

**REPORT FOR ACTION****Chapter 918 Technical Amendments: Clarifying the Landscaping Requirements for Boulevard and Front Yard Parking**

Date: May 7, 2018

To: Public Works and Infrastructure Committee

From: General Manager, Transportation Services

Wards: All

SUMMARY

The purpose of this report is to amend City of Toronto Municipal Code Chapter 918, Parking on Residential Front Yards and Boulevards, to eliminate conflict between Chapter 918 and Zoning By-law 569-2013 (the "ZBL") in relation to the landscaped open space and soft landscaping requirements associated with parking pads.

The ZBL was amended in December 2017 to include parking pads in the allowable exemptions in calculating minimum landscaping open space requirements so that the area occupied by a parking pad is now excluded in the calculation of the landscaping requirement of the ZBL.

The proposed amendments to Chapter 918 will eliminate from Chapter 918 the landscaped open space and soft landscaping requirements on the private property portion of a front yard given that landscaping is already regulated on those lands under the ZBL. Effectively, the ZBL will be the only instrument that governs the amount of soft landscaping and landscaped open space on private front yards, eliminating the potential for a dual approval process under zoning and Chapter 918.

The proposed amendments will also eliminate the need for staff to manually calculate the required property area percentage for landscaping in the boulevard portion of a front yard in relation to a front yard parking pad and will replace previous percentage requirements with clear size requirements based upon different lot width sizes.

This will make it easier for the general public and staff to determine if a location qualifies for a front yard parking pad, and will maintain the intent of the Code to maximize the soft landscaping fronting the property.

Associated amendments are also proposed to City of Toronto Municipal Code Chapter 743, Streets and Sidewalks, Use of, arising out of the amendments to Chapter 918.

RECOMMENDATIONS

The General Manager, Transportation Services recommends that:

1. City Council amend City of Toronto Municipal Code Chapter 918, Parking on Residential Front Yards and Boulevards, and City of Toronto Municipal Code Chapter 743, Streets and Sidewalks, Use Of, both generally in accordance with the amendments identified in Appendix A to the report (dated May 7, 2018) of the General Manager, Transportation Services.

FINANCIAL IMPACT

There are no financial implications associated with the adoption of the recommendations in this report.

The Acting Chief Financial Officer has reviewed this report and agrees with the financial impact information.

DECISION HISTORY

These by-law amendments are being initiated by staff based on an interpretational conflict identified by the Ombudsman's office through a public complaint.

COMMENTS

The purpose of this report is to amend City of Toronto Municipal Code Chapter 918, Parking on Residential Front Yards and Boulevards, to eliminate conflict between Chapter 918 and the ZBL in relation to the landscaped open space and soft landscaping requirements associated with parking pads.

Among other requirements that are listed in Chapter 918, there is currently a requirement that a property must have a prescribed amount of landscaping (soft and open space) in order to qualify for the installation of a front yard parking pad.

Current Process

Currently, Section 918-11 requires that:

- A. A minimum of 50 percent of the boulevard and front yard must be maintained as landscaped open space for lots less than 15 metres.
- B. A minimum of 60 percent of the boulevard and front yard must be maintained as landscaped open space for lots greater than 15 metres.
- C. A minimum of 75 percent of the boulevard and front yard must be maintained as soft landscaping.

D. The remaining 25 percent of this area will be permitted as hard surface such as walkways, patios, and other hard surface areas provided that these areas cannot be used, or in the opinion of the General Manager, are capable of being used for vehicle parking purposes.

E. Hard surface paving areas must be separated from driveways, front yard parking pads and walkways by means of a permanent physical barrier.

F. Walkways located on the boulevard from the back edge of the sidewalk or back of curb to the property line shall not have a width greater than 1.05 metres.

When Transportation Services staff receive an application for a front yard parking pad which straddles both private and public property, the soft landscaping requirement is, pursuant to Section 918-11, calculated based on a prescribed percentage. This calculation would include the area of both the private and public boulevard portion of the property.

Issues Identified

It came to the attention of staff through the Ombudsman's office that there has been an interpretational issue regarding how much soft landscaping is required on both the private and public portions of a property with a front yard parking pad.

In addition to the above, there had been an issue related to how Zoning/Building staff discerned between a "driveway" under the ZBL and a "parking pad" under Chapter 918. Specifically, prior to the recent amendment, the ZBL did not exclude the area of a parking pad in its definition of excluded areas for determining the landscape requirements on private property.

The above-mentioned difference in approach led to a conflict which resulted in an overestimation (or more restrictive) calculation of required landscaping on the part of Transportation Services staff applying Chapter 918 when compared to Zoning/Building staff applying the ZBL. Despite this interpretational discrepancy, Transportation Services staff estimate that the resultant number of front yard parking pads that were approved during the time of this discrepancy was very low. To reconcile this, Transportation staff (temporarily) adjusted their calculations to be consistent with the ZBL, such that front yard parking pads approved under Chapter 918 were approved with the same standards of landscaping that are required under the ZBL.

For example, assuming a boulevard area which is 5.0 metres deep and 8.0 metres wide (totalling 40.0 square metres):

- the more restrictive approach resulted in a landscaped area calculation of 24 square metres;
- the temporary adjustment noted above resulted in a (less restrictive) requirement of 15.0 square metres; and
- Applying the proposed amendments noted herein would result in a soft landscaped area of 22.5 square metres.

Proposed Amendments

In an effort to address the existence of parking pads in some areas of the City, the ZBL was amended in December 2017 to specifically include a "parking pad" as an excluded area in the calculation of the landscaping requirement of the ZBL.

To reconcile any potential future conflicts between the calculation of landscaped open space and soft landscaping on the private and public portions of a property applying for a front yard parking pad under Chapter 918, however, a number of technical amendments are required to Chapter 918. These technical amendments will effectively eliminate the need for the calculation of landscaped open space or soft landscaping, which will, in turn, eliminate the potential for conflict between Chapter 918 and the ZBL.

Specifically, if the recommendations are adopted, Transportation Services staff would no longer be calculating the landscaping requirements on private property and would no longer need to calculate specific landscaping percentage requirements on the public portion in front of the property (the boulevard).

The amendments are worded so as to permit a maximum allowable size parking pad dependant on the lot width, and whether the property has a mutual driveway. The resultant or remaining area, excluding the parking pad, driveway area and the proposed walkway and retaining walls, will have to be maintained as soft landscaping on the boulevard. The ZBL will regulate the landscaping requirements for the remainder of the front yard located on private property.

Irrespective of this, Transportation staff will still maintain a one-window approach for applicants wishing to apply for a front yard parking pad. That is, any potential non-compliance issues with the associated ZBL requirements on private property would be identified at the time of the application and appropriately mitigated prior to any licensing being granted for the front yard parking pad.

City of Toronto Municipal Code Chapter 743, Streets and Sidewalks, Use Of, currently permits certain specified encroachments in the boulevard as permitted encroachments, including soft landscaping, precast concrete curb stones and driveway curbs, stairs, walkways less than 1.5 metres wide, fences and retaining walls measuring less than 0.90 metres in height above the traveled surface of the adjoining road. These permitted encroachments are allowed as-of-right in the boulevard area in front of a property provided they meet certain criteria set out in Chapter 743. Given that the proposed amendments to Chapter 918 will address the maximum width of a walkway in the boulevard when a front yard parking pad is permitted in the boulevard, associated amendments will need to be made to Chapter 743 to ensure that these as-of-right encroachments in the boulevard, excluding retaining walls, will not be permitted in addition to that provided for/regulated under Chapter 918.

Both the parking standards in provincial accessibility legislation and the standards for the private property portion as provided for in the ZBL were considered in developing the standards proposed for Chapter 918 for the width of a front yard parking pad licensed to the holder of an accessible parking permit and any adjacent walkway located on the boulevard.

The totality of the above proposed amendments will simplify Chapter 918, make it easier for the general public and staff to determine if a location qualifies, and will still maintain the intent of Chapter 918 of maximizing the soft landscaping fronting the property.

CONCLUSIONS

A number of amendments to Chapter 918 are required to ensure that the landscaping requirements for properties requesting a front yard parking pad are consistent with the landscaping requirements identified under the City's applicable zoning by-law. The amendments will also effectively eliminate the need for staff to manually calculate the required percentage of property area for landscaping (open space and soft) and replace the percentage calculation approach with clear size requirements based upon different lot width sizes.

This will make it easier for the general public and staff to determine if a location qualifies for a front yard parking pad, and still maintains the intent of the Code to maximize the soft landscaping fronting the property. Furthermore, regardless of whether the landscaping requirements apply to private and/or public property, Transportation Services will continue to provide a one-window service model for applicants.

Associated amendments will also be required to Chapter 743.

Legal Services and City Planning were consulted in the preparation of this report.

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SIGNATURE

Barbara Gray
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ATTACHMENTS

Attachment 1: Proposed Amendments to City of Toronto Municipal Code Chapter 918,
Parking on Residential Front Yards and Boulevards

Attachment 1: Proposed Amendments to City of Toronto Municipal Code Chapter 918, Parking on Residential Front Yards and Boulevards

A. Proposed Amendments to City of Toronto Municipal Code Chapter 918, Parking on Residential Front Yards and Boulevards:

DELETIONS:

1. Delete the definition of Landscaped Open Space from § 918-1B.
2. Delete reference to "918-11A, 918-11C" in § 918-7.1.
3. Delete § 918-9F.
4. Delete § 918-9G.
5. Delete § 918-10C.
6. Delete the phrase "and maximum of 2.6 metres in width" from § 918-10E.
7. Delete § 918-11.

INSERTIONS:

1. Insert a new Section A.1 in § 918-6 as follows:

"A.1 If, prior to [insert the date of enactment of the by-law amending 918-10C and deleting 918-11 here], a front yard parking licence has been issued or was approved for issuance, the licence shall be governed by the regulations in effect at the time of issuance or approval of the licence as long as the conditions of approval at the time of issuance or approval continue to be complied with and any required fees are paid in accordance with Chapter 441, Fees and Charges."

2. Insert at the beginning of § 918-8G the phrase: "Subject to § 918-10C, ".
3. Insert a new § 918-9F as follows:

"F. For a front yard parking pad containing one parking space, the curb ramp shall:
(1) be the width of the parking space in § 918-10C(2); or
(2) in the case of a parking space adjacent to a mutual or private driveway, not be installed unless the length of the parking space is less than 5.9 metres and the installation of additional ramping will not result in the loss of an on-street permit parking space."

4. Insert a new § 918-9G as follows:

"G. In the case of a joint application for a curb ramp servicing two parking spaces, the curb ramp shall either comply with § 918-10C(3) or there shall be a single ramp having a combined width of not less than 3.0 metres."

5. Insert a new § 918-10C, § 918-10C.1 and § 918-10C.2 as follows:

"C. Despite §918-8G, the front yard parking pad, and any driveway leading to a front yard parking pad, shall:

(1) for a property with a mutual driveway and:

(a) a lot width between 6.5 metres and 7.61 metres, inclusive, have a maximum permitted width of 2.2 metres; or

(b) a lot width of 7.62 metres and above, have a maximum permitted width of 2.6 metres; or

(2) for a property without a mutual driveway and:

(a) a lot width of between 5.5 metres and 7.61 metres, inclusive, have a maximum permitted width of 2.2 metres; or

(b) a lot width of 7.62 metres and above, have a maximum permitted width of 2.6 metres; or

(3) for abutting properties without a mutual driveway submitting a joint application and:

(a) a lot width of between 5.5 metres and 7.61 metres, inclusive, have a maximum permitted width of 2.2 metres; or

(b) a lot width of 7.62 metres and above, have a maximum permitted width of 2.6 metres.

C.1. Where the lot width of a property with a mutual driveway is less than 6.5 metres or where a lot width of a property without a mutual driveway is less than 5.5 metres, a front yard parking pad shall not be permitted.

C.2 Despite § 918-10C and § 918-10C.1, and notwithstanding lot width, a front yard parking pad licensed to the holder of an accessible parking permit shall be not more than 3.66 metres in width."

6. Insert a new § 918-11 as follows:

"§ 918-11. Conditions

Despite Municipal Code Chapter 743, Streets and Sidewalks, Use of, including any permissions therein, where a front yard parking licence has been issued under this chapter:

A. The remaining area of the boulevard other than the driveway, front yard parking pad, walkway and retaining walls, is to be maintained as soft landscaping.

B. Hard surface paving areas in the boulevard must be separated from driveways, front yard parking pads and walkways by means of a permanent physical barrier.

C. Any walkway located on the boulevard from the back edge of the sidewalk or back of curb to the property line shall not have a width greater than 1.05 metres.

D. Despite § 918-11C, where an accessible front yard parking licence has been issued under this chapter, any walkway located on the boulevard from the back edge of the sidewalk or back of curb to the property line shall not have a width greater than 1.5 metres, and owners and occupiers of land adjoining the street shall not be permitted to install any permitted encroachments pursuant to § 743-31 of Chapter 743, Streets and Sidewalks, Use Of, other than retaining walls measuring less than 0.90 metres in height above the traveled surface of the adjoining road."

B. Proposed Amendments to City of Toronto Municipal Code Chapter 743, Streets and Sidewalks, Use Of:

INSERTIONS:

1. Insert at new Subsection K in § 743-31 as follows:

"K. Despite § 743-31A, no owner and/or occupier of land adjoining the street shall be permitted to install any permitted encroachment authorized under § 743-31A, other than retaining walls measuring less than 0.90 metres in height above the traveled surface of the adjoining road, on the portion of a boulevard where a front yard parking pad has been installed in accordance with Chapter 918, Parking on Residential Front Yards and Boulevards."