

## **Review of Zoning Regulations for Nightclubs in Ward 20, Scarborough Southwest – Final Report**

Date: November 20, 2024

To: Scarborough Community Council

From: Acting Director, Zoning and Secretary-Treasurer, Committee of Adjustment

Ward: Ward 20 – Scarborough Southwest

### **SUMMARY**

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At its meeting on December 13, 2023, City Council adopted Item 2023.PH8.2 - Recommended Amendments to Zoning By-laws for Bars, Restaurants and Entertainment Venues as part of the Night Economy Review, and enacted city-wide zoning permissions for nightclubs in commercial zones beyond the downtown area. Nightclub zoning requirements are complemented by an updated licensing framework that provides improved regulatory oversight of nightclubs. Expanding entertainment uses, such as nightclubs outside the downtown core, creates broader employment and economic benefits across Toronto, while enhancing the quality of life for residents through increasing access to local entertainment options and cultural venues in other areas of the city.

Through Item PH8.2, Council directed City Planning staff to initiate a review of zoning regulations, including community consultation and engagement, for nightclubs in the area bound by Victoria Park Avenue, Eglinton Avenue and Markham Road in Ward 20 and report back to the Scarborough Community Council by the fourth quarter of 2024.

This review has been informed by analysis of zoning permissions for the area, a review of the existing built form along main street corridors in Ward 20 where nightclubs may be established, feedback received from community engagement, and data from Municipal Licensing and Standards (MLS) on complaints and investigations.

Based on the land use planning analysis, staff have not found a rationale to rescind nightclub permissions on a geographic basis in Ward 20. City Planning staff recommend monitoring the effectiveness of nightclub permissions within the study area, and to report back to Scarborough Community Council upon issuance of three licences for nightclubs within the study area and one full year of operation for each of the three licensed establishments in order to evaluate implementation outcomes and any necessary refinements to the Zoning By-laws.

## **RECOMMENDATIONS**

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The Acting Director, Zoning and Secretary-Treasurer, Committee of Adjustment recommends that:

1. City Council direct the Chief Planner and Executive Director, City Planning to monitor the implementation and effectiveness of the zoning permissions for nightclubs in Ward 20, and to report to the Scarborough Community Council on monitoring outcomes upon issuance of three licences for nightclubs within the study area and one full year of operation for each of the three licensed establishments, and to recommend any necessary revisions to the Zoning By-law, or other changes to improve implementation.

## **FINANCIAL IMPACT**

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The City Planning Division confirms that there are no financial implications resulting from the recommendations included in this report in the current budget year or in future years.

The Chief Financial Officer and Treasurer has reviewed this report and agrees with the financial implications as contained in the Financial Impact Section.

## **EQUITY IMPACT STATEMENT**

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Toronto is home to many equity-deserving groups including Indigenous Peoples, Black Communities, women, newcomers, racialized communities, persons with disabilities, 2SLGBTQ+ communities, youth, persons with low income and undocumented Torontonians. Such groups often face distinct barriers that prevent them from participating in the social, cultural, and economic life of the City and from accessing the benefits that are available to others.

The recommendation in this report aims to address the inequitable distribution of entertainment venues, such as nightclubs, across Toronto as they were previously only zoned for downtown. In public consultations facilitated for the original Night Economy Review, residents in Etobicoke York, Scarborough and North York districts have voiced support for amendments to the City's zoning by-laws to permit entertainment venues outside of the downtown core to spur cultural and economic development. Participants in consultations have also noted that safeguarding affordable spaces for nightlife and cultural gatherings outside of downtown is a priority for protecting marginalized communities, including 2SLGBTQ+ and youth spaces.

The amendments to the City's zoning by-laws could, therefore, help increase opportunities for residents to better access such establishments across Toronto, alongside licensing amendments proposed by Municipal Licensing and Standards, to enable a more fulsome range of entertainment related uses in all commercial areas in the city to ensure equity-deserving groups are provided better access.

## **DECISION HISTORY**

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On September 22, 2021, the Economic and Community Development Committee adopted Item 2021.EC24.6 - Emerging Entertainment Areas Outside of the Downtown Core, and received a report from the Interim General Manager, Economic Development and Culture for information. Segments of Kingston Road and Eglinton Avenue East in Ward 20 are identified as Emerging Entertainment Areas. See: <https://secure.toronto.ca/council/agenda-item.do?item=2021.EC24.6>.

On December 13, 2023, City Council adopted, with amendments, Item PH8.2 - Recommended Amendments to Zoning By-laws for Bars, Restaurants and Entertainment Venues as part of the Night Economy Review - Final Report, and amended zoning regulations to support the city's night economy.

City Council also directed the Chief Planner and Executive Director, City Planning, to initiate a review of zoning regulations, including community consultation and engagement, for nightclubs in the area bound by Victoria Park Avenue, Eglinton Avenue and Markham Road in Ward 20, and report back to Scarborough Community Council by the fourth quarter of 2024. See: <https://secure.toronto.ca/council/agenda-item.do?item=2023.PH8.2>.

## **STUDY APPROACH**

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This review sets out to determine the suitability of zoning permissions for nightclubs within Ward 20 based on an assessment for land use compatibility, conformity with Provincial and municipal land use policy direction, historic trends around problematic businesses, and public feedback.

This review considered the applicable policy context for the area, with respect to the achievement of complete communities, land use compatibility, as well as economic and cultural investment. Analysis of existing zoning permissions along main street corridors in Ward 20 such as Eglinton Avenue East, St. Clair Avenue East, Danforth Road, Danforth Avenue and Kingston Road, was completed to determine the extent to which nightclubs would be permitted in the ward. The zoning analysis also included a review of existing entertainment use permissions in the study area to understand the potential impact of introducing nightclubs on main streets and adjacent residential areas relative to the types of entertainment venues permitted in the area today.

Staff also visited the study area on more than one occasion to understand the character of arterial streets within Ward 20, and to discern any unique physical attributes that could render a nightclub incompatible to the surrounding area compared to other main street corridors in the city. Lastly, an analysis of MLS complaint investigations for illegal nightclubs and noise complaints was completed to identify any historic trends around unlicensed establishments, community nuisance and problematic businesses which could be exacerbated through the introduction of new nightclub venues.

Public feedback on nightclub permissions was also collected through a survey and an in-person consultation session, and considered in balance with the other components of this review.

## **BACKGROUND**

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### **Night Economy Review**

Toronto's night economy includes a range of entertainment and employment related uses through which people both experience and support nighttime activities. The night economy includes places where people are entertained, such as arcades, comedy clubs, theatres, restaurants, bars and nightclubs. It includes places where people experience culture like art exhibitions, dance performances and other performing arts. The night economy also includes a wide range of activity that is not directly related to entertainment, including retail, recreation, and sectors which may involve shift work to support the night economy, such as emergency response, healthcare workers, and police services.

The review aimed to create a vibrant, safer and more inclusive night economy by modernizing Toronto's zoning and licensing for bars, restaurants and entertainment venues. It was a multi-divisional initiative, prepared by City staff in the City Planning, MLS, and Economic Development and Culture (EDC) Divisions. It was also informed by the Night Economy Internal Working Group (IWG) directed by City Council which includes additional City Divisions, agencies, boards and commissions. The Night Economy Review was also informed by extensive external consultation, which included engagement with various industry stakeholders such as owners and operators of nightclubs and music venues.

### **Emerging Entertainment Areas Outside of the Downtown Core**

In September 2021, Economic and Community Development Committee adopted the Item EC24.6 - Emerging Entertainment Areas Outside of the Downtown Core, which identified steps to support the growth of night economic activity and cultural vibrancy in Scarborough, North York, Etobicoke, and areas of the City of Toronto that are outside the downtown core. For much of Toronto's arts community, access to safe, affordable space has been a key issue, even before the COVID-19 pandemic.

Encouraging cultural activity outside the downtown core would provide alternatives for displaced downtown venues lost through redevelopment to re-locate, help to maintain associated jobs, economic activity, and cultural vibrancy for Toronto. Event organizers have identified many areas within the city that they feel hold potential for holding pop-up events; these areas are characterized by a matrix of criteria including existing cultural infrastructure, access to public transit, appropriate distance from residential communities, public safety, general aesthetic, and a sense of newness or discovery.

In considering this feedback, EDC has worked with City Planning to identify the areas suggested by "Do-It-Yourself" (DIY) event organizers in which zoning already permits entertainment uses. In Ward 20, Eglinton Avenue East between Kennedy and Markham Road, as well as the portions of Kingston Road at Victoria Park Avenue, Midland Avenue, and between McCowan and Markham Road are identified as Emerging Entertainment Areas.

## **Updated Zoning and Licensing Framework for Restaurants, Bars and Entertainment Venues**

In 2018, City Planning and MLS staff began reviewing zoning regulations in Zoning By-law 569-2013 (city-wide Zoning By-law), and licensing for restaurants, bars and other entertainment venues, as regulated in the Toronto Municipal Code (Municipal Code). Staff from both divisions worked closely to align proposed zoning amendments with the updated licensing framework, as Chapter 545 of the Municipal Code functions in a way that is complementary to zoning by-laws, and licensing and zoning issues are highly interconnected.

The enacted zoning amendments and complementary changes to the licensing framework both come into effect on January 1, 2025. Implementation of the updated zoning and licensing standards was deferred a year after Council's adoption to provide sufficient time to make necessary updates to licensing systems and to ensure adequate notice is provided to operators.

### **Zoning Amendments**

The updated zoning regulations are intended to balance these objectives with the need to manage potential land use conflicts between the night economy and nearby residential uses. The zoning by-law amendments adopted by Council in 2023 (By-laws 1328-2023, 1329-2023 and 1330-2023) provide support for businesses and evolving business models, further enable social, cultural and recreational facilities, create complete communities that include a full range of uses, including entertainment, and enhance the viability of the downtown area and main streets. Zoning changes also align with licensing changes to achieve regulatory modernization, and are a critical step to ensuring businesses are applying for the correct business licence. It addresses issues such as restaurants and bars operating illegally as unlicensed nightclubs.

Most of Toronto is subject to the harmonized city-wide Zoning By-law. Some areas are subject to Former General Zoning By-laws, which are the 43 municipal zoning by-laws which applied to the former municipalities prior to amalgamation. The following changes were introduced to city-wide Zoning By-law and the Former General Zoning By-laws to support the night economy and entertainment uses:

- Increased the permitted maximum ancillary entertainment area inside eating establishments from 6% to 25%.
- Permitted nightclubs outside the downtown area in certain commercial zones, subject to conditions, detailed in the subsequent section below.
- Reduced amusement arcade restrictions.
- Removed amusement device restrictions.
- Harmonized reductions for the calculation of interior floor area for entertainment uses.
- Modernized entertainment-related use definitions in the city-wide Zoning By-law and aligned those definitions with Toronto Municipal Code, Chapter 545, Licensing.

## Nightclub Permissions

An updated definition for nightclubs was introduced through By-law 1329-2023, to refer to premises used to provide amplified music for patron entertainment and dancing, such as a dance hall, dance club, or disco, and where food and beverages may be served. Permissions for nightclubs were also expanded city-wide in the Commercial Residential (CR) and Commercial Residential Employment (CRE) Zones within the city-wide Zoning By-law, subject to conditions. These zones generally correspond with the *Mixed Use Areas* and *Regeneration Areas* land use designations in the Official Plan. Prior to these zoning amendments, nightclubs were only permitted in the downtown area, and small subsections of the city around Yonge Street/St. Clair Avenue and Yonge-Eglinton. To ensure consistent application of nightclub permissions city-wide, the same permissions were introduced to lands subject to Former General Zoning By-laws through By-law 1330-2023.

The following conditions apply to nightclubs through the updated zoning permissions:

- Must be in non-residential building.
- A maximum 400 square metres of interior floor area is permitted when located close (6.1 metres or the size of a public lane) to a residential zone.
- Must be on the first storey or in a basement, with some exceptions.
- Offices, storage rooms and staff rooms may be located on a different storey.
- A maximum of one nightclub per building.

The conditions above are intended to mitigate the impacts of traveling noise and vibration that may impact sensitive uses such as residential units in mixed-use buildings or nearby neighbourhoods. Updates to zoning permissions for outdoor patios take a similar approach, by prohibiting entertainment uses such as performances, music and dancing on patios above the ground floor. Nightclubs are permitted to have an associated outdoor patio, which is limited to the ground level due to the location requirement for nightclubs.

The restriction on the number of nightclubs in a building prevents the clustering of establishments in a single building, which could result in overcrowding, excess noise, and entry lineups blocking access to adjacent premises or overflowing onto adjacent properties and sidewalks.

## Updated Licensing Framework for Nightclubs

The City's licensing regulations for food and entertainment establishments were not updated substantively prior to 2023, and changing business models have blurred the lines between what is commonly taken to be a restaurant, bar, or entertainment venue. Prior to the changes adopted in 2023, no updates had been made to the nightclub licence category since it was introduced in 2006. The lack of clarity between use definitions and licence requirements for each category in the Municipal Code has contributed to confusion for businesses in terms of which license is required, various nuisance and safety issues, and enforcement challenges. The changes to Chapter 545 of the Municipal Code are modelled upon Activity-Based Licensing (ABL), a framework based on complexity of business activities in which licensees with a higher impact (in

terms of nuisance and safety), receive more oversight, whereas those with a lower impact can benefit from reduced requirements.

To address issues related to eating establishments operating as unlicensed nightclubs, amendments to the Municipal Code updated the definition for a nightclub (to focus on patron entertainment and dancing, rather than seating), as well as new licensing requirements for Entertainment Establishment/Nightclubs. The new licensing requirements include:

- Provision of security guards – one per 100 patrons and security guards must be licensed by the Province.
- Installation of a functional metal detector at each entrance that is used to permit entry.
- A list of ‘persons of authority’ for the establishment, indicating who is responsible during operations, which must be available upon request.
- Compliance with a Level 2 Noise Control Plan, which outlines how the nightclub will monitor noise levels and respond to noise concerns. A Level 2 Plan requires a certified engineer to review of the maximum volume levels, wattage of equipment, equipment location, and a summary of sound insulation methods used within the establishment.
- Compliance with a patron management plan, which outlines processes for patron entry and re-entry into the establishment, as well as procedures for monitoring line-ups and prevention of loitering.
- Insurance policy must be submitted to MLS (minimum of \$2,000,000 coverage).
- If serving alcohol, notification must be made to MLS of any change to the terms of the liquor licence.

To ensure efficient enforcement responses to nightclubs, if an establishment meets the updated definition for a nightclub, as well as another separate licensing category (i.e., Eating or Drinking Establishment), the business is required to apply for, or renew, a separate nightclub licence and meet the requirements of both licences. A restaurant or bar whose operations meet the definition of a nightclub would need to obtain both a license for Eating or Drinking Establishment and Entertainment Establishment/Nightclub.

Moving to an Activity-Based Licensing framework will enable a more precise approach to enforcement and compliance inspections, as establishments with activities that most impact nuisance and public safety will be prioritized. In the 2024 budget process, Council allocated an additional \$750,000 to hire by-law enforcement staff for MLS service lines (e.g., noise complaints and business licensing). MLS staff will monitor any changes from the new licensing framework, and should additional enforcement resources be necessary, MLS will develop a request to Council as part of future budget submissions.

MLS' intention is to conduct progressive enforcement, including educating operators about the changes throughout 2025, with the requirement for all businesses to obtain the proper updated licence by end of 2025. Staff are taking several actions to enhance public awareness of the upcoming changes to licensing and zoning rules, including a new [webpage](#) focused on informing businesses about the upcoming licensing and

zoning changes for restaurants, bars and entertainment venues. Staff are also developing a licence tool, which will help business owners navigate which licence type they require.

Multiple resources for affected businesses and licensees will also be produced, including direct letters, virtual information sessions, town halls, meetings with key stakeholders, on-site visits, and updated information to the subsequent editions of the [Good Neighbour Guide for Late-Night Businesses](#). MLS' Bylaw Enforcement Officers use the Guide as part of their education-first approach to achieve compliance when engaging business owners/operators of bars, restaurants, and entertainment venues. The Guide provides information and resources to late-night businesses on operating a safe establishment that is also an asset to the surrounding community. Topics in the Guide include resident and neighbour relations, minimizing sound and noise, transportation to and from venues, and keeping venue safe. An updated, second edition of the Guide was produced in October 2024 and is available publicly on the City's Night Economy, Music Office, and Changes to Licensing and Zoning Bylaws for Restaurants, Bars, and Entertainment Venues webpages.

## **STUDY AREA CONTEXT**

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The Ward 20 study area is bound by Victoria Park Avenue to the west, the south side of Eglinton Avenue East to the north, Markham Road to the east and Lake Ontario to the south. While most of the ward's geography is comprised of low-rise residential neighbourhoods, and is interspersed with apartment neighbourhoods, numerous parks (Warden Woods, Byng, Birchmount and Rosetta McClain Gardens etc.), open spaces (Pine Hills Cemetery), natural areas (Scarborough Bluffs), as well as institutional (Providence Healthcare) and industrial areas (Birchmount Road at the CN Rail Line). The permissions for nightclubs primarily apply to commercial main street corridors which intersect the ward, including Eglinton Avenue East and Kingston Road.

These major arterials within Ward 20 are similar to many other main street corridors in the suburban areas of Toronto, including the built form context and surrounding land uses. The zoning context for the study area is complex and varied, with portions subject to the city-wide Zoning By-law, and other segments subject to the Employment District and Community Zoning By-laws from the former City of Scarborough. As part of this review, staff examined the physical character of Eglinton Avenue East, St. Clair Avenue East, Danforth Avenue, Danforth Road and Kingston Road in detail, and descriptions of the existing built form, land uses and the applicable zoning are summarized below. For a fully detailed review of street segments, please refer to Attachment 1.

### **Eglinton Avenue East (Between Victoria Park Avenue and Markham Road)**

Most of Eglinton Avenue East is subject to city-wide Zoning By-law 569-2013, and zoned Commercial Residential (CR). Between Pharmacy Avenue and Birchmount Road, it is subject to Former Scarborough Employment District By-law 24982 and subject to various industrial zones. Lands along Eglinton Avenue East between Victoria Park Avenue and Birchmount Road are subject to the Golden Mile Secondary Plan and are largely characterized by large format retail and office uses. The emerging planning framework contemplates high density mixed-use and transit supportive development.

Beyond the boundaries of the Secondary Plan Area moving east, Eglinton Avenue East is a typical mix of inner suburban development. Strip plazas, low scale commercial and modest apartment buildings predominate, with more intensive development near the Kennedy and Eglinton GO transit stops.

### **St. Clair Avenue East (Between Victoria Park Avenue and Kingston Road)**

St. Clair Avenue East within Ward 20 is mostly subject to city-wide Zoning By-law 569-2013, and is subject to zones in the Residential zone category, with the exception of certain major intersections at Victoria Park Avenue, Warden Avenue, Birchmount Road and Kennedy Road, as well as a short segment between Kennedy Road and the CN Rail Line which are zoned CR. Much of this corridor is characterized by low scale residential uses fronting St. Clair Avenue East, with major open spaces (valley lands and a number of large cemeteries) being a main exception. Nodes of intensification are emerging with development approvals near Warden Station and Scarborough GO station.

### **Danforth Avenue (Between Victoria Park Avenue and Kingston Road)**

Between Victoria Park Avenue and Warden Avenue, Danforth Avenue is mostly subject to city-wide Zoning By-law 569-2013 and zoned CR, although few mixed-use developments have been realized under this as-of-right zoning framework. Beyond Warden Avenue, Danforth Avenue is zoned Residential Detached (RD), Open Space (O), Open Space (Open Space Recreation), Institutional General (I), and Employment Industrial (E). The strip plaza and low scale commercial character gives way to larger blocks of open space and major employment/institutional uses along the eastern portion of the corridor prior to its interchange with Kingston Road. This includes the former Eli Lilly facility, Birchmount Park Collegiate and Variety Village.

### **Danforth Road (Between Danforth Avenue and Eglinton Avenue East)**

Danforth Road is mostly subject to zones in the Residential zone category in the city-wide Zoning By-law, except for clusters of properties which are zoned CR. The section of Danforth Road between Mack Avenue and Birchmount Road is partly zoned E and EH in the city-wide Zoning By-law, with other properties subject to industrial zoning in the Former Scarborough Employment District By-law 24982. At Kennedy Road and St. Clair Avenue East, an emerging mixed-use community (Scarborough Junction) provides potential high density residential uses before the more typical group of low-scale neighbourhood residential and institutional uses moving north, punctuated by larger apartment blocks just east of Midland Road.

### **Kingston Road (Between Victoria Park Avenue and Markham Road)**

Between Victoria Park Avenue and Birchmount Road, Kingston Road is subject to the Birchcliff Community By-law from the Former City of Scarborough, and zoned Commercial Residential (CR) and Single Family Residential (S). Between Clarendon Avenue and Midland Avenue, Kingston Road is subject to the Cliffside Community By-law, and zoned CR and S. The portion of the street between Brimley Road to Markham Road is zoned CR, I, RD and Residential Multiple (RM) in the city-wide Zoning By-law.

The remaining portions of Kingston Road are subject to the Residential zone category in the city-wide Zoning By-law.

Much of the corridor still subject to the former Scarborough By-law permits as-of-right development which was realized through a number of constructed projects intensifying underutilized sites in a midrise form. This is complemented by apartment buildings and townhouses of various scales and village style retail and commercial uses. Beyond Midland Avenue, major open spaces (cemetery and the grounds of St. Augustine's Seminary) give way to auto-oriented commercial and hotel uses with larger apartment blocks interspersed along a wide right-of-way often containing a center median.

## **POLICY & REGULATION CONSIDERATIONS**

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### **Provincial Land-use Policies**

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the Provincial Planning Statement (2024), and shall conform to Provincial plans, including the Greenbelt Plan (2017), and others.

### **Provincial Planning Statement (2024)**

The Provincial Planning Statement (2024) provides policy direction on matters of provincial interest related to land use planning and development, and sets the policy foundation for regulating the development and use of land province-wide. It states that municipal official plans are the most important vehicle for implementation of the Provincial Planning Statement and for achieving comprehensive, integrated and long-term planning.

Section 2.4.1.2 provides for the achievement of complete communities in strategic growth areas, which should be planned as focal areas for education, commercial recreational and cultural uses. Strategic growth areas are nodes, corridors and other areas identified by municipalities to be the focus for accommodating intensification and higher density mixed uses in a more compact built form. Avenues identified in the City's Official Plan Urban Structure Map 2 may be considered strategic growth areas, based on the Official Plan's policies to direct intensification to these main street corridors.

### **Official Plan**

The Official Plan is founded on a growth management strategy which steers growth and change to the Centres, Employment Districts, the Downtown and Central Waterfront and the Avenues, while limiting significant change in other areas.

Within Ward 20, the [Official Plan](#) Urban Structure Map 2 identifies Eglinton Avenue East between Victoria Park Avenue and Markham Road, Danforth Avenue between Victoria Park and Danforth Road, and Kingston Road between Victoria Park and Markham Road as Avenues. Section 2.2.3 provides that Avenues are areas of Toronto that will "reurbanize" to create new housing and job opportunities, improve transit service, create more shopping opportunities, and gradually improve the public realm. The Avenues are

generally intended to perform a "main street" role by being a focal point for the local community and having a vibrant public realm.

The Official Plan's land use designations are the implementation tools for achieving its growth strategy. Much of the ward is designated *Neighbourhoods*. However, a range of land uses apply across the geography, including *Apartment Neighbourhoods*, *Parks*, *Natural Areas*, *Other Open Space Areas*, *Core* and *General Employment Areas*, *Regeneration Areas* and *Institutional Areas*. The main street corridors within Ward 20 which are the focus of this study are designated in the Land Use Plans Maps 20 and 21 as follows:

Eglinton Avenue East is designated *Mixed Use Areas*, with the exception of the sections between Birchmount Road to Ionview Road, and Bellamy Road to Markham Road, which are designated *Apartment Neighbourhoods*.

St. Clair Avenue East is primarily designated *Neighbourhoods*, with some properties designated *Mixed Use Areas* around the intersections at Victoria Park Avenue, Warden Avenue, Birchmount Road and Kennedy Road.

Danforth Avenue is designated *Mixed Use Areas* between Victoria Park Avenue and Warden Avenue. Towards the east to Kingston Road, it is designated *Neighbourhoods*.

Danforth Road is subject to a number of land use designations. It is designated *Mixed Use Areas* between Danforth Avenue to Warden Avenue, Birchmount Road to St. Clair Avenue East, and Linden Avenue to Midland Avenue. The segment between Mack Avenue to Birchmount Road is designated *Core* and *General Employment Areas*.

Kingston Road is primarily designated *Mixed Use Areas*. The segment between Victoria Park Avenue and Danforth Avenue contains some properties which are designated *Neighbourhoods*. The segment between Midland Avenue and Brimley Road is designated *Apartment Neighbourhoods* and *Other Open Space Areas* on the north side, and *Neighbourhoods* on the south side of the street.

Chapter 1 articulates a vision for Toronto's future and outlines the principles for a successful city upon which the Official Plan is based. Section 1.4 provides that land use decisions enable all Torontonians convenient and safe access to amenities such as culture and entertainment venues.

While a range of land use designations apply to Ward 20, as noted above, nightclubs are generally permitted on lands designated *Mixed Use Areas*. Section 4.5 indicates that the *Mixed Use Areas* designation provides for a range of residential, commercial and institutional uses, which includes entertainment uses, and provides criteria to direct the form and quality of development.

The Official Plan also includes policies to ensure livability within the city through the economic vitality and cultural diversity. Section 3.5.1 provides that Toronto's economy will be nurtured and expanded to provide for the future employment needs of Torontonians and the fiscal health of the city through a multi-faceted approach to

economic development, which includes promoting the cultural sector as an important element of our civic economy.

Furthermore, Section 3.5.2 provides for the promotion and support of a vibrant cultural life in Toronto, by enabling a full range of arts and cultural activities to express the cultural diversity of our communities.

The Official Plan should be read as a whole to understand its comprehensive and integrative intent as a policy framework for priority setting and decision making.

## **Secondary Plans**

Ward 20 is subject to the following secondary plans:

### *Golden Mile Secondary Plan*

The segment of Eglinton Avenue East between Victoria Park Avenue and Birchmount Road is subject to the Golden Mile Secondary Plan. The Secondary Plan provides an extensive planning framework to guide growth, change and revitalize of the Golden Mile area through a process that is anticipated to occur over a period of 20 years and will be built out through multiple phases. The Secondary Plan was drafted in accordance with Eglinton Connects Planning Study, to facilitate residential and non-residential growth as a *Mixed Use Area* while protecting and encouraging new employment and office uses within the Employment Areas designated lands. Entertainment uses may be explored as a potential use as studies such as the Golden Mile Market Analysis & Economic Strategy Study were explored previously to suggest an economic strategy for the study area.

Official Plan Amendment 499 (OPA 499) which implements the Secondary Plan is currently under appeal at the Ontario Land Tribunal (OLT). However, a number of site-specific OPAs and Zoning By-law Amendments that are generally consistent with the principles of the Secondary Plan have been approved by City Council and the OLT to provide for the redevelopment of the lands with the envisioned higher density, mixed-use development.

### *Warden Woods Community Secondary Plan*

The Secondary Plan applies to a 68-hectare segment that stretches 1.8 kilometres along Warden Avenue, north and south of St. Clair Avenue East. The plan encourages a range of uses to support a healthy community including community facilities, health services, parks and a range of employment uses that are compatible with residential uses (such as retail, live-work, and offices) on the lands designated as *Mixed Use Areas*. Mixed-use development with a mid-range densities and heights will be permitted and encouraged along the arterial road frontage of Warden Avenue and Danforth Road.

## **Site and Area Specific Policies**

Sections of the Ward 20 are subject to Site and Area Specific Policies (SASPs). The majority of the site specific policies pertain to residential uses and do not apply to commercial zones where nightclubs are permitted. The following site-specific policies apply to permissions for entertainment uses:

SASP 108 applies to lands on the north side of Danforth Road between North Bonnington Avenue and Marsh Road. Policies in this SASP limit office and commercial uses to have a maximum density of 0.7 times the lot area. Within this specific commercial area, if entertainment uses are planned, this will limit the size and scale of these establishments.

### **Emerging Policy Context: Studies in Process**

Ward 20 is subject to the following policy initiatives which are currently underway:

#### *Eglinton Connects*

Eglinton Connects is a comprehensive plan for developing a vision and planning recommendations for the future of Eglinton Avenue. The area under review as part of this initiative in Ward 20 is the segment of Eglinton Avenue East located between Birchmount Road to Kennedy Road. The study sets out to encourage travelling, building, and greening Eglinton Avenue and planning its streetscape. The plan leverages and supports investment in the Crosstown Light Rail Transit (LRT) and is being realized over multiple decades.

The study may affect the streetscape of Eglinton Avenue in the next decade along the new Crosstown LRT line and encourage certain uses in the area including street-related retail, residential intensification in focus areas, and will be complementary to the Golden Mile Secondary Plan, which is described below.

#### *Danforth Avenue Study*

In 2008, City Council adopted Official Plan and zoning amendments for an Avenue Study which examined the section of Danforth Avenue between Victoria Park Avenue to Medford Avenue. The study created a vision for revitalization and enhancement of Danforth Avenue, and was intended to guide development over a 20 to 25 year horizon. It sought to create a vibrant, transit oriented, mixed-use main street which permits a range of commercial, institutional and residential uses, while restricting automotive uses.

At its meeting on June 12, 2024, Scarborough Community Council requested that Development Review staff monitor and evaluate development applications received within the Danforth Avenue study area to be in line with updated Zoning By-law and policy changes for mid-rise development in order to maximize development potential and streamline the development review process. This would include the application of rear transition zoning, prioritizing public realm enhancements and encouraging non-residential uses, such as ground floor retail, and to report back to Scarborough Community Council as necessary.

#### *Scarborough Junction Regeneration Area Study*

The Scarborough Junction Regeneration Area Study will set out a renewed vision for lands located between Kennedy Road to the west, Danforth Road to the north and the CN Rail Line to the south. This study was initiated following conversion of this area from *Employment Areas* to *Regeneration Areas* through OPA 591, which was approved by the Minister in December 2023. The Regeneration Area Study requirements are set out in Site and Areas Specific Policy 790, and will involve the preparation of a Land Use

Plan, Phasing Strategy and Implementation Plan, Infrastructure Master Plan, a Community Services and Facilities Strategy, a Parks and Open Space Plan, a Block Context Plan and a Housing Plan. Together, this work will provide an updated policy framework to support intensification through new mixed-use development with appropriate parks and open spaces, responding to its proximity to the Scarborough GO Station. The study will further identify minimum requirements regarding non-residential and affordable housing gross floor area to contribute to a truly complete community, which may include permissions for entertainment uses.

This study will be undertaken in three phases and include two major public engagement events. Phase 1: Background Work is currently underway, with Phase 2: Draft Policy planned to begin in late winter/early spring 2025. The study outcomes are anticipated to be presented to Scarborough Community Council and Council in late 2025 in the form of a City-initiated OPA.

## **COMMENTS**

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### **Provincial Planning Statement and Provincial Plans**

Staff's review of nightclub permissions in Ward 20 has had regard for the relevant matters of Provincial Interest set out in the *Planning Act* and consistency with the PPS (2024). The recommendation in this report is consistent with the PPS (2024) regarding the creation of complete communities, which includes accommodating opportunities for commercial, recreational and cultural uses.

### **Official Plan Policies**

This review considers the Official Plan policies, Secondary Plan policies, and Site and Area Specific Policies described in the Policy and Regulation Considerations Section of this report. The report's recommendation is in conformity with Section 1.4 of the Official Plan, which ensures that land use decisions enable all Torontonians to have convenient and safe access to amenities such as culture and entertainment venues. Providing opportunities for nightclubs along main streets in Ward 20 such as Eglinton Avenue East, Danforth Avenue and Kingston Road conforms with the policies in Section 4.5 for *Mixed Use Areas*, which envisions a broad range of land uses, including those related to entertainment, recreation and culture. Nightclubs in areas of the city outside of downtown contribute to the economic vitality and more equitable distribution of cultural venues across Toronto, in accordance with Sections 3.5.1 and 3.5.2 of the Plan.

### **Community Consultation and Engagement**

The public consultation process for the Review of Zoning Regulations for Bars, Restaurants and Entertainment Venues as part of the Night Economy Review commenced in 2018. This review entailed an extensive strategy which involved various City Divisions, stakeholders (including business owners and operators, Business Improvement Associations, DIY event producers), Residents Associations, as well as the general public (including residents and visitors to the City). This section summarizes major themes and feedback received from the original consultations from the Night Economy Review, as well as recent public engagement initiatives completed in 2024 for this area-specific review of nightclub permissions in Ward 20.

## *Night Economy Review Consultation Feedback*

From 2018 to 2021, City Planning, MLS and EDC staff held meetings with external stakeholders to identify issues and discuss potential solutions to developing Toronto's night economy. Stakeholders included the Toronto Association of Business Improvement Areas (TABIA), the Alcohol and Gaming Commission of Ontario (AGCO), Ontario Restaurant Hotel & Motel Association (ORHMA), and business owners.

The City retained consultancy agency, VibeLab, to lead public and stakeholder consultations in March and April of 2023. Further consultations were conducted by City staff in the fall of 2023 to seek feedback on the recommended zoning and licensing changes. Information about these consultation opportunities can be found in the public consultation summaries contained in Attachment 2 of this report.

### *Consultation Feedback on Nightclub Permissions in Ward 20*

In response to Council's direction in Item PH8.2, City Planning staff undertook additional focused public engagement for Ward 20 Scarborough Southwest in October and November 2024 as part of the review of nightclub permissions in the ward. The strategy included an online survey and an in-person public consultation session that was held with the local Ward Councillor at the Birchmount Community Centre on October 29, 2024. The survey and public consultation meetings were advertised broadly through the Councillor's newsletter and study website. Focused email notifications were also sent to Resident Associations and Crossroads of the Danforth BIA.

The survey was made available for three weeks between October 18 to November 8, 2024, with staff receiving 738 complete responses. The majority of respondents (87%) identified as a resident of Scarborough Southwest, with most residing in areas along Kingston Road. Nine percent of respondents also identified as being business owners, and three percent identified as being regular visitors of Scarborough Southwest. Information about the survey results and feedback received from the in-person consultation session can be found in the public consultation summary contained in Attachment 2 of this report.

The feedback received from the online survey and consultation sessions was considered in preparing the recommendation of this report. Staff note that the feedback received from public engagement was mixed, split between those in opposition due to concerns about public safety and community nuisance, and those who support permissions due to economic benefits and a desire for more places to socialize. Concerns about enforcement of noise and public nuisance by-law compliance may not demonstrate a land use compatibility issue, as it relates to how the City's regulatory framework is enforced by MLS (zoning, licensing and other parts of the Municipal Code) and other first responders, such as Toronto Police Services.

### **Zoning Permissions within the Study Area**

As noted above, permissions for nightclubs were expanded city-wide through By-law 1329-2023 in the Commercial Residential (CR) and Commercial Residential Employment (CRE) Zones within the city-wide Zoning By-law, subject to conditions. To ensure consistent application city-wide, identical permissions were introduced through

amendments to the Former General Zoning By-laws through By-law 1330-2023, including the Community and Employment District Zoning By-laws from the former City of Scarborough. Permissions for nightclubs were applied to "Community Entertainment Areas", or zones that would serve the same function and provide equivalent permissions to the CR and CRE zones in the city-wide Zoning By-law. By-law 1330-2023 identifies the Community Commercial (CC), Commercial Residential (CR) and City Centre Commercial (CCC) zones in the zoning by-laws from the former City of Scarborough as "Community Entertainment Areas" where nightclub permissions would apply.

Staff note that some of the current zoning which applies to the study area already includes permissions for other entertainment uses which are similar to nightclubs. For example, the segment of Kingston Road from Victoria Park to Birchmount Road is subject to the Birchcliff Community Zoning By-law, which was amended through By-law 222-2010 to implement the Kingston Road Revitalization Study in 2010. Most of the properties fronting Kingston Road along this segment are zoned Commercial-Residential (CR), and are already permitted places of entertainment, which includes concert halls and theatres.

In reviewing the zoning context for the study area, staff have determined that permissions for nightclubs do not apply consistently across all main street corridors within Ward 20. Nightclubs (subject to conditions) are permitted in the following areas:

- Most properties along Eglinton Avenue East which are zoned CR in the city-wide Zoning By-law, except for portions that are zoned RA and RAC between Birchmount Road to Ionview Road, and between Bellamy Road to Markham Road.
- Properties along St. Clair Avenue East zoned CR located at the intersections with Victoria Park Avenue, Warden Avenue, Birchmount Road and Kennedy Road, as well as a short segment between Kennedy Road and the CN Rail Line.
- Large sections of Kingston Road, including:
  - properties between Victoria Park Avenue and Birchmount Road, which is subject to the Birchcliff Community Zoning By-law and zoned CR;
  - properties on the south side of the street between Clarendon Avenue to Midland Avenue, which is subject to the Cliffs Community and zoned CR; and,
  - clusters of properties zoned CR in the city-wide Zoning By-law between Midland Avenue and Markham Road.

Staff note that many properties are zoned CR in the city-wide Zoning By-law on Eglinton Avenue East, St. Clair Avenue East, Danforth Road and Kingston Road and only permit non-residential uses. This is shown as a value of zero under the letter "r" in the zone label for residential density permissions, and dwelling units are only permitted in the CR zone for properties with a residential floor space index permission greater than zero. Mixed-use buildings or residential buildings such as apartments would not be permitted on these properties. These properties only permit non-residential buildings, which would allow nightclubs.

As most properties on the streets noted above are either directly abutting or within 6.1 metres of lots zoned Residential or Residential Apartment, should nightclubs be

introduced in Ward 20, the majority would be subject to a size restriction of 400 square metres.

Nightclub permissions generally do not apply to the following areas:

- Most of St. Clair Avenue East has Residential zoning in the city-wide Zoning By-law, except for the areas noted above.
- Most properties located on Danforth Avenue between Victoria Park Avenue and Medford Avenue which are zoned CR in the city-wide Zoning By-law, but subject to site-specific exceptions in Chapter 900 which prohibit nightclubs.
- Most of Danforth Road has Residential zoning in the city-wide Zoning By-law, or Industrial (M) and Industrial District Commercial (MDC) zones in the former Scarborough Employment District By-law 24982. There are small clusters of properties zoned CR (for example, some located between Cotton Road and St. Clair Avenue East) where nightclubs would be permitted.
- The section of Eglinton Avenue East between Pharmacy Avenue and Birchmount Road, which is zoned Industrial (M), Industrial District Commercial (MDC) and Mixed Employment (ME) under the former Scarborough Employment District By-law 24982.

### **Potential for New Nightclubs on Main Street Corridors**

To inform this review, staff examined the existing built form character of the main street corridors in Ward 20, to assess the potential for existing buildings to be converted to nightclubs. Nightclubs are only permitted in non-residential buildings, and the city-wide Zoning By-law defines this as "a building that does not have a dwelling unit". Buildings which contain both a residential unit and a non-residential use are considered mixed-use buildings. As such, buildings which contain existing residential units would not be eligible for a nightclub to be established on the ground floor, unless the residential units were removed to meet the zoning definition for a non-residential building.

The location of new nightclubs is also influenced by a number of market-based factors in addition to regulatory restrictions such as zoning. Staff reviewed academic literature<sup>1</sup> and commercial real estate resources<sup>2</sup> on nightclub location preferences to inform this review. In considering new locations for an establishment, operators tend to select properties based on proximity to other nightclubs, entertainment venues and businesses in the hospitality sector, such as bars, restaurants and hotels. Nightclubs benefit from the foot traffic generated from similar uses, and such clusters are found in established entertainment districts within Toronto. Based on data provided from MLS, there were a total of 24 nightclub licences issued in 2023 city-wide, three of which were new licences and 21 were renewals of existing licences. Most are located in established entertainment districts within downtown, which provide an existing built-in customer base. Access to public transit, particularly late night service, also influences the location of new venues.

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1 Stephen J. Crim, "Developing a Theory of Nightclub Location Choice", Massachusetts Institute of Technology (June 2008): 23-42.

2 Mike Tolj, "Shaping the Night: The Future of Nightclubs and Bars in Commercial Real Estate," TOLJ Commercial Real Estate, accessed November 11, 2024, Shaping the Night: The Future of Nightclubs and Bars in Commercial Real Estate - Tolj Commercial.

New nightclubs are commonly established through the retrofit of existing spaces, rather than new buildings that are purpose-built. Compared to other retail and hospitality businesses, nightclubs take up a substantial amount of space. Venues typically require a dancefloor, a bar, space for a disc jockey, areas for coat-check, storage for revenue items such as liquor and in some instances, a kitchen for food service. In addition to the size of a venue, retrofitting an existing space requires substantial capital investment, which increase financial risk for operators. Depending on how the building was used previously, nightclub operators may be responsible for a full range of renovations, including interior renovations for a dancefloor and bar, as well as installation of HVAC, fire safety systems, emergency egress, and soundproofing.

Eglinton Avenue East mainly consists of properties with single-storey, large format retail with surface parking, retail plazas, car dealerships and office buildings, with some older apartment buildings. Within the context of the city-wide Zoning By-law, all commercial units within a strip plaza are collectively considered one building, and only one nightclub is permitted within each complex. While much of Eglinton Avenue East is only zoned for non-residential buildings, each establishment would be limited to a size restriction of 400 square metres, due to their proximity to residentially zoned properties. Many existing non-residential buildings exceed this size. This renders the full conversion of buildings to a nightclub unlikely without a zoning amendment application, which requires a public process and staff review.

For the portions of St. Clair Avenue East which are zoned CR, at the intersections with Victoria Park Avenue, Warden Avenue, Birchmount Road and Kennedy Road, these properties are occupied by single-storey restaurants with surface parking or gas stations. These existing uses may be difficult to convert to a nightclub due to the existing size and configuration of the buildings, as well as the environmental remediation required to convert a gas station to another use.

The portion of Kingston Road between Victoria Park Avenue and Birchmount Road contains narrow, one to two-storey attached buildings with retail, banks, personal service shops and restaurants, with low-rise residential buildings and new mid-rise condominiums scattered throughout the street. Many of the attached buildings with commercial uses on the ground floor contain residential units on the second floor, which would preclude a nightclub from being established through conversion of an existing non-residential space. Between Clarendon Avenue and Midland Avenue, Kingston Road includes many strip plazas with a variety of restaurants, service and retail uses with surface parking at the frontage. Although the majority of commercial units are narrow, some large format retail stores are found within these plazas. Within the context of the city-wide Zoning By-law, all commercial units within a strip plaza are collectively considered one building. Plazas are a common built form in Ward 20; however, nightclubs would only be permitted in plazas which do not contain residential uses, with a maximum of one establishment for each complex.

Despite the number of non-residential buildings in Ward 20 that may be eligible for conversion to a nightclub based on zoning permissions, the likelihood of large numbers of new venues being established is low, given the market-based preferences of nightclub operators described above. While there are some restaurants and a few bars on Kingston Road, they are generally interspersed with other forms of retail and service

uses, including automotive uses. Most of these businesses operate during the day, which do not have the potential to generate the same economic benefits for nightclubs through shared pedestrian traffic in late evening hours. This applies similarly to Eglinton Avenue East, where large format retail is the predominant use.

Many of the existing non-residential buildings on St. Clair Avenue East and Kingston Road are narrow, one to two-storey attached buildings, and are likely too small to accommodate the range of amenities offered in a nightclub, especially given zoning restrictions do not permit the use above the first storey. Similarly, many of the commercial units within existing strip plazas may be too small to establish a nightclub.

The sections of Eglinton Avenue East and Kingston Road where nightclub permissions primarily apply in Ward 20 are similar to many other main street corridors within Scarborough and other parts of the city. The non-residential buildings on these streets are located adjacent to residential neighbourhoods to the rear, which is a common condition for commercial properties located on an arterial street. Should new nightclubs be established, the updated city-wide zoning standards for nightclubs will limit the size, location and intensity of the use, thereby reducing impacts on nearby residential uses. Licensing requirements further regulate the activity and operations of nightclubs, which more effectively addresses issues related to public nuisance, such as noise, security and crowding on sidewalks.

### **Complaint and Investigation Requests**

City Planning staff worked with Municipal Licensing and Standards Division to analyze licensing and enforcement data from 2014 onwards as part of this review. Service requests to investigate nightclubs operating without a licence, and public halls operating without a licence, were examined. While nightclubs have not been permitted, previously other land use types were used for the same purpose, without the licensing and by-law enforcement measures being introduced. These included Public Halls in Scarborough. Public halls are businesses which rent out their premises for dances and parties, and are differentiated from nightclubs in licensing standards only through the provision of seating. Service requests for this business type were included in the analysis because MLS staff noted that investigations for unlicensed nightclubs can also be undertaken through the offence code for unlicensed public halls. The noise impacts and potential for public nuisance from public halls and nightclubs are considered to be similar.

The number of investigation requests for nightclubs operating without a licence within the study area is low. Between 2014 to 2024, the City received a total of seven service requests to investigate a nightclub or public hall operating without a licence within the entire ward, and only one property was charged. None of the establishments being investigated were restaurants.

Staff also examined investigations related to noise complaints generally within Ward 20. Within the ten-year timeframe, a total of 23 noise complaints were received for businesses in the study area, most of which were restaurants and bars.

## CONCLUSION

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There is no rationale to rescind nightclub permissions in Ward 20, from a land use planning perspective. The sections of Eglinton Avenue East and Kingston Road where nightclub permissions primarily apply are similar to many other main street corridors within Scarborough and other parts of the city.

Prior to the city-wide expansion of nightclub permissions in 2023, historic zoning permissions in the Community Zoning By-laws for the Former City of Scarborough already permitted similar uses in the study area, such as places of entertainment. Despite these historic permissions and the number of restaurants, bars and banquet halls in the ward, the number of investigation requests related to noise and licensing offences in the study area is not substantial. This suggests that illegally operating unlicensed nightclubs and community nuisance from noise through amplified sound from restaurants, bars, event spaces and similar establishments are not frequent issues experienced in Ward 20.

The existing non-residential buildings located along these main street corridors also do not fit the market-based preferences of nightclub operators for new locations, such as size and proximity to other entertainment venues and nighttime businesses in the hospitality sector, which makes the substantial capital investment and financial risk required to open a new nightclub in the study area less likely. Based on the analysis outlined in this report, staff expect few nightclubs to be established within Ward 20, through gradual uptake. Due to the size of existing non-residential buildings along streets such as Eglinton Avenue East, conversion of existing spaces will likely require a zoning amendment application to provide relief from the size restriction of 400 square metres, which will allow opportunity for public input to inform staff's review.

Feedback received during public consultation has been heard, and staff recognize the important concerns surrounding public safety, community nuisance and noise impacts from new nightclubs in the area. MLS Licensing and By-law Enforcement have been involved in the development of the land use permissions, and the introduction of the supporting licensing and enforcement changes. City-wide zoning regulations are necessary to provide permissions for land uses across the city in an equitable and consistent way, to enable more effective regulatory control by the City for new nightclubs, as well as stronger tools for enforcement in situations where restaurants and bars operate illegally as unlicensed nightclubs.

The recommendation from this review balances objectives of effective implementation, regulatory oversight and public safety, with the expansion of opportunities and access for entertainment venues in areas outside of the downtown core. City Planning staff recommend monitoring the outcomes of nightclub permissions in Ward 20 to identify any adverse impacts arising from implementation, and will report back to Scarborough Community Council upon issuance of three licences for nightclubs within the study area and one full year of operation for each establishment on any necessary recommendations to improve zoning and licensing requirements.

## **CONTACT**

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## **SIGNATURE**

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Caroline Samuel  
Director (Acting), Zoning and Secretary-Treasurer, Committee of Adjustment  
City Planning Division

## **ATTACHMENTS**

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Attachment 1: Detailed Street Segment Descriptions  
Attachment 2: Public Consultation Summaries  
Attachment 3: Zoning Maps

## **Attachment 1: Detailed Street Segment Descriptions**

### **Eglinton Avenue East (Between Victoria Park Avenue and Markham Road)**

#### *Victoria Park Avenue to Warden Avenue*

The segment of Eglinton Avenue between Victoria Park Avenue and Warden Avenue is included in the Golden Mile Secondary Plan study. The area is characterized by 1970s and 1980s medium and large format retail along Eglinton Avenue, with a small number of employment related uses on the south side of Eglinton between Pharmacy Avenue and Warden Avenue.

#### *Warden Avenue to Birchmount Road*

The north side of Eglinton Avenue between Warden Avenue and Birchmount Road moving east is characterized by large and medium format retail uses, and small-scale retail and office uses. The south side is characterized by small scale retail, restaurant and automotive uses, including a number of automotive dealerships.

#### *Birchmount Road to Kennedy Road*

The section of Eglinton Avenue between *Birchmount Road to Kennedy Road* is characterized by numerous apartment buildings built in the 1960s and 1970s ranging from 6-10 storey on both sides of Eglinton. Small scale retail strip plazas are interspersed and are found near both Birchmount and Kennedy Road.

#### *Kennedy Road to Midland Avenue*

The section between *Kennedy Road to Midland Avenue* is characterized by the CN Rail Line traversing under Eglinton at this location, as well as the Kennedy TTC station. Large format retail is found on a large lot on the northeast corner of Kennedy and Eglinton Avenue East. A mix of small-scale office and apartment uses are found in this segment, as well as the Don Montgomery Community Centre on the south side of Eglinton. A funeral home and retail uses are located on the south side of Eglinton at Midland, while the north side closer to Midland is characterized by 12-18 storey apartments with retail at grade, and a 1980s style plaza in the northwest corner of Midland and Eglinton East.

#### *Midland Avenue to McCowan Road*

Small scale retail and automotive uses comprise the majority of the uses in the segment between *Midland Avenue to McCowan Road*, including numerous traditional 1970s strip plazas with ample parking on the street frontages. Some redevelopment is taking place along Eglinton Avenue East, east of Brimley Road. The north side is characterized by some newer 4 storey townhome developments. The south side is a mix of retail and restaurant uses, with some redevelopment occurring. A catholic school and small-scale retail can be found closer to McCowan Road on the north side of Eglinton, while the south side is comprised of mixed retail and automotive uses and two 6-8 storey new condominium style apartment buildings.

#### *McCowan Road to Markham Road*

A mixture of large format (Home Depot) and smaller scale retail and automotive uses are found in the segment between *McCowan Road to Markham Road* leading to the McCowan Go Station on the south side of Eglinton. A number of apartment structures

line the south side of Eglinton east of the rail line to Markham Road, ranging from 7-14 storeys. The north side of Eglinton is characterized by large formal (Walmart) and small scall retail in this vicinity.

## **St. Clair Avenue East (Between Victoria Park Avenue and Kingston Road)**

### *Victoria Park Avenue to Warden Avenue*

The south side of St. Clair Avenue East between Victoria Park Avenue to Warden Avenue is characterized by detached houses between Pharmacy and Victoria Park, and newer low rise residential between Pharmacy and Warden, while the north side is a mixture of commercial, low-rise residential and institutional uses, including a Catholic Church and school, as well as the Providence Villa retirement residence.

### *Warden Avenue to Midland Avenue*

The portion of St. Clair Avenue between Warden Avenue to Midland Avenue, moving east from the Warden Subway station and associated parking facilities is characterized by low rise residential, small scale commercial and open space uses moving east to Birchmount Road. Moving east from Birchmount the south side is characterized by low rise residential development, some 7-9 storey apartments and small-scale retail development. Resthaven Memorial Gardens is on the north side of the street.

The section east of Kennedy Road includes a mixture of automotive, institutional and commercial and residential uses, including a newly developed 4 storey residential project at Kennedy and Danforth Road. Moving east past the rail overpass and the next portion to Midland Avenue is comprised of older detached houses to the south and newly developed 3 and 4 storey townhomes on the north side of St. Clair Avenue East.

### *Midland Avenue to Kingston Road*

The portion of St. Clair Avenue East between Midland Avenue and Brimley Road is characterized primarily by low-rise residential uses on both sides of the street, interspersed with some limited commercial uses. Closer to Brimley Road there are a few 4-8 storey apartment buildings on the north side, and Highland Hills Cemetery on the south side of St. Clair Avenue East.

The portion from Brimley Road to Kingston Road is characterized by older and newer low scale residential uses and institutional uses including RH King Academy and a large formal retail (Canadian Tire) at St. Clair Avenue East and Kingston Road.

## **Danforth Avenue (Between Victoria Park Avenue and Kingston Road)**

### *Victoria Park Avenue to Danforth Road*

The portion of Danforth Avenue between Victoria Park Avenue to Danforth Road is characterized by small scale retail, institutional, and automotive uses on both sides of Danforth Avenue to Pharmacy Avenue. Moving east to Byng Avenue the street is comprised of the older two storey main street retail type developments with one storey apartments above. From Byng to Danforth Road there are a mix of retail, automotive and 8-12 storey apartments. Moving east, the area has a mix of low and midrise residential buildings, with mixed commercial buildings, as well as strip plazas which contain residential units.

### *Danforth Road to Kingston Road*

Moving east from Danforth Road there are a mix of mid-rise residential buildings and employment uses to the rail bridge. East of the rail line the street is characterized by low rise residential buildings on both sides, with a larger employment use (Eli Lilly lands) on the north side at Birchmount Road, and small-scale apartments on the south side near Birchmount Road. Moving east from Birchmount Road there are a range of institutional and open space uses on both sides of the street, including Birchcliff Woods park on the north side, and Immaculate Heart of Mary Church, Variety Village and Birchmount Stadium on the south side.

### **Danforth Road (Between Danforth Avenue and Eglinton Avenue East)**

#### *Danforth Avenue to Warden Avenue*

Moving north from Danforth Avenue, Danforth Road is characterized by a mix of small-scale retail, automotive uses, older bungalows, and new 3-4 storey residential buildings lining the street.

#### *Warden Avenue to Birchmount Road*

Moving northeast from Warden Avenue, Danforth Road is comprised of primarily older low rise and more recent 3-4 storey residential buildings on the west side, with a mixture of commercial, automotive and employment uses on the east side.

#### *Birchmount Road to Kennedy Road*

The area northeast from Birchmount Road to Kennedy Road is characterized by a mixture of commercial and institutional uses, with the majority of uses being the original low rise residential buildings in the vicinity.

#### *Kennedy Road to St. Clair Avenue East*

The portion of Danforth Road between Kennedy Road to St. Clair Avenue East is characterized by a range of employment uses on both sides, including automotive, warehousing, with small pockets of retail. The lands to the west of Danforth Road at this location are the subject of a number of development applications, and the Scarborough Junction Regeneration Area Study. Adjacent lands are planned to support 4,509 dwelling units in twelve 15 to 45-storey mixed use towers with approximately 9,426 square metres of retail commercial space, 4,624 square metres of community facilities space, and an approximately 1.46 hectare public park.

#### *St. Clair Avenue East to Midland Avenue*

Northeast from St. Clair Avenue East, Danforth Road is characterized by low rise residential neighbourhoods including scattered small-scale retail and institutional uses such as schools. Some larger commercial uses are found as Midland Avenue approaches.

### *Midland Avenue to Eglinton Avenue East*

As Danforth Road moves northeast from Midland Avenue, the west side of the street is characterized by low rise neighbourhood development, but the eastern side of the street is comprised of a number of high-rise apartment buildings in the 14-18 storey range. Moving northeast towards Brimley the street is comprised of low-rise residential neighbourhoods on both sides, including some small-scale retail and institutional uses found in *Neighborhoods*. As Brimley Road approaches on the small stretch between Brimley and Eglinton, we see larger commercial properties, and a large town house redevelopment is proposed at the southeast corner of Eglinton Avenue East and Danforth Road.

## **Kingston Road (Between Victoria Park Avenue and Markham Road)**

### *Victoria Park Avenue to Birchmount Road*

Kingston Road between Victoria Park Avenue and Birchmount Road, through the Birchcliff Community, was the subject of the Kingston Road Revitalization Study, completed in 2015. The role of Kingston Road as the “Main Street” within the Birchcliff community has declined since the early 1990s. There are a number of vacant commercial buildings, storefronts that have been converted to apartments, and car repair and sales establishments that currently occupy key sites along this Avenue. Recent investment in the area has seen a number of mixed-use midrise buildings approved or constructed, and the revitalization of this part of Kingston Road has begun.

### *Birchmount Road to Midland Avenue*

Between Birchmount Road to Midland Avenue, lands on the north and south sides of Kingston Road east of Birchmount Road are primarily institutional and open spaces uses. Scarborough Arena Gardens, Birchmount Stadium, and the Birchmount Community Centre occupy a large portion of the lands to the north and low rise residential and Rosetta McClain Gardens occupies lands to the south of Kingston Road.

The Cliffside Avenue Study was completed in 2009 in Cliffside Village on both sides of Kingston Road west of Midland Avenue. Traditional main street style one storey retail with residential uses above predominates on the north side of Kingston Road, while larger format retail with parking in the front predominates on the south with a larger format food store, other restaurant and small-scale service uses. The study rezoned the area to CR which permits a mixture of commercial, residential and institutional uses. Some mid-rise redevelopment has begun on the south side of Kingston Road in this vicinity, interspersed with some older 3-5 storey and 12-18 storey apartment buildings.

### *Midland Avenue to Brimley Road*

The portion of Kingston Road between Midland Avenue to Brimley Road exhibits a mix of uses including some 10-12 storey apartment buildings and commercial uses east of Midland, with detached houses on the south side leading into large scale open space uses towards Brimley Road including the sprawling St Augustine Seminary lands, two Catholic Schools and the historic Scarborough Missions Building on the south side. The Highland Hills Cemetery lands comprise the north side of Kingston Road at this juncture.

#### *Brimley Road to St. Clair Avenue East*

The segment of Kingston Road between Brimley Road to St. Clair Avenue East contained many motels on large lots. Redevelopment of this area has been ongoing since the 2000s, and there are more proposals for redevelopment of these motel sites. Midrise apartment buildings, small scale automotive and retail uses, and a large formal retail store at St. Clair Avenue East comprise this segment currently.

#### *St. Clair Avenue East to Cathedral Bluffs Drive*

Between St. Clair Avenue East to Cathedral Bluffs Drive, one storey main street style retail and detached houses are found east of St. Clair Avenue East, with a mixture of retail, low rise residential and institutional uses on the north side of Kingston Road.

#### *Cathedral Bluffs Drive to Ravine Drive*

Between Cathedral Bluffs Drive to Ravine Drive, traditional small scale strip retail comprises the south side of Kingston Road east of Cathedral Bluffs, with a mixture of other small retail, automotive and motel uses on both sides of Kingston Road. A mixture of small-scale retail, gas stations, townhouses and 4-6 storey apartments are found on this next segment towards Ravine Drive, as well as a large open space use on the north side of Kingston Road.

#### *Ravine Drive to Markham Road*

Between Ravine Drive to Markham Road, Kingston Road contains newer 3-5 storey residential uses and a motel can be found on the north side of Kingston Road east of Ravine Drive, while the south side has a mix of larger apartments ranging from 10-15 storeys and some scattered retail uses. This segment to Markham Road is characterized by 6-10 storey apartments on both sides of Kingston Road, with small scale retail on both sides of Kingston near Markham. Banquet hall and motel uses are found on the north side of Kingston Road at this location.

## **Attachment 2: Public Consultation Summaries**

### **Consultations for the Original Night Economy Review in 2023**

In March and April of 2023, the City retained consultancy agency, VibeLab, to lead additional public and stakeholder consultations for the Night Economy Review. Further consultations were conducted in the fall of 2023 to seek feedback on the recommended zoning and licensing changes. Through feedback received from online surveys, city-wide public consultations and focused meetings with stakeholder groups, the following major themes emerged regarding nightclubs:

- Nightclubs should be permitted outside the downtown area.
- Concerns were expressed regarding potential community nuisance issues including noise and public safety.
- There was concern that live music venues might be considered as nightclubs because live music venues sometimes hold events where the focus of the event is on dancing - which aligns with the nightclub definition - but live music venues typically do not have a nightclub license.
- Residents were concerned that nightclub operators will continue to operate under the incorrect Eating and Drinking Establishment Business Licence.
- Nightclub operators felt that the existing regulation stating nightclubs must be on the first storey of the building should only be required if abutting lots do not have residential uses.
- Some residents were concerned the new framework would negatively impact people living in mixed-use buildings, with impacts such as noise and vibration affecting residential units.
- Participants felt more entertainment should be permitted in industrial areas, and were disappointed in the City's explanation of Official Plan and Provincial legislation as the reason why these cannot be introduced.

### **2024 Survey and Public Consultation for Ward 20, Scarborough Southwest**

#### *Public Survey*

The survey regarding nightclub permissions in Ward 20 Scarborough Southwest was made available for three weeks between October 18 to November 8, 2024, with staff receiving 738 complete responses. The majority of respondents identified as a resident living along Kingston Road (61%). Ten percent identified as residing near the commercial/business areas along St. Clair Avenue East, 8% identified as living near the commercial/business areas along Danforth Avenue within the Crossroads of the Danforth BIA; 4% identified as living near the commercial/business areas along Eglinton Avenue East; 3% identified as living near other commercial areas along Danforth; and 10% identified as living in other parts of Scarborough Southwest.

The following major themes emerged from the survey feedback:

#### *General Opinion on Nightclubs in Ward 20*

- 50% of respondents answered that they did not want nightclubs in Scarborough Southwest, 39% answered that they did want nightclubs, and 10% answered "not

sure". Those who answered "no", were prompted to choose alternative locations from a list that may be more appropriate for nightclubs (multiple answers were permitted).

- 33% of respondents answered with Scarborough Centre and surrounding areas, 19% answered with industrial areas, and 30% answered with no appropriate areas in Scarborough Southwest, 7% responded with in other malls or commercial plazas, and 6% said others.
- For those who answered "yes", respondents indicated that would visit nightclubs to socialize with friends, listen to music, dance, drink and meet people. Other common answers included seeing live music, socializing and date nights.

#### *Location for Nightclubs on Main Street Corridors in Ward 20*

- When asked if commercially zoned lands along Kingston Road were suitable sites for nightclubs, 40% of respondents answered "yes", 53% answered "no", and 7% answered "not sure".
- When asked if the mixed-use zoned lands on Danforth Avenue within the Danforth at the Crossroads Business Improvement Area (BIA) (between Victoria Park Avenue on the west side and Danforth Road on the east side) was suitable for nightclubs, 44% of respondents answered "yes", 42% answered "no", and 14% answered "unsure".
- When asked if the mixed-use areas of Danforth Road running diagonally to Eglinton Avenue was suitable for nightclubs, 45% of respondents answered "yes", 43% answered "no", and 13% answered "unsure".
- When asked if the mixed-use areas along St. Clair Avenue East were suitable for nightclubs, 45% of respondents answered "yes", 42% answered "no", and 13% answered "unsure".
- When asked if the mixed-use areas along Eglinton Avenue East were suitable for nightclubs, 56% of respondents answered "yes", 31% answered "no", and 12% answered "unsure".

#### *Perception on Effectiveness of Licensing and Zoning Requirements*

- When asked if the new licensing requirements for nightclubs will address any potential nuisance and public safety issues, 42% of respondents answered "no", 38% answered "yes", 17% answered "not sure", and 2% answered "other".
- Those that answered "other" were prompted to expand their opinions. Common themes that emerged were that the regulations were adequate but there was skepticism over enforcement.
- When asked if new zoning requirements will address potential nuisance and public safety issues associated with nightclubs, 48% of respondents answered "no", 36% answered "yes", 57% "unsure" and 1% answered "other".
- Those that answered "other" were prompted to expand their opinions. Common themes that emerged included concern over noise and that the zoning requirements are inadequate to deal with noise and public nuisance issues when nightclubs close for the night.
- Those that answered "no" were also asked to provide any additional suggestions for zoning regulations. A common response was that nightclubs do not belong in residential areas as they do not fit the character of neighbourhoods, and there is increasing concerns over violence and the response to it.

### *Additional Comments*

- Respondents were asked to express any additional thoughts or concerns with regards to permitting nightclubs in Ward 20 – Scarborough Southwest. Common responses in support of nightclubs included how a diversity of businesses would be beneficial, existing late-night businesses may profit from increased patronage, more entertainment options may encourage younger generations to remain in Scarborough, how it would be easier than commuting downtown, and how some restaurants already host dance nights and may be eligible to operate as a club.

### *In-Person Consultation Meeting*

The following feedback and questions were received during the in-person consultation session held on October 29, 2024, with the Ward Councillor, at Birchmount Community Centre:

- General questions about how the survey would influence staff recommendations and if the survey could remain active for a longer period of time.
- Comments about safety concerns over nightclubs located in a basement.
- Questions about the credentials of security guards in nightclubs.
- Questions about enforcement surrounding crime and public nuisance scenarios.
- General questions about the Level 2 Noise Control Plan.
- Comments around lack of transit and parking.
- Questions about notifying residents of a nightclub licence application.
- Questions about excluding certain areas from nightclub permissions.

### **Attachment 3: Zoning Maps**

(To be provided as a separate attachment.)