TORONTO

STAFF REPORT
ACTION REQUIRED

Front Yard Parking Appeal – 327 Nairn Avenue

Date:	May 7, 2012
To:	Etobicoke York Community Council
From:	Director, Transportation Services – Etobicoke York District
Wards:	Ward 17 – Davenport
Reference Number:	p:\2012\Cluster B\TRA\EtobicokeYork\eycc120075-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 327 Nairn Avenue to legalize an existing unauthorised front yard parking pad. We do not recommend approving front yard parking at this location as it does not meet the requirements of City of Toronto Municipal Code and the property already has access to a rear yard garage. 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 327 Nairn Avenue.

2. The applicant shall, at no expense to the municipality, remove the existing front yard parking pad and restore the area to 'soft' landscaping by June 13, 2013.

Financial Impact

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

ISSUE BACKGROUND

The property owners of 327 Nairn Avenue, a single family detached home, submitted an application for front yard parking at this location. The applicant was advised that the property does not meet the requirements of the City of Toronto Municipal Code Chapter 918. The applicant subsequently submitted an appeal requesting that Etobicoke York Community Council consider their proposal.

Attachment 1 shows the site location. Attachment 2 illustrates the proposed front yard parking pad. Attachment 3 and 4 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 same side of the street and is less than 90% allocated and will result in the loss of an on-street parking permit stall; and,
- the property has access to a rear yard garage accessed from an existing public alley.

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 Nairn Avenue, from 290 to 328 on the even side, including 109 Hatherley Road, and, 311 to 347 on the odd side, including 107 Hatherley Road and 44 Teignmouth Avenue.

At the Ward Councillor's request, the poll was conducted in English, Italian, and Portuguese. The poll was conducted by the Clerks' office between March 5, 2012 and April 3, 2012.

Total owners/tenants/residents polled	123	--------
Returned by post office	0	--------
Total eligible voters (total polled minus returned by post office)	123	100%
No reply	73	59%
Total ballots received (response rate, %)	**50**	**41%**
In favour of parking (of ballots received, %)	43	86%
Opposed to parking (of ballots received, %)	6	12%
Spoiled ballots	1	2%

We emphasize that this poll was conducted for a current appeal at 306 Nairn Avenue. Chapter 918-14 of the City of Toronto Municipal Code states that where a survey has been conducted, the results shall apply to each subsequent application for front yard parking with the survey limits, and that the results of the survey shall be valid for a period of three years.

The Code states that a poll will be considered valid when at least 25 per cent of the ballots mailed out have been returned. This poll satisfies the minimum response rate. The survey results show that the majority of respondents do not object to this application.

Other factors

Permit parking is authorised on the alternating sides of Nairn Avenue, between Teignmouth Avenue and Hatherley Road. There is no on-street parking permits registered to this address.

Total number of parking permits in area 13L	458	Total permits issued as of May 2, 2012	209
Permits available	249	% of permits allocated	46%

Total number of permit parking spaces on Nairn Avenue between Teignmouth Avenue and Hatherley Road	15	Total permits issued to residents as of May 2, 2012	8
Permits available	7	% of permits allocated	53%

A curb cut and depressed ramp will be required should this application be successful, thus, resulting in the loss of an on-street permit parking stall.

Currently, there are four properties on Nairn Avenue, between Teignmouth Avenue and Hatherley Road that are licensed for front yard parking.

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 m wide and shall not exceed 2.6 m wide by 5.9 m in perpendicular length;

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

3. any encroachments into the Nairn Avenue road allowance, such as fences, driveway curbs, retaining walls or stairs, shall be set back at least 0.50 metres from the back edge of the sidewalk and shall not exceed a height of 0.90 metres, measured from the travelled portion of Nairn Avenue;

4. the applicant shall pay the enforcement and inspection fee of $637.99 (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 provide a revised site plan to the satisfaction of Transportation Services Division;

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 June 13, 2013.

CONTACT

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SIGNATURE

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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