Residential Boulevard Parking Appeal – 15 DeForest Road

Date: April 22, 2013
To: Etobicoke York Community Council
From: Director, Transportation Services – Etobicoke York District
Wards: Ward 13 – Parkdale – High Park
Reference Number: p:\2013\Cluster B\TRA\EtobicokeYork\eycc130080-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 reviewed an appeal from the owner of 15 DeForest Road. 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:

Refuse the application for front yard parking at 15 DeForest Road and require the applicant to remove the existing boulevard parking pad, at no expense to the municipality, and restore the boulevard area to ‘soft’ landscaping by May 31, 2014.

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

ISSUE BACKGROUND

The property owners of 15 DeForest Road, a single family detached home, submitted an application to legalize an existing residential boulevard 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 proposed front yard parking pad. Attachment 3 is a photograph of the site.

COMMENTS

Applicable regulations
Residential boulevard 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
- the soft landscaping cannot be provided on private property.

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 Kennedy Avenue, from 70 to 72 on the even side, including 17 Deforest Road, and 65 to 67 Kennedy Avenue on the odd side, including 15 Deforest Road.

At the Ward Councillor's request, the poll was conducted only in English. The poll was conducted by the Clerks' office between March 25, 2013 and April 23, 2013.
| Total owners/tenants/residents polled | 15 | ------ |
| Returned by post office            | 0  | ------ |
| Total eligible voters (total polled minus returned by post office) | 15 | 100% |
| No reply                           | 2  | 13%   |

**Total ballots received (response rate, %)**

| In favour of parking (of ballots received, %) | 13 | 100% |
| Opposed to parking (of ballots received, %)  | 0  | 0%   |
| Spoiled ballots                           | 0  | 0%   |

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 all respondents support this application.

**Other factors**

Permit parking is authorised on the north side of Kennedy Avenue, between Bloor Street West and Morningside Avenue, on a street specific basis. There is one on-street parking permits registered to this address.

| Total number of parking permits on Kennedy Avenue | 43 | Total permits issued as of April 19, 2013 | 43 |
| Permits available | 0 | % of permits allocated | 100% |

Currently, on this section of Kennedy Avenue between Deforest Road and Vallemede Road, there are no properties 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 a maximum of 5.3 m in perpendicular length;

2. the applicant shall surface the residential boulevard 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;

3. the remaining yard shall consist of 'soft' landscaping;
4. any encroachments into the municipal road allowance, such as, stairs curbstones, retaining walls/toe walls, shall be located not less than 0.50 metres from the edge of sidewalk closest to the Kennedy Avenue street line,

5. 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;

6. 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;

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;

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

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

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