

Without Prejudice

December 5, 2022

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File 22976.00001

Via Email: ray.kallio@toronto.ca

City of Toronto
Legal Services
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55 John Street
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Attention: Ray Kallio

Dear Sir:

**Re: OLT-22-003642 First Capital Holdings (Ontario) Corporation
801 York Mills Road & 1855 Leslie Street, Toronto**

We are solicitors for First Capital Holdings (Ontario) Corporation regarding property located at 801 York Mills Road and 1855 Leslie Street, Toronto.

As you are aware a rezoning application was filed with the City on November 4, 2019, (the "**Initial Application**"). The Initial Application was deemed complete as of that date. At the time of the Initial Application, the Subject Site was occupied by a 3-storey commercial office building, a 1-storey restaurant, and surface parking.

The Initial Application contemplated the redevelopment of the Subject Site with two 21-storey towers and a 9-storey mid-rise, comprised of 636 residential units, at-grade retail commercial uses and a public park. A Preliminary Report was prepared in January 2020 and was considered by North York Community Council on February 2, 2020. The Preliminary Report identified concerns regarding site organization, building placement, height, massing, setbacks and transitions, specifically with regard to the proposed 9-storey building.

Following a community consultation meeting, extensive discussions were held with City staff and Councillor-led working group meetings. Revised plans were submitted on April 14, 2022 (the “**2022 Resubmission**”) to reflect the issues raised by the City and the community.

The 2022 Resubmission proposed a reduction in the overall height and density of the redevelopment, with the height reduced from 21 storeys to 16 storeys, and from 9 storeys to 5 storeys. The overall density was reduced from an FSI of 4.62 to an FSI of 3.9. This translated into a unit decrease from a total of 636 units to a total of 492 units across the three buildings. Additionally, the proposed on-site parkland dedication has been increased from 561 m² (5%) to 994 m² (8%).

Since the filing of the 2022 Resubmission, the rezoning application was appealed to the Ontario Land Tribunal (“**OLT**”) for non-decision. The first case management conference has been held and a Procedural Order has been issued by the Tribunal, which contains a number of issues put forward by the City. We have also had the opportunity to have a further without prejudice discussion with the City to see how we can resolve their concerns.

To that end, we are prepared to further modify our proposal to reduce the overall height to 15 storeys, and the modify the podium design to reduce the overall height of the podium by a storey. In addition, we will increase the setback as between the subject property and the property at the corner of York Mills and Leslie to 5.5 metres, all of which are shown on the attached plans, (the **Settlement Offer**).

The Settlement Offer results in following changes from the 2022 Resubmission

801 York Mills Rd & 1855 Leslie St - Statistic Comparison		
	April 14, 2022 Resubmission	November 28, 2022 Settlement Plan
Total GFA (sq.m.)	43,728.9	41,448.7
Total Residential GFA (sq.m.)	42,364.5	40,085.7
Total Non-Residential GFA (sq.m.)	1,364.4	1,363.0
Unit Count	492	470
FSI	3.9	3.7
Total Indoor Amenity (sq.m.)	1,150.6	1,145.3
Total Outdoor Amenity (sq.m.)	1,383.3	901.9

The Settlement Offer is being made to resolve the outstanding issues as between our clients and to negate the need for a contested OLT hearing on the merits of the zoning application as against the City. It is anticipated that if this Settlement Offer is accepted, that my client and staff will continue to work together to finalize the implementing zoning by-law amendment and to resolve any outstanding technical comments as set out in the City's list of issues, in advance of the hearing.

We look forward to hearing from you regarding the forgoing.

Yours truly,

WeirFoulds LLP

A handwritten signature in cursive script that reads "Denise Baker".

Denise Baker

DB/mw

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