

Expanding Housing Options in Neighbourhoods – Garden Suites – Supplementary Report

Date: January 24, 2022

To: City Council

From: Chief Planner and Executive Director, City Planning

Wards: All

SUMMARY

This report responds to the request from Planning and Housing Committee at their meeting on January 12, 2022, to report to the February 2, 2022 meeting of City Council with additional information regarding Item PH30.2 Expanding Housing Options in Neighbourhoods – Garden Suites – Final Report. This report contains additional information on matters related to the type of properties garden suites are permitted on, separation distances, monitoring, and communication strategies in accordance with Planning and Housing Committee's request.

The Expanding Housing Options in Neighbourhoods – Garden Suites – Final Report, dated December 21, 2021 recommended Official Plan and Zoning By-law amendments to permit garden suites subject to a range of criteria.

This report also recommends that "Garden Suites" be added to the definition of "infill housing", in Toronto Municipal Code Chapter 519 (Infill Construction, Public Notice). With this amendment, permit applicants will be required to post a public notice on-site where there is a permit to construct a garden suite. This will also facilitate the collection of data and monitoring of garden suites by Toronto Building and City Planning. Laneway Suite construction follows this same approach.

This report has been written in consultation with the Chief Building Official and Executive Director, Toronto Building.

RECOMMENDATIONS

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

1. City Council amend Toronto Municipal Code Chapter 519 (Infill Construction, Public Notice), Article 1, Subsection 1.1 Definitions, by adding the following subparagraphs to the definition of "Infill Housing":

"F. the construction of a garden suite as defined in Zoning By-law 569-2013, or any successor thereto."

FINANCIAL IMPACT

The City Planning Division confirms that there are no financial implications resulting from the recommendations included in this report in the current budget year or in future years.

BACKGROUND

On January 12, 2022, Planning and Housing Committee considered the Expanding Housing Options in Neighbourhoods – Garden Suites - Final Report which recommend Official Plan and Zoning By-law amendments to permit garden suites subject to a range of criteria. The Planning and Housing Committee adopted the staff recommendations with amendments, and:

1. Directed City Planning to report directly to the February 2, 2022 meeting of City Council on the following matters:
 - a. Whether garden suites should also be permitted in areas zoned for multiplexes, towers and apartment buildings in addition to lots with single-detached houses, semi-detached houses, and row-houses/townhouses;
 - b. The rationale for the proposed separation distance between the main house and garden suite and its relationship to maximum permitted height;
 - c. The process for monitoring garden suites and the rationale for reporting on the monitoring report after the 200th permit for a Garden Suite has been issued, or after two years, as opposed to at an earlier time;
 - d. A detailed plan to ensure a strong working relationship between The City Planning and Toronto Building Divisions around monitoring garden suites;
 - e. A detailed plan for public information to ensure residents have access to critical information such as guidelines and key city contacts such as Urban Forestry and Toronto Fire Services staff; and
 - f. A detailed plan for providing open data for closed applications available to the public.

The Expanding Housing Options in Neighbourhoods – Garden Suites – Final Report, and Planning and Housing Committee's decision on Item PH30.2, can be viewed at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2022.PH30.2>

DISCUSSION AND COMMENTS

The following provides additional information on matters related to the type of properties garden suites are permitted on, separation distances, monitoring, and communication strategies in accordance with Planning and Housing Committee's request that City Planning report directly to City Council on the following matters:

1.a. Whether garden suites should also be permitted in areas zoned for multiplexes, towers and apartment buildings in addition to lots with single-detached houses, semi-detached houses, and row-houses/townhouses;

As part of the Garden Suites Study staff reviewed and considered how garden suites could be accommodated on a variety of property types within the City's low-rise Neighbourhoods.

The proposed garden suite rules and regulations would apply to all of the City's low-rise Residential Zones including the R, RD, RS, RT, and RM Zones. The proposed zoning by-law amendment would not apply to the Residential Apartment (RA and RAC) or the Commercial Residential (CR) Zones where taller multi-unit residential buildings are permitted.

The R and RM Zones allow for multi-unit buildings in addition to detached, semi-detached, and townhouses. The form and scale of residential buildings existing and permitted in the R and RM zone is comparable to that of buildings in the RD, RS and RT zone. Buildings in these zones are subject to the height standards that apply in each particular zone as well as the Official Plan for Neighbourhoods which limits the height of these buildings to 4 storeys. A garden suite in any of these zone categories is appropriate in context. If the R and RM zones were excluded from the garden suites permissions, it would result in garden suites not being permitted in the majority of the former City of Toronto.

The proposed garden suites rules and regulations are form based, and were drafted to ensure an appropriate relationship between the garden suite and the main residential building on a property, whether the main building contains a single or multiple units. This is the same approach that was approved for laneway suites. The proposed rules require appropriate access, minimum separation distances, and minimum open space and soft landscaping, in order to address matters such as emergency access, safety, amenity space and open space, and privacy.

City Planning staff recommend allowing garden suites in all of the City's low-rise Residential Zones (R, RD, RS, RT, and RM), subject to the recommended rules and regulations. Staff will monitor applications for garden suites and the adjacent building type as part of the monitoring program.

1.b. The rationale for the proposed separation distance between the main house and garden suite and its relationship to maximum permitted height;

The proposed regulations for the height and separation distances for garden suites were determined following detailed review by City Planning in consultation with Fire Services, Toronto Building, and Urban Forestry staff. The proposed separation distances were informed by a review of existing zoning permissions for ancillary buildings, background research, lot studies, jurisdictional reviews, the laneway suites monitoring program, and height and massing analysis. A wide range of contextual circumstances were considered across the diversity of Toronto's neighbourhoods.

The proposed garden suite regulations require a garden suite to be a minimum of 5.0 metres from the main building where the garden suite is 4.0 metres or less in height (approximately 1 storey). A separation distance of 7.5 metres from the main house is required where the garden suite is up to 6.0 metres in height (approximately 2 storeys). Additional angular plane regulations apply to all sides of the garden suite above a height of 4.0 metres in order to mitigate impacts on privacy, shadows, and tree canopy.

The proposed height and separation distances align with the original permissions approved for laneway suites. While garden suites differ from laneway suites in some important ways, they both have a similar relationship with the main building on the property. As such, staff determined that the comparable separation distance regulations are appropriate for garden suites.

The intent of the proposed rules is that as the scale of the garden suite increases, the separation distance will also increase. The 5.0 metre separation distance for garden suites that are 4.0 metres in height or less allows for more flexibility in the location of the unit without having significant impacts on adjacent properties. The increased separation distance of 7.5 metres for garden suites that are greater than 4.0 metres in height, in combination with the required angular planes, mitigate the impacts of a taller garden suite on the main dwelling, as well as adjacent residential dwellings and yards. In both cases the required separation distance is greater than the 1.8 metre separation distance that is generally required for detached garages.

As part of the Garden Suites Study, staff explored options for smaller separation distances between the garden suite and the main building. Throughout the consultation process staff received requests for smaller separation distances, as well as requests for larger separation distances. Staff determined that the proposed separation distances are appropriate and address issues related to emergency services staging, dwelling unit access to daylight and privacy, mitigating shadow impacts, ensuring consolidated open space and soft landscaping, amenity space, and space for future tree canopy growth.

1.c. The process for monitoring garden suites and the rationale for reporting on the monitoring report after the 200th permit for a garden suite has been issued, or after two years, as opposed to at an earlier time;

The Garden Suite monitoring period is recommended to conclude following two years from the enactment of the proposed Official Plan and Zoning By-law Amendment, or following the issuance of the 200th building permit for a garden suite, whichever occurs

first. Upon conclusion of the monitoring period City Planning will prepare a report to the Planning and Housing Committee to discuss the conclusions of the monitoring program.

The monitoring program will include, but is not necessarily limited to the following:

- Mapping of approved and constructed garden suites;
- Analysis of approved and constructed garden suites, including but not limited to details such as size, number of bedrooms, height, basements, separation distance, coverage, soft landscaping, and the type of main building;
- Review of approved and constructed garden suites to assess the success of the proposed zoning by-law provisions and consider any changes;
- Review of the design, massing and other aspects of newly constructed garden suites and further review of the required separation distances and angular planes;
- Review of Committee of Adjustment applications for garden suites and, if applicable, the outcome of any appeals to decisions made on such applications;
- Analysis of data on the garden suites and minor variance applications for garden suites, in particular as it relates to separation distances, located within the Ward boundaries of Beaches-East York as directed by Planning and Housing Committee;
- Review of applications for the conversion of existing accessory structures to garden suites;
- Review of the provision of parking for garden suites;
- Review of garden suites with associated applications for removal and/or injury of any trees protected under the Tree By-laws;
- Analysis of soft landscaping and any additional green space achieved through the construction of garden suites in accordance with the proposed Zoning By-law amendment;
- Communication with applicants that have completed the process of applying for and constructing a garden suite, where possible;
- Communication with residents and/or Residents' Association representatives in areas where garden suites have been constructed, where possible;
- An update on the Affordable Rental Pilot Program;
- Consideration of any necessary changes to Official Plan policies and/or By-law provisions related to garden suites;

The monitoring period of two years or 200 applications is meant to allow for a sufficient number of garden suites to be approved and constructed in order to identify trends and/or issues on a variety of properties across the City. Reporting at an earlier date may not provide sufficient information across various geographies and neighbourhoods of the City to allow for effective review and analysis of the proposed by-law regulations and policies for garden suites. The proposed monitoring period does not limit staff from reporting at an earlier date on specific issues if necessary.

In addition to monitoring Garden Suite development, staff are also focussed on related issues pertaining to the tree canopy. On December 15, 2021, as part of the Changing Lanes: The City of Toronto's Review of Laneway Suites – Monitoring Program and Zoning By-law Amendments – Final Report (Item PH29.2) City Council directed City Planning and Urban Forestry in consultation with Toronto Building and Environment and Energy staff to report to Planning and Housing Committee in the first quarter of 2023, or

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as soon as possible, regarding potential strategies to protect and enhance the City of Toronto's tree canopy and growing space, while also supporting infill housing growth in the City's neighbourhoods. City Planning staff will work to ensure that the monitoring program for garden suites is coordinated with this additional direction on tree protection review.

1.d. A detailed plan to ensure a strong working relationship between The City Planning and Toronto Building Divisions around monitoring Garden Suites;

City Planning staff worked closely with Toronto Building staff throughout the Garden Suites Study, as well as the Laneway Suites Monitoring program. The two Divisions are collaborating to continue the monitoring processes, which were previously implemented for laneway suites and are exploring opportunities to provide notification to Councillors. City Planning staff will continue to coordinate with Toronto Building staff to track all garden suite building permit applications and include this information in the City's Open Data Portal.

In order to facilitate the collecting of data and monitoring, this report recommends that "Garden Suites" be added to the definition of "infill housing", in Toronto Municipal Code Chapter 519 (Infill Construction, Public Notice). This by-law requires that building permit applicants post a public notice on-site where there is a permit to construct (or demolish) any building which meets the residential infill criteria. The notice is intended to provide the public with clear, accessible and useful information about the project (including a rendering of the finished building). Laneway suites are currently captured in the by-law. The amendment would extend the requirements to garden suites and facilitate the continued monitoring and data collection by Toronto Building and City Planning.

Similar to the Laneway Suites Study, City Planning staff will initiate training sessions for Toronto Building staff, among others, to ensure a consistent application and interpretation of the Garden Suites Official Plan Amendment and Zoning By-law Amendment. Training sessions will focus on developing a consistent and comprehensive understanding of the applicability, purpose, and objectives of the policy and performance standards. Garden Suite training sessions will also be scheduled for Committee of Adjustment panel members.

1.e. A detailed plan for public information to ensure residents have access to critical information such as guidelines and key city contacts such as Urban Forestry and Toronto Fire Services staff;

As part of the implementation process for Garden Suites it is important for residents and industry experts to have access to necessary information before planning a garden suite. Providing the information in a timely manner will help to ensure that critical issues, such as adequate tree protection, fire access, and lot configuration, are addressed early in the design process. Staff are preparing garden suite implementation documents that will provide residents with details on tree protection, fire access, the rules and regulations, application process, best practices, as well as the appropriate divisional contacts.

If garden suites are approved by City Council, then staff will update the City's Garden Suites website to include the following:

- A summary of the approved rules and regulations and process;
- The approved Official Plan amendment and Zoning By-law amendment;
- A summary of key considerations to be reviewed prior to planning a garden suite such as fire access, location of existing trees, tree protection, dimensions of the backyard, etc.;
- Contact information for key divisions including Toronto Building, Urban Forestry, and City Planning;
- Information on the Affordable Housing Program;
- Detailed information on the required fire access route;
- Details on tree protection and Urban Forestry, including but not limited to:
 - Notice of the City's Tree protection policies. Where there is a potential for damage to private or City trees due to the proposal of a garden suite, the applicant is advised to contact City Planning and Urban Forestry staff to discuss how the design of the suite can be accomplished to protect the healthy tree(s) in question;
 - Urban Forestry's position on reviewing healthy trees impacted by garden suites: "Urban Forestry is not obligated to issue a tree injury or removal permit if such a garden suite is in conflict with by-law regulated trees and a permit to injure or remove a tree may be denied by Urban Forestry in accordance with Municipal Code Chapter (MCC) 608 Parks, MCC 658 Ravine and Natural Feature Protection and MCC 813 Trees. If the permit is denied by Urban Forestry, the property owner may appeal the decision to City Council."
 - Notice that a Tree Declaration Form is required;
 - Links to Urban Forestry and tree protection websites;
 - Links to tree planting programs including the Backyard Tree Planting Program and Street Tree Planting program.

The Garden Suites website will continue to evolve to include more information as necessary to assist residents and industry experts in the effective implementation of garden suites, and linkages to new Toronto Building webpages with specific information to help facilitate the building permit process (similar to laneway suites). General information is available to the public through Building Permit Applications Guides that provide information related to the permit process, inspections, documentation and fees. For up-to-date information on specific applications, Toronto Building provides a building permit status search engine, which will include permits issued for garden suites.

To assist with communication and effective implementation of garden suites, Planning staff will also prepare the following documents which will be provided online as soon as possible:

- a video, similar to the video previously used for public consultation, to provide an overview of the approved garden suite rules and regulations, while also highlighting critical issues such as fire access and tree protection; and
- Develop a garden suite "how to" guide that will provide general information on the process, key considerations, and best practices.

1.f. A detailed plan for providing open data for closed applications available to the public.

City Planning and Toronto Building Staff will ensure that if garden suites are approved by City Council, the building permit data will be included on the City's Open Data Portal. The Open Data Portal will provide up-to-date tracking of building permits. The reports generated from the City's Open Data Portal will identify both garden suites and laneway suites building types and will also include closed permits.

Conclusion

The Garden Suites Study is a priority project endorsed by City Council in July 2020 as part of the Expanding Housing Options in Neighbourhoods work plan. The recommendations of this report have been informed by a comprehensive analysis undertaken by City staff and through extensive public consultation.

Garden suites are a part of building complete communities. They can provide a new form of rental housing, multi-generational housing, and options for aging in-place, within the City's Neighbourhoods. They can provide much needed additional housing options in a low-rise building form that is consistent with the scale of buildings that already exist across the Neighbourhoods.

The proposed garden suite regulations implement amendments to the Planning Act in 2011 and 2019. Introducing this new form of housing to the City of Toronto balances the Official Plan's policy objectives to create complete communities, provide a full range of housing in terms of form, tenure, and affordability across the city, and make efficient use of land, together with the objectives regarding the urban forest and Neighbourhood change.

City Planning staff recommends the approval of the Official Plan and Zoning By-law Amendments to permit garden suites in Neighbourhoods across the City of Toronto.

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