

Front Yard Parking Appeal - 307 Rushton Road

Date: September 6, 2024
To: Toronto & East York Community Council
From: Director, Permits and Enforcement, Transportation Services
Wards: Ward 12 - Toronto-St. Paul's

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 307 Rushton Road for front yard parking. Front yard parking at this location is not recommended because it does not meet the requirements of City of Toronto Municipal Code Chapter 918. Specifically, Code Chapter 918 does not permit the licensing of a front yard parking pad where there is a negative poll result. Therefore, staff do not recommend granting the appeal for front yard parking at 307 Rushton Road.

RECOMMENDATIONS

The Director, Permits and Enforcement, Transportation Services recommends that:

1. Toronto & East York Community Council not approve the request for front yard parking at 307 Rushton Road.
2. Toronto & East York Community Council require that to prevent unauthorized parking, the owner of 307 Rushton Road restore a section of the paved area to greenspace to the satisfaction of the General Manager of Transportation Services, as indicated in Attachment 2, attached to the report dated September 6, 2024 from the Director, Permits and Enforcement, Transportation Services.

FINANCIAL IMPACT

There are no financial impacts resulting from the adoption of the recommendations in this report.

DECISION HISTORY

The property owner of 307 Rushton Road 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 polling requirements of Code Chapter 918. The applicant subsequently submitted an appeal requesting further consideration of this proposal.

COMMENTS

The property owner of 307 Rushton Road submitted an application for front yard parking at this location on June 7, 2023. The applicant was advised that the property was not eligible for front yard parking because of a negative polling result.

The applicant subsequently submitted an appeal requesting further consideration of this request. The General Manager, Transportation Services does not have authority to issue a licence for front yard parking unless the application meets all of the criteria under Code Chapter 918.

A drawing of the request for front yard parking is shown in Attachment 1 and a digital photo of the property is shown in Attachment 3.

Polling Results

In accordance with Municipal Code Chapter 918, a poll was conducted to determine if there is support for the installation of front yard parking. Ballots were mailed out on October 19, 2023 to #289-#307 and #286-#308 Rushton Road, with the last day for filing a response being November 17, 2023. A poll will be considered valid when at least 25 percent of the ballots mailed have been returned to the City Clerk. 32 ballots were returned which represents a response rate of 51 percent. In order for a poll to be deemed positive, 50 percent plus one of returned ballots must be in favour of the request. Of the valid responses, one ballot was in favour of the proposal, which represents three percent. Table 1 summarizes the level of support for the installation of front yard parking at this location.

Table 1: Poll Results - Support for Front Yard Parking at 307 Rushton Road

Response Type	Number of ballots	Percentage
In Favour	1	3%
Opposed	28	88%
Spoiled Ballot	3	9%

The poll did meet the minimum response rate but since the majority of ballots returned did not meet the 50% + 1 vote threshold, the poll is deemed to be a negative poll.

Other Factors

307 Rushton Road, is within Permit Parking Area 13F, which has 650 permit parking spaces with 555 permits issued. This portion of Rushton Road between St Clair Avenue West and Humewood Gardens is not licensed for on-street permit parking, but residents are eligible to purchase a permit, to park overnight on another block that is licensed for on-street permit parking within area 13F. In this block there are five permits issued. As of August 27, 2024 there is one on-street parking permit registered to this address.

On this portion of Rushton Road, there are five properties licensed for front yard parking.

A drawing showing the area of paving to be removed is shown in Attachment 2.

If front yard parking is approved for this location, ramping is not required as there is an existing permanent ramp servicing the mutual driveway which will be used to service the proposed parking.

Alternate Recommendations

If, despite the findings above, Toronto & East York Community Council decides to authorize front yard parking at 307 Rushton Road, it may approve the following:

1. Toronto & East York Community Council direct the General Manager of Transportation Services to approve the request for front yard parking at 307 Rushton Road, with the following conditions:

- a. that the parking area not exceed 2.6 metres in width and a minimum of 5.3 metres and not exceed 5.9 metres in length;
- b. that the applicant disconnect any downspouts, if feasible, or seek an exemption from Toronto Water in accordance with the requirements in Chapter 681-11(S);
- c. that the applicant pay the enforcement fee of \$928.09 (HST included) since the parking pad was constructed prior to the submission of the application and without authorization from the City;
- d. that the applicant provide the landscape features substantially in accordance with the plan as indicated in Attachment 1, attached to the report dated September 4, 2024 from the Director, Permits and Enforcement, Transportation

Services, to the satisfaction of the General Manager of Transportation Services;
and

e. that the applicant pay all applicable fees and comply with all other criteria set out under City of Toronto Municipal Code Chapter 918, Parking on Residential Front Yards and Boulevards.

The Ward Councillor has been advised of the recommendation in this report.

CONTACT

Andre R. Filippetti, C.E.T., Manager Permits and Enforcement - Parking and Administration, Transportation Services, 416-392-1525, Andre.Filippetti@toronto.ca

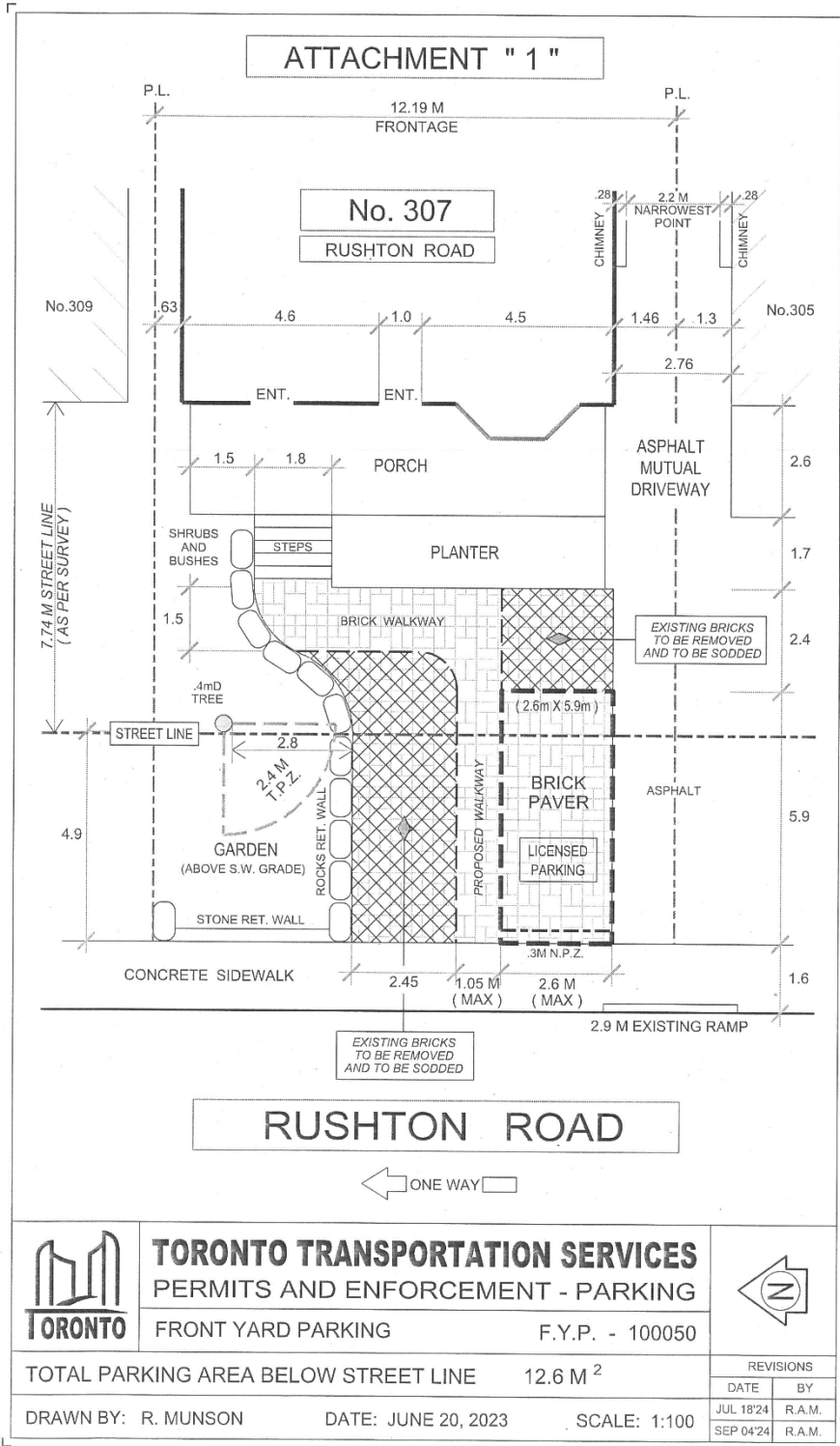
SIGNATURE

Antonia Markos
Director, Permits and Enforcement, Transportation Services

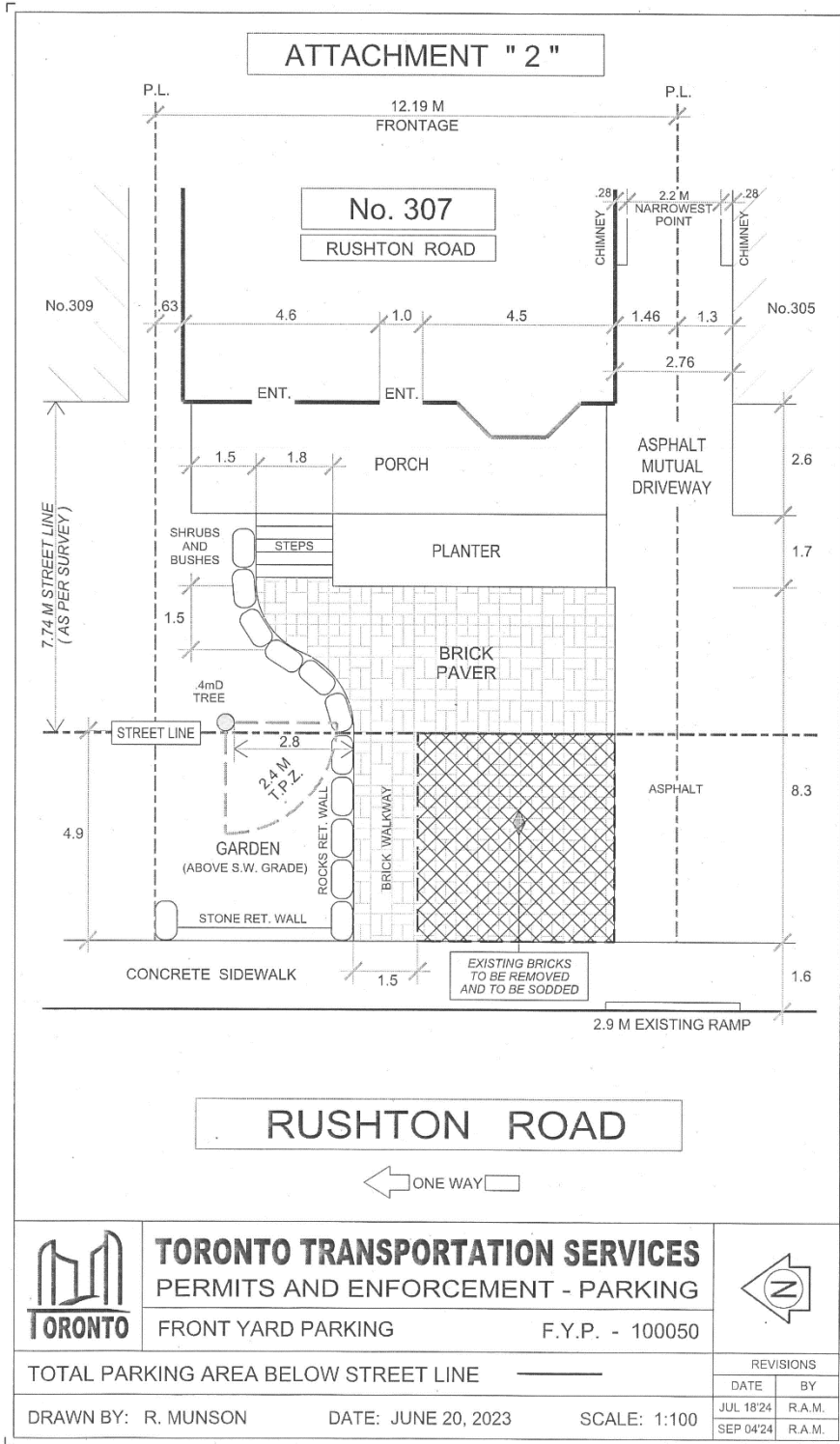
ATTACHMENTS

Attachment 1: Applicant's drawing of the requested Front Yard Parking area
Attachment 2: Drawing showing area to be restored to greenspace
Attachment 3: Photo of the front yard

Attachment 1: : Applicant's Drawing of the Requested Front Yard Parking Area



Attachment 2 : Drawing Showing Area to be Restored to Greenspace



Attachment 3: Photo of the Front Yard

