

City Council

Motion without Notice

MM47.70	ACTION			Ward: All
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Technical Amendment to By-law 89-2022 - Accessible Parking Rates and Transition Clauses - by Councillor Ana Bailão, seconded by Councillor Paula Fletcher

** Notice of this Motion has not been given. A two-thirds vote is required to waive notice.
* This Motion is subject to referral to the Planning and Housing Committee. A two-thirds vote is required to waive referral.
* This Motion has been deemed urgent by the Chair.*

Recommendations

Councillor Ana Bailão, seconded by Councillor Paula Fletcher, recommends that:

1. City Council enact the Zoning By-law Amendments substantially in accordance with Attachment 1 to Motion MM47.70.
2. City Council determine that the revision is minor, technical in nature, and reflective of the intent of the staff report considered by City Council in Item 2021.PH.29.3, and, pursuant to subsection 34(17) of the Planning Act, no further public notice is required in respect of the proposed amendment to the Zoning By-law.

Summary

On December 15, 2021, Council adopted Item PH29.3 with amendments, to update automobile parking standards in Zoning By-law 569-2013. City Council enacted Amending By-law 89-2022 at the meeting of February 2 and 3, 2022, which was subsequently appealed to the Ontario Land Tribunal.

Staff have advised that the wording of Regulations 200.15.10.10(1) and (2) for the revised accessible parking rates, as provided in Section 30 of Amending By-law 89-2022, does not accurately reflect the intent of the Amending By-law as detailed in the staff report presented to City Council.

The new accessible parking rates in Regulations 200.15.10.10(1) and (2) in Amending By-law 89-2022 was intended to apply when a development provides at least 5 parking spaces associated with dwelling units, or at least 1 parking space for other uses. Regulations 200.15.10.10(1) and (2) of Amending By-law 89-2022, as currently written, has the effect of requiring accessible parking spaces when the number of effective parking spaces meets these thresholds. Effective parking space rates (outlined in Table 200.15.10.5 of By-law 89-2022) are used as a tool in the new method of calculating accessible parking spaces in the absence of parking minimums, and do not represent actual parking requirements. The current wording of Regulations 200.15.10.10(1) and (2) in By-law 89-2022 has the effect of requiring accessible

parking spaces in scenarios where no parking is being provided, which does not meet the intent of the new rates as described on page 19 of the Staff Report in Item PH 29.3. The technical amendment also clarifies that all parking spaces provided to meet the accessible parking rates must comply with all requirements for accessible parking spaces in Section 200.15 of Zoning By-law 569-2013, which includes access and location requirements, as well as minimum dimensions.

Amending By-law 89-2022 also provides transition clauses for building permit, minor variance, zoning by-law amendment and site plan control applications, with the intent that the new parking requirements only apply to complete applications submitted after February 3, 2022. Applications submitted prior to February 3, 2022 are generally exempt from the new and amended regulations introduced through By-law 89-2022, as long as the proposal complies with the previous parking requirements (as they read in Zoning By-law 569-2013 prior to February 3, 2022). The transition clauses are Regulations 200.25.1(1), 200.25.15.1(1), 200.25.15.2(1), 200.25.15.3(1) and 200.25.15.4(1) in Section 31 of By-law 89-2022, which currently reference the incorrect regulation numbers for the new accessible parking rates. The technical amendment inserts the correct regulation numbers for the new accessible parking regulations, which will ensure that only new applications are subject to the amended rates.

The proposed technical amendments in the attached by-law resolve the technical errors described above, is consistent with staff's original intent as expressed in the staff report attached to Item PH29.3, and ensures that the regulations in effect for the new parking requirements are consistent with City Council's decision on December 15, 2021.

This Motion is urgent in order to put this in place prior to the Council break.

Background Information (City Council)

Member Motion MM47.70

Attachment 1 - Draft By-law to amend By-law 89-2022

(<https://www.toronto.ca/legdocs/mmis/2022/mm/bgrd/backgroundfile-228893.pdf>)