

From: City Council
Sent: Monday, November 05, 2018 4:42 PM
To: City Council
Subject: Form submission from: Write a Letter to Council
Attachments: letter_to_city_of_saskatoon.pdf



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Submitted by anonymous user: 70.64.16.191
Submitted values are:

Date: Monday, November 05, 2018
To: His Worship the Mayor and Members of City Council
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Name of the organization or agency you are representing (if applicable):
Subject: Residential right-of-way leases
Meeting (if known): STANDING POLICY COMMITTEE ON TRANSPORTATION
Comments:

We are writing because we do not see how the policy recommendations in the right-of-way boulevard lease update proposal (Files CK 4070-2 and x4070-0), specifically those pertaining to residential right-of-way leases, follow from the concerns described in that proposal.

As residents with an existing right-of-way lease, our understanding is that our fence and our lease is in compliance with relevant bylaws, and is not actually contributing to any of the listed concerns. Therefore, we do not understand why ending our right-of-way lease, in particular, is necessary to address these complaints. We would like to encourage a stronger emphasis on the specific complaints and specific bylaw infractions.

Several topics were presented implicitly in the policy update, which we have tried to enumerate in the attached document. We would like to ask the City to not advance this policy proposal as-is, and to take into account a broad set of factors when responding to complaints about residential fences.

Attachments: 1 (3 pages)

Attachments:
letter_to_city_of_saskatoon.pdf:
https://www.saskatoon.ca/sites/default/files/webform/letter_to_city_of_saskatoon.pdf

The results of this submission may be viewed at:
<https://www.saskatoon.ca/node/398/submission/265474>

Dear council members,

We are writing to express our deep confusion about the motivation and reasoning behind the proposed policy update intending to cancel all residential right-of-way (RoW) boulevard leases. As homeowners who have signed a residential RoW lease with the City of Saskatoon, we do not see how eliminating our particular boulevard lease, and removing the fence around it, would help with any of the concerns raised in the proposal.

More generally, we do not understand the emphasis on eliminating six (6) residential RoW leases, and do not see how such a small adjustment would address increasing number of complaints about residential fences. We infer that these complaints are not directed specifically towards fences constructed on RoW boulevard leases, but relate more generally to construction that is non-compliant with City bylaws.

We feel that this policy proposal, if enacted, would cause collateral damage to us, but without truly addressing the broader concerns it raises. Therefore, we would like to request that the City not proceed with this policy update as-is.

We have listed some of our specific concerns with the policy update below.

Terminating our RoW lease does not solve the listed problems

The letter we received from the City, as well as the policy update, state that the desire to end RoW leases stems from concerns about “uneven fence lines” and “restriction of sight lines”. We cannot see how either of these applies to our fence.

Our fence cannot contribute to unevenness

- Our RoW lease is on a double corner lot, and there are no neighbouring fences for it to conflict with.
 - The front yard does not have a fence.
 - The backyard “fence” is a sound wall constructed by the City.
 - The RoW lease enclosed by our “side” fence faces another road. The only other fence it touches is the sound wall; it does not abut any other fences.
- A number of trees and shrubs bisect our property line with the City's boulevard. The RoW lease allows us to avoid having to incorporate the trees into the fence.

Our fence does not obstruct sight lines

- The fence follows the boulevard lease surveyed by the City Transportation department, which took sight lines into account. We have received no indication that those criteria have become more strict.
- Our RoW lease and fence have a setback from the curb greater than the minimum 1.2 m setback recommended by Transportation in council policy C07-016.
- There are other objects closer to the backyard corner than our fence.
 - There are many trees in the city boulevard surrounding our property.
 - There is a Canada Post mailbox by the sidewalk beyond our property line.

The city has explicitly approved the location of our fence

- When we constructed our current fence a few years ago, we took the time to consult with the City Transportation department about its location, even though, according to Bylaw 8770, the City generally does not need to grant explicit permission for fence construction.

- Before granting the lease, the City surveyed the fence's proposed location. It confirmed that the fence's location satisfied all requirements, including having sufficient curb setback and not disrupting sight lines.

The proposed changes are arbitrary and are not in the lease terms

- The RoW agreement we signed listed only two possible reasons for terminating the lease: future **road** development needs, or breach of the terms of the lease.
- The City does not have any road development plans in our home's immediate vicinity.
- The City has not indicated that we have breached any terms of our boulevard lease.
- The boulevard lease did not mention anything about aesthetics of the fence. It would be onerous to us, and other homeowners, if those requirements were changed and applied to existing fences.

Mitigation cost estimates are incomplete

- We would need to pay a fencing company to move the fences.
- The concrete foundations of our fence posts would have to be reconstructed, and the existing foundations excavated.
- We may have to engage the City about the aforementioned trees on the property line boundary.
- It is not stated what will be done about potential sight line obstructions in the non-leased part of the boulevard, such as the City's trees and the Canada Post mailbox.
- It would also be frustrating to have to reconstruct a fence that has only gone through the first few years of its designed lifespan.

Where reasonable, residential and commercial RoW leases should be considered more similarly

- This proposal did not express concern about the visual impact of any of the 27 commercial RoW leases. We do not see how bylaw-compliant residential RoW leases constitute a greater concern than commercial RoW leases.
- Commercial RoW leases can cause similar types of visual unevenness and sight line obstruction. (Parked vehicles and constructed fencing, for the two listed permitted purposes.)
- Other types of commercial land leases (e.g. sidewalk leases) can modify sidewalk, bike lane, and vehicular circulation.
- Commercial districts are typically higher traffic (especially compared to our home, in a R1A-zoned neighbourhood), and changes often affect more right-of-way users.
- The policy update discusses fair market value rate adjustments for commercial RoW leases. In contrast, it does not discuss whether adjustments are also needed / reasonable for residential leases, or mention whether lease rate changes could be an alternative to lease termination.

This policy update seems to imply that complaints about residential fences largely correlate to RoW leases. We find it hard to believe that six (6) boulevard leases would contribute to a sharp uptick in complaints. Instead, we suspect that there are many

non-RoW fences, as well as lease-exempted non-boulevard-enclosing fences, whose positioning and/or configuration violates City bylaws.

We would urge the City and the Transportation Department to demonstrate that they are investigating the locations that are specifically mentioned in fence complaints. We would also like to see that bylaw non-compliance is explicitly addressed, even if the homeowner did not sign a RoW lease. Conversely, we ask the City to not take arbitrary actions against fences that are in compliance with bylaws. As a homeowner, it is frustrating to need to revisit this topic, having already worked with the City to obtain explicit approval about the location of our fence.

We find the intent of this policy update proposal confusing and arbitrary, and would urge Council to not move it forward in this current form. From our perspective, we believe that it has overlooked some important points.

Best,
Jian Liu and Ping Dong

