Front Yard Parking Appeal – 35 Peterborough Avenue

<table>
<thead>
<tr>
<th>Date:</th>
<th>February 4, 2014</th>
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<tbody>
<tr>
<td>To:</td>
<td>Etobicoke York Community Council</td>
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<tr>
<td>From:</td>
<td>Manager, Right of Way Management, Transportation Services</td>
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<td>Wards:</td>
<td>Davenport – Ward 17</td>
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<tr>
<td>Reference Number:</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 35 Peterborough Avenue for front yard parking. Front yard parking at this location is not recommended 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 Etobicoke York Community Council:

1. Deny the request for front yard parking at 35 Peterborough Avenue; and

2. Request that the owner remove the existing brick paving and restore the area to soft landscaping, as indicated in Appendix 'E', attached to the report dated February 4, 2014, from the Manager, Right of Way Management, Transportation Services.

**Financial Impact**

There is no financial impact to the City as a result of this report.
ISSUE BACKGROUND
The property owner of 35 Peterborough 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 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 area of paving to be removed 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;
- 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.

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 alternating basis; and
- the soft landscaping requirement cannot be provided on private property and the City boulevard.

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 Peterborough Avenue from 31 to 61, including 27 Via Italia on the odd side and from 30 to 52, including 29 Via Italia on the even side. The deadline for receiving the ballots was December 17, 2013.
<table>
<thead>
<tr>
<th>Total owners/tenants/residents polled</th>
<th>97</th>
<th>------</th>
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<tbody>
<tr>
<td>Returned by post office</td>
<td>13</td>
<td>------</td>
</tr>
<tr>
<td>Total eligible voters (total polled minus returned by post office)</td>
<td>84</td>
<td>100%</td>
</tr>
<tr>
<td>No reply</td>
<td>50</td>
<td>59%</td>
</tr>
<tr>
<td><strong>Total ballots received (response rate)</strong></td>
<td>34</td>
<td>40%</td>
</tr>
<tr>
<td>In favour of parking (of ballots received)</td>
<td>28</td>
<td>82%</td>
</tr>
<tr>
<td>Opposed to parking (of ballots received)</td>
<td>6</td>
<td>18%</td>
</tr>
<tr>
<td>Spoiled ballots</td>
<td>0</td>
<td>0%</td>
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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 Peterborough Avenue is authorized on an alternate side basis, within permit parking area 3E. There is one on-street parking permit registered to this address.

<table>
<thead>
<tr>
<th>Total number of parking permits in area 3E</th>
<th>700</th>
<th>Total permits issued as of November 30, 2013.</th>
<th>411</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permits available</td>
<td>289</td>
<td>% of permits allocated</td>
<td>59%</td>
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<table>
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<tr>
<th>Total number of permit parking spaces on Peterborough Avenue, between Mc Farland Avenue and Via Italia</th>
<th>12</th>
<th>Total permits issued to residents as of November 30, 2013.</th>
<th>4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permits available</td>
<td>8</td>
<td>% of permits allocated</td>
<td>33%</td>
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The installation of a ramp at this location will result in the loss of one on-street permit parking space.

On this portion of Peterborough Avenue, between Mc Farland Avenue and Via Italia, there is one property 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 it would be feasible to plant a tree at this location provided that the excessive paving be removed and restored to soft landscaping as per Appendix 'A'.
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 35 Peterborough Avenue, it could recommend that:

1. the parking area be 2.6 metres in width by 5.9 metres in dimension;

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

3. the applicant remove the excess paving and restore the area to soft landscaping, as indicated in Appendix 'A', attached to the report dated February 4, 2014, from the Manager, Right of Way Management, Transportation Services;

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 pay the enforcement fee of $670.28 (HST included) since the parking pad was constructed without authorization from the City;

6. the applicant provide the landscape features substantially in accordance with the plan as indicated in Appendix 'D', attached to the report dated February 4, 2014, from the Manager, Right of Way Management, Transportation Services, to the satisfaction of the General Manager of Transportation Services; 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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Telephone: 416-392-7564, Fax: 416-392-1058, E-mail: jcolafra@toronto.ca

SIGNATURE

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Andre Filippetti
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 paving to be removed

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