

December 4, 2024  
Planning and Housing Committee  
10th Floor, West Tower, City Hall  
100 Queen Street West  
Toronto, ON M5H 2N2

SUBJECT: Item 2024.PH17.2 - Expanding Housing Options in Neighbourhoods  
Neighbourhood Retail and Services Study Phase Two Final Report - Request to Amend  
the Zoning By-law to facilitate small-scale retail, service, office, and house  
occupation users within Neighbourhoods

Dear Planning and Housing Committee,

The Beaconsfield Village Residents Association (BVRA) in Ward 9 is in favor of the EHON program which seeks to increase the density of residential housing. We also support appropriate, limited commercial development inside residential neighbourhoods.

However, our members have concerns with the proposed by-law amendments because there are insufficient guardrails to prevent adverse impacts on residents of inner neighbourhoods.

Below are the reasons for our concerns, followed by our recommendations for effective guardrails.

- (a) Under these amendments, there is nothing to stop a bar with a patio from opening on any corner property or any property next to a school or a park or on a crescent or bend. Bars with patios are inherently disruptive to inner neighbourhoods because drinkers tend to create disturbances such as noise, litter, etc.
- (b) Liquor licenses are granted by the province via the AGCO and the City is powerless to prevent them. In fact, licenses to sell beer and wine have already been granted to convenience stores. With the proposed addition of patio plus indoor seating such stores could become de facto bars since patrons can purchase their wine/beer and consume it on site.
- (c) The proposed amendments will not prevent cannabis stores in inner neighbourhoods as the AGCO does not allow municipalities to treat cannabis shops differently from other retail stores through licensing, location, etc. (The only restriction is that a cannabis shop can't be located within 150 meters of a school.)
- (d) The proposed amendments do not prevent vape shops or cigarette sales from opening on any corner property and besides schools and parks. Not to mention the potential for any other kind of business that could result in adverse impacts such as pop-up stores or retail stores that rely on deliveries both of which generate outside traffic and delivery

drivers that take away parking and jam the streets of residential inner neighbourhoods areas.

- (e) On May 9, 2024 the Planning and Housing Committee directed the Chief Planner and Executive Director, City Planning, to consult with residents' associations. Despite this there are no reported meetings with resident associations in the Planning report.

The BVRA sent an email with our concerns to the Planning Department. Planner Candance Safonovs promised to respond and to update the web site with same. That never happened. Furthermore, the head of the BVRA requested a meeting with Candace, Michael Noble and Kyle Knoek. We never heard back. Therefore, it's clear the concerns of residents have not been taken into account and are not discussed in the Planning report in any meaningful way.

- (f) The information sessions during the summer were sparsely attended. We attended the one on June 11, 2024, and there were about a dozen people there. Planner Candance Safonovs acknowledged that attendance at the other sessions was poor.
- (g) The survey that was run by City Planners is not a representation of Toronto residents as only around 1000 people in a city of millions completed the survey. The respondents were self-selected and not scientifically polled so their views are random and anecdotal and therefore not representative of what the public thinks of the changes (less than 0.039% of Toronto residents responded). The survey also did not explain that bars and cannabis stores are allowed under the proposal.

In addition, it appears the survey and related communications were only offered in English, thereby excluding large segments of our multicultural city. Also, since the survey was digital it may have excluded the elderly who are not tech savvy enough to respond. The vast majority of Toronto residents are not aware of the full ramifications of these proposed changes.

- (h) Early drafts of the proposed changes at least had a requirement for "hot drinks" which would be a small measure to try and prevent the province from issuing a liquor license—but even that has been taken out.
- (i) Earlier drafts also called for only "low-risk or pre-packaged, ready-to-eat food items" to be sold in inner neighbourhoods. That's been replaced with any food prepared off site, which is unclear and open to many possibilities. Does it mean that any kind of food prepared off site can be reheated in the store? Under this definition a business would be able to cater in meals from another location which has the same effect as a full-service restaurant which brings crowds, garbage, traffic and noise to quiet neighbourhoods which are not designed for commercial use.

- (j) An eating establishment (restaurant) is permitted on 580 square feet of the 1200 square feet allowed for a retail store. Nearly 600 square feet is sufficiently large enough to run a high-volume eatery/bar—think of a fast-food location which has a small footprint but high traffic. In addition, in practical terms this is not possible to measure and enforce. For example, once a space is being used as a restaurant/bar the counter will serve as both retail and service and people will consume on seating throughout.
- (k) In practical terms there is no way to enforce any of these requirements. For example, once a patio is allowed, the onus will be on neighbours to call by-law enforcement if the patio should expand beyond the allotted square meters. Or if a kitchen is installed and food is prepared on site, etc. Noise complaints are no longer enforced by the police and by-law officers don't work on weekends. It's a long process to complain and nothing can be done at the time of the offense.
- (l) The City has previously established guidelines for patios near residential areas in a 2009 study of Ossington and Queen St. West. The study concluded that a ten-meter setback and fencing were insufficient to protect residents from patio disturbances such as noise, privacy, overlook, lighting, and cigarette smoke. The study highlighted that while city noise by-laws can address loud music, it cannot mitigate patron noise and other disturbances from patios.

Following this study the setback was increased by the City to 30 meters. By comparison the proposed bylaw is asking for only a one-meter setback. Keep in mind that many corner properties are closely surrounded by residential family homes on all sides, well within the thirty-meter setback recommendation.

- (m) It's worth noting that the proposal will constitute the most radical change to residential zoning in Toronto's history. We've had residential zoning for almost 70 years (since 1959) which separates quiet family streets from the noise, garbage and traffic of commercial zones. This change will irrevocably put an end to that residential zoning. The changes are permanent and irreversible due to legal non-conforming rights. Once businesses are established on residential streets, other nearby properties will have the precedent to apply for commercial use to the Committee of Adjustment and the permitted small retail stores can apply to expand their footprints.
- (n) Our concerns are grounded in real world experiences that highlight how zoning bylaws and loopholes can negatively impact residential neighbourhoods.
  - A former convenience store was converted to a coffee shop, which we didn't object to. But once the coffee shop was established, the owner applied for a liquor license. Despite strong objections from the councilor and community, including a petition signed by 400 people and a year-long campaign, the liquor license was granted. Following the liquor license, the establishment brought noise, traffic, and social disruptions to the neighbourhood.

- A real estate developer bought a former convenience store on a residential corner and tried to put in a branded chain bar. Only the current zoning laws prevented that from happening.
- An online retailer operates a location in a 1,000-square-foot residential property in downtown Toronto. Classified as a retail store the site functions primarily as a warehouse for deliveries, causing noise, traffic, and disruptions in the neighbourhood. Operating from 1:00 PM to 12:00 AM with constant deliveries, the business continues to operate despite complaints, as its license has no restrictions on delivery operations.

These examples highlight the need to revise and clarify zoning by-laws to prevent similar misuses in the future and to better protect the character and livability of residential neighbourhoods.

#### Requested changes

BVRA is in favor of the EHON program which seeks to increase the density of residential housing. However, this last phase of the program stands in contradiction to that goal because it will allow existing residential properties to be turned into commercial businesses. This may simultaneously reduce the supply of housing while potentially having adverse impacts on residents. A lose-lose proposition.

If the City is going to upend decades of Residential zoning, then it is incumbent on officials to make sure that residents are protected from adverse impacts.

Other cities such as Vancouver have allowed small scale grocery stores to open on Residential streets but the category is strictly defined and may not sell alcohol or have a patio. Feedback gathered by the planning department highlighted an interest in two primary uses: local convenience stores and coffee shops. So there is no logical reason why the City of Toronto cannot similarly clearly define what is allowed on inner neighbourhood streets rather than allowing any kind of store, many of which do not require licenses.

A clear definition would be a reasonable safeguard for this by-law when it comes to commercial development in inner neighbourhoods.

In addition, patios pose a high risk of adverse impacts in inner neighbourhoods for obvious reasons.

As it stands, the proposed by-law would allow patios on residential streets as a blanket right. This is a by-law that will affect tens of thousands of streets and millions of Torontonians. It seems unreasonable and unfair to foist patios on neighbours without consulting them first. The Planning report says that Planners want to allow for development to take place according to

specific local needs, but by pre-allowing patios the needs of local residents are being overridden.

Therefore, before patios are allowed, we think a reasonable safeguard would be to poll all the neighbours within 120 meters of a proposed patio. If there are no objections a patio could proceed; if there is an objection then the property owner could apply to the Committee of Adjustment.

This was the City's **standard prior to the Café TO program**. This process would allow residents to participate in decisions that directly impact their quality of life. It is a time-tested, fair, and equitable approach that fosters balanced development while considering the interests of all stakeholders.

Lastly, the proposed by-law treats all neighbourhoods as if they are the same. Downtown neighbourhoods such as ours are situated within walking distance of major commercial streets. For such neighbourhoods adding corner retail is not needed.

The Planning report acknowledges that retail belongs on major streets but claims that some inner-neighbourhood streets are more than 500 meters from major streets and therefore too far to walk. If that's the case then why allow retail on neighbourhood streets that are within walking distance of major streets? The by-law should exempt inner neighbourhood properties if they are less than 500 meters away from a large commercial street.

If existing commercial infrastructure is within 500 meters of a proposed new store, residents already have nearby walkable options, reducing the possibility that much needed housing is replaced by businesses.

Such a limitation would also prevent developers from exploiting the proposed amendment as a loophole to establish businesses in residential areas at lower costs, drawing customers from nearby commercial strips.

To summarize:

1. The proposed by-law changes fail to protect residents from adverse impacts in inner neighbourhoods.
2. The by-law should contain a precise definition of what kind of business is allowed in inner neighbourhoods, and alcohol should not be permitted to be consumed on site.
3. The by-law should not allow patios unless the neighbours agree to it.
4. There should be no permitted commercial development if a given residential property is within 500 meters of a major street.

We hope the committee will consider these objections seriously and send the proposal back to Planning for further changes before allowing it to proceed to a full council vote.

Given the permanent and radical nature of these changes, real safeguards for Toronto residents are essential and the by-law should contain them. As it stands the proposed by-law will likely lead to future problems for residents and set the stage for needless confrontations.

Thank you,  
Nicole Tataj on behalf of Beaconsfield Village Residents Association