



Jan 11, 2022

Planning and Housing Committee ([phc@toronto.ca](mailto:phc@toronto.ca))

**RE: PH30.2 Garden Suites Final Report Planning & Housing Committee Jan 12 2022**

Deputy Mayor Ana Bailao, Chair and Members, Planning and Housing Committee

The South Armour Heights Residents' Association represents approximately 850 households in the area between Yonge Blvd over the Avenue Road, from the 401 down to Brooke Ave, within Ward 8. We and our members have participated in the Laneway and Garden Suites Working Group in the review of the Garden Suites proposals. The impact on adjacent residents will be significant, particularly with the planned "as of right" legislation.

SAHRA submitted detailed comments in our Nov 30, 2021 'Comments' letter (attached), responding to the new form of 'community consultation'. In that letter, we detailed our issues with the new form of community consultation, the shortcomings of the mailing list and the problems associated with the general public trying to understand by-law documents. All disappointing modifications to what we had hoped would be a good community consultation process.

SAHRA recognizes that Garden Suites provide a housing option but we are asking that this be done in a manner that preserves the green space/amenity space in backyards and at the same time is equitable to adjacent neighbours and the Neighbourhood.

The Provincial Planning Act calls for ancillary buildings to be allowed on "single-detached, semi-detached, and rowhouses/townhouses". But the Province leaves the creation of the detailed standards (but for parking) to the municipalities. This means that the City has the jurisdiction and the power to decide what types of and how ancillary suites should be regulated, and the performance standards. The City has chosen to take an as-of-right approach across all lot sizes. They are proposing some specific by-law standards that we do not agree with. We feel that at a minimum the following modifications should be made for the long-term success of the program and the protection of the Neighbourhoods.

**Extension of Zoning to Multiplexes and Apartments:** rezoning should not be permitted for lots zoned for multiplexes and apartment buildings; should be referred to the EHON Multiplex Study.

**Primary Building Length:** The permitted building length of the primary dwelling and/or the actual building length if greater than the permitted, should be used in conjunction with the front yard setback, rather than the rear main wall as currently proposed.

**Separation Distance:** Up to 5 families could now be living on a lot. To provide adequate soft





landscaping area as well as amenity space, the separation distance between the primary dwelling and the garden suite should be 7.5 metres (25') with no association to the height of the Garden Suite.

**Conversion of Existing Ancillary Buildings:** Exemptions have been granted but we have great concerns about additional variances that may be requested. This is now an inhabited building, which is going to be impacting to the adjacent neighbours. We ask that the OPA provisions require special arrangements for review and consideration of requested variances to determine if they are appropriate and/or would negatively impact the adjacent neighbours, and/or if mitigating measures are required.

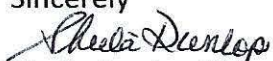
The City has recommended that a **Monitoring** review be done the earlier of 2 years or on the issuance of the 200<sup>th</sup> building permit and we hope that the criteria for the review will be expanded to that used for Laneway Suites. But in view of the importance of determining if adjustments are required as soon as possible, we ask that an '**interim**' study for a specific, reduced set of criteria be done after 1 year or on the issuance of the 100<sup>th</sup> building permit with a report to PHC.

The City has stated that **Information Guides** will be created by the "enacted and in full force" date for Garden Suites legislation – does this need to be defined in the Recommendations?

**Building Department and Planning Departments processes and forms** are essential components in the success of dealing with applications, inspection and monitoring. The City has not changed their practices to properly deal with/track the new forms of housing – Laneway Suites and Garden Suites. They are not integrated into the tracking data, hampering proper monitoring and evaluation. We ask that recommendations be included for Building: changes to forms and procedures; waivers eliminated for Laneway Suites and Garden Suites; monitoring and control procedures updated for multiple buildings on a single site; soft landscaping inspection added as a requirement before the issuance of an occupancy permit; and information added to the Open Data Portal. Planning/CofA changes are also requested for: integration of data capture and reporting procedures for ancillary dwellings; information available on the Open Data Portal; and historical data available for all closed applications available on the AIC for two years. These improvements are essential to properly review, control, monitor and report on Laneway Suites and Garden Suites.

This is an important initiative with a major impact on all Neighbourhoods across the City and thus requires a great deal of consideration for all aspects of the program.

Sincerely

  
Sheila Dunlop (Secretary)



## *South Armour Heights Residents' Association*



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Cc: Mayor John Tory  
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Gregg Lintern (Planning)  
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David Driedger, Allison Reid (Planning – Garden Suites)  
Geoff Kettel, Cathie Macdonald (FoNTRA)  
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Jim Sadler, Bob Williams, Gary Langdon (SAHRA)  
Upper Avenue Community Association  
Bedford Park Residents Organization  
Lytton Park Residents' Organization  
ABC Residents' Association  
Don Mills Residents Inc.  
Long Branch Residents' Association  
Cliffcrest Scarborough Village SW Residents Association



Nov 30, 2021

TO: [david.driedger@toronto.ca](mailto:david.driedger@toronto.ca); [Allison.reid@toronto.ca](mailto:Allison.reid@toronto.ca)  
Planning and Housing Committee ([phc@toronto.ca](mailto:phc@toronto.ca))

**Re: Garden Suites Community Consultation Comments**

The South Armour Heights Residents' Association ("SAHRA") represents approximately 850 households in the area between Yonge Blvd over to Avenue Road, from the 401 down to Brooke Avenue within Ward 8 (Eglinton-Lawrence).

We do not have Laneways but our area would be subject to Garden Suites by the proposed re-zoning so we have paid close attention to the Laneway Suites regulations as well as Garden Suites proposals. We have been involved in all public information/community consultation sessions and have reviewed all documents. SAHRA has also participated as a member of the Laneway and Garden Suites Working Group.

**New Form of Community Consultation**

Garden Suites introduced a NEW form of Community Consultation in November, 2021. Has this approach been deemed to be a 'legal' form of public participation/community consultation? Is this how the City intends to conduct community consultation? There are reviews at the City Council level about the Public Participation process – how does this move to 'internet posting/submit comments' relate to this initiative.

As a Residents' Association, SAHRA and our Residents do not find this to be an acceptable form of community consultation. We have experienced numerous problems with the virtual approach that has been forced on us by the COVID pandemic but this is even more non-inclusive, non-participating than that. We ask that this new form of Community Consultation NOT be employed by the City of Toronto!

**Mailing List**

We question the distribution list that was used for the notice about this new form of Community Consultation. SAHRA did receive the email, likely due to the fact that we are registered with the City Clerk's Office but our representative on the Laneway and Garden Suites Working Group, which was actively involved with the Garden Suites Planning Team in meetings and correspondence, was not.

The notice does not appear to have been widespread – perhaps it meets the 'letter of the law' in terms of the City Clerk's mailing list being used but it does not consider all the participants at the community sessions, other meetings and individuals who have submitted comments to the Garden Suites team. We felt it was particularly poor that the Laneway Suites and Garden Suites Working Group members did not receive proper Notice of this new form of Community Consultation.

**Asking Residents to Review By-law Documents**

Under this new form of consultation, a Draft Permissions document was provided – but it does not include ALL the definitions that are detailed in the Draft Zoning By-law Amendments document. To understand all the regulations, you are expecting the general public to read and understand by-law provisions. They would also need to be able to define any 'missing' provisions. This is an unrealistic





expectation of the general public. This should be explained to them in an understandable, complete document.

### **SAHRA's Expectations for our Neighbourhood**

We recognize that Garden Suites provide an option for additional housing in Neighbourhoods but our Residents are asking that this be done in a manner that preserves the green space of our back yards and is also equitable to adjacent neighbours and the Neighbourhood.

We look to the regulations to (a) limit the reduction of soft landscaping, permeable soil and the tree canopy on the property choosing to build a Garden Suite; (b) to ensure that the building of the garden suite will continue to respect and/or reinforce the existing lot pattern and character in our established neighbourhood; and (c) to ensure that the new garden suite does not adversely impact the privacy and sun for adjacent properties – the intensification must be equitable to up to 5 adjacent neighbours in addition to being equitable to the property owner who wishes to build a Garden Suite.

### **Committee of Adjustment variance applications**

Our Residents believe that the homeowners/developers of Garden Suites will seek variances to the regulations to 'build bigger and better". We will have to closely monitor the Committee of Adjustment applications and challenge the 'additional/beyond the regulations' variances. To us, it appears that the Committee of Adjustment panel will be trained / encouraged to support all variances for Laneway Suites and Garden Suites so it will make it even more challenging for the residents to object to the variances, perhaps leading to TLAB appeals.

### **Clear Outline is required of what is possible**

It appears that the City wants to imply that the 'possibility' of a Garden Suite is equitable to all lots across the City, even though there are certain known definitions that determine if a Garden Suite is possible or not. Such as:

- Small and narrow lots (more common in the downtown Toronto area) may not be able to meet Fire Access requirements.
- Small and narrow lots may not be able to meet the Garden Suites by-law provisions (i.e. separation distance or soft landscaping percentages).
- Small and narrow lots may not be able to meet the Ontario Building Code regulations for minimum dwelling size – this should be publicized and included in the by-law.
- Some lots will only be able to accommodate a one-storey Garden Suite – Ontario Building Code minimum room size regulations should also be publicized and included in the by-law.
- Some lots will only be able to accommodate a one-storey with a pitched roof – again, defined by the Ontario Building Code minimum room size regulations.

The City needs to make it very clear right at the beginning of 'thinking about' a Garden Suite what is/is not possible. Otherwise expectations will be created and the end result will be Committee of Adjustment variance applications to 'make it happen' regardless of the regulations.

It is SAHRA's opinion that by-law provisions should specify the lot conditions that are generally NOT going to be eligible for applying for a Garden Suite. This has been done in other municipalities so it is obviously possible to deal with this.

### **City Illustrations**

Based on our knowledge of the proposed Garden Suites regulations, SAHRA knows that the



Illustrations provided by the City are unrealistic both in terms of the green space that was depicted in the illustrations as well as suggesting that a one-storey with a pitched roof was possible on the defined lot size. This was because a totally unrealistic house length of approximately 27' (8.2m) was used. But the average resident would just accept that a one-storey pitched roof Garden Suite could be built on that sized lot with lots of green space area, beyond the required even. An incorrect expectation has been set!

### **Erosion of Soft Landscaping Percentages**

It is essential that the highest possible percentage of soft landscaping be maintained on our properties. We must preserve our green growing space, our tree canopy and climate change mitigation measures.

We are therefore opposed to the suggested EXEMPTION to the soft landscaping by-law provision that would assume to **REDUCE** the soft landscaping percentage from 85% down to 60% or less, all for the sake of wide/long walkways in the back yard. The necessary walkway should be provided for within the 15% allocated to hardscaping.

### **Use the Zoning By-law Length**

The zoning by-law length in our area is 17m (56') and often variances are granted by the CofA for even greater lengths. The owners of those lots will be quite dismayed when they understand how the measurements will work out on their size lot with their house length, compared to what is depicted in the Illustrations.

Then we also have to deal with future renovations as well as knock-downs and rebuilds. Every year we see Committee of Adjustment variance applications to 'increase' the house length.

We need to avoid the situation where the rear wall of the current residence (perhaps a bungalow with a 43' length) is used for Garden Suite measurements and then they want to do an extension or a complete rebuild of the main residence.

It is also not equitable to the adjacent neighbours who might well already be a 17m or greater length to position a Garden Suite next door further up on the lot than what would be possible using the zoning by-law length.

SAHRA therefore asks that the by-law definitions be changed to use the zoning by-law length in the measurement calculations.

### **Basements**

In our area, our back yards generally contain a mature tree canopy at the back and sides of the lots. We therefore would ask that Basements NOT be permitted as the construction will be lethal or detrimental for the roots of the existing trees on up to five adjacent lots.

### **Soft Landscaping Materials**

SAHRA has had experience with misinterpretation of what materials are considered to be 'soft landscaping' (i.e. river rocks and artificial turf). To eliminate confusion and long-term arguments involving Building Inspection and MLS. Specific definitions should be included or referenced to in the by-law.



### **Green Roofs**

Although green roofs may be environmentally friendly, we do not encourage them for Garden Suites as they can cause access problems as well as maintenance issues.

### **Conversion of Existing Ancillary Buildings**

We understand that 'exemptions' are being proposed for existing ancillary buildings. We would expect that these units should still be subject to other important by-law provisions (i.e. height, soft landscaping). It is a very different experience for the 5 adjacent neighbours to be living beside a now inhabited building than just a shed or garage.

### **Multi-Dwelling Lots and Separation Distance**

Currently our neighbourhood does not have a high incidence of multi-dwellings on a lot but we would expect that the developers who purchase lots for new builds could well start building units with two units in the main residence plus a Garden Suite, as a standard. That being the case, we would suggest that a large enough soft landscaping area needs to exist in the rear yard to attend to the amenity needs for up to 3 (or more) families. We therefore ask that the by-law provision for Separation Distance be modified to require a 7.5m separation distance, regardless of the height of the Garden Suite.

### **Regulations to Limit Overlook and Shadowing for the Adjacent Homes**

In order to be equitable to the 5 adjacent neighbours who now have a second residence with inhabitants in the back yard of the property to their side or rear, we need to ensure that regulations are in place to protect their lot and their privacy as much as possible.

We do not see by-law provisions to control the following:

- Decks/terraces/platforms should not be permitted on the second floor on the front, side or rear.
- Rooftop terraces and stairwell access (interior or exterior) to the rooftop should not be permitted.
- Dormers on side and rear walls should be defined (the proposed by-law provision for dormers is only defined for the front main wall).
- Window sizes of windows overlooking adjacent yard(s) should be limited in size to protect privacy and light population of the neighbours. No windows should be located in the side or rear walls on either the main floor or a second floor.
- Privacy fencing and screening should be provided along the rear and side boundary lines extended up to the main residence's rear main wall.
- Exterior and enclosed stairs to the roof and other platforms above the main floor should not be permitted.

### **Construction of a Garden Suite before the Main Residence**

In the case of a new build, the developer may wish to erect the above-ground parts of a Garden Suite before erecting the main walls and the roof of the main residence for efficiency/access purposes. But the by-law provision needs to be modified to require that the foundation walls of the residential building must be completed **before** starting construction of the Garden Suite. This must be done to ensure compliance in accordance with the permitted plans.



*South Armour Heights Residents' Association*



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We look to organizations more knowledgeable of zoning by-laws provisions such as FoNTRA, FoSTRA and CORRA and the Laneway and Garden Suites Working Group to submit additional comments on by-law issues of concern.

Sheila Dunlop (Secretary)

Councillor Mike Colle, Linda McCarthy (Ward 8)  
Gregg Lintern, Chief Planner and Executive Director, City Planning  
Geoff Kettel, Cathie Macdonald (FoNTRA)  
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