STAFF REPORT
ACTION REQUIRED

Front Yard Parking Appeal – 129 Silver Birch Avenue

<table>
<thead>
<tr>
<th>Date:</th>
<th>October 18, 2012</th>
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</thead>
<tbody>
<tr>
<td>To:</td>
<td>Toronto and East York Community Council</td>
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<tr>
<td>From:</td>
<td>Manager, Right of Way Management, Transportation Services Toronto and East York District</td>
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<tr>
<td>Wards:</td>
<td>Beaches-East York – Ward 32</td>
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<tr>
<td>Reference Number:</td>
<td>Te2012019te.row</td>
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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 129 Silver 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

Transportation Services recommends that Toronto and East York Community Council:

1. deny the request for front yard parking at 129 Silver Birch Avenue.

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

ISSUE BACKGROUND
The previous property owner of 129 Silver Birch Avenue, a single family semi-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 it does not meet the regulations of the City of Toronto Municipal Code Chapter 918. The new owner 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 opposite side of the street and is less than 90% allocated;
- 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; and
- the requirements of the City of Toronto Municipal Code Chapter 813, Trees, are complied with; a minimum clearance of 2.4 meters from the base of the tree is required.

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

- permit parking is permitted on the opposite side of the street and is less than 90% allocated;
- the soft landscaping cannot be provided on both private and the City boulevard; and
- the paved area for the parking pad does not provide the required clearance from the existing tree.

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 Silver Birch Avenue from 99 to 151 on the odd side and from 98 to 144 on the even side. The deadline for receiving the ballots was April 25, 2012.

<table>
<thead>
<tr>
<th>Total owners/tenants/residents polled</th>
<th>123</th>
<th>------</th>
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</thead>
<tbody>
<tr>
<td>Returned by post office</td>
<td>4</td>
<td>------</td>
</tr>
<tr>
<td>Total eligible voters (total polled minus returned by post office)</td>
<td>119</td>
<td>100%</td>
</tr>
<tr>
<td>No reply</td>
<td>79</td>
<td>66%</td>
</tr>
<tr>
<td><strong>Total ballots received (response rate)</strong></td>
<td><strong>40</strong></td>
<td><strong>34%</strong></td>
</tr>
<tr>
<td>In favour of parking (of ballots received)</td>
<td>26</td>
<td>65%</td>
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</table>
Opposed to parking (of ballots received) | 14 | 35%
---|---|---
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 on Silver Birch Avenue is authorized on the even side, within permit parking area 9C. There are no on street parking permits registered to this address.

<table>
<thead>
<tr>
<th>Total number of parking permits in area 9C</th>
<th>4292</th>
<th>Total permits issued as of May 31, 2012</th>
<th>3725</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permits available</td>
<td>567</td>
<td>% of permits allocated</td>
<td>87%</td>
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<table>
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<tr>
<th>Total number of permit parking spaces on Silver Birch Avenue, between Queen Street East and Pine Avenue</th>
<th>45</th>
<th>Total permits issued to residents as of May 31, 2012</th>
<th>32</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permits available</td>
<td>13</td>
<td>% of permits allocated</td>
<td>71%</td>
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The installation of a ramp at this location will not result in the loss of an on street permit parking space.

On this portion of Silver Birch Avenue, between Queen Street East and Pine Avenue, there are thirty properties licensed for front yard parking. Six of these properties are licensed for two vehicles.

There is no 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 a tree at this location.

Urban Forestry has determined that the permit should be denied as there are four trees along the south property line at 127 Silver Birch Avenue and due to the major grade change, the trees would be at risk of structural failure.

As the work required to construct the proposed parking area will result in a significant grade alteration within the City boulevard, the proposed work has been reviewed by various Public Utility Companies and they advise there is no adverse impact on any underground facilities, however, the owner is to contact Enbridge Gas Services to determine if the gas service requires relocation.

**Alternate recommendations**

Should Community Council decide to grant the appeal for front yard parking at 129 Silver Birch Avenue, it could recommend that:
1. the parking area be a minimum of 2.2 m in width and not exceed 2.6 m by 5.3 m in dimension;

2. the applicant pay for the installation of the ramp to service the parking space;

3. the applicant hand dig any excavation that falls within 1.0 m as measured horizontally from the field markings and locate the gas service. Enbridge is to be contacted to ensure that the proper clearances are maintained and to determine if the service will require relocation;

4. the applicant disconnect any downspouts, if feasible, or seek an exemption from Toronto Water in accordance with the requirements in Chapter 681-11(S);

5. the applicant provide the landscape features substantially in accordance with the plan as indicated in Appendix 'D', attached to the report dated October 18, 2012, from the Manager, Right of Way Management, Transportation Services, Toronto and East York District, to the satisfaction of the General Manager of Transportation Services;

6. 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

7. 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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