

Commercial Boulevard Parking - 12 Brock Avenue (High Park)

(City Council on December 14, 15 and 16, 1999, adopted this Clause, without amendment.)

The Toronto Community Council recommends that approval be granted for parking for one vehicle parallel to the City sidewalk at 12 Brock Avenue, on condition that the entrance to 12 Brock Avenue be blocked off and its use discontinued.

The Toronto Community Council submits the following report (November 15, 1999) from the Right of Way Management, Transportation Services, District 1:

Purpose:

To report on the applicant's appeal of staff's refusal of a request for commercial boulevard parking fronting 12 Brock Avenue, because the property has legal non-conforming use status. As this is a matter of public interest, it is scheduled as a deputation item.

Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendation:

It is recommended that City Council deny the application for commercial boulevard parking fronting 12 Brock Avenue.

Background:

City Council, at its meeting of March 2, 3 and 4, 1999, approved the application for commercial boulevard parking fronting 8 and 10 Brock Avenue, subject to the applicant entering into an agreement and paying the applicable fees set out in Chapter 313, Streets and Sidewalks, of the former City of Toronto Municipal Code.

In a subsequent site meeting, staff met with Councillor Korwin-Kuczynski; a representative of Councillor Miller's office; Mr. Lawrence Zucker, Barrister and Solicitor of the owners; Mr. and Mrs. Fainer, owners of 12 Brock Avenue; and agreed that only one parking space was feasible fronting 8 and 10 Brock Avenue. In view of this, Mr. Zucker and Mr. and Mrs. Fainer requested a boulevard parking space fronting 12 Brock Avenue.

Comments:

In a letter dated June 2, 1999, Mr. Zucker, acting on behalf of the owners, requested consideration of commercial boulevard parking in front of 12 Brock Avenue for the parking of one vehicle.

We have reviewed this request for commercial boulevard parking privileges fronting 12 Brock Avenue and determined this location to be ineligible as Urban Planning and Development Services has advised that the use of the property as retail space is not permitted in a residential zone under Zoning By-law No. 438-86.

Under the circumstances and in accordance with provisions of the Municipal Code, this location is not eligible for consideration of commercial boulevard parking.

For your Committee's information, I note that there is sufficient space at this location for the parking of one vehicle parallel to the City sidewalk. However, the parking space would be in front of an entrance to the building which is contrary to Fire Services requirements that entrances remain unobstructed at all times. In this regard, the applicant has indicated that this entrance is not required and that they would be prepared to block off and discontinue use of this entrance. In addition, to ensure that the entrance fronting 10 Brock Avenue is not obstructed, the vehicle would have to be parked wholly in front of 12 Brock Avenue as shown on the attached sketch (Attachment No. 1).

Conclusions:

Staff cannot issue Mr. Fainer a licence for commercial boulevard parking in front of 12 Brock Avenue because the use of the property for retail space has a legal non-conforming status.

Contact:

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The Toronto Community Council reports, for the information of Council, having also had before it during consideration of the foregoing matter, a communication (November 30, 1999) from Mr. Sheldon Fainer, President, Designer Fabrics.

Insert Map – Attachment No. 1 – Brock Avenue