



STAFF REPORT ACTION REQUIRED

Front Yard Parking Appeal – 13 Chryessa Avenue

Date:	January 18, 2013
To:	Etobicoke York Community Council
From:	Director, Transportation Services – Etobicoke York District
Wards:	Ward 11 –York South-Weston
Reference Number:	p:\2013\Cluster B\TRA\EtobicokeYork\eycc130031-to

SUMMARY

This staff report is about a matter that Etobicoke York Community Council has delegated authority from City Council to make a final decision.

Transportation Services has reviewed an appeal by the owners of 13 Chryessa Avenue to legalize an existing unauthorised front yard parking pad. We do not recommend approving front yard parking at this location as it does not meet the requirements of City of Toronto Municipal The owner will be given an opportunity to make a deputation before Community Council.

RECOMMENDATIONS

Transportation Services recommends that Etobicoke York Community Council:

1. Refuse the application for front yard parking at 13 Chryessa Avenue, and require the applicant remove the existing front yard parking pad, at no expense to the municipality; restore the front yard and boulevard to 'soft' landscaping by February 28, 2014.

Financial Impact

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

ISSUE BACKGROUND

The property owners of 13 Chryessa Avenue, a semi-detached home without legal on-site parking, submitted an application to legalize the existing front yard parking at this location. The applicant was advised that the property does not meet the requirements of the City of Toronto Municipal Code Chapter 918. The applicant subsequently submitted an appeal requesting that Etobicoke York Community Council consider their proposal.

We wish to advise that this Division informed the applicant in May 2012, that front yard parking cannot be approved at this location because it does not comply with Municipal Code requirements. The applicant disregarded our advice and constructed the front yard parking pad without municipal approval or the required construction permits.

Attachment 1 shows the site location. Attachment 2 illustrates the proposed front yard parking pad. Attachment 3 is a photograph of the site.

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:

- prohibit front yard parking where on-street parking permits are authorized on the same side of the street;
- limit the number of vehicles that can be licensed to one;
- limit the size of the parking area to 2.6 m by 5.9 m in dimension;
- minimum parking space requirement of 2.2 m in width;
- minimum parking space requirement of 5.3 m in length;
- minimum parking space requirement of 2.2 m in width by 5.3 m in length;
- prohibit front yard parking where the property has access to an existing parking facility or where adequate space for parking can be provided on the lot;
- a minimum of 50% of the front yard on private property must be landscaped open space, of which 75% must be maintained as soft landscaping;
- a minimum of 50% of the City boulevard fronting the property must be landscaped open space, of which 75% must be maintained as soft landscaping;
- the parking space to be constructed perpendicular to the sidewalk;
- parking area paved with semi-permeable material such as ecostone or turf stone or equivalent permeable paving treatment acceptable to the General Manager of Transportation Services; and
- a formal poll be conducted to determine if 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:

- permit parking is authorised on the opposite side of the street and is less than 90% allocated;
- the minimum 50% landscape cannot be provided on both private property and the City boulevard; and
- the minimum 75% soft landscaping cannot be provided on both private property and the City boulevard.

Poll Results

The City Clerk conducted a poll of all residents in the City's assessment information system who either own property or reside on both sides of Chryessa Avenue, from 2 to 32A on the even side, and, 1 to 31 on the odd side.

At the Ward Councillor's request, the poll was conducted in English, Spanish, and Portuguese. The poll was conducted by the Clerks' office from October 12, 2012, to November 12, 2012.

Total owners/tenants/residents polled	110	-----
Returned by post office	0	-----
Total eligible voters (total polled minus returned by post office)	110	100%
No reply	77	70%
Total ballots received (response rate, %)	33	30%
In favour of parking (of ballots received, %)	27	82%
Opposed to parking (of ballots received, %)	5	15%
Spoiled ballots	1	3%

The Code states that a poll will be considered valid when at least 25 per cent of the ballots mailed out have been returned. This poll satisfies the minimum response rate. The survey results show that the majority of respondents (82%) do not object to this application.

Other factors

Permit parking is authorised on the west side of Chryessa Avenue, between Lambton Avenue and The Outlook. There no on-street parking permits registered to this address.

Total number of parking permits on Chryessa Avenue	26	Total permits issued as of January 17, 2013	14
Permits available	12	% of permits allocated	54%

Total number of permit parking spaces on Chryessa Avenue between Lambton Avenue and The Outlook	14	Total permits issued to residents as of January 17, 2013	8
Permits available	6	% of permits allocated	57%

A curb cut and depressed ramp will be required should this application be successful.

Currently, there are no legal front yard parking pads on Chryessa Avenue, between Lambton Avenue and The Outlook.

Alternate recommendations

The property is not eligible for front yard parking since it does not satisfy Municipal Code requirements; however, should Community Council decide to grant this appeal, it could be approved subject to the following conditions:

1. the parking area shall be a minimum of 2.2 m wide and shall not exceed 2.6 m wide by 5.9 m in perpendicular length;
2. the remaining front yard shall consist of 'soft' landscaping;
3. the curb and retaining wall must be relocated to a point 0.5 metres from the edge of sidewalk located closest to the Chryessa Avenue street line;
4. the applicant shall pay the enforcement and inspection fee of \$653.93 (HST included), specified for unauthorized front yard parking pads under Chapter 918-26 of the Toronto Municipal Code;
5. the applicant shall pay for the planting of a tree on City property in the general area of the property, preferably on the same street, as per the requirements of the City of Toronto Municipal Code Chapter 918, Parking on Residential Front Yards and Boulevards;
6. the applicant shall 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; and
7. The applicant shall satisfy these conditions at no expense to the municipality by February 28, 2014.

CONTACT

Karen Kirk, CET, Right of Way Management, Etobicoke York District

Telephone: 416-394-8394, Fax: 416-394-8942

E-mail: kkirk@toronto.ca

AFS17148

SIGNATURE

Steven T. Kodama, P.Eng.

Director, Transportation Services - Etobicoke York District

ATTACHMENTS

Attachment 1:	Map
Attachment 2:	Proposed Plan
Attachment 3:	Photograph