



SUBJECT: Statutory public meeting and recommendation report for a zoning by-law amendment at 1160 Blair Road

TO: Planning and Development Committee

FROM: Department of City Building - Planning Building and Culture

Report Number: PB-41-18

Wards Affected: 4

File Numbers: 520-21/17

Date to Committee: September 11, 2018

Date to Council: September 24, 2018

Recommendation:

Approve, as modified, the zoning by-law amendment application submitted by Archangel Raphael & Saint Maria Coptic Orthodox Church to rezone the property at 1160 Blair Road from "GE1" to "GE1-486", to permit a place of worship on the basis that it is consistent with the Provincial Policy Statement, and conforms to the Growth Plan for the Greater Golden Horseshoe and the Regional and City of Burlington Official Plan; and

Adopt Zoning By-law 2020.XXX, attached as Appendix B to department of city building report PB-41-18, rezoning the lands at 1160 Blair Road from "GE1" to "GE1-486"; and

Deem that Zoning By-law 2020.XXX conforms to the Official Plan of the City of Burlington.

Purpose:

The purpose of this report is to provide information for a statutory public meeting concerning an application to amend the zoning by-law to permit a place of worship within an existing multi-unit industrial building at 1160 Blair Road; and recommend that the subject application be approved with a maximum permitted floor area for the place of worship use.

The following objectives of Burlington's Strategic Plan (2015-2040) apply to the discussion of the subject application:

A City that Grows

- Intensification
- Focused Population Growth

A City that Moves

- Increased Transportation Flows and Connectivity
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Executive Summary:

RECOMMENDATIONS:		<i>Approve with Modifications</i>	Ward No.:	4
Application Details	APPLICANT:	<i>Archangel Raphael & Saint Maria Coptic Orthodox Church</i>		
	OWNER:	<i>2118218 Ontario Inc.</i>		
	FILE NUMBERS:	<i>520-24/17 and 510/04/17</i>		
	TYPE OF APPLICATION:	<i>Zoning By-Law Amendment</i>		
	PROPOSED USE:	<i>Place of Worship</i>		
Property Details	PROPERTY LOCATION:	<i>West side of Blair Road, at the intersection of Blair Road and Landmark Road, south of Mainway</i>		
	MUNICIPAL ADDRESSES:	<i>1160 Blair Road</i>		
	PROPERTY AREA:	<i>1.7 hectares</i>		
	EXISTING USE:	<i>Storage and warehousing; Office; Service Commercial; Recreation</i>		
Documents	OFFICIAL PLAN Existing:	<i>General Employment</i>		
	OFFICIAL PLAN Proposed:	<i>General Employment</i>		
	ZONING Existing:	<i>GE1</i>		
	ZONING Proposed:	<i>GE1-486</i>		
Processing Details	NEIGHBOURHOOD MEETING:	<i>N/A</i>		
	PUBLIC COMMENTS:	<i>Staff have received 1 email</i>		

Background and Discussion:

Site Description:

The subject property is located on the west side of Blair Road, south of Mainway between Guelph Line and Walkers Line, as shown on Figure 1 (below) and Sketch No. 1 (Appendix A). The property has an area of 1.7 ha and a lot depth of 195.5 m, with 20.3 m of frontage on Blair Road.

A two-storey multi-tenant industrial building currently exists on the property. The building contains a mix of office, service commercial, warehousing, and recreational uses (dance studio).

The subject property is surrounded by a mix of industrial (manufacturing, warehousing, distribution), office, automotive, and recreational uses.

The uses adjacent to the site are:

- North: office, commercial, recreational (indoor paintball facility) uses
- South: light industrial (tool and die manufacturing)
- East: light industrial (windows and doors, industrial tools, and air compressor equipment manufacturing)
- West: utility support centre, manufacturing, office

Approximately 300 m north of the site is an existing low-density residential neighbourhood. At 3140 Mainway, 200 m northwest of the site, is a multi-tenant recreational facility that currently hosts a range of recreational activities and summer camps (e.g. gymnastics, swimming, dance) and tutoring services for children throughout the day, seven days a week.

Within 250 m south of the site, at the terminus of Blair Road, is a chemical blending and distribution centre, and a Canadian National Railway (CNR) rail line.

Background Reports

The applicant has submitted the following materials in support of the application:

- [Site Plan](#), prepared by Millington & Associates, dated December 12, 2017;
- [Planning Justification Report](#), prepared by Greg Poole & Associates Inc., dated September 2017
 - The report concludes that the proposed place of worship use will be compatible with the existing and future employment uses on Blair Road, is consistent with provincial, regional and City planning policy, and therefore represents good planning.
- [Transportation Brief](#), prepared by Paradigm Transportation Solutions Inc., dated July 17, 2017
 - The brief concludes that the number of trips generated during the Sunday peak hour by the proposed church can be easily accommodated by the existing transportation system, and that the existing number of parking spaces will adequately service the proposed church and the existing uses on site.
- [Noise Study](#), prepared by dBA Acoustical Consultants Inc., dated August 25, 2017
 - The study concludes that the proposed church will not have any noise impact from area businesses or traffic due to the construction materials and design of the building.
- [D-6 Compatibility – Air Quality Assessment](#), prepared by EXP Services Inc., dated December 19, 2017; and [Revised D-6 Compatibility – Air Quality Assessment](#), prepared by EXP Services Inc., dated June 11, 2018
 - The assessments provide an analysis of the compatibility of the existing industrial uses with the proposed place of worship use, based on the Ontario Ministry of Environment, Conservation and Parks' D-6 Compatibility Guidelines. The assessments report that there are 7 facilities inside the minimum separation distance, and 8 inside the minimum area of influence. However, the assessments conclude that surrounding industrial facilities are unlikely to pose unacceptable air quality issues because they either have "Environmental Compliance Approvals – Air" from the Ministry (whereby the emission is controlled to meet provincial air quality standards), or were not observed during site visit to be associated with significant odours, large emission stacks or significant fugitive emissions. However, the assessments note that there is potential for odour complaints and recommend that the building ventilation be designed to

include precautionary measures, such as filtration systems, that could be installed in the future to reduce the risk of complaints.

- [Phase I Environmental Site Assessment](#), prepared by EXP Services Inc., dated August 25, 2017
 - The assessment found areas of potential environmental concern related to the former orchard operations on the site, and a record of underground fuel storage tanks and hazardous waste generators in the vicinity of the site. The report recommends that a Phase II Environmental Site Assessment be conducted to assess soil and ground water quality.
- [Phase II Environmental Site Assessment](#) and [Revised Phase II Environmental Site Assessment](#), prepared by EXP Services Inc., dated September 22, 2017 and May 1, 2018, respectively
 - The assessment concludes that the concentration of pesticides at one sample location on the site was above acceptable standards, and recommends remediation of the impacted soils to bring the site into compliance with Table 3 SCS, and a supplemental soil sampling program to determine the limits of remediation.
- [Supplementary Environmental Investigation](#), prepared by EXP Services Inc., dated May 1, 2018
 - The purpose of the investigation was to determine the extent of the soil contamination. The investigation found that the contamination appears to be isolated in one location and extend approximately 150m². It estimates that 225 m³ of soil is required to be removed.
- Letter of Reliance for Phase I and Phase II Environmental Site Assessments, prepared by EXP Services Inc., dated December 14, 2017
- Floor Plan
- [Risk Assessment](#), prepared by EXP Services Inc., dated June 11, 2018
 - Based on a search of the Environmental Compliance Approvals, National Pollutant Release Inventory, Compliance and Convictions Database, and the Hazardous Waste Network Information databases, the risk assessment identifies 15 industrial facilities of interest within 300 m of the subject site, and provides an analysis of the risk associated with the hazardous or toxic substances used by the facilities. The assessment concludes that the types of substances reported or inferred to be used by the facilities are unlikely to be present at quantities above the Major Industrial Accidents Council of Canada's (MIACC) Risk Based Land Use

Planning, 1994 thresholds, and are therefore unlikely to pose an unacceptable risk to the occupants of the proposed church.

- Letter of Reliance for Risk Assessment and D-6 Compatibility Assessment, from EXP Services Inc., dated June 28, 2018 stating that the City of Burlington may use and rely on the reports as part of the review of the subject rezoning application.

Discussion: Conformity Analysis and Policy Framework Review

The rezoning application is subject to the following policy framework: The Planning Act; Provincial Policy Statement, 2014; Growth Plan for the Greater Golden Horseshoe, 2017; Halton Region Official Plan; City of Burlington Official Plan, 2008; and Zoning By-law 2020.

Staff have reviewed and analyzed the planning merits of these applications within this framework, as described below.

Planning Act: Matters of Provincial Interest

Municipalities, when dealing with their responsibilities under the *Planning Act*, shall have regard to a wide range of matters of provincial interest. A number of these matters of provincial interest are relevant to this site-specific development application.

Staff’s analyses of these matters are summarized in Table 1 below and discussed in detail in the remainder of this report.

Table 1 – Matters of Provincial Interest Related to Subject Application (Planning Act, R.S.O 1993, c. P.13, s.2)

Provincial Interest	Staff Analysis
(i) the adequate provision and distribution of educational, health, social, cultural and recreational facilities;	The proposed rezoning would allow for the provision of the first Coptic church in Burlington.
(k) the adequate provision of employment opportunities;	<p>The proposed place of worship is situated in an employment area that is intended by Regional and City planning policy and zoning for a wide range of employment uses, including manufacturing and other uses that may require separation from sensitive land uses.</p> <p>The proposed rezoning is to add a small scale place of worship as a permitted use, and employment uses will still be permitted. Moreover, given the size of the</p>

	<p>proposed place of worship, and the proximity of residential and recreational uses to the employment area, the proposed rezoning will not create additional constraints on the ability of employment uses to expand or locate in the area in the near future.</p> <p>However, staff are of the opinion that should the place of worship wish to expand in the future, the expansion could create additional constraints and negatively impact the intended function of employment area and the provision of employment opportunities in the City. Staff therefore recommend that a limit be placed on the size of the proposed place of worship.</p>
<p>(o) the protection of public health and safety;</p>	<p>The subject site is surrounded by a variety of industrial/manufacturing uses. However, the applicant has submitted compatibility, risk assessment, and noise studies showing that the existing surrounding uses will not have an adverse effect on the proposed use in terms of noise, dust, vibrations and odour, or pose an unacceptable level of risk to health and safety.</p> <p>Soil contamination has been found on the site. As per Provincial legislation, and Provincial, Regional and City planning policy, remediation of the site is required before the change in use can occur. This remediation has taken place, and documentation has been submitted to the Ministry of Environment, Conservation and Parks to file the Record of Site Condition.</p>
<p>(p) the appropriate location of growth and development</p>	<p>The proposed place of worship will be located in an existing building where adequate water and wastewater servicing exists, and where transit is within walking distance. The proposed use will be located within an employment area but will be compatible with surrounding industrial uses, provided that the size of the use is limited to what has been proposed. Therefore the subject site is an appropriate location for the proposed place of worship.</p>

Provincial Policy Statement, 2014

The Provincial Policy Statement (PPS) provides broad policy direction on matters of provincial interest related to land use planning and development, and sets the foundation for regulating development and land use in Ontario. Official Plans are the primary vehicle for implementing the PPS, and all planning decisions are required to be consistent with the PPS.

Section 1.1.1 of the PPS provides general principles for development and land use planning. It states that:

Healthy, liveable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*
- b) accommodating an appropriate range and mix of...employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes)...and other uses to meet long-term need;*
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns*

Efficient development and land use patterns

Policy 1.1.3.2a) of the PPS directs growth and development to settlement areas, and states that land use patterns shall be based on densities and a mix of land uses which “efficiently use land and resources; ... are appropriate for, and effectively use the infrastructure and public service facilities” and minimize negative impacts to air quality and climate change, and support active transportation and transit (PPS, 1.1.3.2a)).

The proposed rezoning is for a change of use within the City’s settlement area, in an existing multi-tenant industrial building where water and wastewater servicing exists. The subject property is located within walking distance (200 m) of bus stops with bus service at the intersection of Blair Road and Mainway. Sidewalks are not provided on Blair Road, but are provided on Mainway.

While the conditions for active transportation and transit are not ideal, staff note that due to the employment uses in the area, traffic on Blair Road is likely to be low on Sundays, during the place of worship’s main hours of operation. The proposal also meets the City’s current Official Plan policies that set out criteria for appropriate locations for institutional uses in the City.

The proposed rezoning is therefore consistent with PPS policies for the efficient use of land, effective use of transportation infrastructure, and transit-supportive development.

Appropriate Range and Mix of Uses in Employment Areas

Policy 1.3.1 of the PPS states that planning authorities shall provide for “*an appropriate mix and range of employment and institutional uses to meet long-term needs*”. Planning authorities are also required to plan for, protect and preserve employment areas (i.e. areas for clusters of business and economic activities) in their Official Plans, and protect employment areas that are in proximity to major goods movement facilities and corridors (e.g. rail corridors) for employment uses that require those locations.

Moreover, the conversion of employment areas to non-employment use is only permitted if it is done through a comprehensive official plan review exercise, and it has been demonstrated that the land is not required for employment purposes over the long term and that there is a need for the conversion. (PPS 1.3.2.1 to 1.3.2.3)

The proposed rezoning will introduce an institutional use to an area that is identified as an employment area in the Regional and City Official Plans and is in proximity to a major goods movement corridor (i.e. Canadian National Railway corridor). However, staff are of the opinion that the proposed rezoning will contribute to an appropriate range and mix of institutional and employment uses because it satisfies Regional and City Official Plan policies about non-employment and sensitive institutional uses in employment areas. Since it satisfies these criteria, staff are also of the opinion that the subject proposal does not constitute a conversion.

Public Health and Safety and the Long-Term Viability of Industrial Facilities

Policy 1.2.6.1 of the PPS states that sensitive land uses and major facilities (including industries) “*are required to be appropriately designed, buffered and/or separated from each other to prevent or mitigate adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term viability of major facilities*”.

The PPS defines “sensitive land uses” to mean:

“buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse effects from contaminant discharges generated by a nearby major facility. Sensitive land uses may be a part of the natural or built environment. Examples may include, but are not limited to: residences, day care centres, and educational and health facilities.”

The City’s Official Plan adds that sensitive institutional land uses include places of worship. Based on the submitted compatibility assessment, risk assessment, and noise study, staff are satisfied that the proposed use is adequately separated from existing industrial uses surrounding the subject property. The submitted studies show that existing industrial uses are unlikely to cause health and safety or odour, noise, and contaminant issues for the future occupants of the proposed church.

Staff are also of the opinion that the proposed place of worship will not further constrain the ability of existing or new manufacturing businesses from expanding or locating in the surrounding employment area in the future.

Manufacturing businesses are required by provincial legislation to obtain environmental compliance approvals in order to operate. To guide the Province's evaluation of these approvals, the Province has developed the D-6 Land Use Compatibility Guideline document. The D-6 provides recommended separation distances and areas of influence around existing or proposed industrial uses, according to the intensity of the industrial use. Within these buffers, proposed industrial or sensitive uses are required to undertake studies and, if required, mitigative actions, to demonstrate that there will be no incompatibility or adverse effects.

Due to the proximity of the existing residential neighbourhood to the north, the presence of existing recreational uses in the employment area, and the proposed size and location of the place of worship within the building, much of the lands that would be within the minimum separation distance or area of influence of the subject site would already be required to undertake studies and mitigative measures to ensure compatibility with sensitive land uses. The proposed place of worship will therefore not subject significantly more land to the requirements for studies and mitigation.

However, staff recommend a maximum permitted floor area for the proposed use. A limit to the size of the proposed place of worship will help ensure that the use will not become a greater constraint on employment in the area than the existing recreational uses will be in the future, as the existing surrounding recreational uses will become legal non-conforming once the new Council-adopted Official Plan is in force. Moreover, staff are concerned that there will be insufficient parking available on the site to accommodate the place of worship if it expands.

Public Health and Safety – Contaminated Lands

Policy 3.2.2 of the PPS requires that sites with contamination in land or water be assessed and remediated “*as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effects*” (PPS, 3.2.2).

The applicant has submitted Environmental Site Assessments of the subject site that reported the presence of soil contamination. The contaminated soil has since been removed, and a Record of Site Condition has been submitted to the Ministry of the Environment, Conservation and Parks.

Summary: The proposed rezoning with modification is consistent with the PPS because the proposed use is an efficient use of land and effective use of infrastructure, is unlikely to result in a public health and safety issues or detract from the long term viability of manufacturing facilities, and contributes to an appropriate mix of institutional and

employment uses within the employment area, as set out in the current Regional and City Official Plans.

Growth Plan for the Greater Golden Horseshoe, 2017

The new Growth Plan for the Greater Golden Horseshoe (Growth Plan) came into effect on July 1, 2017. All planning decisions made on or after July 1, 2017 must conform to the Growth Plan. The Growth Plan builds on the policy foundation set out in the PPS and provides a framework for managing growth and achieving compact, complete communities in the Greater Golden Horseshoe. As per the Places to Grow Act, 2005, where there are overlapping matters or conflicting policies between the Growth Plan and the PPS, the Growth Plan takes precedence and prevails over the PPS, unless the conflict is related to the natural environment or human health.

Subsection 2.2.1.2 a) of the Growth Plan states that *“the vast majority of growth will be directed to settlement areas that have a delineated built boundary; have existing or planned municipal water and wastewater systems; and can support the achievement of complete communities”*. Complete communities are defined as places that offer and support opportunities for people of all ages and abilities to conveniently access most of the necessities for daily living.

Building on the employment policies of the PPS, the Growth Plan also states that *“it is important to ensure that there is an adequate supply of land within employment areas - both for traditional industries and service sector and knowledge based businesses that warrant such locations - and sites for a broad range of other employment uses”* (Growth Plan, 2.1). Accordingly, section 2.2.5 of the Growth Plan contains policies that relate to Employment Uses and requires municipalities to plan for employment areas by prohibiting residential uses and limiting other sensitive land uses that are not ancillary to the primary employment use.

The City’s Official Plan conforms to these policies by establishing its own policies which determine where employment lands are located and what uses are permitted within them. In accordance with these policies, sensitive institutional uses, such as the proposed place of worship, may be permitted to be located in employment areas subject to a zoning by-law amendment and the submission of satisfactory compatibility and risk assessment studies.

The subject site is within the City’s built boundary and has existing municipal water and wastewater servicing. The proposed rezoning is located within an employment area, but satisfies the City’s current Official Plan criteria for sensitive institutional uses within employment areas. Staff recommend that the proposed place of worship be limited in size to ensure that the use will not reduce the range of employment uses that can be located in the employment area in the future.

Summary: The proposed development conforms to the Growth Plan because it is located within the built boundary, will make use of existing infrastructure, and conforms to current Regional and City employment policies. The proposed place of worship, if limited to the proposed size, supports complete communities by providing opportunities for people to worship while not limiting opportunities for employment.

Region of Halton Official Plan

The lands are located in the Urban Area as identified on Map 1 in the Region of Halton's Official Plan (ROP), with an Employment Area overlay. Lands within the Urban Area and Employment Area are subject to both the Urban Area and Employment Area policies of the ROP.

The Urban Area is where urban services are provided to accommodate concentrations of existing and future development. The objectives of the Urban Area include:

To accommodate growth in accordance with the Region's desire to improve and maintain regional unity...create healthy communities, promote economic prosperity...To provide for an appropriate range and balance of employment uses including industrial, office and retail and institutional uses to meet long-term needs. To direct where employment uses should be located and to protect areas designated for such uses.
(ROP, s. 72(1), (10) & (10.1))

The ROP also states that the range of permitted uses within the Urban Area shall be in accordance with local official plans and zoning by-laws. However, all development is subject to the policies of the ROP. (ROP, 76)

The objectives of the Employment Area overlay are:

77.1(1) To ensure the availability of sufficient land for employment to accommodate forecasted growth to support Halton's and its Local Municipalities' economic competitiveness.

77.1(2) To provide, in conjunction with those employment uses within the residential and mixed use areas of the communities, opportunities for a fully-diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses.

77.1(3) To locate Employment Areas in the vicinity of existing major highway interchanges and rail yards, where appropriate, within the Urban Area.

Accordingly, the ROP prohibits residential and other non-employment uses including major retail uses within Employment Areas except in certain cases, including *“to recognize uses permitted by specific policies of a Local Official Plan on December 16, 2009”*.

The subject rezoning application proposes a non-employment (institutional) use within the Region’s Employment Areas overlay. However, Part I, policy 4.3d) of the City’s Official Plan states that certain sensitive institutional uses, such as places of worship, may be permitted within the City’s Business Corridor, General Employment, and Mixed-Use Employment designations, subject to a zoning by-law amendment, risk assessment and compatibility studies. This policy was in effect prior to December 16, 2009, and, as discussed in greater detail elsewhere in this report, has been satisfied by the subject application. Also, staff are of the opinion that the proposed use, if limited in size, will not reduce the range of suitable sites for employment uses within the City.

Policy 147(17) of the ROP requires proponents to *“undertake a process... to determine whether there is any potential contamination on site and the steps necessary to bring the site to a condition suitable for its intended use”*.

The applicant has undertaken studies that found soil contamination on the site. The contamination has since been removed and a Record of Site Condition, along with supporting studies, has been submitted to the Ministry of Environment, Conservation and Parks.

Summary: The proposed rezoning conforms to the Region of Halton’s Official Plan because the ROP allows non-employment uses within Employment Areas if they are permitted by the City’s Official Plan on December 16, 2009. The City’s Official Plan states that sensitive institutional uses such as places of worship may be permitted, subject to criteria which have been satisfied by the subject application. Furthermore, the rezoning, if modified to include a maximum floor area for the place of worship, conforms to ROP objectives for employment areas. The rezoning also conforms to policies regarding contamination.

City of Burlington Official Plan, 2008 (In Effect)

The subject property is identified as “Employment Lands” on Schedule A, Settlement Pattern, and designated as “General Employment” on Schedule B, Comprehensive Land Use Plan – Urban Planning Area of the Official Plan. One of the objectives of the employment lands is to provide appropriate locations for employment uses that have features that are not compatible with other land uses.

Accordingly, the General Employment designation is the most permissive employment designation in the Official Plan. Part III, Section 3.3.1 of the Official Plan states that the objectives of the General Employment designation are:

- a) *To provide locations in the city for a broad range of employment and office uses.*
- b) *To separate General Employment areas from other sensitive land uses, particularly residential, due to potential negative effects.*
- c) *To provide some locations in the General Employment designation for low-intensive, industrial uses, and offices...These uses can usually be located close to other land uses, including residential land uses, without significant conflicts if appropriate site plan design features are used and if appropriate mitigation measures are incorporated.*
- d) *To provide locations for existing, new and/or relocating manufacturing, assembly, distribution and service industrial uses.*

Permitted uses include a wide a range of industrial, office, research and information processing uses, as well as recreational, large scale motor vehicle dealerships, adult entertainment uses, limited range of retail and service commercial uses, and residence for a watchman or caretaker. Places of worship are not permitted as of right in the General Employment designation.

Places of worship are considered Institutional Uses under Part II, Section 4.3(ii) of the Official Plan. Institutional uses are generally permitted in all land use designations in the City's Urban Area, with the exception of Greenlands and Watercourse designations. The Official Plan also directs that the Zoning By-law establish permissions for institutional uses, including the requirement that they abut a Major Arterial, Multi-Purpose Arterial, Minor Arterial Road or Collector Road.

However, certain sensitive institutional uses, including places of worship, may only be permitted within the General Employment designation through a rezoning after assessments of compatibility and risk associated with the surrounding industrial uses have been conducted and submitted. As per Official Plan Part II, policy 4.3d:

Within Business Corridor, General Employment, and Mixed Use-Employment designations, certain sensitive institutional uses such as educational facilities, long-term care facilities, day care centres and places of worship shall require an amendment to the Zoning By-law. Such an amendment will be considered only following the completion of a risk assessment to determine any existing or potential sources of hazard from existing industrial uses in the vicinity and whether the levels of risk can be reduced to acceptable levels, using risk-based land use planning guidelines, as well as an assessment of compatibility with existing industrial facilities in the area in terms of variables such as noise,

vibration, odour and dust, using Provincial Land Use Compatibility guidelines. (Underline added)

The objective of the sensitive institutional land use policies is “*to recognize and permit institutional land uses within the Plan while considering the potential effects of these uses on adjacent uses*” (Part II, section 4.2).

Part II, policies 2.7.3 n) and o) of the Official Plan also allow the City to request compatibility assessments and risk assessments to ensure compatibility between sensitive land uses and industrial or transportation facilities.

The following is an analysis of the compatibility of the proposed place of worship with the adjacent industrial uses. In summary, staff are of the opinion that the proposed use, if limited to the proposed size (i.e. approximately 500 m²), is compatible with adjacent uses in terms of air quality, odour, noise, public safety, and traffic, and therefore conforms to the objectives of the City’s employment and institutional policies and the General Employment designation.

Air Quality, Odour, Noise Compatibility

Official Plan Part II, policies 2.7.3 n) and 4.3 d) refers to the Ministry of Environment’s “D-6 Compatibility Between Industrial Facilities” guide (D-6 Guide) as the basis for evaluating noise, odour and dust compatibility between industrial and sensitive land uses.

The D-6 Guide provides recommended minimum separation distances and minimum areas of influence for different scales of industrial facilities to prevent or minimize future land use problems (Table 2). According to the D-6 Guide, no incompatible development should occur within the separation distance, and no sensitive uses should be permitted within potential areas of influence unless there is evidence to substantiate the absence of a problem.

**Table 2 - D-6 Recommended Minimum Separation Distances &
Potential Areas of Influence**

Industrial Facility Type	Minimum Separation Distance^a	Potential Area of Influence^b
Class I (small scale, self contained; infrequent outputs)	20 m	70 m
Class II (medium scale processing and manufacturing with outdoor storage of wastes or materials; periodic outputs of minor annoyance)	70 m	300 m
Class III (large scale manufacturing or processing; frequent outputs of major annoyance)	300 m	1000 m

- a. Minimum Separation Distance: “No incompatible development ... should occur in the [minimum separation distance], even if additional mitigation for adverse effects, [such as buffers], is provided” (D-6, s.4.3)
- b. Potential Area of Influence: “The potential influence areas, or where known, the actual influence areas (see Section 4.1 of this guideline) should act as a ‘flag’, and no sensitive land uses shall be permitted within the actual or potential influence areas of Class I, II or III industrial land uses, without evidence to substantiate the absence of a problem.” (D-6, ss.4.5.1)

The submitted “D-6 Air Quality Assessment” (D-6 AQA) reports that the subject site is located within the within the minimum separation distance of 7 facilities (5 Class II and 2 Class III facilities; activities include manufacturing of windows, doors, signs, steel drums and sheet metal). The assessment also found that the site is within the area of influence of 8 other facilities (all Class II; activities include chemical manufacturing and tile manufacturing).

However, the D-6 AQA concludes that the identified facilities are not expected to pose an unacceptable air quality issue to the subject site. The majority of the facilities are holders of *Environmental Compliance Approvals - Air* (ECAs) from the MOECC, and as such, are required to meet the standards for air quality at their property lines and beyond. Those that are not holders of ECAs were not found to be associated with significant odours, large emission stacks or significant fugitive emissions during the consultant’s site visit. To reduce the risk of future complaints, however, the D-6 AQA recommends that the building ventilation system include precautionary measures, such as filtration systems, that could be installed in the future.

The submitted Noise Letter concludes that the site will not have any noise impact from area businesses or traffic. City Site Engineering staff have reviewed the letter and have no further comments or requirements on it.

Thus, staff are satisfied that the proposed rezoning is compatible with the existing surrounding industrial uses from an air quality, odour, and noise perspective.

Risk Assessment

In order to conform to Part II, policy 2.7.3 o) and 4.3d) the Official Plan, the submission of a risk assessment using risk-based land use planning guidelines is also required. The guidelines referred to in these policies are the Major Industrial Accidents Council of Canada's (MIACC) Risk-Based Land Use Planning Guidelines and Lists of Hazardous Materials.

The MIACC guidelines address compatibility based on the risk of industrial accidents such as spills, explosions and fire. The guidelines outline the levels of risk that are acceptable near sensitive uses and the levels of risk where certain uses should not occur. The guidelines also provide lists of hazardous substances and threshold quantities that, based on experience, could lead to major industrial accidents. List 1 substances and quantities are "top priority" substances which are most likely to be involved in a major industrial accident resulting in a number of on- and off-site fatalities. List 2 substances and quantities are considered "potentially hazardous" and are less likely to be an acute threat to the public. List 2 substances have a history of involvement in industrial incidents or are listed in Transport Canada's *Transport of Dangerous Goods Regulations*.

However, as noted in the City's Employment Lands Policy Recommendations and Conversion Analysis Report, "*the MIACC guidelines ... are not widely used in Ontario and there are few qualified experts that can complete MIACC assessments*" (Dillon Consulting, September 2016, p.50).

Upon review of the application, it was found that the initial submission did not include a Risk Assessment. In recognition of the difficulties in completing risk assessments to MIACC guidelines, City planning staff provided the applicant with a scoped terms of reference for completing the assessment. The terms of reference directed the applicant to assess the risk of substances that are reported to be used by the 15 surrounding industrial facilities that were identified through the D-6 AQA.

The submitted Risk Assessment (RA) was undertaken in accordance with the terms of reference. Risk was evaluated based on reported substances and quantities, and the consultant's understanding of the nature of the operations. Upon staff's request, an addendum letter was also provided by the applicant to discuss the risk associated with the chemical blending and distribution facility that is south of the subject property at 1100 Blair Road.

The Risk Assessment found that two facilities in the vicinity are reported to have MIACC List 1 and 2 substances, but the quantities of those substances are likely to be lower than the MIACC thresholds. The Assessment concludes:

“Based on information and data obtained from relevant federal and provincial environmental database searches, a Study Area reconnaissance, an understanding of the industrial processes undertaken at the identified facilities and the low probability that any of the MIACC List 1 and 2 substances are present in any given facility above the threshold limits, it is concluded that none of the identified facilities are expected to pose an unacceptable risk to the occupants of the proposed Church”
(p.17).

Reliance letters to the City allowing staff to rely on the findings of the reports for the review of the rezoning application has been provided. Thus, staff are satisfied that the proposed rezoning is compatible with the surrounding existing industrial uses from a risk perspective.

Traffic Impact

In order to implement the institutional uses policies of the Official Plan, Part II, policy 4.3e) of the Official Plan directs that the Zoning By-law require that institutional uses abut a Major Arterial, Multi-Purpose Arterial, Minor Arterial Road, or Collector Street. The purpose of this policy is to ensure that institutional uses are located in areas where there is sufficient capacity to accommodate the traffic that will be generated. As mentioned under the “Zoning” section of this report, the City’s Zoning By-law 2020 accordingly requires that places of worship be located along those types of transportation corridors.

Blair Road is not a Major Arterial, Multi-Purpose Arterial, Minor Arterial Road, or Collector Street, but the subject site is located within 150 m from Mainway, a Minor Arterial Road. Furthermore, City Transportation staff have reviewed the submitted Traffic Impact Study and comment that the road way and site will be able to accommodate the trips that are expected to be generated by the proposed size of the place of worship (433 m²).

However, Transportation staff are concerned that the site will not have sufficient parking capacity should the church grow in the future, or during special events. In order to prevent future incompatibility, staff recommend that a limit be placed on the size of the place of worship. Staff also suggest that the applicant seek shared parking agreements with neighbouring sites in order to accommodate any overflow parking on days where there may be an exceptional level of attendance for special services.

Site Contamination

Part II, Policy 2.8 of the Official Plan states:

The goal of the City is to utilize tools such as a Phase 1 Environmental site assessments, Phase II Environmental site assessments, Records of Site Condition and Risk Assessments in the planning application review process in order to:

- a) help ensure that development takes place on sites where the environmental conditions are suitable for the proposed use of the site; and/or*
- b) facilitate the remediation of the site where necessary to ensure conditions are suitable for development or re-development.”*

To accomplish this goal, the City and Halton Region require all applicants to submit an Environmental Site Screening Questionnaire (ESSQ) that determines whether a Phase 1 Environmental Site Assessment (ESA) is needed to be submitted as part of a complete application. Furthermore, Policy 2.8.2 e) of the Official Plan states that a Phase 2 ESA shall be submitted if the Phase I ESA reveals that the site may be contaminated. Both Phase 1 and Phase 2 ESAs are required to be completed in accordance with Provincial legislation (i.e. Ontario Regulation 153/04, under the Ontario Environmental Protection Act).

According to Part II Policy 2.8.2 f), the City may also require that a Record of Site Condition (RSC) acknowledged by the Ministry of Environment, Conservation and Parks (MOECP) be submitted. RSCs, regulated under Ontario's Environmental Protection Act, provide confirmation of past and current site conditions, and confirm whether the site has been made suitable for the proposed use. If site remediation is found to be required, the Official Plan states that satisfactory completion of site remediation will be a condition of approval. For rezoning applications, a Holding symbol may be placed on a zoning (Part II, Policy 2.8.2 e)).

Prior to the submission of the subject application, the applicant provided a letter from a Qualified Professional stating that the proposed rezoning is not a change to a more sensitive use because the proposed place of worship use is considered a 'community' use under the Environmental Protection Act. As such, an RSC was not required by staff for a complete application, and has not been submitted.

However, in the applicant's submission, the ESSQ indicated that further study is required, and the Phase 1 and Phase 2 ESAs reported potential soil contamination on the site. The submitted ESAs were not completed in accordance with O. Reg. 153/04 as required by the City and Region, but the Phase 2 ESA, which involves soil sampling, found soil contamination at the south east corner of the subject property.

In late April 2018, City Site Engineering staff met with the applicant to discuss staff's comments on the submitted ESAs and the contamination. The applicant advised staff that they had plans to remediate the site and submit an RSC to the MOECP, but were unable to do so until they had purchased the property. According to the applicants, the sale of the property is conditional upon receiving approval for the subject rezoning application.

Subsequent to the meeting, the applicant commissioned a Supplemental Environmental Investigation to determine the extent of the soil contamination, which found that the amount of soil requiring disposal is 225 m³. The applicant also submitted a revised Phase 2 ESA that was in general accordance with O. Reg. 153/04. However additional work was required to meet the minimum requirements of O. Reg. 153/04, and for the purposes of filing the RSC.

The contamination has since been removed and a RSC, along with the required studies, has been submitted to the MOECP. Staff are therefore satisfied that the site conforms to the City's site contamination policies and that a Holding provision is not necessary.

Summary: The subject rezoning proposal, if modified to include a limit on the size of the proposed place of worship, is in conformity to the City's Official Plan. The modified rezoning satisfies the Official Plan's criteria for sensitive institutional uses within the General Employment designation and policies regarding site contamination. It also ensures that the proposed use will be compatible with the permitted uses of the employment area, and thereby be in conformity with the Official Plan's employment lands and institutional policies, and General Employment designation objectives.

New City of Burlington Official Plan (Council Adopted)

The proposed new Official Plan was approved by Council on April 26, 2018 and has been developed to reflect the opportunities and challenges facing the City as it continues to evolve. The new Official Plan will not come into effect until it has been approved by Halton Region; however the City's proposed new Official Plan reflects Council's vision and as such, should be acknowledged when analyzing development proposals.

The subject lands are identified as "Employment Area" and "Regional Employment Area" in Schedule B - Urban Structure, and Employment Growth Area in Schedule B-1 Growth Framework of the new Official Plan. These areas are intended to be the focus for the intensification of employment in the City. Residential and non-employment uses are prohibited within these areas with some exceptions, including exceptions for institutional uses, as described below.

The lands are also within the QEW Corridor Strategic Economic Development Area, and will be subject to a City employment intensification study in the future. The QEW Corridor is defined as the area bounded by Guelph Line, Mainway, Burloak and the GO train line. According to Section 5.4 of the new Official Plan, the employment study will, among other things, acknowledge the area north of the QEW to have a more intensive employment nature.

The lands are also designated as “General Employment” in Schedule C Land Use – Urban Area. Objectives of this designation include “*to provide locations for existing, new and/or relocating manufacturing, assembly, distribution and service industrial uses*”, “*to provide locations in the city for a broad range of employment and office uses*”, and “*to separate General Employment areas from other sensitive land uses, particularly residential, due to potential adverse effects*”. Moreover, within this designation, “*in locations adjacent to residential and other sensitive land uses, only uses that would have limited adverse effects on the surrounding area shall be permitted*” (Policy 8.2.3(2)a(v)).

The new Official Plan provides strong policy direction for public service facilities and institutional uses, including places of worship, to be located in areas that would better serve the community. These uses are discouraged from locating within the Employment Area and may only be permitted where the use:

- i. is an ancillary employment use (that is, subordinate to uses in the surrounding employment area and primarily provides its services to the uses, businesses and employees in the surrounding employment area);
- ii. is located at the periphery of the employment area (i.e. within 400 m of a Major Arterial, Multi-Purpose Arterial Street or Urban Avenue);
- iii. has access to a Major Arterial, Multi-Purpose Arterial Street or Urban Avenue;
- iv. has a maximum floor area of 500 m²; and,
- v. does not contain a residential use.

Sensitive institutional land uses, including places of worship, that are proposed within employment areas are subject to all of the above criteria except i. A zoning by-law amendment and completion of a land use compatibility assessment are also required for sensitive institutional land uses in employment areas.

The proposed application does not satisfy the above criteria ii and iii. Although the proposed use has a floor area less than 500 m² and does not contain a residential use, the subject site is not located at the periphery of the employment area, and does not have access to a Major Arterial, Multi-Purpose Arterial Street or Urban Avenue.

The new Official Plan also prohibits major places of worship (buildings with worship area of greater than 500 m²) within the General Employment designation. Staff note that should the church wish to expand in the future, an amendment to the new Official Plan will be required. Staff's recommended zoning modification for a maximum permitted floor area of 500 m² for the place of worship aligns with this new policy direction.

The new Official Plan contains similar policies to the current Official Plan regarding contaminated sites; the proposed rezoning is in alignment with these policies.

Summary: The proposed rezoning does not align with the City's new Official Plan because it does not meet two of the new Official Plan's criteria for sensitive institutional uses within employment areas. Under the new Official Plan, the subject site is not considered to be in a location that best serves the community. However, staff recognize that Grow Bold is not yet in effect, and that the application was submitted prior to Council adoption of the new Official Plan; therefore staff are prepared to support the application subject to a cap on the floor area.

City of Burlington Zoning By-law 2020

The property is zoned "General Employment (GE1)" in the City's Zoning By-law 2020, as shown on Sketch No. 1. This zone permits a wide range of industrial uses, in addition to some recreational, automotive and office uses, and limited retail and service commercial uses.

Places of worship are permitted in the Zoning By-law 2020 in all zones except employment (including General Employment), mixed-use employment, uptown employment and mixed use transit station area zones, and are subject to the regulations outlined in Table 3 below.

The proposed site specific rezoning is to allow a place of worship in a General Employment zone. The proposed place of worship meets all other requirements for places of worship, except for the requirement that the lot abuts a Major Arterial, Multi-Purpose Arterial, Minor Arterial or Collector Road. As explained earlier in this report, the intent of the road requirement is to ensure that there is adequate capacity within the transportation system to accommodate traffic associated with the use.

Transportation staff are of the opinion that intent can be maintained based on the proposed size of the use, but are concerned that there will be inadequate capacity should the size of the church increase in the future or during special events. Therefore staff recommend that a limit be placed on the size of the place of worship so that the traffic and parking impact of future expansions can be reviewed by the City. This modification has been added to the draft zoning by-law attached as Appendix B to this report.

Table 3 – Zoning Regulations for Places of Worship

Regulations for Place of Worship		Proposed*	Meets regulation?
Lot width	30 m	80.26 m	Yes
Lot abuts a Major Arterial, Multi-Purpose Arterial, Minor Arterial, or Collector Road		Blair Road is not classified as a Major Arterial, Multi-Purpose Arterial, Minor Arterial, or Collector Road.	No
Minimum setback from any lot line or street lot line	15 m	Greater than 15 m	Yes
Separation distance	30 m from a railway right-of-way	260 m from CNR rail line	Yes
Parking	Not permitted within 3 m of residential property in a residential zone	Not applicable, not in a residential zone	Yes

* Note: Applicant was not required to submit a draft zoning by-law. Figures are based on submitted site and floor plans.

Off-Street Parking Standards

According to the submitted site plan, 175 parking spaces will be provided, which exceeds requirements. Off-street parking standards in the Zoning By-law 2020 are use-specific. Given the current uses in the building, 142 parking spaces are required. Table 4 below outlines the parking standards that currently apply to each of the current uses.

Table 4 – Off-Street Parking Standards for Multi-Industrial Building

Off-Street Parking Standards		Required*
Place of worship	6 spaces / 100 m ²	27
Office	3.5 spaces / 100 m ²	52
Industrial	1 space / 100 m ²	30
Retail/ Service Commercial	4 spaces / 100 m ²	17
Recreational	1 space / 6 persons	16
Total Required:		142

* Note: Calculated based on submitted floor plans.

Existing Parking Conditions

Staff however note that although the submitted site plan shows 175 spaces, it was observed during staff site visits that there are only 63 painted spaces, and the back half of the site (which the plan shows as containing 110 spaces) is unpainted. Some of the spaces shown on the plan are also currently occupied by storage containers.

The City's standard is that parking spaces be painted, unobstructed and appropriately sized. Accessible spaces are required to be in accordance with the 2016 City of Burlington Accessibility Design Standards. Staff note that if the existing parking lot is not upgraded to meet City standards (i.e. painted, properly dimensioned and unobstructed), the site will not be in compliance with the Zoning By-law for parking.

Staff have encouraged the applicant to bring the parking lot up to the City's specifications before the place of worship use commences.

Summary: The subject application will permit a place of worship in the General Employment zone, where such uses are currently prohibited. The proposed use will meet zoning regulations for places of worship except for the requirement that they abut a major road. Also, based on the submitted the site plan, there will be adequate parking on site for the proposed use and the existing uses. Staff support the rezoning, but have concerns about traffic and parking capacity in the future should the church expand. For this reason, and those described elsewhere in this report, staff recommend a maximum permitted floor area for the proposed use. Staff's recommended by-law is provided in Appendix B of this report.

Technical Review

On February 27, 2018, the Zoning By-law Amendment and supporting documents were circulated to internal departments and external agencies for review. Technical comments regarding soil contamination, traffic and parking have been discussed throughout this report. The following is a summary of the other technical comments that have been received.

Halton Region:

Halton Region staff advise that they do not have objections to the proposed rezoning, but note that a Regional Services Permit and alterations for a sanitary manhole are required for this property.

Stormwater Management, Servicing, Grading & Layout:

It is staff's understanding that no physical changes (i.e. no change to sewers, sidewalks, curbs, asphalt, etc.) to the site are required for the subject application, except for the installation of a sanitary manhole cover. As a result, staff have not required a Stormwater Management report or engineering drawings to be submitted. Staff

comment that if there are physical changes to the exterior of the site in the future, a minor modification site plan may be required.

Burlington Economic Development Corporation (BEDC):

The BEDC has advised that they do not support the introduction of non-employment/sensitive uses in an interior general employment area. BEDC seeks to protect employment generating activities in employment areas and recognizes that the employment nature of Blair Rd and Landmark Rd is primarily characterized by manufacturers including chemical producers.

Financial Matters:

In accordance with the Development Application Fee Schedule, all fees determined have been received.

Public Engagement Matters:

A public notice sign about the development proposal was posted on the property by the applicant on February 6, 2018. A public notice and request for comments were circulated on February 27, 2018 to surrounding property owners and tenants. All technical studies and required supporting materials for the development were posted on the City's website, at www.burlington.ca/1160Blair. Due to a low level of interest from the public about the application, a neighbourhood meeting was not held.

Public Comments

Staff have received 1 email from the public, attached as Appendix C to this report. The email, from the property manager of 3285-3295 Mainway, expressed concern about parking spilling over to neighbouring properties on days of worship and enquired about how the church will manage spillover parking. This comment has been shared with the applicant, and staff have encouraged the applicant to seek a shared parking agreement with neighbouring properties.

Conclusion:

Staff's analysis of the application for a Zoning By-law Amendment considered the applicable policy framework and the comments submitted by technical agencies and the public. Staff find that the application, if modified to include a maximum permitted floor area for the proposed place of worship, is consistent with the Provincial Policy

Statement and conforms to the Growth Plan for the Greater Golden Horseshoe and the Regional and City Official Plans. This report recommends that the subject rezoning application be approved with modifications, and that Zoning By-law 2020-XX attached as Appendix B to the Department of City Building and Planning Report PB-41-18 be adopted.

Respectfully submitted,

Rebecca Lau

Planner I

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Appendices:

- A. Sketches
- B. Proposed Zoning By-law
- C. Public Comments

Report Approval:

All reports are reviewed and/or approved by Department Director, Director of Finance and Director of Legal. Final approval is by the City Manager.