

Item:



Committee of the Whole Report

DATE: Monday, September 17, 2018

WARD(S): ALL

**TITLE: PARKING BY-LAW CONSOLIDATION AND REGULATORY
TECHNICAL AMENDMENTS**

FROM:

Mary Reali, Deputy City Manager, Community Services

ACTION: DECISION

Purpose

Through this report, staff seek approval to consolidate the City's Parking By-law and to make various technical amendments that support the City's parking program.

Report Highlights

- The City has made, and continues to make, changes to its parking-related regulations, from relief through its Zoning By-law to a number of changes to its parking regulations. Most recently, the City launched its on-line parking permit portal, allowing residents to access and manage their parking permits on a 24/7 basis and without the need to print and display.
- Technical amendments to the Parking By-law are required to ensure the City's regulations are in line with the demands the City's new parking-permit program places on both Client and Enforcement Services. These amendments are part of an ongoing initiative to develop a comprehensive and congruent multi-prong approach to the City's parking challenges.
- Staff are also seeking approval to consolidate the City's parking regulations which will facilitate compliance efforts.

Recommendations

1. THAT City Council approve the technical amendments relating to parking regulations, as set out in Attachment 1, subject to final wording being satisfactory to the City Solicitor;

2. THAT City Council approve the consolidation of the Parking By-law; and
3. THAT City Council authorize staff to undertake any other actions, including any consequential amendments to other by-laws, required to give effect to the recommendations of this report.

Background

Parking continues to be one of the City's most pressing regulatory issues. With growth and intensification have come traffic congestion and parking pressures. Between 2016 and 2017, the number of parking-related case files jumped by 63% and represented more than a fifth of all case files. Parking tickets (including warning tickets) also increased by 16.4% over this same period. In the first half of 2018, case files relating to parking were up 16% from the same period in 2017. The growth in complaints has been largely driven by the juxtaposition of resident interests, some having a need for on-street parking and others (a majority) having a preference for unfettered roadways.

As part of its ongoing commitment to improve services for residents, and in conjunction with the 2017 budget process, City Council approved an enhanced parking permit system that expanded user flexibility for managing parking permits and set the grounds for the modernization of parking regulations. The new system was rolled out in April of 2018. Throughout the implementation process staff identified a number of associated regulations that need to be updated and are thus addressed in through this report.

Previous Reports/Authority

[Item No. 16 of Report No. 31](#) of the Committee of the Whole: *La Neve Parking Pilot Project* (adopted by City Council on September 20, 2016)

[Item No. 15 of Report No. 34](#) of the Committee of the Whole: *Introduction of Visitor and Construction Parking Permit User Fees* (adopted by City Council on October 19, 2016)

[Item No. 1 of Report No. 4](#) of the Committee of the Whole (Working Session): *Criteria for Paid Permit On-street Parking in Assumed Residential Areas* (adopted by City Council on January 30, 2018)

Analysis and Options

The aim of this report is to modernize the City's Parking By-law by making a number of technical amendments to better reflect the City's new on-line parking system, consolidating the by-law and its amendments, and ensuring regulations are in line with the City's overall approach to managing the City's parking challenges.

By-law Consolidation

The City's Parking By-law was passed in 1996 and since has been amended at least 18 times. The cumulative result has been a fractured regulation that is difficult to follow by the public and often presents enforcement challenges for staff. For this reason, staff are recommending that the By-law be consolidated and reformatted to reflect a new and standardized by-law format. This is part of a broader initiative to consolidate the City's main regulatory by-laws and is in line with the objectives of the City's By-law Strategy, adopted by City Council in June of 2014.

Technical Amendments

Staff are recommending a number of technical amendments to ensure the new consolidated by-law is complete and reflects current regulations and practices.

On-line accounts

Since the adoption of the new on-line parking permit system, a number of additional parking-related initiatives have been undertaken, including the adoption of recommendations establishing criteria for paid permit on-street parking in assumed residential areas, as approved by Council in January of 2018. The recommendations in this report ensure that the new consolidated Parking By-law reflects the original criteria as well as an amendment to the criteria will allow permits to be issued for unassumed areas. The amendment is aligned with the City's practice of providing municipal services, such as snow clearing and garbage collection services, in unassumed areas that have occupancy.

AMPs By-law

Every by-law that is administered under the Administrative Monetary Penalties ("AMPs") program includes provisions that outline the process for disputing penalty notices and appealing first attendance decisions. Currently only the Parking and Licensing By-laws are administered under AMPs. Staff are recommending removing the AMPs provisions from these by-laws and creating a new stand-alone by-law. Under this approach, current and any future by-laws that are administered under AMPs would simply defer to the new AMPs By-law for the penalty notice dispute process. The proposed amendment has the advantage of centralizing the AMPs process under one regulation, making it easier to administer and amend. With increasing pressures on Regional Court Services, the City will undertake to administer more of its by-laws under AMPs, making it even more beneficial in the future to have a stand-alone AMPs By-law.

Schedules

Parking By-law 1-96 originally included 10 schedules that list prohibitions, restrictions and allowances on specific streets. Since then three additional Schedules have been added that are not currently reflected. The schedules list laneways where parking is

prohibited, areas where loading and unloading is prohibited, and areas where parking is limited to a maximum of 10 minutes. The new Parking By-law will include all updated Schedules.

Ensuring Regulatory Congruence

The City continues to encounter challenges with parking. As communities intensify and space comes increasingly at a premium, the ability for both residents and visitors to find adequate parking becomes a growing challenge. However, these challenges need to be balanced against the City's mandate to optimize traffic flow, protect the ability to deliver key municipal services, such as emergency response, snow clearing and garbage pick-up, and adhere to broader community standards and expectations. As such, while staff endeavor to find new ways to meet the demand for various forms of parking, they must also ensure that there are effective deterrents to non-compliance with the parking regulations that further that mandate.

The purpose of parking permits is to provide on-street parking for limited and reasonable applications, such as visitor parking and alternative parking during construction or maintenance activity. Permit parking is a way for the City to mitigate parking practices that lead to community nuisance or create potential hazards. A significant majority of residents do not support unregulated on-street parking.

To further support this approach, the City imposes parking infractions on those who try to circumvent or misuse the parking permit system (e.g., residents using visitor parking permits for their own vehicles), or otherwise violate regulations intended to ensure emergency and operational access (e.g., blocking fire routes, obstructing snow clearing operations), prevent obstructions (e.g., blocking sidewalks, intersections), and mitigate nuisances (e.g., commercial vehicles on residential lots, parking without permission on private property). Parking fines are being adjusted through the City's budgetary process to ensure they: are in line with other Ontario municipalities; take into account the cost of compliance; and are commensurate with the severity of infractions.

Financial Impact

There are no financial implications stemming from the recommendations of this report. The associated costs of implementing the proposed regulations (i.e., related system updates and staff information and training) will be absorbed within existing capital and operational budget envelopes.

Broader Regional Impacts/Considerations

There are no broader regional impacts that will arise out of the adoption of the recommendations of this report.

Conclusion

The technical amendments proposed in this report will assist both Client and Enforcement Services staff to better manage and uphold the City's new parking permit system. In particular, changes will provide greater ability to deal with individuals who abuse the City's parking permit system and ensure greater relevance and effectiveness of related parking regulations. Consolidation will result in a comprehensive and much more user-friendly regulation that will encourage compliance by the public and facilitate enforcement by staff.

For more information, please contact: Gus Michaels, Director of By-law & Compliance, Licensing & Permit Services, ext. 8735

Attachments

1. Summary of Technical Regulatory Amendments

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