

Committee of the Whole (2) Report

DATE: Tuesday, June 18, 2024

WARD: 4

**TITLE: MAON NOAM CONGREGATION OF CANADA
ZONING BY-LAW AMENDMENT FILE Z.21.049
SITE DEVELOPMENT FILE DA.21.060
910 RUTHERFORD ROAD
VICINITY OF BATHURST STREET AND RUTHERFORD ROAD**

FROM:

Haiqing Xu, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To seek refusal from the Committee of the Whole for Zoning By-law Amendment File Z.21.049 and Site Development Application File DA.21.060 (Maon Naom Congregation of Canada), to rezone the subject lands to permit a 3-storey, 1095.43 m² rear addition to the existing heritage building for a Place of Worship, including related community centre uses, accessory office uses, a daycare, and expanded parking area providing 47 parking spaces, as shown on Attachments 2 to 4.

Report Highlights

- The Owner proposes a 3-storey, 1095.43 m² rear addition to the existing heritage building at 910 Rutherford Road, to expand the worship area, include related community centre uses, accessory office uses, a daycare, and expand the parking area providing a total parking count of 47 spaces.
- The existing building is the “Carrville United Church” which is an 1857 structure listed on Vaughan’s Municipal Heritage Register.
- Staff seeks refusal from the Committee of the Whole for the Applications as the proposed parking is insufficient for the proposal.

Recommendations

1. THAT Zoning By-law Amendment File Z.21.049 (Maon Noam Congregation of Canada) BE REFUSED, to amend Zoning By-law 001-2021, to rezone the lands, from “I1-861 General Institution with an site-specific exception and “EP Environmental Protection Zone” to, “I1 General Institution Zone” in the manner shown on Attachment 2, together with the site-specific exceptions identified in Table 1 of this report, to permit a 3-storey, 1095.43 m² rear addition to the existing heritage building to expand the worship area, include related community centre uses, accessory office uses, accessory office uses, a daycare, and expand the parking area providing 47 parking spaces.
2. THAT Site Development File DA.21.060 (Maon Noam Congregation of Canada) BE REFUSED.

Background

Location: 910 Rutherford Road (the ‘Subject Lands’). The Subject Lands and the surrounding land uses are shown on Attachment 1.

The existing building on the Subject Lands has been a place of worship since 1857 and is listed on Vaughan’s Municipal Heritage Register as the “Carrville United Church”. The Maon Noam Congregation renovated the building in 2008 for its use as a synagogue. The heritage features of the building were maintained.

Zoning By-law Amendment and Site Development Applications have been submitted to permit the proposed development.

The Owner has submitted Zoning By-law Amendment and Site Development applications (the ‘Applications’) for the Subject Lands to permit the development of a 3-storey, 1095.43 m² addition to the rear of the existing building to expand the existing worship space, add accessory offices, multi-purpose rooms (community centre uses) in the basement, a daycare use and, to expand the parking area for a total of 47 spaces (the ‘Development’) as shown on Attachments 2 to 4.

Public Notice was provided in accordance with the Planning Act and Council’s Notification Protocol.

- Date of Notice (Circulated 150 m from Subject as shown on Attachment 1): April 8, 2022
- Location of Notice Sign: on Rutherford Road
- Date of Public Meeting: May 3, 2022, date ratified by Council May 17, 2022
- No public comments were received prior to the meeting and no deputations were presented

Previous Reports/Authority

Previous reports related to the applications can be found at the following links:

[May 3, 2022 Committee of the Whole Public Meeting \(Item 3, Report, 22\)](#)

Analysis and Options

The Proposed Development is consistent with the Provincial Policy Statement and conforms to the Growth Plan, YROP and VOP 2010.

Provincial Policy Statement, 2020 ('PPS')

The PPS provides direction on matters of Provincial interest related to land use planning and development and include building strong, healthy communities with an emphasis on efficient development and land use patterns, wise use and management of resources, and protecting public health and safety.

The Subject Lands are within a Settlement Area and the Delineated Built-Up Area of the Built Boundary of York Region.

The PPS requires the conservation of significant built heritage resources and cultural heritage landscapes. The Development will conserve the existing 1857 heritage building and enhance its current use. The existing Rutherford Road streetscape with the original 1857 Place of Worship building and the adjacent related cemetery will remain and be conserved.

Staff are satisfied that the Applications are consistent with the PPS.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended (the 'Growth Plan')

The Growth Plan provides a framework for implementing the Province's vision for building strong, prosperous communities within the Greater Golden Horseshoe to 2041. The premise of the Growth Plan is building compact, vibrant and complete communities, developing a strong competitive economy, protecting and wisely using natural resources, and optimizing the use of existing and new infrastructure to support growth in a compact and efficient form.

The Growth Plan includes framework for the recognition and conservation of cultural heritage resources and identifies the importance of built heritage and cultural landscapes to be conserved and to foster a sense of place and benefit communities.

The existing building is representative of a 19th Century Rural Primitive Methodist Church and was linked functionally and historically to the adjacent Primitive Methodist Cemetery in the local "Carrville" community. The "Carrville United Church Cemetery" is operational and, both resources continue to benefit the local community and add to its cultural heritage value on Rutherford Road.

In 1953, a church hall was added to the rear of the Carrville United Church. The Maon Noam Congregation Applications propose a large addition to the existing building where the church hall was located. The Applications recognize and conserve the Carrville United Church building as an important heritage resource and maintains the cultural heritage landscape along Rutherford Road in the Carrville community.

The Applications for the Development, as shown on Attachments 2 to 5, conforms to the Growth Plan.

York Region Official Plan 2010 ('YROP 2010')

The YROP 2022 replaces the YROP with respect to applications not deemed to be complete as of YROP 2022 date of approval (Transition Policy 7.4.13). As the Applications were deemed complete prior to the approval of YROP 2022, the YROP 2010 remains as the in-force Regional Official Plan against which conformity of the Applications is measured.

The YROP 2010 designates the Subject Lands as "Urban Area" which permits a wide range of residential, commercial, industrial, and institutional uses. The proposed use, which conforms to the YROP 2010 and additional uses on the Subject Lands which have direct access to the existing YTR transit route on Rutherford Road.

YROP 2010 promotes conservation of cultural heritage resources and promotes cultural heritage, its value and benefits to the community. The Development is limited to the rear of the existing building and therefore recognizes and conserves an important built heritage resource and cultural heritage landscape within the Carville community.

Vaughan Official Plan 2010 ('VOP 2010')

VOP 2010 sets out the municipality's general planning goals and policies that guide future land use. The Subject Lands are identified in VOP 2010 as follows:

- "Community Area" on Schedule 1 – "Urban Structure" of VOP 2010
- "Low-Rise Residential" on Schedule 13 – "Land Use" of VOP 2010

The Low-Rise Residential designation permits private and public low-rise institutional buildings up to 3-storeys in height. Places of worship and daycares provide for community health and wellbeing and improve the quality of life for residents. The VOP 2010 permits the proposed addition to the existing place of worship and expansion of the use to include a daycare use.

The Cultural Heritage Policies of the VOP 2010 recognize Vaughan's cultural history and development in the Carrville area from the late 18th century. The "Carrville United Church" building provides a link to past settlement of this area. The City supports the retention of this heritage resource. The existing 1857 building will be conserved in its existing setting adjacent to the related cemetery.

The Subject Lands are listed on the City's Heritage Register in accordance with the VOP 2010. The Register supports the appropriate conservation and maintenance of heritage resources. VOP 2010 Cultural Heritage Policies, requires a Cultural Heritage Impact Assessment ('CHIA') for the Applications. The CHIA submitted with the Applications provides an understanding of the heritage impacts of the proposed addition on the existing 1857 structure. The Applications support the continued use of this heritage resource, through rehabilitation, renovation, conservation and the reuse of the existing building to maintain the legacy of heritage resources that reflect the City's past.

VOP 2010 recognizes that built heritage resources will be in continual use through rehabilitation, renovation, conservation and reuse. VOP 2010 allows the City to require a letter of credit or other financial security satisfactory to the City from the Owner of a cultural heritage resource, to secure the protection of the resource during development and/or relocation, and/or the implementation of conservation measures for the cultural heritage resource approved by the City. The amount of the security will be determined by the Conservation Plan.

The proposed addition is 3-storeys. Elements of the proposed expansion (i.e. building massing, scale and materials) have been reviewed through the related site development application (DA.21.060) and demonstrate conformity with VOP 2010. The proposed addition will conform to the existing neighbourhood scale, character and will maintain the existing structure and the established setback to Rutherford Road.

The Development shown on Attachments 2 to 5 address the Cultural Heritage policies of VOP 2010. The Cultural Heritage Impact Assessment submitted in support of the Development indicates that the heritage protection policies of VOP 2010 are addressed and ensures that the proposed addition uses the best practices for the conservation of heritage features.

The Applications retain the original building's architectural features. The rear building addition will be setback substantially from the principal façade, so it is unobtrusive from the pedestrian realm on Rutherford Road. The addition is designed to fit harmoniously with the immediate context and streetscape on of Rutherford Road. Although the Development is not adjacent to other buildings, it is similar in height and massing to the place of worship and the daycare / office building on the south side of Rutherford Road.

On this basis, the Development conforms to VOP 2010.

Amendments to Zoning By-law 001-2021 are required to permit the Development.

Zoning:

- The subject lands are within three zone categories in Zoning By-law 001-2021 as shown on Attachment 1:
 - Part 1 = I1 "General Institutional Zone" (main building and proposed addition)
 - Part 2 = I1-861 "General Institutional Zone" (proposed westerly parking lot expansion area)
 - Part 3 = EP "Environmental Protection Zone" (small triangle north of Part 1)
- The I1-861 "General Institutional", and EP- "Environmental Protection Zones" do not permit the Institutional uses which exist on the I1 General Institutional Zone portion of the site. A rezoning to I1 "General Institutional Zone" is required to permit the proposed development.
- The Owner proposes to rezone the entire Subject Lands to the I1 "General Institutional Zone", together with the following site-specific zoning exceptions to permit the proposed development, shown in Table 1 in Attachment 7

Rezoning the entire Subject Lands to General Institutional Zone is supported by the Development Planning Department.

Table 1 in Attachment 7 includes several zoning exceptions requested by the Applicant to implement the Development shown on Attachments 2 to 5. The Development Planning Department supports the proposed rezoning of the entire Subject Lands to the I1 Institutional Zone, to apply one consistent zone and to recognize the existing and proposed uses. The site-specific development standards will enable a compact built form and pedestrian realm relationship that is supported in an area with access to transit.

The Development Planning Department cannot support the Zoning By-law Amendment Application Z.21.049 and recommends refusal of the Applications.

The Transportation Engineering ('TE') section of the Development Engineering ('DE') Department cannot support the proposed parking supply suggested for the building addition with a Gross Floor Area ('GFA') of 1095.43 m². The GFA for the expanded place of worship, with related community centre uses, accessory office uses, daycare use, each generate parking relative to their respective floor areas. The total required parking generated by these uses is 70 parking spaces whereas, a maximum of 47 parking spaces are proposed and there are no options to provide additional parking on the Subject Lands.

Staff met with the Owner/Agent to discuss the parking deficiency. Staff reviewed the parking justification reports, floor plans and site layout with the Owner/Agent and recommended revisions to reduce the parking generated by the Development. The submitted parking justification studies surveyed the existing site and it was determined applying the peak parking demand rate, a total of 44 spaces for the synagogue use alone are required. The mixed-use development shared parking reduction provisions outlined in Zoning By-law 001-2021 are not applicable as the various uses proposed are not permitted for shared parking.

Staff suggested options to achieve a GFA reduction which would generate a parking requirement of 47 parking spaces, to correspond with the 47 parking spaces proposed on the Site Plan. Staff advised the Owner/Agent that with the GFA reduction and the corresponding parking rates generating the 47 parking spaces, Staff could recommend support of the Applications. At this time, revised plans have not been provided to Staff and until such time as revised plans are submitted, Staff are unable to support the Development as proposed, therefore recommend refusal of the Applications.

Should the applications be revised the Development Planning Department could support the Development, subject to conditions.

The Development Planning Department recommended the Owner revise the Applications to reduce the GFA as noted above.

Site Design

The Site Plan (Attachment 2) shows the existing heritage building, with the proposed 3-storey rear addition and an expanded parking area with 47 parking spaces accessed from a revised driveway on Rutherford Road.

Landscape Plan

The Landscape Plan on Attachment 3, identifies tree protection fencing on the north property line to protect the existing mature vegetation, including three mature trees to be retained. Three trees in the centre of the site will be removed for the parking area expansion. Nine trees within the property and 7 trees within the Rutherford Road right-of-way (ROW) will remain. Additional shrubs are proposed in front of the existing building and the existing metal fence along Rutherford Road will remain. The play area at the rear of the addition is fenced for daycare use.

Existing and New Signage

The existing signage on the west elevation of the existing building will remain. New ground signs will identify the new driveway access. All new signage shall be to the satisfaction of the Urban Design Section and the sign drawings. Should staff have been satisfied with the Development, a condition to this effect would have been included in the Conditions of Site Plan Approval as identified in Attachment 6.

Building Elevations and Perspective Rendering

The proposed building addition elevations and perspective rendering are shown on Attachments 4 and 5. The architectural design and building materials for the addition differ from the original heritage building. The new main building entrance on the west elevation has an architectural feature that reflects the roof lines from the original "Carrville United Church" entrance on Rutherford Road. The main building elements for the addition are a warm tone limestone, off-white stucco type texture and curtain wall vision glass panels. The addition is intended to compliment the heritage building finished in red brick.

Archaeology

Based on previous assessments, the Development Planning Department, Urban Design and Cultural Heritage Division has advised there is no archaeological potential on the Subject Lands. Should staff have been satisfied with the Development, the Standard Archaeological Clauses would have been included in the Conditions of Site Plan Approval as identified in Attachment 6.

Cultural Heritage

The Subject Lands is listed on the City's Municipal Heritage Register under Section 27 of the *Ontario Heritage Act*. The existing building is not listed under Part IV of the *Ontario Heritage Act* and is not subject to review and approval by the Heritage Vaughan Committee. The Development is subject to heritage review through the related Site Development Application (File DA.21.060). The Cultural Heritage Division has no concerns regarding architectural design of the proposed addition shown on Attachment 4. A final Conservation Plan included a Letter of Credit shall be provided to the City prior

execution of the Site Plan Agreement. Should staff have been satisfied with the Development, a condition to this effect would have been included in the Conditions of Site Plan Approval as identified in Attachment 6.

Tree Protection Agreement

The Owner shall enter into a Tree Protection Agreement in accordance with City Council enacted Tree By-Law 052-2018 for the removals and tree protection. Should staff have supported the Development, a condition to this effect would have been included in the Conditions of Site Plan Approval as identified in Attachment 6.

Driveway Access and Garbage Storage Area

York Region requested the existing driveway entrance be removed and replaced a new 9 m wide access driveway at Rutherford Road to meet turning maneuver requirements. A new pedestrian walkway will connect the building to the multi-purpose walkway along Rutherford Road.

Garbage will be stored in an enclosed structure and collected at the rear of the site. Garbage collection shall occur outside of the hours of the daycare operation. Should staff have supported the Development, a condition to this effect would have been included in the Conditions of Site Plan Approval as identified in Attachment 6.

Access to the Carrville United Church Cemetery

An easement in favour of Vaughan in front of the existing heritage building provides access to the adjacent cemetery from Rutherford Road. No changes to that access and/or the City of Vaughan easement are proposed through these applications.

Development Planning Staff could support the Applications with the proposed exceptions as shown in Table 1, if the GFA of the proposed development was revised to accommodate the proposed parking rates including the Conditions of Site Plan Approval as identified in Attachment 6.

The Development achieves a Bronze Sustainability Threshold Score.

The Development achieves an overall Sustainability Performance Metrics (SPM) application score of 50 (bronze level). This score meets minimum threshold for requirements.

Financial Impact

There are no requirements for new funding associated with this report.

Operational Impact

The Policy Planning and Environmental Sustainability ('PPSP') Department supports the Development.

PPSP Environmental Sustainability Department has no concerns respecting these Applications as there are no natural heritage features on the Subject Lands. However, all applications regardless of their location are required to abide by the Endangered Species Act (2007) regulated by the Ministry of Natural Resources and Forestry

(MNRF). The Owner is required to complete an information request form and submit it to the MNRF for confirmation of any potential Species at Risk on the Subject Lands. Should staff have supported the Development, a condition to this effect would have been included in the Conditions of Site Plan Approval as identified in Attachment 6.

The DE Department supports the Development, subject to the conditions in this report.

The DE Department has provided the following comments:

Road Network

The driveway location and design shall be subject to final approval of York Region.

Municipal Servicing

The Development will utilize existing servicing connections and does not require sewage and water allocation.

Transportation

As identified above, the Transportation Engineering ('TE') section of the Development Engineering ('DE') Department cannot support the Development with the 1095.43m² addition and a total of 47 parking spaces. Since there are a few different uses, a reduction in GFA is difficult to suggest however, the Owner may choose to reduce the GFA of the synagogue for instance, by 190 m² including the other proposed uses which would generate the provided 47 parking spaces and could be supported.

Should Staff have supported the Development, the Owner would be required to address all comments of the Development Engineering Department. Additionally, the final reports for Servicing and Stormwater Management, the Traffic Brief and Parking Report, and the Site Plan drawing would need to be to the satisfaction of the Development Engineering Department. Conditions to this effect are included in the Site Plan Conditions as identified in Attachment 6.

Cash-in-Lieu of the dedication of parkland is not applicable.

The Development does not generate the requirement for Cash-in-Lieu of the dedication of parkland.

Other external agencies and various utilities have no objection to the Development.

The Real Estate Department, Enforcement Services, Infrastructure Planning and Corporate Asset Management, Emergency Planning, Parks Infrastructure Planning and Development, Policy Planning and Special Programs, Rogers, Canada Post, Alectra Utilities, Enbridge Gas and Toronto and Region Conservation Authority have no objections to the Development and are subject to the conditions included on Attachment 6.

Broader Regional Impacts/Considerations

York Region has no objection to the approval of the Applications. The Owner is required

to satisfy all York Region requirements identified as Conditions of Approval for Site Development Application DA.21.060 in Attachment 6.

The Toronto and Region Conservation Authority (TRCA) has no concerns.

The TRCA has confirmed the subject lands outside area of Ontario Regulation 166/06.

Conclusion

The Development Planning Department is satisfied the Applications are consistent with the PPS, conforms with the Growth Plan, YROP and VOP 2010, and is appropriate for the development of the Subject Lands. The Development is considered compatible with the existing and planned surrounding uses however, the GFA of the Development with the proposed uses, generates a parking requirement that far exceeds the proposed 47 spaces. The parking deficiency is not acceptable to the TE Department and the Owner has not amended the Application's to address the City's concerns with the proposal. Accordingly, the Development Planning Department cannot recommend approval of the Applications as proposed.

For more information, please contact Laura Janotta, Planner, at extension 8634.

Attachments

1. Context and Location Map
2. Site Plan and Proposed Zoning
3. Landscape Plan
4. Building Elevations
5. Building Renderings
6. Conditions of Site Plan Approval
7. Zoning By-law 001-2021

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