscape Architects;
- TABIA;
- Association of Chartered Industrial Designers of Ontario (ACIDO);
- Registered Graphic Designers of Ontario (RGD of Ontario); and
- ArtScape – for advice regarding the public art community.

Each organization would be asked to designate three qualified members who are willing to stand. The project team would review the names and select a jury of up to seven members, with alternates in case of withdrawal. The names would not be released at the time of the RFP, but disclosed after the submissions were received by the City. This protects jury members from undue pressure, and allows for changes as necessary between selection and the time the jury is needed (January to February 2007). What would be disclosed are the organizations being asked for suggested names.

Generally, the jury members would be expected to possess a number of qualifications:

- well regarded within their field of expertise;
- have professional standing with the appropriate organization(s);
- have a broad range of experience, including work in urban areas, and although not mandatory, experience working on streetscape or street furniture initiatives;
- have familiarity with Toronto;
- represent the diversity of the profession and the population of Toronto;
- be capable of undertaking this task without a conflict of interest (e.g., any involvement or relationship with a proponent or proposal under consideration either personally or association through a firm or other business relationship).

When establishing design juries, it is common practice to acknowledge the contributions and efforts of those who volunteer for this important task. As noted above, the participants will bring considerable expertise to the initiative and are asked to play a tangible part in the overall process. Their role is significant and there is a notable responsibility involved in delivering an informed decision and maintaining a fair, transparent process. In order to recognize their commitment, it is certainly appropriate to consider an honorarium in this project.

It is expected that up to four days of the individuals' time could be dedicated to properly evaluate proposals and deliberate on the design aspects. Jurists on similar recent competitions have received in the order of \$500.00 per day. Funding for this purpose can be accommodated within the project budget. While the honorarium is not intended to reflect the remuneration that the individuals may typically attract on a commercial basis, it is certainly a reflection of the City's appreciation for their efforts and time in adjudicating the design considerations of the street furniture project.

Based on experience of conducting such jury assessments, consideration should be given to retaining a professional advisor to manage the jury process. The advisor would be responsible to co-ordinate with the Fairness Commissioner and ensure that the jury produces its advice in a timely, professional and independent manner. Costs for such a position would be covered under the project budget. It is noted that the jury would conduct its evaluation pursuant to criteria established in the RFP.

It is noted that while the jury will make recommendations on design aspects of the proposals, the other key elements related to function, meeting specifications and financial considerations would be assessed by staff or consultants with the applicable technical expertise. All elements would be considered in the overall evaluation of proposals pursuant to the criteria established in the RFP. The design jury will be aided by these technical reviews.

#### Conclusions:

Recommendations of the Works Committee and staff that have been tabled will guide the establishment of general design principles for a co-ordinated street furniture program for Toronto and set a framework for the development of detailed RFP and contract provisions. This report examines in further detail the form of various RFP and contract conditions that will be employed to protect the City's interests over the term of a contract. Further elaboration is also provided with regard to street furniture placement guidelines as well as the design jury.

The co-ordinated street furniture project remains on a very aggressive timeline to ensure a contract is awarded and operating arrangements are in place prior to the expiry of the current transit shelter contract in September 2007. It is critical that the RFP be issued by August 2006, or this will not be feasible and contingent arrangements will have to be considered.

#### Contacts:

Andrew Koropeski, P. Eng., Director  
Toronto and East York District  
Transportation Services  
Phone: 416-392-7714

Robert Freedman, Director  
Urban Design  
City Planning  
Phone: 416-392-1126

Email: akoropes@toronto.ca

Email: rfredm@toronto.ca

Attachment:

[Appendix A – Street Furniture Placement Guidelines](#)

(A copy of the Appendix A, “Street Furniture Placement Guidelines”, referred to in the report, was forwarded to all Members of Council with the Supplementary Agenda of the Works Committee for its meeting on July 5, 2006, and a copy is on file in the office of the City Clerk, City Hall.)

**The Works Committee also submits the Briefing Note (June 30, 2006) from Andrew Koropeski, Director, Toronto and East York District, Transportation Services.**

Issue/Background:

City Council at its meeting of June 27, 28 and 29, 2006 in considering Clause 1(a) of Report 3 of the Works Committee, entitled “Co-ordinated Street Furniture Program – Design and Policy Guidelines and Directions Report (All Wards)” among other things, requested staff to report to the Works Committee, in July 2006, with a further review of existing contract(s) for benches, such report to summarize the terms and conditions of the contracts related maintenance or type of bench used, the numbers of benches currently on the street”.

Currently, legacy agreements for the provision of benches within the public right-of-way are in effect in the areas comprising the former municipalities of East York, Etobicoke and North York. Each agreement is with the firm Creative Outdoor Advertising. There are no permissions in place for bench advertising programs in the City outside of these areas.

The attached table outlines permissions, maintenance and repair agreements and quantities for the existing bench contracts across the City of Toronto.

Prepared by: Andrew Koropeski, P.Eng., Director  
Toronto and East York District, Transportation Services  
416-392-7714

Circulated to: Works Committee Members

---

Creative Outdoor Contracts  
(Relevant Agreements, Terms and Quantities:)

Company	Permissions	Maintenance and Repair	Quantities
Creative Outdoor Advertising	<p><u>Etobicoke:</u> Right to place advertising and non-advertising benches (with waste receptacles).</p>	<p><u>Etobicoke:</u> The contractor at their expense shall:</p> <ul style="list-style-type: none"> <li>- Install a concrete pad if required.</li> <li>- Relocate and restore the boulevard and/or sidewalk upon reasonable notice.</li> <li>- Maintain all amenities clean and keep free of debris and graffiti.</li> <li>- Repair or replace amenities if required.</li> <li>- Maintain locations clean and orderly and remove all waste.</li> <li>- Undertake maintenance within 48 hours of written notification.</li> <li>- Undertake repair within 24 hours of written notification.</li> <li>- Remove snow around all amenities as soon as possible after a snow storm.</li> <li>- Collect garbage from waste receptacles.</li> </ul>	<p><u>Etobicoke:</u></p> <ul style="list-style-type: none"> <li>- 250 ad. benches</li> <li>- 250 non-ad benches</li> </ul> <p>Waste receptacle required beside each bench installation.</p>
	<p><u>East York:</u> Right to place advertising and non-advertising benches (with waste receptacles).</p>	<p><u>East York:</u> The contractor at their expense shall:</p> <ul style="list-style-type: none"> <li>- Relocate, remove or repair amenities within 7 days of written notification.</li> <li>- Undertake emergency repair or maintenance within 24 hours of written notification.</li> <li>- Collect garbage from waste receptacles.</li> </ul>	<p><u>East York:</u></p> <ul style="list-style-type: none"> <li>- 100 ad. benches</li> <li>- 100 non-ad. benches</li> </ul> <p>Waste receptacle required beside each bench installation.</p>
	<p><u>North York:</u> Right to place advertising and non-advertising benches (with waste receptacles), and neighbourhood bulletin boards; right to place advertising faces on receptacles.</p>	<p><u>North York:</u> The contractor at their expense shall:</p> <ul style="list-style-type: none"> <li>- Install a concrete pad if required.</li> <li>- Remove, replace, relocate and restore the boulevard and/or sidewalk upon reasonable notice.</li> <li>- Maintain all amenities clean and keep free of debris and graffiti.</li> <li>- Maintain locations clean and orderly and remove all waste.</li> <li>- Undertake maintenance within 48 hours of written notification.</li> <li>- Undertake emergency repair or maintenance within 24 hours of written notification.</li> <li>- Remove snow around all amenities as soon as possible after a snow storm.</li> <li>- Collect garbage from waste receptacles.</li> </ul>	<p><u>North York:</u></p> <ul style="list-style-type: none"> <li>- 1100 ad benches</li> <li>- 1100 non-ad benches</li> </ul> <p>Waste receptacle required beside each bench installation.</p>

The Works Committee also considered a communication (July 4, 2006) from Councillor Paula Fletcher, Ward 30, Toronto-Danforth, submitting the following motion with respect to the removal of Eucan bins:

“That all of the Eucan bins installed for the pilot project be removed by Eucan within one month of a request from the local Councillor; and, as such, would request that all Eucan bins be removed from Ward 30 streets by August 5, 2006.”

Jonathan Goldsbie, on behalf of the Toronto Public Space Committee, addressed the Works Committee.

---

***City Council – July 25, 26 and 27, 2006***

*Council also considered the following:*

- *Report (July 24, 2006) from the General Manager, Transportation Services, and the Chief Planner and Executive Director, City Planning [Communication 30(a)].*

*Subject: Coordinated Street Furniture Program - Various Information Items, Results of Public Information Meeting*

**Purpose:**

*To report directly to City Council on the outcome of an additional level of public consultation undertaken with respect to the draft "Street Furniture Placement Guidelines, June 2006", as directed by the Works Committee at its meeting of July 5, 2006.*

**Financial Implications and Impact Statement:**

*There are no financial implications associated with the receipt of this report.*

**Recommendation:**

*It is recommended that this report be received for information.*

**Background:**

*The Works Committee, at its meeting of July 5, 2006, considered a report (June 27, 2006) from Deputy City Manager Fareed Amin addressing a number of information requests arising from the previous consideration by Committee and Council of the "Coordinated Street Furniture Program – Design and Policy Guidelines and Directions" report. Among matters contained in the Deputy City Manager's report were general principles for the placement of street furniture as set out in the accompanying "Street Furniture Placement Guidelines, June 2006" draft document.*

*The Works Committee is recommending to Council that guidelines be endorsed in principle, but in light of concerns expressed regarding the short time frame interested members of the public*

*had to consider the guidelines, “requested the General Manager, Transportation Services and the Chief Planner and Executive Director, City Planning to invite all of those who have attended public consultations, including TABIA, all BIAs, and City Committees, such as the Toronto Pedestrian Committee and the Disabilities Issues Committee, to attend a meeting or provide written comments, prior to the meeting of City Council on July 25, 26 and 27, 2006, to discuss the Street Furniture Placement Guidelines; and further to provide all of the above with a copy of the Street Furniture Placement Guidelines before the meeting.” (Clause No. 6 of Report No. 5 of the Works Committee).*

Comments:

*In accordance with the Works Committee directive, a meeting was convened on Tuesday, July 18, 2006 to seek comment on the draft placement guidelines. The meeting, held at Metro Hall, was arranged in two parts. An open house format with display boards afforded interested parties the opportunity to view the parameters and discuss with various staff. This portion was followed by a more formal meeting with a presentation by the Director of Urban Design and the members of the public then making their comments. Staff advised all parties and groups on record of the meeting. Approximately 50 people attended the open house and about 35 participated in the meeting portion. Participants were encouraged to fill out comment forms that were available at the meeting or provide their written feedback later, including through the project website. Deputations were made by eleven attendees and recorded for further review and consideration by the project team. A further seven written submissions have been received to date.*

*The session resulted in a number of thoughtful and insightful submissions, some quite detailed in nature. Generally speaking, the pedestrian clearway concept and principle that the accommodation of pedestrians should take priority was reinforced. A number of excellent points regarding accessibility issues and the need to account for mobility and visually challenged individuals were emphasized. Comments were also received regarding the need to consider the relationship of other street amenities (boulevard cafes, marketing, trees, lighting, awnings, utilities, poles) through this initiative. Points were made on the management and implementation of the program. Minutes of the meeting, including the public comments and the written submissions are posted on the project website, “[www.toronto.ca/streetfurniture](http://www.toronto.ca/streetfurniture)”.*

*Staff are in the midst of reviewing all of the feedback. While there do not appear to be any fundamental concerns with the draft document, there are certainly some aspects that can be clarified, augmented or repositioned. Accordingly, refinements will be incorporated. It was noted in the June 27, 2006 report that the Placement Guidelines were a component of the overall “Vibrant Streets: Toronto’s Coordinated Street Furniture Program Design and Policy Guidelines, May 2006” and the two would be merged and included as part of the RFP documentation.*

Conclusions:

*A public meeting was convened on July 18, 2006 to elicit public and stakeholder comments on the draft “Street Furniture Placement Guidelines, June 2006”. Input received is being reviewed by staff and will provide a basis for incorporating refinements in the placement guidelines, as well as “Vibrant Streets” draft documents.*

Contact:

*Andrew Koropeski, P. Eng., Director  
Toronto and East York District  
Transportation Services  
Phone: 416-392-7714  
Email: [akoropes@toronto.ca](mailto:akoropes@toronto.ca)*

*Robert Freedman, Director  
Urban Design  
City Planning  
Phone: 416-392-1126  
Email: [rfreedm@toronto.ca](mailto:rfreedm@toronto.ca)*