



## STAFF REPORT ACTION REQUIRED

### Front Yard Parking Appeal – 16 Birch Avenue

<b>Date:</b>	December 5, 2011
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Manager, Right of Way Management, Transportation Services Toronto and East York District
<b>Wards:</b>	St. Paul's – Ward 22
<b>Reference Number:</b>	Te2012010te.row

#### 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 16 Birch Avenue 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

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**Transportation Services recommends that Toronto and East York Community Council:**

1. deny the request for front yard parking at 16 Birch Avenue.

#### Financial Impact

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

#### ISSUE BACKGROUND

The property owner of 16 Birch Avenue, a single family detached home 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 the regulations of the City of Toronto Municipal Code Chapter 918 do not permit front yard parking where permit

parking is authorized on the same side of the street. 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:

- prohibit front yard parking where permit parking is authorized on the same side of the street.

### Reasons for not approving

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

- permit parking is permitted on the same side of the street.

### 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 Birch Avenue 15 to 43 on the odd side and from 10 to 44A on the even side, including 1196 Yonge Street. The deadline for receiving the ballots was November 10, 2011.

Total owners/tenants/residents polled	50	-----
Returned by post office	3	-----
Total eligible voters (total polled minus returned by post office)	47	100%
No reply	25	53%
<b>Total ballots received (response rate)</b>	<b>22</b>	<b>47%</b>
In favour of parking (of ballots received)	16	73%
Opposed to parking (of ballots received)	6	27%
Spoiled ballots	0	0%

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 is authorized on both sides of Birch Avenue, on a street name basis. There are no on street parking permits registered to this address.

Total number of parking permits on the street	43	Total permits issued as of November 30, 2011	33
Permits available	10	% of permits allocated	77%

The installation of a ramp at this location will result in the loss of one on street permit parking space.

On this portion of Birch Avenue, between Yonge Street and the west end of Birch Avenue, there are two properties licensed for front yard parking.

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 two downspouts have been disconnected by the property owner and one downspout at this property is feasible for disconnection.

## Alternate recommendations

While the property is not eligible for front yard parking because it does not meet the above noted requirement 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 16 Birch Avenue, it could recommend that:

1. the parking area be a minimum of 2.2 m in width and not exceed 2.5 m by 5.7 m in dimension;
2. the applicant pay for the installation of a ramp to service the parking space;
3. the applicant disconnect the downspout in accordance with the requirements of Toronto Water;
4. the applicant provide the landscape features substantially in accordance with the plan as indicated in Appendix 'D', attached to the report dated December 5, 2011, from the Manager, Right of Way Management, Transportation Services, Toronto and East York District, to the satisfaction of the General Manager of Transportation Services;

5. 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
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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Kyp Perikleous  
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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