



**STAFF REPORT
ACTION REQUIRED**

82 Duggan Avenue – Front Yard Parking Appeal

Date:	August 23, 2007
To:	Toronto and East York Community Council
From:	Manager, Right of Way Management, Transportation Services Toronto and East York District
Wards:	St. Paul’s - Ward 22
Reference Number:	Te07051te.row

SUMMARY

This staff report is about a matter which Community Council has delegated authority from City Council to make a final decision.

Transportation Services has assessed an appeal from the owner of 82 Duggan Avenue for front yard parking. We do not recommend approval for front yard parking at this location because it does not meet the requirements of the former City of Toronto Municipal Code. The owner will be given an opportunity to make a deputation before Community Council.

RECOMMENDATIONS

Transportation Services recommends that Toronto and East York Community Council:

1. deny the request for front yard parking at 82 Duggan Avenue; and
2. request that the owner remove the existing paving and restore the area to soft landscaping.

Financial Impact

There is no financial impact to the City as a result of this report.

ISSUE BACKGROUND

The property owner of 82 Duggan Avenue, a two storey residential property, submitted an application for front yard parking. The applicant was advised that the application does not meet the requirements of the former City of Toronto Municipal Code, including

clearances from trees and permit parking. The applicant subsequently submitted an appeal requesting further consideration of the proposal.

The proposal for front yard parking is shown on Appendix ‘A’, the property data map is shown on Appendix ‘B’, digital photos of the property are shown on Appendix ‘C’ and the applicant’s landscape proposal is shown on Appendix ‘D’.

COMMENTS

Applicable regulations

At the time of application, front yard parking was governed by the criteria set out in the former City of Toronto Municipal Code Chapter 400, Traffic and Parking. The relevant provisions include:

- the requirements of the former City of Toronto Municipal Code Chapter 331, Trees, are complied with, a minimum clearance of 2.4 meters from the base of the tree;
- permits front yard parking at a property that is located on a street where permit parking is authorized on the same side of the street and where the installation of the ramp will result in the loss of an on-street permit parking space, as long as there are permits available; and
- permits owners of adjoining residential buildings to submit joint front yard parking applications in order to use a single ramp to service both residential buildings, where the permit parking area has been waitlisted for at least 6 months.

Reasons for not approving

The property does not meet the above criteria for the following reasons:

- the existing paved area for the parking pad does not provide the required clearance from the existing tree; and
- the application is not a joint front yard parking application with the adjoining residential building.

Poll results

A poll was conducted in accordance with the former City of Toronto Municipal Code Chapter 90, Polling and Notification Procedures. The area polled was on both sides of Duggan Avenue from 55 to 85 on the odd side, including 31 Oriole Parkway and from 54 to 84 on the even side. The deadline for receiving the ballots was May 23, 2007.

# of ballots mailed out	46	# of ballots in favour	22
# of responses	24	# of ballots opposed	2
# of ballots not returned	22	# of ballots returned by post office	0

The majority of the ballots cast were in favour of this application.

Other factors

Permit parking is authorized on the same side of this portion of Duggan Avenue, on a street name basis. There is one on-street parking permit registered to this address. This street has been historically waitlisted.

Total # of on-street parking spaces	44	Total permits issued as of August 13, 2007	42
On-street parking permits available	2	% of permit allocated	95%

On this portion of Duggan Avenue, between Oriole Parkway and Lawton Boulevard, there are twenty-seven properties licensed for front yard parking and six properties licensed for driveway widening. One of these properties is licensed for two vehicles.

There is a tree on the front yard at this location. A review of this application by Urban Forestry has determined that it would not be feasible to plant an additional tree at this location.

In accordance with the Downspout Disconnection Program, a review by Toronto Water has revealed that one downspout at this property has been disconnected by the property owners.

Alternate recommendations

While the property is not eligible for front yard parking because it does not meet the above-noted requirements of the Municipal Code, the property could meet the other physical requirements of the Code, (i.e., landscaping).

Should Community Council decide to grant the appeal for front yard parking at 82 Duggan Avenue, it could recommend that:

1. the applicant relinquish the on-street parking permit; and
2. the applicant pay all applicable fees and comply with all other criteria set out in the former City of Toronto Municipal Code Chapter 400, Traffic and Parking.

CONTACT

Joe Colafranceschi, Supervisor, Right of Way Management
Telephone: 416-392-7564, Fax: 416-392-1058, E-mail: jcolafra@toronto.ca

SIGNATURE

Angie Antoniou
Manager, Right of Way Management

ATTACHMENTS

- Appendix 'A' – sketch
- Appendix 'B' – property data map
- Appendix 'C' – photo
- Appendix 'D' – applicant's landscape proposal

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