

## Re: Kensington Market Restaurant and Bar Study Summary of Advice from the Planning Review Panel, Sept 21, 2019

### Executive Summary

The Planning Review Panel is a representative group of 32 randomly selected Torontonians that help the City Planning Division guide growth and change in Toronto. They have been asked by the Chief Planner to work together over the course of two years to provide City Planning with informed public input on major planning initiatives. Members are tasked, in particular, with helping to ensure that these initiatives are aligned with the values and priorities of all Torontonians.

### Advice re: Kensington Market Restaurant and Bar Study

Planning Division staff visited the Panel to consult on proposed interventions to mitigate different issues caused by a proliferation of restaurants and bars in Kensington in recent years. There are two primary issues being considered: noise and nuisance caused by late night bar patrons, and deterioration of the mix of uses within Kensington Market.

- Panelists identified valuable and essential elements which, in their view, should be preserved or fostered in Kensington Market. The Panel overwhelmingly prioritized preservation of the heritage and character of Kensington Market, promoting a mix of uses, and ensuring thriving local businesses. They also emphasized that Kensington should be an appealing place for non-residents to visit.
- Panelists assessed seven planning intervention options for Kensington Market and one set of community-based interventions, all suggested by City staff.
  - Broadly, Panelists supported four of the planning interventions: further limiting restaurant sizes, loosening zoning to allow retail in residential areas, limiting accessory uses, and restricting building frontage. Panelists felt that all of these options would help to reduce nuisances, encourage a greater mix of uses in the neighbourhood, and maintain Kensington's character. Panelists were also strongly supportive of introducing community-based solutions like pop-up retail and public realm improvements.
  - Panelists had mixed feedback on the three remaining planning intervention options. They did not agree on restricting patio uses because of impacts to the character of the Market. Panelists also had mixed reactions to introducing separation distances and concentration caps because of skepticism about their efficacy in addressing nuisance issues. Panelists were also broadly not supportive of the community-based solution of setting up a resident-staff steering committee, because they felt it might unnecessarily duplicate other engagement strategies.

## Background

Mladen Kukic and Kai Zhou from the City Planning Division presented to the Panel about the Kensington Market Restaurant and Bar Study.

Between 2007 and 2017, Kensington Market has seen a 123% increase in food service businesses and a 40% decrease in food retail businesses. This has raised concerns from local residents and business owners about how to protect the mix of uses of the Market, as well as how to mitigate noise and nuisance issues caused by a higher number of these establishments. The City sought the Panel's feedback on seven possible planning intervention options, as well as a set of community-based solutions.

The team explained the current restrictions on restaurants and bars in Kensington Market, and presented research conducted as part of the study, which included discussions with internal and external stakeholders, concurrent initiatives and studies, and reviews of relevant primary and secondary data. The team presented statistics for employment in Kensington Market, including a 72% increase in accommodation and food service jobs, and yearly data on license counts, complaints, and convictions against businesses from 2014-2018. They also presented a map of the complaints, which mapped onto Kensington Market's busiest areas and streets.

The team then presented the Panelists with 8 types of interventions under consideration and their pros and cons. These interventions included:

1. Further Limiting Restaurant Size (100-150m<sup>2</sup>)
2. Loosening Zoning to allow retail in residentially zoned neighbourhoods surrounding Kensington
3. Further limiting Accessory Uses
4. Limiting Building Frontage (HCD recommendation)
5. Restricting Patio Uses
6. Enforcing a Minimum Separation Distances between Eating Establishments
7. Enforcing an Eating Establishment Concentration Cap
8. Introducing Community-Based Solutions.

Panelists were also presented with the summarized perspectives of both the Kensington Market Residents' Association and the Kensington Business Improvement Area on the proposed interventions.

## Discussion Part 1: Kensington Market Essential Elements

The Panel was first asked to select three valuable and essential elements to preserve or foster in Kensington Market from the following list of elements:

- Is a destination for other Torontonians
- Is a destination that attracts Tourists
- Has a unique character
- Has a mix of different uses
- Protects heritage
- Is an appealing place to live
- Has thriving local businesses
- Feels safe

They were also given blank cards to fill in their own essential element, if needed.

Panelists unanimously agreed that unique character is an essential element to preserve or foster in Kensington Market. Many Panelists combined character and heritage, and some combined character with ‘a destination for other Torontonians/tourists’. Several Panelists combined the first two elements and created a new card for ‘A place for everyone to visit’ to indicate that they felt an essential element of Kensington is that it is broadly a destination for everyone to visit, and that distinguishing between Torontonians not from Kensington and tourists was not a useful distinction.

Panelists also unanimously agreed that Kensington’s mix of uses was an essential ingredient of the neighbourhood. Some Panelists specified that this means ensuring that service-based and community uses are protected in addition to retail uses.

## Discussion Part 2: Restaurant and Bar Interventions

With those essential elements in mind, the Panel was then asked to discuss each of the City’s suggested interventions, and decide whether Torontonians would broadly agree that these interventions are a fair way to address the issues caused by restaurants and bars in Kensington. Panelists worked through each option in tables, and were asked to indicate as a table whether they recommended the option, recommended the option with changes, or did not recommend the option.

### Option 1: Limit restaurant size to 100-150m<sup>2</sup>

The Panel unanimously recommended the option to further limit restaurant size in Kensington Market. They felt that it would encourage unique and diverse businesses, limit the number of bars and restaurants overall, deter chain establishments from moving in, and help preserve the heritage and charm of the Market.

However, some Panelists also cautioned that this option may not necessarily prevent chain businesses from opening a smaller franchises (such as a McDonald's Express). They also pointed out that this option might have the unintended consequence of increasing car traffic in the Market, as restaurants might try to make up for the loss of in-restaurant seating by providing food via delivery.

## **Option 2: Loosen zoning to allow retail in residentially-zoned neighbourhoods surrounding Kensington**

Most of the Panel also recommended this option, because they felt it would enable more small businesses to open in the area. However, some Panelists felt that the type and quantity of retail permitted to operate in the residential areas could determine how much of a nuisance it becomes to residents. Some Panelists also expressed concern that this intervention would encourage the unintended consequence of more traffic on residential streets.

A few Panelists suggested that the language of 'retail' was overly restrictive, and that the City also consider allowing more services and office space as well as retail.

A minority of Panelists indicated that they would not recommend this option due to the potential disruption to residents, and the fact they felt it would not address broader noise and nuisance issues.

## **Option 3: Further limit 'Accessory Uses'**

The majority of Panelists recommended that the City further limit "accessory uses" in restaurants and bars in the Market, including stages, dance floors, teletheatre gambling, or DJ booths. However, most Panelists were careful to state that they felt that live music and performances should not be limited, as they are part of Kensington Market's cultural identity, but that since DJs and gambling could be more disruptive and have less connection to Kensington's heritage, they could be reasonably limited. A few Panelists also suggested the City look at the closing times of bars as another way to address the issues caused by dance floors and DJs, rather than limiting the accessory uses themselves.

A few Panelists did not recommend this option, because they felt that if Option 1 were implemented and space in restaurants and bars further restricted, establishments should be able to use their remaining space as they see fit.

## **Option 4: Limit Building Frontage**

Panelists broadly recommended restrictions on the width of commercial building frontage in Kensington Market. Panelists who supported this felt that it would help limit big box stores and establishments, and might help to preserve the heritage building facades. However, some Panelists had reservations, because they were concerned about the extra burden on businesses and were unsure that the measure would have the desired impact of limiting the ability of businesses to combine buildings and expand their floor space behind building facades. Some Panelists also proposed that this limitation should not apply to the entire neighbourhood, to enable more diversity in building frontage.

## **Option 5: Restricting Patio Uses**

Panelists did not reach agreement on the option of further restriction patio uses such as limiting hours of operation, further restricting noise and amplification on patios, and further limiting the permitted size of patios. Some Panelists were in favour only of restrictions that limit the hours of operation and patio size, but felt that the noise restriction would be difficult to enforce and would therefore be ineffective. Others felt that only patio noise should be restricted, rather than the patio size, on the grounds that patios add to the character of the neighbourhood, and are seasonal and thus have limited impact on noise and nuisance issues.

Some Panelists also pointed out a possible unintended consequence of limiting patio sizes, in that it might result in people lining up on the sidewalk and spilling out into the street as they wait for a table on the patio.

## **Option 6: Enforcing a ‘minimum separation distance’ between restaurants**

The Panel was generally unsupportive of the option of introducing a minimum separation distance between restaurants and bars. Panelists felt that it wouldn't help with noise mitigation, and might even impact a greater number of residents since the restaurants would be more spread throughout the neighbourhood rather than concentrated in fewer places. However, a few Panelists who supported this intervention felt that it would encourage a mix of uses and a greater variety of businesses to open in places where restaurants might previously have dominated.

## **Option 7: Enforcing an Eating Establishment Concentration Cap**

The Panel did not reach agreement on the option of introducing a concentration cap to limit the number of restaurants and bars permitted in the neighbourhood. Those Panelists who recommended this intervention felt that it would help to limit noise. Those who did not recommend this option felt that the free market would and should decide the appropriate concentration of restaurants. Some Panelists felt that they would need more information about the percentage cap being proposed before being able to comment further.

## **Option 8: Introducing community-based solutions.**

Panelists were broadly supportive of proposals to introduce a number of non-planning interventions that are more community-based to help address restaurant and bar-related issues. Panelists were broadly supportive of introducing a retail pop-up program, and more public realm improvements like food markets. Panelists were less supportive of the idea of setting up a resident-staff steering committee, noting that it may duplicate other established and ongoing consultation and engagement work in the Market. However, the Panel unanimously recommended that the City pursue community-based solutions in general, because they felt this was an inclusive way to ensure community involvement and create a greater diversity of uses in the neighbourhood.