



## STAFF REPORT ACTION REQUIRED

### 35 Beresford Avenue - Front Yard Parking

<b>Date:</b>	August 13, 2007
<b>To:</b>	Etobicoke York Community Council
<b>From:</b>	Director, Transportation Services Etobicoke York District
<b>Wards:</b>	Ward 13 – Parkdale – High Park
<b>Reference Number:</b>	p:\2007\Cluster B\TRA\EtobicokeYork\eycc070100-to – AFS5661

#### SUMMARY

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This staff report is about a matter for which the community council has delegated authority from City Council to make a final decision.

The purpose of this report is to inform Etobicoke York Community Council on an application for front yard parking at 35 Beresford Avenue. This application is an appeal and is scheduled as a deputation item.

The owner of 35 Beresford Avenue submitted an application to legalize the existing front yard parking pad, but was advised that the property is not eligible for front yard parking under either the former City of Toronto Municipal Code or Chapter 918 of the Toronto Municipal Code. The property is situated on the same side of the street as on-street parking permits and this proposal results in the loss of an on-street parking permit stall.

Staff cannot recommend a front yard parking pad at this location since it does not meet the requirements of either the former City of Toronto Municipal Code or Chapter 918 of the Toronto Municipal Code; however, if Community Council finds merit in this proposal, it could be approved subject to the conditions described in the “Comments” section of this report.

#### RECOMMENDATIONS

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**Transportation Services recommends that:**

1. Etobicoke York Community Council refuse the application.

## **Financial Impact**

There are no financial implications resulting from adopting this report.

## **COMMENTS**

The owner of 35 Beresford Avenue submitted an application to legalize the existing front yard parking pad. This application was made before Council's adoption of Chapter 918 "Parking on Residential Front Yards and Boulevards" of the Toronto Municipal Code. We advised the applicant that the property is not eligible for front yard parking since the property is situated on the same side of the street as on-street parking permits and will result in the loss of an on-street parking permit stall.

The applicant submitted an appeal and a request for an exemption from the former City of Toronto Municipal Code, Chapter 400 "Traffic and Parking" to retain front yard parking at this location. Since we received the application prior to Council's adoption of the current front yard parking bylaw, it is being processed according to the requirements described in the former City of Toronto Municipal Code. Attachment 1 illustrates the site and surrounding area.

This proposal is governed by the criteria set out in the former City of Toronto Municipal Code, Chapter 400 "Traffic and Parking." The criteria described in the former City of Toronto Municipal Code prohibits front yard parking where on-street parking permits are authorised on the same side of the street.

The property's lot dimensions measure 7.62 metres wide by 28.8 metres in length. The proposed parking stall measures 2.5 metres wide by 5.2 metres in length. While the property is not eligible for front yard parking because it does not meet the requirements of the former City of Toronto Municipal Code, it can meet the other physical requirements of the Municipal Code; for example, landscaping and setbacks. Attachment No. 2 illustrates the proposed front yard parking pad, and a photograph of the site is Attachment No. 3.

We wish to emphasize that we are processing this application under the front yard parking criteria described in the former City of Toronto Municipal Code. It is important to consider that this proposal cannot comply with the current front yard parking requirements outlined in Chapter 918 of the Toronto Municipal Code. The property is situated on the same side of the street as on-street parking permits and will result in the loss of an on-street parking permit stall. The property also does not comply with the minimum parking stall dimension and landscaping requirements specified in Chapter 918.

Permit parking is authorized on both sides of Beresford Avenue between Morningside Avenue and Bloor Street West. As of July 12, 2007, there were 73 permits issued from a total of 87 available on-street parking stalls. Currently, there are two on-street parking permits registered to this address.

Presently, there are five properties on Beresford Avenue between Morningside Avenue and Deforest Road that are licensed for front yard parking.

To determine if the community supports maintaining this parking pad we conducted a survey (poll) of all residents listed in the City’s assessment information system who own property or reside on both sides of Beresford Avenue, from No.’s 5 to 67. The survey was conducted according to the requirements of Chapter 190 “Polling and Notification” of the City of Toronto Municipal Code.

As requested by Councillor Saundercook, survey questionnaires were sent out in English, Polish and Ukrainian.

The following table presents the survey results:

Total Ballots Mailed	121
Valid Ballots Returned	41
Respondents in Favour	30 (73%)
Respondents Opposed	11 (27%)

Thirty-four per cent of all persons responded to our survey questionnaire. Seventy-three per cent of respondents indicated that they do not oppose the applicants request for front yard parking at 35 Beresford Avenue. The survey response rate exceeds the minimum 25 per cent required by Chapter 190, but does not meet the minimum 50 per cent specified by Chapter 918.

The applicant’s proposal does not satisfy the requirements of either the former City of Toronto Municipal Code or Chapter 918 of the Toronto Municipal Code; however, should Etobicoke York Community Council find merit in this proposal, it could be approved subject to the following conditions:

1. The front yard parking pad must maintain a maximum width of 2.6 metres wide and a minimum length of 5.3 metres;
2. The applicant pays all applicable fees and complies with all other criteria described in the former City of Toronto Municipal Code;
3. The applicant plants a tree in their front yard, or funds the planting of a tree in the neighbourhood, to the satisfaction of the Parks, Forestry & Recreation Services Division;
4. One of the existing on-street parking permits issued to this address is cancelled;
5. The applicant enters into an encroachment agreement with Municipal Licensing and Standards for the retaining/decorative stone walls and stairs constructed within the Beresford Road right-of-way; and

6. The applicant satisfies these conditions at no expense to the municipality.

**CONTACT**

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**SIGNATURE**

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John Niedra, P.Eng  
Director, Transportation Services - Etobicoke York District

**ATTACHMENTS**

Attachment No. 1: Map  
Attachment No. 2: Proposed Plan  
Attachment No. 3: Photograph