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 56 Elmsthorpe Avenue for front yard parking. We do not recommend approval for front yard parking at this location because it does not meet the regulations 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 56 Elmsthorpe Avenue.

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

ISSUE BACKGROUND
The property owner of 56 Elmsthorpe 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 the applicant’s landscape proposal 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:

- the mutual driveway not exceed 2.2 m in width;
- 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; and
- limit the size of the parking area to 2.6 m by 5.9 m in dimension.

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

- the mutual driveway is greater than 2.2 m in width;
- the parking space can be accommodated in the rear yard; and
- the area paved exceeds the area required to facilitate a vehicle.

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 Elmsthorpe Avenue from 77 to 103, including 381 Eglinton Avenue East on the odd side and from 44 to 70 on the even side. The deadline for receiving the ballots was March 29, 2011.

| Total owners/tenants/residents polled | 52 | ------- |
| Returned by post office | 2 | ------- |
| Total eligible voters (total polled minus returned by post office) | 50 | 100% |
| No reply | 15 | 30% |
| **Total ballots received (response rate)** | 35 | 70% |
| In favour of parking (of ballots received) | 34 | 97% |
| Opposed to parking (of ballots received) | 0 | 0% |
| Spoiled ballots | 1 | 3% |
The Code states that a poll will be considered valid when at least 50% 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

This property is not located within a permit parking area.

On this portion of Elmsthorpe Avenue, between Eglinton Avenue West and College View Avenue, there are four properties licensed for front yard parking. Two of these properties are 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.

In accordance with the requirements, a review by Toronto Water has revealed that four downspouts at this property have been disconnected by the property owner.

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 and landscaping).

Should Community Council decide to grant the appeal for front yard parking at 56 Elmsthorpe Avenue, it could recommend that:

1. the parking area be a minimum of 2.2 m in width and not exceed 2.4 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 ‘A’, attached to the report dated April 28, 2011, from the Acting Manager, Right of Way Management, Transportation Services, Toronto and East York District;

3. the applicant provide the landscape features substantially in accordance with the plan as indicated in Appendix ‘D’, attached to the report dated April 28, 2011, from the Acting Manager of Right of Way Management, Transportation Services, Toronto and East York District, to the satisfaction of the General Manager of Transportation Services;

4. 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
5. 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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Joe Colafranceschi
Acting Manager, Right of Way Management

ATTACHMENTS
Appendix ‘A’ - sketch
Appendix ‘B’ - property data map
Appendix ‘C’ - photo
Appendix ‘D’ - applicant’s landscape proposal

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