Date August 13, 2019  Report No. 2019-474

To Chair and Members
Committee of the Whole – Operations and Administration

From E. (Beth) Goodger, General Manager
Public Works Commission

1.0 Type of Report

Consent Item [ ]
Item For Consideration [X]

2.0 Topic Amending On-Street Parking Regulations Policy
[Financial Impact – None]

3.0 Recommendation

A. THAT Report 2019-474 regarding the Amending On-street Parking Regulations Policy BE RECEIVED; and

B. THAT the necessary By-law to amend By-law 70-2010 to adopt Public Works 021 – Amending On-street Parking Regulations Policy attached as Appendix “A” to Report 2019-474 BE PRESENTED to City Council for adoption.

4.0 Purpose and Overview

To present to City Council a corporate policy that outlines the process and delegated authority to Staff for amending on-street parking regulations. A new policy titled “Public Works-021 - Amending On-street Parking Regulations Policy” has been developed and is attached as Appendix A. The Policy is expected to streamline requests for amendments for on-street parking by
delegating authority to staff to approve requests that meet the requirements set out in the Policy.

5.0 Background

The new policy has been developed in response to the direction from City Council approved at its April 30, 2019 meeting:

Policy to Address Removal of On-Street Parking

WHEREAS it is the responsibility of municipalities to regulate parking on municipal highways; and

WHEREAS The Corporation of the City of Brantford regulates on-street parking pursuant to By-law 144-88; and

WHEREAS the City regularly receives requests to amend on-street parking regulations on various streets within the City’s jurisdiction; and

WHEREAS these requests generate regular reports to Council, regardless of whether the residents along the relevant street are in support of an amendment with respect to on-street parking; and

WHEREAS the regulations to the Professional Engineers Act (Ontario) require that professional engineers act to correct or report a situation that the engineer believes may endanger the safety or welfare of the public; and

WHEREAS the City employs professional engineers who are obligated to review, among other things, requests to amend parking regulations to determine whether said amendment would, in their professional opinion, constitute a danger to the safety or welfare of the public; and

WHEREAS section 10 of the Municipal Act, 2001 provides that municipalities may provide any service or thing that the municipality considers necessary or desirable for the public, and may pass by-laws respecting, among other things, public assets, health, safety and well-being of persons, and services and things that the municipality is authorized to provide under subsection 10(1); and

WHEREAS subsection 270(1)6 of the Municipal Act, 2001 requires municipalities to adopt and maintain policies with respect to the delegation of its powers and duties; and
WHEREAS Council desires to create a policy to address requests for amendments with respect to on-street parking, and to delegate authority to Staff to approve said requests in certain circumstances;

NOW THEREFORE BE IT RESOLVED THAT Staff BE DIRECTED to report back to Council with a draft policy to address requests for parking regulation amendments, which policy shall address, without limitation, the following:

1. The use of public feedback to determine whether an affected neighbourhood agrees with the request to amend on-street parking, including parameters around what constitutes the “affected neighbourhood” and provision of a petition procedure that could be initiated by the public.

2. A potential delegation of authority to staff to address amendments with respect to on-street parking where:
   
   a) the results of the public feedback and the opinion of staff align;
   
   b) the opinion of staff supports the amendment and less than 25% of the affected neighbourhood base on unique addresses oppose the amendment; or
   
   c) in the opinion of a professional engineer, failure to invoke a parking amendment will create or permit the continuance of a public safety issue, as demonstrated by an accident history or other applicable considerations.

3. Provisions to address situations where: ambiguous response to the petition is received; where parking amendments may have impacts beyond the petition area; no decision is made (including a time-frame for decision making); and repeated requests for reconsideration, taking into consideration potential changes in circumstances.

4. Options for posting site specific parking bylaw updates on the City of Brantford’s website and supporting data for any proposed changes, including a chronology of repeated requests for reconsideration.

6.0 Corporate Policy Context

The following long term desired outcome from the Strategic Plan is addressed with the recommendation:

Brantford will be supported by well-developed and maintained transportation and servicing infrastructure.
7.0 Input from Other Sources

Support from Continuous Improvement Office, Information Technology Services, and Communications and Community Engagement will be required to update web site content. Web site content is a desirable way to provide notification but not absolutely critical to implement the policy. Traditional notification methods such letter deliveries will be used until the web site is developed.

8.0 Analysis

In 2018, Engineering Services reviewed approximately ninety (90) requests to amend on-street parking, which resulted in almost forty (40) reports to City Council with recommendation to amend on-street parking control. At its meeting April 30, 2019, City Council directed staff to draft a policy to address requests to amend on-street parking, and to delegated authority to staff to approve said requests in certain circumstances.

A policy titled “Amending On-street Parking Regulations”, attached as Appendix “A”, has been developed to provide a process to address any request to amend on-street parking. Requests for parking changes can be made directly to Engineering Services (Transportation Services) by anyone or by a member of Council on behalf of a resident, as is the current practice. Upon receipt of a request to amend on-street parking, Engineering Services staff will conduct a preliminary assessment to determine if safety or accessibility concerns are involved within the context of existing / requested condition.

The preliminary assessment will determine the subsequent work flow as illustrated in Figure 1 and summarized below:

- **Safety or Accessibility Concern Confirmed** - If confirmed to be a safety or accessibility concern, staff will make a recommendation and circulate a letter outlining the recommendation to the properties in the Affected Neighbourhood, as defined in Section 1 c) of the Policy. If <25% of the Affected Neighbourhood opposes the recommendation, staff will have the delegated authority to approve the recommendation and it will be implemented. If 25% or more of the Affected Neighbourhood opposes the recommendation, then a report would be prepared to Council seeking direction on how to proceed.

- **No Safety or Accessibility Concern** - If there is no safety or accessibility concern, the Requestor would be advised of the findings and made aware of the petition process with assistance on the petition content and input on the Affected Neighbourhood. The petition is a screening process to
confirm majority support (more than 50%) for the request prior to further action by staff. Each household will have one vote. Petition signatures collected outside the Affected Neighbourhood will not be counted. If a majority support is not achieved through the petition process, the requested amendment will be declined. If there is majority support for the proposed parking change from the Affected Neighbourhood, then staff would circulate a notice of the proposed changes. If <25% of the Affected Neighbourhood opposes the proposed change and staff recommendation align, staff will have the delegated authority to implement the change. If 25% or more of the Affected Neighbourhood opposes the proposed change or staff recommendation differ, staff will have the delegated authority to reject the request and no further action will be taken.
8.1 Public Involvement

As illustrated in Figure 1, public involvement has been incorporated into the Policy.

After completion of staff review or receiving a valid petition, status of requests will be posted on the City’s website for public viewing. The website will be
updated during the process described in Figure 1 and provide a platform to
document request histories. The website information will be maintained by
Transportation Services staff. Development of the website platform and
database may take few months upon approval of this report. While the website
is not a crucial element of implementation, staff will be aiming to have it
complete as soon as practical for maximum effectiveness. In the meantime,
there are other ways to notify Affected Neighbourhood through traditional means
if necessary such as letters and newspaper advertisements.

8.2 Delegated Authority to Staff

Subject to Council approval of a by-law approving Public Works-021 - Amending
On-street Parking Regulations Policy the General Manager of Public Works will
be delegated authority to approve parking control amendments subject to
guidelines outlined in Section 5 of the Policy as provided below:

1. Requests to amend on-street parking that are non-safety or accessibility
related and a petition has not been received or is signed by less than 50% of
the affected neighbourhood: Staff is authorized to decline the requested
amendment without reporting to Council.

2. Requests to amend on-street parking that are non-safety or accessibility
related, a petition has been received that is signed by more than 50% of the
affected neighbourhood, public feedback and staff recommendation align,
and less than 25% of the affected neighbourhood oppose: Staff is authorized
to approve the requested amendment and present the parking control
amending by-law to Council for approval.

3. Requests to amend on-street parking that are non-safety or accessibility
related, a petition has been received that is signed by more than 50% of the
affected neighbourhood, public feedback and staff recommendation differ or
25% or more of the affected neighbourhood oppose: Staff is authorized
to decline the requested amendment without reporting to Council.

4. Requests to amend on-street parking that are safety or accessibility related,
public feedback and staff recommendation align, and less than 25% of the
affected neighbourhood opposes: Staff is authorized to approve the
requested amendment and present the parking control amending by-law to
Council for approval.

A summary of conditions that will delegate authority to staff is listed in Table 1.
Table 2 – Summary of Conditions for Delegation of Authority to Staff

<table>
<thead>
<tr>
<th>Request to amend Parking Bylaw is safety or accessibility related?</th>
<th>Petition signed by more than 50% of affected households?</th>
<th>Staff recommendation align and less than 25% of affected neighbourhood oppose?</th>
<th>Staff Delegated authority?</th>
</tr>
</thead>
<tbody>
<tr>
<td>No</td>
<td>No</td>
<td>Not applicable</td>
<td>Yes: Decline without Council report</td>
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<tr>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes: Approve amendment and take By-law to Council to approve</td>
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<tr>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>Yes: Decline without reporting to Council</td>
</tr>
<tr>
<td>Yes</td>
<td>Not applicable</td>
<td>Yes</td>
<td>Yes: Approve amendment and take By-law to Council to approve</td>
</tr>
<tr>
<td>Yes</td>
<td>Not applicable</td>
<td>No</td>
<td>No: A Report to Council is required (see section 8.3)</td>
</tr>
</tbody>
</table>

8.3 Report to Council

Where requests to amend on-street parking that are safety related (e.g. not meeting current engineering standards), public feedback and staff recommendation differ or 25% or more of the affected neighbourhood oppose, staff will not have delegated authority to proceed with a parking amendment. A report to Council is required.

8.4 Special Provisions

The policy includes provisions to address ambiguous response from the public, considerations beyond the affected neighbourhood, decision timeframe, and repeated / reconsideration of requests.
8.5 Next Steps

Following Council approval of the policy, staff will proceed to apply the policy immediately to all backlogged and new requests. It is anticipated the policy will curtail the growing backlog related to parking requests. The current backlog may take 6 months or more to clear with the current resources.

9.0 Financial Implications

There are no direct financial implications resulting from the recommendation of this report. The recommended Policy is expected to reduce the amount of time staff currently required to prepare Council reports relating to Parking By-Law amendments.

10.0 Conclusion

The recommended Amending On-street Parking Regulations Policy outlines a process and delegated authority to Staff for amending on-street parking regulations. Adoption of the policy is expected to speed up the time for approval of requests, where there is less than 25% opposition from the Affected Neighbourhood and reduce the number of reports coming to Council for approval.

R. Loukes, P. Eng
Director, Engineering Services

E. (Beth) Goodger
General Manager, Public Works Commission

T. Ku, P. Eng., PTOE
Manager, Transportation Services

Attachments:

Appendix A – Public Works-021 Amending On-street Parking Regulations Policy.
In adopting this report, is a by-law or agreement required? If so, it should be referenced in the recommendation section.

<table>
<thead>
<tr>
<th></th>
<th>[X] yes</th>
<th>[ ] no</th>
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<tbody>
<tr>
<td>By-law required</td>
<td></td>
<td></td>
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<tr>
<td>Agreement(s) or other documents to be signed by Mayor and/or City Clerk</td>
<td>[ ] yes</td>
<td>[X] no</td>
</tr>
<tr>
<td>Is the necessary by-law or agreement being sent concurrently to Council?</td>
<td>[ ] yes</td>
<td>[X] no</td>
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</table>
POLICY NUMBER:  PUBLIC WORKS-021

SUBJECT:  AMENDING ON-STREET PARKING REGULATIONS

POLICY STATEMENT:  
(Purpose/Objective)

To create municipal policy and process for considering requests for parking changes.

Policy Objectives

1. The use of public feedback to determine whether an affected neighbourhood agrees with the request to amend on-street parking, including parameters around what constitutes the “affected neighbourhood” and provision of a petition procedure that could be initiated by the public.

2. Delegation of authority to staff to address amendments with respect to on-street parking where:
   a) the results of the public feedback and the recommendation of staff align;
   b) the recommendation of staff supports the amendment and less than 25% of the affected neighbourhood opposes the amendment; or
   c) in the recommendation of a professional engineer, failure to invoke a parking amendment will create or permit the continuance of a public safety issue, as demonstrated by an accident history or other applicable considerations.

3. Provisions to address situations where: ambiguous response to the petition is received; where parking amendments may have impacts beyond the petition area; no decision is made (including a time-frame for decision making); and repeated requests for reconsideration, taking into consideration potential changes in circumstances.
4. Options for posting site specific parking bylaw updates on the City of Brantford’s website and supporting data for any proposed changes, including a chronology of repeated requests for reconsideration.

RELATED POLICY PROCEDURES/GUIDELINES:

1. Definitions

a) Requestor – the person making the request for the parking change. A request for a parking change can be made by anyone.

b) Household – a property with a unique mailing address. Each legal unit within a multi-dwelling location is considered a household.

c) Affected Neighbourhood - households that will be affected by a proposed on-street parking amendment. All households fronting or flanking a local street where a parking amendment is proposed are part of the affected neighbourhood. Where parking amendments are proposed on a collector or an arterial road, households that rely on the corridor for passage are considered part of the affected neighbourhood. The affected neighbourhood for a collector road is generally one block of intersecting streets and may include an expanded area base on staff feedback. The affected neighbourhood for arterial roads is the entire city. For the purpose of a petition, staff will provide feedback on the affected neighbourhood.

d) Local road – as defined in the City’s Official Plan or Transportation Master Plan, whichever is more recent.

e) Collector road – as defined in the City’s Official Plan or Transportation Master Plan, whichever is more recent.

f) Arterial road – as defined in the City’s Official Plan or Transportation Master Plan, whichever is more recent.

g) Majority – more than 50% of the households within an affected neighbourhood.

h) Opposition Threshold – 25% or more of the households within the affected neighbourhood are against an amendment.

2. General Procedure

The process to amend on-street parking regulations is initiated through a request. A request may be submitted by anyone. While anonymous requests can be made, source of the request may be required in certain circumstances to proceed forward. Based on the request, a preliminary assessment of the
request will determine if safety or accessibility concerns are involved within the context of existing / requested condition. The preliminary assessment will determine the work flow as illustrated in Figure 1 below.

Figure 3 – Amending On-street Parking Work Flow

- **Request to amend on-street parking. Preliminary review by staff. Safety or Accessibility concern?**
  - **NO**
    - Petition signed by >50% of affected neighbourhood households?
      - **YES**
        - Notification (will include link to parking website)
      - **NO**
        - Staff Recommendation and public feedback align with <25% of affected neighbourhood households oppose?
          - **NO**
            - Delegated authority to staff to not proceed
          - **YES**
            - Delegated authority to staff to prepare bylaw
  - **YES**
    - Staff review and propose parking amendment
      - Notification (will include link to parking website)
      - Staff Recommendation and public feedback align with <25% of affected neighbourhood households oppose?
        - **YES**
          - Delegated authority to staff to prepare bylaw
        - **NO**
          - Report to Council

- **Outcome updated on parking website**
- **Work Order issued for sign installation (if applicable)**
3. Public Involvement

A petition is not required if a safety or accessibility concern is identified, and it can be resolved by amending on-street parking. Staff will undertake a comprehensive review and provide a recommendation before notifying the Affected Neighbourhood. Additional residents may be included beyond the Affected Neighbourhood at the request of a Ward Councillor. The notification will determine if the level of opposition exceeds the 25% threshold set forth by Council.

For parking amendment requests determined by staff not to be safety or accessibility related (e.g. requests for permit parking), the Requestor will have the option of collecting a petition for the Affected Neighbourhood. Staff will provide assistance on the petition content and input on the Affected Neighbourhood. The petition is a screening process to confirm majority support for the request prior to further action by staff. Petition signatures collected outside the Affected Neighbourhood are not applicable and will not be counted. Each household will be counted as one vote. A petition may be randomly audited by staff for authentication. Failure to provide verifiable contacts could nullify the petition results.

A copy of the petition form to be used for requests to amend on-street parking control is attached as Appendix “1”. If majority support is not achieved through the petition process, the requested amendment will be declined. If majority support is achieved with the petition, follow-up notification will be initiated by Engineering Services. The notification will determine if the level of opposition exceeds the 25% threshold set forth by Council.

4. Website

Staff will maintain a page on the City of Brantford website to provide parking review updates to the public. The following information will be maintained on the parking webpage:
- Date of request
- Street and limits (the Affected Neighbourhood)
- On-street parking amendment requested
- Number of notices delivered and returned
- Number supported and opposed
- Summary comment

5. Delegated Authority to Staff

The following decisions will be delegated to the General Manager of Public Works or their designate to approve parking control amendments:

a) Requests to amend on-street parking that are non-safety or
accessibility related and a petition has not been received or is signed by less than 50% of the Affected Neighbourhood. Staff is authorized to decline the requested amendment without reporting to Council.

b) Requests to amend on-street parking that are non-safety or accessibility related, a petition has been received that is signed by more than 50% of the Affected Neighbourhood, public feedback and staff recommendation align, and less than 25% of the Affected Neighbourhood oppose. Staff is authorized to approve the requested amendment and present the parking control amending by-law to Council for approval.

c) Requests to amend on-street parking that are non-safety or accessibility related, a petition has been received that is signed by more than 50% of the Affected Neighbourhood, public feedback and staff recommendation differ or 25% or more of the Affected Neighbourhood oppose. Staff is authorized to decline the requested amendment without reporting to Council.

d) Requests to amend on-street parking that are safety or accessibility related, public feedback and staff recommendation align, and less than 25% of the Affected Neighbourhood oppose. Staff is authorized to approve the requested amendment and present the parking control amending by-law to Council for approval.

6. **Report to Council**

Where requests to amend on-street parking that are safety related (e.g. not meeting current engineering standards), public feedback and staff recommendation differ or 25% or more of the Affected Neighbourhood oppose, staff will not have delegated authority to proceed with a parking amendment. A report to Council is required.

7. **Special Provisions**

a) Ambiguous Response – to avoid confusion, a standard petition format will be used for non-safety or accessibility related request to amend on-street parking. The form will clearly state the requested parking control amendment at the top. Those that sign the petition will therefore be considered supporting the requested parking control. If there is still uncertainty, each resident must provide their contact information on the form. Staff will attempt to contact the resident to clarify their position.

In the event that an ambiguous response is received in response to a City notification, staff will again attempt to contact the resident for clarification. Insufficient clarification will result in a discarded vote. For those residents that
do not provide feedback in response to the letter circulated by Engineering Services, it will be concluded that they are indifferent with respect to the proposed on-street parking control amendment.

b) Impacts beyond Affected Neighbourhood – it is difficult to identify parking or traffic impacts that may result from a parking control amendment because of the unpredictable nature of on-street parking demand. Impacts beyond the Affected Neighbourhood will not be initially considered, but may be identified and reviewed as part of the review and public consultation process.

c) Timeframe for decision making – due to the number of scenarios involving public input and approvals as noted in this policy, it is difficult to have a standard timeframe for decision making. From receipt of a request to amend on-street parking to the final decision, most scenarios can be addressed within a six-month timeframe. The timeframe will vary depending on resources.

d) Repeated Requests / Reconsideration – If an official decision has been made through delegated authority to staff or Council decision, the decision will not be eligible for another review until two (2) years. Information will also be updated on an on-street parking review website.

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<thead>
<tr>
<th>Date of Enactment:</th>
<th>Related By-law Number/Staff Report Number:</th>
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<td>Review and Amendment Dates:</td>
<td>Department Responsible for Review:</td>
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<td>Engineering Services</td>
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<td>Date of Next Review:</td>
<td>Applicable Legislation/Legislative Authority:</td>
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AMENDMENT OF ON-STREET PARKING PETITION

We, the undersigned residents wish to request the amendment of on-street parking on ___________________________ between ____________________ and ____________________.

(STREET NAME) (INTERSECTING STREET NAME)

We request the following parking control amendment:
________________________________________

Contact Information:

Name (print): _______________________________________________________

Telephone: ______________________ E-mail: ________________________________

Important Information:

This petition is a pre-screening process requiring majority (>50%) support before a formal notice will be distributed by Engineering Services. Your signature is not binding. The purpose of obtaining the majority (>50%) support is to confirm the general support for the request prior to a letter being issued. Only one vote from each household will be accepted. Please note that staff may randomly contact residents to confirm their support.

ONLY ONE (1) SIGNATURE PER HOUSEHOLD IS REQUIRED AND MUST BE 18 YEARS OF AGE OR OLDER

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<th>Name</th>
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PLEASE READ AND UNDERSTAND TO PARKING PETITION STATEMENT ON PAGE #1 BEFORE SIGNING.

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PRIVACY DISCLOSURE:
The personal information being collected by Engineering Services under authority of Section 10(1) of the Municipal Act S.O. 2004 c25 on this questionnaire will be used only for the purpose of the parking control review and will be protected under the Municipal Freedom of Information and Privacy Act. The information collected on this questionnaire may be included in a public document.