



## **Staff Report for Council Meeting**

**Date of Meeting:** June 11, 2019

**Report Number:** SRCS.19.17

**Department:** Community Services  
**Division:** By-law & Licensing Enforcement

**Subject:** Parking at the York Boulevard Commercial Campus

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### **Purpose:**

To report back to Council regarding parking at 100 to 165 York Boulevard and 160 and 260 East Beaver Creek Road as directed by Council on March 25, 2019.

### **Recommendations:**

That SRCS.19.17 be received for information purposes.

### **Contact Person:**

Tracey Steele, Director of By-law and Licensing Enforcement, Extension 2476

Gus Galanis, Director of Development Planning, Extension 2465

### **Report Approval:**

**Submitted by:** Ilmar Simanovskis, Commissioner of Community Services and

Kelvin Kwan, Commissioner of Planning and Regulatory Services

**Approved by:** Neil Garbe, City Manager

All reports are electronically reviewed and/or approved by the Division Director, Treasurer (as required), City Solicitor (as required), Commissioner and City Manager. Details of the reports approval are attached.

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### **Background:**

On March 25, 2019, in relation to Staff Report SRPRS.19.073, Council approved a motion regarding 100 to 165 York Boulevard and 160 and 260 East Beaver Creek Road (properties collectively referred to herein as the “York Boulevard Commercial Campus”) attached hereto as Attachment 1. Amongst other directives, the motion directed “that staff provide a report to Council outlining the parking capacity and any/all actions that have been taken prior to the 90 day expiration period”. The 90 day expiration period (e.g., the adjournment (which request was denied by the Land Planning Appeal Tribunal (LPAT)) period for the current Ontario Municipal Board (OMB)/LPAT hearing) ends on June 23, 2019.

### **Zoning and Site Plan Requirements**

The York Boulevard Commercial Campus lands are governed by a shared parking formula established by Zoning By-law 295-85, as amended. The shared parking formula treats all the lands as one lot for the purposes of calculating and providing parking. In this regard, required parking is determined on the basis of time of day peak demand periods related to the permitted land uses on the lands (i.e., offices, theatres, restaurants, a daycare and a health club). To facilitate implementation of the shared parking formula in the Zoning By-law, private access easements and private shared parking agreements between respective land owners were required as part of the Site Plan approval for the development of each of the respective properties within the York Boulevard Commercial Campus.

At the Council Meeting of March 25, 2019 one of the appellants to the LPAT hearing related to city files D01-6004 and D02-16031, raised the matter of the inaccessibility to areas of the York Boulevard Commercial Campus for parking purposes. One of these areas identified was the Royal Bank of Canada (RBC) lands at 260 East Beaver Creek Road. More specifically, the concern raised in this regard was the existence of parking control gates on these lands that restrict access to a portion of their lot so that only RBC customers and employees can enter. In 1994, RBC proposed installation of the gates and Staff agreed to their installation provided that they would operate only between 6:00 am and 5:00 pm. The installation of the gates and the limitation of operating hours was to be captured in an amendment to the existing Site Plan Agreement for the lands. Due to the minor nature of the works proposed, the gates were subsequently installed by way of a red-line revision approval to the site plan agreement and are currently used to restrict parking on the site 24 hours a day. The site plan agreement was never amended to include the restriction on operating hours as discussed with RBC.

### **Enforcement**

Municipal By-law Enforcement Officers conducted a comprehensive inspection of all parking signs at the York Boulevard Commercial Campus on April 9 and counted a total of 141 parking-related signs identifying “reserved” parking and no parking “loading zones.” These parking signs are in compliance with the Parking Regulations By-law No.

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402-89, as amended (Municipal Code Chapter 1116), which identifies the ability of both property owners and tenants to install signage on their property to regulate parking.

### **1116.3.12 Private property - parking - when deemed without consent**

For the purposes of Section 1116.3.11, where an owner or occupant of property has posted signs stating conditions on which a motor vehicle may be parked or left on the property, a motor vehicle parked or left on the property contrary to such conditions or prohibition shall be deemed to have been parked or left without consent.

There were also two (2) large ground signs installed on the property with parking-related messaging that have now been removed from the site because they were not in compliance with the Sign By-law.

Staff were aware that a paid parking system on a portion of the Campus lands was in place for a period of time last year, however, it has since been removed.

### **Stakeholder Engagement**

As directed in the March 25, 2019 Council Motion, staff have engaged representatives of the various property owners within the York Boulevard Commercial Campus and offered assistance from the City in helping to facilitate resolution to ongoing parking issues. Through discussions, staff have learned that the various stakeholders have been involved in both cooperative discussions and legal challenges over the last few years. As a result of these activities, recent new agreements and easements between the owners as well as court decisions have helped to improve the parking situation. Generally, the stakeholders thanked the City for engaging them, but were of the opinion that these new arrangements have resolved issues to the degree possible.

Staff met with property management representatives for the RBC property. The property manager committed to discuss the City's concerns with property owners and clients for the site. He also expressed a willingness to work collaboratively with the City toward a solution to make the site parking available for use by the neighbouring restaurants after business hours.

### **Financial/Staffing/Other Implications:**

There are no financial or staffing implications associated with this report.

### **Relationship to the Strategic Plan:**

This report is consistent with the Strategic Plan direction to engage with residents businesses, agencies and other levels of government for an ongoing discussion of issues in an effort to create stronger connections.

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### **Conclusion:**

This report responds to the March 25, 2019 direction from Council regarding parking arrangements at the York Boulevard Commercial Campus. Staff have inspected the parking signage on the site and confirmed compliance with City By-laws. Staff have also engaged stakeholders as directed. Generally, the current arrangements on the site require the property owners to work collaboratively amongst themselves to resolve ongoing issues. Staff will continue to work with representatives responsible for the RBC property to facilitate shared use of the parking on that site.

### **Attachments:**

The following attached documents may include scanned images of appendixes, maps and photographs. If you require an alternative format please call contact person listed in this document.

- Attachment 1 – Extract from Council Meeting C#13-19 held March 25, 2019  
Confirmatory By-law 54-19

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### Report Approval Details

Document Title:	SRCS.19.17 Parking at the York Boulevard Commercial Campus.docx
Attachments:	- Council Extract March 25 2019.pdf
Final Approval Date:	Jun 7, 2019

This report and all of its attachments were approved and signed as outlined below:

**Kelvin Kwan - Jun 4, 2019 - 2:53 PM**

**Ilmar Simanovskis - Jun 4, 2019 - 3:00 PM**

**Neil Garbe - Jun 7, 2019 - 9:23 AM**