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Delivered by Email (iec@toronto.ca)

Infrastructure and Environment Committee
Attn: Committee Administrator
Toronto City Hall, Floor 10, West Tower
100 Queen Street West
Toronto, ON M5H 2N2

Dear Chair McKelvie and Committee Members:

**Re: Comments for 2021.IE20.13 on March 23, 2021
Cycling Network Plan - 2021 Cycling Infrastructure Installation - First Quarter Update
Davenport Road (Dupont Street to Yonge Street)
251 Davenport Road (south side)**

We represent Asaria Medicine Professional Corporation. Dr. Asaria is the Medical Director of an Out of Hospital Premises Clinic at 251 Davenport Road, on the south side of Davenport (the “**Clinic**”). Dr. Asaria also owns and resides with his family in an upper-floor residential unit.

Recommendation 2.f. of the General Manager’s March 9, 2021 report (the “**Report**”) recommends that, “**2. City Council authorize the installation or adjustments of cycle tracks, or cycle track by-law on the following sections of roadway, as described in Attachment 3 - Designated Cycle Tracks: [...] f. Davenport Road (from Dupont Street to Yonge Street);**” (the “**Proposal**”).

Our client requests that Recommendation 2.f. and Attachment 3 be **amended to retain the parking on the south side (rather than the north side) of Davenport Road between Bedford Road and Avenue Road. In the alternative**, we request that Recommendation 2.f. be **deferred** to allow for further consultation on the cycle infrastructure along Davenport Road (Dupont to Yonge).

Businesses on the South Side of Davenport Depend on Proximity to Parking

The Clinic heavily relies on the south-side street parking on Davenport Road between Bedford and Avenue Roads. The Clinic sees an average of 45-50 patients a day, Monday-Saturday. About five patients daily are surgical, undergoing both OHIP-related and cosmetic head and neck surgery, including functional and reconstructive surgery (e.g. breathing and skin cancer reconstruction). General anesthesia is administered to surgical patients, causing temporary post-operative mobility and visual impairment. These patients generally leave the Clinic by wheelchair, and all require ready access to a vehicle for loading and unloading. Transporting post-operative patients 80 metres

to the nearest crosswalk, across the street, and back to a north-side parking space would be impractical and dangerous for patients and road users alike.

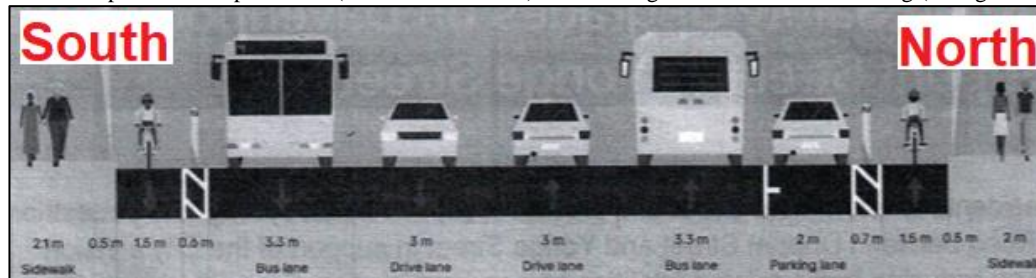
Without amendment, the Proposal and inherent safety issues will render Dr. Asaria’s business unviable and jeopardize his livelihood, leaving him no choice but to move from the neighbourhood.

Suggested Amendment: Retaining South-Side Parking Would Best Serve this Area

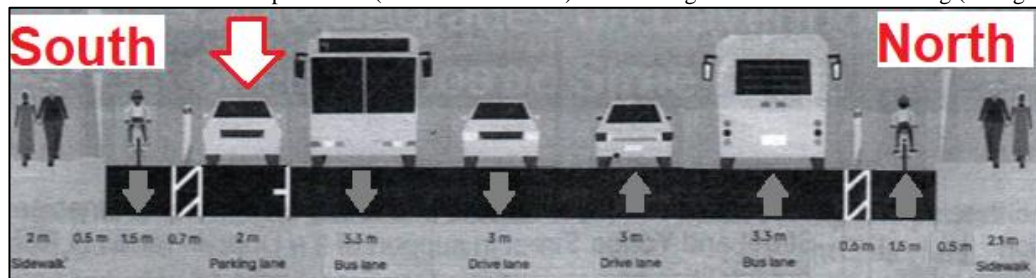
On-street parking supply along Davenport Road is already reduced due to current and planned construction and staging. It is thus vital that the retained parking be carefully selected for the community’s needs.

During the consultation, Dr. Asaria and his neighbours, including a physiotherapy office at 261 Davenport Road, raised parking and loading concerns due to the nature of their businesses.¹ Our client and other concerned neighbours recommend amending the Proposal to instead retain the south-side (rather than the north side) parking, on Davenport Road (Bedford to Avenue), as follows:

Current Proposal: Davenport Road (Bedford to Avenue) Street Design with North-Side Parking (facing West):



Requested Amendment: Davenport Road (Bedford to Avenue) Street Design with South-Side Parking (facing West):



Retaining the south-side parking along this segment of Davenport Road would ensure that the available on-street parking supply best serves the needs of the area, for three reasons:

- 1) the majority of north-side uses are residential with on-site parking (less reliant on on-street parking), whereas the majority of uses along the south side are commercial or retail, including outpatient clinics, and are largely reliant on street parking;
- 2) since the south side has fewer ongoing and proposed redevelopment projects, retaining south-side parking will allow on-street parking to be more consistent along Davenport Road; and

¹ Public Consultation Report dated February 2021 (pp 7-8).

- 3) proximity of parking is higher priority for patients and patrons of the businesses on the south side (e.g. surgical clinic, physiotherapy).

Safety Issues with the Proposed North-Side Street Parking

The Proposal introduces additional safety concerns beyond the above-described dangers surrounding post-operative patients. With the Proposal's removal of the south-side parking, all patrons of the commercial and retail uses dominating the south side of this section of Davenport Road would be required to cross Davenport Road to access those facilities. The nearest existing signalized intersections are at Avenue Road / Davenport Road and Bedford Road / Davenport Road, approximately 260 metres apart. At that distance, the removal of parking on the south side could lead to pedestrian jaywalking, another potential safety concern made all the more alarming when the jaywalking is across four lanes of traffic and two bike lanes. With VisionZero, the City committed to making the streets safer. Introducing new safety issues would be contrary to that goal.

The Project Team indicated that it could recommend a 10-foot gap in the physical separation outside of the Clinic to accommodate pickups, but that cars stopped in those gaps would not be there legally and could collide with cyclists. This is impractical and dangerous for the Clinic's post-operative patients, many of whom will be in wheelchairs, will require assistance, and will not be able to quickly enter and exit vehicles. This option is also dangerous for pedestrians, local business patrons, and the cyclists that the City is trying to protect with this initiative.

Despite discussions during consultation, the Report ultimately recommended proceeding without changing the Proposal, stating that the concerns raised by my client and others regarding parking and loading are "acceptable impacts in order to improve safety and comfort of all road users."

Our client disagrees. The Proposal as written does not best serve all users, is not the best possible configuration for this area, and could introduce new safety concerns for cyclists, patients of the Clinic and patrons of local businesses. These impacts are not acceptable.

Conclusion and Request

Our client's Clinic was deemed essential during the pandemic, in recognition of the importance of the services it provides to the community. The current Proposal would be detrimental to the Clinic, and likely to other such businesses, at a time when they are already under enormous pressure.

Our client's position is that retaining the parking on the south side of Davenport Road (between Bedford and Avenue Roads) is the most practical and safest solution for everyone.

Our client is supportive of an approach to cycling in the City that is safe for everyone, and remains committed to working with the Project Team to find a solution that is workable for cyclists without hurting local businesses or introducing new safety issues.

The Proposal will cost \$2,735,000 to implement. It is premature to proceed with this investment when these issues with this Davenport Road segment remain unresolved, will hurt businesses depending on proximate street parking, and could introduce new safety issues.

For the foregoing reasons, our client requests that Recommendation 2.f. and Attachment 3 be **amended to retain the parking on the south side (rather than the north side) of Davenport**

Road between Bedford Road and Avenue Road. In the alternative, we request that Recommendation 2.f. be **deferred** to allow for further consultation on the cycle infrastructure along Davenport Road (Dupont to Yonge).

We thank the Committee for its consideration of these concerns.

Yours very truly,

BORDEN LADNER GERVAIS LLP



Katie Butler

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Markup of Study Area highlighting the Davenport Road (Bedford to Avenue) Segment



Source: Project Team's February 4, 2021 Consultation Materials