

Front Yard Parking Appeal – 135 Duvernnet Avenue

Date: January 26, 2018
To: Toronto and East York Community Council
From: Manager, Right of Way Management, Transportation Services
Toronto and East York District
Wards: Ward 32 – Beaches-East York

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 135 Duvernnet Avenue for front yard parking. Front yard parking at this location is not recommended because the City of Toronto Municipal Code Chapter 918 does not permit the licensing of a front yard parking pad where on-street permit parking is permitted on the same side of the street and where installation of a ramp would result in the loss of an on-street parking space. Furthermore, the soft landscaping requirement on private property and tree clearances are not met. Additionally, the Code does not permit the approval of a front yard parking pad where poll result was opposed 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 Toronto and East York Community Council:

1. Deny the request for front yard parking at 135 Duvernnet Avenue.

FINANCIAL IMPACT

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

DECISION HISTORY

The property owner of 135 Duvernnet Avenue, a single family semi-detached home, 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 Attachment 'A', digital photo of the property is shown on Attachment 'B'.

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 and the installation of the permanent ramp results in the loss of an on-street permit parking space;
- 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;
- the requirements of the City of Toronto Municipal Code Chapter 813, Trees, are complied with; a minimum clearance of TPZ metres from the base of the tree is required;and
- a formal poll be conducted to determine whether there is neighbourhood support for the application and that such poll has a favourable result.

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 and the installation of a permanent ramp to service the proposed parking space will result in the loss of one on-street permit parking space.
- the soft landscaping requirement cannot be provided on private property;
- the paved area for the parking pad does not provide the required clearance from the existing tree; and
- negative poll results.

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 September 6, 2017. A total of 80 ballots were received by voters, and 36 ballots (45%) were returned, of which 19 (53%) were opposed to the application. The poll did not meet the minimum response rate, and since the majority of ballots returned were opposed to the parking therefore, the poll is deemed to be a negative poll.

Other Factors

Permit parking on Duverniet Avenue is authorized on the odd side, within permit parking area 9C, with 4,918 spaces, of which 3,978 permits issued. In this block there are 20 spaces and 20 permits (100%) have been issued to residents on the block.

As of January 22, 2018, there is one on-street parking permits registered to this address.

The installation of a permanent ramp at this location will result in the loss of one on-street permit parking space.

On this portion of Duverniet Avenue, between Woodbine Avenue and Golfview Avenue, there are eight properties licensed for front yard parking.

There is a tree fronting the adjacent property at 133 Duverniet Avenue. A review of this application by Urban Forestry has determined that there is no suitable planting site for an additional tree. Additionally, Urban Forestry cannot support this plan as the proposed work required to build the parking pad would result in injury that would be too severe for the tree on the adjacent property and would result in the loss of a future planting site.

Alternate Recommendations

Should Community Council decide to grant the appeal for front yard parking at 135 Duverniet 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 pay for the installation of the permanent ramp to service the parking space;
3. the applicant shall submit an application to injure or remove trees to Urban Forestry, as per City of Toronto Municipal code Chapter 813, Article II;
4. the applicant contact Urban Forestry in order to comply with any and all requirements in accordance with the City of Toronto Tree Protection Policy and Specification for Construction Near Trees as construction is proposed near or within the tree protection zone;

5. the applicant disconnect any downspouts, if feasible, or seek an exemption from Toronto Water in accordance with the requirements in Chapter 681-11(S);

6. the applicant provide the landscape features substantially in accordance with the plan as indicated in Attachment 'A', attached to the report dated January 26, 2018, from the Manager, Right of Way Management, Transportation Services, to the satisfaction of the General Manager of Transportation Services; and

7. 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

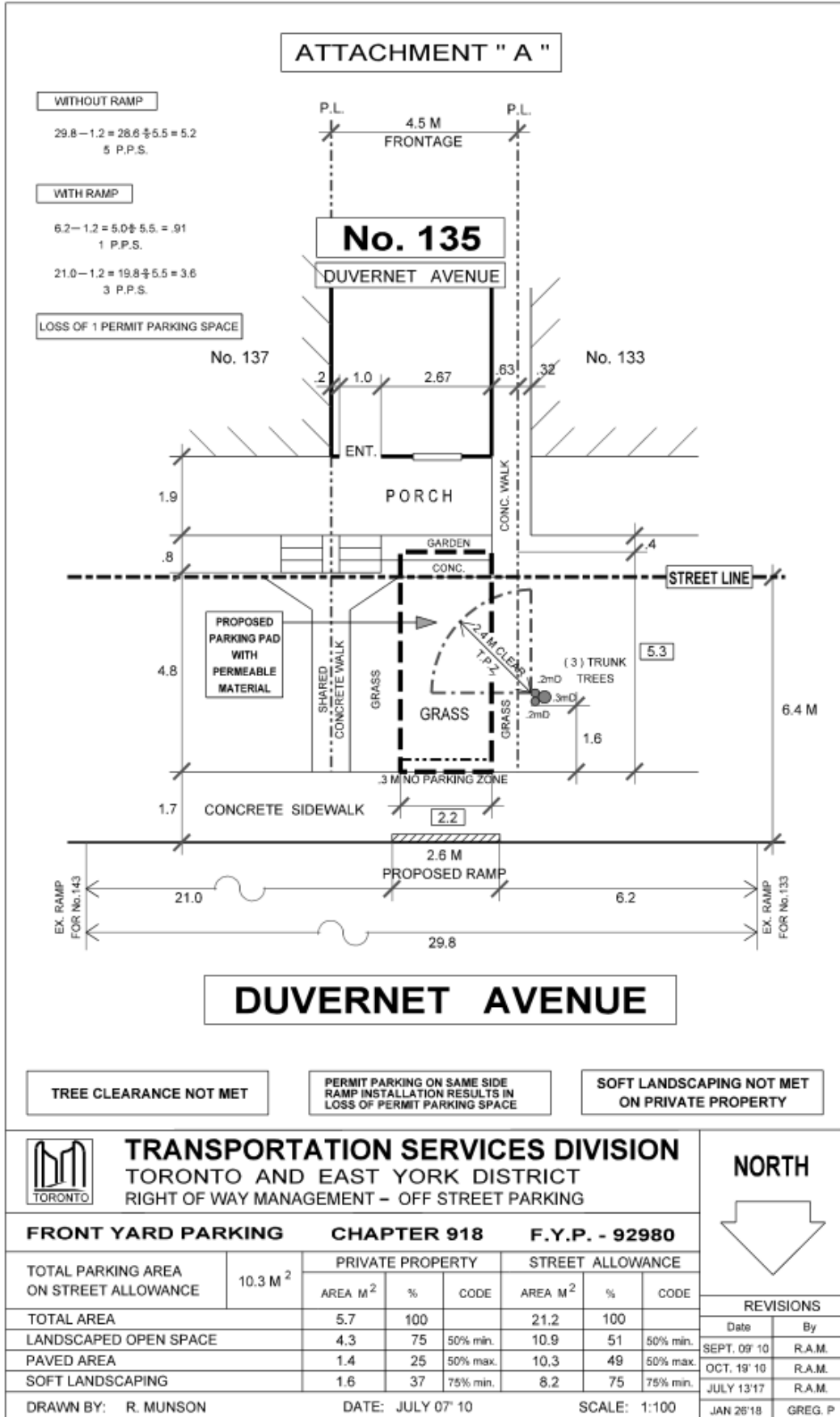
Andre Filippetti
Manager, Right of Way Management

ATTACHMENTS

Attachment 'A' – Sketch of the proposed parking pad
Attachment 'B' – Photo of the front yard

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Attachment A - Front yard parking proposal – 135 Duvernet Avenue



Attachment B – Photo of the front yard – 135 Duvernet Avenue

