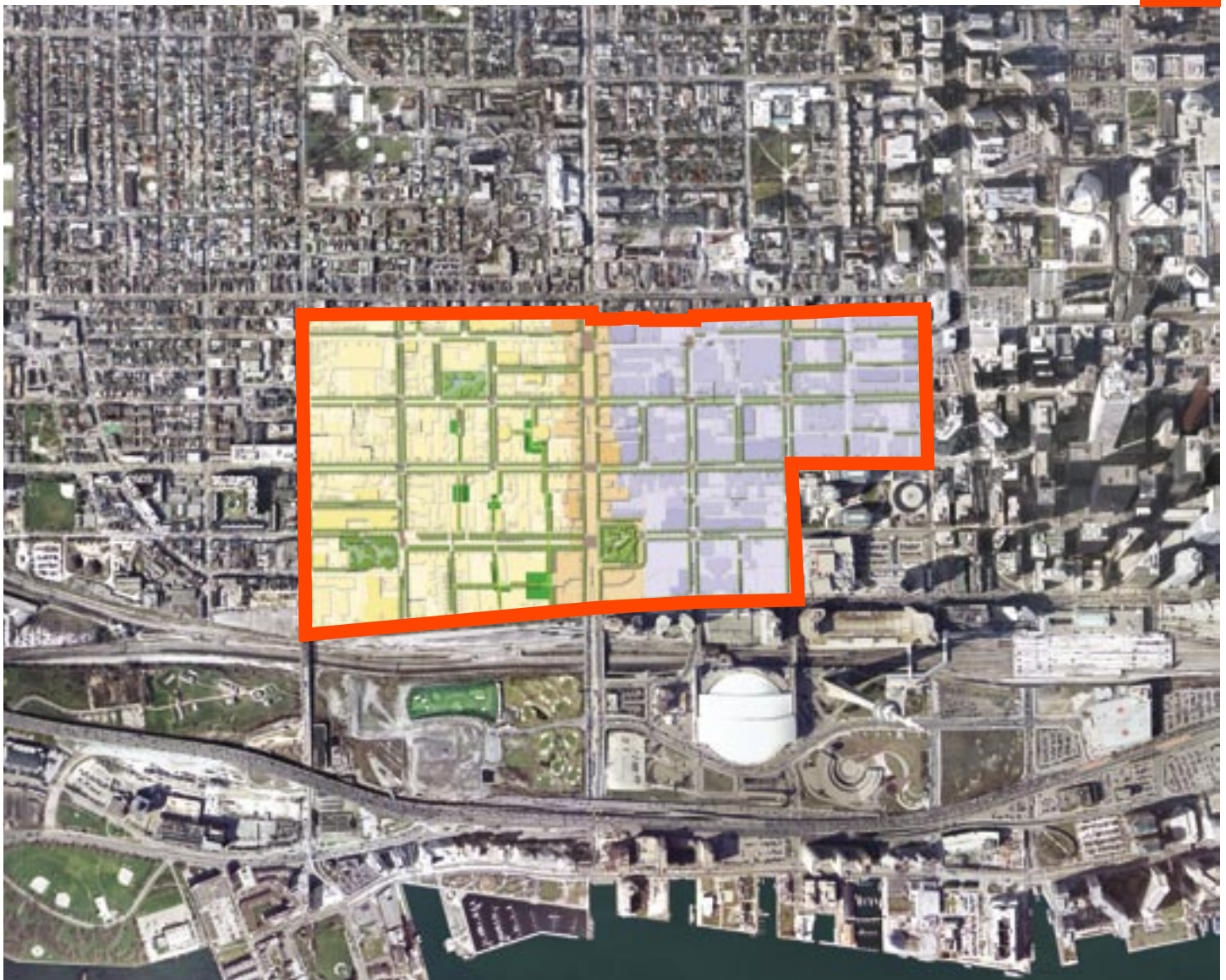




June 27, 2006

## King-Spadina Secondary Plan Review



## Executive Summary

Historically one of Toronto's primary industrial areas, King-Spadina has experienced exponential growth and has undergone a significant transformation in terms of its built form, land use diversity and demographic profile since the inception of a new flexible planning approach in 1996.

These changes have been characterized by a mix of large scale residential condominium developments, new office uses, and what has become one of the City's largest entertainment and nightclub districts. These changes in use and, in particular, the area's major condominium development, have led to an incremental increase in height, with noticeable differences in height and scale emerging between the areas east and west of Spadina Avenue and along Spadina Avenue itself. That said, the conversion of existing buildings and new construction has been, for the most part, consistent with the character of the area.

The area's physical changes have corresponded with the area's changing demographic profile, marked by a neighbourhood population that has quadrupled since 1996. The bulk of this new growth has been among the 29 to 39 year cohorts living in single and two-person households, represented primarily by well-educated and well-paid young professionals attracted by an urban lifestyle, modern housing options, proximity to jobs and access to the area's entertainment amenities. When compared to the City as a whole, King-Spadina has a strikingly lower proportion of children and seniors.

Based on a detailed analysis of these changes, this report sets out a comprehensive series of recommendations designed to respond to the challenges and opportunities generated by King-Spadina's redevelopment, and at the same time provide strategic direction to the City's Planning Division in its continued efforts to guide King-Spadina's future redevelopment. The recommendations cover the following issues:

- Preservation of the area's historic fabric;
- Mitigating issues created by nightclub activity;
- Ongoing monitoring of demographic trends and subsequent changes in the area's community service and facility needs;
- Prioritization of Public Realm improvements;
- Maintenance and enhancement of the area's built form character, through the protection of heritage buildings, reinforcement of the existing heights, building scale, and architectural design; and
- Implementation strategy.

The recommendations reinforce the policy components and

objectives of the original King-Spadina Plan which were designed to ensure compatible redevelopment and promote a diverse mix of uses in the context of maintaining the area's historic built form character.

1.0	INTRODUCTION	1
1.1	The Current King-Spadina Plan	2
1.2	The King-Spadina Secondary Plan Report	3
<b>PART ONE BACKGROUND</b>		<b>5</b>
2.0	DEMOGRAPHIC CHANGES	7
2.1	Housing	7
2.2	Population	8
2.3	Household Structure	10
2.4	Income and Employment	10
2.5	Education	11
2.6	Ethnic Diversity	11
2.7	Population Mobility	12
2.8	Economic Development and Industry	12
3.0	PHYSICAL CHANGES TO THE KING-SPADINA AREA	14
3.1	Land Use	14
3.2	Height	14
3.3	The Scale of Buildings at the Ground	14
3.4	Character Districts	14
3.5	The Historic Fabric	16
4.0	THE IMPACT OF ENTERTAINMENT ESTABLISHMENTS	19
4.1	Nightclubs	19
4.2	Nightclub Noise Characteristics	20
4.3	Tools to Manage the Nightclub Issue	24
4.4	Recommendations	31
<b>PART TWO REVIEW OF COMMUNITY FACILITIES</b>		<b>37</b>
5.0	EXISTING COMMUNITY SERVICES AND FACILITIES	39
5.1	Community Centres	39
5.2	Libraries	42
5.3	Parks and Open Space	42
5.4	Schools	42
5.5	Group Child Care Service	43
5.6	Medical and Emergency Services	43
5.7	Condominium Facilities	43
5.8	Places of Worship	44
6.0	COMMUNITY SERVICES AND FACILITIES ASSESSMENT	45

7.0	ANTICIPATING FUTURE COMMUNITY SERVICE AND FACILITY NEEDS	46
7.1	Demographic Demands	46
7.2	Adjacent Service and Facility Capacity	47
7.3	Opportunities for Parks and Open Space	47
8.0	RECOMMENDATIONS	48
<b>PART THREE PUBLIC REALM PLAN</b>		<b>49</b>
	Public Realm Master Plan	51
9.0	Public Realm Plan	53
9.1	Existing Parks	53
9.2	Increasing Open Space	54
10.0	STREETSCAPES	58
11.0	A Strategy for the Hierarchy of Streets	60
11.1	The Hierarchy of Streets	61
11.2	Pedestrian Connections	62
11.3	Special Character Streets	63
11.4	Public Art	68
12.0	Public Realm Recommendations	69
<b>PART FOUR BUILT FORM</b>		<b>71</b>
14.0	BUILT FORM PLAN	73
14.1	Buildings and Planning Approvals Beyond the Current Height Limits	73
14.2	A Built Form Strategy	75
14.3	Urban Design Guidelines	77
14.4	Protect Sunlight Access and Sky Views on Important Streets and Open Spaces	77
14.5	A Strategy That Looks at the Potential for Additional Height	80
15.0	RECOMMENDATIONS	85
<b>PART FIVE IMPLEMENTATION</b>		<b>89</b>
16.0	ELEMENTS OF THE STRATEGY FOR IMPLEMENTATION	91
16.1	Four Distinct Districts	91
16.2	The Queen Street Frontage	91
16.3	Compatible Development	91

16.4	Height Controls	93
16.5	Section 37 of the Planning Act - Height and Density Bonus Provisions	93
16.6	Section 40 of the Planning Act - Cash-in-lieu of Parking Provisions	94
16.7	Section 42 of the Planning Act - Conveyance of Land for Park Purposes	94

## 1.0 INTRODUCTION

The objective of the King-Spadina Secondary Plan Review is to examine – in consultation with local residents – the transformation of King-Spadina since the introduction of new planning policies in 1996, evaluate the impact of the subsequent physical and socio-economic changes in King-Spadina, and inform strategic modifications to the plan to promote the continued buoyancy of the area. The underlying aim of the Secondary Plan Review is to revisit and evaluate the success of the planning framework that enables redevelopment in a way that encourages an extraordinary mix of uses, and reinforces the consistency of the area’s unique character and historic built form.

Situated in Toronto’s downtown core, the King-Spadina Study Area is bounded by Simcoe Street and John Street to the east, Bathurst Street on the west, and south of Queen Street West to Front Street. Often linked with the King-Parliament Area to the east, together the two areas are commonly referred to as “the Kings”.

### Historically a Manufacturing Area

Historically, the King-Spadina Area was one of the City’s main manufacturing and industrial core areas. However, due to changes in manufacturing processes, increasing liberalization of global markets and the associated competitive pressures on local manufacturing firms, the area fell into a long period of decline as many companies shifted operations offshore or to new suburban facilities or, in some cases, simply succumbed to growing market pressures. The decline in the manufacturing sector, combined with the subsequent recession in the early 1990s, resulted in the area no longer being of relevance as a viable manufacturing district.

### New Planning Framework

In response to the deterioration of the area and recognizing that existing planning and approval controls were hampering development, the City of Toronto adopted a new land use planning approach in 1996 designed to attract new forms of development to the area. The new land use controls designated the area as a ‘Reinvestment Area’, providing minimal restrictions on use and increased flexibility for redevelopment, while at the same time emphasizing the importance of built form. The less restrictive planning framework sparked an almost immediate wave of major reinvestment and development activity that is still continuing, and is transforming what was once a core manufacturing area into the diverse community – catering to a mix of residential, business, and institutional uses with a particularly thriving restaurant and entertainment district – it is today.



*Clarence Square is one of the primary public parks in the King-Spadina Community.*



*Example of a historical building adjacent to new condominium development in King-Spadina.*

### King-Spadina Public Consultation Process

#### **Nightclub Issue:**

- *Individual Stakeholder Interviews:*  
Mid October 2005
- *Community Reference Group Meetings:*  
October 31, 2005  
November 21, 2005
- *Community Workshop/Public Meeting*  
December 5, 2005

#### **Community Services and Built Form:**

- *Community Reference Group Meetings:*  
April 12, 2006  
May 25, 2006
- *Community Workshop/Public Meeting*  
June 8, 2006



*The historic buildings on Wellington support a diversity of uses.*



*Clarence Terrace is one of the last remnants of the original Georgian Planning in King-Spadina.*



*Sitting adjacent to the Terrace, the Soho Hotel is an example of new development.*

Attracting a diversity of uses within the context of consistent built form – based on the area’s heritage – was the fundamental intent of the new planning framework. The results have been remarkable. The area is defined on one hand by its built form, rhythm and detail of building facades and consistent massing acting as visual anchors, and on the other hand by diversity in the mix of uses rarely achieved in other parts of the GTA. This diversity has expanded with the influx of new residents, and has distinguished King-Spadina from its sister King-Parliament Area.

The influx of residents and visitors to the area since 1996 has resulted in a rebirth of activity in the area, corresponding with the restoration and conversion of the historic warehouse buildings as well as the construction of new buildings. Since the new planning policies were put in place the residential population in King-Spadina has grown to more than four times its original size. Over the same period, approximately 150 development applications have been submitted, half of which have been completed and half of which are in various stages of the development process.

### **1.1 The Current King-Spadina Plan**

Based on the recognition that King-Spadina had been a historically important employment district, the King-Spadina Plan was structured to retain commercial and light industrial uses within the framework of a vibrant mixed-use neighbourhood.

Important policy components of the King-Spadina Plan are those that promote the area as a diverse community with few restrictions on land use and that would be accommodated in existing and new buildings that reinforce the character of the area. The principle controls within the Plan relate to built form that aims to produce a neighbourhood that reinforces the massing, height and streetscapes of the existing King-Spadina area. Those controls include:

- locating new buildings along front property lines in a manner that forms edges to streets, parks, public squares and pedestrian connections;
- orienting buildings to face parks and open space;
- designing building bases to reinforce the public realm to the adjacent streets, open spaces and parks;
- providing public uses at the base of new buildings;



- locating servicing and vehicular access and parking to the rear of buildings;
- orienting buildings to protect light, air and privacy;
- designing buildings to reinforce the existing built form context with respect to height, massing, scale, setbacks, roof lines and architectural character;
- designing buildings adjacent to streets, parks and open space in a manner that minimizes negative impacts related to wind and shadows;
- ensuring that new buildings provide high quality coordinated open space and streetscapes; and,
- designing new buildings to provide open spaces for the use of residents, visitors and area workers.

## 1.2 The King-Spadina Secondary Plan Report

This report has been structured to provide a response to the changes that have occurred in King-Spadina, and is divided into five parts, each covering the specific components of the King-Spadina Plan Review:

1. An overview of changes that have occurred in the King-Spadina Study Area since the introduction of the new planning policies in 1996.
2. An examination of the changing community facilities and services needs of the community, based on an analysis of the area's population growth, profile of new residents, and a review of existing facilities and services.
3. An analysis of the area's public realm providing direction on future opportunities for public realm enhancements.
4. The formulation of built form strategy designed to respond to the changes that have occurred with an emphasis on maintaining and enhancing the area's historic built form.
5. Tools to implement the recommendations for a distinct public realm and built form as well as those to respond to issues related to the impact of entertainment facilities in the area.



*St. Andrew's Playground has recently undergone improvements to better serve the growing community.*



*Buildings should be oriented to face parks.*



*New development should reinforce the existing built form context.*



## PART ONE

# BACKGROUND

King-Spadina has undergone considerable transformation since 1996. The influx of new residents has been matched by the substantial increase in new residential units and significant diversification in the mix of uses. Coinciding with this growth, many of the area's historic buildings have been renovated and upgraded to attract new tenants. At the same time, the area has seen considerable expansion in the entertainment sector, with the number of licensed entertainment establishments, including nightclubs and restaurants, now exceeding 200 locations, of which over 40% are nightclubs. These changes have not only impacted the character of King-Spadina, but have also had an impact on the profile of residents drawn to the area.

5



## 2.0 DEMOGRAPHIC CHANGES

### 2.1 Housing

The new planning framework has resulted in a significant amount of new development in the area. Nearly seventy-five percent of this new development has been residential. The total number of private occupied dwellings more than doubled from 480 to 1,155 units between 1996 and 2001 alone. Based on the City's own monitoring of condominium development and applications the number of units has continued to grow at an exponential rate, doubling again since 2001 along with more than 2,000 additional units either in the pipeline or proposed.

Most of this new residential development has been in condominiums of 5 or more storeys, which as of 2001 accounted for 56.3% of the dwellings by structure type, up from just 19.8% in 1996. Given that the pattern of growth and the number of new development applications has sustained, it is presumed that the number of condominium units is even greater today and will continue to increase in the foreseeable future.

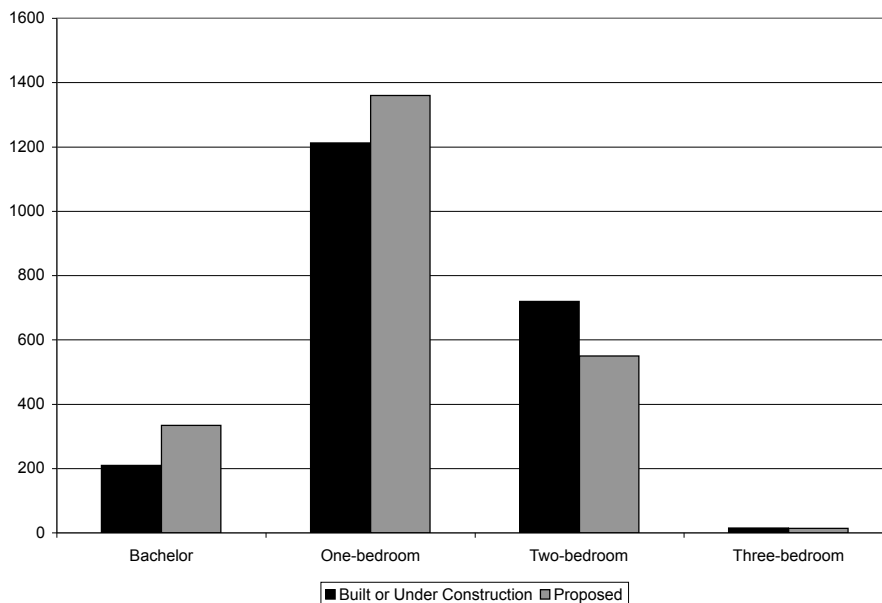
A significant proportion of the new residential stock built since 1996 consists of small units. Of the approximately 2,200 new units already built or currently under construction, 63% are one-bedroom or bachelor units, 32% are two-bedroom units, and only 1% (15 units) are three-bedroom units. This tendency towards smaller units is even more apparent in the unit breakdown of new development proposals. Of the additional 2,000 units currently proposed, 77% are one-bedroom or bachelor units, 25% are two-bedroom, and again, only 1% are three-bedroom units.



Recently constructed apartment condominiums on Richmond Street west of Spadina.



Residential facing onto Clarence Square.



Existing, under construction and proposed unit mix in King-Spadina. Source: City of Toronto, Planning Division, 2006.



*New residential condominium on Stewart Street.*

Rapid condominium development has also considerably altered the area's tenure ratio. In 1996, 82.3% of dwellings in the area were rented and only 17.7% were owned. In 2001, the proportion of dwellings owned was 51.9% with the percentage of rented dwellings falling to 48.5%.

In terms of housing prices and affordability, the high demand for centrally located condominium housing has driven up prices in the area and made King-Spadina less affordable to lower income working-class and immigrant households that traditionally settled in the King-Spadina Area. With that said, it is important to note that the increase in housing prices is not just a neighbourhood or citywide phenomenon. Toronto, like many large Canadian and international cities, is experiencing what can best be described as a sustained housing boom associated with a strong local and global economy.

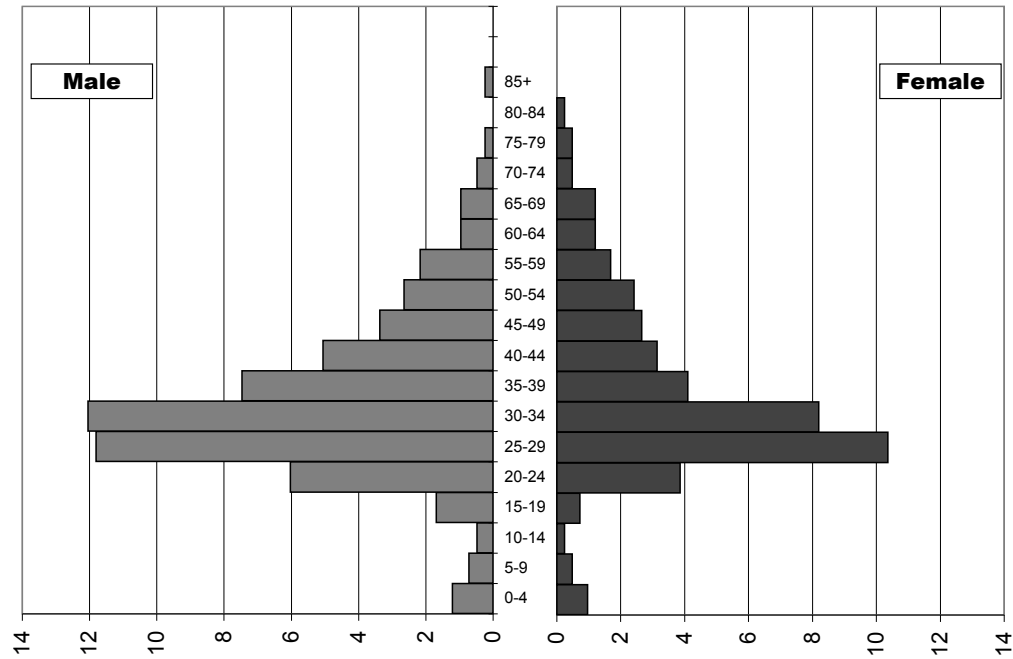
## 2.2 Population

Reflecting significant condominium development activity in the area and the expansion of employment opportunities in the downtown core, the population more than doubled between 1996 and 2001 from approximately 945 residents to 2,081 residents. While more recent demographic data is not available, the pace of development and the sustained demand for condominiums in the area would suggest that King-Spadina's high growth rate has remained exceptionally strong. Based on an analysis of new construction and current applications, it is reasonable to assume that the population has doubled again since 2001 and will likely do so again in the next five years.

The overall demographic composition of the area is consistent with the influx of young professionals, attracted by an urban lifestyle, modern housing options, proximity to jobs, and access to cultural and entertainment amenities. When compared to the City as a whole, the age distribution of the King-Spadina population is particularly striking. Adults between the ages of 25 and 39 accounted for over half of the population (52.5%) in 2001. King-Spadina's second largest group in 2001 were adults between 40 and 64 years of age (33.9%), while children (0 to 14 years), youth (15 to 24), and seniors (65+) comprised only a small proportion of the overall population at 4.1%, 12.3%, and 4.3% respectively. Based on the unit mixes proposed in the current development applications, it appears likely that the influx of young professionals into the area will remain pronounced. However, without more current demographic data, it is difficult to project how the demographic composition has changed since 2001.

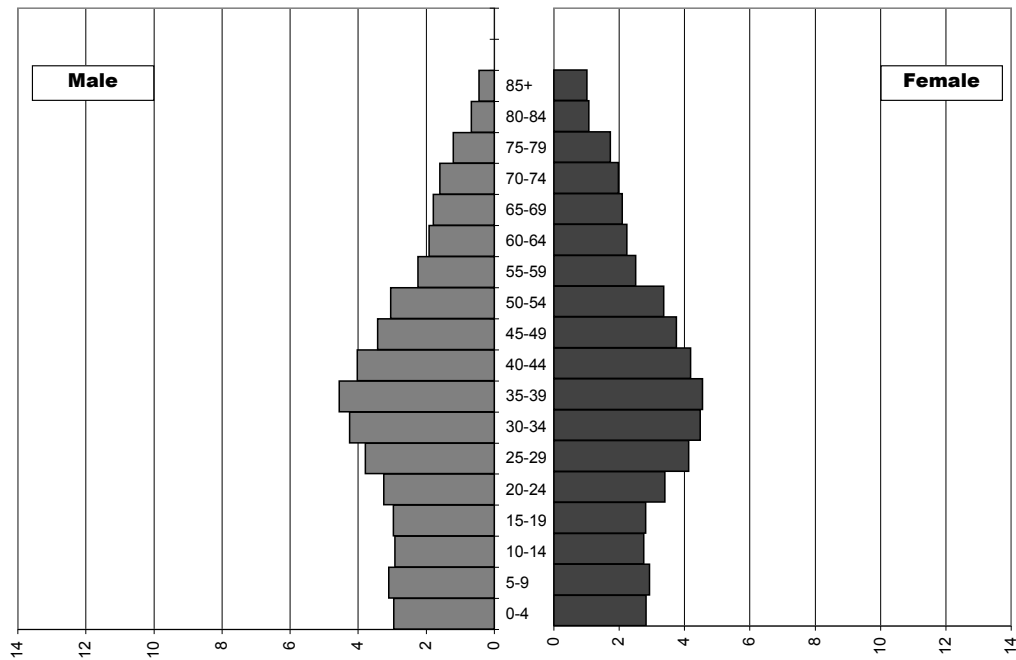


*Most of the new development in the area has been condominiums.*



Population pyramid for King-Spadina (2001) shows significant proportion of the population is between 25-39 years of age.  
 Source: Statistics Canada, Census 1996 & 2001.

9



Population pyramid for City of Toronto (2001) shows relatively even distribution of the population by age.  
 Source: Statistics Canada, Census 1996 & 2001.

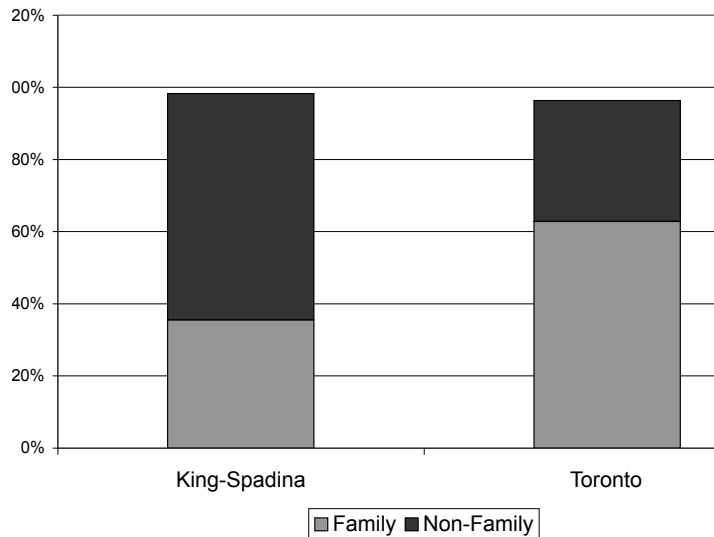
### 2.3 Household Structure

Small household sizes reflect the area’s burgeoning young professional population and are also a function of the predominance of small residential units. As the 2001 Census indicates, the majority of King-Spadina households are single or two-person households with nearly half of the population living in one-person households and another 40% living in two-person households. This is particularly striking when compared to City figures of less than 30% each for one and two-person households. While the area experienced an 8% increase between 1996 and 2001 in the proportion of two-person households, it is still premature to conclude that this increase is indicative of a shift towards larger household sizes.

Interestingly, the ratio of family to non-family households in King-Spadina is almost the exact converse of the ratio for the City of Toronto, with the majority (62.8%) of households identified as non-family.

### 2.4 Income and Employment

Directly corresponding and attributable to the growing number of young professionals moving into the area,



*Proportion of family and non-family households.  
Source: Statistics Canada, Census 1996 & 2001.*

	King-Spadina, 1996	King-Spadina, 2001	City of Toronto, 2001
1 Person	50.00%	48.90%	28.30%
2 Persons	31.30%	39.40%	28.80%
3 Persons	8.30%	7.80%	16.60%
4-5 Persons	7.30%	3.00%	21.80%
6 or more persons	2.10%	0.90%	4.50%

*Proportion of private households by household size.  
Source: Statistics Canada, Census 1996 & 2001.*

average family and household incomes in King-Spadina have substantially increased. Between 1996 and 2001 alone, average family income rose by nearly 97% from \$52,713 to \$103,780, while average household income grew by 112% from \$38,330 to \$81,377. Over the same period, average family and household incomes in the City of Toronto increased by 29.1% and 28.3% respectively.

King-Spadina's employment figures have also seen considerable strengthening. The participation rate went from approximately 77% to nearly 86% in 2001, while the areas unemployment rate dropped from 7.5% to under 2%. This is particularly notable given that the citywide unemployment rate was 7% in 2001.

## 2.5 Education

Overall, the area's residents are well educated. However, when compared to the citywide education statistics there are some marked differences. In terms of college-level education, 26.4% of residents in King-Spadina age 20 and over were college educated in 2001, rating comparatively high to the City of Toronto as a whole where only 19.4% of citizens are college educated. However, the converse is true when looking at university-level education. In 2001, just 21.8% of King-Spadina residents age 20 and over had university-level educations, compared to 36.3% for the City as a whole. This difference may be due to the concentration of creative and technical industries in and around the area that have a higher tendency to attract individuals that have been educated in industry-specific college programs.

## 2.6 Ethnic Diversity

Situated in the heart of what is arguably one of the most ethnically diverse cities in the world, has undoubtedly contributed to King-Spadina's diverse ethnic composition. In 2001, 12.4% of the population was recent immigrants, with the majority of those (67.6%) having immigrated from China. However, when compared to the City as a whole, King-Spadina's immigrant population is significantly smaller in proportional terms. In 2001, immigrants accounted for 29.8% of King-Spadina's population compared to the City of Toronto where the immigrant population accounts for 50.9% of the total population. Similarly, only 35% of the area's population had 1st generation status, compared to 58% for the City as whole. This difference may be explained by increasingly limited affordable housing options in the area and, perhaps, limited community-based services oriented to recent immigrants.

In terms of home language, the area has also experienced a strengthening in the predominance of English. In 1996, 74.7% of the population identified their home language as English, in 2001 that number had increased to 83.1% compared to 74.7% to Toronto as a whole.

### 2.7 Population Mobility

Mobility refers to the relationship between a person’s usual place of residence on Census Day and their usual place of residence one-year prior. Statistics from the 2001 Census indicate that King-Spadina residents have a high level of mobility, in terms of both mobility status 1 and 5 years ago, when compared to the City as a whole. This difference is likely attributable to the high number of new buyers moving into recently built condominium housing. In both the 1 and 5-year mobility categories, the majority of movers were classified as none-migrants (71.1% and 57.9% respectively), meaning that they had moved from another area of the City. Of those movers classified as migrants, over 65% in both the 1 and 5-year categories were internal migrants that they had moved from within Canada.

### 2.8 Economic Development and Industry

The City’s own employment by sector figures correspond with the area’s general shift away from manufacturing towards more cultural, retail, professional, and institutional industries. Between 1996 and 2005, the number of people employed in manufacturing in the area fell by 65%, reflecting a decline of 63% in the number of manufacturing firms. Conversely, the number of people employed in the area’s recreation and institutional sectors increased by 151% and 56% respectively.

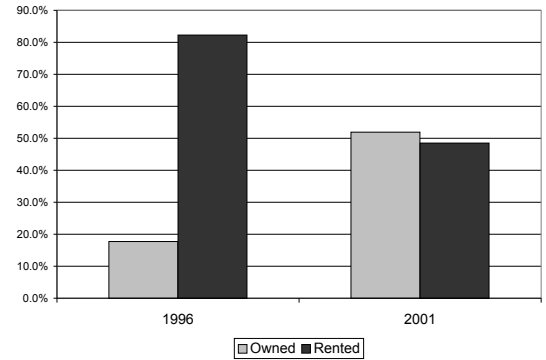
The significant increase in the number of people employed in the area’s recreation sector reflects the growth that

	King-Spadina	City of Toronto
<b>Mobility Status 1 year ago</b>		
Non-Movers	61.40%	85.40%
Movers	38.90%	14.60%
Non-migrants	71.10%	64.20%
Migrants	29.00%	35.80%
<b>Mobility Status 5 years ago</b>		
Non-Movers	9.60%	54.50%
Movers	90.10%	45.50%
Non-migrants	57.90%	60.30%
Migrants	42.40%	39.70%

*Population mobility status, 2001.*  
 Source: Statistics Canada, Census 1996 & 2001.



has occurred in the area's nightclubs. Between 2003 and 2005, the total licensed capacity added by new nightclubs in the entertainment district grew by over 30%, from a total capacity of 32,934 in 2003 to 43,528 in 2005. While thriving, the expansion of the entertainment district has been a point of considerable concern among King-Spadina residents, who have noted increased crime, noise, and property damage as a direct result the sizeable crowds drawn to the area's nightclubs on a weekly basis.



	1996	2001	2005
<b>OFFICE (OTHER)</b>			
NO. OF FIRMS	1,144	1,083	969
PART TIME EMPLOYEES	1,054	1,398	1,444
FULL TIME EMPLOYEES	11,792	14,746	13,955
TOTAL EMPLOYEES	12,846	16,144	15,399
<b>GOVERNMENT OFFICE</b>			
NO. OF FIRMS	9	5	8
PART TIME EMPLOYEES	13	31	8
FULL TIME EMPLOYEES	160	35	130
TOTAL EMPLOYEES	173	66	138
<b>MANUFACTURING</b>			
NO. OF FIRMS	230	130	84
PART TIME EMPLOYEES	227	153	75
FULL TIME EMPLOYEES	3,082	1,962	1,084
TOTAL EMPLOYEES	3,309	2,115	1,159
<b>TERMINAL, STORAGE &amp; TRANSPORTATION</b>			
NO. OF FIRMS	19	36	34
PART TIME EMPLOYEES	18	25	38
FULL TIME EMPLOYEES	720	436	659
TOTAL EMPLOYEES	738	461	697
<b>INSTITUTIONAL</b>			
NO. OF FIRMS	20	28	30
PART TIME EMPLOYEES	83	150	133
FULL TIME EMPLOYEES	196	246	303
TOTAL EMPLOYEES	279	396	436
<b>RETAIL SHOPPING</b>			
NO. OF FIRMS	345	261	227
PART TIME EMPLOYEES	344	847	608
FULL TIME EMPLOYEES	1,247	1,195	1,241
TOTAL EMPLOYEES	1,591	2,042	1,849
<b>RETAIL SERVICE</b>			
NO. OF FIRMS	217	241	244
PART TIME EMPLOYEES	915	1,795	1,533
FULL TIME EMPLOYEES	1,977	2,175	1,843
TOTAL EMPLOYEES	2,892	3,970	3,376
<b>SERVICE ACCOMMODATION</b>			
NO. OF FIRMS	3	4	5
PART TIME EMPLOYEES	48	64	48
FULL TIME EMPLOYEES	248	252	237
TOTAL EMPLOYEES	296	316	285
<b>RECREATION</b>			
NO. OF FIRMS	9	35	28
PART TIME EMPLOYEES	98	273	364
FULL TIME EMPLOYEES	189	325	357
TOTAL EMPLOYEES	287	598	721
<b>CONSTRUCTION &amp; OTHER</b>			
NO. OF FIRMS	1	5	10
PART TIME EMPLOYEES	0	0	11
FULL TIME EMPLOYEES	2	90	83
TOTAL EMPLOYEES	2	90	94
<b>KING-SPADINA TOTAL</b>			
NO. OF FIRMS	1,997	1,828	1,639
PART TIME EMPLOYEES	2,800	4,736	4,262
FULL TIME EMPLOYEES	19,613	21,462	19,892
TOTAL EMPLOYEES	22,413	26,198	24,154

Employment Survey for King-Spadina 1996, 2001 and 2005.  
Source: Toronto City Planning Policy and Research, 2006.

### 3.0 PHYSICAL CHANGES TO THE KING-SPADINA AREA

Accompanying and correlated to the demographic changes in King-Spadina, has been the area's considerable physical transformation. An analysis of those changes indicates trends that will continue to redefine the nature of King-Spadina and provide the basis for the Public Realm and Built Form Guidelines.

#### 3.1 Land Use

Land use in King-Spadina has shifted from an area centred predominantly on industrial and other employment uses to an increasingly mixed-use district with new residential, retail, and entertainment uses. As part of King-Spadina's land use and built form transition, a distinction between the areas east and west of Spadina Avenue has emerged. The area east of Spadina has seen a substantial increase in the number of residential, entertainment and mixed uses. While the area west of Spadina Avenue has seen some entertainment uses it has retained a sizeable share of employment uses and is seeing a substantial increase in the amount of new residential development.

#### 3.2 Height

Since the adoption of the King-Spadina Plan, the number of buildings in excess of the height limit has been noticeable. Corresponding with the difference in scale observed between the areas east and west of Spadina, buildings substantially in excess of the height limit are predominately east of Spadina Avenue.

#### 3.3 The Scale of Buildings at the Ground

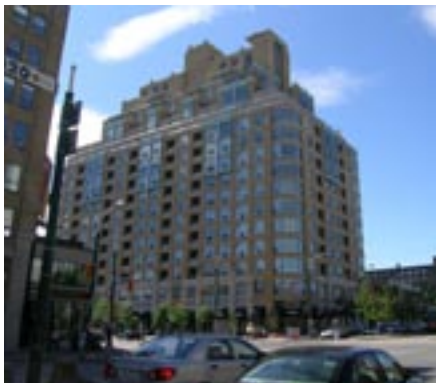
The scale of the lots has an impact on the scale of a building where it meets the ground. Existing lots on the west side tend to be narrower resulting in a rhythm of building facades that presents a series of narrower frontages and a finer scale at the street. On the east side the larger site frontages, either existing or through the consolidation of sites, result in the massing of the new buildings at the street that is less of a pedestrian scale. Historically, industrial buildings were low and covered a major portion of their site. The new buildings on the east side of Spadina are built lot line to lot line at the base but extend up in a high-rise form that presents massing of a different character than is historically found in the area.



*The east side of Spadina has shown the most change.*



*The entertainment uses in the area have increased.*



*New buildings in some areas are exceeding height permissions.*

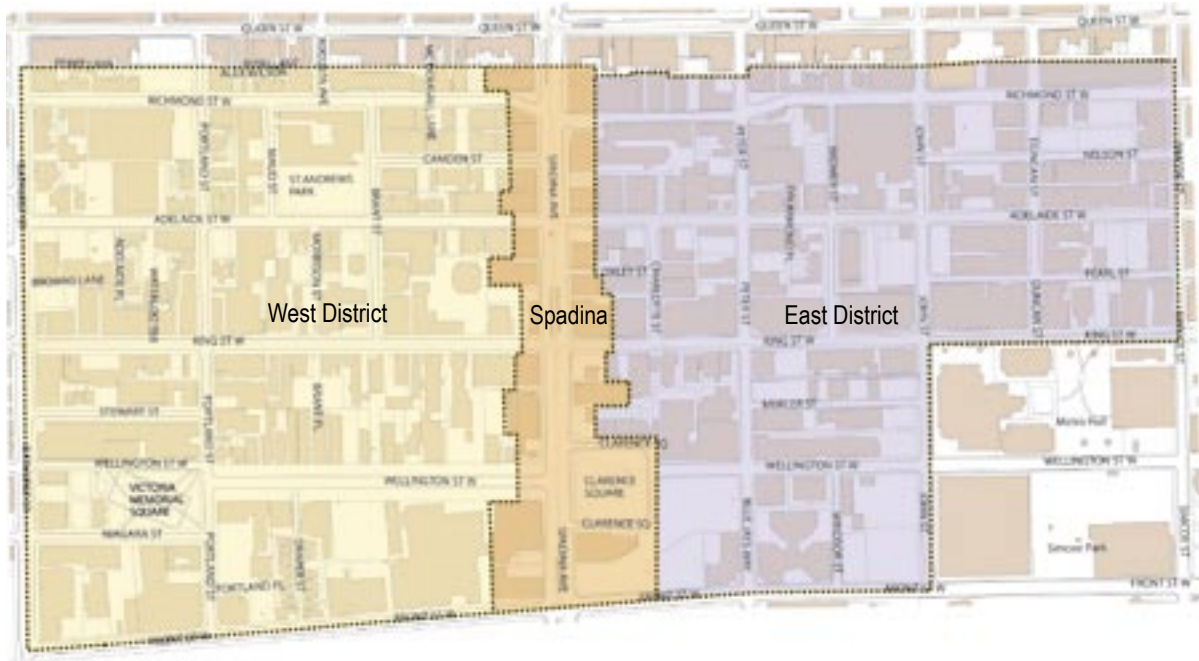
### 3.4 Character Districts

The result of physical changes to the area is a distinct setting in different parts of the area. In essence there is a character that can be attributed to each of three "districts". The character of each of these districts provides an important guide to the scale and nature of new development. Built form recommendations will be based on a recognition of the distinct qualities of the districts.

Portions of the area east side of Spadina Avenue exhibit a more intensive urban character, higher buildings and a high proportion of entertainment and mixed-use buildings. In this area, the older buildings often reach up to 12 industrial stores on Richmond Street.

The area west of Spadina Avenue is characterized by lower structures. The remaining lots often have narrow frontages and new development depends on acquiring multiple lots.

Finally, Spadina Avenue itself is distinct from the two character districts on either side in that it reflects the higher industrial buildings that have historically located on that street. The width of the street combined with the



Three character districts for the King-Spadina study area.



*In the west character district, remaining warehouses cover large portions of their site.*



*In the east character district and on Spadina, new buildings tend to be taller.*



*Historic industrial buildings give the area character.*

consistent street wall and architectural character result in a third precinct within King-Spadina.

The south side of Queen Street is more directly related to the character of the north side of Queen Street and for this reason is recommended to be removed from the plan.

### 3.5 The Historic Fabric

An important component of King-Spadina is the existing stock of industrial buildings that gives the area such a distinct character. These structures cannot be duplicated in a similar setting and, for that reason, those buildings of historical merit form an integral part of the fabric of this part of the City and are key to achieving the objectives of the King-Spadina Plan. The building, streets and the resulting streetscapes create a distinct character that is identifiable within King-Spadina. Equally important is the diversity of uses that are found in the buildings today.

The heritage fabric of King-Spadina is most evident in five distinct districts. Each contains a number of buildings that are characteristic of the built form of the vicinity. These buildings collectively define a historic district, or reflect the urban planning of a historic district.

While the districts represent the highest concentration of historic buildings within a characteristic locale, they are not inclusive of all historic buildings and properties within King-Spadina. It is important to note that the entire area contains buildings of historic importance and that only through the contribution of all of these buildings that the character of the area is defined.

The five districts include:

1. King Street Corridor District– East and West of Spadina
2. Wellington Street District
3. Draper Street Extension District
4. Spadina Gateway District
5. Richmond/Adelaide District

Characteristic to all of the five districts is that a number of the façades in each area include decorative brick features. The buildings on King Street and Wellington are largely built of red brick and as one approaches Simcoe Street on King Street, the buildings are brick with stucco or stone façades. Buildings in all of the districts dating from the 1880s have wood sash windows where the original windows remain. A number of the buildings on King Street, Wellington Street

and in the Richmond Adelaide District dating from 1900 onwards retain their original steel framing.

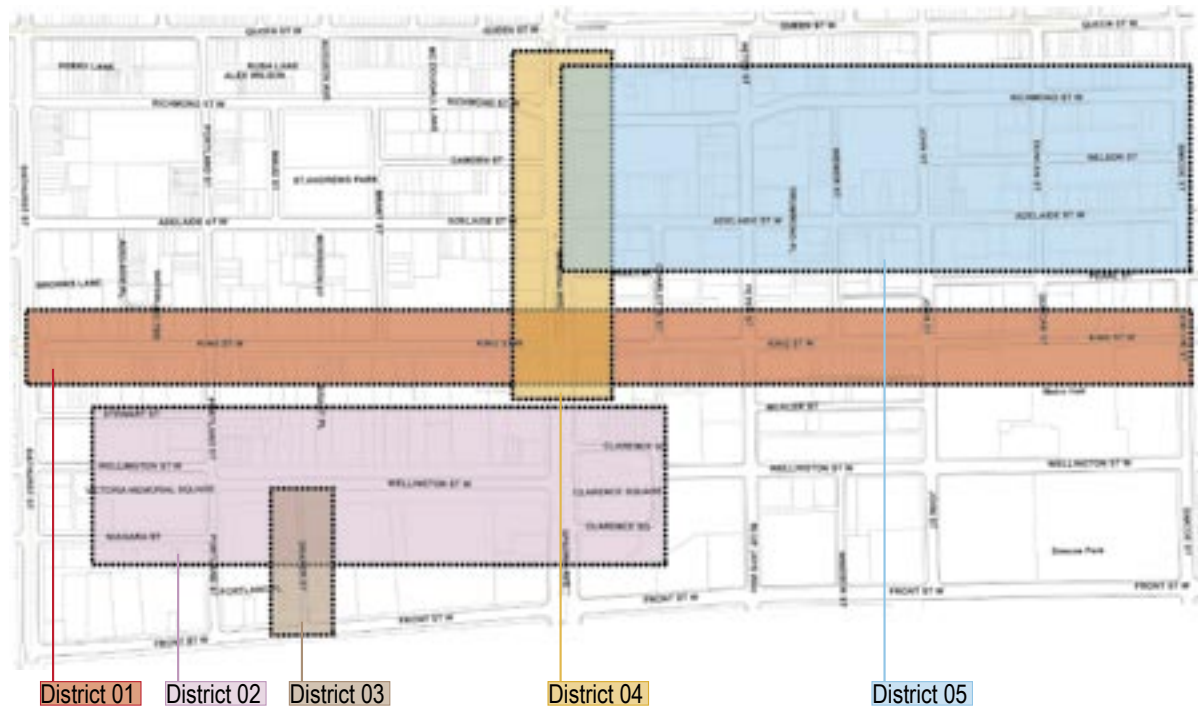
It is interesting to note that the purpose for which many of the buildings were constructed, including commercial, industrial and residential building remain in those uses today. However, many of the buildings have seen their street level spaces being renovated internally for retail uses.

The heights of the buildings vary along the streets from west to east. So, for example, buildings on King Street are 3 to 4 storeys at Bathurst Street at the west end of King-Spadina, rising to 5 to 7 storeys at Spadina and at Simcoe. The exception is several rows of 2 to 3 storey buildings east of Spadina. Draper Street is a residential enclave of 2 to 3 storey row houses. Spadina and the Richmond/Adelaide District have some lower buildings at 2 storeys but rise to approximately 12 storeys in both districts.

Wellington Street has an important history and a number of important buildings frame the street. The section west of Spadina from Victoria Memorial Park to Clarence Square



Historic commercial buildings on Wellington.



Five historic districts in King-Spadina.

Park is a rare surviving example of Georgian town planning in Toronto. The plan is notable for a street with a historic square at each end. The street was built as a residential neighbourhood. Victoria Memorial Park, the properties at 422 and 424 Wellington West and the terrace at Clarence Square are the remaining fragments of the original residential pattern. Other dwellings were demolished to make way for commercial buildings. The result is the commercial office and mid-scale manufacturing buildings located along the mid-section of Wellington Street west.

#### **Historic Fabric Recommendations**

In addition to implementing urban design guidelines for special streets within King-Spadina, the historic fabric of the area provides guidance on modifications to the King-Spadina Plan. Continued efforts should be undertaken to list and designate where appropriate buildings of historic significance in the five districts.

## 4.0 THE IMPACT OF ENTERTAINMENT ESTABLISHMENTS

With the decline of manufacturing and introduction of large entertainment facilities like the SkyDome and theatres in the 1980s, the area began to see the gradual introduction of larger restaurants. In the 1990s, changes in permissions for nightclubs, along with the introduction of Reinvestment Area zoning made the King-Spadina area an attractive location for nightclubs. By the late 1990s, the proliferation and concentration of the nightclub activity, as well as the sheer scale of the use of these facilities, began to upset the comfortable balance of entertainment uses. Today, with a licensed capacity of up to 50,000 nightclub patrons, the right of the resident population to quiet enjoyment of their community has been compromised. In addition, many of the businesses within the King-Spadina neighbourhood have experienced negative impacts during weekend evenings as business has been declining, as clientele no longer feel comfortable with crowds and activities in the area.

The responsibility of licensing and enforcement of licensed establishments in the City is shared by a number of groups. This includes the Alcohol and Gaming Commission of Ontario (AGCO), The City of Toronto Municipal Licensing and Standards Division and Toronto Police Services. In addition, these groups often need to work in tandem with noise by-law control officers and Toronto Fire Services. As a result the licensing and enforcement of bars and nightclubs in King-Spadina is complex and challenging.

The necessary solutions need to better manage the problems (mitigate, reduce or eliminate) and to re-establish a comfortable co-existence among all of the land uses within the King-Spadina area. It is an important principle to remember that the intent is not to shut down nightclub activity, but to manage the conflicts better in order to re-establish the broad based appeal of the area.

### 4.1 Nightclubs

Nightclubs have been identified as a specific land use activity that is clearly creating undue, adverse impacts on the community. These undue adverse impacts are a result of the operation of the individual nightclubs, as well as an array of spin-off effects that are a direct consequence of the concentration of the nightclub activities in King-Spadina. There are three basic conflict categories that must be comprehensively addressed to manage the problems, including:



*Clubbers waiting in line in King-Spadina.*



*Crowded street and sidewalk in front of the Paramount on Richmond Street.*

- Noise - Excessively loud music from indoor and particularly outdoor venues. Ambient crowd noise resulting from sheer numbers of patrons milling about in the area at closing time;
- Safety - Control of the outdoor crowds at closing time. Ongoing reports of violence and other illegal activities which threaten the safety of residents, tourists, and clubbers; and,
- Cleanliness - Excessive street garbage from club advertising, as well as from crowds walking the streets and standing in line-ups. The area is also plagued with graffiti and vandalism, although arguably typical of any downtown neighbourhood.

#### **4.2 Nightclub Noise Characteristics**

Noise from nightclubs is associated with music, which in turn, is characterized by a very strong bass beat. The music is usually generated on a dance floor inside the club, commonly with several banks of loudspeakers arranged around the dance floor. The music spills out over the rest of the club, which is generally not partitioned. The sound levels on the dance floor commonly range up to 110 to 120 dBA as short-term maximum levels, with average levels in the range of 105 to 115 dBA.

Based on the above typical values, provincial limits for the noise exposure of employees (as contained in the Ontario Health and Safety Act - R.R.O. 1990, Regulation 851, Section 139) are likely to be exceeded in nightclubs on a regular basis. The high sound levels apply to nightclub staff as well as patrons.

The provincial limit is 115 dBA for exposure of unprotected ears at any time. In addition, the "exposure" (the combination of sound level and duration of exposure) for high sound levels are restricted as follows in a 24-hour day:

- 115 dBA 15 minutes or less
- 110 dBA 30 minutes or less
- 105 dBA 60 minutes or less

#### **Outdoor Patios**

Restaurants and nightclubs often include outdoor patios, particularly for summer use. Owners and operators typically desire music outdoors on patios, as well as indoors, however, the outdoor sound levels are usually lower, on the order of 80 to 90 dBA. These are still levels, which would be considered somewhat loud if experienced indoors in a living room. If loud speakers are used to



create such sound levels on a patio area, the sound will propagate to residential properties at greater distances. Without sound reduction measures, the resulting sound levels can still be on the order of 55 to 65 dBA at distances of 100 to 200 meters.

### **City of Toronto Noise By-Law**

The existing Toronto Noise By-law limits noise from sources such as loudspeaker relative to a quantity known as the L90. The L90 is a statistical term used to describe time-varying sound, and is defined as the sound level exceeded 90% of the time. The L90 is generally considered a measure of the background sound. Outdoor noise varies continuously with particular sources of audible events such as nearby or distant vehicles and aircraft etc. However, there tends to be a background sound level established by the very distant traffic and the HVAC equipment associated with most buildings. This background noise is often known as "urban hum".

The Toronto requirement is that a noise source should not result in raising the L90 background level at a residence by more than 2dB. This requires that the source alone will be some 3dB less than the background measured at the same time and place. The form of this requirement is unusual in environmental noise regulations, and could be considered somewhat restrictive. However, it still does not mean that a new noise source will be inaudible but that it will not be particularly noticeable or intrusive.

For reference, the background, or L90, at downtown residential locations (e.g. second and third floor balconies somewhat removed from the street) will typically be on the order of 50 to 55 dBA at around midnight.

From the above it can be seen that patio music has the potential to affect residential locations to distances of 100 meters or more from the patio. Typical noise control measures for patios include controls on the volume of the sound, curfews, and construction of significant noise barriers around the perimeter of the patio i.e. walls 2.5 to 3m high. Unfortunately, such walls will not reduce sound levels at adjacent buildings that are significantly higher than the patio.

The Ontario Ministry of the Environment guidelines for noise sources such as patio music is somewhat less restrictive than those of the City of Toronto. The MOE guideline requires that noise from a stationary source (i.e. the noise source is stationary such as a commercial or industrial facility rather



*After the nightclubs close, the streets become crowded with cars and pedestrians leaving the King-Spadina Area.*

than a transportation source such as a highway) does not exceed the average sound level from traffic at the same time and location. The average sound level is actually an energy average over a 1 hour time period. This criterion becomes restrictive in the very late evening and early morning hours when traffic volumes and thus traffic noise decrease. For a typical downtown residential location, the energy-average noise will be on the order 55 to 60 dBA during the evening.

Traditionally, the City of Toronto has not used the MOE criteria but rather the Toronto Noise By-Law, as described above. There was a proposal to revise the Toronto By-Law to be harmonized with MOE requirements (which are used over most of the rest of the Province) but this was defeated in the 1990s and is not currently under consideration.

### **Noise Propagation within a Building**

Nightclubs can be located in the lower levels of residential buildings such as apartments and condominiums.

Background sound levels in modern apartments are typically 25 to 30 dBA. The Ontario Building Code requirement for sound transmission between adjacent living units is expressed in terms of a Sound Transmission Class (STC) rating, which is a measure of the noise reduction across a wall. The rating in the Code is STC-50, which means that if music is played in an apartment at level of about 80 dBA (not a particularly high level) then the bass of the music will be audible in the adjacent apartment but should not exceed the background sound level. This would be true in an adjacent apartment whether beside, above or below.

For noise propagating to apartments higher or lower than the adjacent apartments, the reduction in sound level per floor is approximately 10dB. The reason for this number for being small is that noise is conducted through the structure itself rather than passing through the air in an apartment and then through the floor above. This process is known as "structural flanking".

Thus, 90dBA music would typically be audible two floors above or below; 100dBA music-3 floors; 110dBA music-4 floors etc, all of these values being very approximate. Thus, the expectation in a modern concrete apartment building would be that nightclub music would be audible and disturbing for 4 to 6 floors above and audible 6 to 8 floors above.

In older buildings, such as converted warehouses etc, with wood floors, the STC values can be much less so music is louder on the immediately adjacent floors but, because the structural flanking is less, noise will not carry to as many floors above.

### Noise Propagation Out of a Building

Windows and doors pose a particular problem for nightclubs built into existing buildings. Older buildings tend to have very heavy masonry walls, which are good at containing low frequency (or bass) noise. However, the windows tend to be large and glass allows the bass part of the music to transmit very easily. Similarly, single doors in themselves are poor at restraining the music, but because they are often continuously in use for entering and exiting, they temporarily allow a great deal more music to emanate. From the residential receivers point of view, this can make the music more annoying, because the sudden changes in level are more distracting.

### Modification of Buildings to Accommodate Nightclub Noise

Noise control is onerous for nightclubs because of the relatively high levels of the bass component of the music, which propagates well through building structures. Reduction of bass sound levels requires heavy construction, and/or the incorporation of large air spaces into constructions. Containing the noise generally requires double wall and double ceiling constructions; and also, in some cases, double floor construction and double doors separated by corridors (or "sound locks"). Double ceilings are hung on spring hangers, and double walls supported with special sway braces, to prevent vibration, and hence noise, transfer.

Because of the high sound levels associated with nightclubs these additional ceilings and walls tend to be heavy and thus structural capacity (resulting from Building Code limitations) is a major concern. The structural consideration, capital cost and complexity of these constructions can make it difficult to put a night club into many, if not most, buildings where there is also residential or other noise sensitive occupancy.

After a nightclub is in operation, the noise control measures described cannot be added without destroying the entire interior of nightclub. Noise control measures must therefore be added (when it is feasible to do so) before the club is built.



*The energy-average noise level for a typical downtown residential location is between 55 and 60 dBA.*

### **The Need for Acoustical Input into Nightclub Design and the Approval Process**

The City of Toronto Noise By-Law; the planning and licensing processes; and Ontario Ministry of the Environment requirements all exist and provide mechanisms for the control of noise from nightclubs.

#### **Toronto Noise By-law**

To be effective, the control of nightclub indoor and outdoor noise needs to be pre-qualified at the Building Permit stage. Feasibility studies can also be prudent at the planning stage. It is appropriate as part of the approval process for nightclubs to require an Acoustic Report prepared by a Professional Engineer qualified in acoustics and noise control.

Analogous to an Acoustic Report requirement is the planning requirement for an "Acoustic Study" or a "Noise Impact Statement" as is often required by the Toronto Planning department for new buildings – be it industrial buildings near residential sites or residential buildings near industrial, road, rail, etc. More broadly, the Acoustic Study could be thought of as part of an Environmental Assessment.

#### **Municipal Licensing**

The recently adopted By-law No. 20-2006 requires the preparation of an Acoustic Report for proposed nightclubs. This amendment to Municipal Code Chapter 545 requires the inclusion of the consideration and restriction of noise from nightclubs into the licensing approval process.

#### **Ontario Ministry of the Environment**

Provincially, the Ministry of Environment requires a "Certificate of Approval" (C of A) for sources of "contaminants" – gas, particulates, noise and vibration, etc. The C of A is granted under the Environmental Protection Act once a source of contaminant has been shown by analysis to meet the Ontario guidelines for the particular contaminant – prior to the operation of the source. Often, as a condition of a C of A, the Ministry of Environment will require an audit to be completed of the emissions from a source by third party, within a specific time frame from the issuance of the C of A

### **4.3 Tools to Manage the Nightclub Issue**

The management of nightclubs is shared by a number of groups. The City, through Municipal Licensing and Standards issues and sets regulations for business licenses and undertakes enforcement and inspections on this basis

as well as the responsibility of bylaw enforcement for noise, garbage and other similar controls. The Province through the AGCO, issues liquor licenses and undertakes inspections. Toronto Police Services is involved in the management of nightclubs and patrons and Toronto Fire Services undertakes inspections regarding fire safety and capacity. As a result, the tools available to manage nightclubs fall within a number of jurisdictions and are more effective when implemented as a package rather than individually.

## **The Liquor License Act (LLA)**

### ***Existing Opportunities***

Currently, the City of Toronto has a number of ways to provide input into the processing of licenses for nightclub establishments. In addition, there are also a number of ongoing initiatives at the Provincial level, which may have a positive impact on the use, and enjoyment of the King-Spadina Area.

The Liquor License Act provides a number of opportunities for the City of Toronto to participate in the approval of licensing of establishments in King-Spadina. These include Section 7.1 Regulation 719, which allows the City to pass a Council resolution requesting the Alcohol and Gaming Commission (AGCO) not approve any future applications for a liquor license in the King- Spadina Area. If an application for a license does come before the Commission, a hearing must be held and the applicant must provide evidence as to why the issuance of the license is in the public interest. The City attends the hearing and provides support for the resolution. The King-Spadina study, as well as the documented ongoing challenges the City is facing with nightclubs in the area, provides strong support for the resolution.

### ***Proposed Changes to the Liquor License Act***

In December 2005 the Ministry of Government Services announced a review of the Liquor License Act and invited consultations with stakeholders. This review provides an excellent opportunity for the City of Toronto to investigate, in conjunction with the AGCO, possible amendments to the Act.

In addition, the recently approved City of Toronto Act may also provide an opportunity to implement amendments to the Liquor License Act.

## ***Possible Additional Amendments to the Liquor License Act***

### **Request for Separate Categories for Nightclubs and Restaurants.**

Currently nightclubs and restaurants are under one class of license. The current review by the Province creates an opportunity for the City to request an amendment to the Regulations that would allow for a separate class of license for nightclubs. Government support will depend to what extent a need exists for a province wide change as opposed to a change that is unique to one area of Toronto. The City would have to show that the recent By-law creating a new class of business license cannot function effectively without a change in the LLA regulations.

### **Concentration of Licensed Establishments**

Currently there is no consideration with respect to the concentration of licensed establishments within an area in the approval process for liquor licenses. However, there is a provision in the Liquor License Act requiring municipal approval for issuing a liquor license due to the significant impact stadiums have on density, noise, traffic and enforcement. If the concentration of licensed premises in an area approaches that of a large venue like a stadium there is an argument that the City should also have a say in any future issuance of new licenses. In the case of King-Spadina where the total capacity exceeds that of the Rogers Centre, the City should also have authority to refuse the issuance of any more licenses.

An amendment to the Act would help extend the requirement for municipal approval when a predetermined density would be exceeded within a given geographic area. This may be implemented by:

- an amendment to Liquor License Act Regulation 719 Section 7.1 giving the AGCO the authority to use the density of licensed establishments as grounds to refuse to issue a liquor license; or,
- an amendment to Liquor License Act Regulation 719 under 76 (1) could grant a municipality authority to refuse to approve an application for a license if the density in a specific area exceeds a certain level; or,
- an amendment to Liquor License Act, which requires municipal approval for establishments over a pre-determined capacity, may be possible.

## Municipal Activities

### ***Toronto Municipal Code***

On February 2, 2006 the City enacted By-law No. 20-2006 to make amendments to Toronto Municipal Code, Chapter 545, Licensing. This By-law provides a number of important changes regarding the regulation and operation of entertainment facilities. Further, there are a wide range of potential solutions, which will help to address the safety, noise and cleanliness problems facing the King-Spadina community. However, the solutions must be balanced and fair to both business operators and residents. The objective is not to eliminate nightclubs from the area, but to have both safely and comfortably co-exist in the community. For the most part, the solutions presented in this section include both ongoing initiatives currently underway by the City and the Province, as well as potential planning solutions for the management of entertainment facilities in King-Spadina.

### ***Establish a new Classification/Definition for Nightclubs***

Nightclubs are included in the definition of an Entertainment Establishment in the City's planning documents. However, the impacts of a nightclub, versus a theatre versus a restaurant/bar are very unique. It is useful to differentiate the categories of Entertainment Establishment uses throughout the various City documents to clearly articulate the differences among this very diverse land use classification.

On February 2, 2006 By-Law No. 20-2006 was enacted by Council. This amendment to the Toronto Municipal Code, Chapter 545 establishes a new class of business license: Entertainment Establishment/Nightclub. This new class of business is defined as follows:

"ENTERTAINMENT ESTABLISHMENT/NIGHTCLUB: a premises, including but not limited to a dance hall or disco, used to provide dance facilities for patrons, where seating is not provided for the majority of patrons and where food and/or beverage services may be offered for sale as an ancillary use."

Based on this definition, a common definition for Entertainment Establishment/Nightclub within the King-Spadina Plan and implementing zoning by-law has been established through zoning by-law amendments enacted by City Council in February 2006 and April 2006 (By-laws 198-2006 and 301-2006). This change helps to differentiate nightclubs and their impacts from other Entertainment

Establishment uses, as well as to harmonize planning controls with the Municipal Code and licensing agencies.

***Improve Nightclub Management and Security***

Further to the new class of business, Entertainment Establishment/Nightclub, the Toronto Municipal Code Amendment enacted in February requires that nightclub operators follow a host of standards including:

- requirements for liability insurance;
- minimum security requirements including requirements for security personnel and the use of metal detectors;
- requirements for security personnel;
- requirements for noise and crowd control plans; and,
- requirements for debris management.

However, in addition to requiring a Crowd Control Plan for orderly entry into an establishment, it is recommended that a plan for orderly dispersal of patrons also be required.

***Establish a Business Improvement Area***

A BIA for the entire King-Spadina Area would have a variety of substantial benefits, including:

- a stable management and funding structure to implement enhanced maintenance and promotional activities geared specifically to King-Spadina;
- a formal administrative structure that would include all business owners, including night club operators, to discuss cooperatively the array of ongoing issues within the Area; and,
- a more direct and organized connection to City staff and the resident's associations in dealing with issues related to development applications, operational issues and concerns about policing/enforcement.

***Establish an Enforcement Task Force***

Currently AGCO, fire/building inspections, police and bylaw enforcement is not a coordinated effort. In some instances, inspection officers from various agencies are not always comfortable undertaking an enforcement role, especially in a setting such as a nightclub. Having police presence along with the other agencies will improve the inspection process. In addition, identifying and closing establishments, which are not being responsibly managed, is easier when multiple violations are identified.

A coordinated approach to enforcement involving a team of inspectors from AGCO, Toronto Police Services, Toronto Fire Service, and noise enforcement should undertake routine



inspections. Inspections followed up by reports to the AGCO and expedited hearings, would send a message to the community that compliance with the law is priority. A joint force approach would help AGCO staff seek stiffer penalties at Commission hearings where there are multiple and a pattern of infractions involving licensed establishments. The City should work with the AGCO in establishing an enforcement task force.

### ***Enhance Crowd Control***

Throughout the course of the discussions with the stakeholders, an array of crowd control measures were discussed. The following is a summary of the key opportunities:

#### **Bill 159**

Bill 159 is an amendment to the Private Investigators and Security Guards Act. The amendment requires the licensing and training of door and security staff in bars and nightclubs. The Bill was carried at third reading on December 15, 2005 and received Royal Assent on that date. It will come into force on a day to be named by proclamation. Regulations are being drafted in consultation with a stakeholder group.

#### **Restrict On Street Parking**

On street parking is currently permitted in front of many clubs throughout King-Spadina. Parked cars restrict on street traffic flow, which leads to on street congestion and in some cases, creates difficulty for emergency services to move through the area. Parked cars also restrict the movement of pedestrians on the sidewalk, which can lead to altercations. Freeing up the curb lane would also improve access to taxi cabs.

It has been suggested that “No Standing Zones” be implemented immediately on Richmond and Adelaide between the hours of 10 pm and 3 am within the King-Spadina area. Other streets within King-Spadina should be considered for similar treatment.

#### **Improved Lighting**

Improved lighting throughout King-Spadina will make it less appealing to loitering and will encourage patrons to move through the area quicker. Lighting improvements will also improve visibility and make the ability of performing illicit activities unnoticed less likely. Improved lighting is a major deterrent to illegal activities, as well as a contributor to enhanced crowd control. Lighting can be improved throughout King-Spadina by:

- undertaking an audit of current lighting conditions throughout the community and making maintenance of street lighting by Toronto Hydro Street Lighting Inc a priority within the community;
- adding new street lights in poorly lit areas such as parking lots and lanes;
- encourage all new developments to establish and implement an appropriate lighting program around buildings and properties; and,
- encourage nightclub uses to meet minimum lighting standards around their buildings.

However, Toronto Hydro is responsible for lighting on public property and property owners are responsible for lighting on private land. Therefore, the City does not have the authority to require upgrades to lighting on private property. A BIA for the King-Spadina area could assist in having all parties including the City and landowners work in cooperation to improve lighting throughout the district.

#### **Implement Noise Control Initiatives**

Noise is a fundamental issue in the King-Spadina Area. Nightclubs have a direct impact on noise both because they are a generator of noise individually, and the concentration of nightclubs has created a crowd noise issue. The following approaches need to be considered in controlling noise:

- enforce existing by-laws and standards with respect of noise levels in nightclubs to ensure City and Provincial standards for work place safety and Environmental Noise Regulations are not being exceeded and that the impacts on neighbouring properties are reasonable;
- hire more, and enhance training for noise by-law enforcement staff;
- adjust working hours for noise by-law enforcement staff to include weekends and evenings when the majority of the noise by-law infractions occur;
- require the completion of a noise control and crowd control plan as an application requirement for obtaining an entertainment establishment/nightclub license or renewal as stipulated under recently adopted by-law No. 20-2006;
- require the completion of an acoustic report as a requirement for obtaining a building permit for any new Entertainment Establishment/Nightclub in a new or existing building. The report shall identify the noise control measures required to meet City and Provincial Noise Standards in both new construction and existing building retrofits, regardless of the use of the building. The intent is to curb noise sources and to sound proof



*Proper lighting is an important aspect of helping to keep King-Spadina safe.*

- adjacent office and residential land uses; and,
- increase fines for noise by-law infractions with escalating fines for repeat offenders.

### ***Control the Number, Size and Concentration of Nightclubs***

Today there is a tremendous concentration of between 70 and 80 nightclubs in King-Spadina, with an estimated capacity to accommodate some 50,000 patrons (data provided by the King-Spadina Residents Association, updated as of August 18, 2005). As noted, this concentration, and the fact that the nightclub establishments all close at approximately the same time, creates tremendous adverse impacts on the community.

Typical planning tools, including the King-Spadina Plan and the implementing Zoning By-law, can control the number, size and concentration of any land use.

It is important to note that any changes to the current King-Spadina Plan and/or the implementing zoning by-law will be subject to appeal to the Ontario Municipal Board. As such, all policy/regulation proposals will need to be very carefully considered and justified in the context of defining the right of the resident population to reasonable enjoyment of their property, and the ability of the planning tools to mitigate undue, adverse impacts on the adjacent residential community.

## **4.4 Recommendations**

The following is a recommended approach for dealing with the nightclub issue in the King-Spadina Plan:

1. Include a specific definition of Entertainment Establishment/Nightclub. A nightclub is a specific land use that has specific community impacts. It is a reasonable approach to define and to regulate any land use that creates impacts that need to be managed. It is recommended that the definition of a nightclub that has been established in the revised Toronto Municipal Code be used in the corresponding planning documents, as follows:

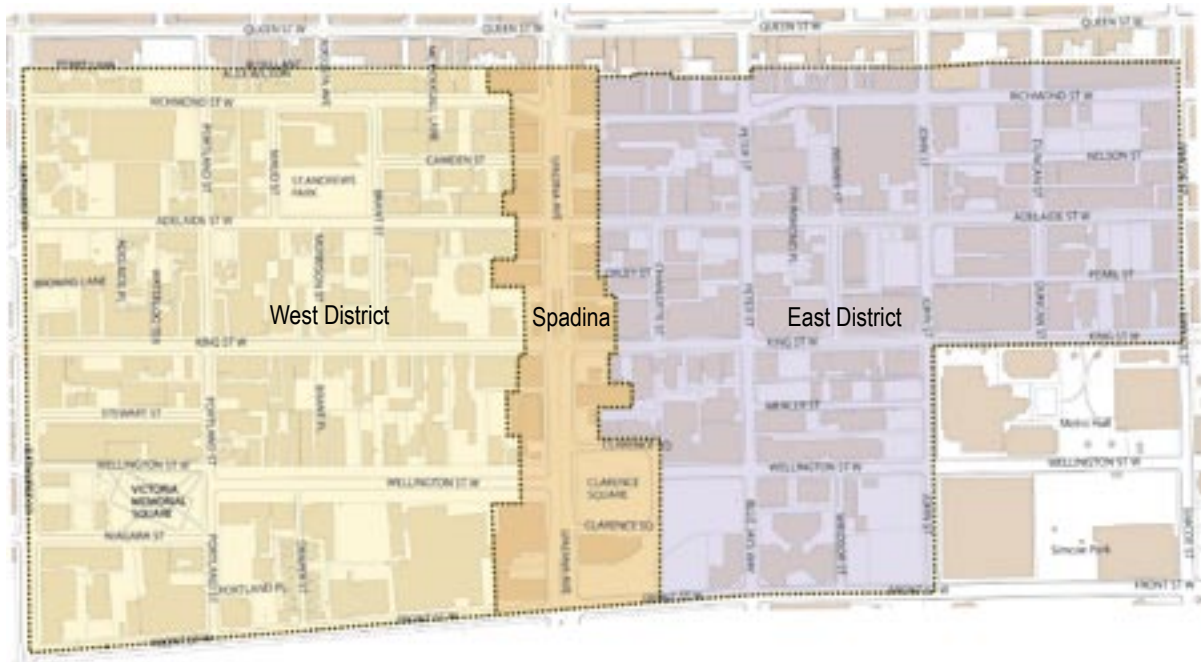
*"Entertainment Establishment/Nightclub: a premises, including but not limited to a dance hall or disco, used to provide dance facilities for patrons, where seating is not provided for the majority of patrons and where food and/or beverage services may*

*be offered for sale as an ancillary use.”*

This recommendation was implemented in February 2006 and April 2006 through By-laws 198-2006 and 301-2006.

2. Divide the King-Spadina Area into three distinct districts. The proliferation of nightclubs in the King-Spadina Area has developed with a very distinct pattern of concentration. As identified on the Map provided by the King-Spadina Resident’s Association, the bulk of the “entertainment” uses - including nightclubs, bar/restaurants, theatres, hotels etc. - are located well to the east of Spadina Avenue. The reasons for this clustering are complex; it is partly a result of the historic development pattern, and the proximity to major entertainment facilities (Rogers Centre, Roy Thomson Hall, the Metro Toronto Convention Centre, Princess of Wales and Royal Alexandra theatres), subway facilities and the Financial District of the City.

On the other hand, development pressure along Spadina Avenue and to the west has been dramatically slower to materialize, and no substantial clustering of nightclubs or bar/restaurant uses has yet materialized.



*The three distinct districts of King-Spadina.*

As a result, it is considered appropriate to divide the King-Spadina Area into three distinct districts that are consistent with the character districts and that recognize the different contexts through which the nightclub issue can be appropriately dealt with through planning controls.

3. Establish new planning regimes for the three districts, as follows:

**West District:**

- The intent of the planning regime for Entertainment Establishment/Nightclub uses in the West Precinct is to permit the use, but to regulate it extensively to avoid the further proliferation and concentration of nightclubs in this area;
- As such, Entertainment Establishment/Nightclub is recommended to be a permitted use in this designation, subject to the following regulations:
  - the maximum total Licensed Capacity of Entertainment Establishment/Nightclubs within the West Precinct, shall be 12,500 patrons;
  - the maximum number of individual Entertainment Establishment/Nightclub establishments located within the West Precinct shall be 25;
  - the maximum number of patrons permitted by Liquor License within any individual Entertainment Establishment/Nightclub shall be 400 persons; and,
  - each individual Entertainment Establishment/Nightclub shall provide an interior staging area for patrons. The capacity of the area shall be based on a need to accommodate 10 percent of the Licensed Capacity of the establishment.

Note: City Council enacted Zoning By-Law Amendment 198 2006 on February 14, 2006 to prohibit nightclubs on Spadina

Avenue and to limit their location, number and size west of Spadina. That By-Law is now in force and effect.

**East District:**

- The intent of the planning regime for Entertainment Establishment/Nightclub uses in the East Precinct is to permit the use, but to provide additional regulation in order to better manage the nightclub issues in this area;
- As such, Entertainment Establishment/Nightclub is recommended to be a permitted use in this designation, subject to the following regulations:
  - the maximum total Licensed Capacity of Entertainment Establishment/Nightclubs within the East Precinct shall be 30,000 patrons;
  - the maximum number of individual Entertainment Establishment/Nightclub establishments located within the East Precinct, shall be 50;
  - the maximum number of patrons permitted by Liquor License within any individual Entertainment Establishment/Nightclub shall be 750 persons;
  - each individual Entertainment Establishment/ Nightclub shall provide an interior staging area for patrons. The capacity of the area shall be based on a need to accommodate 5 percent of the Licensed Capacity of the establishment;

**Spadina District:**

- No nightclubs currently exist in the Spadina precinct;
- As such, it is recommended that Entertainment Establishment/Nightclub is not permitted as a use in this designation.

It should be noted that the above numbers are not based on quantitative data or detailed modeling. The suggested maximums were determined through analysis of existing conditions in the study area and discussions with various nightclub owners to help reduce the impacts of clubs throughout the study area. Therefore, the City may wish

to undertake further study in regards to the appropriate number of nightclubs and total capacity of nightclubs within each of the districts.

It is the generally agreed opinion that the only way to achieve measurable success in mitigating the issues created by the nightclub activity in King-Spadina is by implementing a comprehensive package of solutions. It is unlikely that one activity will solve all of the issues.

Further, there will need to be a commitment to cooperation, implementation and enforcement by all stakeholders, including the nightclub owners and managers. To reiterate the key principle, it is not the intention to shut down nightclub activity, but to manage the inherent conflicts better in order to re-establish the broad based appeal of the King-Spadina Area.

	<b>West District</b>	<b>Spadina District</b>	<b>East District</b>
<b>Intent</b>	<i>Regulate</i>	<i>Prohibit</i>	<i>Reduce</i>
<b>i) Nightclub a Permitted Use</b>	Yes	No	Yes
<b>ii) Ancillary at-grade, or above-grade outdoor patio with amplified music a Permitted Use</b>	No	n/a	Yes, with appropriate Noise Mitigation Plan
<b>iii) Maximum Licensed</b>	12,500 patrons (estimated existing)	n/a	30,000 patrons (an estimated 20 percent reduction in East District)
<b>Capacity in District</b>			
<b>OR,</b>	25	n/a	50
<b>Maximum number of Nightclubs in District, (whichever is less)</b>			
<b>iv) Maximum Licensed Capacity per Nightclub</b>	400	n/a	750
<b>v) Required Interior Staging Capacity</b>	10 percent of Licensed Capacity	n/a	5 percent of Licensed Capacity
<b>vi) External Lighting and Internal Noise Mitigation</b>	Required	n/a	Required

Summary of recommendations for the three districts.