



STAFF REPORT ACTION REQUIRED

Ward 15 Pilot Project - Ward specific exemption to the City of Toronto Municipal Code, Chapter 918, Parking on Residential Front Yards and Boulevards

Date:	May 26, 2010
To:	North York Community Council
From:	Director, Transportation Services Division, North York District
Wards:	Ward 15 Eglinton-York
Reference Number:	<i>ny10085</i>

SUMMARY

Since this report recommends an exemption to an existing City By-law, approval resides with City Council.

To report on a request to authorize a Pilot Project and a Ward specific exemption to Chapter 918 of the Toronto Municipal Code to address the long standing illegal and unlicensed front yard parking situation existing in Ward 15.

RECOMMENDATIONS

Transportation Services Division, North York District recommends that City Council:

1. Authorize the Transportation Services Division to conduct a 2 year Pilot Project commencing in 2011 within Ward 15 to address the situation relating to illegal and unlicensed Front Yard Parking within the area bounded by Eglinton Avenue to the south, Dufferin Street to the west, Hopewell Avenue to the north and Marlee Avenue to the east and that the Transportation Services Division report to City Council the results of the Pilot Project in 2012.
2. Authorize an exemption to Chapter 918-1 Definitions of the Toronto Municipal Code for the purpose of this Pilot Project where a parking pad in the area identified in Recommendation 1, has utilized a "Green Alternative" as outlined in Attachment 2, that the parking pad be considered as soft landscaping for the purpose of calculating the Landscape Open Space and Soft Landscaping requirements of the Code; and

3. Amend for the purpose of the Pilot Project, the requirement for polling for an application for front yard parking, as outlined in Chapter 918-14B, Polling of the Toronto Municipal Code, such that a petition and poll of the neighbourhood would not be required for the purpose of an application within the area identified in Recommendation 1.

Financial Impact

There are financial implications resulting from the adoption of this report, based on unit costs for the removal of concrete, asphalt or interlocking brick, placement of sod, and sidewalk and curb reconstruction. All costs associated with the Pilot Project will be included in the Divisions 2011 Operating Budget Submission.

DECISION HISTORY

At its meeting of Tuesday April 27, 2010, North York Community Council adopted an amended motion NY 33.20 from Councillor Howard Moscoe which directed staff of Transportation Services to report back on developing a solution to the long term issue of illegal and unlicensed front yard parking in Ward 15.

COMMENTS

Prior to and since amalgamation, homes in the former City of York were bought and sold with both legal and illegal or unlicensed front yard parking. Many current residents purchased their homes in good faith believing or being led to believe the front yard parking fronting their homes was legal. As a result, a large number of homes have illegal or unlicensed front yard parking.

Front Yard Parking within the former City of York was regulated under by-law and licensed by that Municipality. Prior to final City Council approval of Chapter 918 of the Toronto Municipal Code in 2006, area residents were advised of the pending regulations through public consultation meetings. In addition, residents were advised that the new by-law was more restrictive than that which had previously existed under the former City of York By-law, particularly in the area of required landscaped open space. Further, the residents were advised of what actions they were expected to take to address the new by-law.

Since the enactment of Chapter 918, complaints from the public and calls from the Ward Councillor's office have been received relating to illegal parking in Ward 15. The two main issues raised included the continued maintenance of the illegal spaces and that there are residents in the subject area who have legal parking spaces for which they are paying an annual fee while there others who are not paying the fee.

Recognizing that the problem in Ward 15 was sizeable and without actually being aware of the numbers involved, the Ward Councillor had originally considered an amnesty for those properties with the illegal or unlicensed front yard parking or to have them made

legal under a legal non-conforming designation. After consultation with City Legal and further discussion with the Ward Councillor, it was determined and recognized that these options were not appropriate or viable.

Upon further examination and through additional consultation with the Ward Councillor, it was determined that illegal pads currently fall into one of three categories:

- un-licensed, but likely approvable under the provisions of Chapter 918 “as is”;
- unlicensed but likely approvable with some modifications, specifically, the consideration of a “green alternative” for the parking pad as soft landscaping; or
- un-licensable regardless of any modification to the pad or amendment to Chapter 918 due to safety reasons and spatial constraint.

Based on the above, it is recommended that a Pilot Project be conducted by the Transportation Services Division to inspect each illegal parking pad in the subject area and make an initial determination as to which of the three categories the location would fall.

Under the first category, where the space was determined to meet all of the application criteria of Chapter 918 of the Toronto Municipal Code, the resident/owner would be advised that they have an unlicensed parking pad but in order to maintain the pad, they would be required to submit an application for Front Yard Parking within 14 days of receiving the notice. Failure to do so would result in the City taking action to prevent the use of the illegal parking pad.

Under the second category, where the space could potentially be approved with some modifications to the landscaping or the pad itself in order to satisfy the approval criteria of Chapter 918 of the Toronto Municipal Code, the owner would again be given 14 days from the date of the notice to submit their application for Front Yard Parking and 6 months to make the physical modifications. Failure to do so would result in the City taking action to prevent the use of the illegal parking pad.

Under the third category, where staff has determined that there is insufficient space within the front yard to safely accommodate a vehicle while still satisfying the required set-backs and landscaped open space requirements of the code, the resident would be given notice of this fact. Unlike the scenarios in category one and two, in this case, given the homeowner did not have the option of legalizing their space, the City would offer, at its expense, to remove the front yard parking pad and provide the resident of one year of free on-street permit parking.

The approach associated with the category 3 scenario would be similar to that noted in Chapter 918 of the Toronto Municipal Code, Section 19, where an owner relinquishes a licensed space voluntarily, the City removes the paving, sods the boulevard, removes the curb ramp and where space permits plants a tree at its own expense. In addition, where available, the City also provides one year’s free on-street permit parking. In this case, most of the streets identified within the Pilot Project area currently have on-street permit

parking and spaces are available. Should the resident decline the City's offer, the City would take actions to prevent the use of the illegal parking pad, such as enforcement, installing physical barriers and removing the driveway ramp.

Within the Pilot Project area there are currently 195 front yard parking spaces, of which, 95 are legal and 100 illegal. We believe the study area provides a reasonable representation for the entire ward and will yield results that will assist in determining future action, such as feasibility of expansion beyond the Pilot Project area and cost implications.

In regards to the costs associated with category 3, Transportation Services will endeavour to minimize these costs, where possible, by timing the review of front yard parking and the implementation of the actions described under category 3 by co-ordinating this activity with either capital reconstruction or maintenance rehabilitation of the sidewalks and curbs in the Pilot Project area.

In response to a request from the Ward Councillor, the Transportation Service Division is recommending a 2 year Pilot Project and Ward specific exemption to Chapter 918 of the Toronto Municipal Code to address the longstanding issue of illegal front yard parking in Ward 15.

Councillor Howard Moscoe has been advised of the recommendations of this staff report.

CONTACT

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SIGNATURE

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ATTACHMENTS

Attachment 1 Area Map (*ny10085_map*)
Attachment 2 Green Alternative (*ny10085_doc*)