TORONTO

# STAFF REPORT
# ACTION REQUIRED

# Front Yard Parking Appeal – 299 Windermere Avenue

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| **Date:** | March 19, 2014 |
| **To:** | Etobicoke York Community Council |
| **From:** | Manager, Right of Way Management, Transportation Services |
| **Wards:** | Parkdale - High Park – Ward 13 |
| **Reference Number:** | p:\2014\Cluster B\TRA\EtobicokeYork\eycc140047-to |

## 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 299 Windermere 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 299 Windermere Avenue.

### Financial Impact

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

## ISSUE BACKGROUND

The property owner of 299 Windermere Avenue, a single family detached home with a mutual driveway, 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 same side of the street; and
- 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.

### 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.

### 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 Windermere Avenue from 273B to 315 on the odd side and from 278 to 308 on the even side. The deadline for receiving the ballots was December 23, 2013.

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| Total owners/tenants/residents polled | 91 | -------- |
| Returned by post office | 0 | -------- |
| Total eligible voters (total polled minus returned by post office) | 91 | 100% |
| No reply | 20 | 22% |
| **Total ballots received (response rate)** | 71 | 78% |
| In favour of parking (of ballots received) | 65 | 92% |
| Opposed to parking (of ballots received) | 5 | 7% |
| Spoiled ballots | 1 | 1% |

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 Windermere Avenue is authorized on the odd side of the street on a street name basis. There are no on-street parking permits registered to this address.

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| Total number of parking permits on Windmere Avenue in area 3731 | 157 | Total permits issued as of November 30, 2013 | 33 |
| Permits available | 124 | % of permits allocated | 21% |

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| Total number of permit parking spaces on Windermere Avenue, between Briarcroft Road and Deforest Road | 8 | Total permits issued to residents as of November 30, 2013 | 2 |
| Permits available | 6 | % of permits allocated | 25% |

Ramping is not required as there is an existing ramp to service the proposed parking, therefore, on-street permit parking is not affected.

On this portion of Windermere Avenue, between Deforest Road and Morningside Avenue, there are 12 properties licensed for front yard parking.

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).

Should Community Council decide to grant the appeal for front yard parking at 299 Windermere Avenue, it could recommend that:

1. the parking area be 2.2 metres in width by 5.3 metres in dimension;

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

3. the applicant provide the landscape features substantially in accordance with the plan as indicated in Appendix 'D', attached to the report dated March 19, 2014,

from the Manager, Right of Way Management, Transportation Services, to the satisfaction of the General Manager of Transportation Services; and

4. 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