

23 May 2018

Lynda Macdonald
Acting Director, Community Planning
Toronto & East York District
Toronto City Hall
18th fl. E., 100 Queen St. W.
Toronto ON M5H 2N2
Sent by email

Subject: Second Units & Laneway Suites Official Plan Amendments

As you are aware, the Toronto and East York Community Council adjourned Item TE32.11 to the June 6, 2018 meeting of the Toronto and East York Community Council, with the following instructions to the Acting Director, Community Planning, Toronto and East York District to:

4. Include in the report back to the Toronto and East York Community Council, an update on the "Second Units - Draft Official Plan Amendment" Public Consultation Meeting to be held on May 7, 8 9 and 10, 2018.

6. Include in the report back to the Toronto and East York Community Council, any necessary recommendations regarding potential conflicts between any existing Site and Area Specific Policies and/or Secondary Plan Policies and the proposed Official Plan Amendment 403.

ABCRA is concerned that there may be unintended consequences or confusion created by these two amendments and, in particular, by the detailed nature of Official Plan Amendment 403. When we have questioned standards and specifications, we have been told "the Province requires this" when it is not the case. The Province requires second units be included in the Official Plan of the municipality and it will review these Official Plans to ensure they have been permitted, but does not require specific standards or specifications and does not require these be "as of right". We are also concerned that adding this new form of housing which was unknown and unnamed at the time a Secondary Plan, Site Specific Area Plan or a Heritage Conservation District was written will be interpreted as silent and not applicable. We outlined our concerns in this regard in our submission TE32.11.106. For ease of reference, extracts from our submission are shown below:

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1. Provincial

The Provincial Plans have been referenced in the staff report. The Provincial plans have their core: supporting both economic and population growth, containing urban sprawl by leveraging intensification in general and in particular outside the urban core, protecting agricultural and water shed areas, and improving connectivity within communities and within the golden horseshoe region. There are clear requirements that impact Toronto planning, housing and infrastructure development and Toronto must not be in conflict with these; however, the Provincial policies also acknowledge the implications for urban core areas will be different from its impact on other municipalities in the region.

The Provincial Policy Statement (PPS) 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities; wise use and management of resources; and protecting public health and safety. The PPS recognizes that local context and character is important. Official Plans integrate all applicable provincial policies. Since the policies are outcome-oriented, the official plan is the most important vehicle for the implementation of the PPS. City Council's planning decisions are required, by the Planning Act, to be consistent with the PPS. (Bloor-Yorkville Area City Initiated Official Plan Amendment Preliminary Report-Mar 17, 2017)

We request: Toronto express and respond to Provincial requirements in ways that are both consistent with Provincial policy and make sense for its urban context and enhancement as a premier world city.

2. Toronto Official Plan Neighbourhood Policies

Policies 2, 3 and 4 of the Official Plan are often referred to as the "neighbourhood" policies. They reference the following:

Section 2.2.1 contains policies to ensure the City's Neighbourhoods contained within the Downtown remain generally stable over time.

Section 2.3.1 – "Healthy Neighbourhoods" indicates that while some physical change will occur to neighbourhoods over time as enhancements, additions and infill housing on individual sites, a cornerstone policy is to ensure that new

development in neighbourhoods respects the existing physical character of the area, reinforcing the stability of the neighbourhood.

Section 4.1 – includes policies and development criteria to ensure that physical changes to established neighbourhoods are sensitive, gradual and generally "fit" the existing physical character.

We request: Consistent with Policies 2, 3, and 4 of the Official Plan, Laneway Suites physical character should respect and complement the primary dwelling, dwellings in the immediate proximity, and neighbourhoods in general.

3. Secondary Plans and Site and Area Specific Policy

Secondary Plans and Site and Area Specific Policies (SASP) set out more refined and detailed plans and standards for specific areas. For example, SASP 211 Bloor Yorkville/North Midtown Area contains the following which defines neighbourhood character more broadly and places it in its overall urban community context:

Context

The Bloor-Yorkville/North Midtown Area is composed of a broad mix of districts with differing intensities, scales and heights in a diversity of building forms. The area includes Neighbourhoods, Apartment Neighbourhoods, Areas of Special Identity (as identified on the following Schedule) Mixed Use Areas and open space provided by parks and ravines. It forms the north edge of the Downtown and provides for transition in density and scale towards the boundaries of the area from the more intensive use and development forms to the south and within the Height Peak at Yonge and Bloor Streets shown on Map

2. This transition is important to reinforce the diversity of built form and use, to foster the stability of Neighbourhoods, and to minimize conflicts between commercial or mixed use areas and residential neighbourhoods. The intended character of specific areas and the planned transition in heights, use and built form, is described in the following sections.

a) Neighbourhoods

Ramsden Park, Yorkville Triangle & Asquith-Collier

New development in the Ramsden Park, Yorkville Triangle and Asquith-Collier

Neighbourhoods will respect and reinforce the stability and the established low-rise character of these areas containing tree-lined streets and houses of two and three storey height, consistently setback from the street line. All new development will be contextually similar and appropriate to the individual settings, patterns of development, unique features, architectural and landscape character, and heritage significance within these areas.

Developments on sites near these three Neighbourhoods will be designed with sufficient setbacks and transitions in scale, through means such as angular planes and step-downs in height, to adequately limit shadow, wind and privacy impacts upon nearby residences and the public realm. Commercial and mixed use development near to these three Neighbourhoods will be designed to adequately limit negative impacts on nearby residences with respect to, among other matters, noise, traffic, odours, intrusive illumination and the location and visibility of access and service areas.

We request: A broad definition of character indicated above that includes a number of aesthetic aspects continue to apply ABCRA Neighbourhoods in accordance with SASP 211.

4. Why are Neighbourhoods Important – Omitted from this extract.

5. Potential Impact of Proposed OPA 403

We are concerned that the protections of OPA 2, 3, and 4, are being interpreted in narrow terms as the simple measurements of the structure. We are also concerned that SASP 211 will be overridden by OPA 403 as it stands. We have had the following advice (See Appendix 2) regarding the potential impact of proposed OPA 403:

The preamble mandates that all Neighbourhoods must have laneway suites. While sub clause 1 e) stipulates that where there is a conflict between either a Secondary Plan or another Site or Area Specific Policy in Chapter 7, that a Secondary Plan or another Site or Area Specific Policy in Chapter 7 will prevail, 6 this wording would indicate that those documents must specifically not permit laneway suites. Since older documents will not address laneway suites since they did not exist when they were passed the specificity of that wording in the preamble would appear to override older documents. In addition it would appear to override HCDs. Recommend that the words, “are permitted” be replaced with



the words “may be permitted” so that the preamble would read “Laneway Suites may be permitted...”

We request: The proposed OPA 403 be amended to ensure Laneway suites are subject to Polices 2, 3 and 4 of the Official Plan in similar manner to that of the primary dwelling to which second units are linked and are covered by relevant Secondary Plans, Site and Area Specific Plans, or Heritage Conservation Districts where these exist.

ABCRA is not trying to delay, obstruct or otherwise frustrate the addition of laneway suites to the mix of housing options available in Toronto or in the ABCRA area. In fact, we have encouraged that second units should be looked at more broadly in the context of City-wide application rather than in a piecemeal fashion.

ABCRA has participated in discussions following the May 2nd TEYCC meeting which have focussed on standards and specifics related to laneway suites. Since the issue being raised here is more legal and policy oriented, we have not addressed it as part of those discussions. We look forward to your response to the amendment we have proposed, or an alternate clarifying amendment, to OPA 403 where we feel there may be an unintended negative impact plus an affirmation that Neighbourhood policies and SASP intent would continue be applicable to this new form of residential development.

Yours truly,

John Caliendo
Co-President,
ABC Residents Association

Ian Carmichael
Co-President,
ABC Residents Association

Cc: Councillor Kristyn Wong-Tam
Gregg Lintern, Chief Planner and Executive Director, City Planning Division
Kerri Voumvakis, Director, Strategic Initiatives
Corwin Cambray, Acting Manager, Community Planning
Greig Uens, Senior Planner, Community Planning
Jeremy Kloet, Senior Planner, Strategic, Initiatives, Policy & Analysis