



STAFF REPORT ACTION REQUIRED

Front Yard Parking Appeal – 420 Hillsdale Avenue East

Date:	October 29, 2013
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:	Te2013051te.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 420 Hillsdale Avenue East 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 420 Hillsdale Avenue East;
2. request that the owner remove the existing brick paving and restore the area to soft landscaping, as indicated in Appendix 'E', attached to the report dated October 29, 2013, from the Manager, Right of Way Management, Transportation Services, Toronto and East York District; and
3. as per Urban Forestry's request, the following work to be performed within the minimum tree protection zone: the applicant must restore the grade, remove all existing limestone, have the tree aerated and fertilized by a qualified tree care company to compensate for root damage and proof of such (receipt) is to be

supplied to forestry. Also a tree security deposit of \$1,504.00 from the applicant to be held a minimum of two years commencing at the completion of their proposed work (sodding).

Financial Impact

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

ISSUE BACKGROUND

The property owner of 420 Hillsdale Avenue East, a single family detached home 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', the applicant's landscape proposal is shown on Appendix 'D' and a sketch showing the area of paving to be removed is shown on Appendix 'E'.

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;
- the mutual driveway not exceed 2.2 m in width;
- 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; and
- a minimum of 50% of the city boulevard fronting the property must be landscaped open space, of which 76% must be maintained as soft landscaping.

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;
- the mutual driveway is greater than 2.2 m in width; and
- the soft landscaping requirement cannot be accommodated on private property, nor on the City boulevard.

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 Hillsdale Avenue East from 379 to 423 on the odd side and from 370 to 426 on the even side. The deadline for receiving the ballots was October 10, 2013.

Total owners/tenants/residents polled	78	-----
Returned by post office	4	-----
Total eligible voters (total polled minus returned by post office)	74	100%
No reply	28	38%
Total ballots received (response rate)	46	62%
In favour of parking (of ballots received)	35	76%
Opposed to parking (of ballots received)	8	17%
Spoiled ballots	3	7%

The Code states that a poll will be considered valid when at least 25% 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 Hillsdale Avenue East is authorized on an alternate side basis, on a street name basis. There is one on street parking permit registered to this address.

Total number of parking permits on Hillsdale Avenue East in area 1725	71	Total permits issued as of May 31, 2013	70
Permits available	1	% of permits allocated	99%

Total number of permit parking spaces on Hillsdale Avenue East, between Mount Pleasant Road and Forman Avenue	19	Total permits issued to residents as of May 31, 2013	28
Permits available	0	% of permits allocated	147%

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

On this portion of Hillsdale Avenue East, between Mount Pleasant Road and Forman Avenue, there are twenty seven properties licensed for front yard 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.

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).

Should Community Council decide to grant the appeal for front yard parking at 420 Hillsdale Avenue East, it could recommend that:

1. the parking area be a minimum of 2.2 m in width and not exceed 2.3 m by 5.3 m in dimension;
2. the applicant remove the excess paving and restore the area to soft landscaping, as indicated in Appendix 'E', attached to the report dated October 29, 2013, from the Manager, Right of Way Management, Transportation Services, Toronto and East York District;
3. the applicant disconnect any downspouts, if feasible, or seek an exemption from Toronto Water in accordance with the requirements in Chapter 681-11(S);
4. the applicant pay the enforcement fee of \$637.99 (HST included) since the parking pad was constructed without authorization from the City;
5. the applicant provide the landscape features substantially in accordance with the plan as indicated in Appendix 'D', attached to the report dated October 29, 2013, from the Manager, Right of Way Management, Transportation Services, Toronto and East York District, to the satisfaction of the General Manager of Transportation Services;
6. the applicant comply with Urban Forestry's requirement for the following work to be performed within the minimum tree protection zone: the applicant must restore the grade, remove all existing limestone, have the tree aerated and fertilized by a qualified tree care company to compensate for root damage and proof of such (receipt) is to be supplied to forestry. Also a tree security deposit of \$1,504.00 from the applicant to be held a minimum of two years commencing at the completion of their proposed work (sodding);
7. 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; and

8. 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

Andre Filippetti
Manager, Right of Way Management

ATTACHMENTS

- Appendix 'A' - sketch
- Appendix 'B' - property data map
- Appendix 'C' - photo
- Appendix 'D' - applicant's landscape proposal
- Appendix 'E' - sketch showing paving to be removed

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