Front Yard Parking Appeal – 92 Mackay Avenue

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\eycc140098-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 92 Mackay 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 92 Mackay Avenue; 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, Toronto and East York District.

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

ISSUE BACKGROUND
The property owner of 92 Mackay Avenue, a single family freehold townhouse, 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;
- 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;
- 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 Mackay Avenue from 59 to 125,
including 133 Greenlaw Avenue on the odd side and from 80 to 120, including 106 Via
Italia, on the even side. The deadline for receiving the ballots was June 4, 2014.

| Total owners/tenants/residents polled | 185 | -------- |
| Returned by post office               | 15  | -------- |
| Total eligible voters (total polled minus returned by post office) | 170 | 100% |
| No reply                              | 120 | 71%     |
| Total ballots received (response rate) | 50  | 29%     |
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 Mackay Avenue is authorized on the odd side, 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>423</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permits available</td>
<td>277</td>
<td>% of permits allocated</td>
<td>60%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Total number of permit parking spaces on Mackay Avenue, between Via Italia and Greenlaw Avenue</th>
<th>17</th>
<th>Total permits issued to residents as of November 30, 2013</th>
<th>16</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permits available</td>
<td>1</td>
<td>% of permits allocated</td>
<td>94%</td>
</tr>
</tbody>
</table>

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 Mackay Avenue, between Via Italia and Greenlaw Avenue, there are eight 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 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 92 Mackay Avenue, it could recommend that:

1. the parking area be 2.2 metres in width by 5.3 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 disconnect any downspouts, if feasible, or seek an exemption from Toronto Water in accordance with the requirements in Chapter 681-11(S);

4. 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;

5. the applicant pay the enforcement fee of $670.28 (HST included) since the parking pad was constructed before the submission of the application and without authorization from the City; 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
Joe Colafranceschi, Supervisor, Right of Way Management
Telephone: 416-392-7564, Fax: 416-392-1058, E-mail: jcolafra@toronto.ca

SIGNATURE

________________________________________
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