



**Confederation of Resident & Ratepayer
Associations in Toronto**

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25 April, 2023

**To: Councillor Brad Bradford, Chair and
Members of the Committee**

And To: Nancy Martin, Committee Administrator phc@toronto.ca

**RE: PH 3.16 - Expanding Housing Options Neighbourhoods: Multiplex Study-
Final Report**

OVERVIEW

The following document was adopted at CORRA Council on the 17th of March, 2023. CORRA (Confederation of Resident & Ratepayer Associations in Toronto) is a not for profit federation of resident and ratepayer associations. This document has been updated to deal with and respond to the significant changes inserted in the Zoning By-Law which were not discussed or confirmed at the public consultations. These significant changes included increasing depths (lengths) in the R zones to 19m (when private detached dwellings on lots less than 12m are limited to 17 m) and removing FSI as a control mechanism.

LIMIT NUMBER OF UNITS TO 3 (exclude Fourplexes) to reflect Bill 23 limits

Significantly the City Legal and Planning are relying on the provisions of Bill 23 stating that only the Minister of Municipal Affairs can appeal.

Bill 23 provision is limited to 3 units not 4 units.

If the City insists on 4 units, then you are outside the protection of Bill 23. Your action is unilaterally abusing the power given by the Province of Ontario and are subverting the Act to ensure that citizens have no say in planning.

If you are relying on the provision then you should carry out the intent set out in the Act and limit the number of units to 3 per lot.

A review of the draft zoning by-law is urgently needed as it permits multiplexes to exceed the maximum length governing private detached dwellings in lots more than 12m and clearly more than for the maximum length on lots less than 12m.

In addition, the removal of FSI will result in the construction of effectively massive

buildings which are out of keeping with the permissions provided by the existing zoning for private detached dwellings in the existing by-laws. These will be noticeably different in form and substance and will be far larger than permitted for private detached dwellings.

It is the position of CORRA that the maximum number of units per lot should not exceed three (3) being the Provincial requirement in Bill 23. It is the position of CORRA that any increase to fourplexes or 4U is not acceptable.

RECOMMEND THAT IN BOTH THE OFFICIAL PLAN AMENDMENT AND THE ZONING BY-LAW AMENDMENTS should be further amended to delete wherever "fourplex" or "fourplexes" appear in the Official Plan Amendment and the draft Zoning by-law.

It is CORRA's position that "4U" should be replaced by "3U" wherever it appears
The full impacts will be discussed under our review of the draft zoning by-law.

OFFICIAL PLAN AMENDMENTS.

The flaws in the Draft OP Amendment.

1. Given the breadth of the amendments, they should not be treated as an add-on policy but should be incorporated into the Neighbourhood policies.
2. The proposed Official plan amendments includes motherhood statements set out in small Roman ii. to x which are not set out in the zoning amendments and therefore unenforceable while appearing to encourage protection of the tree canopy and large units while in effect they do not..

Given that 4.1.1 already permits multiplexes, a special policy is not needed to permit multiplexes. The creation of this special policy will undermine 4.1.5 and create confusion given the different standards. It runs contrary to the public statements that the intent was to introduce multiplexes without major detriment to the existing physical fabric of the various neighbourhoods.

4.1.5 d) does not prohibit building types permitted under the zoning by-law ... Firstly

4.1.1 permits the said uses.

4.1.1. Neighbourhoods are considered physically stable areas made up of residential uses in lower scale buildings **such as detached houses, semi-detached houses, duplexes, triplexes and townhouses, as**

well as interspersed walk-up apartments that are no higher than four storeys. Parks, low scale local institutions, home occupations, cultural and recreational facilities and small-scale retail, service and office uses are also provided for in Neighbourhoods.

Secondarily the side bar at page 4-5 sets out the point that the zoning is the reference point.

Prevailing Building Types and Lot Patterns

Many zoning by-laws currently permit only single detached houses. The type of dwellings permitted varies among geographic neighbourhoods and **these detailed residential use lists are contained in the established zoning by-laws, which will remain in place** and establish the benchmark for what is to be permitted in the future. **If, for example, an existing zoning by-law permits only single detached houses in a particular geographic neighbourhood and the prevailing**

building type in that neighbourhood is single detached dwellings, then the Plan's policies are to be interpreted to allow only single detached dwellings in order to respect and reinforce the established physical character of the neighbourhood, except where the infill development polices of Section 4.1.9 would be applicable....

The side bar is clear that if the by-law changes the permitted uses than the additional uses will be the standard not the prevailing building type. To make sure this is clear the sidebar should be amended to make the point.

RE 4.1.5 AND THE CLAIMED INTENT THAT TO PERMIT ADDITIONAL DWELLING TYPES THAT 4.1.5 C) AND 4.1.5 D) PROHIBIT MULTIPLEXES

If there is a concern that prevailing in 4.1.5 will override the zoning permissions, then amend 4.1.5 d). To clarify the point There is no need to delete 4.1.5 c) for multiplexes

4.1.5 presently reads:

5. Development in established Neighbourhoods will respect and reinforce the existing physical character of each geographic

neighbourhood, including in particular:

- a) patterns of streets, blocks and lanes, parks and public building sites;
- b) prevailing size and configuration of lots;
- c) prevailing heights, massing, scale, density and dwelling type of nearby residential properties;**
- d) prevailing building type(s);**
- e) prevailing location, design and elevations relative to the grade of driveways and garages;
- f) prevailing setbacks of buildings from the street or streets;
- g) prevailing patterns of rear and side yard setbacks and landscaped open space;**
- h) continuation of special landscape or built-form features that contribute to the unique physical character of the geographic neighbourhood; and**
- i) conservation of heritage buildings, structures and landscapes**

Bolded wording are the parts being changed re multiplexes.

RECOMMENDATIONS

Retain 4.1.5 c) but amend 4.1.5 d) to make it clear the zoning permissions prevail.

4.1.5 d) be amended to read

"4.1.5 d) When there is conflict between the uses permitted under the zoning by-law (planned context) and the prevailing dwelling types, the planned context will prevail.

Thus, there is no need to use a separate policy to achieve this goal. Certain proposed wording is better than the present wording in 4.1.5.

Amend 4.1. 5.g) to bring in the proposed wording from the proposed amendment from b.ii d) with a minor tweak to maintain the reference to side yard setbacks in 4.1.5.

g) maximizing contiguous soft landscaping within front, rear and side yard setbacks that is supportive of maintaining and expanding urban tree canopy;

[note change to draft wording is adding reference to side yards and landscaped open space were dropped suggest retain side yard be retained]

h) respecting and continuing special landscape or built-form features that contribute to the unique physical character of the geographic neighbourhood; and

[Note draft said "complementing" prefer retention of "continuing" found in the present 4.1.5 h) to remove any confusion]

i) conserving heritage attributes of significant built heritage resources and landscapes

[Note: the above wording appeared in the prior draft, and has been weakened in the new version.]

[Note: landscapes may not be viewed as being within built heritage resources. Cultural landscapes are important to indigenous groups and communities. A recent example is the removal of trees at Osgood Hall]

The items set out in ii to xi. are not found in the draft by-law and are mother hood issues. To be effective there must be a trigger such as a Committee of Adjustment Application set out in the special policy. Amend 4.1 by adding a new policy 4.1.12 dealing with Committee of Adjustment matters; including the aforesaid subclauses; however, "should" be replaced by "will" in regard to tree protection.

RECOMMEND adding to 4.1.5, a new clause dealing with Committee of Adjustment applications but amend the wording thereof by amending the proposed wording by

Deleting "multiplex" and replace with "dwelling type". Add to i) and ii) the the criteria set out in b) small Roman ii) to x). Inclusive. Add an additional clause to the effect that in the case of duplexes and triplexes that they be purpose built residential units.

DRAFT BY-LAW

Permitted Uses

As with the comments on the 0. P. Fourplexes and 4U should be deleted

RECOMMEND

Remove any reference to 4U or fourplex or fourplexes wherever they appear. Replace "4U" with "3U" mutatis mutandis.

Depth/length

Maintain 14 m for duplexes and triplexes.

In the alternate CORRA notes that in the former City of Toronto the minimum frontage was 6 m and the presumed depth of the lot was 30 m or less. Studies done for the development of the unlimited depth by-law and the prohibition of below grade garages noted that the vast majority of lots in the City of Toronto were 9 m or less and that most buildings were 35 to 45 feet.

RECOMMEND

Maintain 14 m for duplexes and triplexes.

In order to provide sufficient growing space for trees.

On smaller lots 17 m will negatively impact the area for soft landscaping and in turn reduce the ability to allow the expansion of the tree canopy.

In the alternate kept the 14m of duplexes and triplexes on smaller lots where the frontage is less than 9m or the depth is under 30m or both.

Note to remove any doubt, the recommendation of CORRA is that fourplexes should also be limited to 14m as are apartment buildings.

Oppose increase to 19 m since this is greater than the permission for private detached dwellings even in lots whose frontage is greater than 12 m as set out in 8 to 14 of the draft by-law.

Firstly in R zone (mostly the former City of Toronto on lots with frontage less than 12 m the maximum depth is 17m. Depth in the R zone is dealt with as being synonymous with

length. Given at the Public Meetings the Department indicated that he was intending to apply the depth provision for private detached dwellings. This is not doing that but significantly weakening the protections provided by the existing by-law.

Further is the department mathematically challenged.

Without agreeing that the proposal is appropriate one would have thought on lots less than 10 m the depth of the lot should be 40 m not 36, and on a frontage greater than 10 m should be 36 since the width would allow green space, assuming you did not also get rid of FSI. Given a narrower lot should have a greater depth than a wider lot.

This leads me to question, "Was the provision was written in haste rather than careful thought".

This provision is not compliant with the proposed Official Plan amendment that indicates protection of tree canopy is an important policy.

Further on lots where the frontage is greater than 12m and which permit 19 m deep buildings. The length of the main part of the building is limited to 17 m. with possibly a 2 m one storey bump out to the rear, not wider than half the width of the main structure. Here you will permit the main building in the last 2 m to be built to the maximum height and full width of the main structure.

This will significantly impact on issues of privacy, transition and overlook onto adjacent rear yards contrary to the draft Official Plan amendment.

Number of Storeys

RECOMMENDATION: Maintain present standards.

Note an exception can be made for basements for habitable space which would allow triplexes to be two stories above and one below. This would reflect the current situation for private detached dwellings.

Maximum Height

RECOMMENDATION: maintain existing height limits

In many areas the height limits were the result of studies involving detailed analysis which has not been done in this case. In Etobicoke there was a study done that resulted in an examination of the prevailing heights and a by-law was carefully crafted to prevent "monster Homes".

Removal of FSI

RECOMMENDATION: maintain FSI

The recommendation set out in 43 to 47 is a major deviation from the present fit of duplexes, triplexes and four plexes in existing R zones where they comply with the existing FSI which is why they are not as noticeable as the multiplexes would otherwise be allowed.

In the former City of Toronto, the by-law was based on a standard lot of 20 feet (6 m) by 100 feet (30 m). The minimum standards were based on that deemed size of a lot. The result was smaller dwellings on smaller lots, and larger dwellings on larger lots. The FSI put a limit to prevent an oversized dwelling that could in theory be erected meeting the minimums for a much smaller lot.

It also encouraged a range in the size of housing. Removing FSI will prove detrimental on several levels.

SUMMARY OF CORRA'S POSITION

- 1. Given the City is not allowing a second sober look by the OLT you should carefully examine the drafting and implications of removing of FSI and allowing lengths out of keeping with the existing depths and lengths of private detached dwellings.**
- 2. Further throughout the consultation process City staff indicated they were going to apply the standards of private detached dwellings to the multiplexes and not exceed them. As late of the last consultation, there was no mention in the draft by-law of the removal of FSI or permitting depths of 19 m. Thus many persons who participated in those A consultations were unaware of**

this until the revised draft documents were released last Thursday. At a minimum you should direct fresh consultations and full notice.

By William H. Roberts, Chair 2023/04/25