



## STAFF REPORT ACTION REQUIRED

### Front Yard Parking Appeal – 108 Scarborough Road

<b>Date:</b>	August 24, 2009
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Manager, Right of Way Management, Transportation Services Toronto and East York District
<b>Wards:</b>	Beaches-East York – Ward 32
<b>Reference Number:</b>	Te09068te.row

#### SUMMARY

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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 108 Scarborough Road 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 City of Toronto Municipal Code Chapter 918. The owner will be given an opportunity to make a deputation before Community Council.

#### RECOMMENDATIONS

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**Transportation Services recommends that Toronto and East York Community Council:**

1. deny the request for front yard parking at 108 Scarborough Road.

#### Financial Impact

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

#### ISSUE BACKGROUND

The previous property owner of 108 Scarborough Road, a single family detached home, submitted an application for front yard parking at this location. The applicant was advised that the property was not eligible for front yard parking because there is insufficient space for the minimum parking pad due to the required tree clearance from the trees not being met, as per the regulations of the City of Toronto Municipal Code

Chapter 918. The applicant subsequently submitted an appeal requesting further consideration of this proposal. The property was sold as of April 4, 2009. The new property owner submitted an application and requested further consideration of this proposal.

The proposal for front yard parking is shown on Appendix 'A', the property data map is shown on Appendix 'B', a digital photo of the property is shown on Appendix 'C' and the applicant's landscape proposal is shown on Appendix 'D'.

## COMMENTS

### Applicable regulations

Front yard parking is governed by the criteria set out in the City of Toronto Municipal Code Chapter 918, Parking on Residential Front Yards and Boulevards. The relevant provisions include:

- the requirements of the City of Toronto Municipal Code Chapter 331, Trees, are complied with; a minimum clearance of 2.4 m and 4.22 m respectively, from the base of the two trees, is required; and
- a formal poll be conducted to determine whether there is neighbourhood support for the application and that such poll has a favourable result.

### Reasons for not approving

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

- the paved area for the parking pad does not provide the required clearances from the existing trees;
- the poll did not meet the minimum 50% response rate of eligible voters; and
- negative poll results.

### Poll results

A poll was conducted in accordance with the City of Toronto Municipal Code Chapter 918-14. The area polled comprised both sides of Scarborough Road from 75 to 123 on the odd side and from 80 to 122 on the even side. The deadline for receiving the ballots was June 9, 2009.

Total owners/tenants/residents polled	55	-----
Returned by post office	4	-----
Total eligible voters (total polled minus returned by post office)	51	100%
No reply	30	59%
<b>Total ballots received (response rate)</b>	<b>21</b>	<b>41%</b>
In favour of parking (of ballots received)	10	48%

Opposed to parking (of ballots received)	11	52%
Spoiled ballots	0	0%

The Code states that a poll will be considered valid when at least 50% of the ballots mailed out have been returned. This poll did not meet the minimum response rate and therefore the poll is deemed to be a negative poll.

### Other factors

Permit parking on Scarborough Road is authorized on the odd side, within permit parking area 9C. There are two on-street parking permit registered to this address.

Total number of parking permits in area 9C	5251	Total permits issued as of August 6, 2009	4714
Permits available	537	% of permits allocated	90%

Total number of permit parking spaces on Scarborough Road, between Pine Avenue and Queen Street East	46	Total permits issued to residents as of August 6, 2009	43
Permits available	3	% of permits allocated	94%

A ramp installation does not affect the on street permit parking.

On this portion of Scarborough Road, between Pine Avenue and Queen Street East, there are fourteen properties licensed for front yard parking and four properties licensed for driveway widening. Two of these properties are licensed for two vehicles.

There are two trees in the front yard at this location. A review of this application by Urban Forestry has determined that it is not possible to build a parking pad at this location without major to terminal damage to the surrounding trees. Urban Forestry has determined that such a parking pad would contravene the Trees By-law as well as the Front Yard Parking By-law. Urban Forestry strongly opposes the construction of such a pad. Should Council approve such a pad the requirements to build it would involve no excavation and full deposits on the surrounding trees to be held for a minimum of two years, likely more, as the impact on the trees is determined. The refund may not be refunded at all if the trees show signs of decline and require removal.

In accordance with the requirements, a review by Toronto Water has revealed that two downspouts at this property can be disconnected by the property owner. One at the front of the property can be repositioned to the grass and one at the rear of the property can be routed along the rear deck to the grass area.

## **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 does meet the other physical requirements of the Code, (i.e., landscaping).

Should Community Council decide to grant the appeal for front yard parking at 108 Scarborough Road, it could recommend that:

1. the parking area be a minimum of 2.2 m in width and not exceed 2.6 m by 5.9 m in dimension;
2. the applicant pave the parking area with semi-permeable paving materials;
3. the applicant pay for the installation of the ramp to service the parking space;
4. the applicant disconnect the downspouts in accordance with the requirements of Toronto Water;
5. the applicant provide Urban Forestry a Tree Security Deposit for the trees;
6. the applicant provide the landscape features substantially in accordance with the plan as shown on Appendix 'D', to the satisfaction of the General Manager of Transportation Services; and
7. the applicant pay all applicable fees which include the planting of a tree and comply with all other criteria set out in the City of Toronto Municipal Code Chapter 918, Parking on Residential Front Yards and Boulevards.

## **CONTACT**

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## **SIGNATURE**

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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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