



STAFF REPORT ACTION REQUIRED

267 Merton Street – Commercial Boulevard Parking Appeal

Date:	October 9, 2007
To:	Toronto and East York Community Council
From:	Manager, Right of Way Management, Transportation Services Toronto and East York District
Wards:	St. Paul's - Ward 22
Reference Number:	Te07071te.row

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 the appeal from the owner and ground floor occupant of 267 Merton Street for commercial boulevard parking. We do not recommend approval of commercial boulevard parking at this location because it does not meet the requirements of the former City of Toronto Municipal Code. The owner will be given an opportunity to make a deputation before Community Council.

RECOMMENDATIONS

Transportation Services recommends that Toronto and East York Community Council:

1. deny the request for commercial boulevard parking at 267 Merton Street.

Financial Impact

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

ISSUE BACKGROUND

The owner and ground floor occupant of 267 Merton Street, a two and a half storey detached residential dwelling with a commercial garage at the rear, submitted an application for commercial boulevard parking for one parking space fronting this location. The applicant was advised that the location was not eligible for commercial

boulevard parking because the regulations of the former City of Toronto Municipal Code for commercial boulevard parking do not permit parking in front of the main front wall of a building in a CR zone. The applicant subsequently submitted an appeal requesting further consideration to allow commercial boulevard parking.

The proposal for commercial boulevard parking is shown on Appendix ‘A’, the property data map is shown on Appendix ‘B’ and digital photos of the property are shown on Appendix ‘C’.

COMMENTS

Applicable regulations

Commercial boulevard parking is currently governed by the criteria set out in the former City of Toronto Municipal Code Chapter 313, Streets and Sidewalks. The relevant provisions include:

- a licence shall not be issued for parking in front of the main front wall of a building for any property designated as CR / MCR / Q / RA in the Zoning By-law; and
- polling, in a residential area, 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 criteria of the Code for the following reasons:

- the property is designated as CR; and
- negative poll results.

Poll results

A poll was conducted in accordance with the City of Toronto Municipal Code Chapter 190, Polling and Notification Procedures. The area polled was on both sides of Merton Street from 250 to 296 on the even side, including 381 Mount Pleasant Road and from 253 to 319 on the odd side. The deadline for receiving the ballots was July 9, 2007.

Number of responses needed to consider polling valid (must be at least 25%)			164
# of ballots mailed out	655	# of responses	236
# of ballots returned by post office	5	# of ballots in favour	38
# of no responses	414	# of ballots opposed	198

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 not in favour of this application as the majority of the ballots cast were not in favour of this application.

Other factors

This property is not located within a permit parking area.

On this portion of Merton Street, between Mount Pleasant Road and Pailton Crescent, there are no properties licensed for parking.

There is no tree at this location. A review of this application by Urban Forestry has determined that there is no suitable planting site for a tree at this location.

In accordance with the requirements of the Downspout Disconnection Program, a review by Toronto Water has revealed that there is one downspout at this property that is not feasible for disconnection due to no suitable drainage area.

Alternate recommendations

While the property is not eligible for commercial boulevard parking because it does not meet the above-noted requirements of the Municipal Code, the property could meet the other physical requirements of the Code, (i.e., setback).

Should Community Council decide to grant the appeal for commercial boulevard parking at 267 Merton Street, it could recommend that:

1. the parking area not exceed 2.6 m by 5.9 m in dimension;
2. the owner remove the existing asphalt paving and re-pave the parking area with semi-permeable paving materials; and
3. the applicant pay all applicable fees and comply with all other criteria set out in the former City of Toronto Municipal Code Chapter 313, Streets and Sidewalks.

CONTACT

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SIGNATURE

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ATTACHMENTS

Appendix 'A' - sketch
Appendix 'B' - property data map

Appendix 'C' - photos

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