

Queen Street West – Interim Control By-law – Final Report

Date:	October 26, 2012
To:	City Council
From:	Chief Planner and Executive Director, City Planning Division
Wards:	Ward 14 – Parkdale – High Park
Reference Number:	CC12085 (File No. 11 217244 SPS 14 TM)

SUMMARY

This report proposes that an Interim Control By-law be adopted to prohibit restaurants (and similar uses) for a period of one year for the lands on and flanking Queen Street West, between Roncesvalles Avenue and Dufferin Street on the south side and between Roncesvalles Avenue and Noble Street on the north side. Staff are in the process of completing a Council directed planning study to review land use policies related to restaurants and similar uses for these lands.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Pursuant to Section 38 of the Planning Act, City Council enact the Interim Control By-law, shown as Attachment 1 to the final report dated October 26, 2012 from the Chief Planner and Executive Director, City Planning Division, for a period of one year to prohibit the following uses within the area of study: restaurant, take-out restaurant, rear yard and rooftop patio, bake-shop, place of amusement, place of assembly, or



club and the expansion of such existing uses.

2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Interim Control By-law Amendment, as may be required.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

At its meeting on August 25, 26 and 27, 2010, City Council directed the Chief Planner and Executive Director, City Planning, to undertake a study of restaurants on Queen Street West between Roncesvalles Avenue and Dufferin Street to determine if any additional zoning controls could be introduced to mitigate some of the negative impacts of the high concentration of restaurants and bars on this segment of Queen Street West.

The motion can be found at the following link:

<http://www.toronto.ca/legdocs/mmis/2010/mm/bgrd/backgroundfile-33378.pdf>

ISSUE BACKGROUND

Queen Street West, between Roncesvalles Avenue and Dufferin Street, has traditionally operated as a main street with a wide mix of uses serving the surrounding neighbourhoods. Over the past several years the area has been changing with new retailers along with more restaurant/bar type uses which serve the local community and are drawing more regional customers. In particular, the increase in restaurant/bar uses has created conflicts with adjacent commercial and residential uses. Residents and business owners have raised concerns that the restaurants are operating like lounges and bars which has generated complaints to the City related to noise, vandalism, garbage and congestion problems, amongst other concerns.

Context

Queen Street is a significant east-west arterial road that runs across the southern end of the City. The portion of Queen Street West between Roncesvalles Avenue and Dufferin Street is a traditional main street with a mix of residential, commercial and retail uses, including restaurants. To the north and south of this portion of Queen Street West are residential neighbourhoods with a variety of housing types ranging from detached houses to apartment buildings.

Official Plan

The City of Toronto Official Plan designates the stretch of Queen Street West between Roncesvalles Avenue and Dufferin Street as *Mixed Use Areas*, which provides for a broad range of commercial, residential and institutional uses subject to a number of development criteria. The only exception to this is the north side of Queen Street between Noble Street and Dufferin Street which is designated *Employment Areas* and is also zoned Industrial (I1). As restaurant uses are not permitted in the I1 zone, this small segment of Queen Street, although included in the planning study area, is recommended to be excluded from the Interim Control By-law.

The areas adjacent to the study area portion of Queen Street West to the north and south are designated as *Neighbourhoods* in the Official Plan. *Neighbourhoods* are considered physically stable areas made up of residential uses in lower scale buildings.

Zoning

Under former City of Toronto Zoning By-law 438-86 the portion of Queen Street West between Roncesvalles Avenue and Dufferin Street on the south side and between Roncesvalles Avenue and Noble Street on the north side is zoned MCR T2.5 C1.0 R2.0. The MCR zoning classification permits a mix of commercial and residential uses up to a total density of 2.5 times the area of any lot, of which a maximum of 1.0 times the area of the lot is permitted to be commercial and 2.0 times the area of the lot residential. The maximum permitted height for the entire portion of Queen Street West within the study area is 14.0 metres.

The residential neighbourhoods to the south of this portion of Queen Street West and to the north between Roncesvalles Avenue and Lansdowne Avenue are zoned R2 Z1.0 which permits for a wide range of residential uses up to a total density of 1.0 times the area of a lot, with a maximum height of 10.0 metres. The neighbourhood to the north of Queen Street West between Lansdowne and Noble Streets is zoned R4 Z1.0 and also has a 10 m height limit. Here the range of permitted residential uses is broader as it includes housing types such as homes for the aged and nursing homes.

COMMENTS

Similar planning studies regarding restaurants and associated uses have been completed on another portion of Queen Street West (between Dovercourt Road and Gladstone Avenue), on Ossington Avenue (between Queen Street West and Dundas Street West) and on College Street (between Bathurst Street and Ossington Avenue). The previous studies all identified conflicts between restaurants and the surrounding neighbourhood areas and subsequently resulted in zoning by-law amendments that limited restaurant and related uses to the ground floor of a building and prohibited rear yard and rooftop patios in the study areas. As well, in conjunction with the commencement of the Ossington Avenue restaurant study, at its meeting on May 26, 2009, City Council adopted a one-year interim control by-law prohibiting the establishment of new restaurants and related uses along Ossington Avenue.

The portion of Queen Street West between Roncesvalles Avenue and Dufferin Street appears to be experiencing many of the same concerns related to restaurants and associated uses as has been seen in these other parts of the City. Mainly, the proliferation of restaurants which function more as bars, lounges and nightclubs have generated community concerns with respect to noise, vandalism, disruptive behaviour, late night activity and parking congestion. Over the last couple of years a number of new restaurants have been established on the street and there have also been applications to expand existing restaurants from the ground floor onto upper storeys and outdoor patios.

The former City of Toronto Zoning By-law 438-86 defines restaurants as a “building or a portion of a building used for the preparation and cooking of meals and the sale of food

and beverages to the public while they are seated, for consumption on the premises”. The By-law also limits floor area (above or below grade) that may be used for entertainment type purposes in conjunction with a restaurant (dance floor, disc jockey, stage etc.) to a maximum of 47m² (506 sq.ft.) or 6% of the non-residential gross floor area, whichever is less. While the By-law does restrict restaurants on properties that abut a residential zone to a maximum size of 400m² (4,306 sq.ft.), the By-law does not restrict how many restaurants are permitted on one lot or where within the building they are to be located.

As well, By-law 438-86 permits rear yard and rooftop outdoor patios in conjunction with restaurants so long as the MCR lot on which the restaurant is situated is located at least 10 m away from the nearest R lot. Previous restaurant studies have shown that this 10 m separation distance is in fact inadequate to protect surrounding residential uses from noise and other nuisances generated by such patios. This current study area is also subject to numerous noise complaints regarding restaurant patios.

As a result of the previous restaurant studies, City Planning recommendations were adopted within the enacted and then repealed City wide comprehensive zoning by-law to restrict restaurants to the ground floor of buildings and to prohibit rear yard and rooftop patios in commercial residential zones in the former City of Toronto south of Bloor Street and Danforth Avenue.

The planning study, which has already commenced with the first Community Consultation Meeting being held on June 28, 2011, will contemplate which of the existing provisions in Zoning By-law 438-86, if any, ought to be changed in order to help alleviate the concerns related to restaurants and associated uses as noted above. The next Community Consultation meeting will be held in November this year.

Rationale for an Interim Control By-law

Section 38 of the Planning Act authorizes City Council to pass Interim Control By-laws to temporarily restrict a land use for a period of time not exceeding one year while the City reviews the land use policies for the affected properties.

Given the development pressures generated by restaurants and the growing popularity of Queen Street West between Roncesvalles Avenue and Dufferin Street as a regional draw, there is merit in reviewing the collective impact of restaurants and similar uses on the area. A study can review:

- the precise type of conflicts and their source;
- whether current zoning provisions are sufficient to address these conflicts;
- whether the applicable zoning by-law should be amended to address these conflicts; and
- new enforcement strategies.

The establishment of restaurants and similar uses should be prohibited for a period of one year within the study area, which should provide City Planning sufficient time to

complete the study. The attached by-law exempts existing restaurants from the ICBL other than restrictions on expansions above the ground floor.

Planning staff will work with Municipal Licensing and Standards, Toronto Police Services, Toronto Building, area residents, businesses and the local councillor to review these issues.

Conclusion

Queen Street West between Roncesvalles Avenue and Dufferin Street has emerged and continues to grow as a popular draw for restaurants and similar uses. This has resulted in land use conflicts with the adjacent residential area and other business owners on Queen Street West. It is appropriate to review the land use policies for the area and to determine whether current development standards and other regulations remain appropriate.

CONTACT

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SIGNATURE

Jennifer Keesmaat, MES, MCIP, RPP
Chief Planner and Executive Director
Community Planning, Toronto and East York District

ATTACHMENTS

Attachment 1: Interim Control By-law

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Authority: Item ~ as adopted by City of Toronto Council on October 30, 2012

Enacted by Council: ~, 2012

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-2012

To effect interim control on those lands on Queen Street West between Roncesvalles Avenue and Dufferin Street on the south side and Roncesvalles Avenue and Noble Street on the north side

WHEREAS City of Toronto Council directed the Chief Planner & Executive Director, City Planning Division to conduct a study in respect of land use policies for those lands on and flanking Queen Street West between Roncesvalles Avenue and Dufferin Street; and

WHEREAS authority is given to Council by Section 38 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, to pass this interim control by-law, for a period of time which shall not exceed one year from the date of its passage, for such purposes as are set out in the by-law;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. No person shall use any land, building or structure within the area delineated by heavy dark lines on Schedule “A”, attached to and forming part of this by-law, for a *restaurant, take-out restaurant, rear yard or rooftop patio, bake-shop, place of amusement, place of assembly or club*, except for such uses that were legally established prior to the passage of this by-law.
2. No person shall use any land, building or structure above the ground floor within the area delineated by heavy dark lines on Schedule “A”, attached to and forming part of this by-law, for a *restaurant, take-out restaurant, patio, bake-shop, place of amusement, place of assembly or club*.
3. For the purposes of this by-law the terms “*bake shop*”, “*club*”, “*patio*”, “*place of amusement*”, “*place of assembly*”, “*restaurant*”, and “*take-out restaurant*” shall have the same meanings as such terms have for the purposes of By-law No. 438-86, of the former City of Toronto, being “A By-law to regulate the use of lands and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various area of the City of Toronto”, as amended.

4. This by-law expires one year from the date of its enactment by Council.

ENACTED AND PASSED this ~ day of ~, A.D. 2012.

FRANCIS NUNZIATA,
Speaker
(Corporate Seal)

ULLI S. WATKISS,
City Clerk

Schedule "A"



Interim Control Bylaw

File # 11 217244 0Z

↑
Not to Scale
10/26/2012

Toronto City Planning
Map 1