

December 2, 2025

Planning and Housing Committee
City of Toronto
100 Queen St. W., 13th Floor
Toronto, Ontario M5H 2N2

RE: PH26.2 - Growing Space for Trees: Protecting and Enhancing the Tree Canopy While Supporting Infill Housing and Addressing Concerns with Iceberg Homes - Recommendation Report – Item 26.2

I am a Land Use Planner who has worked for more than a dozen of my twenty-five year career as a planner on small-scale development projects, with a particular interest and focus on low-rise multiplexes in Toronto. I have been engaged with the EHON initiative from the start, and work on many projects that seek to create more housing in all 4 districts in the city. I'm writing with respect to several aspects of the Planning staff report on this item.

First, I would like to express a general comment. The item says that this effort to protect trees is being done “While Supporting Infill Housing”. There is nothing in the proposed zoning by-law amendment that actually does this. There is no “give” to support infill housing. All the zoning by-law amendment does it *remove* permissions. The Official Plan Amendment that purports to support additional flexibility does not recognize the reality of actually trying to get minor variances approved at the Committee of Adjustment.

Specific Provisions

Swimming Pools

The zoning by-law amendment make a significant change to soft landscaping in backyards of homes in Toronto, by removing swimming pools from the soft landscaping calculations. I don't have an inherent problem with this. However, if pools are now to be considered hard landscaping (which they will be since it can only be hard or soft), there was no corresponding reduction in the amount of overall soft landscaping being required for a property with a pool. This will have a significant impact in the ability to actually construct a pool in Toronto without *significant* minor variances being required for rear yards. Has the effect of this proposed change been design tested against various lot sizes in Toronto? There is no evidence from the staff report that this has occurred.

Iceberg Houses

This proposed change largely seems to be a solution in search of a problem, given how rarely such a design is sought in Toronto and it is one that is easily dealt with at the Committee of Adjustment (where I have seen them regularly refused). I would recommend one proposed change, which would not generate any impacts and would support the provision of housing:

Allow basement extensions for multiplexes up to the permitted rear deck projection length/depth. The zoning by-law already permits rear decks to extend forward and rearward of the main walls, and the area below them are not considered soft landscaping, even where there is grass below it.

Allow this space to be a basement extension in a multiplex condition to create more space for the unit(s) that have habitable space in the basement. This is already a variance that is routinely approved by the Committee of Adjustment, and allowing it as of right would reduce the number or scale of variances needed to create housing.

Soft Landscaping

There is a suggestion from the staff report that permeable materials be allowed to be counted towards a portion of the soft landscaping requirements of the zoning by-law. The staff report says that the intent of the soft landscaping requirement is:

“...to ensure provision of growing space for a healthy tree canopy and other vegetation. Trees and vegetation, and the associated growing space, help absorb stormwater at the source, reduce the urban heat island effect, and support biodiversity by providing refuge, habitat and foraging areas for insects, birds and small animals, and provide aesthetic and health benefits.”

This description downplays the intent of the requirement to help absorb stormwater and reduce rain run off of properties into surrounding properties. This is one of the primary, not secondary, reasons to have a soft landscaping requirement: it is a municipal engineering consideration. Allowing permeable pavers count towards a portion of the soft landscaping percentage would not be contrary to the water sequestration intent of the soft landscaping zoning requirement. It should, of course, not be permitted to be *all* of the requirement, because doing so would not support the other described purpose of the requirement.

I have many times sought, and received, approval for soft landscaping variances for new housing in Toronto. In the vast majority of the time, approval of such variances are subject to a condition that “permeable pavers be used to the extent possible” (or words to that effect). The Committee of Adjustment is *already implementing this proposed provision*, just without any direction from Planning or from the zoning by-law.

Homes have walkways, and rear patios, and, yes, parking spaces. Providing direction through the zoning by-law that a portion of it can be permeable pavers will reduce the number of variances being required, and will support the engineering intent of the soft landscaping requirement. Limitations could be put in place where, for example, it could not be used within a required tree protection zone or it could be limited to only rear yards or it could not be used for a parking space. I would note that the city requires zero percent of a parking space surface be permeable.

I would ask if in making the recommendation in this item if staff has reviewed how soft landscaping variances are handled currently by the Committee of Adjustment, in particular how permeable paver conditions are imposed (again, there is no suggestion from the staff report that this occurred)?

Tree Protection Sizes

Of additional concern is the suggestion in the report that consideration is being given to reducing the size of privately owned trees which would trigger protection and permits. This is a significant change and will directly impact the provision of housing in Toronto. The current tree regulations already do this. When variances are sought by applicants where trees are to be saved, at the expense of generating more and larger variances, very often there is no direction from staff to the Committee of Adjustment to recommend approval of such variances (which could be significant).

This proposed change also does not acknowledge the difficulties of actually discussing proposals with Urban Forestry staff until minor variances are approved in the first place. Currently, Urban Forestry staff *will not discuss minor variances with applicants in the draft stage* (and that's the response when you can reach anyone at all). There is little to no willingness from staff to engage with applicants about trees until variances are approved (and this is especially bad when they then also recommend refusal of variances because of trees).

And while this should go without saying, it is worth noting that the city has a tree replacement policy of 3 new trees for each tree that is removed. We can, and do, plant new trees. And these new trees will, over time, remove *more* carbon from the air than will a tree that has reach maturity and is not growing anymore. Unless Urban Forestry and Planning staff is more actively engaged in supporting projects (not just not commenting on proposals or recommending standard tree permit conditions), then the only outcome will be continued impacts on the provision of housing, regardless of what the staff report says in the intent of the potential changes.

Conclusion

In my opinion, the proposed changes will not support the provision of more infill housing, and will create additional impediments that could undo the positive changes that have occurred in recent years. There do not appear to be any aspects of the proposals that make concessions to compensate for the additional restrictions.

Kindest regards,
GALBRAITH & ASSOCIATES, INC.

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