

1299 Don Mills Road - Zoning By-Law Amendment Application – Final Report

Date: August 28, 2019

To: North York Community Council

From: Director, Community Planning, North York District

Wards: Ward 16 - Don Valley East

Planning Application Number: 16 270499 NNY 34 OZ

SUMMARY

This application proposes to permit three new lots for three new detached dwellings and a retained lot for the existing George Gray heritage house. The new lots would be located at the southeast corner of Don Mills Road and Legato Court, and front onto Don Mills Road for one lot, and Legato Court for the two other lots on the property currently known as 1299 Don Mills Road. The address of 1299 Don Mills Road would be maintained for the existing heritage dwelling, and new addresses for the proposed lots are to be assigned.

The proposed development is consistent with the Provincial Policy Statement (2014) and conforms with the A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019).

This report reviews and recommends approval of the application to amend the Zoning By-law. The application provides for the preservation and restoration of an existing designated heritage structure, and provides the opportunity for new detached dwellings which are compatible with the surrounding neighbourhood. Furthermore, the proposal conforms with the Toronto Official Plan.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend former City of North York Zoning By-law 7625, for the lands at 1299 Don Mills Road substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 5 to this report.
2. City Council amend City of Toronto Zoning By-law 569-2013 for the lands at 1299 Don Mills Road substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 6 to this report.

3. City Council authorizes the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendments as may be required.

4. Before introducing the necessary Bills to City Council for enactment, outstanding engineering issues outlined in the memo dated July 29, 2019, from Engineering and Construction Services as they relate to the zoning by-law amendment are to be addressed to the satisfaction of the Executive Director and Chief Engineer, Engineering and Construction Services.

5. Before introducing the Bills for the Zoning By-law Amendments to City Council for enactment, the owner shall:

a) Enter into a Heritage Easement Agreement with the City for the property at 1299 Don Mills Road in accordance with the plans prepared by Makow Associates Architect Inc., dated June 20, 2019, and on file with the Senior Manager, Heritage Preservation Services; and the Heritage Impact Assessment (HIA), prepared by ERA Architects, dated June 21, 2019, and on file with the Senior Manager, Heritage Preservation Services and in accordance with the Conservation Plan required in Recommendation 5.b below, to the satisfaction of the Senior Manager, Heritage Preservation Services including registration of such agreement to the satisfaction of the City Solicitor; and,

b) Provide a detailed Conservation Plan, prepared by a qualified heritage consultant, that is consistent with the conservation strategy set out in the Heritage Impact Assessment for 1299 Don Mills Road prepared by ERA Architects, dated June 21, 2019, to the satisfaction of the Senior Manager, Heritage Preservation Services.

6. Before introducing the necessary Bills to City Council for enactment, require the applicant to enter into a Site Plan Agreement under Section 41(16) of the *Planning Act* and Section 114 of the *City of Toronto Act*.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

DECISION HISTORY

At its meeting on July 7, 2015, City Council stated its intention to designate the property at 1299 Don Mills Road (George Gray House) under Part IV, Section 29 of the Ontario Heritage Act, in accordance with the Statement of Significance: 1299 Don Mills Road (Reasons for Designation).

The George Gray House is a 1½ storey house form building which is in its original location. Records indicate that the farm house was in place prior to March 1894 when it

was first occupied by a member of one of the founding families of Don Mills. Its heritage attributes are:

- The scale, form and massing of the 1½-storey house form building with the L-shaped plan;
- The placement, setback and orientation of the building with the principal elevation facing west toward Don Mills Road;
- The materials, with the stone foundation, brick cladding, and brick and wood detailing;
- The cross-gable roof with the extended eaves, brick chimneys (which have been modified over time), and gables (west) where the wood detailing features sunburst designs;
- On the principal (west) elevation, the placement of the main entrance on the long wall near the intersection of the L-wing, the L-wing with the frontispiece, the round-arched window openings, and the window detailing that extends as string courses across the wall;
- On the side elevations (north and south) of the house, the symmetrical-arched window openings with the window detailing that are extended as string courses across the walls;
- The east wing, which displays red brick cladding, symmetrical-arched window openings and, on the rear (east wall), an oriel window; and
- The setting of the farm house with landscaped open space and trees adjoining Don Mills Road (west) and Legato Court (north).

The single-storey rear (east) additions (including garage portion) to the George Gray House are not included as heritage attributes.

City Council's decision can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.NY7.18>

A pre-application meeting was held on September 16, 2016. The current application was submitted on December 23, 2016, and deemed complete on March 9, 2017. A Preliminary Report on the application was adopted by North York Community Council on April 4, 2017 authorizing staff to conduct a community consultation meeting with an expanded notification area. The decision and Preliminary Report can be found at the following links:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.NY21.34>

<http://www.toronto.ca/legdocs/mmis/2017/ny/bgrd/backgroundfile-102027.pdf>

PROPOSAL

This application proposes to amend the Zoning By-law for the lands at 1299 Don Mills Road to permit three new lots for new detached dwelling units, and a reconfigured lot where the existing George Gray House would remain in its current location, with a new garage extension constructed at the rear (See Attachment 9: Site Plan, Attachment 10a: Don Mills Road and Legato Court Elevations - Part 1 - 1299 Don Mills Road, and Attachment 10b: East and South Elevations - Part 1 - 1299 Don Mills Road). The

application as originally submitted proposed relocating and introducing office uses to the existing George Gray House. The revised application proposes only residential uses on the site. The three new development lots would be located to the north and east of the reconfigured lot for the George Gray House. The reconfigured L-shaped lot for the George Gray House has frontage on Don Mills Road and Legato Court. The new lot identified as Part 2 is a corner lot, with frontage on Don Mills Road and Legato Court. The new lots identified as Part 3 and Part 4 have frontage on Legato Court. (See Attachment 10c: Street Elevations - Part 2 and Attachment 10d: Street Elevations - Part 3 & Part 4). The application has been amended from the original proposal, which proposed to relocate the George Gray House closer to Don Mills Road, and add three new lots.

The following chart summarizes some of the development standards for the proposed lots and dwellings. See Attachment 1 - Project Data Sheet for detailed statistics.

Project Statistics under By-law 569-2013

	Part 1 (heritage dwelling)	Part 2	Part 3	Part 4
Lot Frontage (metres)	23.77 (Don Mills Road)	14.43 (Don Mills Road)	13.69	13.72
Lot Area (square metres)	909.3	476.3	555.2	484.0
Front Yard Setback (metres)	17.65	4.49 to 6.37 (to Don Mills Road)	7.33	3.21 to 12
Rear Yard Setback (metres)	1.17	3.7	15.73	10.14
Side Yard Setback (metres)	1.92	1.16 to 2.37 (to Legato Court)	1.88	1.51
Side Yard Setback (metres)	8.25	1.46 to 4.91	1.66	1.98
Lot Coverage (percent)	28.2	35.0	30.0	33.0
Height (metres)	9.26	10.3	10.02	10.2

Site and Surrounding Area

The development site is located on the east side of Don Mills Road, south of Legato Court, in the Chipping Neighbourhood of Don Mills (See Attachment 2: Location Map). The property has approximately 44 metres of frontage on Don Mills Road and 61 metres of frontage on Legato Court, and a lot area of 2,425 square metres. The southern portion of the site is subject to an easement for the Bell Telephone Company and Toronto Hydro. The property is relatively flat, sloping slightly towards Legato Court and has a number of mature trees.

The site is currently occupied by the George Gray House, which was designated as heritage by City Council on July 7, 2015. The property at 1299 Don Mills Road has design, associative and contextual values as a well-crafted surviving example of a late 19th century farm house that is historically linked to the pioneering Gray family and was later acquired by mining magnate David Dunlap of neighbouring Donalds Farm before it

was preserved in the development of the planned community of Don Mills where it remains a local landmark.

Abutting uses include:

North: Legato Court. On the north side of Legato Court are single detached dwellings, comprised primarily of bungalows and split-level dwellings on large, heavily treed lots.

South: Single detached dwellings, comprised primarily of bungalows and split-level dwellings on large, heavily treed lots fronting onto Farmcote Road.

East: Single detached dwellings, comprised primarily of bungalows and split-level dwellings on large, heavily treed lots. Further east is the Don River and the Donalda Golf Club.

West: On the west side of Don Mills Road, employment lands occupied by low-rise office and retail uses. Further west is the CN railway line.

Reasons for Application

An amendment to both former City of North York Zoning By-law No. 7625 and City of Toronto By-law No. 569-2013 are required to permit the lot frontages and lot areas of the proposed lots. A Zoning By-law amendment is also required to permit the proposed development standards including: heights, setbacks, and lot coverage of the proposed single detached dwellings and for the existing Heritage Designated structure on the reconfigured lot.

APPLICATION BACKGROUND

Application Submission Requirements

The following reports/studies were submitted in support of the application:

- Draft Zoning By-laws
- Energy Efficiency Design Summary
- Functional Servicing and Stormwater Management Report
- Geotechnical Investigation Report
- Heritage Impact Assessment
- Planning and Urban Design Rationale
- Parking Justification & Loading Study
- Public Consultation Plan
- Toronto Green Standard Checklist
- Arborist Report
- Tree Preservation Plan
- Hydrological Report

The reports and studies submitted by the applicant are available on the Application Information Centre (AIC) <https://www.toronto.ca/city-government/planning-development/application-information-centre/>.

Agency Circulation Outcomes

The application together with the applicable reports noted above, have been circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate Zoning By-law standards for the entire proposal and for conditions of Site Plan Control approval for the proposed lot containing the existing Heritage Designated structure.

Statutory Public Meeting Comments

In making their decision with regard to this application, Council members have been given an opportunity to view the oral submissions made at the statutory public meeting held by the North York Community Council for this application, as these submissions are broadcast live over the internet and recorded for review.

POLICY CONSIDERATIONS

Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

The Provincial Policy Statement (2014)

The Provincial Policy Statement (2014) (the "PPS") provides policy direction province-wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- Residential development promoting a mix of housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit; and
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character, including built heritage resources.

The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the [Planning Act](#) and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.7 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

Provincial Plans

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and conform with Provincial Plans.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) (the "Growth Plan (2019)") came into effect on May 16, 2019. This new plan replaces the previous Growth Plan for the Greater Golden Horseshoe, 2017. The Growth Plan (2019) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part. The Growth Plan, 2019 establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the Planning Act that comprehensively applies the policies and schedules of the Growth Plan (2019), including the establishment of minimum density targets for and the delineation of strategic growth areas, the conversion of provincially significant employment zones, and others.

Policies not expressly linked to a MCR can be applied as part of the review process for development applications, in advance of the next MCR. These policies include:

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and a vibrant public realm;

- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space, and better connected transit to where people live and work;
- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

The Growth Plan (2019) builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan (2019) take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

In accordance with Section 3 of the Planning Act all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan. Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan.

Policy 5.1 of the Growth Plan states that where a municipality must decide on a planning matter before its official plan has been amended to conform with this Plan, or before other applicable planning instruments have been updated accordingly, it must still consider the impact of its decision as it relates to the policies of the Growth Plan which require comprehensive municipal implementation

Staff have reviewed the proposed development for consistency with the PPS and for conformity with the Growth Plan (2019). The outcome of staff analysis and review are summarized in the Comments section of the Report.

Toronto Official Plan

This application has been reviewed against the policies of the City of Toronto Official Plan and Central Don Mills Secondary Plan. The City of Toronto Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

Chapter 2 - Shaping the City

The Healthy Neighbourhoods policies in Section 2.3.1 of the Official Plan state that *Neighbourhoods* are low rise and low density residential areas that are considered to be physically stable. Development in *Neighbourhoods* will be consistent with this objective and will respect and reinforce the existing physical character of buildings, streetscapes and open space patterns in these areas.

Chapter 3 - Building a Successful City

The Built Form policies in section 3.1.2 of the Official Plan relate to ensuring that new development in the City can fit harmoniously within the existing and/or planned context of the neighbourhood. This includes locating and organizing new development to frame and support adjacent streets, parks and open spaces; locating and organizing vehicle parking, vehicular access, service areas and utilities to minimize their impact on the property and surrounding properties; massing new development and its exterior façade to fit into the existing and/or planned context; massing new development to define the edges of streets, parks and open spaces at good proportion; and providing for amenity for adjacent streets and open spaces.

Section 3.1.5 of the Official Plan outlines the policies that ensure the conservation of Toronto's significant heritage properties, views, natural heritage system, and landscapes. These policies provide direction with respect to raising heritage awareness, providing incentives for the conservation and maintenance of designated heritage properties, requirements for Heritage Impact Assessments, provisions for development on properties on the Heritage Register, Archaeological Resources, Cultural Heritage Landscapes, and Views of Heritage Properties.

Chapter 4 - Land Use Designations

The subject site is designated *Neighbourhoods* in the City of Toronto Official Plan. *Neighbourhoods* are made up of a full range of residential uses within lower scale buildings, including detached houses, semi-detached houses, duplexes, triplexes and townhouses as well as interspersed walk-up apartment buildings that are four-storeys or less. Parks, schools, local institutional uses and small-scale stores and shops serving the needs of area residents are also provided for in *Neighbourhoods*. (See Attachment 3a: Official Plan Land Use Plan)

Policy 4.1.9 provides direction for assessing infill development in established neighbourhoods where the property varies from the local pattern in terms of lot size, configuration and/or orientation. The policy requires such an infill development to:

- a) have heights, massing and scale that are respectful of those permitted by zoning for nearby residential properties, while taking into account the existing form of development on the infill property;
- b) have setbacks from adjacent residential properties and public streets that are proportionate to those permitted by zoning for adjacent residential properties, while taking into account the existing form of development on the infill property;
- c) provide adequate privacy, sunlight and sky views for occupants of new and existing buildings by ensuring adequate distance and separation between building walls and using landscaping, planting and fencing to enhance privacy where needed;

- d) front onto existing or newly created public streets wherever possible, with no gates limiting public access;
- e) provide safe, accessible pedestrian walkways from public streets; and
- f) locate, screen and wherever possible enclose service areas and garbage storage and parking, including access to any underground parking, so as to minimize the impact on existing and new streets and on residences.

Central Don Mills Secondary Plan

The subject property is located within the Central Don Mills Secondary Plan as set out in Chapter 6, Section 24 of the Official Plan. The objectives of the Secondary Plan are to “manage change in the community in a manner that retains and enhances the existing character of the area”.

Section 3 of the Secondary Plan references Chapters 1 to 5 of the Official Plan with respect to policies that govern residential development in the City. Additional policies that apply to Neighbourhoods in Central Don Mills include: protecting and conserving neighbourhoods; providing a range of housing forms and tenure while maintaining the existing pattern of density; and encouraging and replacing rental units in appropriate locations. (See Attachment 3b: Central Don Mills Secondary Plan Land Use Plan)

The Central Don Mills Secondary Plan is available on the City’s website at:
<https://www1.toronto.ca/planning/24-central-donmills.pdf>

The outcome of staff analysis and review of relevant Official Plan policies and designations; and Secondary plans are summarized in the Comments section of the Report.

Zoning

The subject lands are zoned RD (f15.0; a550) (x5) under City of Toronto Zoning By-law No. 569-2013 (See Attachment 4a: Zoning By-law 569-2013 Map). In terms of residential permissions, this zone permits residential development in the form of single-detached dwellings, limited home occupations, and a range of recreational and institutional uses. Lots in this zone are required to have a minimum lot frontage of 15 metres and a minimum lot area of 550 square metres. Detached dwellings are required to have a minimum front yard setback of 6 metres; minimum side yard setbacks of 1.8 metres on either side; and a minimum rear yard setback of 9.5 metres. A maximum lot coverage of 25% and a maximum length of 16.8 metres is permitted. Flat roof dwellings are permitted to a maximum height of 7.2 metres and two storeys. Sloped roof dwellings are permitted to a maximum height of 10 metres (measured to the top of the roof) and two storeys.

The subject property is also zoned R4 (One-Family Detached Dwelling Fourth Density Zone) under former City of North York Zoning By-law No. 7625 (See Attachment 4b: Zoning By-law 7625 Map). The R4 zone permits residential development in the form of detached dwellings, limited home occupations, and a range of recreational and

institutional uses. Lots in this zone are required to have a minimum lot frontage of 15 metres and a minimum lot area of 550 square metres. Detached dwellings are required to have a minimum front yard setback of 7.5 metres, which may be increased or decreased by up to 1 metre as-of-right; minimum side yard setbacks of 1.8 metres to either side; and a minimum rear yard setback of 9.5 metres. A maximum lot coverage of 25% and a maximum length of 16.8 metres is permitted. Flat roof dwellings are permitted to a maximum height of 8 metres (measured to the top of the roof) and two storeys. Sloped roof dwellings are permitted to a maximum height of 8.8 metres (measured to the midpoint of the roof) and two storeys.

Site Plan Control

An application for site plan control is required for the Heritage Building only and has been submitted and is being reviewed concurrently with the Zoning By-law Amendment application (19 103552 NNY 16 SA).

Community Consultation

A Community Consultation Meeting was held on May 30, 2017 at the North York Christian Community Church. Approximately 13 members of the public were in attendance along with the Ward Councillor, City Staff and representatives of the applicant. At the meeting concerns were raised regarding the proposed office uses in the relocated heritage dwelling, the size of the proposed lots, the proposed oversupply of vehicle parking (particularly in relation to the home occupation proposed in the original application), and the preservation and restoration of the existing heritage dwelling.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal has been reviewed and evaluated against the PPS and the Growth Plan (2019). The proposal has also been reviewed and evaluated against Policy 5.1 of the Growth Plan as described in the Policy Considerations section of the Report. Staff have determined that the proposal is consistent with the PPS and conforms with the Growth Plan as follows:

Policy 1.1.1 of the PPS specifies that Healthy, livable and safe communities are sustained by promoting efficient development and land use patterns, accommodating a range and mix of residential, and promoting cost-effective development patterns and standards to minimize land consumption and servicing costs.

Policy 1.1.3.2 of the PPS specifies that land use patterns in the development areas shall be based on densities and a mix of land uses which efficiently use land and resources, and is transit-supportive, where transit is planned, exists or may be developed.

Policy 2.6.1 of the PPS states that Significant built heritage resources and significant cultural heritage landscapes shall be conserved. Policy 2.6.3 states that Planning

authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.

Policy 4.7 of the PPS refers to the Official Plan as the most important vehicle for implementing the PPS and as such the development standards in the Toronto Official Plan have particular relevance. The Toronto Official Plan section of this Report evaluates the appropriateness of the subject site for intensification.

The proposed development provides modest intensification by adding three additional lots for detached housing adjacent to a major street well served by public transit and possible future higher-order transit. It supports Provincial policy objectives to create healthy and liveable communities, focuses growth in existing settlement areas and supports efficient land use and land consumption related to residential development, and efficient use of existing infrastructure. The application conserves the heritage attributes of the existing designated heritage house on the property. The proposed development is consistent with the PPS.

The Growth Plan (2019) provides a framework for managing growth in the Greater Golden Horseshoe. Section 2.2.1.2 of the Growth Plan (2019) directs growth to occur within settlement areas that have a delineated built boundary, have existing or planned municipal infrastructure including water and waste water systems, and that can support the achievement of complete communities.

Section 2.2.1.4 of the Growth Plan (2019) provides further direction on the achievement of complete communities. It articulates a set of objectives including a diverse mix of land uses, and range and mix of housing options to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes. Convenient access to a range of transportation options, public service facilities, and open spaces and recreational facilities. Furthermore, this section directs that complete communities ensure the development of a more compact built form and a vibrant public realm. The proposed development conforms with the Growth Plan (2019) as the site has convenient access to a transit stop immediately adjacent to the site, has available municipal infrastructure and is well serviced by public service facilities.

Heritage Impact & Conservation Strategy

The George Gray House is a 1½ storey house form building which is in its original location. Records indicate that the farm house was in place prior to March 1894 when it was first occupied by a member of one of the founding families of Don Mills.

At its meeting on July 7, 2015, City Council stated its intention to designate the property at 1299 Don Mills Road (George Gray House) under Part IV, Section 29 of the Ontario Heritage Act and the property was designated by By-law 720-2017 on July 7, 2017.

The applicant has submitted a Heritage Impact Assessment which proposes the heritage building be retained for residential use with a new extension comprising an internal garage on the northeast corner of the existing building. An existing extension at

the rear of the dwelling which is not part of the designation is to be demolished as part of the application.

At its meeting of August 26, 2019, the Toronto Preservation Board approved a staff report recommending approval of the alterations to the designated property and authority to enter into a Heritage Easement Agreement for the property at 1299 Don Mills Road, with conditions.

This staff report will also be considered by the North York Community Council at its meeting of September 16, 2019. A link to the item and the report can be accessed at the following links:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.PB8.5>

<http://www.toronto.ca/legdocs/mmis/2019/pb/bgrd/backgroundfile-136513.pdf>

The application complies with the Heritage Conservation policies of Section 3.1.5 of the Official Plan.

Neighbourhood Character

This application has been reviewed against the official plan policies and secondary plan policies described in the Policy Considerations Section of the Report as well as the policies of the Toronto Official Plan as a whole. The application proposes all residential uses on the lands which comply with the uses permitted in the Official Plan. Given the existing and planned context for the subject property, and the proposed preservation of the existing heritage building on a reconfigured lot, the proposed residential lots and detached dwelling units are appropriate for the site.

Lot Sizes and Coverage

The application proposes infill development on a over-sized lot which varies from the established lot pattern within the surrounding neighbourhood. The application respects the infill provisions of Policy 4.1.9 with respect to the heights, massing, scale and setbacks of the proposed dwellings in relation to the adjacent lots.

The existing lot sizes on Legato Court range between 558 square metres and 1,202 square metres. The existing lot at 1299 Don Mills Road is 2,429 square metres in size. The proposed lot sizes of Parts 1 and 3 comply with the minimum lot requirement in the Zoning By-law. The proposed lot sizes of 476 square metres for Part 2 and 484 square metres for Part 4 are smaller than the minimum lot area of 550 square metres permitted in the Zoning By-law. These smaller lot sizes are appropriate given the context of the site at the intersection of Legato Court and Don Mills Road as well as the incorporation and retention of the heritage building into the proposal. The creation of these lots does not result in a precedent that can be repeated within the larger neighbourhood. The property at 1299 Don Mills Road is the largest lot in the surrounding neighbourhood, and the only lot with large frontages onto two public streets.

The proposed dwellings on the three new lots have lot coverages of 30 percent, 33 percent and 35 percent. Existing lot coverages on Legato Court are between 12 percent and 19 percent given their large lot sizes. Although the proposed lots differ from the

existing coverages on Legato Court, they are in keeping with coverage variances granted by the Committee of Adjustment in the surrounding neighbourhood for individual lots being redeveloped. The proposed lot coverages are appropriate given the configuration of the lots being created and the preservation of the heritage house.

The reconfigured lot for the heritage house and the new lot identified as Part 2 will take their frontage from Don Mills Road as both lots also have street lot lines adjacent to Legato Court. These lots will have frontages of 23.77 metres for Part 1 and 14.43 metres for Part 2. The proposed new lots identified as Part 3 and Part 4 will front onto Legato Court. The existing lots on Legato Court have frontages ranging from 11 metres to 23 metres at the lot line, and approximately 15 metres to 23 metres as measured at the minimum front yard setback. The proposed lots on Part 3 and Part 4 have lot widths of 13.72 metres and 13.7 metres respectively at both the lot line and when measured at the front yard setback. The proposed lots are appropriate as the larger lot widths at the front yard setback on Legato Court are the result of pie-shaped lots located on the cul-de-sac portion of Legato Court, which have narrow street frontages but get wider as the lots move back as a result. The proposed lots at Part 3 and 4 are rectangular in shape and do not get wider at the rear unlike the adjacent lots on Legato Court which front onto the cul-de-sac.

Setbacks

Through the review of the application the applicant has reduced the proposed size of the new dwellings, to provide a better transition between the existing and proposed houses, and to ensure adequate distance and separation between building walls.

The proposed setbacks of the existing George Gray House to Don Mills Road, Legato Road and the south property line do not change. The proposed garage extension to the house results in a reduced setback to Legato Court, however this setback complies with the By-law. The proposed configuration of the new lot lines results in a rear yard of 1.1 metres being provided for the heritage house to the new lot on Part 3. However, this rear yard functions as a side yard. The rear yard functions for the heritage house will be accommodated in the generous south side yard, and would be partially screened from the rear yard of the proposed dwelling on Part 3 by the existing heritage house. Given the desire to maintain the heritage designated structure in its existing location and maintain the house's relationship to Don Mills Road, the proposed setbacks are appropriate as they allow this goal to be achieved.

The proposed Setbacks for Part 2 are measured using the Don Mills Road lot line as the front lot line. This results in a setback of between 4.49 metres and 6.37 metres for the front yard to Don Mills Road. The side yard setback adjacent to Legato Court ranges between 1.16 metres and 2.37 metres. A minimum side yard setback to the south and the heritage house of 1.46 metres is provided, however a wider setback of 4.91 metres or more is provided for most of the side yard. A rear yard setback of 3.7 metres is provided, which functions more as a side yard in relation to the driveway for the reconfigured lot for the heritage house. The proposed setbacks are appropriate to provide sufficient setbacks from the street, particularly along Legato Court given the generous boulevard in the public realm.

Through the review of the application, the side yard setbacks on Parts 3 and 4 have been increased to provide greater separation between the proposed buildings. The front yard setbacks have been reduced slightly from those originally proposed, however the reconfiguration of the lots still provides front yard setbacks which provide for a transition between the front yard setbacks proposed for the new houses and the front yard setbacks of existing houses along Legato Court. The proposed front yard setbacks are appropriate as they minimize overlook and provide a building line which reflects the curve of the cul-de-sac on Legato Court.

Height

The application proposes to permit a minor increase in building height for the three new dwellings. Zoning By-law 569-2013 contains the more permissive height limit of 10 metres for the site. The applicant is proposing a height limit of 10.5 metres for the three new lots. The height of the existing heritage George Gray House of 9.26 metres (Part 1) is not proposed to change. The proposed heights of the three new dwellings are 10.3 metres (Part 2), 10.02 metres (Part 3) and 10.2 metres (Part 4). These heights in the context of the site and surrounding area are appropriate for the proposed new dwellings.

Traffic Impact, Access, Parking

The proposed driveway accesses for the three new lots and the existing heritage dwelling are proposed to be located on Legato Court. The locations proposed by the applicant are acceptable.

The detached dwellings are all required to provide one parking space. The plans show a parking space being provided for each dwelling within an attached integral garage. Additional parking for each dwelling and visitors is available on the private driveway located fully within the private property. The application as originally submitted proposed two car garages with two parking spaces in the driveway for each of the four lots. Through the review of the application, the garages have been reduced to single car garage for each dwelling with an additional parking space located in the driveway.

Road Widening

A six metre radius corner rounding required at the intersection of Don Mills Road and Legato Court is proposed to be provided by the applicant through the consent process to create the new lots.

Staff have identified that a future widening along the Don Mills Road frontage of the site may be required upon completion of the current review of the Transportation Policies of the Official Plan. The planned right-of-way width for Don Mills is proposed to be increased from 30 metres to 36 metres through this review. The applicant has sited the proposed new dwelling on Part 2 with a setback of 4.49 metres from the corner rounding and 6.37 metres from the current property line from Don Mills Road to ensure that no building or servicing elements are provided within the potential future right-of-way lands which would preclude a future road widening.

Streetscape and Public Realm

The site is immediately adjacent to an existing TTC bus stop at the corner of Don Mills Road and Legato Court. The proposal includes the provision of an improved TTC bus stop with a 16.5 metre long bus stop passenger waiting pad, and replacement of the existing sidewalk along the Don Mills Road frontage with a 2.1 metre wide sidewalk. Also proposed along Don Mills Road is a new transparent picket fence and landscaping to open up the view to the existing heritage structure which is currently obscured by a tall board fence and landscaping. This will enhance the streetscape along Don Mills Road.

Servicing

The applicant has submitted a Functional Servicing and Stormwater Management (FSSM) Report reviewing the proposed servicing arrangements for the property. The proposed servicing is acceptable and does not require any off-site infrastructure improvements. The July 29, 2019 memorandum from Engineering and Construction Services identified outstanding certification letters regarding groundwater discharge during construction and post construction which have not been provided to Toronto Water, and some minor inconsistencies in the text of the FSSM report and the stormwater management facilities indicated on the plans. Provision of the required letters and corrections to the plans and reports should be made prior to the enactment of the Bills by City Council.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's systems of parks and open spaces are maintained, enhanced and expanded. Map 8B of the City of Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 1.57 to 2.99 hectares of local parkland per 1,000 people. The site is in the second highest quintile of current provision of parkland. The site is in a parkland priority area, as per Chapter 415, Article III, of the Toronto Municipal Code.

In accordance with Chapter 415, Article III of the Toronto Municipal Code, the applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. The three (3) new detached residential homes on the three new lots are subject to a 5% parkland dedication, applied to the area of the new lots (net of the public road corner rounding conveyance).

The existing heritage home, and the proposed addition to it are exempt from a parkland dedication requirement under Chapter 415, Article III, Section 415-30 A. (3) (Enlargement of an existing dwelling unit on an existing lot, including a detached garage) of the Toronto Municipal Code.

The value of the cash-in-lieu of parkland dedication will be appraised through Real Estate Services. The appraisal will be conducted upon the submission of an application for the first above ground building permit and is valid for six months. Payment will be required prior to the issuance of said permit.

Tree Preservation

The application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813 Articles II (Street Trees by-law) and III (Private Tree by-law).

The applicant has submitted an arborist report and tree removals plan indicating that the proposed development will require the removal of three city owned street trees, and seven privately owned trees which are required to be replaced at a 3:1 ratio. The revised plans have resulted in a reduction in the number of city owned street trees being removed from four to three trees.

The applicant is to submit a tree planting deposit to ensure the planting and survival of three new City trees. In addition, Forestry requires the planting of twenty-one new trees to replace the seven private trees proposed for removal. The replacement plantings for street trees and private trees, or cash-in-lieu for the private trees will be secured as a condition of a future Consent approval to create the new lots. Replacement plantings on the lot containing the heritage dwelling will be secured through the Site Plan Control application for that lot.

Toronto Green Standard

Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives. Tier 1 performance measures are secured in Zoning By-laws, on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision. New Applications received on or after May 1, 2018 must comply with TGS Version 3.0.

The applicant is required to meet Tier 1 of the TGS. The site specific Zoning Bylaw will secure performance measures for the Tier 1 development features including limitation of the parking supply. Other TGS performance standards will be secured through the Site Plan Control approval process.

Site Plan Control

The Site Plan Control application for the heritage dwelling is currently being reviewed by staff. The application proposes to provide appropriate landscaping for the heritage designated structure including new low level picket fencing along the Don Mills Road frontage which will create a view of the restored heritage dwelling from the street which does not currently exist because of the existing fencing and landscaping. Additionally, staff will be requiring tree planting on the site to replace existing trees to be removed. The application is expected to be approved following the enactment of the Zoning By-law and creation of the new lots through a Consent Application to be filed by the applicant.

Conclusion

The proposal has been reviewed against the policies of the PPS, the Growth Plan (2019), and the Toronto Official Plan. Staff are of the opinion that the proposal is consistent with the PPS and does not conflict with the Growth Plan (2019). Furthermore, the proposal conforms with the Toronto Official Plan, particularly as it relates to enhancing built heritage and infill development in established neighbourhoods. Staff worked with the applicant and the community to address and resolve the following key concerns: retention of the heritage house in its existing location, reduction in the proposed lot coverage for the new dwellings, and increasing the side yard setbacks of the proposed dwellings. The proposal will preserve and restore the existing heritage designated structure while introducing additional dwelling units which are compatible with the surrounding context. Staff recommend that Council support approval of the application.

CONTACT

Stephen Gardiner, Senior Planner, Community Planning
Tel. No. (416) 392-5460
E-mail: Stephen.Gardiner@toronto.ca

SIGNATURE

Joe Nanos, Director
Community Planning, North York District

ATTACHMENTS

City of Toronto Data/Drawings

- Attachment 1: Application Data Sheet
- Attachment 2: Location Map
- Attachment 3a: Official Plan Land Use Map
- Attachment 3b: Central Don Mills Secondary Plan Land Use Map
- Attachment 4a: Existing Zoning By-law 569-2013 Map
- Attachment 4b: Existing Zoning By-law 7625 Map
- Attachment 5: Draft Zoning By-law 7625 Amendment
- Attachment 6: Draft Zoning By-law 569-2013 Amendment

Applicant Submitted Drawings

- Attachment 9: Site Plan

Attachment 10a: Don Mills Road and Legato Court Elevations - Part 1 - 1299 Don Mills Road

Attachment 10b: East and South Elevations - Part 1 - 1299 Don Mills Road

Attachment 10c: Street Elevations - Part 2

Attachment 10d: Street Elevations - Part 3 & Part 4

Attachment 1: Application Data Sheet

Municipal Address: 1299 DON MILLS RD Date Received: December 23, 2016

Application Number: 16 270499 NNY 34 OZ

Application Type: Rezoning

Project Description: Application to amend the Zoning By-law to maintain the existing George Gray House and to divide the subject property to create four lots. Three of the lots would be occupied by single family detached dwellings. One lot would be occupied by the George Gray House with an address of 1299 Don Mills Road.

Applicant	Agent	Architect	Owner
BOUSFIELDS INC 3 CHURCH STREET, SUITE 200 TORONTO, ON M1E 1M2	BOUSFIELDS INC 3 CHURCH STREET, SUITE 200 TORONTO, ON M1E 1M2	MAKOW ASSOCIATES ARCHITECT INC. 3 BRIDGEMAN AVENUE, SUITE 101 TORONTO, ON M5R 3V4	1857306 ONTARIO INC 1 STEELCASE ROAD W, UNIT 8 MARKHAM, ON L3R 0T3

EXISTING PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:	
Zoning:	RD (f15.0; a550)(x5)	Heritage Designation:	Y
Height Limit (m):	10.0	Site Plan Control Area:	Y (Heritage House)

PROJECT INFORMATION

Site Area (sq m): 2,425 Frontage (m): 44 Depth (m): 61

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	138	138	543	681
Residential GFA (sq m):	253	253	951	1,204
Non-Residential GFA (sq m):				
Total GFA (sq m):	253	253	951	1,204
Height - Storeys:	2	2	2	2
Height - Metres:	9.26	9.26	10.3	10.3

Lot Coverage Ratio (%): 24.3 Floor Space Index: 0.5

Floor Area Breakdown Above Grade (sq m) Below Grade (sq m)
 Residential GFA: 1,204
 Retail GFA:
 Office GFA:
 Industrial GFA:
 Institutional/Other GFA:

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:	1	1	3	4
Condominium:				
Other:				
Total Units:	1	1	3	4

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					1
Proposed:					3
Total Units:					4

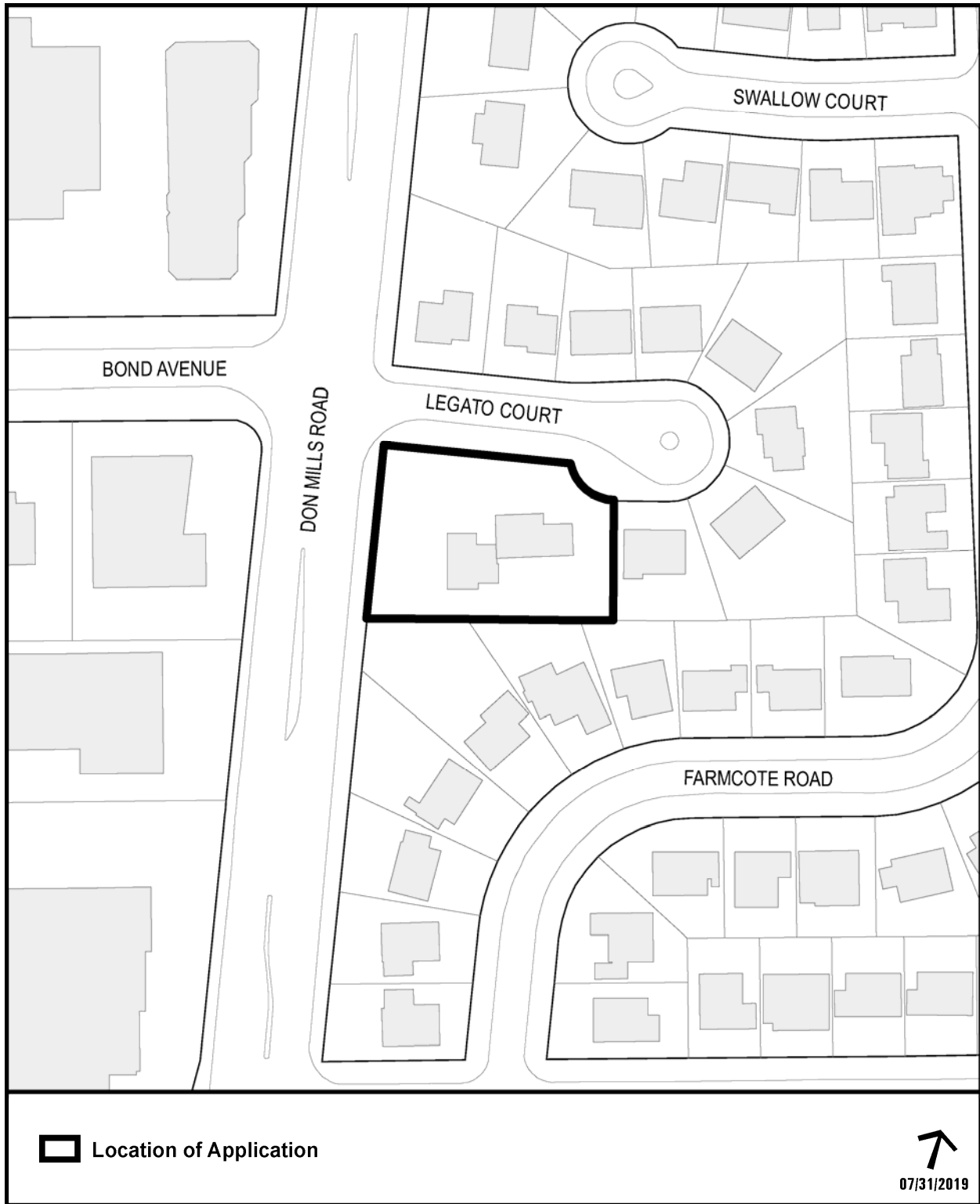
Parking and Loading

Parking Spaces: 8 Bicycle Parking Spaces: 0 Loading Docks: 0

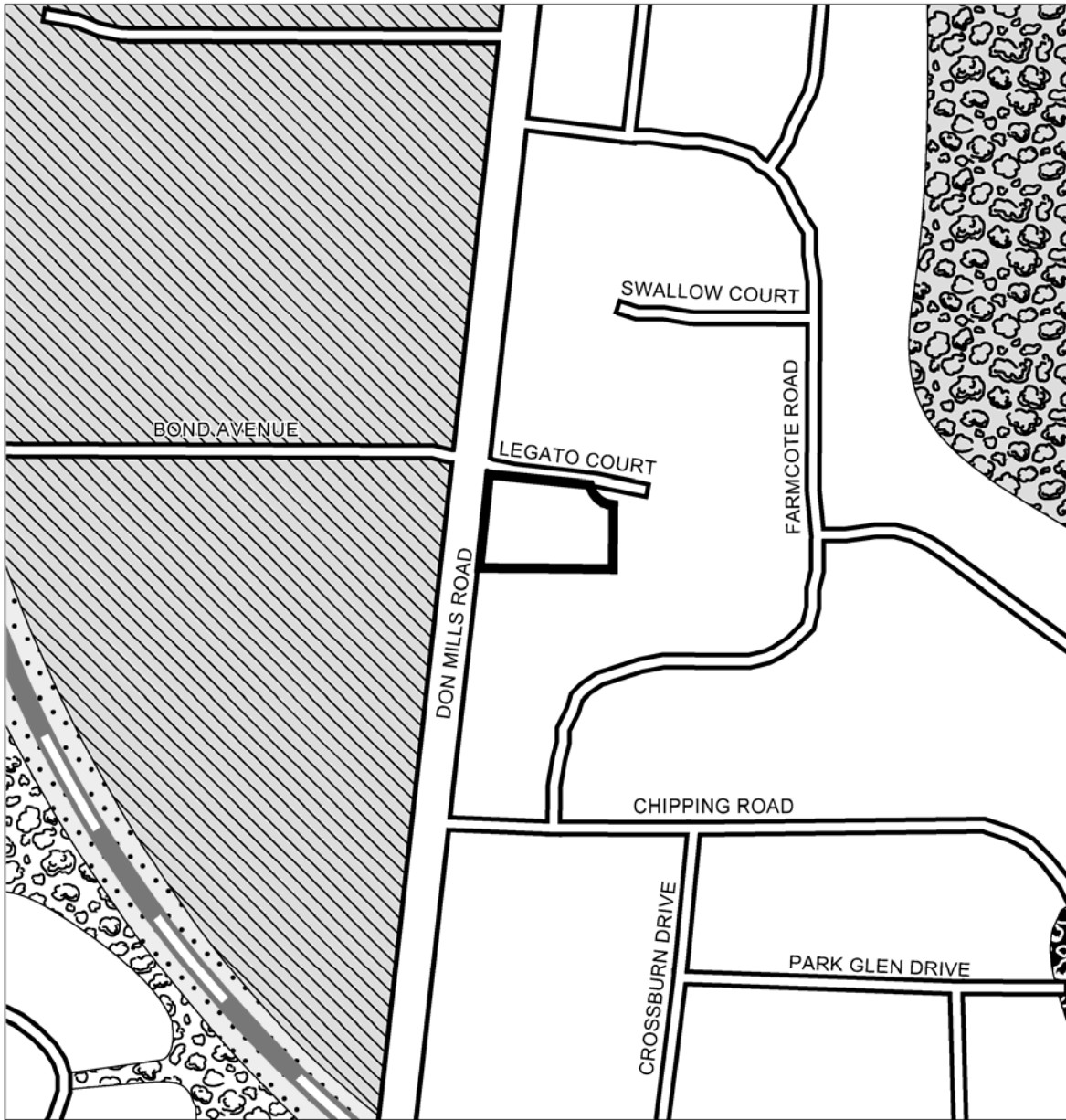
CONTACT:

Stephen Gardiner, Senior Planner
 (416) 392-5460
 Stephen.Gardiner@toronto.ca

Attachment 2: Location Map







Attachment 3a: Official Plan Land Use Map



Extract from Official Plan

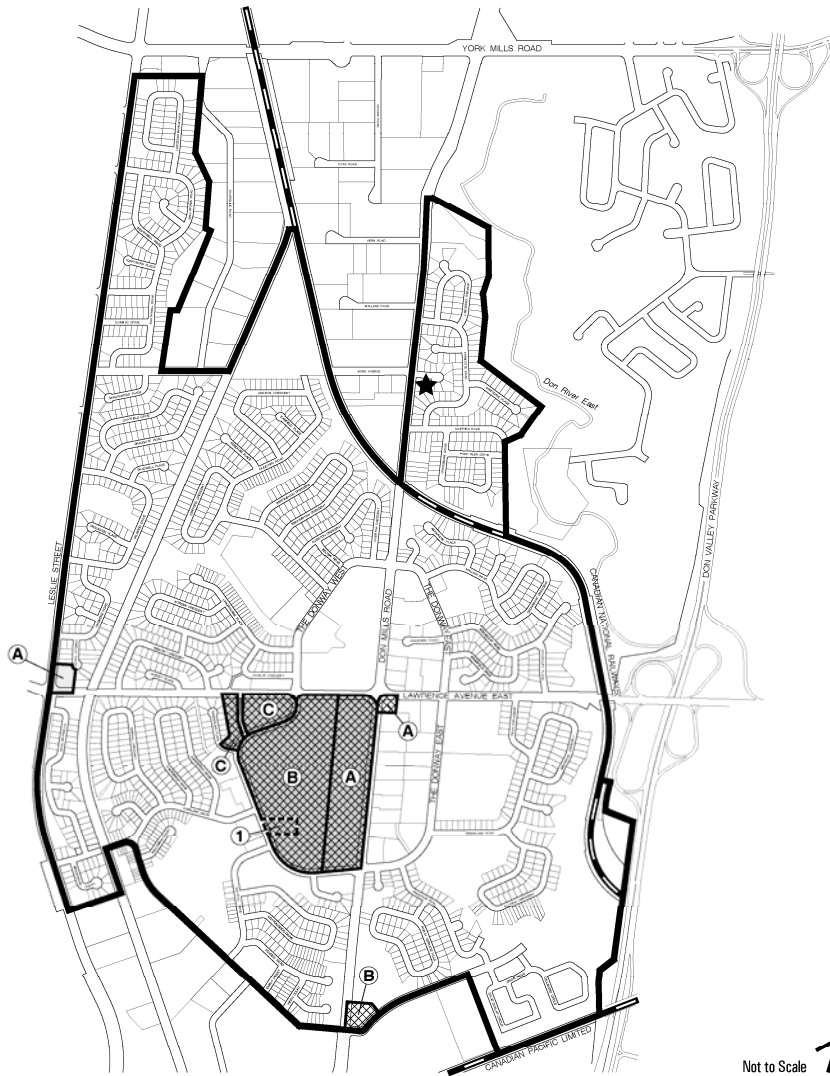
1299 Don Mills Road

File # 16 270499 NNY 34 0Z

- | | |
|---|--|
|  Site Location | Parks & Open Space Areas |
|  Neighbourhoods |  Natural Areas |
|  Employment Areas |  Parks |
|  Utility Corridors |  Other Open Space Areas |

↑
Not to Scale
01/12/2017

Attachment 3b: Central Don Mills Secondary Plan Land Use Map



Not to Scale 



Central Don Mills Secondary Plan MAP 24-1 Land Use Areas

-  Secondary Plan Boundary
-  Subject Site
-  Neighbourhoods
-  Apartment Neighbourhoods
-  Mixed Use Areas
-  Site Specific Policy Areas

June 2006

Attachment 4a: Existing Zoning By-law Map By-law 569-2013



Zoning By-Law No. 569-2013

1299 Don Mills Road

File # 16 270499 NNY 34 0Z



Location of Application



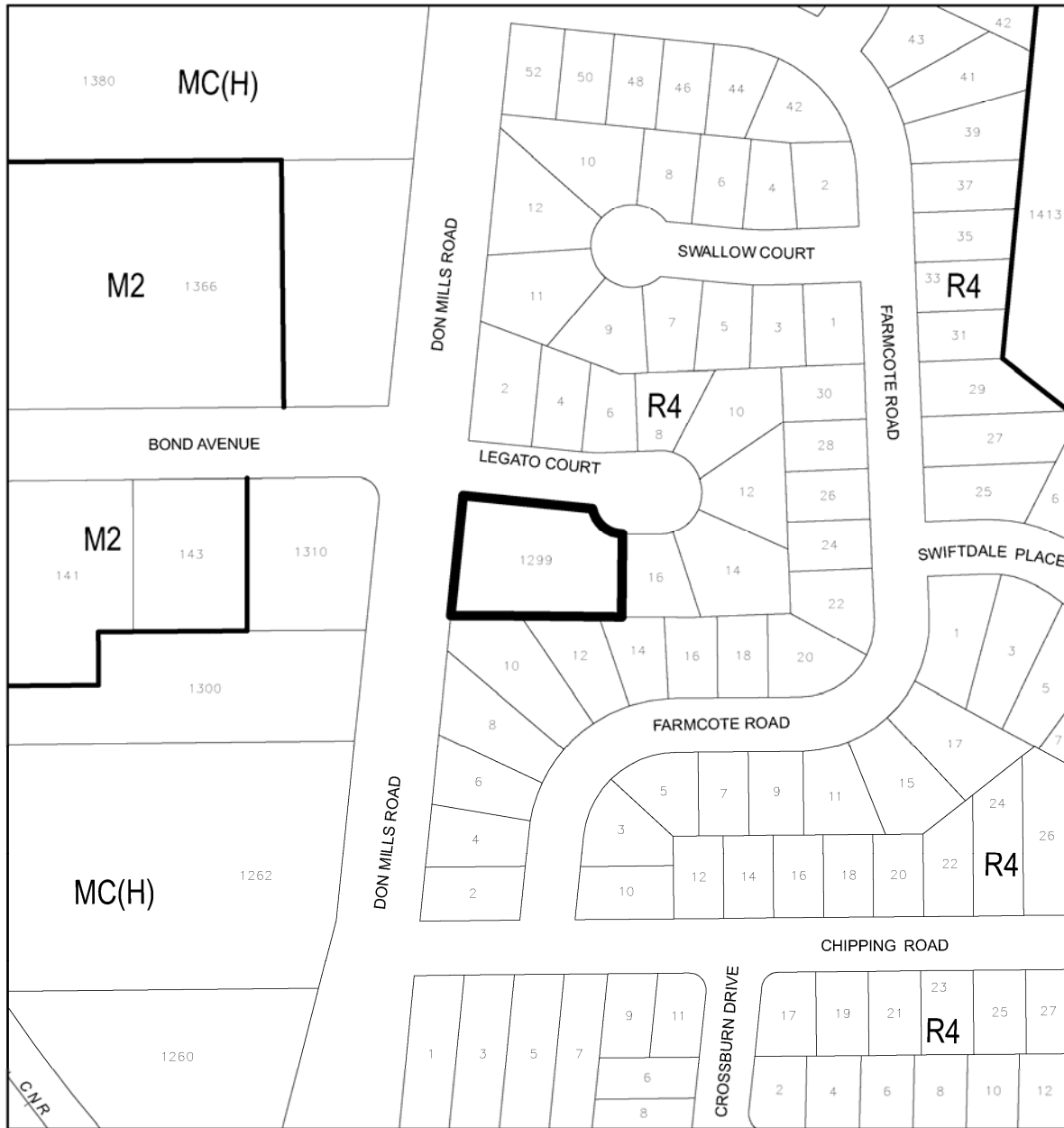
See Former City of North York By-Law No. 7625

- RD Residential Detached
- E Employment Industrial
- OG Open Space Golf Course
- UT Utility and Transportation
- MC Industrial-Commercial Zone



Not to Scale
Extracted: 01/12/2017

Attachment 4b: Existing Zoning By-law Map former North York By-law 7625



Zoning By-Law No. 7625

1299 Don Mills Road

File # 16 270499 NNY 34 0Z



Location of Application

- R4 One-Family Detached Dwelling Fourth Density Zone
- M2 Industrial Zone Two
- MC Industrial-Commercial Zone



Not to Scale
Extracted: 01/23/2017

Attachment 5: Draft Zoning By-law Amendment By-law 7625

Authority: North York Community Council Item NYX.X, adopted as amended, by City of Toronto Council on XXXX XX, 2019

CITY OF TORONTO

Bill

BY-LAW -2019

To amend former City of North York Zoning By-law No.7625, as amended, With respect to the lands municipally known as, 1299 Don Mills Road

Whereas Council of the City of Toronto has the authority pursuant to Section 34 of the Planning Act, R.S.O. 1990, c. P.13, as amended, to pass this By-law; and

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Schedules "B" and "C" of By-law No. 7625 of the former City of North York are amended in accordance with Schedule "1" of the By-law.
2. Section 64.13 of By-law No. 7625 is amended by adding the following subsection:

64.13 (121) R4(121)

DEFINITIONS

(a) For the purposes of this exception, "Permitted Projections" shall mean shall mean exterior stairways, roof overhangs and cornices, canopies, columns, chimneys, wheelchair ramps, balconies, lighting fixtures, awnings, ornamental elements, parapets, trellises, eaves, window sills, window washing equipment, guardrails, balustrades, safety railings, stairs, stair enclosures, bollards, wheel chair ramps, vents, fences, wind or privacy screens, landscape elements, terraces, decorative architectural features, bay windows, parking garage ramps and associated structures, retaining walls, heating, cooling or ventilating equipment, pilasters and sills, garbage enclosures, transformer, and porches and decks, either excavated or unexcavated, all of which shall be permitted to project into the minimum setbacks

PERMITTED USES

(c) A maximum of four one-family detached Dwelling Units and accessory buildings incidental thereto are permitted.

EXCEPTION REGULATIONS

Lot Frontage

- (d) The minimum frontage of Lot 1 shall be 23.75 metres.
- (e) The minimum frontage of Lot 2 shall be 15.0 metres.
- (f) The minimum frontage of Lot 3 shall be 13.0 metres.
- (g) The minimum frontage of Lot 4 shall be 13.0 metres.

Lot Width

- (h) The minimum width of Lot 1 shall be 23.75 metres.
- (i) The minimum width of Lot 2 shall be 15.0 metres.
- (j) The minimum width of Lot 3 shall be 13.0 metres.
- (k) The minimum width of Lot 4 shall be 13.0 metres.

Lot Area

- (l) The minimum area of Lot 1 shall be 550 square metres.
- (m) The minimum area of Lot 2 shall be 475 square metres.
- (n) The minimum area of Lot 3 shall be 550 square metres.
- (o) The minimum area of Lot 4 shall be 475 square metres.

Yard Setbacks

- (p) Above finished ground level, and subject to Permitted Projections, the minimum yard setbacks shall be as shown on Schedule R4(121).

Lot Coverage

- (q) The maximum coverage of Lot 1 shall be 25%.
- (r) The maximum coverage of Lot 2 shall be 35%.
- (s) The maximum coverage of Lot 3 shall be 30%.
- (t) The maximum coverage of Lot 4 shall be 33%.

Landscaping

- (u) A minimum of 75% of the front yard of Lot 1 shall be maintained as landscaping, of which 100% must be soft landscaping.
- (v) A minimum of 60% of the front yard of Lot 2 shall be maintained as landscaping, of which 75% must be soft landscaping.
- (w) A minimum of 55% of the front yard of Lot 3 shall be maintained as landscaping, of which 75% must be soft landscaping.
- (x) A minimum of 60% of the front yard of Lot 4 shall be maintained as landscaping, of which 75% must be soft landscaping.
- (y) Section 7.4A(b) does not apply to Lot 1

Length of Dwelling

- (z) The maximum length of dwelling shall be 27.5 metres for a dwelling unit erected on Lot 1, excluding any Permitted Projections.
- (aa) The maximum length of dwelling shall be 17.75 metres for a dwelling unit erected on Lot 3 and Lot 4 excluding any Permitted Projections.

Established Grade

- (bb) The established Grade for Lot 1 shall be 133.56 metres.
- (cc) The established Grade for Lot 2 shall be 133.75 metres.
- (dd) The established Grade for Lot 3 shall be 133.41 metres.
- (ee) The established Grade for Lot 4 shall be 133.31 metres.

Building Height

- (ff) The maximum permitted height of any portion of a building or structure in metres shall be measured from the Established Grade for the Part and not exceed that shown on Schedule R4(121) attached to and forming part of this by-law.

Parking

- (gg) A minimum of 1 parking space is required for each Dwelling Unit; and
- (hh) The maximum combined width of all vehicle entrances through the front wall or a side main wall of a residential building is 3.0 metres: and

Front Lot Line

(ii) Notwithstanding Section 6(20) the Front Lot Line for Lot 1 will be the lot line adjacent to Don Mills Road.

3. Within the lands shown on Schedule "1" attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:

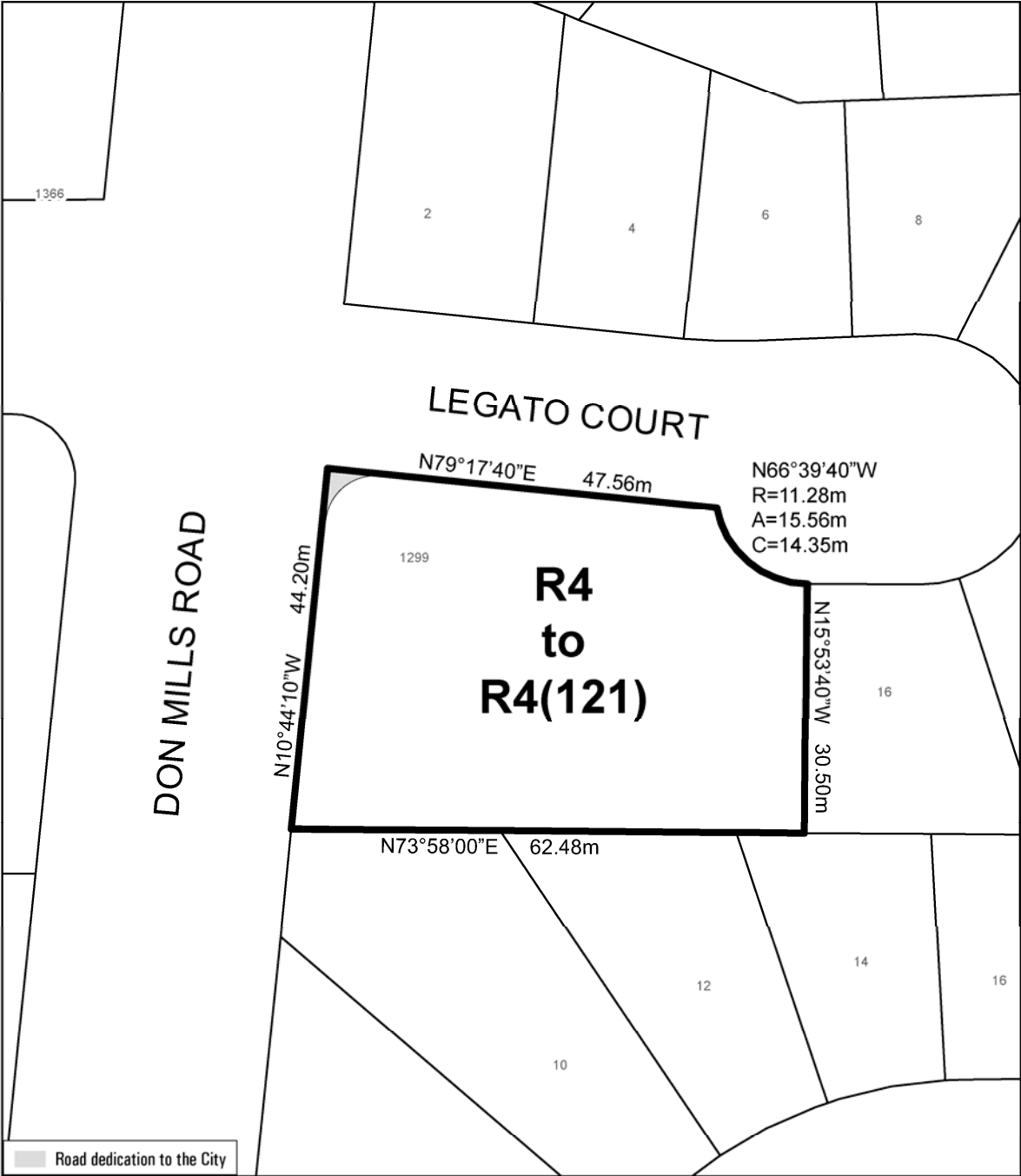
(a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and

(b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

JOHN TORY, ULLI S. WATKISS,
Mayor City Clerk

(Corporate Seal)



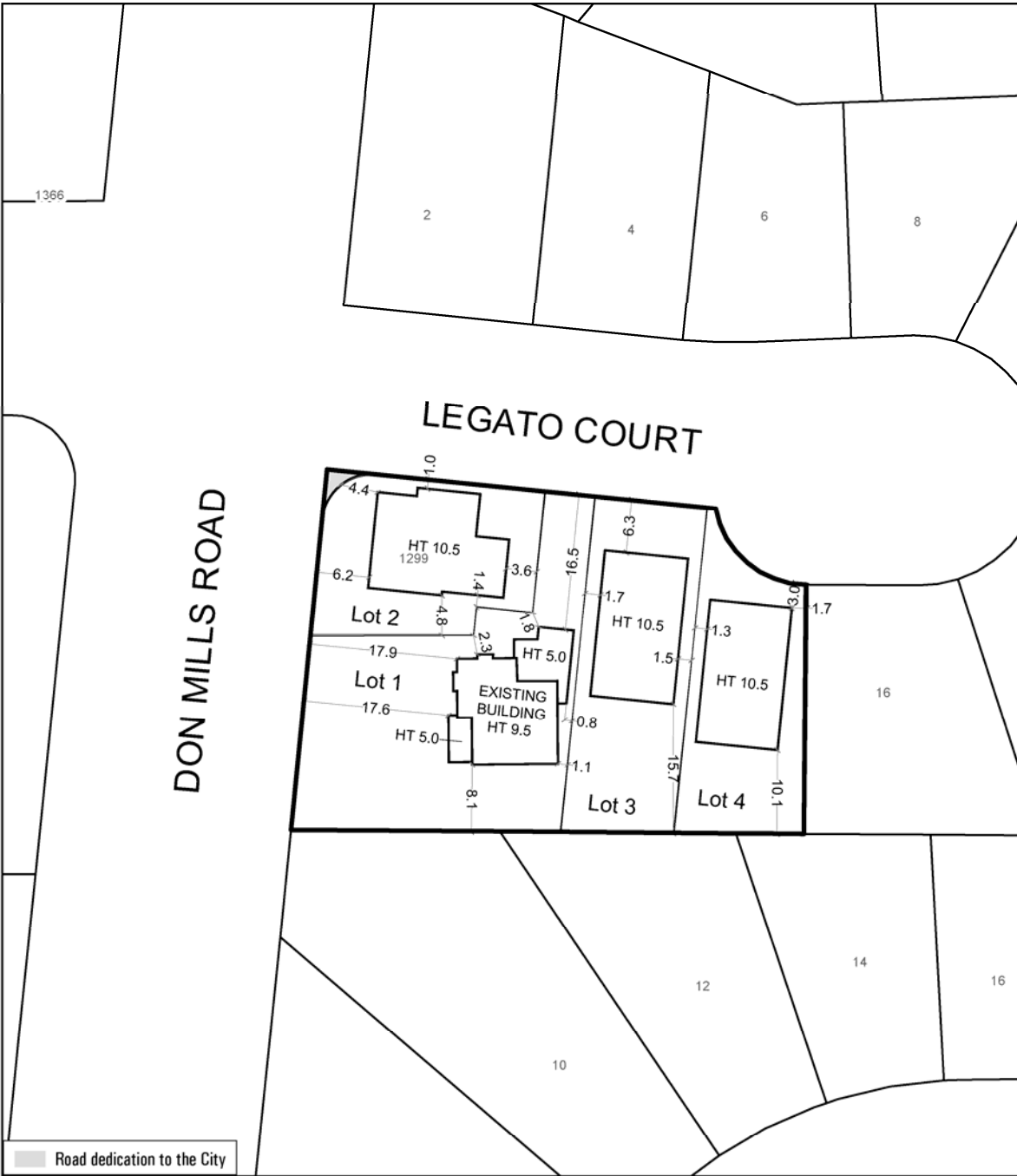
■ Road dedication to the City

Toronto
Schedule 1

1299 Don Mills Road

File # 16 270499 NNY 34 0Z

↑
Not to Scale
7/31/2019



Toronto
 Schedule R4(121)

1299 Don Mills Road

File # 16 270499 NNY 34 0Z



Not to Scale
 7/31/2019

Attachment 6: Draft Zoning By-law Amendment By-law 569-2013

Authority: North York Community Council Item NYX.X, adopted as amended, by City of Toronto Council on XXXX XX, 2019

CITY OF TORONTO

Bill

BY-LAW -2019

To amend Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2019 as, 1299 Don Mills Road.

Whereas Council of the City of Toronto has the authority to pursuant to Section 34 of the Planning Act, R.S.O. 1990, c. P. 13, as amended, to pass this By-law; and

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act;

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law;
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law No. 569-2013, Chapter 800 Definitions;
3. Zoning By-law No. 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines to RD (x####) as shown on Diagram 2 attached to this By-law;
4. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900.3.10 Exception Number [####] so that it reads:

Exception RD [####]

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

(A) For the purposes of this By-law, Lot 1, Lot 2, Lot 3 and Lot 4 are as shown on Diagram 3 attached to By-law XXX-2019;

(B) Despite regulation 10.20.40.10(1), the permitted maximum height for a **building** or **structure** on a **lot** is as shown on Diagram 3 of By-law [Clerks to insert By-law Number]

(C) For purposes of this Exception, established grade is the Canadian Geodetic Datum elevation of:

- i. 133.72 for Lot 1
- ii. 133.66 for Lot 2
- iii. 133.54 for Lot 3
- iv. 133.79 for Lot 4

(D) Despite regulations 5.10.30.20 (1), 5.10.30.20 (2) and 10.5.30.20 (1), for the purposes of this exception the **lot line** abutting Don Mills Road is the **front lot line** for Lot 1 and Lot 2.

(E) Despite regulations 10.5.40.70(1), and clause 10.20.40.70, the required minimum **building setbacks** for any **building** or **structure** are as shown on Diagram 3 of By-law [Clerks to insert By-law Number].

(F) Despite clause (E) above and clause 10.5.40.60, the following **building** elements and **structures** are permitted to encroach into the required **building setbacks** shown on Diagram 3 of By-law [Clerks to insert By-law Number]:

- i. Platforms in a front yard up to 1.9 metres, if they are no closer to a lot line than 0.3 metres;
- ii. Eaves of a roof up to 2.6 metres, if they are no closer to a lot line than 0.3 metres;
- iii. A pilaster, decorative column, cornice, sill, belt course or other similar architectural feature may encroach into a required minimum building setback a maximum of 0.9 metres, if it is no closer to a lot line than 0.3 metres

(G) Despite regulation 10.5.50.10 (1), **landscaping** shall be provided in accordance with the following:

- i. A minimum of 75% of the **front yard** of Lot 1 must be for **landscaping**, of which 100% must be **soft landscaping**
- ii. A minimum of 60% of the **front yard** of Lot 2 must be for **landscaping**, of which 75% must be **soft landscaping**
- iii. A minimum of 55% of the **front yard** of Lot 3 must be for **landscaping**, of which 75% must be **soft landscaping**
- iv. A minimum of 60% of the **front yard** of Lot 4 must be for **landscaping**, of which 75% must be **soft landscaping**

(H) Despite regulation 10.20.30.10(1), the minimum area of each **lot** is:

- i. 550 square metres for Lot 1 and Lot 3; and
- ii. 475 square metres for Lot 2 and Lot 4.

(I) Despite regulation 10.20.30.20(1), the minimum **frontage** of each **lot** is:

- i. 23.75 metres for Lot 1
- ii. 15.0 metres for Lot 2,

iii. 13.0 metres for Lot 3 and Lot 4.

(J) Despite regulation 10.20.30.40(1), the maximum **lot coverage** of each **lot** is:

- i. The maximum coverage of Lot 1 is 25%;
- ii. The maximum coverage of Lot 2 is 35%;
- iii. The maximum coverage of Lot 3 is 30%;
- iv. The maximum coverage of Lot 4 is 33%;

(K) Despite regulation 10.20.40.20(1), the permitted maximum **building length** for a **building** erected on Lot 1 is 21 metres.

(L) Despite regulation 10.20.40.30(1), the permitted maximum **building depth** for a **building** erected on Lot 1 is 28 metres.

(M) Despite regulation 10.20.40.10(2) the permitted maximum height of the main walls of a detached house :

- i. 6.7 metres for Lot 1;
- ii. 8.2 metres for Lot 2;
- iii. 8.0 metres for Lot 3;
- iv. 8.3 metres for Lot 4.

(N) Despite regulation 10.20.40.10(6), the permitted maximum height of the main pedestrian entrance of a detached house is 2.0 metres.

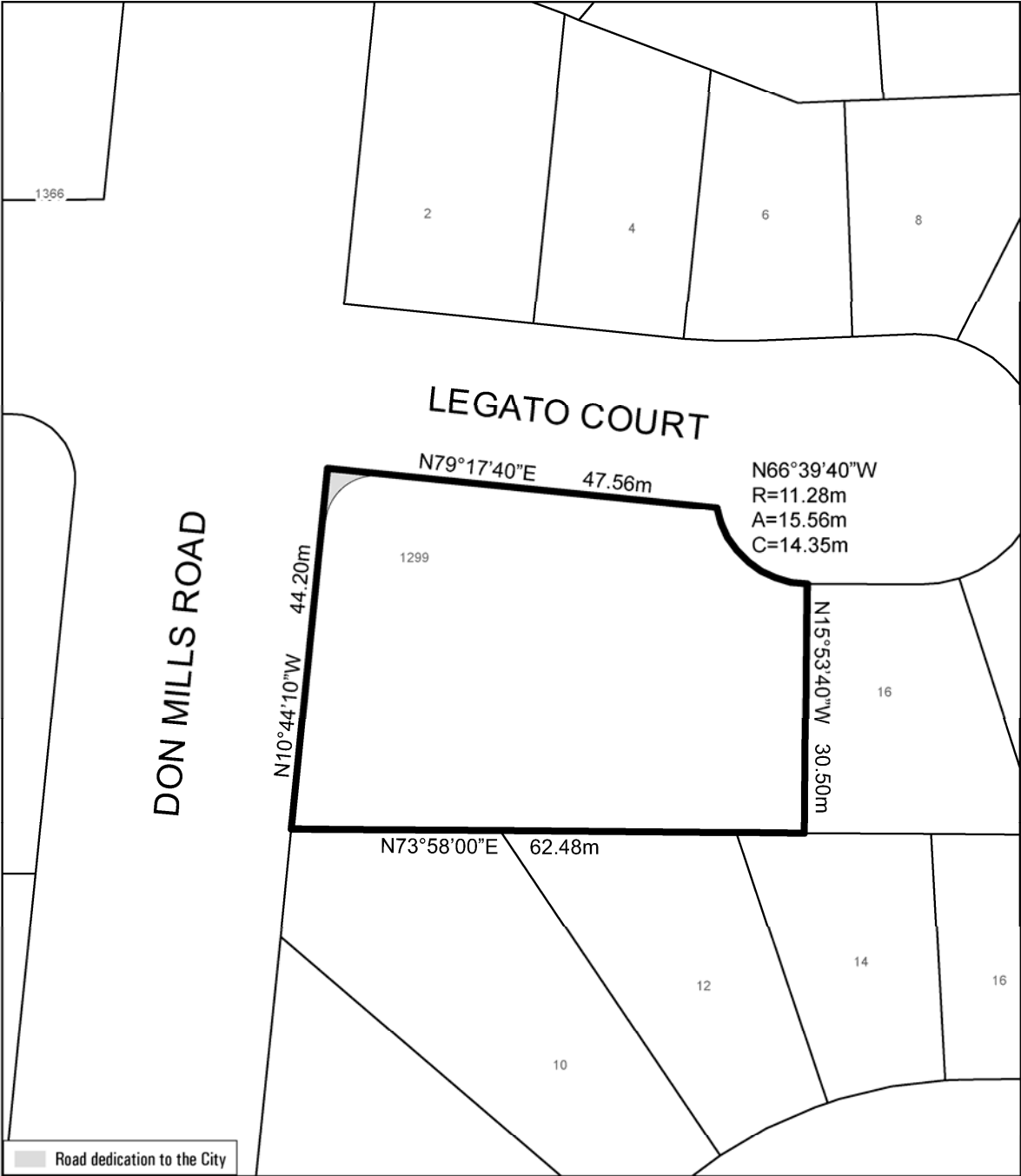
(O) Despite regulation 10.5.80.40(1), the maximum combined width of all vehicle entrances through the front wall or a side main wall of a residential building is 3.0 metres.

Prevailing By-laws and Prevailing Sections: (None Apply)

Enacted and passed on month ##, 20##.

Name, Ulli S. Watkiss,
Speaker City Clerk

(Seal of the City)

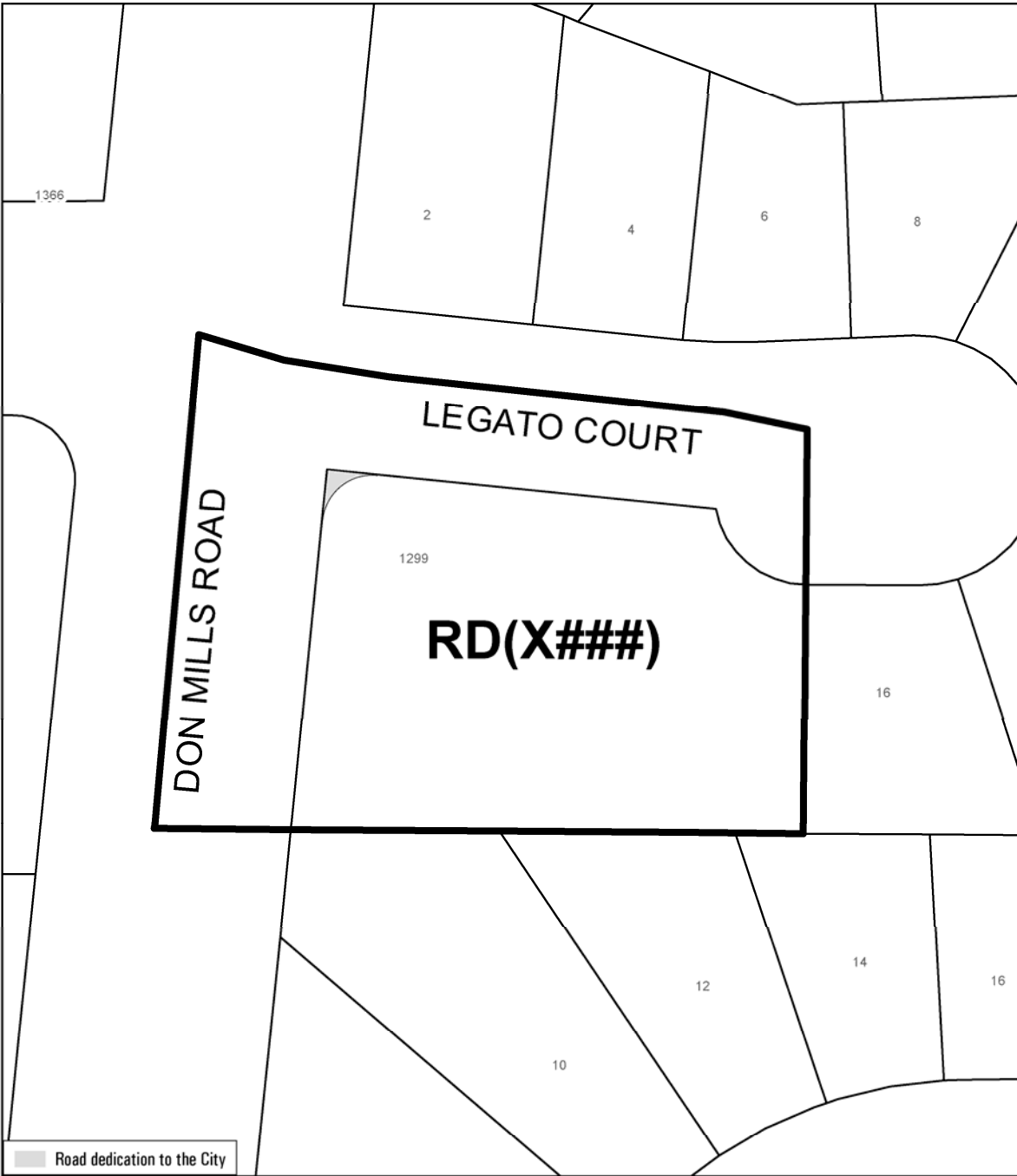


 **TORONTO**
Diagram 1

1299 Don Mills Road

File # 16 270499 NNY 34 0Z


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City of Toronto By-law 569-2013
Not to Scale
7/31/2019

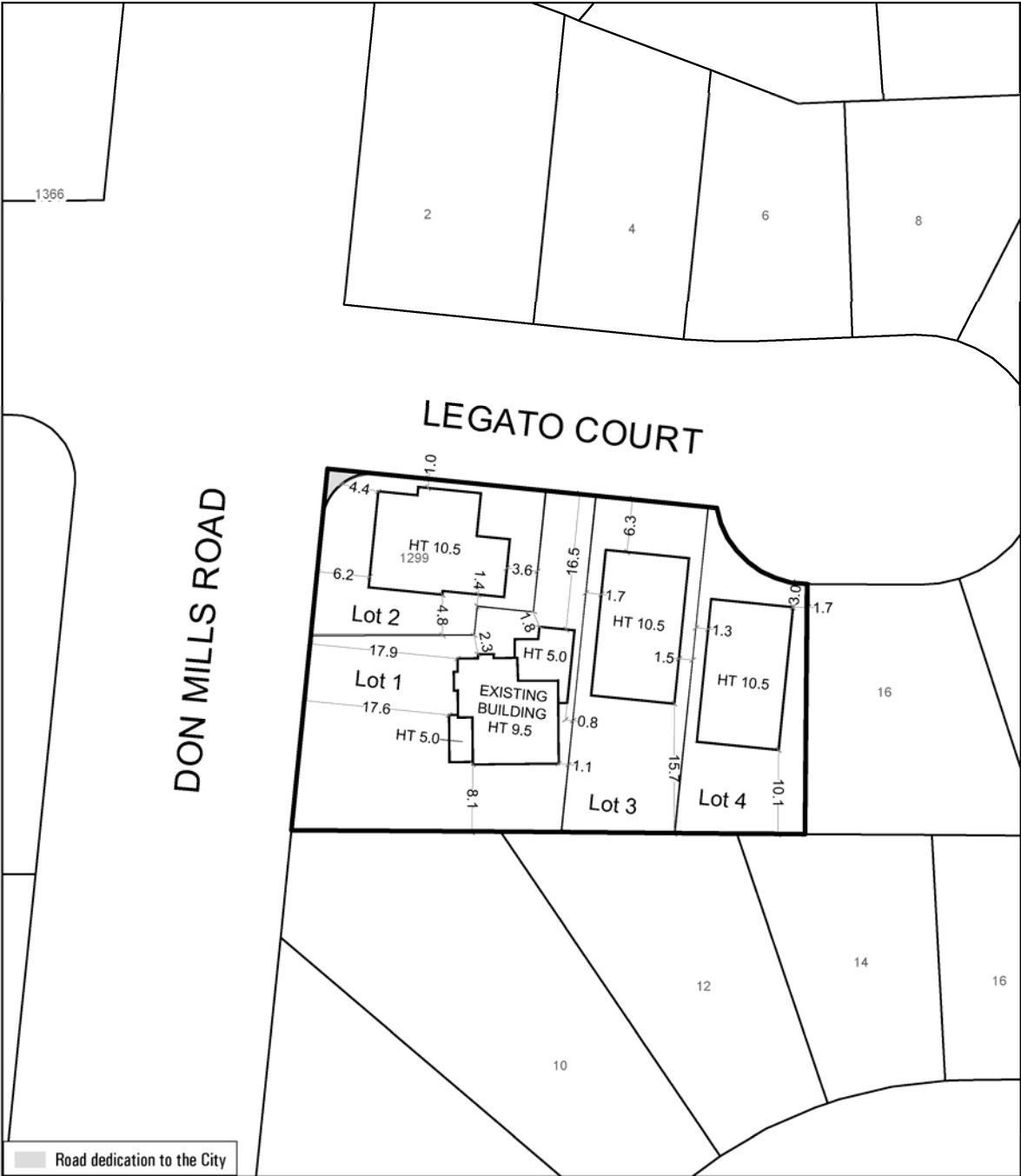


Toronto
Diagram 2

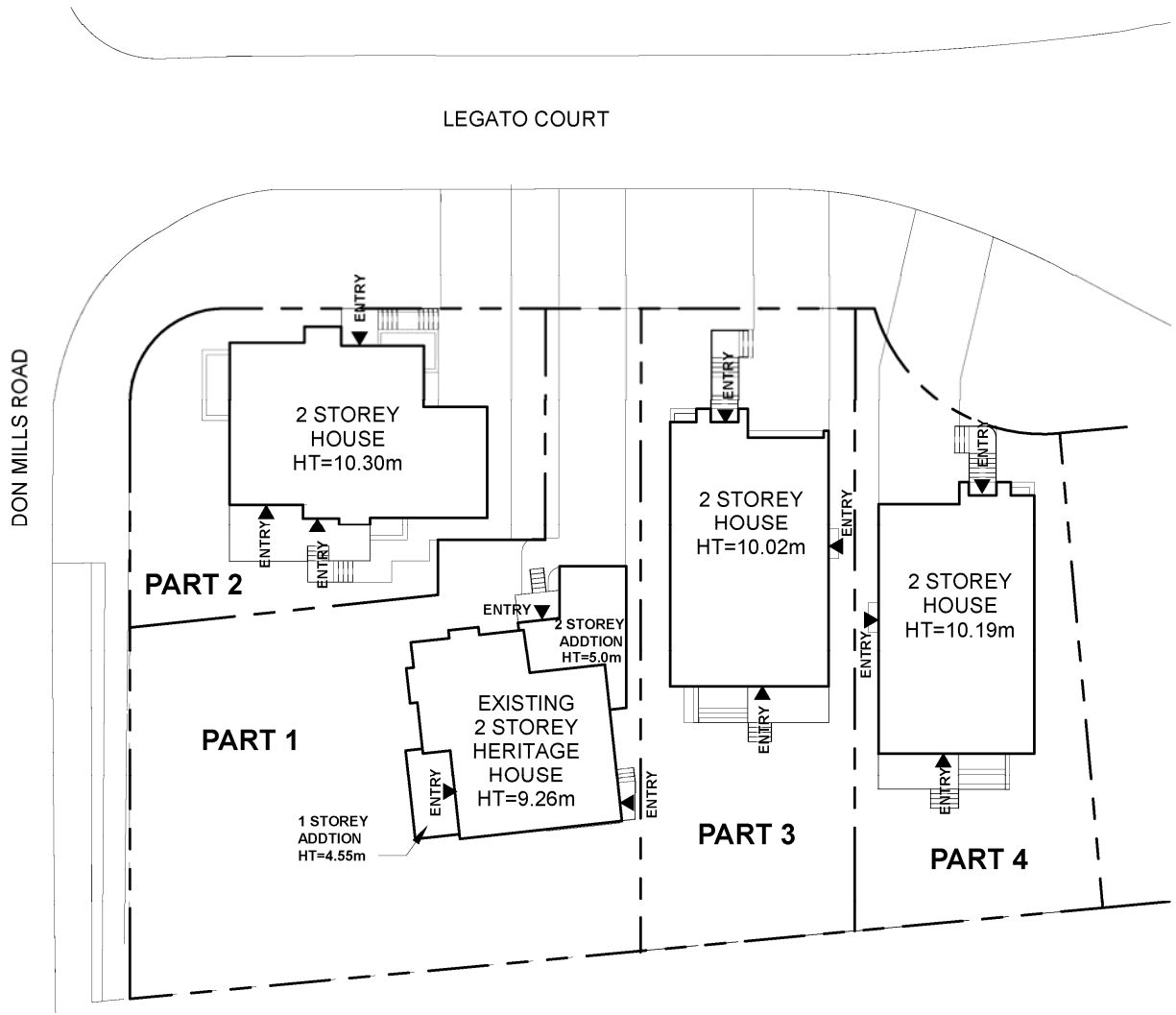
1299 Don Mills Road

File # 16 270499 NNY 34 0Z


 City of Toronto By-law 569-2013
 Not to Scale
 7/31/2019



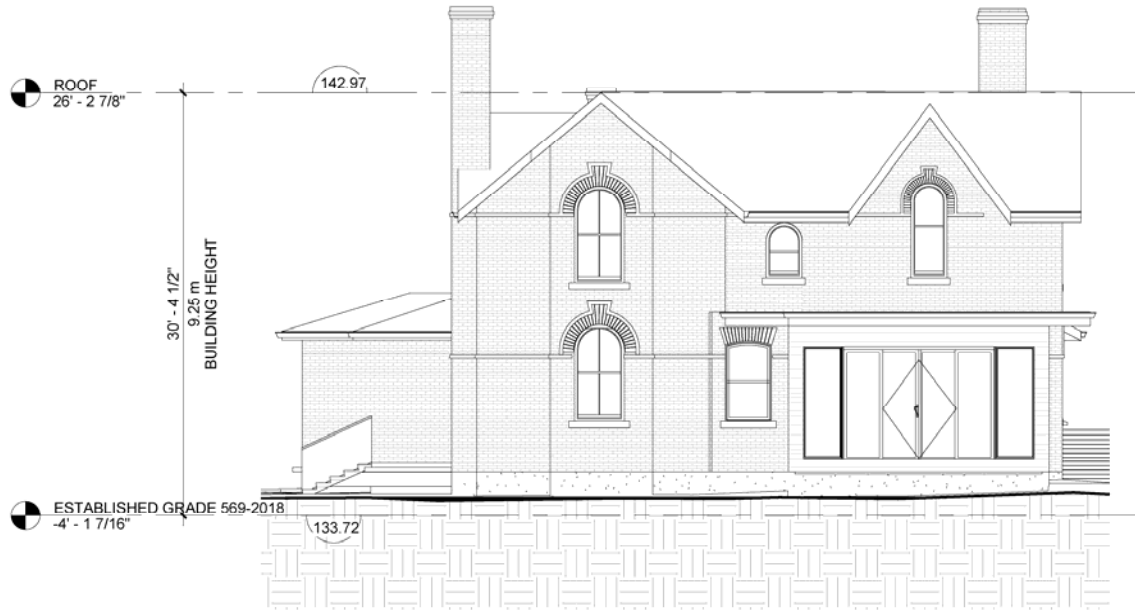
Attachment 9: Site Plan



Site Plan



Attachment 10a: Don Mills Road and Legato Court Elevations - Part 1 - 1299 Don Mills Road



Part 1 - Don Mills Elevation



Part 1 - Legato Elevation

Attachment 10b: East and South Elevations - Part 1 - 1299 Don Mills Road

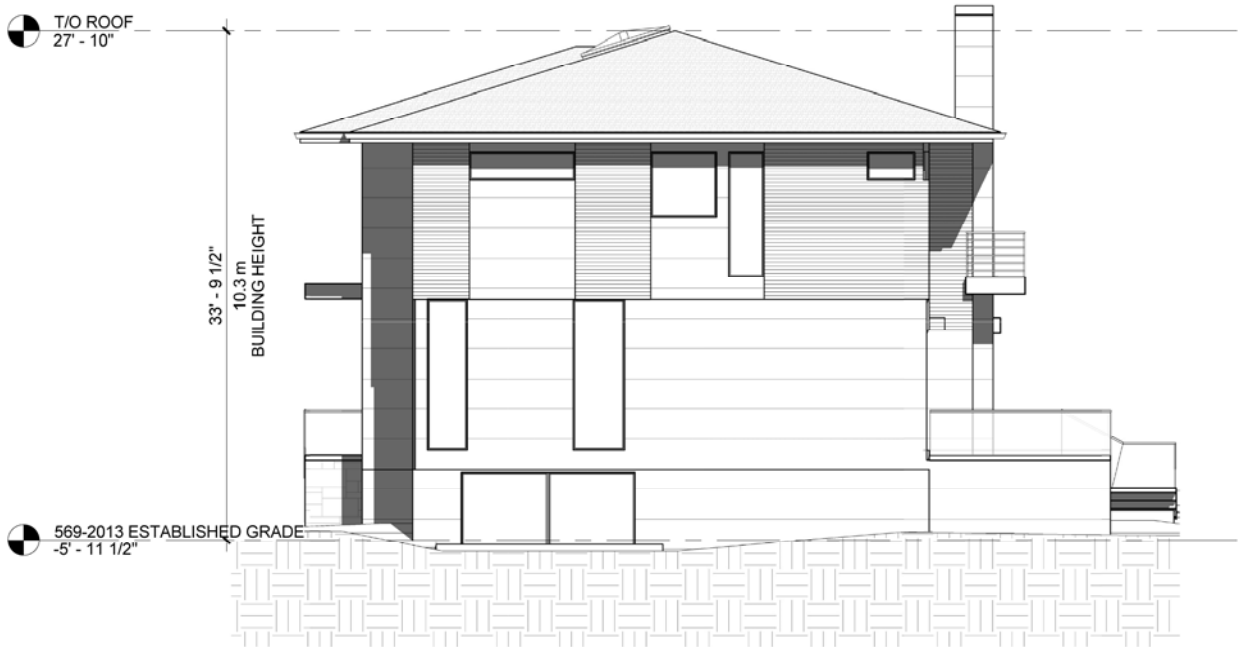


Part 1 - East Elevation



Part 1 - South Elevation

Attachment 10c: Street Elevations - Part 2



Part 2 - Don Mills Elevation



Part 2 - Legato Elevation

Attachment 10d: Street Elevations - Part 3 & Part 4



Part 3 - Legato Elevation



Part 4 - Legato Elevation