

November 23, 2021

Dear Members of the Planning and Housing Committee:

RE: PH29.2 (9:30 AM) Changing Lanes: The City of Toronto's Review of Laneway Suites, November 25, 2021

I write to you as a member and past Chair of the Seaton Village Residents Association.

I am opposed to the by-law amendments as currently drafted and as outlined below.

Exemption for Proximity, Adjacency

I would like to see the By-Law amended to enable an exemption whereby Laneway Suites cannot be built where adjacency is closer than 5.0 / 7.5 metres to neighbouring homes.

Properties on laneways ending in "T" intersections, irregular and perpendicular lots have adjacencies with the lane that make them worse off than the primary residence building the laneway suite. This is due to unusual lot configurations as well as narrow laneways (narrowest allowed are 3 metres). See below.

In the diagram, properties that would be impacted by a Laneway House are indicated in red. The properties in yellow would be able to build a Laneway House.



In almost all cases in the diagram, the Laneway Suite would be less than 4 metres from the "red dotted" property.

The current and proposed by-law mitigations for privacy and overlook only benefit the main property owner and their adjacent neighbours (in yellow).

It does NOT provide mitigation for those neighbours who live across the laneway (red) or neighbours who abut onto a side lot (bottom right red dot). It is not equitable that neighbours in this situation

would be less than 4 metres (or less) from a Laneway Suite and the principal property owner is required to be 7.5 metres away. This does not provide *limited impacts* on adjacent properties.

In a **Laneway House Disruption Study** that was conducted (and submitted to City Planning) it was noted that:

“...in Seaton Village and Harbord Village over 1300 potential sites for laneway suites were identified. In about 3% of the cases, these suites could be constructed in close proximity to neighbours' homes, affecting 66 residences.

In nearly 75% of the cases, the laneway suite would be constructed within 5 meters or less of the neighbour's home, a shorter distance than that required between the laneway suite and the primary residence for a 1-storey suite.”

The current by-law has taken a “one size fits all” approach. It does not consider laneways which are narrow and which have configurations other than the “long lot”. That is, where lots abut at the laneway, usually with a garage, and the main house is located at the other end of the lot at the street.

Generally, Laneway Suites work well for these “long lots”. The principal residence is minimally affected by massing, construction noise, loss of privacy, noise of air conditioners, satellite dishes, windows, doors, balconies, as they face into the laneway.

However, adjacent neighbours on an irregular laneway would bear the brunt of the negative effects of the new builds. Allowing laneway suites to be built at such close quarters would have immediate and devastating effects on a resident's privacy and light.

Reports Do Not Sufficiently Address Irregular Lane Configurations

Both the Gladki Report and subsequent November 9, 2021 Report to Committee, do not address unusual lane configurations so that there is mitigation for proximity, adjacency, overlook and privacy for ALL neighbours.

The Gladki Report says:

*Industry experts highlighted that perpendicular lot relationships with laneway suites have resulted in **some impacted neighbouring properties**, (are 66+ residences considered to be “some?”) specifically with regards to the permitted two storey height of a laneway suite on a lot with this relationship.*

I would add that no recommendation is made here for residents who live on narrow “T” shaped irregular lanes and their impacts. In both these situations laneway housing should not be allowed.

The Report recommends:

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.

No mitigating architectural proposals are available to minimize impacts to affected neighbours such as the 45 degree angular plane; or a 7.5 / 5.0 metre distance from their residence.

For example, in one irregular lot situation, I have observed that a resident would have a window blocked off should a Laneway Suite be built. However, even with the proposed by-law change (1.5 m

from adjacent property at second storey only) there is no requirement for mitigation of loss of light and privacy such as an angular plane.

These issues were once at the fore with the City of Toronto. In a [June 2006 Staff Report](#) it was said that “*Construction of houses on lanes can be considered only in special circumstances when there are no privacy, overlook, shadowing and engineering servicing implications.*”

Why has the City strayed from this vision with these draft by-laws? I don't feel we need to be as restrictive as the report suggests, I support Laneway Housing, as long as it is equitable.

These by-law amendments go against the spirit of the [Toronto Official Plan \(Apr 2021\)](#).

The current plan at [Ch. 4, 9\(c\)](#) (updated April 2021), says:

In established Neighbourhoods, infill development on properties that vary from the local pattern in terms of lot size, configuration and/or orientation will:

1. have heights, massing and scale that are respectful of those permitted by zoning for nearby residential properties, have setbacks from adjacent residential properties and public streets that are proportionate to those permitted by zoning for adjacent residential properties, while taking into account the existing form of development on the infill property;
2. provide adequate privacy, sunlight and sky views for occupants of new and existing buildings by ensuring adequate distance and separation between building walls and using landscaping, planting and fencing to enhance privacy where needed;

Again, why has the City strayed from this vision in these draft by-laws? Are residents who live on irregular laneways just casualties of the process? Is it the wish to just have the by-law draft pushed through?

If so, why is the Garden Suites review appearing to be working with this issue?

The [current video](#), entitled “City of Toronto Garden Suites Draft Rules” cites how privacy and sunlight concerns should be mitigated with a 45 degree angular plane on three sides.

It goes on to say:

- The rear and side yard setbacks are intended to address privacy issues.
- The angular planes are in place to limit the impact of buildings.

Why, at the least, are these features not being considered for Laneway Suites for situations I have described. It seems there is a disconnect here.

Recommendations

- *Increasing the maximum permitted height of a suite from 6.0 metres to 6.3 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;*
- *Reducing the required minimum side and rear yard setback from 1.5 to 1.0 metres from the lane.*

This review recommends increasing the maximum permitted heights and distances to facilitate the construction of suites while maintaining a positive relationship to adjacent properties.

I do not support these increases in heights and distances. There would be no “positive relationship” to adjacent properties.

For residents living on irregular lanes and being impacted with a Laneway House at close quarters it would only make them bear the further brunt of the negative effects of the new builds.

On top of which, there would be projections and encroachments added to the new height that would further result in loss of privacy and light. To which, I would add, we have no recourse with the current and proposed by-law.

In addition, the loss of soft landscaping at the back of the Suite would further impact laneway neighbours by reducing access to what little green space is available.

- *Perpendicular/irregular lot relationship provision - 1.5 metre side yard setback for the portion of a laneway suite above a height of 4.0 metres*

The recommendation is to increase the minimum setback to 1.5 metres at the second storey. This does not address the concerns I have outlined above. There would still be impacts for neighbours living on an irregular lane and who live across from a Laneway Suite.

It has been said “Laneway housing increases density in a non-intrusive way” (Toronto Star, July 6, 2019). I would disagree. The addition of laneway housing as I have outlined would indeed be intrusive.

In sum, I would like to see the By-Law amended to enable an exemption whereby laneway houses cannot be built where adjacency is closer than 5.0 / 7.5 metres to neighbouring homes.

Katherine Thomas

