



REPORT FOR ACTION

Expanding Housing Options in Neighbourhoods – Garden Suites – Final Report

Date: December 21, 2021

To: Planning and Housing Committee

From: Chief Planner and Executive Director, City Planning

Wards: All

SUMMARY

This report recommends establishing a planning framework to permit garden suites on lands within the City of Toronto that are designated as Neighbourhoods by amending both the Official Plan and City-wide Zoning By-law.

A “garden suite” is an additional self-contained living accommodation, usually located in the rear yard, but not on a public lane, and is separate or detached from the main house. Garden suites are generally smaller than the main house on the lot and are intended to function as rental housing as well as accommodation for a variety of types of households. The Garden Suites Study is part of the Expanding Housing Options in Neighbourhoods (EHON) work program.

The proposed garden suite regulations detailed in this report respond to amendments to the Planning Act made in 2011 and 2019, which require that a City's Official Plan contain policies that authorize the use of additional residential units in detached, semi-detached and rowhouses, and in a building or structure ancillary to those residential building types on the same lot.

Garden suites are a new form of rental housing, multi-generational housing, and an option for aging in-place, for current and future residents of Toronto. The proposed Official Plan and Zoning By-law amendments represent part of an appropriate, sensitive, and gradual evolution of Neighbourhoods. The proposed amendments are rooted in the fundamental principles to create complete communities and provide a full range of housing in terms of form, tenure, and affordability for residents across the city, in a form that makes efficient use of land. The proposed amendments acknowledge the Official Plan's objective that physical change to Neighbourhoods will be gradual, and that new development be consistent with the scale of buildings that already exist across the city's Neighbourhoods.

City Planning staff recommends the approval of the Official Plan and Zoning By-law Amendments to permit garden suites in Neighbourhoods across the City of Toronto.

RECOMMENDATIONS

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

1. City Council amend the Official Plan substantially in accordance with the draft Official Plan Amendment 554 appended as Attachment 1 to this report.
2. City Council amend Zoning By-law 569-2013, as amended, substantially in accordance with the draft Zoning By-law Amendment appended as Attachment 2 to this report.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and Draft Zoning By-law Amendment as may be required.
4. City Council direct the Chief Planner and Executive Director, City Planning, to monitor the implementation of the proposed Official Plan Amendment 554, in Recommendation 1 above, and the proposed Zoning By-law Amendment in Recommendation 2 above, and to report to Planning and Housing Committee following the earlier of two (2) years following the date the proposed Official Plan Amendment 554, in Recommendation 1 above, and the proposed Zoning By-law Amendment, in Recommendation 2 above coming into full force and effect, or following the issuance of the 200th building permit for the construction of new garden suites, to review and recommend any necessary revisions to the policy, zoning, and/or other changes to improve implementation.
5. City Council direct the Executive Director, Housing Secretariat to expand the current Affordable Housing Laneway Suites Program to include garden suites, on the same terms and conditions of laneway suites under the current program, to be funded through the Ontario Priorities Housing Initiative and to be available to eligible applicants on a city-wide basis.
6. City Council amend Chapter 415, Article III, 415-30, Subsection A(4) of the Municipal Code by adding the words ", or the creation of 1 Garden Suite" after the words "Creation of 1 additional dwelling unit in an existing residential building or the creation of 1 Laneway Suite, or the creation of 1 Garden Suite" so that it now reads as follows:

"(4) The addition of one additional dwelling unit in an existing residential building, or the addition of one Laneway Suite on a lot, or the addition of one Garden Suites on a lot, which exemption, for greater clarity, shall be given once, for the addition of only one additional dwelling unit on the lot."
7. City Council direct the General Manager, Parks, Forestry, and Recreation to refuse, at the General Manager's discretion, a permit to injure or destroy a tree protected under Municipal Code Chapters 608, 658, or 813, Parks received in relation to a building permit application to construct a garden suite, and to advise the applicant to meet with City Planning and Urban Forestry staff as appropriate to consider how the location,

massing and design of the proposed suite can be amended to protect the By-law protected tree in question.

FINANCIAL IMPACT

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

A future request for additional staff resources may be made by the Housing Secretariat through the 2023 budget process after an analysis of the impact of the expansion of the current Laneway Suites Programs, as approved by City Council, to include Garden Suites.

The Chief Financial Officer and Treasurer has reviewed this report and agrees with the financial impact information.

EQUITY IMPACT

The City of Toronto recognizes that housing is essential to the inherent dignity and well-being of the 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 the cornerstone of inclusive neighbourhoods, supports the environment, and improves the socio-economic status of individuals, families, and communities as a whole. The Toronto Seniors Strategy identifies the need to create housing to facilitate aging in place across the City as part of the Housing TO Action Plan.

As Toronto looks to rebuild and recover after COVID-19, the Expanding Housing Options in Neighbourhoods initiative can directly advance recommendations laid out in the Towards Recovery and Building a Renewed Toronto report. Specifically, Recommendation 68 of the report calls on the City to apply the principle of "build back better" to land use planning and to improve the city's overall built form by prioritizing gentle density that places greater emphasis on a mix of building types and uses – including low-rise residential, retail and services – and that supports transit use.

Expanding housing options in neighbourhoods is an important step towards increasing and accelerating the creation of a diverse range and mix of housing options, including additional units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes. The initiative will broaden access to parks, schools, local institutions and small-scale stores and shops within the city's low-rise neighborhoods.

As part of the Expanding Housing Options in Neighbourhoods initiative, staff will be engaging with equity-deserving and marginalized groups and organizations including persons with disabilities, low-income households, Black and racialized groups, vulnerable seniors, women, and youth. Staff will also be engaging with Indigenous peoples as rights holders and original stewards of Tkaronto.

CLIMATE IMPACT

The TransformTO Net Zero Strategy (2021) provides a comprehensive approach to achieving Toronto's goal of net zero greenhouse gas emissions by 2040. The report sets out the need for bold action to transform the City's urban systems - buildings, energy, transportation and waste - to meet the 2040 target.

Permitting garden suites helps reduce GHG emissions through the efficient use of land and resources. Density within the built-up area enables low carbon transportation choices, such as walking, cycling, and public transit. Housing built in Toronto also reduces sprawl and reduces transportation-driven GHG emissions regionally. Density enables the use of existing infrastructure, which avoids carbon-intensive infrastructure built elsewhere. Smaller buildings such as garden suites, and units within multiplex buildings, such as multiplex housing and low-rise apartments, can more easily 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. The City Planning Division will continue to consider missing middle housing approaches as part of the Expanding Housing Options in Neighbourhoods work plan through a climate impact lens, specifically working towards more efficient land use and mitigating impacts on the City's soft landscaping and water permeable areas and tree canopy.

RELEVANT DECISION HISTORY

On June 26, 2018, City Council adopted Official Plan Amendment 403 (OPA 403), which added Site and Area Specific Policy 546 (SASP 546) to the Toronto and East York geography in the Official Plan, and Zoning By-law 810-2018, which also applies to the Toronto and East York geography excepting the residential zones in the Ramsden Park, Asquith-Collier, and Yorkville neighbourhoods. The amendments permit secondary suites in ancillary buildings adjacent to public lanes. As part of this Decision, City Council also directed City Planning to consider permissions for laneway suites on appropriate properties without laneways within the Toronto and East York Community Council boundaries.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.TE33.3>

On July 23, 2018, City Council adopted Official Plan Amendment (OPA) 418 to encourage the creation of second units to increase the supply and availability of rental housing within neighbourhoods across the city.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.PG31.4>

On July 16, 2019, City Council adopted the Official Plan and Zoning By-law amendments permitting Laneway Suites in R, RD, RS, RT and RM zones under Zoning By-law 569-2013 across the City, excepting the residential zones in the Ramsden Park, Asquith-Collier, and Yorkville neighbourhoods.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.PH7.1>

On July 28, 2020, City Council endorsed the Expanding Housing Options in Neighbourhoods (EHON) Work Plan Report and endorsed City Planning proceeding with several priority initiatives in 2020-2021, including developing permissions for new types of accessory housing such as garden suites.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.PH15.6>

On December 8, 2020, Planning and Housing Committee endorsed the Expanding Housing Options in Neighbourhoods – Garden Suites Review Report and requested City Planning to prepare recommendations to permit garden suites.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.PH19.4>

On June 28, 2021, Planning and Housing Committee endorsed the Expanding Housing Options in Neighbourhoods – Garden Suites Proposals Report and requested City Planning use the draft regulations as the basis for further community and stakeholder consultation and report to bring a final report detailing Official Plan and Zoning By-law amendments to permit garden suites to Planning and Housing Committee.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.PH25.15>

On December 15, 2021, City Council adopted Zoning By-law amendments related to the Laneway Suites review and monitoring work. Council also directed City Planning, Urban Forestry, Toronto Buildings, and Environment and Energy staff to report to Planning and Housing Committee in the first quarter of 2023 regarding potential strategies to protect and enhance the City's tree canopy and growing space, while also supporting infill housing growth in the City's Neighbourhoods.

PROPOSAL: GARDEN SUITES

As part of the Expanding Housing Options in Neighbourhoods (EHON) work program the Garden Suites Study is recommending Official Plan policies and as-of-right zoning permissions for additional residential units in an ancillary building (“garden suites”) located on residential properties not abutting a public lane within low-rise neighbourhoods city-wide.

Garden suites are sometimes referred to by other names such as coach houses. However, they are all effectively the same idea – an ancillary building with a self-contained residential unit located in the rear yard of a detached house, semi-detached house, townhouse, or other low-rise residential building. It is generally smaller in scale than the main house and may function as a separate rental housing unit.

Garden suites are similar in form and function to laneway suites, which are currently permitted across the city in low-rise residential zones and defined in city-wide Zoning Final Report - Expanding Housing Options in Neighbourhoods - Garden Suites

By-law 569-2013. A laneway suite is an additional residential unit located in an ancillary building on a lot abutting a public laneway. To avoid any confusion between terms, the City considers a residential unit in an ancillary building abutting a public lane to be a laneway suite, and is proposing that all other residential units in an ancillary building be a garden suite.

As part of the Garden Suites Study, staff considered the variety in lot patterns and residential building types and conditions that exist throughout the city, as well as the challenges that introducing an additional residential unit into rear yards may present. The Garden Suites Study recommends Official Plan and Zoning By-law amendments to permit garden suites across the city.

LEGISLATIVE AND POLICY FRAMEWORK

The 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.

The Planning Act (Section 16(3)) states that the Official Plan shall contain policies that authorize the use of additional residential units in a detached, semi-detached and rowhouse, and in a building or structure ancillary to those residential building types.

Bill 140, the Strong Communities through Affordable Housing Act, 2011, amended the Planning Act to encourage affordable housing by listing it as a provincial interest and strengthening provisions for second units. The Planning Act, as further amended by the More Homes, More Choices Act, 2019, modified the language of the sections applicable to second units (now called additional residential units), but continued to require municipalities to include Official Plan policies and zoning by-law provisions to permit an additional residential unit in detached, semi-detached, and rowhouses, as well as in ancillary buildings. The permissions for additional residential units are not appealable, except by the Minister of Municipal Affairs.

The proposed amendments are not related to Section 39.1 of the Planning Act, which refers to “a one-unit detached residential structure containing bathroom and kitchen facilities that is ancillary to an existing residential structure and that is designed to be portable”.

Provincial Policy Statement, 2020 (“PPS”)

The Provincial Policy Statement (2020) provides policy direction province-wide on land use planning and development to promote strong healthy communities, wise use and management of resources, and the protection of public health and safety. The PPS

is issued under Section 3 of the Planning Act and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

The PPS includes policies on key issues affecting communities, such as:

- Managing and directing land use to achieve efficient and resilient development and land use patterns;
- Providing for an appropriate range and mix of housing options and densities to meet projected requirements of current and future residents;
- Providing infrastructure and public service facilities in an efficient manner that prepares for climate change impacts and projected needs;
- Supporting long-term economic prosperity; and
- Supporting energy conservation, air quality improvements, reduced greenhouse gas emissions and preparation for climate change impacts;

The PPS came into effect on May 1, 2020 and includes enhanced policy direction intended to encourage an increase in the mix and supply of housing. In support of this goal, the PPS identifies in policy 1.1.1:

"Healthy, liveable and safe communities are sustained by:

b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;"

Unchanged in the PPS are policy directions providing for an appropriate range and mix of housing types to be provided for in consideration of the city's long term economic prosperity, growth management planning, land use patterns, transit supportive development, and broader housing needs.

Policy 4.6 of the PPS recognizes and acknowledges Official Plans as the most important documents for implementing the policies within the PPS.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

The Growth Plan (2020) provides a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City of Toronto forms an integral part. The Growth Plan (2020) builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan (2020) take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

The Growth Plan (2020) establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the Planning Act that comprehensively applies the policies and schedules of the Growth Plan (2020). These policies include the establishment of minimum density targets for and the delineation of strategic growth areas (nodes, corridors and other areas that have been identified by municipalities or the Province to be the focus for accommodating intensification and higher density mixed uses in a more compact built form), the conversion of provincially significant employment zones, and others.

Policies not expressly linked to an MCR can be applied as part of the review process for development applications, in advance of the next MCR. These policies include:

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and a vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space that better connect transit to where people live and work; and
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure.

In accordance with Section 3 of the Planning Act all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform to and not conflict with the Growth Plan (2020). Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform to and not conflict with the Growth Plan (2020).

Toronto Official Plan

The Official Plan is the City's primary land use planning document that stresses the need to integrate environmental, social, and economic perspectives in the City's decision-making. The Official Plan's policies are intended to drive planning outcomes that meet the needs of today without compromising the ability of future generations to meet their needs. The Plan contains policies which guide where and how the city grows its housing, commercial and employment areas, ensures the stewardship of the City's green spaces, and directs expansion and improvement of the transportation network, among other directions.

The Garden Suites Study focuses on the areas designated as Neighbourhoods on Official Plan Land Use Maps 13 through 23.

Making Choices (Chapter 1)

Chapter 1 of the Official Plan contains a series of vision statements about the future of the city and the decisions which will help achieve this vision. Section 1.1 of the Official

Plan outlines the Principles for a Successful Toronto as a City of Diversity and Opportunity, a City of Beauty, a City of Connections, and a City of Leaders and Stewards. Section 1.2 discusses the implementation of the Plan, stating that Toronto's future is about re-urbanization and its continuing evolution that will involve a range of situations and decisions.

Healthy Neighbourhoods (2.3.1)

The diversity of Toronto's neighbourhoods, in terms of scale, amenities, local culture, retail services and demographic make-up, offers a choice of communities to match every stage of life. Our neighbourhoods are where we connect with people to develop a common sense of community. Section 2.3.1 of the Official Plan contains policies to ensure the City's Neighbourhoods remain healthy.

Neighbourhoods (4.1)

Toronto's Neighbourhoods contain a full range of residential uses within lower scale buildings, as well as parks, schools, local institutions and small-scale stores and shops serving the needs of area residents. Section 4.1 of the Official Plan contains policies to guide investment and development in Neighbourhoods, which includes 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 and respect and reinforce the existing physical character of the neighbourhood.

Housing (3.2.1)

Section 3.2.1 contains policies that help guide the provision of a range of housing across Toronto, directing that a full range of housing, in terms of form, tenure and affordability, will be provided across the city and within neighbourhoods, to meet the current and future needs of residents.

Built Form (3.1.2)

Section 3.1.2 of the Official Plan includes policies for the City's Built Form and requires that new development be located and organized to fit within an area's existing and/or planned context.

The Natural Environment (3.4)

Section 3.4 of the Official Plan recognizes the urban forest as essential to Toronto's character and climate resiliency, as well as to its success as a strong and competitive economy. The policies in Section 3.4 of the Official Plan speak to preserving and enhancing the urban forest by providing suitable growing environments for trees (this means above grade and below grade space to grow); increasing the tree canopy coverage and diversity, especially of long-lived native and large shade trees; and of regulating the injury and destruction of trees.

Second Units and Laneway Suites

The Official Plan encourages the creation of second units and laneway suites to increase the supply and availability of rental housing within neighbourhoods across the city. The policies of the Plan permit second units within a primary dwelling in a detached or semi-detached house or townhouse, as well as within a building that is ancillary to a detached or semi-detached house or townhouse where it can be demonstrated that it will respect and reinforce the existing physical character of the neighbourhood.

In addition to Second Suites, the Official Plan also permits laneway suites on residential lots abutting a public lane across the City.

Zoning

City-wide Zoning By-law 569-2013 applies to most of the City of Toronto. As some lands are not covered by Zoning By-law 569-2013, other comprehensive zoning by-laws from former municipalities remain in effect on some lands in the city.

Residential Zone Permissions

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 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.

The city-wide Zoning By-law provides regulations regarding permitted uses in ancillary buildings and structures. Currently, the Zoning By-law does not permit living accommodations or home occupations within ancillary buildings or structures, unless it is a laneway suite. In addition, the city-wide zoning by-law includes performance standards for ancillary buildings and structures in the Residential Zone category.

The proposed garden suites regulations apply to all properties in the R, RD, RS, RT, and RM residential zones in By-law 569-2013.

Reasons for the Required Amendments

The Official Plan currently permits a secondary unit within a building that is ancillary to a detached or semi-detached house or townhouse – effectively a garden suite - where it can be demonstrated that it will respect and reinforce the existing physical character of the neighbourhood. The amendment establishes clear policy and criteria to ensure that garden suites are considered compatible with the existing physical character of established Neighbourhoods, even in cases where no garden suites currently exist as part of the prevailing building stock.

An amendment to city-wide Zoning By-law 569-2013 is also required to permit the development of garden suites, specifically, the use of ancillary buildings as living accommodation for all residential properties that do not abut a public lane.

The amendments introduce criteria related to both the suite itself and the lot on which the suite is permitted.

COMMUNITY CONSULTATION

The Garden Suites Study benefited from a robust consultation program that included a range of consultation methods to engage with residents and other stakeholders. These consultation methods included three City-wide community consultation meetings; meetings with resident associations, industry professionals, members of City Council, and Graduate Urban Studies students; and an online survey that was available for over two months and widely promoted through various social media channels, through City webpages and the webpages of resident associations and members of City Council, and through a Kijiji ad targeting those searching apartment listings in Toronto.

Initial feedback through the City-wide consultation meetings and online survey generally supported the Garden Suites initiative, subject to appropriate rules and regulations. Comments and questions that were submitted through the consultation meetings and survey included:

- Questions about Garden Suite permissions and requirements, including location on a lot, setbacks, height, lot coverage, the provision of basements, green roof applicability, soft landscaping requirements, permitted uses, minimum and/or maximum gross floor area, parking, and limits to the number of people occupying a Suite;
- Interest in the concept of Garden Suites and the provision of more housing options in the City;
- Questions related to how Garden Suite permissions will address the conversion of existing ancillary structures, like detached garages;
- Whether Garden Suite permissions would apply City-wide or only to certain areas of the City;
- Concerns with the availability of both hard and soft infrastructure to service Garden Suites;
- Impacts to property taxes, particularly, increases to property taxes for lots with a Garden Suite;
- Whether adjacent properties will be consulted before permits are issued for a Garden Suite;
- Concern that Garden Suites will be used for short-term rentals;
- Questions about the applicability of the Ontario Building Code and whether applications for Garden Suites that are energy efficient, environmentally sustainable, or provide an affordable rental unit will be fast-tracked through the permit process;
- Concerns about Garden Suites impact on the availability of on-street parking;
- Questions related to whether a Garden Suite can be severed from the main dwelling and questions related to how the billing of utilities will work for a Garden Suite;
- Concern with the potential loss of trees and soft landscaping and the impact of ravine control on Garden Suites;
- Impacts to neighbourhood character;

- Support for a design competition to develop pre-approved Garden Suite designs;
- Questions related to what is considered affordable, how rent subsidies work, and how rental units within a Garden Suite can be secured;
- Whether work that was done as part of the laneway suites initiative formed part of the Garden Suite considerations;
- Ensuring the consideration of all lot types in the lot studies, not just regular shaped lots;
- The need to consider safety, particularly, in the design of the access to Garden Suites;
- The timing of Garden Suite permissions and when interested property owners can apply for permits;
- Support for Garden Suites providing accommodations for elderly family members, multigenerational families, and aging in place; and
- Recognition that Garden Suites are a positive housing initiative and could allow for gentle density in neighbourhoods.

These questions and comments informed the proposed Official Plan and Zoning By-law amendments that form part of this report. For more detailed results of the online survey, which saw 4000 replies, see Attachments 2 and 3 to the Garden Suites Proposals Report from June 2021, available at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.PH25.15>.

In November 2021, the Garden Suites team shared an 18-minute video that provided a narrated visual walk-through of the Garden Suites Study and the draft Official Plan and Zoning By-law amendments. The video was structured similarly to the length and type of presentation that staff would give in a live community meeting setting, providing a thorough overview of the proposed garden suites permissions. Following the video, viewers were invited to provide written feedback through an online survey. The video and survey were made available on November 8, 2021 and the online survey was available until November 30, 2021. The video has been viewed just over 2,000 times and 267 written responses were submitted, with additional responses provided through email.

The draft amendments to the Official Plan and Zoning By-law were made publicly available, via the garden suites webpage. This information was provided more than a month and a half in advance of the timelines prescribed in the Planning Act, and the information included, such as the Draft Zoning By-law Amendment, exceeds what the Act required be made public in advance of Committee and Council's consideration of Official Plan and Zoning amendments.

This consultation approach allowed residents and other stakeholders to learn about, and comment on, the draft amendments on their own time, introducing flexibility to the consultation program and removing often-cited consultation barriers to encourage participation from a varied demographic, including those who cannot typically attend in-person meetings. Viewership of the narrated video exceeded the combined attendance of the three City-wide community consultation meetings held earlier in 2021 by 500 percent.

The majority of feedback received in response to the narrated video and draft Official Plan and Zoning By-law amendments was positive and expressed support of the Garden Suites initiative. The comments which expressed concern, or non-support, typically referenced a specific area of concern, which included concerns with:

- Whether existing ancillary buildings could be converted to garden suites without a minor variance application;
- The implementation of permissions, and whether Building permits can be pulled quickly;
- Affordability, including the cost of constructing and servicing garden suites;
- How to encourage energy efficiency, green roofs, and passive house standards;
- Impacts believed to be associated with increased density in Neighbourhoods;
- Noise and privacy impacts of short-term rentals;
- Loss of soft landscaping and greenspace and increased shadow impacts;
- Impacts to the enjoyment of property and loss of privacy;
- The proposed permissions being too restrictive and overregulated;
- Impacts to mature trees and tree roots, biodiversity, and backyard gardens that grow local food;
- Availability of on-site and on-street parking;
- Emergency access and safety;
- Lack of sufficient infrastructure to support garden suites in Neighbourhoods and concerns with stormwater management;
- The number of units that would be permitted on a lot, in addition to existing permissions for secondary suites;
- The lack of control over garden suite design aesthetics; and
- Enforcement of the by-law permissions.

The positive feedback generally reflected an eagerness to permit garden suites as-of-right, City-wide. The feedback also outlined many perceived benefits of garden suites, which included recognition that garden suites may:

- Improve the efficiency of how land is used and the availability and relative affordability of housing options in Neighbourhoods;
- Provide homeowners with supplemental income;
- Provide housing solutions to multi-generational families and allow for aging in place;
- Improve the livability of the City;
- Provide more housing close to where people work, reduce congestion on major streets, and improve the utilization of public transit;
- Decrease urban sprawl; and
- Positively contribute to neighbourhood character.

In addition to the formal consultation program, staff received many detailed comments via email and telephone from residents, the building industry, resident associations, and other stakeholders, throughout the course of the study. This feedback was considered by staff in preparation of this report as well as the draft Official Plan and Zoning By-law amendments.

DISCUSSION AND COMMENTS

Guiding Principles

The proposed Official Plan amendment, and Zoning By-law amendment focus on two guiding principles:

GARDEN

Maintain and where possible enhance the natural environment, urban forest tree canopy and soft landscaped character that is supported by the private yards within Neighbourhoods.

SUITE

Promote the gradual expansion of housing options within Neighbourhoods by enabling livable, lower-scale detached accessory dwelling units throughout the city.

The proposed Official Plan and Zoning By-law amendments introduce permissions for garden suites within Neighbourhoods across the city. This study relied on these guiding principles to inform the development, testing, and refinement of the garden suite policies and regulations. Garden suites represent sensitive and gradual infill housing within Neighbourhoods and can help expand housing options for the residents of Toronto.

Planning Act

Subsection 16(3) of the Planning Act requires Official Plans to include policies, and for Zoning By-laws to give effect to those policies, to permit additional residential units in detached, semi-detached, and rowhouses, and in buildings ancillary to those residential building types.

Presently, secondary suites are permitted city-wide within a detached house, semi-detached house, or rowhouse. However, only properties that abut a public lane have policy and zoning permissions in place to allow an additional residential unit within an ancillary building, known as a laneway suite as required by the Planning Act.

The proposed amendments are not related to Section 39.1 of the Planning Act, which refers to “a one-unit detached residential structure containing bathroom and kitchen facilities that is ancillary to an existing residential structure and that is designed to be portable”.

The proposed garden suites Official Plan and Zoning By-law amendments introduce additional residential unit permissions within an ancillary building for all residential properties that do not abut a public lane, in accordance with the requirements of the Planning Act.

Provincial Policy Statement (2020)

The Provincial Policy Statement (PPS), provides policy direction on matters of provincial interest related to land use planning and development. City Council's planning decisions are required to be consistent with the PPS.

Policy 1.1.1.b) states that healthy, liveable and safe communities are sustained by accommodating an appropriate range and mix of residential types, including additional units, affordable housing and housing for older persons.

Policy 1.4.3 directs planning authorities to provide a range of housing types and densities to meet projected market-based and affordable housing needs of current and future residents. This policy directs planning authorities to permit and facilitate all forms of housing required to meet the social, health and well-being requirements of current and future residents, and all forms of residential intensification, including additional units, and redevelopment where existing or planned infrastructure can accommodate projected needs. This policy further directs planning authorities to promote densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed. Planning authorities are also directed to establish development standards for residential intensification which minimize the cost of housing and facilitate compact form.

Policy 4.6 recognizes the Official Plan as the most important vehicle for implementation of the PPS.

The garden suites Official Plan and Zoning By-law amendments support an additional form of contextually appropriate infill housing that makes efficient use of land and existing services. Garden suites can provide new rental accommodation and additional living space for families, accommodating the City's population as it ages and as household structures and needs change over time. The Official Plan and Zoning By-law amendments constitute a set of policies and development standards which enable the option to construct a compact housing form that currently does not exist in many of the city's neighbourhoods.

The proposed Official Plan and Zoning By-law amendments are consistent with the Provincial Policy Statement.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

The Growth Plan (2020) provides a framework for managing growth in the Greater Golden Horseshoe. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan (2020).

The policies of the Growth Plan regarding how land is developed, resources are managed and protected, and public dollars are invested are based on the Guiding Principles found in Section 1.2.1. These Guiding Principles support a range and mix of housing options, including additional units and affordable housing, to serve all sizes, incomes, and ages of households, and plan for more resilient, low-carbon communities.

The Growth Plan (2020) also directs municipalities to make efficient use of land and infrastructure and to support transit viability. The plan highlights the need for stakeholders to work collaboratively to find opportunities for more age-friendly community design.

Section 2.2.1.4 c) echoes the guiding principles noted above by supporting complete communities that provide a diverse range and mix of housing options, including additional units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes.

Section 2.2.6.2 directs that municipalities support the achievement of complete communities by planning for the range and mix of housing options and densities of the existing housing stock and planning to diversify and increase density of the overall housing stock across the municipality.

Garden suites represent an additional compact form of infill housing that diversifies the city's overall housing stock. The amendments will support the creation and growth of complete communities, provide new rental accommodation and additional living space for households of different sizes, ages, and incomes, all of which can increase housing choice and supply in response to diminishing housing affordability. The proposed Official Plan and Zoning By-law amendments conform to and do not conflict with the Growth Plan.

The Official Plan

The Official Plan policies allow the construction of second units in a building ancillary to a detached house, semi-detached house and row house, in Neighbourhoods where it can be demonstrated that it will respect and reinforce the existing physical character of the neighbourhood. The Official Plan policies currently prevent the construction of housing forms that do not represent the current prevailing physical character of a Neighbourhood. The proposed Official Plan amendment would allow garden suites within all Neighbourhoods across the city, subject to a range of criteria.

Implementing Policies

The proposed Official Plan amendment represents an appropriate evolution of the Official Plan rooted in the fundamental principles of creating complete communities, providing a full range of housing in terms of form, tenure and affordability across the city, in a form that makes efficient use of land. The proposed policies acknowledge the Official Plan's objective that physical change to Neighbourhoods will be gradual, and ensure that new housing responds appropriately to the existing and planned context.

The introduction of garden suites into Neighbourhoods is consistent with the broader city-building initiatives found in Chapter 1 of the Plan. Section 1.1 of the Official Plan states that a successful Toronto is characterized by a city where:

- housing choices are available for all people in their communities at all stages of their lives;

- where no person pays more than they can afford for shelter;
- where the elderly can live comfortably and securely;
- where individuals and communities actively participate in decisions affecting them; and,
- where we meet the needs of today without compromising the ability of future generations to meet their needs.

Section 1.2 acknowledges that the evolution of the Official Plan will involve a myriad of situations and decisions that the plan cannot possibly anticipate in all circumstances. The plan directs that further implementation plans and strategies dealing with important components of the city are needed to bring the Official Plan to life.

Policy 3.2.1.1 states 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. This policy also establishes that Neighbourhoods are among the areas intended to accommodate this range of housing.

Section 2.3.1 Healthy Neighbourhoods states that "we can preserve the shape and feel of our neighbourhoods. However, these neighbourhoods will not stay frozen in time." Areas designated Neighbourhoods are, in many cases, constrained from providing a full range of housing by other policies within the Plan. Policies 2.3.1.1 and 4.1.5 both direct that development within Neighbourhoods will respect and reinforce the existing physical character of buildings, building type, streetscapes and open space patterns in these areas. Policy 4.1.5 states that the prevailing building type, determined via metrics such as the heights, massing and scale of dwelling types, setbacks, and open space, among other criteria, will be the predominant form of development in the Neighbourhoods.

Despite Policy 3.2.1.1 which encourages a "full range of housing, in terms of form, tenure and affordability", Policy 4.1.5 effectively prevents the construction of housing forms that do not represent the current prevailing physical character. In the majority of the City's residential zoned areas, detached houses would be considered the prevailing building type under the Plan's policies.

Section 3.1.2 of the Official Plan directs that new development be massed, located and organized to fit within an area's existing and planned context, to protect privacy by providing setbacks and separation distances from neighbouring properties and adjacent building walls containing windows.

The proposed amendment balances the Plan's policy objective of providing a full range of housing, in terms of form, tenure and affordability, across the City, in a form that acknowledges the objective to limit significant physical Neighbourhood change over time.

The proposed Official Plan amendment guides the development of garden suites in a way that is consistent with the broader city-building initiatives of the Official Plan. The proposed policies require that garden suites be designed and constructed in accordance with the following criteria:

- Ensuring the garden suite is subordinate in height and general scale to the zoning permissions of the principal dwelling on a lot;
- Being subordinate in area to the existing principal dwelling on a lot;
- Ensuring the lot on which the garden suite is proposed will continue to respect and/or reinforce the existing lot pattern of the established neighbourhood;
- Ensuring direct and safe access by meeting fire and emergency services requirements;
- Limiting privacy and overlook issues on adjacent properties;
- Maintaining the majority of the rear yard as open space, and maximize contiguous soft landscaping that is supportive of tree planting;
- Establishing that the location, massing, and design of a garden suite should not result in the injury or removal of a healthy tree protected under Municipal Code Chapters 608, 658, and 813 on the subject property and adjacent properties;
- Encouraging inclusion of sustainable building technologies such as green roof areas, solar panels, fossil fuel-free heating systems, and low carbon building materials;
- Ensuring that stormwater management is maintained on site; and
- Encouraging expansion of the urban tree canopy through the planting of a new tree on a lot with a garden suite.

The proposed Official Plan Amendment constitutes a measured, appropriate change, which supports the Plan's guiding principles related to the provision of housing and allowing for gradual change. The proposed policies allow for the creation of additional residential units within the City's Neighbourhoods, balancing and advancing the Official Plan's objectives to create complete communities, providing a range of housing in terms of type and tenure, and ensuring a form of development that makes efficient use of land while limiting impacts on the character and function of the existing Neighbourhoods.

In accordance with the proposed policies, garden suites constructed will be of a modest scale and located appropriately so as to limit impacts on adjacent properties and fit within the area context. Garden suites are compatible with the character of established Neighbourhoods, even in cases where no suites currently exist as part of the prevailing building stock.

Garden suites represent sensitive and gradual infill development within Neighbourhoods that can help to expand housing options for the current and future residents of Toronto.

Existing Zoning for Ancillary Buildings

City-wide Zoning By-law 569-2013 includes performance standards for ancillary buildings and structures in the Residential Zone category. Examples of ancillary buildings and structures include detached garages and storage sheds. Presently, the by-law prohibits living accommodations in ancillary buildings and structures on lots in Residential Zones unless they comply with laneway suite standards.

Standards around ancillary buildings and structures are generally the same across the Residential Zones (i.e. R, RD, RS, RT and RM), with some exceptions in the R zone. Certain standards, such as landscaping and parking requirements, apply to lots

generally. Ancillary buildings and structures are generally allowed to cover 10% of the lot area and to have a maximum height of 4.0 metres.

The garden suites Zoning By-law amendment was developed using the existing Zoning By-law permissions for ancillary buildings and structures as a starting point, since these reflect what is already permitted physically as-of-right within all residential areas across the city.

Jurisdictional Review

In developing the proposed garden suite regulations, City Planning reviewed zoning by-laws, reports and guidelines from other municipalities in Ontario (Ottawa, Kitchener, Windsor, Peterborough, Barrie), elsewhere in Canada (Whitehorse, Victoria, Maple Ridge, Saanich, Edmonton, Calgary, Halifax), and the United States (Austin, Portland, Los Angeles, Seattle) where planning frameworks for garden suites, coach houses, and/or detached accessory dwelling units have been approved.

Historical Overview

There are numerous examples of existing ancillary residential units in Toronto and most of these examples were built as coach houses in the 19th and early 20th centuries. Coach houses were purpose-built to store carriages, but also frequently housed people for accommodation. Over time, coach houses have been repurposed to a variety of uses, including residential accommodation. Alongside coach houses, there are also several examples of stables and other historic ancillary building types repurposed for residential use in Toronto.

Some areas within the central city, such as the Annex and Rosedale neighbourhoods, have a significant number of existing ancillary residential units, and most of these units are 19th and early 20th century coach houses. This is contrasted with the areas of the city developed following the Second World War, where few examples of existing ancillary dwelling units can be found.

Heritage

Any future garden suite proposals for a property designated on the City's Heritage Register will be reviewed by Heritage Planning staff, as part of the building permit process, to determine whether the necessary approvals should be granted under the Ontario Heritage Act. Proposals will be reviewed against the Official Plan heritage policies and the applicable Heritage Conservation District Plan. Properties that are listed on the City's Heritage Register are flagged for review by Heritage Planning staff. Heritage Impact Assessments (HIA) may be required for proposals that might adversely affect property with cultural heritage value.

Toronto's Evolution of Lot Patterns

Through the garden suite consultation process, concerns were raised about the impacts on lot patterns in Neighbourhoods. The City's pattern of development can be understood by the history that shaped it, and the pattern has been evolving since before Final Report - Expanding Housing Options in Neighbourhoods - Garden Suites

colonial settlement. The Lake Ontario shoreline, the river and creek valleys and the ancient Iroquois shoreline bluff and Scarborough bluffs, are important natural features in the history of the Toronto area and have been important to the city's organization and evolution. Also preceding colonial settlement, several Indigenous trails have endured as important transportation routes to the present day, shaping the development of the city.

In the late 18th century, engineers and surveyors laid out a concession grid of roads and farm/park lots aligned with the Lake Ontario shoreline, and this established a framework for circulation and land ownership for all following settlement patterns. Residential subdivisions built during the 19th and early 20th centuries are generally characterized by rectilinear blocks and lots; however exceptions can be found, such as curvilinear neighbourhoods, like Rosedale.

In the second half of the 20th century, new residential subdivisions were constructed on former agricultural land in Etobicoke, North York and Scarborough. The densification of these lands helped facilitate housing for the waves of newcomers who were arriving in the city. These areas were shaped by land use planning methods influenced by both the separation of land uses and use of automobiles as the principal source of mobility. Other influences that shaped zoning, including the exclusion of building types and therefore the people who may have occupied those building types, were also part of social norms at the time that distinguished parts of the city from areas built earlier in the Toronto's history, resulting in differing characteristics today. New lot patterns emerged in this period, including cul-de-sacs with pie-shaped lots and through-lots with residential lots both fronting and backing onto streets.

To inform the development of the regulations, case study areas and detailed lot analyses have been a key part of the Garden Suites Study. The garden suites Official Plan and Zoning By-law amendments address the numerous and varied lot patterns, sizes, shapes, and adjacencies that exist across Toronto neighbourhoods. Equally, the recommended amendments also acknowledge that the lot patterns have been changing through Toronto's history to accommodate the needs of residents in a growing city.

Case Study Areas

In order to understand the impact of garden suites in Toronto, case study areas in various parts of the city were selected for detailed study. Criteria for choosing case study areas included: at least one area in each of Etobicoke York, North York, Scarborough, Toronto and East York; a variety of lot types, conditions, and adjacencies; different periods of residential construction; a variety of residential zone types and geographies such as Neighbourhood Improvement Areas; matching Census dissemination area boundaries in order to extract demographic information; and an average size of 400 lots per study area.

Within the five case study areas selected, geospatial software was used to conduct lot studies. The lot studies provided detailed and precise data about lots and the buildings that occupy them, including lot frontage, area, depth, setbacks (front, rear, and each side), and rear yard area. These lot characteristics were then used to calculate the types and sizes of lots that may be able to accommodate garden suites, and

how the proposed zoning by-law standards for garden suites may impact the potential number and size of garden suites accommodated in the various case study areas.

Natural Environment

Throughout the consultation process, protecting the natural environment was consistently noted as a key priority for the successful implementation of garden suites, and included such things as: protecting existing trees and the space to support future large-growing shade trees; providing space for lawns or gardens on the lot; and incorporating sustainable building practices in the design and development of the suites themselves.

There are many important benefits derived from both permeable surfaces and the tree canopy. Permeable surfaces refers to surfaces that can absorb water, and include ground cover such as, sod or bare earth which could support the planting of trees and, shrubs, this does not refer to artificial turf. Ensuring Toronto has sufficient permeable surfaces is a critical tool for supporting the natural environment and responding to the ongoing climate emergency.

A major benefit derived from permeable surfaces is their ability to absorb and slow down stormwater runoff. Permeable surfaces are critical to stormwater management because stormwater runoff can cause flooding in the built environment and cause a negative impact on the surrounding ecosystem and watersheds.

Permeable surfaces also help to mitigate the Urban Heat Island Effect, which is a phenomenon affecting urbanized areas whereby impermeable surfaces (e.g. concrete, asphalt, etc.) absorb heat from the sun and cause the net temperature to rise in urban areas when compared to the surrounding natural environment. This phenomenon can impact air quality, instances of extreme heat, and climate change. Increasing the amount of permeable surfaces and high albedo surfaces can be used to help mitigate the heat island effect as they reflect, as opposed to absorb, the sun load.

Finally, and perhaps most importantly, permeable surfaces and adequate soil volumes are key to supporting mature tree growth. There are many individual and collective benefits derived from trees, including: improved infiltration and water storage, carbon sequestration, air purification, noise mitigation, wildlife habitat, shade and cooling, rainfall interception, beautification, and a sense of place. Toronto's urban forest delivers these environmental, ecological, social, cultural, and economic benefits and provides tangible eco-system services as described in the 2018 Toronto Tree Canopy Study, which calculated quantitative energy savings, gross carbon sequestration, pollution removal, and avoided runoff against the 2018 city-wide tree canopy.

Permeable surfaces and trees work together to help improve Toronto's climate resilience. As the number of extreme heat and precipitation events are projected to increase in number and severity, increasing the amount of permeable surfaces and sustaining and expanding the urban forest are key climate change responses.

Toronto's Urban Forest and Official Plan Policies

Section 3.4 of the Official Plan on the Natural Environment recognizes the urban forest as essential to Toronto's character and climate resiliency, and to its success as a strong and competitive economy. As stewards of the natural environment, it is important to recognize that there are limits to the stresses resulting from human activity that the natural environment can absorb. The policies in Section 3.4 of the Official Plan speak to preserving and enhancing the urban forest by providing suitable growing environments for trees (this means above grade and below grade space to grow); increasing the tree canopy coverage and diversity, especially of long-lived native and large shade trees; and of regulating the injury and destruction of trees when necessary.

Existing Permeable Surfaces and Trees in Toronto

The introduction of garden suites into Neighbourhoods presents a potential risk for negative impacts on the extent of existing permeable surfaces and available soil volumes necessary to grow large trees, and loss or injury to the existing tree canopy, as garden suites will be built in areas with a larger percentage of existing trees and permeable surfaces than found in more intensive land uses. In general, the amount of permeable surfaces in Toronto has been decreasing, particularly on residential land uses. With that decrease in permeable space, the ability to retain existing trees and to plant future large-growing shade trees becomes more challenging. A key goal in the implementation of garden suites is to maintain and, where possible, enhance available permeable surfaces to support the existing and future tree canopy, thus supporting climate resilience and the related ecological, social, cultural, and economic benefits of the urban forest.

In 2012, with the approval of Toronto's Strategic Forest Management Plan, the City committed to sustaining and expanding the urban forest, including the adoption of a city-wide target of a 40 percent canopy cover. The 2018 Toronto Tree Canopy Study estimates that Toronto's canopy cover is between 28.4 percent and 31 percent, an increase of 1.3 to 3 percent over the 2008 canopy estimate. The tree canopy in Neighbourhoods is one of the major contributors to Toronto's urban forest as 55 percent of the urban forest is found on private lands. In order for the City to achieve 40 percent canopy cover target, it is essential existing trees are retained and that new trees are planted to maintain and grow the canopy into the future.

The 2018 Toronto Tree Canopy Study found that over the past 20 years impermeable land cover has been increasing across the city. Further, detached residential areas have had the most land converted from permeable to impermeable surfaces. The 2018 Toronto Tree Canopy Study also estimated that detached residential areas also have the greatest amount of land available for tree canopy growth.

Environmental benefits from trees occur in direct proportion to their total leaf area. As per Urban Forestry's Report Every Tree Counts, large trees in Toronto intercept up to 10 times more air pollution than small trees, and carbon storage is additionally maximized in larger diameter trees.

Rear yard soft landscaping requirements for lots containing garden suites are proposed to align with existing Zoning By-law standards which require at least 25 or 50% of a rear yard, depending on lot frontage, to be preserved for soft landscaping.

The proposed By-law amendment requires that a minimum of 50% of the total rear yard area must be soft landscaping (such as trees, grass, and gardens). For lots with a frontage of less than 6.0 metres, a minimum of 25% of the rear yard must be soft landscaping. These requirements are the same as the existing zoning by-law standards for soft landscaping in the rear yard. In addition to providing amenity space that may serve the residents of a lot, soft landscaping in rear yards presents an important opportunity to provide the permeable space needed to retain stormwater on site, and support tree and ecological functions.

Tree Protection and Planting

Garden suites are proposed to be implemented in a way that maintains, and where possible increases, the amount of permeable space on a property. The proposed standards are intended to protect the contiguous permeable growing space available within rear yards necessary for sustaining mature tree growth.

Trees in the urban forest are temporal and require continuous maintenance and replacement. They grow throughout their lifespan, and may eventually, through age or disease for example, need to be replaced. If permeable space available to replant a tree is lost on a property, then it is unlikely to support an equivalent tree in the future. Decisions made today will affect the existing urban forest, available soil volume and growing space for future urban forest, which will affect Toronto's climate resilience over the long term.

Growing space for trees refers to the site area available both above and below ground that provides the tree with sufficient physical space and resources to thrive. Trees need space above ground for the growth of the crown and below ground for the root spread. A tree needs space to grow and thrive throughout its lifespan and without sufficient growing space it may prematurely die. Soil volume refers to the amount of soil required in a tree planting area to ensure a tree has enough soil to provide a healthy, mature tree canopy.

The recommended Official Plan and Zoning By-law amendments support garden suites that will, wherever possible, provide contiguous permeable surfaces with sufficient growing space and soil volume for large-growing shade trees within the rear yard. This will support the preservation of existing trees, planting of replacement trees, and introduction of new trees to achieve the City's long-term canopy goals. The policies and regulations for garden suites support existing and future green infrastructure opportunities and balance the goals of sustainability together with the benefits of increased housing options in Neighbourhoods across Toronto.

City Planning staff, with input from Parks, Forestry and Recreation staff, investigated different ways to protect soft landscaped open space within rear yards to support the preservation of existing trees, as well as growing space and soil volume for new tree

planting around garden suites. A conceptual review of the potential impacts of garden suites on permeable surfaces and existing and future trees was undertaken by City Planning staff and Parks, Forestry and Recreation to better understand the potential scale of impact and how best to manage gradual change. This has informed the development of the policies and regulations to mitigate potential impacts of garden suites on trees in Toronto.

The proposed Official Plan amendment intends that garden suites, when subject to consideration by the Committee of Adjustment, will not result in the removal of a healthy by-law protected tree. This is the same approach taken with laneway suites. In practice, this provides clear direction to the Committee of Adjustment that, if a healthy by-law protected tree is proposed to be removed or injured to allow for the construction of a garden suite, the proposed variances would not meet the intent of the Official Plan and may be refused. The intent is that staff will work with an applicant to reshape or relocate a proposed suite on a property, potentially resulting in further minor variances, in order to preserve protected trees.

In cases where a garden suite is designed to the as-of-right permissions in the proposed By-law and necessitates the injury or removal of a tree, the General Manager of Parks, Forestry, and Recreation may refuse the tree permit, in accordance with Municipal Code Chapters 608, 658, and 813. The applicant may appeal the decision to the appropriate Community Council. This practice is consistent with the approach for laneway suites and is reflected in recommendation 7 of this report, and is unique to laneway suites and garden suites. The recommendation does not apply to any other type of low-rise construction in Neighbourhoods.

New housing construction, whether in the form of infill intensification or the replacement of existing buildings, can impact existing open space and present challenges in growing the City's tree canopy going forward. An important part of the City's work to increase options for housing in Neighbourhoods is the development regulatory approaches to protect and enhance the City's tree canopy for all types of residential construction, not exclusively missing middle housing.

The impact of laneway suites on the urban tree canopy was discussed in the November 2021 Laneway Suite Monitoring and Review report presented to Planning and Housing Committee on November 25, 2021. The report noted that the impact on tree canopy and growing space from laneway suite construction to date was noted as being small, though this was also a reflection of a relatively small sample size of applications. The report further noted that, in light of impacts presented by climate change, the City must be proactive and innovative in supporting and expanding its tree canopy while supporting opportunity for infill residential development. The Planning and Housing Committee endorsed staff's recommendation for a report back to Committee in the first quarter of 2023, or as soon as possible, regarding potential strategies to protect and enhance growing space and the City's tree canopy and growing space, while also supporting infill housing growth in the City's Neighbourhoods.

Supporting the construction of missing middle housing, such as garden suites, and protecting and expanding the City's tree canopy are not mutually exclusive objectives.

An effective response to the current climate emergency, on both a City and a regional level, must involve both the creation of new infill housing through a more efficient use of the City's Neighbourhoods, to support local living, fewer personal automobile trips, and accommodate a wider range of residents at different stages of life, abilities, and incomes, as well as support and enhancement of our tree canopy.

HousingTO 2020-2030 Action Plan

In December 2019, Toronto City Council adopted the HousingTO 2020-2030 Action Plan, to guide the City's efforts over the next 10 years to address housing and homelessness needs. The plan consists of 76 actions across the full housing spectrum, to address homelessness, rental and ownership housing, and long-term care for seniors. Action 45 calls for a range of housing opportunities in complete communities across the city through developing neighbourhood housing initiatives in consultation with local communities.

The Action Plan highlights the demonstrated need and demand for purpose-built rental housing in Toronto as the city sees very little new production. Some 80,000 new condominium homes opened in the last five years compared to just 4,500 purpose-built rental homes. While condominium developments provide a supply of new housing, not everyone is able to afford to buy or rent a condominium unit. The Action Plan further identifies the need for a paradigm shift from condominium development, through supporting and incentivizing the creation of more purpose-built rental and affordable housing in Toronto. The Expanding Housing Options in Neighbourhoods work, of which garden suites Study is a part, is advancing the Action Plan's direction to support the creation of new purpose built rental units across the City.

Expanding Housing Options in Neighbourhoods

The Garden Suites Study is one of the actions being undertaken as part of the Expanding Housing Options in Neighbourhoods (EHON) work plan to support the construction of a range of missing middle housing across the City's neighbourhoods, increasing both the variety and type of housing available in these areas for residents of Toronto. Increasing this type of housing supply across the City is critical in addressing the City's housing needs, providing more housing options for a range of household structures, for people at different ages and incomes, for people to move within their current neighbourhood to support generational housing turnover, and for new residents to find a home.

While many lots across the City may accommodate a garden suite, not every property will be suitable for one. Various factors will influence whether or not a property can accommodate a garden suite, such as lot width or depth, location and depth of the main house, adequate fire access, and the location of protected trees.

Affordability

Garden suites are intended to expand rental housing options in the City's Neighbourhoods, in a manner similar to laneway suites. The affordability of the units

built will vary as part of the market supply of housing. Through the Changing Lanes: Laneway Suites study, the City initiated two programs to encourage eligible property owners to develop laneway suites: the Development Charge Deferral Program and the Affordable Laneway Suite Program. Both programs are administered by the Housing Secretariat and are proposed to be extended to garden suites.

The Development Charges (DC) Deferral Program for Ancillary Secondary Dwelling Units provides a DC deferral to eligible property owners developing a secondary dwelling unit in the rear yard of a lot, including laneway or garden suites and/or coach houses. The DC would only be collected if a new lot is created (through Plan of Subdivision, Plan of Condominium or Consent to Sever) within 20 years of building permit issuance.

The Government of Ontario's More Homes, More Choice Act, 2019, exempted new secondary dwelling units in an ancillary structure from development charges, subject to certain criteria. As a result of the legislation, the City's DC Deferral program is no longer necessary for many laneway or garden suites. However, where a laneway or garden suite is one of a number of secondary units, or is the largest unit on a property (often in the case where a laneway suite is constructed in the rear of a multi-unit building such as a triplex), the DC Deferral program is still available.

The extension of the Affordable Laneway Suite Program to garden suites will provide a forgivable loan of \$50,000 for eligible property owners developing a garden suite. The loan will be forgiven in 15 years from the date when the first tenant occupies the suite. The rent charged cannot exceed the City of Toronto's Average Market Rent, by bedroom type, as reported annually by Canada Mortgage and Housing Corporation, during the 15 year affordability period.

City Planning staff will continue to explore opportunities to reduce barriers to affordability through the implementation process for garden suites. This may include the creation of a list of pre-approved designs that can reduce front end costs and expedite the building permit process.

Accessibility

Garden suites can offer additional smaller-scale, ground level accommodations for persons with disabilities, not typically available in Neighbourhoods. The proposed garden suites regulations support the creation of grade-related accessible units and the proposed parking requirements for garden suites (as detailed further below) would allow for the entirety of the ground floor to be used as living space, supporting accessible design on one level.

The City acknowledges that the design of an accessible garden suite may sometimes necessitate variances to the proposed By-laws to regulate garden suites. To encourage accessible design, the proposed Official Plan amendment contains policies that compel City Planning staff to have additional regard for applications made under Section 45 of the Planning Act where the minor variances sought in support of the construction of a garden suite are necessitated by the construction of a suite that meets accessible

building standards. In this case, applicants will be required to submit a rationale detailing why the proposed variances are necessary to support the construction of the proposed accessible unit.

Access (Resident and Emergency Services)

The provision of appropriate access to a garden suite was reviewed as part of the Garden Suites Study. In most instances a garden suite would only have a single access route, unlike laneway suites. As such, to ensure access to a garden suite in the case of an emergency, Toronto Fire Services, Emergency Services and the Building Code require a firefighting access with a maximum 45-metre travel distance measured from a public street to the entrance of the garden suite, a minimum width of 1.0 metre and a 2.1 metre vertical clearance from the fronting public street. The 1.0 metre minimum width would be unobstructed with the exception of hydro and gas meters.

The access and travel distance requirements are not contained in the Zoning By-law provisions and are rather determined through a compliance review of the Ontario Building Code by Toronto Building and Toronto Fire and Emergency Services. These requirements cannot be altered by way of a Minor Variance application to the Committee of Adjustment, and are applicable law for the purposes of obtaining a building permit.

In order for the Chief Building Official to issue building permits, a proposed building must comply with the relevant Ontario Building Code regulations and Zoning By-law. The provision of appropriate access and travel distance for emergency services is a component of the Ontario Building Code review.

Toronto Fire Services and Emergency Services were consulted on the preparation of this report and concurs with the City Planning Division's recommendations.

GARDEN SUITE USES

The proposed permitted land uses within garden suites are summarized below:

Living Accommodation

Regulation 10.5.60.1(2) of the City-wide Zoning By-law does not permit living accommodations in an ancillary building in the Residential Zone category. Regulation 10.5.60.1(3) further restricts the ability for both food preparation and sanitary facilities in an ancillary building. The proposed Zoning By-law amendment will permit living accommodations in ancillary buildings in the R, RD, RS, RT, and RM Zones, defined as garden suites with specific use requirements.

Home Occupations

The City-wide zoning by-law does not permit home occupations in ancillary buildings or structures, unless it is a laneway suite. The laneway suite permissions permit a home occupation if it is exclusively and separately occupied as a principle residence in accordance with the regulations of Section 150.5. The proposed zoning by-law

amendment would permit home occupations consistent with those permitted in laneway suites in all low rise residential zone. For example music or dance instruction or a home office, subject to certain conditions.

Number of Garden Suites on a lot

A maximum of one garden suite is proposed to be permitted within an ancillary building. Moreover, a maximum of one ancillary building containing a garden suite is permitted on a lot. A lot may not contain both a garden suite and a laneway suite. A garden suite may be in addition to a shed or garage subject to regulations for lot coverage.

The proposed zoning by-law amendment permits a garden suite on a lot, subject to the criteria detailed in this report, regardless of the number of secondary suites or other residential building types with multiple dwelling units (e.g. triplexes, duplexes and fourplexes) existing on a lot.

Short-Term Rentals

Short-term rentals would only be permitted in accordance with the City's Short-Term Rental By-law. Short-term rentals in garden suites would only be permitted if the garden suite is exclusively and separately occupied as a principal residence.

GARDEN SUITES CRITERIA – DESIGN, SCALE, HEIGHT, MASSING

The proposed Zoning By-law amendment (see Attachment 2) contains a range of requirements and criteria to guide the location, form, and scale of garden suites. These criteria have been developed to ensure that garden suites are subordinate to the main house on a lot, and limit their impacts on the natural environment and surrounding properties. The proposed regulations allow for gradual and sensitive infill development to expand housing options in low-rise Neighbourhoods for residents of Toronto.

The proposed regulations use the existing Zoning By-law standards for ancillary buildings and structures as a starting point (as these types of structures are already allowed as-of-right across the city), as well as background research, lot studies, massing analysis, and first principles, where appropriate.

Not all properties will be able to accommodate a garden suite. Various factors will influence whether or not a property can accommodate a garden suite, or the location and size of a suite, such as lot width or depth, location and depth of the main house, adequate fire access, and the location of mature trees. The proposed regulations have been designed so that the size and setbacks of a garden suite are relative to the scale of the property and the size and location of the main dwelling.

The proposed regulations to govern the use, location, form and scale of garden suites are summarized below.

Location on the Lot

The range of lots that may be able to accommodate garden suites is very broad, in terms of lot width, depth, shape, and configuration. The proposed regulations limit the

location of a garden suite to the rear yard, behind the rear main wall of the principal residential building.

Density

Garden suites are proposed to be excluded from the total permitted floor space index for a lot and other density provisions. The intent of the Garden Suites Study is, in part, to allow for new residential housing, as-of-right, in an appropriate form, in Toronto's neighbourhoods. In many cases, existing houses meet or exceed the density provisions in many residential zones across the City. Requiring garden suites to meet the current density requirements on a lot would create a significant process barrier for this type of housing, with many suites having to seek approval at the Committee of Adjustment, even in cases where a suite was designed to meet all other By-law requirements regarding the location, size, height, and setbacks.

The recommended Zoning By-law amendment follows a form-based zoning approach, establishing the size of a garden suite through a number of provisions so that the suite corresponds to the size of the lot on which it is proposed, limiting impacts on adjacent properties, and effectively setting an upward limit to the size of the unit. A density or FSI provision is of very limited use when the maximum building setbacks, width, depth, height, and maximum area relative the main house are all otherwise prescribed, as is the case with the proposed garden suite By-law. This approach is consistent with the approach to regulating laneway suites.

Lot Coverage

The proposed regulations limit both the coverage of a lot by a garden suite, as well as the coverage of the lot for all ancillary buildings and structures. First, a garden suite can occupy a maximum of 40% of the area of the rear yard, up to a maximum of 60 square metres. This is to ensure that the rear yard area remains more open than built, preserving space for existing and new trees as well as green space, and that the total suite footprint is limited to the maximum size currently permitted by zoning for an ancillary building. Second, the total area of all ancillary buildings and structures on the lot, including the garden suite, cannot exceed 20% of the lot.

Building Footprint

The maximum building footprint is the maximum area that a garden suite can cover and is related to the maximum lot coverage described above. The maximum footprint proposed for garden suites is equal to 40% of the area of the rear yard up to a maximum of 60 square metres. This is based on the existing maximum permitted floor area for ancillary buildings. Where parking is included within the suite footprint, the vehicular parking area would count toward the overall footprint of the suite.

Allowance for an expanded footprint beyond 60 square metres on larger lots may be permitted through a minor variance application to the Committee of Adjustment provided that it satisfies the tests under the Planning Act for the authorization of a minor variance, including meeting the intent and purpose of the following policies:

- It is demonstrated that the privacy of the adjacent properties is maintained;

- The majority of the rear yard is maintained as open space, and soft landscaping is maximized;
- The location, massing and design of the garden suite preserves existing trees protected under Municipal Code Chapter 608, 658, and 813 on the subject property and adjacent properties; and
- The interior floor area of the garden suite must be less than the gross floor area of the residential building on the lot.

Floor Area

The maximum floor area is the maximum area of all floors of a garden suite.

The proposed Official Plan and Zoning By-law amendments require that the interior floor area of a garden suite must be less than the gross floor area of the residential building on the lot to ensure it remains subordinate to the primary dwelling in accordance with the second unit Official Plan policies. This is also consistent with the zoning permissions for laneway suites.

Basements

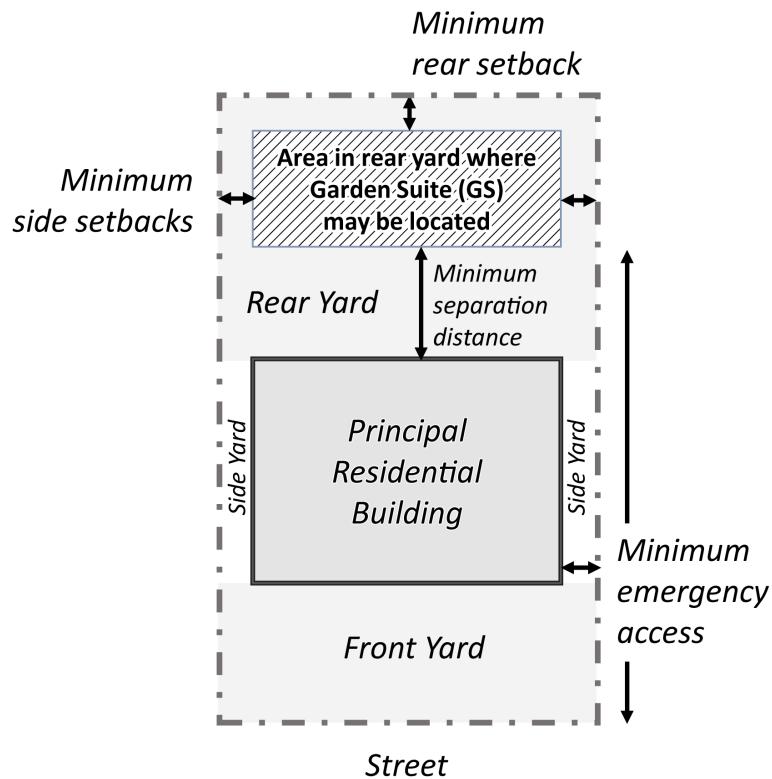
Basements are proposed to be permitted in garden suites. This is consistent with the Zoning permissions for Laneway Suites. Staff do not consider a proposed basement to be a satisfactory rationale for a height exemption for a garden suite.

Height and Separation Distances

The maximum permitted height for garden suites is 4.0 metres where the garden suite is at least 5.0 metres from the main house, and up to a height of 6.0 metres where the garden suite is at least 7.5 metres from the main house. Additional angular plane regulations apply to heights above 4.0 metres in order to mitigate impact on privacy, shadows, and tree canopy, and are outlined later in this report.

The proposed height and separation distances align with the original permissions for laneway suites. The space between the main dwelling and the garden suite, resulting from the required separation distances, also provides a consolidated area of open space with potential for growing new trees.

Diagram 1: Separation and Setback Locations



Setbacks

A setback refers to the distance from a building wall to a lot line (for example, a side yard setback refers to the distance between the nearest building wall to a side lot line). Setbacks are intended to create space between buildings and structures, where appropriate and necessary, and also acknowledge the amenity of adjacent yards. In the case of garden suites, in particular, rear yard setbacks and side yard setbacks are intended to address privacy issues, and to provide adequate space for soft landscaping, maintenance and repairs, drainage and grading.

Rear Yard Setback

A minimum rear yard setback of 1.5 metres is required for garden suites. On lots with a depth greater than 45 metres, the minimum setback is the greater of 1.5 metres and half the height of the garden suite. On through lots and where no parking is provided within the garden suite, the minimum required rear yard setback is the required front yard setback for any adjacent house; if there is no adjacent house, then the rear yard setback is 1.5 metres.

On through lots where parking is provided within the garden suite and accessed from an existing vehicle access on the rear lot line, the minimum setback is 6.0 metres. The purpose of this increased setback is to ensure adequate space for safe access and egress for vehicles between the garden suite and the right-of-way.

In addition to the required setback, angular plane requirements (outlined below) are proposed to increase the separation of the garden suite from the rear lot line as building height increases.

Vehicle Access to Garden Suites

The proposed By-law amendment intends that no new vehicular access be provided for a garden suite, even on lots with more than one frontage, such as through lots and corner lots. Where a lawfully existing vehicle access, or accesses, exist, these may be used to access a parking space within or for a garden suite.

The intent of this approach is to prevent vehicle accesses from being constructed where they were not originally contemplated, avoid more than one curb cut and driveway serving a lot and to maintain existing boulevard green space and street tree planting areas. Additional driveway accesses can reduce green space and limit opportunities for street tree planting on boulevards.

In some cases, lots with multiple frontages, such as corner lots and through lots, may abut a major street. In these cases, vehicular access may not be desirable. In many subdivisions across the City, lots that have a rear yard facing a major street often have a one-foot reserve along the entire rear property line which prevents street access to the lot.

Angular Planes

In addition to setbacks and the general height limits described above, the portion of a garden suite above a height of 4.0 metres must fit within a 45-degree angular plane to all property lines (except for those facing a street), and on the side facing the main house.

Angular planes are a design tool that can help mitigate the impact of building mass on adjacent properties as height increases by stepping it away from property lines. A 45-degree angular plane is a generally accepted standard for gradual building height transition and generates a 1:1 relationship between height and stepback of the building mass that helps maintain good sunlight access on surrounding properties, particularly during the spring through to the fall equinoxes, when plants, gardens and rear yard amenity are most sensitive to shadow impacts.

The front main wall of the garden suite (i.e. the side that faces the main house) must fit within an angular plane of 45 degrees projected toward the rear lot line, beginning at a reference point 7.5 metres from the rear main wall of the main house and at a height of 4.0 metres. As the separation condition between the main house and the garden suite is comparable to that of laneway suites, the same angular plane restriction is recommended.

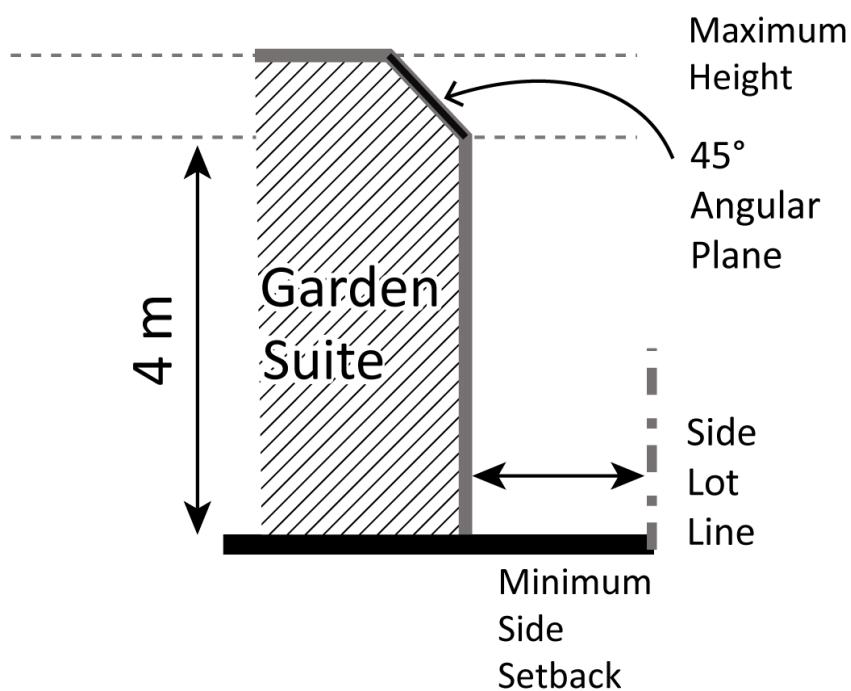
Garden suites and laneway suites relate differently to the rear and side lot lines on properties where they are located. In the case of garden suites, there will be no public lane to separate abutting lots and create more space between the laneway suite and the abutting rear yard.

The proposed side yard and rear yard angular planes begin at 4.0 metres in height at the minimum required side yard setback. The side and rear angular planes seek to mitigate the impact of additional building height above the current as-of-right ancillary

building permissions, limiting impacts on adjacent properties, and providing space for tree canopy growth.

An angular plane will not be required on the sides of a garden suite that abut a public street.

Diagram 2: Side Yard Angular Plane



Rear Yard Landscaping

Rear yard soft landscaping requirements for lots containing garden suites are proposed to align with existing Zoning By-law standards for residential lots which require at least 25 or 50% of a rear yard, depending on lot frontage, to be soft landscaping.

A minimum of 50% of the total rear yard area must be soft landscaping (such as planted ground cover, sod and gardens) with a lot frontage greater than 6.0 metres.

The footprint of a garden suite does not count towards the required soft landscaping. For lots with a frontage of less than 6.0 metres, a minimum of 25% of the rear yard must be soft landscaping, which is consistent with the current rear yard soft landscape requirements of the zoning by-law.

Garden suites are intended to play the dual role of providing an additional option for low-density housing while also respecting the importance of green open spaces on the well-being of the natural environment and the city's residents. In addition to providing amenity space that may serve the residents of a lot, soft landscaping in rear yards

presents an important opportunity to provide the permeable surfaces needed to retain stormwater on site, and to support mature tree canopy and ecological function.

Projections Above the Permitted Height

The proposed Zoning By-law Amendment allows some projections above the permitted height up to 1.0 metres for elements such as equipment used for the functional operation of the garden suite, antennae, flagpoles, satellite dishes, weather vanes, parapets for a green roof, chimneys, and 1.2 metres for solar panels. Skylights on the roof of a garden suite may exceed the permitted height by 0.3 metres.

Projections into the Angular Plane

The proposed Zoning By-law Amendment allows for dormers to penetrate the angular plane only on the front main wall of a garden suite facing the main house, if it occupies no more than 30 percent of the total width of the garden suite. The proposed By-law does not allow for dormers to penetrate the angular plane on the sides of a garden suite facing the side or rear lot lines.

Decks and Balconies

There is no minimum required outdoor amenity space proposed for a garden suite. Amenity space may be provided in the rear yard of the property. Balconies and decks are not permitted above the first floor of a garden suite.

Ontario Building Code

In order for the Chief Building Official to issue a building permit for a garden suite, a proposed garden suite must comply with the relevant Ontario Building Code regulations and the Zoning By-law. The provision of appropriate access and travel distance for emergency services, minimum building area and room sizes, as well as minimum required floor heights, are components of the Ontario Building Code review.

Lawfully Existing Ancillary Buildings and Structures

The garden suites by-law amendment expects that property owners with existing sheds or garages may wish to convert their existing ancillary buildings into garden suites. Lawfully existing setbacks and separation distances will be allowed to remain in order to enable these conversions. In the by-law, “lawfully existing” means that the setback or separation distance existed, or had been issued a building permit for, on or before the date that the By-law is enacted. All other features of a proposed conversion to an existing ancillary building, including height, angular planes and soft landscaping, must comply with garden suites By-law performance standards. Similarly, any new additions to a lawfully existing structure must meet the proposed By-law performance standards for a garden suite. Building permits will be required to convert a lawfully existing accessory structure to a garden suite.

Planning and Housing Committee directed City Planning staff to consider any policies necessary to permit existing garden suites and coach houses, including pathways to compliance. This was reviewed as part of the Garden Suite Study. Staff determined that the above-noted permissions for lawfully existing buildings provide direction as to how some past conversions might be reviewed by City Planning staff and Toronto Building staff in order to move towards compliance. In cases where the building is not

deemed to be lawfully existing, or additions were made to a lawfully existing building, greater review from City Planning and Toronto Building staff would be required, and an application for minor variance may be necessary.

Sustainability and Design Excellence

The TransformTO Net Zero Strategy (2021) provides a comprehensive approach to achieving Toronto's goal of net zero greenhouse gas emissions by 2040. The report sets out the need for bold action to transform the City's urban systems - buildings, energy, transportation and waste - to meet the 2040 target. The TransformTO modelling notes that in order to meet the 2040 GHG reduction goal, the City needs to take immediate action on buildings, which represent 57% of total GHG emissions in Toronto. New buildings need to achieve net zero emissions by 2030 or earlier. This is reflected in the performance measures of the Toronto Green Standard (TGS) which sets out graduated requirements for higher energy performance and greenhouse gas emissions limits to 2030 for planning applications subject to site plan. The TGS also sets out requirements to address urban heat island impacts and management of storm water.

City Planning and the Environment and Energy Division have explored options for encouraging sustainable building practices for garden suites. Strategies include promoting sustainable design standards for garden suites that improve such aspects as energy efficiency and increased building resilience to heat waves, power outages, and flooding.

City Planning is also considering developing a design competition for garden suite design proposals that promote design excellence and sustainable building practices including applicable Toronto Green Standard performance measures, Passive House Design, Net Zero emissions, and general architectural best practices. This competition would promote garden suites and design excellence, with selected submissions potentially being included in a catalogue of pre-approved garden suite designs hosted by the City.

Parking

The proposed Official Plan and Zoning By-law amendments do not require a parking space for a garden suite. A total of two bicycle parking spaces are required to be within all new garden suites or on the lot.

If a property owner decides to provide an exterior parking space for the garden suite, the proposal must continue to meet the prescribed soft landscaping requirements. A parking space proposed integral to a garden suite would be counted towards the maximum floor area and lot coverage of a garden suite.

The Official Plan encourages decreasing the reliance on personal automobiles in both policies and its general text in numerous areas. The Official Plan acknowledges that the City will work to develop strategies which reduce automobile dependency and directs the City to pursue measures which increase the proportion of trips made by active transportation and transit. Designing a garden suite around a parking space can create significant limitations on the structure, diminishing the ability to create accessible, ground floor housing. Requiring parking on site may also place added pressure on

permeable surfaces and the extent of available tree planting areas. Driveways containing parking for one or more cars are not uncommon throughout neighbourhoods

In assessing the parking requirements for garden suites, staff considered comments received through consultation, trends associated with vehicle ownership, the increasing presence of cycling and transit infrastructure, the policy objectives of the Official Plan, the design implications of required parking for garden suites, the City's current approach to the issuance of street parking permits, the possibility of variances that can remove parking from a residential lot, and the City's Review of Parking Requirements for New Development. On December 15, 2021 City Council adopted staff recommendations on Item PH29.3 - Recommended Parking Requirements for New Development. The adopted amendments do not require a minimum number of parking spaces for detached houses, semi-detached houses, townhouses, duplexes, triplexes, fourplexes, and secondary suites, such as garden suites, as the approach is shifting to a market driven provision with the use of maximum parking standards.

Street Parking

Under the City's current policies regarding issuance of street permit parking, should the owner of a property elect to construct a garden suite and choose to remove the only on-site parking space from their lot, they would not be entitled to receive an on-street permit to replace their parking if they are in an oversubscribed street parking area. Not all areas of the City permit on-street parking.

Managing Impacts on Adjacent Properties

The Official Plan contains policies which intend that new development limit impacts on adjacent properties. Issues related to privacy and overlook were raised as a concern through the City's consultation on garden suites. The proposed Official Plan and Zoning By-law amendments for garden suites have been developed, in consideration of the Official Plan policies to limit the impacts of garden suites on adjacent properties, and feedback from the consultation process, to limit the impacts of garden suites on adjacent properties.

In determining the scale and form of garden suites, the City undertook lot studies, review of existing by-law permissions, and massing analysis, to sculpt the upper portion of a garden suite to mitigate privacy impacts. Through consultation it was determined that the angular planes and setback requirements are important in mitigating the impacts of garden suites, and that protrusions into these should be restricted. The proposed By-law amendment will not permit decks or balconies above the first floor of a garden suite. The proposed By-law amendment also restricts and openings facing a side yard on walls closer than 1.5 metres from a lot line.

The proposed Zoning By-law amendment regulates garden suites appropriately to limit the privacy, overlook, and shadow concerns on adjacent properties and for future residents of garden suites.

Solid Waste Collection

Solid waste from garden suites will be collected from the front yard of the lot on which the suite is located. The emergency access routes detailed in the preceding section can provide adequate pathways to bring solid waste to the street on collection days.

Storage of waste and bins from the garden suite may be accommodated on the rear yard access side, provided they do not obstruct access, but should be screened or enclosed in either case.

Toronto Hydro

Garden suites are not required to have a separate Toronto Hydro meter. Installing a separate meter may be done at the owner's discretion. The meter may be installed on either the main house or the garden suite.

Servicing Connections and Capacity

No changes to the City's by-laws or Municipal Code related to services are necessary to facilitate the servicing of garden suites.

When determining potential servicing capacity impacts from garden suites it is important to understand the number of additional residential units proposed in a given area that will connect to existing services. It is difficult to adequately estimate the total servicing demand that may result from the construction of garden suites, primarily because it is difficult to estimate the year over year number of suites constructed overall or in any one geographic area.

It is estimated that the yearly construction of garden suites in Toronto will be a modest addition to the City's housing starts. This additional housing will also be distributed across the City's many neighbourhoods. Toronto Water staff anticipate that the impact on piped services over the study area as a whole, and within local areas, will be negligible.

Despite the difficulty in forecasting the overall uptake of garden suites, or the amount of construction in any given area, the year over year construction of garden suites is anticipated to be within the current capacity of the City's sanitary sewer system. The City's Engineering and Construction Services and Toronto Water staff advise that generally there is adequate residual piped servicing capacity (water, storm services) within the City's neighbourhoods to accommodate garden suites.

At this time it is not anticipated that any capital improvements to existing piped services infrastructure will be required to accommodate garden suites.

Stormwater Management

The City recommends that soft landscaping, permeable surfaces, gardens, and green roofs be employed to help retain stormwater on site. The proposed Zoning By-law amendment requires rear yard landscaped open space to ensure that a significant portion of the rear yard is soft landscaping. The soft landscaping requirement for garden suites is the same as the existing zoning by-law standards, which requires 50% of the rear yard to be soft landscaping, and 25% when the frontage is less than 6.0 metres in width.

Development Charges

The Government of Ontario's More Homes, More Choice Act, 2019, exempted new secondary dwelling units in an ancillary structure from development charges, subject to certain criteria. As a result of the legislation, the City's DC Deferral program is no longer necessary for many laneway or garden suites. However, where a laneway or garden suite is one of a number of secondary units, or is the largest unit on a property (often in the case where a garden suite is constructed in the rear of a multi-unit building such as a triplex), the City's DC Deferral program is still available.

The City is currently conducting a review of the Development Charge By-law and further changes may be implemented regarding garden suites through this review.

Parkland Dedication

Section 42 of the Planning Act allows the City of Toronto to require new development to contribute to the expansion and enhancement of the city's parks and open space system.

The amount of parkland required from any development proposal is governed by the City of Toronto Municipal Code, Chapter 415, Article III and is determined by the type of development and the location of the development.

Some types of development are exempt from parkland dedication generally because they do not create additional pressure on existing parks. The types of development that are not required to provide parkland include industrial uses, public schools, hospitals and public or non-profit daycares. Non-profit housing, replacement buildings or structures, and single detached and semi-detached replacement dwellings are also exempt from parkland dedication. Residential buildings can also be granted an exemption for the creation of one additional residential unit on the property, either as a new unit within the building or a laneway suite.

Planning staff recommend that Chapter 415 of the City of Toronto Municipal Code be amended to add garden suites to the list of exempted development types. Parks, Forestry & Recreation was consulted in the drafting of this report and agrees with the staff recommendations.

Planning Application Fees

Under the City's current planning framework, proposing a garden suite typically requires a Zoning By-law Amendment application, and in most cases, a corresponding Official Plan Amendment application.

The fees associated with these applications, as of January 1, 2021 are as follows:

- Zoning By-law Amendment Application Base fee*: \$44,370.79
- Combined Official Plan Amendment and Zoning By-law Amendment Application Base Fee for residential proposal*: \$42,152.26

* Where proposals exceed 500 square metres, additional fees are required. The City's proposed Zoning By-law amendment would not permit a suite in excess of 500 square metres, so only the base fee is noted.

The timeline for Official Plan and Zoning By-law Amendment is 9 to 18 months.

The proposed amendments to the Official Plan and Zoning By-law permit garden suites as-of-right, subject to various performance criteria. Should a garden suite meet all the applicable By-law standards, none of the above applications would be necessary.

Building Permit Fees

There are no changes proposed to the current fees or requirements for the submission of a building permit application to construct a garden suite.

Application Process

No new application process is proposed for the review and consideration of the construction of garden suites. The proposed Zoning By-law Amendment would permit the construction of garden suites as-of-right, subject to various standards. Through the review of a building permit application, Toronto Building staff will determine Zoning By-law and Ontario Building Code compliance.

Other permits may be required for the review and approval of proposed garden suites, including permits to injure or destroy a tree protected under Municipal Code, Chapter 813, Article III, Municipal Code Chapter 658, or permission under Municipal Code Chapter 608, Parks.

Garden suites are not subject to Site Plan Control.

Municipal Property Taxes

During the consultation process questions were raised regarding the impact constructing a garden suite would have on municipal taxes. The assessment of the value of a property is undertaken by the Municipal Property Assessment Corporation (MPAC). The construction of a garden suite, or conversion of an existing accessory structure to a suite, may result in a change to the assessed value of that property.

Severances

The Planning Act intends that additional residential units be permitted in a building or structure that is ancillary to a main dwelling, and not as severable infill housing. In accordance with the intent of the Planning Act, garden suites are not proposed to be severable infill housing. By remaining ancillary to the main dwelling they are intended to increase the City's rental stock within Neighbourhoods.

The proposed Official Plan Amendment includes the following policies:

- Proposed land divisions under the Planning Act or Condominium Act, 1998 to create a lot containing a garden suite separately conveyable from the principal dwelling will be discouraged.

- Proposed division of land under Section 50, 51 or 53 of the Planning Act, the registration of a declaration and description under the Condominium Act, 1998, of lots containing a garden suite which would result in a principal dwelling and a garden suite being on two separate lots will not be permitted and may be considered only through the submission of a corresponding Zoning By-law Amendment application where it can be demonstrated that:
 - the lot pattern respects and reinforces the existing lot pattern of the established Neighbourhood;
 - all servicing, including water, wastewater and hydro, can be accommodated to the satisfaction of and at no expense to the City;
 - what was originally considered the garden suite meets all of the requirements for a principal dwelling unit on its own lot;
 - solid waste can be appropriately screened and appropriately collected by the City;
 - stormwater can be managed on site; and
 - Will not result in the injury or removal of a tree protected under Municipal Code Chapters 608, 658, and 813, on the subject property and abutting properties.

Laneway Suite Monitoring Program

On June 26, 2018, City Council approved Official Plan and Zoning By-law Amendments to allow laneway suites within the boundaries of the Toronto and East York District as the boundaries existed in 2018. On July 16, 2019, City Council expanded permission for laneway suites to low-rise residential zones in Zoning By-law 569-2013 across the City.

Along with approving By-law and policy changes to allow the construction of laneway suites, City Council directed City staff monitor the implementation of laneway suites and report on a range of matters to Planning and Housing Committee.

In 2021, the City retained Gladki Planning Associates to assist the City in undertaking a thorough review of laneway suite applications. The City also held a variety of online consultation events, visited numerous laneway suite properties, met with local residents on laneway sites, and hosted virtual meetings with a variety of stakeholders including residents, the building industry, the groups consulted on the 2018-2019 Changing Lanes Study, and Councillors offices.

Staff working on the Garden Suite Study collaborated with staff involved in the laneway suite monitoring work throughout the process. Comments received through the laneway suite study and monitoring work have informed staff's review of garden suites and the proposed policies and By-law provisions.

On December 15, 2021 City Council adopted staff recommendations on Item PH29.2 - Changing Lanes: The City of Toronto's Review of Laneway Suites - Monitoring Program and Zoning By-law Amendments - Final Report. The report included an overview of the type of laneway suites constructed to date in the City, a discussion on matters raised during consultation, and recommended incremental zoning By-law amendments to continue to facilitate the construction of laneway suites.

The report makes several observations about trends in Laneway Suite construction:

- Overall, a mix of suite sizes and layouts were constructed;
- Construction of suites happens gradually and evenly distributed across the area where they're permitted, though uptake is increasing year over year;
- Approximately half of the suites constructed to date have multiple bedrooms;
- Half the suites constructed do not contain a parking space and the other half contain at least one space;
- Most of the suites constructed are two storeys in height;
- Basements are rarely built;
- The majority of building permit applications for a laneway suite were as-of-right; and,
- Units are used for a variety of purposes, including rental accommodation, intergenerational accommodation, or are intended to support aging in-place, with the opportunity for the suite to serve several of these roles over time.

Detailed discussion of these trends and others can be found in the Laneway Suite Monitoring Report.

The changes to the Laneway Suite By-law provisions presented to City Council on December 15, 2021 have not been incorporated into the proposed garden suite standards at this time. Despite their obvious similarities, laneway suites and garden suites differ in some important ways. The context into which a laneway suite is proposed is often in an area where existing garages line a public laneway, whereas lots on which a garden suite is possible may be less likely to have an existing backyard garage or a consistency of rear yard structures in area backyards. The laneway itself creates separation from some adjacent properties and uses opposite the lane, and the presence of garages on either side often align with the footprint of the laneway suite, limiting impacts on adjacent sites. Garden suites, on the other hand are located on lots that can have more immediate rear and side yard adjacencies. This is acknowledged in the proposed setbacks and stepbacks, among other requirements, in the proposed garden suite provisions which differ from that required for a laneway suite.

The proposed garden suite Communication and Monitoring Program will ascertain whether any of the changes recently proposed to the Laneway Suite By-law are appropriate for garden suites.

Garden Suite Communication and Monitoring Program

Staff Training

Should the proposed amendments be approved by City Council, City Planning staff will initiate training sessions for staff from City Planning, Toronto Buildings, Fire Services, City Legal, Engineering and Construction Services, and Urban Forestry to ensure a consistent application and interpretation of the City's garden suites policy framework (Official Plan Amendment and Zoning By-law Amendment). Training sessions will focus on developing a consistent and comprehensive understanding of the applicability, purpose and objectives of the policy and performance standards. Other municipalities that have implemented garden and laneway suite strategies have advised City Planning staff of the importance of staff training. Training on the proposed garden suite policies and regulations will also be provided to Committee of Adjustment Members.

Garden Suite Information

As part of the implementation for garden suites it is important for residents to have access to necessary information before planning a garden suite. Providing the information in a timely manner will help to ensure that critical issues, such as adequate tree protection, fire access, and lot configuration, are addressed early in the design process. Staff are preparing garden suite implementation documents that will provide residents with details on tree protection, fire access, the rules and regulations, process, best practices, as well as the appropriate divisional contacts.

Monitoring

The monitoring program will review the planning and building process, the overall policy and regulatory framework, and impacts to trees, soft landscaping and permeable surfaces. The review will help with understanding and responding to details of garden suites such as their location, lot sizes, unit size and number of bedrooms, tree protection, soft landscaping, permeable surfaces, and garden suite design (including height and massing).

The monitoring period will conclude following two years from the enactment of the proposed Official Plan and Zoning By-law Amendment, or following the issuance of the 200th building permit for a garden suites, whichever occurs first. Upon conclusion of the monitoring period the City will prepare a report to Planning and Housing Committee to discuss the conclusions of the monitoring program.

Pre-approved Designs and Design Competition

Through the consultation process the idea of pre-approved permit drawings was raised as an opportunity to support the construction of garden suites and laneway suites. Several cities in the United States currently support pre-approved building permit plans as part of their efforts to support accessory dwelling units. City Planning staff agree that garden suites and laneway suites may benefit from a similar program and will continue discussions on this matter with Toronto Buildings and other City divisions as part of the Expanding Housing Options in Neighbourhoods initiative.

City Planning is also considering the feasibility of developing a design competition for garden suites design proposals that promote design excellence and sustainable building practices including Passive House Design, Net Zero emissions, applicable Toronto Green Standard performance measures, and general architectural best practices. This competition would promote garden suites, as well as design excellence, whereby

selected submissions may be included in a catalogue of pre-approved garden suite designs.

Conclusion

The Garden Suites Study is a priority project endorsed by City Council in July 2020 as part of the Expanding Housing Options in Neighbourhoods work plan. The recommendations of this report have been informed by a comprehensive analysis undertaken by City staff and through extensive public consultation.

Garden suites are a part of building complete communities. They can provide a new form of rental housing, multi-generational housing, and options for aging in-place, within the City's Neighborhoods. They can provide much needed additional housing options in a low-rise building form that is consistent with the scale of buildings that already exist across the Neighborhoods.

The proposed garden suite regulations detailed in this report implement amendments to the Planning Act in 2011 and 2019. Introducing this new form of housing to the City of Toronto balances the Official Plan's policy objectives to create complete communities, provide a full range of housing in terms of form, tenure, and affordability across the city, and make efficient use of land, while acknowledging the Official Plan's objectives regarding Neighbourhood change.

City Planning staff recommends the approval of the Official Plan and Zoning By-law Amendments to permit garden suites in Neighborhoods across the City of Toronto.

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SIGNATURE

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City Planning Division

ATTACHMENTS

Attachment 1: Draft Official Plan Amendment No. 554

Attachment 2: Draft Zoning By-law Amendment (By-law 569-2013)

Attachment 3: Garden Suite Example Images

Attachment 1: Draft Official Plan Amendment No. 554

Attachment 2: Draft Zoning By-law Amendment (By-law 569-2013)

These attachments are provided as separate documents.

Attachment 3: Garden Suite Example Images

Image 1: View of garden suite on lot 10 metres wide and 36 metres deep



Image 2: View of garden suite on lot 6 metres wide and 36 metres deep

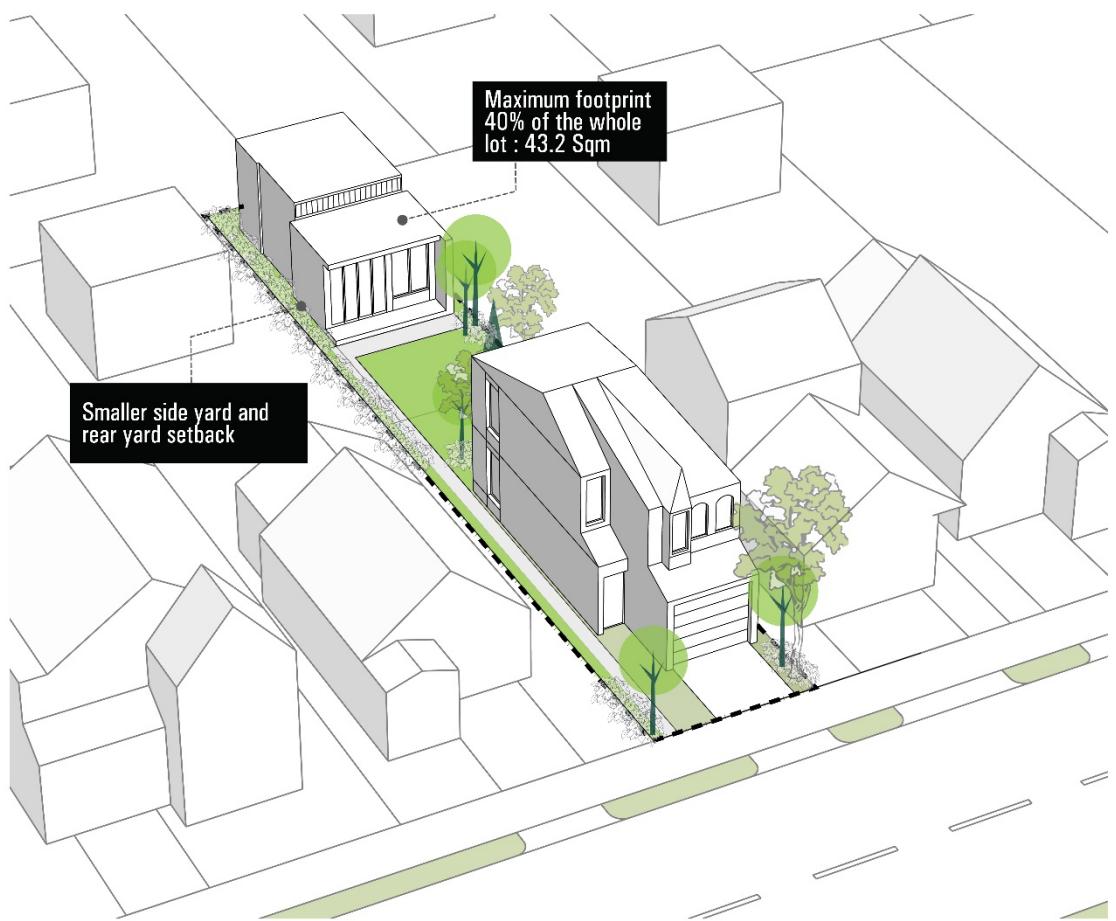


Image 3: View of garden suite on lot 21 metres wide and 48 metres deep

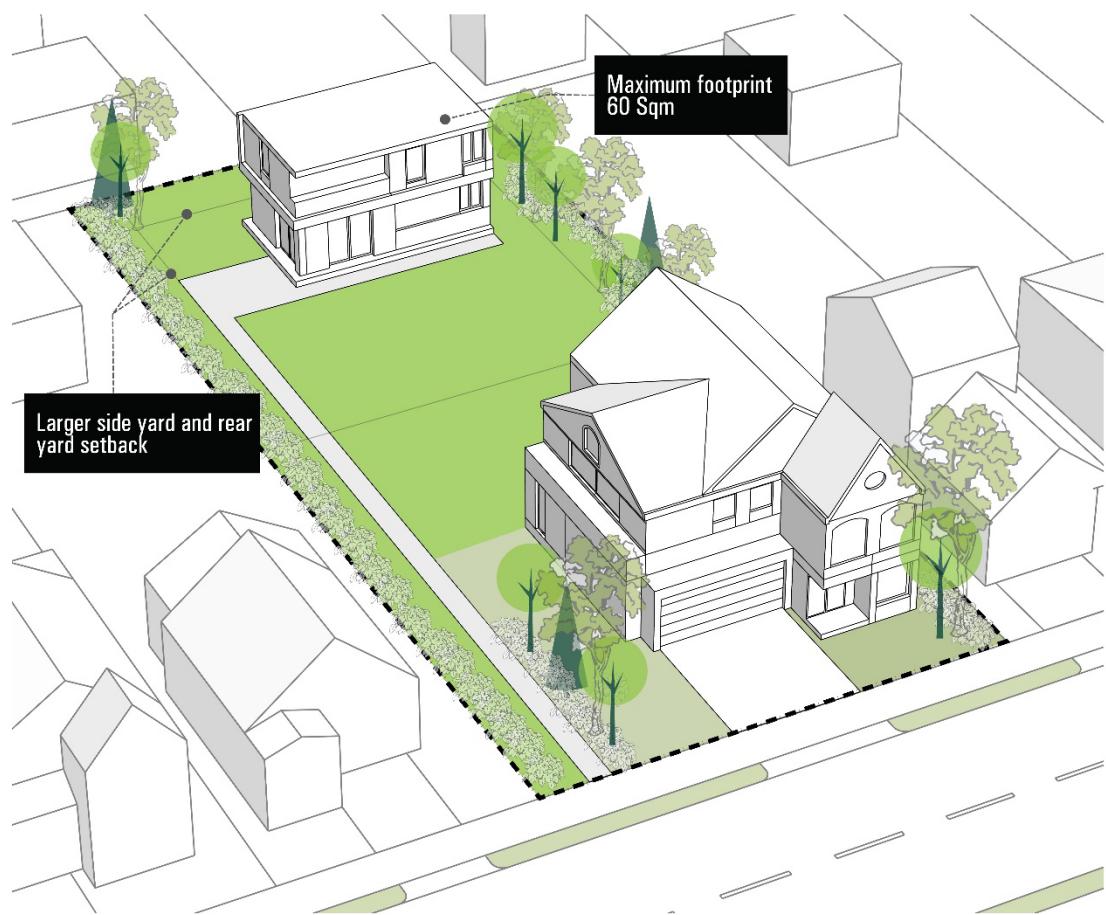


Image 4: View of garden suite on corner lot 15 metres wide and 36 metres deep



Image 5: View of garden suite on through lot 14 metres wide and 44 metres deep

