



SUBJECT: Approval of zoning by-law amendment to permit a place of worship at 4721 Palladium Way

TO: Planning and Development Committee

FROM: Department of City Building - Planning Building and Culture

Report Number: PB-72-18

Wards Affected: 6

File Numbers: 520-12/17

Date to Committee: September 17, 2018

Date to Council: September 24, 2018

Recommendation:

Approve the application submitted by Halton Islamic Association to amend the City of Burlington Zoning By-law to site specifically rezone the lands at 4721 Palladium Way, to permit the construction of a two storey place of worship on the basis that it is consistent with the Provincial Policy Statement, conforms to all applicable Provincial Plans, The Region of Halton Official Plan and the City of Burlington Official Plan, has regard for matters of Provincial interest and represents good planning for the reasons set out in Report PB-72-18; and

Approve the by-law to amend Zoning By-law 2020, rezoning the lands at 4721 Palladium Way from "BC1-319" to "H-BC1-492" substantially in accordance with the draft regulations contained in Appendix B of Report PB-72-18; and

Deem that the proposed by-law will conform to the Official Plan of the City of Burlington and that there are no applications to alter the Official Plan with respect to the subject lands; and

Approve the proposal by Halton Islamic Association to remove four (4) city-owned trees from the Palladium Way right-of-way in front of the property at 4721 Palladium Way, subject to the following:

- a. The Owner shall compensate the City of Burlington for the tree removal by providing compensation (replanting or cash-in-lieu, where opportunity for replanting is not available, in the amount of \$5,000); and

- b. All associated costs with respect to the removal of the trees will be the responsibility of the Owner and the contractor hired to remove the trees will be approved to the satisfaction of the Executive Director of Capital Works.

Purpose:

The purpose of this report is to recommend approval of an application to amend the Zoning By-law to permit a place of worship at 4721 Palladium Way.

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

A City that Grows

- Promoting Economic Growth
- Intensification
- Focused Population Growth

An Engaging City

- Community Building through Arts and Culture via Community Activities
-

Executive Summary:

RECOMMENDATIONS:	<i>Approval</i>	Ward No.:	6
Application Details	APPLICANT: <i>A.J. Clarke and Associates</i> OWNER: <i>Halton Islamic Association</i> FILE NUMBERS: <i>520-12/17</i> TYPE OF APPLICATION: <i>Zoning By-law Amendment</i> PROPOSED USE: <i>Place of Worship (mosque), office, and retail</i>		
Property Details	PROPERTY LOCATION: <i>North side of Palladium Way, west of Appleby Line</i> MUNICIPAL ADDRESSES: <i>4721 Palladium Way</i> PROPERTY AREA: <i>1.66 ha</i> EXISTING USE: <i>Vacant</i>		
Documents	OFFICIAL PLAN Existing: <i>Business Corridor</i> OFFICIAL PLAN Proposed: <i>Business Corridor (no change)</i> ZONING Existing: <i>BC1-319</i> ZONING Proposed: <i>H-BC1-492</i>		
Processing	NEIGHBOURHOOD MEETING: <i>January 8, 2018</i> PUBLIC COMMENTS: <i>Staff have received 60 emails and 2 letters</i>		

Background and Discussion:

Description of Application

On November 30, 2017, the Department of City Building acknowledged that a complete application had been received to amend the Zoning By-law to permit a place of worship within an employment area at 4721 Palladium Way. The applicant proposed to develop

a two-storey, 3,817 m² place of worship (mosque), comprising a prayer hall, gymnasium, classrooms, board rooms, banquet room, administrative offices, and library/computer lab. The applicant also proposed a second two-storey building with a floor area of 1,909 m² that would contain a mix of office, retail, and medical office uses. Office was intended to be the predominant use in Building B. The applicant proposed to provide 261 surface vehicle parking spaces and 16 bicycle parking spaces to accommodate both buildings.

To allow the proposed development to occur, the applicant has applied to amend the Zoning By-law by rezoning the subject property from BC1-319 to a new site-specific BC1-XXX zone that will permit the proposed uses.

Staff circulated the applications to the public and agencies/departments for comment on December 14, 2017 and held a neighbourhood meeting on January 8, 2018 at the Haber Community Centre. The neighbourhood meeting was attended by approximately 50 residents.

The statutory public meeting took place at the Planning and Building Committee meeting held on April 10, 2018. Staff information report PB-20-18 was presented at this meeting and included the public comments received by the planning department regarding the proposed development. Additional public comments received since that report are attached as Appendix C to this report. City Council received and filed report PB-20-18 on April 23, 2018.

Subsequent to the statutory meeting and in light of all public and technical comments received, the applicant revised the application to provide a higher parking rate for the prayer space and remove required parking from the setback requested by the MTO. This resulted in the applicant reducing the size of the proposed mosque building and removing the office component of the application until such a time as the setback is released by the MTO.

Site Description

The subject property is located on the north side of Palladium Way, west of Appleby Line, as shown in Appendix A. The property has an area of 1.66 hectares, with approximately 205 metres of frontage on Palladium Way, and a lot depth ranging from 64 metres in the west to 109 metres in the east. The site is currently vacant with the exception of two hydro transformers located along the Palladium Way frontage. The property is surrounded by the following:

- to the north: a City-owned creek block, beyond which is the Highway 407 right-of-way;
- to the east: vacant land designated for employment uses;

- to the south: Palladium Way, beyond which are Mikalda Road and low-density residential uses including semi-detached and detached houses; and
 - to the west: St. George's Anglican Church.

The property is partially regulated by Conservation Halton due to its adjacency to a creek block. The property is also regulated by the Ministry of Transportation due to its proximity to Highway 407.



Figure 1: Air photo (2017) with subject property outlined

Background Reports

The applicant submitted the following technical reports and plans in support of the applications. These plans and reports were circulated to technical staff and agencies for review and comment and posted on the City's website (www.burlington.ca/4721palladium) to facilitate public review.

- Site Plan, Floor Plans, and Elevations, prepared by Cynthia Zahoruk Architect Inc., and dated May 23, 2017;
 - Planning Justification Report, prepared by A.J. Clarke and Associates Ltd., and dated September 2017;
 - Storm Water Management and Functional Servicing Report, prepared by A.J. Clarke and Associates Ltd., and dated September 2017;
 - Transportation Impact Study & TDM Options Report, prepared by Paradigm Transportation Solutions Ltd., and dated September 2017;
 - Environmental Noise Assessment, prepared by Novus Environmental, and dated June 26, 2017;

- Environmental Site Screening Questionnaire, prepared by Halton Islamic Association, and dated October 4, 2017; and
- Phase 1 Environmental Site Assessment, prepared by S2S Environmental Inc., and dated February 13, 2015.

Updated Materials:

- Phase One Environmental Site Assessment, prepared by S2S Environmental Inc., dated July 23, 2018;
- Confirmatory Soil Quality Sampling and Analysis, prepared by S2S Environmental Inc., dated July 31, 2018;
- Site Plan, prepared by Cynthia Zahoruk Architect Inc., and dated May 22, 2018;
- Grading & Servicing Plans, prepared by A.J. Clarke and Associates Ltd., and dated June 21, 2018.

Policy Framework

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

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, key matters are highlighted below with further analysis discussed throughout the report.

Matter of Provincial Interest	Staff Analysis
The adequate provision and efficient use of communication, transportation, sewage and water services and waste management system.	The site can be adequately served by existing infrastructure and roadways.
The orderly development of safe and healthy communities.	The Planning Justification Report submitted in support of the application provides a sensitive land use analysis. The report states, with respect to existing industrial uses in close proximity to the subject lands, the lands are surrounded by a number of other sensitive land uses including an existing

	<p>Place of Worship immediately to the west of the subject lands and established residential areas to the south of Palladium Way. As such, Staff agree that existing and future industrial development is not likely to adversely impact the proposed place of worship and accessory uses.</p> <p>The updated Environmental Site Assessment indicates that the site is uncontaminated and suitable for the intended use.</p>
The adequate provision of a full range of housing, including affordable housing.	Not applicable to this application.
The adequate provision of employment opportunities.	The proposed exception adds Place of Worship as an additional permitted use on the site, as such Employment uses are still allowed on the subject lands. Additionally, the introduction of a sensitive use on the subject lands will not impact the viability of the remainder of the Employment area as Palladium Way is in close proximity to existing sensitive uses including residential and places of worship.
The protection of the financial and economic well-being of the Province and its municipalities.	The proposed development is located within an area well serviced by infrastructure and public service facilities and will not require significant public sector investment to support the development.
The appropriate location of growth and development.	The City's Official Plan allows Institutional uses, including places of worship within all land use designations provided that it is compatible with surrounding industrial facilities.
The promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians.	The proposed zoning bylaw maintains the front yard setback requirements of the existing zone and the requirement for a 6m landscaped buffer adjacent to Palladium Way. There are ample sidewalks and boulevard space on Palladium Way. These aspects ensure a high quality and safe pedestrian experience.

	<p>The applicant maintains the 4m naturalized buffer to the creek block to the rear of the site.</p> <p>The proposed development also includes elements that are supportive of active transportation, such as bicycle parking and end of trip amenities.</p>
<p>The promotion of built form that,</p> <p>Is well-designed</p> <p>Encourages a sense of place</p> <p>Provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.</p>	<p>As discussed above, the setbacks provided allow for a safe and attractive public realm. If approved, the detailed design of the building will be examined at the future site plan stage.</p>

Provincial Policy Statement (2014)

The Provincial Policy Statement (PPS) came into effect on April 30, 2014 and applies to decisions concerning planning matters made after this date. All planning decisions are required to be consistent with the PPS.

The PPS provides broad policy direction on matters of provincial interest related to land use planning and development to provide for healthy, liveable and safe communities.

The PPS directs growth to settlement areas and promotes densities and a mix of land uses which optimize use of land and resources; are appropriate for, and efficiently use, the infrastructure and public service facilities; minimize negative impacts to air quality and climate change and promote energy efficiency; support active transportation and are transit-supportive, where transit is planned, exists or may be developed (PPS, 1.1.3.2).

Planning authorities shall promote economic development and competitiveness by providing for an appropriate mix and range of employment and institutional uses to meet long-term needs (1.3.1). Planning authorities shall plan for, protect and preserve employment areas for current and future uses and ensure that the necessary infrastructure is provided to support current and projected needs.

The PPS states that appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety (1.1.3.4). Major facilities and sensitive land uses should be planned to ensure they are 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 (1.2.6.1).

Sites with contaminants in land or water shall 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 (3.2.2).

The PPS sets out that the Official Plan is the most important vehicle for implementation (PPS, 4.7). The Provincial Policy Statement recognizes the diversity of Ontario and that local context is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. It also recognizes that some planning objectives need to be considered in the context of the municipality as a whole (PPS, Part III). Further, as mentioned above, the PPS identifies Official plans as the vehicle to identify and protect provincial interests and set out appropriate land use designations and policies that direct development to suitable areas. The City's Official Plan provides this policy framework and includes evaluation criteria for assessing the introduction of certain sensitive institutional uses in Employment Areas.

Opinion:

Staff agree with the applicant's opinion in the submitted Planning Justification Report that the proposal is consistent with the PPS.

The proposed development contributes to providing an appropriate mix and supply of institutional uses (mosque) in order to meet the long term needs of the surrounding community. The PPS promotes a mix of institutional and employment uses and this is implemented in the City's Official Plan which encourages institutional uses to be located in all areas of the City. The Official Plan requires a zoning bylaw amendment for institutional uses in Employment Areas to ensure that land use compatibility conflicts are mitigated. As discussed below, there are no land use compatibility issues anticipated as a result of the development of a sensitive use on this site as the subject lands are located immediately adjacent to an existing place of worship and there are residential uses to the south of Palladium Way. The proposed zoning bylaw adds place of worship as an additional permitted use and does not preclude future development of other uses in the BC1 zone on the site.

The proposed development will be fully municipally serviced, and can be supported by existing municipal infrastructure, making it an efficient use of municipal services and infrastructure. The proposed development also includes elements that are supportive of active transportation, such as bicycle parking and end of trip amenities.

Growth Plan for the Greater Golden Horseshoe (2017)

The Growth Plan for the Greater Golden Horseshoe (Growth Plan) came into effect on July 1, 2017 and provides a growth management policy direction for the defined growth

plan area. The Growth Plan provides a framework for implementing the Province's vision for building stronger, prosperous complete communities by better managing growth. The guiding principles of the plan include supporting people's needs for daily living, prioritizing intensification and higher densities to ensure efficient use of land, infrastructure and support a range and mix of housing options that support transit viability. The policies support the achievement of complete communities that are compact, transit-supportive, make effective use of investments in infrastructure and public service facilities, improve social equity, and accommodate people at all stages of life. This includes providing a mix of housing, a good range of jobs and easy access to stores and services to meet daily needs of residents (GP, 2.1).

New development taking place in designated Greenfield areas will be planned, designated, zoned and designed in a manner that supports the achievement of complete communities; supports active transportation; and encourages the integration and sustained viability of transit services (G.P. 2.2.7.1). While the Growth Plan establishes the planning framework to 2041 the policies acknowledge that many of the elements of the Growth Plan are formally implemented through the municipal comprehensive review, which may only be undertaken by the upper-tier or single-tier municipality. One such identified element is the minimum density targets established for designated greenfield areas. The policies articulate that where an approved upper-tier official plan includes a minimum density target, that target will continue to apply across the same area until the next municipal comprehensive review (GP, 2.2.7.4). The Region through its Official Plan allocates designated greenfield density targets to each of the lower-tier municipalities. The City of Burlington's minimum greenfield density target is 45 residents and jobs per hectare. Through the next municipal comprehensive review the density target across the entire Region of Halton will not be less than 60 residents and jobs combined per hectare.

Municipalities will plan for all employment areas by prohibiting residential uses and limiting other sensitive uses (G.P. 2.2.5.7). Major office and appropriate major institutional development will be directed to urban growth centres, major transit station areas or other strategic growth areas with existing or planned frequent transit service.

Opinion:

The subject lands are identified being within the designated Greenfield Area. The City's Official Plan conforms to the Growth Plan policies by establishing its own policies which determine where employment lands can be located and limits institutional uses in employment areas. In accordance with these policies, institutional uses, such as the proposed place of worship, are permitted to be located within the area subject to criteria which will be discussed in the Official Plan analysis section of this report.

The application will contribute to providing a complete community, as the proposed place of worship use would be able to serve surrounding residents in addition to those

who work in the surrounding employment development. The application supports active transportation by allowing residents and employees in Alton to walk to Friday prayer, the proposal contains facilities to promote bicycle use, and is within 300 m of a transit route on Thomas Alton Blvd.

Based on the above, Staff agree with the applicant's opinion in the submitted Planning Justification Report that the application conforms with the Growth Plan.

Region of Halton Official Plan

The Region's Official Plan (2009) provides goals, objectives and policies to direct physical change in Halton. Portions of ROPA 38 are still before the Local Planning Appeal Tribunal. The Region advises that the subject applications have been reviewed against the applicable policies of the 2009 ROP that are in effect and relevant to this proposal. Decision makers must have regard to the policies that are not yet in effect and are provided for consideration.

Policy 74 of the ROP states that "*The Urban Area consists of areas so designated on Map 1 where urban services are or will be made available to accommodate existing and future urban development and amenities...*".

The lands are designated as Urban Area with an Employment Area overlay. Section 72 of the ROP speaks to the objectives of the Urban Area designation. The objective stated in policy 72(3) is "*to provide a range of identifiable, inter-connected and complete communities of various sizes, types and characters, which afford maximum choices for residence, work and leisure*"; and 72(10) is "*to provide for an appropriate range and balance of employment uses including industrial, office and retail and institutional uses to meet long-term needs*".

Pursuant to Policy 76, the range of permitted uses and the creation of new lots in the Urban Area will be in accordance with the Local Official Plan and Zoning By-laws. With respect to the Employment Area, policy 77.4(1) a) permits uses identified in a Local Official Plan on December 16, 2009. As Institutional uses are permitted in an Employment Designation in the Burlington Official Plan through a specified process, this policy test has been met.

Section 143 (12) of the ROP requires the assessment of sensitive land uses which are in close proximity to transportation facilities.

Opinion:

The Region has reviewed submitted documents and studies and notes that they are satisfied with the proposed use. The area is characterized by a mix of land uses including industrial, office, and residential. The applicant is proposing an institutional use. The use is considered to be appropriate with respect to its sensitivity, additionally the use will be

convenient for those who live and work in the area. The location and design of the Place of Worship use meet the Region's Land Use Compatibility Guidelines.

Regional staff confirm that the site can be serviced by water and wastewater infrastructure.

City of Burlington Official Plan

Burlington's Official Plan designates the subject property as Business Corridor, as shown on Schedule B, Comprehensive Land Use Plan – Urban Planning Area. The objectives of this designation are to provide locations in the City for prestige-type offices and industrial uses that require good access and high visibility along major transportation routes; to permit a wide range of employment uses including office, industrial, and related uses; and to establish high design and development standards for Business Corridor Lands (Part III, s 3.4.1).

The Business Corridor designation permits a range of uses including office; certain industrial uses; hotel, conference, and convention uses; limited retail uses such as convenience stores and limited service commercial and recreation uses such as restaurants, banks, and fitness centres; and a residence for a watchman or caretaker. Retail, service commercial, and recreation uses are only permitted where they are ancillary to and primarily serve the uses, businesses, and employees within the surrounding employment area (Part III, s 3.4.2). In addition to the foregoing, for Business Corridor lands located along Highway 407 in the Alton Community, outdoor storage is prohibited in a yard adjacent to Highway 407, and a higher intensity of development may be permitted in the vicinity of a highway interchange, subject to the recommendations of a travel demand management plan (Part III, s 3.4.3 f).

Institutional uses, which include places of worship, are addressed in Part II, Section 4 of the Official Plan. An objective of this section is to recognize and permit institutional land uses within the Plan, while considering the potential effects of these uses on adjacent lands. Institutional uses are permitted within all land use designations; however, within the Business Corridor designation and other Employment designations, places of worship 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 (Part II, s 4.3 d).

Part II, Section 6.0 of the Official Plan contains policies and objectives relating to Design. Part II, Section 6.1 a) of the Official Plan states that "*The tangible elements of the urban form, consisting of a combination of the built environment and open space that form the*

urban landscape, shall be designed in an efficient, attractive and compact manner to enhance the well-being of the residents of the community and to reflect the vision of this Plan".

Another objective is subsection 6.2 f), “to ensure consistency, compatibility and quality in the built environment while allowing for a diverse design expression”; and 6.2 g): “to integrate urban design into the full range of decision-making activities to assist in achieving the design objectives of this plan”. Subsection 6.5 a) notes that “the density, form, bulk, height, setbacks, spacing and materials of development are to be compatible with its surrounding area”.

Opinion:

As discussed above, Institutional uses are permitted on the site provided that compatibility with existing businesses is provided. The applicant has provided a sensitive land use assessment within the Planning Justification Report. The proposed development would consist of the introduction of a place of worship into an Employment Area, which has the potential to expose the use to adverse impacts such as vibration, noise, dust, odours, etc. Additionally, the addition of a sensitive use could have impacts on the viability of the employment area as Provincial guidelines require separation between industrial uses and sensitive uses including a place of worship.

The D-6 Guideline Assessment is a Ministry of Environment and Climate Change tool “...intended to be applied in the land use planning process to prevent or minimize future land use problems due to the encroachment of sensitive land uses and industrial land uses on one another.” The table below contains the Areas of Influence and associated Minimum Separation Distances, for each class of industrial operation.

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

The BC1 zoned property to the west of the site is an existing place of worship which is also identified as a sensitive use. South of the Palladium Way is existing residential development. These existing uses would limit any Class III industrial development from developing and would limit the types of Class II industries that could be introduced into the vicinity.

The existing Industrial land uses on the north side of Palladium Way are generally Class I or Class II industrial facilities, as they must be compatible with the existing residential development to the south of Palladium Way. Under the D-6 Guidelines, the Potential Area of Influence for Class I and Class II industrial facilities is 70 metres and 300 metres respectively.

The only potential for future land use compatibility issues would arise through the development of the vacant lands to the east of the proposed development. The lands are however, zoned "D" Development, which permits "uses permitted in all Zones". This zone effectively freezes development of lands by severely limiting the number of permitted uses, pending redevelopment of the lands through a rezoning.

Redevelopment of these lands will, need to be in conformity with the Business Corridor OP designation. These lands are also in close proximity to the residential uses to the south ($\pm 30\text{-}50$ metres). As such, any prestige industrial uses that are to locate on the parcels to the east of the subject lands, or on any portion of the employment lands north of Palladium Way will need to be compatible with the established residential uses.

Consequently, the range of industrial uses permitted on the neighboring parcels to the east is already constrained to uses that are compatible with the adjacent residential uses to the south. Additionally, the proposed development incorporates a 20 metre setback from the easterly lot line. This setback accounts for the separation distance requirement under the D-6 Guidelines should a Class I industrial facility locate on the lands to the east.

The proposed rezoning maintains the setback and landscape buffer requirements of the BC1-319 Zone which will ensure a high level of urban design can be achieved.

Based on the above, it is the opinion of staff that the application complies with the policies of the Official Plan, is compatible with surrounding development and provides the opportunity for a high level of design.

Council Adopted Official Plan: Grow Bold

The proposed new Official Plan (OP), adopted by Council in April 2018, has been developed to reflect the opportunities and challenges that face the City as it continues to evolve. The City's proposed new Official Plan communicates Council's vision and reaffirms the City's commitment to maintain a firm urban boundary. The proposed new Official Plan introduces a new Urban Structure and Growth Framework to further direct growth to the appropriate locations of the City. Until the new Official Plan is approved by

the Region, the policies in the new Official Plan are informative and not determinative. However, staff have reviewed Grow Bold as it will form the basis for policy moving forward.

Grow Bold identifies the subject property on the following schedules:

- *Employment Lands*, within the Region's employment overlay on Schedule B, Urban Structure
- *Employment Growth Area* on Schedule B-1, Growth Framework
- *Business Corridor* on Schedule C, Land Use – Urban Planning Area; and

Section 3 of the New Official Plan – Complete Communities, Subsection 3.2.2 c) states the following:

Notwithstanding Subsections 3.2.2 a) and b) and c) of this Plan, public service facilities and institutional uses should be discouraged from locating within the Employment Area as they often require locations that would better serve the broader community.

Institutional uses that are considered a sensitive land use which are proposed within an Employment Area, shall be located at the periphery of the Employment Area within 400 m of a Major Arterial, Multi-Purpose Arterial Street or an Urban Avenue; shall have accesss to at least one Major Arterial, Multi-Purpose Arterial, Urban Avenue, or Industrial Connector Street; and have a floor area of less than 500 m², and shall not contain a residential use. Additionally, a site-specific Zoning By-law amendment shall be required to the Zoning By-law subject to considerations such as noise, vibration, odour and dust, using Provincial Land Use Compatibility guidelines and the Region of Halton's Land Use Compatibility Guidelines, Air Quality Guidelines, the Land Use Compatibility policies of Grow Bold, and any other relevant considerations to ensure that the location and design of the use mitigates adverse effects.

However, Grow Bold includes site specific permissions allowing Places of Worship on 4209 Palladium Way; 4691 Palladium Way; and the subject site at 4721 Palladium Way.

Opinion

Although the site specific provision permitting places of worship on the subject lands is for a minor place of worship (less than 500 m²) it is the opinion of staff that additional floor area will not impact the function of the employment area and is compatible with existing and planned uses.

The application has been reviewed by City Staff and affected agencies, the proposed development can be adequately serviced by transportation, water and sewer infrastructure. As discussed above, there are no land use compatibility issues identified as a result of the addition of a place of worship on the subject lands. Additionally, the proposed use as a mosque complements the employment area as services are held on

Fridays during the day, the location would allow employees of the surrounding employment area to attend a service during their lunch hour and return to work.

Staff recognize that the Grow Bold is not yet in effect, and that the subject application was made prior to the adoption of the new OP. As such, staff are satisfied with the applicant's proposal of a place of worship use in excess of 500 square metres.

City of Burlington Zoning By-law 2020

Zoning By-law 2020 assigns a BC1-319 zone to the subject property. BC1 is a Business Corridor zone permitting a range of industrial, office, hospitality, automotive, retail, service commercial, and recreation uses. The following retail uses are permitted, subject to floor area maximums: convenience store, machinery & equipment, computer hardware & software, and office furniture & equipment. The total floor area of such retail uses shall not exceed 15% of the floor area of each building within which the retail use is located. There is no maximum building height (Zoning By-law 2020, Part 3, sections 2 & 4).

Exception 319 is a site-specific regulation applying to lands along Palladium Way throughout Alton Community. It modifies the BC1 zone by requiring the yard abutting a street to be no less than 6 m and no more than 9 m. This exception also permits a hydro transformer or switch station to be located within a landscape area or buffer (Zoning By-law 2020, Part 14).

The current zoning does not permit the proposed place of worship use; hence, the applicant has applied to amend the Zoning By-law by creating a new site-specific exception that permits places of worship (H-BC1-492). The proposed site specific exception increases the east side yard setback to a minimum of 20 m and eliminates residential uses associated with a place of worship to ensure compatibility with surrounding properties. The proposal increases parking beyond the existing Place of Worship rate within Zoning By-law 2020 (6 spaces/100m²) to reflect the surveyed data completed as a part of the Burlington City-Wide Parking Standards Review (2017). For the prayer space, a rate of 18 spaces/100m² will be provided while the remainder of the building will be calculated at the Community Institutional rate of 1 spaces/4 person capacity for the remainder of the building.

Technical Review

The Zoning By-law Amendment application and supporting documents were circulated to internal departments and external agencies for review. No objections have been received.

MTO:

An Environmental Assessment is currently being undertaken for the potential development of a transit way which may impact the subject lands. The MTO has requested a 14 metre setback from adjacent lands which could be taken for use by MTO in the future. As such, no essential development or required facilities are permitted within this 14 metre setback. This means that the property must be functional and in compliance with applicable zoning standards with or without required site features located within the 14 metre setback. The previous proposal shows a place of worship with a larger footprint and an office building on the site which included required parking within this setback. The applicant revised their proposal to show a building with a smaller footprint, increases the parking rate, and removes required parking from the MTO setback.

Transportation:

The City's Transportation Department has reviewed the Transportation Impact Study and agrees with the recommendations related to Traffic. Staff requested a revised parking rate for the place of worship which was accommodated by the applicant.

Financial Matters:

All applicable development application processing fees have been paid.

Public Engagement Matters:

The application was subject to the standard circulation requirements for a property in the urban area. A public notice and request for comments were circulated in December 2017 to all property owners and tenants within 120 m of the subject property. A notice sign was posted on the subject property in November 2017.

A webpage was created on the City of Burlington website, accessible at www.burlington.ca/4721palladium. This webpage provides information about the subject application including dates of public meetings, links to supporting studies, and contact information for the applicant's representative and the Department of City Building.

Neighbourhood Meeting

City staff held a neighbourhood meeting on January 8, 2018, at Haber Recreation Centre. Staff from the Department of City Building, Transportation Department, and City Manager's Office were present, as were Mayor Goldring and Ward 6 Councillor Lancaster. The applicant was also present along with their consultant team. The meeting was attended by approximately 50 members of the public. Comments raised were included in Staff Report PB-20-18.

Statutory Public Meeting

A Statutory Public Meeting was held on April 10, 2018. Eleven members of the public delegated at this meeting.

Public Comments

In response to the public circulation, staff received 59 emails and 2 letters from members of the public providing comments on the subject application. Of these, 28 were unique communications while the balance were duplicates. Emails and letters were received from residents of the Alton Community as well as residents from other parts of the City and individuals who work in Burlington. Comments received prior to the Statutory Public meeting are contained Staff Report PB-20-18.

After the Statutory Public meeting Staff received three written comments. Staff Note that some correspondence received has not been appended to this report due to the inclusion of discriminatory language.

The themes expressed in the public's written comments are similar to those raised in discussion at the neighbourhood meeting and largely reflect concerns about potential traffic and parking impacts of the proposed development, and associated concerns about pedestrian safety.

The comments received are summarized as follows. Staff's responses are included in italics below.

1. Support for the proposed development.
2. Parking
 - Concern about parking and traffic impacts from the proposed development on the surrounding streets and neighbourhoods, particularly during the peak prayer hours on Friday afternoons.
 - *In response to the agency and public feedback received the applicant has revised the application to remove the additional office building and increase the parking provided. Transportation has reviewed the revised materials and have no objections to the application.*
 - Concerns that the proposed office building will conflict with the parking needs of the proposed place of worship.
 - *The office building has been removed from the application.*
 - Concern that parking spaces would be used for snow storage in winter, putting additional strain on the parking supply.
 - *If approved, snow storage will be examined further at the site plan stage. However, there is ample area on the site in which to store snow.*

- Questions about parking demand mitigation measures that could be undertaken such as staggering prayer times and renting parking spaces from a neighbour's parking lot.
 - *The applicant's revised application accommodates sufficient parking on the site.*
- 3. Land Use Compatibility
 - Concern about the loss of employment lands to institutional uses on Palladium Way, including a court house and two previous places of worship in addition to the proposed development.
 - *As consistent with the City's existing Official Plan, Institutional uses are contemplated in all areas of the City. The proposed place of worship is compatible with existing and planned uses in the surrounding area.*
 - Concerns about the potential noise impact from the proposed place of worship.
 - *There were no noise emission concerns identified through the review of the application.*
- 4. Transportation
 - Question about whether additional transit service could be offered to serve the proposed development and mitigate traffic and parking impacts.
 - *There are no immediate plans to increase transit service along Palladium Way.*
 - Concern about safety of proposed driveway location given sightlines from curve of Palladium Way.
 - *Sight lines will need to be reconfirmed in the field at future stages of planning. The easterly access may require restriction to a right-in/right-out access until sight lines have been confirmed.*
 - Concerns about existing traffic conditions on Cline Street.
 - *As Cline is not a through street to Palladium Way, no impacts to Cline are anticipated as a result of development.*
 - Concerns about the environmental impact of additional traffic associated with development on the north side of Palladium.
 - *Staff do not believe that the environmental impacts of a place of worship exceed the potential impacts of a use under the existing BC1 zone on the site.*
 - Concerns about the lack of a crosswalk for pedestrian to cross Palladium Way from Alton to access the proposed place of worship.
 - *Staff support this opportunity. If approved, consideration for formalizing pedestrian crossings will be examined further at the future Site Plan stage.*

- Concerns about assumptions used in the Transportation Impact Study submitted by the applicant.
 - *The City's Transportation Department has reviewed the Transportation Impact Study and agrees with the recommendations related to Traffic. Staff requested a revised parking rate for the place of worship which was accommodated by the applicant.*
-

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 finds that the application conforms to the Provincial Policy Statement, Places to Grow Act and the Regional and City Official Plan. This report recommends that the subject rezoning application be approved and that Zoning By-law 2020-XXX attached as Appendix B, to Report PB-72-18 be adopted.

Respectfully submitted,

Lisa Stern RPP, MCIP

Senior Planner

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Appendices:

- A. Sketches
- B. Draft Zoning Bylaw
- 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.

Appendix A: Sketch

