



STAFF REPORT ACTION REQUIRED

Front Yard Parking Appeal – 28 Coxwell Avenue

Date:	October 20, 2009
To:	Toronto and East York Community Council
From:	Manager, Right of Way Management, Transportation Services Toronto and East York District
Wards:	Beaches-East York – Ward 32
Reference Number:	Te09075te.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 28 Coxwell 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 City of Toronto Municipal Code Chapter 918. 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 28 Coxwell Avenue.

Financial Impact

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

ISSUE BACKGROUND

The property owner of 28 Coxwell Avenue, a single family detached home, submitted an application for front yard parking at this location. The property does meet the physical requirements of the City of Toronto Municipal Code, however the application was refused due to the negative poll result, i.e. the response rate was less than 50%. The

applicant subsequently submitted an appeal requesting 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 provision includes:

- a formal poll be conducted to determine whether there is neighbourhood support for the application and that such poll has a favourable result.

Reason for not approving

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

- the poll did not meet the minimum 50% response rate of eligible voters.

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 Coxwell Avenue from 27 to 41 on the odd side, including 2 Battenberg Avenue and from 10 to 60 on the even side, including 1612 Queen Street East. The deadline for receiving the ballots was August 6, 2008.

Total owners/tenants/residents polled	87	-----
Returned by post office	1	-----
Total eligible voters (total polled minus returned by post office)	86	100%
No reply	51	59%
Total ballots received (response rate)	35	41%
In favour of parking (of ballots received)	34	97%
Opposed to parking (of ballots received)	0	0%
Spoiled ballots	1	3%

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

This property is located within permit parking area 9C, although, permit parking is not permitted within this block of Coxwell Avenue from Battenberg Avenue to Ashland Avenue.

Total number of parking permits in area 9C	5251	Total permits issued as of September 3, 2009	4791
Permits available	460	% of permits allocated	91%

Ramping is not required as there is an existing ramp to service the proposed parking.

On this portion of Coxwell Avenue, between Battenberg Avenue and Queen Street East, there are two properties licensed for front yard parking and two properties licensed for driveway widening. One of these properties is licensed for two vehicles.

There is no tree in the front yard at this location. A review of this application by Urban Forestry has determined that it would be feasible to plant a tree at this location.

In accordance with the requirements, a review by Toronto Water has revealed that one downspout has been disconnected by the property owner and one downspout at this property is not feasible for disconnection due to no suitable drainage area.

Alternate recommendations

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

Should Community Council decide to grant the appeal for front yard parking at 28 Coxwell Avenue, it could recommend that:

1. the parking area be a minimum of 2.2 m in width and not exceed 2.4 m by 5.9 m in dimension;
2. the applicant remove the existing asphalt paving and re-pave the parking area with semi-permeable paving materials;
3. the applicant remove the excess paving and restore the area to soft landscaping as shown on Appendix 'A';
4. 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;
5. the applicant plant a tree in accordance with the requirements of the City of Toronto Municipal Code Chapter 918, Parking on Residential Front Yards and

Boulevards. The tree shall be a full shade canopy tree or approved equivalent, to the satisfaction of the General Manager of Parks, Forestry & Recreation. Where and if Urban Forestry has determined that the planting of a tree at this location is not feasible, the applicant shall pay for the planting of a tree, subject to the requirements of the City of Toronto Municipal Code Chapter 918, Parking on Residential Front Yards and Boulevards; and

6. the applicant pay all applicable fees 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

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

P:\2009\Cluster B\TRA\Toronto and East York\row\te09075te.row - se