Confederation of Resident & Ratepayer Associations in Toronto

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Chair and Members of
the Planning and Housing Committee

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RE EXPANDING HOUSING OPTIONS IN NEIGHBOURHOODS - GARDEN SUITES - FINAL REPORT

Kindly find comments provided to you in regard to the draft Garden Suites By-law. It is submitted on behalf of the Confederation of Resident & Ratepayer Associations in Toronto (CORRA), a not for profit corporation on behalf of its member groups.

DISCONNECT BETWEEN THE OFFICIAL PLAN POLICIES, THE REPORT AND THE DRAFT ZONING

Early on some 47 years ago I learned to read the implementing documents first and then the report because 5 to 10 years after the adoption only meaning given to the implementing documents is the plain reading of the same and if there is more than one reasonable interpretation the one favoring the applicant is the one that will be selected since the Municipality should have got the wording right in the first place.

In this regard I fail to understand that it has not been made clear that the control feature is “the lot abutting the lane” versus the “ancillary building abutting the lane”. This was raised in the attached schedule and ignored for some unknown reason.

The report at page 10 states:

> “the use of ancillary buildings as living accommodation for all residential properties that do not abut a public lane.”

Regrettably the wording of the OP Amendment is less clear and the wording of the draft zoning contains the same flaw as was pointed out to Planning Staff in CORRA's earlier letter to them.

The wording of the OPA is as follows

"**670. Garden Suites in Neighbouorhoods.**

...which is located on a lot within an ancillary building that is not adjacent to a public laneway"

The wording would be clearly for an interpretation view if it was as follows:

.... which is <u>located within an ancillary building</u> that <u>is not on a lot adjacent</u> to a public laneway."

The same amendment should be made to the definition which is even less clear that the existing wording of the draft definition.

See (303) <u>Garden Suite</u>

"and is in an **ancillary building** not abutting a **lane"**

This is sloppy drafting. The definition makes it clear contrary to the report that the relationship is to building and not the lot.

It should be the same as the above proposed wording amendment to the OPA

delete the aforesaid wording

"and is in an **ancillary building** not abutting a **lane"**

and replace with the following:

".... which is <u>located within an **ancillary building**</u> that <u>is not on a lot adjacent</u> to a **lane**."

CORRA fails to understand why this very clear wording was not adopted to remove any doubt that the defining factor is the lot's relation to the public lane not the ancillary building. It does bespeak to a failure to consider detailed comments of a drafting nature.

ISSUES IN THE DRAFTING WHICH UNDERMINE THE INTENT OF THE REPORT AND THE OFFICIAL PLAN

Given staff unwillingness to respond to specific drafting issues CORRA wants to raise a series of questions which need to be answered unless the intent is to simply leave loop holes in the by-law to be exploited by developers and speculators to the detriment of existing residents which not only include adjacent persons but existing tenants who may have their amenity space diminished, contrary to the Official Plan polices dealing with in-fill housing for apartments but under the circumstances should apply to duplexes, triplexes and fourplexes, since previously they were protected by the rule probhibiting a building behind a building.

IF THE PURPOSE OF THIS AMENDMENT IS TO DEAL WITH CLIMATE CHANGE THEN HOW CAN CREATING MORE HARD SURFACES NOT INCREASE THE HEAT EFFECT?

While the OPA and report talks about this, the by-law is silent on the issue of green roofs?

IF MAINTAINING TREE CAPACITY IS IMPORTANT THAN WHY IS THE BY-LAW SILENT ON THIS TO?

While the Repot and OPA discuss this they are undermined by the fact that in areas governed by FSI the only requirement is that the ancillary building be less than the principal building which includes duplexes up to Apartment buildings.

In addition principal buildings have FSI measured from the exterior walls in whild the so called “ ancillary building” is measured from the interior walls which means it will be technically less than the principal building but in fact can occupy the same mass if not more mass than the principal building.

WHY IS NOT THE SAME FSI MEASURE USED AS WITH A SECONDARY SUITE, BEING GFA OR FSI THAT IS MEASURED FROM THE EXTERIOR WALL IN?

WHY IS COVERAGE LIMITED TO 60 SQ. M. WHILE FSI DOES NOT HAVE A SIMILAR LIMIT? SEE 150.7.60.70 LOT COVERAGE (C) (ii). SHOULD NOT THE SAME NUMBER APPEAR IN 150.7.60.50 (2).

WHY IS IN 150.7.60.50 (3) IS THE ANCILLARY BUILDING EXEMPTED FROM 10.5.60.50(2) WHICH LIMITS ANCILLARY BUILDINGS TO 60 SQ. M. AND 40 SQ. M.?

> THE ANSWER IS THERE ARE NO FSI LIMITS OTHER THAN IT BE SMALLER THAN AN APARTMENT BUILDING FOR EXAMPLE AND BEING SMALLER IS CALCULATED USING A DIFFERENT AND LESSER STANDARD THAN THE MAIN BUILDING.

WHILE SEVERANCES ARE DISCOURAGED, ONCE THE LOT IS SEVERED CAN THE PRINCIPAL BUILDING ON A SMALLER LOT, AND THE ANCILLARY BUILDING WHICH IS NOW ON ITS OWN LOT AND THEREFORE A PRINCIPAL BUILDING EACH NOW HAVE A GARDEN SUITE?

ON LOTS LESS THAN 6M WILL NOT A GARDEN SUITE WHICH WILL ADD ADDITIONAL PEDESTRIAN MOVEMENTS NOT IMPERIL ANY TREE AND REDUCE THE ABILITY OF THE AREA TO ABSORB WATER?

WHILE THE OPA AND REPORT TALK ABOUT SAFETY THE BY-LAW IS SILENT ON EGRESS TO THE GARDEN SUITE?

WILL THIS NOT MISLEAD PROPERTY OWNERS WHO WILL ASSUME THEY CAN HAVE A GARDEN SUITE WHEN THE BUILDING CODE OR OTHER PROVISIONS PROHIBIT IT?

ONCE THE GARDEN SUITE IS ERECTED THE MINIMUM DISTANCE FROM THE PRINCIPAL BUILDING AND ERECTED AND THEN THE PRINCIPAL BUILDING IN THE FUTURE IS DEMOLISHED AND REPLACED AND ITS DEPTH GOES TO THE FULL PERMITTED DEPTH OF SAY 17 M WHERE THE PRIOR BUILDING WAS LESS THAN 17M WHAT STOPS THE SETBACK BEING REDUCED.?

SHOULD THERE BE A REQUIREMENT THAT THE PRINCIPAL BUILDING BE SET BACK FROM THE GARDEN SUITE,.A MINIMUM DISTANCE EQUAL TO THAT WHICH THE GARDEN SUITE HAD TO BE SET BACK FROM THE PRIOR BUILDING?

HOW IS THE TREE CANOPY PROTECTED BY PERMEABLE PAVERS?

TREES IN ADDITION TO LARGER ROOTS HAVE FINE HAIR LIKE ROOTS THAT PROVIDE NUTRIENT TO THE TREE AND SUPPORT A SYMBIOTIC RELATION WITH BACTERIA AND PLANTS, WHICH WILL BE IMPACTED BY PERMEABLE PAVING. FIRSTLY PERMEABLE PAVING IS OFTEN SUPPORTED BY GRAVEL WHICH IS COMPACTED TO A HARD STATE. COMPACTION NEGATIVELY IMPACTS NOT ONLY THE FINE ROOTS BUT LARGER ROOTS AND CAUSES THE TREE TO BE DAMAGED. ALSO THERE IS NORMALLY EXCAVATION INTO THE AREA OF THE ROOTS. DECKS SURROUNDING A GARDEN SUITE WILL IMPACT ON ANY EXISTING TREES.

IF THERE IS NO ACCESS OR INADEQUATE ACCESS HOW CAN SOMEONE IN A WHEEL CHAIR ACCESS THE PURPORTED ACCESSIBLE GARDEN SUITE?

IF A GARDEN SUITE IS LOCATED IN AN AREA WHERE PUBLIC TRANSPORT IS MINIMAL, THEN WILL NOT THE OCCUPANT BE FORCED TO DRIVE AND HAVE A VEHICLE?

IN AREAS PRONE TO FLOODING WHAT STOPS A GARDEN SUITE GOING IN AS OF RIGHT?

IN AREAS GOVERNED BY TRCA WHAT STOPS A GARDEN SUITE GOING IN AS OF RIGHT?

WHY DOES THE REVIEW THAT IS TO OCCUR TWO YEARS HENCE NOT CONSIDER IMPACTS ON EXISTING TENANTS, RESIDENTS AND ADJACENT PROPERTIES?

WHY DOES NOT THE REVIEW NOT LOOK AT IMPACTS ON ACCESS AND FIRE RISKS?

CORRA'S RECOMMENDATIONS

CORRA RESPECTFULLY SUGGESTS THE COMMITTEE AND COUNCIL TAKE THE TIME TO ADDRESS THE ISSUES BEFORE PASSING THIS BY-LAW IN HASTE.

CORRA ALSO RESPECTFULLY RECOMMENDS THAT YOU HAVE STAFF LOOK AT AND REPORT TO YOUR COMMITTEE AND COUNCIL ON THE ISSUES RAISED BY CORRA AND OTHER GROUPS

LASTLY CORRA SUGGESTS AT A MINIMUM THE DEFINITION BE MADE CLEAR.

See schedule attached which set out specific drafting issues with the draft amendments which as you can see was not addressed in the report to you..

Yours truly,

William H. Roberts BA, LLB
Chair
Submitted on behalf of CORRA