



**STAFF REPORT
ACTION REQUIRED**

32 Mackay Avenue - Front Yard Parking

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| Date: | January 12, 2009 |
| To: | Etobicoke York Community Council |
| From: | Director, Transportation Services - Etobicoke York District |
| Wards: | Ward 17 - Davenport |
| Reference Number: | p:\2009\Cluster B\TRA\EtobicokeYork\eycc090025-tp |

SUMMARY

This staff report is about a matter that Etobicoke York 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 32 Mackay Avenue. This application is an appeal and is scheduled as a deputation item.

The owners of 32 Mackay Avenue submitted an application for front yard parking, but were advised that the property is not eligible for front yard parking since the property is located on the same side of the street as on-street parking permits. The property does not meet the soft landscaping, or minimum parking stall length requirements; it has available rear yard parking; and it does not meet the polling requirements.

The applicant submitted an appeal, and request an exemption from the City of Toronto Municipal Code, Chapter 918 “Parking on Residential Front Yards and Boulevards” to permit front yard parking at this location.

Staff cannot recommend a front yard parking pad at this location since it does not meet the requirements of 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

Transportation Services recommends that Etobicoke York Community Council refuse this application.

Financial impact

There are no financial implications resulting from adopting this report.

COMMENTS

The owner of 32 Mackay Avenue submitted an application for a front yard parking pad. The applicant was advised that the property is not eligible for front yard parking since the property is located on the same side of the street as on-street parking permits; it already has access to rear yard parking; and it does not meet the soft landscaping or minimum parking stall length requirements specified in Chapter 918.

The applicant submitted an appeal and a request for an exemption from the City of Toronto Municipal Code, Chapter 918 “Parking on Residential Front Yards and Boulevards” to permit front yard parking at this location.

This proposal is governed by the criteria set out in the City of Toronto Municipal Code, Chapter 918 “Parking on Residential Front Yards and Boulevards”.

The property’s lot dimensions measure 5.33 metres wide by 34.14 metres in length. The proposed parking stall measures 2.6 metres wide by 5.1 metres in length.

Combined with the proposed front yard parking pad and walkway, we calculate that just 36% of the front yard area will consist of soft landscaping, such as sod or flower gardens. Chapter 918 requires that the applicant provide 50% of the front yard as landscaping, of which 75% must be soft landscaping.

A review of the City of Toronto’s Inventory of Heritage Properties has revealed that this property is not designated as a historical property under the Ontario Heritage Act.

Attachment No. 1 shows the site location. Attachment No. 2 illustrates the proposed front yard parking pad. Attachment No. 3 is a photograph of the site.

Permit parking is authorised on an alternating side basis of Mackay Avenue between Dufferin Street and Via Italia, within permit parking area 3E. As of January 9, 2009, there were 388 permits issued from a total of 702 available on-street parking stalls. There is no on-street parking permit currently registered to 32 Mackay Avenue.

Presently, there are 12 properties on Mackay Avenue between Dufferin Street and Via Italia that are licensed for front yard parking.

To determine if the community supports this application, City Clerks conducted a poll of all residents listed in the City's assessment information system who either own property or reside on both sides of Mackay Avenue, from No. 1 to 57. The poll was conducted according to the requirements of Chapters 190 and 918 of the Toronto Municipal Code.

At the Ward Councillor's request, the poll was conducted in English, Portuguese and Italian. The poll was conducted by the Clerks office between September 11, 2008, and October 10, 2008.

The results of the poll are presented in the following table:

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| Total Ballots Mailed | 110 |
| Ballots Needed to Proceed (must be at least 50%) | 55 |
| Valid Ballots Returned | 41 |
| Respondents in Favour | 34 (83 %) |
| Respondents Opposed | 7 (17 %) |

Just 37% of all eligible voters responded to the poll. Eighty-three (83%) per cent of respondents indicate that they do not oppose the applicant's proposal for front yard parking at 32 Mackay Avenue.

The applicant's proposal does not satisfy the requirements of Chapter 918 of the Toronto Municipal Code, which states that a poll can only be considered valid when at least 50% of the ballots mailed out have been returned. The formal poll conducted by the Clerks office does not satisfy the minimum 50% response rate.

In the event that Etobicoke York Community Council sees merit in this proposal, it could be approved subject to the following conditions:

1. The front yard parking pad shall maintain a width of 2.6 metres;
2. Use of the front yard parking pad shall be restricted to vehicles with an overall length of 5 metres or less;
3. The applicant shall surface the front yard parking area with permeable materials such as ecostone pavers, interlocking pavers, or an equivalent paving treatment that is acceptable to the General Manager, Transportation Services;
4. The applicant shall pay all applicable fees, and complies with all other criteria described in the City of Toronto Municipal Code;
5. The applicant shall fund the planting of a tree in the neighbourhood, to the satisfaction of the Parks and Recreation Services Division;

6. The applicant is responsible for obtaining an encroachment agreement, including the payment of all associated fees, for the existing fence, toe walls, and steps situated within the Mackay Avenue road allowance, to the satisfaction of the Municipal Licensing and Standards Division, Etobicoke York District; and
7. The applicant satisfies these conditions at no expense to the municipality by February 28, 2010.

CONTACT

Karen Kirk, C.E.T., Co-ordinator Parking
Right-of-Way Management, Etobicoke York District
Phone: 416-394-8419, Fax: 416-394-8942, e-mail: klkirk@toronto.ca
AFS#9312

SIGNATURE

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

ATTACHMENTS

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