

Housing Action Plan: Incorporating Low-rise Residential Lands into Zoning By-law 569-2013 - Toronto and East York District - Final Report

Date: October 15, 2024

To: Planning and Housing Committee

From: Interim Chief Planner and Executive Director, City Planning

Wards: Ward 4 - Parkdale-High Park

Ward 9 - Davenport

Ward 10 - Spadina-Fort York

Ward 11 - University-Rosedale

Ward 12 - Toronto-St. Paul's

Ward 13 - Toronto Centre

Ward 14 - Toronto-Danforth

Ward 19 - Beaches-East York

SUMMARY

This report outlines the analysis, consultation process, and recommended zoning amendments to advance the first phase of work to incorporate low-rise residential lands in Toronto and East York District into Zoning By-law 569-2013 (the "City-wide Zoning By-law). Staff recommend bringing low-rise residential lands into the City-wide Zoning By-law with zoning standards that are consistent with the applicable former municipal zoning by-law, consistent with recent city-wide zoning amendments, and in conformity with the Official Plan. These properties had active zoning by-law amendment or site plan control applications in 2012 and were excluded from the City-wide Zoning By-law through the transition protocol.

This study is part of the on-going work to simplify and modernize the City-wide Zoning By-law, and to support consistent application of the City-wide Zoning By-law. Bringing these lands into the City-wide Zoning By-law will remove barriers, ease administration, and enable the creation of more housing as part of the Housing Action Plan. In addition, the recommended zoning by-law amendment will enable properties to take advantage of the removal of parking minimums and permissions for a broad range of "missing middle" housing permissions in support of the Housing Action Plan and its target of 285,000 homes over the next ten years.

City staff have completed the first phase of the study's work plan for the Toronto and East York district, by reviewing approximately 327 properties subject to former municipal zoning by-laws and assessing the appropriateness of each property for inclusion in the City-wide Zoning By-law. This report recommends approval of the

attached zoning amendments to incorporate approximately 190 low-rise residential properties into the City-wide Zoning By-law.

RECOMMENDATIONS

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

1. City Council amend Zoning By-law 569-2013, substantially in accordance with the draft Zoning By-law Amendment attached as Attachments 2a and 2b to this report.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment(s) as may be required.

FINANCIAL IMPACT

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

The Chief Financial Officer and Treasurer has reviewed this report and agrees with the information as presented in the Financial Impact Section.

EQUITY IMPACT STATEMENT

The City of Toronto recognizes that housing is essential to the inherent dignity and well-being of a person and to building sustainable and inclusive communities. Access to safe, good quality, and affordable housing is an important determinant of physical and mental health, and a fundamental goal of the City's Housing TO 2020-2030 Action Plan. Adequate and affordable housing is also a cornerstone of inclusive neighbourhoods, supports the environment, and improves the socio-economic status of individuals, families and communities as a whole.

The adequate provision of a full range of housing is a matter of Provincial interest and a key tenet of the City's Official Plan policies. The City's Housing Action Plan takes a multi-pronged approach to increasing housing supply, housing choice and affordability for current and future residents.

To this end, the proposed zoning by-law amendment will enable the full range of missing middle housing permission such as laneway suites, garden suites, and multiplexes and the new parking regime in low-rise residential zones. This will also ensure the consistent and equitable application of important city-building initiatives through the City-wide Zoning By-law.

Expanding housing options by facilitating intensification in existing communities is an important step towards enabling both market, non-market, and mixed housing production to exceed the provincial housing target of 285,000 new homes over the next 10 years.

This initiative supports the creation of a diverse range and mix of housing options to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes, leading to more equitable and inclusive communities.

CLIMATE IMPACT

In 2019, City Council declared a Climate Emergency for the purpose of "naming, framing and deepening our commitment to protecting our economy, our ecosystems and our community from climate change" (Item MM10.3). This was followed up more with the adoption of TransformTO Net Zero Strategy, which includes targets to achieve net-zero emissions in Toronto by 2040 (Item IE26.16).

Provincial policy, including the Provincial Planning Statement supports intensification and building "compact and complete communities" as a strategy to help reduce greenhouse gas emissions and plan more adaptive communities that are resilient to the impacts of climate change. Removing regulatory barriers to creating additional low-rise housing, including those within the City-wide Zoning By-law, is an important intensification strategy that promotes a more efficient use of land and resources. Density within built up areas supports low carbon transportation choices, such as walking, cycling, and public transit.

Intensification in Toronto also reduces the need for sprawl to accommodate our housing need in the region, helping to protect agricultural lands, water resources and natural areas. Increasing density in built up areas maximizes the use of existing infrastructure, which avoids carbon-intensive infrastructure built elsewhere. Smaller forms of infill building types, such as garden suites, multiplexes and low-rise apartments can be designed to achieve net zero operational emissions, and low carbon materials are readily available at this scale. These buildings are also more easily deconstructed and much of the existing material can be salvaged and reused. City Planning will continue to consider zoning changes to enable the full range of housing options in low-rise neighbourhoods using a climate impact lens.

DECISION HISTORY

Zoning By-law 569-2013, the City's city-wide comprehensive zoning by-law, was enacted on May 9, 2013.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.PG21.1>

As part of preparing Zoning By-law 569-2013, Planning and Growth Management Committee considered a transition protocol at its June 18, 2012 meeting to address the transition between the zoning by-laws of the former municipalities and the upcoming City-wide comprehensive zoning by-law.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.PG16.1>

On December 14, 2022, City Council adopted Item CC2.1-2023 Housing Action Plan. Recommendation 1 directed the City Manager to develop a Housing Action Plan for the 2022-2026 term of Council that will support the City in achieving or exceeding the provincial housing target of 285,000 new homes over the next 10 years. The Housing Action Plan is to include targeted timelines for the approval and implementation of a range of policy, program, zoning, and regulatory actions to increase the supply of affordable housing in support of complete communities.

<https://secure.toronto.ca/council/agenda-item.do?item=2023.CC2.1>

On March 21, 2023, Executive Committee received the Housing Action Plan 2022-26: Priorities and Work Plan Report, including work to simplify and modernize the City-wide Zoning By-law, and directed staff to report annually on its implementation.

<https://secure.toronto.ca/council/agenda-item.do?item=2023.EX3.1>

On November 8, 2023, City Council adopted Item EX9.3 Generational Transformation of Toronto's Housing System to Urgently Build More Affordable Homes, which included an update on the Housing Action Plan workplan items.

<https://secure.toronto.ca/council/agenda-item.do?item=2023.EX9.3>

At its meeting of January 29, 2024, the Planning and Housing Committee adopted a staff report regarding a proposed zoning framework to incorporate of low-rise residential lands in former general zoning by-laws, into the City-wide Zoning By-law. The report included recommendations to undertake a work program for each of the four districts, that included public consultation and preparation of a final report with zoning by-law amendments.

<https://secure.toronto.ca/council/agenda-item.do?item=2024.PH9.5>

BACKGROUND

Housing Action Plan

The Housing Action Plan (HAP) priorities for the 2022-2026 term of Council was approved by Council in December 2022, and sets targeted timelines for the approval and implementation of a wide range of actions, policies and programs to increase the supply of housing within complete, inclusive and sustainable communities with the critical infrastructure to support growth.

The various actions in the HAP focus on removing policy and zoning barriers to building housing; leveraging public lands to increase housing supply; preserving existing rental homes; supporting the development of a range of purpose-built rental homes (including market and non-market) through new and strengthened housing policies and programs; and supporting the community sector (including non-profit and co-op housing providers) to modernize and grow their stock.

POLICY & REGULATION CONSIDERATIONS

Planning Act

Section 2 of the *Planning Act* establishes matters of provincial interest to which City Council shall have regard in carrying out its responsibilities, including: the orderly development of safe and healthy communities; the adequate provision of a full range of housing, including affordable housing; the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians; and the appropriate location of growth and development.

Provincial Land-Use Policies

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the Provincial Policy Statement (2020) (PPS (2020)), and shall conform to provincial plans including A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) (Growth Plan (2020)), the Greenbelt Plan and others.

On October 20, 2024 the Provincial Planning Statement (2024) comes into effect and combines the PPS (2020) and the Growth Plan (2020) into a single policy document. As of October 20, 2024, all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the Provincial Planning Statement (2024) (PPS 2024) and shall conform to provincial plans including the Greenbelt Plan (2017) and others.

The PPS (2024) states that municipal official plans are the most important vehicle for implementation of the Provincial Planning Statement and for achieving comprehensive, integrated and long-term planning. The PPS (2024) further states that the zoning and development permit by-laws are also important for the implementation of the Provincial Planning Statement. Policy 6.1.6 directs that planning authorities shall keep their zoning and development permit by-laws up to date with their official plans and the Provincial Planning Statement by establishing permitted uses, minimum densities, heights and other development standards to accommodate growth and development.

The study helps to implement the policies of the City's Official Plan with respect to its key objectives. These include achieving the growth management strategy, through enabling the provision of full range of housing in terms of form for current and future residents, while also balancing incremental growth and maintaining physical character in the *Neighbourhoods*.

Official Plan

The City's Official Plan (2006) is founded on a growth management strategy which steers growth and change to some parts of the city, while generally limiting significant change in other areas. The Centres, Avenues, Mixed Use Areas, Regeneration Areas, Employment Areas and Institutional Areas absorb most of the anticipated increase in jobs and population.

The *Neighbourhoods* land use designation, which comprise 35.4 percent of the city's land area, are described as "stable but not static", with some physical change expected over time. *Neighbourhoods* are primarily made up of low-density residential uses in low scale building types, including detached houses, semi-detached houses, duplexes, triplexes and various forms of townhouses, as well as interspersed apartment buildings that are no higher than four storeys. Housing policies in Section 3.2 of the Official Plan state that "a full range of housing, in terms of form, tenure and affordability, across the city and within neighbourhoods, will be provided and maintained to meet the current and future needs of residents."

A key objective of the Plan is that new development be sensitive, gradual and "fit" the existing physical character to respect and reinforce the general physical patterns in *Neighbourhoods*. The Official Plan describes *Neighbourhoods* as primarily made up of low-density residential uses in low scale building types, including detached houses, semi-detached houses, duplexes, triplexes and various forms of townhouses, as well as interspersed apartments that are no higher than four storeys. Policy 4.1.5 further specifies that proposed development within *Neighbourhoods* will be materially consistent with the prevailing physical character of properties in both the broader and immediate contexts.

The recent Council-directed initiatives of Expanding Housing Options in *Neighbourhoods* ("EHON") and the Housing Action Plan have introduced policies which enable additional housing types and densities that address Official Plan objectives of wide range of housing types in manner that is gradual and sensitive to the surrounding context, and maintain the character of the *Neighbourhoods*. These additional housing types include multiplexes, garden suites, laneway suites, and multi-tenant houses, as well as small apartment buildings on Major Streets (under appeal)

Policy 5.3.1.1 of the Official Plan requires that municipal by-laws, including zoning by-laws conform to the Official Plan.

The Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

Zoning By-law 569-2013

On May 9, 2013, City Council enacted the City-wide Zoning By-law. The purpose of the new City-wide Zoning By-law was to harmonize 43 former municipal zoning by-laws from the pre-amalgamated city into one zoning by-law. The City-wide Zoning By-law comprehensively regulates all land uses, buildings and structures and applies to most of the City of Toronto. As some lands are not covered by the City-wide Zoning By-law, the comprehensive zoning by-laws from the former municipalities remain in effect on some lands in the city. A final order issued by the Ontario Land Tribunal on November 30, 2022, concluded outstanding appeals to the regulations in the by-law's Residential Zone Category.

Chapter 10 of the City-wide Zoning By-law applies to all lands, uses, buildings and structures in the Residential Zone category. The Residential Zone category permits uses generally associated with the *Neighbourhoods* designation in the Official Plan.

This zone category includes a range of low-rise residential zones including the Residential (R) Zone, Residential Detached (RD) Zone, Residential Semi-Detached (RS) Zone, Residential Townhouse (RT) Zone, and the Residential Multiple (RM) Zone.

Zoning By-law 569-2013 Transition Protocol

In preparing the City-wide Zoning By-law, City staff developed a transition protocol to assist with determining what lands should not be included in the City-wide Zoning By-law. The objective of the transition protocol introduced in June 2012 was to avoid confusion about the applicable zoning regulations and to minimise the potential inconvenience to property owners relating to which zoning regulations apply in certain situations.

In accordance with the protocol, lands that fell into at least one of the five following categories were excluded from the City-wide Zoning By-law:

- 1) Lands with a complete site-specific zoning by-law amendment application and no building permit had been issued.
- 2) Lands with a complete site plan control application and no building permit had been issued.
- 3) Lands subject to on-going secondary plan or other official plan area-wide study.
- 4) Lands regulated by an existing area-wide zoning by-law of a former municipality that was complicated and comprehensive.
- 5) Lands which zoning in the former municipal zoning by-law do not conform to the official plan.

The protocol was intended to be an interim measure to assist the orderly transition from the former municipal zoning by-laws to the City-wide Zoning By-law. The intent behind formulating the City-wide Zoning By-law was always that all of the lands in the City would be brought into City-wide Zoning By-law based on the review of their status.

Approximately 4 percent (20,300) of the City's 489,000 parcels are not part of the City-wide Zoning By-law. A range of zoning categories apply to these parcels, including Residential, Residential Apartment, Commercial Residential, Employment Industrial, and others.

COMMUNITY CONSULTATION

Public Consultation Meeting - Fall 2024

A virtual community consultation meeting was held on September 17, 2024, with approximately 15 people in attendance. A paper mailout of notices advising of the

meeting was sent to residents and property owners living in or owning lands in Toronto and East York district that are not in City-wide Zoning By-law.

Attendees were generally supportive of incorporating properties subject to this study, into the City-wide Zoning By-law. Questions and comments were raised at the meeting, with regards to implications of these properties being brought into the City-wide Zoning By-law including the following:

- benefits of incorporation;
- regulatory impacts on existing developments;
- servicing availability;
- flooding mitigation;
- the manner of incorporating the lands into the City-wide Zoning By-law;
- the overall work of bringing all lands (not just residential) into the City-wide Zoning By-law; and
- the interface with other City housing-building initiatives.

Residents also inquired about the study and its impacts on their properties, through emails and phone calls to City staff. No outstanding concerns or issues were raised that would alter the study approach or the recommended amendments.

Any relevant feedback will be used to inform this report.

COMMENTS

Zoning Framework and Phasing

Since the enactment of the City-wide Zoning By-law in 2013, lands have been brought into the Zoning By-law primarily on a piecemeal basis through site-specific zoning amendment applications. This study proposes a proactive approach to bringing low-rise residential lands from across the City, into the City-wide Zoning By-law with zoning permissions and standards consistent with surrounding properties already in the City-wide Zoning By-law. Staff have reviewed and evaluated all low-rise residential lands in the Toronto and East York district that had active zoning by-law amendment or site plan control applications in 2012 that were caught by the Transition Protocol and are now closed for incorporation into the City-wide Zoning By-law.

Staff conducted a review of approximately 327 low-rise residential properties in the Toronto and East York District, across eight wards (Wards 4, 9, 10, 11, 12, 13, 14, and 19). The review determined the appropriateness of incorporating each property into the City-wide Zoning By-law.

The majority of these properties were subject to the former City of Toronto Zoning By-law 438-86. Of the 327 properties, 33 properties were subject to either the former York Zoning By-law 1-83 or the former Borough of East York Zoning By-law 6752.

Methodology for Review of Low-Rise Residential Sites

The City-wide Zoning By-law is structured so that each of its constituent zone categories, with permitted uses and performance standards, is associated with a corresponding land use designation in the Official Plan. For instance, the Residential Zone Category in Chapter 10 of the City-wide Zoning By-law permits uses and building types associated primarily with the *Neighbourhoods* designation in the Official Plan.

Staff reviewed the Official Plan land use designation of each low-rise residential property, to ensure only lands designated *Neighbourhoods* were brought into the City-wide Zoning By-law through the recommended zoning amendment. Staff also confirmed if there were Site-and Area-Specific Policies ("SASP(s)") or active planning studies that would provide in-force or emerging policy direction beyond the intent and purpose of the *Neighbourhoods* designation. Properties with land use designations other than the *Neighbourhoods* designation or which were subject to policies which did not align with the *Neighbourhoods* designation, were excluded for incorporation into the City-wide Zoning By-law.

Staff reviewed and verified the status of the rezoning or site plan applications that originally excluded each property as part of the transition protocol. Properties with appealed or inactive applications were excluded from consideration for incorporation into the City-wide Zoning By-law.

Staff also confirmed if a property was subject to any active applications which sought minor variances to a former zoning by-law. Bringing a property with an active or new minor variance application to a former zoning by-law into the City-wide Zoning By-law could cause confusion, create interpretation issues, and delay development.

Of the approximately 327 properties reviewed, 137 properties were excluded for the following reasons; split Official Plan designations, complex site-specific framework, active development application(s), and Official Plan designation other than *Neighbourhoods*. Staff note that properties screened out of this study may be considered for future studies or initiatives where the scope is appropriate for incorporation into the City-wide Zoning By-law.

Approximately 190 properties are recommended for inclusion into the City-wide Zoning By-law through the accompanying zoning amendments. Attachments 1a to 1h depict the locations of these properties in each ward. The properties to be included in the City-wide Zoning By-law range from single sites to cluster of sites comprising of multiple properties. There are approximately 19 clusters that consist of multiple properties, with the largest cluster consisting of 45 properties.

Recommended Zoning By-law Amendment

This report recommends amendments to the City-wide Zoning By-law to incorporate low-rise residential properties based on the methodology and screening process described above. The proposed amendments generally assign a residential zone and performance standards consistent with adjacent low-rise residential lands in the City-wide Zoning By-law.

City staff have prepared 81 draft zoning by-law amendments, for the 190 properties to be included into the City-wide Zoning By-law. Performance standards which were assigned in the zone label include permitted maximum density (through a value with the letter "d") and minimum required lot area (through a value with the letter "a"), and lot frontage (through a value with the letter "f").

To incorporate lands into the City-wide Zoning By-law, each property must also be added to the Overlay Maps found in Chapter 995 of the By-law. Permissions for maximum permitted height were applied through adding properties to the Height Overlay Map and applying a permitted maximum height through a value with the letters "HT".

Where there are approvals in the form of site-specific amendments, minor variances, and other related planning instruments, each draft zoning by-law amendment carries forward these permissions through transition clauses or an exception in the zone labels. and will continue to apply to properties after they are incorporated into the City-wide Zoning By-law.

The recommended zoning by-law amendments are included in this report as Attachments 2a and 2b.

Conclusion

The incorporation of low-rise residential lands into the City-wide Zoning By-law will simplify and modernize the City-wide Zoning By-law for low-rise residential zones. In addition, the recommended zoning by-law amendment will remove barriers, ease administration and enable the creation of more housing, thereby supporting the Housing Action Plan in meeting or exceeding the provincial housing target of 285,000 new homes over the next 10 years.

The recommended zoning by-law amendments contribute to the consistent and equitable application of important city-building initiatives, such as recent housing regulations for missing middle housing and the removal of parking minimums, to more lands within Toronto.

Additional zoning amendments to bring low-rise residential properties into the City-wide Zoning By-law for North York, Etobicoke and Scarborough will be advanced in 2025. Staff expect to complete work and consultation for North York District and bring zoning by-law amendment recommendations for the end of first quarter of 2025.

CONTACT

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SIGNATURE

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Interim Chief Planner and Executive Director
City Planning Division

ATTACHMENTS

Attachments 1a-1h: Maps of Incorporated lands by Ward
Attachments 2a-2b: Draft Zoning By-law Amendment

Attachment 1a: Map of Incorporated lands in Ward 4



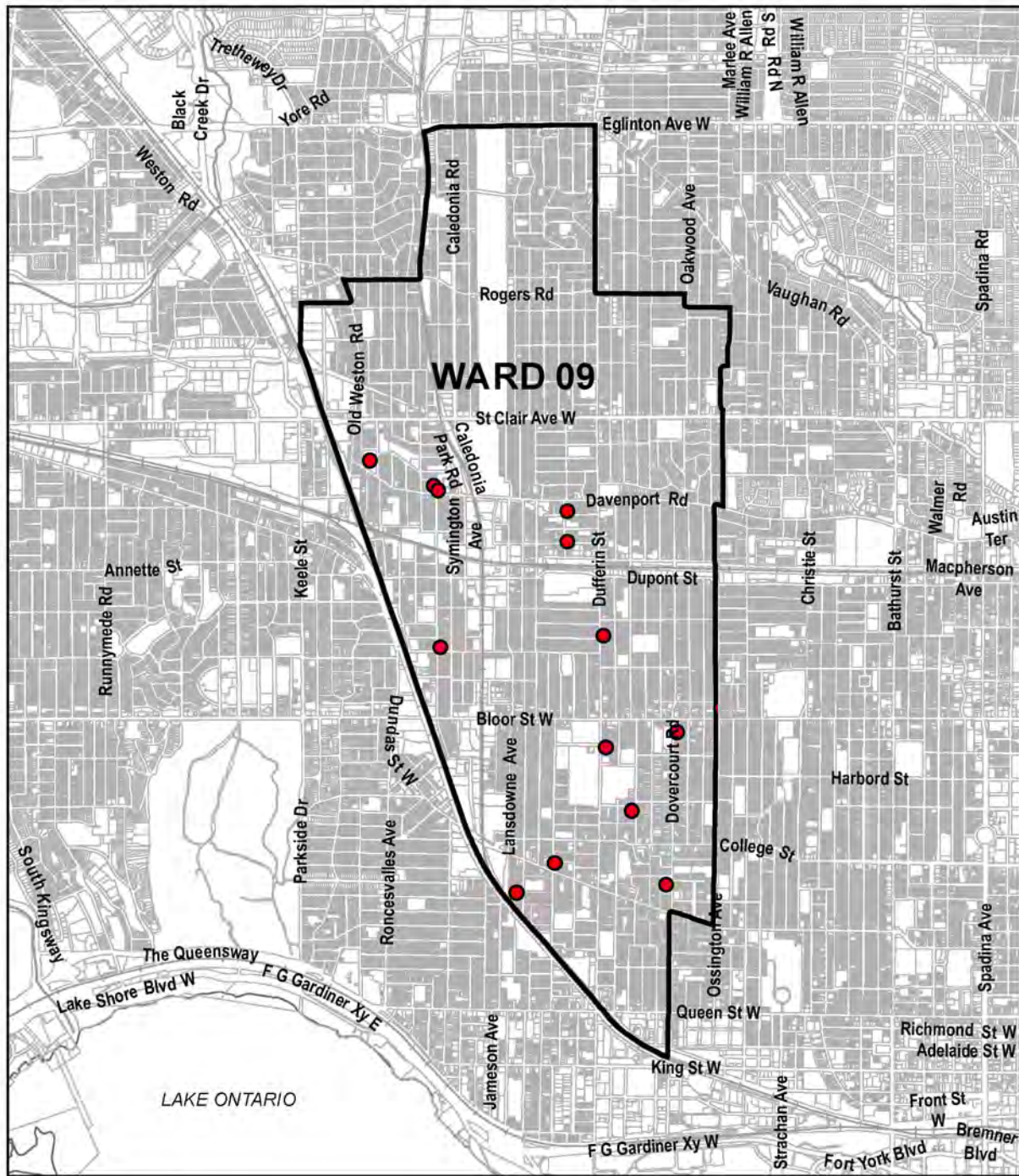
Housing Action Plan: Incorporating Low-rise Residential Lands into Zoning By-law 569-2013 - Toronto and East York District

Ward 4
Parkdale-High Park

- Subject Sites
- Ward boundaries

City of Toronto By-law 569-2013
 Not to Scale
 10/01/2024

Attachment 1b: Map of Incorporated lands in Ward 9



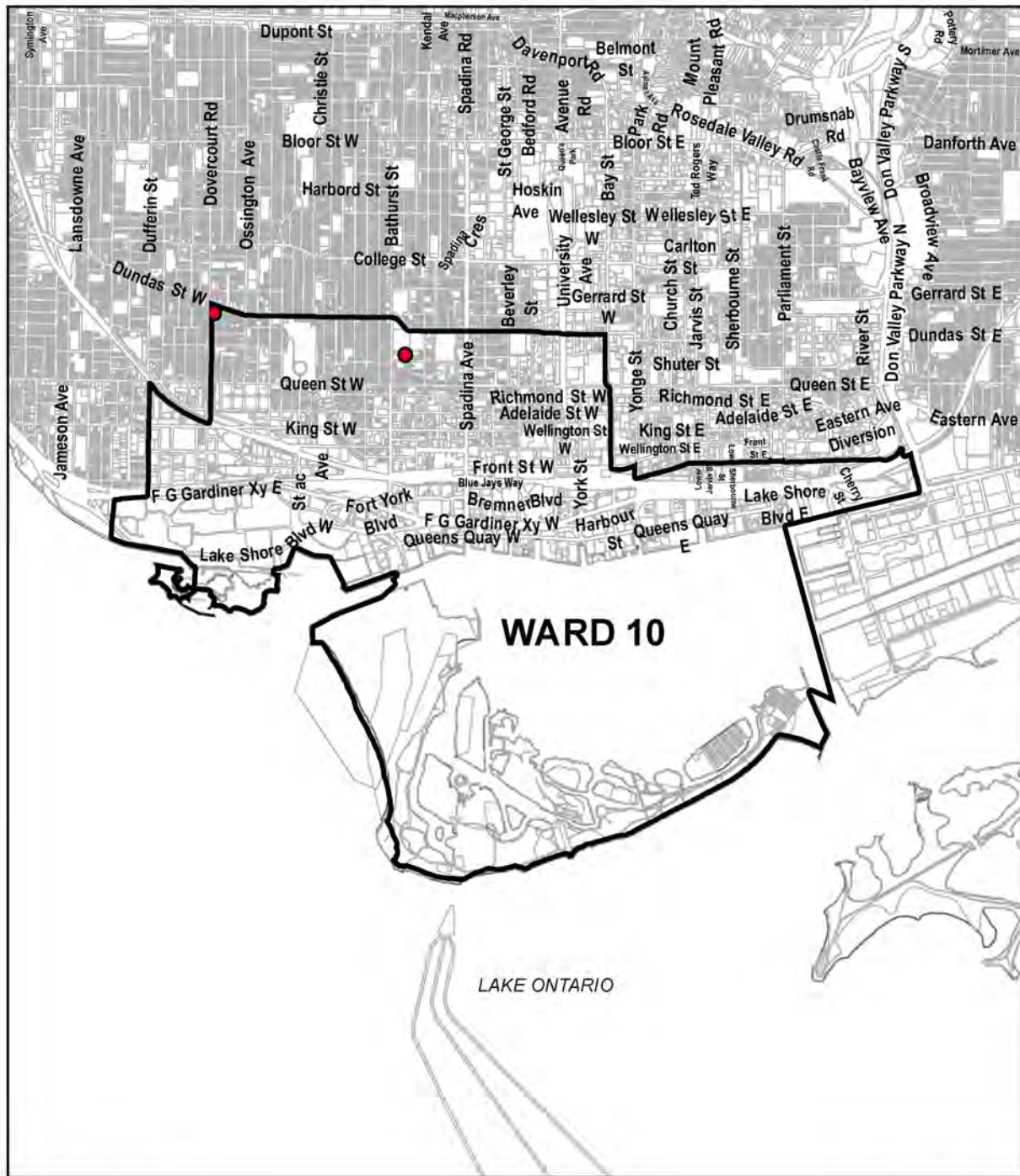
Housing Action Plan: Incorporating Low-rise Residential Lands into Zoning By-law 569-2013 - Toronto and East York District

Ward 9
Davenport

- Subject Sites
- Ward boundaries

City of Toronto By-law 569-2013
 Not to Scale
 10/01/2024

Attachment 1c: Map of Incorporated lands in Ward 10



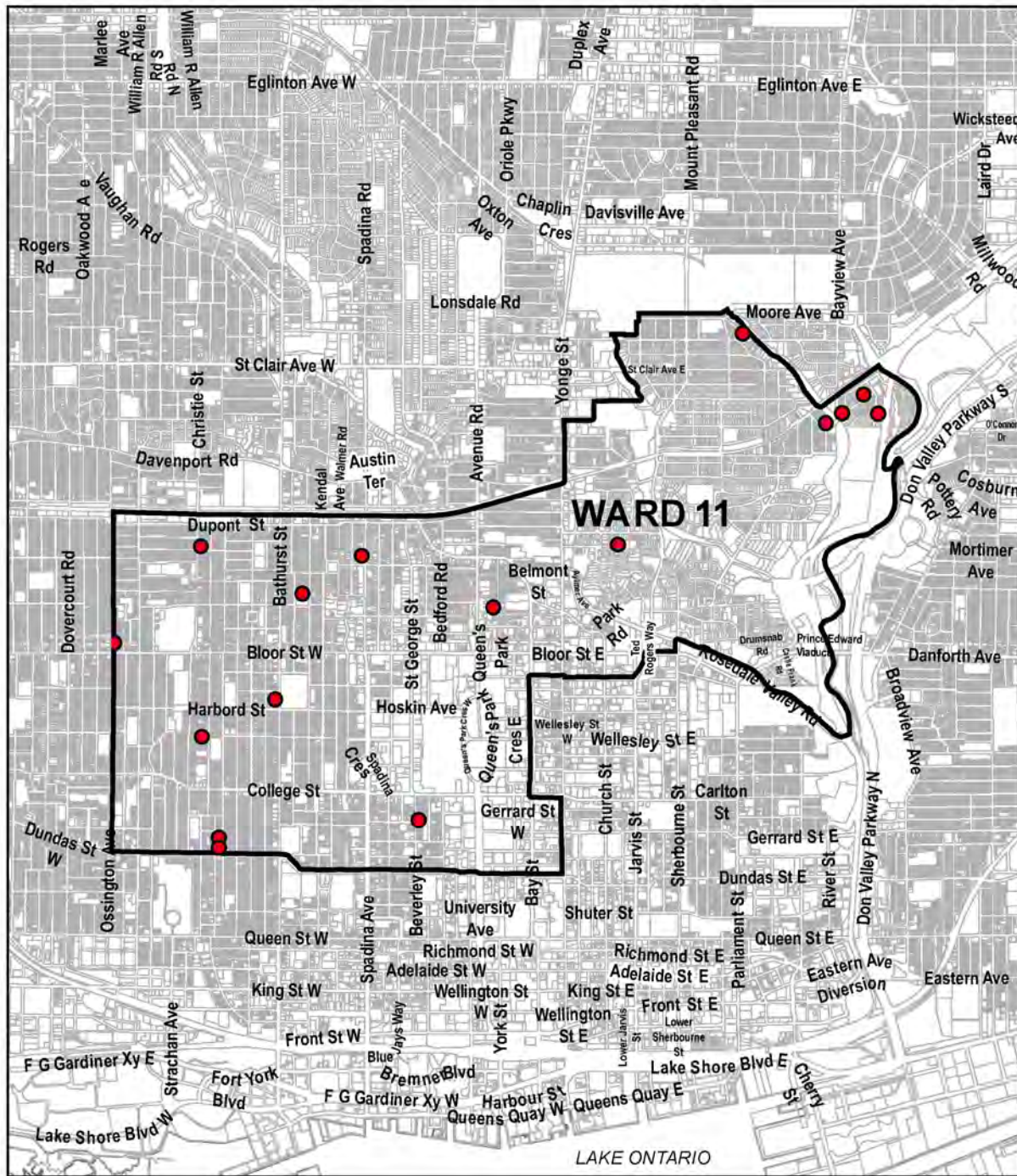
Housing Action Plan: Incorporating Low-rise Residential Lands into Zoning By-law 569-2013 - Toronto and East York District

Ward 10
Spadina-Fort York

- Subject Sites
- Ward boundaries

City of Toronto By-law 569-2013
 Not to Scale
 10/01/2024

Attachment 1d: Map of Incorporated lands in Ward 11



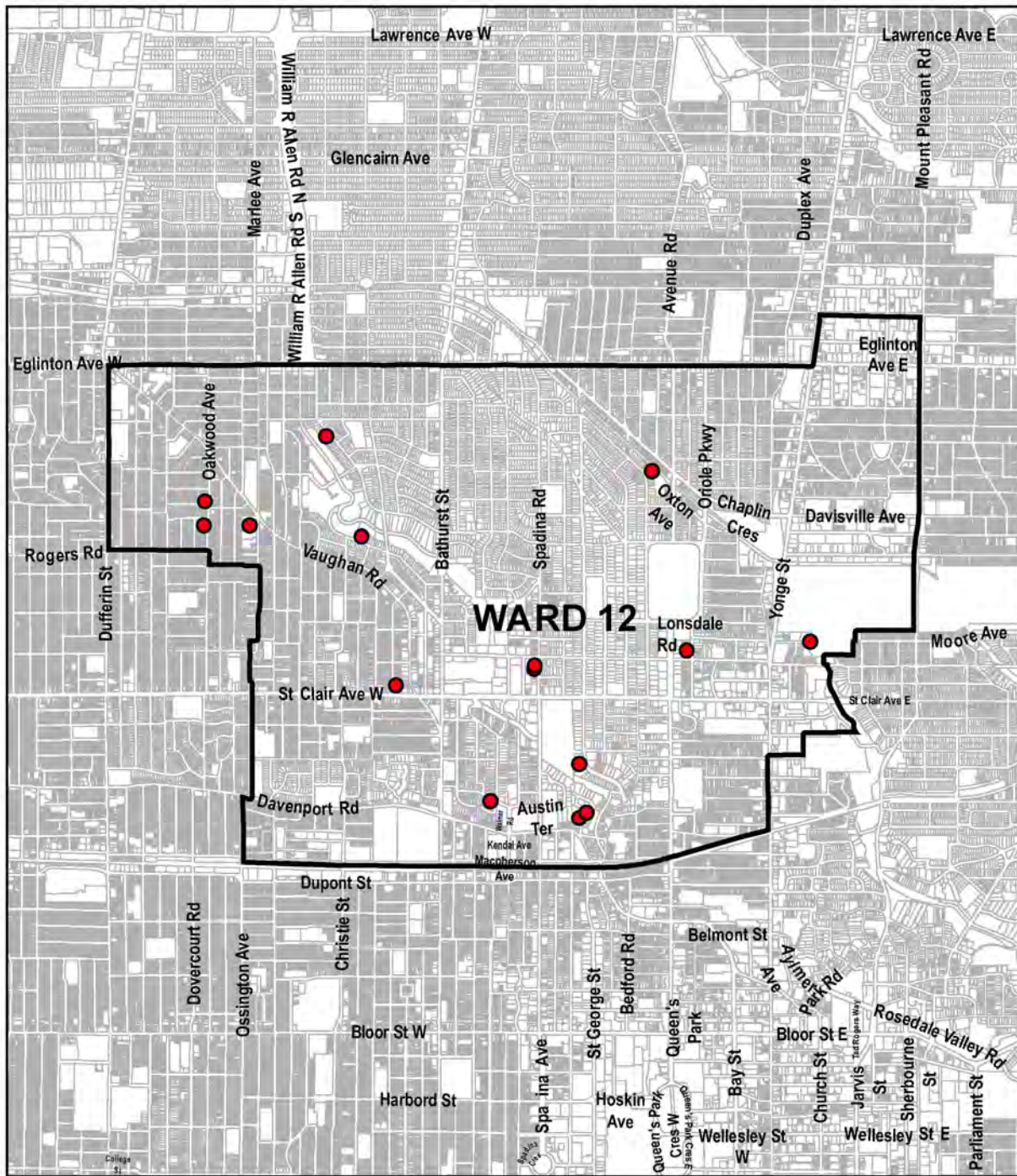
Housing Action Plan: Incorporating Low-rise Residential Lands into Zoning By-law 569-2013 - Toronto and East York District

Ward 11
University-Rosedale

- Subject Sites
- Ward boundaries

City of Toronto By-law 569-2013
 Not to Scale
 10/01/2024

Attachment 1e: Map of Incorporated lands in Ward 12



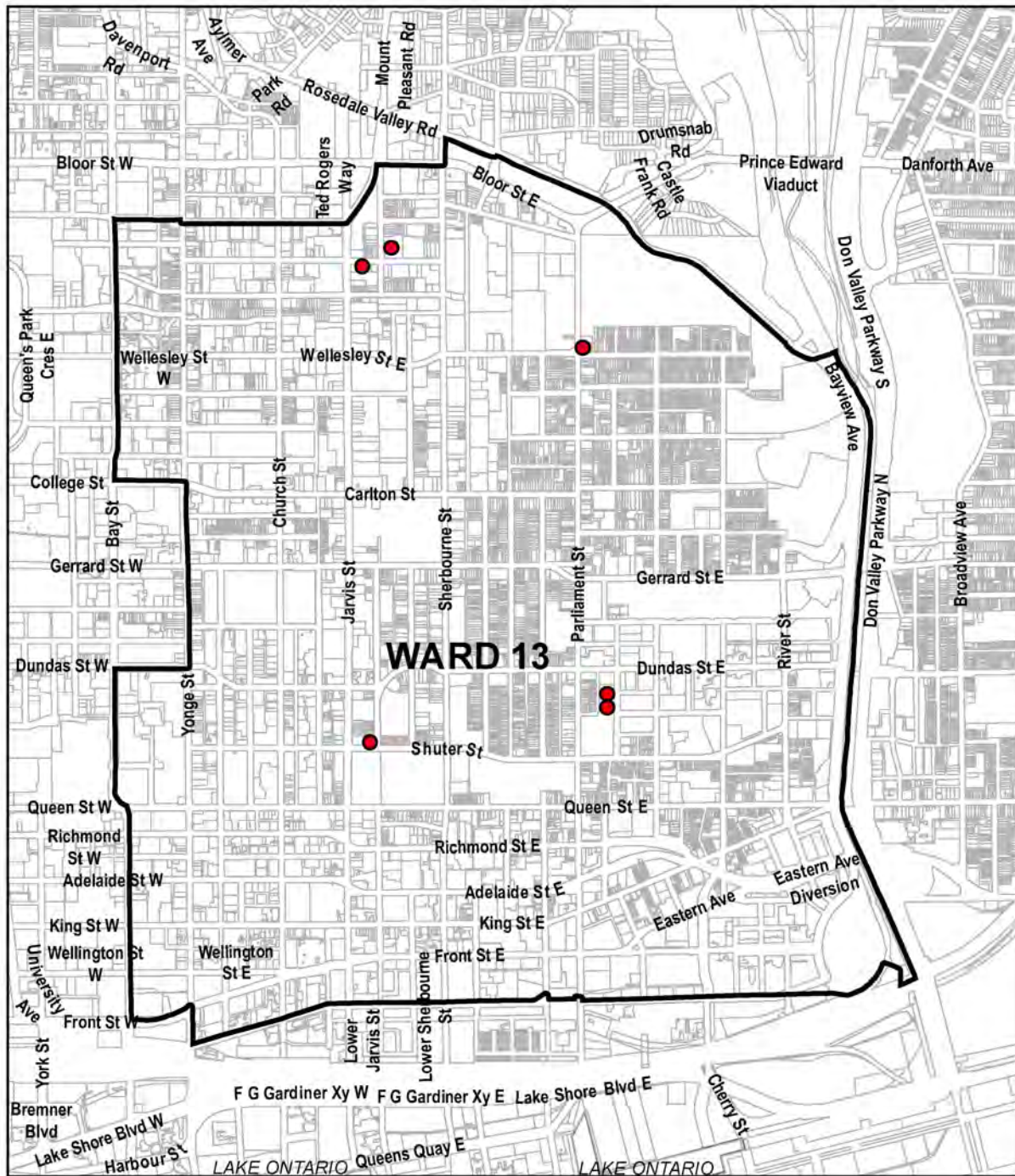
Housing Action Plan: Incorporating Low-rise Residential Lands into Zoning By-law 569-2013 - Toronto and East York District

Ward 12
Toronto-St. Paul's

- Subject Sites
- Ward boundaries

City of Toronto By-law 569-2013
 Not to Scale
 10/01/2024

Attachment 1f: Map of Incorporated lands in Ward 13



Housing Action Plan: Incorporating Low-rise Residential Lands into Zoning By-law 569-2013 - Toronto and East York District

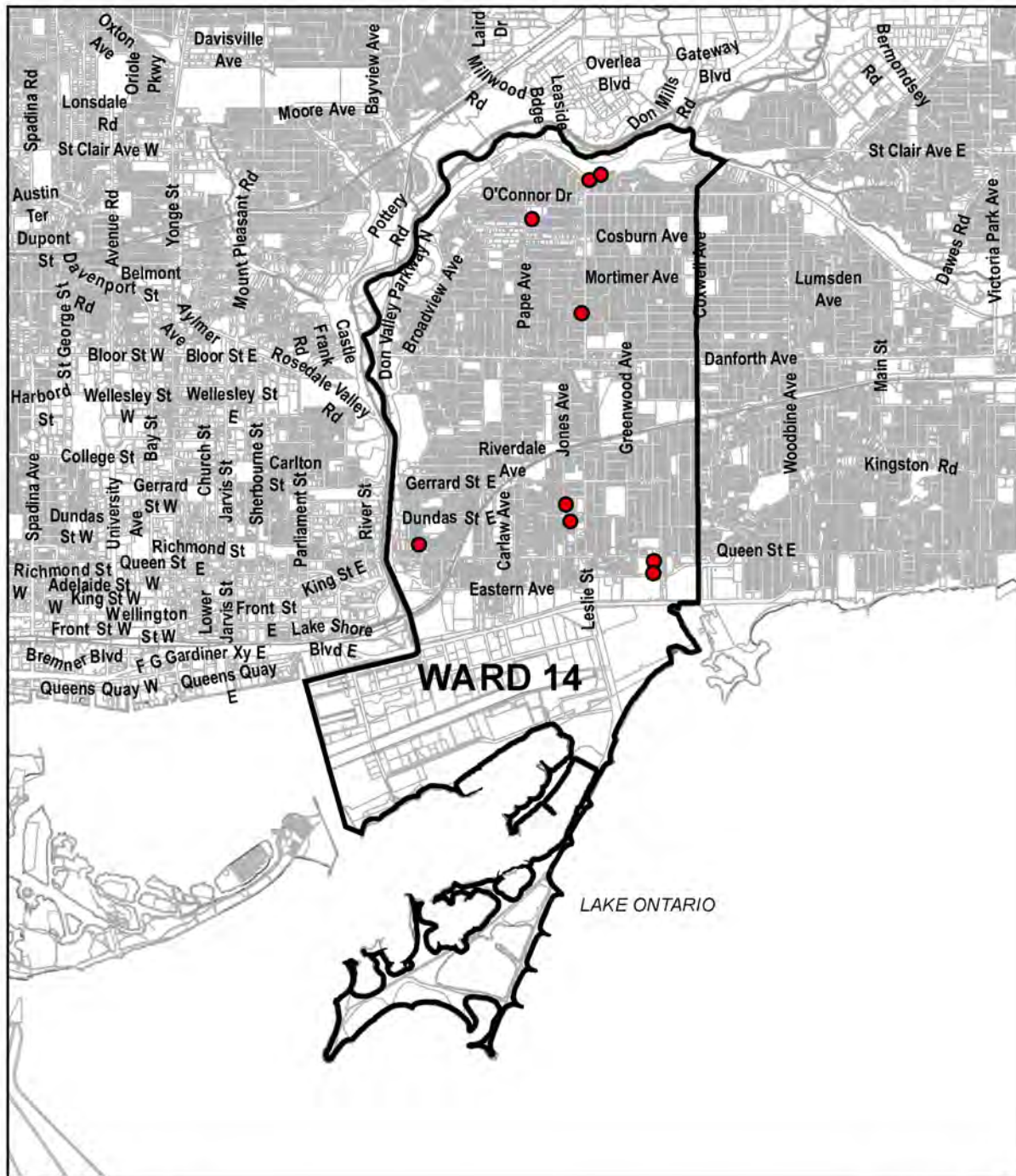
Ward 13
Toronto Centre

- Subject Sites
- Ward boundaries



City of Toronto By-law 569-2013
Not to Scale
10/01/2024

Attachment 1g: Map of Incorporated lands in Ward 14

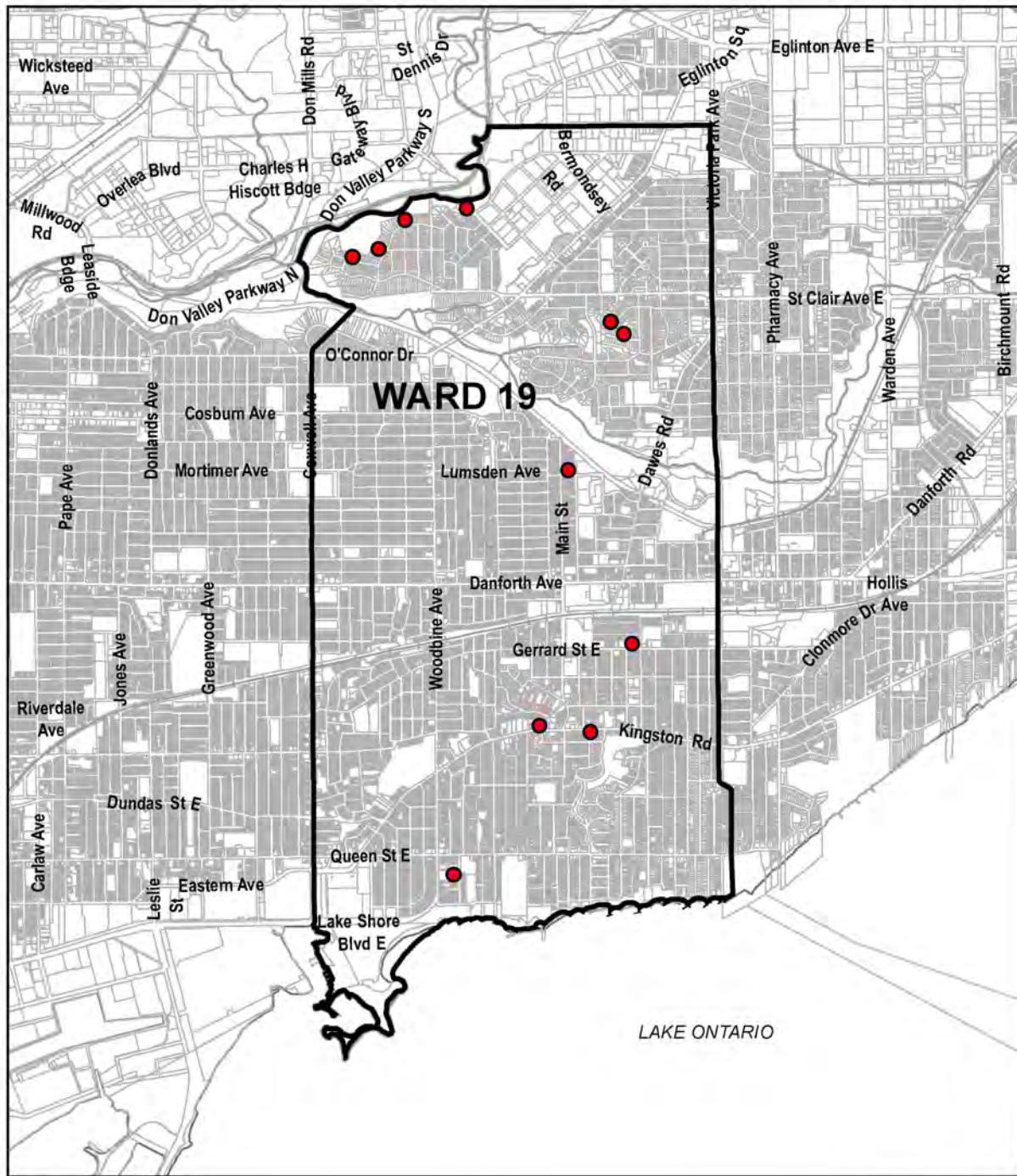


Housing Action Plan: Incorporating Low-rise Residential Lands into Zoning By-law 569-2013 - Toronto and East York District

Ward 14
Toronto-Danforth

- Subject Sites
- Ward boundaries

City of Toronto By-law 569-2013
 Not to Scale
 10/01/2024



Housing Action Plan: Incorporating Low-rise Residential Lands into Zoning By-law 569-2013 - Toronto and East York District

Ward 19 Beaches-East York

- Subject Sites
- Ward boundaries

City of Toronto By-law 569-2013
 Not to Scale
 10/01/2024

Attachments 2a-2b: Draft Zoning By-law Amendment

See the appending document separate to this report.