Front Yard Parking Appeal – 84 Roseneath Gardens

Date: July 22, 2014

To: Etobicoke York Community Council

From: Manager, Right of Way Management, Transportation Services

Wards: Davenport – Ward 17

Reference Number: P:\2014\cluster B\TRA\EtobicokeYork\eycc140097-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 84 Roseneath Gardens 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 84 Roseneath Gardens; and

2. Request that the owner install barriers to prevent the unauthorized parking to the satisfaction of the General Manager of Transportation Services, as indicated in Appendix 'E’, attached to the report dated July 22, 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 84 Roseneath Gardens, a single family semi-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', the applicant’s landscape proposal is shown on Appendix 'D' and a sketch showing 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;
- minimum parking space requirement of 2.2 metres in width;
- 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
- the requirements of the City of Toronto Municipal Code Chapter 813, Trees, are complied with; a minimum clearance of 4.2 metres from the base of the tree is required.

**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 minimum parking space requirement of 2.2 metres in width is not met;
- the soft landscaping requirement cannot be provided on private property; and
- the paved area for the parking pad does not provide the required clearance from the existing tree.

**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 Roseneath Gardens from 57 to 113, including 85 Earlsdale Avenue on the odd side and from 54 to 114, including 91 Earlsdale Avenue on the even side. The deadline for receiving the ballots was July 4, 2014.
Total owners/tenants/residents polled | 159 | ------
Returned by post office | 2 | ------
Total eligible voters (total polled minus returned by post office) | 157 | 100%
No reply | 68 | 43%

**Total ballots received (response rate)** | 89 | 57%
In favour of parking (of ballots received) | 82 | 92%
Opposed to parking (of ballots received) | 7 | 8%
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 Roseneath Gardens is authorized on an alternate side basis, within permit parking area 13G. There is one on-street parking permit registered to this address.

<table>
<thead>
<tr>
<th>Total number of parking permits in area 13G</th>
<th>191</th>
<th>Total permits issued as of May 31, 2014</th>
<th>136</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permits available</td>
<td>55</td>
<td>% of permits allocated</td>
<td>71%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Total number of permit parking spaces on Roseneath Gardens, between Glenhurst Avenue and Earlsdale Avenue</th>
<th>36</th>
<th>Total permits issued to residents as of May 31, 2014</th>
<th>30</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permits available</td>
<td>6</td>
<td>% of permits allocated</td>
<td>83%</td>
</tr>
</tbody>
</table>

The installation of a ramp extension to service the proposed parking area does not result in the loss of an on-street permit parking space.

On this portion of Roseneath Gardens, between Glenhurst Avenue and Earlsdale Avenue, there are forty-one 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.

Front Yard Parking Appeal – 84 Roseneath Gardens
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 84 Roseneath Gardens, it could recommend that:

1. the parking area be 2.05 metres in width 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 July 22, 2014, from the Manager, Right of Way Management, Transportation Services;
3. the applicant comply with any and all Urban Forestry requirements as the proposed front yard parking pad is located and construction is proposed, within the tree protection zone;
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 provide the landscape features substantially in accordance with the plan as indicated in Appendix 'D', attached to the report dated July 22, 2014, from the Manager, Right of Way Management, Transportation Services, to the satisfaction of the General Manager of Transportation Services; 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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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 planters to be installed