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Our File No.: 213183

Via Email (phc@toronto.ca)

Planning and Housing Committee
City of Toronto
10th Floor, West Tower
100 Queen Street West
Toronto, ON M5H 2N2

Attention: Nancy Martins

Dear Sirs/Mesdames:

**Re: Item PH3.2 – Ready, Set, Midtown: Zoning Review
City-Initiated Zoning By-law Amendments for Select Low-rise Areas
34-70 Montgomery Avenue**

We are solicitors for Toronto Acquisition Corporation (a subsidiary of First Capital Realty Inc.) in respect of the lands known municipally in the City of Toronto as 34-70 Montgomery Avenue (the “**Property**”). We are writing to provide our client’s comments to Planning and Housing Committee regarding the above-noted matter and, in particular, the proposed zoning by-law amendment (the “**Draft ZBA**”) as it would apply to the Property.

As background, on June 30, 2022, after pre-consultation with City staff, our client filed official plan amendment and rezoning applications for the Property – City of Toronto File No.: 22 170531 NNY 08 OZ (the “**Applications**”). As detailed in the Planning and Urban Design Rationale submitted in support of the Applications, the Property is appropriate for intensification in the form of a tall building. The Property is located within a 350 metre radius of an existing and future higher-order transition station and in proximity to numerous surface transit routes. Further, the Property is included within the delineated boundary of the Eglinton Protected Major Transit Station Area (“**PMTSA**”) adopted by the City in Official Plan Amendment No. 570, which is now before the Minister of Municipal Affairs for a decision.

While the Property is designated as *Neighbourhoods*, an official plan amendment to redesignate the Property to *Apartment Neighbourhoods* is appropriate and in accordance with numerous policies in Official Plan Amendment No. 405 (the “**Midtown Plan**”). In particular, the Property forms part of the Secondary Zone for the Yonge/Eglinton Transit Node and falls within the Montgomery Square Special Place Character Area, where intensification is generally anticipated

and encouraged with an anticipated height range of 20-30 storeys. Finally, the emerging built form context around the Property is for heights greater than 4-storeys.

The Draft ZBA simply fails to recognize the optimization potential of the Property, in accordance with current Provincial policy and the Midtown Plan. The proposed height, front yard setback, side yard setback and rear yard setback provisions, at least as they relate to the Property, are not appropriate and will be better determined through the processing of the Applications.

While we recognize that the Draft ZBA contains a transition provision in Section 8, the development potential of the Property is clearly for a height greater than four storeys (12 metres), so the Draft ZBA should simply be amended to exclude the Property from Diagram 3, Diagram 6 and Diagram 9, failing which our client will have to appeal the Draft ZBA to the Ontario Land Tribunal.

We would appreciate receiving notice of any decision by Planning and Housing Committee and/or City Council in respect of this matter. Please do not hesitate to contact us if any further information is required.

Yours truly,

Goodmans LLP



David Bronskill

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