

TORONTO STAFF REPORT

November 18, 2005

To: Joint Planning & Transportation and Works Committee

From: Gary H. Welsh, General Manager, Transportation Services

Subject: Parking on Residential Front Yards and Boulevards – Municipal Code Chapter and Policy Considerations
(All Wards)

Purpose:

To recommend Municipal Code Chapter provisions related to parking on boulevards and residential off-street parking in front of the main front wall of a residential building (front yard, boulevard flankage and driveway widening) and address a number of policy issues related to this form of parking.

Financial Implications and Impact Statement:

There are no direct financial impacts to the City arising from the adoption of the recommendations in this report.

Recommendations:

It is recommended that:

- (1) the existing provisions in by-laws/code chapters, or relevant sections thereof, related to residential front yard, residential driveway widening, residential front yard disabled persons and residential boulevard parking of the former municipalities be consolidated and a new uniform Municipal Code Chapter 918, Parking on Residential Front Yards and Boulevards, be enacted;
- (2) authority be granted to submit any Bills required to enact the new Chapter of the City of Toronto Municipal Code, namely Chapter 918, Parking on Residential Front Yards and Boulevards, generally in accordance with Appendix C of this report, subject to any necessary refinements, including stylistic, format and organization, as may be identified by the City Solicitor and the General Manager, Transportation Services;

- (3) at such time as the General Manager, Transportation Services, and the City Solicitor deem appropriate, the existing provisions in the Code Chapters and by-laws, or relevant sections thereof, of the former municipalities as set out below, and any other provisions that may be identified by the General Manager or City Solicitor, that relate to and have been superseded or replaced by the new Code Chapter, be rescinded:
- former Municipal Code Chapter 963, Parking Disabled, Boulevard, Residential (York)
 - former Municipal Code Chapter 955, Parking Boulevard, Residential Area (York)
 - former Municipal Code Chapter 183, Public Road Allowances, sections 183-17 to 22 (Etobicoke)
 - former By-law No. 122-93, Being a By-law to Licence and regulate boulevard parking in residential areas (East York)
 - former Municipal Code Chapter 248, Parking Licences (Toronto)
 - former Municipal Code Chapter 400, Traffic and Parking, sections 400-2 (part), 400-9D, 400-9E, and 400-47 to 49 (Toronto)
 - former Municipal Code Chapter 313, Streets and Sidewalks, sections 313-39, 313-40 and 313-42 (Toronto)
 - By-law No. 17307, Being a By-law to Prohibit the parking or driving of vehicles on boulevards (Scarborough)
- (4) the City Solicitor be given the authority to amend any City By-laws or Code Chapters, or sections therein, which may contain reference to any by-law or Code Chapter, or section therein, which is to be superseded by the proposed Chapter 918 to eliminate and, where appropriate, correct such references;
- (5) the City Solicitor, in consultation with the General Manager, Transportation Services, be authorized and directed to make application to the Senior Regional Justice of the Ontario Court of Justice for set fines with respect to the offences created by the above-noted proposed Code Chapter 918, Parking on Residential Front Yards and Boulevards;
- (6) the City Solicitor, in consultation with the General Manager, Transportation Services, and Chief Planner and Executive Director, City Planning, be instructed to examine the Province's bill for a new City of Toronto Act, to determine whether it would grant Council authority to pass by-laws authorizing, pursuant to permits issued, front yard parking within the City beyond the geographic area of the former City of Toronto, and the authority to charge fees in connection with each permit;
- (7) in the event it is deemed the authority as may be established in the new City of Toronto Act is not sufficient to enable Council to enact such by-laws as described in Recommendation No. (6) above, the City Solicitor, in consultation with the General Manager, Transportation Services and Chief Planner and Executive Director, City Planning, be authorized and directed to make application to the Province of Ontario to extend, and make any refinements as they determine necessary to, the special legislation currently applicable only within the geographic area of the former City of Toronto, to

convey approval authorities to City Council respecting the regulation of front yard parking;

- (8) the provisions contained in this proposed Chapter 918 pertaining to boulevards (City property) are applicable to all areas of the City, while the provisions pertaining to front yards (private property) are applicable only to those areas of the City encompassing the geographic area of the former City of Toronto at this time in view of the current legislative constraints, with the following stipulations:
 - (a) the General Manager shall not accept an application for a licence to park on any portion of the boulevard for residential properties located in Wards 1, 2, 3, 4, 5, 7, 8, 9, 10, 16 (portion outside the former City of Toronto), 23, 24, 25 (portion outside the former City of Toronto), 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43 and 44;
 - (b) for those portions of the following Wards within the geographic area of the former City of Toronto, the General Manager may accept applications for front yard parking (private property and/or boulevard portions) for residential properties, namely Wards 11, 12, 13, 14, 16, 17, 21 (portion north of St Clair Avenue West), 22, 25, 29 and 31;
 - (c) for those portions of the following Wards within the geographic area of the former City of Toronto, the General Manager shall not accept applications for front yard parking, or appeals, for residential properties, namely Wards 18, 19, 20, 21 (portion south of St. Clair Avenue West), 27, 28 and 30;
 - (d) Ward 32 be included with those areas where front yard parking is permissible, subject to the proposed provisions in Chapter 918, and the temporary moratorium on the acceptance of applications be rescinded;
 - (e) Wards 6, 15 and 26 be included with those areas where parking on the boulevard is not permissible and no applications for the licensing of same be accepted;
- (9) in the event that future ward boundary realignments result in the area of a ward changing by not more than 20 percent, the General Manager, Transportation Services be authorized to amend the front yard and/or boulevard parking provisions set out in Chapter 918 to reflect the criteria applicable in the majority of the ward;
- (10) in connection with the introduction of Chapter 918, current Municipal Code Chapter 441, Fees, be amended as necessary to reflect the harmonized terminology contained in Chapter 918, with the following adjustments:
 - (a) the current appeal fee related to applications for parking on residential front yard or boulevard in areas where it is permitted, be increased from \$200.00 to \$600.00 (2005 rate), in line with current Committee of Adjustment rates, with such fee to be increased annually by the rate of inflation starting in 2006;

- (b) an inspection fee be imposed on applications submitted and approved where the parking pad had already been constructed without prior authorization from the City, in the amount of \$500.00 (2005 rate) with such fee to be adjusted annually by the rate of inflation starting in 2006;
 - (c) where it is not feasible for the owner of a residential property approved for parking in the front yard or boulevard to plant a tree in the front yard or boulevard, a planting service fee in the amount of \$475.00 (2005 rate), with such fee to be increased annually by the rate of inflation starting in 2006, be imposed for the planting of a tree on City property in the general area, preferably on the same street;
- (11) the General Manager, Transportation Services, shall not give notice of revocation or charge an annual licence renewal fee to residential property owners who currently hold and continue to comply with all requirements of a Special Licence issued by the former Borough of East York pursuant to By-law No. 122-93, until such time as the residential property changes ownership, upon which all applicable provisions in Municipal Code Chapter 918, and fees as described in Municipal Code Chapter 441, Fees, will apply to the new owner;
- (12) the General Manager, Transportation Services, in consultation with the General Manager, Toronto Water, report on amendments to Municipal Code Chapter 918 for the purposes of providing greater specificity to the permeable paving material requirements, at such time as conclusions in this regard are available through the ongoing Wet Weather Flow Management Master Plan and Policy; and
- (13) the appropriate City Officials be authorized and directed to take the necessary action to give effect to the foregoing, including the introduction in Council of any Bills that may be required.

Background:

Matters related to residential front yard parking policy have been considered by Council on a number of occasions over the past year and have resulted in requests for further reports.

Staff were directed to consolidate, with minor adjustments as necessary, the current municipal by-law/code provisions pertaining to front yard parking for submission to the Works Committee in Fall 2005, arising from consideration of a comprehensive staff policy report of September 23, 2004 (“Policy Review of Residential Front Yard Parking and Driveway Widening”, Clause No. 2 of Report No. 9 of Works Committee, adopted as amended by Council at its meeting of October 26, 27 and 28, 2004). During consideration of this Clause, Council also requested that staff include recommendations on harmonizing penalty provisions in the consolidated by-law.

Consideration of the 2005 Operating Budget led to report requests on a number of physical and environmental concerns with front yard parking, including stormwater management, as well as payment of fees being achieved through the tax roll.

Council, at its meeting of May 17, 18 and 19, 2005, in considering the staff report (April 13, 2005) "On-Street Permit and Off-Street Residential Parking Fees", enacted fees related to these forms of parking (Clause No. 3 of Report No. 5 of the Works Committee).

Specific concerns related to front yard parking and driveway paving criteria, stormwater management, enforcement, as well as zoning by-law provisions for the paving of rear yards, were raised in the context of a further staff report (May 17, 2005) submitted to all Community Councils, and before City Council at its meeting of June 14, 15 and 16, 2005.

A complete list of outstanding related report requests is contained as Appendix A to this report.

Comments:

This report is the culmination of an extensive review of residential front yard and boulevard parking provisions throughout the City. It has been carried out in close co-ordination with the City Planning Division's Zoning By-law Project review of front yard parking provisions on the private property. The content of this report is divided into the following sections:

- 1.0 Context of Residential Front Yard Parking.
- 2.0 Legislative Framework.
- 3.0 Formulation of Proposed Chapter 918, Parking on Residential Front Yards and Boulevards.
- 4.0 Mission Statement – Proposed Chapter 918.
- 5.0 Zoning By-law.
- 6.0 Applicability.
- 7.0 Consolidated Municipal Code Criteria.
 - 7.1 Neighbourhood Polling Requirements.
 - 7.2 On-Street Parking Provisions.
 - 7.3 Wet Weather Flow Management Plan.
- 8.0 Prohibition of Parking on Residential Boulevards in Wards 15 and 26.
- 9.0 East York Special Licences.
- 10.0 Invoicing of Front Yard and Boulevard Parking Licence Holders.
- 11.0 Enforcement and Penalties Regarding Illegal Residential Boulevard Parking.
- 12.0 Fees.
- 13.0 Mechanism to Inform Purchasers of Legal Status of Parking Pads.

1.0 Context of Residential Front Yard Parking

Residential front yard parking, in its various forms, essentially entails having the designated parking space for a residential property located in front of the main front wall of the building, either entirely on the private property, entirely within the City-owned public boulevard or a

combination thereof. This mode of parking is currently regulated pursuant to previous by-laws enacted by the former municipalities prior to amalgamation.

While the exact wording varies, each of the former municipalities generally restricted or prohibited front yard parking through their respective Zoning By-laws. The Zoning By-laws are only applicable to the private property portion. All municipalities also restricted the use of the City-owned public boulevard for vehicle parking purposes. However, four former municipalities, namely Etobicoke, East York, Toronto and York did have specific Municipal Code or other by-law provisions that established criteria for licensing front yard parking spaces within the municipal property. The chart attached as Appendix B to this report provides a comparative summary of these existing by-law/code provisions.

Front yard parking has traditionally been considered as a means of last resort. However, it has become more common in the more densely built areas of the City as parking demand has increasingly exceeded the ability to accommodate on-site residential parking supply. Many concerns have been expressed over the years around negative impacts and environmental implications of front yard parking, including detrimental impact on neighbourhood streetscapes, proliferation of curb ramps, elimination of on-street parking, interference with pedestrian activity, elimination of landscaped open space, stress on trees and stormwater run-off. At the same time, front yard parking is not a feature that is in demand, or even necessary in much of the City, as residential areas initially developing since the 1950's are less compact in form, exhibit larger setbacks from the street and are designed with on-site parking accommodation in mind. There are, however, emerging pressures in some of these communities as recent development patterns are denser and additional units are built in many residences.

There are about 15,700 licensed front yard parking, driveway widening and residential boulevard parking pads, but an estimated 356,000 residential driveways providing access to garages or other on-site parking, in all four Community Council areas.

2.0 Legislative Framework

Front yard parking is rooted in Zoning By-law regulation. As such, the avenue for processing applications is generally the planning process, and accordingly, the appeal body for variances or exemptions is the Committee of Adjustment (where decisions can in turn be appealed to the Ontario Municipal Board, "OMB"). There are, however, a couple of significant provisos.

First, municipal approval would be necessary if the front yard parking space is wholly or partially within the City boulevard. The Committee of Adjustment/OMB do not have authority to authorize this use of City property. It could conceivably be permitted by Council by way of an encroachment agreement.

The second, and more significant factor, is that the former City of Toronto requested, at the suggestion of the Board itself, and was granted, special Provincial legislation in 1980 that, in effect, exempted the regulation of this particular aspect of land use from provisions of the Planning Act and conveyed certain approval authorities to City Council. Specifically, the former City was enabled to enact front yard parking regulations by by-law in relation to the portion of

private property located between the front wall of a residential building on such private property and the abutting public highway and establish the process where appeals for variance to the provisions would be decided by Council and not the Committee of Adjustment/OMB. In 1981 further special legislation was obtained allowing the former Toronto to also authorize front yard parking for physically handicapped persons. It is important to understand that the special legislative authority encompasses the private property portion of the front yard. This is the basis for the reports that a number of Community Councils now deal with in this regard.

This special legislation, however, is only applicable in the geographic area of the former City of Toronto. As such a critical and inescapable fact underlying this current review of front yard parking is that until this special legislation is extended or otherwise harmonized across the City, there will continue to be inconsistencies in the processing of applications for front yard parking and appeals. To be clear, residents in the former municipalities of East York, York, Etobicoke, North York and Scarborough will still be entitled to make application through the planning process to the Committee of Adjustment for variances to the Zoning By-law related to the parking of a motor vehicle in the front yard (the private property portion). At such time as the special legislation is extended, front yard parking regulation, including application and appeal processes, could come under the proposed Chapter 918, Parking on Residential Front Yards and Boulevards.

3.0 Formulation of Proposed Chapter 918, Parking on Residential Front Yards and Boulevards

As Committee and Council know, the original intent of this front yard parking by-law exercise was to consolidate with minor adjustments, the number of existing municipal code and by-law provisions applicable to residential off-street parking (front yard and boulevard) into one by-law. For a variety of reasons, harmonizing the regulations was not expected to be a primary focus at this time.

However, several factors have transpired to lead this review toward the development of more consistent criteria to be applied to front yard and boulevard parking. Through subsequent deliberation on front yard parking issues at Committee, Community Councils and City Council meetings, it became apparent that there was a strong desire for more consistency in the regulations. Second, staff found in compiling the various by-laws that there were many differences, but also significant overlap that could be cleared up to provide a much more legible regulation. Finally, the Zoning By-law project team of City Planning Division has made substantial progress in harmonizing the underlying zoning provisions, providing a solid platform for related residential front yard and boulevard parking provisions encompassed in this proposed Chapter 918.

4.0 Mission Statement – Proposed Chapter 918

The issues around front yard parking are highly complex, as evidenced by the level and range of discussion generated at Committees, Community Councils and City Council. Underlying legal authorities are not consistent and the form of development throughout the City varies widely. As such, staff are of the view that it is most helpful to state the principles and objectives for

regulating boulevard and front yard parking in Toronto. The following points comprise what can be viewed as a “mission statement” for the proposed new Chapter 918, Parking on Residential Front Yards and Boulevards; in simple terms what the Chapter is intended to accomplish, within the significant legal constraints currently in effect.

1. This Chapter distinguishes the two aspects of “residential front yard parking” (or parking in front of the front wall of a residential building), namely:
 - the private property portion (front yard);
 - the adjoining public boulevard.
2. The provisions in this Chapter dealing with the boulevard portion are applicable City-wide, while those provisions related to the “front yard” (private property) can only be made applicable to the former City of Toronto at this time, due to constraints currently imposed by way of enabling provincial legislation.
3. By virtue of the legislative constraints, the process for dealing with front yard parking in all areas of the City cannot be harmonized at this time:
 - applications and appeals (where appropriate) for licensing the use of boulevards for residential parking purposes will be within the purview of Council, in all Wards;
 - applications and appeals (where appropriate) for the use of the front yard (private property) for residential parking purposes will be within the purview of Council in those Wards or portion of Wards within the former City of Toronto geographic area only;
 - applications and appeals for the use of the front yard (private property) for residential parking purposes will be dealt with under the provisions of the Planning Act in those Wards or portions of Wards within the former Cities of Etobicoke, North York, Scarborough and York, and Borough of East York. Accordingly, applications and appeals will be dealt with by the Committee of Adjustment and OMB.
4. To provide the tools necessary to eliminate the process inconsistencies, it is recommended that the underlying special provincial legislation related to front yard parking that is now applicable only in the geographic area of the City comprising the former City of Toronto be extended, and refined as necessary, to apply City-wide. This would enable Council, should it see fit, to adjudicate front yard parking issues, and take this aspect of land use planning out of the realm of the Committee of Adjustment/OMB. It is noted that this by-law is structured in a manner that will give Council the option of “opting-in” some or all Wards under this process upon the extension of the special legislation, but not making this approach mandatory across all areas of the City. (This is not a decision that must be made at this time).

5. In order to mitigate the process issue, this Chapter works in concert with the proposed new Zoning By-law criteria, mirroring the various dimensional and other physical criteria.
6. This Chapter generally does not extend permissions for front yard or boulevard parking to areas in which this form of residential parking is currently not permitted. In areas where boulevard parking is currently not permitted, this Chapter continues that restriction. In Wards within the former City of Toronto where no applications/appeals for front yard parking are currently accepted, this Chapter continues that restriction.
7. This Chapter, and proposed amendments to Provincial legislation, establishes comprehensive regulations, including prohibitions and restrictions, related to parking of motor vehicles on City boulevards and front yards, where applicable.
8. The underlying premise of this Chapter is that front yard parking and/or boulevard parking, in those areas of the City where permitted under this Chapter, is a means of last resort, and should not be allowed if a proper parking space is/can be provided on the property. In any event, this Chapter limits front yard parking to only one vehicle per property.
9. This Chapter has been substantially consolidated and simplified by collapsing the definitions of front yard parking, driveway widening and residential boulevard parking that appeared in various Chapters of the former City of Toronto Municipal Code. The basic distinction between the first two forms of front yard parking was that the former required construction of a new driveway ramp to the street, while the latter involved an existing driveway. Residential boulevard parking relates to corner properties with parking on the flank street.
10. This Chapter establishes harmonized criteria for front yard parking to be applied in all areas of the City that this form of residential parking is permitted. These criteria are consistent with the proposed new Zoning By-law provisions and encompass environmental aspects (permeable paving, grading, downspout disconnection, tree planting, landscaped and soft open space), safety (setbacks, clearances), dimensional requirements and neighbourhood considerations (driveway ramp, parking pad size, impact on on-street permit parking, polling).
11. The criteria contained in this Chapter for approving front yard parking applications result in a generally more stringent regime than established in current by-laws/code chapters, particularly in terms of landscaped open space, stormwater management, maximum driveway width and impact on on-street parking.
12. This Chapter does not explicitly prohibit the parking, or require the licensing of vehicles, in existing private driveways, that by definition lead to a designated parking space on the private property behind the front wall of the residential building (subject to setback criteria and proposed Zoning By-law provisions), except that parking in a boulevard, including the driveway, between the roadway and sidewalk is prohibited.

13. This Chapter would require, in all areas of the City where this form of parking is permissible, that a front yard pad would not be allowed if on-street permit parking is in effect on the same side of the street block where the front yard parking is requested. Further a front yard pad would not be approved if on-street permit parking on the street block is less than 90 percent subscribed, regardless of which side the property is on.
14. This Chapter establishes neighbourhood polling requirements in specified circumstances for approval of front yard parking (including boulevard) pads. Specifically, where a licensed front yard parking pad currently exists on a block it shall be deemed that the neighbourhood supports this type of parking, and additional polling will not be conducted.
15. This Chapter introduces infractions and penalty provisions that deal with the illegal use of a boulevard and/or front yard for parking and the existence of an illegal front yard parking pad. In previous by-laws, only the former (use) was generally addressed. This Chapter also introduces additional fees for applications to legalize a front yard parking pad constructed without prior authorization.

The following sections of this report elaborate on these matters and detail the provisions of the proposed Chapter 918, Parking on Residential Front Yards and Boulevards.

5.0 Zoning By-law

It is important to understand that the proposed new Chapter 918, Parking on Residential Front Yards and Boulevards works hand-in-hand with the proposed new Zoning By-law provisions related to vehicle parking in front of the main front wall of a residential building. In essence, the Zoning By-law establishes the framework and essentially prohibits this form of parking on the private property, except within the confines of a legal driveway (the Zoning By-law does not deal with the public boulevard adjoining the private property). The Zoning By-law also establishes requirements for paved areas (driveways, walkways, etc.), and landscaped open space (soft surface) in the front yard of the property. The related provisions in this Chapter reflect those proposed in the Zoning work.

The proposed Chapter 918, Parking on Residential Front Yards and Boulevards forms a bridge to create exemptions to the general front yard parking prohibition as found in the Zoning By-law (s) in those areas of the City where physical development patterns or other considerations make it appropriate to do so. The first question, therefore, in developing the new Chapter is, in what areas of the City it would be applicable.

6.0 Applicability

In composing the new Chapter 918, Parking on Residential Front Yards and Boulevards and associated criteria, staff have been very cognisant of the implicit direction of not significantly extending or expanding front yard parking permissions. For example, the Scarborough Community Council, “reconfirm(ed) the existing policies and zoning by-laws as it pertains to

parking in residential zones; and further wish to state its objection to any permissive initiatives to introduce any changes within the East District”. As such the intent of this Code Chapter is to reflect the prohibitions and restrictions on front yard and boulevard parking currently in effect throughout the City.

As discussed above, the proposed Chapter 918 distinguishes between the private property and boulevard portions of front yard parking. The boulevard provisions are applicable City-wide. The private property provisions are applicable only to the geographic area within the former City of Toronto.

It has been pointed out previously that front yard and/or boulevard parking is not a feature that is in demand or necessary in much of the City. In seven Wards located in the former City of Toronto area, front yard parking is not permitted nor are appeals considered under the current by-laws/code chapters. This is due to the congested urban form characterised by little or no building setback, narrow lots, lack of boulevard space, streetscape concerns and high pedestrian activity. Parking on the boulevard is also prohibited now in the vast majority of Scarborough, North York and Etobicoke, but for essentially opposite reasons (although Committee of Adjustment appeals are possible for establishing front yard parking pads on the private properties everywhere except the former City of Toronto). These areas generally have large setbacks and ample opportunity to provide on-site parking behind the main front wall of the building so demand for this form of parking is much less.

As a starting point, staff are recommending that those Wards where front yard and/or boulevard parking is currently not permitted under the existing by-law/code chapters, continue in this manner.

Wards that straddle former municipal boundaries where front yard parking was permitted in one municipality and not another pose a unique challenge. Unfortunately, at the present time, we do not have the legislative framework available to harmonize the process. However, significant steps have been taken in the proposed Zoning By-law and proposed Chapter 918 to at least harmonize the criteria for front yard parking, as discussed in more detail in the following sections. Accordingly, we are recommending that the new front yard parking Chapter 918 provisions be applied to those parts of Wards 11, 12, 13, 16, 17 and 25 comprising former City of Toronto.

Once the special provincial legislation is extended, the remaining portions of these Wards, or for that matter any others, could be brought under the umbrella of regulation set out in this Chapter pertaining to the private property portion. It is emphasized, however, that nothing will compel any of the areas outside the geographic bounds of the former City of Toronto to be included under the front yard (i.e. private property) provisions of this Chapter even if the legislation is extended to be applicable City-wide. In effect, by remaining “outside” of a by-law enacted pursuant to such legislation, the given Ward could still continue under The Planning Act process for appeals related to front yard parking..

7.0 Consolidated Municipal Code Criteria

Appendix C attached to this report sets out the proposed Municipal Code Chapter 918. The following summarize recommended harmonized criteria for approval of front yard parking applications within the public right of way:

Program Elements	Proposed Harmonized Criteria
Eligible residential property	Duplex Detached house Semi-detached house Semi-detached duplex Semi-detached triplex Converted house Rowplex Row house Triplex
Maximum Mutual Driveway Width	2.2 m measured at the narrowest point of the driveway. (It is noted that by definition a private or mutual driveway leads to a parking space behind the main front wall. Accordingly, if the space is physically accessible by a driveway, the property would not satisfy the boulevard/front yard parking criteria).
Maximum Driveway Length	2.0 m measured from back of sidewalk
Front Yard Landscape Requirements	(Consistent with proposed Zoning By-law) Minimum 50% landscaped open space of the front yard and boulevard (landscaped open space is an area that supports the growth of vegetation, may include a walkway, patio or similar hard surfaced area, but does not include a driveway or parking space); and Minimum of 75% of the landscaped open space within the front yard and boulevard, excluding driveway and parking space, to be soft landscaping (soft landscaping is an area that supports the growth of vegetation such as grass, trees, shrubs, flowers or other plants and permits water infiltration into the ground).
Number of Permitted Front Yard Parking Pads	Only one parking space permitted.
Tree Planting Requirement	Tree to be planted in front yard, or applicant to provide payment in lieu. Cost of \$475.00
Paving Requirements	Permeable paving treatments must be used such as ecostone, turf stone or approved equivalent.
Front Yard Parking Pad Dimensions	Maximum of 2.7 m in width and 5.9 m in length. Minimum of 2.2 m in width and 5.3 m in length.
Set back requirements	From Fire Hydrant : 2 m From Building Wall : 0.3 m From back of sidewalk : 0.3 m Parking Perpendicular : 0.3 m Parking at an Angle : 2 m
Downspout disconnection	Downspout must be disconnected where physically feasible at

	the expense of the applicant
Vehicle Restrictions	Passenger motor vehicles and motorcycles only
Pad Clearance from Adjacent Trees	As per Parks, Forestry and Recreation Services requirements.
Eligible Applicant	Property owner, agent or occupant

7.1 Neighbourhood Polling Requirements

Under this Chapter 918, neighbourhood polling will not be required if a licensed front yard parking pad currently exists on the street block, as the initial licensing of the front yard parking pad would have required previous neighbourhood support of the application. Currently only the former City of Toronto conducts polls for front yard parking applications. The polling provisions would be extended to other areas of the City.

If however, front yard parking does not exist on the street block, a petition must be submitted by the applicant signed by residents of at least 25% of the total number of residential properties having a municipal address on the street block in support of the application before an official poll is initiated.

To ensure neighbourhood input on streetscape changes related to residential front yard parking, the following polling criteria is being proposed until such time as a harmonized polling code chapter is introduced:

Voting Eligibility - persons eighteen (18) years of age or over as enumerated on the current assessment roll, as revised, within the polling limits.

Polling Area - the polling limit shall consist of residential properties located on both sides of the street from the ends of the side lot lines to the nearest intersection

Polling Period - the polling period shall commence from the mailing date of the ballots for thirty (30) consecutive days, unless the closing date of the poll falls on a weekend, statutory holiday or City designated holidays, then the last day for casting ballots shall be the first business day thereafter.

Approval - a minimum polling response rate of 25% of eligible voters is required. A response rate less than 25% shall be deemed a negative poll. Where the minimum response rate has been satisfied and the poll results in a majority (50% plus 1 ballot) of those persons casting ballots being in favour of the application, the application shall be approved.

Where a poll has been conducted for the street block and the results of the poll are favourable, the secrecy of the ballots shall be kept confidential and the results of the poll will be used in connection with each subsequent application for front yard parking on that street block. Where the results of the poll are negative, repolling for the same purpose may not take place until two (2) years have passed from the closing date of the previous poll.

7.2 On-Street Parking Provisions

In the September 23, 2004 staff report it was indicated that differing criteria are applicable on a ward by-ward basis, establishing the relationship between front yard and boulevard parking approvals and on-street permit parking. The obvious concern is that the installation of the associated driveway ramp could eliminate one or more street parking spaces available generally for other residents. This is particularly problematic in areas of the City where on-street permit parking is in high demand. The following is a synopsis of the current provisions under the former Toronto Code Chapters in the relevant Wards:

Wards 11 (part), 14 (part), 16 (part), 17 (part), 21 (part), 22, 25 (part) - front yard parking is permitted on a street authorized for on street permit parking (same side or opposite side), provided there are a sufficient number of on-street permit parking spaces available;

Wards 18, 19, 20, 21 (part), 27, 28 and 30 - front yard parking not permitted, no appeals;

Ward 32 - currently under a moratorium, no appeals. Underlying permission is that front yard parking is permitted on a street authorized for on street permit parking , subject to the on-street permit parking being on the opposite side of the street where the front yard parking pad is being proposed;

Wards 13, 14 (part) - front yard parking is permitted on a street authorized for on street permit parking, subject to the on-street permit parking being on the opposite side of the street where the front yard parking pad is being proposed;.

Ward 29 - on street permit parking is not considered in front yard parking applications; and

None of the former York, Etobicoke or East York boulevard parking regulations contain criteria related to preserving on-street permit parking.

The above summary highlights a wide range of possibilities in terms of the relationship between front yard parking approvals and the presence of on-street permit parking. These extend from not allowing front yard parking regardless of permit parking conditions at one end of the spectrum, to not taking account of permit parking in the front yard parking approvals at the other extreme, and a number of options in between.

Through this review, we have considered these approaches, and particularly one whereby front yard parking would not be considered in any event if permit parking was available on a street, regardless of side, or even could be implemented if it wasn't already. However, the proposed Chapter 918 currently contains the provision that where residential on-street permit parking is permitted on the same side of the street block where a front yard parking pad is requested, front yard parking would not be allowed. In addition if on-street permit parking is in effect on a street block, and is less than 90 percent subscribed, front yard parking would not be allowed, regardless of the side of the street the property is located.

7.3 Wet Weather Flow Management Plan

Appendix D of this report was produced by Toronto Water and summarizes the review on the impacts of front yard parking on wet weather flow management issues. Staff of the Infrastructure Management Asset Planning and Management - Stormwater Management group of Toronto Water have applied their wet weather flow hydrological model to assess and quantify the related issues. In particular, Toronto Water has reviewed run off quantities related to front yard parking and driveway paving, run off toxicity considerations, impacts of downspout disconnection and porous paving material.

The Wet Weather Flow Management Master Plan and Policy (WWFMMP) has an objective of reducing the total volume of annual runoff from impervious surfaces, including driveways and parking pads, while also reducing the concentration of pollutants in stormwater runoff, prior to its discharge to receiving waters. Paved parking pads increase the volume of runoff. Consideration of the impacts of front yard parking indicate that while cumulatively across the City the impacts are minute due to the number of licensed pads (15,700) relative the total number of driveways (356,000) where vehicles are parked, the impacts are measurable on a per lot basis. The impacts are prominent, from an engineering and financial viewpoint, in older areas of the City where more expensive space confined facilities will be needed to improve stormwater quality through building underground treatment facilities. Of course, these are the same areas where front yard parking faces particularly acute demands. Of the lot-level techniques available to reduce the volume of runoff, three are quite effective: downspout disconnection, porous materials for the parking pad and vegetated landscaping.

A number of elements are included in the proposed Chapter 918 to address storm runoff and environmental concerns. First, it is recommended that parking pads be constructed using materials that are permeable to reduce water runoff. We have reviewed two concepts in this regard, namely the establishment of material specifications or the implementation of performance standards. Although Appendix D provides some technical assessment, we are advised by Toronto Water staff that further research is required before greater specificity can be introduced in this Chapter. It is recommended that at such time as the WWFMMP work is advanced, a report be submitted to Works Committee recommending appropriate revisions to Chapter 918. In the interim, staff will continue to require treatments such as ecostone for front yard pads.

Secondly, in order to limit the amount of hard surface in the front yard, an increase in the landscaped open space and soft landscaping is also being proposed. In addition, the planting of a tree, or where not feasible, funding in lieu for the planting of a tree is being proposed. Finally, the disconnection of downspouts where feasible, at the owners expense, to limit the influx of storm water to the City's sewer system is proposed to be a mandatory requirement under the new Chapter.

8.0 Prohibition of Parking on Residential Boulevards in Wards 6, 15 and 26

City Council at its meeting of June 14, 15 and 16, 2005 adopted as amended Clause No. 25 of Report No. 5 of Toronto and East York Community Council and among other things requested a report to the Works Committee on adopting a policy prohibiting Front Yard Parking in Ward 26.

In addition, Councillors Mark Grimes and Howard Moscoe have indicated interest in front yard parking being prohibited in Wards 6 and 15 respectively.

The implementation of this Chapter 918, as submitted by staff, would prohibit residents from applying to licence a new front yard parking pad either entirely or partially within the boulevard within Wards 6, 15 and 26. As with all areas where applications are not currently or no longer considered, properties currently licensed for front yard parking on the boulevard would be grandparented as long as the property and the parking space continue to comply with the regulation in effect at the time of the permit issuance or approval of the licence and the prevailing annual fee is paid.

Applications received prior to the enactment of the code provisions or moratorium, respectively, for front yard parking in these Wards will be processed according to the current provisions of the former Etobicoke Municipal Code Chapter 183, York Municipal Code Chapter 955 and East York By-law No. 122-93 respectively.

While the prohibition of front yard parking would apply only within the boulevard pursuant to Chapter 918, property owners would still be able to apply to the Committee of Adjustment/OMB for a variance for parking within the confines of the private property in front of the main front wall of the building, until such time as the special legislation is extended across the City. At that point, City Council could consider amending Chapter 918 to encompass front yard parking on private property in the geographic areas outside of former Toronto and establish the process for appeals for variance to be decided by Council and not Committee of Adjustment/OMB.

9.0 East York Special Licences

In the former Borough of East York, residential property owners may submit an application to maintain and use a front yard parking pad which has been in existence prior to April 17, 1950 in the former Township of East York and prior to March 1, 1965 in the former Town of Leaside, subject to the property owners entering into an agreement with the Borough, known as a Special Licence. The Special Licence is registered on property title until year 1990 and, among other things, exempts the residential property owners from paying an annual renewal fee for the front yard parking pad.

There are approximately 920 Special Licences issued, of which 800 have been registered on property title. With the passing of By-law No. 122-93, Special Licences were no longer registered on title, but among other things, still exempt the property owners from paying the applicable annual renewal fee.

Section 17 of the Terms of the Special Licence issued by the former East York pursuant to By-law No. 122-93, provides that, "The Special Licence is at the pleasure of the Council for the Borough and may be revoked forthwith by the Borough upon delivering a written notice of the same to the Owner in accordance with By-law No. 122-93.". Should the Special Licence be cancelled or revoked a written notice from the General Manager to the owner(s) would be required.

It is recommended that properties currently exempted from the payment of the annual renewal fee by virtue of a valid Special Licence should ultimately be subject to the same requirements under Chapter 918 as those residents elsewhere in the City. However, recognizing that many holders of these Special Licences have enjoyed these privileges for many years, it is proposed that the elimination of the Special Licence and replacement with a licence issued pursuant to Chapter 918, be phased in and notice be given at such time as the current owner sells the property.

10.0 Invoicing of Front Yard and Boulevard Parking Licence Holders

This matter was dealt with in detail in the staff report (October 26, 2004) to City Council.

Approximately 15,700 residential boulevard parking licenses have been issued to residents for parking their vehicles totally or partially within the City's boulevard in the former communities of Etobicoke, East York, York and Toronto (front yard parking totally within private property also requires approval from the City in the former Toronto, but an annual fee is not applicable).

These licences are renewed annually. The permit holder receives a bill in the mail through an automated billing system and can pay the annual renewal fee by mail, at most financial institutions, ATM machines, on-line or in person at one of the City's service counters. It is important to differentiate that these amounts are a fee and not a tax.

The annual revenue generated from these licences is approximately \$1,380,000.00. A current report of outstanding arrears indicates that a total of 386 accounts are currently in arrears in the amount of \$54,000.00. Over 96% of the total locations licensed have paid their fees.

From a customer perspective, with the automated system several payment options are available that add a great level of convenience. First, the overall billing is more concise and accurate. The licence holder is invoiced and has a number of options, including the most recent innovation of paying on-line through the City's e-Service. The current automated system enables staff to maintain up to date detailed information of each licence's activity and generate specific reports based on administrative requirements which is crucial for effective enforcement activity. The current tax roll program currently does not have this capability. To maintain a dual system (i.e., tax roll and Street Allowance Rental) would be more costly, less efficient and result in a more complex inventory control for both the City and the applicant. Major program enhancements to the tax roll system would be required to provide the same reports as the automated system currently used by Transportation Services. These enhancements would be cost prohibitive and would add no value to the program currently operated by Transportation Services.

For the above reasons City Council at its meeting of October 26, 27 and 28, 2004, in adopting as amended Clause No. 2 of Report No. 9 of the Works Committee, entitled "Policy Review of Residential Front Yard Parking and Driveway Widening", among other things, instructed "staff not to engage in any process or systems development at this time that would be required to add any unpaid front yard parking charges to the tax bill".

11.0 Enforcement and Penalties Regarding Illegal Residential Boulevard Parking

Currently, enforcement against illegal front yard parking is applied by monitoring the use of illegal front yard parking pads, as opposed to direct enforcement against the physical presence of the pad. Staff of the Parking Enforcement Unit of Toronto Police Services and staff of Transportation Services have issued 18,860 tickets (2004) and 14,098 up to October 31, 2005, pursuant to Part II of the Provincial Offences Act in respect to the alleged offence of illegally parking on boulevards. These alleged offences cover a range of infractions including parking on the boulevard without a licence, parking additional vehicles (i.e., property licensed for one vehicle and two or more vehicles are parked), location is licensed however property is in arrears, the licence was issued for the vehicle to park perpendicular to the roadway and the vehicle is parking at an angle, etc. These boulevard infractions include both residential and commercial properties. Set fines are \$30.00 per infraction.

However, even with continuous enforcement, Transportation Services staff find that there are locations where vehicle owners repeatedly continue to park illegally on the boulevard. In these circumstances, staff of Transportation Services arrange to block off the access to the parking area by placing concrete curbstones, back of the sidewalk. These curbstones are only removed when the owner applies for and receives a licence from Transportation Services Division pays the arrears, or installs some kind of a barrier; i.e. planters to preclude unauthorized parking. Each year the Division installs curbstones at about 200 locations.

Any person who contravenes any provisions of the Municipal Code or by-law is guilty of an offence and, under the Provincial Offences Act, on conviction, is liable to a penalty not exceeding five thousand dollars (\$5,000.00) for each offence, unless a different penalty is provided under another statute.

When front yard parking violates an applicable Zoning By-law, the maximum penalty for such a violation is \$25,000.00 for individuals and \$50,000.00 for corporations, with potentially higher fines for subsequent convictions. These violations are issued generally by Municipal Licensing and Standards staff, through a Part III summons to the homeowner. The homeowner is summoned to appear in court on the alleged offence of constructing or using a front yard parking pad without permission. The homeowner or agent will have to appear on the first appearance court date and plead his or her case. If the homeowner or agent pleads guilty, a fine is set by the Justice of the Peace. Such a fine would generally be far less than the maximum. However, if the homeowner or agent does not plead guilty, a trial date is set and the person will have to appear in court. The staff person who issued the Part III summons must be present on the trial date to give evidence. Given the limited staff resources and the cumbersome process involved, these Part III summonses are rarely issued.

Provisions in Chapter 918 are included to enable the City to enter into the boulevard or front yard to undertake remedial work in order to bring a site into compliance in the event an illegal parking pad has been provided. These provisions would only be applied in extreme circumstances and only upon providing the owner with a thirty (30) day written notice. If the homeowner does not comply, the General Manager may arrange for barricades or restore the boulevard and/or front yard to its original condition at the owner's expense and the City may recover its costs in a like manner as municipal taxes.

A review of Code or by-law provisions revealed that former Etobicoke, East York and Toronto front yard parking by-laws include a general penalty provision. However, only the former East York makes it an offence to construct, maintain or use a front yard parking pad except in accordance with the provisions of the by-law and only upon a licence being granted.

The proposed Chapter 918 includes a general penalty provision for parking within the public right of way without a licence, and constructing or permitting to construct within the boulevard a parking pad without authority. The proposed offence fine of \$500.00 is recommended for constructing a parking pad within the boulevard without authority, subject to approval by the Senior Regional Justice of the Ontario Court of Justice. Infractions for parking on the boulevard without authority pursuant to Part II of the Provincial Offences Act will continue to be \$30.00 (set fine) per infraction.

12.0 Fees

Council, at its meeting of May 17, 18 and 19, 2005, in considering the staff report (April 13, 2005) "On-Street Permit and Off-Street Residential Parking Fees", enacted fees related to these forms of parking (Clause No. 3 of Report No. 5 of the Works Committee). Only a few specific adjustments are suggested in the context of this current review.

For those areas of the City where parking on residential front yards and boulevards is currently permitted, applicants that do not meet the requirements of the Code/By-law may appeal to Community Council. Currently a fee of \$200.00 applies to all appeals. It is recommended that this appeal fee be increased to \$600.00 in line with current Committee of Adjustment rates and adjusted annually by the rate of inflation starting in 2006.

It is also recommended that should an application be approved for a parking pad that had been constructed without prior authorization by the City an inspection fee upon approval be imposed in the amount of \$500.00 and adjusted annually by the rate of inflation starting in 2006.

Currently owners approved for a parking pad within the former City of Toronto are required to plant a tree in the front yard or boulevard of the residential property if feasible and if not feasible to pay a tree planting service fee of \$475.00 for the planting of a tree in the general area, preferably on the same street. It is recommended that the proposed Chapter 918 also include the tree planting service fee of \$475.00, adjusted annually by rate of inflation, subject to the same criteria.

13.0 Mechanism to Inform Purchasers of the Legal Status of Parking Pads

It is a standard practice among solicitors acting for purchasers and mortgagees of property to write to the City's Building Division prior to completing a purchase or mortgage transaction to request information about the property being purchased or mortgaged, such as what building and zoning by-laws affect the property, whether there are any outstanding work orders or permits affecting the property. There are also requests from solicitors for information from Transportation Services about front yard parking. However, in order to bring the legal status of any parking pads on residential properties to the attention of purchasers and mortgagees it was agreed with the City's Building Division that the following statement will be included in all Building Compliance Reports issued by the City:

“Please note that parking pads located within the front yard and adjoining boulevard of a residential property (and in the case of a corner lot, within the side yard and adjoining boulevard of the flanking street) are prohibited in certain parts of the City and are only permitted in other parts of the City if certain criteria have been met and a valid permit has been issued by the City to the current owner of the property. Such permits cannot be transferred to a new owner. Each new owner of the property must apply to the City for his/her own permit, which, if granted will include the payment of certain fees.

Please contact Transportation Services at the address set out below to determine the legal status and validity of any parking pads that may exist within the front yard and adjoining boulevards of the subject property, if there are currently any unpaid fees and charges, and, if applicable, to apply for a permit to maintain and use such parking pads.”

Conclusions:

This report is the culmination of an extensive review of residential front yard and boulevard parking provisions, carried out in close co-ordination with a parallel review by City Planning staff of related Zoning By-law provisions. Front yard parking provisions currently in effect in various areas of the City are characterized by a complex array of often inconsistent zoning and other by-law provisions, enabling provincial legislations and criteria customized on a Ward basis, even in the same by-law. New Municipal Code Chapter 918, Parking on Residential Front Yards and Boulevards, is proposed to consolidate a range of existing regulations and in many instances, harmonize key criteria.

As a result of underlying enabling legislation inconsistencies, mainly in the form of special permissions applicable only to the geographic area comprising the former City of Toronto, this new Code Chapter is unable at this time to completely harmonize the process by which applications may be dealt with. Accordingly, a key element of this review is the recommendation that the enabling legislation be extended City-wide to convey to Council the option of adjudicating front yard parking issues.

Under the proposed Chapter 918, a clear distinction is made between the two aspects of parking in front of the main front wall of a residential building: the front yard (private property) and the adjoining public boulevard. The provisions in this Chapter related to the former are applicable

only to the area of the former City of Toronto (until the legislation is extended) while those provisions related to the boulevard will apply City-wide.

The proposed Chapter 918 provisions do not extend permissions for front yard or boulevard parking to the many areas of the City where this form of residential parking is currently prohibited. In those areas it is now permitted by licence, provisions in this Chapter continue to balance parking demand and the negative environmental and neighbourhood impacts inherent with the installation of parking pads, and thus view front yard parking as a means of last resort.

Proposed Chapter 918 establishes harmonized criteria for front yard parking that are consistent with the proposed new Zoning By-law requirements and encompass environmental aspects (permeable paving, grading, downspout disconnection, tree planting, landscaped and soft open space), safety (setbacks, clearances), dimensional requirements and neighbourhood considerations (driveway ramp, parking pad size, impact on on-street parking, polling). The criteria are generally more stringent than those established in current by-laws/code chapters. Infractions and penalty provisions are introduced to deal with illegal use and existence of an illegal front yard parking pad.

In terms of residential parking within the City boulevard, this Chapter does not explicitly prohibit the parking, or require the licensing of vehicles, in existing private driveways (that by definition lead to a designated parking space on the private property behind the front wall), except that parking in the boulevard between the road and sidewalk is prohibited. This report also addresses a form of “Special Licences” available under specified conditions pursuant to former Borough of East York regulation.

Staff of City Planning, Legal Services and Toronto Water have provided extensive input to the preparation of this report and attached draft by-law.

Contact:

Andrew Koropeski, P.Eng.
Director
Toronto and East York District
Transportation Services
Phone: 416-392-7714
Fax: 416-392-1920
Email: akoropes@toronto.ca

Kyp Perikleous
Supervisor
Right of Way Management
Transportation Services
Phone: 416-392-7564
Fax: 416-392-1058
Email: kperikle@toronto.ca

Angie Antoniou
Manager
Right of Way Management
Transportation Services
Phone: 416-392-1525
Fax: 416-392-7465
Email: aantonio@toronto.ca

Gary H. Welsh, P.Eng.
General Manager, Transportation Services

AK/AA/KP/gp

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List of Attachments:

Appendix A: Outstanding Report Requests - Residential Off-Street Parking Issues

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Appendix B: Existing Residential Boulevard Parking Regulations

(p:\2005\wes\tra\south\top\wc05174south.top-AppendixB)

Appendix C: Draft Parking on Residential Front Yards and Boulevards By-law

(p:\2005\wes\tra\south\top\wc05174south.top-AppendixC)

Appendix D: Impacts of Front Yard Parking on Wet Weather Flow Management Issues

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