

Public Attachment 1



Overland LLP
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WITH PREJUDICE

April 17, 2020

VIA EMAIL

Gabe Szobel
Solicitor, City of Toronto Legal Division
26th Floor – Metro Hall
55 John Street, Toronto, ON M5V 3C6

Dear Mr. Szobel:

RE: 39 Thora Avenue
LPAT Case Nos. PL180326 and MM180031
City File No. 13 2539 11 ESC 35 OZ
Zoning By-law Amendment and Site Plan Application
With Prejudice Settlement Offer

We are the lawyers for Rhona Day (the “**Appellant**”), who is the owner of the lands municipally known as 39 Thora Avenue and the applicant in the above-noted applications for Zoning By-law Amendment and Site Plan Approval in respect of the property municipally known as 39 Thora Avenue (the “**Property**”).

On October 21, 2013, our client submitted applications for a zoning by-law amendment and for site plan approval to permit the construction of ten (10) three-storey residential townhouse units (collectively, the “**Applications**”). On March 29, 2018, the Applications were appealed to the Local Planning Appeal Tribunal (the “**LPAT**”) for its consideration pursuant to Sections 34(11) of the *Planning Act* and Section 114(15) of the *City of Toronto Act* (collectively, the “**Appeals**”). A hearing is scheduled for August 4-7, 2020 (the “**LPAT Hearing**”).

On July 16, 2019, our client made a resubmission to the City of Toronto (the “**City**”) based on a revised proposal to redevelop the Property with fifteen (15) three-storey townhouse units and one (1) three-storey detached dwelling unit, with all units situated on top of a one-storey underground parking garage (the “**July 2019 Resubmission**”).

Following the July 2019 Resubmission, our client received a Direction Report from City Staff dated October 21, 2019, which was considered by Scarborough Community Council and City Council. The Report directed City Staff to continue discussions with the Appellant. Based on those discussions and in response to issues identified by City Staff, this letter constitutes our client’s offer to settle the Appeals on the basis of the enclosed resubmission materials which are described in greater detail below (the “**Settlement Offer**”). If the Settlement Offer is accepted, our client will work with City Staff to implement such changes as may be reasonably required to finalize and implement the terms of the proposed settlement in advance of the LPAT hearing.

This Settlement Offer is being submitted on a **with prejudice** basis.

Proposed Settlement Revisions

Following the Appeals to the LPAT and the direction of City Council, our client has continued discussions with City Staff in an effort to address issues that were raised during the development review process. Based on those discussions, our client has incorporated further revisions to the proposed development of the Property that can be generally described as follows:

- the elimination of the single detached dwelling fronting Thora Avenue and a reduction in the number of units from sixteen (16) to fifteen (15);
- in total, the revised proposal includes 2,287.25 square metres of residential gross floor area (GFA), for a total site density of 1.18 floor space index (FSI);
- each of the fifteen (15) townhouse units will be three-storeys in height or approximately 9.64 metres to the top of the parapet;
- the units will be organized in four (4) blocks as follows:
 - o Block A (northwest corner of site) contains three (3) townhouse dwelling units and is oriented along Thora Avenue along with an entrance to the below-grade garage which is integrated into the northernmost unit of Block A;
 - o Block B (northeast corner of site) contains five (5) townhouse dwelling units and is located along the public laneway perpendicular to Thora Avenue. These units would front onto the laneway;
 - o Block C (located to the east) contains three (3) townhouse dwelling units and is oriented along a proposed pedestrian walkway parallel to Thora Avenue; and,
 - o Block D (located to the east) contains four (4) townhouse dwelling units and is also oriented along a proposed pedestrian walkway parallel to Thora Avenue;
- the revised proposal incorporates a 5.2-metre gap between Blocks C and D that serves to break up the massing of these units and mitigates any potential overlook issues onto the rear yard of the abutting dwelling to the east that fronts onto Lucy Avenue, and has a side condition relative to Blocks C and D;
- the third floor of each unit is stepped back from its rear in order to accommodate private outdoor amenity space and to provide transition where the proposed buildings abut existing residential uses along Thora Avenue; and
- the revised proposal includes a total of twenty-four (24) parking spaces inclusive of three (3) visitors' spaces, all of which are contained in a single level of underground parking that is accessed via a vehicular ramp that is integrated into Block A, allowing for an attractive, pedestrian-friendly streetscape design.

In support of the Settlement Offer, please find enclosed digital copies of the following materials:

1. The following materials have been updated in accordance with the Settlement Offer:
 - i. One (1) digital copy of the Project Data Sheet;
 - ii. One (1) digital copy of the Development Approval Resubmission Form;
 - iii. One (1) digital copy of the Toronto Green Standards Version 2.0 Checklist;
 - iv. One (1) digital copy of the Energy Efficiency Design Summary;
 - v. One (1) digital copy of the Architectural Plans prepared by studioCANOO Architecture (dated April 16, 2020);

- vi. One (1) digital copy of the Block Concept Plan prepared by studioCANOO Architecture (dated April 7, 2020);
 - vii. One (1) digital copy of the Planning Justification Report Addendum prepared by WND Associates Limited (dated April 16 2020);
 - viii. One (1) digital copy of the Draft Zoning By-law Amendment prepared by WND Associates Limited;
 - ix. One (1) digital copy of the Noise Feasibility Study prepared by HGC Engineering (dated March 20, 2020);
 - x. One (1) digital copy of the Lighting Plan prepared by Salex Inc. (dated April 2020);
 - xi. One (1) digital copy of the Transportation Impact Assessment prepared by LEA Consulting Ltd. (dated April 2, 2020);
 - xii. One (1) digital copy of the Civil Plans (Site Grading, Site Servicing) prepared by MTE Consultants Inc. (dated April 13, 2020);
 - xiii. One (1) digital copy of the Functional Servicing and Stormwater Report prepared by MTE Consultants Inc. (dated April 13, 2020);
 - xiv. One (1) digital copy of the Landscape Plan prepared by Thincdesign (dated March 25, 2020);
2. The following materials were submitted as part of the July 2019 Resubmission, but are being resubmitted to the City for ease of reference:
- i. One (1) digital copy of the Survey prepared by Aksan Piller Corporation Ltd. (dated May 1, 2014);
 - ii. One (1) digital copy of the Geotechnical Foundations Recommendations Report prepared by Alston Associates Inc. (dated September 2, 2016);
 - iii. One (1) digital copy of the Tree Inventory Plan prepared by Judith S. Wright Associates (dated January 31, 2017);
 - iv. One (1) digital copy of the Public Consultation Plan prepared by WND Associates Limited (dated June 2019); and
 - v. One (1) digital copy of the Arborist Report prepared by Judith S. Wright Associates, dated December 27, 2017.

The resubmission is being coordinated on behalf of the Appellant by Walker Nott Dragicevic Associates Ltd. Please direct all comments regarding the resubmission materials to Dominik Matusik (dmatusik@wndplan.com)/Andrew Ferancik (aferancik@wndplan.com) at (416) 968-3511. Additional information in respect of the Settlement Offer may be provided in due course, and we would be pleased to respond to any requests from City Staff in that regard.

Thank you for your attention to this matter and we look forward to your response.

Yours truly,
Overland LLP



Per: Christopher Tanzola
Partner

Encl.

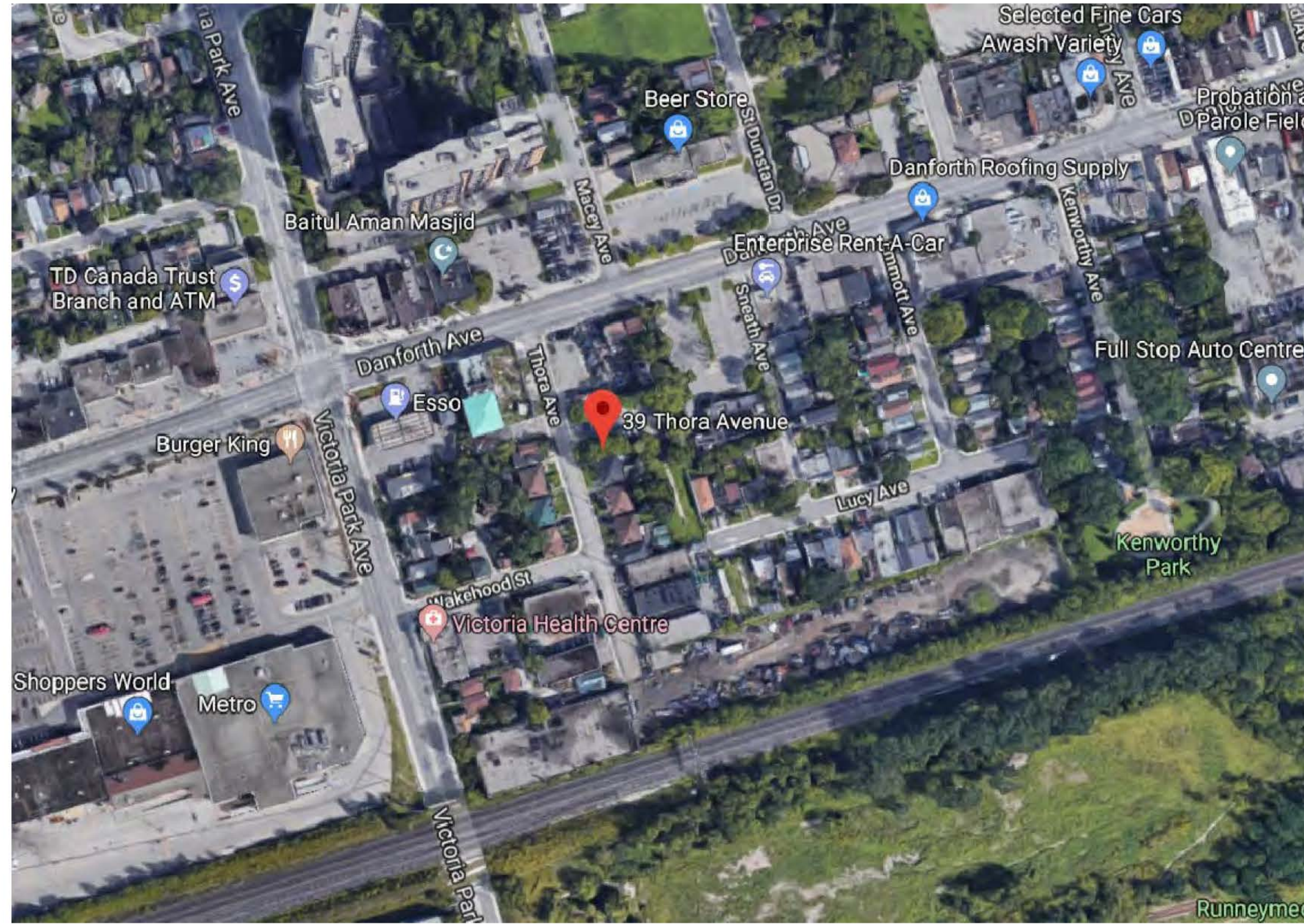
THORA AVENUE TOWNHOUSES

ISSUED FOR ZBA/SPA REVISION



2496322 Ontario Inc.
003-120A Sterling Rd. M6R 2B7
Toronto, Ontario, Canada M6V 1X9
T: 847 213 1783
studiocano.on

NOTE: This drawing is the property of the architect and may not be reproduced or used without the expressed consent of the architect. The contractor shall be responsible for checking and verifying all levels and dimensions and shall report all discrepancies to the architect and obtain clarification prior to commencing work.



LOCATION PLAN

DRAWING LIST

- ARCHITECTURAL DRAWINGS
 - A001 LOCATION PLAN
 - A100 SITE PLAN
 - A101 PARKING LEVEL PLAN
 - A102 GROUND FLOOR PLAN
 - A103 TYPICAL UNIT PLANS
 - A200 BUILDING ELEVATIONS
 - A201 COLOURED BUILDING ELEVATIONS
 - A300 SITE/BUILDING SECTIONS
- CIVIL DRAWINGS
 - C1.1 SITE GRADING & ESC PLAN
 - C1.2 SITE SERVICING PLAN
 - C1.3 NOTES & DETAILS
- LANDSCAPE DRAWINGS
 - L1.0 TREE PROTECTION PLAN
 - L2.0 LAYOUT PLAN
 - L3.0 PLANTING PLAN
 - L4.0 ROOF PLAN
- SURVEY

ISSUE DATE:		
NO.	DATE	DESCRIPTION
2	27/03/2019	ISSUED FOR ZBA/SPA REVISION
1	10/04/2017	REZONING RESUBMISSION

PROJECT:
THORA AVE. TOWNHOUSES

39 Thora Ave, Toronto, ON

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LOCATION PLAN,
DRAWING LIST

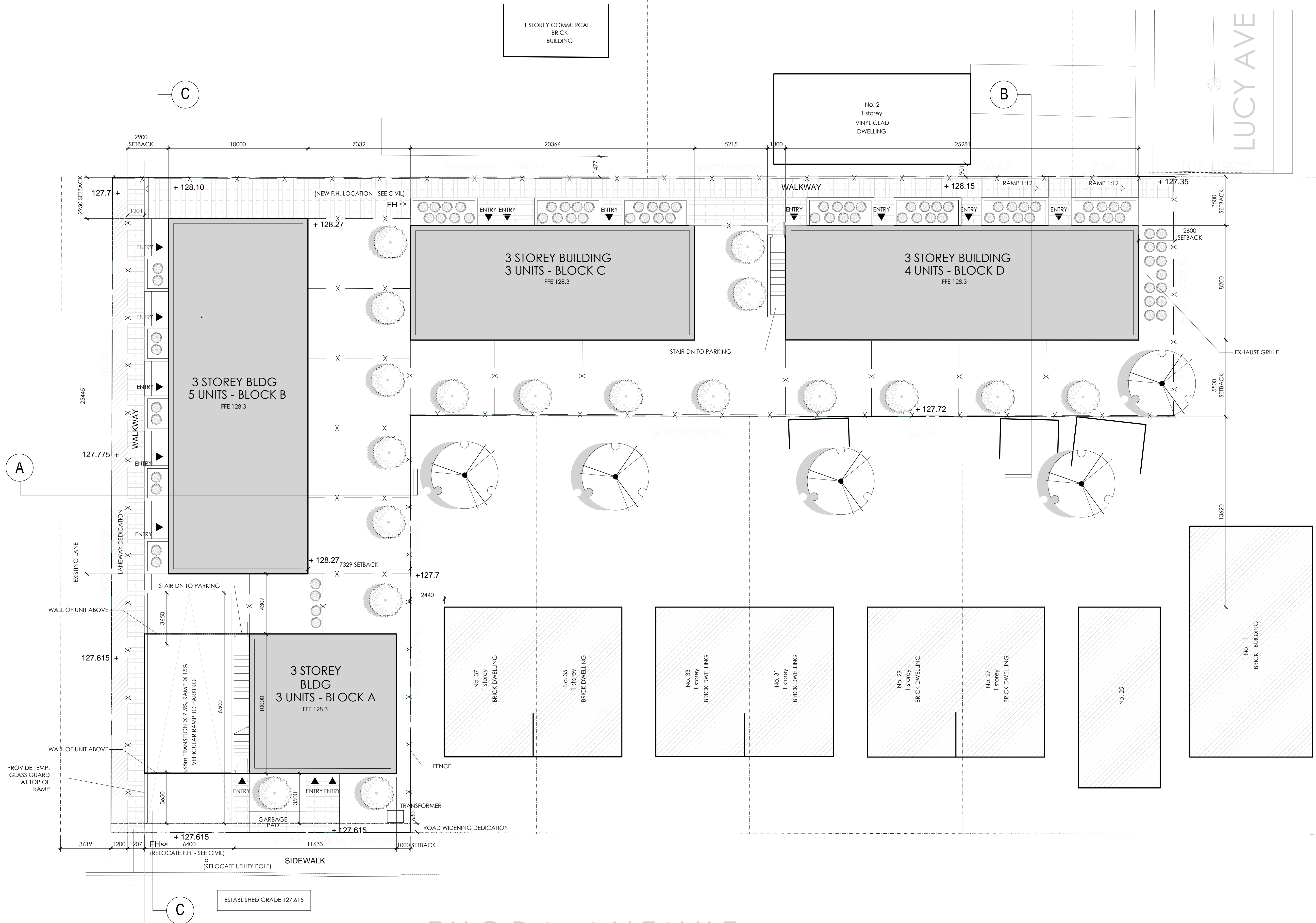
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3 04/16/2020 RESUBMISSION FOR ZBA/SPA



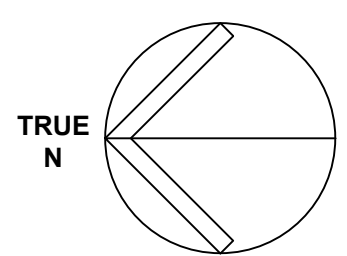
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1	10/04/2017	REZONING RESUBMISSION

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THORA AVE TOWNHOUSES

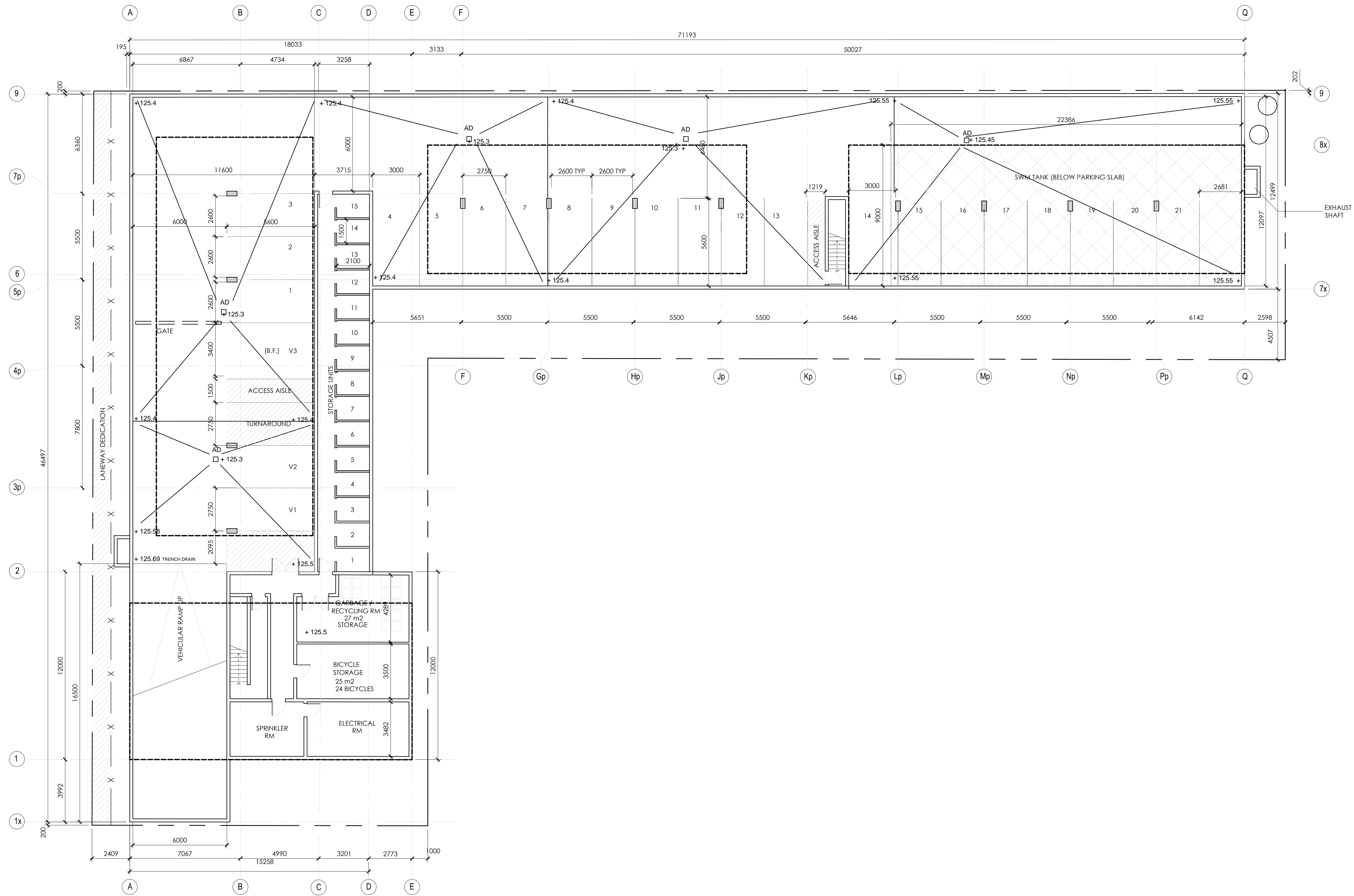
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SITE PLAN



PROJECT NO: 16100
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REVIEWED BY:

DRAWING NO:
A100



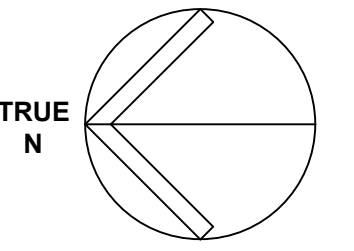
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1	10/04/2017	REZONING RESUBMISSION

PROJECT:
THORA AVE TOWNHOUSES

39 Thora Ave, Toronto, ON

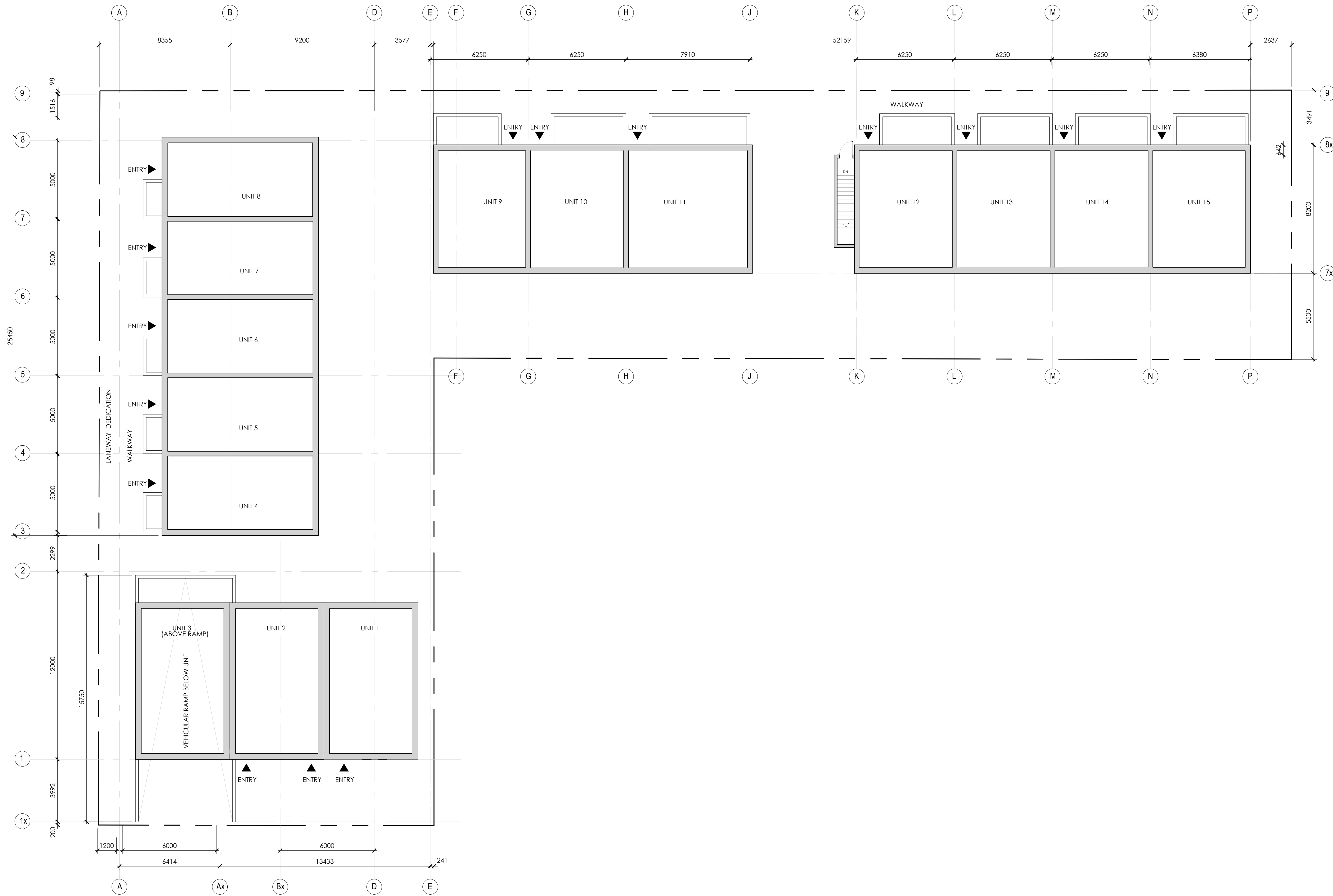
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1	10/04/2017	REZONING RESUBMISSION

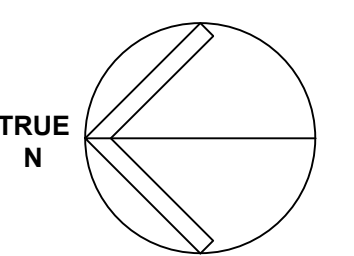
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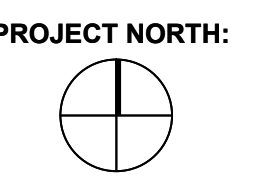
39 Thora Ave, Toronto, ON

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GROUND FLOOR PLAN

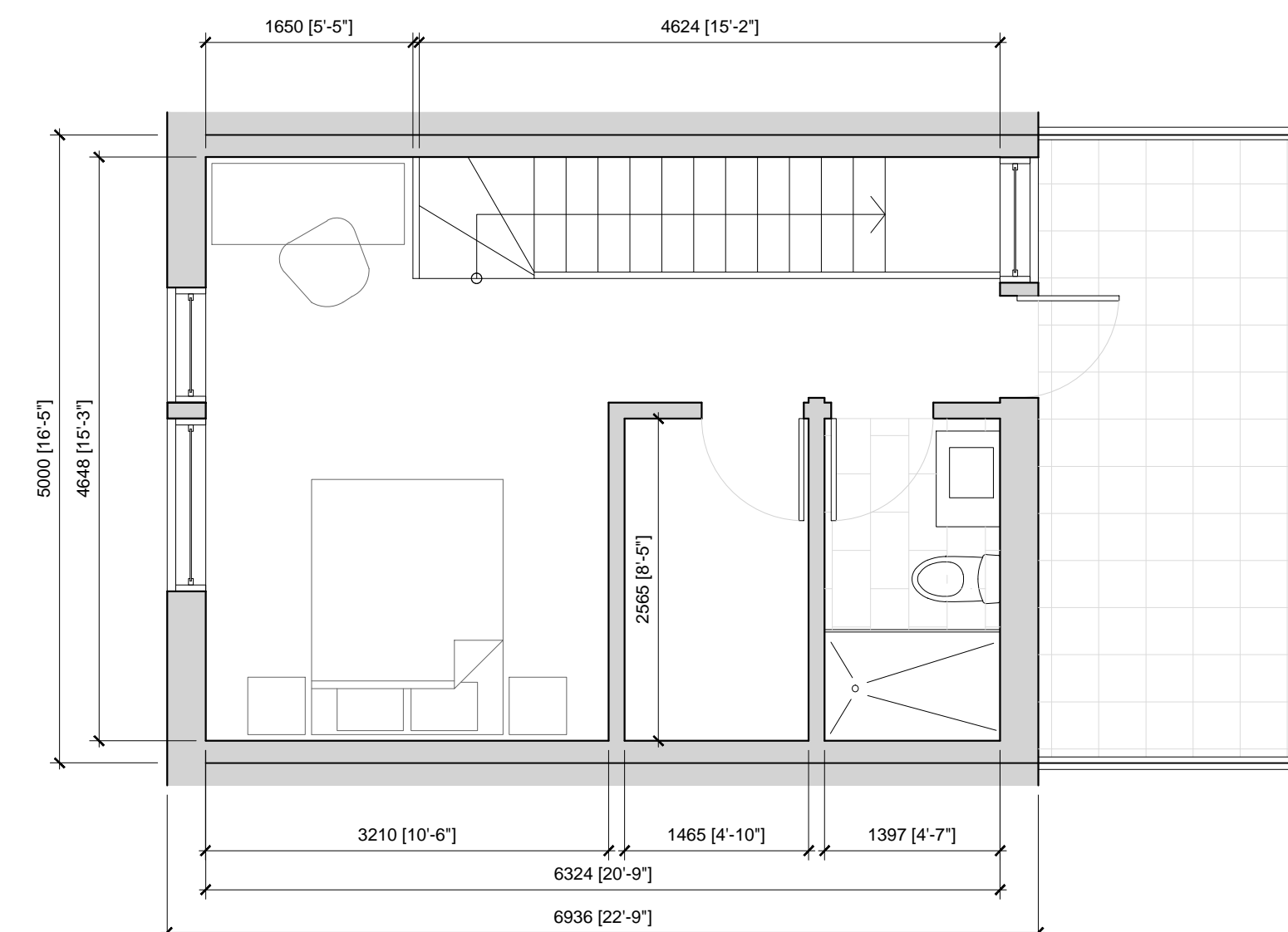
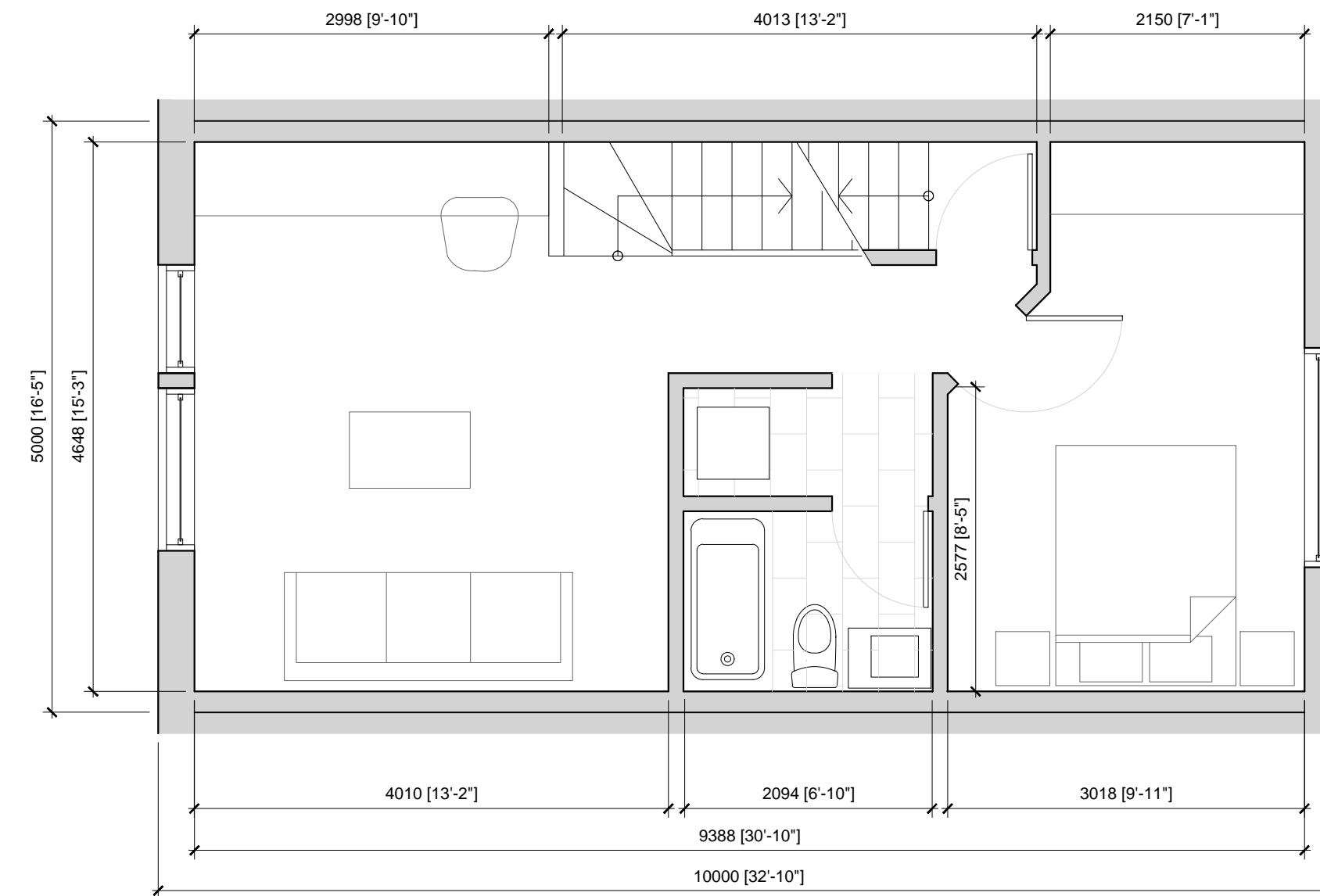
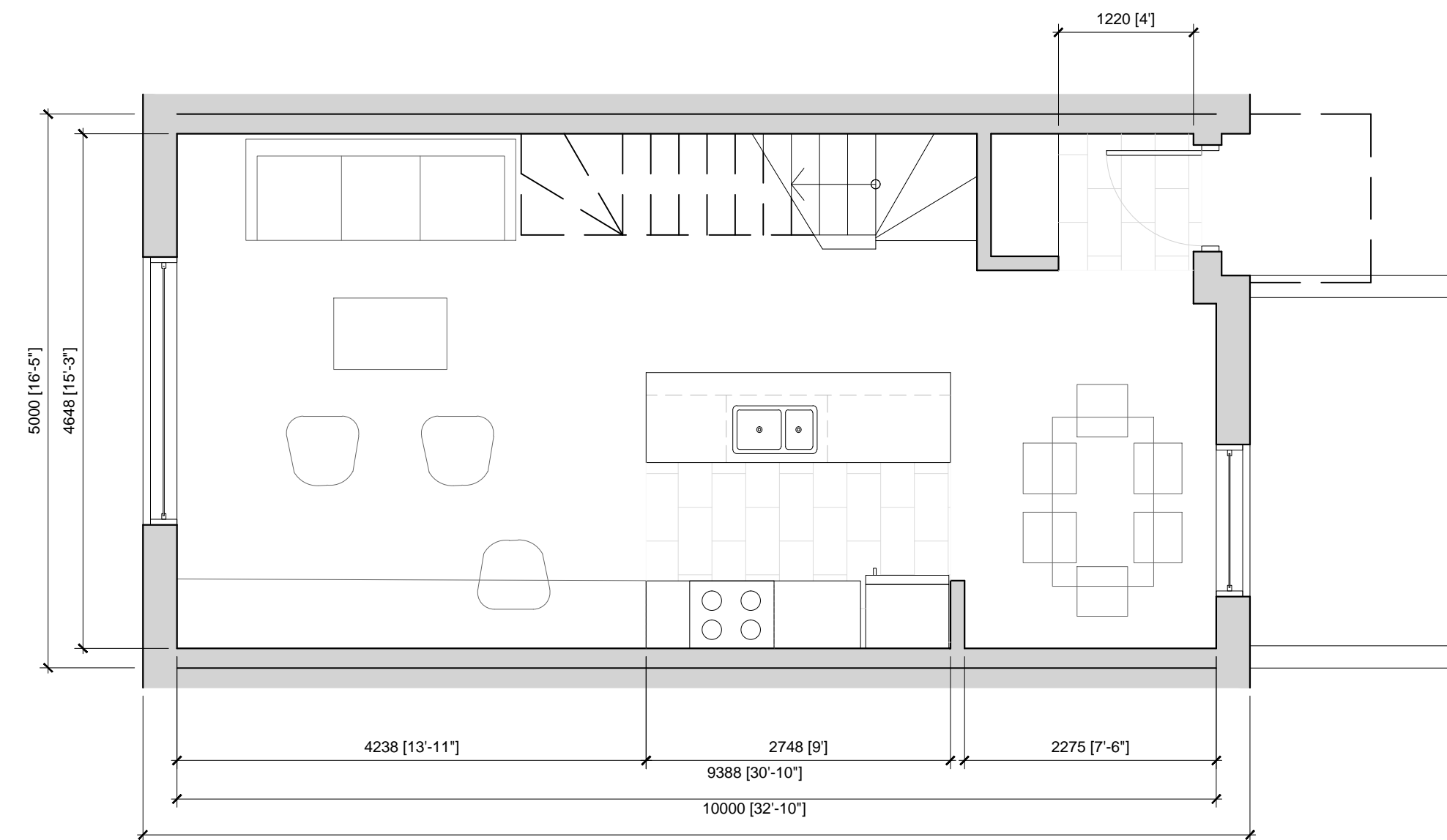


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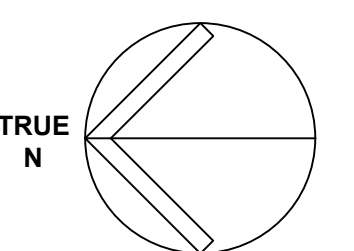
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3	04/16/2020	ISSUED FOR ZBA/SPA REVISION
2	01/03/2019	ISSUED FOR ZBA/SPA REVISION
1	10/04/2017	REZONING RESUBMISSION

PROJECT:
THORA AVE TOWNHOUSES

39 Thora Ave, Toronto, ON

DRAWING TITLE:
FLOOR PLANS
TYPICAL UNIT



PROJECT NO: 16100
SCALE: 1:150
DRAWN BY: MK
REVIEWED BY:



DRAWING NO:

A103



1 EAST ELEVATION
Scale: 1:100

ISSUE DATE:

NO.	DATE	DESCRIPTION
4	04/16/2020	RESUBMISSION FOR ZBA/SPA
3	03/30/2020	REVISED UNIT COUNT - 15 units
2	31/10/2017	ISSUED FOR REVIEW
1	10/04/2017	REZONING RESUBMISSION

PROJECT:
THORA AVE TOWNHOUSES

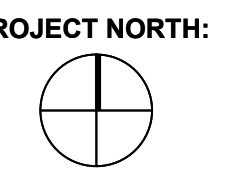
39 Thora Ave, Toronto, ON

DRAWING TITLE:
ELEVATIONS



2 WEST ELEVATION
Scale: 1:100

PROJECT NO: 16100
SCALE: 1:100
DRAWN BY: MK
REVIEWED BY:



DRAWING NO:

A200



2 WEST ELEVATION - THORA AVE
Scale: 1:100

ISSUE DATE:

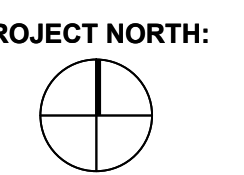
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3	03/30/2020	REVISED UNIT COUNT - 15 units
2	31/10/2017	ISSUED FOR REVIEW
1	10/04/2017	REZONING RESUBMISSION

PROJECT:
THORA AVE TOWNHOUSES

39 Thora Ave, Toronto, ON

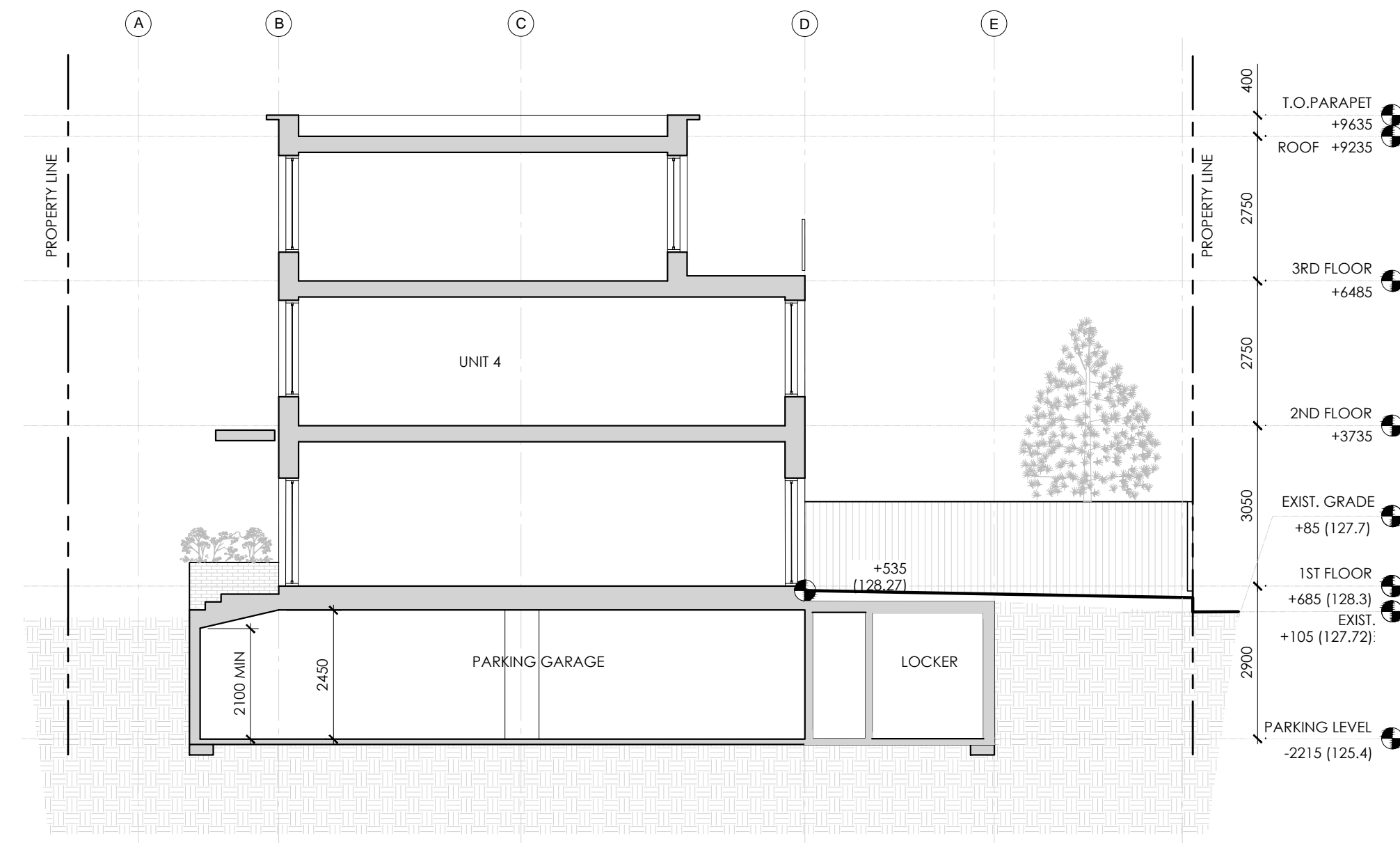
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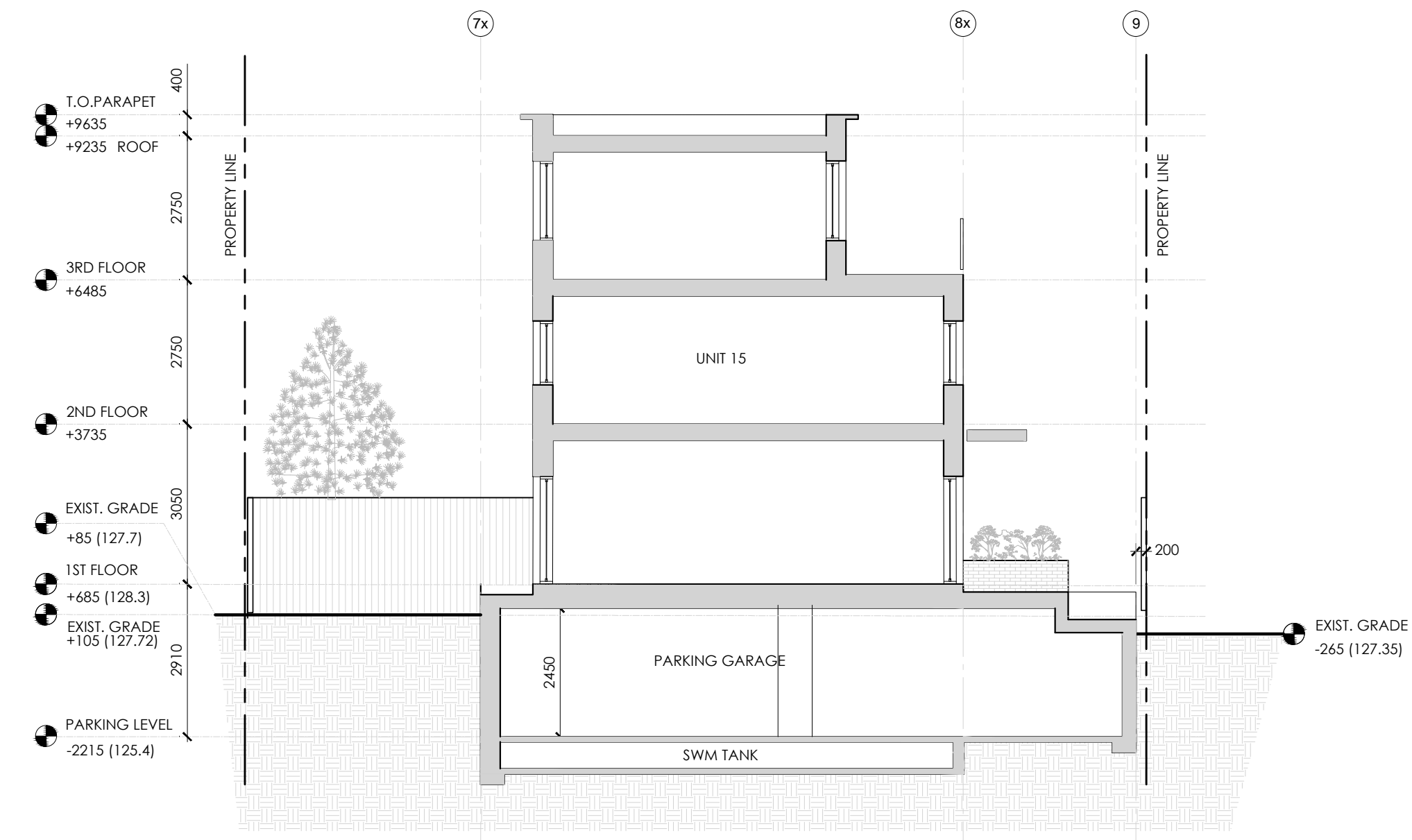


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A201



1 NORTH-SOUTH SECTION A
Scale: 1:100



2 EAST-WEST SECTION B
Scale: 1:100



3 EAST-WEST SECTION C
Scale: 1:100

ISSUE DATE:

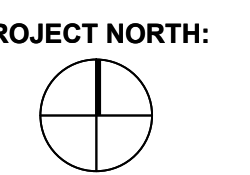
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3	03/30/2020	REVISED UNIT COUNT - 15 units
2	31/10/2017	ISSUED FOR REVIEW
1	10/04/2017	REZONING RESUBMISSION

PROJECT:
THORA AVE TOWNHOUSES

39 Thora Ave, Toronto, ON

DRAWING TITLE:
SITE SECTIONS

PROJECT NO: 16100
SCALE: 1:100
DRAWN BY: MK
REVIEWED BY:



DRAWING NO:

A300