

### **Second Units: Official Plan Amendment - Final Recommendation Report**

**Date:** June 12, 2018

**To:** Planning and Growth Management Committee

**From:** Chief Planner and Executive Director, City Planning

**Wards:** All

#### **SUMMARY**

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This report presents a recommended city-wide Official Plan Amendment for second units. The proposed policy change will clarify and strengthen existing policies that provide for a full range of housing and intensification and infill that is consistent with the Official Plan.

The recommended Official Plan Amendment reflects feedback received through public consultation with stakeholders, including the general public and relevant City Divisions. The Official Plan Amendment responds to provincial policy changes to the *Planning Act* and *Growth Plan for the Greater Golden Horseshoe, 2017* and reflects provincial direction to further encourage the creation of second units across the province. The recommended Official Plan Amendment is appended to this report as Attachment 1.

The proposed Second Units Official Plan Amendment would bring the City Official Plan into conformity with the Provincial Policy Statement and Growth Plan for the Greater Golden Horseshoe.

#### **RECOMMENDATIONS**

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The Chief Planner and Executive Director, City Planning recommends that:

1. City Council amend the Official Plan in accordance with the draft Official Plan Amendment appended as Attachment 1.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the recommended Official Plan Amendment as may be required.

#### **FINANCIAL IMPACT**

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There are no financial implications resulting from this report.

## **DECISION HISTORY**

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At its meeting of July 27-30, 1999, City Council adopted amendments to all comprehensive zoning by-laws of the former municipalities in order to widely permit secondary suites (second units located within a primary dwelling). These amendments permitted secondary suites within detached and semi-detached houses in all zones across the city and within townhouses in some residential areas provided they met certain criteria, including the Building Code and Fire Code. The Zoning By-law amendments did not contain provisions for second units within ancillary buildings.

Additional information can be found here:

<https://www.toronto.ca/legdocs/1999/agendas/council/cc/cc990727/plt3rpt/cl001.htm>

At its meeting on April 5, 2018, Planning and Growth Management Committee adopted staff recommendations endorsing the draft Second Units Official Plan Amendment for the basis of public consultation and directing staff to conduct public consultation and open house meetings to obtain comments and feedback on the draft amendment. The staff report and draft Second Units Official Plan Amendment can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.PG28.1>

On July 4, 2017, Toronto City Council directed City Staff to initiate a new Study to consider permissions for Laneway Suites within Toronto and East York District and report to Toronto and East York Community Council in early 2018. More information on this report can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE25.108>

On June 6, 2018 Toronto and East York Community Council adopted a Site and Area Specific Official Plan Amendment (Amendment 403) and an area specific Zoning By-law Amendment to set out permissions and requirements for laneway suites within the geography of the Toronto and East York Community Council area. These amendments are also accompanied by Design Guidelines. The laneway suites report can be accessed at the following links. More information on this report can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.TE33.3>

## **BACKGROUND**

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Second unit is an overarching term used to broadly describe an additional self-contained residential unit located within a primary dwelling (e.g. secondary suite) or within an ancillary building (e.g. laneway suite). A second unit is subordinate and connected to the primary dwelling through servicing and other matters and is not intended to be a stand-alone or severable unit. A second unit can take many forms and is often referred to as a secondary suite, basement apartment, accessory apartment, coach house or laneway suite.

## **Provincial Legislative and Policy Framework**

As set out in the April 5, 2018 report to Planning and Growth Management Committee, the Province of Ontario has updated and introduced new legislative and policy changes to encourage and promote the creation of second units across the province. These changes include amendments to the *Planning Act* to list second units as a provincial interest requiring municipalities to include Official Plan policies and zoning by-law provisions to permit second units within a primary dwelling or within an ancillary building.

## **Official Plan**

The Official Plan currently contains policies in Chapter 3 Housing that provide for a full range of housing in terms of form, tenure and affordability across the City and within neighbourhoods. These policies also state that the existing housing stock will be maintained and replenished through intensification and infill that is consistent with this Plan. The policies in Chapter 2 Shaping the City and Chapter 4 Land Use Designations support development in *Neighbourhoods* and *Apartment Neighbourhoods* that respect and reinforce the existing physical character of the neighbourhood.

## **Public Consultation Meetings**

On May 7, 8, 9 and 10, 2018, City Planning held public consultation meetings in each of the four community planning districts to present and receive feedback on the draft Second Units Official Plan Amendment. Notice of the public consultation meeting was provided through an ad placed in the April 25th edition of the Toronto Star. In addition, email and mail invitations were sent to over 300 resident associations and community groups. Approximately 25 people in total attended the four public consultation meetings.

## **Open House**

Based on the feedback received through the public consultation meetings, City Planning made minor modifications to the draft Official Plan Amendment primarily to clarify that a second unit in an ancillary building would be permitted where it can be demonstrated that it will respect and reinforce the existing physical character of the neighbourhood. This modified draft Official Plan Amendment was presented at an Open House held on June 5, 2018. Notice of the Open House was provided through ads placed in the Toronto Sun on May 24 and 31, 2018. Three people attended the Open House.

City Planning staff from Strategic Initiatives, Policy & Analysis and Zoning were in attendance at all public consultation meetings and the open house.

## **COMMENTS**

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City Planning provided the draft official plan amendment to the Ministry of Municipal Affairs. The Ministry had no comments on the amendment content.

## **Feedback from the Public Consultation Meetings and Open House**

Generally, people attending the public consultation meetings on May 7, 8, 9 and 10 were supportive of the draft Second Units Official Plan Amendment and had little concern with second unit permissions within primary dwellings, new or existing. In many instances, attendees acknowledged the benefits attributed to second units, either located within a primary dwelling or within an ancillary building, and were interested in seeing the opportunity for more second units created across the City.

With respect to second units located within ancillary buildings staff received a wide range of comments. Some participants at the consultation meetings suggested modifications to the terms used to describe these types of second units to reflect more contemporary references. Some comments at the meetings and in subsequent written submissions were of the opinion that the Official Plan Amendment should contain additional policies and regulations regarding privacy, separation distance, access and severances and make specific reference to other relevant sections of the Official Plan in order to strengthen the link between relevant policies.

There were also comments that the existing Zoning By-law regulations for secondary suites are too restrictive and limit the number of units being created across the city. Suggestions were made to amend the Zoning By-law to reduce parking requirements, permit second units within both new and existing primary dwellings and allow for the creation of more than one second unit on a lot.

Several participants at the meetings were interested to understand how the various second unit initiatives being brought forward by the City Planning Division are linked together.

The Toronto and Region Conservation Authority submitted a letter requesting that the draft Official Plan Amendment be modified to include provisions for prohibiting the creation of second units within hazardous lands.

At the Open House, participants were generally supportive of the Official Plan Amendment and highlighted the importance of second units in providing affordable rental accommodation and providing homeowners with rental income.

## **Proposed Revisions to the Draft Official Plan Amendment**

Based on the feedback received through the public consultation, minor modifications were made to the draft Official Plan Amendment to:

- clarify that a second unit within an ancillary building would be permitted where it can be demonstrated that it will respect and reinforce the existing physical character of the neighbourhood;
- use the term primary dwelling to clarify that second units are additional and subordinate to a primary dwelling on a lot;
- delete the terms granny flat, in-law apartment and nanny suite in the sidebar and replace them with the terms coach house and laneway suite; and

- add language to the sidebar to indicate that second units within ancillary buildings will have regard for matters such as: ensuring compatible height, massing and scale; maintaining adequate privacy, sunlight and sky views; and providing direct and safe access to meet fire and emergency service requirements.

The proposed modifications to the draft Official Plan Amendment clarify the policy and improve the relationship between the recommended policy and other policies in the Official Plan that speak to respecting and reinforcing the existing physical character of neighbourhoods. The existing natural environment policies of the Official Plan require that development be setback at least 10 metres from top-of-bank and other locations where there may be natural hazards. These policies would also apply to second units.

Attachment 1 to this report contains the recommended Official Plan Amendment.

### **Other Second Unit Initiatives**

The recommended Second Units Official Plan Amendment is one of three second unit related initiatives currently underway. These other city initiatives include:

- the Official Plan and Zoning By-law provisions to permit laneway suites within the geography of what is currently identified as the Toronto and East York Community Council area; and
- public consultation related to Zoning By-law Amendments for Second Units. A report is scheduled for the July 5, 2018 Planning and Growth Management Committee recommending that staff undertake public consultation to obtain comments on amendments to Zoning By-law 569-2013 to update the zoning by-law to reflect changes to provincial legislation regarding second units.

While related, each of these initiatives can be advanced separately and ultimately complement the policy intent to provide greater opportunity to enable the creation of a second unit within neighbourhoods within the city.

## **CONCLUSION**

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City Planning recommends approval of the recommended Second Units Official Plan Amendment to clarify and strengthen the City's Official Plan second unit permissions.

## **CONTACT**

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Kerri A. Voumvakis, Director, Strategic Initiatives, Policy and Analysis, City Planning Division, 416-392-8148, [Kerri.Voumvakis@toronto.ca](mailto:Kerri.Voumvakis@toronto.ca)

Jeremy Kloet, Senior Planner, Strategic Initiatives, Policy and Analysis, City Planning Division, 416-392-7863, [Jeremy.Kloet@toronto.ca](mailto:Jeremy.Kloet@toronto.ca)

## **SIGNATURE**

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Gregg Lintern, MCIP, RPP  
Chief Planner and Executive Director  
City Planning Division

## **ATTACHMENTS**

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Attachment 1: Draft Official Plan Amendment

## Attachment 1: Draft Official Plan Amendment

City of Toronto By-law No. ~-20~

### **AMENDMENT NO. 418 TO THE OFFICIAL PLAN OF THE CITY OF TORONTO**

Section 3.2.1 Housing, is amended by:

1. Adding the following policy as a new Policy 10:

"Second units will be encouraged in order to increase the supply and availability of rental housing across the city and within neighbourhoods. Second units may be provided within a primary dwelling in a detached or semi-detached house or townhouse. Second units may also be provided within a building that is ancillary to a detached or semi-detached house or townhouse where it can be demonstrated that it will respect and reinforce the existing physical character of the neighbourhood."

2. Adding the following new sidebar adjacent to new Policy 10:

"Second units are self-contained residential units subordinate to a primary dwelling, in which both kitchen and bathroom facilities are provided. Second units may also be referred to as a secondary suite, basement apartment, accessory apartment, coach house or laneway suite. Second units within ancillary buildings will have regard for matters such as: ensuring compatible height, massing and scale; maintaining adequate privacy, sunlight and sky views; and providing direct and safe access to meet fire and emergency service requirements."