



STAFF REPORT ACTION REQUIRED

Front Yard Parking Appeal – 153 Silver Birch 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:	Te09020te.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 153 Silver Birch 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 153 Silver Birch Avenue.

Financial Impact

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

ISSUE BACKGROUND

The property owner of 153 Silver Birch Avenue, 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 the regulations of the City of Toronto Municipal Code Chapter 918 do not permit front yard parking where permit parking is authorized on the opposite side of the street and is less than 90%

allocated. 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:

- prohibit front yard parking where permit parking is less than 90% allocated, regardless of which side of the street the residential property is situated.

Reason for not approving

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

- permit parking is permitted on the even side of this portion of the street and is less than 90% allocated.

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 Silver Birch Avenue from 129 to 179 on the odd side and from 120 to 174 on the even side. The deadline for receiving the ballots was October 3, 2008.

Total owners/tenants/residents polled	122	-----
Returned by post office	2	-----
Total eligible voters (total polled minus returned by post office)	120	100%
No reply	57	48%
Total ballots received (response rate)	63	52%
In favour of parking (of ballots received)	51	81%
Opposed to parking (of ballots received)	12	19%
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 meet the minimum response rate and therefore is valid. The result of the poll is in favour of this application as the majority of the ballots returned were in favour of this application.

Other factors

Permit parking on Silver Birch Avenue is authorized on the even 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	5,251	Total permits issued as of October 2, 2009	4,893
Permits available	358	% of permits allocated	93%

Total number of permit parking spaces on Silver Birch Avenue, between Queen Street East and Pine Avenue	45	Total permits issued to residents as of October 2, 2009	30
Permits available	15	% of permits allocated	67%

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

On this portion of Silver Birch Avenue, between Queen Street East and Pine Avenue, there are eighteen properties licensed for front yard parking and nine properties licensed for driveway widening. Six 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 there is no suitable planting site for an additional 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.

As the work required to construct the proposed parking area will result in a significant grade alteration within the City boulevard, the proposed work has been reviewed by various Public Utility Companies and they advise there is no adverse impact on any underground facilities.

Alternate recommendations

Should Community Council decide to grant the appeal for front yard parking at 153 Silver Birch Avenue, 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 hand dig any excavation that falls within 1.0 m, as measured horizontally from the field markings, and locate the gas service. Enbridge is to be contacted to ensure that the proper clearances are maintained and to determine if the service will require relocation;

3. the applicant pay for the installation of the ramp to service the parking space;
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

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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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