

June 5, 2018

Toronto and East York Community Council
2nd floor, West Tower, City Hall
100 Queens St. W.
Toronto, ON M5H 2N2
Sent by email: teycc@toronto.ca

Dear Toronto and East York Community Council Members

Subject: TE33.3a: Changing Lanes: The City of Toronto's Review of Laneway Suites- City-Initiated Official Plan Amendment and Zoning Amendment – Supplementary Report

The ABC Residents Association is a volunteer organization committed to enhancing the quality of life in our neighbourhood through active participation in municipal issues. Originally established in 1957, we serve the residents, including condo and apartment residents, living in Toronto's Yorkville / North Midtown community between Yonge Street west to Avenue Road and Bloor Street north to the CPR tracks.

The ABC Residents Association area has been under intense development and is impacted by many policy issues facing the City overall. We have a reputation for active, thoughtful, informed participation where we provide constructive and practical input. We advocate for what is best for our area as well as being on the frontline of policy issues like sound, utilities placement, input on TO Core, etc. that impact our area but also extend beyond our boundaries.

Following the Council approval of TE25:108 on July 4, 2017, ABCRA representatives attended every consultation and submitted specific comments following the Residents Association session. At the May 2, 2018, Toronto and East York Community Committee meeting, we expressed our concern about agenda item TE32.11 regarding Laneway Suites in respect to a number of broad areas as well as some specific issues.

The subsequent motion to defer and bring the item back to the June 6th meeting allowed time for specific issues raised by Councillors, ABCRA and other Resident Associations, and others to be considered further with minimal delay to moving forward. ABCRA, along with other Residents Associations, participated in focused, interactive, and

constructive communication with City Planning staff to explore and clarify possible areas where changes and improvements were possible.

We are writing to:

- Thank the Toronto and East York Community Council for the opportunity to have this type of dialogue and the City Planning Staff for working with us in this manner.
- Comment on progress in specific areas in the ABCRA letter.
- Share some thoughts regarding areas that remain a concern that may be helpful in the development of guidelines, the monitoring period, and subsequent review.

1. **POLICY**

a) Provincial

We requested: Toronto express and 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.

The Staff Report response: The proposed amendments “represent good planning within an urban context and enhancement as a premier world city.”

b) Toronto Official Plan Neighbourhood Policies

We requested: Consistent with Policies 2, 3, and 4 of the Official Plan, Laneway Suites physical character should respect and complement the primary dwelling, dwellings in the immediate proximity, and neighbourhoods in general.

The Staff Report response: “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 impacts on the character and function of the existing Neighbourhoods.”

c) Secondary plans and Site and Area Specific Policy and

d) Potential Impact of Proposed OPA 403

We requested: A broad definition of character, that includes a number of aesthetic aspects, continue to apply to ABCRA Neighbourhoods in accordance with SASP 211.

We were concerned SASP 211 would be overridden by OPA 403 as it is currently worded as an unintended consequence. Older documents, like SASP 211, do not reference laneway suites because they did not exist at the time as a permitted form. The specificity of wording in the preamble of OPA 403 appeared to override older documents when they might otherwise apply. We wanted to ensure laneway suites in SASP 211 area were covered by its broad definition of character.

The Staff Report response: "...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."

ABCRA reply: We agree this issue is going to need further work and should be removed from the SASP 546 area as proposed by the Staff Report.

As part of TO Core approval, City Council adopted the following on May 22, 2018:

"25. City Council direct the Chief Planner and Executive Director, City Planning to report to the Toronto and East York Community Council in the second quarter of 2019 with recommendations on updates to Site and Area Specific Policy 211 and City Council direct staff to continue to use the Bloor-Yorkville/North Midtown Planning Framework and Implementation Strategy to inform the evaluation of development applications until such time that the updated Site and Area Specific Policy 211 is approved by City Council."

ABCRA Requests: As the issues outlined in c) and d) above are aligned with updating SASP 211 as directed by City Council, follow-up action should be referred to and in the context of the overall updating of SASP 211.

2. Language, Clarity, and Inconsistencies

The draft by-law and the OPA should be amended to remove inconsistencies between them and the existing terminology of the Official Plan and 569-2013.

Staff Report response: A number of stylistic technical changes were made.

“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.”

ABCRA reply: We are happy we could be of assistance. There are a few more of these that we have identified with respect to the changes and we will transmit these directly to Planning Staff for consideration.

3. Fire and Emergency

Open street access and service from the street/primary dwelling is important even if it is less than the required 1 metre standard and where primary fire/emergency access is through the laneway or by some other alternative system. An internal laneway suite with no side setbacks behind a row house is a particular concern.

Staff Report response: “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.”

ABCRA ongoing concern: Adequate egress and the possibly of an occupant being trapped in the yard by a fire in the laneway where there is a both a row house and a laneway suite with no side setbacks prior to Fire Services being able to arrive at their location. In old, dense neighbourhoods, fire in one house may not be noticed immediately, e.g. overnight or the homeowner away, and can spread very quickly to nearby houses.

4. As of Right/ Committee of Adjustment/ Neighbour Relations

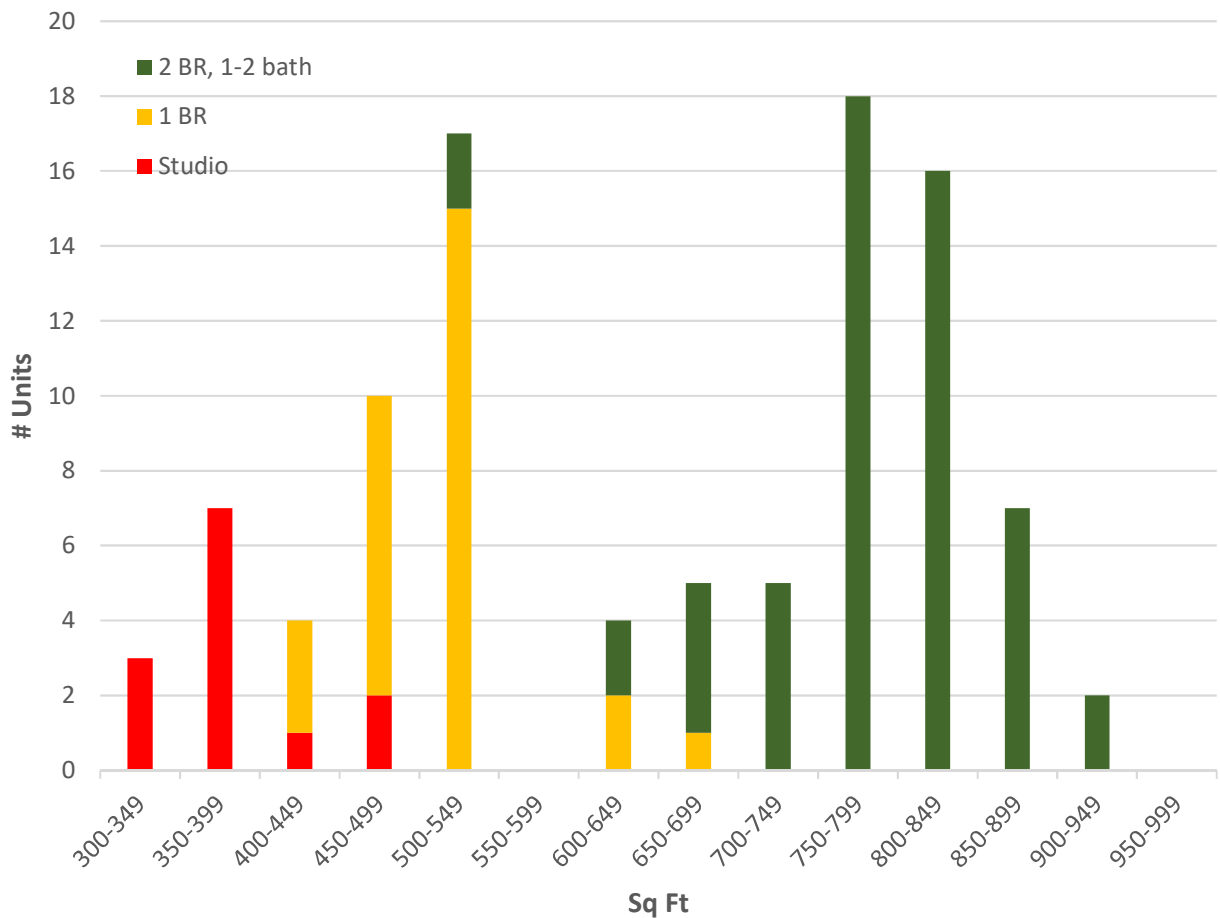
| No change recommended in Staff Report 3a | 2 storey laneway suites “as of right” |
|---|---|
| <p>ABCRA ongoing concerns about going beyond 1 storey “as of right”</p> | <ul style="list-style-type: none"> • The pressure to have 2 storeys “as of right” may be due to past experience. In the past, those wanting to build laneway suites had to introduce a non-permitted use and had no standards. That would no longer be the case because they are permitted and there are standards. Those needing to go to COA would now do so as any other resident would. • “As of right” 1 storey promotes modest homes. If not affordable, these would be cheaper than larger ones. It also addresses many of the concerns about overlook, privacy, and sunlight/shadow. • Ottawa has one storey “as of right” even though their guidelines describe and have standards for 2 stories in their policy which then have to go to COA. See Attachment 1. • The process allows for variance based on individual neighbourhood, yard, character, and sizes as needed • Many people who want to do almost anything to their property downtown have to go to COA– it is a fact of life in downtown living. • COA for more than 1 storey requires notice, neighbours have a chance to sort out issues on their own for better mutual satisfaction, and, if needed, it gives voice to neighbours with a well-defined process for dealing with differences.. • Neighbours may feel wronged/betrayed by their neighbour and City if there is no notice and they feel they have no rights where something large is being built just next door. • It is better to start small – can’t put toothpaste back in tube; easier to add later than mitigate. |

5. Modest Homes & Affordability & Accessibility

| New recommendation | Pilot: funding for affordable housing |
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| <p>ABCRA thoughts about encouraging modest homes</p> | <ul style="list-style-type: none"> Without speaking to the specifics of the proposal, we support extra effort to facilitate availability of affordable decent housing through both an increase in supply and in providing targeted practical support and assistance to those in different situations: homeless, needing small to modest rentals, needing larger family rentals, and those who want to own their first home either to build equity over time or as part of a dream/ aspiration. <p><i>A focus on modest homes may represent an opportunity.</i></p> <ul style="list-style-type: none"> Less expensive to build lower square footage/more likely to be affordable (for family member or modest rent option) Can still serve most needs: singles, 2 sharing, couples, single parent and child, couple with young child, seniors, extended family/multi-generation, and aging in place. etc. A sampling of rentals available showed that the maximum 8m by 10m footprint (861 square feet) would cover all studios, all 1 bedrooms, and the majority of 2 bedrooms (even those with two bathrooms). <i>See Chart below.</i> The two storey maximum would be approximately 1550-1722 square feet and exceeds the three categories tested. It would possibly be larger than some principal residential dwellings. One storey design is especially helpful for seniors– all on ground floor. Ontario “Patients First Action Plan” promotes the benefit of seniors living independently as long as possible. The initiative also seen as a cost saving opportunity to the Province and to seniors. One storey is more readily adapts to meet accessibility needs. The City has made accessibility a priority. Laneway suites represent an opportunity to build more accessible housing in neighbourhoods that might not have had much accessible rental housing stock. |

Toronto Rental Units by Size (300-1000 sq ft)

www.padmapper.com May 4, 2018



Maximum footprint:

Current proposal 8x10 m = 80 sq m (861 sq ft)

Landscape proposal 8x8 m = 64 sq m (689 sq ft)

If 2 storey = 144-160 sq m (1550-1722 sq ft) not incl. basement storage/mechanical

6. Height & Overlook

| TOPIC | Change/remaining issues |
|---------------------------------------|---|
| Privacy & Overlook | <p>The previous report did not directly address privacy and overlook issues (which were key reasons that laneway houses were not approved in 2006). The new report indicates:</p> <p><i>“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;”</i></p> <p>However, concerns about privacy and overlook remain.</p> |
| Maximum building height / Wall height | <p>No Change. (4 metres for 1 storey, 6 meters for 2 storey)</p> <ul style="list-style-type: none"> • 6 metres may allow 2nd unit to be taller than main house. • 2nd storey may create shade issues on neighbouring properties (notable on south or east-west facing properties) • ABCRA suggests that only 1 storey be “as of right” because a 2nd storey height may negatively impact neighbours’ yards. • Suggest that 2nd storey should be reviewed by COA to ensure compatibility with neighbouring properties and main house |
| Fenestration Percentage | <p>According to the previous Staff Report, guidelines are unenforceable for fenestration facing lane and main yard.</p> <ul style="list-style-type: none"> • As fenestration guidelines cannot be enforced, “as of right” should not be granted to 2nd storey construction. • Review of 2nd storey plans via COA could reduce overlook issues. • There are no significant privacy issues with single floor construction |
| Window Projections | <p>FIXED: Bay windows on 1st floor can no longer encroach on minimum distance to main house (shared yard)</p> |
| Roof Projections / Dormers | <p>FIXED: dormers can now take up more than 30% of unit width</p> <ul style="list-style-type: none"> • Previously there was no maximum coverage |

7. Soft landscaping between buildings plus Encroachments/Awnings & Tree Protection

| TOPIC | Change/remaining issues |
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| No proposed changes to separation to main house guidelines | <p>Current proposal allows 1 storey unit to be 5 metres from main house (2 storey unit would require 7.5 metre separation)</p> <ul style="list-style-type: none"> • Planning rationale based on “improvement” versus regulation 10.5.60.30(1) - <i>which is 1.8 metres</i> • Proposal does not consider “new” yard will be shared by a minimum of two households • Proposal may not help promote “livability” of city • Does not consider neighbourhood characteristics <ul style="list-style-type: none"> ○ Example: in many areas, there is historical consistency of rear-yard garage positioning, leading to de-facto neighbourhood norms regarding yard size norms. ○ ABCRA area includes lanes where garages allow for yards that have 7.25 to 10+ metre separation from houses (This variability is based on house depth NOT garage placement) • Suggest 7.0 - 7.5 metres “as-of right” separation from main house. • Suggest that separation distances less than 7 metres should be reviewed by COA to ensure compatibility with neighbouring properties & neighbourhood norms. • Suggest Laneway house should be anchored to abut lane (plus setback) to maximize separation between buildings and to maximize green space |
| Landscaped green space | <p>Significant improvement in guidelines</p> <ul style="list-style-type: none"> • Note these improvements still encourage small yard sizes (as small as 5 x 3.5 metres) due to separation from house guidelines |

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| Canopies and Awnings facing main house (shared yard) | <p>Maximum awning or canopy on main house facing side reduced from 2.5 metres to 1.5 metres.</p> <ul style="list-style-type: none"> • Significant improvement • Still continues to allow for canopy to height to shadow neighbouring properties • 1.5 meters allows 5 metre yard to be reduced to 3.5 meters (11.4 feet) • Main house may also have a canopy or awning |
| Decks | <p>Maximum deck on main house facing side reduced from 2.5 metres to 1.5 metres.</p> <ul style="list-style-type: none"> • Significant improvement • Can still reduce 5-metre-deep yard to 3.5 metres (less any decking attached to main house) |
| Tree Protection | <ul style="list-style-type: none"> • The recommended 403 OPA already had explicit reference to the need to protect tree with respect to infill housing which in itself was a positive step. But it became apparent at the May 2 meeting that more was needed. • As part of the extended consultation, there was substantive discussion on this topic and ABCRA sent City Planning some ideas of how Urban Forestry and Buildings processes might more effectively protect trees. • We see the direction provided and changes now proposed as a significant and substantial improvement. It is a positive step to giving priority and enforcement to tree protection. • ABCRA supports Harbord Residents Association on this topic • Further concerns that can be monitored and reviewed include: landowners illegally removing trees prior to application, replanting of canopy trees vs. ornamental trees where this may be required, adequacy of the 5m to support healthy trees both on the applicant property and adjacent properties, and opportunity to expand the scope of trees protected. |

8. Lane size/use & Rear set back and Traffic

| TOPIC | Change/remaining issues |
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| Provision for 5 metre Lane ways | <p>No changes proposed versus earlier city planning proposals;</p> <ul style="list-style-type: none"> From Planning: <ul style="list-style-type: none"> <i>“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.”</i> We believe this assertion is an error Guideline would allow for an existing 3m (10 foot) wide lane to become a 6-metre lane (including setbacks), but would leave only 0.5 metres space between unit and lane – (if 5.0-meter lane width were to be assumed) – effectively eliminating any soft landscaping or safety considerations (doors or steps opening into lane) ABCRA suggests setting 5 metre lanes as a target, with 1.5 metre unit set-backs based on a 5 “standard” metre lane (ie: setback should be based on centre lane +2.5 meters for lane + 1.5 metres as unit setback = 4 metres from centre lane) Lane width is particularly important if a diverse variety of active uses is expected. |
| <p>Traffic</p> <p>Along with concerns above on competing uses on narrow lanes. Concern is there will be more external vehicular traffic that will impact quiet enjoyment, resident vehicle access, and impact safety: e.g. moving vans, Staples, grocery delivery,</p> | <ul style="list-style-type: none"> No Change; not considered a problem. Addressed more as a maintenance issue than a functional issue. <p>Some lanes are more vulnerable than others cannot safely support additional vehicular traffic:</p> <ul style="list-style-type: none"> Two cars cannot pass without one finding a wide spot. Pedestrians/bikes are forced to area off the laneway to the side when any vehicle approaches; proposed landscaping while contributing to public realm may take away from pedestrian/bike safety if the “setback” cannot be used to get off the lane roadway. Too narrow for large vehicles to drive though safely. . (Note: we have building protected by metal posts and metal brackets on walls) |

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| FedEx, construction vehicles, uber/ taxi/ food delivery, etc. | <ul style="list-style-type: none"> • Trucks frequently back-up due to: <ul style="list-style-type: none"> ○ access to a laneway via a narrow laneway ○ sharp, blind turns which must be approached with caution and may be impossible for some trucks ○ dead ends without adequate turnarounds • Road surfaces rutted all year or have winter access issues • Concern remains that if lanes are not assessed for their ability to handle these situations, then traffic studies/observation needs to form part of the monitoring to assess whether this is a problem or not in actual practice. |
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9. Street Parking Permit & Front Yard Parking Pad

| TOPIC | Change/remaining issues |
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| <p>Impact on street parking and front yard parking pad requests related to loss of parking in laneway.</p> <p>This may result from both the laneway suite occupant seeking parking and the principal dwelling resident seeking to replace their parking</p> | <p>“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”</p> <p>Street parking is a significant issue for ABCRA and front yard parking pads are scarce and being discouraged. We appreciate our concerns on this topic have been taken seriously. We would ask the report, in looking at demand, also factor in some “hidden” demand: contractors/ service people, street retail/restaurant customer use, and meeting/event attendee use (e.g. church, event venue, etc.), and out of town visitors.</p> |

10. Severance

| TOPIC | Change/remaining issues |
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| Severance should be more than “discouraged”, It should go through a rigorous process. | There is new language that is more clear and appropriate to an issue as significant as severance. |

11. Guidelines

| TOPIC | Change/remaining issues |
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| <p>Plain language guidelines need to accurately reflect the policy and by-laws while serving as an aide to those interested in building a laneway suite.</p> <p>They also are an opportunity to describe the process, provide some common sense advice, and point to resources available</p> | <p>Understandably, Guidelines have not been available for review and input.</p> <p>It is anticipated that the Guidelines will come back to Toronto and East York Community Council. It would seem prudent to make these available for comment in advance.</p> |

We Request: The Guidelines, when available, be provided to the Residents Associations who participated in the extend consultation for input/comment.

12. Monitoring Implementation

| TOPIC | Change/remaining issues |
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| Length of monitoring period before review process, and areas monitored | <ul style="list-style-type: none"> The length of the monitoring period has been shortened to 2 years after coming into force or effect OR after issuance of the 100th building permit in the study area. This is a welcome change given the numerous concerns expressed and allows fears to be allay and problems to understood and addressed. It is also appreciated that the monitoring is not necessarily limited. |

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| | <ul style="list-style-type: none"> • There are a number of topics throughout this letter where it is noted that monitoring would be appropriate, e.g. traffic study. • In addition, we would suggest consideration of the following: <ul style="list-style-type: none"> ○ Short term rentals e.g. Airbnb ○ Pictures of primary dwelling character, laneway suite character, soft landscaping in between, and lane setback. ○ Actual sun, shadow, overlook assessment on at least a random sample ○ Trees planted (non-ornamental) ○ Calls to Police re lane blockage or Fire services related to a fire in a lane ○ Communication with adjacent neighbours - issues/satisfaction ○ Information on demographics of renter (family member, senior, couple with a child, etc.) and satisfaction level • The overall monitoring/review process and stakeholder engagement is not clear. |
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CONCLUSION

ABCRA understands growth is inevitable and can contribute to the vitality of both our community and Toronto. We also are concerned about the lack of affordable housing in the City. We believe advocates of laneway housing, City Planning, and ABCRA all have an interest in achieving positive outcomes and doing the right thing for the people of Toronto as it grows and evolves.

As a result of the extended consultation in May, some significant improvements were introduced. We hope that issues raised are taken in the spirit of contributing to the success of laneway suites. Where it is not possible to implement our suggestions, we would hope these issues can be incorporated into the monitoring and review process. In addition to comments on the specifics of laneway suites, we have put forward two



process related requests. One is related to SASP 211 updating and the other is related to input on Guidelines that have not yet been available for comment.

Thank you for the opportunity to provide input and for your consideration

John Caliendo & Ian Carmichael
Co-Presidents, ABC Residents Association

Cc: Councillor Kristyn Wong-Tam
Gregg Lintern, Chief Planner and Executive Director, City Planning Division
Lynda H. Macdonald, Acting Director, Community Planning, Toronto and East York District
Corwin Cambray, Acting Manager, Community Planning
Greig Uens, Senior Planner, Community Planning

Committee of Adjustment

In cases where circumstances peculiar to a property prevent you from developing your coach house in a way that strictly conforms to the Zoning By-law, you may apply to the Committee of Adjustment for a minor variance.

The Committee of Adjustment will consider a minor variance application and may grant a minor variance if all of the following criteria, outlined in the Planning Act and commonly referred to as the "four tests," are met:

- The application is truly minor;
- The variance is desirable for the appropriate development or use of the property;
- The general intent and purpose of the Zoning By-law is maintained;
- The general intent and purpose of the Official Plan is maintained.

Minor Variance applications are circulated to neighbours. They are allowed to appear at the Committee of Adjustment hearing to voice their issues or concerns. They also have the right to appeal the decision to the Ontario Municipal Board. This is a time-consuming and expensive process that may affect the viability of a project. Therefore, it is best to comply with zoning. If a minor variance application is required, it is best to talk to the neighbours to explain the plans and hear their reaction, and address any issues they

may raise before spending the money needed for the application fee to the Committee of Adjustment.

Anyone wishing to apply for a minor variance should arrange for a **Pre-Application Consultation Meeting** with City Planning Staff by calling 3-1-1 and asking to speak to a planner in the Planning, Infrastructure and Economic Development Department, Planning Services Branch.

After the pre-application consultation meeting, you should confirm all submission requirements with the planner or by calling 3-1-1, going to **ottawa.ca**, or visiting a local **Client Service Centre** and speaking to a **Development Information Officer**.