

February 5, 2024

Mayor and Members of Council  
Toronto City Hall  
100 Queen Street West, 13<sup>th</sup> Floor  
Toronto, Ontario  
M5H 2N2

Attention: Sylwia Przewdziecki

Dear Mayor Chow and Members of Council:

**Re: NOTICE OF CONCERN with the proposed PH9.1 - Ready, Set, Midtown: Zoning Review - City Initiated Zoning By-law Amendments for Select Lands Designated Apartment Neighbourhood as it affects the properties municipally known as 55-75 BROWNLOW AVENUE**

**And Re: REQUEST FOR DEFERRAL in respect of the City Initiated PH9.1 - Ready, Set, Midtown: Zoning Review - City Initiated Zoning By-law Amendments for Select Lands Designated Apartment Neighbourhoods**

**And Re: REQUEST FOR RECEIPT OF ANY AND ALL FUTURE REPORTS in respect of the City Initiated PH9.1 - Ready, Set, Midtown: Zoning Review - City Initiated Zoning By-law Amendments for Select Lands Designated Apartment Neighbourhoods**

**And Re: REQUEST FOR NOTIFICATION of any meetings of Council, Committees of Council, Community Council and/or Public Meetings and/or Community Information Meetings where the City Initiated PH9.1 - Ready, Set, Midtown: Zoning Review - City Initiated Zoning By-law Amendments for Select Lands Designated Apartment Neighbourhoods**

**And Re: REQUEST FOR NOTIFICATION of the passage of the City PH9.1 - Ready, Set, Midtown: Zoning Review - City Initiated Zoning By-law Amendments for Select Lands Designated Apartment Neighbourhoods**

**City Council Agenda Item No.: PH9.1**

We are the solicitors for Menkes Brownlow Inc. the owner of the properties municipally known as 55-75 Brownlow Avenue (the "Site") in the City of Toronto. On August 18, 2021, our clients filed an application for a zoning by-law amendment and site plan approval for the properties at

61-75 Brownlow Avenue. In August 2022, the Site boundary was expanded to include the property at 55 Brownlow Avenue in order to provide a comprehensive plan for the expanded Site which now includes two residential towers at 59 storeys each as well as an on-site park of 426.4 square metres to be conveyed to the City.

Since the filing of the original application in August 2021, our client has been working collaboratively with City Planning and Urban Design Staff to refine its proposal for this underutilized Site. The proposed development of two towers at 59 storeys each, represents an excellent opportunity for transit-supportive intensification, with the Site being located within a 250-metre radius of Mount Pleasant LRT station and is within walking distance to Eglinton Station on the Yonge subway line. Both the Provincial policies and Municipal policies applicable to the Site encourage intensification in close proximity to higher order transit, and the existing and planned context of the surrounding area includes high rise towers that exceed the heights recommended in the City's proposed zoning by-law amendments.

Our client has reviewed the proposed City Initiated Zoning By-law Amendments and has significant concerns as it may apply to the Site, including but not limited to the following:

- Height
  - o The proposed height for the Site of 25 storeys is too low, does not reflect the surrounding context and does not properly implement the Provincial and Municipal policies for the Site. The proposed height limit at 25 storeys will limit intensification on a Site and in an area strongly supported by transit where the Province's policies call for the promoting intensification.
- Setbacks and Tower Separation:
  - o The City's proposed setbacks and tower separation requirements are overly onerous, exceed the City's urban design guidelines and are not based on the surrounding context. The City's proposed 30m tower separation distances in this by-law were recommended in the City's version of OPA 405. When OPA 405 was approved by the Province, the 30m separation distance was deliberately removed through the Minister's modifications. Our client's proposed development provides a tower separation of 20 metres between buildings (with no projections into that separation), which is reflective of many approved developments both in the immediate areas as well as throughout the City.
- Minimum Unit Sizes
  - o OPA 405 was specifically amended by the Province prior to approval to eliminate any minimum unit sizes. There is no basis for the City to now try to impose minimum unit size requirements in the zoning by-law.
- Landscaping
  - o The minimum landscape requirements in the proposed by-law amendments are not conducive or appropriate for an urban context like the Yonge-Eglinton area and reflect an outdated "tower in the park" vision. Our client's proposal provides a generous front yard setback to give the development a residential feel. This has

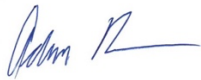
been achieved without overly prescriptive ground floor setback and landscaping requirements.

Given that our client's Site is the subject of an active rezoning application, it is our respectful submission that the Site ought to be exempt from the proposed zoning by-law amendments. The determination of the appropriate built form standards for the development on our client's Site are more appropriately dealt with through the active rezoning application currently under review by the City.

In light of the foregoing, our clients hereby oppose the current form of the proposed zoning by-law amendments, and as such, would strongly urge Council to defer its consideration of same to allow the City and various industry representatives to work on a cooperative resolution of the our client's concerns. Furthermore, we would respectfully request that both the writer and our client (Menkes Brownlow Inc. attn: Mr. Jude Tersigni, 4700 Yonge Street, Suite 1400, Toronto ON M2N 7E4) be provided with notice of any future meetings of Council, Committees of Council, passages of by-laws relating to these proposed zoning by-law amendments or any related matters. We also request that we are provided with copies of any future reports prepared by City Staff and/or Council which consider this matter and/or related matters.

Should you have any questions or require any additional information, please do not hesitate to contact the writer or Jessica Smuskowitz, a lawyer in our office.

Yours very truly,

A handwritten signature in blue ink, appearing to read "Adam J. Brown". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Adam J. Brown