



Councillor Joe Mihevc
Toronto City Hall
St. Paul's West
Ward 21

MEMO

TO: Toronto & East York Community Council

FROM: Councillor Joe Mihevc, Ward 21, St. Paul's West

RE: Amendment to the City of Toronto Municipal Code, Chapter 918 – Parking on Residential Front Yards and Boulevards (Front Yard Parking) – Ward 21

DATE: June 10, 2013

SUMMARY:

- The Code as approved by Council in July 2006 is stringent in its requirements, especially as it relates to on-street permit parking, the existence of private driveways and the width of mutual driveways.
- Specifically §918-8 C (2) states that when a property is situated on a street where on-street permit parking is permitted on that same side, the application must be refused. It does not take into consideration whether or not an on-street space will be deleted by the approval of a front yard parking pad. This section of the Code also considers "alternating sides" on-street permit parking as being on the same side, even if it is only for months at a time.
- §918-8 C (3) speaks to on-street permit parking on any side of the street and being less than 90% allocated or filled on that block where the property is situated. Again, it does not consider situations where there **will not** be a loss of an on-street permit parking space if the front yard parking pad is granted.
- An on-street permit parking space requires a length of 5.5 meters to be considered a parking spot.
- §918-8 G deals with the width of mutual driveways and the refusal of any application where the maximum width at the narrowest point is 2.2 meters or greater. Most vehicles will not fit down a mutual driveway of less than 2.4 meters. This reality puts these residents at a disadvantage. The previous renditions of this by-law used 2.4 meters as the standard. This amendment seeks to do the same for Ward 21.
- In addition, half of the Ward, that part south of St. Clair Avenue West, is prohibited from making an application. This combined with their inability to then submit an appeal, creates an inequality for those residents of Ward 21.
- It is acknowledged that there is a large part of Ward 21 where the presence of a single width private driveway does not meet the current requirements of those residents. As such, it is recommended that an application be permitted and not be refused due to the existence of a single width private driveway. This is in fact the equivalent of the former driveway widening by-law.

The proposed amendments attempt to streamline the process by acknowledging that there are some applications that meet **all** the requirements of the Code *and do not* affect the on-street permit parking. It is also a reflection of my constituents needs and the realities of what is required in order to facilitate their requirements.

The above noted sections, §§**918-8 C(2)**, **918-8 C(3)** and **918-8 G** are currently frequently the reasons for the denial of an application for front yard parking in those areas of Ward 21 where an application is permitted to be made . In those cases the homeowner first submits an application and pays the non-refundable application fee of \$332.02 plus HST. The application cannot be approved administratively and is therefore refused. The applicant then has the option to appeal. They must pay the non-refundable appeal fee of \$694.47 plus HST (combined total with taxes of almost \$1,200.00). A poll is conducted and a report is prepared for the appropriate Community Council. Of course there is no guarantee of a favourable outcome for the applicant.

- The proposed changes are specific in that no appeal would be necessary if the following criteria are met:
 - It must be a mutual driveway having a maximum width of 2.4m at its most narrowest point. This is very similar to the previous driveway widening by-law.
 - The property **must meet** all the other requirements of the Code such as landscape open space, soft landscaping, tree protection zones and result in a positive poll.
 - On-street permit parking must **not** be affected. The applicant must access the parking pad via the existing access and maneuver into the spot. There may be occasions where the ramp may need to be extended and in these cases the application would **not** be approved if an on-street **permit parking space is deleted** by the addition of the ramping.
 - It is a single width private driveway.

In addition to the above noted proposed changes, the entire Ward would now be treated similarly in that applications could be accepted for the entire Ward.

Other Requirements of the Code remain in place. They are:

- Trees
A tree protection zone (TPZ), i.e., an area free from any paving.
This is specified under the Tree by-law (Forestry). The FYP by-law does not make allowances for pre-existing paving in the TPZ.
- Landscape Open Space (LOS)
This is any landscaping, inclusive of patios and walkways, but not including parking areas.
- Soft Landscaping (SL)
These are areas included in LOS but that support the growth of vegetation. Moveable or temporary planters are not included in this.
- Size of Parking Pad
The minimum size allowable for a parking pad is 2.2m X 5.3m.

The maximum size allowable for a parking pad is 2.6m X 5.9m.

RECOMMENDATION:

That the Toronto and East York Community Council recommend that:

1. City Council amend City of Toronto Municipal Code Chapter 918, Parking on Residential Front Yards and Boulevards , insofar as it pertains to Ward 21:

- a. by deleting reference to "that portion of Ward 21 (located south of St. Clair Avenue West)" from §§ 918-5B;
 - b. by deleting all references to Ward 21, south of St. Clair Avenue West, from §918-7.2;
 - c. to provide that §§ 918-8 C(2) and §§ 918-8 C(3) do not apply to applications for parking on residential front yards for residential properties located within the area of the former City of Toronto in Ward 21 where:
 - i. the application is for a front yard parking pad adjacent to an existing mutual driveway which has a width of less than 2.4 metres measured at the narrowest point; and
 - ii. additional ramping is not required or, if additional ramping is required, there is no loss of an on-street permit parking space.
 - d. to provide that, despite §§ 918-8B and §§ 918-8D, in the area of the former City of Toronto in Ward 21, the owner of a residential property with a single width private driveway may apply for a front yard parking licence provided that §§ 918-8D(1) to (4), inclusive and §§ 918-8D (6) – (8), inclusive, are complied with;
 - e. to provide that §§ 918-8G does not apply to an application for a front yard parking licence in the area of the former City of Toronto in Ward 21 and to provide that, in the area of the former City of Toronto in Ward 21, the owner of a residential property with an existing mutual driveway having a maximum width of a 2.4 meters wide at its most narrow point may submit an application to the General Manager for a front yard parking licence provided that all conditions in the Code Chapter have been complied with;
 - f. to provide that, despite §§ 918-9D and §§ 918-9E, installation of a curb ramp access will not be granted or provided where additional ramping would result in the loss of an on-street permit parking space; and
 - g. by deleting the reference to "that portion of Ward 21 (located south of St. Clair Avenue West)" from §§ 918-21B.
2. City Council authorize staff to introduce in Council any bills that may be necessary to give effect thereto.

Sincerely,

Councillor Joe Mihevc
Ward 21, St. Paul's West