



October 29, 2024

City of Toronto Legal Services  
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Delivered via email to: [Sarah.OConnor@toronto.ca](mailto:Sarah.OConnor@toronto.ca) & [Nathan.Muscat@toronto.ca](mailto:Nathan.Muscat@toronto.ca)

**Attention: Sarah O'Connor & Nathan Muscat – Solicitors, City of Toronto Legal Services**

**Re: WITHOUT PREJUDICE OFFER TO REVISE ORIGINAL APPROVAL AND SETTLE OUTSTANDING SITE PLAN DETAILS with respect to the property municipally known as 4800 Yonge Street in the former City of North York**

City File Nos.: 15 250774 NNY 23OZ & 16 269431 NNY 23SA  
OLT File Nos.: PL170562, PL170563 & PL171082

Dear Ms. O'Connor & Mr. Muscat,

We are the solicitors for Menkes 4800 Yonge Street Inc., the owners of the property municipally known as 4800 Yonge Street (the “Site”) in the former City of North York. The Site is located on the southwest corner of Yonge and Sheppard Avenue West and as you are aware was the subject of applications for an Official Plan Amendment (“OPA”), Zoning By-law Amendment (“ZBLA”), and Site Plan Approval (“SPA”) and related appeals that resulted in City Staff and Council’s support of a settlement of the appeals back in 2019. The Tribunal approved the site-specific OPA, ZBLA and SPA in principle, and the final order approving the OPA (OPA 462) and ZBLA (By-law 1113-2020 (LPAT)) was issued by the Tribunal in 2020. The final order on the SPA was withheld pending pre-conditions being cleared. Accordingly, the appeal of the SPA (OLT File No.: PL171082), is outstanding before the Tribunal.

The 2019 settlement proposal was for a 49-storey mixed use development including 49,907 square meters of gross floor area (“GFA”), comprised of 34,307 square metres of permitted residential uses, and 15,600 square metres of non-residential space with a minimum of 15,000 square metres of office space. Since 2019, our client has worked diligently with City Staff to resolve all outstanding Site Plan issues, however, there have been outstanding challenges with respect to finalizing the Site Plan drawings. Furthermore, it has become apparent to our client that since 2019 the market has changed, and given the reduced demand for office space throughout the City of Toronto in light of the increasing popularity of “hybrid” work schedules, there may be insufficient demand for the amount of office space secured within the originally approved development. Accordingly, our client has worked cooperatively with City staff to revise the site plan design to accommodate some of the new realities affecting the office market and to provide for new affordable housing, and other minor revisions to finalize all outstanding site plan matters. The proposed revisions to the SPA, which will trigger associated revisions to the related Site-Specific OPA and ZBLA, are as follows:

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1. The base of the tower has been revised to allow for a potential reduction in the amount of non-residential space from 15,600 square metres to 13,100 square metres. This change requires revisions to OPA 462 (from a minimum of 15,600 square metres of non-residential space to a minimum of 13,100 square metres) and to the Zoning By-law 1113-2020 (LPAT) (from a minimum 15,000 square metres of office space to a minimum of 12,500 square metres of office space, together with the original 600 square metres of Retail and Service Commercial Uses). Despite this potential reduction in office space, a significant amount of office space would remain intact, and the intent of the original settlement achieved, despite the significant challenge it presents for our client given the reduced demand for office space throughout the City of Toronto;
2. In response to the proposed redesign of office space within the building, an active and animated at-grade gathering space has been included within the first floor of the redesign with the intention of creating a meeting space that does not require visitors to access the upper floors. As a result of this design, a minor amendment to the previously approved OPA 462 is proposed to allow for uses that are ancillary to the office component, including but not limited to “meeting and conference facilities”, to be located at the base of the proposed tower;
3. As part of the redesign of the base building, our client has worked closely with City Staff to develop a revised streetscape that implements the vision of the City’s *Transform Yonge* study (formerly *ReImagining Yonge*). Our client remains committed to working with City Staff to implement such vision and revised design as they work towards finalizing their plans for the Site;
4. To clarify the obligation to provide a pedestrian connection to the TTC subway station, and to reflect that the cost of providing the connection is higher than originally anticipated, the Section 37 provisions of the Site-Specific Zoning By-law are proposed to be amended to eliminate the prior reference to a cash contribution in lieu of the TTC connection;
5. The permitted height of the building has increased by 3 metres from 160 metres to 163 metres to allow for an additional residential floor in the tower. In consideration for this increased height, the Owner shall provide a minimum of 10 affordable housing units with a Gross Floor Area of approximately 555 square metres. The unit mix shall be comprised of eight (8) one-bedroom units and two (2) two-bedroom units;
6. In consideration for the flexibility on the minimum office space required, if they elect not to construct the 15,000 square metres of office space as initially secured (such election to be made prior to final site plan approval), the Owner shall provide an additional twelve (12) affordable housing units with a gross floor area of approximately 732 square metres. The breakdown of these units is as follows: nine (9) one-bedroom units, two (2) two-bedroom units and one (1) three-bedroom unit;

7. All affordable housing units shall be provided in accordance with the Terms outlined in Appendix A, to the satisfaction of the Chief Planner and Executive Director, City Planning; and
8. The owner has committed to securing all of the residential units within the approved building as rental units for a period of at least 20 years; a significant contribution to the City's rental stock in this particular area of the City and in furtherance of the City's housing policy goals.

We are confident that the revisions set out above, which revisions facilitate the proposed development proceeding in an economically viable manner for our client, and which revisions include our client's commitment to deliver up to 22 new affordable housing units on terms satisfactory to the City, and all residential dwelling units within the proposed building as “**rental dwelling units**”, is both a reasonable and positive response to the changing conditions of Toronto's office and housing markets.

There are no proposed changes to the fulfilment of the parkland dedication requirement, which is to be achieved through off-site parkland dedication of properties acceptable to the General Manager, Parks, Forestry and Recreation as described in the Settlement Offer and associated recommendations to City Council on February 26, 2019. However, in addition to the commitment set out herein, our client has also agreed, as part of this proposed settlement offer, to build out the above-base park improvements on the Cameron properties on the understanding that the City will include a recommendation in its final report that authorizes a development charge credit for the aforementioned works (up to the parks component of the development charges owed/paid).

This without prejudice Offer is seeking Council's support of revisions to the implementing planning instruments previously approved with respect to the Site. The revisions set out herein are clearly referenced in the final Official Plan Amendment and Zoning By-Law Amendment documents attached hereto. Both updated planning instruments have been developed in a cooperative manner with City Staff and we understand are supported by staff and we believe worthy of Council's support.

In terms of implementation, because of the outstanding SPA appeal before the Tribunal, and because the Tribunal was the approval authority in respect of OPA 462 and Zoning By-law 1113-2020, we propose to request that the Tribunal amend their earlier approval under the authority of Rule 25 of the Ontario Land Tribunal's Rules of Practice & Procedure pursuant to section 23 of the *Ontario Land Tribunal Act*, with the consent and support of the City. Assuming the Tribunal approves the requested revisions, the Section 37 and Site Plan Agreements would need to be amended before the proposed revisions take effect.

We kindly request that you seek Council direction to support the above outlined changes to the 2019 settlement proposal at the Tribunal. Should you have any further questions or require any additional information, please do not hesitate to contact the writer or Sean Brown, a lawyer in our office. Additionally, please note that due to the urgent nature of this matter, this without prejudice

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offer to revise original approval and settle outstanding site plans details expires on November 30, 2024.

Sincerely,



Adam J. Brown

Cc: Mr. Jude Tersigni, Senior VP Planning & Development, Menkes Development Ltd.  
Ms. Jennifer Lane, Director, Planning & Development, Menkes Development Ltd.

**APPENDIX A- Affordable Housing Terms and Conditions**

- a) the average unit size of the affordable rental housing units shall be no less than 51 square metres for a one-bedroom, 70 square metres for a two-bedroom and 91 square metres for a three-bedroom unit;
- b) the minimum unit size of the affordable rental housing units shall be no less than minimum unit sizes of all market units, by unit type
- c) the general configuration, location and layout of the affordable rental housing units in the development shall be to the satisfaction of the Chief Planner and Executive Director, City Planning, the units are not required to all be located on the same floor;
- d) tenants of the affordable rental housing units shall be provided with access to, and use of all indoor and outdoor residential amenities in the development at no extra charge; access to, and use of, these amenities shall be on the same terms and conditions as any other resident of the building without the need to pre-book or pay a fee, unless specifically required as a customary practice for private bookings;
- e) all affordable rental housing units will be provided with ensuite laundry facilities and central air conditioning at no extra charge;
- f) tenants of the affordable rental housing units will be provided with access to permanent and visitor bicycle parking/bicycle lockers in accordance with the Zoning By-law and on the same basis as other units within the development;
- g) the initial rent (inclusive of utilities) charged to the first tenants of and upon turnover of the affordable rental housing Units shall not exceed affordable rents as defined in the Official Plan (pursuant to OPA 558) for a minimum of 25 years, beginning with the date each such unit is first occupied (the "Affordability Period"). During the Affordability Period, increases to initial rents charged to tenants occupying any of the affordable rental housing units shall be in accordance with the Residential Tenancies Act and shall not exceed the Provincial rent guideline, regardless of whether the Provincial rent guideline applies to the affordable rental housing units under the Residential Tenancies Act;
- h) the Owner shall provide and maintain the affordable rental housing units as rental dwelling units at the rents identified in g. above for the duration of the Affordability Period. The affordable rental housing units shall not be

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registered as a condominium or any other form of ownership, such as life lease or co-ownership, which provides a right to exclusive possession of a dwelling unit, and no application for conversion for non-rental housing purposes, or application to demolish any affordable rental housing unit shall be made for the duration of the Affordability Period; upon the expiration of the Affordability Period, the owner shall continue to provide and maintain the affordable rental housing units as rental dwelling units, unless and until such time as the owner has applied for and obtained all approvals necessary to do otherwise;

- i) the Owner will use the City's Centralized Affordable Housing Access System to advertise and select tenants for the affordable rental housing units, provided it is in place, unless otherwise agreed to by the Executive Director, Housing Secretariat; and at least six (6) months in advance of any affordable rental housing unit being made available for rent, the owner shall develop and implement an Access Plan which will outline how the affordable rental housing units will be rented to eligible households in consultation with, and to the satisfaction of, the Executive Director, Housing Secretariat;
- j) the affordable rental housing units shall be made ready and available for occupancy no later than the date by which seventy percent (70%) of the new dwelling units erected on the site as are available and ready for occupancy.