



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	February 23, 2024
SUBJECT/REPORT NO:	Updates and Amendments to the Low Density Residential (R1) and Low Density Residential (R1a) Zones, and Creation of a New Low Density Residential – Large Lot (R2) Zone, Creation of a New Section 5: Parking, and Technical Amendments to Zoning By-law No. 05-200 as Phase 2 of the Residential Zones Project (PED22154(a)) (City Wide) (Outstanding Business List Item)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Alana Fulford (905) 546-2424 Ext. 4771
SUBMITTED BY: SIGNATURE:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SUBMITTED BY:	Brian Hollingworth Director, Transportation Planning and Parking Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That City Initiative CI 24-A respecting amendments to the Urban Hamilton Official Plan to establish a policy within Volume 2 applying to secondary plans to allow certain Low Density Residential policies of Volume 1 to take precedence over certain Low Density Residential policies in secondary plans for the purposes of permitted density ranges, built form, and height be **APPROVED** on the following basis:

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

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- (i) That the Urban Hamilton Official Plan Amendment, attached as Appendix “A” to Report PED22154(a), be adopted by Council;
 - (ii) That the proposed amendments to the Urban Hamilton Official Plan are consistent with the Provincial Policy Statement (2020), conform with A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended;
- (b) That City Initiative CI 24-A respecting amendments to the Low Density Residential Zones in Zoning By-law No. 05-200 to implement Urban Hamilton Official Plan Amendment No.167 to add lands from the former Community Zoning By-laws to Zoning By-law No. 05-200, to make general amendments to Section 1: Administration and Section 4: General Provisions, to amend the Low Density Residential (R1) Zone and Low Density Residential – Small Lot (R1a) Zone, to create permissions and regulations for purpose built triplex and fourplex developments, and to create a new Low Density Residential – Large Lots (R2) Zone be **APPROVED** on the following basis:
- (i) That the By-law to amend Zoning By-law No. 05-200, attached as Appendix “B” to Report PED22154(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2020), conform with A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended, and comply the Urban Hamilton Official Plan, Rural Hamilton Official Plan, Hamilton-Wentworth Regional Official Plan and City of Hamilton Official Plan upon finalization of Urban Hamilton Official Plan Amendment No. 202;
- (c) That the Neighbourhood Infill Design Guidelines, attached as Appendix “E” to Report PED22154(a), be approved and be applicable for applications received after March 1, 2024, and that the Director of Planning and Chief Planner be authorized to amend from time to time;
- (d) That the updated parking standards forming amendments to Section 5: Parking of Zoning By-law No. 05-200, attached as Appendix “D” to Report PED22154(a), be approved on the following basis:

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- (i) That the Draft By-law to amend Zoning By-law No. 05-200, attached as Appendix “D” to Report PED22154(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2020), conform with A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended, and comply the Urban Hamilton Official Plan, Hamilton Wentworth Official Plan and City of Hamilton Official Plan;
- (iii) That staff continue to refine various parking standards related to non-residential uses through further study and bring forth any changes as part of a future Zoning By-law amendment;
- (e) That upon final approval of the Official Plan Amendment and Zoning By-law Amendment, staff be directed to amend any applicable Neighbourhood Plans to reflect the recommendations of this Report;
- (f) That item 22L be removed from the Outstanding Business List.

EXECUTIVE SUMMARY

On June 8, 2022, Council approved amendments to the Urban Hamilton Official Plan (Official Plan Amendment No. 167) to allow a greater range of uses within the Low Density Residential areas of the Neighbourhoods Designation. Since that time, staff have been working to implement the policy changes by eliminating exclusionary zoning across the City’s 40 Low Density Residential Zones, incorporating permissions for conversions of existing dwellings to up to four units, developing new permissions for the as of right development of triplex and fourplex dwelling units and developing new Residential Zones in the City’s Comprehensive Zoning By-law.

On August 12, 2022, Council approved Phase 1 of the Low Density Residential Zones which was the first step to implementing Official Plan No. 167 (PED22154). At that time, all of the City’s former Community Zoning By-laws were amended to permit the following uses:

- Single Detached Dwellings;
- Duplex Dwellings;
- Semi-Detached Dwellings;

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- Street Townhouse Dwellings; and,
- Conversions of existing dwellings to contain up to four units.

Council further directed staff to draft Neighbourhood Infill Design Guidelines and Urban Design Standards to inform regulations for purpose built triplex and fourplex development.

The amendments approved in August 2022 had the effect of eliminating exclusionary zoning on 76,669 residential properties across the City.

Since August 2022 staff have implemented a robust consultation plan to inform the completion of phase 2 of the Low Density Residential Zones through the Residential Zones Project. The proposed Official Plan and Zoning By-law amendments included in this Report will further implement Official Plan No. 167 by incorporating: the full range of low density residential uses in most Secondary Plan areas, as of right permissions for triplex and fourplex dwellings and additional lands into the City's Comprehensive Zoning By-law No. 05-200. Building on the first phase of Low Density Residential this amendment extends the full range of low density residential permissions, including development of triplex and fourplex dwellings, to an additional 44,469 residential properties.

In parallel with the Residential Zones Project, staff also carried out a comprehensive review of the City's Parking Standards. Parking standards, in this context, refers to the provision of parking for new development and redevelopment as requirements set out in various Zoning By-laws pertaining to the location, amount, size and design of parking spaces. While the focus of the review was on residential standards, parking standards, design and locational regulations for all uses were reviewed. A key opportunity through this review and update was to harmonize and simplify parking standards which are currently specified in multiple Zoning By-laws depending on area of the City. A summary of the review and preliminary proposed framework for updated parking standards was presented to Planning Committee on August 15, 2023 as part of Report PED23156.

At this time, the proposed amendments included in Appendix "D" to Report PED22154(a) implement new parking standards for residential uses. Parking standards for non-residential uses were not a focus of the current review. Some minor modifications to the non-residential parking standards have been included as part of the

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proposed amendments, but a more fulsome and comprehensive review of non-residential parking standards will be undertaken in 2024.

As directed at the August 15, 2023 Planning Committee, staff initiated a series of engagement activities to obtain feedback on the proposed parking standards updates. This included two virtual public events, consultation with the Development Industry and a public survey. This report provides a summary of the feedback received and the final proposed parking standards to be implemented through the adoption through revision to Section 5: Parking of Zoning By-law No. 05-200. The propose amendments are attached as Appendix “D” to Report PED22154(a)).

Alternatives for Consideration – See Page 35

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold a Public Meeting to consider amendments to the Official Plan and Zoning By-law.

Notice of the Public Meeting was placed in the Hamilton Spectator on February 2, 2024.

HISTORICAL BACKGROUND

On August 12, 2022, Council approved Phase 1 of the Residential Zones Project – Low Density Residential Zones (PED22154) to provide additional housing opportunities within low density residential areas by expanding the uses permitted within Low Density Residential Zones. The amendments to the former Community Zoning By-laws included:

- Adding the following new permitted uses in Low Density Residential Zones (in addition to existing permissions):
 - Duplex Dwellings;
 - Semi-Detached Dwellings; and,
 - Street Townhouse Dwellings.

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- Introducing Converted Dwelling provisions to permit the conversion of existing Single and Duplex dwellings (two family dwellings) to contain a greater number of dwelling units, up to a maximum of four dwelling units on a lot.

Additionally, the amendments in 2022 included the creation of two new Low Density Residential Zones in Zoning By-law No. 05-200, representing the first phase of implementation of the Residential Zones category of the Comprehensive Zoning By-law.

The new Low Density Residential (R1) Zone and Low Density Residential – Small Lot (R1a) Zone applies to lands in the City of Hamilton that were previously zoned “C” (Urban Protected Residential, etc.) District and “D” (Urban Residential Protected – One and Two Family Dwellings, etc.) District in City of Hamilton By-law No. 6593

The recommendations of Report PED22154 provided direction to staff to complete Neighbourhood Infill Design Guidelines to accommodate purpose built triplex and fourplex developments, implement the recommendations of the City Wide Parking Study, and proceed with the city-wide application of the new Low Density Residential Zones.

The City Wide application of the three Low Density Residential Zones will establish consist and modernized zones and zone standards for all low density residential properties across the City, replacing the existing 40 plus Low Density Residential Zones that currently apply within the City’s former Community Zoning By-laws. The proposed changes to Zoning By-law No. 05-200 will provide more sustainable infill opportunities that make use of existing infrastructure and services, and will provide greater housing choice within low density residential areas. Infill development in the City’s existing neighbourhoods will be supported by the Neighbourhood Infill Design Guidelines which provide guidance on the important elements of built form and site design to be prioritized when integrating new multiplex development into neighbourhoods.

Specific to Parking Standards, on August 18, 2023, Council received Report PED23156 Residential Parking Standards Review and Update. Council also authorized staff to proceed with public engagement on the Draft Parking Standards, in parallel with the Residential Zones project, and that staff report back to the Planning Committee summarizing public input, and recommending proposed parking standards and corresponding Zoning By-law Amendments. At this time, the proposed amendments included in Appendix “D” to Report PED22154(a) implement new parking standards for residential uses. Parking standards for non-residential uses were not a focus of the current review. Some minor modifications to the non-residential parking standards have

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been included as part of the proposed amendments, but a more fulsome and comprehensive review of non-residential parking standards will be undertaken in 2024

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

1.0 Provincial Policy Framework

The Provincial Planning Policy Framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (PPS 2020). The policy implications and legislated requirements related to the Municipal Comprehensive Review / Official Plan Review and the Amendments to the UHOP and RHOP are outlined in Report PED21067(a).

The proposed amendments to the Urban Hamilton Official Plan and Zoning By-law No. 05-200 give effect to the amendments to the Urban Hamilton Official Plan approved through Official Plan Amendment No. 167, and the proposed technical and administrative changes, and parking amendments have been assessed against A Place to Grow: Growth Plan for the Greater Golden Horseshoe and Provincial Policy Statement and it is staff's opinion that the amendments are:

- Consistent with Section 3 of the *Planning Act*;
- Consistent with the PPS (2020); and,
- Conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended.

1.1 Bill 150, Planning Statute Law Amendment Act, 2023

On December 4, 2023 Bill 150, *Planning Statute Law Amendment Act, 2023* received Royal Assent. Bill 150 has the effect of:

- Reversing provincial decisions on Urban Hamilton Official Plan Amendment No. 167 and Rural Hamilton Official Plan Amendment No. 34 and approve municipally adopted official plans retroactive to the date of provincial approval, which for the City of Hamilton would be November 4, 2022;
- With the exception of three modifications discussed in this report, deem the Provincial modifications to Urban Hamilton Official Plan Amendment No. 167 and Rural Hamilton Official Plan Amendment No. 34 as never been made;

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- Limit legal action from being pursued against the Province in relation to lands impacted by the reversal as well as the enactment, amendment or repeal of Minister Zoning Orders;
- Requires decisions made under the *Planning Act* after November 4, 2022 (date the Provincial modifications came into effect) to conform with the official plans, as approved or amended by the legislation; and,
- Permit development with a valid building permit to proceed.

On November 14, 2023, Planning Committee endorsed Report PED23252 which recommended that City Council reconfirm its position on Urban Hamilton Official Plan Amendment No. 167 and Rural Hamilton Official Plan Amendment No. 34, as adopted by Council on June 8, 2022. These recommendations were approved by City Council on November 22, 2023.

The proposed Official Plan Amendments and Zoning By-law Amendments implement the applicable policy changes of Official Plan Amendment No. 167.

2.0 Urban Hamilton Official Plan

Urban Hamilton Official Plan Amendment No. 167 was approved by Council on June 8, 2022 and included policy change to implement the “No Urban Boundary Expansion” growth option. In accordance with Bill 150, Official Plan Amendment No. 167 is in effect as approved by Council, with three Provincial modifications. The proposed amendments to the Urban Hamilton Official Plan enable implementation of the “No Urban Boundary Expansion” growth option within the City’s Secondary Plan areas.

The proposed Zoning By-law Amendment creates additional opportunities for intensification within existing buildings in neighbourhoods without the need for major redevelopment, within areas already serviced and with access to the existing transportation network, and supports a sustainable form of infill development.

2.1 Volume 2, Chapter B - Secondary Plans

Volume 2 of the Urban Hamilton Official Plan includes 31 Secondary Plans which were not subject to amendments through Official Plan Amendment No. 167. Phase 2 of the Residential Zones Project assessed the Low Density Residential Designations in each of the Secondary Plan areas to determine what amendments would be necessary to enable the objectives of the “No Urban Boundary Expansion” growth option by enabling the full complement of low density residential uses permitted in the Low Density

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Residential policies of the Neighbourhoods Designation of Volume 1. The review of secondary plans did not include the secondary plans applying to employment lands, the Downtown Secondary Plan which has corresponding Downtown Zones in Zoning By-law No. 05-200. The West Harbour (Setting Sail). West Harbour (Setting Sail) Secondary Plan is subject to the policies of the Hamilton-Wentworth Official Plan and City of Hamilton Official Plan as a result of Non Decision No. 117. Therefore, these lands are not subject to the enabling policies of the Urban Hamilton Official Plan or Official Plan Amendment No. 167. These lands will be reviewed as part of Phase 3 of the Municipal Comprehensive Review / Official Plan Review and the necessary policy amendments will be incorporated as a future Official Plan Amendment.

As a result of the review, staff are proposing to modify the General Policies (B.1.0) to allow the additional uses, densities and heights permitted in Volume 1 (policies E.3.4.3, E.3.4.4 and E.3.4.5) in the Low Density Residential 1, 1a, 1b, 2, 2a, 2b, 2e and 2f designations of the Secondary Plans.

Phase 3 of the Municipal Comprehensive Review / Official Plan Review includes a review of the local context, including Secondary Plan areas. Staff are undertaking a fulsome review of all Secondary Plan areas through this process and will be coming forward with a comprehensive Official Plan Amendment that will evaluate the residential land use designations, associated policies, and mapping. The recommendations of this Report have been assessed by staff and are in keeping with the intent of Phase 3 of the Municipal Comprehensive Review / Official Plan Review.

3.0 Neighbourhood Plans

Neighbourhood Plans are applicable to some of the low density residential areas included in the proposed amendments. Most Neighbourhood Plans apply in the former City of Hamilton, however the Township of Flamborough, Town of Dundas and City of Stoney Creek also have Council approved Neighbourhood Plans. The majority of the Neighbourhood Plans were prepared and adopted prior to amalgamation. Each of the Neighbourhood Plans will need to be amended to give effect to the policies amended by OPA No. 167 and the implementing Zoning By-law Amendments.

The proposed amendments to the Urban Hamilton Official Plan and Zoning By-law No. 05-200 give effect to the Urban Hamilton Official Plan policies as modified by Official Plan Amendment No. 167. The proposed Zoning By-law Amendments create additional opportunities for intensification within existing buildings, in neighbourhoods without the need for major redevelopment, within areas already serviced, with access to the existing

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transportation network and supports a sustainable form of infill options. As a result, staff are recommending that the City's Neighbourhood Plans be updated to reflect the changes in policy direction from Official Plan Amendment No. 167 and the implementing zoning changes included as part of this Report (see Recommendation (d) of Report PED22154(a)).

RELEVANT CONSULTATION

1.0 Residential Zones Project

Staff retained WSP Canada Inc. (WSP) to create and execute a comprehensive Consultation Plan for the Residential Zones Project. This phase of the Comprehensive Zoning By-law has an impact on the widest audience and requires an innovative approach to community outreach and engagement activities. The Low Density Residential Zones are only one component of the Residential Zones Project and consultation will continue as the Mid Rise Residential Zones (PED23069) and High Rise Residential Zones are completed.

In developing the Consultation Plan, WSP conducted one-on-one interviews with staff from various departments whose work may inform or be informed by the Residential Zones Project. The purpose of these discussions was to gather information on stakeholder representation and stakeholder engagement, and to share experiences with successful engagement tactics. WSP also led a staff workshop to identify opportunities and actions to incorporate into development of the Consultation Plan, and to prioritize engagement techniques to implement through the consultation program for the project. Staff from Communications and the Community Engagement team were interviewed and attended the workshop to share their expertise and apply a City of Hamilton lens to the Consultation Plan. Communications staff continued to collaborate as the consultation program was implemented.

Throughout the Residential Zones Project, staff have incorporated multiple engagement strategies with the objective of being transparent, creating an open dialogue, and collaborating with community partners, interested parties and members of the public. The consultation program for this most recent round of public engagement was launched as Reimagining Neighbourhoods to message the changes to Residential Zones across the City.

Consultation events for the Residential Zones Project date back to 2018 when city staff engaged with the public about future growth and neighbourhood planning. More

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recently in 2022, staff consulted with a reference group of residents to talk about what one values in their neighbourhood, which set the stage for the remainder of the Phase 1 work for the Residential Zones Project which has culminated in a full set of Low Density Residential Zones and permissions. The most recent round of engagement, informed by the Consultation Plan, was launched in November 2023.

To date, the following consultation events have taken place:

- Imagining New Communities Open Houses (2018);
- Neighbourhood Reference Group Workshop (2022);
- Architectural Design Testing (2023);
- Internal Working Groups (2019 – 2024);
- Social Media Updates (2023 – 2024);
- Updates to the Project Mailing List (2022 – 2024);
- Presentations to two Advisory Committees and the Development Industry Liaison Group (DILG) (2022 – 2023);
- Facilitation of eight in-person community pop-up events (2023);
- Participation in a podcast interview with Global News and Building Hamilton in December 2023, which was released on January 6, 2024;
- Stakeholder Workshop (2024); and,
- Two Virtual Public Information Meetings (2024).

Additionally, the Residential Zones Project made use of the City's Website, Engage Hamilton, and Social Media outlets to promote and provide regular updates to residents of the City and to actively engage residents.

An interactive Story Map and Survey were published on the Engage Hamilton – Reimagining Neighbourhoods webpage, launching on November 17, 2023. The survey asked residents identify their priorities as residential zones change. Residents were asked to identify concerns and benefits as housing options expand within and along the periphery of neighbourhoods. A summary of all survey responses is found in the Consultation Summary Report, described below.

Finally, a series of videos have been developed to inform residents of the Residential Zones Project and what changes may look like within neighbourhoods and along the periphery of neighbourhoods. The videos have also provided an opportunity to remind the public how to get involved and stay informed about the project. The following videos are available on the Residential Zones Project website and Engage Hamilton:

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- Reimagining Neighbourhoods Overview – Reimagining neighbourhoods through the Residential Zones Project; and,
- Reimagining Neighbourhoods – Creating more housing choice within our neighbourhoods.

These videos have been promoted on the project’s Engage Hamilton site and imbedded in the City’s social media posts.

A detailed summary of all engagement undertaken for the Residential Zones Project during the latest round of engagement launched in November 2023, is found in the Consultation Summary Report prepared by WSP Canada Inc., attached as Appendix “F” to Report PED22154(a). The Consultation Summary Report describes all communications and engagement activities undertaken and reports back on “what we heard” over the course of the engagement period. Staff responses to a summary of the survey responses, as well as comments received to the Residential Zones Project email during the engagement period, are appended to the Consultation Summary Report. It is anticipated that the consultation plan will continue to reach residents to educate and engage on the City’s continued progress in implementing updated Residential Zones.

2.0 Parking Standards Review

Engagement specific to the Parking Standards Review was incorporated in many of the Residential Zones Project consultation events. Additionally, the Parking Standards Review website, Engage Hamilton engagement activities, and Social Media releases provided background information and promoted the project.

In conjunction with the Residential Zones Project, two virtual public meetings were held in January 2024 and included a summary of the proposed standards and opportunities for feedback. There was good engagement on the topic of parking with most of the participants who spoke to parking expressing support for the directions proposed, including the elimination of minimum parking requirements in certain areas of the City.

A presentation of the Draft Parking Standards was also made to the Development Industry Liaison Group (DILG) on January 22, 2024 with industry members expressing strong support for the directions.

Finally, a public survey was developed to seek feedback on the proposed direction for updating the parking standards and related policies. A total of 264 people completed the survey. Detailed results of the parking survey are provided in Appendix “H” to

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Report PED22154(a). Additional comments received to the Parking Standards Review email are provided as Appendix “I” to Report PED22154(a).

Key highlights of the survey responses are as follows:

- The top three considerations related to the amount of parking for respondents from a personal perspective included i) making sure there is enough parking to avoid spill over impacts into existing neighbourhoods, ii) lowering the cost to purchase a home or condominium and iii) limiting excess parking in order to help shift people’s mode choices;
- The top three considerations related to the amount of parking for respondents from a city planning perspective included i) making sure parking supply does not detract from achieving more compact walkable neighbourhoods, ii) ensuring that new neighbourhoods have sufficient parking to accommodate today’s parking needs and iii) reducing the overall dependence on parking and associated impacts;
- When asked about eliminating minimum parking requirements, 59% of respondents either strongly agreed or moderately agree while 34% either strongly disagreed or moderately disagreed, with the remaining 7% remaining neutral;
- With respect to the idea of a geographical based approach to parking standards, 74% of respondents agreed with the approach with 26% indicating preference to the applying the same standards across all areas of the City;
- In terms of eliminating minimum parking requirements, areas most indicated as being applicable included Downtown Hamilton and Transit Oriented Corridors, followed by the Lower City and core areas of former municipalities.

Overall the survey indicates strong support for the directions proposed. However, it is accepted that this may not represent the views of all residents as the topic of parking standards for new development is not a top of mind issue for most residents.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1.0 Official Plan Amendment

The proposed Official Plan Amendment (attached as Appendix “A” to Report PED22154(a)) is required to extend the permissions of the Low Density Residential policies of Volume 1 to the Secondary Plan Areas. The amendment will facilitate additional opportunities for growth within the City’s neighbourhoods

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To implement Official Plan Amendment No. 167, amendments were proposed to Zoning By-law of the Former Communities to create additional housing opportunities within low density residential areas as a part of Phase 1 of the Residential Zones Project (PED22154). The changes required to implement the proposed policy changes to the Urban Hamilton Official Plan; namely, the expansion of uses permitted in Low Density Residential Zones were identified in Report PED21067(a). As stated in Report PED21067(a), allowing a wider range of permitted uses will provide greater opportunities for intensification in the City's low density residential areas. This greater diversification of building forms will address recommendations from the Housing Affordability Task Force, implement the City's Strategic Plan and Housing Sustainability and Investment Roadmap to create affordable housing, contribute to small-scale intensification opportunities; add supportive housing, make use of existing infrastructure and services by accommodating the conversion of existing structures; and, will implement more sustainable infill opportunities throughout the Neighbourhoods designation in the Urban Hamilton Official Plan.

The proposed amendments align with the policies of the Neighbourhood Designation in allowing purpose built triplex and fourplex development. A proposal to allow a multiple dwelling with five or six units will require an amendment to the Zoning By-law an evaluation of the proposal will determine the appropriate process. The future Mid Rise Residential Zones will accommodate these forms of dwellings on the periphery of neighbourhoods in accordance with Policy E.3.4.3.

1.1 Secondary Plans

Report PED22154 identified that the future phases of the Residential Zones Project would assess the designations of the Secondary Plan areas following the completion of the Municipal Comprehensive Review / Official Plan Review Phase 3: Local Context. The Local Context review is currently underway and will comprehensively assess the designations, policies and mapping of the Secondary Plans to further implement the No Urban Boundary Expansion growth scenario. At this time, staff are proposing to amend the General Policies of Volume 2, Chapter B – Secondary Plans to allow all low density residential uses permitted in Volume 1 to many of the Low Density Residential designations within Secondary Plans.

The effect of the amendment (attached as Appendix "A" to Report PED22154(a)) is to permit Single Detached Dwellings, Semi-detached Dwellings, Duplex Dwellings, Street Townhouse Dwellings, Triplex and Fourplex Dwellings, and Multiple Dwellings containing up to six units in the identified Low Density Residential designations within

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Secondary Plan areas. This will enable the implementation of the Low Density Residential Zones within these Secondary Plan areas.

There are four Secondary Plans where the draft Official Plan Amendment does not apply either in whole or in part. They are:

- Fruitland Winona Secondary Plan;
- Waterdown Node Secondary Plan;
- West Harbour (Setting Sail) Secondary Plan;
- North-West Glanbrook Secondary Plan – Site Specific Policy Areas; and,
- Mount Hope Secondary Plan – Site Specific Policy Area J.

These Secondary Plans require an additional review due to outstanding studies, status of decision, review of site and area specific policies and mapping conflicts. Therefore, the implementation of the Volume 1 Low Density Residential policies will be completed as part of Phase 3 of the Municipal Comprehensive Review / Official Plan Review. Through the future comprehensive Official Plan Amendment, additional lands may receive a Low Density Residential designation and zoned a Low Density Residential Zone in Zoning By-law No. 05-200.

2.0 Zoning By-law Amendment

The proposed amendments to Zoning By-law No. 05-200 further implement the “No Urban Boundary Expansion” growth option, reflect the recommendations of the Neighbourhood Infill Design Guidelines, and reflect the comments that staff have received throughout the Phase 2 consultation on the Low Density Residential Zones. The proposed Zoning By-law Amendment (attached as Appendix “B” to Report PED22154(a)) includes updates to the existing Low Density Residential (R1) and Low Density Residential – Small Lot (R1a) Zones, creation of a new Low Density Residential – Large Lot (R2) Zone, implementation of purpose built fourplex regulations, and mapping updates to incorporate additional low density residential lands from the former Communities into Zoning By-law No. 05-200. Additionally, as a result of the City Wide Parking Study, the Zoning By-law Amendment attached as Appendix “D” to Report PED22154(a) includes the deletion and replacement of Section 5: Parking of Zoning By-law No. 05-200. These amendments are discussed further below.

It should be noted that the Zoning By-law regulations recommended in this Report would establish the as-of-right zoning permissions. These as-of-right permissions have

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been prepared to meet the majority of lot types and circumstances. However, it is important to note that the as-of-right permissions cannot anticipate all the differences and unique circumstances that may exist (e.g. lot patterns and configuration, location of existing buildings on a lot, etc.). Therefore, variations to these standards may be appropriate in some circumstances. These would be considered and addressed through the Minor Variance process.

Over the next 18 – 24 months, these regulations will be monitored. In the event there are regulations that require consistent modifications by way of Minor Variance applications, staff will report back to Planning Committee with a recommended course of action which may include further amendments to the Zoning By-law.

2.1 Amendments to the Low Density Residential (R1) and (R1a) Zones

After a year of full implementation of the R1 and R1a Zones that were adopted in August 2022, and as a result of further consultation on the Residential Zones Project, modifications to regulations of these zones are proposed (Appendix “B” to Report PED22154(a)). A fulsome description of the proposed amendments and rationale are provided in Appendix “C” to Report PED22154(a).

2.1.1 Setback from the Front Lot Line

Report PED22154 provided an explanation of the application of the Low Density Residential – Small Lot (R1a) Zone in the lower City. As mapping exercises have advanced and the applicability of the R1a Zone has expanded into other areas of the City, staff reassessed the setback from the front lot line requirements. In the lower City, there is a distinct urban fabric, and dwelling units exist with little to no front yard in some circumstances. The traditional approach of requiring a standardized front yard setback for all properties (i.e. 6 metres) does not reflect the existing development pattern and streetscape that creates a unique sense of place and neighbourhood character for the neighbourhoods that developed prior to the enactment of residential zoning in the 1950s. Staff are proposing a modified setback from the front lot line regulation in the R1 and R1a Zones applied to the area generally bound by Lake Ontario to the north, the Red Hill Valley Parkway to the east, the escarpment to the south, and Highway 403 to the west. The modified setback requirement would apply an average of the two setbacks from the front lot line on the adjacent properties in those circumstances where the existing setbacks are minimal, to avoid disruption in the streetscape.

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2.1.2 Minimum Landscaped Area

When introduced in 2022, the R1 and R1a Zones did not address a minimum landscaped area requirement for new residential development. However, as the Residential Zones Project proceeds, Green Building Standards will be developed to advance the City's Sustainability priorities and objectives. In advance of those Standards, staff are proposing a minimum landscaped area requirement for all new development to ensure an adequate amount of pervious area is maintained on a property to help maintain existing drainage patterns in the neighbourhood and avoid issues on surrounding properties.

2.2 Low Density Residential – Large Lot (R2) Zone

Report PED22154 provides a history of the City's development, age of built form and evolution of lot sizes and built form characteristics. At that time, staff had reviewed areas of the former City of Hamilton that had historically been zoned "C" (Urban Protected Residential, etc.) District and "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District to establish the first of the Low Density Residential Zones. The most recent review allowed staff to look at areas of the City with a larger lot fabric, often located within rural cross sections and bordering the Rural Area. The Low Density Residential – Large Lot (R2) Zone has been applied in areas where the existing lot fabric is predominantly larger, generally with a lot frontage of at least 20 metres. The R2 Zone has been applied across the City to recognize the established lot fabric and to maintain lot sizes in areas with rural cross sections where sufficient lot size is essential to maintain drainage patterns. The zone provisions of the R2 Zone are principally the same as the R1 and R1a Zone with the exception of:

- Minimum Setback from a Side Lot Line;
- Maximum Lot Coverage; and,
- Minimum Landscaped Area.

The Minimum Setback from a Side Lot Line is increased to 2.0 metres in the R2 Zone to support adequate drainage on larger lots. A maximum lot coverage of 35% has been introduced for the R2 Zone to work alongside a minimum landscaped area of 40% to maintain adequate drainage when lots redevelop.

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2.2.1 Ancaster Existing Residential (ER) Zone deferral

In August 2022, Council directed staff to defer the implementation of the revisions to the Low Density Residential Zones in 2022 for lands zoned Existing Residential “ER” Zone in the Ancaster Zoning By-law No. 87-57 until completion of the Detailed Drainage Assessment Study (Phase 2) of Rurally Serviced Existing Residential Neighbourhoods (Community of Ancaster, City of Hamilton). Report PW2410100(a) is planned to be presented to Public Works Committee on February 20, 2024 and it is being recommended that the completed Detailed Drainage Assessment Study be referred to Planning Committee to allow the zoning changes to be completed as was contemplated in 2022. The proposed amendments incorporate the Existing Residential “ER” Zones into Zoning By-law No. 05-200 as Low Density Residential – Large Lot (R2) Zone (see Appendix “B”, Schedule “A” to Report PED22154(a)) and allow the full spectrum of low density residential uses. The proposed zone establishes a maximum lot coverage and minimum landscaped area to help mitigate drainage concerns for not only the Ancaster area, but for similar areas across the City. Therefore, Outstanding Business List item 22R can be deleted (see Recommendation (e) to Report PED22154(a)).

2.3 Purpose Built Triplex and Fourplex Uses

Official Plan Amendment No. 167 enabled the development of purpose built triplex, fourplex and multiple dwellings (five and six units) within the Low Density Residential policies of the Neighbourhood Designation (Policy E.3.4.3), in addition to the other low density residential uses. To implement these permissions, staff developed Neighbourhood Infill Design Guidelines to provide direction on the appropriate criteria to accommodate this form of infill development and to inform the creation of zoning regulations.

2.3.1 Neighbourhood Infill Design Guidelines

Staff have developed Neighbourhood Infill Design Guidelines in accordance with Policy B.2.4.6 of the Urban Hamilton Official Plan and guided by the evaluation criteria of Policy B.2.4.2 – Residential Intensification In the Neighbourhoods Designation. The Neighbourhood Infill Design Guidelines (attached as Appendix “E” to Report PED22154(a)) set out the principles for Site Design and Built Form including:

Site Design:

- Landscapping;
- Grading;

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- Parking;
- Amenity Areas;
- Waste Storage; and,
- Bicycle Parking.

Built Form:

- Massing;
- Height/Transition;
- Setbacks; and,
- Façade Treatment.

The Neighbourhood Infill Design Guidelines and resulting draft regulations for fourplex dwellings were developed after initial consultation with a Neighbourhood Reference Group comprised of residents from neighbourhoods across the City. The Reference Group was consulted on concepts around neighbourhood change and provided feedback on the important elements to consider when developing the guidelines and implementing zoning.

As the draft Neighbourhood Infill Design Guidelines took shape, local architects were engaged to undertake an architectural design testing exercise to apply and evaluate the guidelines and regulations in multiplex designs. As well, the StoryMap / Survey conducted on Engage Hamilton provided further feedback by asking residents to identify benefits and concerns related to changes to neighbourhoods through additional housing permissions. Staff were able to validate that the design guidelines and zoning regulations were addressing some of the key elements residents were identifying as important, and also identify where further changes could be made. The draft design guidelines and zoning regulations were also evaluated at a Development Industry Workshop with representation from developers, planning consultants, architects, and real estate firms. Finally, the draft Neighbourhood Infill Design Guidelines were presented to the public as part of the January 18th, 2024 and January 23rd, 2024 Public Information Meetings.

2.3.2 Zoning Regulations – Fourplex Dwellings

The Low Density Residential Zones have been updated to permit the as-of-right development of Triplex and Fourplex Dwellings, informed by the consultation on the Neighbourhoods Infill Design Guidelines and the comments received from the two virtual Public Information Meetings. Separate zoning regulations have been developed for fourplex dwellings, reflecting the typically larger built form characteristic of this type

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of housing, and elements of site design that are important in an infill scenario. Triplex dwellings are subject to the regulations for Single Detached and Duplex Dwellings, given the similar characteristics of these built forms. The new fourplex dwelling regulations apply the same minimum setback requirements from the front lot line, flankage lot line, and rear lot line as apply to single detached, duplex, and triplex dwellings. Maximum building height for fourplexes is recommended at 10.5 metres, the existing maximum height in place in the R1 and R1a Zones. Regulations that modify existing standards or that have been introduced specific to fourplexes are summarized as follows:

Regulation	Rationale
<p>Minimum Setback from the Side Lot Line</p> <p>1.2 metres, and a minimum aggregate of 3.5 metres</p>	<p>This minimum requirement, an increase from the minimum 1.2 metres (per side) required for single detached dwellings, recognizes the larger built form potential of fourplexes. A larger setback along at minimum one side lot line can help to mitigate impacts of scale and massing.</p> <p>Further, the larger side yard will provide for additional side yard storage space and facilitate access to the rear yard which may contain communal amenity space, garbage and bike storage, a secondary entrance, and parking.</p>
<p>Maximum Lot Coverage 40%</p>	<p>A maximum lot coverage for fourplexes has been introduced to place parameters on the maximum building footprint and resulting massing and scale given the neighbourhood context.</p>
<p>Visual Barrier</p> <p>A visual barrier is required along side and rear lot lines.</p> <p>Rear yard parking is subject to additional requirements – minimum landscaped strips and fencing.</p>	<p>A visual barrier in the form of privacy vegetation or fencing is required along the side lot lines and rear lot line. These privacy measures have been introduced as zoning requirements because of the larger built form potential of a fourplex and greater intensity of use on a lot.</p>

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Regulation	Rationale
	If rear yard parking is provided, the parking spaces / aisle must be set back a minimum 1.5 metres from the side lot line and a minimum 3 metres from the rear lot line, with landscaped strips acting as a buffer between the parking and adjacent properties. Fencing is required along the side lots lines to minimize impacts e.g. car headlights shining onto adjacent properties. Along the rear lot line, vegetation or fencing is to be provided.
Amenity Area Location	Amenity areas, which could be in the form of individual balconies or communal spaces such as a rear yard patio, are prohibited in the side yard and on the roof-top of the dwelling in order to maintain privacy and minimize the potential for overlook on adjacent properties.
Waste Storage	Given the waste storage required for four dwelling units, screening measures are deemed appropriate should waste be stored outside. The regulation is intended to mitigate the unsightly placement of garbage and recycling bins.

A comprehensive summary of the modified regulations in the R1, R1a Zones can be found in Appendix “C” to Report PED22154(a).

The new triplex and fourplex permissions will allow for additional housing opportunities within the City’s neighbourhoods guided by the Neighbourhood Infill Design Guidelines that emphasize compatibility with the surrounding area, and which make use of existing services and help to achieve the City’s growth objectives.

As the Residential Zones Project continues, additional permissions for multiple dwellings will be evaluated on the periphery of neighbourhoods through the Mid Rise Residential Zones, to help accommodate additional intensification opportunities in the form of “missing middle” development. Public consultation generally confirmed support

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for fourplex developments within internal neighbourhoods. During consultation events the draft Mid Rise Residential Zones (PED23069) identified that the more intense “missing middle” development (i.e fiveplex and sixplex developments) that are contemplated by the Low Density Residential policies of the Urban Hamilton Official Plan are more appropriate along arterial and collector roads. This approach was generally supported in that the larger developments bordered the neighbourhood and provided opportunity to incorporate a mixture of uses (i.e local commercial uses) that would provide additional amenity and service options for neighbourhoods.

The proposed amendments to the Urban Hamilton Official Plan and Zoning By-law No. 05-200 enable additional opportunities for residential infill to achieve the City’s housing targets and Housing Pledge. The permissions have been applied equitably across the City to allow for growth in all areas, making use of the City’s existing infrastructure and not oversaturating one area or another. The permissions will allow residents greater access to different forms of housing, opportunities to age in place, and support more sustainable growth options.

2.4 Supportive Housing Permissions

In June of 2021 Council directed staff to implement changes to the zoning regulations associated with supportive housing uses through the Residential Zones Project work (PED19091(a)). The first phase of the Residential Zones Project eliminated the requirement for a radial distance separation between uses, modified capacity limitations, and allowed for the co-location of counselling services within Residential Care Facilities (PED22154). The amendments have been included in the Low Density Residential (R1) and Low Density Residential – Small Lot (R1a) Zone to date. As part of this phase of work further modifications are proposed to:

- Permit Residential Care Facilities without a maximum capacity in each of the Low Density Residential Zones;
- Apply the regulations for Single Detached Dwellings to Residential Care Facilities, Lodging Homes and Emergency Shelters; and,
- Require parking to be provided at the same rate as Single Detached Dwellings, as amended by the updated residential parking standards. This rate will apply when the use is located in a Residential Zone.

The Urban Hamilton Official Plan encourages allowing for a mixture of housing with supports throughout the City (Policy B.3.2.16) and the proposed amendments will

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provide for additional flexibility for allow supportive housing in more locations throughout the City with the same requirements of housing in the area.

In April 2023 Council approved the City’s Housing Sustainability and Investment Roadmap (HSC23038/FCS23055/PED23099). The scope of the Roadmap includes affordable market, below-market, community, non-market, public and subsidized housing and it focuses on the urgent actions needed to accelerate and coordinate activities related to four pillars: construction, acquisition, and retention of affordable housing units, as well as the increased provision of housing-based supports to ensure successful tenancies. In addition to the changes proposed to allow more small scale intensification opportunities in the City’s neighbourhoods, the amendments also provide more opportunities for the incorporation of supportive housing as part of the housing continuum and the development of complete communities.

2.5 Mapping

Phase 1 of the Residential Zones Project amended the land use permissions in all of the low density residential zones in the former Community Zoning By-laws and created two new Low Density Residential Zones in Zoning By-law No. 05-200 (R1 and R1a). At that time, only lands within the former City of Hamilton with a “C” (Urban Protected Residential etc.) District or “D” (Urban Protected Residential – One and Two Family Dwellings etc.) District and with the following conditions were added to Zoning By-law No. 05-200:

- Lands outside of a Secondary Plan Area;
- Lots with less than 18 metres lot width; and,
- Lots with no existing site specific zoning;

The proposed amendment includes an extensive mapping update that:

- Adds the majority of the low density residential properties in the former Community Zoning By-laws to Zoning By-law No. 05-200;
- Applies the new Low Density Residential – Large Lot (R2) Zone city-wide; and,
- Incorporates lands designated the Low Density Residential 1, 1a, 1b, 2, 2a, 2b, 2e and 2f designation in the City’s Secondary Plans into Zoning By-law No. 05-200 and applies an R1, R1a, or R2 Zone (with the exceptions noted earlier).

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2.5.1 Criteria and Assignment of the Low Density Residential Zones

Zone assignment followed the general methodology outlined below:

- The R1 Zone applies to the ‘standard’ lotting fabric found throughout the City;
- The R1a Zone applies to lots where the predominant lot width is around 9 metres or less;
- The R2 Zone applies to lots where the predominant lot width is 20 metres or greater;
- Avoided piecemeal zoning so that the assignment of zones could be applied consistently along a street;
- Avoided split zoning and excluded lands that split zones with another zone category (e.g. lands that are split zoned residential and open space);
- Excluded lands that have existing site specific zoning;
 - Exception: Site specific zoning that applies to a large number of properties have been evaluated and included where possible;
- Any conflict between Low Density Residential Zone assignment and Mid Rise Residential Zone assignment have been excluded at this time pending further evaluation; and,
- Active development applications or Ontario Land Tribunal appeals have been excluded at this time.

The criteria for zone assignment was implemented equitably across the City without special consideration for areas or neighbourhoods that have historically been treated differently. The effect of the “No Urban Boundary Expansion” growth option and Official Plan Amendment No. 167 is to accommodate 80% of the City’s growth within existing neighbourhoods. Therefore, unless additional information is required to determine the appropriate zoning category, all areas of the City have been treated equally.

It is anticipated that future amendments to bring forward the Mid Rise and High Rise Residential Zones will incorporate additional Low Density Residential zoning where future evaluation determines the most appropriate zoning category.

2.6 Parking

Parking standards, or parking requirements, are a tool within the City’s Zoning By-laws that regulate the provision of parking for new development. Zoning By-laws set out requirements for the location, amount, size and design of parking spaces. The Zoning

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By-laws also set out requirements for bicycle parking and accessible barrier-free parking. Zoning By-laws currently set out the minimum and, in some cases, maximum number of vehicle parking spaces for specific land use categories by land use type. While there is some variation for different areas of the City (e.g. Downtown), existing parking standards are relatively consistent across the City.

As input to the Comprehensive Zoning By-law project, staff commenced work on a review of parking standards in late 2022. The consulting firm R.J. Burnside was retained to assist in the review and funded through the Provincial Streamline Development Approval Fund (Report PED22060/FCS22018) as approved by Council on February 23, 2022. The results of this work was presented as part of the August 15th, 2023 Report PED23156 on the Parking Standards Review.

Although the primary focus of the Parking Standards Review was on residential standards, an initial review and updating of parking standards for non-residential standards was also undertaken. Key changes proposed as part of the this update included changing the specification of standards to a more accepted convention of “spaces per 100 m² of floor area” as opposed to the inverse and adjusting certain uses which were identified as being conservatively high as compared to other jurisdictions. Parking standards for office uses were also modified to reflect the different parking areas adopted for the Zoning By-law, taking into account modal shares and other considerations. It should be noted that a detailed review of parking standards for each individual non-residential use was not undertaken at this time. Staff will continue to advance work to review non-residential standards at the detailed use level and bring forth any required adjustments as part of future Zoning By-law amendments.

2.6.1 Geographic Based Standards

Reflecting the fact that Hamilton is large in terms of area, and that different areas of the City vary in terms of urban form, available transportation options, and existing travel behaviours, a geographical based approach is recommended for the establishment of parking standards. Three Parking Rate Areas are proposed for the purpose of specifying parking requirements. A map of the Parking Rate Areas is appended as Appendix “I” to Report PED22154(a).

The proposed parking standards would eliminate minimum parking requirements for residential uses and would reduce minimum parking requirements for non-residential uses in the Lower City and along the Upper James Corridor where existing and planned transportation alternatives are such that auto ownership is not a necessity. Minimum

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parking requirements would remain for other areas, with the minimums being higher for the outer areas.

Through the engagement, some participants advocated for the removal of minimum parking requirements for the entire City. Staff are not recommending this approach at this time, as existing modal shares and auto ownership levels indicate a high existing need for parking in areas outside of the Lower City and transit oriented corridors. Removal of parking minimums in all areas could create situations where residents are left without suitable alternatives (either with insufficient parking supply or inadequate travel options). Future amendments could be made to the Zoning By-law to lower or remove parking minimums for the entire City if demonstrated to be effective in the Lower City. Additionally, on a site-by-site basis, reductions to minimum parking requirements can be pursued by applicants through the Minor Variance process.

2.6.2 Establishing Minimum Parking Requirements

As noted above, it is recommended that minimum parking requirements for residential uses be eliminated and that minimum parking requirements for non-residential uses be reduced for a large portion of the Lower City and the Upper James Corridor (Parking Rate Area 1 as shown in Schedule “B” to Appendix “D” to Report PED22154(a)). These areas have a high level of transit accessibility and are mixed use corridors where the majority of trips do not necessarily require the use of an automobile. They are also served by the future B-Line Light Rail Transit corridor and A-Line Rapid Transit corridor.

It is important to note that the elimination and further reduction of minimum parking requirements does not equate to a zero parking provision. It is based on the assumption that market forces will influence parking supply. For example home owners and renters will affect market conditions through their choices, with the development industry responding accordingly. Similarly for non-residential uses (e.g. office, retail, industrial), the development industry can be expected to base parking supply based on end user needs.

Notwithstanding that minimum parking requirements for residential uses are proposed to be eliminated in the Lower City and along the Upper James Corridor and lowered in other areas, the proposed parking standards include minimum requirements for residential visitor parking.

For non-residential uses, with the exception of the Downtown, minimum parking requirements are specified for all uses. However, adjustments were made in some

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case to ensure that the requirements are in line with other jurisdictions and supportive of the City's goals for more sustainable transportation.

2.6.3 Section 5: Parking

Building on the work presented in Report PED23156, several changes are recommended to update and modernize the City's Parking Standards as summarized below. To implement the City-Wide Parking Study recommendations staff have prepared an amendment to Section 5: Parking of Zoning By-law No. 05-200. The proposed amendment (attached as Appendix "D" to Report PED22154(a)) is a deletion and replacement of the existing Parking Section in its entirety.

Section 5: Parking has been amended throughout the development of the Comprehensive Zoning By-law to implement the different zoning categories (i.e. Downtown Zones, Industrial Zones, Commercial and Mixed Use Zones and Transit Oriented Corridor Zones, etc.). The implementation of the City Wide Parking Study provided the opportunity to review, update and modernize entire Parking Section. While the updates are largely a reorganization of existing regulations and requirements the following sections summarize changes that have been added as a result of the Residential Zones Project.

2.6.3.1 Organizational Changes

The proposed amendments include reorganizing the existing regulations into categories, including:

- Parking Supply Requirements and Restrictions;
- Functional Design Requirements;
- Locational, Landscaping and Surface Material Requirements;
- Bicycle Parking Requirements;
- Loading Facilities;
- General Parking Regulations; and,
- Parking Schedules.

The Parking Section is meant to be read from beginning to end to understand all of the requirements. The organizational changes allow the reader to understand the full requirements and any exemptions and determine the requirements and exceptions for all forms of development in an easy way.

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2.6.3.2 Accessible Parking

Under current Zoning By-laws, accessible parking (often referred to as Barrier-free Parking) is based on a minimum allotment plus proportion of the total building parking requirement. Under this formula, a reduction in overall parking requirements could lead to an undersupply of accessible parking.

The proposed revisions to the parking standards are based on a multi-calculation approach. Accessible space requirements would be based on the higher of two calculations; one being the proportion of regular spaces provided, and the other amount being that which would be required without applying any reduction resulting from a Parking Rate Area. For additional clarity, it is not expected that there will be any significant reduction in the minimum requirements for accessible parking as a result of implementing these new parking standards.

2.6.3.3 Bicycle Parking

As part of updates to Parking Standards, a review of existing bicycle parking standards was undertaken. A key proposed change was to create bicycle parking requirements which applied to a broader range of uses and to more areas throughout the City. The proposed Zoning By-law Amendment (attached as Appendix “D” to Report PED22154(a)) establishes that all bicycle parking requirements are required on the basis of units or floor area. Requirements were established based on a review of practices in other jurisdictions, adjusted to local conditions.

2.6.3.4 Electric Vehicle Parking

In the past few years, electrical vehicles have become more popular as consumers seek environmentally friendly and sustainable transportation options. According to the Ministry of Transportation of Ontario, as of February 2022, there are more than 75,000 Electric Vehicles registered in Ontario, and the Ministry of Transportation of Ontario expects that this number will grow to over one million by 2030.

Municipalities, such as Toronto, Mississauga, Richmond Hill and Waterloo, have requirements that parking spaces in new developments be Electric Vehicle Ready. Electric Vehicle Ready parking is defined as a parking stall that has rough-in conduits, and associated power supply to support Electric Vehicle charging infrastructure.

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Based on a review of practices in other jurisdictions, it is recommended that the City adopt a requirement that 100% of residential parking spaces be Electric Vehicle Ready. This would be comparable to the City of Toronto, City of Waterloo and Town of Richmond Hill.

For all other uses, it is proposed that 50% of the required parking spaces would be required to be Electric Vehicle Ready. Again, this is consistent with other jurisdictions where a lower percentage is specified for non-residential uses. The primary rationale for this is that some Electric Vehicles would be charged at their point of residence and that Electric Vehicle charging spaces in building such as office and retail establishments can be shared among different users throughout the day as there is a higher turnover rate of parking.

2.6.3.5 General Parking Regulations

As a result of the additional lands being incorporated into Zoning By-law No. 05-200 as part of the Residential Zones Project new regulations have been added associated with residential land uses, including locational, design and restrictions for:

- Commercial Motor Vehicles; and,
- Trailers.

The regulations of the former Community Zoning By-laws and a best practice review have informed the updates to in the General Parking Section to provide consistency across the City.

2.7 Administrative Amendments

Staff have incorporated technical and administrative amendments to implement the Residential Zones. These amendments are required to provide clarity, address additional uses and zones created as a result of the proposed amendments and implement technical changes which are summarized in Appendix “C” to Report PED22154(a).

2.7.1 Section 1: Administration

In 2018 Section 1.12 Transitional Provision was added to Zoning By-law No. 05-200. The Transitional Provision was introduced to provide continuation to previous site specific approvals. The By-law allows any site specific modification to continue to be in

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force and effect until a final Building Permit is issued for the development. The proposed amendment provides additional clarity to the effectiveness of the Transitional Provision and introduces a date for which the clause will end. As Zoning By-law No. 05-200 is completed in phases, this will allow for easier implementation and continuation for applications already underway.

2.7.2 Section 3: Definitions

Definitions have been added and updated to implement the proposed changes to the Low Density Residential Zones to permit triplex and fourplex dwellings. Additionally, new definitions are proposed to provide additional clarity to the amendments proposed for the Parking Section update. The amendments are summarized in Appendix “C” to Report PED22154(a).

2.7.3 Section 4: General Provisions

Section 4: General Provisions has been updated to incorporate the added triplex and fourplex uses in areas where Residential Zones and uses are regulated. The amendments also include updates to sections regulating special setbacks, lot consolidation, accessory buildings, and landscaping to address the additional lands being added to Zoning By-law No. 05-200. The sections for Additional Dwelling Units and Conversions (Sections 4.33 and 4.34) have been updated to align with the new definitions and permissions for triplex and fourplex dwellings. Additionally, updates to the General Provisions are required to implement changes to Section 5: Parking. Amendments are summarized in Appendix “C” to Report PED22154(a).

It is anticipated that the General Provisions Section will require additional modifications as the Residential Zones Project is completed to continue to address new zoning categories and additional lands.

2.7.4 Zone Structure

Historically, each of the Zones in Zoning By-law No. 05-200 have made reference to specific sections of Section 4: General Provisions and Section 5: Parking. However, the entirety of those sections should be referenced for the purposes of implementation. The proposed amendments remove these sections in the Low Density Residential Zones and as Zoning By-law No. 05-200 is completed the other Zones will be updated to remove the redundant references.

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2.7.4 Special Exceptions

As part of the Residential Zones Project staff are evaluating each of the existing site specific zones from the former Community Zoning By-laws. In general, most site specific zones will not require to be carried forward either as a result of the Vacuum Clause (Section 4.12 of Zoning By-law No. 05-200) or the Transitional Provision discussed above (Section 1.12 of Zoning By-law). However, there are 18 site specific zones that incorporate larger areas of land (i.e. more than one property). The proposed amendments have evaluated these lands and determined whether the site specific zone should be incorporated into Zoning By-law No. 05-200 or not.

If the existing site specific modifications to the City's former Community Low Density Residential Zones are addressed by the regulations of Zoning By-law No. 05-200 and the Low Density Residential (R1), (R1a) or (R2) Zones, outdated, or completely built out, the areas have been incorporated into Schedule "A" – Zoning Maps.

Site specific zones will continue to be evaluated through the completion of the Residential Zones Project and incorporated into the appropriate zoning category through a future Zoning By-law Amendment.

3.0 Future Development Implications

3.1 Housing Accelerator Fund

In October 2023 staff from Healthy and Safe Communities, Finance and Planning and Economic Development Departments brought forward a report on the Canadian Mortgage and Housing Corporation Housing Accelerator Fund (HSC23017(a)/FCS23062(a)/PED23143(a)). The Report identified three initiatives to increase the historical average of newly constructed residential units by 2,675 net new units over the next three years. Continued expansion of zoning permissions for both conversions and new constructions of missing middle housing is imperative for the City of Hamilton to achieve this goal, as outlined in the Housing Accelerator Fund (HAF) Agreement. Allowing purpose-built triplex and fourplex developments citywide aligns with the Housing Accelerator Fund's Housing Action Plan, specifically supporting Initiatives 1, 3 and 5.

Initiative 1, within the Housing Action Plan, Acceleration Program for Accessory Dwelling Units and Multi-plex Conversions, entails offering grants to refund the city application fees for each successfully issued building permit, up to a maximum of

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\$2,000. Additionally, this initiative introduces a 15-year forgivable loan of \$25,000 per eligible unit, aiming to meet the program’s affordability criteria, capped at \$150,000.

Initiative 3 of the Housing Action Plan, Housing Acceleration Zoning Reform Program, addresses the City’s work in updating the City’s zoning and land use policies to provide as of right permissions for new housing development. The proposed amendments of this Report facilitate additional forms of permitted uses within the City’s existing neighborhoods, including purpose built triplex and fourplex permissions. The associated incentive proposes \$25,000 provided as a 15-year forgivable loan, specifically targeting affordable housing units.

Furthermore, Initiative 5 of the Housing Action Plan, New and Enhanced Incentive Programs for Housing Development, is anticipated to indirectly contribute to the creation of 50 net new residential units annually. This will be achieved through a comprehensive review of existing programs and incentives promoting housing development throughout the City. The initiative includes implementing requisite changes to City policies and enhancements to existing incentive programs, addressing challenges faced by proponents of market housing, rental housing, and affordable housing in Hamilton.

Collectively, the proposed amendments to the City’s Urban Hamilton Official Plan and Zoning By-law No. 05-200 help to achieve Initiatives 1, 3, and 5 of the Housing Accelerator Program’s Housing Action Plan, in aiming to yield a combined total of 550 net new residential units annually, encompassing a target of 145 affordable housing units to be developed in Hamilton.

3.2 Development Charges

The City of Hamilton imposes Development Charges to recover growth-related costs associated with capital infrastructure in Hamilton. Development Charges are one-time fees calculated and collected from developers at the time of building permit issuance. Development Charges are applied under the City’s Development Charges By-Law (19-142) through June 12, 2024. Staff are currently engaged in Public Consultation for the 2024 Development Charges By-Law and Background Study which is expected to take effect on June 01, 2024.

Section 2(3.1) through 2 (3.3) of the *Development Charges Act, 1997* legislates Development Charges exemptions for up to two additional dwelling units, subject to eligibility criteria. Table 1 to Report PED22154(a) outlines the applicability and exemption of Development Charges based on the new development type.

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Table 1: Residential Secondary Dwelling Unit Exemptions*

New Development Type	DCs Applicable	DCs Exempt
Single Family Dwelling or Semi-Detached Dwelling with up to 2 SDUs	Single Family Dwelling or Semi-Detached Dwelling	2 SDUs (1 may be detached)
Townhouse Dwelling with up to 2 SDUs	Townhouse Dwelling	2 SDUs (1 may be detached)
Duplex	2 residential units	Not Applicable
Triplex	3 residential units	Not Applicable
Fourplex	4 residential units	Not Applicable

*Table a assumes that all eligibility criteria of the *Development Charges Act, 1997* has been met.

3.3 Infrastructure Updates

With the reversal of the Urban Boundary Expansions through Bill 150 and Council’s reconfirmation of a “No Urban Boundary Expansion” growth option to 2051, the Planning Division has revisited the methodology and assumptions used in the Traffic Zone projections prepared 2021 to determine if updates are required. The review found that an update is required that take into consideration new data and land use policies that were not available/known in 2021, including:

- Expanded permissions in Low Density Residential zones for conversions of units upto four additional dwelling units, added permitted uses including Street Townhouse Dwellings;
- Updated work from home percentages from the 2021 census;
- Recent planning applications, including large scale redevelopment such as Eastgate Mall, City Place and iConnect; and,
- Development built out potential modelled through the Major Transit Station Area work.

The Planning Division is working with Dillon Consulting to assist in the updated Traffic Zone projections. Should the amendments proposed through this Report be approved the additional Low Density Residential Zones and amendments to allow purpose built triplex and fourplex dwelling units will be incorporated into the updated data for review and assessment of infrastructure upgrades to accommodate future growth. Additionally,

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the updates will incorporate future amendments for the Mid Rise Residential Zones and High Residential Zones as the mapping becomes available.

3.4 Consolidated Lot Development

With the added permissions for purpose built triplex and fourplex developments in the Low Density Residential Zones, and in anticipation of the multi-unit permissions of the Mid Rise Residential Zones there may be more interest in stratified lot severances. A stratified severance would allow property owners to transfer title of units allowing units to be owned separately. To date stratified severances are relatively uncommon in the City however, Zoning By-law No. 05-200 by way of the proposed amendments to Section 4.16 b), Regulations for Consolidated Lot Development enables the dwelling units and lots to be treated as one for the purposes of the regulations. Therefore, the creation of units by way of a stratified severance would not trigger the need for further modifications to the zoning regulations through a Zoning By-law Amendment or Minor Variance application.

4.0 Next Phases

The Residential Zones Project will continue to be implemented in phases. The final phase of Low Density Residential will capture the remaining low density residential properties not yet incorporated into Zoning By-law No. 05-200. As Phase 3 work of the Municipal Comprehensive Review / Official Plan Review continues, there may be additional Low Density Residential lands incorporated into the future Official Plan Amendment to update secondary plan policies and schedules.

Alongside the final Low Density Residential phase, the Mid Rise Residential Zones and expansion of the Transit Oriented Corridor Zones phase of the project, first presented in June of 2023 (PED23069), will be completed. The Residential Zones Project website will continue to be updated as the project work advances, with Engage Hamilton utilized to inform and engage residents and other stakeholder groups as staff work to finalize and implement this next phase of the project.

The final phase of the Residential Zones Project will capture the High Rise Residential Zones, thus rounding out the Residential Zone Category in the City's Comprehensive Zoning By-law No. 05-200 and finalizing the city-wide application of one set of residential zones. Staff will continue to consult with Council and the public as the final phases are brought forward.

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ALTERNATIVES FOR CONSIDERATION

Council could choose to not approve the Draft Official Plan Amendment and Zoning By-law Amendment and instead require proponents to make either an application for a site specific Zoning By-law Amendment or for a Minor Variance to permit the additional residential uses which would result in increased cost, timelines and uncertainty for proponents attempting to advance residential intensification projects, resulting in a lower rate of growth and decreased uptake on the Housing Accelerator Fund.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED22154(a) - Official Plan Amendment
Appendix “B” to Report PED22154(a) - Zoning By-law Amendment – Residential
Appendix “C” to Report PED22154(a) - Summary of Zoning Modifications
Appendix “D” to Report PED22154(a) - Zoning By-law Amendment – Parking
Appendix “E” to Report PED22154(a) - Neighbourhood Infill Design Guidelines
Appendix “F” to Report PED22154(a) - Consultation Summary Report
Appendix “G” to Report PED22154(a) - Parking Rate Areas
Appendix “H” to Report PED22154(a) - Parking Standards Review Survey Responses
Appendix “I” to Report PED22154(a) – Parking Standards Review – Comment Summary

AF:sd