

Changing Lanes: The City of Toronto’s Review of Laneway Suites – City-Initiated Official Plan Amendment and Zoning Amendment – Final Report

Date:	April 16, 2018
To:	Toronto and East York Community Council
From:	Acting Director, Community Planning, Toronto and East York District
Wards:	Wards 14, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, and 32 Toronto and East York District
Reference Number:	17 270684 SPS 00 OZ (Official Plan and Zoning By-law Amendments)

SUMMARY

This report recommends establishing a planning framework to permit laneway suites on lands within the Toronto and East York District that are designated as *Neighbourhoods* by amending both the Official Plan and City-wide Zoning By-law.

The City's Official Plan does not reference or set out specific provisions for second units, however second units are permitted city-wide as-of-right in the City-wide Zoning By-law 569-2013. A second unit can take many forms but is generally considered to be subordinate to the primary dwelling unit on a lot. Second units are an important part of the City’s rental housing stock. Laneway suites are one form of second unit.

Similar to other second units, laneway suites are a part of complete communities. They can provide more opportunities for people to live in ground related housing, for residents to live close to where they work, shop, and play and, can help make the city's urban lanes more green, liveable, and safe. Laneway suites can contribute to increasing the supply of rental housing and provide additional housing options for households at different ages and life stages.



At its meeting of July 4, 2017, Toronto City Council directed City Planning staff, in consultation with numerous City Divisions, to initiate a review and consultation of the City's current policy and planning framework regarding laneway suites within the Toronto and East York District. City Planning staff were directed to prepare a report to Toronto and East York Community Council with recommended policy and Zoning By-law amendments necessary to implement a laneway suite strategy, and with recommendations on other related matters such as the provision of affordable housing and infrastructure costs.

This report contains a detailed planning rationale for the introduction and regulation of laneway suites within the Toronto and East York area and discusses the policy implications and intent of proposed performance standards and criteria. These performance standards and criteria intend that laneway suites will provide a new form of ground-related, rental and extended family housing that will fit appropriately within the scale of established *Neighbourhoods*, and limit their impact on the existing physical character, while contributing to the growth of the City's rental housing stock.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the Official Plan, for the lands within the boundaries of the Toronto and East York Community Council, substantially in accordance with the draft Official Plan Amendment No. 403 appended as Attachment No. 2 to the report (April 16, 2018) from the Acting Director, Community Planning, Toronto and East York District
2. City Council amend Zoning By-law 569-2013, as amended, for the lands within the boundaries of the Toronto and East York Community Council area as it was known on January 1, 2017, substantially in accordance with the draft Zoning By-law Amendment appended as Attachment No. 3 to the report (April 16, 2018) from the Acting Director, Community Planning, Toronto and East York District;
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and Draft Zoning By-law Amendment as may be required;
4. City Council direct the Chief Planner and Executive Director, City Planning Division, to monitor all aspects of the implementation of the proposed Official Plan Amendment No. 403, identified in Recommendation 1, above, and the proposed Zoning By-law Amendment, identified in Recommendation 2, above, and the "Changing Lanes: Laneway Suite Design and Process Guidelines", for a period of up to three (3) years, and report to Toronto and East York Community Council in the fourth quarter of 2021, or earlier, if necessary, to review and recommend any necessary revisions to the policy, zoning and guidelines, and/or other changes to improve implementation;

5. City Council direct the General Manager, Transportation Services Division, in consultation with necessary City Divisions, to report to Toronto and East York Community Council in the first quarter of 2019 on the appropriateness of limiting the number of on-street parking permits issued to the owner or occupants of any lot containing a laneway suite;
6. City Council direct the Chief Building Official, Toronto Buildings, in consultation with necessary City Divisions, to advise City Planning, Transportation Services, Parks, Forestry, and Recreation Divisions, and Toronto Hydro of any building permit applications received after January 1, 2019 for laneway suites, for information; and,
7. City Council direct the Director, Affordable Housing Office, to report to the Executive Committee in the second quarter of 2019, as part of the City's Housing Opportunities Toronto Action Plan for 2020-2030, on the implementation details of a Pilot for Affordable Laneway Suites as summarized in this report.

Financial Impact

The recommendations in this report have no financial impact.

BACKGROUND

Second Units Background

Shortly after amalgamation, the City of Toronto passed amendments to all the comprehensive zoning by-laws of the former municipalities to widely permit second units within principal dwellings which had existed for at least 5 years. This approach was approved as modified on July 6, 2000, after a lengthy hearing at the Ontario Municipal Board and permits second units within detached and semi-detached houses across the city and in some residential areas, within townhouses.

Over the last twenty years, the City has undertaken a number of initiatives to support and encourage the creation of second units. These initiatives include a consultant study in 2004 and a series of three information handbooks created in partnership with the Landlord Self-Help Centre and Ministry of Municipal Affairs, which was recently updated in 2017.

Laneway Suites / Housing Background

On May 1, 2006, City Council requested that the Office of the Deputy City Manager report 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.

At its meeting on July 25, 26 and 27, 2006, Toronto City Council considered a report from Works Committee titled "Construction of Housing in Laneways". The report states that the City's laneways are primarily constructed to provide vehicular access to parking garages for houses which already have public street frontage and outlines that the

construction of housing on laneways was not contemplated by the Toronto Official Plan and doing so would not constitute good planning.

The report contained recommendations against the construction of laneway houses on existing and future laneways, except in special circumstances. A laneway house may be approved by City Council where it can be demonstrated that there are no adverse privacy, overlook, shadowing and engineering servicing implications in constructing the laneway house.

The recommendations of the report were adopted as amended by Toronto City Council on July 25, 26 and 27, 2006.

This report is available at:

<http://www.toronto.ca/legdocs/2006/agendas/council/cc060725/wks5rpt/cl005.pdf>

Private Sector Initiatives Regarding Laneway Housing

Three private sector studies - "Site Unseen" (2003) by Brigitte Shim and Donald Chong; "A Study of Laneway Housing in Toronto: Phase One and Two" (2003) by Jeffery Stinson and Terence Van Elslander; and "Laneway Suites – A New Housing Typology for Toronto" report by Lanescape and Evergreen (2017) – have also examined opportunities, challenges and options for introducing housing along Toronto's laneways. The research and findings from these studies were considered in the development of this report.

Site Unseen (2003)

"Site Unseen" (2003) by Brigitte Shim and Donald Chong encourages laneway housing as a desirable form of compact development in areas with existing infrastructure and public transportation. The study recommends the City update its planning framework to permit and regulate laneway housing. The study emphasizes the importance of input from residents and planners who are familiar with neighborhoods in developing a policy approach to laneway suites.

A Study of Laneway Housing in Toronto (2003)

"A Study of Laneway Housing in Toronto: Phase One and Two" (2003) by Jeffery Stinson and Terence Van Elslander was drafted to create awareness of laneways as opportunities for additional housing. The study reviews and considers issues with laneway housing, such as density, housing quality, scale, open space, overlook parking, garbage, sewage and water, electricity, natural gas, firefighting, and change of use. The study reviews these challenges in the development of laneway housing, and suggests that the City develop and endorse a framework to allow laneway housing on suitable lots.

Laneway Suites: A New Housing Typology for Toronto (2017)

The "Laneway Suites – A New Housing Typology for Toronto" report by Lanescape and Evergreen, dated May 26, 2017, outlines a potential strategy and design for the permission of laneway suites in Toronto's neighbourhoods.

The study defines a laneway suite as detached secondary suites (non-severable units) that remain under the same ownership as the main house; intended for use as rental housing, for family members, and for aging-in-place; serviced through a connection to the principal residence or main street; and recognized under Provincial legislation as a means to supporting intensification and increasing low-rise neighbourhood-oriented rental stock.

The study provides a number of performance standards regarding both the design and technical requirements for laneway suites in Toronto's low-rise neighbourhoods, which were developed in consultation with residents and some City Divisions. These performance standards include restrictions on maximum height, number of storeys and building depths, and contain guidelines with respect to the use of angular planes and the massing of two-storey laneway houses to limit impacts on adjacent properties. The study also details fire and emergency services access requirements.

The study provides a set of recommendations to implement a laneway suites strategy. These action items include the development of Official Plan and Zoning By-law regulations; exempting laneway suites from development charges; implementing laneway suites policies City-wide; and establishing a monitoring framework once implementation is in place in order to evaluate and improve the laneway suites strategy.

Council Direction to Study Laneway Suites (2017)

On July 4, 2017, Toronto City Council directed City Planning 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. Council directed staff to:

- consider any recommended changes to the Official Plan and Zoning By-laws regarding areas within the Toronto and East York District necessary to permit laneway suites;
- suggest a one year monitoring period;
- review the Laneway Suites report from Lanescape and Evergreen, noted above;
- develop and undertake an enhanced consultation plan, including specific outreach and consultation with local Residents' Associations;
- consider staff resources, cost, incentives, and application review processes and timelines, comparable actions from other municipalities that have implemented laneway suites;
- consider alignment with laneway animation objectives;
- recommend policies to ensure the provision of affordable housing as part of the laneway suites initiative;

- undertake an analysis of the incremental costs and associated mitigation measures required to responsibly upgrade and maintain laneway public spaces in the event laneway suites are approved;
- refer to the Harbord Village Resident's Association laneway report studying the potential constraints and impacts in the Harbord Village Neighbourhood.

City Council direction to Study Laneway Suites – July 4, 2017

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

At its meeting on March 19, 2018, Executive Committee directed City Planning staff to report on any planning and/or legal authorities that are available which would permit the City to impose conditions for affordability for rented laneway housing.

That motion can be found here.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.EX32.19>

Proposal

This report recommends amendments to the Official Plan and Zoning By-laws to permit and regulate the development of laneway suites subject to a range of criteria. The report also recommends several implementation measures, such as changes to building permit circulation processes, further reporting on staff resources for further study of accessory dwelling units and a pilot program for affordable rental units. A monitoring program of up to 3 years, followed by a report on recommended changes to implementation, as necessary, is also recommended.

The City is also preparing the ‘Changing Lanes: Laneway Suite Design and Process Guidelines’ which detail the application requirements, contact information, lot criteria, building envelope, and other information regarding laneway suites. These Guidelines will be presented to a subsequent meeting of Toronto and East York Community Council to ensure consistency with any Council decision regarding the Changing Lanes initiative.

Study Area

The Changing Lanes Study Area encompasses Toronto and East York District. This roughly 100 square kilometre area contains the Toronto's downtown core, significant city and regional transit infrastructure, and a variety of land uses, from low scale residential, to office and residential towers, mixed use buildings, industrial areas, and a variety of parks, open spaces and ravine systems.

While the study area itself covers a significant portion of the City and varies greatly between its boundaries, the Changing Lanes initiative is concerned with those areas designated as *Neighbourhoods* in the Official Plan that are characterized as low-density, low-scale, residential neighbourhoods, and specifically, the lots in these neighbourhoods which abut public laneways.

Legislative and Policy Framework

The legislative and the policy framework with respect to second units and, more specifically, laneway suites, has become increasingly permissive as a result of recent changes to both the *Planning Act* and Provincial Policy Statement.

Currently, the City's Official Plan provides for a wide range of housing by form, tenure and affordability. However, the Plan does not reference or set out specific provisions for second units which are permitted city-wide as-of-right if located within a principal dwelling. A second unit can take many forms and is generally considered to be subordinate and connected to the primary dwelling unit through servicing and other matters. They are not intended to be a stand-alone, severable dwelling unit. Second units may be located within a primary dwelling unit or within a structure ancillary to the dwelling unit.

Laneway suites are one example of a second unit. The Official Plan does not currently reference laneway suites within any land use designation. An area specific permission for the Toronto and East York Community Council area is required to allow the consideration of laneway suites in *Neighbourhood* locations where they do not exist as part of the existing physical neighbourhood character. This report recommends an Official Plan Amendment to provide Site and Area Specific Policy No. 546 to permit laneway suites in these locations.

Planning Act, Provincial Policy Statement and Growth Plan

The Planning Act

Section 2 of the *Planning Act* sets out matters of provincial interest which City Council shall have regard to in carrying out its responsibilities, including: the orderly development of safe and healthy communities, the adequate provision of a full range of housing, including affordable housing, the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians; and the appropriate location of growth and development.

Policy 16(3) of the *Planning Act*, states that the Official Plan shall contain policies that authorize the use of a second residential unit on a lot, either within a principal dwelling or within an ancillary structure to the principal dwelling.

Provincial Policy Statement (2014)

The Provincial Policy Statement (2014) provides policy direction province-wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;

- The provision of an appropriate range and mix of housing types and densities required to meet projected requirements of current and future residents;
- The establishment of development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety;
- The provision of an appropriate range and mix of housing types and densities required to meet projected requirements of current and future residents;
- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- Residential development promoting a mix of housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit; and
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

The City of Toronto uses the PPS to inform decisions on other planning and development matters. The PPS is issued under Section 3 of the *Planning Act* and all decisions of Council affecting land use planning matters "shall be consistent with" the Provincial Policy Statement. Policy 4.7 further states that the Official Plan is the most important vehicle for implementing the PPS.

Growth Plan for the Greater Golden Horseshoe (2017)

The Growth Plan for the Greater Golden Horseshoe (2017) provides a strategic framework for managing growth in the Greater Golden Horseshoe region including:

- Setting minimum density targets within settlement areas and related policies directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, cultivate a culture of conservation and promote compact built form and better-designed communities with high quality built form and an attractive and vibrant public realm established through site design and urban design standards;

- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Building complete communities with a diverse range of housing options, including second units and affordable housing, to serve all sizes, incomes, and ages of households, as well as public service facilities, recreation and green space that better connect transit to where people live and work; and,
- Supporting a diverse range and mix of housing options, including second units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes.

Like other provincial plans, the Growth Plan builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

All decisions by Council affecting land use planning matters are required by the *Planning Act*, to conform, or not conflict, as the case may be, with the Growth Plan.

The Provincial Policy Statement (2014) and geographically specific Provincial Plans (2017), along with municipal Official Plans, provide a policy framework for planning and development in the Province. This planning initiative has been tested for consistency with the PPS and conformity with the Growth Plan.

Strong Communities through Affordable Housing Act, 2011

Bill 140, the *Strong Communities through Affordable Housing Act*, 2011, received Royal Assent on May 4, 2011 and came into effect on January 1, 2012. Bill 140 amended the *Planning Act* to encourage affordable housing by listing it as a provincial interest and strengthening provisions for second units. The *Planning Act* changes require municipalities to include Official Plan policies and zoning by-law provisions to permit second units in detached, semi-detached, and townhouses, as well as in ancillary buildings. The provisions permit one second unit either in a house (e.g. basement) or in an ancillary building (e.g. laneway suite) on the same lot. The permission for one second unit policies are not appealable, except by the Minister of Municipal Affairs.

Promoting Affordable Housing Act

Bill 7, the *Promoting Affordable Housing Act* was given Royal Assent on December 8, 2016, amending both the *Planning Act, 1990* and *Development Charges Act, 1997* to further encourage the creation and legalization of second units. These changes build on previous changes made under the *Strong Communities Through Affordable Housing Act*,

2011 to enhance provisions for second units. The *Planning Act* changes further emphasize the requirement for municipalities to include policies within their Official Plans and pass by-laws for second units. The *Development Charges Act* changes would exempt second units in new homes from development charges (second units in existing houses are currently exempt).

Bill 7 has not yet been proclaimed by the Lieutenant Governor. Once proclaimed, the regulations will require amendments to Zoning By-law 569-2013 to ensure that the City's zoning by-law complies with provincial legislation.

Additional information on Bill 7 can be found here:

http://ontla.on.ca/web/bills/bills_detail.do?locale=en&Intranet=&BillID=4118.

Long Term Affordable Housing Strategy

Ontario's Long Term Affordable Housing Strategy (LTAHS) was released in March 2016. This document identifies provincial interest in reducing the complexity and cost associated with creating second units in homes through the provision of development charge exemptions and amendments to the Building Code standards to reduce unnecessary costs to building second units. Additional information on the LTAHS can be found here: <http://www.mah.gov.on.ca/Page9181.aspx>.

Housing Opportunities Toronto: An Affordable Housing Action Plan (2010-2020)

City Council adopted the Housing Opportunities Toronto Action Plan 2010-2020 to guide the work and investment decisions of the City of Toronto as they relate to housing in partnership with federal and provincial governments, as well as the public and private housing sectors over this decade. The Action Plan sets out what the City of Toronto can do to create and preserve affordable housing, while recognizing the limits of financial resources to act independently. The City has initiated the work to develop the Housing Opportunities Toronto Action Plan for 2020-2030.

Official Plan

The Official Plan is the City's primary land use planning document. The Official Plan contains policies which guide where and how the City grows its housing, commercial and employment areas, ensures the stewardship of the City's green spaces, and directs expansion and improvement of the City's transportation network, among other directions.

The study area contains each of the land use designations found within the City's Official Plan, however the areas directly affected by the analysis and recommendations of this report are located within the areas designated *Neighbourhoods* on the Official Plan Land Use Maps 17, 18, 20 and 21. A portion of the study area is also contained within the Downtown as identified on the Official Plan Map 2 – Urban Structure.

The following summarizes the primary sections and policies of the Official Plan that will be referenced in this report.

Making Choices (Chapter 1)

Chapter 1 of the Official Plan contains a series of vision statements about the future of the City and the decisions which will help achieve this vision. Section 1.1 of the Official Plan outlines the Principles for a Successful Toronto as a City of Diversity and Opportunity, a City of Beauty, a City of Connections, and a City of Leaders and Stewards. Section 1.2 discusses the implementation of the Plan, stating that Toronto's future is about re-urbanization and its continuing evolution that will involve a myriad of situations and decisions that, while guided by the Official Plan, cannot encompass or even imagine every circumstance.

Healthy Neighbourhoods (2.3.1)

The diversity of Toronto's neighbourhoods, in terms of scale, amenities, local culture, retail services and demographic make-up, offers a choice of communities to match every stage of life. Our neighbourhoods are where we connect with people to develop a common sense of community. Section 2.3.1 of the Official Plan contains policies to ensure the City's Neighbourhoods remain healthy.

Downtown (2.2.1)

Toronto's Downtown plays a vital role in the City's growth management strategy. A dynamic downtown is critical to the health of a city and to the region that surrounds it. Section 2.2.1 of the Official Plan contains policies to ensure the City's *Neighbourhoods* contained within the Downtown remain generally stable over time.

Neighbourhoods (4.1)

Toronto's *Neighbourhoods* contain a full range of residential uses within lower scale buildings, as well as parks, schools, local institutions and small-scale stores and shops serving the needs of area residents. Section 4.1 of the Official Plan contains policies to guide investment and development in *Neighbourhoods*, which includes residential uses in lower scale buildings such as detached houses, semi-detached houses, duplexes, triplexes and townhouses, as well as interspersed walk-up apartments that are no higher than four storeys and respect and reinforce the existing physical character of the neighbourhood.

Housing (3.2.1)

Section 3.2.1 contains policies that help guide the provision of a range of housing across Toronto, directing that a full range of housing, in terms of form, tenure and affordability, will be provided across the City and within neighbourhoods, to meet the current and future needs of residents.

Public Realm (3.1.1)

Section 3.1.1 contains policies that help guide the development of streets, sidewalks, boulevards, and other areas within the public realm.

Built Form (3.1.2)

Section 3.1.2 of the Official Plan includes policies for the City's Built Form and requires that new development be located and organized to fit within an area's existing and/or planned context.

Secondary Plans (6.0)

Chapter 6 contains a number of Secondary Plans providing area-based policy frameworks. The study area is subject to the following Secondary Plans that include lands designated as *Neighbourhoods*: Garrison Common North Secondary Plan, University of Toronto Secondary Plan, King-Spadina Secondary Plan, Yonge St. Clair Secondary Plan, Young-Eglinton Secondary Plan, and Regent Park Secondary Plan.

The Official Plan is available here:

http://www1.toronto.ca/static_files/CityPlanning/PDF/chapters1_5_dec2010.pdf

Official Plan Amendment 320

As part of the City's on-going Official Plan Five Year Review, Council adopted Official Plan Amendment 320 (OPA 320) on December 10, 2015, to strengthen and refine the Healthy Neighbourhoods, *Neighbourhoods* and *Apartment Neighbourhoods* policies to support Council's goals to protect and enhance existing neighbourhoods, allow limited infill on underutilized *Apartment Neighbourhood* sites and to implement the City's Tower Renewal Program.

The Minister of Municipal Affairs approved and modified OPA 320 on July 4, 2016, which decision has been appealed in part. The OMB commenced the hearing of appeals of OPA 320 in May 2017 and it remains ongoing.

On December 13, 2017, the OMB issued an Order partially approving OPA 320 and brought into force new Policies 10 and 12 in Section 2.3.1, Healthy Neighbourhoods and Site and Area Specific Policy 464 in Chapter 7. Other portions of OPA 320 remain under appeal, and these appealed policies as approved and modified by the Minister are relevant and represent Council's policy decisions, but they are not in effect. More information regarding OPA 320 can be found at the following link:

www.toronto.ca/OPreview/neighbourhoods.

Second Units: Draft Official Plan Amendment

On April 5, 2018, Planning and Growth Management Committee endorsed the policy direction in the report from the Chief Planner and Executive Director, City Planning Division as a basis for consultation. The report introduces a draft Official Plan Amendment intended to clarify the existing Official Plan policies that provide for a full range of housing and intensification and infill that is consistent with the Official Plan.

The draft 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, including laneway suites.

The report is found at the following link:

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

Zoning

Zoning By-law 569-2013, the City-wide zoning By-law, applies to most of the City of Toronto. As some lands are not covered by Zoning By-law 569-2013, other relevant zoning By-laws from former municipalities are still in effect in some areas of the City.

The City-wide Zoning By-law was enacted on May 9, 2013, and subsequently appealed to the Ontario Municipal Board (OMB). The latest OMB decision (Case No. PL130592) dated March 1, 2018, regarding Chapter 10, Residential Zone Category, brings most of Chapter 10 into effect, except for some site specific appeals. The OMB decision also requires the City to undertake a review of the regulations related to height and parking requirements for residential lots with a 12 metre frontage or less.

Secondary Suites

The City of Toronto passed amendments to all the comprehensive Zoning By-laws of the former municipalities to widely permit secondary suites in 1999 which was approved as modified on July 6, 2000, by the Ontario Municipal Board (see By-law 493-2000(OMB)). The amendments allowed secondary suites in detached houses and semi-detached houses in all zones across Toronto, and in some residential areas in townhouses, provided they existed for at least 5 years, and met other criteria, including the Building Code and Fire Code. Zoning By-law 569-2013 maintains these permissions.

The City-wide Zoning By-law 569-2013 defines a secondary suite as a "self-contained living accommodation for an additional person or persons living together as a separate single housekeeping unit, in which both food preparation and sanitary facilities are provided for the exclusive use of the occupants of the suite, located in and subordinate to a dwelling unit". The City-wide Zoning By-law does not include permission for secondary suites in ancillary buildings and structures (e.g. a laneway suite).

Laneway suites are referred to as a second unit in Bill 140, the *Strong Communities through Affordable Housing Act*, 2011, which came into effect on January 1, 2012. Municipalities are required to include Official Plan policies and Zoning By-law provisions to permit second units in detached, semi-detached and townhouses, as well as in ancillary buildings. This report provides further direction to implement the permission for second units in Toronto and East York District within ancillary buildings and structures adjacent to a lane. Through this strategy, the city-wide zoning by-law is proposed to be amended to create a new land use, called laneway suite, defined as:

"a self-contained living accommodation for a person or persons living together as a separate single housekeeping unit, in which both food preparation and sanitary facilities are provided for the exclusive use of the occupants of the suite, in a detached building that is ancillary to a residential building on the same lot, and is located in the rear yard abutting a public lane."

Residential Zone Permissions

Chapter 10 of the City-wide Zoning By-law applies to all lands, uses, buildings and structures in the Residential Zone category. The Residential Zone category permits uses associated with the Neighbourhoods designation in the Official Plan. This zone category includes a range of residential zones including the Residential (R) Zone, Residential Detached (RD) Zone, Residential Semi-Detached (RS) Zone, Residential Townhouse (RT) Zone, and the Residential Multiple (RM) Zone.

Within Toronto and East York District, there are 35,781 residentially zoned lots abutting a public lane within the City-wide Zoning By-law. Of those lots, 95 % (33,990) are within the Residential (R) Zone.

The R Zone permits a range of single detached, semi-detached, townhouse, duplex, triplex, fourplex and apartment building forms, as well as a range of community uses such as day nurseries, retail stores, rooming houses, and community centres, subject to a range of conditions.

The maximum density of the R Zone varies across the study area with lots permitting a maximum floor space index of 0.6 times the area of the lot, to up to 2.5 times the area of the lot. The maximum height of a dwelling permitted in this zone varies from between 8.5 and 10.0 metres, located mostly in the east portion of the study area, to areas where 12 metre tall buildings are permitted in pockets across the study area.

A range of side yard setbacks are required for lots in the R Zone, ranging from 0.45-0.9 metres and up, depending on the dwelling type. A minimum rear yard setback of 7.5 metres is also typically required for properties in the R Zone.

The City-wide Zoning By-law includes rules regarding permitted uses in ancillary buildings and structures. Currently, the Zoning By-law does not permit living accommodations or home occupations within ancillary buildings or structures. In addition, the City-wide zoning by-law includes performance standards for ancillary buildings and structures in the Residential Zone category, and more specific rules in the R Zone. Ancillary buildings and structures are generally required to cover no greater than 5 - 10% of the lot area, are only permitted to be a maximum of one storey, and are required to be setback 2.5 metres from the original centerline of a public lane.

Reasons for the Proposed Amendments

The proposed amendment to the Official Plan (Attachment 2) respecting the Toronto and East York Community area is required to permit the development of laneway suites within the lands designated *Neighbourhoods* where these buildings would not respect and reinforce the existing physical character of buildings in the neighbourhoods, as required by the Official Plan's Healthy Neighbourhoods (Section 2.3.1) and Neighbourhoods (Section 4.1) policies.

An amendment to the City-wide Zoning By-law (Attachments 3) is required to permit the development of laneway suites, specifically the use of ancillary buildings on lots abutting

a public lane as living spaces. The proposed Zoning By-law Amendment proposes a number of criteria related to both the suite itself and the lot on which the suite is permitted. These criteria and a summary of the proposed amendment is detailed later in this report.

Community Consultation

In accordance with City Council's direction, the City Planning Division undertook a substantial consultation program developed to respond to the unique nature of the Changing Lanes initiative. The City also focused a considerable amount of consultation and communication on the Residents' Associations within the study area, as directed by City Council.

On November 30, 2017, City Planning staff hosted a combination drop-in and town hall style community meeting at Toronto City Hall. Approximately 250 people attended the meeting. At this meeting, City Planning staff introduced the idea of Laneway Suites, discussed the history of the City's consideration to allow laneway housing, and detailed the objectives of the Changing Lanes initiative. The City prepared a meeting-specific handout which included a series of questions about laneway suites.

On February 24, 2018, City Planning staff hosted a Residents' Associations (RAs) Forum and Workshop meeting at St. Paul's Bloor Street. The meeting was scheduled to share and discuss the draft guidelines and amendments being developed to permit the construction of laneway suites. Each of the over 80 RAs in the study area were invited to send a member to participate and provide their comments.

On March 29, 2018, a second large-format community meeting was held at the Metro Toronto Convention Centre. At this meeting, City Planning staff presented our draft recommendations and the content of the Draft Changing Lanes guidelines to the community for comment. Over 200 people attended this meeting.

City Planning staff were directed to refer to the Harbord Village Resident's Association laneway report for information. The document is extensive in its review of the potential impacts and policy implications created by laneway suites in the geography of Harbord Village. It was particularly helpful to City staff in crafting the work program on the Changing Lanes initiative.

A further summary of the City's consultation program, including a summary of comments received throughout the process, is appended to this report as Attachment 5.

Other Municipalities with Laneway Suite / Coach House Frameworks

In preparation of this report the City Planning Division reviewed the reports and guidelines of several other Canadian municipalities that have approved planning frameworks for laneway suites and/or coach houses. City Planning staff also interviewed staff from these municipalities. Information about the approaches to accessory dwelling units in Vancouver and Ottawa are appended to this report as Attachment 6.

Agency Circulation

In 2017, City Planning staff convened an interdivisional working group comprising staff from numerous City Divisions, including:

- Solid Waste Management
- Toronto Water
- Toronto Hydro
- Transportation Services
- Toronto Fire
- Toronto Buildings
- Affordable Housing Office
- Corporate Finance
- City Legal
- Parks Forestry and Recreation
- Engineering and Construction Services

The City Planning Division's Urban Design, Zoning and Committee of Adjustment, Strategic Initiatives and Policy Analysis, and Community Planning sections were also represented on the interdivisional working group.

This report has been circulated to all appropriate agencies and City Divisions. Their responses received have been used to assist in drafting of this report, the attached amendments, and the contents of the Changing Lanes: Laneway Suite Design and Process Guidelines.

DISCUSSION AND COMMENTS

Planning Act

The *Planning Act*, under subsection 16(3), requires Official Plans to include policies, and for zoning by-laws to give effect to those policies to permit second units in detached, semi-detached, and townhouses, as well as in ancillary buildings. The provisions permit one second unit either in a house (e.g. basement) or in an ancillary building (e.g. laneway suite) on the same lot. The permission for one second unit policies are not appealable, except by the Minister of Municipal Affairs.

Provincial Policy

Provincial Policy Statement (2014)

The Provincial Policy Statement (PPS), 2014, provides policy direction on matters of provincial interest related to land use planning and development. City Council's planning decisions are required to be consistent with the PPS.

Policy 1.1.1.b) states that healthy, liveable and safe communities are sustained by accommodating an appropriate range and mix of residential uses, including second units, affordable housing and housing for older persons.

Policy 1.4.3 directs planning authorities to provide a range of housing types and densities to meet projected requirements of current and future residents. This policy directs planning authorities to permit and facilitate all forms of housing required to meet the social, health and well-being requirements of current and future residents, and all forms of residential intensification, including second units, and redevelopment where existing or planned infrastructure can accommodate projected needs. This policy further directs

planning authorities to promote densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed. Planning authorities are also directed to establish development standards for residential intensification which minimize the cost of housing and facilitate compact form.

Policy 1.6.7.4 promotes a land use pattern, density and mix of uses that minimizes the length and number of vehicle trips and supports current and future use of transit and active transportation.

Policy 4.7 recognizes the Official Plan as the most important vehicle for implementation of the PPS.

Policy 4.8 requires that planning authorities shall keep their zoning by-laws up-to-date with their Official Plans and the Provincial Policy Statement.

By permitting laneway suites within existing *Neighbourhoods*, the City is supporting an additional form of contextually appropriate infill housing that makes efficient use of land and existing services, including proximity to public and active transportation. Laneway suites may provide new rental accommodation and additional living space for extended families, accommodating the City's population as it ages and as family structures change over time.

The proposed amendments to the Official Plan and the City-wide Zoning By-laws, and the proposed Changing Lanes: Laneway Suite Guidelines, constitute a set of development standards which enable the construction of a generally lower-cost, more compact housing form than what currently exists in many of the City's neighbourhoods.

The proposed amendments to the Official Plan and the City-wide Zoning By-laws which permit the as-of-right development of laneway suites in the established *Neighbourhoods* within the study area, subject to a range of performance criteria, are consistent with the above policies and other relevant policies of the Provincial Policy Statement.

Growth Plan for the Greater Golden Horseshoe (2017)

The Growth Plan for the Greater Golden Horseshoe (the 'Growth Plan') provides a framework for managing growth in the Greater Golden Horseshoe. The subject site is an Intensification Area as defined by the Growth Plan. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan.

The policies of the Growth Plan regarding how land is developed, resources are managed and protected, and public dollars are invested are based on the Guiding Principles found in Section 1.2.1. These Guiding Principles support a range and mix of housing options, including second units and affordable housing, to serve all sizes, incomes, and ages of households, and planning for more resilient, low-carbon communities. They also direct municipalities to make efficient use of land and infrastructure and support transit viability.

The Growth Plan acknowledges that many communities are facing issues of housing affordability, which are being driven primarily by sustained population growth and socio-economic factors. The Growth Plan helps to address this challenge by providing direction to plan for a range and mix of housing options, including second units and affordable housing and, in particular, higher density housing options that can accommodate a range of household sizes in locations that can provide access to transit and other amenities. The plan also highlights the need for stakeholders to work collaboratively to find opportunities for more age-friendly community design.

Section 2.2.1.3.c) directs municipalities to undertake integrated planning to manage forecasted growth by supporting an urban form that optimizes infrastructure to support the achievement of complete communities through a more compact built form.

Section 2.2.1.4 c) echoes the guiding principles noted above by supporting complete communities that provide a diverse range and mix of housing options, including second units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes. Section 2.2.1.4 d) directs that complete communities expand access to a range of transportation options, including active transportation, a range of recreation opportunities, parks and other community facilities.

Section 2.2.6.1 directs that municipalities will prepare a housing strategy in accordance with the policies of the PPS that identifies a diverse range and mix of housing options and densities, including second units and affordable housing to meet projected needs of current and future residents and establishes targets for affordable ownership housing and rental housing. Section 2.2.6.2 directs that municipalities support complete communities by planning for the range and mix of housing options and densities of the existing housing stock and planning to diversify and increase density of the overall housing stock across the municipality.

The proposed amendments to the Official Plan and City-wide Zoning By-law permit an additional compact form of infill housing that diversifies the City's overall housing stock in areas served by transit, active transportation networks, parks, community facilities and other existing infrastructure. The proposed amendments support the creation and growth of complete communities. The proposed amendments provide new rental accommodation and additional living space for households of different sizes, ages, and incomes, in an effort to increase housing options in response to diminishing housing affordability. The proposed amendments to the Official Plan and City-wide Zoning By-law conform to, and do not conflict with the Growth Plan.

The Official Plan

The current Official Plan policies do not support the construction of laneway suites in *Neighbourhoods* where they are not part of the existing physical character of a neighbourhood. While some new laneway housing has been built in the last 20 years, it has had to meet the test of being part of a prevailing character that rarely exists.

Twelve years ago in a joint 2006 report on Laneway Housing, noted earlier in this report, City Planning staff concluded that the construction of housing on laneways was not anticipated in the new (at the time) Toronto Official Plan and that it would not be supportable as good planning. The report further concluded that laneways were primarily constructed to provide vehicular access to parking garages for houses which already have public street frontage.

Guiding Principles and Implementing Policies

The recommendations of this report follow a comprehensive, area-specific analysis and public consultations. They include proposed amendments to the Official Plan (Attachment 2) that would permit laneway suites within the Toronto and East York *Neighbourhoods*, subject to a range of criteria. These criteria largely reflect the tests of scale, form, and impacts contained within the policies currently governing *Neighborhoods*, as well as the Official Plan's Built Form policies.

The proposed Official Plan amendment represents an appropriate evolution of the Plan consistent with broader city building initiatives found in Chapter 1 of the Plan.

Section 1.1 of the Official Plan states that a successful Toronto is characterized by a city where:

- housing choices are available for all people in their communities at all stages of their lives;
- where no person pays more than they can afford for shelter;
- where the elderly can live comfortably and securely;
- where individuals and communities actively participate in decisions affecting them; and,
- where we meet the needs of today without compromising the ability of future generations to meet their needs.

Section 1.2 acknowledges that the evolution of the Official Plan will involve a myriad of situations and decisions that the plan cannot possibly anticipate in all circumstances. The plan directs that further implementation plans and strategies dealing with important components of the City are needed to bring the Official Plan to life.

Policy 3.2.1.1 states that a full range of housing, in terms of form, tenure and affordability, across the City and within neighbourhoods, will be provided and maintained to meet the current and future needs of residents. This policy also establishes that *Neighbourhoods* are among the intended areas that will accommodate this range of housing.

The *Neighbourhoods* are, in some cases, constrained from providing a full range of housing by a number of policies. Policies 2.3.1.1 and 4.1.5 both direct that development

within *Neighbourhoods* will respect and reinforce the existing physical character of buildings, streetscapes and open space patterns in these areas. Policy 4.1.5 further notes that no changes will be made through rezoning, minor variance, consent or other public action that are out of keeping with the physical character of the neighbourhood. Policy 4.1.5 also establishes that the prevailing building type, determined via metrics such as the size and configuration of lots, the heights massing and scale of dwelling types, setbacks, and open space, among other criteria, will be the predominant form of development in the *Neighbourhoods* as characterized. These policies effectively prevent the construction of housing forms that do not represent the current prevailing character. While these policies ensure stability in character, a main tenant of the plan, they also allow room for gradual change over time.

Policy 4.1.9, as an exception to the above, acknowledges that properties that vary from the prevailing lot pattern *do* exist in *Neighbourhoods*, and allows for deviations from the prevailing character subject to a host of criteria. These criteria include:

- having appropriate and compatible heights, massing, and scale;
- providing adequate privacy, sunlight, and sky view through the use of landscaping, planting and fencing;
- providing adequate separation distance;
- fronting onto existing or new public streets where possible; and,
- screening service and garbage areas.

A significant portion of the City's Downtown area is designated as *Neighbourhoods*. Section 2.2.1 of the Official Plan notes that growth is anticipated Downtown but will not be spread uniformly. The policy notes that many residential communities Downtown will largely remain physically the same, though their population mix will change over time.

Section 3.1.2 of the Official Plan directs that new development be massed, located and organized to fit within an area's existing and/or planned context, to specifically provide adequate light and privacy, and adequately limit shadowing of neighbouring properties and open spaces.

In the opinion of City Planning staff, it is important that the proposed Official Plan Amendment be rooted in the fundamental principles established in the Plan. Specifically, the proposed Official Plan Amendment 403 balances the Plan's policy objective of providing a full range of housing, in terms of form, tenure and affordability, across the City, in a form that acknowledges the Plan's objective to limit significant *Neighbourhood* change over time.

The proposed Official Plan Amendment 403 includes wording to guide the development of laneway suites in a way that continues to implement the policies that currently guide

development in *Neighbourhood*, policies 4.1.5 and 4.1.9. The proposed policies require that laneway suites be designed and constructed in accordance with the following criteria:

- being subordinate in height and area to the principal dwelling on a lot,
- being no higher than two storeys;
- being located only on a lot that abuts a public laneway;
- limiting privacy and overlook issues on adjacent properties;
- limiting the reduction of soft landscaping on the property; and
- ensuring the lot on which the laneway suite is proposed will continue to respect and/or reinforce the existing lot pattern of the established neighbourhood.

An explanation of the contents of the Guidelines and Zoning By-law provisions intended to implement these proposed policies are in the following section of this report.

The proposed Official Plan Amendment 403 would permit laneway suites within the Toronto and East York area *Neighbourhoods* that would be subject to a range of criteria. These criteria would also be applicable to laneway suites that are proposed in neighbourhood locations where this type of development would be in conformity with the *Neighbourhoods* policies. These criteria reflect the tests of scale, form, and impacts contained within the policies currently governing *Neighbourhoods*, as well as the Official Plan's Built Form policies.

The proposed amendment to the Official Plan allows the creation of additional units within the *Neighbourhood*, balancing and advancing the Official Plan's objectives to create complete communities, provide a range of housing in terms of type and tenure, and ensures a form of development that makes efficient use of land while limiting impacts on the character and function of the existing *Neighbourhoods*. The proposed Official Plan Amendment constitutes a measured, appropriate change, which supports the Plan's guiding principles related to the provision of housing and allowing for gradual change.

Changing Lanes: Laneway Suites Design Guidelines

The proposed Changing Lanes: Laneway Suite Design Guidelines (The "Laneway Suite Guidelines") form part of the City's Laneway Suites Strategy, and provide clear criteria and direction on the construction of laneway suites. The Laneway Suites Guidelines act as a companion to the proposed Official Plan and Zoning By-law amendments and help clarify their intent with diagrams, explanations and examples.

The Laneway Suites Guidelines will assist homeowners in determining whether or not their lot may comply with the criteria necessary to allow a laneway suite. The Guidelines also contain helpful information about the review and approval process, including

contacts in various City Divisions, where to look for Building Permit applications, and, if necessary, Preliminary Project Review and Minor Variance applications.

Where minor variances are proposed, the Laneway Suites Guidelines, along with this report, provide a clear, accessible document for City Planning staff, residents and applicants in determining whether or not the proposed variances maintain the intent of the Official Plan and Zoning By-law amendments.

Two design criteria summary diagrams that will appear in the Laneway Suites Guidelines are attached to this report at Attachment 4.

This report recommends that the Laneway Suites Guidelines be brought forward to a subsequent meeting of Toronto and East York Community Council to ensure consistency with any Council decision regarding Changing Lanes initiative.

Changing Lanes: Laneway Suite Uses

The proposed permitted uses within laneway suites are summarized below:

Living Accommodation

Regulation 10.5.60.1(2) of the City-wide Zoning By-law does not permit living accommodations in an ancillary building in the Residential Zone category. Regulation 10.5.60.1(3) further restricts the ability for both food preparation and sanitary facilities in an ancillary building. The proposed Zoning By-law amendment will permit living accommodations in ancillary buildings in the R Zone, defined as laneway suites with specific use requirements.

Home Occupations

Regulation 150.5.60.1(1) of the City-wide zoning by-law does not permit home occupations in ancillary buildings or structures. Within the R Zone, the City-wide Zoning By-law permits home occupations in the principal building, provided certain criteria are met. The proposed zoning by-law amendment would permit home occupations consistent with those permitted in the R Zone. For example, a personal service shop such as a barber or tailor would be permitted subject to certain conditions.

Number of Dwelling Units

In the R Zone, more than one secondary suite is permitted in detached and semi-detached houses. The proposed definition of a laneway suite confines the use of a laneway suite to a single unit. Through this definition, a maximum of one (1) unit is proposed to be permitted within a laneway suite. A laneway suite is also proposed to be permitted on a lot, subject to the criteria detailed in this report, regardless of the number of secondary suites or other residential building types with multiple dwelling units (e.g. apartment buildings, triplexes, duplexes and fourplexes) existing on a lot.

Laneway Suite Emergency Access and Waste Management

The width and configuration of many of the City's public laneways creates access challenges for the City's emergency services and garbage collection vehicles. Emergency

services and solid waste collections are two services that the City must be able to provide to housing units. Both emergency access and an approach to solid waste have been considered in the development of the By-law amendments and Guidelines regarding Laneway Suites.

Emergency Access

To ensure access to a laneway suite in the case of an emergency, Toronto Fire Services and Emergency Services require a maximum 45 metre travel distance, with a minimum width of one metre, from a public street to the entrance of a laneway suite. This access can most commonly be provided via:

- a one metre wide with a minimum one storey height side yard on a residential lot,
- a combination of side yards on abutting lots where appropriate easements have been secured, or
- via a public laneway.

Toronto Building staff has some discretion regarding compliance with the above. In order for the Chief Building Official to issue building permits, a proposed building must comply with the relevant Ontario Building Code regulations and Zoning by-law. The provision of appropriate access for emergency services is a component of the Ontario Building Code review. There may be instances where fire access to a laneway suite is proposed in a manner that does not correspond to the three common access routes noted above. This is considered an “Alternate Solution” under the Ontario Building Code. In cases where an Alternate Solution is proposed, Toronto Buildings staff will liaise with Toronto Fire Services as part of the Building Permit application review and determine whether the Alternate Solution meets the intent of the Ontario Building Code.

Toronto Fire Services was consulted on the preparation of this report and concurs with the City Planning Division’s recommendations.

Solid Waste Collection

The size of the City’s solid waste collection vehicles and the dimensions and conditions of public laneways are often incompatible. This prevents Toronto Solid Waste Services from offering service to the front of laneway suites via the public laneway. The City could widen and improve laneways to a standard that would accommodate the current garbage collection vehicles through land acquisition, but the cost of doing so would be considerable. A potentially more cost-effective option to provide solid waste collection from laneways would involve purchasing smaller solid waste collection vehicles. Though neither widening the laneways through acquisition nor procuring smaller waste collection trucks is proposed at this time, the latter option could be considered in the future.

Due to the constraints of laneway dimensions and configurations, solid waste collection for laneways is not being proposed at this time. Solid waste from laneway suites will be collected from the front yard of the lot on which the suite is located.

The emergency access routes detailed in the sections above can provide adequate pathways to bring solid waste to the street on collection days. In some cases side yard setbacks may not be adequate for emergency services access but may still provide enough space to bring either bins or bagged garbage/recycling/green bin contents to the street.

In the case of row housing, solid waste can be transported to the street by walking bins or bags around the laneway on collection days or through an arrangement with the owners of the principal house. This latter case is anticipated to be uncommon, and City Planning staff does not consider that the perception of an inconvenient walk to a front yard garbage storage area once a week is good reason to preclude the construction of a laneway suite on a lot that would otherwise meet all other requirements.

Storage of waste and bins from the laneway suite may be accommodated on the laneway side, provided they do not obstruct the laneway, or the lot side of the suite, but should be screened or enclosed in either case. In cases where more than three units exist on any one lot, the City suggests that a front yard garbage enclosure be considered.

Laneway Suite Criteria - Design, Scale, Height, Massing

The proposed Zoning By-law amendment (Attachment 3) and Laneway Suite Guidelines contain a range of requirements and criteria to guide the location, form and scale of laneway suites. These criteria have been developed to ensure new laneway suites constructed in accordance with the By-law and Guidelines are subordinate to the main dwelling on a lot and limit their impacts on surrounding properties.

The proposed criteria to govern the location and form of laneway suites are summarized as follows.

Location on a Lane

Laneway suites are only permitted on lots with a minimum 3.0 metre wide rear or side lot line abutting a public laneway.

Density

Laneway suites are excluded from the permitted floor space index or other density provisions.

Basements

Basements may be permitted in laneway suites, primarily for the purpose of storage and for installing mechanical equipment, provided the introduction of the basement does not result in an increased building height above the maximum permitted 6.0 metres.

Separation Distance

Laneway suites must be separated from the rear of the existing house by a minimum of 5.0 metres in the case of a one-storey laneway suite, and a minimum of 7.5 metres in the case of a two-storey laneway suite. A one-storey laneway suite is any structure at or below 4.0 metres in height. A two storey laneway structure is any structure which exceeds 4.0 metres in height up to the maximum 6.0 metres permitted height.

Landscaped Open Space

A minimum of 50% of the rear yard with a laneway suite must be soft landscaping. This area must be clear of any buildings or structures, including the laneway suite, main house and any ancillary buildings, and not used for the parking of vehicles. Lots with a frontage of less than 6.0 metres will require a minimum of 40% soft landscaping.

The By-law considers the rear yard area to be the rear of the main house to the rear property line between the side lot lines. This includes the space where the laneway suite is situated.

Building Height

The maximum building height of a new laneway suite is two storeys or 6.0 metres.

Wall Height

On the side of the laneway suite facing the main house, the maximum height of a wall is 4.0 metres. Above that height, the second floor must be setback from the front wall at a ratio of 1:1. The maximum height of any other wall of a laneway suite is 6.0 metres.

Laneway Suite Length and Width

The maximum length of a laneway suite is 10.0 metres. The maximum width of the suite is dependent on the width of the lot but may reach a maximum of 8.0 metres where the lot allows.

Rear Yard Setbacks

A minimum 1.5 metre setback from the rear property line is required for a laneway suite.

A minimum of 60% of the area within the setback from the laneway that is located on private property is required to be soft landscaping and is included as part of the overall rear yard landscaped open space.

Side Yard Setbacks

No side yard setbacks are proposed for laneway suites on internal lots.

In the case of a corner lot with frontage on two public streets and a lane, a laneway suite is required to be setback from the flanking street the same distance as for the main dwelling.

Fenestration Percentage

A percentage of each wall that is allowed to have windows is contained in the proposed Guidelines. In some cases there is no limit on fenestration and design is at the option of the builder. The City is not able to secure the percentage of windows on any building face in a Zoning By-law.

On the ground floor (up to the first 4 metres of the building) it is recommended that facing the laneway and facing the main house there is no limit on fenestration is proposed. On side yards, where a setback from the laneway house to the lot line is less

than 1.0 metre, no windows are permitted. If a side yard measuring 1.0 metre or more is provided, up to 30% of the façade may include windows.

On the second floor, the façade facing the main house a maximum of 40% of the façade may include windows. A maximum of 60% of the façade facing the lane may include windows. On side yards, where a setback from the laneway house to the lot line is less than 1.0 metre, no windows are permitted. If a side yard measuring 1.0 metre or more is provided, up to 30% of the façade may include windows provided they are translucent, only allowing light, not images, to penetrate.

Parking

No parking spaces will be required on a lot that includes a laneway suite. For lots without a laneway suite the current parking requirements will remain unchanged.

A total of two bicycle parking spaces are required to be provided within all new laneway suites or within the required lane setback.

Second Floor Amenity Space

There is no minimum required outdoor amenity space proposed for a laneway suite. Amenity space may be provided in either the rear yard of the property or on a second storey balcony on the laneway suite facing the laneway. A balcony is not permitted to encroach into the lane setback and must include 1.5 metre tall visual screening on sides adjacent to a side yard.

Horizontal and Vertical Projections

The proposed By-law amendment includes a series of vertical and horizontal projections permitted in addition to the maximum height for elements such as awnings, exterior staircases, air conditioning equipment, decorative architectural features, access ramps, and similar installations. All projecting elements are required to be contained on the lot and cannot extend beyond property lines.

Managing Impacts on Adjacent Properties

The Official Plan contains policies which intend that new development limit its impact on adjacent properties. Issues related to privacy and overlook were detailed in the City's 2006 review of Laneway Housing and were raised as a concern repeatedly throughout the City's consultation on Changing Lanes. The proposed Zoning By-law Amendment for laneway suites have been developed, in consideration of the 2006 staff report, the City's Official Plan policies, and in consultation with numerous community representatives, to limit the impacts of laneway suites on adjacent properties.

In determining the scale and form of laneway suites, the City undertook shadow analyses and considered several approaches to sculpt the 2nd storey of a laneway suite to mitigate overlook and privacy into adjacent yards. Over the course of developing the proposed laneway suites Zoning By-law Amendment, the City made several adjustments to respond to community concerns about privacy, overlook, and loss of open green space. Following consultation with residents associations on February 26, 2018, the City

introduced a step back at the 2nd storey facing the main house and adjusted the proposed rear yard landscaped open space permissions. The City also clarified the location of 2nd storey balconies and prescribed balcony screening. Following the March 29th Consultation, where concerns about the proposed 2nd storey setback were raised, the City increased the maximum permitted length of the ground floor from 8 to 10 metres to make up the living space impacted by the setback without removing the setback itself. Following this meeting, where concerns about rooftop mechanical equipment were noted, City Planning staff revised the draft zoning permissions to allow for basements, primarily intended for the purpose of storage and mechanical equipment.

The proposed zoning by-law amendment regulates laneway suites appropriately to limit the privacy and overlook concerns on adjacent properties.

Where a proposed laneway suite requires injury or removal of a tree located on the lot or adjacent property, the applicant may be required to revise the plans to avoid the proposed tree injury or removal. Such situation may require an application to the Committee of Adjustment.

Anticipated Year to Year Construction

It is estimated that the yearly construction of laneway suites in Toronto will be a modest addition to the City's overall housing starts. The City considered uptake in other cities that have implemented laneway and garden suite policies, including their laneway and geographic characteristics, and the percentage of lots in areas in Toronto and East York that were tested against the proposed Zoning and Building Code requirements.

The City Planning Division selected blocks across the Toronto and East York area with differing laneway and lot characteristics to test the number of lots that allowed for appropriate emergency access and could meet the proposed zoning requirements. While many lots adjacent to laneways have adequate depth and size to accommodate a laneway suite in accordance with the proposed zoning standards, the ability to provide adequate emergency access was found to be a significant limiting factor in laneway suite construction. In general, it was found that areas with lots situated on a laneway within 45 metres of a public street and lots with adequate side yard setbacks to allow emergency access had a higher percentage of lots that could construct a laneway suite as-of-right and in accordance with the City's emergency access requirements. In areas with longer laneways with limited accesses or dead-ends, where side yard widths were too narrow to accommodate the City's emergency access requirements, the number of lots where laneway suites are possible to construct as-of-right is more limited.

In Vancouver, where laneway suite policies have been in place since 2009, the City of has seen the construction of approximately 2,400 laneway suites, averaging about 300 new residential units constructed per year. Over that same time period, the Metropolitan Vancouver area saw a total of 147,135 housing starts. Laneway suites represent 1.6 percent of this number.

While there are approximately 35,000 residentially zoned lots within Toronto and East York District that abut a public laneway, a significant number of them will be unable to address the prescribed requirements for emergency access required by Toronto Fire Services. On lots where laneway suites may be able to meet the proposed Zoning By-law Amendment and guidelines, many other factors may prevent the owners of these properties from proceeding with construction of a laneway suite. Financial constraints, economic changes, lack of the need for rental income, lack of need for an additional unit for extended family, the desire to maintain their current rear yard condition, simply having no interest in building a laneway suite, and many other factors, will influence the overall uptake in construction of laneway suites on lots where they otherwise might be built. The City estimates that there may be as few as 100 or as many as 300 laneway suites constructed in each year following the implementation of these guidelines and the proposed Zoning By-law amendment.

Servicing Laneway Suites

Laneway suites may be serviced via the same water and sanitary connection as the main house. If services exist within a public laneway, as may sometimes be the case, the suite may make servicing connections in the laneway.

No changes to the City's By-laws or Municipal code related to services are necessary to facilitate the servicing of laneway suites.

Overall Servicing Capacity

When determining servicing capacity it is important to understand the number of additional residential units proposed in a given area. As noted earlier in this report, it is difficult to adequately estimate the total servicing demand generated by the construction of laneway suites, primarily because it is difficult to estimate the year over year numbers of laneway suites constructed overall or in any one geographic area.

It is estimated that the yearly construction of laneway suites in Toronto will be a modest addition to the City's housing starts. This additional housing will also be distributed across the many neighbourhoods within the study area geography. It is anticipated that the impacts on piped services over the study area as a whole, and within local areas, will be negligible.

Despite the difficulty in forecasting the overall uptake of laneway suites, or the amount construction in any given area, the year over year construction of laneway suites is anticipated to be within the current capacity of the City's sanitary sewer system. The City's Engineering and Construction Services and Toronto Water staff advise that generally there is adequate residual piped servicing capacity (water, storm services) within the City's neighbourhoods to accommodate laneway suites.

At this time it is not anticipated that any capital improvements to existing piped services infrastructure will be required to accommodate laneway suites.

Stormwater Management

The City recommends that permeable surfaces, rain gardens and green roofs be employed to retain stormwater on site. A laneway suite that meets Tier 1 of the Toronto Green Standard, which is optional for laneway suites, will meet the City's water balance requirements. The proposed Zoning By-law requirement for rear yard landscaped open space will ensure that a significant portion of the rear yard with a laneway suite is soft landscaping.

Traffic Impacts, Parking, and Street Parking

The historical function of residential laneways was to provide vehicular and carriage access to rear garages and workshops including blacksmiths. These garages often contain one or two parking spaces intended to serve the main house on the lot. These existing garages, and the space where the Zoning By-law currently permits them, occupy the part of a residential lot where laneway suites are proposed to be permitted. When considering whether to permit laneway suites, the City needs to consider whether or not the requirement to provide parking in a garage is the most efficient use of space when it might otherwise be used for laneway suite living space.

During the Changing Lanes consultation program, many comments were received questioning the impacts of laneway suites on parking. Many assert that the City's street parking permit areas are at, or over, capacity and that removing any parking from private lots, or introducing new units that are not required to provide parking will only exacerbate this issue. Others suggested trends away from vehicle ownership in the downtown core and advised the City that no parking should be required on a lot with a laneway suite. The City's interdivisional working group also spent considerable time discussing the provision of parking related to laneway suites.

The City-wide Zoning By-law generally requires a parking space be provided for the principal dwelling on a lot. In the 'R' Zone parking is not required for the first secondary suite but is required for subsequent suites. All other residential zones require secondary suites to provide a parking space.

With regard to laneway suites, the City considered two options: continue to require a parking space for the principal dwelling on a lot, but not for a new laneway suite; and, not require any parking for any unit on the lot. In assessing these two approaches, the City considered the presence of cycling and transit infrastructure, the policy objectives of the Official Plan, the design implications of required parking on laneway suites, the City's current approach to the issuance of street parking permits, and consideration of variances that sometimes remove parking from a residential lot.

The City is investing in expanded cycling infrastructure and transit in the central City, which provide viable, effective, and safe alternatives to personal automobile use. Policy initiatives intended to reduce dependence on personal automobile use are supported by the corresponding transit, cycling infrastructure and mix and density of uses characteristic of the Toronto and East York area.

The Official Plan encourages decreasing the reliance on personal automobiles in both policies and its general text in numerous areas. Policy 2.1.1.d) acknowledges that the City will work to develop strategies which reduce automobile dependency. Policy 2.4.1.3 directs the City to pursue measures which increase the proportion of trips made by active transportation and transit. When read as a comprehensive and cohesive whole, as is intended, one of the Plan's many intents is that land use planning strategies should reduce the need for personal automobile use.

Parking spaces and garages tend to occupy a large portion of the lot where laneway suites are proposed to be permitted. Maintaining the parking space limits the utility of the laneway suite. On many lots, there is limited space to provide both parking and living space on the ground floor of a laneway suite. Where a lot is narrow, less than five metres, there may not be enough space to provide both a parking space and Building Code compliant stairs to the second storey of the laneway suite.

One of the objectives of laneway suites is to provide housing for an aging population that may have mobility difficulties and ground level accommodation is ideal in this regard. Removing the requirement for parking to be provided in the rear yard allows for the entire ground floor of a laneway suite to be used as living space. The ability to utilize the entire ground floor can also allow laneway suites on narrow lots to meet accessibility standards. Designing a laneway suite around a parking space creates significant limitations on the structure, diminishing the ability to create accessible, ground floor housing.

Owners of lots that wish to create a laneway suite have the ability under Section 45 of the *Planning Act* to apply for a minor variance to remove the required parking.

Transportation Services staff have advised that, in general, they have no objections to minor variances applications requesting relief from the requirement to provide a single parking space on a residential lot. City Planning staff would also not object to a variance to remove a single parking space from a residential lot in Toronto and East York District in most cases.

In the opinion of City staff it is appropriate to remove the requirement that parking space be provided in the rear yard on a lot where a laneway suite is proposed. The presence of significant and expanding cycling and transit infrastructure, the policy objectives of the Official Plan, the significant design implications on laneway suites, all support the proposed Zoning By-law Amendment not requiring parking on a lot that includes a laneway suite. The proposed Zoning By-law amendment achieves a balanced outcome considering the limited impacts.

Under the City's current policies regarding issuance of street permit parking, should the owner of a property elect to construct a laneway suite and choose to remove the on-site parking space from their lot, they are not entitled to receive an on-street permit to replace their parking in instances where they are in an oversubscribed street parking area. If there is sufficient space on the property, the owner may incorporate a parking space within the

laneway suite or elsewhere on the property, subject to any requirements related to the location of the space. As on-street parking may not be available the City will include advisory clause wording in the Changing Lanes Guidelines that owners of properties with a laneway suite may insert into agreements to lease a laneway suite.

It was also suggested during the consultation process that the City require the provision of bicycle parking spaces within the laneway suite in the instance where a parking space is not provided. The City agrees and is proposing a requirement for indoor or outdoor bike parking.

The proposed Zoning By-law Amendment (Attachment 3) removes the requirement to provide parking for any dwelling unit, including the principal dwelling unit, on a lot that includes a laneway suite. On lots with laneway suites, the proposed Zoning By-law Amendment also requires the provision of two (2) bicycle parking spaces either within or exterior to the laneway suite.

It is anticipated that laneway suites will have a negligible impact on road network capacity and will not add significant pressure on the capacity of street parking. Transportation Services staff has been consulted on the drafting of this report and agree with the recommendations.

Lane Widening

The Official Plan, policy 2.2.3.c) requires the City to acquire lands to widen public lanes over time. Public lanes serving residential lands or parks and open space will be at least five metres wide and public lanes serving commercial, mixed commercial-residential, institutional or industrial lands on at least one side will be at least six metres wide. The Plan requires the conveyance of land to widen the lane at a nominal consideration from abutting property owners as a condition of subdivision, severance, minor variance, condominium or site plan approvals.

In most cases, a subdivision, severance, minor variance, condominium or site plan application are not contemplated for the construction of laneway suites. The City will not be able to acquire the lands at the time of construction for a lane widening absent any of these applications, but the proposed zoning standards ensure adequate setbacks should the City be able to acquire the land for a lane widening at a later date.

Toronto Hydro

Proponents of laneway suites are not required to install a separate Toronto Hydro meter. Installing a separate meter may be done at the owner's discretion. The meter may be installed on either the main house or the laneway suite.

Most laneways contain approximately 10-metre tall poles supporting Toronto Hydro infrastructure along one side of the lane. Installing a hydro connection to a laneway suite from these existing utilities in the public laneway is not permitted. All Toronto Hydro connections must be from the street or the main house.

Toronto Hydro has noted that separation distance requirements from hydro poles and transmission lines are required for new development. These distances can vary based on the nature and location of the infrastructure. In most cases the required lane setback is sufficient to address separation distance from the Toronto Hydro pole. In rare cases, infrastructure may have to be relocated to allow a laneway suite, or the laneway suite may need to be modified.

It is advised that individuals considering a laneway suite contact Toronto Hydro at the early design stages to confirm any setback requirements. The forthcoming Changing Lanes Design Guidelines include details and contact information for Toronto Hydro.

It is also recommended that Toronto Building circulate Toronto Hydro, in an advisory capacity, on any laneway suite building permit applications within the proposed three-year monitoring period detailed in this report.

Levies, Fees and Development Charges

The varied costs, fees and levies associated with the approval process and construction of laneway suites were raised in Council's direction to staff on this matter and through community consultation as a matter to explore and attempt to resolve.

Development Charges

Under the current Development Charge By-law 525-2015, a laneway suite is considered a single detached dwelling. The current development charge rates for a single detached dwelling unit are \$41,251. This fee is paid to the City upon the issuance of building permits.

The City has undertaken a review on Development Charges. On January 24, 2018, Executive Committee received a report detailing draft updates to the City's Development Charge By-law. Among the draft updates to the City's development Charge rates, the development charges for single detached dwellings are proposed to increase to \$88,391. Executive Committee directed the Acting Chief Financial Officer to consult with the City Planning Division on the Changing Lanes initiative and include the outcome of those discussions in a subsequent report to Executive Committee with recommended Development Charge changes.

The proposed Development Charges for laneway suites are detailed in the report from the Interim Chief Financial Officer which is before Executive Committee on April 17, 2018. <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.EX33.3>

Parkland Dedication

Section 42 of the *Planning Act* allows the City of Toronto to require new development to contribute to the expansion and enhancement of the city's parks and open space system.

The amount of parkland required from any development proposal is governed by the City of Toronto Municipal Code, Chapter 415, Article III and is determined by the type of development and the location of the development.

Some types of development are exempt from parkland dedication generally because they do not create additional pressure on existing parks. The types of development that are not required to provide parkland include industrial uses, public schools, hospitals and daycares. Non-profit housing, replacement buildings or structures, and single detached and semi-detached replacement dwellings are also exempt from parkland dedication. Under the current City policies, laneway suites are not exempt from parkland dedication.

Planning Application Fees

Under the City’s current planning framework, proposing a laneway suite will require, in just about all instances, a Zoning By-law Amendment application, and in most cases, a corresponding Official Plan Amendment application. In rare circumstances, a Site Plan Control application may be required for laneway suites as well.

The fees associated with these applications, as of January 1, 2018 are as follows:

- Zoning By-law Amendment Application
Base fee*: \$41,664.74
- Combined Official Plan and Zoning By-law Amendment Application
Base Fee for a residential proposal*: \$39,581.51
- Site Plan Control Application
Base fee*: \$21,257.35

* Where proposals exceed 500 square metres, additional fees are required. The City’s proposed Zoning By-law amendments and guidelines would not permit a suite in excess of 500 square metres, so only the base fee is noted.

The proposed amendments to the Official Plan and Zoning By-law permit laneway suites as-of-right, subject to various performance criteria. Should a proposed laneway suite meet all the applicable By-law standards, none of the above applications would be necessary.

In some cases, a minor variance application, under Section 45 of the *Planning Act* may be sought in relief of one or more of the performance standards contained in the applicable Zoning By-law. The fee for a variance application is as follows.

- Minor Variance Application
Residential dwellings with 3 units or less: \$3,552.68

City Planning staff notes that the numbers above represent only the application fees themselves. Supporting documents and, in many cases, the advice of consulting planners, architects, engineers and other professionals, is typically necessary to submit a complete application in accordance with City requirements.

Building Permit Fees

There are no changes proposed to the current fees or requirements for the submission of a building permit application to construct a laneway suite.

Municipal Property Taxes

During the Changing Lanes consultation questions were raised regarding the impact constructing a laneway suite would have on municipal taxes. The assessment of the value of a property is undertaken by the Municipal Property Assessment Corporation (MPAC). The construction of a laneway suite, or conversion of an existing accessory structure to a suite, may result in a change to the assessed value of that property.

Severance

Laneway suites are intended to increase the City's rental stock within Neighbourhoods. Severance of land on which a laneway suite is situated from the lot on which the primary house is situated, is not recommended. With regard to proposed severances, City Planning Staff agree with the advice given in the 2006 memo regarding Laneway Housing. The 2006 report, which characterized laneway housing as being severed and serviced entirely via a laneway, recommends against the severance of lots on laneways, except in special circumstances, where a laneway house may be approved by City Council where it can be demonstrated that there are no adverse privacy, overlook, shadowing and engineering servicing implications in constructing the laneway house.

In the event that an application for consent to sever under Section 53 of the *Planning Act* is proposed, or any other land division tool under the *Planning Act* or *Condominium Act, 1998*, the Official Plan Amendment proposes to require Zoning By-law amendment application to consider the proposal and ensure adequate municipal review. That review will have regard for the Changing Lanes Guidelines with regard to the form and scale of the laneway house.

The proposed Official Plan Amendment includes the following policy:

- Proposed land divisions under the *Planning Act* or *Condominium Act, 1998* to create a lot containing a Laneway Suite separately conveyable from the principal dwelling are discouraged and can be considered only through a corresponding Zoning By-law Amendment application where it can be demonstrated that:
 - i. the lot pattern respects and reinforces the existing lot pattern of the established *Neighbourhood*;
 - ii. all servicing, including water, wastewater and hydro, can be accommodated to the satisfaction of and at no expense to the City;
 - iii. what was originally considered the Laneway Suite meets all of the requirements for a principal dwelling unit on its own lot;

- iv. solid waste can be appropriately screened and appropriately collected by the City; and,
- v. stormwater be managed on site.

In consultation with the community, it was generally agreed that severance of laneway suites will not be permitted except in unique circumstances. In the opinion of City Planning staff, the severance of a laneway suite is not appropriate. Where a severance is proposed it shall not be permitted unless it complies with the policies of the Official Plan Amendment 403 detailed above, which require a corresponding Zoning By-law amendment application to be considered. The application fees, other fees and time necessary to amend the Zoning By-law, and the discouragement to sever noted in the proposed Official Plan Amendment 403 are anticipated to be an effective suite of deterrents from properties being severed.

Maintenance and Improvement of Laneways

The City's Transportation Services' Road Operations staff currently provides both summer and winter maintenance within public laneways. This maintenance includes the following:

- Salting
- Snow plowing (limited to wider lanes)
- Street sweeping
- Maintenance and replacement of pavement infrastructure
- Emergency repair work
- Installation of traffic calming and safety measures

The level of winter maintenance in public laneways is relative to additional pedestrian volumes in the lane. There are currently no prohibitions on pedestrians accessing laneways.

The frequency of pedestrians using laneways may increase as a result of laneway suite construction. It is intended that many laneway suites will be accessed primarily via a common side yard, however in some cases, generally limited to those laneway suites with primary access within 45 metres of a public street, the laneway provides the primary means of access. In these cases, the City may choose to assess and improve service levels in these laneways, however, the City is not currently obligated to do so. The implementation of a laneway suite based on the proposed Guidelines provided should not trigger the need for additional pedestrian infrastructure or maintenance. There should therefore be no financial impact for Transportation Services. Moreover, if the City were to elect to improve laneways over time to better accommodate pedestrians, these improvements should be subject to separate review and any necessary reports to Council.

To assist Transportation Services staff in tracking the construction of laneway suites across the Toronto and East York Area, and considering any necessary changes to servicing and maintenance of laneways, it is recommended that Transportation Service

Staff be circulated, for information, on any building permit applications to permit a laneway suite.

It is anticipated that any additional liability for slip and fall, and other claims, in public laneways will be negligible.

Accessibility

Laneway suites can offer an additional, smaller scale form of accommodation for persons with mobility difficulties than what is typically currently available in the City's *Neighbourhoods*. The proposed Laneway Suites Strategy is supportive of the creation of accessible units.

The proposed parking requirements for laneway suites allow for the entirety of the ground floor of the suite to be used as living space, supporting accessible design on the ground floor level.

The City acknowledges that the design of an accessible laneway suite will sometimes necessitate variances to the proposed By-laws to regulate laneway suites. To encourage accessible design, OPA 403 contains policies that compel City Planning staff to have additional regard for, and generally support, applications made under Section 45 of the *Planning Act* where the minor variances sought in support of the construction of a laneway suite are necessitated by the construction of a suite that meets accessible building standards. In this case, applicants will be required to submit a rationale detailing why the proposed variances are necessary to support the construction of the proposed accessible unit.

Sustainability

The City of Toronto has committed to City-wide energy and greenhouse gas (GHG) reduction targets, including a goal of reducing GHG emissions by 80% of 1990 levels by 2050. To reduce the demands placed on provincial power generation infrastructure and reduce emissions, the City has also pledged to increase renewable and district energy generation across Toronto. These goals indicate the need for wise use of land and existing infrastructure, and an approach to new development that reduces the impact of buildings on the environment while improving their resilience to climate change.

In addition to the environmental benefits achieved through intensifying an existing neighbourhood, laneway suites can also incorporate sustainable building technology to assist in achieving the City's energy and greenhouse gas objectives while creating a new form of housing.

To encourage sustainable design, OPA 403 contains policies that compel City Planning staff to have additional regard for, and generally support, applications made under Section 45 of the *Planning Act* where the minor variances sought in support of the construction of a laneway suite are necessitated by the construction of a suite that

incorporates green roof, solar panel technology, or other sustainable building approaches. Applicants will be required to submit a rationale detailing why the proposed variances are necessary to support the installation of sustainable technology, such as a roof access needed to maintain a green roof.

The Changing Lanes: Laneway Suite Design and Process Guidelines will include links to the Toronto Green Standards, and information about green roof systems and permeable paving systems.

Tree Protection

Maintenance, growth and enhancement of the urban forest are important goals of the City. Ensuring the protection of existing mature trees within *Neighbourhoods* is also an objective of the City and was raised at each of the community consultation meetings on this initiative.

Significant trees on private property are protected under Municipal Code, Chapter 813, Article III known as the Private Tree By-law. The Private Tree By-law was adopted to preserve significant trees on private property in the City, to assist in sustaining the urban forest in the city and to educate individuals with respect to tree protection measures and alternatives to tree injury and destruction. If an applicant wishes to injure or remove a protected tree, a permit under Private Tree By-law is required.

There may be instances where a permit to injure or remove a protected tree is submitted with an application to construct a laneway suite. In cases where the laneway suite is designed to the as-of-right permissions in the proposed Zoning By-law Amendment, the General Manager of Parks, Forestry, and Recreation may refuse the tree removal permit, in accordance with Municipal Code Chapter 813. City Planning staff suggest that approval of the removal of any tree under the Private Tree By-law continue to be at the discretion of the General Manager of Parks, Forestry, and Recreation.

Where a tree is injured or destroyed, the General Manager of Parks, Forestry, and Recreation may require the planting of replacement trees, or a financial contribution in-lieu of replacement trees, at their discretion. The General Manager of Parks, Forestry, and Recreation may also request that the applicant meet with City Planning to revise their proposal to avoid the removal of a tree. This may result in the requirement for an application for Variances to the proposed laneway suite By-law.

The proposed Official Plan Amendment 403 includes policies intending that laneway suites not result in the removal of a tree protected by the Private Tree By-law, and that City Planning staff will have regard for variance applications which are necessary to preserve an existing tree under the Private Tree By-law. The proposed Official Plan provisions are more explicit than the City's current policies regarding development in *Neighbourhoods*, which do not acknowledge the protection of trees in assessing the appropriateness of *Neighbourhood* infill development.

The Changing Lanes Guidelines will include information directing owners of properties with a tree that may be implicated in the construction of a laneway suite to meet with City Planning and Urban Forestry staff and discuss any variances necessary to permit a laneway suite which is designed to preserve an existing private tree protected by the By-law.

Affordability

City Council requested that staff include policies to ensure the provision of affordable housing as part of the Changing Lanes initiative, and report on any planning and/or legal authorities that are available which would permit the City to impose conditions for affordability for rented laneway housing.

Second units are permitted as-of-right in existing houses across Toronto. Through requirements under the *Development Charges Act* these units are exempt from Development Charges. This exemption does not require that the units be maintained with affordable rents. Generally speaking, however, second units comprise a portion of the City's affordable private rental housing stock. It is unknown at this time what level of rents laneway suites could command.

During the City's consultation program, it was suggested that all new laneway suites should be required to rent at or below market levels. It was also suggested that approving laneway suites would increase the permitted level of development on sites by one unit, increasing the value of a lot that permitted a laneway suite, diminishing affordability in *Neighbourhoods*. The City also received comments that discouraged the idea of required affordability, noting that increasing the City's rental housing stock was also desirable, and that requiring below average market rents would make most laneway suite projects financially unfeasible.

The planning tool used to secure affordable rents is Section 37 of the *Planning Act*. New affordable or mid-range rental housing are eligible community benefits under the City's Section 37 Guidelines, however, Section 37 contributions are not contemplated for laneway suites. Policy 4 of Section 5.1.1 states that Section 37 applies to developments larger than 10,000 square metres of gross floor area that also involve an increase to the permitted density and/or height in the zoning.

Affordability Pilot Program

It is administratively cumbersome and costly for an individual owner with one rental unit and the City to draft, enter into, and monitor long term agreements requiring on-going affordability. Further creating two different frameworks related to affordability requirements for second units is problematic. However, in order to explore opportunities to incent the creation of affordable units a part of the Changing Lanes initiative, the City is proposing a pilot project be undertaken regarding affordable laneway suite rental housing.

The Affordable Housing Office advises that the Housing Opportunities Toronto Action Plan and the Open Door Program supports creation of a wide range of affordable rental housing options for Toronto residents in all neighbourhoods. City Planning staff recommend that a pilot program be initiated to test and understand the processes and outcomes of a program that incentivizes and secures affordable rent in laneway suites within the *Neighbourhoods*. This report recommends that the Director, Affordable Housing Office report to the Executive Committee in the second quarter of 2019, as part of the City's Housing Opportunities Toronto Action Plan for 2020-2030, on the implementation details of the Pilot for Affordable Laneway Suites.

Short-Term Rentals

On December 7, 2017, City Council approved Zoning By-law Amendments (<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.PG24.8>) to permit short-term rentals across Toronto in residential and mixed use zones. The Zoning By-law Amendments define short-term rentals as all or part of a dwelling unit used to provide sleeping accommodations for any rental period that is less than 28 consecutive days and it is the principal residence of the short-term rental operator. The Council-approved rules allow people to rent up to three bedroom or their entire dwelling unit, including a secondary suite, subject to the licensing and registration by-law requirements.

The Council-adopted rules only permit short-term rentals in secondary suites that are exclusively and separately occupied as a principal residence. This means that only the tenant of the secondary suite could rent out a room or the entire unit short-term. The short-term rental Zoning By-law Amendments have been appealed to the Ontario Municipal Board (now Local Planning Appeal Tribunal) and a two day hearing is scheduled to commence on August 30, 2018.

In accordance with the decision by City Council on short-term rentals in secondary suites, the proposed Zoning By-law Amendment would provide the same permission for short-term rentals in laneway suites. This would only permit laneway suites to be used as short-term rentals if they are exclusively and separately occupied as a principal residence.

Application Process

There is no new application process proposed for the review and consideration of construction of laneway suites. The proposed Zoning By-law Amendment permits the construction of laneway suites as-of-right, subject to various criteria. Through review of a building permit application, Toronto Building staff will determine By-law and Ontario Building Code compliance.

Other permits may be required for review of proposed laneway suites, including permits to injure or destroy a tree protected under Municipal Code, Chapter 813, Article III.

Laneway Suites are not intended to be subject to Site Plan Control.

City Review

In accordance with the recommendations in this report, the majority of laneway suites are anticipated to be reviewed and approved through a building permit application process. In some instances a Minor Variance application may be required to permit a laneway suite.

In cases where a proposed laneway suite meets all requirements in the Zoning By-law and Building Code, a building permit application is all that is required to review and approve the suite. City Planning staff does not typically review building permit applications, however in the case of laneway suites, staff have an interest in reviewing plans submitted in this process for the purpose of monitoring and information gathering. City Planning staff recommends that Toronto Buildings staff include a process in building permit application review to ensure that City Planning staff in Community Planning, and other impacted Divisions such as Parks, Forestry, and Recreation, and Transportation Services are provided with applications and supporting materials for the construction of laneway suites. This will facilitate the proposed monitoring program noted below.

Should a Minor Variance application be submitted for a laneway suite, City Planning staff will review the application in accordance with current practices, and with regard for the Official Plan Amendment, Zoning By-law Amendments and Guidelines.

Monitoring Period

Initiating a monitoring program for the implementation of the proposed laneway suites policies is appropriate and has been employed in other municipalities with similar programs, such as in the City of Vancouver.

It is recommended that City Planning staff lead the monitoring program, consulting with City divisions, agencies, elected representatives, community groups, individuals that have proceeded through the process to apply for and construct a laneway suite, and other private entities related to laneway suite construction and laneway improvements.

The staff review should consider changes, if necessary, to the proposed Guidelines, Official Plan Amendment, Zoning By-law Amendments, the review process, fee structure, and any other aspects of this initiative. It is recommended that City Planning staff report to Toronto and East York Community Council in the fourth quarter of 2021 with a detailed review, commentary and any recommended changes to the Changing Lanes initiative.

Staff Resources

As no new application stream or review process is being created as part of the proposed Laneway Suites Policies, no new staff resources are anticipated at this time. It is expected that the majority of laneway suites will require only review under the building permit process.

Staff Training

To ensure a consistent application and interpretation of the City's Laneway Suites policy framework (Official Plan Amendment, Zoning By-law Amendment and Laneway Suite Guidelines) City Planning will initiate training sessions for staff from City Planning, Toronto Buildings, Fire Services and City Legal. Staff training sessions will focus on developing a consistent and comprehensive understanding of the applicability, purpose and objectives of the policy, performance standards and Guidelines. Other municipalities that have implemented laneway suite strategies have advised City Planning staff of the importance of staff training.

Laneway and Ancillary Suites in Other Areas of the City

Through the Changing Lanes consultation, it was suggested that implementing laneway suites in other areas of Toronto should be considered. It was also suggested that ancillary dwellings that do not abut a laneway, such as coach houses, be considered as well.

City Council direction on Changing Lanes was specific regarding consideration of a particular form of dwelling: laneway suites, and a particular geography: the Toronto and East York area boundaries. Staff time and resources were allocated accordingly. City Council may consider a similar analysis of ancillary dwellings and laneway suites within the City more broadly in the future.

Conclusion

Laneway suites are a part of complete communities. They can provide more opportunities for people to live in ground floor housing, for residents to live close to where they work, shop, and play and, can help make the city's urban lanes more green, liveable, and safe. Laneway suites can contribute to increasing the supply of rental housing and providing additional housing options for households at different ages and life stages.

The proposed permission for laneway suites is consistent with Provincial Legislation and Policy, including the *Planning Act*, Provincial Policy Statement (2014), and the Growth Plan (2017). The proposed Official Plan and Zoning By-law Amendments conform to the Growth Plan (2017) and are consistent with the Provincial Policy Statement.

Permitting laneway suites in the Toronto and East York's *Neighbourhoods* is consistent with the objectives of the City's Official Plan to provide a range of housing that will fit appropriately within the scale of established *Neighbourhoods* and limit their impact on the existing physical character and function of these neighbourhoods, while contributing to the growth of the City's rental housing stock.

The implementation strategy for the construction of laneway suites represents a streamlined review and approval process, limiting processing costs for the City and applicants, and incorporating advice and best practices from other Canadian municipalities that have implemented similar frameworks for accessory and laneway suites. A proposed three-year monitoring program will allow the City opportunity to adjust the implementation of laneway suites over time.

The proposed Official Plan and Zoning By-law Amendments were developed through considerable consultation with residents in *Neighbourhoods* across Toronto and East York, and with input from an interdivisional City staff team.

City Planning recommends the approval of the City-initiated application to amend the Official Plan and Zoning By-law to permit laneway suites in Toronto and East York District.

CONTACT

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SIGNATURE

Lynda H. Macdonald, Acting Director
Community Planning, Toronto and East York District

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ATTACHMENTS

Attachment 1: Study Area Map

Attachment 2: Draft Official Plan Amendment No. 403

Attachment 3: Draft Zoning By-law Amendment (By-law No. 569-2013)

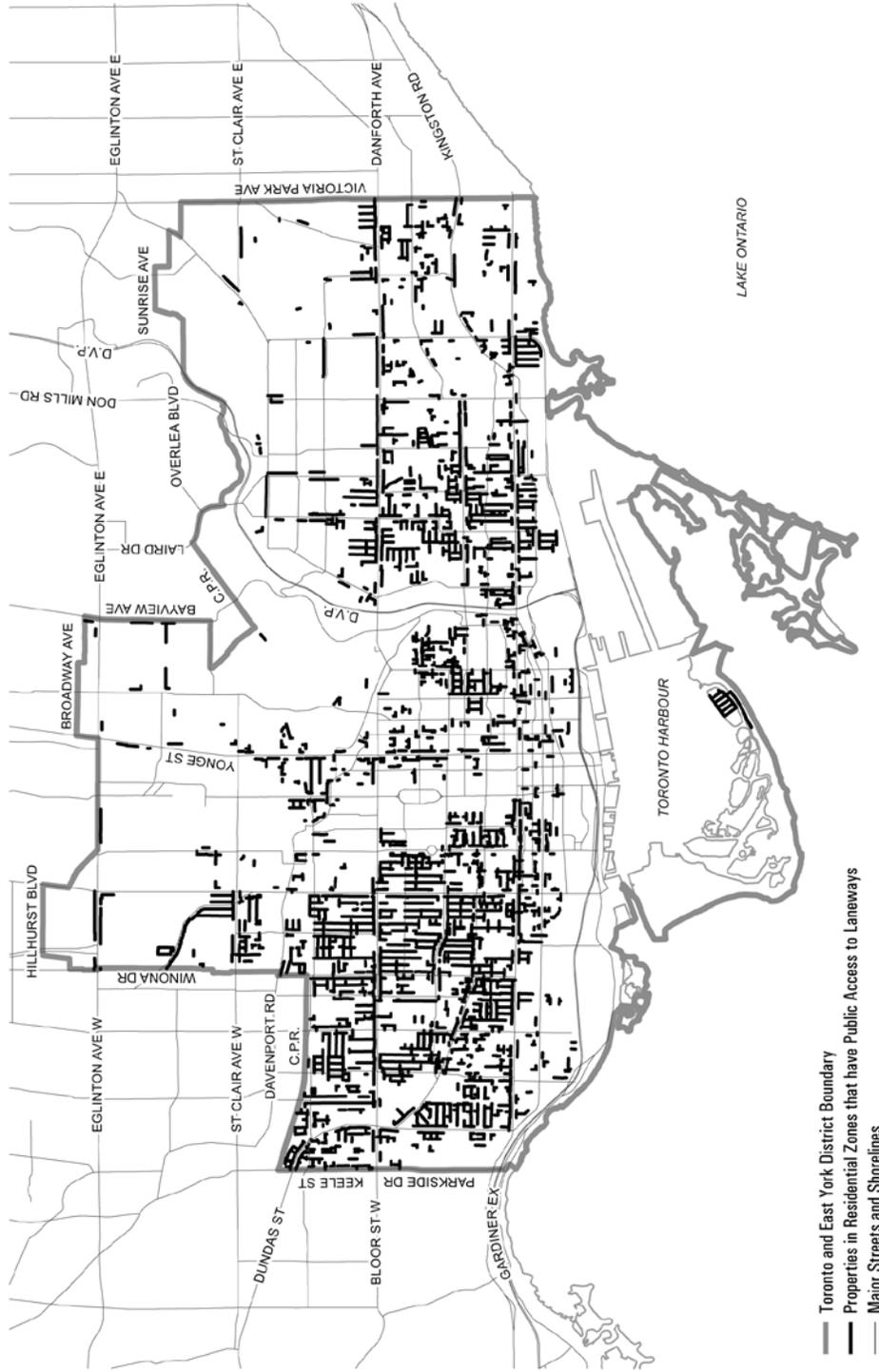
Attachment 4A: Draft Changing Lanes Design Criteria Diagrams - Laneway View

Attachment 4B: Draft Changing Lanes Design Criteria Diagrams - Rear Yard View

Attachment 5: Community Consultation Strategy and Summary

Attachment 6: Other Municipalities with Laneway Suite / Coach House Frameworks

Attachment 1: Study Area Map



- Toronto and East York District Boundary
- Properties in Residential Zones that have Public Access to Laneways
- Major Streets and Shorelines

Study Area

Not to Scale
04/12/2018

Changing Lanes: The City of Toronto's Review of Laneway Suites

File # 17 270684 SPS 00 02

Attachment 2: Draft Official Plan Amendment No. 403

Authority: Toronto and East York Community Council Item ~ as adopted by City of Toronto Council on ~, 20~

Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. --20~

**To adopt an amendment to the Official Plan for the City of Toronto
respecting the area bounded by X.**

Whereas authority is given to Council under the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law;

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. The attached Amendment No. 403 to the Official Plan is hereby adopted pursuant to the *Planning Act*, as amended.

ENACTED AND PASSED this ~ day of ~, 2018.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Corporate Seal)

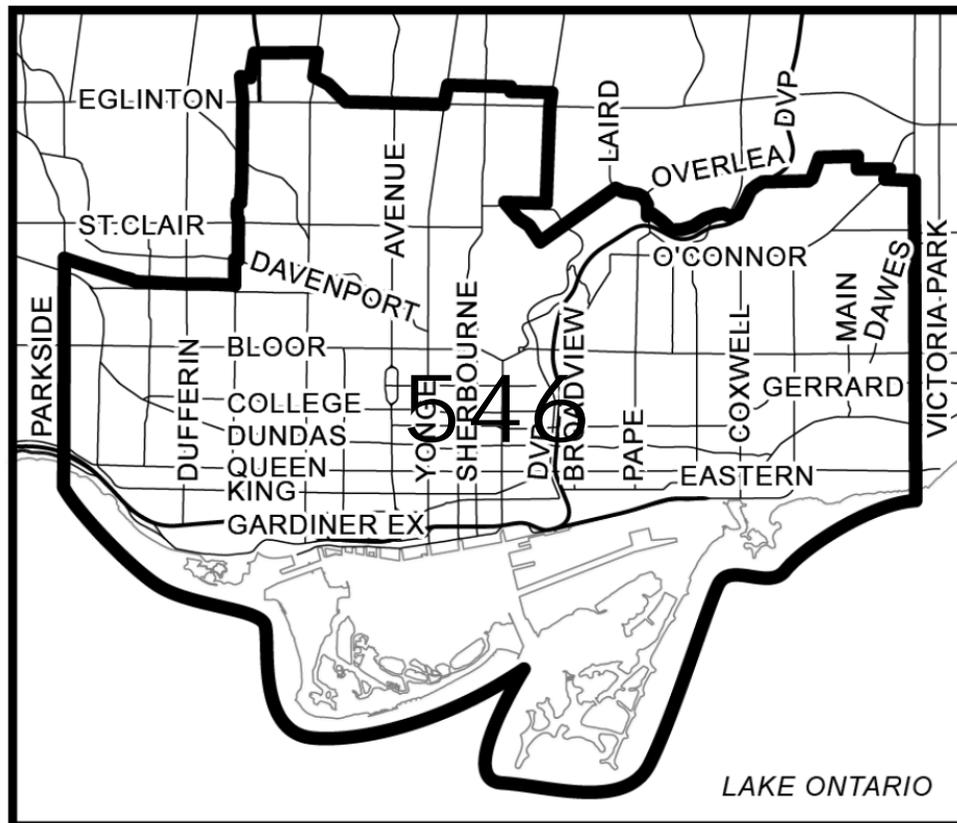
AMENDMENT NO. 403 TO THE OFFICIAL PLAN

**LANDS WITHIN THE BOUNDARIES OF THE TORONTO AND EAST YORK
COMMUNITY COUNCIL AS OF JANUARY 1, 2018**

The Official Plan of the City of Toronto is amended as follows:

1. Chapter 7, Site and Area Specific Policies, is amended by adding Site and Area Specific Policy No. 546 for lands within the Toronto and East York Community Council Boundaries, as they existed on January 1, 2017, as follows:

"546. Laneway Suites within the Toronto and East York Community Council boundaries as they existed on January 1, 2018



Laneway Suites are permitted in *Neighbourhoods* that are located within the Site and Area Specific Policy 546 area. Laneway Suites in *Neighbourhoods* within the Site and Area Specific Policy 546 area are subject to the following:

Staff Report for Action – Final Report – Changing Lanes: The City of Toronto’s Review of Laneway Suites

- a) For the purposes of this Site and Area Specific Policy, a "Laneway Suite" is defined as a self-contained residential unit, subordinate to a primary dwelling, in which both kitchen and bathroom facilities are provided and located on a lot within an ancillary building adjacent to a public laneway.
- b) Development of Laneway Suites:
 - i. will ensure direct and safe access by meeting fire and emergency service requirements;
 - ii. will limit privacy and overlook issues on adjacent properties;
 - iii. will limit the reduction of soft landscaping on the property;
 - iv. should not result in the injury or removal of a tree protected under Municipal Code, Chapter 813, Article III.
 - v. may include accessible design features; and
 - vi. is encouraged to include green roof areas, solar panels and other sustainable building technologies.
- c) A lot with a Laneway Suite is not required to provide parking.
- d) City Planning staff will have additional regard for applications made under Section 45 of the *Planning Act* where the minor variances sought in support of the construction of a laneway suite are demonstrably necessitated by one or more of the following:
 - i. the construction of a suite that meets accessible building standards;
 - ii. the construction of a suite that meets Tier 2 of the Toronto Green Standards;
 - iii. accommodating the laneway suite within an existing ancillary building; and,
 - iv. locating a laneway suite to avoid the removal of an existing tree protected under Municipal Code, Chapter 813, Article III.
- e) Proposed division of land under Section 50, 51, or 53 of the *Planning Act*, the registration of a declaration and description under the *Condominium Act, 1998*, of lots containing a Laneway Suite which would result in a principal dwelling and a Laneway Suite being on two separate lots will not be permitted and may be considered only through the submission of a corresponding Zoning By-law Amendment application where it can be demonstrated that:
 - i. the lot pattern respects and reinforces the existing lot pattern of the established *Neighbourhood*;
 - ii. all servicing, including water, wastewater and hydro, can be accommodated to the satisfaction of and at no expense to the City;
 - iii. what was originally considered the Laneway Suite meets all of the requirements for a principal dwelling unit on its own lot;

- iv. solid waste can be appropriately screened and appropriately collected by the City; and
 - v. stormwater management is maintained on site.
 - e) Where this is a conflict between this Site and Area Specific Policy 546 and either a Secondary Plan or another Site and Area Specific Policy in Chapter 7, the respective Secondary Plan or other Site and Area Specific Policy in Chapter 7 will prevail.
2. Maps 28, 29, 31 and 32, Site and Area Specific Policies (Key Maps), are amended to add the following Note:

"See Site and Area Specific Policy 546 regarding laneway suites within the Toronto and East York Community Council area."

Attachment 3: Draft Zoning By-law Amendment (By-law No. 569-2013)

Authority: Toronto and East York Community Council Item TEYXX.X, adopted as amended, by City of Toronto Council on June XXXX, 2018

CITY OF TORONTO

BY-LAW XXX-2018

To permit laneway suites

Whereas Council of the City of Toronto has the authority pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, to pass this By-law; and

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy black lines and identified as Toronto and East York District on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.
3. Zoning By-law No. 569-2013, as amended, is further amended by adding a new definition in Chapter 800.50 (401) so that it reads:

(410) Laneway Suite

means a self-contained living accommodation for a person or persons living together as a separate single housekeeping unit, in which both food preparation and sanitary facilities are provided for the exclusive use of the occupants of the suite, in a detached **building** that is **ancillary** to a **residential building** on the same **lot**, and is located in the **rear yard** abutting a **lane**.

4. Zoning By-law 569-2013, as amended, is further amended by adding the use Laneway Suite in bold to the Permitted Use – with Conditions list in regulation:

10.10.20.20(1) Residential Zone

5. Zoning By-law 569-2013, as amended, is further amended by adding 10.10.20.100 (18), so that it reads:

(18) Laneway Suite

A **laneway suite** must comply with the specific use regulations in Section 150.X

6. Zoning By-law 569-2013, as amended, is further amended by inserting Section 150.X, Laneway Suites, so that it reads:

150.X Laneway Suites

150.X.1 General

- (1) Application of this Section

The regulations of Section 150.X apply to a **laneway suite**

150.X.20 Use Requirements

150.X.20.1 General

- (1) Laneway Suite – Permitted Uses

(A) Despite regulation 10.5.60.1(2), an **ancillary building or structure** containing a **laneway suite** may be used for living accommodation.

(B) Despite regulation 10.5.60.1(3), an **ancillary building or structure** containing a **laneway suite** may have both food preparation facilities and sanitary facilities.

(C) Despite regulation 150.5.60.1(1) a **home occupation** is a permitted use, but substitute **dwelling unit** with **laneway suite**. A **home occupation** in an **ancillary building or structure** containing a **laneway suite** must comply with the specific use regulations in Section 150.5.1 as well as the following:

(i) where there is a **laneway suite** above a detached garage, a **home occupation** may only be within the **laneway suite**; and

(ii) a **home occupation** is permitted in a **laneway suite**, if it is exclusively and separately occupied as a principal residence.

(E) Despite regulation 150.13.20.1(1) a **short-term rental** is permitted in an **ancillary building or structure** containing a **laneway suite**, if it is exclusively and separately occupied as a principal residence.

(D) The portion of an **ancillary building or structure** containing a **laneway suite** located below average grade may only be used for storage purposes.

150.X.30 Lot Requirements

150.X.30.20 Lot Line

(1) Minimum Lot Line

A **laneway suite** must be:

(A) on a **lot** with a **rear lot line** or **side lot line** of at least 3.0 metres that abuts a **lane**.

150.X.40 Laneway Suite Requirements

150.X.50 Yards

150.X.50.10 Landscaping

(1) Despite regulation 10.5.50.10 (3), a lot with a **residential building** containing a **laneway suite**, must have:

(A) a minimum of 50% of the **rear yard** for **soft landscaping**, if the **lot frontage** is greater than 6.0 metres;

(B) a minimum of 25% the **rear yard** for **soft landscaping**, if the **lot frontage** is 6.0 metres or less; and

(C) a minimum of 60% of the **rear yard setback** for soft landscaping.

150.X.60. Laneway Suites

150.X.60.1 General

150.X.60.20 Setbacks

(1) Parts of a Laneway Suite to which a Required Building Setback Applies

The required minimum **laneway suite setbacks** apply to all parts of a **laneway suite** above-ground and below-ground, excluding footings.

(2) Laneway Suite - Rear Yard Setback

The required minimum **rear yard setback** for an **ancillary building** or **structure** containing a **laneway suite**:

(A) is 1.5 metres; and,

(C) In the case of a lot with frontage on two public streets and a **lane**, the required setback from the flanking street for the **laneway suite** is the same as for the main **dwelling unit**.

(3) Laneway Suite – Side Yard Setback

The required minimum **side yard setback** for an **ancillary building** or **structure** containing a **laneway suite**:

(A) in a rear yard, is 0.0 metres where the side wall of a **building** does not have openings and is an internal lot;

(B) In the case of a lot with frontage on two public streets and a **lane**, the required setback from the flanking street for the **laneway suite** is the same as for the main **dwelling unit**; and

(C) in all other cases, 1.5 metres

(4) Laneway Suite with a Parking Space – Rear Yard Setback

The required minimum **rear yard setback** for an **ancillary building** or **structure** containing a **laneway suite** containing a **parking space** must comply with regulation 150.X.60.20 (2), except:

(A) if the **rear lot line** abuts a **lane** and **vehicle** access to the **parking space** in the **laneway suite** is from the **lane**, the required minimum rear yard setback is 1.5 metre.

(5) Laneway Suite with a Parking Space – Side Yard Setback

The required minimum **side yard setback** for an **ancillary building** or **structure** containing a **laneway suite** containing a **parking space** must comply with regulation 150.X.60.20(3), except:

(A) if a **side lot line** abuts a **lane**, and **vehicle** access to the **parking space** is from the **lane**, the required minimum **building setback** from that **side lot line** is 1.5 metre; and

(B) if it is on a **corner lot**, and **vehicle** access is from the **street** abutting the **side lot line**, the required minimum **side yard setback** is 6.0 metres.

(6) Rear Angular Plan

A **laneway suite** may not penetrate a 45 degree **angular plane** projected towards the **rear lot line** from a height 4.0 metres or greater, above any portion of the **front main wall** of the **laneway suite**.

150.X.60.30 Building Length and Width

(1) Maximum Length of a Laneway Suite

The permitted maximum length is for an **ancillary building** or **structure** containing a **laneway suite** 10.0 metres.

(2) Maximum Width of a Laneway Suite

The permitted maximum width for an **ancillary building** or **structure** containing a **laneway suite** is 8.0 metres

150.X.60.40 Height

(1) Maximum Height of a Laneway Suite

Despite regulation 10.5.60.40 (2), the permitted maximum height of an **ancillary building** or **structure** containing a **laneway suite** is:

(A) 4.0 metres, if the **laneway suite** is located a minimum of 5.0 metres from the **residential building** on the **lot**; or

(B) 6.0 metres, if the **laneway suite** is located 7.5 metres or more from the **residential building** on the **lot**.

(2) Maximum Storeys for Laneway Suites

Despite regulation 10.5.60.40(3), an **ancillary building** or **structure** containing a **laneway suite** is permitted to have a maximum of two **storeys**.

(3) Height of Specific Structures on a Laneway Suite

The following **structures** on the roof of an **ancillary building** or **structure** containing a **laneway suite** may exceed the permitted maximum height for that **building** by 1.5 metres:

(A) antennae;

(B) flagpoles;

(C) parapets for a **green roof**;

(D) satellite dishes; and

(E) weather vanes.

(4) Height of Elements for Functional Operation of a Building

The following equipment and **structures** on the roof of an **ancillary building** or **structure** containing a **laneway suite** may exceed the permitted maximum height for that **building** by 1.0 metre, subject to regulation 150.X.60.40(5):

(A) equipment used for the functional operation of the **building**, such as electrical, utility, mechanical and ventilation equipment;

(B) **structures** or parts of the **building** used for the functional operation of the **building**, such as enclosed stairwells, roof access, maintenance equipment storage, elevator shafts, chimneys, vents, and water supply facilities; and

(C) **structures** that enclose, screen or cover the elements listed in (A) and (B) above.

(5) Height - Horizontal Limits on Elements for Functional Operation of a Building

Equipment, **structures** or parts of a **building** that exceed the permitted maximum height for an **ancillary building** or **structure** containing a **laneway suite** in regulation 10.5.40.10(3), must comply with the following:

(A) their total area may cover no more than 30% of the area of the roof, measured horizontally; and

(B) they must not be located within 1 metre from the **building main walls**

(6) Height of Laneway Suite Entrance

Despite regulation 10.5.60.40(4), the permitted maximum height of the top of an entrance into a **laneway suite** is 5.0 metres above the average elevation of the ground along the entrance to the **laneway suite**.

150.X.60.40 Floor Area

(1) Exclusion in Floor Space Index

The gross floor area an **ancillary building** or **structure** containing a **laneway suite** is not included for the purpose of calculating the total gross floor area and floor space index for a lot.

(2) Laneway Suite – Interior Floor Area

The interior floor area of an **ancillary building** or **structure** containing a **laneway suite** must be less than the interior floor area of the **residential building** on a lot.

150.X.60.50 Decks, Platforms and Amenities

(1) Interpretation of Platform Walls

The exterior sides of a platform, such as a deck, porch, balcony or similar **structure**, attached to or within 0.3 metres of a an **ancillary building** or **structure** containing a **laneway suite**, are not **main walls** if at least 50 % of the exterior side above the floor are open to the outside.

(2) Platforms in relation to a Lane

A platform without main walls, such as a deck, porch, balcony or similar **structure**, attached to or less than 0.3 metres from an **ancillary building** or **structure** containing a **laneway suite** is permitted, if:

- (A) the platform is less than 20% of the **laneway suite**;
- (B) it complies with the required minimum **building setbacks** for the zone;
- (C) the platform faces the **lane**, it must be located on the secondary **storey**;
- (D) in the case of (C), the platform is not permitted to encroach into the **rear yard setback** and must include a 1.5 metre tall visual screening if it is located adjacent to a **side yard**.

(3) Platforms at or Above the Second Storey of a Laneway Suite

The level of the floor of a platform, such as a deck or balcony, located at the second **storey** of an **ancillary building** or **structure** containing a **laneway suite** may be no higher than 0.2 metres above the level of the floor or the **storey** from which it gains access.

(4) Platforms at or Below the First Storey of a Laneway Suite

The level of the floor of a platform, such as a deck or balcony, permitted in accordance with (2) above and located at or below the level of the first **storey** of a **laneway suite**, may be no higher than 1.2 metres above the ground at any point below the platform, except where the platform is attached to or within 0.3 metres of:

- (A) a front **main wall**, the floor of the platform may be no higher than 1.2 metres above **established grade**;
- (B) a side **main wall**, the floor of the platform may be no higher than the level of the floor from which it gains access; and

(C) a rear **main wall**, any part of the platform floor located 2.5 metres or less from the rear **main wall** may be no higher than the level of the floor from which it gains access

150.X.60.60 Permitted Encroachments

(1) Roof Projections for Ancillary Buildings

The eaves of a roof on an **ancillary building** or **structure** containing a **laneway suite** may encroach into the required minimum **building setback** in a maximum of 0.3 metres, if the eaves are no closer to a **lot line** than 0.15 metres.

(2) Platforms

Despite 150.X.60.50(2), a platform without **main walls**, such as a deck, porch, balcony or similar **structure**, attached to or less than 0.3 metres from a **laneway suite**, are subject to the following:

(A) in a **rear yard**, a platform with a floor no higher than the first **storey** of the **laneway suite** above **established grade** may encroach into the required **rear yard setback** the lesser of 2.5 metres or 50% of the required **rear yard setback**, if it is no closer to a **side lot line** than the greater of:

(i) 0.3 metres; or

(ii) a distance equal to the vertical distance between the highest part of the floor of the platform and the average elevation of the ground at the side of the platform;

(B) in a **rear yard**, a platform with a floor higher than the first **storey** of the **building** above **established grade** may encroach into the required **rear yard setback** the lesser of 1.5 metres or 50% of the required **rear yard setback**, if it is no closer to a **side lot line** than the required **side yard setback** plus the vertical distance between the **first floor** of the **building** and the average elevation of the ground along the building's rear **main wall**;

(E) in a **side yard**, a platform with a floor no higher than the first **storey** of the **building** above **established grade** may encroach into the required minimum **side yard setback** a maximum of 1.5 metres, if it is no closer to the **side lot line** than 0.3 metres; and

(F) in a **side yard** a platform with a floor higher than the first **storey** of the **building** above **established grade**:

- (i) may encroach into the required minimum **side yard setback** a maximum of 1.5 metres if the **side yard** abuts a **street**; and
- (ii) may not encroach into a required minimum **side yard setback** if the **side yard** does not abut a **street**.

(3) Canopies and Awnings

A canopy, awning or similar **structure**, with or without structural support, or a roof over a platform which complies with regulation 150.X.60.50(2), are subject to the following:

(A) a roof, canopy, awning or similar **structure** above a platform meeting the requirements of regulation 150.X.60.50(2) may encroach into a required minimum **building setback** to the same extent as the platform it is covering; and

(B) a canopy, awning or similar **structure** that is not covering a platform may encroach into a required minimum **building setback**:

(i) in a **rear yard**, the lesser of 2.5 metres or 50% of the required minimum **building setback**, if it is no closer to a **side lot line** than the required minimum **side yard setback**; or

(ii) in a **side yard**, a maximum of 1.5 metres, if it is no closer to the **side lot line** than 0.3 metres.

(4) Exterior Stairs, Access Ramp and Elevating Device

Exterior stairs, pedestrian access ramp and elevating device providing access to a **building** or **structure** may encroach into a required minimum **building setback** as follows:

(A) exterior stairs, if the stairs are:

(i) no longer than 1.5 horizontal units for each 1.0 vertical unit above the ground at the point where the stairs meet the **building** or **structure**;

(ii) no wider than 2.0 metres; and

(iii) no closer to a **lot line** than 0.6 metres;

(B) uncovered ramp, if the ramp is:

(i) no longer than 15 horizontal units for each 1.0 vertical unit above-ground at the point where the ramp meets the **building** or **structure**;

(ii) no wider than 1.5 metres for each sloped ramp segment; and

- (iii) no closer to a **lot line** than 0.6 metres; and
- (C) an elevating device, if the elevating device:
 - (i) elevates no higher than the **first floor** of the **building**;
 - (ii) has a maximum area of 3.0 square metres; and
 - (iii) is no closer to a **lot line** than 0.6 metres.

(5) Exterior Main Wall Surface

Cladding added to the original exterior surface of the **main wall** of a **laneway suite** may encroach into a required minimum **building setback** a maximum of 0.15 metres, if the added cladding is no closer to a **lot line** than 0.3 metres.

(6) Architectural Features

Architectural features on a **laneway suite** must comply with the following:

- (A) a pilaster, decorative column, cornice, sill, belt course or other similar architectural feature may encroach into a required minimum **building setback** a maximum of 0.6 metres, if it is no closer to a **lot line** than 0.3 metres; and
- (B) a chimney breast may encroach into a required minimum **building setback** a maximum of 0.6 metres, if it:
 - (i) is no wider than 2.0 metres; and
 - (ii) is no closer to a **lot line** than 0.3 metres.

(7) Window Projections

A bay window, box window, or other window projection from a **main wall** of a **laneway suite**, which increases floor area or enclosed space and does not touch the ground, may encroach:

- (A) into a required minimum **rear yard setback** a maximum of 0.75 metres, if the window projections in total do not occupy more than 65% of the width of the **front wall** or rear **main wall** at each **storey**; and
- (B) into a required minimum **side yard setback** a maximum of 0.6 metres, if the window projections:
 - (i) in total do not occupy more than 30% of the width of the side **main wall** at each **storey**; and

- (ii) are no closer to the **side lot line** than 0.6 metres.
- (8) Roof Projections

On a **laneway suite**, roof projections must comply with the following:

- (A) a dormer projecting from the surface of a roof may not have any wall of the dormer closer to a **lot line** than the required minimum **building setback**; and
- (B) the eaves of a roof may encroach into a required minimum **building setback** a maximum of 0.9 metres, if they are no closer to a **lot line** than 0.3 metres.

(8) Equipment

The following wall mounted equipment on a **laneway suite** may encroach into required minimum **building setbacks** as follows, if the equipment is no closer to a **lot line** than 0.3 metres:

- (A) vents, pipes, or utility equipment, a maximum of 0.6 metres into a required minimum **rear yard setback** or minimum **side yard setback**;
- (B) satellite dish, a maximum of 0.9 metres into any required minimum **building setback**;
- (C) antenna, or a pole used to hold an antenna, a maximum of 0.9 metres into any required minimum **rear yard setback** or minimum **side yard setback**; and
- (D) air conditioner, a maximum of 0.9 metres:
 - (i) into a required minimum **rear yard setback**; and
 - (ii) into a required minimum **side yard setback** if it is not located above the first **storey**.

150.X.60.70 Lot Coverage

(1) Lot Coverage Requirement for Laneway Suites

Despite regulation 10.5.60.71(1) and 10.10.60.70(1), the area of the **lot** covered by a **ancillary building** or **structure** containing a **laneway suite** may not exceed 30% of the **lot area**.

150.X.60.90 Parking

150.X.60.90.1 General

(1) Despite regulation 10.5.80.1(1) and 10.5.80.10(1), a **parking space** is not required on a **lot** with an **ancillary building** or **structure** containing a **laneway suite**.

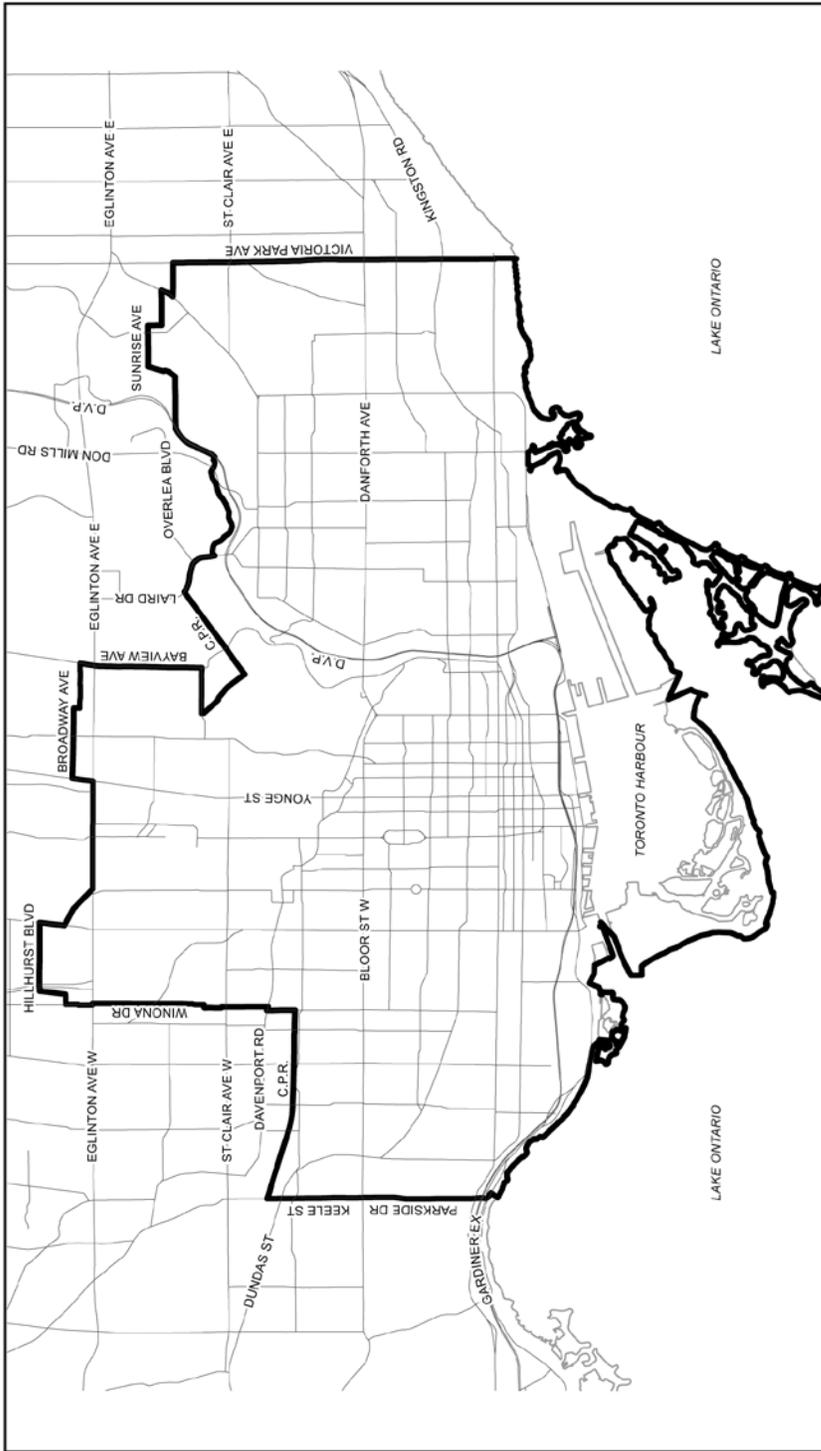
150.X.60.100 Bicycle Parking Spaces

(1) an **ancillary building** or **structure** containing a **laneway suite** is required to provide two **bicycle parking spaces** within the **laneway suite** or within the required **rear yard setback**.

Enacted and passed on XXXX, 2018

Frances Nunziata,
Watkiss,
Speaker
Clerk
(Seal of the City)

Ulli S.
City



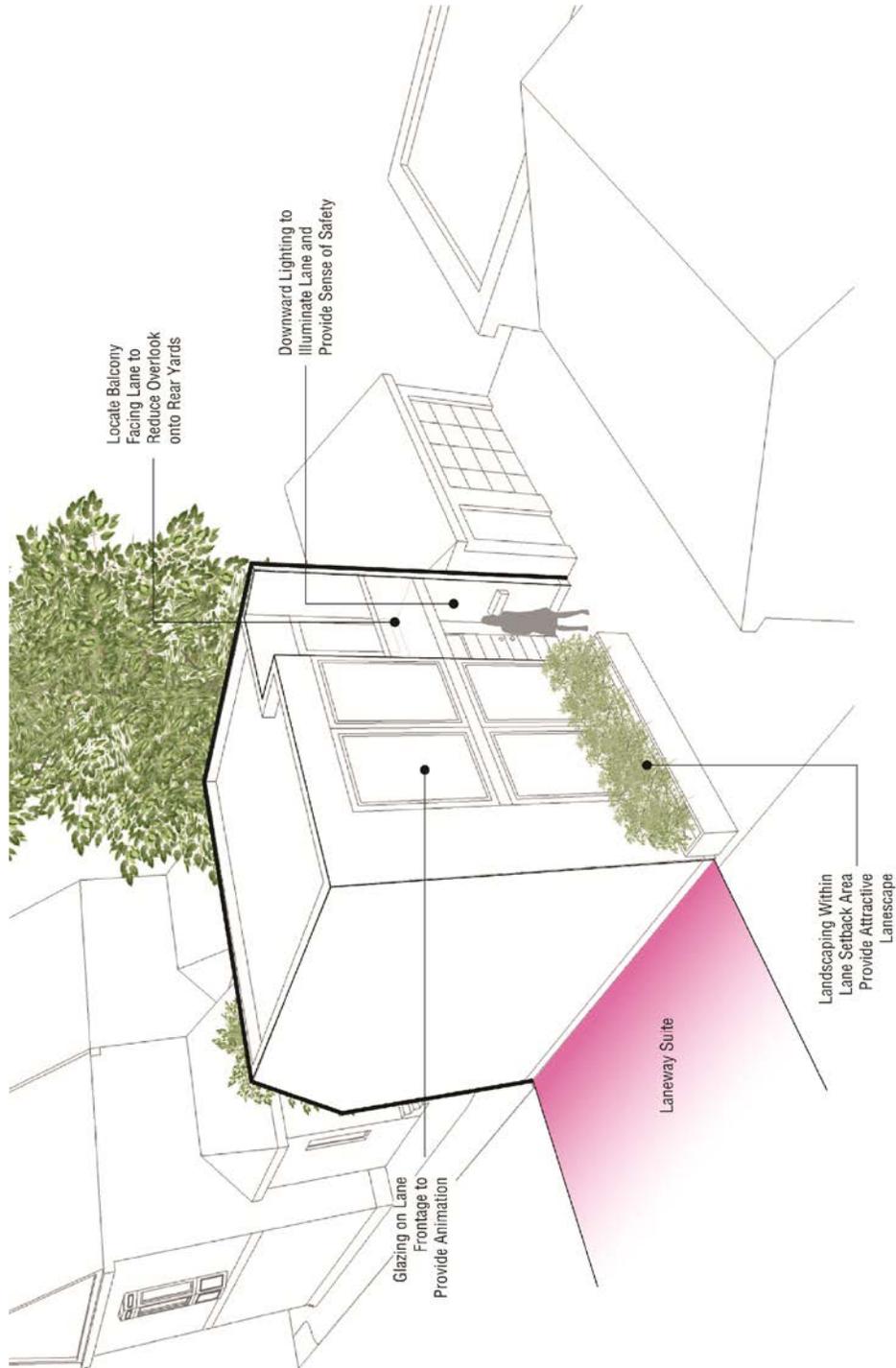
Toronto
Diagram 1

**Changing Lanes: The City of Toronto's
Review of Laneway Suites**
File # 17 270684 SPS 00 02

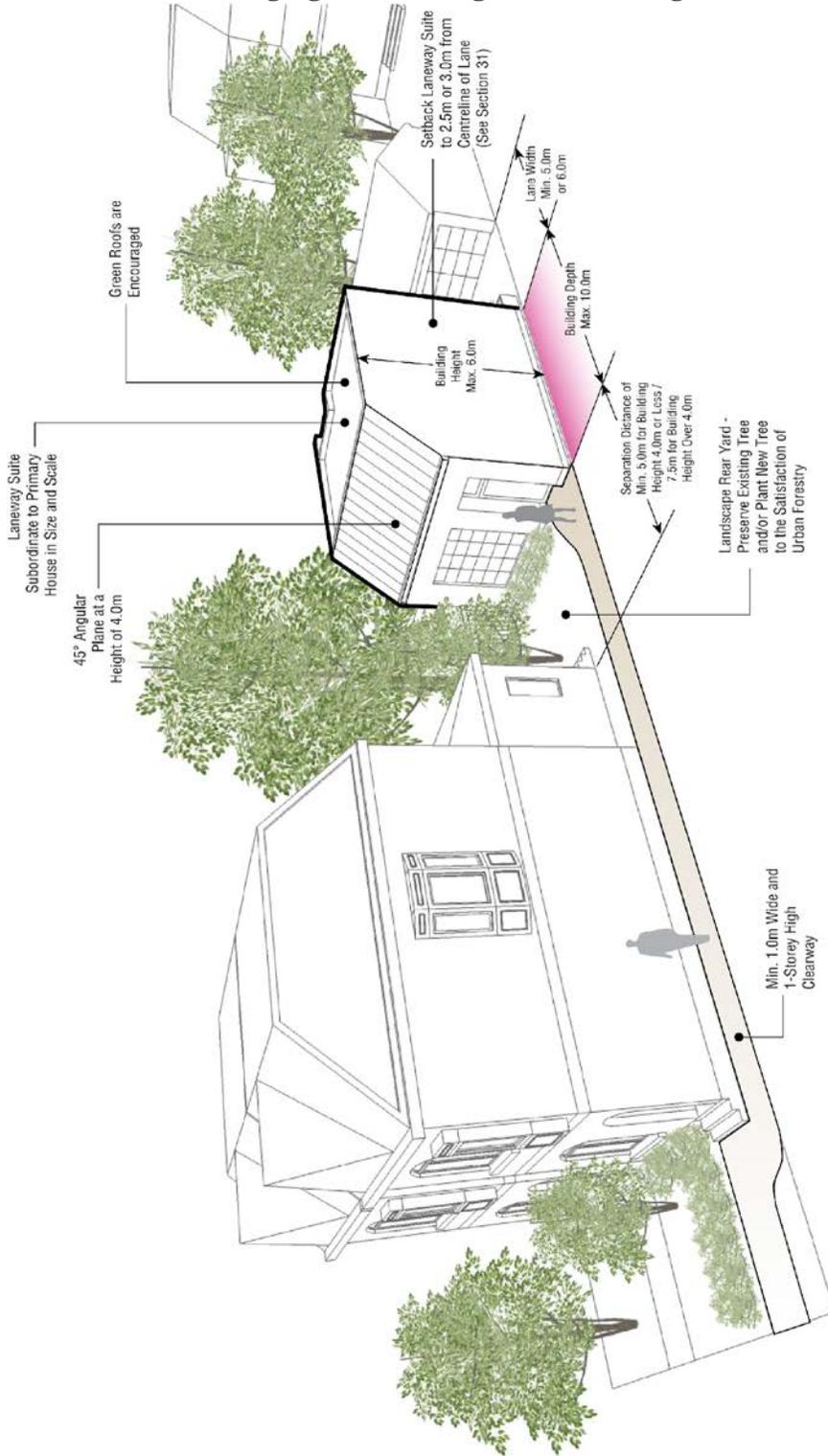
— Toronto and East York District Boundary

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City of Toronto By-Law 569-2013
Not to Scale
04/12/2018

**Attachment 4A:
Draft Changing Lanes Design Criteria Diagram – Laneway View**



**Attachment 4B:
Draft Changing Lanes Design Criteria Diagrams – Rear Yard View**



Attachment 5: Community Consultation Strategy and Summary

In accordance with City Council's direction, the City Planning Division undertook a substantial consultation program developed to respond to the unique nature of the Changing Lanes initiative. The City focused a considerable amount of consultation and communication on the residents' Associations within the study area. A summary of the City's consultation program, including a summary of comments received throughout the process is found below.

Large Format Meetings

On November 30, 2017 City Planning staff hosted a combination drop-in and town hall style community meeting at Toronto City Hall. Approximately 250 people attended the meeting. At this meeting, City Planning staff introduced the idea of Laneway Suites, discussed the history of the City's consideration to allow laneway housing, and detailed the objectives of the Changing Lanes initiative. The City prepared a meeting-specific handout which included a series of questions about laneway suites. Over 100 copies of the handout were completed and submitted alongside a number of written comments. The handout results are summarized in the following section.

On March 29, 2018, a second large-format community meeting was held at the Metro Toronto Convention Centre. At this meeting, City Planning staff presented our draft recommendations and the content of the Draft Changing Lanes guidelines to the community for comment. Over 200 people attended this meeting.

Residents' Associations Forum

On Saturday, February 24, 2018, City Planning staff hosted a Residents' Associations (RAs) Forum and Workshop meeting at St. Paul's Bloor Street. The meeting was planned to share and discuss the draft guidelines and amendments being developed to permit the construction of laneway suites. Each of the over 80 RAs in the study area were invited to send a member to participate and provide their comments.

Approximately 25 of the RAs were represented at the meeting and/or provided comment in the weeks following the meeting. A copy of the presentation and Draft Changing Lanes Guidelines was provided to all invitees following the meeting. The RAs were among the first groups outside the City to receive a draft copy of the Guidelines for review and comment. Many RA representatives who were unable to attend provided written comments on the materials provided in the weeks following the meeting.

Comments from the Harbord Village Residents Association

City Council directed City Planning Staff to refer to the Harbord Village Resident's Association laneway report for information. The document is extensive in its review of the potential impacts and policy implications created by laneway suites in the geography of Harbord Village. It was particularly helpful to City staff in crafting our work program on this initiative.

The report recommends that, in developing a strategy for laneway suites, the City must consider the following:

- Emergency Services Access;
- Available density, accounting for existing secondary suites;
- A prohibition on allowing laneway suites behind row housing;
- Sufficient property width to allow laneway suites of only one-storey;
- Sufficient yard depth for greening and landscaping;
- Privacy, shadow and overlook considerations;
- Sufficient lane widths for emergency access; and,
- Whether laneway suites would negatively impact the stability of neighbourhoods.

City Planning staff met with representatives from HVRA on several occasions to discuss their comments, suggest resolutions, and discuss how their comments could assist in shaping the guidelines. One of the principal objectives raised by the HVRA that was not noted in the letter above was the need for a comprehensive set of guidelines and criteria to regulate laneway suites to help discourage the submission of undesirable variance applications. The HVRA also echoed the comments of other community groups, suggesting that neighbourhood character should be a factor in the development of guidelines and zoning for Laneway Suites.

The Harbord Village Resident's Association laneway report is available here:
<https://www.toronto.ca/legdocs/mmis/2017/te/comm/communicationfile-70461.pdf>

General Residents' Associations Meetings and Correspondence

In November 2017, the City Planning Division sent an email to all RAs within the Study area advising of the status of the Changing Lanes initiative and inviting comments. The communication also advised that City Planning, and other City staff as necessary, would set a meeting with any RA that wished to review and discuss the Changing Lanes work with staff. Similar communications were sent to an email list of RAs at key points, such as informing about upcoming meetings, throughout the process.

Some of the RAs that met and maintained contact with City Planning Staff throughout the Changing Lanes process include the Harbord Village Residents Association (HVRA), the South Eglinton Ratepayers Association (SERRA), and the ABC Residents' Association (ABCRA). Several other RAs contacted the City for updates and to share their comments regarding the Changing Lanes initiative.

Other Consultation

City Planning staff have met with members of the City's architecture community, specifically the authors of the Lanescape and Evergreen Report on Laneway Suites (2017) and Donald Chong, one of the authors of Site Unseen (2003) to discuss their work on laneway housing and any comments on the emerging guidelines and policy direction resulting from the Changing Lanes initiative.

City Planning staff met with several Ward Councillors in the study area at various stages of the Changing Lanes work program to share updates on the study progress, discuss emerging policy direction, and to discuss both the planning objectives, and the unique characteristics of the neighbourhoods in each Councillor's respective wards. The Councillors in Toronto and East York District wards were also copied on all update email correspondence sent out at the outset of the Changing Lanes process and following each community meeting.

Project Webpage

Throughout the study, the City hosted a project-specific webpage for Changing Lanes. Materials from community meetings, links to staff reports and related studies and contact information is located on the City's website at: www.toronto.ca/changinglanes

Summary of Responses from November 30th Meeting Handout

The City received over 100 completed comment forms from the November 30, 2017 consultation meeting. Responses are summarized as follows:

- 93% of respondents support laneway housing, 4% were concerned, and 3% undecided;
- 53% of respondents intended to build a laneway suite for rental income while 40% wanted to construct a suite for extended family members;
- 88% of respondents suggested that laneway suites should be a maximum height of 2 storeys. Despite not offering the option, 13% of respondents either wrote in or drew a picture of a 3-storey laneway house to indicate their preference for maximum height;
- The top three criteria identified for the City's laneway suites review were: development of a clear, streamlined review and approval process (18%), the reduction of financial barriers (15%), and the provision of incentives for affordable, sustainable construction (15%); and,
- 90% of respondents agreed that laneway suites were a compatible form of development in the Neighborhoods.

General Summary of Community Comments

Comments reviewed in developing staff recommendations were received from prior to the formal submission of the application to the date of drafting this report. The volume of comments from the community regarding this initiative was considerable.

Comments received throughout this process have informed staff's review and consideration of laneway suites and have informed changes made to the draft materials presented earlier in the year. The comments obtained specifically through the Residents'

Association correspondence, meetings, and forum, contributed greatly to shaping and informing this report and the attached amendments and guidelines.

Comments received varied significantly both in content and support for the initiative. Community comments are summarized as follows:

- General support was expressed for laneway suites where appropriate design, scale, and access could be ensured,
- Questions were raised regarding laneway suites impact on affordability within Neighbourhoods,
- Concern was raised regarding the construction of laneway suites diminishing rear yard landscaped open space,
- The requirements for emergency access, specifically the provision of a 1 metre side-yard, were noted as being too restrictive, and difficult to accommodate on many sites,
- Some concerns regarding neighbourhood stability were expressed,
- It was requested that the City look critically at the application and permit fees, development charges, parks levies, and other costs in assessing the feasibility of laneway suite construction,
- There were mixed opinions on whether parking should be required on lots with laneway suites. Some noted that parking is a neighbourhood specific issue and should be addressed through locally specific measures,
- Privacy and overlook into adjacent yards was noted as a concern,
- Questions were raised about the process, and whether the City would be supporting minor variances that would increase the scale of laneway suites,
- It was suggested that laneway suites could help activate laneways, making them safer, more inviting, and better used, and,
- Some requested that a 3rd storey be considered. Privacy and overlook into adjacent yards was also noted as a concern.
- The requirements for emergency access, specifically the provision of a 1 metre side-yard, were noted as being too restrictive, and difficult to accommodate on many sites.
- It was requested that the City permit basements within laneway suites.

- It was requested that allowances for mechanical equipment, similar to what is currently permitted for the main house, also be permitted for laneway suites.
- It was requested that the city consider laneway suites and other forms of auxiliary dwellings within Scarborough, Etobicoke and North York.
- The limited control over exterior building materials was raised as a concern.
- Concerns were raised about the varied condition of laneways and the City's maintenance approach.
- It was suggested that laneway suites could help activate laneways, making them safer, more inviting, and better used.
- Concerns about the proposed 2nd storey setback or, angular plane, were expressed, partly as a design issue, but also as a limitation on laneway suite overall size and usability.
- Concerns about the proposed fenestration percentage on portions of the laneway suites were expressed as too restrictive.
- Additional costs for policing within laneways were raised as concerns.
- Questions and concerns regarding MPAC assessments, short term rentals, servicing within laneways, and other matters were also raised.

Attachment 6: Other Municipalities with Laneway Suite / Coach House Frameworks

In preparation of this report and the appended guidelines, the City Planning Division reviewed the reports and guidelines of several other Canadian municipalities that have approved planning frameworks for laneway suites and/or coach houses. City Planning staff also interviewed staff from these municipalities.

The following summarizes the laneway housing and coach house strategies being implemented in the municipalities of Vancouver and Ottawa.

City of Vancouver

In 2009, the City of Vancouver implemented a laneway housing program to permit this form of housing in certain single-family home zones. In 2011, Vancouver, City Council provided direction to expand the program to the remaining single-family home districts to equalize opportunity across all single-family residential zones and to further increase the supply of rental housing.

The objectives of the program, not unlike the objectives of Changing Lanes, include: increasing the supply of rental housing, providing more housing options (detached and ground-oriented rental units) in low-density residential neighbourhoods, improving the environment and safety of laneways, and providing housing for a range of people, including seniors wanting to downsize yet live independently, adult children who want to live independently but cannot afford homeownership and renters wishing to live in established neighbourhoods in a detached house.

In 2013 to address impacts of laneway housing on neighbours, adequate provision of on-site parking, livability, and length of the permitting process. The amendments included encouraging more one-storey laneway houses, by allowing larger footprints, and requiring an exterior parking space. The aim of the program was to increase rental housing supply and provide more housing options in low-density residential neighbourhoods for diverse groups of people, while maintaining the streetscape and neighbourhood character and adding to the vibrancy and safety of lanes.

<http://council.vancouver.ca/20171128/documents/rr1.pdf>

The implementation is generally regarded as a success with the City continuing to encourage the construction of laneway housing as part of a broad strategy to address concerns regarding the availability of housing across the City.

City of Ottawa

In 2016, the City of Ottawa implemented a coach house program to permit a coach house or garden suite in the rear yard of a lot. This program includes Official Plan policies and Zoning By-law requirements which implement the coach house program.

The principles of the program, not unlike the principles of Changing Lanes, include: supporting appropriate intensification on residential properties that are developed with a detached, semi-detached, duplex, or rowhouse dwelling; requiring a secondary dwelling to be subordinate in scale and remain as an accessory use, not permitting the creation of a new lot; minimizing impacts on neighbouring properties; requiring service connections from the principal dwelling; and ensuring the preservation of mature trees.

Ottawa's coach houses are typically one-storey in height, but can be as high as two-storeys in rural areas and where a landowner obtains Committee of Adjustment approval. Ottawa does not require a parking space for a coach house unit, but it may be provided at the option of the owner.

When constructing a coach house, a landowner is not required to pay for parkland dedication but is required to pay a development charge towards transit infrastructure. City of Ottawa Staff advised that the City consider staff training to ensure consistent implementation, and to provide detailed "how-to" information for landowners who may not be familiar with the building permit process.

Ottawa's coach house program was a response to the *Planning Act* requirements for Official Plans to include policies that would allow for second units in an accessory structure. As part of the implementation strategy, the City of Ottawa created a "How to Plan your Coach House in Ottawa" guide for landowners. That guide can be found at the following link:
http://documents.ottawa.ca/sites/documents.ottawa.ca/files/how_to_coach_en.pdf