

Garden Suites Motions – City Council February 2, 2022

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2022.PH30.1>

1. City Council amend the Official Plan substantially in accordance with the draft Official Plan Amendment 554 appended as Attachment 1 to the report (December 21, 2021) from the Chief Planner and Executive Director, City Planning.

2. City Council amend the draft Zoning By-law Amendment in Attachment 2 to the report (December 21, 2021) from the Chief Planner and Executive Director, City Planning as it applies to the lands within the Ward boundaries of Beaches-East York, so that:

a. the permitted maximum height of a Garden Suite located a minimum of 5.0 metres from the residential building on the same lot is 6.3 metres, and,

b. 45-degree angular plane projected towards the rear lot line, beginning from a height of 4.0 metres is measured from a minimum distance of 5.0 metres from the rear main wall of the residential building on the same lot.

3. 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 the report (December 21, 2021) from the Chief Planner and Executive Director, City Planning, as amended by Recommendation 2 above.

4. 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.

5. 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 3 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 3 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.

6. 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.

7. 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.”

8. 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.

9. City Council request the Chief Planner and Executive Director, City Planning to monitor and assess data on the number minor variance and building permit applications for Garden Suites received within the Ward boundaries of Beaches-East York, and include this analysis as part of the monitoring report noted in Recommendation 5 above.

10. City Council request the Chief Building Official and Executive Director, Toronto Building, in consultation with the Fire Chief and General Manager, Toronto Fire Services, to request that the by-law amendments in Recommendation 2 above, be added to the scope of work to be considered by the consultant being retained as directed by Council Direction via Item PH16.10 Laneway Suites: Fire Access Requirements.

Additional Motions at the City Council on February 2, 2022:

5 - Motion to Amend Item (Additional) moved by Councillor Ana Bailão (Carried)

That City Council adopt the following recommendation in the supplementary report (January 24, 2022) from the Chief Planner and Executive Director, City Planning [PH30.2a]:

1. City Council amend Toronto Municipal Code Chapter 519 (Infill Construction, Public Notice), Article 1, Subsection 1.1 Definitions, by adding the following subparagraphs to the definition of "Infill Housing":

"F. the construction of a garden suite as defined in Zoning By-law 569-2013, or any successor thereto."

3 - Motion to Amend Item (Additional) moved by Councillor Frances Nunziata (Carried)

That:

1. City Council request the Chief Building Official and Executive Director, Toronto Building and the Chief Planner and Executive Director, City Planning to maintain a list of information on the number and location of Building Permit applications and Committee of Adjustment applications for Garden Suites, including the number and location of related tree removal permit applications, and statistics on the size of units and number of bedrooms, beginning as soon as the proposed By-law Amendment is in force and effect.

2. City Council request the Chief Building Official and Executive Director, Toronto Building to inform the local Councillor of the location of Garden Suite Building Permits once they have been issued, if requested.

NO votes by: Shelley Carroll, Mike Colle, Gord Perks (Layton does not want to receive)

1 - Motion to Amend Item (Additional) moved by Councillor Mark Grimes (Carried)

That:

1. City Council request the Chief Planner and Executive Director, City Planning to consult with residents associations, grassroots neighbourhood groups and other stakeholders as part of the monitoring report noted in Planning and Housing Committee Recommendation 5.
2. City Council request the Chief Planner and Executive Director, City Planning to schedule training and information sessions for staff involved in the review and processing of Building Permit applications and Committee of Adjustment applications, for Garden Suites, as well as Committee of Adjustment Panel members, as soon as the proposed By-law Amendment is in force and effect.
3. City Council request the Chief Planner and Executive Director, City Planning, in consultation with the General Manager, Parks, Forestry and Recreation, to monitor impacts to the City's tree canopy and growing space as a result of Garden Suite construction and to report on these matters as part of both the monitoring program noted in Planning and Housing Committee Recommendation 5, and any other work being undertaken by City staff to understand the broader implications of infill development on the City's tree canopy.

2 - Motion to Amend Item (Additional) moved by Councillor John Fillion (Carried)

That:

1. City Council request the Chief Planner and Executive Director, City Planning to monitor any Minor Variance applications for Garden Suites required to facilitate accessible design features as part of the monitoring report in Planning and Housing Committee Recommendation 5.
2. City Council request the Chief Planner and Executive Director, City Planning, to report on necessary By-law amendments to facilitate accessible design features in Garden Suites, prior to the monitoring report, should staff observe situations which might warrant an earlier By-law Amendment, such as those resulting from Minor Variance applications submitted to support accessible Garden Suite designs.

4 - Motion to Amend Item (Additional) moved by Councillor Mike Colle (Carried)

That City Council request the Chief Planner and Executive Director, City Planning to report to the Planning and Housing Committee on the feasibility of requiring that every application for a garden suite that is approved be required to provide payment for the planting of two trees within the City of Toronto.

No votes for the original 10 Recommendations:

Gary Crawford, Michael Ford, Stephen Holyday, Nick Mantas, Jaye Robinson