



STAFF REPORT ACTION REQUIRED

Front Yard Parking Appeal – 276 Durie Street

Date:	December 13 , 2012
To:	Etobicoke York Community Council
From:	Director, Transportation Services – Etobicoke York District
Wards:	Ward 13 – Parkdale-High Park
Reference Number:	p:\2013\Cluster B\TRA\EtobicokeYork\eycc130027-tp

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 assessed an appeal to legalize the existing front yard parking at 276 Durie Street. We do not recommend approving front yard parking at this location because it does not meet the requirements of 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 Etobicoke York Community Council:

1. Refuse the request for front yard parking at 276 Durie Street, and require the applicant to remove the existing front yard parking pad, at no expense to the City, and restore the area to 'soft' landscaping by February 26, 2014.

Financial Impact

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

ISSUE BACKGROUND

The property owners of 276 Durie Street, a single family detached home with a 2.0 metre wide mutual driveway, submitted an application to legalize the existing front yard parking at this location. The applicant was advised that the property is 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.

Attachment 1 shows the site location. Attachment 2 illustrates the existing 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 permit parking is authorized on the same side of the street;
- limit the number of vehicles that can be licensed to one;
- the mutual driveway not exceed 2.2 m in width;
- 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;
- 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 requirements of the City of Toronto Municipal Code Chapter 813, Trees, are complied with; a minimum clearance of 3.6 meters from the base of the tree is required;
- the parking space to be constructed perpendicular to the sidewalk;
- the parking space cannot be located within the existing mutual driveway;
- the parking space shall be constructed adjacent to the mutual driveway;
- 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 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:

- permit parking is permitted on the same side of the street on an alternating basis; and,
- the soft landscaping requirements cannot be provided on either the private property or the City boulevard.

Poll results

City Clerks previously conducted a poll of all residents listed in the City's assessment information system who either own property or reside on both sides of Durie Street, from 275 to 295 on the odd side, and from 270 to 296 on the even side. The poll was conducted according to the requirements of Chapters 190 and 918 of the Toronto Municipal Code, and was done in connection with a request for front yard parking at 272 Durie Street.

At the Ward Councillor's request, the survey was conducted in English, Polish, and Ukrainian. The survey was conducted by the Clerks' office from October 7, 2010 and November 5, 2010.

Total owners/tenants/residents polled	69	-----
Returned by post office	2	-----
Total eligible voters (total polled minus returned by post office)	67	100%
No reply	28	42%
Total ballots received (response rate)	39	58%
In favour of parking (of ballots received)	35	90%
Opposed to parking (of ballots received)	3	7%
Spoiled ballots	1	3%

The Code states that a poll will be considered valid when at least 25% of the ballots mailed out have been returned. This poll exceeded the minimum response rate and therefore is considered valid. The result of the poll is in favour of this application as the majority of the ballots (90%) returned supported this application.

Other factors

Permit parking on Durie Street is authorized on an alternate side basis, within permit parking area 1E. Currently, there is one on-street parking permit registered to this address.

Total number of parking permits in area 1E	1005	Total permits issued as of December 20, 2012	863
Permits available	142	% of permits allocated	86%

Total number of permit parking spaces on Durie Street, between Bloor Street West and Colbeck Street	34	Total permits issued to residents as of December 20, 2012	43
Permits available	-9	% of permits allocated	126%

On this portion of Durie Street, between Bloor Street West and Colbeck Street, the permits have been oversold by 26%. This is possible due to the fact that Durie Street is in Area 1E, and if there is no space on this section of Durie Street, permit holders can park on adjacent streets.

A curb cut and depressed ramp is not required as there is an existing mutual driveway ramp to service the parking pad. No on-street parking stalls will be lost should this application be successful.

On this portion of Durie Street, between Bloor Street West and Colbeck Street, there are currently 29 properties licensed for front yard parking.

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.

Should Community Council find merit in this application, it could be approved subject to the following conditions:

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 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;
3. the remaining front yard shall consist of 'soft' landscaping;

4. the applicant use the existing mutual driveway to access the parking pad;
5. the applicant pay for the planting of a full shade canopy 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 existing on-street parking permit issued to this address is cancelled immediately following approval of the front yard parking pad;
7. the fire hydrant in the front yard shall be relocated if considered necessary by Fire Services to provide 2.0m of unobstructed access;
8. the applicant shall pay all applicable fees and comply with all other criteria described in the City of Toronto Municipal Code;
9. the applicant satisfies these conditions at no expense to the municipality by February 26, 2014.

CONTACT

Marianne Zagar, Right of Way Management, Etobicoke York District

Telephone: 416-394-8343, Fax: 416-394-8942

E-mail: mazagar@toronto.ca

AFS17152

SIGNATURE

Steven T. Kodama, P.Eng.

Director, Transportation Services, Etobicoke York District

ATTACHMENTS

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