

REPORT TO: Planning and Strategic Initiatives Committee

DATE OF MEETING: October 30, 2023

SUBMITTED BY: Rosa Bustamante, Director of Planning, 519-741-2200 ext. 7319

PREPARED BY: John Zunic, Senior Planner, 519-741-2200 ext. 7685

WARD(S) INVOLVED: Ward 4

DATE OF REPORT: October 3, 2023

REPORT NO.: DSD-2023-434

SUBJECT: Lower Doon Land Use Study Implementation

RECOMMENDATION:

That City Initiated Official Plan Amendment OPA23/013/K/JZ, for the purpose of implementing recommendations contained within the Lower Doon Land Use Study, including amendments to land uses, Specific Policy Areas, and Cultural Heritage Resources mapping and text amendments, be adopted, in the form shown in the Official Plan Amendment attached to Report DSD-2023-434 as Attachment 'A', and accordingly forwarded to the Region of Waterloo for approval; and,

That City Initiated Zoning By-law Amendment Application ZBA23/232/K/JZ to amend Zoning By-law 2019-051, be approved in the form shown in the "Proposed By-law" attached to Report DSD-2023-434 as Attachment 'B'.

REPORT HIGHLIGHTS:

- The purpose of this report is to implement recommendations contained within the Lower Doon Land Use Study and provide a planning recommendation regarding the Official Plan Amendment and Zoning By-law Amendment proposed for Lower Doon. It is planning staff's recommendation that the Official Plan and Zoning By-law Amendments be approved.
- There are no financial implications associated with this recommendation.
- Community engagement included:
 - 3 rounds of postcard notifications mailed out in advance of community engagements in April 2022, May 2023, and the statutory public meeting in October 2023;
 - Virtual community check-in held on April 5, 2022;
 - A project specific EngageWR webpage;
 - Two "walkshop" walking workshops and two drop-in engagements featuring heritage consultants ASI Heritage in May 2023;
 - Follow up one-on-one correspondence with members of the public;

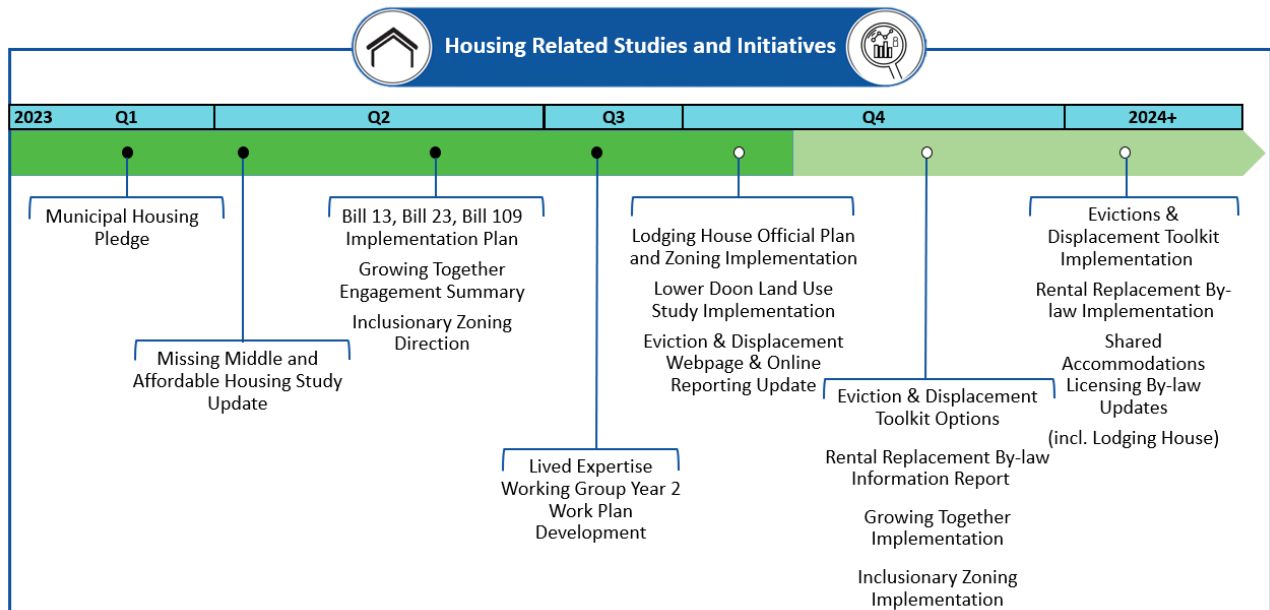
- Virtual meetings with Six Nations of the Grand River, Conestoga College, and Conestoga Students Inc.;
- Drop-in engagement at Conestoga College Doon Campus on July 18, 2023;
- Heritage Kitchener committee presentation on the Lower Doon Cultural Heritage Landscape on October 3, 2023;
- Notice of the virtual open house engagement and statutory public meeting published in the Waterloo Region Record on October 6, 2023;
- Virtual Open House held on October 23, 2023; and
- Planning and Strategic Initiatives Committee held on October 30, 2023.
- This report supports the delivery of core services.

EXECUTIVE SUMMARY

City Council approved the Lower Doon Land Use Study in March 2021. Following City Council's approval, Planning staff undertook community engagement on next steps towards implementation of the recommendations contained within the Lower Doon Land Use Study. This included identifying proposed changes in the Official Plan related to land use, special policy areas, and cultural heritage, as well as changes to zoning that would bring Lower Doon into the new zoning by-law. Planning staff retained cultural heritage consultants Archaeological Services Inc. (ASI Heritage) to support the implementation of heritage recommendations contained within the Lower Doon Land Use Study. Planning staff is recommending approval of Official Plan amendments and Zoning By-law amendments to implement recommendations contained within the Lower Doon Land Use Study.

BACKGROUND:

This report is one of many reports being presented to Council for consideration in 2023-2024+ which focuses on housing related studies and initiatives. The graphic below depicts the planned updates to Council over the next 12+ months.



The City initiated the [Lower Doon Land Use Study](#) (the “Study”) in 2019 to review current land use and zoning within the Lower Doon study area (**Figure 1**), examine the planning structure and land use mix, and recommend updates to official plan policies and zoning regulations. The Study was prepared by retained consultants The Planning Partnership and Bray Heritage and culminated in a final report dated January 29, 2021. The Study contained 23 recommendations within the following key themes: protect heritage; enhance the supply of housing; enhance the public realm; allow lodging houses; prepare a planning framework; role of the college; oversee property standards; and role of Lower Doon residents.



Figure 1 – Lower Doon Study Area

City Council approved the Study in March 2021. Following City Council's approval, Planning staff undertook community engagement on next steps towards implementation of the recommendations contained within the Study. Planning staff retained cultural heritage consultants Archaeological Services Inc. (ASI Heritage) to support the implementation of heritage recommendations identified in the Study.

The scope of the cultural heritage work included: reviewing previously completed heritage studies, namely the Lower Doon Land Use Study – Heritage Component prepared by Bray Heritage in 2021 and the Lower Doon and Homer Watson Park Candidate Cultural Heritage Landscape Evaluation Study prepared by Stantec Consulting Ltd. in 2019; undertaking a field visit of Lower Doon; conducting supplementary background research; refining and expanding the Statement of Significance and Heritage Attributes beyond the work previously completed; and developing accompanying objectives, policies, and guidelines for the conservation of the Lower Doon Cultural Heritage Landscape (**Figure 2**). Community engagement on the draft land use and zoning concept, along with the draft Lower Doon Cultural Heritage Landscape materials was undertaken in May 2023 and available for public review and comment between May 10, 2023, and July 31, 2023.



Figure 2 – Lower Doon Cultural Heritage Landscape (ASI Heritage, 2023)

Planning staff are bringing forward a city-initiated Official Plan Amendment and Zoning By-law Amendment (“proposed amendments”) to implement land use recommendations contained within the Study.

REPORT:

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 such as:

- a) The protection of ecological systems, including natural areas, features and functions;
- d) The conservation of features of significant architectural, cultural, historic, archaeological or scientific interest;
- f) The adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- g) The minimization of waste;
- h) The orderly development of safe and healthy communities;
- i) The adequate provision of a full range of housing, including affordable housing;
- k) The adequate provision of employment opportunities;
- l) The protection of the financial and economic well-being of the Province and its municipalities

- p) The appropriate location of growth and development;
- q) The promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;
- r) The promotion of built form that,
 - i. Is well-designed,
 - ii. Encourages a sense of place, and
 - iii. Provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;
- s) The mitigation of greenhouse gas emissions and adaptation to a changing climate.

These matters of provincial interest are addressed and are implemented through the Provincial Policy Statement, 2020, as it directs how and where development is to occur. The City's Official Plan is the most important vehicle for the implementation of the Provincial Policy Statement, 2020 and to ensure Provincial policy is adhered to.

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 1.4.3(b) of the PPS promotes all types of residential intensification, and sets out a policy framework for sustainable, healthy, liveable, and safe communities. The PPS promotes efficient development and land use patterns, 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. Provincial policies promote 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.

To support provincial policies relating to the optimization of infrastructure, transit and active transportation, the proposed amendments facilitate a compact built form which efficiently uses the lands, is in close proximity to public transit options, and makes efficient use of existing transportation networks. Lands within the Lower Doon study area are serviced and are in proximity to parks, trails and other community uses. Provincial policies are in support of providing a broad range of housing. The proposed official plan and zoning by-law amendments are in alignment with provincial policies supportive of providing a broad range of housing.

Planning staff is of the opinion that the proposed amendments will allow for the provision of a broad range of residential, commercial, and institutional uses within Lower Doon. The proposed amendments are compatible with the surrounding community, help manage growth, are transit supportive, and will make use of the existing infrastructure. No new public roads would be required for the proposed amendments and Engineering staff have confirmed there is capacity in the sanitary sewer to permit intensification within Lower Doon. Existing City processes, including the Site Plan process, provide City staff with an

opportunity to request additional information related to engineering matters prior to any development occurring.

Based on the foregoing, planning staff are of the opinion that the proposed amendments are in conformity with the PPS.

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. Policies of the Growth Plan promote growth within strategic growth areas, in order to provide a focus for investments in transit and other types of infrastructure.

Policy 2.2.1.4 states that the policies of the Growth Plan will support the achievement of complete communities that:

- a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;
- b) improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes;
- c) 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;
- d) expand convenient access to:
 - a. a range of transportation options, including options for the safe, comfortable and convenient use of active transportation;
 - b. public service facilities, co-located and integrated in community hubs;
 - c. an appropriate supply of safe, publicly accessible open spaces, parks, trails, and other recreational facilities; and
 - d. healthy, local, and affordable food options, including through urban agriculture;
- e) provide for a more compact built form and a vibrant public realm, including public open spaces;
- f) mitigate and adapt to the impacts of a changing climate, improve resilience and reduce greenhouse gas emissions, and contribute to environmental sustainability; and
- g) integrate green infrastructure and appropriate low impact development.

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.

Policy 3.2.2.1 states that Transportation system planning, land use planning, and transportation investment will be co-ordinated to implement this Plan.

Policy 4.2.7 states:

1. Cultural heritage resources will be conserved in order to foster a sense of place and benefit communities, particularly in strategic growth areas.

2. Municipalities will work with stakeholders, as well as First Nations and Métis communities, in developing and implementing official plan policies and strategies for the identification, wise use and management of cultural heritage resources.
3. Municipalities are encouraged to prepare archaeological management plans and municipal cultural plans and consider them in their decision making.

The Growth Plan supports planning for a range and mix of housing options and, 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. It also supports the co-ordination of transportation system planning and land use planning, the conservation of cultural heritage resources, and identification of actions that address climate change.

Planning staff are of the opinion that the proposed amendments conform to the Growth Plan.

Regional Official Plan (ROP):

The Regional Official Plan (ROP) designates the Lower Doon study area as Urban Area on Map 1 – Regional Structure and Delineated Built Up Area on Map 2 – Urban System.

Policy 2.C.2.1 states “The Urban Area is designated as shown on Map 1. This designation contains the primary urban areas of the Cities of Cambridge, Kitchener and Waterloo, and also extends into portions of the Township of Woolwich. The lands included within this designation are intended to accommodate the largest share, almost 90 percent, of the Region’s population and employment growth within the planning horizon of this Plan, and will be planned and developed in accordance with the policies of this Chapter and other applicable policies in this Plan.”

Policy 2.C.2.2 states “Area municipalities will develop official plan policies and implementing zoning by-laws, and other planning documents or programs to ensure that development occurring within the Urban Area is planned and developed in a manner that:

- a. implements the Regional urban system described in this Plan;
- b. advances the community’s transition into an energy-efficient, resilient, low-carbon community by:
 - i. promoting a more compact built form that enables a modal shift to most trips being made by walking, cycling, and rolling;
 - ii. contributing to the creation of 15-minute neighbourhoods;
 - iii. reducing air pollution and achieving the greenhouse gas emission reduction targets of this Plan;
- c. is serviced by a municipal water and wastewater system, except where specified in accordance with Policy 2.J.8;
- d. protects the natural environment, including the Grand River and its tributaries, and surface water and groundwater resources in accordance with the policies in Chapter 7 and 8;
- e. provides 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, in accordance with all the applicable policies of this Plan;
- f. conserves cultural heritage resources and supports the adaptive reuse of built heritage resources in accordance with the policies in Chapter 3;

- g. avoids development and land use patterns that may pose a risk to public health, safety and the environment;
- h. improves accessibility for persons of all ages and abilities and at all times of year by addressing built form barriers which restrict their full participation in society;
- i. ensures the development of high quality urban form through site design and urban design standards that create an attractive and vibrant public realm;
- j. expands residents' convenient access to:
 - i. a range of transportation options, including to a mobility network that is safe, comfortable and convenient for walking, cycling, and rolling for people of all ages and abilities and at all times of year;

Policy 2.F.2 states "Area municipalities, in collaboration with the Region, will develop and adopt a strategy to meet or exceed the minimum intensification targets set out in Table 3, and intensification more broadly throughout delineated built-up areas, which will:

- c. enable intensification more broadly throughout the area municipality's delineated built-up area through gentle density and other missing middle housing options;
- d. ensure lands are zoned and development is designed in a manner that supports the achievement of 15-minute neighbourhoods;
- e. support the gradual transition of existing neighbourhoods into 15-minute neighbourhoods that are denser, more energy efficient, and liveable;
- f. guide and prioritize planning and investment in efficient and modern infrastructure and public service facilities that will support intensification;

The proposed amendments contain measures to ensure that development within Lower Doon will achieve the objectives set out in the above-mentioned policies, including promoting a more compact built form of development to enable most trips to be made by active means of travel, contributing to the creation of 15-minute neighbourhoods, and leveraging existing infrastructure, including municipal water and wastewater systems and Grand River Transit services. The proposed amendments identify land use and zoning changes that provide a diverse range and mix of housing options to meet the needs of all household sizes and incomes. Through the identification of the Lower Doon Cultural Heritage Landscape, the proposed amendments conserve identified cultural heritage resources within Lower Doon.

Planning staff are of the opinion that the proposed amendments conform to the Regional Official Plan.

City of Kitchener Official Plan (OP)

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. The vision and goals of the OP strive to build an innovative, vibrant, attractive, safe, complete, and healthy community.

The Official Plan includes objective 4.1.1, which aims 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. This objective

speaks to the preference for a land use pattern that accommodates a range of housing types across the city as a whole and within neighbourhoods, including Lower Doon.

Policies 5.C.1.8 and 5.C.1.9 identify the need for the City to continue diversifying its economic base by supporting City Nodes, among other Urban Structure elements, to be developed with an appropriate range of economic uses, including office, institutional, commercial activity and technology based businesses. Additionally, lands designated Commercial, Commercial Campus and Mixed Use will provide for a sufficient supply and a complete range of commercial goods and services. These areas are intended to intensify and provide a broader range of uses and employment opportunities.

The Official Plan also includes objective 12.1.1 which aims to conserve the city's cultural heritage resources through their identification, protection, use and/or management in such a way that their heritage values, attributes and integrity are retained. This objective has been met by identifying and conserving heritage attributes within the Lower Doon Cultural Heritage Landscape.

Complete Community

A complete community creates and provides access to a mix of land uses including, a full range and mix of housing, including affordable housing, recreation, commerce, community and cultural facilities, health care facilities, employment, parks, and open spaces distributed and connected in a coherent and efficient manner. A complete community also supports the use of public transit and active transportation, enabling residents to meet most of their daily needs within a short distance of their homes. Kitchener will be planned as a complete community that creates opportunities for all people to live, work and interact within close proximity. 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.

Urban Structure

The Official Plan establishes an Urban Structure for the City of Kitchener and provides policies for directing growth and development within this structure. Intensification Areas are targeted throughout the Built-up Area as key locations to accommodate and receive the majority of development or redevelopment for a variety of land uses. Primary Intensification Areas include the Urban Growth Centre, Major Transit Station Areas, Nodes and Corridors, in this hierarchy, according to Section 3.C.2.3 of the Official Plan.

Lower Doon includes lands that are identified as a City Node, Community Areas, and Green Areas on Map 3 – Urban Structure of the Official Plan. The planned function of City Nodes is to provide primarily for commercial, and/or institutional uses that have a regional and/or city-wide orientation. Currently, or overtime, City Nodes may include residential uses where appropriate and compatible. City Nodes are intended to intensify, be transit-supportive and cycling and pedestrian friendly.

The planned function of Community Areas is to provide for residential uses as well as non-residential supporting uses intended to serve the immediate residential areas. Community Areas may include a range of land use designations, including Low Rise Residential,

Medium Rise Residential, High Rise Residential, Open Space, Institutional and/or Major Infrastructure and Utilities. Policy 3.C.2.52 in the Official Plan indicates that limited intensification may be permitted within Community Areas in accordance with the applicable land use designation and urban design policies, and that the proposed development must be sensitive to and compatible with the character, form and planning function of the surrounding context.

The planned function of Green Areas is to protect and conserve the ecological functions and features and passive and active recreation that these areas provide. The proposed Official Plan Amendment does not include any modifications to the City's Urban Structure.

Land Use

Lands within Lower Doon include a mix of land use designations, including Low Rise Residential, Natural Heritage Conservation, Open Space, Institutional, and Commercial. Planning staff are recommending that lands identified as Area 1 identified on **Figure 3** be redesignated from Commercial to High Rise Residential .

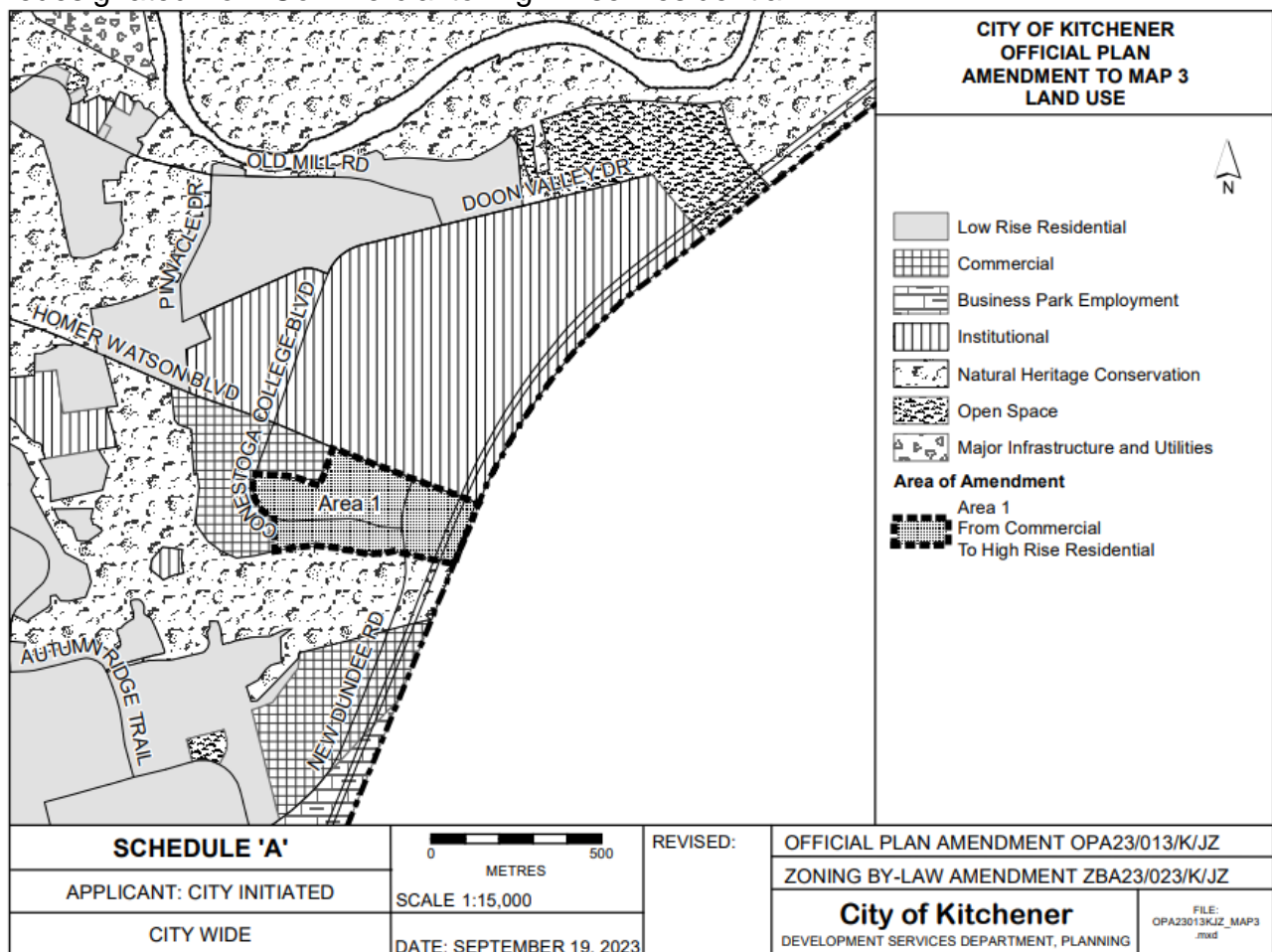


Figure 3 – Proposed Amendment to Map 3 Land Use (Official Plan)

The purpose of this land use change is to implement as-of-right permissions for high rise residential uses on lands identified along Conestoga College Boulevard and referenced in **Figure 3**, allowing for additional housing forms to be built in close proximity to Conestoga College. The proposed land use change directs growth to the City Node and implements

recommendation #8 contained in the Lower Doon Land Use Study which states, “Promote the development of higher density housing and/or mixed use vacant lands south of Homer Watson through Official Plan and Zoning By-law amendments to permit a greater variety of land uses.” The introduction of the high rise residential land use on lands identified in **Figure 3** achieves Objective 4.1.1 of the Official Plan by providing for an appropriate range, variety and mix of housing types and styles, densities, tenure, and affordability to satisfy the varying housing needs of Lower Doon and the broader Kitchener community through all stages of life.

Policy 3.C.2.24. of the Official Plan states “The planned function of City Nodes is to provide primarily for commercial, and/or institutional uses that have a regional and/or city-wide orientation. Currently, or over time, City Nodes may include residential uses where appropriate and compatible. City Nodes are intended to intensify, be transit-supportive and cycling and pedestrian friendly.”

Policy 3.C.2.28. of the Official Plan states “Within an area identified as a City Node on Map 2 the applicable land use designations may include Commercial Campus, Commercial, Mixed Use, Institutional, Open Space, Medium Rise Residential and High Rise Residential as shown on Map 3 and detailed in Sections 15.D.3, 15.D.4, 15.D.5, 15.D.7 and 15.D.10 depending on the context and the range of uses deemed appropriate for achieving the planned function of that node.”

Planning staff are of the opinion that the proposed land use change is in conformity with the intent of the Official Plan.

Specific Policy Areas

Removal of Specific Policy Area 26

Planning staff are recommending amendments to Specific Policy Areas in Lower Doon. These amendments include the removal of Specific Policy Area 26 from Map 5 of the Official Plan, as shown on **Figure 4**, and the deletion of policy 15.D.12.26 from the Official Plan. Policy 15.D.12.26 states “The City will undertake a Master Planning exercise to confirm among other matters the appropriate Urban Structure Component to be applied to the subject lands and the appropriate land use designation mix necessary to achieve the planned function for this area through an Official Plan Amendment. Until such time as a Master Plan has been prepared, in order to provide for a transition of lands designated Commercial and adjacent lands designated Natural Heritage Conservation, appropriately scaled multiple residential development may be permitted, having a minimum Floor Space Ratio of 1.0 and a maximum Floor Space Ratio of 4.0. Where permitted, multiple residential development may locate in free-standing buildings or in mixed use buildings with other compatible commercial uses. However, multiple residential uses may not be permitted in locations immediately adjacent to incompatible commercial land uses.”

Planning staff are of the opinion that the work completed through the Lower Doon Land Use Study Implementation project satisfies the requirement to undertake a Master Planning exercise to confirm the appropriate urban structure component and land use designation mix, and that Specific Policy Area 26 is no longer required.

Removal of Specific Policy Area 16

The proposed amendment also includes an administrative amendment to remove Specific Policy Area 16 from Map 5 of the Official Plan (**Figure 4**). City Council, through Official Plan Amendment 29, approved the deletion of policy 15.D.12.16, which corresponds to Specific Policy Area 16.

Adding Specific Policy Area 66

Planning staff are recommending adding Specific Policy Area 66 (**Figure 4**). The purpose of the Specific Policy Area is to remove the maximum floor space ratio applying to applicable properties designated High Rise Residential and reads as follows: “Notwithstanding section 15.D.3.24, for the lands subject to this Specific Policy Area, there shall be no maximum Floor Space Ratio. A holding provision will be applied through the zoning by-law to require an urban design brief.”

The objective of this Specific Policy Area is to accommodate the development of high rise residential building forms without utilizing floor space ratio as a mechanism for regulating built form. The Specific Policy Area recognizes the limitation of using floor space ratio, particularly as density permissions vary depending on the size of a given parcel of land. Additional regulations contained within the proposed zoning, including the holding provision to require an urban design brief, are proposed to provide a more appropriate means of regulating the form and density of residential development of the applicable properties within the nodes that are subject to the proposed Specific Policy Area.

Policy 17.E.13.1. of the City of Kitchener Official Plan require that holding provisions will be applied in situations where it is necessary or desirable to zone lands for development or redevelopment in advance of the fulfillment of specific requirements and conditions, and where the details of the development or redevelopment have not yet been fully resolved. A Holding provision may be used in order to ensure that certain conditions, studies, or requirements related to a proposed Zoning By-law Amendment are met.

Planning staff are recommending the removal of two Specific Policy Areas and the addition of Specific Policy Area 66 in order to implement the following recommendations contained within the Lower Doon Land Use Study:

8. Promote the development of high density housing and/or mixed use on vacant lands south of Homer Watson through Official Plan and zoning by-law amendments to permit a greater variety of land uses; and
16. Prepare a planning framework for Lower Doon to identify the land use and design framework for vacant/underdeveloped lands in the area.

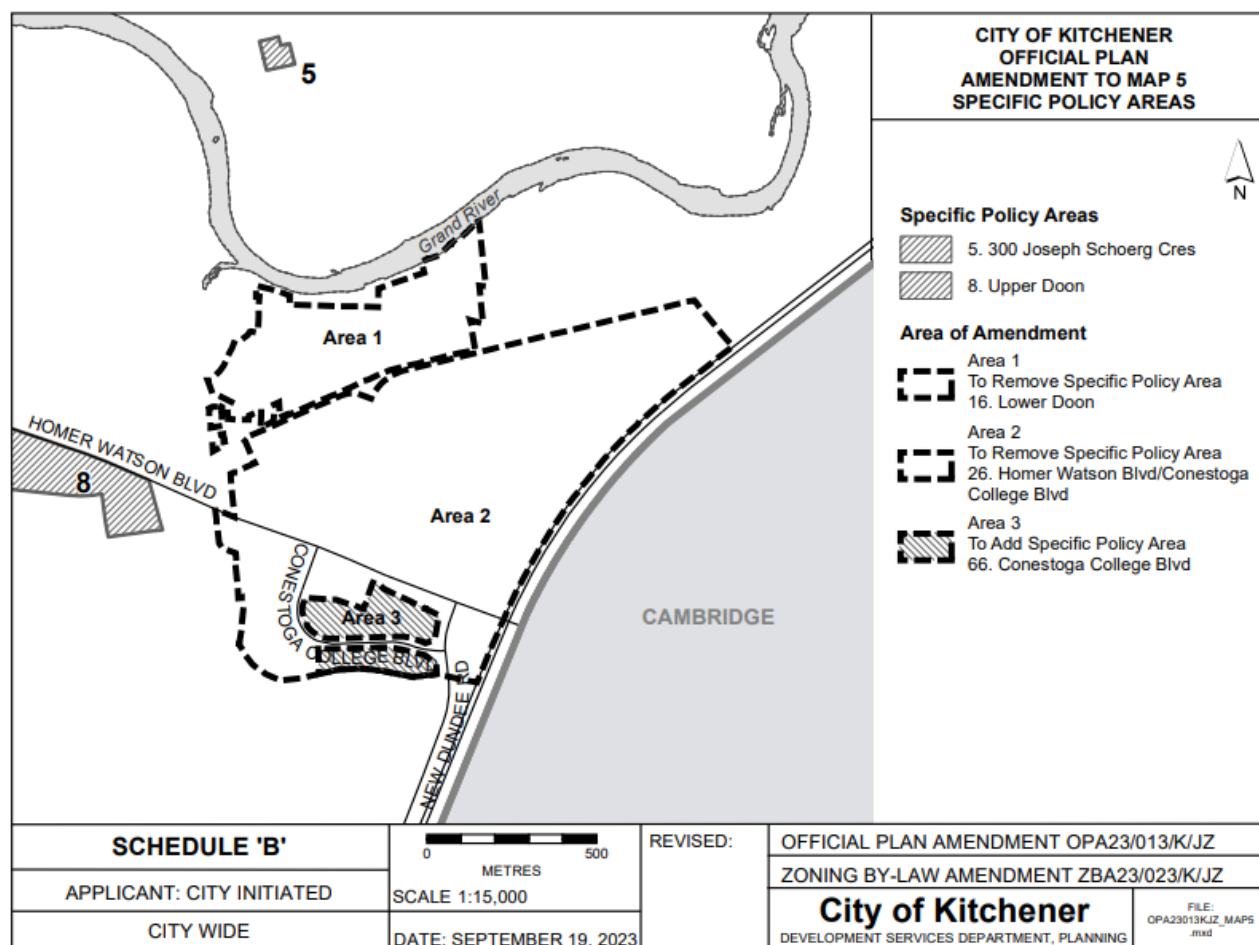


Figure 4 – Proposed Amendment to Map 5 Specific Policy Areas (Official Plan)

Cultural Heritage Resources

Planning staff recommend the implementation of the Lower Doon Cultural Heritage Landscape through the addition of text amendments in Section 12 – Cultural Heritage Resources of the Official Plan. The text amendments include policies specific to the Lower Doon Cultural Heritage Landscape, as shown in Attachment A. The proposed modifications include the introduction of a new subheading in Section 12 of the Official Plan titled “Cultural Heritage Landscape Implementation” where policies specific to identified cultural heritage landscapes within the City are proposed to be contained, including policies specific to the Lower Doon Cultural Heritage Landscape. The Lower Doon Cultural Heritage Landscape Report prepared by ASI Heritage is attached as Attachment D.

Map 9 of the Official Plan is proposed to be amended to include the extent of the Lower Doon Cultural Heritage Landscape geography (**Figure 5**). The proposed official plan amendment is in alignment with objectives 12.1.1, and 12.1.2, and policy 12.C.1.9 of the Official Plan. The proposed official plan amendment implements the following recommendations contained within the Lower Doon Land Use Study:

1. Identify a Heritage Character Area extending north from the intersection of Pinnacle Drive and Amherst Drive;
2. Include a Statement of Cultural Heritage Value or Interest;
3. Identify the Heritage Attributes; and
5. Conserve properties on the municipal heritage register.

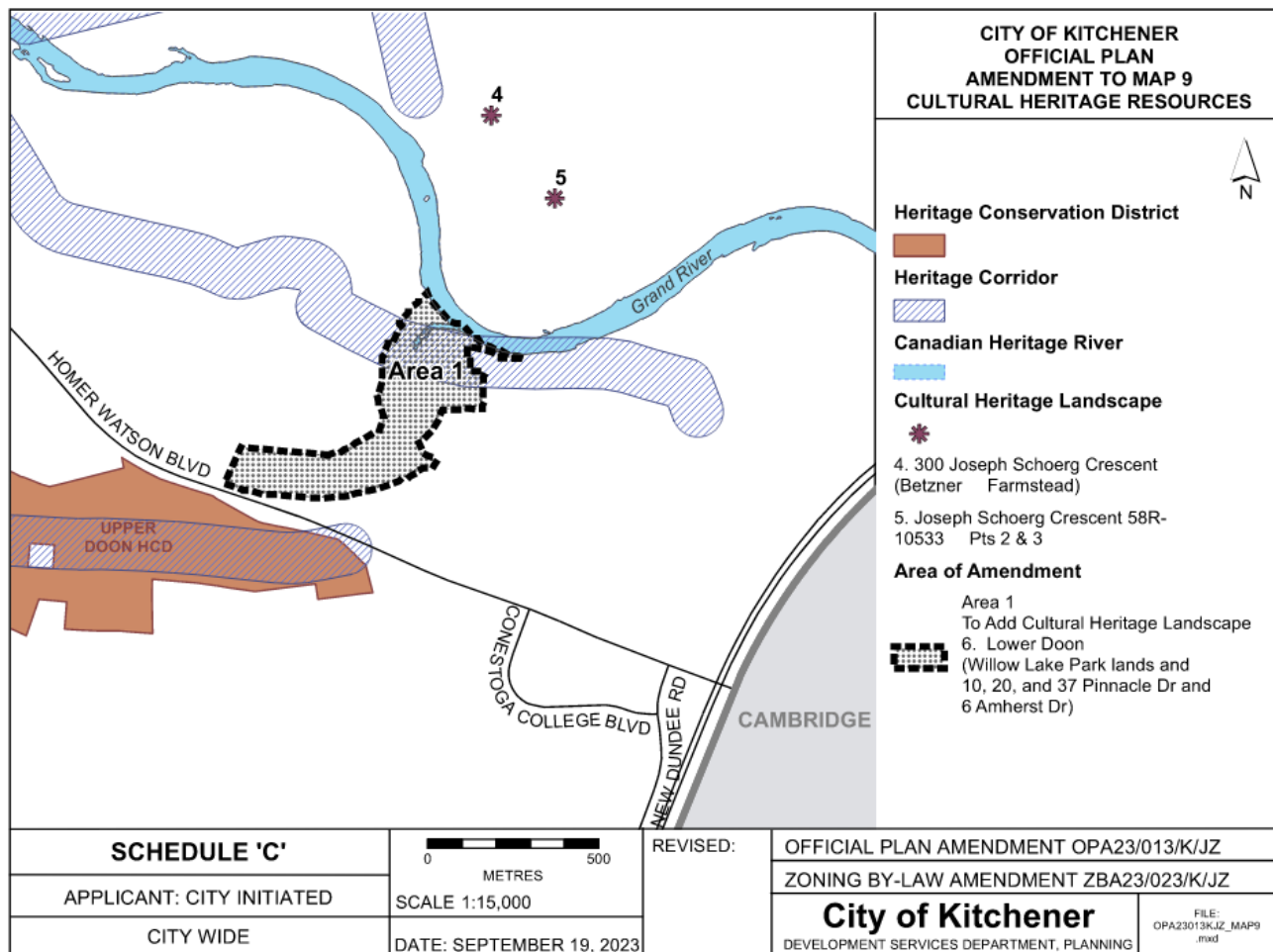


Figure 5 – Proposed Amendment to Map 9 Cultural Heritage Resources (Official Plan)

Proposed Official Plan Amendment Conclusions

Based on the above-noted policies and planning analysis specific to the proposed amendments to land uses, specific policy areas, and cultural heritage resources, staff is of the opinion that the proposed Official Plan Amendment represents good planning and recommends that the proposed Official Plan Amendment be approved as shown in Attachment A.

Proposed Zoning By-law Amendment (Zoning By-law 2019-051)

The purpose of the proposed zoning by-law amendment is to bring all properties within Lower Doon into Zoning By-law 2019-051 from Zoning By-law 85-1, as shown on Appendix A in Attachment B. The existing zoning in Lower Doon includes a range of residential, institutional, and commercial zones. The proposed zoning includes the application of residential, commercial, and institutional zones contained within Zoning By-law 2019-051.

Proposed Residential Zones

Proposed residential zones in Lower Doon include the application of the RES-4: Low Rise Residential Four Zone, RES-5: Low Rise Residential Five Zone, and RES-7: High Rise Residential Seven Zone categories. The RES-4 zone permits a broad range of low-rise residential uses from single detached dwellings to multiple dwellings with up to four (4) residential units. The RES-5 zone also permits a broad range of low-rise residential uses from single detached dwellings to multiple dwellings but does not include a maximum number of permitted residential units. Both the RES-4 and RES-5 zones limit buildings to 3 storeys and 11.0m in height. The RES-7 zone permits multiple dwellings and a range of non-residential uses. Lodging houses are permitted within residential zones RES-4, RES-5, RES-6, and RES-7 in Zoning By-law 2019-051. The proposed zoning by-law amendment implements the following recommendations contained within the Lower Doon Land Use Study:

8. Promote the development of higher density housing and/or mixed use on vacant lands south of Homer Watson through Official Plan and zoning by-law amendments to permit a greater variety of land uses;
13. Permit Lodging Houses in all residential zones in Lower Doon.

Policy 15.D.3.8 of the Official Plan states “15.D.3.8. The Low Rise Residential land use designation will accommodate a full range of low density housing types which may include single detached dwellings, additional dwelling units, attached and detached, semi-detached dwellings, street townhouse dwellings, townhouse dwellings in a cluster development, low-rise multiple dwellings, special needs housing, and other forms of low-rise housing.”

The RES-4 and RES-5 zones are proposed on lands with a Low Rise Residential land use designation. To determine which zone was appropriate to apply to which lands, staff considered the following:

- existing lot area, width, and depth; and
- providing a transition between higher density forms of development on the Conestoga College lands to the adjacent low rise residential area.

Based on the assessment, lands that have a minimum size that met RES-5 regulations for a range of permitted residential uses, are proposed to be zoned RES-5. Additionally, RES-5 zoning is proposed to be applied to lands that have the potential to be consolidated along streets that provide a transition between higher and lower density uses (e.g.: Doon Valley Drive). The remaining residential lots within Lower Doon are proposed to be zoned RES-4 as they meet the minimum regulations for a range of permitted residential uses in that zone.

The permitted residential uses identified in the RES-4 and RES-5 zone categories are consistent with the range of low density housing types identified in policy 15.D.3.8 of the Official Plan. The RES-4 and RES-5 zone categories permit a range of missing middle residential uses, including street townhouses, cluster townhouses (RES-5 only), and multiple dwellings.

Policy 15.D.3.22 of the Official Plan states “The High Rise Residential land use designation will primarily accommodate high density multiple dwellings and special needs housing to achieve a high intensity of residential use.”

The application of the RES-7 zone category is proposed on lands with a High Rise Residential land use designation which is proposed within the City Node. The permitted residential uses identified in the RES-7 zone category is consistent with the range of high density multiple dwellings identified in policy 15.D.3.22 of the Official Plan.

The proposed zoning by-law amendment creates opportunities for increased housing supply by permitting a broad range of low rise residential and high rise residential uses, and includes as of right zoning permissions for at least four dwelling units on all residentially zoned properties. The proposed amendment allows for greater flexibility in the residential uses permitted on lands within Lower Doon and introduces further missing middle “gentle density” housing options consistent with the recommendations and directions within the Study and [Missing Middle and Affordable Housing Study](#).

Proposed Commercial Zones

Proposed commercial zones in Lower Doon include the application of the COM-2: General Commercial zone. The purpose of this zone is to accommodate retail and commercial uses within the City’s Urban Corridors, and Community and City Nodes. The proposed application of the COM-2 zone in Lower Doon is within a City Node on Map 2 Urban Structure of the Official Plan. The COM-2 zone permits a range of commercial uses. The COM-2 zone also permits a “Dwelling Unit”, provided that: the dwelling unit be located within a mixed use building containing at least one other permitted use and shall not be located on the ground floor; and the maximum floor space ratio for the dwelling unit use is 2.

Policy 15.D.5.15 of the Official Plan states “Lands designated as Commercial are intended to provide for a range of retail and service commercial uses that cater primarily to the weekly and daily needs of residents within the surrounding neighbourhoods.”

Policy 15.D.5.17 of the Official Plan states “in addition to Policy 15.D.5.16, the permitted uses on lands designated Commercial and identified as a Major Transit Station Area, City Node, Community Node or Urban Corridor on Map 2:

- a) will include retail, and may include retail commercial centres where they are permitted in accordance with the applicable policies in Section 3.C.2; and,
- b) may include dwelling units, where appropriate, provided that they are located in the same building as compatible commercial uses and are not located on the ground floor to a maximum Floor Space Ratio of 2.0.

The proposed amendment ensures that a commercial function will remain on lands with a commercial land use designation in the Official Plan within the City Node. The proposed amendment also provides a path for dwelling units to be introduced on lands with a commercial land use designation, subject to policy 15.D.5.17 of the Official Plan.

Proposed Institutional Zones

Proposed institutional zones in Lower Doon include the application of the INS-1: Neighbourhood Institutional and INS-2: Major Institutional zone categories. The INS-1 zone is intended to accommodate institutional uses to serve the surrounding residential communities, whereas the INS-2 zone is primarily intended to serve at a city or regional

scale. The proposed amendment applies the INS-1 and INS-2 zones to lands currently zoned institutional in Zoning By-law 85-1.

Natural Heritage Conservation Zone

Proposed Natural Heritage Conservation zones in Lower Doon include the application of the NHC-1: Natural Conservation zone category. The purpose of the NHC-1 zone is to protect and/or conserve natural heritage features and their ecological functions. Further, it is intended to prevent the aggravation of existing natural hazards and/or the creation of new ones. The NHC-1 zoning applies to properties where there are already restrictions or conditions on development within, or in the buffer to, the natural feature on the property. This includes flooding hazards, slope erosion hazards, and significant wildlife habitat and landforms.

Special Regulation Provisions

As part of the proposed zoning by-law amendments, planning staff recommend retaining five (5) existing Special Regulation Provisions currently in effect in Zoning By-law 85-1, introducing one (1) new Special Regulation Provision, and introducing three (3) new Holding Provisions. Special Regulation Provisions 375 through 379, as shown in Attachment B, are existing special regulation provisions in Zoning By-law 85-1 specific to previous development applications and are proposed to be applied in Zoning By-law 2019-051.

Planning staff recommend amending Zoning By-law 2019-051 to add Special Regulation Provision 380R.

“The proposed Special Regulation Provision is to remove the maximum floor space ratio value on lands proposed to be zoned RES-7 and shown as affected by this provision in Appendix A.”

The purpose of this Special Regulation Provision is to remove the maximum floor space ratio regulation that applies to the RES-7 zone, consistent with proposed Specific Policy Area 66 that proposes to remove the maximum floor space ratio applying to the high rise residential land use within the City Node.

Holding Provision 51H

Planning staff are recommending the following Holding Provision as part of the Zoning By-law Amendment:

“Notwithstanding Section 7 of this By-law, within the lands zoned RES-7 and shown as being affected by this subsection on Zoning Grid Schedule Number 254, 255, 283, and 284 of Appendix “A”, no development on the lands shall occur until such time as an Urban Design Brief is approved by the City’s Director of Planning demonstrating a high quality of urban design that contributes positively to the public realm and streetscapes with adequate tower separation and onsite amenity.”

The purpose of this holding provision is to require an Urban Design Brief as part of any future re-development as a means of regulating the form and density of proposed buildings,

rather than through the application of a maximum floor space ratio. This represents a more appropriate and flexible means of regulating the form and density of residential development of the applicable properties within the City Node that considers the appropriate design of the sites.

Holding Provision 52H

Planning staff are recommending the following Holding Provision as part of the Zoning By-law Amendment:

“No residential use shall be permitted until a Record of Site Condition (RSC) has been filed on the Ministry of Environment, Conservation and Parks (MECP) Environmental Site Registry in accordance with O. Reg. 153/04, as amended. This Holding Provision shall not be removed until the Regional Municipality of Waterloo is in receipt of a letter from the Ministry of the Environment, Conservation and Parks (MECP) advising that a Record of Site Condition has been filed.”

In consultation with Region of Waterloo planning staff, the need for a RSC on lands in Lower Doon was identified in accordance with the Region’s Implementation Guidelines. Until such time that the RSC and Ministry Acknowledgement letter have been received by the Region, residential development on the lands identified as being impacted by this provision in Attachment B is not permitted.

Holding Provision 53H

Region of Waterloo planning staff have identified the need for a transportation and stationary noise study on lands in Lower Doon. As such, planning staff are recommending the following Holding Provision as part of the Zoning By-law Amendment:

“No residential use shall be permitted until a detailed transportation (road) and stationary noise study has been completed and implementation measures recommended to the satisfaction of the Regional Municipality of Waterloo. The detailed stationary noise study shall review the potential impacts of noise (e.g. HVAC systems) on the sensitive points of reception and the impacts of the development on adjacent noise sensitive uses.”

Proposed Zoning By-law Amendment Conclusions

Planning staff are of the opinion that the proposed Zoning By-law Amendment to bring all properties within Lower Doon into Zoning By-law 2019-051 from Zoning By-law 85-1 and represents good planning as it will allow for a broad range of housing types and densities and retains important institutional and commercial functions. The proposed Zoning By-law amendments achieve a balance between the retention of low-rise residential uses that allow for missing middle “gentle density” housing options on lands designated low-rise residential and accommodating high-rise residential uses south of Homer Watson Boulevard within the City Node. The proposed Zoning By-law amendments achieves the planned function of City Nodes by accommodating residential, commercial, and institutional uses without requiring that each property be designated and zoned mixed use.

The proposed Zoning By-law amendments are consistent with the proposed Official Plan amendments. Planning staff recommend that the proposed Zoning By-law Amendment be approved as shown in Attachment B.

STRATEGIC PLAN ALIGNMENT:

The recommendation contained in this report supports the achievement of the City's strategic vision through the delivery of core service.

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:

The Lower Doon Land Use Study Implementation project features various engagement events commencing in March 2022 and builds on the engagement from the Lower Doon Land Use Study. The following provides an overview of the date and type of community engagement that was undertaken:

Date of Engagement	Engagement Type
March 2022	Development of a Lower Doon EngageWR project webpage
March 2022 – Present	Updates to Lower Doon EngageWR project webpage
March 2022 - Present	Follow up one-on-one correspondence with members of the public
March 2022 – Present	Social media posts advertising project updates and upcoming engagement events
March 2022 – Present	4 emails to the Lower Doon email contact list (169 email addresses)
March 18, 2022	Circulation of postcard notification #1 to property owners within the Lower Doon study area in March 2022 advertising the April 5, 2022, Virtual Community Check-In
April 5, 2022	Virtual Community Check-In
May 9, 2022	Virtual meeting with Conestoga College administration
July 21, 2022	Virtual meeting with Six Nations of the Grand River
January 27, 2023	Virtual meeting with Conestoga Students Inc.
April 2023	Circulation of postcard notification #2 to property owners within the Lower Doon study area advertising the May 10, 2023, walkshop sessions and drop-in engagements
May 10, 2023	2 walkshop (walking workshops) and drop-in engagements at Doon Valley Golf Course with heritage consultants ASI Heritage
May 24, 2023	Virtual meeting with Drewlo Holdings
June 7, 2023	Virtual meeting with Conestoga Students Inc.
June 27, 2023	Virtual meeting with Conestoga College administration
June 28, 2023	Virtual presentation of draft project materials at Conestoga Students Inc. "Housing Student Advisory Committee" meeting
July 18, 2023	Drop-in engagement at Conestoga College Doon Campus

October 2023	Circulation of postcard notification #3 to property owners within the Lower Doon study area advising of the October 23, 2023, virtual “open house” and October 30, 2023, statutory public meeting
October 3, 2023	Heritage Kitchener committee meeting presentation and discussion regarding the draft Lower Doon Cultural Heritage Landscape
October 6, 2023	Notice of the virtual “open house” engagement and statutory public meeting was published in the Waterloo Region Record
October 23, 2023	Virtual open house
October 30, 2023	Planning and Strategic Initiatives Committee meeting

Feedback provided by Heritage Kitchener was incorporated into the Lower Doon Cultural Heritage Landscape report prepared by ASI Heritage. Modifications included revised references to Willow Lake Park and historical photos and mapping associated with the Lower Doon Mill and Doon Village Road.

In addition to the list of engagement events undertaken above, City of Kitchener and Conestoga Students Inc. social media accounts were used to raise awareness of the project, provide information regarding community engagement events, and provide a link to the project EngageWR webpage (**Figure 6**).



Figure 6 – Example of City of Kitchener social media post from May 2023 (left) and Conestoga Students Inc. social media post from July 2023 (right)

EngageWR Project Webpage

The Lower Doon EngageWR project webpage was launched in March 2022 and used to host all project materials, as well as provide information on upcoming engagements. Following the May 10, 2023, engagement event, all draft materials were posted to the EngageWR webpage. A total of 7 comments were submitted by members of the public and included in Attachment E.

INFORM – This report has been posted to the City’s website with the agenda in advance of the council / committee meeting. Three rounds of postcard notifications were distributed to property owners and occupants within Lower Doon in March 2022, April 2023, and October 2023. Notice of the Statutory Public Meeting was posted in the Waterloo Region Record on October 6, 2023, and is attached as Attachment C. Four emails were sent out to the Lower Doon email contact list, which includes 159 unique email addresses, in advance of each community engagement event, when the draft materials were made publicly available, and in advance of the statutory public meeting.

CONSULT – Members of the public were consulted as part of the Virtual Community Check-In held on April 5, 2022, and during the two “walkshop” walking workshops and drop-in engagement sessions held on May 10, 2023. The EngageWR project webpage was launched in March 2022 and was used to share project materials and solicit community feedback. The comment period on the draft land use, zoning, and cultural heritage materials was open from May 10, 2023, through July 31, 2023. Planning staff received written responses from 7 members of the public from May 10, 2023, through July 31, 2023, along with 7 comments submitted through EngageWR, which are attached as Attachment E.

PREVIOUS REPORTS/AUTHORITIES:

- Municipal Act, 2001
- Planning Act, R.S.O. 1990, c. P.13
- Provincial Policy Statement, 2020
- Regional Official Plan
- City of Kitchener Official Plan, 2014
- City of Kitchener Zoning By-law 2019-051
- DSD-2021-11 – Lower Doon Land Use Study Recommendations Report

REVIEWED BY: Natalie Goss, Manager, Policy & Research

APPROVED BY: Justin Readman, General Manager, Development Services

ATTACHMENTS:

- Attachment A – Proposed Official Plan Amendment
- Attachment B – Proposed Zoning By-law Amendment
- Attachment C – Waterloo Region Record Notice (October 6, 2023)
- Attachment D – Lower Doon Cultural Heritage Landscape Study - Final Report (ASI Heritage, October 2023)
- Attachment E – Public Comments (May 10, 2023 – July 31, 2023)