



## REPORT FOR INFORMATION

# 1229 Don Mills Road - Zoning By-law Amendment Application - Supplementary Report

**Date:** October 29, 2019

**To:** City Council

**From:** Chief Planner and Executive Director, City Planning

**Wards:** Ward 16 - Don Valley East

### SUMMARY

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This report provides an update to City Council on an additional Community Consultation Meeting which has been undertaken subsequent to the statutory public meeting for Council's information in considering the application.

The 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.

### FINANCIAL IMPACT

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The Chief Planner and Executive Director, City Planning recommends that:

1. City Council receive this report for information.

### DECISION HISTORY

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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), and the property was designated by By-law 720-2017 on July 7, 2017. City Council's decision can be found at the following link:

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

[An Alterations to a Designated Heritage Property report for the existing designated dwelling at 1299 Don Mills Road was adopted at the Toronto Preservation Board which recommended that the North York Community Council adopt recommendations to permit alterations to the existing house.](#) The North York Community Council adopted the Toronto Preservation Board recommendations at its meeting of September 16, 2019. City Council at its meeting on October 2, 2019 voted to defer consideration of the report to the meeting of October 29 and 30, 2019. The decisions can be found 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>

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.NY8.4>

A statutory public meeting was held on September 16, 2019 before the North York Community Council. At this meeting a Final Report from the Director, Community Planning North District dated August 28, 2019 and a Supplementary Report from the Director, Community Planning North District dated September 12, 2019 which recommended approval of the application were considered. The North York Community Council adopted the recommendations of the Final Report as modified by the Supplementary Report. City Council at its meeting on October 2, 2019 voted to defer consideration of the application to the meeting of October 29 and 30, 2019. The decision, Final Report, and Supplementary Report can be found at the following links:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.NY8.3>

<http://www.toronto.ca/legdocs/mmis/2019/ny/bgrd/backgroundfile-136913.pdf>

<http://www.toronto.ca/legdocs/mmis/2019/ny/bgrd/backgroundfile-137539.pdf>

## **COMMENTS**

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### **Community Consultation**

A second Community Consultation Meeting was organized by the Ward Councillor's office and held on October 22, 2019. This meeting was attended by nine members of the public, the local Councillor, Community Planning and Heritage Planning staff. A representative from the applicant's team was in attendance. Planning staff provided a presentation to the community on the application; the revisions on the original application made by the applicant in response to comments provided by the City; and, on the applicable Heritage Policies of the Official Plan related to the property designated under Part IV of the Ontario Heritage Act that includes George Gray House at 1299 Don Mills Road.

At the meeting, the residents raised a number of concerns and asked questions with regards to the revisions made subsequent to the initial Community Consultation meeting held May 30, 2017. The comments from the meeting are summarized below:

- Preference for the applicant's original proposal that relocated the heritage dwelling closer to Don Mills Road.
- Concerns with the current proposal that does not relocate the heritage dwelling. The view to the heritage dwelling would be more prominent if the heritage dwelling were moved closer to Don Mills Road. The resident's opinion is that any context to the

siting of the heritage house as a farmhouse has already been lost through subsequent developments including the existing residences on Legato Court. On this basis they felt that the only value of the house was the house itself, and not its relationship to Don Mills Road.

- The side yard setback to Legato Court for the proposed dwelling on the new corner lot is insufficient as the entry stairs encroach into the yard setback.
- The proposed new corner lot at Legato Court and Don Mills Road obscures the existing house at 1299 Don Mills Road, both of which would receive driveway and pedestrian access from Legato Court. The residents expressed concerns that visitors and deliveries would not be able to find these houses if they are provided/maintain Don Mills Road addresses.
- Concern that there is no on-street parking permitted on Legato Court and the single car wide driveways would not be sufficient for the proposed dwellings. Preference for the proposed dwellings to have two car driveways.

Staff have reviewed the comments received at the community meeting from the residents and provide the following comments with respect to the application.

Policy 3.1.5.29 of the Official Plan states: "Heritage buildings and/or structures located on properties on the Heritage Register should be conserved on their original location." The Official Plan allows for relocation of buildings and/or structures on designated properties when their location on the property is not identified as a heritage attribute in the designation by-law and relocation supports the cultural heritage values and attributes of the property (3.1.5.29.b). The heritage attributes and statement of significance in the Ontario Heritage Act Part IV designation by-law for the subject property specify the location and situation of the farmhouse on the property relative to Don Mills Road (the concession road at the time of the building's construction) and the landscape, and so the property does not meet the 3.1.5.29.b criterion.

The proposed new dwelling at the southeast corner of Don Mills and Legato Court is the option that minimizes the physical disruption of the heritage dwelling, maintaining its relationship to Don Mills Road and the integrity of the landscape, all identified in the Statement of Significance. Relocation of the dwelling closer to Don Mills Road will disrupt the deliberate setback of the house from the road, and the landscaping of the property. Construction of the proposed dwelling to the north of the heritage building will partially screen its side elevation: this is a minor effect on a secondary elevation, since the principle elevation of the heritage building is oriented to Don Mills Road to the west.

Corner lots which have access from a side street are not uncommon in the City. The addressing of the new corner lot has not been determined at this time. The existing heritage dwelling will maintain the 1299 Don Mills Road address. Staff are satisfied that the properties will be identifiable and that access being provided from Legato Court is appropriate and will function acceptably.

The proposed lots comply with the Zoning By-law minimum standard of one parking space which is located in the integral garages. A second parking space is provided for

each lot within the private driveways. The wide boulevard on Legato Court may provide the opportunity for additional visitor parking on the portion of the driveway within the public right-of-way.

## **CONTACT**

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## **SIGNATURE**

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City Planning Division