



## **STAFF REPORT ACTION REQUIRED**

### **853 Bathurst Street – Request to Consider Front Yard Parking – By-law Amendment**

<b>Date:</b>	January 24, 2008
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Director, Transportation Services, Toronto and East York District
<b>Wards:</b>	Trinity-Spadina - Ward 20
<b>Reference Number:</b>	Te08018te.row

#### **SUMMARY**

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Transportation Services has assessed a request to report on the necessary process required to allow front yard parking for persons with disabilities at 853 Bathurst Street. Because this property is located in an area of the City where a long-standing “no application/no appeal” provision applies under Chapter 918, Parking on Residential Front Yards and Boulevards, of the Municipal Code and, further, the property would not meet the minimum dimensional criteria of the Chapter in any event, the only available option to permit a front yard parking pad within an expedited period would be for City Council to authorize a site specific amendment to the actual Code Chapter.

Staff have considerable concern with this approach in terms of the potential to undermine and circumvent the harmonized front yard parking regulations. The steps to authorize the parking pad in this instance through a site-specific exemption, although not recommended by staff, are set out in this report as requested for consideration by Community Council and City Council. We recommend that should Council enact such an amendment, staff also be directed to report to the Public Works and Infrastructure Committee on options for providing the proper framework in the Code Chapter for dealing with such instances.

#### **RECOMMENDATION**

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**Transportation Services recommends that a site specific amendment to Municipal Code Chapter 918 – Parking on Residential Front Yards and Boulevards, to allow front yard parking at 853 Bathurst Street not be authorized by City Council.**

## **Financial Impact**

There is no financial impact to the City as a result of this report.

## **DECISION HISTORY**

Toronto and East York Community Council, at its meeting of November 27, 2007, in considering a Member Motion (November 27, 2007) from Councillor Adam Vaughan, requested Transportation Services to report to Community Council at its next meeting on the necessary process required to permit front yard parking for persons with a disability at 853 Bathurst Street (Item TE11.64).

In a related recent decision, City Council, at its meeting of November 19 and 20, 2007, on recommendation of Toronto and East York Community Council, approved the installation of an on street parking space for persons with disabilities on the east side of Bathurst Street, 40.1 metres north of London Street, which would be available except during the 4:00 p.m. to 6:00 p.m. peak period Stopping prohibition (Item TE10.34).

## **ISSUE BACKGROUND**

In October 2007, Councillor Adam Vaughan's office contacted the off-street parking office of Right of Way Management, to enquire about the feasibility of issuing a front yard parking license at 853 Bathurst Street. On behalf of the property owner, Councillor Vaughan requested consideration of this request on humanitarian grounds. Staff have received a copy of a valid disabled parking permit, which expires on March 31, 2013, issued by the Province of Ontario, for which this report is being considered. Premises No. 853 Bathurst Street is a residential property with 3 self contained units and a mutual driveway. It is noted that since this matter was raised in October 2007, Transportation Services and the Parking Enforcement Unit of Toronto Police Service have not been pursuing enforcement of vehicles parked at this location, pending review of options and resolution of this parking situation.

## **COMMENTS**

### **Applicable regulations**

Front yard parking is governed by the criteria set out in the City of Toronto Municipal Code Chapter 918, Parking on Residential Front Yards and Boulevards. Under the provisions of this Chapter, Ward 20 is one of a number of inner City Wards where the General Manager of Transportation Services is not permitted to accept an application for front yard parking (Section 918-5B). Further, a residential property fronting a major arterial road may not be licensed for front yard parking (Section 918-8C(1)). Finally, residential properties in this Ward are not entitled to file an appeal for consideration by Community Council unless the property has no other alternative parking option and meets the physical criteria set out in the Chapter (Section 918-21B). (It is noted that these provisions, i.e., no application/no appeal in Ward 20 predate the recently harmonized Chapter 918.)

Staff have evaluated whether the property may be eligible for appeal on the basis of the physical criteria. The relevant provisions which this property does not meet include:

- a minimum of 50% of the front yard must be landscaped open space, of which 75% must be maintained as soft landscaping within the City boulevard;
- a minimum of 50% of the front yard must be landscaped open space, of which 75% must be maintained as soft landscaping on private property.
- Since an on-street parking permit is registered to this address, an alternative parking option is available.

Accordingly, since Community Council cannot entertain an appeal in this instance, the only avenue available to legally permit front yard parking at this location would be for City Council to authorize an amendment to the Chapter 918 itself to permit the pad on a site specific basis. The process required to achieve this is set out in more detail in the Alternate Recommendations section below.

The requested front yard parking pad is shown on Appendix 'A', the property data map is shown on Appendix 'B' and digital photos of the property are shown on Appendix 'C'.

### **Other factors**

Permit parking is authorized on an area basis, within permit parking area 5D. There is one on-street parking permit registered to this address for parking within area 5D, however, no permit parking is authorized on this portion of Bathurst Street.

The status of available and issued on-street parking permits in the area is set out below:

Total number of parking permits	992	Total permits issued as of December 11, 2007	747
Permits available	245	% of permits allocated	75%

On this portion of Bathurst Street, between Bloor Street West and Barton Avenue, there are nine properties licensed for front yard parking and three properties licensed for commercial boulevard parking. These properties were licensed under previous by-laws and provisions. It is noted that this property owner previously applied for front yard parking at this address under the previous By-law No. 65-81 in December 1988. That application was not approved due to insufficient dimensional clearances.

There is no tree in the front yard at this location.

Toronto Water has not been requested to inspect the downspouts at this location, nor has a poll been conducted.

### **Alternate Recommendations**

In view of the factors outlined in this report, staff are very concerned about the prospect of granting a site specific Municipal Code amendment to permit front yard parking at this location. Although the harmonized provisions of Chapter 918 were enacted relatively recently, the no application/no appeal approach in this Ward is not new and has been in effect since January 2001. As Community Council and City Council will recall, the

former by-laws governing front yard parking in Toronto evolved over the years to a form where varying criteria and numerous exceptions were inherent, leading to inconsistency and confusion. We are of the view that should Council concur with the merits of this request, staff also be directed to report to Public Works and Infrastructure Committee on policy options and criteria for a formalized framework and process in the Code Chapter to deal with similar future requests.

Recognizing that Community Council directed staff to report on the necessary process required to permit front yard parking for persons with disabilities at this location, the following constitute the recommendations that would need to be made to City Council to amend the Municipal Code Chapter and authorize the provision of the pad under the circumstances. It is also recommended that any such step be accompanied by a motion for staff to develop a policy for considering similar requests for incorporation as Code provisions in order to establish a consistent policy framework for similar future requests:

**Toronto and East York Community Council recommends that:**

- (1) City Council approve an amendment to Chapter 918, Parking on Residential Front Yards and Boulevards, of the Municipal Code, to authorize a site specific exemption to allow front yard parking for disabled persons at 853 Bathurst Street on the following conditions:**
  - a. the applicant provide a copy of the applicant's valid permanent disabled parking permit issued by the Province of Ontario for which this exemption applies;
  - b. the parking area must not exceed 2.6 m by 5.9 m in dimension due to the required clearances from the entrances and setbacks;
  - c. the applicant pay for the installation of the ramp to service the parking space and applicable fees under Chapter 918, including the non-refundable appeal fee that would otherwise be required to be paid;
  - d. the license terminate upon the sale of the home and/or the disabled parking permit no longer being required by or in effect for the applicant, or the applicant no longer residing at this address;
  - e. within 6 months of the termination of the license, the parking pad revert to green space and soft landscaping at the owner's expense, and the owner must pay for the reinstallation of the curb; and
  - f. the applicant comply with all other criteria set out in the City of Toronto Municipal Code Chapter 918, Parking on Residential Front Yards and Boulevards;

2. The General Manager, Transportation Services, be directed to report to the Public Works and Infrastructure Committee, on a policy and draft amendments to the Municipal Code, Chapter 918, to allow for special consideration for the installation of front yard parking pads for persons with valid disabled parking permits.

Staff have consulted with Legal Services in the preparation of this report.

## **CONTACT**

Joe Colafranceschi, Supervisor, Right of Way Management

Telephone: 416-392-7564, Fax: 416-392-1058, E-mail: jcolafra@toronto.ca

## **SIGNATURE**

Andrew Koropeski, P.Eng.

Director

## **ATTACHMENTS**

Appendix 'A' - sketch

Appendix 'B' - property data map

Appendix 'C' – photos

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