

May 23, 2018

Members of City of Toronto Council, c/o Marilyn Toft, Clerk
12th floor, West Tower, City Hall
100 Queen Street West
Toronto, ON M5H 2N2
Email: clerk@toronto.ca

Dear Councillors,

Re: Item PW29.3 - Improving Accountability in the Utility Cut Process

The ABC Residents 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 are writing concerning the Utilities Placement Guidelines that are attached to Item PW29.3, that the Public Works and Infrastructure Committee is recommending be approved by City Council to be incorporated into the Municipal Consent Requirements.

The staff report dated April 24, 2018 from General Manager, Transportation Services which is referred to in the background information for Item PW29.3 states:

- **"Placement of Utility Equipment** - A concern regularly heard from Councillors and the general public is what the rationale is for placement of utility facilities within the public right of way. Although all utilities abide by the Municipal Consent Requirements, these requirements are higher level requirements aimed at applications, work restrictions and repairs. The requirements do not incorporate specific placement principles for staff or utilities applying for permits with the City. Transportation Services considers specific placement principles an improvement that staff, utilities



and residents can reference when requests are made for placement of new infrastructure. Transportation Services works to minimize the impact of these facilities on the public realm as a whole.

- To this end, Attachment 1 is the Universal Equipment Placement Guidelines which are intended to be best placement practices for all utilities, and reflect the additional consultation that has taken place through Q4 2017 with stakeholder groups such as the ABC Residents Association, Federation of North Toronto Resident's Associations (FoNTRA), Toronto Association of Business Improvement Areas (TABIA), and the Bloor Yorkville BIA.”

While ABC Residents Association met with Transportation Services staff and Councillor Wong-Tam, we do not believe that the Guidelines reflect the consultations that took place with ABCRA, FoNTRA and the Bloor Yorkville BIA in Q4 of 2017 (as stated in the staff report), as no changes were made to the Guidelines from the prior version.

We feel that the Guidelines are deficient in many respects which we have outlined in written submissions to the Public Works and Infrastructure Committee and Transportation Services staff, and in meetings with Transportation Services staff. In particular, the Guidelines **do not provide adequate notification provisions to affected residents and businesses. We feel that if proper notifications are provided, Councillors, the public, local Residents' Associations and BIAs will be able to object to a proposed installation if the size or location is considered inappropriate in the circumstances. This would allow improvements to be suggested that could avoid some of the problems we are presently seeing in the public realm.**

The Municipal Consent Requirements, specifically require the following:

- On page 28, that “the Applicant shall provide written notification to all adjacent properties, and all properties that will face or will have a line of sight to the proposed plant.” Under the Guidelines (on page 8) notice to adjacent property owners is only



recommended, and there is no mention of notice to owners of properties that will face or have a line of sight to the proposed installation. We strongly feel the Guidelines should be consistent with this MCR requirement, and therefore, this requirement must be included in the Guidelines.

- On page 28, notice to Business Improvement Areas for all above ground installations, whether they are in front of a park or otherwise within the boundaries of the BIA. The Guidelines as written remove the notification requirement to BIA's for above ground installations in their areas. This should be included in the Guidelines so they are consistent with the MCR.

The Guidelines provide on page 8 and page 12 that “When equipment is placed in front of a park opposite of residential homes and has an overall foot print larger than 1m x 1m x 1m, Parks Supervisor, Councillor and BIA if one is present is recommended to be notified”. While notification to to the Councillor is critical, we feel that notice to the local residents association provides a second layer of scrutiny. Also, while notice to the BIA is important, in most cases parks will not be within the jurisdiction of a BIA leaving only the Councillor's office to scrutinize the applications. Furthermore, we do not understand why the equipment must be larger than 1m x1m x1m and opposite residential homes in order to trigger notification. We are of the view, and are recommending, that any equipment in front of a park regardless of size should require notification to the Parks Supervisor, Councillor and local residents association.

WE ARE THEREFORE REQUESTING THAT THE NOTIFICATION PROVISIONS OF THE GUIDELINES BE AMENDED AS FOLLOWS:

1. On page 8, that the following changes be made (showing added wording underlined, and deleted wording crossed out):

"Notice of Design



A notice of design must be sent to allow all affected ~~residences~~ properties, which includes all adjacent property owner(s) and all properties that will face or will have a line of sight to the proposed plant, to be aware of any future equipment placement. In addition, if the proposed location of any above ground plant is within the boundaries of a BIA, notice of design must be sent to the BIA, so it is aware of any future equipment placement. Notices must include pictures of proposed equipment and location, project and contact information.

Above Ground Plant Notification

A notification to the ~~adjacent~~ affected property owner(s) is recommended for any above ground plant when:

- Proposed equipment is at the flank of the property (not facing the front of the house).
- When fronting a property and placed in grass or paved boulevard between the sidewalk and curb.
- When equipment is placed in front of park, opposite residential homes, ~~and has an overall foot print larger than 1m x 1m x 1m~~ Parks Supervisor, Councillor, the local Residents' Association and BIA if one is present ~~is recommended to~~ must be notified.

Above Ground Plant Concurrence

A concurrence sign off from the ~~adjacent~~ affected property owner(s) or an authorized representative is recommended for any above grade plant when fronting a property and:

- Placed in a grass boulevard with no sidewalk; or
- Placed in inner boulevard in between the sidewalk and property. "

2. On page 12, that the following changes be made to the last point (showing added wording underlined):

"Public Spaces – Parks & Parkettes, Community & Open Spaces

- When equipment is placed in front of park, opposite residential homes, ~~and has an overall foot print larger than 1m x 1m x 1m~~ Parks Supervisor, Councillor, the local Residents' Association and BIA if one is present ~~is recommended to~~ must be notified."



We believe that our requests for amendments are reasonable, given that they mostly reflect requirements that already exist in the MCR. **The Guidelines should not be inconsistent with the MCR.**

Thank you for your consideration of our requests.

Regards,

John Caliendo & Ian Carmichael,
Co Presidents, ABC Residents Association.

cc. Councillor Wong-Tam, Lorraine Hewitt