

Front Yard Parking Appeal – 45 Cranbrooke Avenue Application under the Human Rights Code

Date: December 19, 2016

To: North York Community Council

From: City Solicitor and Manager, Right of Way Management, Transportation Services

Wards: Eglinton - Lawrence – Ward 16

REASON FOR CONFIDENTIAL INFORMATION

This report is about litigation or potential litigation that affects the City or one of its agencies or corporations.

This report contains advice or communications that are subject to solicitor-client privilege.

The report deals with personal matters about an identifiable individual.

SUMMARY

This staff report is about a matter that Community Council has delegated authority from City Council to make a final decision.

The purpose of this report is to bring forward this front yard parking appeal for further consideration and to seek instructions regarding a potential settlement of this matter.

RECOMMENDATIONS

The Interim City Solicitor and Manager, Right-of-Way Management, Transportation Services recommend that:

1. North York Community Council grant an appeal for front yard parking at 45 Cranbrooke Avenue on the following conditions:

- A. the applicant will maintain the front yard parking pad and landscaping features substantially in accordance with the plan shown at Attachment 'A';
 - B. the applicant will disconnect any downspouts, if feasible, or seek an exemption from Toronto Water in accordance with the requirements in Chapter 681-11(S);
 - C. the applicant will pay all applicable fees set out in the City of Toronto Municipal Code Chapter 918, Parking on Residential Front Yards and Boulevards;
 - D. the applicant will comply with all other criteria set out in the City of Toronto Municipal Code Chapter 918; and
 - E. the applicant will pay all fees associated with ramping to the parking pad, including any temporary ramping and a permanent curb cut.
2. North York Community Council direct that the confidential information contained in Confidential Attachment 1 remain confidential in its entirety.

FINANCIAL IMPACT

If adopted, the recommendations in this report will have no financial impact. Additional financial impacts are identified in Confidential Attachment 1.

The Deputy City Manager and Chief Financial Officer has reviewed this report and Confidential Attachment 1 and agrees with the financial impact information.

DECISION HISTORY

This appeal was first considered by North York Community Council on September 8, 2015 as item NY8.10

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.NY8.10>

COMMENTS

Issue Background

The owners of 45 Cranbrooke Avenue, a single family detached home, submitted an application for front yard parking in December 2013. At that time, the owners had access to parking at the back of the property accessible through a rear laneway. Because of this parking, the application could not be granted since City of Toronto

Municipal Code Chapter 918 does not permit front yard parking if there is on-site parking available or feasibly accessible for the property. The owners subsequently appealed this decision to the North York Community Council. The appeal was heard and denied on September 8, 2015.

At around the time of the initial application, a new home was being constructed on the property. During construction, the parking at the rear was removed and a front yard parking pad was installed. Currently, there is no parking space at the property other than the front pad. The front yard parking pad and landscaping details are shown at Attachment 'A', and a digital photograph of the property is shown at Attachment 'B'.

Applicable regulations

Front yard parking is governed by City of Toronto Municipal Code Chapter 918, Parking on Residential Front Yards and Boulevards. Chapter 918 prohibits front yard parking in the applicable Ward where on-site parking is available or feasibly accessible by means of a driveway or a contiguous street or lane. Although the rear parking was removed during the new home construction, it is still "available", within the meaning and intent of Chapter 918.

Although the property does not meet the criteria for front yard parking because of the existing laneway, there are extenuating circumstances as set out in Confidential Attachment No. 1.

Poll results

When the owners first appealed this matter, a poll was conducted in accordance with the City of Toronto Municipal Code Chapter 918-14. The area polled comprised both sides of Cranbrooke Avenue from 17 to 75 on the odd side and from 18 to 74 on the even side, including 3224, 3228 and 3228A Yonge Street. The poll met the minimum response rate and the majority of the ballots returned were in favour of this application.

Other factors

This property is not located within a permit parking area therefore permit parking is not affected by the installation of a ramp. A mutual driveway exists at the property, however, it is considered obsolete.

On this portion of Cranbrooke Avenue, between Jedburgh Road and Yonge Street, there are 28 properties licensed for front yard parking.

A review of this application has determined that it would be feasible to plant a tree at this location.

The front yard and parking pad as currently constructed meet the dimensional and landscaping requirements of Chapter 918.

CONTACT

Nino Pellegrini, Supervisor, Right of Way Management
Tel: 416-392-7564; Fax: 416-392-1058; nino.pellegrini@toronto.ca

Ansuya Pachai, Lawyer, Legal Services Division
Tel: 416-392-9074; Fax: 416-397-1765; apachai@toronto.ca

SIGNATURE

Brian Haley
Interim City Solicitor

Andre Filippetti
Manager, Right of Way Management

ATTACHMENTS

Attachment 'A' - plan
Attachment 'B' - photo
Confidential Attachment 1 on 45 Cranbrooke Avenue