

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

Date:	May 28, 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 responds to the request from Toronto and East York Community Council at their meeting on May 2, 2018, to report to the June 6, 2018 meeting of Toronto and East York Community Council with additional information regarding Item TE32.11 Changing Lanes: The City of Toronto’s Review of Laneway Suites City-initiated Official Plan and Zoning By-law amendment – Final Report. This report contains additional information on matters related to an affordable rental laneway suites pilot initiative, landscaped open space, tree protection, the condition and maintenance of rear laneways, and responses to community correspondence in accordance with Toronto and East York Community Council’s request.

The original Changing Lanes report (April 16, 2018) recommended Official Plan and Zoning By-law amendments to permit laneway suites subject to a range of criteria.

This report outlines revisions to the proposed permissions related to laneway suites by clarifying the required amount of soft landscaped space in a rear yard, permission and protocol around tree protection, reductions to some permitted encroachments, and adjustments to the monitoring period. The recommended



height and form of a laneway suite is consistent with that recommended in the April 16, 2018 Changing Lanes Report. This report also recommends initiating the proposed Affordability Pilot Program at such time as Official Plan and Zoning By-law amendments are in force.

This report replaces the recommendations of the report, April 16, 2018, from the Acting Director, Community Planning, Toronto and East York District, in full, with some modifications, as detailed in this report.

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. 1 to the report (May 28, 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. 2 to the supplementary report (May 28, 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 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", and report to Toronto and East York Community Council by the earlier of two (2) years following the date the proposed Official Plan Amendment No. 403, identified in Recommendation 1, above, and the proposed Zoning By-law Amendment, identified in Recommendation 2 coming into force and effect, or following the issuance of the 100th building permit for the construction of new laneway suites, 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 Chief Building Official, Toronto Building 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 to construct laneway suites, for information;

6. 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 2020 on the effect of laneway suites on demand for on-street parking permits and applications for front yard parking pads and any necessary mitigating measures;
7. City Council direct the Director, Affordable Housing Office, to make available \$1,000,000 from the federal/provincial Investment in Affordable Housing Program for a Pilot for Affordable Laneway Suites, commencing November 1, 2018, on the terms and conditions summarized in the report (May 18, 2018), and on such further terms and conditions as are satisfactory to the Director, Affordable Housing Office;
8. City Council authorize the Director, Affordable Housing Office, to:
 - a) Negotiate, enter into, and execute on behalf of the City, a "Contribution Agreement", with participants in the Affordable Housing Program for a Pilot for Affordable Laneway Suites, to secure the financial assistance being provided and to set out the terms of the development and operation of the new affordable rental housing, on terms and conditions satisfactory to the Director, Affordable Housing Office and in a form approved by the City Solicitor;
 - b) execute, on behalf of the City, any security or financing documents or any other documents required to facilitate the funding process, including any documents required by participants in the Affordable Housing Program for a Pilot for Affordable Laneway Suites or mortgagee(s) to complete construction and conventional financing and subsequent refinancing, where and when required during the term of the Contribution Agreement.
9. City Council authorize the City Solicitor to execute, on behalf of the City, any postponement, confirmation of status, discharge or consent documents relating to the security given to secure the Contribution Agreement entered into with participants in the Affordable Housing Program for a Pilot for Affordable Laneway Suites, as required by normal business practices;
10. City Council increase the 2018 Approved Operating Budget for Shelter, Support Housing & Administration for the Affordable Laneway Suites pilot project by \$1,000,000 gross, \$0 net, fully funded by the Investment in Affordable Housing Program; and,
11. City Council direct the General Manager of Parks, Forestry, and Recreation to, at their discretion, refuse a permit to injure or destroy a healthy tree protected under Municipal Code Chapter 813 or Municipal Code Chapter 658, received as part of an application to construct a laneway suite, and advise the applicant to meet with City

Planning Staff and Urban Forestry to consider how the design of suite can be amended to protect the healthy By-law tree in question.

Financial Impact

This report recommends the Director, Affordable Housing Office, to allocate \$1 million from the Toronto Renovates Program (funded through the federal and provincial Investment in Affordable Housing Program) for the Pilot for Affordable Laneway Housing. The 2018 Approved Operating Budget for Shelter, Support Housing & Administration will be increased by \$1,000,000 gross, \$0 net for the project.

There are no other financial impacts from this report. The Interim Chief Financial officer has reviewed this report and agrees with the financial impact information.

BACKGROUND

On May 2, 2018, Toronto and East York Community Council considered a report dated April 16, 2018, from the Acting Director, Community Planning, Toronto and East York District (the “Changing Lanes Report”), that recommend Official Plan and Zoning By-law amendments to permit laneway suites subject to a range of criteria. Toronto and East York Community Council adjourned the item to the June 6, 2018 Toronto and East York Community Council meeting and directed staff to report on the following matters:

1. Develop a strengthened affordability strategy, including city stand-alone incentives, options for maintaining affordability in the long-term, enforcing affordability, and any proposals to support affordability that would require provincial legislative or regulatory changes.
2. Review and re-consider the following components of the Laneway Suites Official Plan Amendment and Zoning By-law Amendment:
 - a. Requiring the 1.5m lot setback to be soft landscaping as part of the as-of-right requirements;
 - b. Additional measures to increase soft landscaping, tree protection and greening;
 - c. Any requests to change the as-of-right zoning permissions be considered through a Zoning By-law Amendment, and not through a Minor Variance application;
 - d. Considerations for placement of mechanical equipment associated with laneway suites,
3. Consider the following in the report back to the Toronto and East York Community Council:

- a. include the density of the laneway suite in the calculation of density/GFA of the property;
 - b. give consideration to the new Ward and Community Council boundaries into the plan;
 - c. ancillary issues brought forward either in communications or deputations at Community Council;
 - d. a strategy and timeline for Phase Two accessible housing for properties that do not have a laneway; and
 - e. include the lot coverage of the laneway suite in the total lot coverage permitted on a property.
4. Provide an update on the "Second Units - Draft Official Plan Amendment" Public Consultation Meeting to be held on May 7, 8 9 and 10, 2018.
 5. Consider options to secure tenancies in laneway housing, and other rental housing types, including requesting the Province of Ontario to amend legislation to protect tenants in residential dwellings with less than six units by deleting:
 - a. Subsection 111(3) of the *City of Toronto Act* to remove the restriction on the City to prohibit or regulate the demolition or conversion of a residential rental property that contains fewer than six dwelling units, and
 - b. Subsection 52(b) of the *Residential Tenancies Act* to ensure that tenants in residential complexes containing fewer than six dwelling units are entitled to compensation from the landlord in an amount equal to three months rent or offer the tenant another rental unit acceptable to the tenant, as is applicable to tenants living in residential complexes of six or more units.
 6. Consider the Letter from ABC Residents Association (Communication TE.Supp.TE32.11.106);
 7. Consider whether laneway suites may be constructed on lots with row houses; and,
 8. Review any potential conflicts between any existing Site and Area Specific Policies and/or Secondary Plan Policies and the proposed Official Plan Amendment 403.

The Changing Lanes Report can be viewed at the following link:

<https://www.toronto.ca/legdocs/mmis/2018/te/bgrd/backgroundfile-114362.pdf>

Toronto and East York Community Council's decision on Item TE32.11 can be viewed at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.TE32.11>

Agency Circulation

This report has been circulated to all appropriate agencies and City Divisions. Their responses received have been used to assist in drafting this report and its appendices.

Additional Consultation

Following the May 2 Toronto and East York Community Council (TEYCC) meeting, City Planning staff met with several Councillors and interested parties, including the Harbord Village, ABC, Ossington, and Seaton Village Residents Associations, and architects Lia Maston and Brigit Shim. City Planning staff also contacted other interested parties to discuss their comments about laneway suites received in advance of the May 2, 2018 TEYCC meeting. These meetings were held to inform the contents of this report.

Staff Responses

- 1. Develop a strengthened affordability strategy, including city stand-alone incentives, options for maintaining affordability in the long-term, enforcing affordability, and any proposals to support affordability that would require provincial legislative or regulatory changes.**

In accordance with previous Council direction, the Changing Lanes Report includes a discussion on laneway suites through the lens of affordable housing (page 38) and proposes an affordability pilot program (page 38 and 39). The following commentary is provided in addition to the comments and conclusions noted in the Changing Lanes Report.

Laneway Suites are intended to contribute to the Official Plan's objective of providing for a full range of housing and within neighbourhoods. They are primarily intended to add to the City's supply of market rental housing and provide living space for extended family members. The City is not able to require that they be maintained at affordable rents. Owners may elect to participate in an affordable housing program.

Second Units in Toronto

Laneway Suites are considered a type of second unit. Both the Province and the City support and encourage the creation of second units. The proposed amendments to the Zoning By-law and Official Plan help to create an enabling framework to encourage this form of housing by simplifying the approval process for the construction of Laneway Suites. The most recent update to the Development Charges By-law also supports this framework by deferring laneway suites from Development Charges. The City's approach to Laneway Suites is consistent with provincial policy direction.

Second units are an important part of the City's housing spectrum. Currently, apartments (i.e. secondary suites) in converted houses represent the majority of the second units stock within the City. These units increase the City's rental stock and range of housing options, particularly in low-scale neighbourhoods where there are limited housing options beyond home ownership.

The City currently permits the construction of secondary suites and the partitioning of existing dwellings into multiple units, to create secondary suites, subject to various performance standards and criteria, though none of these criteria explicitly require that these new units be “affordable”.

Laneway Suites augment the City’s rental stock with a new form of secondary, market rental housing. City Planning staff do not recommend that Laneway Suites be treated any differently than other types of second units with regard to affordability.

Current Tools to Secure Affordability

The City does not currently have the ability to require new housing be developed with affordable rents or at affordable prices. 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 as Section 37 generally applies to developments larger than 10,000 square metres of floor area that also involve an increase to the permitted density and/or height in the zoning.

The Province recently enacted regulations allowing municipalities to develop inclusionary zoning policies in their Official Plans. A proposed inclusionary zoning framework is anticipated to be brought forward in early 2019. While inclusionary zoning provides for a new tool to secure more affordable rental housing in the city, the provincial regulations direct that it can only apply to developments with 10 or more units. The City's own framework will need to address a minimum project size at or above this threshold. Inclusionary zoning does not present an opportunity related to laneway suites.

Laneway Housing and Affordability in Vancouver

Toronto can learn from the experiences of other municipalities that have already implemented laneway suites, and similar policies. The Changing Lanes Report was informed by the policies and experiences of other Canadian municipalities such as Ottawa, Regina, and Vancouver.

In 2009 the City of Vancouver approved permission for laneway housing on 94% of all single-family home lots with laneways in the city. In 2011, Vancouver adopted a 3 Year Action Plan of the Housing and Homelessness Strategy. The strategy expanded permission for laneway housing to all single-family home districts to equalize opportunity across these areas and to further increase the supply of rental housing. As of the fall of 2014, over 1,400 permits for laneway houses had been issued and over 900 laneway houses had been built across Vancouver, adding to the City’s supply of rental housing for families, without municipal or provincial subsidies or incentives.

In 2017, Vancouver approved the Housing Vancouver Strategy – A comprehensive document that includes a variety of objectives and recommendations to grow both the provision of housing and affordability across the City. The Strategy includes direction to launch a Laneway Housing Review and Innovation Challenge to improve efficiency and affordability of laneway housing options. Expanding the supply of rental housing is a key

priority of the Strategy, which targets the construction of 20,000 new purpose built rental units over the next decade, including a target of 4,000 rental laneway homes.

Vancouver cites their sustained low vacancy rate, 50% plus renter population, and the desire to maintain housing for moderate income families, three characteristics that also apply to Toronto, as a reason to support the market rental stock with laneway suites.

The Strategy notes that rental housing – including basement suites, rented condominiums, and laneway homes – makes up the majority of Vancouver’s rental housing stock and is a key source of affordable rental housing for moderate-income renters. The Strategy does not recommend mandating that laneway suites be rented at affordable levels. Instead, Vancouver recommends expanding the availability of laneway suites by streamlining and expediting the planning process, making them easier to construct. The Strategy also recommends regulating short term rentals on suites to ensure adequate long term rental stock is maintained. Link to the Housing Vancouver Strategy:

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

The City is not aware of any other municipalities that have implemented second suites, laneway suites, or similar policies, conditional on new suites being maintained at or below affordable rent levels without the provision of affordable housing program funding.

Pilot for Affordable Laneway Suites

This report recommends that City Council direct the Director, Affordable Housing Office, to allocate \$1 million from the Toronto Renovates Program for a pilot initiative to create new affordable rental laneway housing. Toronto Renovates is funded by the federal and provincial governments through the Investment in Affordable Housing Program (IAH). The IAH can be used to build new self-contained rental "garden" or laneway suites.

The pilot affordable laneway rental housing initiative will provide forgivable loans, to a maximum of \$50,000, to property owners for the construction of a laneway home. The funding will assist with the up-front capital costs to construct the laneway suite while providing the homeowner with a benefit for renting the suite for below-market rent. The \$1 million pilot will target an estimated 20 new laneway homes and administration of the program will be managed by the Affordable Housing Office. Applicants will be evaluated based on program criteria including financial viability, value for money and affordable housing standards.

The pilot would require owners to maintain affordable rents on their laneway suite for a minimum of 15 years as well as income limits for tenants of the suite at the point of occupancy during this period. The program's definition of affordable rental housing is proposed to be consistent with the City's Official Plan and Municipal Facility Housing By-law definitions, where total monthly shelter costs (gross monthly rent, including heat, hydro and hot water, excluding parking and internet/cable charges) are at or below Toronto's average market rent (AMR) by unit type (number of bedrooms) as reported in the fall of each year by Canada Mortgage and Housing Corporation.

Toronto's prevailing average market rent, as determined by the Canadian and Housing Mortgage Corporation (CMHC) is currently \$1,202 for a 1-bedroom unit and \$1,426 for a 2-bedroom unit. Monthly rent below these figures is considered affordable according to the City's definition of affordable rental housing within the Official Plan. Based on a limited review of current rental ads in the Toronto and East York area, monthly rent for a 1-bedroom unit can range from approximately \$1,200, to more than \$2,000, and 2-bedroom units can range from \$1,800 to over \$3,000. Many factors, including geographic location, size, unit layout, quality, and many others affect the price of rental units.

In 2020, or in the context of the proposed monitoring program, as appropriate, the Director, Affordable Housing Office, will report on the pilot's results and any recommended program refinements.

Conclusion

The proposed permissions for laneway suites are intended to contribute to providing for a full range of housing. While affordability is an important objective, there are more appropriate tools to secure a greater number of affordable housing units, such as affordable housing program funding and/or inclusionary zoning. Laneway Suites are primarily intended to modestly grow the City's supply of market rental housing including opportunities to house extended families.

Requiring all laneway suites to be rented at affordable levels is inconsistent with the City's practices in permitting any other form of second unit; is inconsistent with the practices of other municipalities with laneway suite policies; and is anticipated to greatly limit the construction of laneway suites. City Planning staff suggest that placing affordable rental requirements on laneway suites is not likely to deliver affordable rental housing in any significant way, and have the effect of preventing the creation of any new market rental units, which are also needed. The proposed Affordability Pilot Program is a step beyond what other cities have required related to affordability of laneway suites or similar second units.

City Planning staff do not recommend implementing a policy that new laneway suites be tied to a mandated affordable housing requirement. City Planning continues to recommend the affordability pilot program as noted in the Changing Lanes Report and in this report.

2. Review and re-consider the following components of the Laneway Suites Official Plan Amendment and Zoning By-law Amendment:

a. Requiring the 1.5m lot setback to be soft landscaping as part of the as-of-right requirements;

While not required by the proposed By-law amendment, a laneway suite may include a parking space integral to the structure. In this case, some hard surfacing area would be required for the vehicle to travel from the lane, over the required setback, and into the garage. City Planning staff continues to recommend requiring

the majority of the area of this setback as soft landscaped open space. The provision requires that the entirety of the setback between the lane and the suite, except for a required driveway which is a minimum of 2.0 metres wide, is required to be landscaped open space. A total of 75% of this landscaped open space area is required to be soft landscaping. The remaining 25% is to allow for hard surfacing, such as pavers, to access a doorway on the lane side.

b. Additional measures to increase soft landscaping, tree protection and greening;

The intent of the April 16, 2018 Changing Lanes Report was to propose standards for rear yard landscaping that did not result in diminishing rear yard landscaping overall. The City has revised the original draft by-law amendment requirements, in consultation with interested parties, to better achieve this intent.

With regard to landscaped open space, Zoning By-law 569-2013 requires the following for a residential lot:

- 25% of the rear yard area as soft landscaping for lots less than 6.0 metres in width, and
- 50% of the rear yard area as soft landscaping for lots greater than 6.0 metres in width.

The recommended Zoning By-law Amendment (Attachment 2) proposes standards for the area between the laneway suite and the main house, as follows:

- 60% of the rear yard area between the laneway suite and the main house as soft landscaping for lots less than 6.0 metres in width, and
- 85% of the rear yard area between the laneway suite and the main house as soft landscaping for lots greater than 6.0 metres in width.

In practice, the proposed provisions ensure that landscaped open space on all lots less than 6 metres in width, in the case of both a 5.0 metre and 7.5 metre separation distance between the main house and the suite, exceeds the amount currently required by the Zoning By-law. The provisions also ensure that landscaped open space on all lots greater than 6 metres in width, in the case of both a 5.0 metre and 7.5 meter separation distance between the main house and the suite, is generally equal to, or greater than, the amount currently required by the Zoning By-law.

Staff notes that the Zoning By-law defines soft landscaping as “landscaping excluding hard-surfaced areas such as decorative stonework, retaining walls, walkways, or other hard-surfaced landscape-architectural elements”. No changes are proposed to this definition on lots where a laneway suite is constructed.

The recommended by-law permissions for minimum landscaped open space ensure the same or greater overall amount of rear yard soft landscaped area when compared to the standards in the current Zoning By-law.

Comments on tree protection measures are discussed later in this report.

c. Any requests to change the as-of-right zoning permissions be considered through a Zoning By-law Amendment, and not through a Minor Variance application;

Section 45 of the *Planning Act* allows for applications to make minor variances to a zoning by-law. City Planning has included additional considerations in the recommended Official Plan Amendment (Attachment 1) that must be taken into account where such applications are made for laneway suites. In reviewing minor variance applications, City Planning Staff will also generally advise the Committee where a proposal would be more appropriately considered through a Zoning By-law Amendment application process.

Where there has been a request to sever or otherwise subdivide the land to create a Laneway Suite on a separate parcel of land, the recommended Official Plan Amendment requires a corresponding zoning by-law amendment application. City Planning staff do not recommend a blanket prohibition of minor variances from the proposed as-of-right permissions for laneway suites.

d. Considerations for placement of mechanical equipment associated with laneway suites,

The recommended zoning by-law amendment (attachment 2) has been revised from the version appended to the April 16, 2018 report to clarify and in some cases reduce the permitted encroachments and location of mechanical equipment such as air conditioners and other structures such as parapets and satellite dishes. Previously, the proposed projections were in line with the permissions for a main house. As laneway suites are intended to be subordinate to the main house, the proposed permitted projections have been reduced from the standards required for the main house. A list of changes to the recommended zoning by-law amendment, including all revisions to the permitted projections sections of the by-law, is contained later in this report.

3. Consider the following in the report back to the Toronto and East York Community Council:

a. include the density of the laneway suite in the calculation of density/GFA of the property;

The intent of the Changing Lanes initiative is, in part, to allow for new residential floor space, as of right, in an appropriate form, in Toronto's neighbourhoods.

Most of the neighbourhoods in the study area permit between 0.6 and 1.0 times the area of the lot for residential uses. The City undertook a review of existing floor area in a number of neighbourhoods and found that many lots currently exceed the as-of-right permitted density.

If the permission to construct a new laneway suite was tied to the currently permitted density on a lot, a minor variance application would often be required to consider a laneway suite that may otherwise meet all other proposed setback, coverage and height requirements in the recommended zoning by-law amendment.

The recommended zoning by-law amendment (Attachment 2) follows a performance and form-based zoning approach, limiting the size of a suite through a number of provisions so that the suite corresponds to the size of the lot on which it is proposed, effectively setting an upward limit to the size of the unit.

The following recommended by-law provisions to regulate the scale, height, and location of a laneway suite are consistent with those recommended in the April 16, 2018 Changing Lanes Report:

- Maximum suite height - 6.0 metres, up to two storeys;
- Maximum suite width - 8.0 metres (*otherwise limited by lot width*);
- Maximum suite length - 10.0 metres;
- Minimum separation distance from the main house - 5 metres for a one storey laneway suite and 7.5 metres for a two storey suite;
- A 2 metre step back/angular plane above a height of 4 metres and at a distance of 7.5 metres facing the main house;
- Minimum 1.5 metre setback from the public lane;
- Maximum lot coverage of 30% for the laneway suite;
- Minimum landscaped open space requirements; and,
- In addition to the above, the laneway suite must be smaller than the main house on the property.

City Planning Staff recommend the specific performance standards outlined above in absence of a maximum floor area or a density number for several reasons. The performance standards better ensure the form and scale of the suite relative to the size of the lot itself. Requiring specific density or floor area maximums on top of these requirements would be redundant and may create the need for variances on otherwise compliant proposals. The current provisions ensure that the size of the laneway suite corresponds to the size and constraints of the lot.

Concerns were raised about tracking the additional density in laneway suites. City Planning staff note that all construction activity is monitored through the Building Permit process. In the future, if a planning and building permit application is submitted for a property where a laneway suite was previously constructed, a full set of statistics of the suite, including the floor area, is required information to

review that application. When reviewing a minor variance application, City Planning staff will consider the total floor area on the site when considering the appropriateness of the variances requested.

Concerns about servicing capacity related to density were also raised. As noted on page 28 of the Changing Lanes Report, 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 and within the typical variance of population change overall.

b. give consideration to the new Ward and Community Council boundaries into the plan;

City Planning staff consulted on laneway suites and gave public notice for a study area which corresponds to the Toronto and East York Community Council area as it existed in 2017. The map appended to the recommended Zoning By-law amendment reflects this geographic area. Any changes to ward boundaries do not affect the geographic area shown on the map amended to the recommended Zoning By-law.

City Council may direct City Planning staff to consider expanding the proposed Official Plan policies and zoning by-law amendment related to laneway suites to areas not within the study area at a later date. Additional Community consultation and staff review would be required in considering an Official Plan and Zoning By-law amendments related to laneway suites in areas outside the study area.

c. ancillary issues brought forward either in communications or deputations at Community Council;

The following section of this report responds to general comments raised both in correspondence on Community Council Item TE32.11 and by deputants at the May 2, 2018 meeting of Toronto and East York Community Council.

d. a strategy and timeline for Phase Two accessory housing for properties that do not have a laneway; and

The Changing Lanes Report (page 41), discusses the potential for future consideration of housing in accessory structures on properties that do not have a laneway. 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. Staff will be bringing forward a request to consult on updates to zoning by-law permissions for second units. City Council may consider a similar analysis of ancillary dwellings and laneway suites within the City more broadly as part of this work.

- e. **include the lot coverage of the laneway suite in the total lot coverage permitted on a property.**

The draft zoning by-law amendment only applies to properties zoned 'R' Residential in Zoning By-law 569-2013. There are no properties zoned 'R' residential that also include a lot coverage requirement in the Zoning By-law within the study area.

There are very few properties in the study area that have frontage on a public lane, are located within the study area, and are not located within the 'R' Zone. Some blocks northwest of Victoria Park Avenue and Danforth Avenue and in the vicinity of Mortimer Avenue and Pape Avenue have frontage on a public lane, but are not included in the draft zoning by-law amendment, as they are not zoned 'R' – Residential. City Planning staff will consult with these communities and consider adding permissions for laneway suites to these areas at a later date.

In addition to all other zoning criteria to regulate the height and size of a laneway suite, a maximum lot coverage of 30% is proposed for a laneway suite, independent of the coverage of the main house.

4. Provide an update on the "Second Units - Draft Official Plan Amendment" Public Consultation Meeting to be held on May 7, 8 9 and 10, 2018.

On May 7, 8, 9 and 10, 2018, City Planning Staff held four public consultation meetings in each of the four districts to provide an opportunity for residents to comment and provide feedback on the draft Second Units Official Plan Amendment, which is a separate initiative from Changing Lanes. The draft Second Units Official Plan Amendment proposes to clarify existing Second Unit permissions within the Official Plan and strengthen existing policies that provide for a full range of housing, while ensuring intensification and infill are consistent with the Official Plan.

Generally, residents attending the four public consultation meetings had little concern regarding Second Units permissions within primary dwellings. In fact, many residents suggested relaxing requirements such as parking for such units.

Staff received comments and technical concerns regarding Second Units located within ancillary structures, such as laneway suites or coach houses. Many residents felt that additional policies or provisions would be required to regulate ancillary structures containing a Second Unit, taking into consideration privacy, separation distances, severances and access. The recommended zoning by-law amendment responds to these concerns with regard to laneway suites in the Toronto and East York area.

A report on the results of the consultation and final recommended Official Plan policies are anticipated to be brought forward to Planning and Growth Management Committee in summer 2018.

- 5. Consider options to secure tenancies in laneway housing, and other rental housing types, including requesting the Province of Ontario to amend legislation to protect tenants in residential dwellings with fewer than six units by deleting:**
- a. Subsection 111(3) of the City of Toronto Act to remove the restriction on the City to prohibit or regulate the demolition or conversion of a residential rental property that contains less than six dwelling units, and**
 - b. Subsection 52(b) of the Residential Tenancies Act to ensure that tenants in residential complexes containing fewer than six dwelling units are entitled to compensation from the landlord in an amount equal to three months rent or offer the tenant another rental unit acceptable to the tenant, as is applicable to tenants living in residential complexes of six or more units.**

The *Residential Tenancies Act* currently requires compensation be provided to tenants in rental properties of five or more units who will be evicted due to demolition or conversion. Under the *City of Toronto Act*, the City was granted authority to regulate the demolition of rental housing where there are at least six dwelling units. The City's Official Plan rental replacement policies require a replacement plan and tenant assistance strategy for rental properties where there are six or more rental units.

As part of the update to the City's housing and homelessness plan, data on the number of rental units in duplexes, triplexes, and other units types will be examined to understand the impact of changing the Official Plan policy threshold to a lower number of rental units.

Establishing a rental replacement threshold of less than six units would require the Province to amend both the *Residential Tenancies Act* and *City of Toronto Act*.

6. Consider the Letter from ABC Residents Association (Communication TE.Supp.TE32.11.106);

City Planning Staff considered the letter from the ABC Residents Association (ABCRA), dated April 30, 2018, which is thorough in its discussion of the proposed Official Plan and Zoning By-law amendments to permit laneway suites. The following responds to the themes and issues raised in that letter:

Clarification of Provincial Policies

The ABCRA letter requests that the City respond to Provincial requirements in ways that are both consistent with Provincial policy and make sense for its urban context and enhancement as a “premier world city”.

City Planning staff have considered the Provincial policies raised in the ABCRA letter. The Changing Lanes Report includes a detailed review of Provincial policy and legislation on pages 7 - 10 and 16 - 18. In the opinion of City Planning staff, the proposed amendments to the Official Plan and City-wide Zoning By-law conform to the Growth Plan and are consistent with the relevant policies of the Provincial Policy Statement.

The proposed amendments are both consistent with Provincial policy and represent good planning within an urban context and enhancement as a premier world city.

Protecting the Physical Character of Neighborhoods

The ABCRA letter requests that the City ensure the proposed policies implement the policies in the Official Plan intended to ensure new development respects and reinforces the prevailing character.

City Planning staff have considered the proposed amendments against all relevant Official Plan policies, including those raised in the ABCRA letter. The Changing Lanes Report includes detailed discussion on the City’s Official Plan policies on pages 10 - 12 and 18 – 21.

In the opinion of City Planning staff, the proposed amendment to the Official Plan allows the creation of additional units within the *Neighbourhood* designation of the Official Plan, 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 recommended Official Plan amendment constitutes a measured, appropriate change, which supports the Plan’s guiding principles related to the provision of housing and allowance for gradual change.

Aesthetic Character of the Neighbourhoods in SASP 211

The ABCRA letter requests that the City ensure the proposed policies include the aesthetic aspects of the neighbourhood as detailed in Site and Area Specific Policy 211 (“SASP 211”).

A discussion of SASP 211 and its implication on the proposed Official Plan amendment for laneway suites is provided later in this report.

Conflicts with Secondary Plan, SASP and Heritage Policies

The ABCRA letter requests that the City ensure the proposed policies are consistent with Secondary Plan, Site and Area Specific policies, and Heritage policies.

The proposed policy 1. e) of the recommended Official Plan Amendment to permit laneway suites (OPA 403) states that the policies of existing Site and Area Specific Policies and Secondary Plans will prevail over any policies proposed in OPA 403.

Under the City's current practices, permits for development on properties that are contained on the City's Heritage Register are reviewed by Heritage Preservation Services.

Zoning Appendix Comments

The ABCRA letter includes an appendix with commentary on various zoning by-law provisions. City staff have reviewed and considered the proposed changes in preparing this supplementary report. City Planning staff will ensure the letter remains on file for consideration during the proposed monitoring period should City Council approve the draft zoning by-law amendment.

Private and Public Lanes

The ABCRA letter raises the question of laneway suites on private lanes. The proposed zoning by-law amendment only permits laneway suites on lots with frontage on a public lane.

Other matters

Comments related to tree preservation, severance, landscaped open space, and the maintenance and classification of laneways, were raised in the letter from ABCRA and are discussed in this report.

7. Consider whether laneway suites may be constructed on lots with row houses; and,

City Planning Staff previously reviewed and considered whether laneway suites could be accommodated behind row houses. Emergency access and solid waste collection were noted as concerns by the community and in initial meetings with City Staff on the Changing Lanes initiative.

City Planning, Toronto Fire Services and Toronto Building Staff, reviewed the concerns and determined that lots with row houses can typically provide adequate emergency access either via an adequate-width side yard on an end-of-the-row rowhouse, or via a door fronting a public lane, if the travel distance over the public lane, from the door to a public street, is 45 metres or less. As is the case with any other structure, Toronto Fire Services and Toronto Building Staff will determine Ontario Building Code compliance, including compliance with any requirements related to fire safety an emergency access, as part of the building permit review process.

The Changing Lanes Report notes that transporting solid waste from a laneway suite to the front yard is more complicated with row houses, on account of their lack of a side yard in the case of units interior to the row. The report further comments that, 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 whether it's a satisfactory arrangement or not should remain at the discretion of the owner and the occupant, not the City.

Primarily due to the difficulty of providing code-compliant emergency access in all but specific cases, the City anticipates fewer row house lots will be able to accommodate laneway suites when compared to lots with single or semi-detached dwellings. Where adequate emergency access can be provided and a lot and suite design would otherwise meet the other proposed zoning requirements to construct a laneway suite, City Planning Staff see no reason to preclude such a lot from constructing a laneway suite on account of it being a row house lot.

City Planning staff recommends allowing laneway suite permissions on lots with row houses, subject to the conditions above.

8. Review any potential conflicts between any existing Site and Area Specific Policies and/or Secondary Plan Policies and the proposed Official Plan Amendment 403.

The proposed policy 1 e) of the recommended OPA 403 to permit laneway suites states that the policies of existing Site and Area Specific Policies and Secondary Plans will prevail over any policies recommended in OPA 403. City Planning staff previously reviewed and considered whether the proposed OPA 403 was in conflict with any existing Site and Area Specific Policies or Secondary Plan policies in the study area and concluded that was not the case. This clause is typically included in new Site and Area Specific Policies to ensure that other Site and Area Specific policies that overlap with each other are not in conflict and that the original intent of the Site and Area Specific policy is maintained.

The letter received from the ABCRA in advance of the May 2, 2018 Toronto and East York Community Council meeting, raised conformity with Site and Area Specific Policy 211 (SASP 211) as a concern. SASP 211 encompasses the Bloor-Yorkville/North Midtown area that is bounded by Avenue Road to the west, Bloor Street to the south, the Rosedale Ravine and Yonge Street to the east, and the CP rail corridor to the north. The area includes *Neighbourhoods*, *Apartment Neighbourhoods*, *Areas of Special Identity*, *Mixed Use Areas*, and open space provided by parks and ravines.

SASP 211 Policy a) states that new development in the Ramsden Park, Yorkville Triangle and Asquith-Collier Neighbourhoods will respect and reinforce the stability and the established low-rise character of these areas containing tree-lined streets and houses of two and three storey height, consistently setback from the street line. All new development will be contextually similar and appropriate to the individual settings, patterns of development, unique features, architectural and landscape character, and heritage significance within these areas.

In the opinion of City Planning staff, the intent of SASP 211 was not necessarily to prevent laneway suites in these neighbourhoods, as such permissions did not exist anywhere at the time. However, in order to study the issue further, City Planning has removed the Ramsden Park, Yorkville Triangle and Asquith-Collier Neighbourhoods from the area proposed to allow the as-of-right construction of laneway suites. Map 1 of the draft zoning by-law amendment has been further amended to remove these Neighbourhoods.

During the monitoring period on laneway suites, City Planning staff will consult with residents of these Neighbourhoods and consider adding permissions for laneway suites to the Ramsden Park, Yorkville Triangle and Asquith-Collier Neighbourhoods at a later date.

City Planning staff have undertaken a second review of all SASPs and Secondary Plans within the study area and do not consider any other policies to be in conflict with the recommended Official Plan Amendment.

Additional Comments

Item 3. C. of the motion from Toronto and East York Community Council directs City Planning staff to consider ancillary issues brought forward either in communications or deputations at the May 2, 2018 TEYCC meeting.

A total of 189 pieces of written correspondence were submitted on the Changing Lanes report item TE32.11. The contents of this correspondence, like the deputations at the TEYCC meeting, vary considerably. Some pieces of correspondence raised concerns with the initiative being too “aggressive”. Other pieces of correspondence, including a petition with 237 signatures, request more “permissive” criteria for laneway suites, suggesting the City’s Changing Lanes initiative is not ambitious enough.

The following considers the comments raised in deputations and in comments received in advance of the May 2 TEYCC meeting. Some of the comments, such as those regarding landscaped open space and density, are discussed earlier in the report.

Second Floor Step back / 45 Degree Angular Plane

Communications received in advance of the meeting, including the 237 signature petition, and some deputations, raised concerns with the prescribed 45 degree angular plane. Comments received on this initiative both supported and opposed requiring a 45 degree angular plane at the second storey. Considerable opposition to this provision was noted by a various groups and individuals including the Ontario Association of Architects.

City Planning staff have considered these comments and continue to recommend a 45 degree angular plane, or a 2 metre setback, above a height of 4 metres at a distance of 7.5 metres from the main house. Permission for dormers, which may occupy a maximum of 30% of the width of the suite within the angular plane, also remains within the recommended Zoning By-law Amendment.

In the opinion of City Planning staff, the angular plane provision appropriately limits issues related to privacy and overlook on adjacent properties. Though the proposed monitoring program, the City will review and consider whether this provision has been successful or if alternate approaches are needed to adequately address privacy and overlook while accommodating livable, attractive, laneway suite designs. An application to the Committee of Adjustment is an option where a proposed laneway suite design adequately resolves shadowing, privacy and overlook issues but does not comply with the proposed angular plane provision.

Short Term Rentals

The proposed rules for short term rentals are consistent with the rules for all the rental units in the City. Under these rules, a laneway suite may be rented on a short term basis, but only by the occupant(s) of the unit, as a laneway suite constitutes a second unit under the Short Term Rental By-law.

Number of Units per Laneway Suite

The zoning by-law amendment appended to the Changing Lanes Report permitted a maximum of 1 unit within a laneway suite. The draft zoning by-law published shortly before the May 2 TEYCC meeting was adjusted to resolve any ambiguity in this regard. City Planning staff notes that comments received on this initiative both supported and opposed allowing more than 1 unit in a laneway suite.

Windows

Concerns were raised about windows adjacent to side lot lines. The draft zoning by-law amendment appended to the Changing Lanes Report has been further amended to clarify that no openings, or windows, are permitted facing a side lot line if a suite is within 1.5 metres of any side lot line. In the opinion of City planning staff, this setback requirement will effectively prevent side lot line windows.

Street Parking

The Changing Lanes Report recommended a further report from the Transportation Services Division in the first quarter of 2020 on the effect of laneway suites on demand for on-street parking permits and applications for front yard parking pads and any necessary mitigating measures. Transportation Services staff advise that allowing more time to assess the impacts of laneway suites constructed on street parking is appropriate. The report timing in this recommendation now requests the report by the first quarter of 2020.

Public Laneways

The Changing Lanes Report, page 35, discusses the maintenance within the City's public laneway network. The ABCRA letter, discussed earlier in this report, questions whether suites should only be permitted on certain laneways dependent on their width and layout. City Planning staff have consulted further with Transportation Services Staff and provide the following additional information to supplement that contained in the Changing Lanes Report.

Impacts on Lanes and Suitability of Lane Widths for Access

In the opinion of Transportation Services staff, the impacts on the City's public laneways resulting from the construction of laneway suites will not be significant. The majority of suites will be accessed via residential side yards. Primary access to a laneway suite via the laneway is only possible in a limited number of cases where the suite is within 45 metres of a public street. Pedestrians, cyclists and vehicles are all permitted to access public lanes, and do so regularly regardless of the type or width of the lane. City Planning and Transportation Services Staff do not recommend limiting permissions for laneway suites to lanes which achieve a specific minimum width.

Transportation Services staff will participate in the proposed monitoring program and determine whether any upgrades to laneways where suites are constructed are necessary over time. The City currently budgets for work within public laneways. Transportation Services staff suggest that any upgrades or maintenance resulting from laneway suites will be minimal. Transportation Services staff acknowledge that pedestrians and cyclists currently use public laneways, and suggest that there are safety and community benefits to encouraging people to use these public spaces.

Lane Setback and Planned Width

The recommended Zoning By-law Amendment requires a 1.5 metre setback for a suite from the lot line abutting a public lane. This standard exceeds the current 1.0 metres required for a garage. In the opinion of City Planning staff, the proposed 1.5 metre setback is appropriate. It ensures that laneway suites will not prevent residential lanes from eventually meeting or exceeding the required 5.0 metre width over time. Any additional setback is not recommended.

Tree Protection

Concerns regarding the injury or removal of private trees were raised at the May 2 TEYCC meeting. City Planning staff have consulted further with Urban Forestry staff and provide the following additional information to supplement that contained in the Changing Lanes Report.

The construction of a laneway suite and supporting utilities may require the removal and injury of trees protected under the City's Tree By-laws. Trees on City streets are protected under Municipal Code, Chapter 813, Article II; trees 30 cm and greater on private property are protected under Municipal Code, Chapter 813, Article III or Municipal Code Chapter 658, Ravine and Natural Feature Protection By-law. Tree By-laws were adopted to preserve healthy trees on private and City property, 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 the relevant Tree By-law is required. Applications to injure and/or destroy by-law protected trees may be denied by Urban Forestry. When Urban Forestry denies an application, the applicant can appeal the decision to City Council through Community Council.

It is difficult to anticipate the impact the construction of laneway suites may have on tree protection. City Planning Staff note that many of the lots abutting public laneways have existing garages or other accessory structures within the general area where the proposed By-law amendment contemplates a laneway suite. This being the case, and acknowledging the limited anticipated yearly construction of laneway suites, conflicts with existing trees may occur.

The proposed policies, guidelines, communication measures, and practices summarized in this section of the report have been developed in consultation with Urban Forestry and Toronto Buildings staff over the course of the Changing Lanes initiative, and in the opinion of City Planning staff, represent a positive step forward in tree protection.

Current and Proposed Official Plan Policies and Tree Protection

The City's current Official Plan Policies do not explicitly note the protection of trees as criteria when considering infill development within *Neighbourhoods*. In contrast, the proposed Official Plan Amendment 403 does include policies specifically intending that laneway suites not result in the removal of a tree protected by a Tree By-law. The proposed policies also direct that City Planning staff will review minor variance applications with the goal of designing a laneway suite around preservation of an existing tree protected under a Tree By-law. The proposed Official Plan Amendment (Attachment 1) has been changed to clarify that a healthy tree is protected under proposed Policy 1.b.iv. This change was recommended by Urban Forestry staff.

Applying to Injure or Destroy a Tree

The construction of a laneway suite and associated utilities may require the removal and/or injury of by-law protected trees on the subject site and neighbouring properties. Applications to remove by-law protected trees are required to be submitted to Urban Forestry.

In cases where the laneway suite is designed to the as-of-right permissions in the proposed Zoning By-law Amendment (Attachment 2), the General Manager of Parks, Forestry, and Recreation may refuse the tree removal permit, in accordance with Municipal Code Chapters 658 and 813. Urban Forestry current process is to issue permits for tree injury and/or removal for as-of-right proposals.

City Planning staff recommended that City Council direct the General Manager of Parks, Forestry, and Recreation to refuse a permit to injure or destroy a healthy by-law tree received as part of an application to construct a laneway suite, and advise the applicant to meet with City Planning Staff and Urban Forestry to consider how the design of the suite can be amended to protect the healthy By law tree in question. If the tree cannot be protected, the General Manager, Parks, Forestry and Recreation may deny the permit to remove and or injure the tree, regardless of building permit issuance. The applicant may appeal the decision.

In cases where variances are required, the proposed policies provide effective protection against the removal or injury of a protected tree. In practice, the recommended Official Plan policies provide clear direction to the Committee of Adjustment that, if a healthy tree

was proposed to be removed or injured to allow for the construction of the laneway suite, the proposed variances would not meet the intent of the Official Plan and may be refused. Consistent with Urban Forestry's current Committee of Adjustment application review process, Urban Forestry staff would continue to request that the Committee of Adjustment deny applications that propose to injure and/or remove a healthy by-law protected tree.

Other Tree Protection Measures

The proposed Official Plan policies regarding tree protection related to the construction of laneway suites are more explicit than the City's current policies regarding any other type of development in *Neighbourhoods*, which do not acknowledge the protection of trees in assessing the appropriateness of *Neighbourhood* infill development.

Urban Forestry staff note that promoting awareness of the City's tree protection policies and the Tree By-laws has a positive impact on tree protection. City Planning staff, in consultation with Urban Forestry Staff, will ensure the Changing Lanes Design Guidelines include detailed information about tree protection and encourage consultation with City staff before proposing a suite that may impact a tree protected under the Tree Bylaws.

Monitoring Program

Further information about the details of City Planning's monitoring of Laneway Suites was requested by deputants. City Planning staff have consulted further with necessary City staff and some interested parties, and provide the following additional information to supplement that contained in the Changing Lanes Report.

The monitoring program is not necessarily limited in any way, other than being concerned primarily with the process and specific outcomes of laneway suite development as well as notional impacts on quality of life. The monitoring program will include, but is not necessarily limited to the following:

- Mapping of constructed laneway suites in the study area;
- Review of approved and constructed laneway suites to assess the success of the proposed zoning by-law provisions and consider any changes;
- Review of the design, massing and other aspects of newly constructed laneway suites and consideration of whether maintaining a step back or angular plane at the second storey continues to be appropriate;
- Review of Committee of Adjustment applications for laneway suites and, if applicable, the outcome of any appeals to decisions made on such applications;
- Review of whether any trees protected under the Tree By-laws have been removed and any observations on additional green space achieved through the construction of laneway suites in accordance with the proposed By-law amendment. The City Planning Division's Site Plan Technician staff will request inspections of some

completed laneway suites to observe the rear yard landscaping and assist in developing any recommendations over the monitoring period;

- Assessment of rent levels and estimate of suites renter occupied or occupied by family;
- Communication with applicants that have completed the process of applying for an constructing a laneway suite;
- Communication with residents and/or Residents' Association representatives and Business Improvement Area representatives in areas where new laneway suites have been constructed, where possible;
- An update on the proposed Affordable Rental Pilot Program;
- Consideration of any necessary changes to the permit or front yard parking process;
- Consideration of any necessary changes Official Plan policies and/or By-law provisions related to laneway suites; and;
- Consideration of expanding Laneway Suite permissions to areas within Toronto and East York District, such as those covered by SASP 211.

As interest was expressed in shortening the proposed monitoring period, City Planning staff are recommending that a report including the above information be prepared within the earlier of two years from the recommended Changing Lanes Official Plan and Zoning By-law Amendments coming into force and effect or, following the issuance of the 100th building permit for a laneway suite constructed within the study area. In the later case, City Planning staff would begin preparing the report following the issuance of the milestone permit.

Changes to the Draft Official Plan Amendment

The Draft Official Plan amendment (Attachment 1) has been edited to provide additional clarity in areas related to severance and consideration of Minor Variance applications. The intent of the policies is consistent with the raft appended to the April 16, 2018 staff report.

Stylistic Technical Changes to the Draft Zoning By-law

The following stylistic and technical changes to the draft Zoning By-law amendment (Attachment 2) have been made to provide respond and additional clarity regarding matters raised at the May 2 TEYCC meeting. Formatting and numbering changes have also been made.

- By-law wording clearly states that a laneway suite can only contain one unit;

- The proposed minimum 3.0 metre width of a lot abutting a lane has been changed to 3.5 metres to correspond to the current Zoning By-law minimum lot width;
- The laneway suite must be smaller than the interior floor area of the main house, as opposed to the gross floor area;
- Originally proposed door height restrictions were considered redundant and have been deleted;
- Clarified that 2nd floor platforms are only permitted on the laneway side, not the house side;
- A technical error in the original draft zoning by-law amendment was corrected where one of the separation distance requirements noted 4.0 metres instead of the intended 5.0 metres;
- Changes were made to require a minimum of 60% and 85% soft landscaped area between the laneway suite and the main house for lots less than and greater than 6.0 metres, respectively;
- Clarified that the setback from the side lot line on a corner lot is the same as that for the main house;
- The draft zoning by-law amendment includes clarified provisions that windows or openings are not permitted on a wall facing a lot line if there is a zero metre setback. If there are openings, such as windows, the minimum required setback is 1.5 metres;
- Clarified that a maximum 30% lot coverage applies to all combined accessory structures, not just the laneway suite;
- Clarified that the 45 degree angular plane towards the rear lot line is measured from a distance of 7.5 metres and a height of 4.0 metres from the rear main wall of the main house;
- Clarified that second floor balconies are prohibited facing the main house yard;
- Visual screening of the side of laneway facing balconies along a side lot line is required to be opaque;
- Specific by-law requirements for exterior stairs were removed, but staff notes that exterior or enclosed staircases are still permitted within the prescribed footprint of the laneway suite;

- Eave projections were reduced in the original report from 0.9 metres to 0.3 metres;
- Deck and similar platform projections were reduced from 2.5 metres to 1.5 metres from the laneway suite toward the main house. Awnings are subject to the same encroachment and must not extend from above the 1st storey;
- Permitted window projections, such as bay windows, into required setbacks have been removed;
- Air conditioners and satellite dishes can now project up to 0.6 metres into the yard of a laneway suite facing the lane or the main house, not the side yard;
- Height of specific projections such as flag poles and antennas, were reduced from 1.5 metres to 1.0 metres;
- The permitted projection of parapets for a green roof were reduced from 1.5 metres to 1.0 metres. They must also be located a minimum of 1.0 metre from side walls. There is no maximum roof coverage for green roofs;
- The zoning by-law amendment now more clearly indicates that permitted roof projections of up to 1.0 metre for elements for functional operation of a building must also be set back a minimum of 1.0 metre from any wall of a laneway suite; and,
- The required two bicycle parking spaces are now permitted within any yard setback, not just the rear yard setback.

General Summary of Changes

Further to Community Council’s direction and subsequent consultation with staff and interested parties, the proposed permission for laneway suites have been revised and clarified. City Planning staff have revised the proposed permissions related to laneway suites by clarifying the required amount of soft landscaped space in a rear yard, clarifying permission and protocol around tree protection, reducing permitted encroachments, reducing the proposed monitoring period, and clarifying the details of the monitoring period. The height and form of the suite itself, excepting limitations on encroachments, is consistent with that recommended in the April 16, 2018 Changing Lanes Report. City Planning staff also recommend initiating the Affordability pilot program immediately following approval of the recommended Official Plan and Zoning By-law amendments.

Conclusion

The intent of the Changing Lanes initiative is to develop a set of policies and performance standards to allow for one new form of appropriately-scaled infill housing in the Toronto and East York neighbourhoods. That has meant balancing numerous, often contrasting, views and values regarding the future of the City's neighborhoods with the Official Plan's direction for gradual change and growth over time, and its general objectives and vision that characterize a successful Toronto.

The proposed Official Plan Amendment 403 balances the Official Plan's policy objectives 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.

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 providing additional housing options for households at different ages and life stages.

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 Area.

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SIGNATURE

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

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ATTACHMENTS

Attachment 1: Revised Draft Official Plan Amendment No. 403

Attachment 2: Revised Draft Zoning By-law Amendment (By-law No. 569-2013)

Attachment 1: Revised 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)

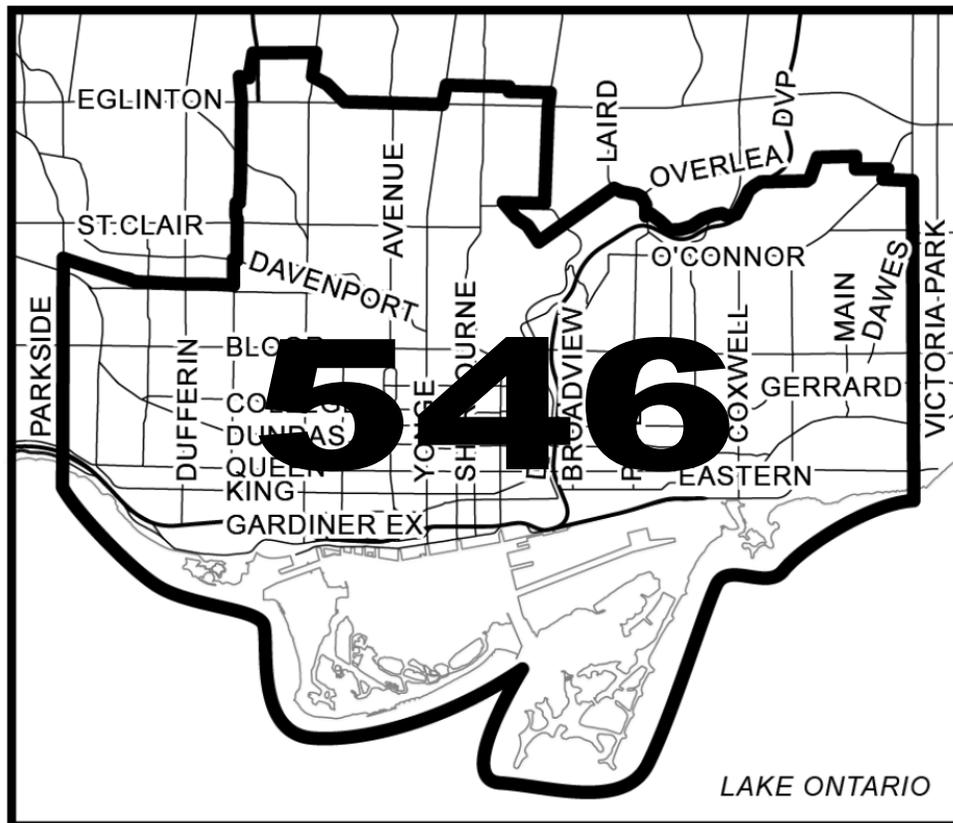
AMENDMENT NO. 403 TO THE OFFICIAL PLAN

**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 – Supplementary 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 healthy 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) Where an application is made under Section 45 of the *Planning Act*, as amended in relation to the construction of a Laneway Suite that does not conform to the applicable zoning standards, such application shall be consistent with 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) The proposed division of land under Section 50, 51, or 53 of the *Planning Act*, as amended or the registration of a declaration and description under the *Condominium Act, 1998*, as amended 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.
- f) If an application is made for the division of land under Section 50, 51, or 53 of the *Planning Act*, as amended or the registration of a declaration and description under the *Condominium Act, 1998*, as amended, 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, such application may only be considered through the submission of a corresponding Zoning By-law Amendment application, and where it is to be demonstrated that:

- i. the proposed 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.
 - g) 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 2: Revised Draft Zoning By-law Amendment (By-law No. 569-2013)

Authority: Toronto and East York Community Council Item TE32.11, adopted as amended, by City of Toronto Council on 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 (402) so that it reads:

(402) 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 and is in an **ancillary building** abutting a **lane**.

4. Zoning By-law 569-2013, as amended, is further amended by adding to Section 10.10.20.20 (1), the use **Laneway Suite** (19) after the use '**Home Occupation** (6)'.
5. Zoning By-law 569-2013, as amended, is further amended by adding to Section 10.10.20.100 a new regulation (19), after regulation 18 so that it reads:

(19) Laneway Suite

A **laneway suite** in the R zone must comply with the specific use regulations in Section 150.8.

6. Zoning By-law 569-2013, as amended, is further amended by inserting Section 150.8, Laneway Suites, so that it reads:

150.8 Laneway Suites

150.8.1 General

(1) Application of this Section

The regulations of Section 150.8 apply to **laneway suites**.

(2) Laneway Suite Permission

A **laneway suite** permitted in accordance with regulation 10.10.20.20(1) must be located in the R zone within the area identified on the Laneway Suite Overlay District Map in Diagram 1 of By-law XXX-2018 [*Clerks to insert bylaw number*].

150.8.20 Use Requirements

150.8.20.1 General

(1) Laneway Suite – Permitted Uses

(A) Despite regulation 10.5.60.1(2), an **ancillary building** may be used for living accommodation in one **laneway suite**.

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

(C) Despite regulation 150.5.60.1(1) a **home occupation** is permitted in a **laneway suite** if the **laneway suite** is exclusively and separately occupied as a principal residence, applying the regulations of Section 150.5 as if it is a **dwelling unit**.

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

(2) Laneway Suite – Use Restriction

A maximum of one **ancillary building** containing a **laneway suite** is permitted on a **lot**.

150.8.30 Lot Requirements

150.8.30.20 Lot Line

(1) Minimum Lot Line on a Lane

A **laneway suite** must be on a **lot** with a **rear lot line** or **side lot line** abutting a **lane** for at least 3.5 metres.

150.8.50 Yards

150.8.50.10 Landscaping

(1) Landscaping Requirements for a Laneway Suite

Despite regulation 10.5.50.10 (3), for a **lot** with a **residential building** and an **ancillary building** containing a **laneway suite**:

- (A) with a **lot frontage** of 6.0 metres or less, a minimum of 60% of the area between the rear **main wall** of the **residential building** and the front **main wall** of the **ancillary building** containing a **laneway suite** must be for **soft landscaping**;
- (B) with a **lot frontage** of greater than 6.0 metres, a minimum of 85% of the area between the rear **main wall** of the **residential building** and the front **main wall** of the **ancillary building** containing a **laneway suite** must be for **soft landscaping**; and
- (C) the area between the **ancillary building** containing a **laneway suite** and the **lot line** abutting a **lane**, excluding a permitted **driveway**, must be **landscaping**, of which a minimum of 75% must be **soft landscaping**.

150.8.60. Ancillary Building Requirements When Containing a Laneway Suite

150.8.60.20 Setbacks

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

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

(2) Laneway Suite - Rear Yard Setback

Despite regulations 10.5.60.20(2) and (5) and regulation 10.10.60.20(1), the required minimum **rear yard setback** for an **ancillary building** containing a **laneway suite** is:

(A) if the **rear lot line** does not abut a **street** or **lane** and there are no openings such as **vehicle** access, doors or windows in the rear **main wall** of the **ancillary building**, 0.0 metres; and

(B) in all other cases, 1.5 metres.

(3) Laneway Suite – Side Yard Setback

Despite regulations 10.5.60.20(3) and (6) and regulation 10.10.60.20(1), the required minimum **side yard setback** for an **ancillary building** containing a **laneway suite** is:

(A) if the **side lot line** does not abut a **street** or **lane** and there are no openings such as **vehicle** access, doors or windows in the rear **main wall** of the **ancillary building**, 0.0 metres;

(B) if the **side lot line** abuts a **street**, the required minimum **side yard setback** for the **residential building** on the **lot**; and

(C) in all other cases, 1.5 metres.

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

Despite regulation (3) above, if a **side lot line** abuts a **lane**, and **vehicle** access to a **parking space** in the **ancillary building** containing a **laneway suite** is from the **lane**, the required minimum **building setback** from that **side lot line** is 1.5 metres.

150.8.60.30 Separation and Dimensions

(1) Minimum Separation Between a Residential Building and the Ancillary Building

Despite regulation 10.5.60.30(1) an **ancillary building** containing a **laneway suite** must be:

(A) no less than 5.0 metres from a **residential building** on the same **lot** if the height of the **ancillary building** is no greater than 4.0 metres; and

(B) no less than 7.5 metres from a **residential building** on the same **lot** if the height of the **ancillary building** is greater than 4.0 metres

(2) Rear Angular Plane

The front **main wall** of an **ancillary building** containing a **laneway suite** may not penetrate a 45 degree **angular plane** projected towards the **rear lot line** beginning from a height of 4.0 metres at a distance of 7.5 metres from rear **main wall** of the **residential building**.

(3) Width of Dormers in a Roof

For purposes of determining the rear angular plane required in (2) above, in an **ancillary building** containing a **laneway suite**, the exterior sides of a dormer are not **main walls** if the total width of dormers projecting from the surface of a roof does not occupy more than 30% of the total width of the **ancillary building's** front **main wall**, measured at the level of the uppermost **storey** below the roof.

(4) Maximum Length of a Laneway Suite

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

(5) Maximum Width of a Laneway Suite

The permitted maximum **building** width of an **ancillary building** containing a **laneway suite** is 8.0 metres, measured perpendicular to the **lot centreline**.

150.8.60.40 Height

(1) Maximum Height of a Laneway Suite

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

(A) if the **ancillary building** containing a **laneway suite** is located a minimum of 5.0 metres to less than 7.5 metres from the **residential building** on the **lot**, 4.0 metres; and

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

(2) Maximum Storeys for Laneway Suites

Despite regulation 10.5.60.40(3), an **ancillary building** or **structure** containing a **laneway suite** may have a maximum of two **storeys**, subject to (1) above.

(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 1.0 metres:

- (A) antennae;
- (B) flagpoles;
- (C) parapets for a **green roof**, if they are no closer than 1.0 metres to the **main walls** of the **ancillary building**;
- (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** containing a **laneway suite** may exceed the permitted maximum height for that **building** by 1.0 metres, subject to (5) below:

- (A) equipment used for the functional operation of the **ancillary building** containing a **laneway suite**, such as electrical, utility, mechanical and ventilation equipment;
- (B) **structures** or parts of the **ancillary building** containing a **laneway suite** used for the functional operation of the **building**, such as enclosed stairwells, roof access, maintenance equipment storage, 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** permitted in (4) above must not:

- (A) cover more than 30% of the area of the roof, measured horizontally; and
- (B) be located closer than 1.0 metres to the **main walls** of the **ancillary building**.

(6) Height of Laneway Suite Entrance

Regulation 10.5.60.40(4) does not apply to an **ancillary building** containing a **laneway suite**.

150.8.60.50 Floor Area

(1) Exclusion from Floor Space Index

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

150.8.60.60 Decks, Platforms and Amenities, and Permitted Encroachments

(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 an **ancillary building** containing a **laneway suite**, are not **main walls** if at least 50% of the exterior sides above the floor are open to the outside.

(2) Platform Restrictions

Despite regulation 10.5.60.20(11) a platform without **main walls** in accordance with (1) above, is permitted, if:

(A) the area of the platform, other than a **green roof**, is less than 10% of the **interior floor area** of the **laneway suite**;

(B) the platform complies with the required minimum **building setbacks**, separation distances and angular planes for the **ancillary building** containing a **laneway suite**; and

(C) the exterior sides of a platform adjacent to a **side yard** must be visually screened from an abutting **lot** by an opaque barrier with a vertical dimension of no less than 1.5 metres.

(3) Platform Height

Despite regulation 10.5.60.40(5)(B), the level of the floor of a platform permitted in accordance with (2) above, other than a **green roof**, must be:

(A) no higher than 0.2 metres above the level of the floor of the **storey** from which it gains access; and

(B) no higher than 4.0 metres above **average grade** unless it is attached to or within 0.3 metres of a **main wall** facing a **lane**.

(4) Permitted Encroachments for Platforms

Despite (2)(B) above, a platform without **main walls** in accordance with (1) above, together with stairs or ramps leading to the platform, may encroach into the distance separation required in regulation 150.8.60.30(1) a maximum of 1.5 metres from the front **main wall** of the **ancillary building** if the platform is no higher than 0.3 metres above the average elevation of the ground measured along the front **main wall** of the **ancillary building**.

(5) Permitted Encroachments for Canopies and Awnings

A canopy, awning or similar **structure**, with or without structural support, or a roof over a platform which complies with (4) above, may encroach into a required separation distance or **building setback**, subject to the following:

(A) the maximum height of the roof, canopy, awning or similar **structure** is 4.0 metres above the average elevation of the ground measured along the abutting **main wall** of the **ancillary building**;

(B) a canopy, awning or similar **structure** may encroach into the distance separation required in regulation 150.8.60.30(1) a maximum of 1.5 metres from the front **main wall** of the **ancillary building**; and

(C) between a **lane** and the **ancillary building** containing a **laneway suite**, a canopy, awning or similar **structure** may encroach into the **ancillary building setbacks** required in Clause 150.8.60.20 a maximum of 0.75 metres from the **ancillary building's main wall** facing the **lane**.

(6) Architectural Features

Architectural features on an **ancillary building** containing 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 **building setback** required in Clause 150.8.60.20 or into the distance separation required in regulation 150.8.60.30(1) a maximum of 0.6 metres; and

(B) a chimney breast may encroach into a **building setback** required in Clause 150.8.60.20 or into the distance separation required in regulation 150.8.60.30(1) a maximum of 0.6 metres, if it is no wider than 2.0 metres.

(7) Equipment

Wall mounted equipment on an **ancillary building** containing a **laneway suite**, such as vents, pipes, utility equipment, satellite dishes, antennae or air conditioners, may encroach a maximum of 0.6 metres into:

(A) on a **main wall** of the **ancillary building** facing a **lane**, the minimum **building setbacks** abutting the **lane** required in Clause 150.8.60.20; and

(B) on the front **main wall** of the **ancillary building**, the distance separation required in regulation 150.8.60.30(1).

150.8.60.70 Lot Coverage

(1) Lot Coverage Requirement for a Lot with a Laneway Suite

Despite regulations 10.5.60.70(1) and 10.10.60.70(1), if a **lot** has an **ancillary building** containing a **laneway suite**, the area of the **lot** covered by all **ancillary buildings** combined, including the **ancillary building** containing a **laneway suite**, may not exceed 30% of the **lot area**.

150.8.80 Parking and Bicycle Parking

150.8.80.1 General

(1) Parking Space Requirement for a Lot with a Laneway Suite

Despite the **parking space** requirements in regulation 200.5.10.1(1):

(A) if a **lot** has an **ancillary building** containing a **laneway suite**, no **parking spaces** are required for any **dwelling units** and **secondary suites** in a **detached house, semi-detached house, townhouse, duplex, triplex or fourplex** on the same **lot**; and

(B) no **parking space** is required for a **laneway suite**."

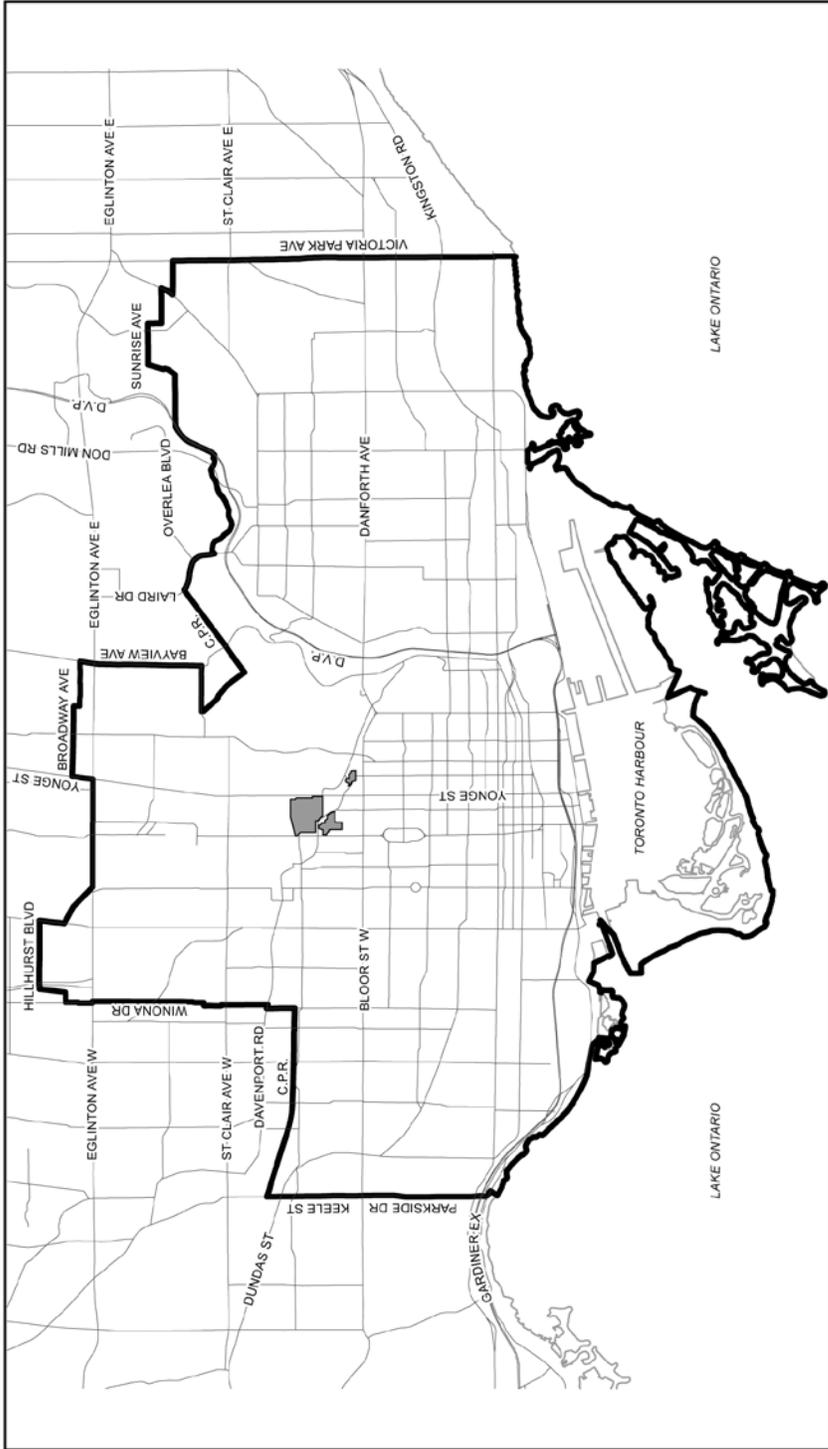
(2) Bicycle Parking Space Requirement for a Laneway Suite

An **ancillary building** containing a **laneway suite** must have two **bicycle parking spaces** within the **laneway suite** or within any required **yard setback**.

Enacted and passed on XXXX, 2018

Frances Nunziata,
Speaker
(Seal of the City)

Ulli S. Watkiss,
City Clerk



TORONTO
Diagram 1

**Changing Lanes: The City of Toronto's
Review of Laneway Suites**
File # 17 270684 SPS 00 0Z

- Toronto and East York District Boundary
- Lands not part of this study

↖
City of Toronto By-Law 569-2013
Not to Scale
05/24/2018