Front Yard Parking Appeal – 565 Nairn Avenue

Date: April 10, 2013
To: Etobicoke York Community Council
From: Director, Transportation Services – Etobicoke York District
Wards: Ward 17 – Davenport
Reference Number: p:\2013\Cluster B\TRA\EtobicokeYork\eycc130072-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 from the owner of 565 Nairn Avenue. We do not recommend approving front yard parking at this location since it does not meet the requirements of 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 Etobicoke York Community Council:

1. Refuse the application for front yard parking at 565 Nairn Avenue and require the applicant to remove the existing front yard parking pad, at no expense to the municipality, and restore the front yard and boulevard area to 'soft' landscaping by May 1, 2014.

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

ISSUE BACKGROUND
The property owners of 565 Nairn Avenue, a single family detached home, submitted an application to legalize an existing unauthorised front yard parking pad at this location. The applicant was advised that the property does not meet the regulations 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 existing front yard parking pad. Attachment 3 is a photograph 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;
- the minimum parking space requirement of 5.3 metre in length cannot be accommodated;
- the landscape open space cannot be provided on the private property; and,
- the soft landscaping cannot be provided on both private property and the City boulevard.
**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 550 to 568 on the even side, including 2029 to 2031 Eglinton Avenue West, and 547 to 569 Nairn Avenue on the odd side, including 2019 to 2021 Eglinton Avenue West.

At the Ward Councillor's request, the poll was conducted in English, Italian, and Portuguese. The poll was conducted by the Clerks' office between November 19, 2012, and December 18, 2012.

<table>
<thead>
<tr>
<th>Total owners/tenants/residents polled</th>
<th>64</th>
<th>------</th>
</tr>
</thead>
<tbody>
<tr>
<td>Returned by post office</td>
<td>1</td>
<td>------</td>
</tr>
<tr>
<td>Total eligible voters (total polled minus returned by post office)</td>
<td>63</td>
<td>100%</td>
</tr>
<tr>
<td>No reply</td>
<td>22</td>
<td>35%</td>
</tr>
<tr>
<td><strong>Total ballots received (response rate, %)</strong></td>
<td>41</td>
<td>65%</td>
</tr>
<tr>
<td>In favour of parking (of ballots received, %)</td>
<td>35</td>
<td>86%</td>
</tr>
<tr>
<td>Opposed to parking (of ballots received, %)</td>
<td>5</td>
<td>12%</td>
</tr>
<tr>
<td>Spoiled ballots</td>
<td>1</td>
<td>2%</td>
</tr>
</tbody>
</table>

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 east side of Nairn Avenue, between Thornton Avenue and Eglinton Avenue West, within permit parking area 13L. There is one on-street parking permits registered to this address.

<table>
<thead>
<tr>
<th>Total number of parking permits in area 13L</th>
<th>458</th>
<th>Total permits issued as of April 9, 2013</th>
<th>183</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permits available</td>
<td>275</td>
<td>% of permits allocated</td>
<td>40%</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>Total number of permit parking spaces on Nairn Avenue between Thornton Avenue and Eglinton Avenue West</th>
<th>10</th>
<th>Total permits issued to residents as of April 9, 2013</th>
<th>3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permits available</td>
<td>7</td>
<td>% of permits allocated</td>
<td>30%</td>
</tr>
</tbody>
</table>

A curb cut and depressed ramp will be required should this application be successful, thus, resulting in the loss of one on-street permit parking stall.
Currently, there is only one property on Nairn Avenue, between Thornton Avenue and Eginton Avenue West that is licensed for front yard parking.

We wish to point out that the proposed parking pad length shown in Attachment No. 2 cannot accommodate a passenger vehicle without overhanging the existing sidewalk. We have also noted that contrary to the submitted site plan, the applicant currently parks their vehicle on an angle, accessing the parking area by driving over their neighbour's private driveway.

**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 pad is built on an angle in compliance with Section 918-10K of Chapter 918 of the Toronto Municipal Code;

2. the applicant shall enter into a right-of-way or easement agreement with the property owner at 567 Nairn Avenue to use their existing driveway for vehicle access purposes to the applicant's parking pad;

3. the applicant shall surface the front yard parking area with semi-permeable materials, such as, ecostone pavers, interlocking pavers or an equivalent paving treatment that is acceptable to the General Manager, Transportation Services;

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

5. the applicant shall locate the parking pad adjacent the existing mutual right-of-way, and shall access the parking pad from the existing shared driveway;

6. the applicant shall provide a revised site drawing to the satisfaction of this Division;

7. any encroachments into the municipal road allowance, such as, stairs curbstones, retaining walls/toe walls, shall be located not less than 0.50 metre from the edge of sidewalk closest to the Nairn Avenue street line, and the existing hedge shall be maintained at a height of not more than 0.85 metres, measured from the surface of the front yard parking pad;

8. the applicant shall pay the enforcement and inspection fee of $653.93 (HST included), specified for unauthorized front yard parking pads under Chapter 918-26 of the Toronto Municipal Code;

9. 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;
10. 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;

11. the on-street parking permit issued to this property shall be cancelled immediately following construction of the front yard parking pad; and,

12. the applicant shall satisfy these conditions at no expense to the municipality by May 31, 2014.

CONTACT
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AFS 17641

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