

# LANEWAY SUITES ZONING BY-LAW AMENDMENT REVIEW

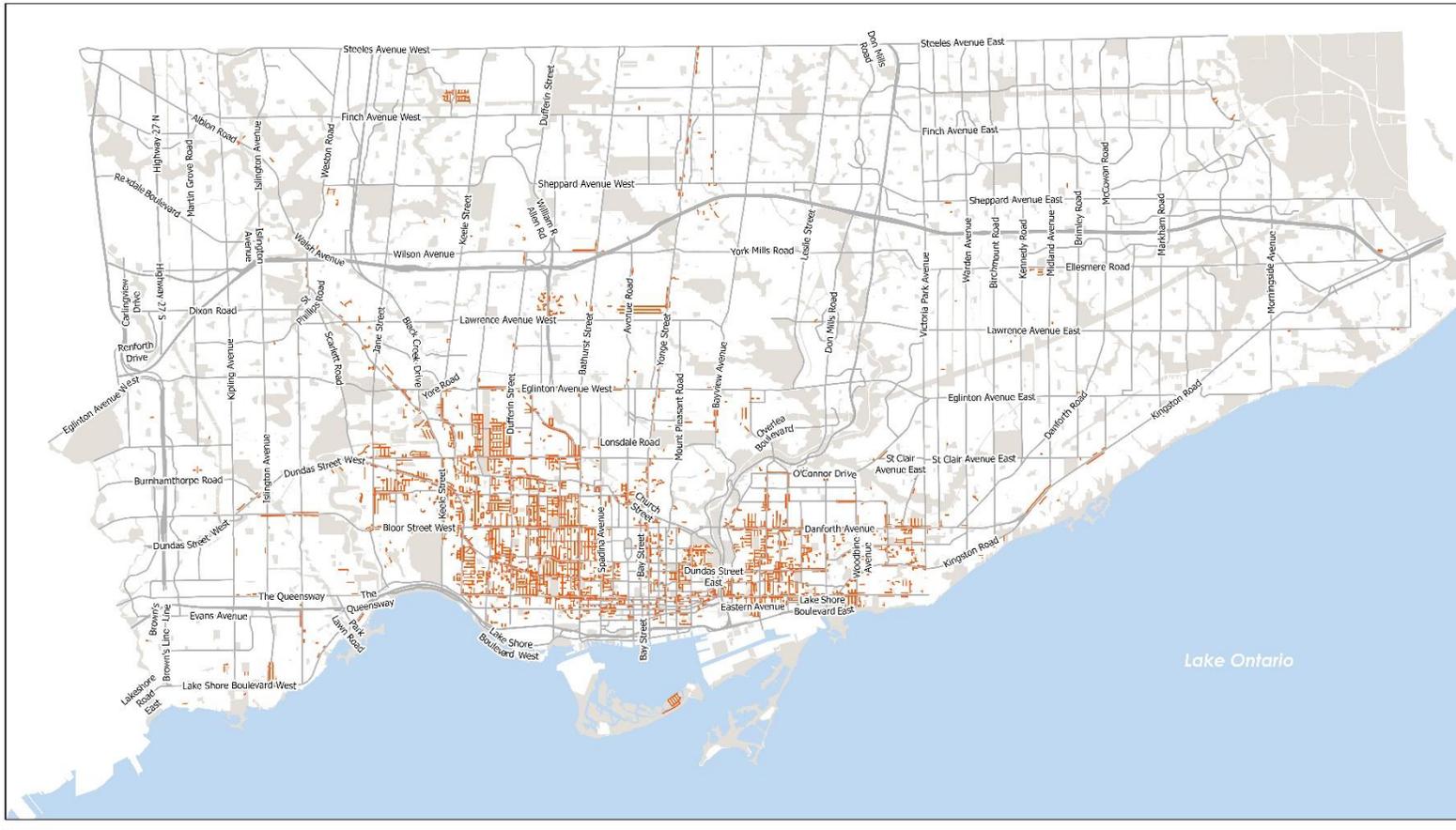
Prepared by Gladki Planning Associates for the City of Toronto

OCTOBER 2021

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**TORONTO**  
Public Laneways



Not to Scale

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Figure 1 - Location of Laneways in the City of Toronto

# Introduction

Toronto's Laneway Suites Zoning By-law Amendments were originally initiated within Toronto and East York district. These permissions were expanded City-wide on July 16, 2019, when City Council adopted By-law and Official Plan amendments to extend the program City-wide.

Laneway suites are a type of second unit permitted by the Official Plan. A laneway suite is a self-contained residential unit, with its own kitchen and bathroom facilities, located in a separate building that is subordinate in size to the primary dwelling on the lot and adjacent to a public laneway.

The City of Toronto is reviewing the Laneway Suites Zoning By-law Amendments to determine whether any changes are necessary to improve the relationship of laneway suites to adjacent properties and to facilitate the construction of Suites. Together with other initiatives currently underway, this work forms a critical part of the City's objective to support Laneway Suites as an additional rental housing option in Neighbourhoods.

Laneway suites provide a form of contextually appropriate low-rise housing within the city's neighbourhoods and are part of complete communities.

This review of the laneway suites zoning By-law amendments is directed by Toronto City Council and was requested by City Council at its meeting on June 26, 2018 when the initial Zoning By-law amendment for laneway suites was approved. In addition to the approval, City Council directed staff to undertake the Laneway Suite Monitoring Program, of which this review includes several components.

On February 12, 2019, Planning and Housing Committee requested that City Planning, in consultation with appropriate staff, undertake a review and consultation on expanding the current policy and regulatory framework for laneway suites city-wide. Gladki Planning Associates (GPA) has been retained to undertake this review along with City Staff and to advise of potential changes. This report is a summary of the review.

# Key Findings

In the City of Toronto, public laneways are predominately located within the former Cities of Toronto, York and City East York but are also located throughout the City.

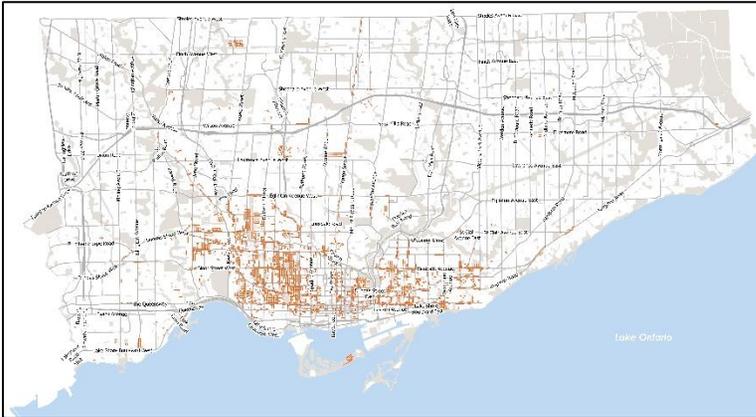


Figure 2 - Location of Laneways in the City of Toronto

A review of building permit applications shows that permit applications are well distributed across eligible areas served by laneways. These applications are most common west of downtown and in the Riverdale neighbourhood east of the Don River. There are 306 Building Permit applications associated with laneway suites; 238 of these are associated with unique addresses.

There have been 185 applications for minor variance made to the Committee of Adjustment for laneway suites, representing 167 unique addresses. The applications brought forward to the Committee of Adjustment are generally supported at Committee. A total of 89 of these applications have been approved, representing 65% of all completed Committee of

Adjustment applications. A total of 48 applications remained active as of June 2021.

Life safety (fire access) is generally viewed as the key restricting factor for eligibility of laneway suites.

Generally, we find that the industry views the By-law as being well suited to allowing laneway housing in Toronto. While respondents generally find the By-law to be supportive of the construction of laneway suites, they mention other factors including review times for building permit and Committee of Adjustment applications and interdepartmental processes as slowing the development of new laneway housing and contributing to uncertainty about the process on the part of property owners.

The City of Toronto has undertaken public consultation regarding the review and update of the laneway suites By-law. Planning staff presented the interim findings and preliminary recommendations of our assessment and analysis. Two public information sessions were conducted, one on August 31, 2021 and another on September 1, 2021. The public information sessions provided an opportunity to inform the public of the laneway suites By-law, the role of laneway suites within the City's housing system, to provide an update on how the By-law has functioned to facilitate the development of laneway suites throughout the City and to provide preliminary results of the By-law review.

The public information sessions also allowed the public to provide feedback on the By-law and the preliminary recommendations made. Comments regarding eligibility of properties for laneways, height and overlook and concern

about properties surrounding and irregular lot relationships (ie. Perpendicular lots at the end of a lane) were received and are considered in this report.

This study identifies recommendations to address issues raised and to further improve the function of the By-law and laneway suite application review system.

## Building Permit Analysis

The zoning By-law generally allows for as-of-right development of laneway housing. The majority of building permit applications received (74%) do not require a minor variance for the same property.

The location of building permit applications for laneway suites is in an area that is generally characterized by detached residential dwellings served by rear laneways.

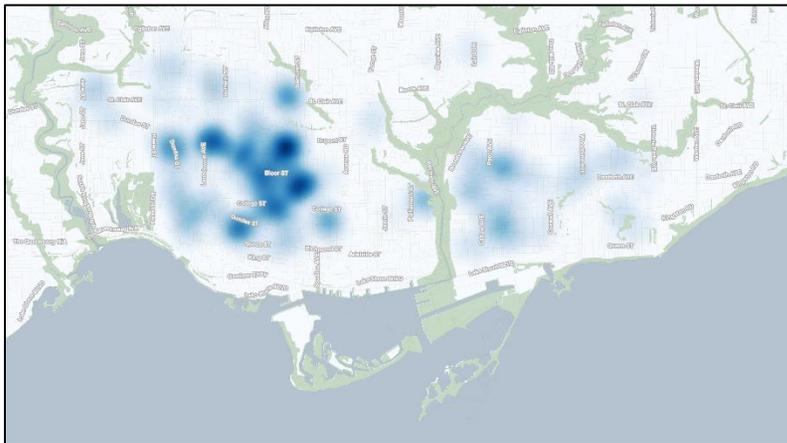


Figure 3 - Greatest number of building permit applications shown in darker blue

Permit applications have also been received in other areas of the former City of Toronto including areas east of the Don River within the Riverdale neighbourhood and throughout the former City of York. A breakdown of building permit applications is provided within the detailed findings section of this report.

Interviews conducted with expert respondents generally find inconsistent interpretations of the zoning By-law on the part of zoning examiners. Further, in reviewing matters with Toronto Building, Urban Forestry and Community Planning, respondents identify different levels of familiarity of the By-law and the laneway suite typology among staff as contributing to delays in the process.

Expert respondents note that they are generally in most cases able to provide an as-of-right building design for a laneway suite. In general, an application to the Committee of Adjustment is not required to accommodate a basic laneway suite design. In certain circumstances, where a specific building design cannot meet the by-law requirements, a minor variance application is necessary.

## Committee of Adjustment Applications

This report includes an analysis of the most common variances sought based on a review of the 185 applications made to the Committee of Adjustment.

A total of 137 applications have been resolved and are now completed. Eighty-nine applications for minor variance were approved, representing an approval rate of 65% of all completed Committee of Adjustment applications. Eighteen applications were refused, 24 were withdrawn, 4 were deferred and 2 applications were appealed to the Toronto Local Appeal Body.

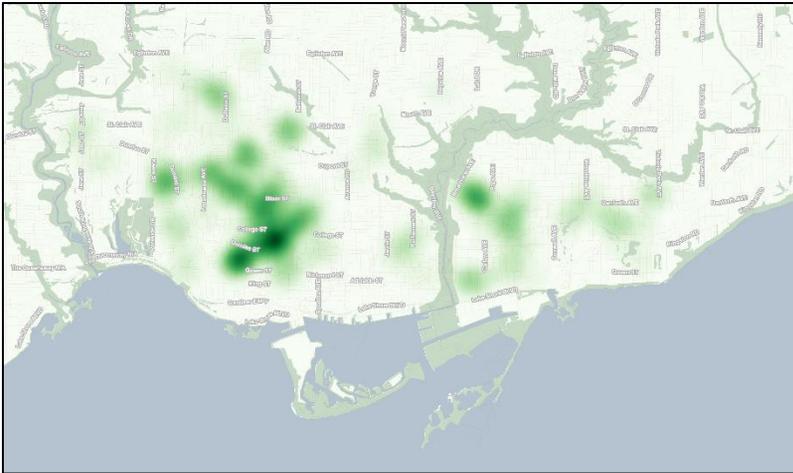


Figure 4 - Greatest number of minor variance applications shown in darker green

The most common variances identified include variances to the 85% soft landscaping requirement, 1.5 m setback from the laneway and rear landscaping buffer, the 45-degree angular plane requirement and the maximum height of a laneway suite.

## Construction Cost

Expert respondents note that the cost of constructing a laneway suite is generally high as laneway suites are required to include many of the features of principle buildings including kitchen and bathroom facilities and require the extension of services from the street line. Further, taxes, design, application and development fees are also required through the process of developing a laneway suite.

## Key Recommendations

### Reduce the Laneway Suite Landscaping Requirement

Lots with a frontage of greater than 6.0 metres are required to provide a minimum of 85 percent of the area between the rear main wall of the residential building and the front main wall of the building containing a laneway suite as soft landscaping. A reduction in this requirement is recommended. We find that variances to this provision are common and are frequently approved and the issue has been highlighted as a challenge to industry experts. Variances typically seek a reduction to 60% soft landscaping in this area

Separation distances and lot coverage provisions ensure that the laneway suite is an appropriate scale and distance to the primary dwelling. The provision of rear yard soft landscaping remains desirable and a reduction is therefore proposed. A landscaping requirement of 60% is proposed.

*150.8.50.10.(1)(B): Reduce the 85% landscaping requirement to 60%*

### Reduce the Landscaping Requirement Adjacent to a Laneway

A 75 percent landscaping requirement exists between the laneway suite and the lot line abutting a lane excluding the driveway area. Variances are commonly sought to this requirement ranging from a moderate reduction to the removal of this landscaping requirement.

It is recommended that this provision be removed or that the provision be amended to allow for permeable pavers and a permeable driveway be provided in this location.

*150.8.50.10.(1)(C): Remove the 75% landscaping requirement*

### Introduce a Moderate Increase in Permitted Height

Variances to height were found to be common and these variances sought a moderate increase in height. Height

provisions were also highlighted as a challenge by industry experts.

Provisions regarding the building envelope and an overall limitation on the maximum storeys are sufficient to ensure that the laneway suite is an appropriate scale in relation to the primary dwelling and adjacent properties.

Additional height was mentioned by industry experts as providing the potential to accommodate additional foundation and ceiling width, improving the heat envelope of laneway suites and generally being inline with passive building technologies. An increase in the maximum permitted height of two storey laneway suites to 6.75 m is recommended.

*150.8.60.40.(1): Increase the maximum permitted height to 6.75 m*

#### **Address Appropriate Setbacks to the Main Wall of A Laneway Suite above the Second Floor for Perpendicular/irregular lots**

We recommend the introduction of a zoning provision in the to address for perpendicular lot relationships (most often being, interior lots located at the end of a laneway and adjacent to a lot that is perpendicular in orientation and fronting a perpendicular street).

We propose that the first storey of an ancillary building containing a laneway suite be constructed according to the current By-law framework while the second storey incorporate an additional 1.5 m setback from the lot line shared with the exterior or perpendicular lot.

This issue was highlighted by industry experts as a relationship not anticipated by the by-law and contributing to

an unusual and potentially undesirable massing of a laneway suite in proximity to a principle dwelling on an adjacent lot. Correspondence received by the City also highlights some concern for this issue raised by members of the public. This issue was also raised by the public as part of the public information sessions conducted through the By-law review program.

We recommend the addition of the following provision:

*Where a Laneway Suite is located on an interior lot that is adjacent to a lot fronting a perpendicular street the following setback applies relationship applies. A minimum setback of 1.5 m from the interior lot line that abuts the rear yard of a perpendicular lot applies to the second storey of a laneway suite.*

#### **Including the Asquith-Collier, Ramsden Park, and Yorkville neighbourhoods within the Laneway Suites Zoning By-law Framework**

We recommend that the Asquith-Collier, Ramsden Park, and Yorkville neighbourhoods be included within the City-wide By-law framework for laneway suites.

We find that the existing and planned character of these neighbourhoods does not preclude their potential or eligibility for potential moderate infill through laneway suites.

Further, this consideration was highlighted by industry experts as an unnecessary exemption from a City-wide By-law framework as it does not meaningfully respond to housing issues in Toronto, the City's Official Plan, existing or planned neighbourhood character and the neighbourhoods do not represent a novel or entirely different typology that would motivate such an exception.

### **Develop a Public How-to Guide**

We recommend developing and sharing an applicant's How-to Guide to inform interested homeowners and prospective applicants of the building permit and Committee of Adjustment process.

This would include the information on the role and range of professionals typically engaged by applicants to develop a design, an overview of the City's By-law, the role of the City and comment departments in reviewing and shaping an application, the benefit of a Pre-Application Consultation, studies typically required, and typical review timeline and development costs costs anticipated. This was highlighted by industry experts as the public do not always understand the basics of the planning process in the City of Toronto and may

not appreciate the host of considerations which may shape a design for a laneway suite or the feasibility or timing of a project as a whole.

### **Single window approach**

Industry experts highlighted the issue of having siloed departments, range of interpretations, and inconsistent timelines and costs as a challenge.

We recommend developing a single-window approach for laneway suite applications within the City of Toronto to streamline timelines, costs, and ensure that planning and building departments share the same interpretation of the zoning by-law.

# Planning Policy Framework

Several changes to the planning policy framework have occurred since the laneway suites amendments were first introduced in 2018. The Province of Ontario introduced a new Provincial Policy Statement in 2019 and an update to the Growth Plan for Greater Golden Horseshoe. The planning policy framework remains strongly supportive of laneway housing.

## Provincial Policy Statement

The Planning Act, R.S.O. 1990 (the "Act") provides the legislative framework for land use planning in Ontario.

Sub-section 16(3) of the Planning Act states that Official Plans shall contain policies that authorize the use of a residential unit in a building or structure ancillary to a detached house, semi-detached house or row house. Further, sub-section 35.1(1) states that the council of each local municipality shall ensure that zoning by-laws, passed under section 34 of the Act, give effect to the policies described in subsection 16(3).

The Provincial Policy Statement (the 'PPS') came into effect on May 1, 2020 and provides policy direction on matters of Provincial interest related to land use planning and development. The PPS generally provides policy direction which promotes the efficient use of land and infrastructure, building strong, sustainable and resilient communities. Key policy directions include:

- Land use patterns within settlement areas shall be based on densities and mix of uses which efficiently use land, resources and public funds (1.1.3.2a);

- Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet market-based and affordable housing needs (1.4.1, 1.4.3);
- Planning authorities shall identify appropriate development standards which facilitate intensification, redevelopment, and compact form while avoiding or mitigating risks to public health and safety and shall establish and implement minimum targets for intensification and redevelopment within built-up areas (1.1.3.4);
- Planning authorities shall encourage densities, land use patterns, and a mix of uses which minimize the length and number of vehicle trips and support the use of transit and active transportation (1.6.7.4);

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans.

## Growth Plan

The Growth Plan for the Greater Golden Horseshoe (the 'Growth Plan') came into effect on May 16, 2019 replacing the previous version. The plan guides growth in the Greater Golden Horseshoe region to support complete communities, prioritize intensification and higher densities within key growth areas, support a range and mix of housing options, integrate land use planning with investment in infrastructure and public services, and provide for different approaches to manage

growth. Amendment 1 of the Growth Plan came into effect in August 2020. Key policy directions include:

- The Growth Plan is supportive of complete communities, designed to support healthy living including a diverse mix of residential and employment uses with convenient access to local stores and services (2.2.1.4);
- The Growth Plan supports the achievement of complete communities through the provision of a diverse range and mix of housing options, including affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes (2.2.1.4); and,
- To support the achievement of complete communities, municipalities will consider the use of available tools to require that multi-unit residential developments incorporate a mix of unit sizes to accommodate a diverse range of household sizes and incomes (2.2.6.3).

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 will conform to the Growth Plan.

## **City of Toronto Official Plan**

The City of Toronto Official Plan was adopted by City Council in November 2002. Subject to appeals, the plan was approved in part by the Ontario Municipal Board in 2006. A February 2019 consolidation of the TOP incorporates the 2013 Official Plan Amendment 231 which provides further policy guidance with respect to employment lands within the City of Toronto.

## **Housing**

The City of Toronto Official Plan promotes a full range of housing options including a range of building forms, tenure and affordability across the City of Toronto. Within neighbourhoods, housing will be provided and maintained to meet the needs of current and future residents.

A full range of housing includes: ownership and rental housing, affordable and mid-range rental and ownership housing, social housing, shared and/or congregate-living housing arrangements, supportive housing, emergency and transitional housing for homeless people and at-risk groups, housing that meets the needs of people with physical disabilities and housing that makes more efficient use of the existing housing stock.

Official Plan Amendment 418 was adopted in 2018 to promote the supply and availability of rental housing across the city and within neighbourhoods in the city. Second units may be provided within a primary dwelling in a detached or semi-detached house or townhouse. Second units, which include laneway suites, may also be provided in a building that is ancillary to a detached or semi-detached house or townhouse where it can be demonstrated that it will respect and reinforce the existing physical character of the neighbourhood. Second units include both bathroom and kitchen facilities.

Official Plan Amendment 403 was adopted in 2018 and amends Site and Area Specific Policy No. 546 to permit Laneway Suites in Neighbourhoods within the Toronto and East York Community Council area. This OPA includes a definition and has provisions surrounding the development of Laneway Suites, parking, non-conformity, and severance.

Official Plan Amendment 460 was adopted in 2019 and amends the language on Site and Area Specific Policy No. 546 to permit Laneway Suites throughout the City of Toronto.

### **Zoning By-law 569-2103**

Subsection 150.8 of zoning By-law 569-2013 sets forth standards for laneway suites on eligible lots on areas zoned by zoning By-law 569-2013.

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.

An amendment to By-law 569-2013 was introduced in 2019 to permit laneway suites across the City of Toronto on all properties zoned R, RD, RS, RT or RM adjacent to a public lane. It included minor amendments to provide further clarity for the interpretation and implementation of criteria established originally in Zoning By-law amendment 810-2018.

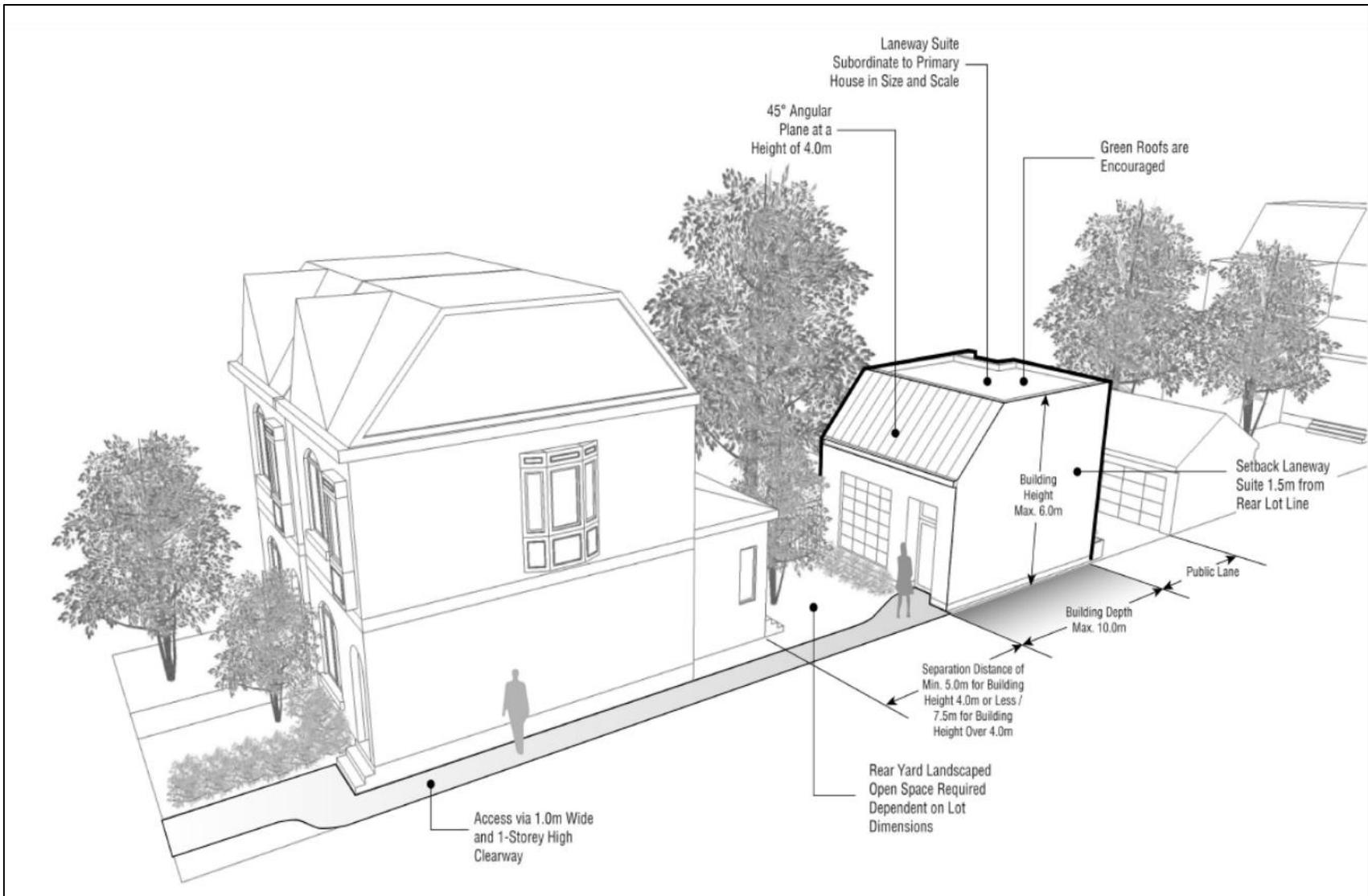


Figure 5 – Schematic of Laneway By-law Regulations

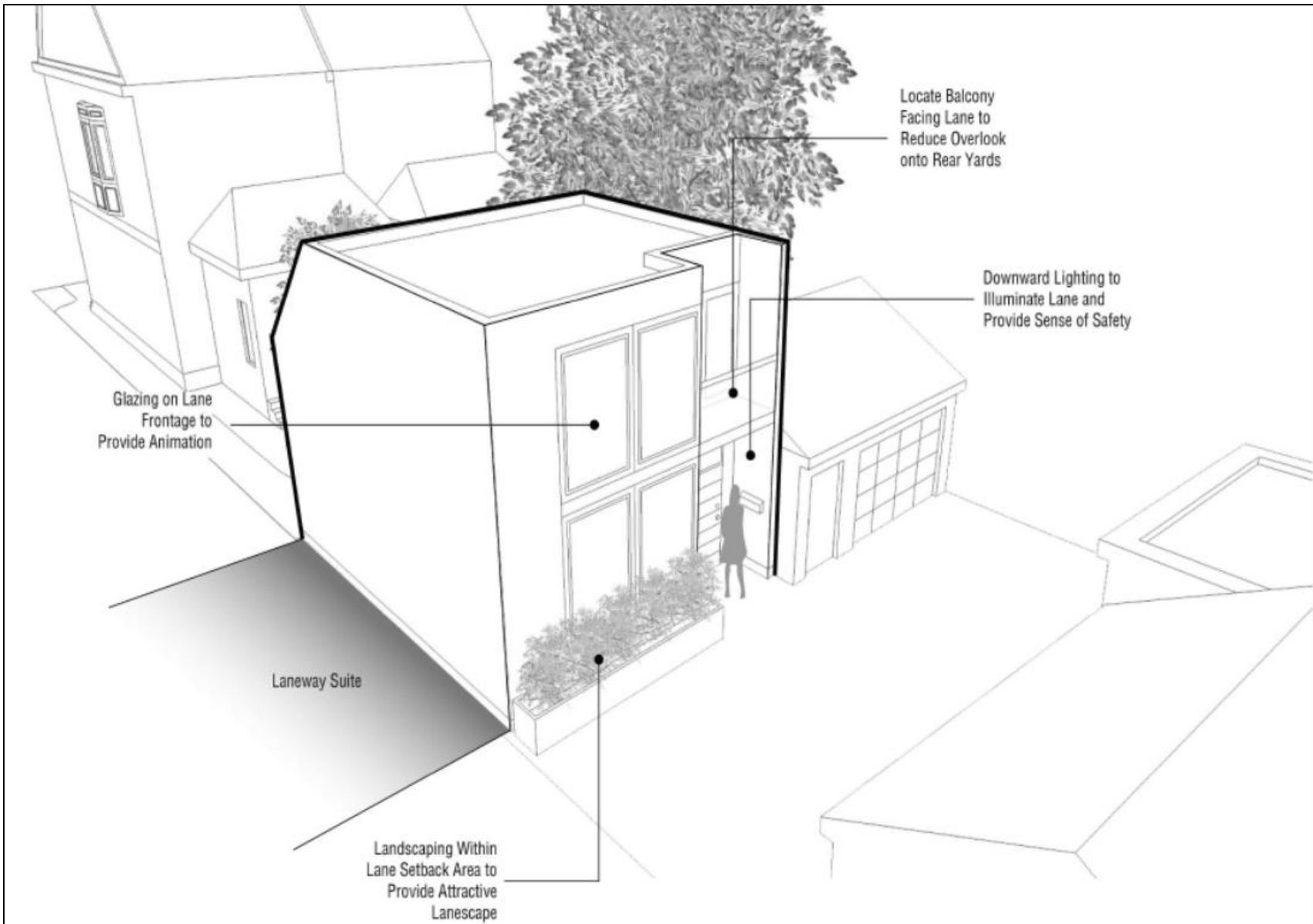


Figure 6 – Schematic of Laneway By-law Regulations, Rear View

# Detailed Findings

There have been 306 applications for new laneway suites in the City of Toronto since the laneway suite By-law was introduced in 2018. These applications have been made either through an application for a building permit or a variance through the Committee of Adjustment

A total of 183 building permits have been issued for laneway suites across the City of Toronto over the same period. We find that the existing By-law includes provisions that generally support the development of laneway housing. Building permit applications for 176 addresses (74%) were found to not be associated with an application for minor variance while only 62 addresses (26%) required an application to the Committee of Adjustment. Interviews with industry practitioners confirm that the as-of-right By-law generally provides a reasonable framework for laneway housing.

This section provides an overview of data analysis, expert interviews, and review of practices in other jurisdictions undertaken by GPA.

## Building Permit Applications

The table below shows a breakdown of the status of permits applications

*Table 1 - Status of Building Permit Applications*

Building Permits Issued	183
Under Review	107
Refused	15
Unknown	1

A total of 306 building permit applications were received between the introduction of laneways suites to June 2021. A total of 238 unique addresses are associated with these applications.

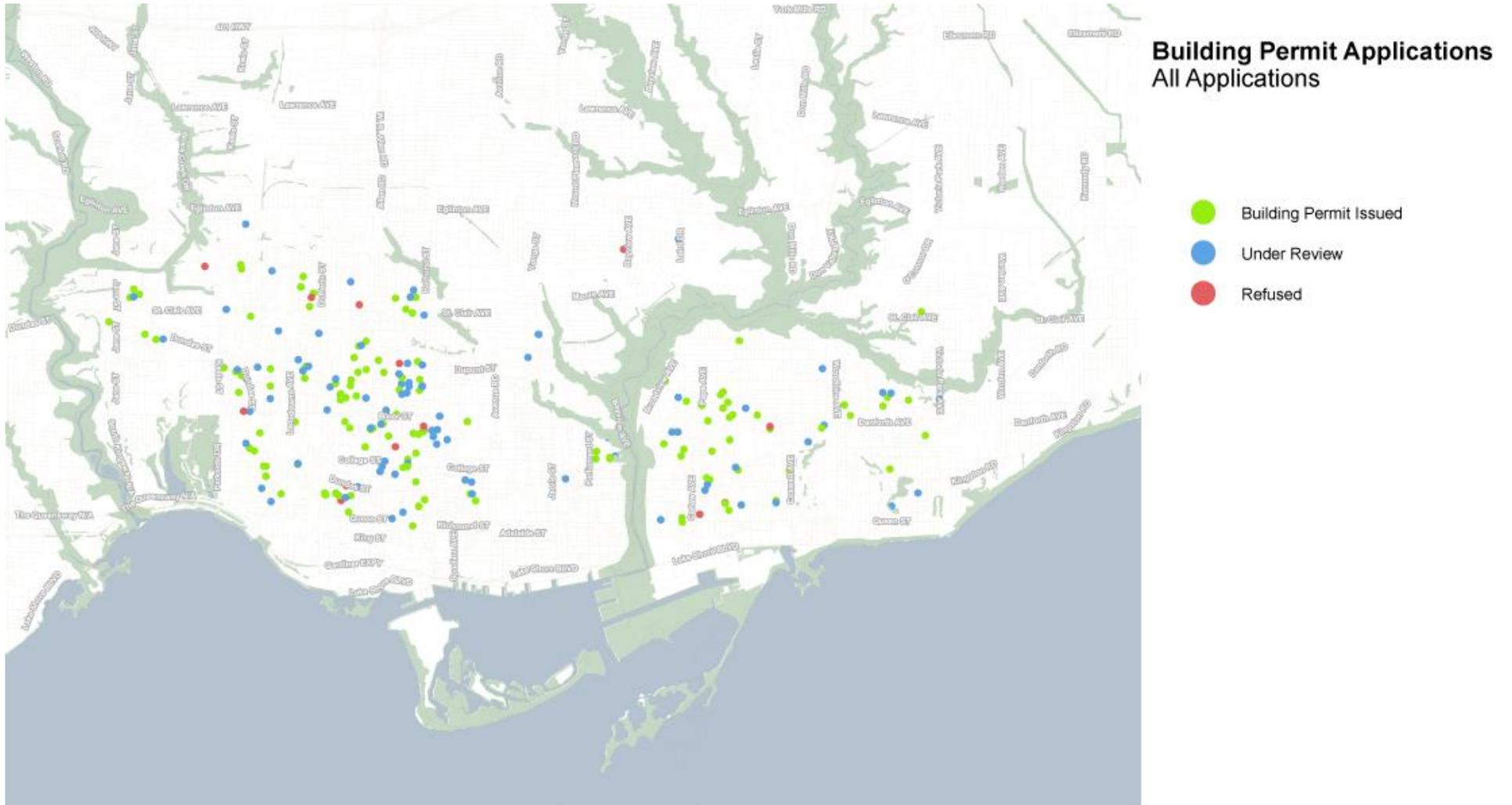


Figure 7 – Building Permits, All Applications

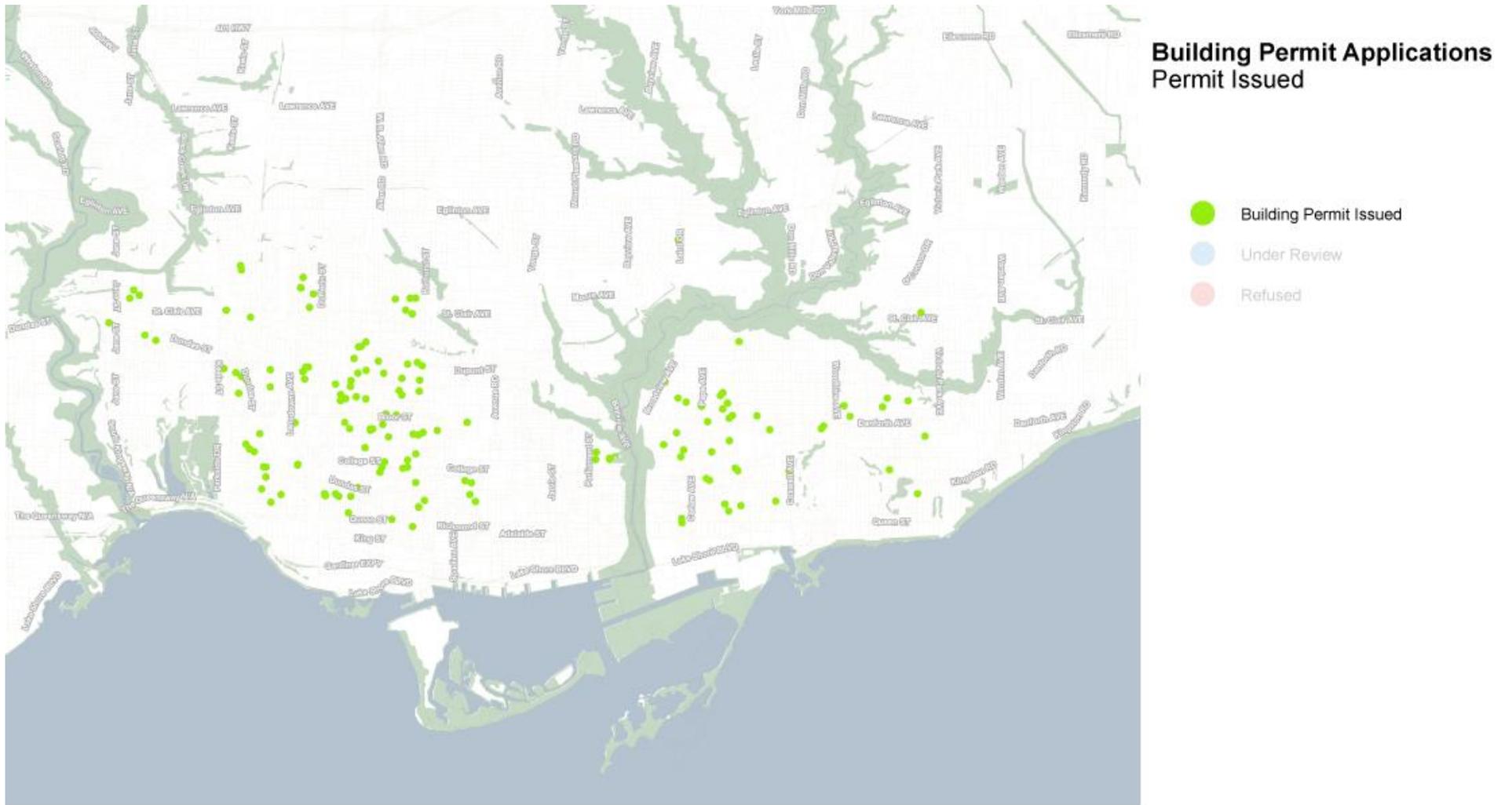


Figure 8 - Building Permits, Building Permit Issued

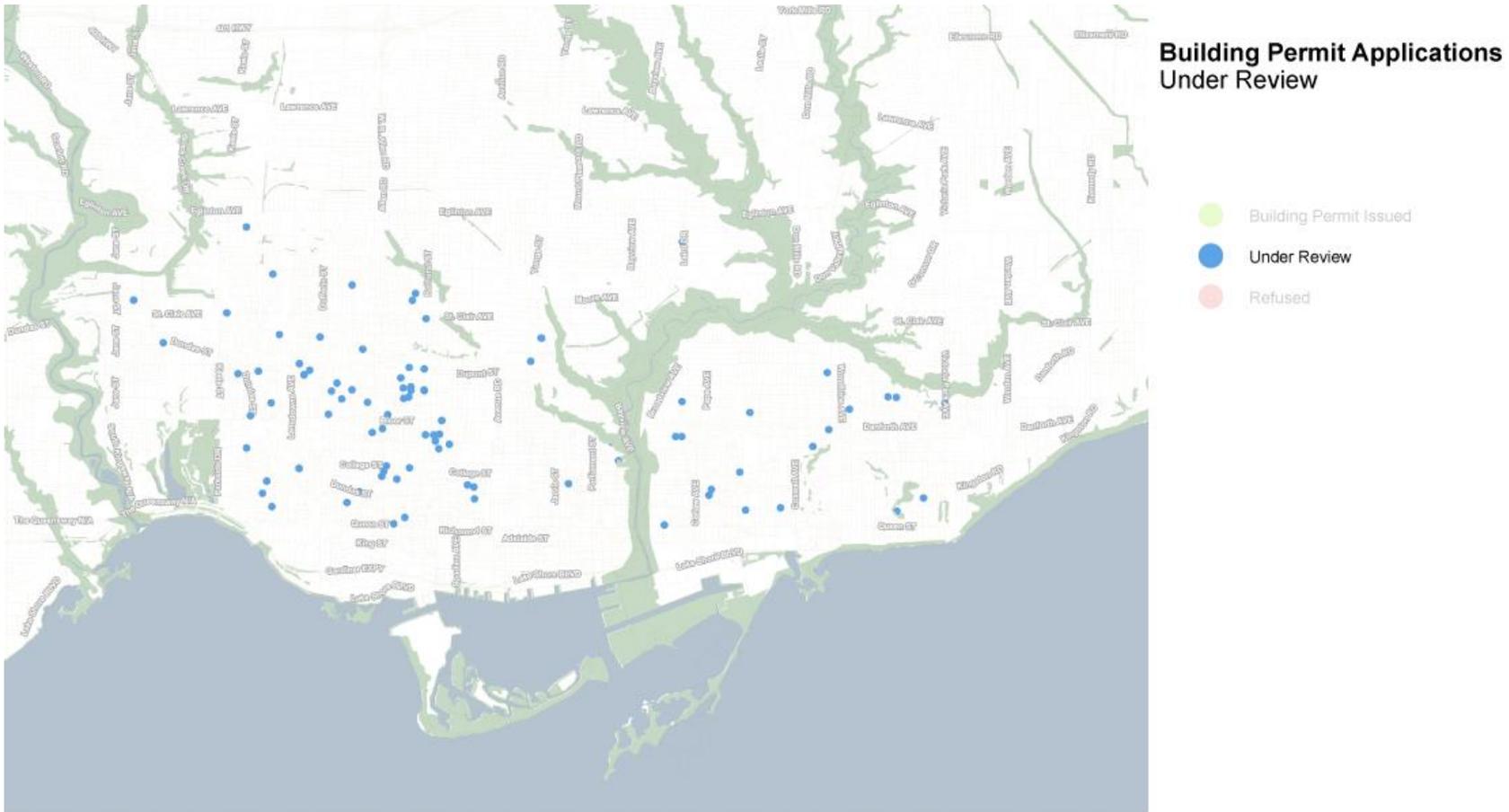


Figure 9 - Building Permit Applications, Under Review

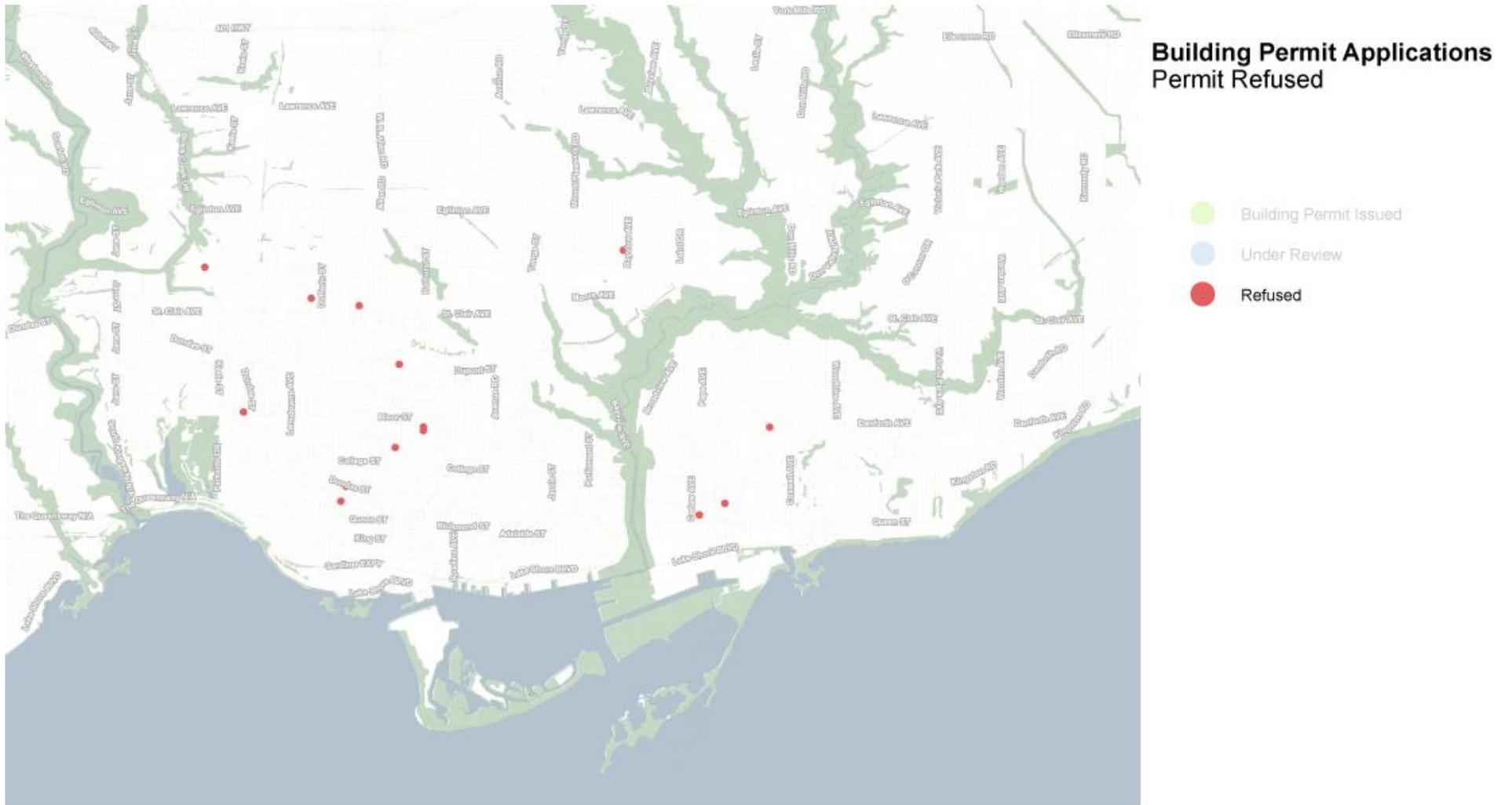


Figure 10 - Building Permits, Application Refused

### Estimated Construction Cost

The average cost of construction estimated through building permit applications is approximately \$300,000. The average gross floor area of laneway suites estimated through building permit is 92 m<sup>2</sup>. We would note that estimates for construction cost provided through building permit may sometimes be unreliable.

Interviews conducted with industry experts have indicated that construction costs may range between \$300,000-\$400,000 and can often be significantly higher as laneway units have the same servicing and life safety requirements as principle buildings.

### Committee of Adjustment Applications

A review of Committee of Adjustment applications was conducted to understand how the By-law is performing and to identify which provisions of the By-law are most often varied. Further the analysis identified which variances are generally understood and supported by the Committee of Adjustment as well as other areas which may regularly generate friction through the application process.

There were 185 Committee of Adjustment Applications associated with 167 unique addresses.

A total of 137 application have been resolved while 48 applications involving laneway suites remained active as of June 2021. The Committee of Adjustment has approved the majority (65%) of completed applications.

*Table 2 – Status of Committee of Adjustment Applications*

Approved	89
Deferred	4
Refused	18
Withdrawn	24
Active	48
TLAB Appeal	2

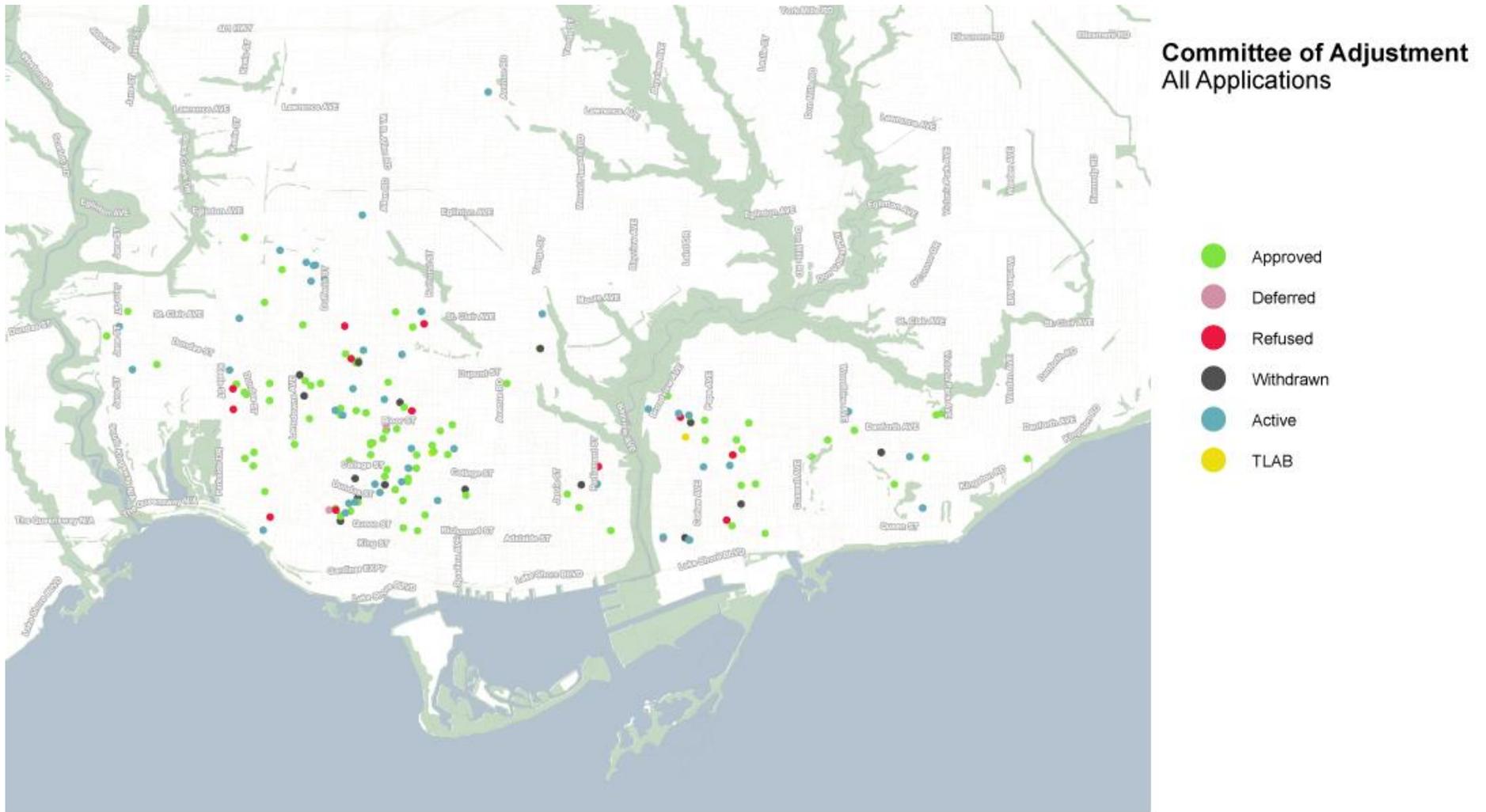


Figure 11 - Committee of Adjustment Applications

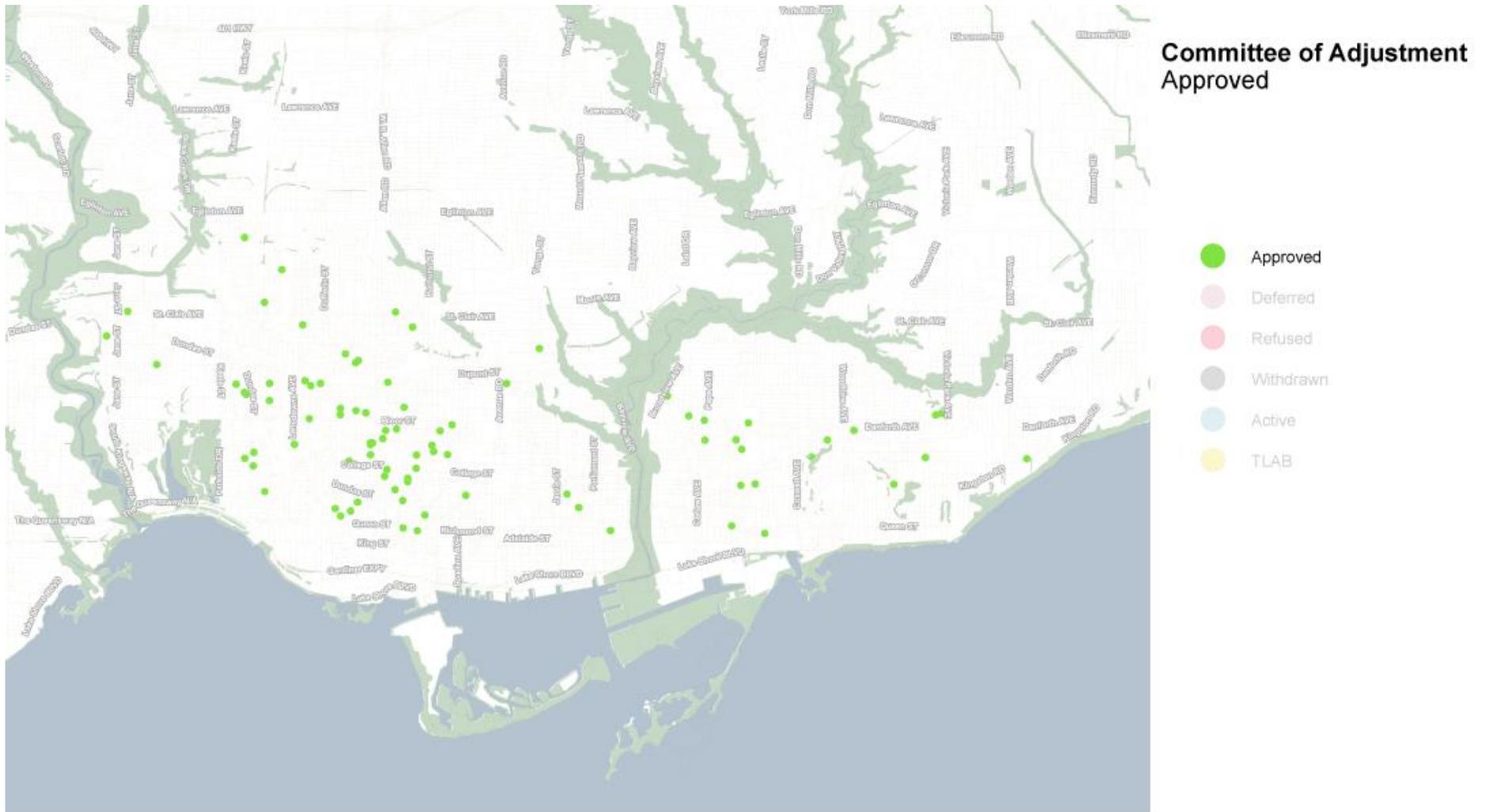


Figure 12 - Committee of Adjustment Applications, Approved

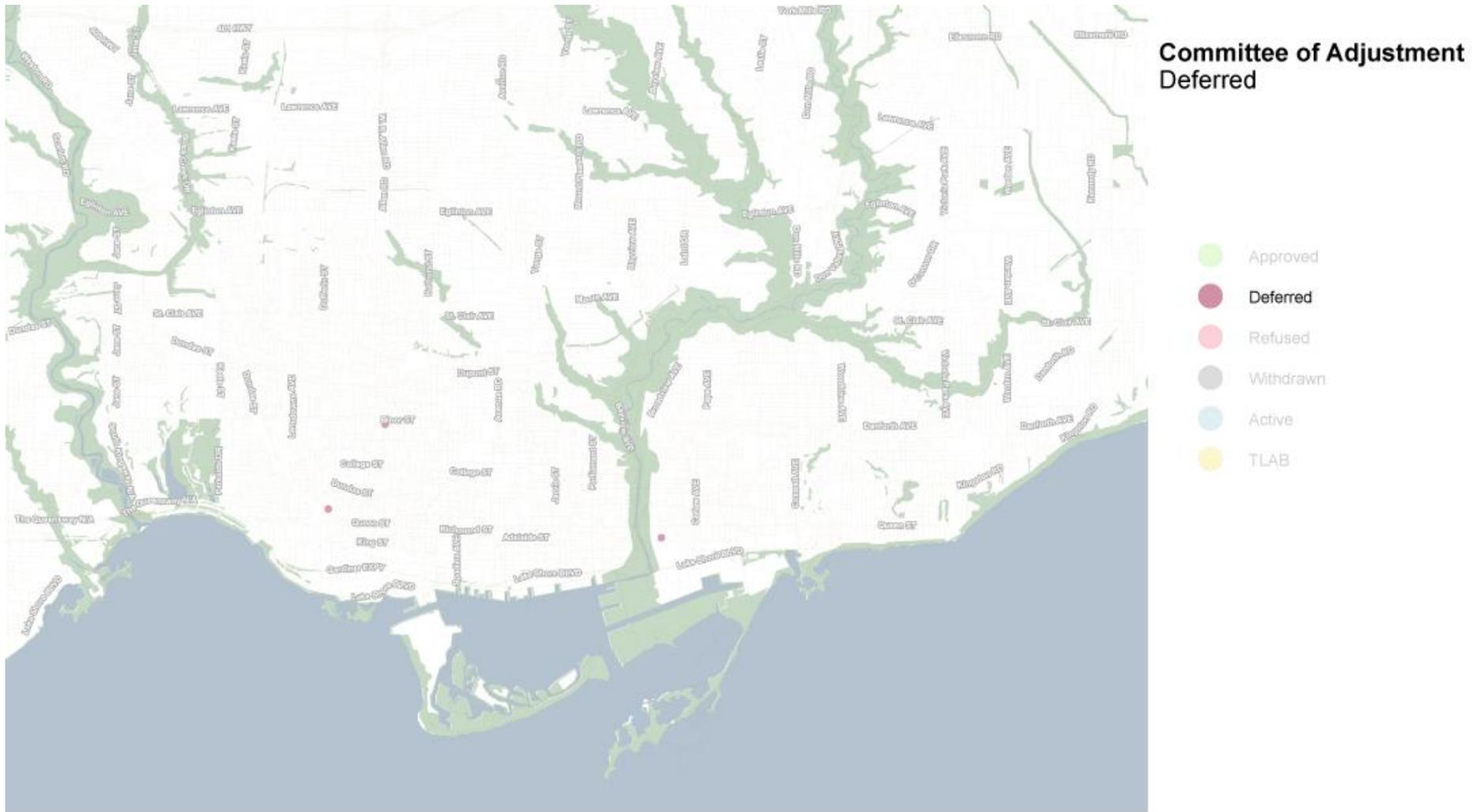


Figure 13 - Committee of Adjustment Applications, Deferred

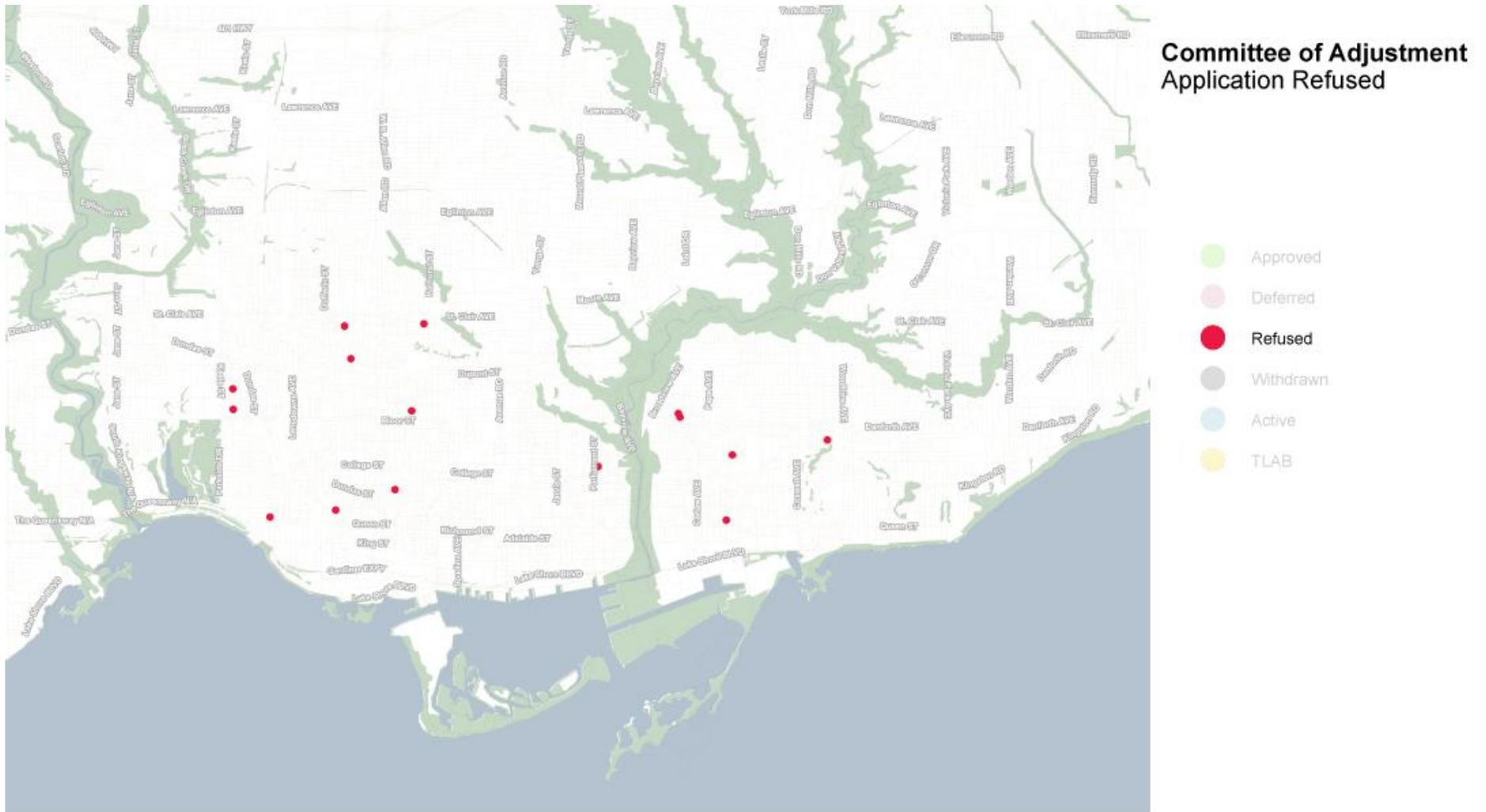


Figure 14 - Committee of Adjustment Applications, Refused

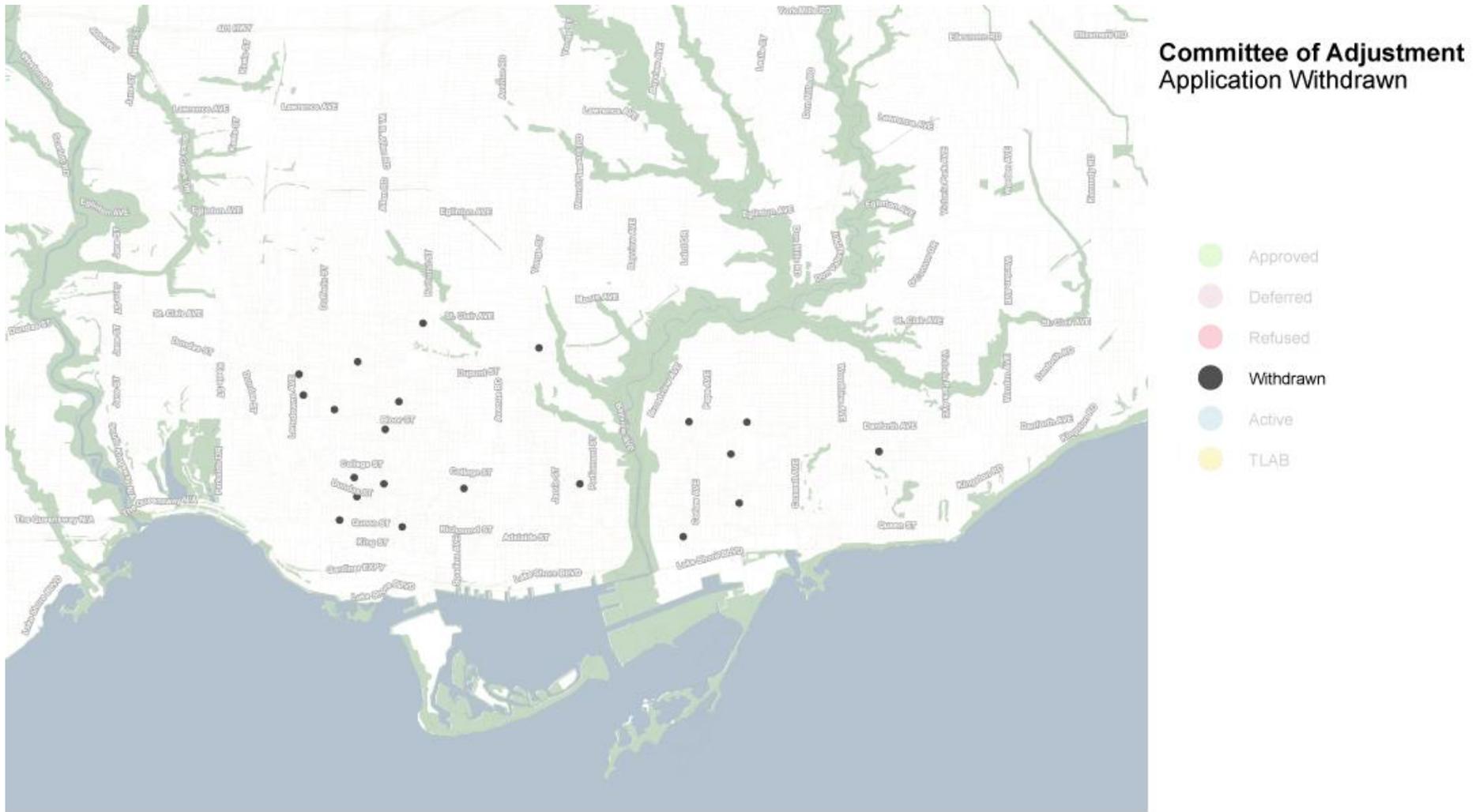


Figure 15 - Committee of Adjustment Applications, Withdrawn

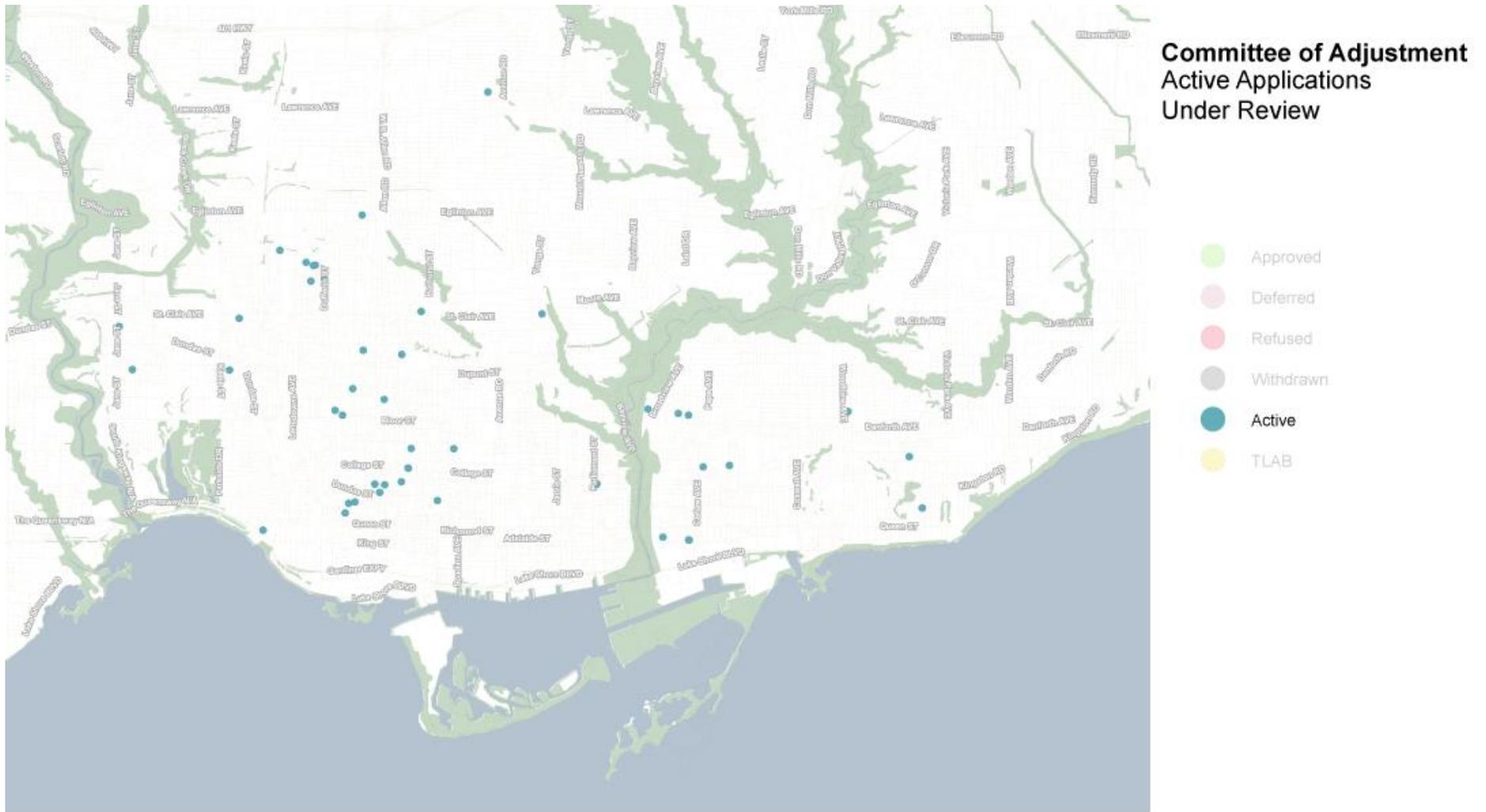


Figure 16 - Committee of Adjustment Applications, Active

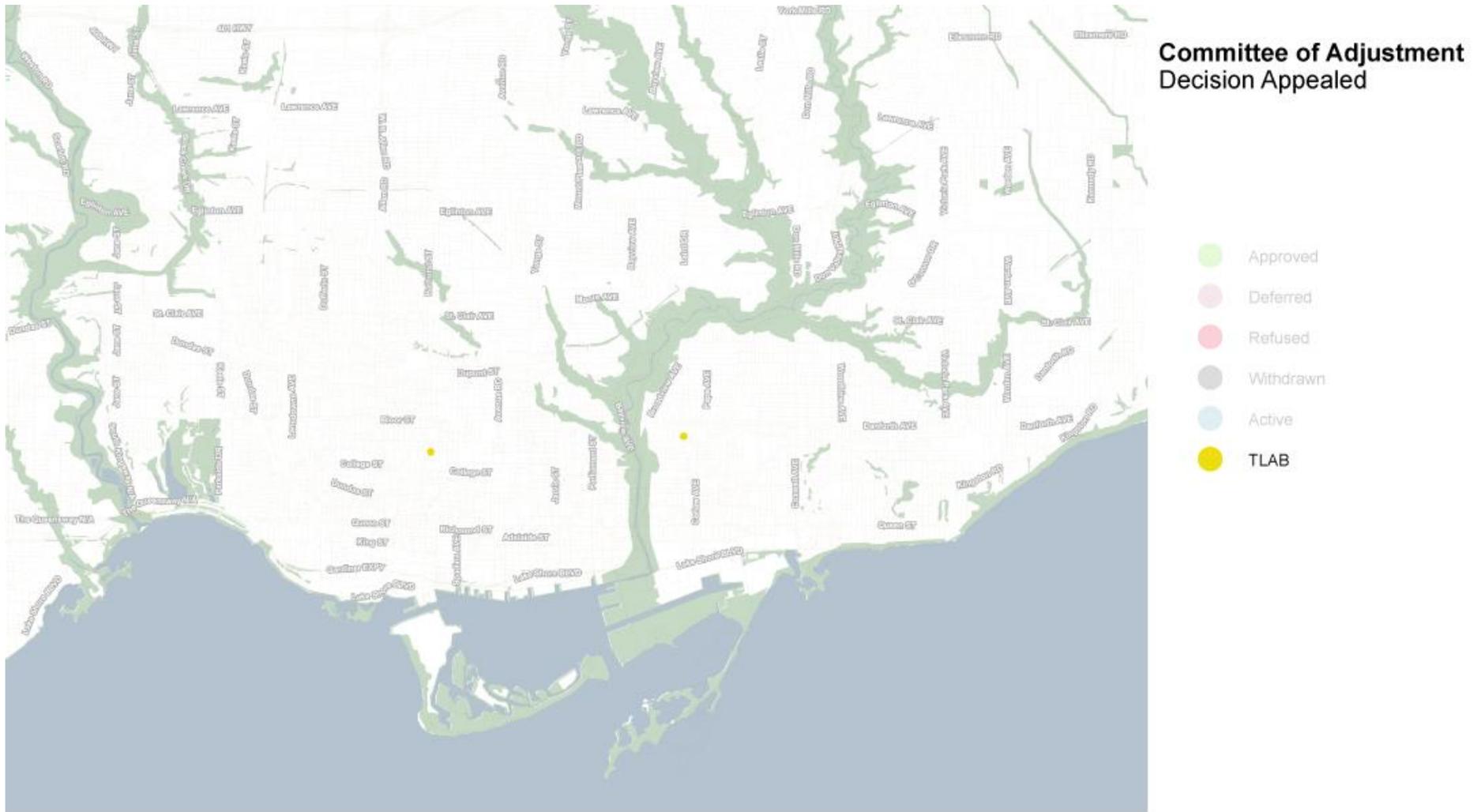


Figure 17 - Committee of Adjustment Applications, TLAB Appeal

Our review of Committee of Adjustment application identified five of the most common minor variance applications sought before the committee of adjustment.

The variances most often sought was relief from the 85% minimum landscaping requirement. A total of 37 applications requested relief from this By-law provision. Other variances included relief from rear yard setback, angular plane and height requirements

Table 3 – Most Common Variances

By-law Provision	Description	Count	Approved
150.8.50.10.(1)(B)	85% Soft Landscaping	37	62%
150.8.60.20.(2)(B)	1.5 m Rear Yard Setback	21	81%
150.8.60.30.(2)	45 Degree Angular Plane	18	78%
150.8.50.10.(1)(C)	Rear Landscape Buffer	11	91%
150.8.60.40.(1)(A)	Max Height of Laneway Suite	10	70%

**85% Soft Landscaping Requirement**

150.8.50.10.(1)(B): *With a lot frontage of greater than 6.0 metres, a minimum of 85% of the area between the rear main wall of the residential building and the front main wall of the ancillary building containing a laneway suite must be for soft landscaping.*

Relief from this By-law provision is identified as being the most frequent variance sought. A total of 23 of 37 variances to this provision were approved at the Committee of Adjustment. In cases where variances were approved, the proposed rear yard landscaping ranged from 40%-76%. In the case of approved variances, an average landscaping requirement of 60% was proposed.

In the case of withdrawn or refused applications, proposals ranged between 35% and 66%.

**Rear Yard Setback to Laneway**

150.8.60.20.(2): *The required minimum rear yard setback for an ancillary building containing a laneway suite is:*  
  
*(B) in all other cases, 1.5 metres.*

A total of 21 variances have been sought to this provision. The majority of variances sought to this provision are approved at the Committee of Adjustment and the proposed variances in approved cases range significantly, between 0m - 1.3m. In applications where a variance has been refused, the variance to this provision was likely not the deciding factor as proposed setbacks range between 0.1m and 1m.

### Angular Plane Requirement

150.8.60.30.(2): *No part of an ancillary building containing a laneway suite may penetrate a 45 – degree angular plane projected towards the rear lot line beginning from a height of 4.0 m at a distance of 7.5 m from the rear main wall of the residential building on the same lot.*

A total of 18 variances sought relief from the angular plane requirement. The majority (78%) of variances sought at the Committee of Adjustment have been approved. Only one application for minor variance to this provision was refused. Three hearings were pending as of June 2021.

### Laneway Landscaping Buffer

150.8.50.10.(1)(C): *The area between the ancillary building containing a laneway suite and the lot line abutting a lane, excluding a permitted driveway, must be landscaped, of which a minimum of 75% must be soft landscaping.*

A total of 11 applications include variances to the laneway landscaping requirements. A total of 10 of the 11 applications

(91%) were approved. The proposed landscaping ranged from 0% - 64%.

### Maximum Height of a Laneway Suite

- 150.8.60.40.(1): *Despite regulation 10.5.60.40(2)(B), the permitted maximum height of an ancillary building containing a laneway suite is:*
- (A) *If the ancillary building containing a laneway suite is located a minimum of 5.0 metres to less than 7.5 metres from the residential building on the lot, 4.0 m*
  - (B) *If the ancillary building containing a laneway suite is located 7.5 metres or more from the residential building on the lot, 6.0 metres.*

A total of 10 applications sought variances to the height provisions of the zoning By-law. A total of 7 of the 10 applications were approved. Six of the 7 variances sought relief from the 4.0m height requirement and all proposed building heights less than 6m. The single variance to the 6.0m height requirement identified in our data sought a total laneway suite height of 6.96 m. One application was yet to be heard by the Committee of Adjustment as of June 2021.

Table 4: Most common minor variances and status

Minor Variance	Count	Approved	Refused	Withdrawn/ deferred	Hearing Scheduled
85% Soft Landscaping	37	23; 62%	6; 16%	2; 5%	6; 16%
1.5 m Rear Yard Setback	21	17; 81%	1; 5%	1; 5%	2; 9.5%
45 Degree Angular Plane	18	14; 78%	1; 6%	0	3; 30%
Rear Landscape Buffer	11	10; 91%	1; 9%	0	0
Maximum Height of Laneway Suite	10	7; 70%	0	2; 20%	1; 10%

## Appeals

The analysis found one minor variance appeal at 202 Lippincott. This related to an application with five variances associated with the site, related to (1) height of 5.85 metres with 4 metres permitted; (2) angular plane penetrated; (3) secondary suite permitted in mixed-use building; (4) the secondary suite altered the front wall that faced a street; and (5) six dwelling units on one lot, with one permitted. The Committee of Adjustment

refused variances 1 and 2, stating that they do not meet the four tests of the Planning Act.

There were six letters of objection that related to the proposal having an unreasonable impact on the surrounding neighbourhood, specifically related to the height of the proposed building and subsequent impacts on sky-view, shadow, air pressure changes, and health and psychological impacts on neighbours. The appeal decision is pending.

## Consultation

### Interviews with Industry Professionals

Semi-structured interviews were undertaken with industry experts. Interviewees include one urban planning consultant, one building company owner and four architects involved in the design of laneway suites.

The questions touched on a range of experiences associated with the development of laneway suites including experience with the zoning By-law, the review processes, the affordable laneway suites program and tree protection.

A total of 12 questions were posed to participants including the following:

1. What is the name of your organization, what is your role, and what services does your organization offer?
2. How many laneway suites have you been involved with the design, construction, permit process and/or planning of in Toronto and what was the nature of that involvement?
3. Please describe what challenges you have experienced, if any, in the overall process of designing, permitting, and constructing a laneway suite, including any challenges you may have experienced through the Committee of Adjustment process, if applicable.
4. Have you been contacted by a homeowner looking to build a laneway suite and ultimately determined it was not possible? If so, what are the reasons this was the case?
5. Are there particular parts of the Laneway Suite By-law you found challenging to comply with? What are they?
6. If you were to amend any of the provisions of the Laneway Suite By-law, what would you change and how?
7. Are there any process improvements you would suggest to facilitate the construction of more laneway suites across the City?
8. On the suites you have been involved in, what is the average or range of cost per square meter or square foot that you assume when constructing a suite, including any applicable fees and process related costs?
9. Have you been involved with a Laneway Suite application where a tree protected under the Municipal Code was proposed to be removed? If so, please describe how you proceeded in this case.
10. Are you aware of the Affordable Laneway Suite Pilot Program and have you or any of your clients applied or signaled their intent to apply for the Pilot funding?
11. Are there any other observations you would like to share with us about your experience with Laneway Suites in Toronto?
12. Would you be willing to share photos and/or drawings of your laneway suite projects in Toronto and give permission for them to be published in a City report, with appropriate credits, as illustrative examples?

Several themes emerged over conversations with expert respondents including common experiences with the zoning By-law, experiences with the application review process, construction cost and tree protection.

Common Experiences with the Zoning By-law

- Generally, respondents found the zoning by-law to be working well. Respondents describe the By-law as generally allowing for various designs within the standard envelope. Respondents found that they are generally able to advise home owners to follow as-of-right zoning regulations in most cases to permit a laneway suite on a property. Proponents will submit a Preliminary Project Review at the beginning of the process seek to comply with the By-law standards.

Where homeowners may desire a more custom design, respondents have been able to direct proponents towards the Committee of Adjustment.

- In cases where a laneway suite was found to not be possible, the key limitation was most often found to be access to the laneway suite by emergency services. In these cases, the laneway suite is located in excess of 90 m from a location capable of being serviced by a fire hydrant or a 0.9 m wide area for a path for emergency services access is not available. These are generally considered physical constraints for access by emergency services and typically render inaccessible properties ineligible for laneway suites.
- Properties located on private laneways or shared easements have also generally been found to be ineligible for laneway housing. Two respondents, requested that the City consider extending the eligibility to laneway housing to properties accessed by private lanes or shared easements.
- The November 2020 update to fire access requirements for laneway suites described in a letter from the Chief Building Official has expanded the number of properties eligible for laneway housing. Architect respondents note that sprinkler systems may now more easily be incorporated into residential building design.
- A respondent noted that the By-law does not apply universally throughout the City. They note that arbitrary exemptions exist over particular areas.

- A respondent also notes that the amendments introduced do not include areas not zoned by By-law 569-2013.
- Specific challenges identified were the 85% landscaping requirement, timeline for the C of A process, strict separation distances and balconies not being permitted.

#### Experiences in the Application Review Process

- The respondents note significant amounts of time required to process applications for minor variance and building permit. They note that it can be difficult for their clients to understand the approvals process and often do not fully comprehend the time or expense required to obtain full approvals at the outset of a project.
- Respondents generally find that Committee of Adjustment applications have generally not required local precedent to be established. In one case however, lack of a local precedent in a unique circumstance was noted as a contributing factor in the refusal of an application.
- Respondents generally found that their experiences with the application review to vary between projects with some zoning and building permit reviews being completed more slowly than others. The interpretation of the Zoning By-law was also found to sometimes be inconsistent between zoning examiners and may vary based on their level of experience in working with laneway housing projects. Respondents were generally cautious when working through building permit applications and note various degrees of experience with nuance and applied construction methodology.

- Respondents also note that when an application involves a tree, there can be increased complexity in processing an application and in coordinating various City commenting departments (Toronto Building, Community Planning and Urban Forestry). Respondents generally advise that they work with an arborist in applications involving trees and allow the arborist to manage the process with Urban Forestry. Respondents have proposed novel building foundations including helical piers in order to minimize damage to existing trees.
- Respondents note that the siloed nature of some reviews can prolong approval timelines and may result in unnecessary challenges.
- Respondents have made several suggestions to address what they view as a differing range of experience or familiarity with laneway housing among City Staff. These include:
  - o pre-approval of prototype designs,
  - o a service which facilitates the sale of building drawings similar to the Standard Plan Program developed by the Los Angeles Department of Building and Safety, and
  - o a dedicated team of staff in each review department familiar with laneway housing typologies.
- While respondents have identified issues with the application review process both at the permitting stage and in the case of Committee of Adjustment applications, a respondent also noted that both processes are among the most simple and low-cost types of building projects in the City, generally contributing to them being attainable by homeowners.

#### Recommended Changes to the Zoning By-law

Respondents describe the zoning By-law as being generally effective for allowing the development of laneway suites. Respondents described some suggested amendments to the By-law which they noted as being able to facilitate more effective building design and aiding the design process.

- Removal of the 85% soft landscaping requirement. The majority of respondents note that this provision does not recognize existing surfacing and does not recognize the diversity of properties across the City of Toronto. Site conditions such as small lots, car ports, terraced backyards, decks, pavers, and patios make it difficult to satisfy this provision. One respondent who uses passive solar design recommends that green roofs potentially be counted toward the landscaping requirement. 150.8.50.10.(1)(B)
- Slightly increase permitted height. Respondents generally describe the permitted building envelope as being appropriate for maintaining the residential context of neighbourhoods, but note that the building height be increased in order to ensure that standard building form can be achieved within laneway units. Passive solar requires thicker ceilings and foundations which cannot easily be accommodated within the 6 m building height. Further, a respondent stated that if an elevation is not perfectly flat it is challenging to achieve 8-foot ceiling heights. Respondents recommended a range of building heights between 6.2 m and 8 m but generally find the number of building storeys and the angular plane provision to be appropriate. 150.8.60.40.(1)(A) and (B)
- Reduction or removal of the setback requirement from lot line with lane. One respondent noted that this setback requirement should only apply for the ground

floor, and allow for a cantilever above the first storey. They noted that if square footage is being removed for the angular plane, it can be recaptured via a cantilever with no impact on the lane. Another respondent recommended the removal of the requirement entirely.

- Two respondents recommended the removal of the bicycle parking requirement.
- One respondent recommended that the requirement for a rear landscaping strip be removed, noting that in their opinion, the provision creates unnecessary challenges and does not serve the purpose that it was intended to, as the laneway area will likely not function as the 'front yard' of a Laneway Suite. 150.8.50.10.(1)(C)
- Respondents identified that perpendicular lot relationships were not anticipated in the zoning by-law and this condition as resulted in impacts on neighbouring properties. This is where there is a side lot to a back lot condition resulting in the backlot having a two-storey wall along their property line. One respondent proposed adding to the zoning by-law "Notwithstanding having 7.5 m lot, if your Laneway Suite is within xx m distance of a house on a perpendicular lot then only one storey is permitted". One respondent recommended that the minimum separation distance between a laneway suite and a primary building be reduced or that certain projections or encroachments be permitted within the separation distance, including a screened porch or pantry.
- Inclusion of the Asquith-Collier, Ramsden Park, and Yorkville neighbourhoods as delineated in Site and Area Specific Policy 211 of the Official Plan within the City-wide By-law framework for laneway suites.

Respondents stated that this amendment does not respond to housing issues in the city and questioned its purpose and

validity. Respondents noted that this exception from the City-wide By-law framework should be removed.

#### Construction Costs

- Respondents have found Laneway Suites to cost between \$400 - \$700 per square foot, inclusive of design, planning, engineering, building and approvals. The high expense is associated with all of the most expensive building elements which are included in a small building envelope (foundation, roof, heating, mechanical, servicing, kitchen and bathroom).
- The development charges (DCs), additional park levy and permit costs make the price very high. One respondent pointed out that a 600 square foot Laneway Suite is charged the same in development charges as a 6000 square foot home and that DCs should relate to square footage and not to number of bedrooms.
- A respondent suggested that the requirement for education development charges should be removed as Laneway Suites are not often associated with families with school aged children.
- Respondents are aware of the Affordable Laneway Suite Pilot Program but generally find that their clients do not find the value of the program to be significant enough relative to the cost, effort and expense of developing a laneway suite.
- One respondent indicated that one of their clients had been approved for funding and relied on the assistance of a lawyer to navigate the process further complicating the laneway suites approval process.

### Other Recommendations

- A respondent commented on the potential for additional uses to be contemplated in laneways provisions, noting the opportunity for laneways to enhance the pedestrian experience of the City along laneways and to allow for expanded home occupation and work.
- Two respondents described the potential for an unusual interaction between a laneway suite and an adjacent principle building in some unusual lots including corner lots or irregularly shaped lots. Respondents noted that the By-law does not include any separation requirements to a primary building on an adjacent lot. In some cases, a permitted design may place a laneway suite in proximity to a principle building on a neighbouring lot. This potential relationship was noted as being undesirable by respondents. A member of the public has noted a similar concern with an application in their neighbourhood as documented elsewhere in this report.

### **Public Correspondence**

This review included a review of public correspondence documents from residents' associations and members of the public from the original Changing lanes study and recent correspondence from the public who have shared comments on the following:

- Privacy and overlook;
- The building footprint;
- Loss of trees and green space;
- Open street access and service from the primary dwelling;

- Impact on affordability and rental stock levels;
- Impact on neighbouring properties; and
- Separation distances between laneway suites and adjacent properties.

Highlighted documents include an ABCRA Letter, a letter from a resident on a deficiency in the zoning by-law, and the Laneway House Disruption Study undertaken by the Seaton Village RA.

A 2018 ABCRA letter highlights concerns related to Changing Lanes: The City of Toronto's Review of Laneway Suites City-Initiated Official Plan Amendment and Zoning Amendment. This letter highlighted the concerns of the ABCRA through a Planning Policy overview, identification of key issues, and detailed comments on the Official Plan Amendment and Zoning Amendment. The first three primary concerns listed are (1) open street access and service from the street/primary dwelling, (2) privacy and overlook, and (3) footprint and green space.

A letter sent by a resident on Indian Road Crescent identifies what they consider a deficiency in the zoning by-law, specifically provision 150.8.60.30 (1): *Minimum Separation between a Residential Building and the Ancillary Building*. The resident highlights that while consideration is given to the relationship between the residential and ancillary building, the same consideration is not given to adjacent buildings. The letter states no minimum separation requirements are set in by-law 150-8-30 that afford protection to the residents of the residential building on adjacent lots.

The Laneway House Disruption Study undertaken by the Seaton Village RA highlights the lot relationships and separation distances to structures on adjacent properties. This study reviewed potentially impacted properties in Seaton

Village, Harbord Village, Huron Sussex and The Annex. In total, there were 36 potential laneway suite locations that could have a negative impact on neighbours.

### **Changing Lanes: Review and Monitoring Info Session**

Two public information sessions were held on August 31 and September 1, 2021.

These sessions were two hours in length and consisted of a presentation from city staff and the consultant team and a question and answer period.

The presentation covered the current context of Laneway Suites program in Toronto, the ongoing monitoring program, preliminary analysis contained in this report, findings from stakeholder and public consultation, and preliminary recommendations for amendments to the zoning by-law.

Public remarks included comments regarding:

- soft landscaping and drainage,
- the permitted envelope and height of laneway suites,
- the potential to sever laneway suites as a form of freehold infill,
- setback considerations,
- discussion regarding irregular lot relationships,
- discussion of the eligibility of lots for laneway suites,
- questions regarding an understanding of the development review process,

- comments regarding concern for consistent application review and ensuring understanding among various city departments involved in the approval process,
- the impact of laneway suites on neighbouring properties,
- design permissions, and
- scope of the monitoring program, among other considerations.

## Jurisdictional Scan

### Ottawa Coach House Guidelines

Permissions for backyard coach houses were introduced in Ottawa in 2017.

The City of Ottawa zoning By-law 2008-250 permits a coach house on any lot containing a detached, linked detached, duplex or townhouse dwelling where that principle dwelling is also a permitted building type. The coach house must be located in the rear yard for lots less than 0.4 ha in area and be adjacent to a travelled lane on lots which abut a laneway. Ottawa's zoning By-law does not allow for the development of coach houses on properties which already contain a secondary dwelling unit or on un-serviced properties.

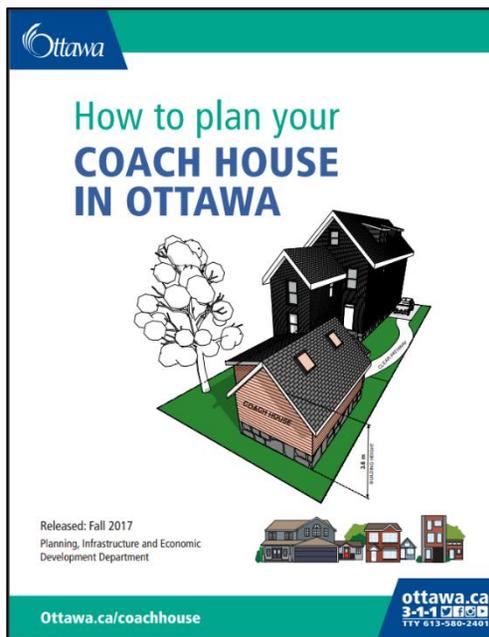


Figure 18 - City of Ottawa, Coach House Guide

When the coach house initiative was first introduced, the City of Ottawa also developed a public guide to lead homeowners through the pre-planning, design and application stages. It also guides home owners through common themes including building placement, lot eligibility, and tree protection. The document provides details on various application and development review processes including building permit, site plan control and committee of adjustment processes.

### City of Edmonton

The City of Edmonton allows the development of an apartment sized living space in the back yard of a principle dwelling in a range of residential zones across the City. Garden suites in the City are required to have their own kitchen, bathroom, sleeping and living space.

The program was introduced to allow for greater flexibility for housing options in the City's neighborhoods. The City of Edmonton regulated land use using a development permit system. This allows for the review of applications for the construction of laneway suites to be conducted using a 'combo permit', which is a combined development permit and building permit indented to insure both zoning and building code compliance. Any conflicts or deficiencies to the zoning By-law are considered as part of the development permit review.

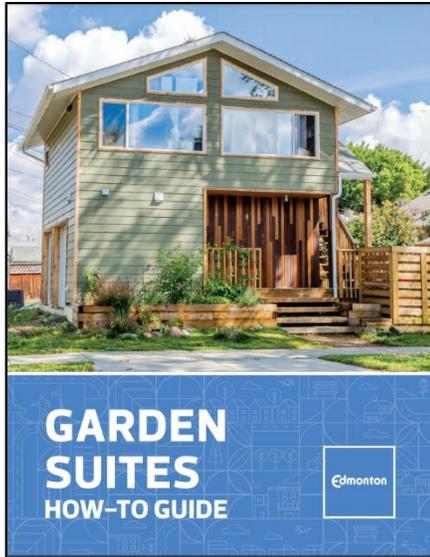


Figure 19 - Garden Suites How-to Guide developed by the City of Edmonton

The City of Edmonton has developed two guides to lead homeowners through the process of planning and applying for the required approvals for a garden suite in the City and to provide an overview of zoning regulations including helpful coloured schematics describing applicable zoning regulations.

### City of Vancouver

Vancouver has a zoning bylaw amendment that allows for laneway houses behind almost every single detached home in the city. These laneway houses, however, are only for family or rental use. They are also limited to a maximum of 1.5 storeys (ranging from 500 to 900 square feet).



Figure 20 - Schematic of zoning regulations from Garden Suites: Overview of Regulations

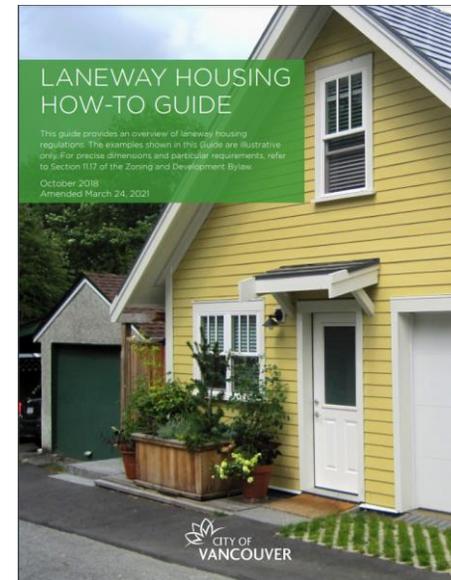


Figure 21 - City of Vancouver Laneway Housing How-to Guide

Like other jurisdictions in Canada, the City of Vancouver has introduced a how-to guide to aid home owners in understanding the process for planning and developing a laneway house in the City.

### City of Los Angeles Department of Building and Safety

Several respondents through our interviews mentioned the Approved Standard Plans program introduced by the Los Angeles Department of Building and Safety (LADBS) as a potential way to guide home owners through the permitting process and to create a repository of reviewed plans to hasten the review of building permit applications when submitted.

The LADBS Standard Plan Program includes plans developed by licensed architects, and engineers for various building types and site conditions. The plans included have been reviewed and pre-approved by LADBS for compliance with the City's codes. When a proponent submits a pre-approved design, only site-specific factors will be reviewed including area zoning and foundation requirements.

Through the program, designers retain ownership of the plans and home owners may purchase plans directly from the plan owner who may then customize a design as required.

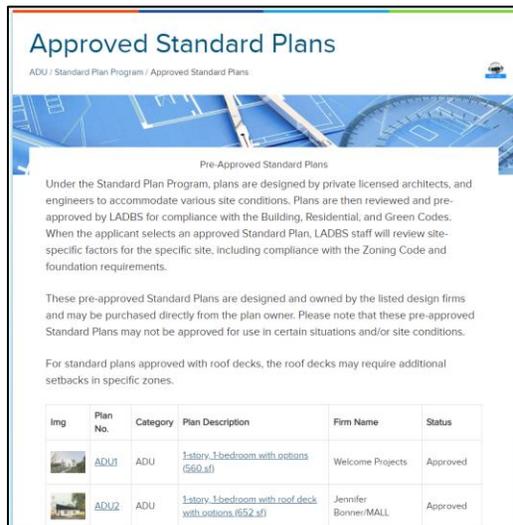


Figure 22 - LADBS Standard Plan Program Website

# Recommendations

## **150.8.50.10.(1)(B): Reduce the 85% Landscaping Requirement**

This review recommends a reduction of the 85% landscaping requirement to facilitate the construction of suites while maintaining a positive relationship to adjacent properties. The 85% landscaping requirement was the most common minor variance with an approval rate of 62%. It consistently arose in interviews with industry experts as a challenge for design and approval. In many cases, existing conditions on the site such as decks, pavers, and patios render sites ineligible to meet this provision.

The zoning by-law has a separation distance provision (150.8.60.30) that requires an ancillary building containing a laneway suite to be no less than 5.0 m/ 7.5 m from a residential building if the height of the ancillary building is no greater than 4.0 m/ greater than 4.0 m, respectively. This provision ensures the separation of the laneway suite from the primary dwelling and ensures a minimum standard envelop for the laneway suite. With this separation standard in place, the 85% landscaping requirement is redundant.

The zoning by-law has a lot coverage for the ancillary building provision (150.8.60.70(B)) that states that the area of the lot covered by all ancillary buildings combined, including the laneway suite, may not exceed 30% of the lot area. If the 85% landscaping requirement is reduced, the 30% maximum lot coverage of ancillary buildings will ensure that the scale of the building remains appropriate.

A 60% requirement is recommended.

## **150.8.50.10.(1)(B): Remove the 75% Landscaping Requirement at the Rear Lane**

This review recommends a removal of the 75% landscaping requirement to facilitate the construction of suites. This requirement was one of the most common minor variances requested with an approval rate of 91% and arose in interviews with industry experts as a challenge and not meeting the city's intent of the provision, being to green the laneways.

## **150.8.60.40.(1): Increase the maximum permitted height to 6.75 m**

This review recommends increasing the maximum permitted height from 6.0 to 6.75 m to facilitate the construction of suites while maintaining a positive relationship to adjacent properties. This represents a modest increase in height permissions to accommodate current and emerging building methods and design.

This increase will align with the direction of changes to the Ontario Building Code, anticipating future amendments which will further support increased energy efficient standards and practices. Allowing room for increased floor and ceiling thickness is contemplated through this amendment.

Providing for modest increases in height were among the top five most common minor variances associated with laneway suites, with an approval rate of 70% at the Committee of Adjustment.

Industry experts noted that a slightly increased building height could ensure that standard building form could be achieved and consistently allow for opportunities for creative designs that respond to a site, or context and include passive building technologies including passive solar heating.

The By-law includes other provisions which shape and limit the building envelope. We feel the existing form permitted through the By-law as generally being appropriate and therefore only a modest amendment and increase is proposed. The height provision is one of several provisions of the by-law that regulates the mass of a laneway suite, mitigating and resolving the most impacts on adjacent dwelling units. The angular plane requirement is also notable as shaping and limiting the mass of a laneway suite, protecting the privacy and overlook conditions of adjacent properties.

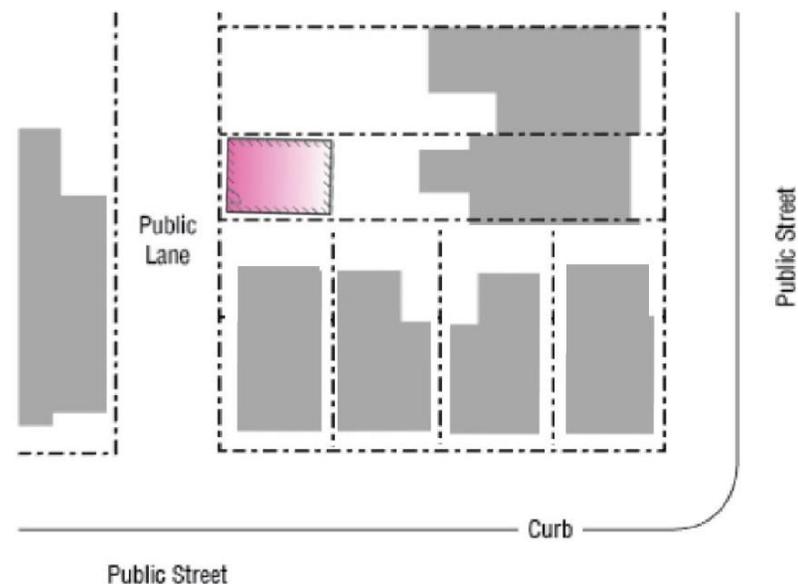
## Perpendicular/irregular lot relationship provision

This review recommends adding a provision in the zoning by-law to account for perpendicular/irregular lot relationships.

Industry experts highlighted that perpendicular lot relationships with laneway suites have resulted in some impacted neighbouring properties, specifically with regards to the permitted two storey height of a laneway suite on a lot with this relationship.

This recommendation proposes to add the following to the zoning by-law to reduce impact on neighbouring properties:

*Where a Laneway Suite is located on an interior lot that is adjacent to a lot fronting a perpendicular street the following setback applies relationship applies. A minimum setback of 1.5 m from the interior lot line that abuts the rear yard of a perpendicular lot applies to the second storey of a laneway suite.*



## Including the Asquith-Collier, Ramsden Park, and Yorkville neighbourhoods within the Laneway Suites Zoning By-law Framework

We do not find a strong rationale for the exclusion of the Asquith-Collier, Ramsden Park, and Yorkville neighbourhoods from the Laneway suite By-law framework.

The Laneway suite By-law amendments provide appropriate provisions to respond to the heterogeneous and varied context of all neighbourhoods throughout the City of Toronto. These neighbourhoods do not present entirely distinct typologies, pattern or character and should permit laneway suites where eligible and within the existing planning and regulatory framework.

### **Develop how-to guide including building permit and committee of adjustment processes**

This review recommends developing and sharing a how-to guide on the building permit and Committee of Adjustment process with interested homeowners and prospective applicants. Interviews with industry experts highlighted that developing a laneway suite is a big undertaking that requires the coordination of various consultants, professionals, and departments and often requires a high tolerance for risk and cost, especially for applicants with a non-building background. Experts highlight that once homeowners learn of the required timeline and costs, they often decide not to move forward.

This approach is taken by other municipalities leading efforts in laneway suites, such as Edmonton and Vancouver. An

applicants' how-to guide on laneway suites would demystify the process and allow interested homeowners and prospective applicants to make informed decisions regarding the development of a laneway suite.

### **Develop a single window approach for laneway suite applications**

This review recommends a single window approach for laneway suites applications including all relevant commenting divisions who are trained in and familiar with the latest laneway suites designs and building technologies. The minor variance review highlighted that of the 185 applications made to the Committee of Adjustment, 65% of them were approved, 18 were refused and 2 went to LPAT. Industry experts highlighted challenges with the approval process, noting lengthy or inconsistent timelines, a range in interpretations of the zoning by-law from the building department and disconnection between the various city departments involved in approvals.

Developing a consolidated approach for laneway suite applications with similarly trained staff from all relevant commenting divisions that are trained in, and familiar with, the latest laneway suites designs and building technologies could reduce the applications sent to the Committee of Adjustment that are ultimately approved and may reduce lengthy timelines and high costs associated with various studies and consultants.

# Appendix A

## Methodology

### Building Permit Analysis

The Laneway Suites Building Permits since 2018 dataset was reviewed for this analysis. This dataset was categorized into the following categories: total building permit applications associated with laneway suites, permit applications with unique addresses, total laneway building permit applications associated with CoA, and average size and costs associated with laneway suites.

### Minor Variance Analysis

The City-wide 2019 dataset was reviewed for this analysis. The most common minor variances were grouped to identify the zoning by-law provisions that applicants were not meeting as of right. The five most common minor variances were identified and were then separated by status: approved, approved on condition, withdrawn, deferred and refused.

### Jurisdictional Scan

A jurisdictional scan was conducted of four municipalities which had initiated provisions to allow laneway suites and ancillary buildings: Ottawa, Edmonton, Vancouver and Los Angeles. This scan highlighted approaches to zoning by-law permissions, flexibility, how-to guides and pre-approved plans for ancillary buildings.

### Public Correspondence

Three public correspondence documents were reviewed from the ABC RA, Seaton Village RA, and an individual resident.

### Interviews with Industry Professionals

Six industry professionals with significant experience in Laneway Suites design and approval were interviewed for this review. The City of Toronto provided GPA with a list of industry professionals and a list of 12 questions. Five industry professionals were interviewed throughout the month of July and early August of 2021, through one-hour interviews on Microsoft Teams and one industry professional filled out the questions via email. The industry professionals are the following:

**Sean Galbraith, Galbraith & Associates Inc.:** Galbraith & Associates Inc. was formed in 2011 as a client-focused boutique firm specializing in smaller urban planning projects such as minor variances, consent applications, the Committee of Adjustment process and work in scale up to mid-rise buildings and specifically missing middle type buildings.

Galbraith & Associates Inc. have worked on approximately 20-25 Laneway Suites in Toronto and often gets involved when they have minor variances. Galbraith and his team have become involved in Laneway Suites since the 2019 Laneway Suites Zoning By-law amendment.

**Dean Goodman, LGA Architecture:** Dean Goodman is a partner at LGA Architectural partners, an architectural practice that does full service design work including architectural design, planning submissions (if simple), and hires building companies. LGA Architectural Partners have worked on roughly ten Laneway Suites, several of which were in place before the 2019 Laneway Suites Zoning By-law amendment. Since the inception of the zoning by-law, LGA has completed two or three and have a number that have been submitted to planning.

**Lia Maston, Firma Architecture:** Lia Maston is the architect at Firma Architecture, an architectural firm that provides design, zoning permit process, contract documents and contract administration during construction services. Firma Architecture has been involved in four Laneway Suites, all of which are in different stages of construction.

**Leith Moore, R Hauz:** Leith Moore is a founder and developer at R Hauz, which is a company that specialized in panelized building and fabricating of pre-fabricated and pre-costed Laneway Suites. R Hauz has a 10-12 week building process on site which includes servicing and foundation work and plans to do 100 LWS/year starting next year. All of the designs are passive solar with passive house floating foundation, passive house wells, efficient heating and cooling system which reduces energy costs and faster to build. Since the designs are planned to fit within the zoning by-law, changing the design is limited. Leith Moore has been working on accessory dwelling units in their various forms since the 1990's as an industry advisor when the city brought forward the Laneway Suites proposal.

R-Hauz has two Laneway Suites in building permit currently with the panels under construction. Their plans are designed to fit within the zoning by-law and urban design guidelines to avoid variances. Typically, from beginning to end including permitting it is a six-month process.

**Craig Race, Lanescape:** Craig Race is the Co-Founder and Architect of Lanescape, a project management and architecture company that provides, design, approvals, and construction administration and management services. Lanescape works exclusively on Laneway Suites. Lanescape has provided design, approval, and construction management services for Laneway Suites for 18 completed suites, 14 under construction, and 34 seeking approval.

**Rohan Walters, Spaces by Rohan Inc.:** Rohan Walters is the principal designer of Spaces by Rohan Inc. an architectural design company that focuses on small buildings and homes, working for majority private clients alongside engineers, planners, and Councillors. Spaces by Rohan Inc. has brought one Laneway Suite on Montrose Avenue through to zoning certificate. They have provided prototype concepts for a number of other Laneway Suites.