Front Yard Parking Appeal – 851 Windermere Avenue

Date: August 18, 2016
To: Etobicoke York Community Council
From: Manager, Right of Way Management, Transportation Services
Wards: Parkdale-High Park – Ward 13
Reference Number: P:\2016\Cluster B\TRA\EtobicokeYork\eycc160114-tp

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 851 Windermere Avenue for front yard parking. Front yard parking at this location is not recommended because it does not meet the landscape open space 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 851 Windermere Avenue.

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

ISSUE BACKGROUND
The property owner of 851 Windermere Avenue, 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 the regulations of the City of Toronto Municipal Code Chapter 918 do not permit front yard parking if landscape open space requirements cannot be met on the City boulevard.
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 regulation**

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 provision includes:

- 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.

**Reason for not approving**

The property does not meet the above-noted criteria for the following reason:

- the landscape open space requirement cannot be provided on the City boulevard.

**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 815 to 863 on the odd side, including 369 St. John's Road and from 814 to 848 on the even side. The deadline for receiving the ballots was June 29, 2016.

| Total owners/tenants/residents polled | 89 | ------ |
| Returned by post office              | 0  | ------ |
| Total eligible voters (total polled minus returned by post office) | 89 | 100%   |
| No reply                            | 31 | 35%    |
| **Total ballots received (response rate)** | 58 | 65%    |
| In favour of parking (of ballots received) | 44 | 76%    |
| Opposed to parking (of ballots received) | 5  | 9%     |
| Spoiled ballots                     | 9  | 15%    |

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 on a street name basis. As of July 14, 2016, there is one on-street parking permit registered to this address.

<table>
<thead>
<tr>
<th>Total number of parking permits on Windermere Avenue</th>
<th>66</th>
<th>Total permits issued as of May 31, 2016</th>
<th>37</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permits available</td>
<td>29</td>
<td>% of permits allocated</td>
<td>56%</td>
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</table>

<table>
<thead>
<tr>
<th>Total number of permit parking spaces on Windermere Avenue, between north City limits of Annette Street and St. John's Road</th>
<th>48</th>
<th>Total permits issued to residents as of May 31, 2016</th>
<th>30</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permits available</td>
<td>18</td>
<td>% of permits allocated</td>
<td>62%</td>
</tr>
</tbody>
</table>

Additional ramping is not required as there is an existing mutual driveway access ramp to service the parking space therefore, on-street permit parking is not affected.

On this portion of Windermere Avenue, between Annette Street and St. John's Road, there are seventeen 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.

**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 requirement of the Code, (i.e., setback).

Should Community Council decide to grant the appeal for front yard parking at 851 Windermere Avenue, it could recommend that:

1. the parking area be a minimum of 2.2 metres in width and not exceed 2.6 metres and a minimum of 5.3 metres and not exceed 5.9 metres in length;

2. the applicant utilize the existing mutual driveway access ramp and therefore no ramp extension be permitted;

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 August 18, 2016, from the Manager, Right of Way Management, Transportation Services, to the satisfaction of the General Manager of Transportation Services; 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
Nino Pellegrini, Supervisor, Right of Way Management
Telephone: 416-392-7564, Fax: 416-392-1058, E-mail: npellegr@toronto.ca

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