

Expanding Housing Options in Neighbourhoods – Garden Suites Review

Date: November 24, 2020
To: Planning and Housing Committee
From: Chief Planner and Executive Director, City Planning
Ward: All

SUMMARY

The City Planning Division is working on a range of initiatives to safeguard and broaden our housing supply through the Expanding Housing Options in Neighbourhoods (EHON) work program. This work plan builds on recent work in support of secondary and laneway suites, Inclusionary Zoning and dwelling room protections. Enabling more variety in the housing that can be built in the city's neighbourhoods is another part of Housing Action Plan to increase housing choice and access for current and future residents of Toronto.

The Garden Suites Review is part of the Expanding Housing Options in Neighbourhoods (EHON) work program. The Garden Suites review will expand upon the findings of the Laneway Suites initiative to add as-of-right options for Garden Suite units within Neighbourhoods city-wide.

A Garden Suite is a detached accessory dwelling unit generally located in the rear yard of a detached house, semi-detached house, townhouse, or other low-rise dwelling. It is generally smaller in scale than the main house on the lot and functions as a separate rental housing unit. Garden Suites are similar in form and function to Laneway Suites, which are currently permitted across the City in all low-rise residential zones in the City-wide Zoning By-law.

The Garden Suites review is exploring and developing potential Official Plan, Zoning By-law, and other regulatory amendments, as necessary, to permit Garden Suites as-of-right within the City, subject to a range of criteria. This report summarizes the Expanding Housing Options in Neighbourhoods initiative, relevant policy background, asks preliminary questions and details potential regulations regarding the form, scale, and location of garden suites, and other regulations. In Q1 2021, City Planning will consult with interested stakeholders on potential permissions for Garden Suites in the City of Toronto and report to Planning and Housing Committee with recommendations by the end of Q2 2021.

RECOMMENDATIONS

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

1. Endorse the contents of this report as the basis for public consultation; and
2. Request the Chief Planner and Executive Director, City Planning to prepare a Report with necessary recommendations to permit Garden Suites in the second quarter of 2021.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

RELEVANT DECISION HISTORY

On June 26, 2018 City Council adopted Official Plan Amendment 403 (OPA 403), which added Site and Area Specific Policy 546 (SASP 546) to the Toronto and East York geography in the Official Plan, and Zoning By-law 810-2018, which applies to the Toronto and East York geography excepting the residential zones in the Ramsden Park, Asquith-Collier, and Yorkville neighbourhoods. The amendments permit secondary suites in ancillary buildings adjacent to public lanes.

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

On July 23, 2018, City Council adopted Official Plan Amendment (OPA) 418 to encourage the creation of second units to increase the supply and availability of rental housing within neighbourhoods across the city.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.PG31.4>

On July 16, 2019, City Council adopted the Official Plan and Zoning By-law amendments permitting Laneway Suites in R, RD, RS, RT and RM zones under Zoning By-law 569-2013 across the City, excepting the residential zones in the Ramsden Park, Asquith-Collier, and Yorkville neighbourhoods.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.PH7.1>

On July 28, 2020, City Council endorsed the Expanding Housing Options in Neighbourhoods (EHON) Work Plan Report and endorsed City Planning proceeding with several priority initiatives in 2020-2021, including developing permissions for new types of accessory housing such as Garden Suites.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.PH15.6>

PROPOSAL: GARDEN SUITES

As part of the Expanding Housing Options in Neighbourhoods (EHON) work program the Garden Suites review will expand upon the findings of the Laneway Suites initiative to add as-of-right options for Garden Suite units within Neighbourhoods city-wide.

Garden Suites are sometimes referred to by other names, such as “coach houses”, “tiny homes”, and even “granny flats”. However they are all effectively the same idea – a detached accessory dwelling unit generally located in the rear yard of a detached house, semi-detached house, townhouse, or other low-rise dwelling. It is generally smaller in scale, functioning as a separate rental housing unit. Garden Suites are similar in form and function to Laneway Suites, which are currently permitted across the City in all low-rise residential zones in the city-wide Zoning By-law, 569-2013. To avoid any confusion between these terms, the City is considering all types of detached-accessory-dwelling-unit to be a Garden Suite, for the purpose of this review, with the exception of a Laneway Suite, which is already permitted and defined within the Zoning By-law.

The review will deliver Official Plan and Zoning By-law amendments to permit Garden Suites across the City of Toronto with a focus on affordability, resilience, and equity. As part of the review staff will take into consideration the variety of lot and residential building types in the City and the challenges that this form of housing may present.

POLICY CONSIDERATIONS

The Planning Act

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

Section 16(3) of the Planning Act, states that the Official Plan shall contain policies for the use of additional residential units by authorizing the use of two residential units in a detached house, semi-detached house or rowhouse and the use of a residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse. The plain language interpretation of the Planning Act, broadly taken by municipalities and the Province, is that every lot should be authorized to be used for a main dwelling house, an accessory dwelling unit within the house and an accessory dwelling unit separate from the main house – for a total of three units.

Section 35 of the Planning Act states that a By-law cannot be passed that has the effect of distinguishing between persons who are related and persons who are unrelated in respect of the occupancy or use of a building or structure or a part of a building or structure, including the occupancy or use as a single housekeeping unit. The Garden

Suites review will focus on addressing land use issues related to detached accessory dwelling units.

Provincial Policy Statement, 2020 (“PPS”)

The Provincial Policy Statement (2020) provides policy direction province-wide on land use planning and development to promote strong healthy communities, wise use and management of resources, and the protection of public health and safety. The PPS is issued under Section 3 of the *Planning Act* and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

The PPS includes policies on key issues affecting communities, such as:

- Managing and directing land use to achieve efficient and resilient development and land use patterns;
- Coordination of planning matters across municipal boundaries and levels of government;
- Planning for, protecting, and preserving employment areas;
- Providing for an appropriate range and mix of housing options and densities to meet projected requirements of current and future residents;
- Planning public spaces, recreation, parks, trails and open space to promote healthy, active communities;
- Providing infrastructure and public service facilities in an efficient manner that prepares for climate change impacts and projected needs;
- Supporting long-term economic prosperity;
- Supporting energy conservation, air quality improvements, reduced greenhouse gas emissions and preparation for climate change impacts;
- Protecting natural heritage, water, and prime agricultural areas;
- Protecting minerals and petroleum and mineral aggregate resources for long term use;
- Conserving significant cultural heritage and archaeological resources; and
- Directing development away from natural and human-made hazards.

The PPS came into effect on May 1, 2020 and includes enhanced policy direction intended to encourage an increase in the mix and supply of housing. In support of this goal, the PPS identifies in policy 1.1.1:

"Healthy, liveable and safe communities are sustained by:

b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;"

Unchanged in the PPS are other supportive policy directions providing for an appropriate range and mix of housing types to be provided for in consideration of the city's long term economic prosperity, growth management planning, land use patterns, transit supportive development, and broader housing needs.

Policy 4.6 of the PPS recognizes and acknowledges Official Plans as the most important documents for implementing the policies within the PPS.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) (the "Growth Plan (2019)") came into effect on May 16, 2019 and replaces the previous Growth Plan for the Greater Golden Horseshoe, 2017. The Growth Plan (2019) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City of Toronto forms an integral part.

The Growth Plan, 2019 establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the *Planning Act* that comprehensively applies the policies and schedules of the Growth Plan (2019). These policies include the establishment of minimum density targets for and the delineation of strategic growth areas (nodes, corridors and other areas that have been identified by municipalities or the Province to be the focus for accommodating intensification and higher density mixed uses in a more compact built form), the conversion of provincially significant employment zones, and others.

Policies not expressly linked to a MCR can be applied as part of the review process for development applications, in advance of the next MCR. These policies include:

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and a vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

The Growth Plan (2019) builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan (2019) take precedence over the policies of the

PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

In accordance with Section 3 of the *Planning Act* all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform to the Growth Plan. Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform to the Growth Plan.

Toronto Official Plan

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

The Garden Studies review will focus on the areas designated as Neighbourhoods on Official Plan Land Use Maps 13 through 23.

Making Choices (Chapter 1)

Chapter 1 of the Official Plan contains a series of vision statements about the future of the City and the decisions which will help achieve this vision. Section 1.1 of the Official Plan outlines the Principles for a Successful Toronto as a City of Diversity and Opportunity, a City of Beauty, a City of Connections, and a City of Leaders and Stewards. Section 1.2 discusses the implementation of the Plan, stating that Toronto's future is about re-urbanization and its continuing evolution that will involve a range of situations and decisions.

Healthy Neighbourhoods (2.3.1)

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

Neighbourhoods (4.1)

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

Housing (3.2.1)

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

Built Form (3.1.2)

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

Official Plan Amendment 418 - Second Units

On July 23, 2018, City Council adopted Official Plan Amendment (OPA) 418 to encourage the creation of second units to increase the supply and availability of rental housing within neighbourhoods across the city. Now in effect, OPA 418 permits second units within a primary dwelling in a detached or semi-detached house or townhouse. In addition, OPA 418 includes policies to permit second units within a building ancillary to a detached or semi-detached house or townhouse where it can be demonstrated that it will respect and reinforce the existing physical character of the neighbourhood.

Official Plan Amendments 403 and 460 - Laneway Suites

On July 16, 2019, City Council adopted Official Plan Amendment 460 to expand the area of effect of the previously approved Official Plan Amendment 403, and permit Laneway Suites across the City, excepting the residential zones in the Ramsden Park, Asquith-Collier, and Yorkville neighbourhoods.

Zoning Considerations

City-wide Zoning By-law

The City-wide Zoning By-law 569-2013, applies to most of the City of Toronto. As some lands are not covered by Zoning By-law 569-2013, other comprehensive zoning by-laws from former municipalities remain in force and effect on some lands in the City.

COMMENTS

The Garden Suites Review will develop Official Plan and Zoning By-law amendments to permit Garden Suites within Neighbourhoods across the City of Toronto, subject to various criteria, with a focus on affordability, resilience, and equity.

The review will expand upon the findings of the Laneway Suites initiative to identify key issues, examples from other jurisdictions, barriers to implementation, and will take into consideration the variety of lot and residential building types in the City and the challenges that this form of housing may present.

As part of the development of standards and regulations for Garden Suites, staff will review the reports, guidelines, and regulations of several other Canadian municipalities that have approved planning frameworks for Garden Suites such as Kitchener, Ottawa,

Edmonton, Calgary, Whitehorse, Halifax, Victoria, Maple Ridge, Saanich, Windsor, and Peterborough.

Key Issues and Questions

Through the Garden Suites review staff will explore and address a number of key questions and issues in order to create an effective planning framework to enable as-of-right permission for Garden Suites. The initial issues and key questions that staff have identified include:

Where in the City should Garden Suites be permitted?

The review will develop standards and regulations to enable as-of-right Garden Suites in Neighbourhoods city-wide, taking into consideration the variety of lot sizes and configurations, residential building types across the city, as well as Planning Act requirements.

How are Garden Suites permitted in the context of the Prevailing Character Policies in the Official Plan?

The Official Plan Neighbourhood policies emphasize the importance that new development fit within the Neighbourhood's prevailing character of building type, height, scale, lot size and configuration, among several other criteria. The intent of this policy is to maintain the overall physical character of a Neighbourhood over time, while allowing for gradual change. While Garden Suites represent a new building type, if permitted in Neighbourhoods, staff will consider whether any amendments to the Neighbourhood character policies within the Official Plan are necessary to permit them.

In the case of Laneway Suites, staff determined that Laneway suites, when designed generally in accordance with the standards prescribed in the Laneway Suite Zoning By-law Amendment, are of a generally modest scale and located to limit impacts on adjacent properties and fit within the area context. While Site and Area Specific Policy 546 permits Laneway Suites in all Neighbourhoods across the City, it does not do so by exempting them from the policies of the plan regarding prevailing character. Through the Laneway Suites work, staff determined that Laneway Suites are compatible with the character of established Neighbourhoods, even in cases where no Laneway Suites currently exist as part of the prevailing building stock. Staff will report out further on whether the permission for Garden Suites will necessitate an amendment to the Official Plan.

What are some lessons learned from the Laneway Suites work that can be applied to Garden Suites and improved as part of this review?

Garden Suites are functionally and situationally similar to Laneway Suites as they are an alternative form of detached accessory dwelling unit. While it is intended that the Garden Suites Review will result in a distinct set of regulations to permit Garden Suites, the review process will be informed by the Laneway Suites work. There have been a number of Laneway Suites built or applied for since the By-law to permit laneway suites has been in force. Staff will review these Laneway Suites including any Minor Variance applications that have been submitted as part of the approval process. Staff will review the approach to development

charges and related fees taken with Laneway Suites, the outcome of the Affordable Laneway Suites Program, the protocols for tree removal permits specific to laneway Suite applications, and the emergency access requirements for Laneway Suites and consider their applicability to Garden Suites. Staff will contact Laneway Suite builders to discuss their recent experience building suites.

What are appropriate standards and requirements for Garden Suites?

Planning staff will develop standards and requirements for Garden Suites including:

- Lot conditions including size, configuration, and location;
- Location, setbacks, form, density and scale of suites including height, building length and depth, massing, and separation distances;
- Address and entrance requirements, including minimum access width, configuration, and distances;
- Requirements for access including emergency services;
- Vehicle and bicycle parking requirements;
- Requirements for soft landscaping and open space;
- Balconies and other projections;
- Managing of impacts on adjacent properties including shadow and privacy impacts, as well as the arrangement and location of doors and windows;
- Prohibition of severances to maintain an accessory land use relationship.

Can Garden Suites help address Toronto's housing affordability crisis?

One of the primary overall objectives of the Expanding Housing Opportunities Neighbourhoods Work Plan is to help address the City's Affordability crisis both by permitting additional housing in a variety of low-rise forms, in this case Garden Suites, and by exploring and building in programs and other measures to ensure affordability within the City's housing stock. Staff will explore options to address affordability, including expanding and amending the Laneway Suites Affordability Pilot Program and development charge deferral that was introduced as part of the Laneway Suites initiative to Garden Suites.

How can Garden Suite regulations protect and expand tree canopy and green space?

Maintenance, growth and enhancement of the urban forest are important objectives for the City. The requirements for Garden Suites, developed in collaboration with Urban Forestry Staff, will ensure the protection of existing mature trees and direction for potential future variance applications that may be required to preserve an existing tree should such circumstances arise. Staff will review the current protocols for tree removal permits for as-of-right Laneway Suites and determine whether a similar or alternate approach should be taken with Garden Suites.

How to ensure sustainability?

Staff will explore policies and By-law standards to encourage the incorporation of green roofs, solar panel technology, or other sustainable building approaches and adherence to the upper tiers of the Toronto Green Standard.

How will Garden Suites address accessibility?

Staff will explore options to encourage and By-law standards to support accessible design. Staff will consider policy to support the construction of a laneway suite that meets accessible building standards but may require minor variances to meet these accessibility standards.

How will heritage issues be addressed?

Planning staff working on this review will work with Heritage Planning staff to ensure that the standards and regulations for Garden Suites incorporate heritage interests for properties included on the City's heritage Register.

How will Garden Suites be accessed by residents and emergency services?

As Garden Suites differ from Laneway Suites due to their location being on a lot without access to a public laneway, appropriate access will be a critical issue that will need to be addressed. Toronto Fire Services and Emergency Services will be consulted to ensure the safety of all residents.

How will Garden Suites be serviced?

In consultation with appropriate City Divisions, City Planning staff will review how various services including water, sewer, hydro, and solid waste will be provided to Garden Suites to ensure livability and access to City services.

How will the Garden Suites review coordinate with the larger EHON work program?

The Garden Suites review team will be working closely with and the other EHON initiatives including with the missing middle pilot program in the Beaches-East York Ward (Ward 19).

Consultation Strategy Overview

The public engagement process will begin early in 2021 by way of focused consultation meetings with Councillors, various community groups, and small residential builders across the city to introduce the Garden Suites Review, discuss the history of Garden Suites in Toronto, and detail the objectives of the review. Throughout February, March, and April 2021, consultation events will broaden to connect with the general public, equity-seeking groups, other industry experts, and other stakeholders. This engagement will take the form of virtual community meetings and round table discussions, questionnaires, surveys, self-guided discussion documents, and web content. The consultation process will connect with a variety of stakeholders and individuals in an effort to ensure representation across diverse backgrounds, demographics, and locations.

COVID Impacts

It is clear from this past year that the impact of COVID-19 is causing deep reflection on the social determinants of health – including housing opportunity, local mobility, and public space among others. In addition, the overarching need to respond to climate change and social cohesion has been brought into focus as the pandemic lands in a differentiated manner across the City. Various public policy initiatives – including the

originating request for EHON initiatives from July 2019 – warrant acceleration. Garden Suites in a general way present an opportunity to quickly respond to housing needs at a local level and leverage benefits to health, equity, and climate resilience in an incremental, meaningful, and attainable manner.

NEXT STEPS

The Garden Suites review will begin an engagement process early in 2021 connecting with a variety of stakeholders and individuals to develop criteria and enable new housing options in the form of Garden Suites. A Final Report is targeted to be brought to Planning and Housing Committee with recommendations by the end of Q2 2021.

As part of Expanding Housing Options in Neighbourhoods (EHON), Garden Suites can contribute to increasing the supply of rental housing and serve the City's broad, evolving, housing and land use objectives by providing additional housing options for households at different ages and life stages.

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