



**STAFF REPORT  
ACTION REQUIRED**

**Front Yard Parking Appeal – 336 Gilbert Avenue**

<b>Date:</b>	May 26, 2016
<b>To:</b>	Etobicoke York Community Council
<b>From:</b>	Manager, Right of Way Management, Transportation Services
<b>Wards:</b>	Davenport – Ward 17
<b>Reference Number:</b>	P:\2016\Cluster B\TRA\EtobicokeYork\eycc160078-tp

**SUMMARY**

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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 336 Gilbert Avenue for front yard parking. Front yard parking at this location is not recommended because it does not meet multiple 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**

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**Transportation Services recommends that Etobicoke York Community Council:**

1. Deny the request for front yard parking at 336 Gilbert Avenue; and
2. Request that the owner install barriers to prevent the unauthorized parking to the satisfaction of the General Manager of Transportation Services, as indicated in Appendix 'D', attached to the report dated May 26, 2016, from the Manager, Right of Way Management, Transportation Services.

**Financial Impact**

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

## **ISSUE BACKGROUND**

The property owner of 336 Gilbert Avenue, 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' and a sketch showing the installation of barriers 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:

- minimum parking space requirement of 5.3 metres 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;
- and
- the requirements of the City of Toronto Municipal Code Chapter 813, Trees, are complied with; a minimum clearance of 5.4 metres from the base of the tree is required.

### **Reasons for not approving**

The property does not meet the above-noted criteria for the following reasons:

- the minimum parking space requirement of 5.3 metres in length is not met;
- the property is serviced by a 3 car garage at the rear with access from Bronoco Avenue;
- the soft landscaping requirement cannot be provided on private property and the City boulevard; and
- the paved area for the parking pad does not provide the required clearance from the existing tree.

## 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 Gilbert Avenue from 289 to 321 on the odd side, including 65 Summit Avenue and from 300 to 346 on the even side. The deadline for receiving the ballots was April 21, 2016.

Total owners/tenants/residents polled	115	-----
Returned by post office	6	-----
Total eligible voters (total polled minus returned by post office)	109	100%
No reply	61	56%
<b>Total ballots received (response rate)</b>	48	44%
In favour of parking (of ballots received)	32	67%
Opposed to parking (of ballots received)	11	23%
Spoiled ballots	5	10%

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 Gilbert Avenue is authorized on the even side, within permit parking area 13M. As of May 11, 2016, there are two on-street parking permits registered to this address.

Total number of parking permits in area 13M	193	Total permits issued as of November 30, 2015	108
Permits available	85	% of permits allocated	56%

Total number of permit parking spaces on Gilbert Avenue, between Corby Avenue and Summit Avenue	23	Total permits issued to residents as of November 30, 2015	16
Permits available	7	% of permits allocated	70%

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 Gilbert Avenue, between Corby Avenue and Summit Avenue, there are five properties licensed for front yard parking.

There is a tree in the front yard at this location which is in close proximity to the parking space. A review of this application by Urban Forestry has determined that the proposal has a negative impact to the tree in question and Urban Forestry objects to the requested proposal. There is no suitable planting site for an additional tree at this location.

### **Alternate recommendations**

Should Community Council decide to grant the appeal for front yard parking at 336 Gilbert Avenue, it could recommend that:

1. the parking area be 2.2 metres in width by 5.2 metres in length;
2. the applicant disconnect any downspouts, if feasible, or seek an exemption from Toronto Water in accordance with the requirements in Chapter 681-11(S);
3. the applicant pay the enforcement fee of \$701.82 (HST included) since the parking pad was constructed before the submission of the application and without authorization from the City;
4. the applicant shall submit an application to injure or remove trees to Urban Forestry, as per City of Toronto Municipal Code Chapter 813, Article II;
5. the applicant provide the landscape features substantially in accordance with the plan as indicated in Appendix 'A', attached to the report dated May 26, 2016, from the Manager, Right of Way Management, Transportation Services, to the satisfaction of the General Manager of Transportation Services; and
6. 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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Andre Filippetti  
Manager, Right of Way Management

## **ATTACHMENTS**

Appendix 'A' - sketch  
Appendix 'B' - property data map  
Appendix 'C' - photo  
Appendix 'D' - sketch showing barriers to be installed