TORONTO

REPORT FOR ACTION

Front Yard Parking Appeal – 121 Browning Avenue

Date: October 20, 2017
To: Toronto and East York Community Council
From: Manager, Right of Way Management, Transportation Services Toronto and East York District
Wards: Ward 29 – Toronto-Danforth

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 121 Browning 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 in that the Code does not permit the licensing of a front yard parking pad where on-street permit parking is authorised on the same side of the street, the mutual driveway is greater than 2.2 metres in width, none of the landscaping requirements are met, and where the result of the poll is not favourable to the application. The owner will be given an opportunity to make a deputation before Community Council.

RECOMMENDATIONS

The Manager, Right of Way Management, Transportation Services Toronto and East York District recommends that:

1. Toronto and East York Community Council deny the request for front yard parking at 121 Browning Avenue; and

2. Toronto and East York Community Council request that the owner remove the existing brick paving and restore the area to soft landscaping, as indicated in Attachment 'C', attached to the report dated October 20, 2017, from the Manager, Right of Way Management, Transportation Services, Toronto and East York District.

FINANCIAL IMPACT

There is no financial impact resulting from the adoption of the recommendations in this report.

DECISION HISTORY

The property owner of 121 Browning 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 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.

Prior to the submission of application for front yard parking, the existing illegal parking pad was constructed out of concrete. Sometime between July 2015 and November 2016 the parking pad was reconstructed in brick pavers without approval or authorization from the City.

The proposal for front yard parking is shown on Attachment 'A', digital photo of the property is shown on Attachment 'B', and a sketch of the area of paving to be removed is shown on Attachment 'C'.

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;
- the mutual driveway not exceed 2.2 metres in width;
- 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 on an alternating basis;
- the mutual driveway is greater than 2.2 metres in width;

- the landscape open space requirement cannot be provided on private property and on the City boulevard; and
- the soft landscaping requirement cannot be provided on private property and on the City boulevard.

Polling results

A poll was conducted in accordance with the City of Toronto Municipal Code Chapter 918-14. The deadline for receiving the ballots was July 21, 2017. A total of 71 ballots were received by voters, and 32 ballots (45%) were returned, of which 16 (50%) were favourable to the application. The poll did meet the minimum response rate, however, since the 50%+1 threshold was not met, the poll is deemed to be a negative poll.

Other Factors

Permit parking on Browning Avenue is authorized on an alternate side basis, within permit parking area 8A, of which 956 (98%) permits issued. In this block there are seven spaces and 18 permits (257%) have been issued to residents on the block.

As of October 13, 2017, there is no on-street parking permit registered to this address.

Additional ramping will not be required as there is an existing ramp servicing the mutual driveway which will be used to service the proposed parking space. Additional ramping will not be permitted.

On this portion of Browning Avenue, between Arundel Avenue and Logan Avenue, there are seven properties licensed for front yard parking.

There is no tree fronting this location. A review of this application by Urban Forestry has determined that it would be feasible to plant a tree provided that the excessive paving be removed and restored to soft landscaping as per Attachment 'C'.

Alternate Recommendations

Should Community Council decide to grant the appeal for front yard parking at 121 Browning Avenue, it could recommend that:

1. the parking area be 2.2 metres in width and be 5.4 metres in length;

2. the applicant remove the existing brick paving and repave the parking area with semi-permeable paving materials, as indicated in Attachment 'A', attached to the report dated October 20, 2017, 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 $719.65 (HST included) since the parking pad was reconstructed prior to the submission of the application and without authorization from the City;

5. the applicant provide the landscape features substantially in accordance with the plan as indicated in Attachment 'A', attached to the report dated October 20, 2017, 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

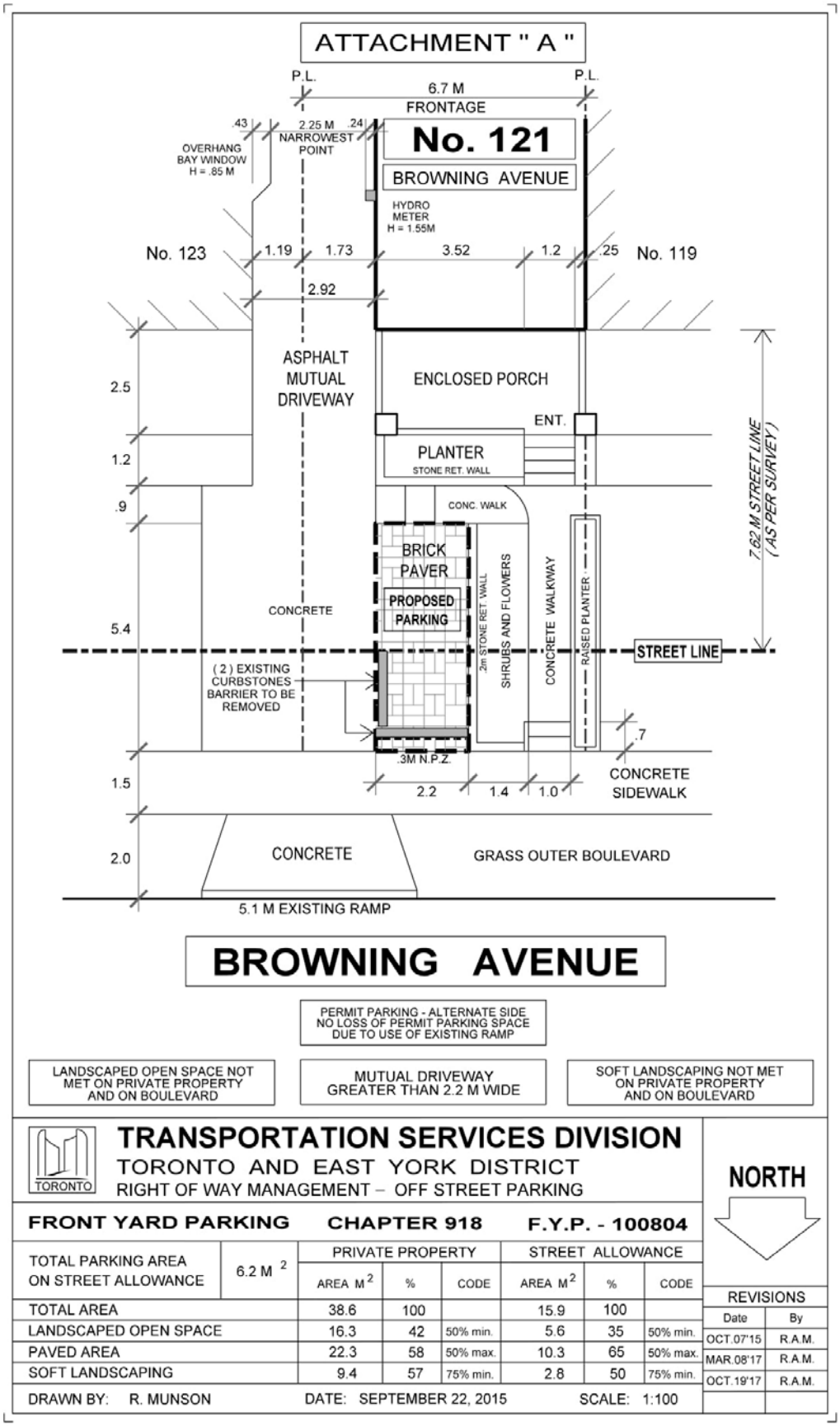
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Andre Filippetti
Manager, Right of Way Management

ATTACHMENTS

Attachment 'A' – Sketch of the proposed front yard
Attachment 'B' – Photo of front yard
Attachment 'C' - Sketch showing paving to be removed

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Attachment 'A' – Sketch of the proposed parking area – 121 Browning Avenue



Attachment 'B' – Photo of the front Yard – 121 Browning Avenue



Attachment 'C' – Sketch showing area to be removed – 121 Browning Avenue

