Front Yard Parking Appeal – 17 Burnaby Boulevard

Date: December 5, 2013
To: North York Community Council
From: Manager, Right of Way Management, Transportation Services
Wards: Ward 16 – Eglinton - Lawrence
Reference Number: ny14001 P:\2014\Cluster B\TRA\NorthYorkDistrict

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 17 Burnaby Boulevard 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 North York Community Council:

1. Deny the request for front yard parking at 17 Burnaby Boulevard.

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

ISSUE BACKGROUND
The property owner of 17 Burnaby Boulevard, 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:

- the mutual driveway not exceed 2.2 metres in width; and
- the requirements of the City of Toronto Municipal Code Chapter 813, Trees, are complied with; a minimum clearance of 4.2 meters 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:

- the mutual driveway is greater than 2.2 metres in width; 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 Burnaby Boulevard from 15 to 37 on the odd side, from 14 to 42 on the even side, 570 and 592 Oriole Parkway, 1053 and 1053A Avenue Road. The deadline for receiving the ballots was November 13, 2013.

<table>
<thead>
<tr>
<th>Total owners/tenants/residents polled</th>
<th>70</th>
</tr>
</thead>
<tbody>
<tr>
<td>Returned by post office</td>
<td>3</td>
</tr>
<tr>
<td>Total eligible voters (total polled minus returned by post office)</td>
<td>67 100%</td>
</tr>
<tr>
<td>No reply</td>
<td>33 49%</td>
</tr>
<tr>
<td><strong>Total ballots received (response rate)</strong></td>
<td>34 51%</td>
</tr>
<tr>
<td>In favour of parking (of ballots received)</td>
<td>31 91%</td>
</tr>
<tr>
<td>Opposed to parking (of ballots received)</td>
<td>3 9%</td>
</tr>
<tr>
<td>Spoiled ballots</td>
<td>0 0%</td>
</tr>
</tbody>
</table>
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 Burnaby Boulevard is authorized on the even side within the permit parking area. There are no on-street parking permits registered to this address.

<table>
<thead>
<tr>
<th>Total number of parking permits on Burnaby Boulevard</th>
<th>15</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total permits issued as of May 31, 2013</td>
<td>16</td>
</tr>
<tr>
<td>Permits available</td>
<td>0</td>
</tr>
<tr>
<td>% of permits allocated</td>
<td>106%</td>
</tr>
</tbody>
</table>

Ramping is not required as there is an existing ramp to service the proposed parking.

On this portion of Burnaby Boulevard, between Oriole Parkway and Avenue Road, there are ten properties licensed for front yard parking. Two of these properties are licensed for two vehicles.

There is a tree in the front yard 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 and landscaping).

Should Community Council decide to grant the appeal for front yard parking at 17 Burnaby Boulevard, it could recommend that:

1. the parking area be 2.6 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 December 5, 2013, from the Manager, Right of Way Management, Transportation Services, to the satisfaction of the General Manager of Transportation Services;

4. the applicant comply with any requirements as may be required by Urban Forestry due to the construction within the tree protection zone; and
5. 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**

_______________________________
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