TORONTO STAFF REPORT

June 20, 2006

To: Works Committee

From: William G. Crowther, Executive Director, Technical Services

Subject: Construction of Housing in Laneways
ALL WARDS

Purpose:

To address Councillor Adam Giambrone's request for a report on whether the construction of housing in laneways can be made more practical.

Funding Sources, Financial Implications and Impact Statement:

There are no financial implications arising from this report.

Recommendations:

It is recommended that:

(1) the City not permit construction of housing on existing laneways, except in special circumstances where there are no adverse privacy, overlook, shadowing and engineering servicing implications; and

(2) the City not permit construction of housing on proposed/future laneways.

Background and Discussion:

By way of a memorandum dated May 1, 2006, Councillor Adam Giambrone has requested that the Office of the Deputy City Manager report back to the Works Committee on whether the construction of houses on laneways can be made more practical, addressing issues such as water/sewage connections, garbage collection, snow clearing and other potential concerns. This report is prepared in consultation with Planning, Transportation, Water and Solid Waste Divisions.

Planning Considerations:

The construction of laneway housing in Toronto raises a number of issues that are broader and more fundamental than the practicality of providing City services such as snow removal, garbage collection and water/sewer connections. The construction of a laneway dwelling almost invariably involves the severance of the rear portion of a lot and relief from the zoning by-law standards for lot size, setbacks, landscaped open space and where there is no severance, for construction of a 'house behind a house' on the lot.

The Official Plan provides Council's vision and policies for what should be built in low-rise residential neighbourhoods. Whether or not a proposal for laneway housing implements the Official Plan is largely dependant upon the specific context. The Official Plan for the former City of Toronto states, in Section 12.5, that these areas will be regarded as stable and 'no changes will be made through zoning or other public action which are out of keeping with the physical character of the area'. The criteria of the neighbourhood physical character to be protected and enhanced are listed as: the pattern of streets and blocks, location and pattern of public and private open spaces, the siting of buildings in relation to the size and configuration of lots, the relationship between the public street, the front yards and the primary entrances to buildings and the nature of the streetscape as defined by landscaping, sidewalk, boulevard and road.

In the former City of Toronto there are several streets with a historical context of laneway lots such as Jersey Avenue, Croft Street and portions of Clinton Street, where an additional laneway home would fit the neighbourhood character and conform to the Official Plan---although issues of overlook and privacy may still have to be resolved through sensitive design. Where there is an unusually large lot depth, but no laneway housing, a proposal for a laneway dwelling may not reflect the physical character of the neighbourhood and conform to the Official Plan, but good conditions of privacy, overlook and open space can be achieved and an amendment could be supported if servicing issues can be resolved.

However, in most instances in the City proposals for laneway dwellings involve the construction of a second dwelling in the backyard, with or without severance that can create privacy, overlook and shadowing issues for the adjacent neighbours and will not respect the existing physical character of the neighbourhood. In these instances, a laneway dwelling is generally not supportable as good planning and doesn't conform to Council's Official Plan policies for neighbourhoods.

The new Official Plan for Toronto is anticipated to be in force in July 2006. The neighbourhood protection policies are very strong. Neighbourhoods are considered to be stable and no changes may be made that are not in keeping with the physical character of the Neighbourhood. Whether or not an application for laneway housing is supportable and conforms to Council policy depends on the immediate physical context. However, in the overwhelming majority of instances, laneway housing would be out of character with the neighbourhood, would not be supportable as good planning and would not conform to Council's Official Plan. There are special criteria for 'infill housing' that applies to lots with a different size and configuration that were used for non-residential purposes. However this 'infill' policy would not apply to buying up a property with

one house and severing it mid-lot to create two lots with two houses, one fronting on to a laneway.

Engineering and Servicing Considerations:

Notwithstanding existing exceptions in the City of Toronto, laneways are generally built to provide vehicular access to parking garages or parking areas located at the rear of a house. There is generally no municipal infrastructure in rear lanes other than lighting and lane drainage. Municipal services such as water, sewer connections and garbage and recycling collection is usually provided from the public street frontage of the house, except in special circumstances. According to the City's winter maintenance policies, snow ploughing in laneways is not provided by the City; rather laneways are salted due to the physical limitation on snow storage. Snow removal services are rarely provided, and only when absolutely necessary.

On December 5, 6 and 7, 2005, City Council adopted the recommendations of the "Development Policy and Standards – Phase 2 Report". This report established a range of public street standard cross-sections for grade-related residential dwelling units, such as single-family, semi-detached and townhouses. The report also defined the function of laneways to provide vehicular access to garages only for houses which already have public street frontage.

The only exception where a house can be constructed on a through lane is if it has frontage on a City park. In these circumstances, the house can be provided with municipal services such as water and sewer connections and garbage and recycling collection from the lane with the house fronting on a walkway in the park.

It is extremely difficult to fit all of the underground infrastructure (public and private) in the narrow confines of a lane. There are Ministry of Environment requirements for minimum separation distances between watermains and sewers as well as safety regulations and minimum separation distance requirements between hydro, gas, and watermain infrastructure. Utility companies are very reluctant to install infrastructure in lanes due to initial construction costs and future maintenance costs.

Apart from the increased installation costs, the cost of servicing and maintaining the City and private utility infrastructure in lanes is much higher. There are also increased liability and disruption problems associated with servicing and maintaining lanes. For instance, if a lane is the only access to a house, it would be impossible to provide maintenance and reconstruction of underground infrastructure without jeopardizing emergency vehicle access. Unauthorized parking within lanes may also hinder emergency service response.

Laneways not connected from street to street will not receive garbage and recycling services since solid waste vehicles are not permitted to back up due to safety issues.

Additionally there would be no room for sidewalks for pedestrians, nor room for trees and other streetscaping within the public realm. The City's Accessibility Design Guidelines strongly advocates sidewalks for all residential developments. Snow clearance in laneways is also

problematic as there is no snow storage space and the snow must be ploughed and trucked away using non-standard equipment at much higher costs.

Conclusions:

Construction of housing on laneways is not anticipated in the new Toronto Official Plan and it would not be supportable as good planning. Laneways are primarily constructed to provide vehicular access to parking garages for houses which already have public street frontage.

For the purpose of installing and maintaining both public and private utilities, laneways do not provide adequate space and therefore, compromise safety, result in extremely high costs, and increased disruption for residents.

Garbage and recycling collection, emergency vehicle access and snow clearing are all problematic operations in laneways, especially if the laneway is not a through laneway.

Construction of houses on lanes can be considered only in special circumstances when there are no privacy, overlook, shadowing and engineering servicing implications. One example would be a house having frontage onto a public park, but serviced from a lane in the rear.

Approval of housing in laneways would incur additional costs with respect to delivering, operating and maintaining City services such as snow removal, garbage collection, water and sewer infrastructure with specialized, non-standard equipment and techniques.

Staff of Planning, Transportation, Toronto Water, and Solid Waste Management Services have been consulted in the preparation of this report and are in agreement.

Contact:

Raffi Bedrosyan, P. Eng.
Acting Director, Development Engineering
Tel. No. 416-395-6307
Fax No. 416-395-0349
E-Mail: rbedrosy@toronto.ca

William G. Crowther, P. Eng.
Executive Director
Technical Services

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