



## STAFF REPORT ACTION REQUIRED

### Front Yard Parking Appeal – 417 Westmount Avenue

<b>Date:</b>	April 23, 2014
<b>To:</b>	North York Community Council
<b>From:</b>	Manager, Right of Way Management, Transportation Services
<b>Wards:</b>	Eglinton – Lawrence – Ward 15
<b>Reference Number:</b>	p:/2014/ClusterB/TRA/NorthYork/ny14036

#### SUMMARY

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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 417 Westmount 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

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**Transportation Services recommends that North York Community Council:**

1. Deny the request for front yard parking at 417 Westmount 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 April 23, 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 417 Westmount 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', 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 opposite side of the street and is less than 90% allocated;
- 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 opposite side of the street and is less than 90% allocated;
- 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 Westmount Avenue from 401 to 447 on the odd side and from 416 to 450 on the even side. The deadline for receiving the ballots was March 6, 2014.

Total owners/tenants/residents polled	112	-----
Returned by post office	0	-----
Total eligible voters (total polled minus returned by post office)	112	100%
No reply	67	60%
<b>Total ballots received (response rate)</b>	<b>45</b>	<b>40%</b>

In favour of parking (of ballots received)	45	100%
Opposed to parking (of ballots received)	0	0%
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 Westmount Avenue is authorized on the even side, on a street name basis. There is one on-street parking permit registered to this address.

Total number of parking permits on Westmount Avenue	28	Total permits issued as of November 30, 2013.	24
Permits available	4	% of permits allocated	86%

Total number of permit parking spaces on Westmount Avenue, between Rogers Road and Genessee Avenue	16	Total permits issued to residents as of November 30, 2013.	14
Permits available	2	% of permits allocated	88%

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 Westmount Avenue, between Rogers Road and Genessee Avenue, there are 11 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 it would be feasible to plant a tree at this location provided that the excessive paving be removed and restored to soft landscaping as per Appendix 'A'.

**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 417 Westmount Avenue, it could recommend that:

1. the parking area be 2.2 metres in width by 5.4 metres in dimension;

2. the applicant remove the excess paving and restore the area to soft landscaping, as indicated in Appendix 'A', attached to the report dated April 23, 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 pay the enforcement fee of \$670.28 (HST included) since the parking pad was constructed without authorization from the City;
5. the applicant provide the landscape features substantially in accordance with the plan as indicated in Appendix 'D', attached to the report dated April 23, 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 barriers to be installed