

Date: Monday, January 4, 2016
From: Maureen Temme, 66 Palmer Street, London
To: Civic Works Committee
Concerning: Proposed Street Encroachment Policy
which will have a public participation meeting component
Civic Works Committee, Tuesday, January 5/16, 4:00 p.m.
agenda Item 9

Councillors:

On Monday, Dec. 21/15, Gary Irwin, Geomatics Department, author of the proposed Encroachment bylaw answered questions I had about this proposed bylaw and explained background to it. Luckily, there was time to talk about several topics that relate to streets, gardens, and the big picture of the London Plan. I appreciate very much that he took this time.

Below, when I say "discussion" I mean all agenda item text that precedes and explains the proposed bylaw (Schedule A and Schedule B).

The proposed Street Encroachment Bylaw - written to update a 1969 bylaw - is meant to address "built" encroachments. I was told that the city makes only about 12 encroachment agreements yearly, mostly related to new building. Certainly it is good City procedure to update bylaws for clarity and ease of all procedures, for citizens and City Hall staff. I have some concerns and suggestions, however.

SUGGESTIONS AND CONCERNS

Text does not emphasize/clarify that built structures are the focus of the bylaw.

A diagram of road and sidewalk parts, in both the discussion paper and the bylaw, would help a reader understand both. *Examples:*

- what is an "apron" and where is it?
- is a municipal street the sidewalk or the road where cars go?

The definitions section - Schedule A, the proposed bylaw - lacks definitions for terms used in the discussion and bylaw:

apron fixtures municipal street road allowance vegetation

The definition of "encroachment" used in the text/bylaw is not necessarily the same definition used in other bylaws where that term might come up.

This is an artifact of bylaws being written over years and situations. I found this out when I asked why 'vegetation' happened to be the first example of encroachment mentioned. I realize this would be tricky to change.

I remain concerned with a definition that puts the word "vegetation" first, if the purpose of the bylaw is to regulate built things.

The discussion tries to speak in a positive/reassuring way about gardens ... but the text below, in the discussion, is a red flag to anyone with concerns about City regulation of gardens.

"The City's S-1 (Streets) By-Law prohibits privately-owned objects from being placed on, over or under a street or road allowance with the exception of grass and "private entrance" ... If strictly interpreted, the Streets by-law prohibits the planting of even a single flower ...the City is unlikely to demand the removal of a flower or a small garden that encroaches onto a road allowance ... only by reason of a 1 cm encroachment, notwithstanding the Streets By-Law."*

Irwin and I discussed various aspects of boulevard and front yard gardens**. He said that this bylaw is not meant to be about that, and that the City is not going to be going after people with boulevard or front yard gardens unless something comes to Bylaw's attention of the magnitude of, for example, a stone wall built beside an access grate or valve.

I appreciate that, and know that Bylaw is not going after people with such gardens. Also, Linda McDougall, Ecologist Planner, stated that the City is encouraging of innovative and pollinator friendly front yard gardens. She mentioned this at both a November 2014 pollinator forum organized by Advisory Committee on Environment and at an earlier meeting with City staff from several departments and members of the Pollinator Sanctuary Subcommittee of ACE.

Also, about a year ago, the City Foresters/Planners were working on a boulevard/other tree policy. Concerns were expressed about some aspects of this, particularly to do with boulevard or front yard gardens in proximity to trees, and maintenance or planting of trees that citizens could do themselves without risk of fines. I look forward to a best-of-both-worlds policy that acknowledges citizen's practical knowledge and everyone's kindness and care for our trees.

If, indeed, the bylaw is not meant to address gardens on boulevards and road allowance, that needs to be clarified in any discussion and in the bylaw.

Sincerely,

Maureen Temme

London citizen, gardener, and webkeeper for Community Gardens London (.ca) website
London

* The document - *Streets Bylaw S-1 consolidated September 02, 2014* - is found at url:
<http://www.london.ca/city-hall/by-laws/Documents/streetsS1.pdf>

Bill No. 411, By-law No. S-1-14_____	A by-law to amend By-law No. S.-1 being A By-law to provide for the regulation of Streets, for the purpose of regulating driveway width and access for residential properties in the City. (16/13/CWC)
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interesting that the word "encroachment" is not used at all in this document (did a 'find')

**including work done 4 or 5 years ago by J. Stanford to do boulevard bylaw, flyer from Bylaw department about same *which Bylaw decided not to go forward with and I'd done correspondence with them about it* (to replace now defunct 'exemption to clearing of land bylaw'), comments Nov 24/14 by Linda MacDougall city ecologist. Just realized we didn't discuss London Plan orientation, but that's o.k.