



**STAFF REPORT
ACTION REQUIRED**

Front Yard Parking Appeal – 134 Brownville 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\eycc130036-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 reviewed an appeal by the owners of 134 Brownville Avenue to legalize an existing front yard parking pad at 134 Brownville Avenue. 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 134 Brownville Avenue, and require the applicant to remove the existing front yard parking pad at no expense to the municipality, and restore the area 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 134 Brownville Avenue, a single family detached home, submitted an application to legalize an existing front yard parking pad at this location. The owner was advised by this Division in June 2012, that the property could not be approved for front yard parking since it did not comply with the Municipal Code requirements. The owner proceeded to construct the parking pad illegally and without obtaining municipal permits. The applicant submitted an appeal requesting that Etobicoke York Community Council consider their proposal, but had already started construction on the unauthorized parking pad.

Attachment 1 shows the site location. Attachment 2 illustrates the proposed front yard parking pad. Attachment 3, 4, and 5 are photographs 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 noted criteria for the following reasons:

- permit parking is authorised on the opposite side of the street and is less than 90% allocated;

- the required landscaping open space and soft landscaping cannot be provided on both the private and the City boulevard;
- the property already has access to a rear yard single car garage and a rear yard parking stall accessed from an existing public alley; and
- the formal poll did not meet the 25% minimum response rate.

Staff has also observed that an existing gate controlling access to the rear yard parking stall swings out into the alley when opened, obstructing vehicle traffic.

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 Brownville Avenue, from 110 to 154, on the even side, and, 123 to 149, 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 9, 2012, to November 7, 2012.

Total owners/tenants/residents polled	78	-----
Returned by post office	10	-----
Total eligible voters (total polled minus returned by post office)	68	100%
No reply	61	90%
Total ballots received (response rate, %)	7	10%
In favour of parking (of ballots received, %)	5	71%
Opposed to parking (of ballots received, %)	2	29%
Spoiled ballots	0	0%

The Code states that a poll will be considered valid when at least 25 per cent of the ballots mailed out have been returned. Only 10% of the ballots were returned; therefore, the poll does not satisfy the minimum response rate and is unlikely to accurately represent a valid indicator of neighbourhood opinion on this issue. The survey results show; however, that the majority of respondents do not appear to object to this application.

Other factors

Permit parking is authorised on the west side of Brownville Avenue, between Barr Avenue and the north limit of Brownville Avenue. There no on-street parking permits registered to this address.

Total number of parking permits on Brownville Avenue	37	Total permits issued as of January 17, 2013	7
Permits available	30	% of permits allocated	19%

Total number of permit parking spaces on Brownville Avenue between Lambton Avenue and The Outlook	15	Total permits issued to residents as of January 17, 2013	1
Permits available	14	% of permits allocated	7%

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

Currently, there are no legal front yard parking pads on Brownville, between Barr Avenue and the north of Brownville Avenue.

Alternate recommendations

While the property is not eligible for front yard parking since it does not satisfy Municipal Code requirements, 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 metres wide and shall not exceed 2.6 metres wide by 5.9 metres in perpendicular length;
2. the remaining front yard shall consist of 'soft' landscaping;
3. any encroachments into the municipal road allowance, such as, stairs, curbstones, or retaining walls/toe walls, shall be located not less than 0.5 metre from the edge of sidewalk located closest to the Brownville 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 modify the existing gate accessing the rear yard parking stall to swing inward towards private property;
7. 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

8. The applicant shall satisfy these conditions at no expense to the municipality by February 28, 2014.

CONTACT

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SIGNATURE

Steven T. Kodama, P.Eng.
Director, Transportation Services - Etobicoke York District

ATTACHMENTS

Attachment 1:	Map
Attachment 2:	Proposed Plan
Attachment 3:	Photograph
Attachment 4	Photograph
Attachment 5	Photograph