

Changing Lanes: The City of Toronto's Review of Laneway Suites – Monitoring Program and Zoning By-law Amendments– Final Report

Date: November 9, 2021
To: Planning and Housing Committee
From: Chief Planner and Executive Director, City Planning
Ward: All

SUMMARY

Laneway suites are a type of second unit permitted in the City of Toronto. A laneway suite is a self-contained residential unit located in its own building, often in the back yard, on a lot adjacent to a public laneway. Laneway suites provide an additional form of low-rise housing within the City's neighbourhoods and are part of complete communities. They provide more opportunities for people 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 contribute to increasing the supply of rental housing and provide additional housing options for a variety of household configurations, and people in different stages of life.

On June 26, 2018, City Council approved Official Plan and Zoning By-law Amendments to allow laneway suites within the boundaries of the Toronto and East York District as the boundaries existed in 2018. On July 16, 2019, City Council expanded permission for laneway suites to low-rise residential zones in Zoning By-law 569-2013 across the City. As of May 2021, 238 building permit applications for new laneway suites have been submitted to the City.

Along with approving bylaw and policy changes to allow the construction of laneway suites, City Council directed City staff monitor the implementation of laneway suites and report on a range of matters to Planning and Housing Committee. The City retained Gladki Planning Associates to assist the City in undertaking a thorough review of laneway suite applications. The City also held a variety of consultation events, visited numerous laneway suite properties, and hosted meetings with a variety of stakeholders including residents, the building industry, the many groups consulted on the 2018-2019 Changing Lanes Study, and Councillors offices.

This report discusses the outcome of the laneway suite review and monitoring work and recommends several strategic amendments to the laneway suite permissions to facilitate their construction and respond to community comments.

RECOMMENDATIONS

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

1. City Council amend Zoning By-law 569-2013, as amended, substantially in accordance with the draft Zoning By-law Amendment appended as Attachment 4 to this report;
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the Draft Zoning By-law Amendment as may be required;
3. City Council request the Chief Planner and Executive Director, City Planning consult with staff in Seniors Services and Long-Term Care, and any other civic officials, on incorporating Laneway Suite recommendations and best practices to accommodate and support seniors living in missing middle housing as part of any future updates to Townhouse And Low-Rise Apartment Guidelines and/or any guideline documents developed resulting from the Expanding Housing Options in Neighbourhoods initiative; and,
4. City Council request the Chief Planner and Executive Director, City Planning Division and the General Manager, Parks, Forestry, and Recreation, in consultation with the Chief Building Official, the Director, Environment and Energy, and other civic officials, report to Planning and Housing Committee in the first quarter of 2023 regarding potential strategies to protect and enhance the City's tree canopy and growing space, while also supporting infill housing growth in the City's Neighbourhoods.

EQUITY IMPACT

Access to safe, good quality and affordable housing is an important determinant of physical and mental health, and a fundamental goal of the City's Housing TO 2020-2030 Action Plan. Adequate and affordable housing is also the cornerstone of inclusive neighbourhoods, supports the environment, and improves the socio-economic status of individuals, families, and communities as a whole. With a rapidly growing population of older adults in Toronto, the Toronto Seniors Strategy identifies the need to create affordable housing to facilitate aging in place across the City.

As Toronto looks to rebuild and recover after COVID-19, the Expanding Housing Options in Neighbourhoods initiative can directly advance recommendations laid out in the Towards Recovery and Building a Renewed Toronto report. Specifically, Recommendation 68 of the report calls on the City to apply the principle of "build back better" to land use planning and improve the City's overall built form by prioritizing gentle density that places greater emphasis on a mix of building types and uses – including low-rise residential, retail and services – and that supports transit use.

Expanding housing options in neighbourhoods, such as laneway suites, is an important step towards increasing and accelerating the creation of a diverse range and mix of housing options, including additional units and affordable housing, to accommodate

people at all stages of life, and to accommodate the needs of all household sizes and incomes. Expanding housing options is an important step in working toward inclusivity in the City's housing stock, making neighbourhoods more accessible, and providing housing to a more diverse range of people.

CLIMATE IMPACT

On October 2, 2019, City Council voted unanimously to declare a climate emergency and accelerate efforts to mitigate and adapt to climate change, adopting a stronger emissions reduction target of net zero by 2050 or sooner. In response, the City is currently conducting technical modelling on climate actions for the TransformTO Net Zero Strategy, to be presented to City Council in late 2021. Climate and resilience considerations and recommendations are also included in the September 2020 report from the Toronto Office of Recovery & Rebuild.

Permitting laneway suites helps reduce GHG emissions through the efficient use of land and resources. Density within the built-up area enables low carbon transportation choices, such as walking, cycling, and public transit. Housing built in Toronto also reduces sprawl and reduces transportation-driven GHG emissions regionally. Density enables the use of existing infrastructure, which avoids carbon-intensive infrastructure built elsewhere. Smaller buildings such as laneway suites and low-rise apartments can more easily achieve net zero operational emissions, and low carbon materials are readily available at this scale. These buildings are also more easily deconstructed and much of the existing material can be salvaged and reused. The City Planning Division will continue to consider missing middle housing approaches, informed by laneway suite construction, through a climate impact lens, and specifically work to mitigate impacts on the City's soft landscaping and water permeable areas and tree canopy.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

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 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.

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

On September 30, 2020, City Council adopted a report to provide clarification and additional options for laneway suites designs to achieve compliance with the City's fire department access requirements.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.PH15.7>

A map of Toronto's public laneways is appended to this report as Attachment 1.

Summary of Monitoring Report Contents

When approving the original Laneway Suite By-law Amendments in 2018, City Council directed staff to undertake a monitoring program. The program was to commence following the earlier of the issuance of the 100th building permit for a Laneway Suite, or 2 years from the date the Laneway Suite By-law came into effect.

The scope of the Laneway Suites monitoring program includes the following:

- Mapping of constructed Laneway Suites;
- Review of approved and constructed Laneway Suites to assess the outcomes against the intent of the proposed zoning by-law provisions
- 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 Protection By-laws have been removed and any observations on additional green space achieved through the construction of Laneway Suites;
- Assessment of rent levels and estimate of the number of suites that are renter-occupied or owner-occupied;
- Communication with applicants that have completed the process of applying for, and constructing, a Laneway Suite;
- Communication with residents and Residents' Association representatives and Business Improvement Area representatives in areas where new Laneway Suites have been constructed, where possible;
- An update on the Affordable Laneway Suites Pilot Program;
- Consideration of any necessary changes to the permit or front yard parking application process;
- Consideration of any necessary changes to the Official Plan policies and/or By-law provisions related to Laneway Suites;
- Consideration of expanding Laneway Suite permissions to areas within Toronto and East York District, such as those covered by SASP 211;
- Review all minor variance applications for Laneway Suites and complete an analysis and discussion of these applications; and,
- Other matters or questions that may arise through the monitoring program.

Summary of Proposed By-law Amendments

Proposed Amendments to the Zoning By-law are a result of consultation with residents and the building industry, correspondence received by the City on laneway suites since 2018, a review of laneway suite building permit and minor variance applications, and the report from Gladki Planning Associates. The amendments are also being proposed to help facilitate as-of-right development and induce by-law compliance. Generally speaking, if by-law standards are more achievable, land owners are incentivized to avoid seeking excessive variances at the Committee of Adjustment.

The City Planning Division is recommending the following amendments to Zoning By-law 569-2013 regarding laneway suites:

- Allowing a combination of side and rear yard lot lines to count towards the required 3.5 metre length of a property line abutting a lane;
- Exempting a walkway from the minimum required percentage of soft landscaping space between a suite and house;
- Exempting pedestrian access from the required soft landscaped area between the lane and the suite to a maximum width of 1.5 metres;
- Requiring a 1.5 metre side yard setback for the portion of a laneway suite above a height of 4.0 metres when the side yard of the property with the laneway suite abuts the rear yard of another property, or properties, zoned RD, RS, RT, RM, or R;
- Deleting text requiring that the laneway suite width be measured perpendicular to the centreline of a lot;
- Increasing the maximum permitted height of a suite from 6.0 metres to 6.3 metres;
- Reducing the required minimum side and rear yard setback from 1.5 to 1.0 metres from the lane.
- Reducing the distance of a green roof parapet from the side wall of a suite from 1.0 metres to 0.5 metres;
- Increasing the permitted height of certain rooftop equipment, such as HVAC units, from 1.0 metres to 1.5 metres;
- Increasing the minimum distance of certain rooftop equipment, such as HVAC units, from the side wall of a suite from 1.0 metres to 1.5 metres;
- Adding “skylights” to the list of permitted projections into the maximum building height;
- Exempting minimum required width and length dimensions from a suite constructed within a lawfully existing ancillary structure;
- Permitting a laneway suite to be constructed prior to the main house; and,
- Technical amendments including amended numbering of sections where required and bolding of defined terms.

Attachment 3 illustrates the proposed Zoning By-law amendments within the current Chapter 150.8 By-law text and Attachment 4 shows the proposed draft Zoning By-law amendment.

POLICY AND PLANNING FRAMEWORK

The Planning Act

Section 2 of the Planning Act establishes matters of provincial interest to which City Council shall have regard, 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.

In 2019 Section 16(3) of the Planning Act was amended through Bill 108. The Act states that the Official Plan shall contain policies that authorize the use of additional residential units in a detached, semi-detached and rowhouse, and in a building or structure ancillary to those residential building types.

Provincial Policy Statement (2020)

The Provincial Policy Statement (2020) (“PPS”) 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 includes policy to encourage an appropriate range and mix of housing types as part of the city's long term economic prosperity, growth management planning, land use patterns, transit supportive development, and broader housing needs.

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.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

The Growth Plan (2020) provides 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 (2020) 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 (2020) 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 (2020). Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform to the Growth Plan (2020).

Toronto Official Plan

The Official Plan is the City's primary land use planning document that stresses the need to integrate environmental, social, and economic perspectives in the City's decision making. The City has to meet the needs of today without compromising the

ability of future generations to meet their needs 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.

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.

The City of Toronto Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

The Natural Environment (3.4)

Section 3.4 of the Official Plan recognizes the urban forest as essential to Toronto's character and climate resiliency, as well as to its success as a strong and competitive economy. The policies in Section 3.4 of the Official Plan speak to preserving and enhancing the urban forest by providing suitable growing environments for trees (this means above grade and below grade space to grow); increasing the tree canopy coverage and diversity, especially of long-lived native and large shade trees; and of regulating the injury and destruction of trees.

Site and Area Specific Policy 546

Site and Area Specific Policy 546 permits laneway suites on properties designated as Neighbourhoods across the City subject to criteria established in the policy wording.

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 relevant zoning By-laws from former municipalities are still in effect in some areas of the City.

Reasons for the Proposed Amendments

An amendment to Zoning By-law 569-2013 (Attachments 4) is proposed based on the results of the laneway suite monitoring work, including consultation with a variety of stakeholders including residents groups, the building industry, City staff, and others. These amendments are generally limited in scope and do not impact the currently permitted form, scale, height, location, and size of laneway suites permitted by Zoning By-law 569-2013.

CONSULTATION AND AGENCY CIRCULATION

Community Consultation

The City Planning Division held two virtual information meetings on the evening of August 31, 2021 and the afternoon of September 1, 2021. Approximately 80 attendees were present at each event. Notice of this event was given to all attendees of previous consultation on Changing Lanes study from 2017 to 2019 as well as individuals who had contacted the City and asked to be notified of any consultation on the Laneway Suite Monitoring process. The City also advertised the events on social media.

In summer 2021, facilitated by the consultant, the City engaged private sector planners, architects, and builders of laneway suites to discuss their comments on the By-law requirements, process and other aspects of laneway suite construction. Details of these conversations are contained within the consultant's report.

Throughout the summer and fall of 2021, City Planning staff visited multiple laneway properties in the City and met with local residents and builders on properties with newly constructed laneway suites. Staff also met with residents at properties that had not had a suite constructed on them, to discuss resident concerns about potential impacts, should laneway suites be built there in the future.

Virtual meetings with Residents Associations, including the Federation of North Toronto Residents Associations, as directed by Council, occurred in the summer and fall of 2021. The City also corresponded via email with Residents Associations, and other interested groups on this initiative. A meeting was also held with representatives from the Federation of North Toronto Residents Associations in advance of the City's final community meeting on the laneway suite monitoring initiative at the end of October 2021.

Staff working on this initiative were also present at a number of community and stakeholder meetings being held as part of the Garden Suite Study, a part of the City's Expanding Housing Options in Neighbourhoods initiative. Comments regarding comparisons of laneway suites and garden suites were noted at these meetings.

A final virtual community consultation meeting was held to present City Planning's observations from the Laneway Suite Monitoring and Review initiative as well as draft changes to the Zoning By-law, on October 27, 2021. Approximately 50 attendees were present at the event.

The consultation above helped City staff refine the proposed by-law amendments in several instances. Changes to the approach to regulating rear yard soft landscaping areas were made as a result of conversations in advance of and at the October 27th Community meeting. Changes to the side-to-rear lot relationship of laneway suite lots are a direct result of email correspondence with individuals living on lots in these circumstances, as well as site visits with residents to these areas. Other changes are being recommended as a result of engagement with the industry, specifically the more technical changes regarding laneway lot frontage, the order in which an ancillary building can be constructed on a lot, various encroachment permissions, and adjustments to wording regarding suites being built in existing structures. The range of consultation undertaken through this initiative has informed and helped shape City Planning's recommendations.

Laneway Suite Owners and Neighbours Survey Comments

In addition to the consultation detailed above, the City sent notice via regular mail to every property for which a Building Permit for a laneway suite had been issued and completed, as well as to adjacent properties, totalling over 130 addresses. The letter advised of the monitoring program and advised of an online survey the recipient could complete. The survey was structured with different questions for owners of properties with laneway suites, tenants of properties with laneway suites, and neighbourhoods to properties with laneway suites.

A total of 38 responses were received. Of those responses, 26 were from Neighbours of properties where a laneway suite had been constructed, 11 were from owners of properties with a laneway suite, and 1 was from a tenant in the main house on a property with a laneway suite.

The majority of owners of a property with a laneway suite, 70% of respondents, noted that they contacted the City at some point to inquire about whether or not a suite was permitted on their property. The majority of owners, 80%, also indicated no difficulty in finding an architect or designer for their laneway suite. Costs to construct their laneway suite varied but the majority, 50%, noted a cost between \$300K and \$450K. Respondents reported a mix of rental accommodation (30%) or extended family accommodation (30%) within the suite, with 40% suggesting they intended to rent, accommodate family, and/or live in the suite themselves over time. A total of 90% of the respondents noted that they advised their neighbours before constructing the laneway suite. Respondents also noted unexpected costs and fees as part of the construction process, challenges with neighbours due to construction-related inconveniences, suggestions to improve the By-law, and support for laneway suites as a form of housing.

Among the 26 neighbours to laneway suite properties, there were a variety of responses regarding when they found out about the construction of the laneway suite next door. In 32% of responses, neighbours were not contacted during the process whereas neighbours were contacted prior to an application being submitted 24% of the time and after an application had been submitted 20% of the time. The remaining responses offer a variety of comments with a number of neighbours moving in next door after the suite was constructed. Respondents were generally not aware of whether a next door suite was required to go through the Committee of Adjustment process or not, though that may be because several respondents moved in after the suite was built. Half of respondents noted that they were considering building a laneway suite on their property, having seen their neighbour do so, while 13% are undecided and 38% were not considering building a suite.

With regard to perceived impacts from the laneway suite next door, respondents raised construction issues, and loss of sunlight and privacy, as the primary impacts. A number of construction-related issues are suggested in the comments provided, including impeding driveway access and construction activity encroaching on adjacent properties. In some cases respondents noted that while the suite does impact their property, they are overall happy that the suite is there. Another comment noted the positive impact on the laneway itself.

Overall a mix of responses was provided to the survey. Owners primarily cited issues with construction constraints and challenges with neighbours, along with general support for the initiative. Neighbours provided a mix of responses, with some advising of impacts on adjacent properties due to construction and the location and size of the suite, while others noted support for the initiative and indicated their desire to build a suite as well in the future. One tenant of the main house on a property with a laneway suite observed that they were likely only able to afford the rent in the main house because a laneway suite was built in the rear yard.

The complete survey results are published as Attachment 5 to this property.

Summary of Consultation Responses

Comments received through the various forms of consultation undertaken to inform this work are summarized as follows:

- Continued support was expressed for laneway suites where appropriate design, scale, and access could be ensured.
- Comments and rent levels and affordability of laneway suites were raised,
- Concern was raised regarding the construction of laneway suites diminishing rear yard landscaped open space and creating impacts on adjacent properties, particularly while construction activities were ongoing.
- It was suggested that neighbours should be required to be consulted before a laneway suite can be constructed. In some cases it was suggested that approval from adjacent property owners should be required or construction.
- While it was acknowledged that recent improvements were welcome, some noted the requirements for emergency access as being restrictive and difficult to meet in some cases.
- There were concerns about laneway suites being constructed without parking putting additional strain on permit parking areas.
- It was suggested that basements should be restricted as they impact root systems, permeability, and are impactful during construction.
- Concerns over separation distance from a suite and houses on adjacent lots in several different contexts, including pie shaped lots, 'L' shaped lots and 'T' and 'L' shaped laneways, were noted.
- Privacy and overlook into adjacent yards was noted as a concern.
- It was suggested that laneway suites would generally result in a safer, more inviting, and better used laneway over time.
- It was questioned by laneway suites and garden suites are proposed to be subject to different standards, including setbacks.
- Concerns about the size of decks permitted in the By-law were raised.
- Concerns were raised about parking being provided on the laneway side of the suite.
- Separation distance from structures on other properties was noted as a concern, specifically on uncommonly shaped lots such as pie shaped lots.
- It was noted that in some cases, soft landscaping is installed on a property with a suite to meet the requirements of the zoning By-law and then removed following final inspection of the suite to close the associated building permit.
- A mix of opinions was noted on increasing the height of a laneway suite with some suggesting the City's proposed change was too significant while others suggested it's too small an increase.

Agency Circulation

This report has been circulated to all appropriate agencies and City Divisions, including: Parks Forestry and Recreation, Transportation Services, Engineering and Construction Services, The Housing Secretariat, Community and Social Services, Toronto Building, City Legal, and others. The responses received have been used to assist in the drafting of this report and the attached amendments.

SUPPORTING INFORMATION

Laneway Suite Applications and Construction

As of May 2021, the City had received a total of 238 building permit applications to construct a laneway suite, as well as 167 applications to the Committee of Adjustment related to construction of a laneway suite. Building permits had been issued for 131 applications and closed in the case of an additional 50 applications. The remainder of the applications are in the building permit review process or have been withdrawn. Of the 167 minor variance applications submitted to the City for laneway suites, 91 have been approved while the remainder are in process, were withdrawn or refused, or are under appeal.

Of the 238 building permit applications for laneway suites, 74% of applications (176) were not accompanied by a corresponding minor variance application while 26% (62) applications have a corresponding minor variance application. The remaining minor variance applications are either in process or have been approved but not yet resulted in a building permit application.

Building permit applications for Laneway suites have been increasing year over year since 2018. In 2018, 16 permits were submitted for laneway suites while 69 applications were submitted in 2019 and 95 were submitted in 2020. As of May 2021 a total of 58 building permit applications for laneway suites had been submitted. Minor variance applications for Laneway suites followed the increase in building permit applications initially and appear to have since leveled off, while building permit applications continue to climb. In 2018 a total of 17 minor variance applications were submitted for laneway suites while 58 applications were submitted in each of 2019 and 2020. As of May 2021 a total of 34 building permit applications for laneway suites had been submitted.

Laneway Suite Occupancy

Laneway Suites are required to be designed and constructed as self-contained housing units. The Zoning by-law cannot, however, prescribe the occupant of the suite or their relationship to anyone else on the property. A Laneway suite can be used as a rental apartment, as accommodation for a variety of household configurations, including accommodating extended family. Responses from the survey of Laneway Suite property owners are consistent with these objectives, indicating a mix of intentions to rent the suite or accommodate extended family within the suite.

City staff who have fielded inquiries on laneway suites since 2018 have been advised of numerous different purposes for which suites were proposed to be constructed, including many for rental purposes, some to support family members who were either older and hoping to downsize or younger and not able to afford another place in the City. It's important to note that suites are not confined to one particular use over time. In some cases City staff were advised of plans by the property owners to move into the laneway suite later in life as a means to downsize, while renting out the main house on the property.

Laneway Suite Rents

Based on information from online advertisements, information provided by owners of properties with laneway suites, the City's survey of laneway suite properties and neighbours, and Multiple Listing Service data, Laneway Suites currently rent at an average of \$3.25 per square foot. This could mean \$2,600 for an 800 square metre two-bedroom suite.

Laneway Suites and Municipal Property Assessment Corporation Appeals

City Council requested that City Planning staff report on any Municipal Property Assessment Corporation Appeals that have been filed related to properties that do not have as-of-right permission to construct a laneway suite. City staff are not currently aware of any such appeals.

Review of 100 Laneway Suite Building Permits

To inform this report, City Planning staff reviewed 100 randomly selected laneway suite building permit applications from the overall total of 238 applications submitted to the City between August 2018 and May 2021. This review included permit applications at various stages of the review process and was intended to give staff an understanding of general trends among various aspects of laneway suite construction including, height, number of bedrooms, and parking.

Building Height and Basements - The majority of laneway suites reviewed, indicated that 94% were proposed as 2-storey buildings, and the remaining 6% were one-storey, or up to 4 metres in height.

The majority of suites reviewed indicated that 86%, did not have a basement. The 14% that did have a basement were mostly two storey suites, though there was one example of a one-storey suite with a basement. The basements that were constructed are generally proposed to be used for storage and/or additional living space. Some basements have window wells to provide natural light into the space.

Number of Bedrooms - There is a variety in the mix of bedrooms proposed in laneway suites. Of the plans reviewed, the bedroom mix was as follows:

Studio	6%
One-bedroom	48%
Two-bedroom	29%
Three-Bedroom+	17%

Of note, two suites contained more than three bedrooms. One had four and one had 5 bedrooms. Both of these suites were constructed with basements.

Generally speaking, laneway suites appear to be delivering a variety in unit mix that, on the whole, results in larger 2-3 bedroom units than the City typically secures in multi-unit developments.

Parking Spaces - Zero parking spaces are required for a laneway suite by the Zoning By-law. The By-law also removes all parking space requirements for the main house, except in instances where the main house is an apartment building, when a laneway suite is constructed in the rear yard. In effect, the parking requirement for a lot with any type of low-rise residential building and a laneway suite is zero. Despite this being the case, just under half of the laneway suite permit applications reviewed chose to provide at least one parking space on the property. Of the laneway suite applications reviewed, 54% provided no parking on site, a further 33% provided one space, and 13% of properties provided two spaces.

Staff also noted that in some cases, among the 54% of laneway suites without a parking space, the ground floor, or a portion of the ground floor, of the suite was designed as an open, unfinished room with a roll-up door facing the laneway. These spaces may be intended to, or are at least able to, function as parking spaces for smaller vehicles. These spaces were noted on the plans as “storage” as they did not meet the width or length requirements for a standard parking space in the Zoning By-law.

Although the Zoning By-law does not require any parking spaces on a property with a laneway suite, parking is still provided roughly half the time.

Parking Spaces Relative to Number of Bedrooms - Generally, parking spaces provided as part of a laneway suite design diminish the area that can be used as living space within a suite. Staff noted that, among the 100 sets of plans reviewed, suites with 0 parking spaces were able to accommodate a wider variety of bedroom types. The majority of 3 bedroom laneway suites have zero parking. Suites that provide one parking space were designed as one bedroom units in 50% of cases reviewed. Suites with two parking spaces occurred only as one bedroom and two bedroom units, with the majority being one bedroom designs. The City did not review any three bedroom laneway suite layouts with two parking spaces.

Laneway Suite Emergency Access Updates (2020)

Following City Council's decision to allow Laneway Suites across the city in 2019, Toronto Buildings worked with Toronto Fire Services to develop options and tools to assist homeowners in meeting Building Code requirements for fire access during the building permit stage. On September 30, 2020, City Council adopted the following report to provide clarification and additional options for laneway suite design to achieve compliance with the City's Fire Services access requirements.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.PH15.7>

Development Charge Deferral Program and Affordable Laneway Suite Program

Along with approving laneway suites in 2018, the City launched two programs to encourage eligible property owners to develop laneway suites. Both programs are administered by the Housing Secretariat.

The Development Charges (DC) Deferral Program for Ancillary Secondary Dwelling Units allows for a DC deferral for eligible property owners developing a laneway suite. The DC would only be collected if a new lot is created (through Plan of Subdivision, Plan of Condominium or Consent to Sever) within 20 years of building permit issuance.

On May 2, 2019, the Government of Ontario introduced Bill 108, the More Homes, More Choice Act, 2019. Among other changes and amendments, the Act amended the Development Charges Act, 1997, to exempt the creation of a second dwelling unit in an ancillary structure from development charges, subject to criteria. As a result of this change, the DC Deferral program is no longer necessary for many laneway suites. However, where a laneway suite is one of a number of secondary units or is the largest unit on a property (often in the case where a laneway suite is constructed in the rear of a multi-unit building such as a triplex) the DC Deferral program is still available. To date, DCs have been deferred for a total of 117 laneway suites.

The Affordable Laneway Suites Pilot Program provides funding in the form of a forgivable loan of up to \$50,000 in federal/provincial affordable housing program funding for eligible property owners developing a laneway suite. To date, 9 applications have been received for the Affordable Laneway Suites Pilot Program, all of which have been approved for funding. The loans will be forgiven in 15 years from the date when the first tenant occupies the laneway suite. The rent being charged cannot exceed the City of Toronto's Average Market Rent by bedroom type, as reported annually by Canada Mortgage and Housing Corporation, during the 15 year affordability period.

The Gladki Report

In spring 2021, the City retained a consultant, Gladki Planning Associates, (the "Consultant") to assist with the Laneway Suites monitoring program. In October 2021, the Consultant submitted their final report "Laneway Suites Zoning By-Law Amendment Review" (the "Consultant's Report"), (Attachment 2) which has informed numerous aspects of the Laneway Suite Monitoring work.

The report was completed in early October 2021 and includes a review and analysis of all minor variance and building permit files for laneway suites submitted to the City between July 2018 and May 2021, with recommendations on where changes should be made. The report also includes a review of laneway suite approaches from other cities, and the results of a series of building industry interviews with professionals involved in laneway suite construction.

The Consultant was present for the August 31, 2021 and September 1, 2021 consultation events to discuss the progress of their work and answer questions.

The recommendations of the Consultant's Report are as follows:

- Reduce the 85% Landscaping Requirement;
- Remove the 75% Landscaping Requirement at the Rear Lane;
- Increase the maximum permitted height to 6.75 metres;
- Address perpendicular/irregular lot relationship provision;
- Including the Asquith-Collier, Ramsden Park, and Yorkville neighbourhoods within the Laneway Suites Zoning By-law Framework;
- Develop how-to guide including building permit and committee of adjustment processes; and,
- Develop a single window approach for laneway suite applications.

These recommendations, and the overall content of the Consultant Report, have informed the City's final recommendations.

COMMENTS

Planning Act

The Planning Act, under subsection 16(3) requires Official Plans to include policies, and for zoning by-laws to give effect to those policies, to permit additional residential units in detached, semi-detached, and rowhouses, and in buildings ancillary to those residential building types. The proposed amendments allow laneway suites on all low-rise residential lots, with requisite laneway access, within the City, which meets the minimum requirements in the Act.

Provincial Policy Statement (2020)

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

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

Policy 1.4.3 directs planning authorities to provide a range of housing types and densities to meet projected market-based and affordable housing needs of current and future residents. This policy directs planning authorities to permit and facilitate all forms of housing required to meet the social, health and well-being requirements of current and future residents, and all forms of residential intensification, including additional units, and redevelopment where existing or planned infrastructure can accommodate projected needs. This policy further directs planning authorities to promote densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed. Planning authorities are also directed to establish development standards for residential intensification which minimize the cost of housing and facilitate compact form.

Policy 4.6 recognizes the Official Plan as the most important vehicle for implementation of the PPS.

In permitting laneway suites, the City is supporting an additional form of contextually appropriate infill housing that makes efficient use of land and existing services. Laneway suites provide new rental accommodation and additional living space, in a compact form, for families, accommodating the City's population as it ages and as household structures and needs change over time. The proposed Zoning By-law amendments are consistent with the Provincial Policy Statement.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) (the "Growth Plan (2020)") provides a framework for managing growth in the Greater Golden Horseshoe. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan (2020).

The policies of the Growth Plan regarding how land is developed, resources are managed and protected, and public dollars are invested are based on the Guiding Principles found in Section 1.2.1. These Guiding Principles support a range and mix of housing options, including additional units and affordable housing, to serve all sizes, incomes, and ages of households, and planning for more resilient, low-carbon communities. The Growth Plan (2020) also directs municipalities to make efficient use of land and infrastructure and support transit viability. The plan highlights the need for stakeholders to work collaboratively to find opportunities for more age-friendly community design.

Section 2.2.1.4 c) echoes the guiding principles noted above by supporting complete communities that provide a diverse range and mix of housing options, including additional units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes.

Section 2.2.6.2 directs that municipalities support the achievement of complete communities by planning for the range and mix of housing options and densities of the existing housing stock and planning to diversify and increase density of the overall housing stock across the municipality.

Laneway Suites represent an additional compact form of infill housing that diversifies the city's overall housing stock. They contribute to the creation and growth of complete communities, provide new rental accommodation and additional living space for households of different sizes, ages, and incomes, all of which can increase housing choice and supply in response to diminishing housing affordability. The proposed Zoning By-law amendments conform to the Growth Plan.

Official Plan

The Official Plan permits laneway suites within areas designated as Neighbourhoods across the city, subject to a range of criteria. These criteria reflect the tests of scale, form, and impacts contained within the policies currently governing Neighbourhoods, as well as the Official Plan's Built Form policies. These criteria were developed initially in 2017 and 2018 through the original Changing Lanes study.

The proposed Zoning By-law amendments have been reviewed against the policies of the Official Plan. Detailed and extensive consideration of the Official Plan policies relevant to Laneway Suites is contained in the Final Report for laneway suites is contained in the reports linked in the Decision History Section of this report. It was established in these reports, and endorsed by City Council, that Laneway Suites are a form of residential development that is compatible with the character of established Neighbourhoods, even in cases where no laneway suites currently exist as part of the prevailing building stock.

The proposed amendments to the Laneway Suite provisions detailed in this report maintain the currently permitted size, location, scale and height of a laneway suite, excepting cases where the side yard of a lot on which a laneway suite is proposed abuts a rear yard. In these case, detailed later in this report, the resulting suite would be smaller than the current By-law permissions allow. The proposed amendments are intended to prevent unnecessary minor variance applications, respond to comment received through consultation, and generally, make Laneway Suites easier to design and construct. The proposed Zoning By-law amendments are consistent with the policy objectives of the Official Plan.

Proposed Zoning By-law Amendments

The proposed changes to the Laneway Suite By-law and a supporting explanation of each change are noted below. Attachment 3 illustrates the proposed amendments shown on the current Chapter 150.8 By-law text and Attachment 4 shows the proposed drafted amendment.

Location on a Lane

Current Standard	Laneway suites are permitted on lots with a rear or side lot line of at least 3.5 metres abutting a public laneway.
Proposed Standard	Laneway suites are permitted on lots with a combined total of at least of 3.5 metres along a rear or side lot line abutting a public laneway.

City staff have noted that in some instances, particularly near, or at the end of a public laneway, a lot may not have 3.5 metres of continuous property abutting a laneway on either the rear or side yard, but may have 3.5 metres, continuously, when combining the measurement of the side and rear lot lines of these property lines. There is no practical reason for preventing suites from being constructed in such situations provided access, setback, and separation requirements are consistent with the intent of the By-law and any relevant requirements of the Ontario Building Code.

Setback from a Lane

Current Standard	The required minimum rear or side yard setback for a laneway suite is 1.5 metres if there are openings in the rear or side wall, and it abuts a street or a lane.
Proposed Standard	The required minimum rear or side yard setback for a laneway suite is 1.0 metres if there are openings in the rear wall or side abuts a street or a lane.

The Consultant Report notes another common variance received for laneway suites was to the required 1.5 metre rear or side yard setback where a laneway suite has openings facing a lane or a street. The proposed change would align with the required minimum rear and side yard setbacks for detached garages facing a lane or a street in the City-wide Zoning By-law.

Soft Landscaped Area Between The Laneway Suite And The House

Current Standard	The minimum required soft landscaping area in the yard between a suite and house, on a lot with a frontage of greater than 6.0 metres, is 85%.
Proposed Standard	The minimum required soft landscaping area in the yard between a suite and house, on a lot with a frontage of greater than 6.0 metres, is 85%, excluding a pedestrian walkway to a maximum width of 1.5 metres.

Maintaining soft landscaped space is important for many reasons, including amenity, storm water retention, growing space for trees, and combatting the urban heat island effect. The current requirement is based on analysis City Planning staff undertook in 2018 based on the provision in Zoning By-law 569-2013 that requires 50% of the rear yard area to be maintained as soft landscaping for lots greater than 6.0 metres in width. The laneway suite standard, requires 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. This requirement was intended to ensure that the soft landscaped area would generally equal, or exceed, the area required by the Zoning By-law in cases where no suite was constructed.

One of the most common minor variances sought for a laneway suite since 2018 is for relief from the requirement for soft landscaped space in the rear yard on 6.0 metre or greater wide lots. The Committee of Adjustment has approved this on most occasions when it has been requested. While the frequency and result of Committee decisions on this specific provision were not the only factor considered in recommending the proposed change, this was an important observation. Generally speaking, if By-law standards are more achievable, applicants are incentivized to avoid seeking excessive variances at the Committee of Adjustment. By acknowledging the frequency of this

variance in proposing a more achievable standard, the City intends that variances sought for this permission will decrease.

In some cases, City Planning staff request a green roof area on the suite to offset the requested variance. While a green roof does not replace the amenity or growing area that ground level green spaces provide, a green roof does improve stormwater management on a property and helps diminish the urban heat island effect. This is a practice that City Planning Staff recommend be continued in cases where variances are sought for reduction of soft landscaping in the future.

The Consultant Report advises that the majority of respondents to the industry consultation noted that this provision does not recognize existing surfacing and does not recognize the diversity of properties across the City. Site conditions such as small lots, car ports, terraced backyards, decks, pavers, and patios make it difficult to comply with this regulation.

It was also noted during consultation that a walkway designed to accessibility standards can be challenging to build when only 15% of the lot is available for hard surface. As laneway suites offer a form of housing that can support aging in place, as well as be designed to a range of accessibility standards to support occupants with different abilities, it is important that the City facilitate the as-of-right design of such suites, while ensuring that they remain accessible structures.

In this case, staff are recommending that the minimum required soft landscaping area in the yard between a suite and house, be maintained at 85% in cases where a lot of greater than 6 metres in width but exempt a hard surface walkway, at a maximum width of 1.5 metres from this requirement. This width is consistent with the requirement for an accessible walkway found in other cases in the By-law including the accessible parking requirements. The effect of this change may reduce the overall green space on the site by a marginal amount but maintains the intent of the original provision, to ensure resulting soft landscaped area would generally equal, or exceed, the area required by the Zoning By-law in cases where no suite was constructed.

No changes are proposed to this provision where lots are less than 6.0 metres in width.

Soft Landscaped Area Between The Laneway Suite And The Lane

Current Standard	The area between the 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.
Proposed Standard	The area between the laneway suite and the lot line abutting a lane, excluding a permitted driveway and a pedestrian access up to a maximum width of 1.5 metres, must be landscaping, of which a minimum of 75% must be soft landscaping.

The requirement for landscaping between the suite and the lane was a direct result of input received through consultation on the initial Changing Lanes study in 2018 where the City was encouraged to find opportunities to green laneways as part of the construction of laneway suites. This 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.

Through a review of laneway suite variance applications, and consultation with laneway suite builders, it was noted that pedestrian access, such as a hard surface walkway between the door of a suite facing the lane and the laneway, is often required for the operation of the suite. This is a problem particularly in cases where a lot is narrow, and where a walkway may not be able to be constructed while still complying with this soft landscaping provision.

In this case, City Planning staff are recommending that the By-law requirement for soft landscaped space between a suite and lane be amended to accommodate a pedestrian walkway up to a maximum of 1.5 metres in width. This width is consistent with the requirement for an accessible walkway found in other cases in the By-law including the accessible parking requirements.

Measuring the Width of a Laneway Suite

Current Standard	The laneway suite width must be measured perpendicular to the centreline of a lot.
Proposed Standard	Delete Standard

This provision can be problematic when a suite is being sited on a lot with an irregular shape, limiting the footprint of the suite to a specific part of the lot. City Planning staff see no practical reason to maintain this requirement in the By-law.

Green Roof Parapet Walls

Current Standard	The minimum distance of a green roof parapet from the wall of a suite is 1.0 metres;
Proposed Standard	The minimum distance of a green roof parapet from the wall of a suite is 0.5 metres;

In order to facilitate the construction of green roofs on laneway suites, particularly on narrow sites, and increase permitted green roof coverage overall, the minimum distance

a parapet for a green roof (i.e. the wall of the green roof) may be from the wall of a suite is proposed to be reduced from 1.0 metres to 0.5 metres.

Height and Setbacks of Rooftop Mechanical Equipment

Current Standards	<p>The permitted maximum height of certain rooftop equipment, such as HVAC units, is 1.0 metres above the height of the suite, and</p> <p>The required minimum distance of certain rooftop equipment, such as HVAC units, from the wall of suite is 1.0 metres.</p>
Proposed Standard	<p>The permitted maximum height of certain rooftop equipment, such as HVAC units, is 1.5 metres above the height of the suite, and,</p> <p>The required minimum distance of certain rooftop equipment, such as HVAC units, from the wall of suite is 1.5 metres</p>

Rooftop mechanical equipment are commonly permitted to project above the permitted maximum height of a building in the Zoning By-law for a variety of building types. The permitted projections for laneway suites are relative to the type of equipment used in the heating and cooling, venting, roof access and other necessary functions of the building. Based on consultation with the building industry and the City’s review of minor variance applications for laneway suites, it was determined that equipment larger than a meter in height is sometimes necessary for the operation of a laneway suite. This type of equipment is generally not impactful on adjacent properties, especially when it’s located near the centre of the roof.

City Planning staff are recommending that the permitted height of mechanical equipment necessary for the operation of a laneway suite be increased from 1.0 to 1.5 metres. A corresponding change is also recommended to require this mechanical equipment to be located a minimum of 1.5 metres from the walls of a suite, increased from 1.0 metres.

Among the above amendments to permitted height projections, it is also recommended that skylights be included in permitted projections into both the height and angular plane to a maximum of 0.3 metres.

Rear to Side Lot Condition

The majority of lots on which laneway suites can be constructed are located on an interior lot with two similar lots on either side, all of which share a property line with a public lane. In rare cases, there are lots where a laneway suite is permitted that shares a side lot line with the rear lot line of an adjacent property, or properties. An example of this situation is shown in the diagram on the following page.



The Consultant's Report notes that industry experts highlighted perpendicular lot relationships with laneway suites as having potentially greater impacts on neighbouring properties, specifically with regard to the permitted two-storey height of a laneway suite on a lot with this relationship. This observation was also made by several residents who lived in areas with similar lot configurations, both on properties where laneway suites had been constructed, and where they had not been constructed but were permitted.

The By-law requires that a laneway suite with 2-storeys be set back 7.5 metres from the main house and include an angular plane measured from a height of 4 metres set back 7.5 metres facing the main house. This approach results in a building that is located towards the rear of most properties, except for uncommonly deep properties. Often these suites are in line with existing garages, limiting impacts of overlook, privacy, and shadow on the adjacent properties as well as the property on which the suite is situated. These suites also provide an opportunity to create an outdoor, landscaped space between the suite and the house.

Policy 3.1.2 of the Official Plan directs that new development be massed, located and organized to fit within an area's existing and/or planned context, to specifically provide adequate light and privacy, and adequately limit shadowing of neighbouring properties and open spaces. The performance standards for laneway suites found in the Zoning By-law were developed by City staff in collaboration with area Residents Associations and other stakeholders to mitigate impacts related to overlook, privacy and shadowing

on adjacent properties pursuant to the policies in the Official Plan and in response to comments received.

In the case of a side-lot to rear-lot condition, as shown above, the relationship of the suite to the house on the adjacent lot can be inconsistent with the By-laws intent to limit impacts on adjacent properties as the suite is not required to be setback from the side lot line. This can, and has, resulted in some instances of a two storey suite being built at a zero metre setback facing the rear yard of an adjacent property. It is worth noting that in these circumstances a 4.0 metre high garage structure can be constructed to the property line as-of-right.

City Planning staff agree with the recommendations of the Consultant's Report to regulate the 2nd storey of a suite in the above noted situation to respond to the issues presented by this unique situation. In order to limit impacts on adjacent properties where laneway suites are proposed on lots with a side lot line abutting a rear lot line, City Planning staff are recommending a 1.5 metre building setback above a height of 4.0 metres from the side yard facing a rear yard of an adjacent property.

This matter was raised in consultation on several occasions. In some cases, it was suggested to City Planning staff that requiring a specific separation distance, 7.5 metres for instance, between a suite and a house on an adjacent property would adequately address the issue. In practice however this approach is problematic, as the owner of a house on an adjacent lot may apply to construct an addition to the rear of their house. Whether done so as-of-right, or through the Committee of Adjustment, the resulting new rear wall of the house could impact the ability of an adjacent property to construct a suite.

Laneway Suite Building Height

Current Standard	If the laneway suite is located 7.5 metres or more from the main house on the lot, the maximum height of the laneway suite is 6.0 metres.
Proposed Standard	If the laneway suite is located 7.5 metres or more from the main house on the lot, the maximum height of the laneway suite is 6.3 metres.

Based on conversations with the builders undertaken by the Consultant, additional height was requested to provide the potential to accommodate additional foundation and ceiling width, improving the heat envelope of laneway suites and accommodating passive building technologies. The Consultant Report recommends a height increase of 6.75 metres. A mix of opinions was provided on the overall height of the suite, with some suggesting that any increased height would exacerbate impacts on adjacent properties. Others were comfortable with a marginal increase in building height. There was disagreement among commenters about the proposed increase being sufficient to address the stated objective of increased environmental performance.

In determining the scale and form of laneway suites in the preparation of the original laneway suites performance standards in 2018, the City undertook detailed analysis of the potential impact of the proposed height on adjacent properties. The recommended increase in height is, in the opinion of City Planning staff, marginal, and will have no significant difference in impacts on adjacent properties than the currently permitted height of 6.0 metres.

Other Amendments

City Planning staff recommend amending the By-law to exempt the required width and length dimensions from a suite constructed within an existing structure. In some cases suites proposed to be accommodated in existing structures may otherwise require a minor variance application to acknowledge the existing building.

In cases where a new house and laneway suite are being constructed simultaneously, it is generally more challenging, and impactful on adjacent properties, to construct the suite after the main house, given challenges with construction access to a lane. In order to facilitate less impactful construction in these instances, City Planning staff proposed to amend the By-law to allow construction of an ancillary building prior to construction of the main building on a lot.

Other Matters Considered in Laneway Suite Review and Monitoring

Public vs. Private lanes

Laneway Suites are permitted on Public Lanes, defined by the Zoning By-law as “means a public right-of-way that is not for general traffic circulation”. Over the last several years, City Planning has been asked to consider laneway suites on private lanes. While there are several private laneways throughout the City, the City does not control access to, or maintenance of, these spaces. In the opinion of staff, detached accessory units may be considered on these lots, but should be considered as Garden Suites.

Basements

Basements are permitted in laneway suites and while they are constructed quite rarely, partly due to construction and cost constraints, they do appear in a small percentage of the Laneway Suites constructed to date. In consultation on the Laneway Suites monitoring initiative it was noted that basements could conflict with root systems of trees. While the construction of basements is allowable in any form of residential housing, the impact of over-digging within confined rear yard locations can have a serious negative impact on the structural integrity of any nearby trees. The required minimum building setbacks for laneway suites apply above and below ground, excluding footings, supports water infiltration and transpiration, a place for significant plant growth to occur, and helps to achieve the local tree canopy.

Laneway Suites on ‘T’ Shaped Lanes

City Planning staff attended a meeting with residents who live on and near a ‘T’ shaped laneway to discuss the potential impact of laneway suites being built in this context. At this meeting it was suggested that Laneway Suites could create a disproportionate

impact on properties opposite the laneway where houses and rear yards can sometimes be separated only by the width of the lane itself and any required setbacks for the suite.

Through the original Changing Lanes study, which occurred between 2017 and 2019, City staff considered the proposed laneway suite regulations on a range of lot patterns around the City, including lots that exist on 'T' shaped laneways. The opinion of staff is that suites continue to be appropriate in these contexts and when they are constructed in accordance with the By-law will have limited impacts on adjacent properties. City staff have considered the proposed By-law amendments with regard to these types of lot configurations. The proposed amendments are consistent with the intent of City Planning's original recommendations.

Setbacks to Structures on Adjacent Properties

The City received comments regarding the potential for limited separation between a laneway suite and an adjacent principle building in some irregularly shaped lots. Comments note that the laneway suite By-law does not include any separation requirements to a building on an adjacent lot and suggests that in some cases, a permitted design may create an undesirable relationship between buildings. The City Planning staff do not recommend a setback requirement for laneway suites from structures on adjacent lots. In practice, such a provision may create a circumstance where construction on one lot, such as a rear addition to the house, whether considered as-of-right or through the committee of adjustment, may negatively impact ability of an adjacent property to construct an as-of-right laneway suite.

Soft Landscaping

Through consultation on this initiative City Planning Staff were advised that in some cases, soft landscaping is installed on a property with a suite to meet the requirements of the zoning By-law and then removed following final inspection of the suite to close the associated building permit. As noted in this report, green space in neighbourhoods is important for a variety of reasons, including stormwater retention, recreation, diminishing the urban heat island effect and as growing space for a variety of trees and plants. City Planning staff have advised the Chief Building Official of this matter for consideration when Toronto Building staff are determining By-law compliance with newly constructed suites going forward.

Laneway Suite Permissions and Garden + Suites Study

On June 28, 2018 City Council directed the Chief Planner and Executive Director, City Planning to work on the second Phase of the Changing Lanes: The City of Toronto's Review of Laneway Suites, to include suites on appropriate properties without laneways within the Toronto and East York Community Council boundaries and to report back to the Toronto and East York Community Council in the fourth quarter of 2019. The analysis of the Laneway Suite Monitoring and Review Initiative will inform the recommendations on policies and standards for Garden Suites. Staff working on this report have been in frequent contact with Garden + Suites Study staff to discuss these two work programs including where By-law standards for laneway suites may be

considered for Garden Suites and where the context of where Garden Suites are proposed warrants an alternate approach.

In consultation on this initiative it was suggested that certain draft Garden Suites standards should be applied to Laneway Suites. The development of By-law standards for laneway suites considered the context in which laneway suites would commonly be proposed, lots facing public laneways, in a variety of circumstances and lane configurations, often with existing garages. Garden Suites standards are currently being developed based on consideration of the context in which garden suites are anticipated. A report on Garden Suites standards will be presented to Planning and Housing Committee in Q1 2022.

Street Parking

Under the City's current policies regarding issuance of street permit parking, should the owner of a property elect to construct a laneway suite and choose to remove the on-site parking space from their lot, they are not entitled to receive an on-street permit to replace their parking in instances where they are in an oversubscribed street parking area. If there is sufficient space on the property, the owner may incorporate a parking space within the laneway suite or elsewhere on the property, subject to any requirements related to the location of the space. Based on the City's review, about 50% of suites constructed include at least one parking space.

As part of the Laneway Suite Monitoring Program, City Planning staff contacted Permit Parking staff in Transportation Services and requested information on street permits granted to addresses that had constructed laneway suites. Staff referenced permit parking applications against the list of 238 laneway suite building permit addresses. Based on this review, since 2018, occupants of 22 addresses that had applied to construct laneway suites also applied for one or more street parking permits. Among these addresses, the majority of properties had no parking provided on site following the construction of the laneway suite. Some properties continue to provide one or two on-site spaces and still applied for street parking, perhaps for other units within the main residential building such a secondary suite. It does not appear that Laneway Suites have had a significant impact on street parking applications at this time.

Shadow, Privacy and Overlook

Policy 3.1.2 of the Official Plan directs that new development be massed, located and organized to fit within an area's existing and/or planned context, to specifically provide adequate light and privacy, and adequately limit shadowing of neighbouring properties and open spaces. The performance standards for laneway suites were developed by City staff in collaboration with City residents, Residents Associations and the building industry, to appropriately limit impacts related to overlook, privacy, and shadowing on adjacent properties pursuant to the policies in the Official Plan.

Questions regarding privacy, overlook, and shadowing impacts on adjacent properties were raised by some attendees at recent consultation meetings, in correspondence, and during several site meetings attended by City Planning with residents. City Planning staff have also been contacted periodically since 2018 about a proposed suites that

would impact one or more of light, view, privacy, on adjacent properties. Respondents to the City's laneway suite property survey raised loss of sunlight and privacy among the primary impacts created by laneway suites. In some cases respondents noted that while the suite does impact their property, they are not concerned about these additional impacts.

In determining the scale and form of laneway suites in the preparation of the original laneway suites standards from 2018, the City undertook shadow analyses and considered several approaches to sculpt the 2nd storey of a laneway suite to mitigate overlook into and privacy impacts on adjacent yards. Over the course of developing the proposed laneway suites Zoning By-law Amendment, the City made several adjustments to respond to community concerns about privacy, overlook, and loss of open green space. The City introduced an angular plane at the 2nd storey facing the main house, adjusted rooftop encroachment permissions, removed draft permissions for 2nd floor balconies facing the main house, and made other incremental changes to the By-law provisions in response to these comments and concerns. The proposed Zoning By-law amendment includes an angular plane at a height of 4 metres and a distance of 7.5 metres from the main house. The laneway suite Zoning by-law performance standards also restrict any openings facing a side yard on walls closer than 1.5 metres to a side lot line.

With the exception of lots with a side to rear lot facing condition, detailed earlier in this report, where an additional setback to the 2nd storey is required, a laneway suite built to the Laneway Suite by-law standards appropriately limits impacts on adjacent properties and is consistent with the intent of the Official Plan policies. The proposed amendments to laneway suite standards continue to appropriately limit privacy, overlook, and shadowing impacts on adjacent properties while allowing livable, attractive, and functional laneway suite designs.

Seniors Strategy

On May 22, 2018, Council adopted the Toronto Seniors Strategy 2.0 including direction to establish a Seniors Housing and Services entity at the City. Version 2.0 of the Toronto Seniors Strategy continues to uphold the principles that were articulated in Version 1.0: equity, respect, inclusion, and quality of life. It commits to all seniors having equitable access to City services and programs and it also continues to focus on actions that fall within the City's jurisdictional authority to plan, manage, and deliver. The Toronto Seniors Strategy identifies the need to create housing, especially affordable housing, to facilitate aging in place across the City. Laneway Suites are one example of housing that can be designed to facilitate aging in place.

Recommendation 14 of the Toronto Seniors Strategy Version 2.0 directs the City to "amend its Official Plan to recognize the City's commitment to age-friendly principles". As part of this ongoing work, the Seniors Strategy Accountability Table has been engaged to help City Planning understand how the Official Plan and planning policies more generally can best support an aging population. To date, consultation results have shown housing availability, affordability and accessibility to be key concerns.

When approving the Laneway Suites Official Plan and Zoning By-law Amendments for Toronto and East York in 2018, City Council requested the Chief Planner and Executive Director, City Planning, to consult with City staff responsible for the Toronto Seniors Strategy and with seniors advisory organizations, to ensure standards, maintenance and safety in laneways are part of the monitoring, design and implementation of new laneway suites.

Staff from Seniors Services and Long-Term Care were consulted in the drafting of this report and for advice on broadening consultation with seniors groups on Laneway Suites and other forms of missing middle housing being considered through the Expanding Housing Options in Neighbourhoods Initiative. In order to ensure consultation with seniors groups informs the City's overall conversation on missing middle housing, including Laneway Suites, staff recommend incorporating Laneway Suite best practices to accommodate and support seniors living in missing middle housing as part of any future guideline documents developed resulting from the Expanding Housing Options in Neighbourhoods initiative. City Planning will continue to work with the Toronto Seniors Strategy Accountability stakeholder network as well as Toronto Seniors Forum lived experience advisory body, to reflect the expertise, experience and needs of senior tenants, homeowners, and citizens to inform our continued work on housing.

Additionally, as many seniors live with accessibility and mobility challenges, City Planning Staff will continue to apply an accessibility lens throughout the development of missing middle housing permissions.

Accessibility

Laneway Suites present an opportunity for units to be designed in accordance with a range of accessibility standards, including the City's Accessibility Design Guidelines. The lack of a parking requirement helps facilitate the use of the entire ground floor area of a suite as living space, making for more easily accessible units.

City Planning staff consulted with the staff responsible for the City's Accessible Design Guidelines as part of the Laneway Suite Monitoring Initiative. Staff who developed these guidelines recommend that a best practices document for laneway suite construction which includes information about Accessible Design Standards be developed, and that preapproved accessible designs be endorsed by the City. City Planning will continue to work with the Toronto Seniors Strategy Accountability stakeholder network as well as Toronto Seniors Forum lived experience advisory body, to reflect the expertise, experience and needs of senior tenants, homeowners, and citizens to inform our continued work on housing.

Pre-approved Plans

Several groups consulted by City Planning on this initiative raised the opportunity for pre-approved permit drawings as an opportunity to support the construction of laneway suites. The City of Los Angeles California currently supports pre-approved building permit plans, called "Pre-Approved Standard Plans" as part of their efforts to support Accessory Dwelling Units. City Planning staff agree that laneway suites, and potentially other forms of low-rise housing would benefit from a similar program and will continue

discussions on this matter with Toronto Buildings and other City Divisions as part of the Expanding Housing Options in Neighbourhoods initiative.

Laneway Suites and Housing Affordability

In December 2019, Toronto City Council adopted the Housing-TO 2020-2030 Action Plan, to guide the City's efforts over the next 10 years to address housing and the needs of people experiencing homelessness. The Action Plan identifies the need to support and incentivize the creation of more purpose-built rental and affordable housing in Toronto. In permitting laneway suites, the City is helping to advance the Action Plan's direction to support new purpose-built rental homes across the City.

Based on information from online advertisements, information provided by owners of properties with laneway suites, the City's survey of laneway suite properties and neighbours, and Multiple Listing Service data, Laneway Suites currently rent at an average of \$3.25 per square foot. In comparison, the average rent in purpose built rentals completed within the last 15 years was approximately \$3.60 per square foot. Average rents in units completed since August 2018 are \$3.85 a square foot and with an average unit size of 664 square feet.

In public consultations regarding laneway suites since 2017, it has been noted that Laneway Suites are not necessarily contributing to stable, long-term "affordable housing" options.

With the exception of suites that have been constructed through the Affordable Laneway Suite Pilot Program, laneway suites are generally not an "affordable housing" option as defined by the City. Changing Lanes is primarily a market rental housing supply initiative, facilitating an additional form of low-rise rental housing in Neighbourhoods that is needed to address the City's current and anticipated demand projections for such housing.

Tree Protection and Growing Space

Section 3.4 of the Official Plan on the Natural Environment recognizes the urban forest as essential to Toronto's character and climate resiliency, as well as to its success as a strong and competitive economy. As stewards of the natural environment, it is important to recognize that there are limits to the stresses resulting from human activity that the natural environment can absorb. The policies in Section 3.4 of the Official Plan speak to preserving and enhancing the urban forest by providing suitable growing environments for trees (this means above grade and below grade space to grow); increasing the tree canopy coverage and diversity, especially of long-lived native and large growing shade trees; and of regulating the injury and destruction of trees.

The construction of a laneway suite and supporting utilities may require the removal and/or 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 in diameter and larger on private property are protected under Municipal Code, Chapter 813, Article III. Trees in Ravine areas are protected by 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.

The city's Official Plan intends that laneway suites, when subject to consideration by the Committee of Adjustment, will not result in the removal of a healthy bylaw-protected tree. In practice, these policies provide clear direction to the Committee of Adjustment that, if a healthy bylaw-protected tree is proposed to be removed or injured to allow for the construction of the laneway suite, the proposed variances may meet the intent of the Official Plan and may be refused.

The policies also direct staff to have regard for preservation of an existing tree protected under a Tree By-law when a minor variance application for a laneway suite is received and a protected tree is proposed to be removed. This intends that staff will work with an applicant to reshape or relocate a proposed suite on a property, potentially resulting in further required variances, in order to preserve protected trees where possible.

In cases where the laneway suite is designed to the as-of-right permissions in the By-law and necessitates the injury or removal of tree, the General Manager of Parks, Forestry, and Recreation may refuse the tree removal permit, in accordance with Municipal Code Chapter 813 and 658 the applicant may appeal the decision to the appropriate Community Council. This practice is consistent with recommendation 11 from Council's decision on Item 33.3 - Changing Lanes: The City of Toronto's Review of Laneway Suites - City-Initiated Official Plan Amendment and Zoning Amendment - Final Report, dated, June 26, 2018, and is unique to laneway suites. The recommendation does not apply to any other type of low-rise construction in Neighbourhoods.

The Official Plan policies and current Urban Forestry practices under Municipal Code Chapter 813 regarding tree protection related to the construction of laneway suites are more specific and restrictive than the City's current policies and practices regarding any other type of development in Neighbourhoods regarding the protection of trees in assessing the appropriateness of Neighbourhood infill development.

Requests to Injure or Remove a Tree

Urban Forestry's Tree Protection and Plan Review offices review laneway suite proposals through two main channels. First they are received by way of a tree permit application received under Municipal Code 813 and 658 for By-law regulated tree(s) requiring removal or injury due to construction of a laneway suite. The second is by way of a Committee of Adjustment (COA) application involving minor variances and/or consent to sever whereby a laneway suite impacts a by-law regulated tree.

The timing and interaction between these two channels varies. Sometimes the tree permit application is received in advance of a Committee of Adjustment application and sometimes it is received after. If a tree permit application is received before a Committee of Adjustment hearing, Urban Forestry staff may choose to hold the application to allow for the opportunity to review and comment to the Committee of

Adjustment regarding how the minor variances and/or consent to sever impact by-law regulated trees. If it is received after, it is often in response to an Urban Forestry recommended condition placed on a Committee of Adjustment approval.

Urban Forestry's analysis showed that there were few tree permit applications and that in most cases, if an application to remove a healthy private tree was refused by Urban Forestry, the applicants were willing to revise their proposals to minimize impact and to acceptably injure/work within a tree protection zone of a healthy tree. Urban Forestry's decision-making process under Municipal Code 813 is consistent with the July 26, 2018 Council Decision on laneway suites and OPA 403.

Urban Forestry Staff notes that some tree impact was not captured by tree permit applications, specifically in the case of trees with a diameter less than 30 cm that are not regulated under Municipal Code Chapter 813. There also is no regulation in the Municipal Code related to the loss of growing space. From Urban Forestry's perspective, these are two important concerns. Loss of smaller trees and loss of growing space have a significant impact on the City's urban forest. Similarly, loss of trees that are smaller than 30 cm diameter at breast height (DBH) is a significant concern as those trees will never get to contribute to the city's tree canopy

Urban Forestry Analysis

City of Toronto Urban Forestry staff collected information related to Laneway Suite applications since the By-law was introduced in 2018. Staff tracked Committee of Adjustment applications and Tree Permit applications. Urban Forestry staff reviewed the information collected with the building permit and minor variance information provided by City Planning. Urban Forestry staff also tracked notifications related to submitted building applications and assessed the potential issues related to every proposed laneway suite. Using aerial images from 2018, staff assessed whether there would be tree issues on each property that applied for a building permit. In addition, staff assessed if there would be issues related to loss of growing space.

Since the Bylaw was introduced in 2018, Urban Forestry reviewed a total of 35 COA applications. Staff found that the proposed minor variances have no impact in 54% of reviewed applications. In 43% of applications, they found that proposed minor variances would result in tree impact, however staff recommended the refusal of only one application. By cross-referencing building permit records with Urban Forestry records, it was determined that only 5% of the addresses at which a building permit application for a laneway suite was submitted, resulted in an injury or removal of a protected tree.

Urban Forestry staff also performed a review of 2018 aerial images of properties on which a laneway suite was proposed and observed whether there were any trees in the area where a laneway suite would be constructed and identified if the proposed construction would result in the loss of growing space. Staff noted concerns with 25% of submitted building permit applications and estimated growing space concerns for approximately 39% of applications. Comparing the actual received tree permit applications (5%) with estimated potential tree issues (25%) we conclude that not all tree issues were captured with Tree Permit applications and that additional measures may be warranted to capture all relevant applications. The loss of smaller trees and

growing space cannot be captured using existing tools, but growing space is crucial for maintaining and growing city's tree canopy. It is also important for stormwater infiltration perspective and in mitigating the effects of urban heat island.

Observations from the Consultant Report

Based on interviews with the building industry, the Consultant's Report observes that when an application to construct a laneway suite involves the potential injury or removal of a tree, there can be increased complexity, and in some cases, inconsistency, in processing an application and in coordinating various City commenting departments.

Tree Protection Observations and Recommendations

While the impact on tree canopy and growing space from laneway suite construction to-date may be small, staff acknowledge that the application numbers to date also reflect a relatively small sample size. In light of impacts presented by climate change, the City must be proactive and innovative in supporting and expanding its tree canopy while supporting opportunity for infill residential development, as both are critical in responding to the current climate emergency.

As shown in the 2018 Toronto Tree Canopy Study, Toronto's tree cover, which is the area of the tree and shrub cover viewed from above, has increased by 1.4% between 2008 and 2018 to a total tree cover of 28.4%. The tree canopy cover in Neighbourhoods is one of the major contributors to Toronto's urban forest and the goal is to ensure the protection of existing trees and the planting of new trees to maintain and grow the canopy into the future. The 2018 Toronto Tree Canopy Study also shows that over the past 20 years impervious land cover has been increasing across the city, and within that, detached residential areas have had the most land converted to impermeable surfaces. However, the 2018 Toronto Tree Canopy Study also shows that detached residential areas also have the greatest amount of land available for tree canopy growth. Environmental benefits from trees occur in direct proportion to their total leaf area. As per Urban Forestry's Report Every Tree Counts, large trees in Toronto intercept up to 10 times more air pollution than small trees, and carbon storage is additionally maximized in larger diameter trees.

Based on the scope of review of laneway suite permit and minor variance data undertaken by Urban Forestry staff and consultation with City Planning staff, and observations detailed in this report, staff recommend that the Chief Planner and Executive Director, City Planning Division and the General Manager, Parks, Forestry, and Recreation, in consultation with the Chief Building Official, the Director, Environment and Energy, and other necessary civic officials, report to Planning and Housing Committee in Q1 2023 regarding potential strategies to protect and enhance growing space and the City's tree canopy while also supporting infill housing growth in the City's Neighbourhoods.

Site and Area Specific Policy 211 – Bloor Yorkville / North Midtown

In its decision to approve permissions for laneway suites in Toronto and East York in June 2018, and city-wide in 2019, City Council directed City Planning staff to consider any necessary policies and/or by-law standards to permit and regulate Laneway Suites as part of the review of Site and Area Specific Policy 211. Site and Area Specific Policy 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 Areas.

The Consultant's Report finds that the existing and planned character of these neighbourhoods does not preclude their potential or eligibility for potential moderate infill through laneway suites. City Planning staff agree, having previously recommended that the Official Plan policies and Zoning By-law provisions for laneway suites apply the Ramsden Park, Yorkville Triangle and Asquith-Collier neighbourhoods. In the opinion of City Planning staff, these neighbourhoods are not distinct from other areas of the City where laneway suites are permitted. Laneway Suites are appropriate, compatible forms of housing in the context of these neighborhoods. The process to review and amend SASP 211 is currently underway.

Conclusion

Laneway suites are a part of complete communities. They provide more opportunities for people to live in low-rise housing, close to where they work, shop, and play, and can help make the city's urban lanes more green, liveable, and safe. Laneway suites contribute to increasing the supply of rental housing and provide additional housing options for a variety of households and family structures.

The proposed changes to the Laneway Suite zoning standards are incremental, but will facilitate the as-of-right creation of these suites to assist in supporting and building complete communities within the City's neighbourhoods. These changes were developed in consultation with a variety of interested groups, residents, the building, planning and design industry, and many city staff.

The observations from monitoring and review of laneway suites will assist in the planning, development, and communication of other types of missing middle housing options currently being considered as part of the City's Expanding Housing Options in Neighbourhoods.

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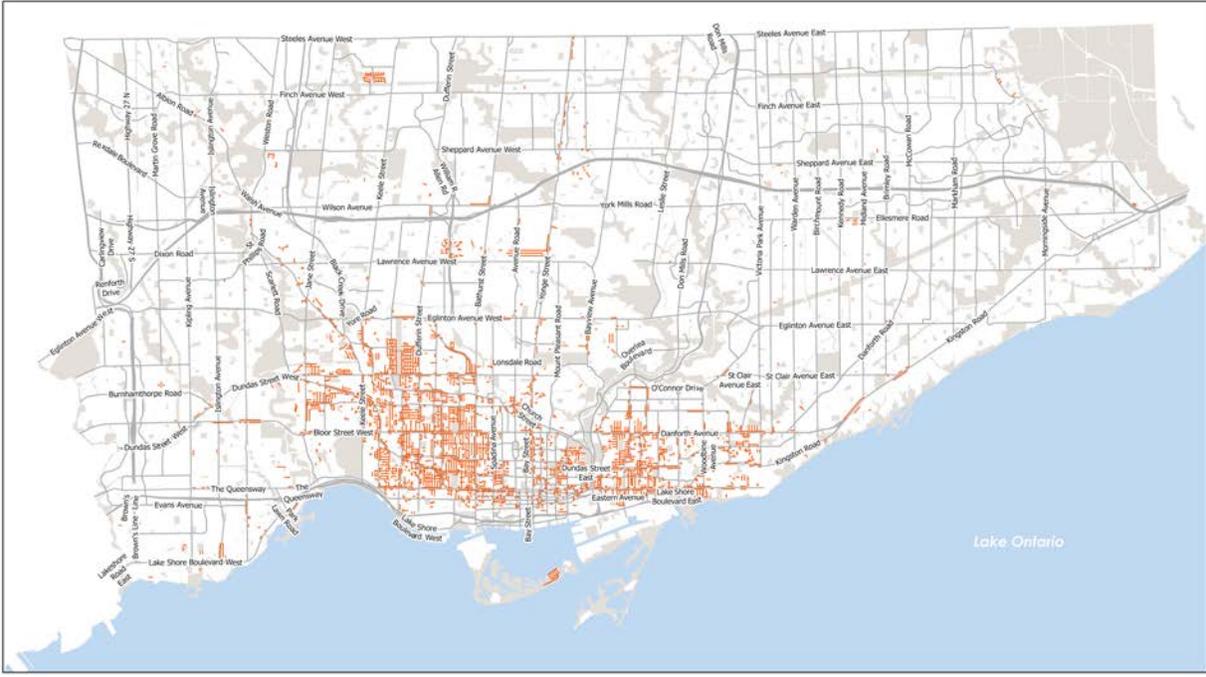
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Gregg Lintern, MCIP, RPP
Chief Planner and Executive Director
City Planning Division

ATTACHMENTS

Attachment 1: Map of Laneways in the City of Toronto
Attachment 2: Report from Gladki Planning Associates
Attachment 3: Proposed Zoning Changes shown as marked up 569-2013 text
Attachment 4: Draft Zoning By-law Amendment (By-law No. 569-2013)

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TORONTO
Public Laneways



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These attachments are provided as separate documents.