



December 7, 2021

David Driedger and Allison Reid
City Planning Division,
City of Toronto

RE: Garden Suites: Online Community Consultation Comments

FoNTRA wishes to submit extensive comments regarding the November 2021 Online Community Consultation for Garden Suites. We request that the draft Permissions, Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) be revised accordingly. We thank you for agreeing to an extension until Dec 7, 2021 for our comments.

Garden Suites is a housing initiative affecting the Neighbourhoods designated lands within the FoNTRA boundaries as well as all neighbourhoods city-wide. FoNTRA established a Garden Suites Working Group (GSWG) which has been deeply involved in the review.

FoNTRA recognizes that Garden Suites represent a feasible option for additional housing in neighbourhoods, but we believe that they need to be designed responsibly, in a manner which preserves the green space system that exists in the neighbourhoods, and such that they do not negatively impact on the adjacent neighbours, and the neighbourhood character. Our earlier submission (dated June 25, 2021) continues to reflect our high-level perspective on the issues and the risks; To assist us in our detailed review of the draft OPA and ZBA FONTRA retained Terry Mills, Principal of ARRIS Planning Consultants, to review the City's draft regulations and provide his professional planning opinion. His report 'Comments and Recommendations – Garden Suites By-law' (see attached) provides critical analysis and recommendations for changes to help shape and improve the Garden Suites by-law.

The following are FoNTRA's additional comments on areas of particular importance and should be read together with the Planner's recommendations.

EHON – Garden Suites and the Official Plan

Expanding Housing Options in Neighbourhoods (EHON), of which Garden Suites are a part notes that the initiatives to increase densities of the Toronto neighbourhoods have been mandated by the Province of Ontario under the "More Homes, More Choice Act, 2019". While the City is required to implement ancillary suites, provincial regulations leave the creation of the detailed standards (except for parking) to municipalities. This means that the City of Toronto has the jurisdiction and power to decide what types of and how ancillary suites should be regulated, and the performance standards.

Logically the Garden Suites Official Plan Amendment proposals should follow from the Official Plan Review, which is underway, to developing a Garden Suites OPA, not

unilaterally. As it stands, the Garden Suites OPA is scheduled to be adopted in 2022. It is important that all the EHON Amendments be considered in the OP Review .

Application to Building Types Provincial direction is to allow ancillary structures on “single-detached, semi-detached, and rowhouses/townhouses” lots. But the City is proposing to permit garden suites in duplex, triplex, fourplex, apartments and other low-rise building types. Performance standards for these building types have not yet been established. The City recently tabled its interim report on a study to expand Multiplex housing options in Neighbourhoods.. Why are Garden Suites being recommended for multi-tenant homes when this study is in progress?

Recommendation

- *That permission for a garden suite for multi tenant building types should not be included in the Garden Suites By-law at this time. It should be referred for consideration in the EHON Multiplex Study which is in progress.*

Draft Official Plan Amendment

The annotated draft Garden Suite Proposed Official Plan Amendment (see attached) provides our **specific recommended changes** to the OP Amendment.

However as emphasized many times in our submissions, garden suites policies rely on other parallel policies, especially tree protection policies. which are currently inadequate and urgently require amendment.

Tree Protection must be strengthened

The 2018 Tree Canopy Study determined that the greatest amount of potential space for tree canopy growth exists in Toronto’s Neighbourhoods. All EHON related reports emphasize the importance of retaining and enhancing the critical carbon capturing trees and growing space in Toronto’s private back yards. The First Principle of the Garden Suite program was stated as: *“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.”*

The draft Garden Suites OPA states:

1b iv. “Garden suites **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“

“Should” not is a weak provision, and in any case does not provide new policy to ensure the necessary tree protection - it merely refers to the existing tree protection by-laws. The concern is that Chapter 813 - Trees does not prevent the injury or removal of protected trees for properties zoned as-of-right.

Recommendation

- *That the Municipal Code Chapter 813 – be amended to prevent the ability to injure or remove protected trees on the property where garden suite development is being applied for (and adjacent trees on neighbouring properties).*

In addition Toronto’s Tree Protection By-law only protects trees of greater than 30 cm diameter (DBH).

Recommendation:

- *That the Toronto Municipal Code be amended to protect trees of diameter (DBH) greater than 20cm.*

Draft Zoning By-laws Amendment

The Garden Suites By-law Comments and Recommendations report prepared by ARRIS (attached) reviews the proposed draft zoning permissions and performance standards, and provides recommendations for modifications to proposed by-law provisions, as well as identifying additional by-law provisions that are required. The following are areas of particular concern.

Minimum lot area and dimensions

The ARRIS report has provided an assessment and a Matrix of minimum feasible areas and dimensions for Garden Suites. Some lots are clearly too small or narrow to meet garden suite regulations, Fire Code and OBC regulations. It is therefore essential that the by-law define the minimum required lot area, lot depth, and lot width in order to provide clear information upfront that the garden suites permission cannot apply to these lots as performance standards cannot be met. This is usually a “notwithstanding” statement.

Recommendation

- *That the Garden Suites by-law include a provision that clarifies that a garden suite is not permitted on lots that are below certain minimum lot area, or depth or width dimensions, as well as those that cannot meet OBC and Fire Code access requirements*

Similarly the Ontario Building Code (OBC) Minimum Dwelling Size and Minimum Room Size regulations will determine on certain lots whether a one-storey or a two-storey with a pitched roof can be built.

Recommendation

- *That the Garden Suites by-law includes a provision that clarifies that the number of storeys (one or two) is subject to and dependent on the OBC minimum dwelling size and minimum room size regulations.*

Similarly Fire Code regulations will determine garden suite permissions on a rowhouse/townhouses property.

Recommendation

- *That a garden suite not be allowed on a rowhouse/townhouse property unless it is an end unit which meets the required emergency access regulations of the Fire Code.*

Primary Building Depth/Length

The potential future development on a lot needs to be considered at the time of a garden suite application. The length/depth of the adjacent houses also needs to be considered from a current and future perspective. The permitted primary building depth is restricted in the current Zoning Bylaw by housing type. This recommendation is important to allow for possible redevelopment of the primary dwelling, as well as to be equitable to the adjacent neighbours in terms of placement of the garden suite on the lot as well as to take into account potential changes to abutting lots. .

Recommendation

- *That the permitted zoning length of the primary dwelling and/or the actual building length if greater than the permitted, be used in conjunction with the front yard setback in the proposed by-law amendments, rather than the current rear main wall as currently proposed.*

Separation Distance

The space between the primary dwelling and a garden suite defines the amount of soft landscaping that may be retained, and it also defines the shared open space that will serve as amenity space for residents of primary and ancillary dwellings on the lot. The proposed by-law provision of 5 metres (16.4') if the Garden Suite height up to 4 metres was based on the Fire Code requirement. It must also take into account the use of the area as shared open space. This backyard space is an essential part of neighbourhood interior character. The current minimum rear yard setback standard of 7.5 metres (25') should be maintained as the minimum separation distance between the main building and a garden suite.

Recommendation

- *That for the required Separation Distance between the primary dwelling and the garden suite be 7.5 metres (25') and with no association to the height of the garden suite.*

Conversion of existing ancillary buildings

Recommendation

- *That proposed By-law provisions to facilitate the conversion of 'lawfully existing ancillary buildings' (150.7.60.21 and 150.7.60.31) for rear and side yard setbacks and separation distance be removed or institute a requirement for special consideration as to whether the granting of any of these exemptions would be appropriate for a habitable building and/or would negatively impact the primary dwelling and the adjacent neighbour's properties.*
- *That despite the above, if allowed, such conversions should have a height limitation of 4 metres.*

Tree Protection and Soft Landscaping

Recommendations

- *That a requirement of canopy tree to be retained, or if one does not exist, one be planted on the lot as a condition of approval of a garden suite.*
- *That soft landscaping and tree inspections to be added to the list of required inspections during each step of garden suite building construction.*
- *That Arborist reports be required to be submitted for all Garden Suite Building Permit and CofA applications for Urban Forestry review and approval.*

As noted above garden suites involve several regulations other than Garden Suites By-laws. i.e. Tree Protection regulations (Urban Forestry), Fire Code (Emergency Services), Ontario Building Code (Toronto Building), as well as City Planning. Users of the garden suites regulations must be made aware of these parallel regulations. One way for this to happen is to cross reference them in the Garden Suites By-law.

Implementation Considerations

Garden Suites is a major new planning initiative for the City of Toronto that itself involves complex policy and legislative provisions, and in addition parallel application and Building inspection processes. Consequently, multiple divisions (City Planning, Toronto Building, Urban Forestry) are involved. As noted above it is critical that that users of the garden suites regulations are aware of the need to comply with regulations, and the impacts of other types of regulations. As a result the many implementation processes will need careful consideration that goes far beyond the approval of the Garden Suites OPA and ZBA.

- **Information/Assistance**

Before the application process begins for Garden Suites, the City must make publicly available information and guides that clearly explain the Garden Suites OPA and By-laws, as well as OBC regulations, and Tree Protection regulations.

- **Inspection, monitoring and enforcement**

Programs must be defined from the initiation of Garden Suites applications for: inspection both during and post-final inspection to ensure adherence to the GS by-law provisions and/or granted CofA variances; monitoring to ensure that the GS initiative is proceeding as envisioned and to provide for review reporting annually to PHC/City Council; and enforcement for correction of deviations from the permitted discovered through inspection and/or monitoring.

- **Committee of Adjustment Applications**

The expectation is that a fair number of GS applications will seek CofA variances. The City must provide training to Building staff and Committee of Adjustment (CofA) Panels and staff on all of the GS regulations. In addition Urban Forestry staff will need to be trained on the soft-landscaping regulations. Planning pre-review of possible CofA variance requests is also required to determine if the variance can be eliminated or reduced.

- **Program Reporting and Evaluation**

The City also needs to establish a process for on-going monitoring of Garden suites applications and CofA applications variances to determine 'why' the variances are requested and the impact to the environment and neighbours. Annual reporting should be done to PHC/City Council.

Finally, we request that our key concerns for protection of the natural environment, especially tree cover, and preservation of the built form character of our neighbourhoods, are carefully considered along with the expressed interest in diversification and intensification of the Neighbourhoods.

We will be pleased to meet with you at your convenience to further discuss the ARRIS Report, together with our comments and recommendations. .

Respectfully submitted,

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Co-Chair, FoNTRA

Cathie Macdonald
Co-Chair, FoNTRA

Attachments:

Comments on Proposed Garden Suites Official Plan Amendments (FoNTRA)
ARRIS Report on Garden Suites Zoning By-law – Comments and Recommendations

Cc: Garden Suites Working Group
Terry Mills, Principal, ARRIS Planning Consultants
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The Federation of North Toronto Residents' Associations (FoNTRA) is a non-profit, volunteer organization comprised of over 30 member organizations. Its members, all residents' associations, include at least 170,000 Toronto residents within their boundaries. The residents' associations that make up FoNTRA believe that Ontario and Toronto can and should achieve better development. Its central issue is not *whether* Toronto will grow, but *how*. FoNTRA believes that sustainable urban regions are characterized by environmental balance, fiscal viability, infrastructure investment and social renewal.