



STAFF REPORT ACTION REQUIRED

Front Yard Parking Appeal – 35 Duggan Avenue

Date:	January 14, 2010
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:	Te10007te.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 35 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 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 35 Duggan Avenue.

Financial Impact

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

ISSUE BACKGROUND

The property owner of 35 Duggan Avenue, a duplex with a mutual driveway, 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 it does not meet the regulations of the City of Toronto Municipal Code Chapter 918. 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 provisions include:

- the mutual driveway not exceed 2.2 m in width;
- prohibit front yard parking where permit parking is on the opposite side of the street and is less than 90% allocated; 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 noted criteria for the following reasons:

- the mutual driveway is greater than 2.2 m in width;
- permit parking is permitted on the even side of this portion of the street and is less than 90% allocated; and
- 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 Duggan Avenue from 5 to 63 on the odd side and from 6 to 60 on the even side, including 120 Lawton Boulevard. The deadline for receiving the ballots was December 29, 2009.

Total owners/tenants/residents polled	126	-----
Returned by post office	1	-----
Total eligible voters (total polled minus returned by post office)	125	100%
No reply	91	73%
Total ballots received (response rate)	34	27%
In favour of parking (of ballots received)	20	59%
Opposed to parking (of ballots received)	13	38%
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

Permit parking is authorized on the even side of Duggan Avenue on a street name basis. There are two on-street parking permits registered to this address.

Total number of parking permits on the street	43	Total permits issued as of November 30, 2009	37
Permits available	6	% of permits allocated	86%

Ramping is not required as there is an existing ramp to service the proposed parking, therefore, on street permit parking is not affected.

On Duggan Avenue there are thirty-three properties licensed for front yard parking, seven properties licensed for driveway widening and one property licensed for residential boulevard parking. One of these properties is licensed for two vehicles.

There is a tree 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 two downspouts at this property are 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 requirements 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 35 Duggan 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 5.5 m in dimension;
2. 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;
3. the applicant pay for the planting of a full shade canopy tree on City property in the general area, preferably on the same street, since Urban Forestry has determined that the planting of a tree at this location is not feasible, subject to the

requirements of the City of Toronto Municipal Code Chapter 918, Parking on Residential Front Yards and Boulevards; and

4. 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

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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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