

Staff Report

Development Services Department

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REPORT TO: Planning and Strategic Initiatives Committee

DATE OF MEETING: March 25, 2024

SUBMITTED BY: Rosa Bustamante, Director of Planning and Housing Policy/City Planner, 519-741-2200 ext. 7319

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WARD(S) INVOLVED: All

DATE OF REPORT: March 12, 2024

REPORT NO.: DSD-2024-066

SUBJECT: Enabling Four Units OPA23/020/K/KA & ZBA23/035/K/KA

RECOMMENDATION:

That City-Initiated Official Plan Amendment OPA23/020/K/KA, for the purpose of permitting up to 4 dwelling units on lots which permit a single detached dwelling, semi-detached dwelling or street-townhouse dwelling, be adopted, in the form shown in the Official Plan Amendment attached to Report DSD-2024-066 as Attachment 'A', and accordingly forwarded to the Region of Waterloo for approval; and,

That City Initiated Zoning By-law Amendment Application ZBA23/035/K/KA to amend Zoning By-law 85-1, be approved in the form shown in the "Proposed By-law" attached to Report DSD-2024-066 as Attachment 'B1'; and further,

That City Initiated Zoning By-law Amendment Application ZBA23/035/K/KA to amend Zoning By-law 2019-051, be approved in the form shown in the "Proposed By-law" attached to Report DSD-2024-066 as Attachment 'B2'.

REPORT HIGHLIGHTS:

- The purpose of this report is to recommend changes to the City's Official Plan, Zoning By-law 85-1 and Zoning By-law 2019-051 to enable up to four residential units on a lot which currently permits a single detached dwelling, semi-detached dwelling or street-townhouse dwelling.
- On October 16, 2023, City Council directed staff to propose a zoning by-law amendment to permit 'as-of-right' permissions for up to four (4) residential units on a property where zoning permits single detached, semi-detached or street townhouse dwelling units on sufficient lot sizes by the end of March 2024.

- The recommended amendments enable up to 4 additional units on approximately 41,450 lots as-of-right, representing 68% of all residential lots in Kitchener through more permissive zoning rules.
- This report also includes an overview of next steps to support uptake and implementation.
- Community engagement included a variety of in-person and virtual opportunities including an online engagement page on Engage Kitchener, a virtual community meeting, public open houses in three different locations, consultation with the development industry through Kitchener Development Liaison Committee, and a development industry workshop totaling nearly 2,000 individual interactions.
- This report supports the delivery of core services.

EXECUTIVE SUMMARY:

This report recommends Official Plan and Zoning By-law Amendments that will enable up to four dwelling units on residential lots which currently permit single detached dwellings, semi-detached dwellings and street-townhouse dwellings. Four units could include four units in a principal dwelling, three units in a principal dwelling and one unit in an additional dwelling (detached) or two units in a principal dwelling and two units in an additional dwelling (detached) as depicted on Figure 1.

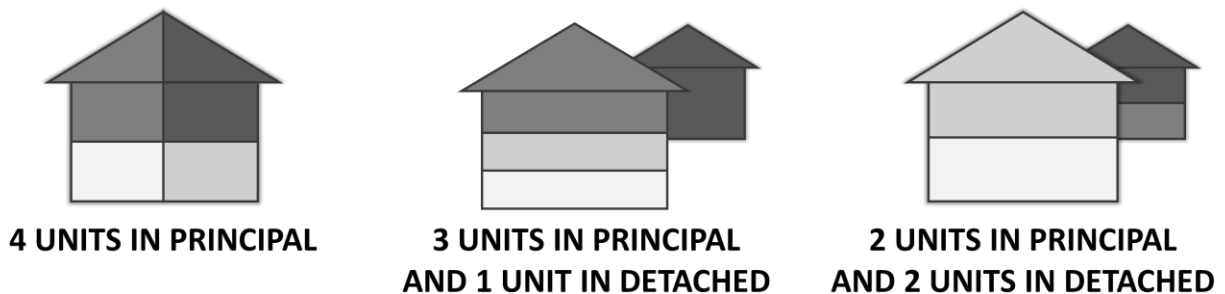


Figure 1. Options of Four Dwelling Units on a Lot

The Enabling Four Units project helps to implement Kitchener’s Municipal Housing Pledge through gentle intensification of the ‘missing little’ which is a subset of missing middle housing including detached additional dwelling units and small multi-plexes which can be integrated in existing and new neighbourhood contexts.

The proposed zoning regulations enable more units on more lots by:

- ↑ increasing the number of units allowed on a lot from three (3) to four (4), and
- ↓ decreasing lot size and parking requirements from current regulations for 3 units, with variation based on geography.

The Official Plan and Zoning By-law Amendments recommended in this report represent a bold yet balanced approach which works with existing zoning regulations, lotting and built form of neighbourhoods, while allowing for increases in density in areas with existing infrastructure, services and community facilities.

BACKGROUND:

The City's Strategic Plan, Official Plan, and Housing for All Strategy recognize the importance of using a broad range of tools to advance critical housing objectives. The Enabling Four Units project is a key action of the City's Housing Accelerator Fund application and enabling additional units in existing low-density neighbourhoods will assist the City in fast-tracking 1,200 additional housing units over the next three years. On October 16, 2023, City Council directed staff to propose a zoning by-law amendment to permit 'as-of-right' permissions for up to four (4) residential units on a property where zoning permits single detached, semi-detached or street townhouse dwelling units on sufficient lot sizes.

This initiative is one of many considered, directed, and supported by Council since their endorsement of Kitchener's Housing Pledge in March 2023. Kitchener's Municipal Housing Pledge includes 11 strategies and actions to support the building of 35,000 more homes by 2031. The Enabling Four Units project advances work on the following Municipal Housing Pledge commitments:

- Item 1 - Updates to Kitchener's Official Plan and Zoning By-law to further enable an increased supply of missing middle housing;
- Item 5 - Continued advancement of work on updates to land use and zoning within Major Transit Station Areas;
- Item 7 - Continued work to implement the recommendations and action items from Kitchener's Housing for All Strategy, specifically including those that enable an increased housing supply or streamlining development approvals; and,
- Item 8 - Continued collaboration with the Waterloo Region Home Builders Association and Kitchener Development Liaison Committee, and others, to identify labour shortages and costs, material costs, infrastructure timing, economic market conditions, and land supply and housing capacity.

The proposed amendments also align and act on direction from Regional Official Plan Amendment number 6 (ROPA 6). This amendment was approved by Regional Council in August 2022 and by the Province on April 11, 2023. ROPA 6 includes policies that seek to increase housing choice, support the construction of a range and mix of housing, and support intensification within the Urban Area through gentle density and missing middle housing options. It defines missing middle housing as "multiple unit housing including, but not limited to multiplexes, stacked townhouses, apartments, and other low-rise housing options."

The Enabling Four Units project implements recommendations of the Enabling Missing Middle and Affordable Housing Feasibility Study (MM+AH Study) completed in April 2023. This study looked at ways to improve housing affordability, provide more diversity in the housing types being built, and increase overall housing supply. The Enabling Four Units recommendations align with key recommendations of the study by reducing parking requirements, increasing density allowances and continued process improvements through the development approval process.

Finally, this project builds on zoning bylaw amendments associated with Bill 23, *More Homes Built Faster Act* changes to the Planning Act which required municipalities to permit three (3) units as-of-right on lots with single detached dwellings, semi-detached

dwelling units and street fronting townhouse dwelling units. In June 2023, City Council approved zoning amendments that allowed three (3) units as-of-right on over 28,500 lots. This project expands upon these permissions as detailed in the following report.

REPORT:

Kitchener has a long-standing history of managing growth through the Growth Management Strategy and Growth Management Plan, enabling housing supply through the Official Plan (i.e., directing growth to intensification areas like the Urban Growth Center and nodes as well as allowing a range of housing types in low-rise residential areas throughout Kitchener) coupled with forward-thinking zoning. For example, since the mid-1990s Kitchener has enabled 2 dwelling units (i.e., duplexes) on most residentially zoned properties, and 3 dwelling units (triplexes) and backyard homes have been permitted on many lots since 2021. This report makes recommendations to enable up to four dwelling units on lots which currently permit single detached dwellings, semi-detached dwellings and street townhouse dwellings, to allow more housing in new and existing residential areas.

This report is structured to include the following sections:

- Why Four Units? - provides a brief overview of the focus of this project
- Financial Feasibility - summarizes MM+AH Study four-unit related findings
- Impact of Current & Proposed Zoning Rules – explores statistics about what is currently permitted and potential impact of what is proposed
- Four Units in Other Cities - summarizes the approach of other municipalities
- Proposed Official Plan Amendment - provides an overview of the amendments proposed to Kitchener’s Official Plan
- Proposed Zoning By-law Amendments - details proposed zoning amendments
- Planning Analysis – analyses the proposed amendments with the current planning framework
- What We Heard - summarizes feedback from community, industry, staff and agencies, and our approach to addressing concerns
- Next Steps – describes subsequent work to support implementation

Why Four Units?

Kitchener is growing rapidly. To meet growing housing needs, growth is required in all segments of the housing spectrum, from single detached dwellings to high-rise multiple dwellings. This report considers enabling additional housing for the “missing little”. The MM+AH Study identified the “missing little” as an important housing typology, within the housing continuum. As part of the Official Plan’s urban structure, the majority of lots in Kitchener are in Community Areas which are primarily low density and low rise, providing a significant opportunity to add more dwelling units. The “missing little” includes small-scale, infill housing that can be effectively integrated into neighbourhood contexts by allowing more units to the primary dwelling often referred to as triplexes or fourplexes or in additional dwelling units (ADUs) such as backyard homes (see Figure 2).

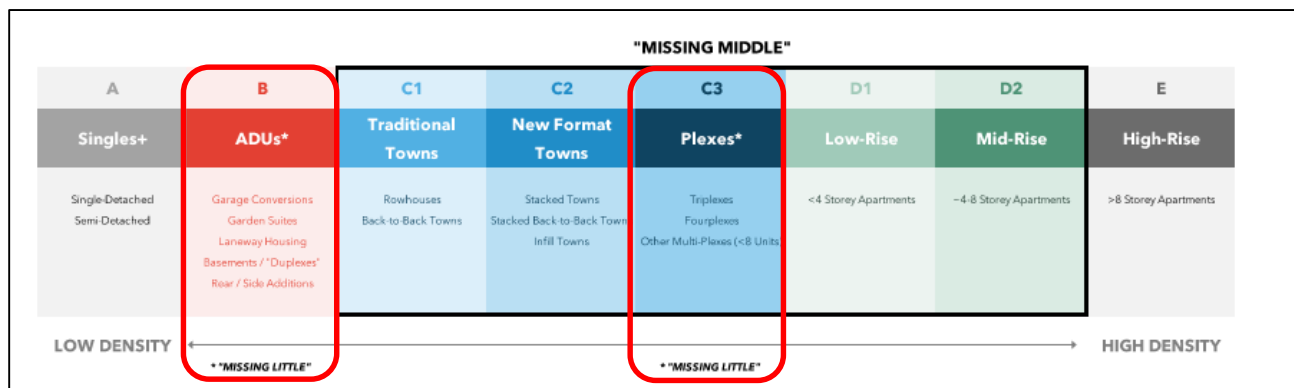


Figure 2. 'Missing Middle' and 'Missing Little' Housing Types

Other small multiples including multiplexes with more than 4 units and various forms of cluster townhouses are also important housing types within the community and are outside the "missing little" building typology. Detailed consideration and zoning for larger missing middle dwelling types was outside the scope of this project and will be evaluated prior to establishing new enabling policies and associated zoning regulations. Concurrent and future work which considers medium density and mid-rise housing forms include the Official Plan Review and Growing Together.

The proposed regulations consider the typical low-rise residential lot sizes and configurations, and the typical existing built form which exists on a majority of standard lots in Kitchener. There will be unique situations which require site specific consideration through planning processes, including minor variances. Where variances are proposed, staff consider site and development characteristics to make recommendations to the Committee of Adjustment. Staff will also monitor common variances to determine whether variances which are frequently requested and typically supported can be recommended for general change through annual Zoning By-law updates.

Financial Feasibility

A key element of the MM+AH Study was to help describe the reasons for recent development patterns. Professional land economists on the consultant team tested the financial viability of the full range of housing types from single detached to high rise, the implications of ownership versus rental, and suburban versus central locations. The study noted barriers for building missing middle and affordable housing, which are less financially feasible than other housing types, including:

- many missing middle forms are challenged by their poor financial attractiveness compared to other housing types and other lower-risk investment opportunities (i.e., 10-year government bonds);
- the analysis showed that while there were 5 profitable rental types (i.e., suburban towns, 8-plex, low-rise in both central and suburban neighbourhoods, and ADUs), all but the ADUs generated too small a profit to be viable; and,
- parking costs are extremely impactful on development viability.

Key recommendations of the study addressed through this report include reducing parking requirements, increasing density allowances, and continuing process improvements through the development approval process.

Impact of current and proposed zoning rules

Kitchener has approximately 62,000 lots with 110,000 dwelling units in total. About 96% of the lots have a single detached, semi-detached, or street townhouse dwelling as the principal dwelling type and about 90% of the lots have only one (1) dwelling unit. Considering existing zoning regulations (minimum lot size and lot width only), approximately 28,575 lots (46% of the lots in Kitchener) are currently eligible for a total of 3 units on a lot.

Figure 3 illustrates the total number of lots of each dwelling type. Single detached dwellings represent about 80% of the residential lots in Kitchener and represent the greatest opportunity for additional dwelling units. Street townhouses and semi-detached dwellings together consist of about 16% of lots. Further analysis by dwelling type and lot area and width is provided in Attachment F.

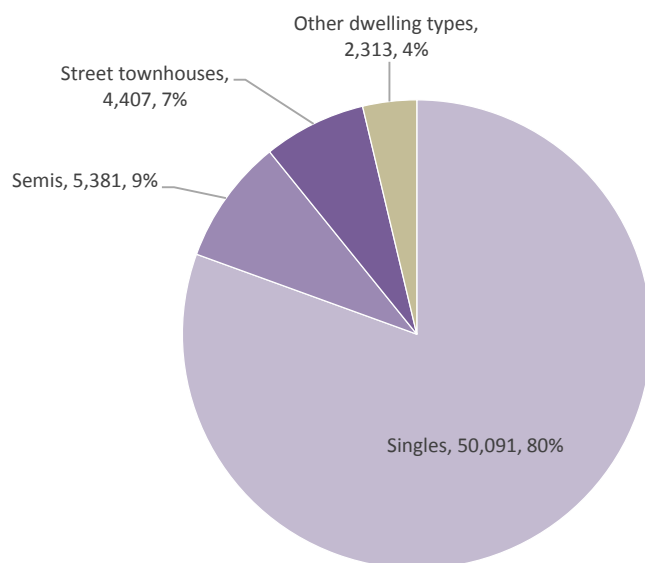


Figure 3. Total number of lots in Kitchener by type of dwelling

Table 1 provides the number of building permits issued for additional dwelling units in the last five years from 2019 to 2023 in Kitchener. The uptake of additional dwelling units in Kitchener has been incremental, with triplexes and detached ADUs having relatively low but growing numbers.

Table 1. Building permits issued for Additional Dwelling Units in Kitchener, 2019-2023

Year	Duplex	Triplex	ADU (Detached)
2019	212	6	-
2020	286	13	-
2021	383	10	5
2022	547	10	15
2023	688	29	27
Total	2116	68	47

With the proposed zoning changes, it is estimated that approximately 41,450 lots in Kitchener will become eligible (accounting for minimum lot size and lot width only) for up to 4 units as-of-right, representing 68% of all residential lots in Kitchener. An overall comparison of the increase in number of units which will be eligible is provided in Table 2. Nearly 80% of lots containing single detached dwellings will be eligible (approximately 11,937 more lots than today), and approximately 658 additional lots containing a semi-detached dwelling and 281 lots containing street-townhouses will be eligible. It should be noted that lots estimated to be eligible for up to 4 units may be subject to other development constraints (as discussed later in this report) that may impact the uptake of additional units. It is anticipated that the uptake will continue to be gradual, however, the City will make efforts to reduce barriers through the subsequent implementation strategy to support an increase in uptake.

Table 2. Comparison of Lots with Additional Units Enabled

	Lots with Single Detached Dwellings	Lots with Semi-Detached Dwellings	Lots with Street Townhouse Dwellings	Total
Number of lots with up to 3 units permitted based on current regulations	28,237 (56%)	207 (4%)	131 (3%)	28,575 (48%)
Number of lots with up to 4 units permitted based on proposed regulations	40,174 (80%)	865 (16%)	412 (9%)	41,451 (69%)
Additional lots that permit up to 4 units	11,937	658	281	12,876

Four Units in Other Cities

Many municipalities in Canada and internationally are facing housing shortages and have taken the initiative to enable multiplex housing in low rise residential areas. Toronto, Mississauga, and London have already implemented zoning changes to permit up to 4 units on a lot. Some other municipalities in Ontario such as Waterloo, Guelph and Burlington are working towards enabling 4 units on a lot. A detailed comparative analysis of the regulations in place in Toronto, Mississauga, London, Vancouver, Edmonton, and Portland is included in Attachment E and a summary of the approach to key regulations is provided in Table 3.

Table 3. A summary of 4-unit permissions approved by other municipalities

Zoning rules	Other municipalities' approach
4 Unit Configuration on a Lot	Other cities have enabled different configurations of 4 units on a lot. Most permit up to 4 units in the principal building. Other options include 3 units in the principal building and one in the detached building, or 2 units in both the principal building and the detached building.

Minimum Lot Width	Minimum lot width is largely based on the underlying zone and principal dwelling type. Although minimum lot width requirements vary, it is generally in the 10-metre range.
Minimum Lot Area	Some cities require a minimum lot area to achieve a functional site of around 300 square meters. Some other municipalities do not specify a minimum lot area but rely on the underlying zone minimum.
4 Units in Principal Building	With the intention to maintain the neighborhood character, most municipalities have enabled 4 units in the principal dwelling with the addition or conversion regulated through built form standards (coverage, height, setbacks). Most municipalities exempt 4-unit buildings from a floor space ratio (FSR) regulation. Some also provide bonusing in terms of additional coverage or FSR to accommodate additional units.
4 Units on Lots with an Additional Detached Dwelling	<p>Approach varies among cities. Key observations:</p> <ul style="list-style-type: none"> - size of the detached building is restricted to be subordinate to the principal building and mostly regulated through lot coverage, proportion of the principal building, up to a maximum specified size, or a proportion of the rear yard area - building height is restricted in relation to the principal building, and in most cases limited to around 6 to 6.8 m, allowing a 2-storey building - for a one-storey building, setbacks from side and rear lot lines are mostly 0.6 m with no openings allowed on the façade towards the lot line - for a 2-storey building, setbacks from side and rear lot lines vary from 0.9 m to 1.5 m - some have implemented a minimum separation between the principal and the additional detached dwelling which varies from 3 m to 6.1 m
Parking	Most municipalities have moved away from parking minimums, particularly for additional units. Parking regulations still apply where parking is provided.

Kitchener’s approach to enabling 4 units and the proposed regulations considers other municipalities’ approach in relation to aspects such as configuration of 4 units, minimum lot width and lot size for 4 units on a lot, and parking reductions. However, the proposed regulations through this work are a ‘made in Kitchener, made for Kitchener’ solution that is both forward thinking and considerate of Kitchener’s existing lot fabric and the zoning permissions already in place. The proposed changes are responsible and will provide for an increased housing supply while respecting neighbourhood characteristics that are important to residents.

Proposed Official Plan Amendments

In June 2023, the City amended the Official Plan to incorporate changes resulting from Bill 23, *More Homes Built Faster Act*. This Bill was enacted in response to the housing supply crisis and the province's ambitious target to build 1.5 million homes within the next 10 years, and made changes to the Planning Act that, among other matters, broadened as-of-right permissions for up to three units on a property for single detached dwellings, semi-detached dwellings and street-fronting townhouses. These changes were incorporated into the Official Plan through Official Plan Amendment #29 and included new housing policy 4.C.1.23 which enabled up to two additional dwelling units (attached) or one additional dwelling unit (attached) and one additional dwelling unit (detached) in association with a single detached dwelling, semi-detached dwelling, or street-townhouse dwelling.

The proposed Amendment to the 2014 Official Plan deletes policy 4.C.1.23 which currently permits up to 3 units on a lot and specifies how the units may be arranged within buildings (refer to Attachment A to this report). In replacement, the proposed policy will permit up to 4 units on a lot and continues to enable these units to be further regulated by the zoning by-law which will specify lot sizes, setback requirements, parking, and other matters.

As articulated in the Planning Discussion that follows, staff is of the opinion that that proposed Official Plan Amendment is consistent with and conforms to the Planning Act, Provincial Policy Statement (2020), the Places to Grow Act (2005) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) and the Regional Official Plan (2010, including ROPA #6), and represents good planning.

Proposed Zoning By-law Amendments

The proposed Zoning By-law Amendments make changes in four key regulation topics that will enable up to four units 'as-of-right' on significantly more lots than are currently eligible. Changes are proposed for both By-law 85-1 and By-law 2019-051 and result in consistent requirements between the by-laws. These four key regulation topics include:

- Parking
- Lot width and area
- Regulations for additional dwelling units (detached)
- Built form and site layout

Parking:

Parking was identified through the MM+AH study and through consultation with builders to be one of the major drivers in cost and a barrier to providing additional dwelling units, both in terms of land requirements and construction costs. Planning and Transportation Services staff recommend that parking requirements be reduced for additional dwelling units (attached and detached) dependant on geography. Table 4 summarizes the total number of required parking spaces for four units.

Table 4. Summary of proposed parking requirements for four units on a lot

Location	First unit	Additional units	Total
Within 800 m of an ION station	0 to 1, depending on the zone	0	0 to 1 space
Central neighbourhood area	1	1	2
All other areas	1	2	3

In addition to parking reductions, the proposed approach to parking includes the following as further detailed in this section:

- Parking will continue to be permitted in tandem with maximum driveway widths in the front yard to remain unchanged. To add more flexibility to parking arrangements, the required setback to the first parking space is proposed to be reduced to allow side-by-side required parking in the driveway.
- With no maximum parking limitation, rear yard parking may continue to be designed in a parking lot format with 4 or more vehicles per existing rules for parking layout. To support three parking spaces in the back, a less restrictive requirement is introduced that balances a maximum width with landscaped amenity area.
- A new bicycle parking format is proposed for 3 and 4 units that supports active transportation while providing flexibility for storage options.

Reduced parking requirements – The approach to parking rates recognizes that residents living within 800 metres of a Major Transit Station and within the Central Neighbourhood Area may not require dedicated parking spaces for all additional dwelling units because the area is well served by light rail, frequent bus transit, and cycling infrastructure, and is also very walkable. On the other hand, suburban areas of the city are more highly dependent on private vehicle ownership as transit is less accessible, and distances to destinations results in walking and cycling being less viable options. It is noted that as densities in neighbourhoods increase, demand for transit will grow transit services and the completion or upgrade of streets and active transportation networks will support active transportation options.

Staff recommend that:

- no parking be required for an additional dwelling unit on any lands within 800 metres of a Light Rail Transit Station. The affected area is shown in Appendix E to By-law 2019-051 and illustrated in Figure 4. The proposed parking rate will result in 0 or 1 spaces for the lot (0 spaces for any additional unit, plus 0 or 1 spaces for the principal dwelling depending on the zoning category).

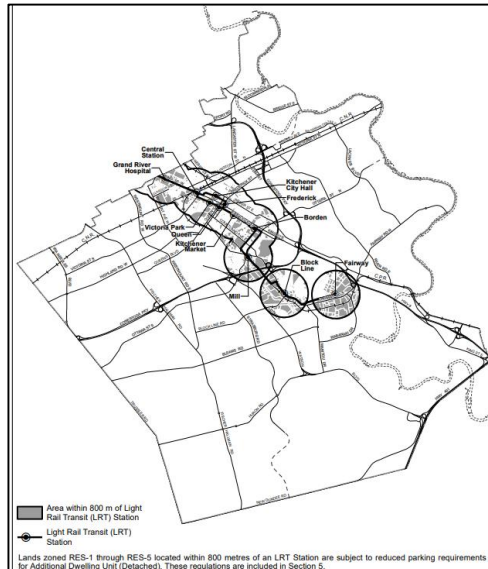


Figure 4 - Properties within 800 metres of a Light Rail Transit (LRT) Station

- a rate of 0.3 parking spaces for an additional dwelling unit in the Central Neighbourhood Area as defined in Appendix C to By-law 2019-051 and illustrated in Figure 5. The proposed parking rate will result in 2 spaces for the lot (1 parking space for any number of additional units plus 1 space for the principal dwelling).

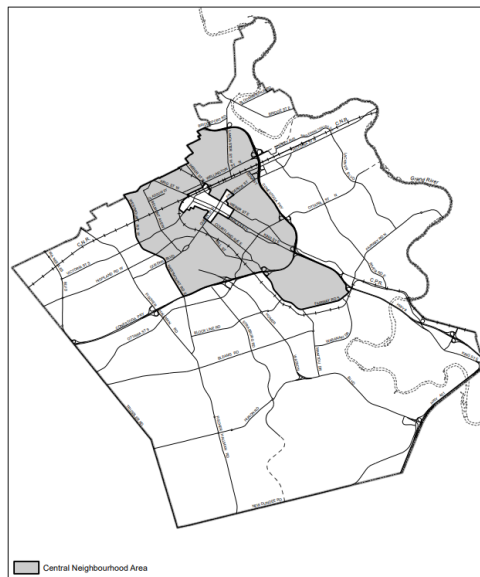


Figure 5. Central Neighbourhood Area

- A parking rate of 0.6 spaces per additional dwelling unit in all other areas of the city. The proposed parking rate will result in a maximum of 3 spaces being required for the lot (up to 2 parking spaces for additional dwelling units, plus 1 space for the principal dwelling).

Note that parking calculations always round up to the nearest whole number (0.3 rounds up to 1, 1.2 rounds up to 2). Further, in all cases, a property owner may provide additional parking in accordance with the zoning by-law regulations for driveways and parking lots.

Where parking is provided staff have also considered alternatives to traditional parking in driveways and private garages which make more efficient use of space including rear yard parking areas, reductions in setbacks to parking and mechanical parking systems.

Driveway widening – Staff recommend that the current permissions for driveway widths remain unchanged. Driveway widths are generally limited to about 50% of the lot width in suburban areas, and 40% of lot width in the Central Neighbourhood Area. These regulations were studied and implemented through the recent Comprehensive Review of the Zoning By-law, to achieve a balance between parking demands, an attractive streetscape and community characteristics. Limiting driveway widths helps to ensure that a proportion of the front yard can be dedicated to green space, which is important to facilitate infiltration of stormwater, as well as providing space for trees and landscaping which contribute to an attractive streetscape. Wider driveways also reduce the space for street trees, on-street parking, boulevard snow storage, and infrastructure such as hydro transformers and hydrants. Through community consultation, staff heard that protection of the urban forest and community characteristics, as well as availability of on-street parking are priorities for residents.

Reductions to street line parking setback– Staff recommend reducing the minimum setback from the street line to the first required parking space from 6.0 metres to 0.5 metres (the 6.0 metres setback to a garage will remain). Today, required parking spaces are generally required to be setback 6.0 metres, except where parking is permitted in tandem. This means that while a tandem parking arrangement may be closer to the street, a non-tandem required parking space must be set back 6 metres. This requirement is frequently the subject of minor variances. The proposed change would apply to parking on all driveways, irrespective of the number of units, and will support a more efficient use of lands by allowing vehicles to be parked generally side-by-side in the driveway, often in front of the garage. Further, staff recommend amending regulations for driveway visibility triangles, so that vehicles parked on driveways are not considered an obstruction to visibility. Transportation Services staff are supportive of this change and recognize that vehicles regularly park in driveways close to the street, which may encroach into the visibility triangle of a neighbouring property.

Rear Yard Parking – Where 3 or 4 units are provided on a lot, staff propose that parking regulations permit parking in rear yards. This can be desirable as it minimizes the need for driveway widenings and reduces vehicle clutter in front yards. The recommended zoning regulations would permit a driveway to be a maximum width of 8.0 metres in a rear yard, which could accommodate 3 parking spaces. Four or more parking spaces in a rear yard is defined as a parking lot, and the existing rules for small parking lots would apply including visual barriers, a minimum aisle width and minimum setbacks. The recommended additional permission for rear yard parking is balanced with proposed zoning rules requiring a minimum rear yard landscaped area of 30%, to provide for private amenity space, snow storage, and landscaping.

Mechanical Parking Systems – Mechanical parking systems were explored through this study to determine the appropriateness of integrating them into zoning regulations. Staff do not recommend that a mechanical parking lift or stacking system be considered for required parking for several reasons. First, it is difficult to ensure the ongoing maintenance and operational viability for the parking space to remain accessible to owners and tenants permanently. Stacking systems also present unique safety challenges that require training to ensure proper use and safe operation. Rather than integrating mechanical parking systems into the bylaw, staff took the approach of reduced parking requirements to provide flexibility to property owners. Such systems may be installed within a private garage to provide parking beyond the minimum zoning requirement. Staff do not recommend that this additional space be counted towards required parking.

Bicycle Parking - To support parking reductions and active transportation, staff recommend that bicycle parking be provided for all lots with 3 or 4 dwelling units. A new class of bicycle parking is also recommended which will require secure and weather protected bicycle storage areas, but without the specific criteria for access aisles, overhead clearance and locking mechanisms which are required for commercial developments and multiple dwellings, where more extensive bicycle storage rooms or lockers may be required. Bicycle parking for additional dwelling units could be provided in an alcove within the unit, in a shed, or in a private garage.

Lot Width and Area:

Through this report, staff recommends reducing minimum lot size requirements from today's regulations, except where the base zone requires larger lot sizes in which case the base zone rules will continue to prevail (e.g. RES-1 and RES-2 zones and corner lots). Currently, a minimum lot width of 13.1 metres and a minimum lot area of 395 square metres are required for a lot containing 2 additional dwelling units (attached) or any lot with an additional dwelling unit (detached). The exception is where the zoning category requires more, in which case the lot size of the base zone prevails. This currently makes about 46% of lots in Kitchener eligible for additional units. These regulations were developed when additional dwelling units (detached) were first introduced in 2021 and were carried forward to regulations for 2 additional dwelling units (attached) in 2023 in response to Bill 23 changes to the Planning Act.

The recommendations are informed by a lot size and built form analysis that takes into consideration setbacks, driveway widths, and building coverage. The minimum lot size requirements are largely driven by the amount of parking which may be required, maximum permitted lot coverages, minimum recommended landscape areas and recommended minimum separation distances between principal dwellings and detached additional dwellings. Based on the analysis, staff recommend minimum lot size rules based on geographic location summarized in Table 5.

Table 5. Summary of required minimum lot width and area for four units on a lot

Location	1 ADU (attached)	2 or 3 ADUs (attached)	Detached Additional Dwelling (1 or 2 units)
Within 800 m of an LRT station	Base zone rules apply	Base zone rules apply	Base zone rules apply
Central Neighbourhood Area	Base zone rules apply	Base zone rules apply	Base zone rules apply
All other areas	Base zone rules apply	10.5 m min. lot width, 360m ² min. lot area ¹	10.5 m min. lot width, 360m ² min. lot area ¹

¹ Except where the base zone requires larger lot sizes in which case the base zone rules will continue to prevail (e.g. RES-1 and RES-2 zones, and corner lots)

A single detached, semi-detached or street townhouse dwelling with one additional dwelling unit (attached) continues to be permitted in accordance with the base zone rules regardless of lot size. This is consistent with the current approach and applies across the city.

Within 800 metres of a Light Rail Transit Station and in the Central Neighbourhood Area, the base zone rules for lot size are proposed to apply to additional dwelling units (attached or detached) as the proposed total number of required parking spaces is lower and less lot width and area are required to accommodate parking and driveways, therefore providing additional opportunity to accommodate units on smaller lots. Staff is of the opinion that in the Central Neighbourhood Area and within 800 metres of an LRT station, additional dwellings attached and additional dwellings detached can be accommodated on any size lot, subject to the regulations for setbacks, building separation, landscaping, as less parking is required to be accommodated.

Outside of the Central Neighbourhood Area and farther from LRT stations, staff recommend a minimum lot width of 10.5 m and a minimum lot area of 360 m² for detached additional dwellings and where there are three or four units on a lot. New subdivisions, in particular, tend to have the most restrictive building orientation, with narrow lots where the principal dwelling is built to the required yards. Parking areas are often limited to a private garage in front of the dwelling, and driveway widths have already been maximized. Such areas are less well served by transit and are less walkable, generating a higher demand for off-street parking, and therefore more parking must be accommodated on-site.

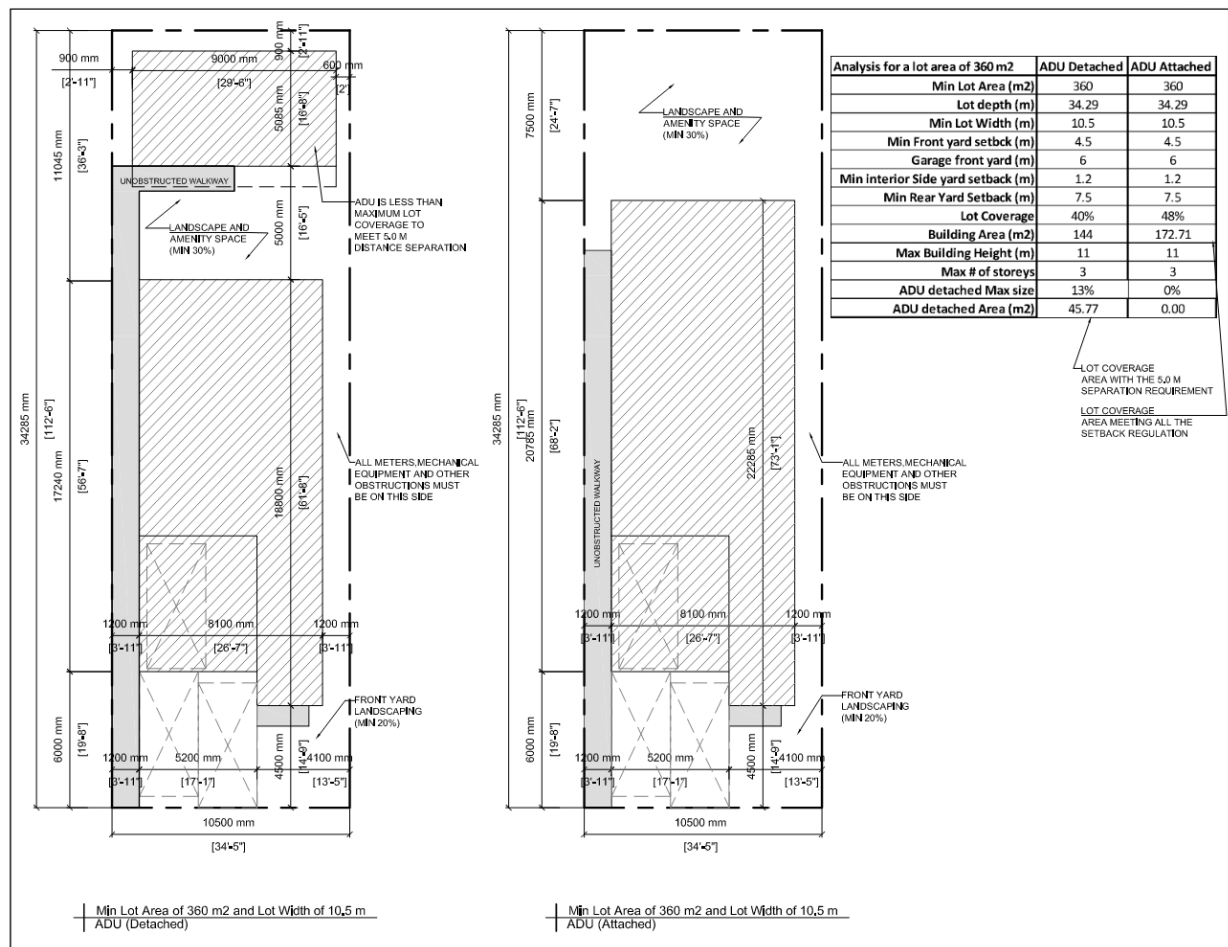
The proposed regulations were developed based on a lot analysis (refer to Figure 6) considering a typical suburban lot which has maximized useable space. The proposed minimum lot width of 10.5 m allows a single car garage, and a double car driveway to accommodate for the 3 required parking spaces. Alternatively, the lot width can

accommodate a 2.6-metre-wide single car driveway located between the principal dwelling and the interior side lot line, to accommodate parking on the driveway in tandem, or leading to a parking area in the rear yard. Staff is of the opinion that a minimum lot area of 360 m² is sufficient to accommodate an additional dwelling (detached) or where there are 2 or 3 additional units (attached) to provide for parking in the rear yard or an additional dwelling (detached) in the rear yard, together with private amenity space for residents. The diagrams demonstrate that the required site functions, setbacks and separations work on a lot of the recommended minimum area.

Staff recommend that these regulations apply equally to semi-detached dwellings and street-townhouse dwellings as these will also require, in most cases, double car width driveways, landscaping, and distance separations, and 1.1 m unobstructed walkways.

The recommended lot sizes are generally consistent with other municipalities that regulate lot size, and are a useful metric to property owners and investors seeking to understand whether additional units may be feasible in consideration of other regulations.

Figure 6. Lot analysis for a suburban built form with detached and attached ADUs



In all cases, other zoning regulations such as minimum setbacks, maximum lot coverage, minimum landscaping requirements, regulations related to the additional dwelling (detached), and a 1.1 m unobstructed walkway to principal entrances (for emergency

access purposes) will also apply and may restrict some lots from particular dwelling forms or site layouts.

The proposed lot size will enable additional units on approximately 12,875 more lots than today. Buildings will continue to be subject to other zoning regulations including maximum lot coverage and setbacks, as well as the Ontario Building Code, which may further restrict building sizes and separation distances between buildings. It is important to note that despite a lot meeting minimum lot size requirements, it may not be feasible for all unit configurations to fit on all lots. Grading conditions and individual site constraints such as easements, retaining walls, infiltrations galleries, or public utilities in rear or side yards may further restrict the ability to develop additional units.

Regulations for Additional Dwelling Units (Detached):

Additional dwelling units (detached) or backyard homes provide another option for property owners wishing to increase the number of dwellings on a lot. This type of dwelling has been allowed since 2021, permitting 1 storey buildings with 1 unit on lots having a minimum lot area of 395 m² and a minimum lot width of 13.1 m. Staff have undertaken a review of the regulations for additional dwelling units (detached) and recommend changes in a few key areas to help support this housing option:

- Minimum building separation
- Permissions for 2 units in a detached dwelling
- Increasing building height
- Exterior side yard permissions

Minimum building separation – As discussed in previous sections, staff recommend reductions to lot size and parking to enable additional dwellings on more lots. As built form on a lot becomes denser, achieving a minimum separation between principal dwellings and detached tiny homes may become more difficult – however it is important that space is provided for private amenity areas. As such, staff recommends a minimum separation distance between a principal dwelling and a detached additional dwelling. This space ensures that there can be windows and doors on facing elevations of buildings, and private amenity space is provided in the rear yard. In addition to the building separation, a 30% rear yard landscape area is recommended, which ensures that the combination of buildings, driveways and parking continues to allow for adequate green and amenity spaces.

Permissions for 2 units in a detached dwelling - Staff also recommend permitting up to two dwelling units in an additional dwelling (detached). Such units could be located side-by-side, back-to-back or one above the other. An additional dwelling (detached) whether it contains one or two dwelling units will be permitted to have a maximum building footprint of 80 square metres and cannot exceed 15% of the lot area.

Increasing building height - Staff recommend permitting a height of 6.0 metres for an additional dwelling (detached) where the principal dwelling has a height greater than 9.1 metres whereas today's maximum height is 4.5 metres. This provides additional flexibility

to provide one larger unit, two units, or dwelling unit(s) above parking. This will allow a raised bungalow, or a 1.5 storey design where a second floor is incorporated into the roofline, and will provide for a design that incorporates a garage. An increase in height would only be permitted where the principal dwelling is 9.1 metres in height (2 storeys) to



Figure 7. Examples of additional dwellings (detached) that could be built with a 6 m height (sources: www.familyhomeplans.com and www.architecturaldesigns.com)

ensure that the additional dwelling (detached) remains subordinate to the principal dwelling, and fits into the neighbourhood context. Examples of detached additional dwellings with a 6-metre height are depicted in Figure 7. Where an increased height is permitted, staff recommend a setback of 0.9 metres which will provide additional space for maintenance of eaves and walls.

Exterior side yard permissions - Staff further recommend that an additional unit (detached) be permitted to locate in an exterior side yard, provided it is setback in accordance with the regulations for the principal dwelling. This will help to make more efficient use of land, especially where there is a wide exterior side yard. Staff is of the opinion that it is appropriate for an additional dwelling (detached) to be designed to front the street however it should not be severed from the principal dwelling.

Built Form and Site Layout:

Through an evaluation of built form and site layout considerations, staff are recommending the following changes to zoning regulations that are proposed to apply to three or four unit scenarios:

- Increasing the number of doors permitted on a street line façade
- Adding a front and rear yard minimum landscaped area requirement
- Adding an unobstructed walkway requirement for attached units

Number of Doors on a Street Line Façade - As a result of Bill 23 Planning Act changes, the City no longer can require site plan approval and therefore review building elevations for matters of design. Some zoning regulations were established for small multiples in 2023 to regulate openings on front elevations. Zoning currently limits the number of pedestrian entrances to one for each street line façade. The purpose of this regulation was to avoid elevations where several doors all faced the street, resulting in a less desirable street facing façade, and to ensure that dwellings with additional units blended

into streets which were predominately single detached dwellings. However, staff have heard through consultation that this regulation has presented issues to builders from an interior layout perspective. Staff is of the opinion that to support additional units within the principal dwelling, it is appropriate to allow up to two pedestrian doors to face each street, and to allow more doors, provided they are perpendicular to the street (e.g. located on the side wall of a porch). Further, staff is of the opinion that dwellings with more than one unit are desirable in all neighbourhoods, and it is not necessary to camouflage this fact.

Front and Rear Yard Landscape Requirements - Staff recommend minimum front and rear yard landscape requirements be added to all lots containing 3 or 4 dwelling units. As density increases, the proportion of the lot covered by buildings and parking may also increase and it is important to ensure that greenspace, landscaping and private amenity spaces are preserved. Staff recommend that 20% of the front yard, between the building and street line, be reserved for landscaping (excluding walkways, patios, and other hard surfaces). This ensures space for stormwater infiltration, trees and vegetation, and contributes to a positive streetscape experience. Staff further recommend that 30% of the rear yard, between the principal dwelling and the rear lot line be reserved for landscaping including both green spaces and private amenity spaces (such as patios, decks, playgrounds etc.). Rear yard landscape can include hard surface amenity areas but excludes buildings such as sheds and additional dwelling units (detached), and parking. Through the analysis, staff is of the opinion that the targeted front and rear yard landscape requirement will provide more functional landscaped area because it excludes the side yards which are typically narrow with limited amenity function.

Unobstructed Walkway - Increases in the number of dwelling units may make it more difficult for emergency services staff to access the principal entrances of units in an emergency. Regulations for additional dwelling units (detached) require a 1.1 metre unobstructed walkway to each principal entrance of the backyard home. In consultation with building and fire staff, it is recommended that this requirement is added to additional dwelling units (attached) where there are three or four dwellings on a lot, and the units do not have their primary entrance facing a street (i.e., if doors are accessed from an interior side or rear yard). This will ensure that there is a dedicated and clear path of travel to these units for emergency services staff. A new definition is also recommended to be added for unobstructed walkway to help provide clarity for implementation.

Other Proposed Zoning Changes:

Together with the above noted changes, staff are also recommending:

- minor changes to definitions, and introduction of new definitions resulting from the proposed changes.
- clarification regarding the types of home businesses permitted in dwellings with additional dwelling units.
- multiple dwellings with a maximum of 4 units is deleted from the RES-4 land use, as the new regulations allow up to 4 units on a lot with a single detached dwelling, semi-detached dwelling or street-townhouse dwelling, and are subject to more permissive regulations.

A detailed overview of proposed Zoning By-law Amendments and rationale may be found in Attachments C1 and C2. As discussed in the Planning Analysis below staff is of the opinion that the proposed amendments to Zoning By-law 85-1 and Zoning By-law 2019-051 are consistent with and conform to the Planning Act, Provincial Policy Statement (2020), the Places to Grow Act (2005) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) and the Regional Official Plan (2010, including ROPA #6), the Official Plan and represent good planning.

Planning Analysis

The Official Plan and Zoning By-law Amendments proposed through this report have regard for matters of Provincial interest under the Planning Act, are consistent with the Provincial Policy Statement, conform with, or do not conflict with A Place to Grow: Growth Plan and the Region of Waterloo Official Plan, and represent good planning.

Planning Act, R.S.O. 1990, c. P.13 25.

Section 2 of the Planning Act establishes matters of provincial interest and states that the Minister, the council of a municipality, a local board, a planning board, and the Tribunal, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest.

Planning staff is of the opinion that the proposed amendments have regard for the matters of Provincial interest outlined in section 2 of the Planning Act. By directing growth, development, and intensification within built-up areas with appropriate regulations, the proposed amendments:

- Protect ecological systems, agricultural resources, and conserve and manage natural resources,
- Have regard for the supply, efficient use and conservation of energy and water,
- Have regard for the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems, and the minimization of waste as growth is directed to areas where the infrastructure required to accommodate the additional growth already exists, minimizing the need to add new infrastructure.
- Have regard for the protection of the financial and economic well-being of the Province and of the City of Kitchener by enabling growth that makes efficient use of existing infrastructure and reducing the need for capital investments in growth where infrastructure does not currently exist. In doing so, the proposed amendments also have regard for the orderly development of safe and healthy communities.
- Have regard for the adequate provision of a full range of housing opportunities through the implementation of zoning regulations that enable the 'missing little' building typologies on more lands.
- Promote development that is designed to be sustainable, climate resilient and supportive of public transit and active transportation.

The Ministry of Municipal Affairs and Housing is proposing an integrated province-wide land use planning policy document, potentially replacing the Provincial Policy Statement

and A Place to Grow: Growth Plan for the Greater Golden Horseshoe, with a singular Provincial Planning Statement (PPS) which is in draft form and not in effect at the time this report was prepared.

Provincial Policy Statement, 2020

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. Section 3(5) of the Planning Act requires that a decision of the council of a municipality shall be consistent with the policy statements that are in effect on the date of the decision and shall conform with the provincial plans that are in effect on that date or shall not conflict with them, as the case may be.

The PPS promotes the integration of land use planning, growth management, transit-supportive development, intensification, and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs. Efficient development and land use patterns are promoted, as well as accommodating an appropriate mix of affordable and market-based residential dwelling types with other land uses, while supporting the environment, public health, and safety. Additionally, healthy, livable and safe communities are supported through efficient development patterns, planning for a full range and mix of housing, commercial, employment, institutional and community infrastructure.

Policy 1.1.1 speaks to the ways in which healthy, liveable and safe communities are sustained, including: promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term; accommodating an appropriate affordable and market-based range and mix of residential types; and promoting the integration of land use planning, growth management, and transit-supportive development. Further, healthy, liveable, and safe communities are also sustained by intensification and infrastructure planning that achieves cost-effective development patterns, optimizes transit investments, and minimizes land consumption and servicing costs.

Policy 1.1.3.3 promotes transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated considering existing building stock or areas and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.

Policy 1.1.3.4 promotes development standards that facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.

Policy 1.4.3 promotes providing an appropriate range and mix of housing, supports all types of housing options and residential intensification (in accordance with 1.1.3.3), promotes densities for new housing that efficiently uses land, resources, infrastructure and public service facilities, which supports the use of active transportation and public transit, and supports development standards which minimize the cost of housing and which promotes compact form while maintaining public health and safety.

Policies of section 2.6 speak to protection of cultural heritage resources.

The proposed amendments will enable additional dwelling units on existing residential lands. This enables additional housing choice within established residential areas and makes efficient use of existing lands and building stock, infrastructure and services. The recommended geography-based parking reductions support more efficient use of land and support the use of public transit and active transportation options. Existing cultural heritage protection measures, including individual and district designations under the Ontario Heritage Act continue to apply, and regulations and by-laws which may require heritage permits continue to apply. Staff is of the opinion that the proposed amendments are consistent with the Provincial Policy Statement.

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

The Growth Plan supports the development of complete and compact communities that are designed to support healthy and active living, make efficient use of land and infrastructure, provide for a range and mix of housing types, jobs, and services, at densities and in locations which support transit viability and active transportation. The Growth Plan recognizes that many communities are facing issues of housing affordability, which are being driven primarily by sustained population growth and factors such as a lack of housing supply with record low vacancy rates. To address this challenge, policies of the Growth Plan provide direction to plan for a range and mix of housing options, including additional residential units, in particular, higher density housing options that can accommodate a range of household sizes in locations that can provide access to transit and other amenities. The Growth Plan places strong emphasis on optimizing the use of the existing urban land supply and supports an intensification-first approach to development and city-building, one which focuses on making better use of existing infrastructure and public service facilities, and less on continuously expanding the urban area.

The Growth Plan requires that municipalities achieve minimum density requirements to meet growth forecasts. Planned growth is directed to settlement areas, and as outlined in section 2.2.1 c) to delineated built up areas, locations with existing or planning transit and public services facilities (such as police and fire protection, schools, community centres, parks, etc.). City-wide and geography specific density targets are provided by the Region of Waterloo. Housing Policies in section 2.2.6.1(a) state that municipalities will support housing choice through the achievement of the minimum intensification and targets in this plan by identifying a diverse range and mix of housing options and densities which shall be implemented through zoning by-laws. The proposed amendments will help to achieve intensification and density targets to achieve the Growth Plan population forecasts.

Section 2.2.1.4 states that complete communities will feature a diverse mix of land uses; improve social equity and overall quality of life for people of all ages, abilities, and incomes; provide a diverse range and mix of housing options, including additional residential units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes; expand convenient access to a range of transportation options, including options for active transportation and public service facilities; provide for a more compact built form and a vibrant public realm;

and, mitigate and adapt to the impacts of a changing climate, improve resilience and reduce greenhouse gas emissions, and contribute to environmental sustainability.

Policy 2.2.2.3 states that “all municipalities will develop a strategy to achieve the minimum intensification target and intensification throughout delineated built-up areas, which will:

- a) identify strategic growth areas to support achievement of the intensification target and recognize them as a key focus for development;
- b) identify the appropriate type and scale of development in strategic growth areas and transition of built form to adjacent areas;
- c) encourage intensification generally throughout the delineated built up area;
- d) ensure lands are zoned and development is designed in a manner that supports the achievement of complete communities;
- e) prioritize planning and investment in infrastructure and public service facilities that will support intensification; and
- f) be implemented through official plan policies and designations, updated zoning and other supporting documents.”

Policy 2.2.6.1 (a) states that municipalities will “support housing choice through the achievement of the minimum intensification and density targets in this plan by identifying a diverse range and mix of housing options and densities, including additional residential units and affordable housing to meet projected needs of current and future residents.” Further, Policy 2.2.6.1b) and e) require municipalities to implement policy 2.2.6.1 a) through official plan policies and zoning by-laws.

Policy 2.2.6.2 requires municipalities to support the achievement of complete communities by planning for and accommodating growth in order to achieve intensification targets, by considering a range and mix of housing options and densities, and planning to diversify overall housing stock.

Policy 2.2.7 states that “New development taking place in designated greenfield areas will be planned, designated, zoned and designed in a manner that:

- a) supports the achievement of complete communities;
- b) supports active transportation; and
- c) encourages the integration and sustained viability of transit services.”

The proposed amendments support gentle intensification in both the Built-Up Area and Designated Greenfield Area. The proposed amendments support a more compact built form and enable a more diverse mix of housing options, thereby supporting the development of complete communities. The proposed amendments will help make efficient use of land, infrastructure, parks, roads, trails, and transit. Planning staff is of the opinion that the application conforms to the Growth Plan.

Regional Official Plan, 2010 (ROP)

Urban Area policies of the ROP identify that the focus of the Region's future growth will be within the Urban Area. Through ROP Amendment 6 the Region has set a minimum target that 60% of new growth will occur within the delineated Built-Up Area. The ROP promotes an intensification-first approach to development that focuses on making better use of existing infrastructure and public service facilities, and on protecting the region's valuable water, agricultural and natural heritage systems.

Policies 2.B.1.1 supports intensification within the Urban Area through gentle density and missing middle housing options.

Policy 2.C.2 directs municipalities to develop official plan policies and implementing zoning by-laws that, among other matters, promotes a more compact built form that enables a modal shift to most trips being made by walking, cycling and rolling, contributing to the creation of 15-minute neighbourhoods, provides a diverse mix and range of housing options, including additional residential units and affordable housing.

Policy 2.D.5 requires area municipalities to establish policies in their official plans and implementing zoning by-laws to permit missing middle housing on residential lots located within an Urban Area.

Policy 3.A.2 requires area municipalities, in collaboration with the Region, to plan for a diverse range and mix of housing options with an overall target of a minimum of 30% of new ownership and rental housing being affordable to low- and moderate-income households. The range and mix of housing options provided will vary in terms of form, tenure, density, and number of bedrooms to accommodate the needs of all sizes, incomes, and ages of households.

Policy 3.A.20 states "The Region encourages the area municipalities to apply alternative development standards as-of-right to help streamline the development of affordable housing provided health, safety, servicing, and other reasonable standards or criteria can be met. Examples of such alternative development standards may include, but are not limited to, reduced parking standards, setbacks and road allowances."

The Region acknowledges that while strategic growth areas (such as Major Transit Station Areas) will play the primary role in achieving the intensification targets, intensification will also occur more broadly within existing neighbourhoods through gentle density. The ROP envisions this transition to occur gradually over time as new opportunities arise for infill, redevelopment, additional residential units, new missing middle housing options, development of vacant and/or underutilized lots, and the expansion or conversion of existing buildings.

Regional policies require the City to plan for a range of housing in terms of form, tenure, density and affordability to satisfy the various physical, social, economic and personal support needs of current and future residents. The proposed amendments enable missing middle housing, with as-of-right reductions to parking throughout the urban area. Regional staff have indicated that they have no objections to the proposed amendments (Attachment 'H'). Planning staff are of the opinion that the application conforms to the Regional Official Plan.

Kitchener Official Plan (2014)

The City of Kitchener Official Plan (2014) provides the long-term land use vision for Kitchener. The vision is further articulated and implemented through the guiding principles, goals, objectives, and policies which are set out in the Plan.

Complete Community

The vision articulated in the Official Plan is to build an innovative, vibrant, attractive, safe, complete and healthy community contributing to an exceptional quality of life. A complete community creates and provides access to a mix of land uses including a full range and mix of housing. Planning for a complete community will aid in reducing the cost of infrastructure and servicing, encourage the use of public transit and active modes of transportation, promote social interaction, and foster a sense of community. The proposed amendments enable additional housing options within the community.

Housing Policies:

Housing Policies of the Official Plan seek to provide for an appropriate range, variety and mix of housing types and styles, densities, tenure, and affordability to satisfy the varying housing needs of the Kitchener community through all stages of life. Objectives speak to the preference for a land use pattern that accommodates a range of housing types across the city as a whole and within neighbourhoods. The City encourages intensification and redevelopment including adaptive re-use and infill including additional dwelling units attached and detached in order to respond to changing housing needs and as a cost-effective means to reduce infrastructure and servicing costs by minimizing land consumption and making better use of existing community infrastructure.

Policy 4.C.1.9 requires that residential intensification and/or redevelopment within existing neighbourhoods be designed to respect existing character. Community character refers to pockets of the urban fabric with distinctive physical attributes and includes scale of the built environment and development patterns which can be regulated through zoning. Other components of community character such as architectural vernacular cannot be regulated by zoning.

Policy 4.C.1.12 indicates that the City favours a land use pattern which mixes and disperses a full range of housing types and styles both across the city as a whole and within neighbourhoods.

In accordance with policy 4.C.1.13., the City will work with the development industry and other community members to identify and encourage innovative housing types and designs in the city where such innovation would be compatible with surrounding land uses, support the development of complete communities, provide accessible and affordable housing to residents, be transit-supportive and/or transit-oriented. The proposed regulations are more flexible and provide opportunities for creativity in providing more dwelling units in a compact and efficient way that will support transit, affordability, variety and choice, while also being compatible with existing neighbourhoods.

Policy 4.C.1.23 for additional dwelling units attached and detached is proposed to be amended to permit up to 4 dwellings on a lot.

Proposed changes to zoning regulations continue to align with policy 4.C.1.23 for additional dwellings (detached). In accordance with this policy the additional dwelling (detached) should be subordinate to the main dwelling on the lot; integrated into its surroundings with negligible visual impact to the streetscape; compatible in design and scale with the built form on the lot and the surrounding residential neighbourhood in terms of massing, height and visual appearance; the site layout should consider other requirements including servicing, pedestrian and vehicular access, stormwater management, grading and drainage, tree preservation, and provision of amenity areas, landscaped buffers and visual screening; and up to one parking space may be required for each additional dwelling unit.

The proposed zoning regulations permit additional dwelling units attached and detached, subject to regulations for setback, height, and parking. Regulations require and protect front yard and rear yard landscaped areas, provide for a built form, including height and setbacks, that aligns with existing built form. Driveway widths continue to be limited to preserve boulevard trees and on-street parking. Rear yard parking lots must be setback and screened from neighbouring dwellings. Backyard homes will continue to be subordinate to the principal dwelling, while allowing for modest increases in height that will allow additional flexibility and floor space.

Natural and Human-Made Hazards

Official Plan policies direct development away from areas with natural or human-made hazards including flooding hazards, and human-made hazards. Policies and zoning regulations which restrict residential uses in certain areas will continue to apply and may restrict additional dwelling units on affected lands or may require additional study or mitigation.

Natural Heritage and Environmental Management

Policies of the Official Plan protect and conserve the natural heritage system. Policies, associated processes and implementing zoning regulations which protect the Natural Heritage System are not impacted by the proposed regulations and development will not be permitted in such areas.

Energy Conservation, Air Quality and Waste Reduction

Policies of the Official Plan support development which conserves energy, reduces waste, and minimize adverse impact to air quality. Permitting additional dwelling units promotes a compact urban form, maximizes the use of existing infrastructure, supports the adaptive reuse of buildings, and the reduction in parking promotes the use of transit, walking and cycling, supporting reduced levels of private automobile ownership and associated emissions.

Urban Design

Neighbourhood design policies of the Official Plan promote development and redevelopment in existing neighbourhoods that is compatible with the existing neighbourhood, which achieves walkability, variety, placemaking, conservation, connectivity, is transit supportive and safe. The proposed regulations permit additional

dwelling units attached and detached, subject to regulations for setback, height, and parking. Regulations require and protect front yard and rear yard landscaped areas, provide for a built form, including height and setbacks, that aligns with established neighbourhood regulations intended to preserve streetscape characteristics. Parking in front yards continues to be limited to current standards to help preserve boulevard trees front yard landscaped areas and on-street parking. Rear yard parking lots must be setback and screened from neighbouring dwellings. Backyard homes will continue to be subordinate to the principal dwelling, while allowing for modest increases in height that will allow additional flexibility and floor space. Staff is of the opinion that additional dwelling units in existing neighbourhoods are compatible with existing residential development.

Cultural Heritage Resources

Policies of the Official Plan seek to conserve the City's cultural heritage resources using provisions of the Ontario Heritage Act and other legislation. Cultural heritage resources within Kitchener include identified Cultural Heritage Landscapes, as well as designated Heritage Conservation Districts and individually designated properties. Once properties are designated under the Ontario Heritage Act, the City is enabled to manage physical alterations to the cultural heritage resources as a means of protection. The principal mechanism of management is the Heritage Permit Application process, which allows the municipality to review site-specific applications and determine if proposed changes will affect identified heritage attributes or the cultural heritage value or significance of a property. This process will apply equally to development or redevelopment for additional dwelling units as it would for any other development proposal, whether that be renovations to an existing building, or construction of an addition or an accessory structure. The demolition of designated heritage buildings is not supported by the City. If a property is not designated but is within a Cultural Heritage Landscape, a Heritage Permit Application is not required but additional heritage studies or consideration in design and impact may be requested.

Transportation

The City's Official Plan contains policies to develop, support, and maintain a complete, convenient, accessible, and integrated transportation system that incorporates active transportation, public transit, and accommodates vehicular traffic. Regarding alternate modes of transportation, objectives of the Official Plan include promoting land use planning and development that is integrated and conducive to the efficient and effective operation of public transit and encourages increased ridership of the public transit system. The City shall promote and encourage walking and cycling as safe and convenient modes of transportation. The proposed amendments seek to reduce parking requirements in certain geographies which have good access to public transit (including bus, i-express bus and light rail transit), have good access to on and off-street cycling networks, the micro-mobility system (e.g., Neuron e-scooters), and are walkable. Proposed regulations associated with parking are discussed in the preceding sections of this report.

Servicing and Utilities

The objectives of the Official Plan are to provide infrastructure, municipal services and utilities in a coordinated, efficient and cost-effective manner to meet the City's current and projected needs; to maximize the use of existing municipal services and utilities before

consideration is given to extending and/or developing new municipal services; and, to promote cost-effective development patterns and standards to assist in minimizing servicing costs.

Permitting additional units in existing built-up areas help to make efficient use of existing infrastructure including sanitary sewer, water services, storm water infrastructure, and utilities including hydro, gas and communications infrastructure. As site development intensifies, individual property owners will be required to make arrangements with service providers, including the City of Kitchener, to ensure that site services are appropriately sized for the increase in units. Where upsizing of services is required, this will be a cost to the developer, but should be considered an investment in the property, which will permit additional density.

Utility providers including Enova and Kitchener Utilities have provided input to the proposed changes that will enable additional density. Staff expect that uptake and construction of additional units will be gradual, and it is unlikely that all lots on a street will convert from 1-unit dwellings to 4-unit dwellings concurrently. This will allow time for ongoing assessment and monitoring of infrastructure to understand when and where improvements may be required. It is reasonable to assume that over time, existing excess system capacity will be used up and improvements may be required.

The City is currently preparing an Integrated Sanitary Master Plan. This plan is reviewing existing conditions and evaluating planned growth and servicing needs and is expected to be completed by Q2 of 2024. The Master Plan will identify recommended projects to address current and future sanitary servicing needs of the community based on the existing condition of sanitary infrastructure as well as current and future capacity needs. Recommended projects will be prioritized based on factors including infrastructure life expectancy, as well as other criteria. Areas of constraint may be identified through this work, and it is possible that further recommendations which limit development, including but not limited to development of additional dwelling units, may be necessary in certain areas, until infrastructure can be rehabilitated or replaced to increase existing capacity.

Staff is of the opinion that the proposed Official Plan Amendment and Zoning By-law Amendments are consistent with and conform to the Planning Act, Provincial Policy Statement (2020), the Places to Grow Act (2005) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020), the Regional Official Plan (2010) and the Kitchener Official Plan (2014) and represent good planning.

What We Heard from the Community

Through community engagement, staff heard from a range of community members, including property owners, residents (including renters), builders, designers, and investors. A summary of community engagement is provided in this report while more detailed information on the community engagement strategy and feedback are included in Attachments G1 to G4.

The community engagement strategy included variety of online and in-person opportunities for community members to provide input, as summarized in Figure 8. Overall, the team recorded nearly 2,000 individual interactions ranging from visits to the

Engage Kitchener project page, to attendance at one of the in-person open houses, and one-on-one discussions with staff on the phone or at city hall.



Figure 8. A Summary of engagement opportunities.

In evaluating feedback, staff observed that many community members support gentle density on existing residential lots. We heard this is an important way to help respond to the housing crisis. Community members identified the following benefits of allowing additional dwelling units:

- Enabling more housing in neighbourhoods;
- Supporting financial feasibility of home ownership;
- Supporting multi-generational housing;
- Environmental responsibility – making use of existing infrastructure, services and transit;
- Shifting transportation modes away from personal vehicle ownership; and,
- Creating neighbourhoods with densities that will support stores and businesses.

Staff also heard a range of concerns. Some community members believe that enabling 4 units does not go far enough, while others have concerns that allowing additional density will have an impact on the elements of neighbourhoods that they value.

A summary of the concerns we heard from the community along with a commentary on how staff addressed or considered these concerns is provided in Table 6.

Table 6. Summary of Community Member Concerns and Staff Responses

Concerns by theme	Staff response
<p><u>Parking.</u> Concerns about how parking will be accommodated on-site and challenges with respect to increased demand for on-street parking.</p>	<p>Staff propose a geography-based approach to support reduction in parking minimums as detailed in the zoning section of this report. Staff recognize that some homeowners and developers may opt to provide more parking on-site than required. In such cases, parking will be subject to regulations including those for parking lots and maximum driveway widths.</p> <p>On-street parking is intended to be for short-term use and not permanent storage of personal vehicles. On-street parking in Kitchener is enforceable under the City of Kitchener Traffic and Parking By-law and the Region of Waterloo Traffic and Parking By-law. On-street parking is permitted up to 3 consecutive hours during the day unless there is a sign posted that says otherwise. Overnight parking exemption is required in the winter.</p> <p>In the long-term, Kitchener could consider an on-street parking permit system to offer long-term parking storage on-street. On-street parking permit system generally services specific residential areas where driveways and/or garages are not common and on-street parking is the only reasonable option. At this time, staff do not recommend pursuing this option, due to the costs to residents, staff time to administer and reduced access for short-term parking needs.</p>
<p><u>Trees and amenity space.</u> Concerns were identified about impacts to the urban forest, reductions to landscaped green space, and lack of private amenity space.</p>	<p>The proposed zoning regulations seek to achieve a balance between enabling increased housing supply and protecting and preserving landscaped areas, private amenity space and street trees, and specifically include:</p> <ul style="list-style-type: none"> • minimum landscaped areas, setbacks to buildings and parking lots, and maintaining maximum driveway widths to accommodate amenity areas and space for tree planting both on private lots and within boulevards; • proposing minimum separation distances between principal buildings and detached additional dwellings

	<p>to accommodate outdoor amenity areas in rear yards; and,</p> <ul style="list-style-type: none"> • minimum lot sizes and lot widths were evaluated to ensure that lots are sufficiently sized to support density increases while still providing adequate greenspace. <p>Additional comments with respect to the urban forest is provided in the following section of this report.</p>
<p><u>Impacts to neighbouring properties.</u> Concerns with overlook and shadows on neighbour's yards from detached additional dwellings because of added height and being too close to property lines.</p>	<p>Staff recommends a 6-metre height for detached additional dwellings to allow a raised bungalow style dwelling or a 1.5 storey design where a second floor is incorporated into the roofline for flexibility to provide one large unit, two units, or dwelling unit(s) above parking spaces. An increased height is proposed only where the principal dwelling is 9.1 metres in height (2 storeys) to ensure that the additional dwelling (detached) remains subordinate to the principal dwelling, and fits into the context of the neighbourhood.</p> <p>The additional 1.5 metres in height will not have a substantial impact on shadowing of neighbouring properties. Where a detached additional dwelling is 4.5 metres high or less, a 0.6 metre setback continues to apply. A higher detached additional dwelling is subject to a 0.9 metre setback, which will help to reduce the impact of shadows.</p> <p>Overlook was also raised as a concern by property owners. Openings in detached additional dwellings are regulated by the Ontario Building Code which restricts the percentage of openings on facades close to other buildings and to property lines. A building located less than 1.2 metres is not permitted to have unprotected openings, and as the building is set farther back the number of openings may increase. These Building Code restrictions limit opportunity for windows and overlook into neighbouring yards and private spaces.</p>
<p><u>Site functionality.</u> Concerns were raised that as densities and the number of units increased, lots would no longer be functional and able to provide for parking, living</p>	<p>Staff recognizes the need and value of functional properties and how it may impact quality of life for residents. The proposed zoning balances the site functionality elements with the intent of allowing gentle density through additional units on more properties across Kitchener. The proposed zoning considers parking minimums, impacts on tree canopy, landscaped and</p>

<p>space, outdoor spaces, services, etc.</p>	<p>amenity area, and walkway accesses. The proposed zoning regulations work together to ensure that lots will be large enough to accommodate additional density together with other necessary site functions, while also considering the public realm, streetscape and environment. Some lots will be too small to accommodate certain built forms and where regulations cannot be met, increases in the number of units may not always be possible. Further, staff conducted an analysis to assess site functionality elements where up to 4 units may be permitted. As a result, staff has proposed a minimum lot area of 360 m² and a minimum lot width of 10.5 m in suburban neighbourhoods to further facilitate site functionality in these neighbourhoods due to the higher parking requirement (3 spaces).</p>
<p><u>Streetscape.</u> Community members raised concerns about impact to existing characteristics of neighbourhood and streetscape.</p>	<p>Staff has not proposed changes to the fundamental zoning regulations that respect neighbourhood characteristics and streetscape such as minimum lot area, lot width, lot coverage, height of principal dwelling, setbacks, driveway and garage widths. The proposed amendments seek to strike a balance between accommodating new housing units and maintaining those elements of a neighbourhood that can be regulated through zoning regulations such as setbacks, height and lot size.</p>
<p><u>Short-term rentals.</u> There were concerns that the additional dwelling units may be used for short term rental purposes and may not help tackle the housing crisis.</p>	<p>The intention of the proposed changes is to enable additional dwelling units in more residential neighbourhoods. Additional dwelling units may be a source of additional income for property owners, whether used for traditional rental or short-term rental. Short term rentals are not regulated within the current Zoning By-law framework and the City is undertaking a separate body of work to assess and regulate short-term rental housing.</p>
<p><u>Minor variances.</u> Concerns that despite the proposed zoning regulations, there will continue to be applications for minor variances.</p>	<p>The proposed zoning regulations will enable more dwelling units on more lots and are designed to be flexible to allow for creativity in design, while setting boundaries for matters which are important to protect. The recommended zoning may not work for all lots and all circumstances, and variances remain a Planning Act tool to consider small adjustments to zoning where tests can be met. Staff will continue to monitor requested variances and will consider further updates to the zoning by-law where variances are frequently requested and supported.</p>

Development industry feedback

We also heard from those involved with development of these units as property owners, investors, builders, designers, and contractors. The following are the key themes raised by those in the development industry and staff's response.

Lot width and Lot area. The current minimum lot width and minimum lot area requirements for additional dwelling units was requested to be reduced to make it easier to develop additional units on more lots.

Staff evaluated the request to reduce lot width and lot area requirements and have proposed a geographical approach to expand where additional dwelling units could be developed. Today 2 additional units or a detached dwelling unit requires a minimum lot width of 13.1 m and an area of 395 m², or the zone minimum if it is greater. Staff are proposing to only require the base zone minimum for lots within 800 metres of an LRT station or which are located within the Central Neighbourhood Area. Outside of 800 metres from an LRT station or the Central Neighbourhood Area, a minimum lot width of 10.5 m and lot area of 360 m² (or the zone minimum, if greater) is recommended for lots containing 2 or 3 additional units, or a detached additional dwelling. Further discussion is included in preceding sections of this report.

Parking. The removal of parking regulations and bicycle parking requirements for additional dwelling units can make it easier to develop additional units removing cost and spatial barriers.

Staff evaluated parking requirements and, to strike a balance, have proposed a geographical approach to parking regulations with reduced parking rates as detailed in this report. While bicycle parking is proposed, the new bicycle parking class reduces design and cost barriers. Staff's recommendation is intended to recognize the importance of addressing parking demand while supporting additional units and active transportation.

Building height. An increase in the allowable height for detached additional dwellings to 7.5 m was requested to accommodate units over garages and two-storey dwellings.

Staff evaluated the request to increase the building height for detached additional dwellings from 4.5 m to 7.5 m. A proposed 6.0 m height limit (to mid-point of the roof) is recommended where the principal dwelling is higher than 9.1 metres. This limit allows for raised basements, a unit over parking integrated into the roofline or two units with the upper storey integrated into the roofline. This approach is intended to allow some additional height, where prevailing built form is generally higher, while limiting privacy and shadow concerns and providing flexibility.

Application process. The development industry expressed concerns about processes and timelines for application review.

In response, staff will evaluate ways to streamline the zoning review and building permit processes. The proposed zoning changes also enable more units on more lots without necessitating minor variance applications to expedite timelines. This report further outlines next steps to support uptake of these units after a Council decision has been made.

Based on input from the development industry workshop and the comprehensive planning analysis conducted, as well as feedback from the public, staff has carefully considered various regulatory adjustments aimed at facilitating the development of additional dwelling units while addressing community concerns.

What We Heard from Staff and Agencies

The consultation with staff and agencies was a collaborative process. It included an email circulation with the opportunity to provide feedback and comments, a post-circulation meeting, and small, focused group meetings. The post-circulation meeting provided an overview of the project and an opportunity to gather initial feedback and comments. Following this, focused group meetings were strategically organized around topic areas including zoning compliance, development planning, heritage planning, policy planning, building and emergency services, servicing and utilities, environment and urban forestry, transit and transportation planning, and bylaw enforcement. Written comments were received from agencies including Bell, Grand River Conservation Authority, Waterloo Catholic District School Board, Waterloo Region District School Board, Fire Services, Kitchener Utilities (gas, water, sanitary and stormwater services), Engineering Division, Sanitary and Stormwater Utility, Building Division, Parks Design and Development and the Region of Waterloo. The written comments received from staff and agencies have been included in Attachment 'H'.

Comments received from staff and agencies have been taken into consideration and reflected in the proposed changes as discussed throughout this report. There are, however, some comments that are relevant information for implementing additional dwelling units, some that are out of the scope of this project, and some which may be addressed through other bodies of work. These are discussed below.

Infrastructure, Services and Facilities Capacity

As Kitchener grows in population, there will be an increase in demand for community infrastructure (road, water, gas, hydro, sanitary and stormwater), community services (police, fire, transit, etc.), and community facilities (schools, community centres, parks, hospitals, etc.). It is challenging to predict locations where additional units will be added, and how quickly uptake will occur. Based on past experience, staff expect that uptake will be gradual and dispersed. To effectively plan for community infrastructure, services, and facilities, it is important to monitor the locational uptake of additional dwelling units closely.

On-site Utilities

The utility providers allow one set of services for a lot. It is at the cost of developers and home owners to make upgrades (for example, to waterlines and electrical panels) for capacity, extend and connect services to the additional dwellings detached, and provide separate utility meters. It is important for property owners to know that there may be a need to upgrade on-site utilities for capacity and that it is critical to engage utility providers early in the development process to understand the extent of additional costs that may be incurred.

Development Fees for 4 Units

Under the Development Charges Act, the Planning Act, and the Education Act, the Region of Waterloo, the City of Kitchener, and the School Boards collect fees associated with residential development for the development of various services, facilities, and infrastructure. The provision of a 4th unit is currently not exempt from City and Regional development charges or education development charges. However, the City's Parkland Dedication Policy does exempt additional dwelling units (including a 4th unit) from parkland dedication fees. These fees (development charges, education development charges, and parkland dedication) can add significant cost to projects and impact the financial feasibility of development, however are important to ensure that the Region, City and School Boards can provide new and/or enhanced services, facilities, and infrastructure.

Property Standards and By-law Enforcement

Planning has consulted with By-law Enforcement staff regarding zoning compliance and other property standards considerations. The City will continue to enforce by-law regulations on a complaint basis, including matters associated with illegal driveway widenings and complaints associated with on-street parking, which are often of concern to residents.

Storage of waste (garbage, compost and recycling) is also frequently identified as an area of concern to enforcement staff. As a result of provincial changes to the Planning Act, Site Plan Control is no longer available as a tool to enforce aspects of site function including garbage storage. Staff is of the opinion that waste management cannot be effectively regulated through the Zoning By-law, however by-law enforcement staff are exploring revisions to the Property Standards By-law. Contemplated updates will enhance current provisions for garbage storage on properties with additional dwelling units and where there are multiple dwellings with 10 units or fewer, to ensure that garbage is stored in a safe, secure and sanitary way. Recommendations resulting from this review apply more broadly than the scope of this report, will be provided as part of a separate report in Q2 of 2024.

Urban Forest Canopy

Kitchener's 2023-2026 Strategic Plan notes strategic goals, goal statements and actions to achieve the community's shared vision for the future of Kitchener. Implementing the tree canopy target plan is an action noted in the Strategic Plan. Although a key corporate and Council priority, provision of additional housing and residential intensification through enabling 4 units may directly impact component trees of the urban forest, and compromise achieving the urban tree canopy targets in some areas of the city. City staff is in the process of evaluating and updating its tree conservation processes through a separate body of work. This work is considering further regulating the impact and damage to trees under these and other circumstances.

It is important for property owners to note that the provision of additional dwelling units, particularly detached dwellings, may impact trees shared between neighbours and/or trees on adjacent properties. When development impacts shared/boundary trees or those on adjacent private properties, it is a civil matter and the City does not get involved. In addition, certain properties may be the subject of approved tree preservation plans and

obligations to maintain trees registered on title through subdivision, site plan, or other development agreements.

Further, although driveway widenings are regulated through zoning bylaw regulations, driveway apron/boulevard widening beyond the property lines or cutting the curb is subject to a City permit that considers impact on existing City trees. However, where there are no existing City trees, this may lead to loss of adequate soil volumes for planting trees on City property in the future. In addition to City policies and by-laws such as the Tree Conservation Bylaw, other legislation, or regulations such as the Ontario Endangered Species Act, the Regional Woodland Conservation Bylaw etc. may also be applicable.

Next Steps

The recommendations contained in this report create a regulatory framework that will enable more dwelling units on more lots in Kitchener. While the zoning may permit additional units, the City is reliant on homeowners and developers to build these additional units. With the support of the Housing Accelerator Fund, staff will prepare tools to make it easier to work through that approval process which can seem daunting for some homeowners and developers. Next steps in 2024 include:

- identifying a core team of staff across divisions who will take the lead on coordinating with customers from inquiry to final inspection to good neighbour property use (e.g., waste storage, parking, etc.);
- collectively, the team will identify how the approvals and inspections processes can be streamlined to remove barriers and simplify from a customer experience perspective;
- update the City's website with tools and resources to ensure that it is easy to locate and understand information on building and operating four units; and,
- on-going monitoring of uptake, functioning of new zoning rules, the approvals process and timelines, and bylaw complaints to look for ways to continue to support four-unit developments in our neighbourhoods.

Conclusions

The proposed Official Plan and Zoning Bylaw amendments aim to enable four units as a form of gentle density in neighbourhoods across Kitchener. The proposed zoning rules seek to balance site functionality and flexibility in built form while mitigating potential impacts on the community. While as-of-right permissions will enable four units on more than 41,000 residential lots in Kitchener, staff are of the opinion that growth will be gradual within neighbourhoods which will allow time to monitor impacts and determine strategies for mitigation (e.g., monitoring service capacity or adjusting zoning rules). Additionally, staff will support uptake among builders and property owners through a comprehensive implementation strategy to remove barriers and simplify processes. Staff is of the opinion that the proposed amendments align with Provincial, Regional and City planning policy frameworks and represent good planning while supporting local, provincial and federal housing targets.

STRATEGIC PLAN ALIGNMENT:

This report supports the delivery of core services.

FINANCIAL IMPLICATIONS:

Capital Budget – The recommendation has no impact on the Capital Budget.

Operating Budget – The recommendation has no impact on the Operating Budget.

COMMUNITY ENGAGEMENT:

INFORM – This report has been posted to the City’s website with the agenda in advance of the committee meeting. A notice of Community Engagement was placed the Waterloo Region Record on January 5, 2024 and January 12, 2024. Further, a notice of Statutory Public Meeting was in the Waterloo Region Record on March 1, 2024.

CONSULT – Community engagement included:

- Enabling Four Units online engagement page on Engage Kitchener launched December 2023;
- A Virtual Community Meeting on January 17, 2024;
- Three (3) public Open Houses on January 20, 2024 at the Kitchener Market, January 23, 2024 at the Stanley Park Community Centre, and January 31, 2024 at the Forest Heights Community Centre;
- One-on-one discussions by phone, in-person at the city hall service center, and via email;
- Consultation with the Kitchener Development Liaison Committee on January 19, 2024 and February 23, 2024; and,
- A Development Industry Workshop on January 31, 2024.

PREVIOUS REPORTS/AUTHORITIES:

- Municipal Act, 2001
- Planning Act, R.S.O. 1990, c. P.13
- Provincial Policy Statement, 2020
- A Place to Grow, 2020
- Regional Official Plan and Regional Official Plan Amendment 6
- City of Kitchener Official Plan, 2014
- City of Kitchener Zoning By-law 2019-051
- City of Kitchener Zoning By-law 85-1
- [Housing for All – City of Kitchener Housing Strategy](#) (DSD-20-214)
- [City of Kitchener Municipal Housing Pledge](#) (DSD-2023-063)
- [Enabling Missing Middle and Affordable Housing](#) (DSD-2023-160)
- [Implementation of Bill 13, Bill 109 and Bill 23](#) (DSD-2023-239)
- Missing Middle Housing Motion to Support Housing Affordability (October 16, 2023)

REVIEWED BY:

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Darren Kropf, Manager, Active Transportation and Development

APPROVED BY: Justin Readman, General Manager, Development Services

ATTACHMENTS:

Attachment A – Proposed Official Plan Amendment (2014 Official Plan)

Attachment B1 – Proposed Zoning By-law Amendment 2019-051

Attachment B2 – Proposed Zoning By-law Amendment 85-1

Attachment C1 – Amendment to Zoning B-law 2019-051 with Rationale

Attachment C2 – Amendment to Zoning By-law 85-1 with Rationale

Attachment D – Newspaper Notice

Attachment E – Municipal Scan

Attachment F – Lot Size and Built Form Analysis

Attachment G1 – Engagement and Public Comments

Attachment G2 – Survey Responses

Attachment G3 – Email Correspondence

Attachment G4 – What We Heard (Open Houses and Development Industry Workshop)

Attachment H – Agency Comments