Front Yard Parking Appeal – 334 Bartlett Avenue North

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<th>Date:</th>
<th>February 4, 2014</th>
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<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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**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 334 Bartlett Avenue North 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 334 Bartlett Avenue North; and
2. Request that the owner install barriers to the satisfaction of the General Manager of Transportation Services, 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 334 Bartlett Avenue North, 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 barriers 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;
- 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;
- limit the parking area to 2.6 metres by 5.9 metres in dimension;
- 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 alternating basis;
- the area paved exceeds the area required to facilitate a vehicle;
- the property has access to a garage in the rear yard with access from a right of way;
- the soft landscaping requirement cannot be provided on private property and the City boulevard; and
- the existing concrete 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 Bartlett Avenue North from 311 to 375 on the odd side and from 308 to 366 on the even side. The deadline for receiving the ballots was December 30, 2013.
| Total owners/tenants/residents polled | 105 | ------- |
| Returned by post office | 5 | ------- |
| Total eligible voters (total polled minus returned by post office) | 100 | 100% |
| No reply | 71 | 71% |
| **Total ballots received (response rate)** | 29 | 29% |
| In favour of parking (of ballots received) | 23 | 79% |
| Opposed to parking (of ballots received) | 6 | 21% |
| 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 Bartlett Avenue North is authorized on an alternate side basis, within permit parking area 3F. There is one on-street parking permit registered to this address.

| Total number of parking permits in area 3F | 958 | Total permits issued as of November 30, 2013 | 537 |
| Permits available | 421 | % of permits allocated | 56% |

| Total number of permit parking spaces on Bartlett Avenue North, between Geary Avenue and Davenport Road | 44 | Total permits issued to residents as of November 30, 2013 | 26 |
| Permits available | 18 | % of permits allocated | 59% |

The installation of a ramp at this location will result in the loss of one on-street permit parking space.

On this portion of Bartlett Avenue North, between Geary Avenue and Davenport Road, there are six properties licensed for front yard parking. One of these properties is 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.

**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 334 Bartlett Avenue North, it could recommend that:

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

2. the applicant remove the existing concrete paving and repave the parking area with semi-permeable paving materials, as indicated in Appendix 'A', attached to the report dated February 4, 2014, from the Manager, Right of Way Management, Transportation Services;

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 February 4, 2014, from the Manager, Right of Way Management, Transportation Services;

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

7. 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

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
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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 barriers to be installed

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