

Front Yard Parking for Disabled Residents – Municipal Code Chapter 918

Date:	October 21, 2008
To:	Public Works and Infrastructure Committee
From:	General Manager, Transportation Services
Wards:	14, 18, 19, 20, 27, 28, 30, portion of 21
Reference Number:	PW08090te.row

SUMMARY

Transportation Services has assessed a request from City Council and Toronto and East York Community Council to review the process for considering applications for front yard parking pads for residents with disabilities in those Wards where “no application/no appeal” provisions apply under Municipal Code Chapter 918 – Parking on Residential Front Yards and Boulevards.

While there were relaxed provisions to accommodate disabled front yard parking pads in previous by-laws in these areas, the harmonized Code Chapter did not advance these considerations due to various difficulties identified during the consultation/analysis process. It is recognized, however, based on experience with the new regulations, that there can be extenuating circumstances where consideration of such requests is merited.

This report proposes amendments to Municipal Code Chapter 918 which would facilitate appeals for disabled front yard parking pads for Community Council consideration under specified criteria.

RECOMMENDATIONS

The General Manager of Transportation Services recommends that City Council:

1. approve the amendment of Toronto Municipal Code Chapter 918-Parking on Residential Front Yards and Boulevards, (Subsection 918-21 and any others identified by the City Solicitor and General Manager of Transportation Services) as set out below:

- (a) allow for appeals in Wards 14, 18, 19, 20, 27, 28, 30 and that portion of Ward 21 located south of St. Clair Avenue West, only from applicants with a valid permanent Disabled Person Parking Permit issued by the Ministry of Transportation of Ontario (MTO), issued to a resident who permanently resides on the property for which this exemption applies, regardless of the availability of alternative parking facilities other than available parking on their private property and the applicant provide a copy of the valid permanent Disabled Person Parking Permit issued by the Ministry of Transportation of Ontario (MTO);
 - (b) allow such appeals to be for one parking space only and no appeals be permitted for a second space;
 - (c) allow such appeals notwithstanding that the location does not meet the physical criteria of the code; and
 - (d) such appeals may only be submitted by the property owner.
2. the license granted through the proposed appeal process continue to be non-transferable.

FINANCIAL IMPACT

There are no specific financial impacts arising from the recommendations contained in this report.

DECISION HISTORY

City Council, at its meeting of March 3, 4 and 5, 2008, considered a recommendation from Toronto and East York Community Council for special dispensation related to a front yard parking pad for persons with a disability in an area of the City where the new Municipal Code Chapter 918 – Parking on Residential Front Yards and Boulevards, permits neither application nor appeals (except under very stringent conditions). Among other things, Council directed the General Manager, Transportation Services 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.” (Item TE13.40)

COMMENTS

Applicable Regulations

Front yard parking is governed by the criteria set out in Municipal Code Chapter 918. Under the provisions of the Code, there are a number of City Wards where the General Manager is not permitted to accept an application for front yard parking (Section 918-5B). In addition, in these specific Wards, appeals to Community Council are not

permitted unless the property has no alternative parking option and meets the physical requirements of the Code as set out in the Chapter (Section 918-21B). It should be noted that the application and appeal provisions in these Wards predate Chapter 918.

Under previous by-laws, special consideration was given to holders of valid permanent Disabled Person Parking Permit issued by the Ministry of Transportation of Ontario (MTO), subject to the understanding that the permissions granted were of a temporary nature and not transferable. During the consultation process for Chapter 918, it became apparent that there were a number of concerns related to these specific parking pads. These included but were not limited to the proliferation of curb ramps, elimination of on-street street parking, interference with pedestrian activity, elimination of landscaped open space, stress on trees and storm water run-off. Accordingly, the new Code Chapter did not contain unique or specific provisions in consideration of applications for disabled front yard parking.

Concerns with the Current Process

Some concerns have been expressed with the inability for staff to process applications where, in special cases, an appeal to Community Council is desired. In order for staff to have the ability to process an appeal in those Wards where this is currently not permitted, a change in the underlying text of the Code is required. This would alleviate the need for amending the actual by-law in order to license individual locations under these circumstances. Currently the requirement in the Code in order to entertain an appeal in those specific Wards is that there must be no alternatives for parking and the property must meet all the physical requirements.

Code Chapter Amendment to Enable Consideration of Disabled Front Yard Parking

In view of the difficulties with past practices that led to the decision to not advance relaxed provisions for disabled front yard parking, but recognizing that circumstances have arisen, albeit rarely, where at least such consideration has merit, it is reasonable that the regulations set out in Code Chapter 918 be reviewed in this regard. It could be argued that without some mechanism, those with mobility issues are put at a disadvantage by not being permitted to appeal to the governing body for an exemption.

Staff are of the view that the best approach to addressing this issue would be by way of enabling appeals to Community Council under strict conditions. In this way, the previous concerns with the relative ease of installing front yard pads in these Wards would be acknowledged, but disabled residents with extenuating circumstances and no other alternative would be afforded the opportunity to be considered.

The appeals in these Wards would be allowed in cases where there is no access to parking available on the private portion of the property, notwithstanding that they do not meet all the physical criteria of the code. The criteria recommended for disabled front yard parking appeals in Wards 14, 18, 19, 20, 27, 28, 30 and that portion of Ward 21 located south of St. Clair Avenue West is as follows:

- an appeal be accepted regardless of availability of alternative parking facilities, except if a parking space is accommodated on the private property;
- an appeal be accepted notwithstanding that the location does not meet all the physical criteria of the code;
- only one front yard parking space on the property be permitted;
- the applicant is the property owner and a copy of a valid permanent Disabled Person Parking Permit issued by the Ministry of Transportation be provided;
- the disabled front yard parking license granted through the proposed appeal process continue to be non-transferable.

It is noted that the proposed Code Chapter amendments are recommended only to apply to those Wards where the front yard parking provisions encompass both the public (boulevard) and private (front yard) properties. In the other Wards (largely Etobicoke, Scarborough and North York) where boulevard parking is not permitted, this matter is not an issue, as any front yard parking would be confined entirely on the private property, where Committee of Adjustment has jurisdiction. In the remaining Wards, where front yard parking is allowed, no special processing provisions are needed for disabled front yard parking applications as these applicants already have the ability to avail themselves of the application and appeal process.

License to be Non-Transferable

Staff recommend that any licenses granted in these Wards through the proposed appeal process continue to be non-transferable and the parking pad be reverted to green space when no longer required either due to the person no longer living at the address or the home being sold. This maintains the criteria of the special licenses granted in the past for Disabled Front Yard Parking pads and ensures that these are granted with the knowledge that they are temporary in nature and serve to accommodate specific needs. Staff believe this continues to satisfy the intent in those City Wards where applications and appeals are not currently accepted.

Amend Appeals Criteria

In view of the above, staff are of the view that the recommendations contained in this report provide an avenue for Community Councils to consider applications for front yard parking to serve disabled residents under extenuating circumstances where such applications and appeal would otherwise not be allowed. At the same time, it continues to preserve the intent of the by-law and its associated criteria in the long term.

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SIGNATURE

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