Front Yard Parking Appeal – 70 MacKenzie Crescent

Date: May 29, 2013

To: Toronto and East York Community Council

From: Manager, Right of Way Management, Transportation Services
Toronto and East York District

Wards: Davenport – Ward 18

Reference Number: Te2013029te.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 70 MacKenzie Crescent 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 (Pilot Project). 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 70 MacKenzie Crescent; and

2. request that the owner install planters to the satisfaction of the General Manager of Transportation Services, as indicated in Appendix 'E', attached to the report dated May 29, 2013, from the Manager, Right of Way Management, Transportation Services, Toronto and East York District.

Financial Impact
There is no financial impact to the City as a result of this report.
ISSUE BACKGROUND
Toronto City Council, at its meeting of September 21, 2011, adopted item TE9.85, Amendment to Chapter 918 - Ward 18 and Ward 21 (South of St. Clair Avenue West) – Pilot Project Specific Modifications. In so doing, it allowed for applications and appeals in those specific Wards and areas, where previously not permitted. Specifically it permitted staff to accept and process an application and appeal if required, only for those properties where a "parking pad" was already in existence prior to April 6, 2007 and created without the required permission(s).

The property owner of 70 MacKenzie Crescent, a residential property with three self-contained units, 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 (Pilot Project). 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', the applicant’s landscape proposal is shown on Appendix 'D' and a sketch showing the planters to be installed is shown on Appendix 'E'.

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, resulting in the loss of an on street permit parking space;
- 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
- 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.

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

- permit parking is permitted on the same side of the street on an alternate side basis, resulting in the loss of an on street permit parking space;
- the soft landscaping requirement cannot be provided on private/the City boulevard; and
- the existing asphalt paving does not meet the City’s paving requirements.
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 MacKenzie Crescent from 31 to 37, including 275 Lisgar Street on the odd side and from 30 to 70, including 277 to 291 Lisgar Street on the even side. The deadline for receiving the ballots was April 19, 2013.

| Total owners/tenants/residents polled | 97 | ------ |
| Returned by post office | 9 | ------ |
| Total eligible voters (total polled minus returned by post office) | 88 | 100% |
| No reply | 57 | 65% |
| **Total ballots received (response rate)** | 31 | 35% |
| In favour of parking (of ballots received) | 17 | 55% |
| Opposed to parking (of ballots received) | 13 | 42% |
| Spoiled ballots | 1 | 3% |

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 MacKenzie Crescent is authorized on an alternate side basis, within permit parking area 3K. There are four on street parking permit registered to this address.

| Total number of parking permits in area 3K | 660 | Total permits issued as of November 30, 2012 | 585 |
| Permits available | 75 | % of permits allocated | 89% |

| Total number of permit parking spaces on MacKenzie Crescent, between N-S Leg MacKenzie Crescent and Lisgar Street | 7 | Total permits issued to residents as of November 30, 2012 | 9 |
| Permits available | 0 | % of permits allocated | 129% |

The installation of a ramp at this location will result in the loss of one on street permit parking space.
On this portion of MacKenzie Crescent, between N-S Leg MacKenzie Crescent and Lisgar Street, there are seven properties licensed for front yard parking.

There is no tree in the front yard at this location. A review of this application by Urban Forestry has determined that there is a suitable planting site for a tree at this location once the excessive paving is removed.

**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).

Should Community Council decide to grant the appeal for front yard parking at 70 MacKenzie Crescent, it could recommend that:

1. the parking area be a minimum of 2.2 m in width and not exceed 2.6 m by 5.5 m in dimension;
2. the applicant remove the existing asphalt paving and repave the parking area with semi-permeable paving materials having at least 25% open space, as indicated in Appendix 'A', attached to the report dated May 29, 2013, from the Manager, Right of Way Management, Transportation Services, Toronto and East York District;
3. the applicant pay for the installation of the ramp to service the parking space;
4. the applicant remove the excess paving and restore the area to soft landscaping, as indicated in Appendix 'A', attached to the report dated May 29, 2013, from the Manager, Right of Way Management, Transportation Services, Toronto and East York District;
5. the applicant disconnect any downspouts, if feasible, or seek an exemption from Toronto Water in accordance with the requirements in Chapter 681-11(S);
6. the applicant provide the landscape features substantially in accordance with the plan as indicated in Appendix 'D', attached to the report dated May 29, 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;
7. the applicant plant a tree in accordance with the requirements of the City of Toronto Municipal Code Chapter 918, Parking on Residential Front Yards and Boulevards. The tree shall be a full shade canopy tree or approved equivalent, to the satisfaction of the General Manager of Parks, Forestry and Recreation; and
8. 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
Joe Colafranceschi, Supervisor, Right of Way Management
Telephone: 416-392-7564, Fax: 416-392-1058, E-mail: jcolafra@toronto.ca

SIGNATURE

__________________________________________
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
Appendix 'E' - sketch showing planters to be installed

P:\2013\Cluster B\TRA\Toronto and East York\row\te2013029te.row - dh