Front Yard Parking Appeal – 49 Lee Avenue

Date: January 3, 2013
To: Toronto and East York Community Council
From: Manager, Right of Way Management, Transportation Services
Wards: Beaches-East York – Ward 32
Reference Number: Te2013003te.row

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 49 Lee 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 49 Lee Avenue.

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

ISSUE BACKGROUND
The property owner of 49 Lee 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 it does not meet the regulations of the City of Toronto Municipal Code Chapter 918. 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 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; and
- 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 property owners recently submitted a revised proposal and now meets all the above noted landscaping requirements of the Code.

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

- permit parking is permitted on the opposite side of the street and is less than 90% allocated.

Poll results
A poll was conducted in accordance with the City of Toronto Municipal Code Chapter 918-14. The area polled comprised the odd side of Lee Avenue from 37 to 71 on the odd side. The deadline for receiving the ballots was June 6, 2012.

<table>
<thead>
<tr>
<th>Total owners/tenants/residents polled</th>
<th>58</th>
</tr>
</thead>
<tbody>
<tr>
<td>Returned by post office</td>
<td>4</td>
</tr>
<tr>
<td>Total eligible voters (total polled minus returned by post office)</td>
<td>54</td>
</tr>
<tr>
<td>No reply</td>
<td>27</td>
</tr>
<tr>
<td><strong>Total ballots received (response rate)</strong></td>
<td><strong>27</strong></td>
</tr>
<tr>
<td>In favour of parking (of ballots received)</td>
<td><strong>21</strong></td>
</tr>
<tr>
<td>Opposed to parking (of ballots received)</td>
<td>5</td>
</tr>
<tr>
<td>Spoiled ballots</td>
<td>1</td>
</tr>
</tbody>
</table>
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 Lee Avenue is authorized on the even side, within permit parking area 9D. There are no on street parking permits registered to this address.

<table>
<thead>
<tr>
<th>Total number of parking permits in area 9D</th>
<th>Total permits issued as of November 30, 2012</th>
<th>930</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permits available</td>
<td>% of permits allocated</td>
<td>98%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Total number of permit parking spaces on Lee Avenue, between Queen Street East and Violet Avenue</th>
<th>Total permits issued to residents as of November 30, 2012</th>
<th>10</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permits available</td>
<td>% of permits allocated</td>
<td>31%</td>
</tr>
</tbody>
</table>

A ramp installation does not affect the on street permit parking.

On this portion of Lee Avenue, between Queen Street East and Violet Avenue, there are twelve properties licensed for front yard parking. Three of these properties are licensed for two vehicles.

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.

Alternate recommendations

While the property is not eligible for front yard parking because it does not meet the above noted requirements 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 49 Lee Avenue, it could recommend that:

1. the parking area be a minimum of 2.2 m in width and not exceed 2.34 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 disconnect the downspout(s) or seek an exemption from Toronto Water in accordance with the requirements in Chapter 681-11(S);
4. the applicant provide the landscape features substantially in accordance with the plan as indicated in Appendix 'D', attached to the report dated January 3, 2013, 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