



October 17, 2017

Public Works and Infrastructure Committee
100 Queen Street West
Toronto, ON M5H 2N2

Dear Members of the Public Works and Infrastructure Committee

Re: Item #PW 24.4 Universal Equipment Placement Guidelines for Utilities

ABC Ratepayers Association is a not for profit federally regulated community organization representing the interests of residents in the geographic area bounded by Bloor Street to the South, the CPR tracks to the North, Yonge Street to the East and Avenue Rd to the West.

We have reviewed the Guidelines and we wish to inform you that they do not sufficiently address our concerns. At a meeting on July 13, 2017 with Transportation Services (Barbara Gray, Kyp Perikleous and others), Councillor Wong-Tam and other City staff regarding above-ground utility installations we were advised that we would have the opportunity to review and discuss any suggested new policies or guidelines prior to approval. The Guidelines have been sent to us at the same time as they appeared on the public agenda of the Public Works and Infrastructure Committee. They are not “draft” Guidelines but appear to be in their final form and are dated September 2017. This is disappointing and in our opinion does not show the co-operative approach promised at the July 13 meeting.



We request that consideration of the Guidelines at the Committee meeting on October 18 be deferred.

We have looked at the Agenda for the meeting of the Public Works and Infrastructure Committee on Wednesday, and we are confused because the only item for Recommendation in Item PW 24.4 is as follows:

"The General Manager, Transportation Services recommends that:

1. City Council approve the incorporation of the Universal Equipment Placement Guidelines, set out in Attachment 1 to this report, into the Municipal Consent Requirements adhered to by all Utility companies."

This deals **only** with the Universal Equipment Placement Guidelines.

While the Report attached to the Agenda Item discusses the permanent repair to utility cuts (which we agree are important), there is no recommendation associated with that subject. We have no issue with the permanent repair report going before the Committee and City Council for further discussion and debate, but the Guidelines are a separate matter that should be further reviewed before incorporating them into the MCR. As the Guidelines are currently drafted, we do not see how they will prevent the type of installations we have discussed with you and this is troubling to us and other residents associations.

We would like consideration of the Guidelines to be DEFERRED at least to the next meeting to allow the local councillors and affected residents and the BIAs the time to adequately review and meet with Staff to have questions answered. and to understand how these options will prevent the proliferation of the unsightly installations we presented at our July 13 meeting.



PRELIMINARY COMMENTS ON THE GUIDELINES

The objectives of the Guidelines are stated to ensure uniform consistent placement of infrastructure within the right-of-way, however consistency is not necessarily a good objective. Different locations have different circumstances and need to be treated differently. This is acknowledged in the existing Municipal Consent Requirements (“MCR”) where the area of the downtown was singled out for special scrutiny.

We acknowledge that some of the proposed Guidelines may be suitable for less dense neighbourhoods with large lots, outer boulevards and large parks that have a number of out of sight placement options to choose from. However this is not the case in many neighbourhoods such as those in the downtown or midtown. Additionally the proposed Guidelines do not adequately address the circumstances in busy commercial and dense mixed use areas.

We also do not understand how the Guidelines will affect the existing MCRs and how the two interact. As we discussed with you at our meeting on July 13, 2017, one of our main concerns is ensuring that EVERY above-ground installation of equipment be required to apply for a permit under the “full stream” application process so that additional scrutiny is required with respect to these applications and that additional protections are afforded to the public and BIAs. While the provisions of the Municipal Consent Requirements (“MCR”), particularly Chapter 5, provide that such scrutiny and protections are required, we also questioned whether these provisions were being complied with by the utility companies and enforced by the Transportation department.



We have done a cursory review of the Guidelines over the few days we have had them, and have many comments and questions some of which we have detailed below. We have focussed mainly on the provisions relating to Above Ground Plant. Overall, we find that the Guidelines as drafted are confusing, disorganized and inconsistent.

1. “**Objectives**”:

- “Discourages new... equipment adjacent to residential areas”. We do not see anything in the Guidelines that accomplishes that objective.
- “Provides an opportunity for meaningful public consultation with affected property owners”. We believe that public consultation must be expanded as we describe below.
- “Develop better practices to reduce the amount, impact, necessity of above ground plant”. It is not clear to us how the Guidelines do this, unless they require the installations to be below ground, which they do not.

2. “**General Placement Practices**”:

- “**Preserving Aesthetic View**”- “The utility companies must have means to preserve sight lines from windows and front doors by placing landscaping/shrubbery to mitigate aesthetic concerns of adjacent homeowners when equipment is placed in the inner boulevard (between sidewalk and the house).” While this general concept might be appropriate where property lots are large, in areas like downtown/midtown where the lots are small this concept is not feasible. In addition, the reference to “adjacent homeowners” is not broad enough- where lots are smaller, the reference should include facing homeowners as well. We note that the MCR also contain requirements relating to negative visual impact to passing motorists, pedestrians and adjacent property owners.
- “**Above Ground Plant**”:
 - (a) the statement “It is preferred that all equipment installations be below ground/grade level” is not strong enough, as we have been advised that newer installations are increasingly going to be above ground. This must be more than a “preference”. We

note that the MCR already provide in Chapter 5 that a “justification” be provided by the utility with the reason the plant cannot be installed below ground.

- (b) It is easier for the utilities to build above ground installations and then put fences and hedges around them, as suggested in the same paragraph. This is not acceptable where the above ground installation is in neighbourhoods near residences, sidewalks, parks or buildings used by the public.
- (c) We do not understand why you are specifically referencing installations with foot-prints larger than 1m x 1m x 1m - why are all above ground installations not dealt with in the same way and being required to provide alternate location options. Further alternate options should not be in the line of sight of any homeowners or pedestrians on public sidewalks.
- (d) The statement at the bottom of page 6 that “No above ground plant will be placed... In a manner which is in plain sight of a window, window display, door, unless the owner or occupant provides written consent” is a good addition. This statement should also apply where the above ground plant is in plain sight of a property across the street from the above ground plant as well as properties on the same side of the street.

• **“Below Grade Plant”:**

- (a) The references to adjacent residential properties and adjacent properties in this section should include references to properties within sight lines, such as across the street, as opposed to only adjacent, which we assume means on the same side of the street.
- (b) The reference in bold to “No above ground plant will be placed...” in this section should be a reference to “below grade plant”?

• **“Notification/Sign off”:**

- (a) We note the first paragraph refers to “equipment fronting or siding” properties. This should include a reference to any properties having a line of sight to the equipment, which would include properties across the street or a few doors away depending on

the line of sight. We note that the MCR already provide in Chapter 5 that the Applicant “provide written notification to all adjacent properties, and all properties that will face or will have a line of sight to the proposed plant.” Why is the wording in the Guidelines different? We recommend that the notifications should be to any residences within 120 meters from the plant.

- (b) The notice provisions in the proposed Guidelines should be the same as those in Chapter 5 of the MCR. Why is the wording different? Such notices must include picture, the size, appearance, and location of the proposed plant as well as contact information.
- (c) We do not understand the reason for the statements under “Above Ground Plant Notification” and the difference when the plant is at the flank of the property vs the front. Again, these provisions should include properties with a line of sight, whether to the front, flank or back of the property. The statement in this section dealing with the placement of equipment in or in front of Parks is discussed below in paragraph 3(d).
- (d) **“Above Ground Plant Concurrence”**- we agree that this concept is necessary, and should be included in the MCR provisions as well. However, the concurrence sign off must be from all property owners with a line of sight of the plant (ie across the street etc), rather than just from the adjacent property that the equipment fronts on. Again we note that in areas where the lots are smaller, the people across the street with a line of sight are equally affected by the installation.
- (e) We note there is no requirement to notify and obtain the concurrence of the BIA if the plant falls within its boundaries. This is required in the MCR, which also provides an objection process, and should be included in the Guidelines.
- (f) We feel that the notification must also go to the Councillor for the Ward where the plant will be installed and to the local Resident’s Association and BIA if one exists in the area.
- (g) “Construction Notice”- how are the “affected residences/businesses” defined for this purpose?



3. “*Design Placement Considerations*”:

- (a) **Residential**- we note that the considerations listed here are interesting, but we believe such structures should be required to be below grade in residential areas, and if not possible, then not in the line of sight of any residences or passing pedestrians. We do not believe the public should be required to compromise on this position. This is particularly critical in areas where the lots are smaller such as downtown and midtown. These provisions appear to apply to residential neighbourhoods. We do not believe that these Guidelines protect higher density mixed use areas from the proliferation of large above ground installations on public sidewalks. We believe that above ground installations should not be on the public right of way in these areas. We find the Guidelines are also confusing because there are provisions dealing with placement of plant in the sections under “General Placement Practices” (page 6-7) and under “Design Placement Considerations” (page 10-12) and in some cases the provisions are the same, and in some cases different.
- (b) **Large Scale Above Ground Structures**- Again, we are of the view that such structures should not be in residential areas or mixed use areas, and if they must be, they should not be in the line of sight of any residences or passing pedestrians or on the public right-of-way.
- (c) **Commercial/Institutional/Industrial**- What is this intended to cover?
- (d) **Public Spaces- Parks & Parkettes, Community & Open Spaces**- While the statements in this section are somewhat helpful, it should be clarified/added that: the other placement practices and considerations in the Guidelines (ie justification for any above ground installation) also apply even if the installation is in the right-of-way beside a park/open space, any installations must be away from public walkways around the park, the provisions relating to lines of sight (and residents with 120 meters) in the notification/concurrence sections are also applicable, the local Residents’ Association and BIAs and the Councillor should also be notified etc. This section contains the following statement “When an equipment placed in front of park which is opposite of residential homes and have an overall foot print larger than 1m x 1m x 1m, Parks Su-



pervisor and Councillor must be notified”. We are of the view that any above ground structure, regardless of size, in the right-of-way by a park should be the subject of a notice to the Parks Supervisor, the Councillor, the local Residents Association and all other persons to whom the notification provisions contained in the rest of the Guidelines are applicable. We do not understand the relevance of the size of the above ground plant, or the fact that it is opposite residential homes here.

(e) Special Considerations- Heritage Locations- we note that this provision is not identical to the one in Chapter 3 of the MCR, which states “in front of, or immediately adjacent to” a heritage property. The wording should be conformed to that in the MCR.

We urge the Committee to defer consideration of the Guidelines, and request an opportunity to meet with City Staff to discuss the Guidelines.

Sincerely
The ABC Residents Association