



STAFF REPORT ACTION REQUIRED

Polling for Front Yard Parking - Municipal Code Chapter 918

Date:	April 4, 2011
To:	Public Works and Infrastructure Committee
From:	Acting General Manager, Transportation Services
Wards:	All
Reference Number:	Pw11051te.row

SUMMARY

Since the enactment of Municipal Code Chapter 918, Parking on Residential Front Yards and Boulevards, in April 2007, concerns have been expressed from time-to-time with the polling criteria applied in processing applications and specifically that the 50 percent poll return rate is problematic.

This report reviews the development of the polling criteria, outlines a number of alternatives, compares the requirements for similar polls and assesses all front yard parking appeals since 2007 to Community Councils based on the Code Chapter. We continue to suggest that a reduction in this requirement to 25 percent response rate and that of those, 50 percent plus one in favour of the application in order to be deemed positive, is fair for applicants and would continue to address Council's desire that neighbourhood input play a strong role in the front yard parking process.

RECOMMENDATIONS

The General Manager of Transportation Services recommends that:

1. City Council amend Municipal Code Chapter 918, Parking on Residential Front Yards and Boulevards, by changing the minimum requirement of 50 percent polling response rate to 25 percent for a poll to be deemed valid and of those responding, a response of 50 percent plus one in favour for a poll be considered a positive result.

FINANCIAL IMPACT

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

DECISION HISTORY

The Public Works and Infrastructure Committee, at its meeting of March 23, 2011, considered a communication (January 17, 2011) from Councillor Frances Nunziata and requested the General Manager, Transportation Services, in consultation with the City Clerk, to review the current policy for polling for front yard parking and to bring forward recommendations on how the policy can be amended to eliminate/reduce the number of applications refused solely based on not meeting the minimum polling response rate. The Committee also requested the General Manager, Transportation Services, to revisit previous staff recommendations made on this matter in 2007 and 2009. (Item PW2.10).

COMMENTS

Concerns with the Current Polling Process

Councillor Nunziata notes in her letter that a number of applicants for front yard parking, who otherwise meet the criteria for a parking pad are failing to pass the required poll. The requirement in the harmonized regulation, Municipal Code Chapter 918, Parking on Residential Front Yards and Boulevards, stipulates a minimum of 50 percent of ballots be returned and, of those, at least 50 percent must be in support. It is noted that the cost to an applicant for an appeal is a non-refundable appeal fee of \$661.97 (plus HST), in addition to the initial non-refundable application fee of \$316.48 (plus HST).

Transportation Services has previously reported on the issue of polling and the response rate for front yard parking and recommend lowering the response rate required from 50 percent to 25 percent, in order for the poll to be valid. Transportation Services also previously recommended that of those respondents, a response of 50 percent plus one in favour be considered a positive response. This is in keeping with the requirements for polling as per the City of Toronto Municipal Code, Chapter 190, Polling and Notification as adopted by Council in July 2006.

Development of the Current Polling Requirement

Through the course of formulating and approving the harmonized front yard parking policies and Municipal Code regulations in 2005 and 2006, the polling aspect came under considerable review. The development of the current polling provisions through this process, as well as subsequent reviews, is noted in Appendix 'I' attached to this report.

Substantive changes were made to the polling parameters through the public consultation, Community Council, and Planning and Transportation and Works Committee reviews. Reflecting a general desire for more neighbourhood input, the new provisions extended polling to all areas, required polling in instances where a driveway ramp already existed (mutual driveways), introduced a petition requirement and set a minimum response rate. The initial staff proposal to carry out polling only if a licensed front yard parking pad was not already in existence within the block was deleted.

Conducting the Polls

Polls for front yard parking are subject to the parameters set out in Municipal Code Chapter 918 as discussed above and are carried out by the City Clerk in accordance with the requirements of Code Chapter 190, Polling and Notification. This Chapter provides the framework for how the poll is initiated, acceptable ballots, voting eligibility, and compiling the polling list. With respect to the list, Section 190-4 requires the City Clerk's Office to "compile a polling list including names and corresponding addresses of those listed on the following documents as owners, residents and tenants of property located wholly or partially within the polling area:

- A. Current Returned Assessment Roll;
- B. Municipal Connect, Toronto Property System (TPS) or any other related geographic information system (GIS) developed using information from Municipal Property Assessment Corporation (MPAC) and City records; and
- C. Affidavit delivered to the City Clerk during the polling period in a form prescribed by the City Clerk and asserting that the affiant is an owner, resident or tenant of property located wholly or partially within the polling area."

Experience with Polling Requirements

The chart below illustrates the return rate on front yard parking polls, both new applications and appeals, conducted by the Clerk since Code Chapter 918 came into effect on April 16, 2007, up to December 31, 2010:

Total Number of Polls Conducted for Front Yard Parking	270		
<25% Response Rate	11	4%	96%
25% to <50% Response Rate	103	38%	
50% and greater Response Rate	156	58%	

Under the Code Chapter 918, staff received 18 appeals to the various Community Councils due solely to not meeting the 50 percent ballot return rate required for polling. The total number of appeals for any criteria not being met, received under Chapter 918 up to December 31, 2010 is 158. This translates to 11 percent of the appeals heard by Community Councils due solely to the polling benchmark not being met. Of all the 158 appeals, 81 or 51 percent had response rates of less than 50 percent which resulted in the appeal report listing an additional criteria of the Code which could not be met.

Comparison of Polling Requirements for Other Parking Issues

By way of comparison, two other parking-related matters have polling requirements: establishment of on-street permit parking and commercial boulevard parking. In both cases, the respective by-laws establish a minimum ballot return rate of 25 percent for the poll to be considered positive. We note that a 25 percent return rate and the result rate of 50 percent plus one is also the default criteria established in Municipal Code Chapter 190, Polling and Notification, when the issue-specific by-law does not stipulate a particular number.

Polling Options

In light of all of the information and data summarized in this report, staff have considered a number of possible options for front yard parking polling, ranging from the status quo to removing the minimum response requirements, or the polling entirely in some circumstances. These are listed below:

1. Status Quo

- No change to the 50 percent response rate. As noted, under this current requirement, experience has been that about 11 percent of appeals arise solely because of the minimum poll response requirement not being met.

2. Initial Staff Recommendations from 2005 Report

- No polling on blocks where legal front yard parking pads already exist, with 25 percent response rate to be considered valid where polling is required. When Council considered these recommendations, a more stringent poll requirement was ultimately applied to ensure broader neighbourhood support.

3. Staff Recommendations from 2009 Report

- A minimum response rate of 25 percent required to be considered a valid poll. Implications as set out in this report.

4. Deem non-respondents as being a positive vote in the poll or eliminate response rate requirement

- Councillor Nunziata suggests that the reason some people do not respond is that they are not concerned with the implementation of front yard parking at the particular address. Staff are of the view that should Council wish to pursue an approach along these lines, a more appropriate way would be simply to drop the minimum poll response requirement, rather than assuming what positions non-respondents may have taken on the matter.

In view of the foregoing factors, staff are of the view that there is merit to reducing the required ballot return rate for front yard parking polls from the current 50 percent to 25 percent and the favourable response rate to 50 percent plus one to be deemed a positive poll. This would be more consistent with other similar polls (on-street permit parking, commercial boulevard parking and the default polling by-law requirement). It should also be kept in mind that front yard parking applications are subject to more stringent criteria in terms of setback, landscaped open space and other environmental requirements under the new by-law. At the same time, Council's desire for neighbourhood input in the process is preserved.

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SIGNATURE

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Appendix 'I': Polling Reviews

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