



McCarthy Tétrault LLP
PO Box 48, Suite 5300
Toronto-Dominion Bank Tower
Toronto ON M5K 1E6
Canada
Tel: 416-362-1812
Fax: 416-868-0673

Michael Foderick*
Partner
Direct Line: 416-601-7783
Direct Fax: 416-868-0673
Email: mfoderick@mccarthy.ca
***Professional Corporation**

Assistant: Barredo, Hayley
Direct Line: 416-601-8200 x542065
Email: hbarredo@mccarthy.ca

May 20, 2025

Via Email (councilmeeting@toronto.ca)

Toronto City Council
Toronto City Hall
100 Queen Street West
Toronto, ON M5H 2N2

Attention: Sylwia Przewdziecki

Dear Sirs/Mesdames:

**Re: Item PH21.1
Proposed Official Plan Amendment No. 804
Official Plan Amendments to Align with Provincial Legislative and Policy
Changes Related to Employment Areas**

We are writing on behalf of Plazaworks Inc., the registered owner of the property municipally known as 60 Overlea Boulevard (the **"Subject Property"**) in the City of Toronto (the **"City"**). We are writing to inform you that our client objects to the proposed amendment noted above (the **"Proposed OPA"**), as currently proposed, and kindly requests that consideration of this matter be deferred.

Background

The Subject Property is situated at the northwest corner of Overlea Boulevard and Thorncliffe Park Drive, west of Don Mills Road, in the Thorncliffe Park neighbourhood. The Subject Property, approximately 0.62 hectares in size, is currently occupied by a commercial building with retail and restaurant uses. Further, the Subject Property is located in very close proximity to the planned Thorncliffe Park TTC Station on the Ontario Line, and is therefore in the Thorncliffe Park TTC Station Major Transit Station Area. Additionally, the Subject Property is located immediately north of a very large and extensive *Mixed-Use Areas*.

The Subject Property is situated within the employment area located on the north side of Overlea Boulevard that generally extends from Millwood Road to just east of William Morgan Drive. The Subject Property is also located in very close proximity to residential areas located to the south which makes this a good shovel ready candidate for development consistent with the Province's Housing Supply Action Plan (HSAP) commitment to significantly increase housing supply. Further, the Subject Property is located just east of the future Thorncliffe Park Transit-Oriented Community, which includes 6 residential towers, surrounding the planned Thorncliffe Park TTC Station.

Objection to the Proposed OPA

In our opinion, the Proposed OPA should have included the Subject Property in the list of redesignated lands as we believe strongly that the Subject Property is appropriate for conversion from *General Employment Areas* to *Mixed Use Areas* or at least to *Regeneration Areas* on an interim basis. The Subject Property does not contain any of the primary employment uses identified under the *Planning Act*. Further, the Subject Property does not abut and is not contiguous with any heavy employment uses. In our view, a *Mixed-Use Areas* designation for the Subject Property is a logical extension to the existing *Mixed-Use Areas* located to the south, and will allow for residential uses and new housing opportunities in the Thorncliffe Park neighbourhood. The redesignation will also provide appropriate transition with the abutting employment lands to remain. Additional justification is provided in the enclosed planning memo prepared by WND Associates, dated May 15, 2025.

Overall, in our opinion, the Proposed OPA has not provided a sufficiently comprehensive assessment of employment lands within the City and of those properties appropriate for redesignation to support residential uses. In our view, a more complete approach to redesignating the City's employment lands would have regard to the *Planning Act*, be consistent with the Provincial Planning Statement as well as represent good planning.

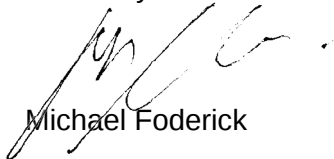
Conclusion

We therefore request that the Proposed OPA be modified to include the removal of the Subject Property from *General Employment Areas* and to redesignate it to *Mixed Use Areas* or at least to *Regeneration Areas* on an interim basis. Further, this request is to ensure consistency with other residential land use permissions approved in the general vicinity of the Subject Property. Additionally, in our view, a City employment conversion study for the entire employment area located on the north side of Overlea Boulevard would be appropriate. It is our position that this matter should be deferred to allow additional consultation with our client on the concerns raised herein.

Should you wish to discuss further, have any questions or require any supplementary information, please do not hesitate to contact the undersigned. Additionally, we formally request that the undersigned be provided with notice of any City meetings where reports related to the above noted matter are to be considered. Finally, we request that the undersigned be notified of any decision respecting the above noted matter.

Sincerely,

McCarthy Tétrault LLP



Michael Foderick

MF/JC/rj

Enclosure

To: Matthew Wolfe, Chief Executive Officer
Plazaworks Inc.

From: WND Associates

RE: Official Plan Amendment 804 – Planning Review
60 Overlea Boulevard, City of Toronto

Project No.: 25.527

Date: 15 May 2025

Introduction

We have been retained by the Owners of the lands municipally addressed as 60 Overlea Boulevard (the “Subject Site”) regarding the City of Toronto’s proposed Official Plan Amendment 804, which will be considered by City Council at its May 21 – 23, 2025 meeting as part of Agenda Item “PH21.1 - Official Plan Amendments to align with Provincial Legislative and Policy changes related to Employment Areas - Decision Report.”

The Subject Site

The Subject Site is located at the northwest corner of Overlea Boulevard and Thorncliffe Park Drive and is occupied by a single-storey building and surface parking and loading areas. The existing building is occupied entirely by retail and commercial uses (refer to **Figure 1**). The Subject Site is located in the Thorncliffe Park neighbourhood, which is comprised of a mix of residential, open space, and commercial uses, along with some legacy industrial lands which have continued to steadily transition to commercial uses in recent years.

The Subject Site is currently designated as *General Employment Areas* on Map of the Official Plan (**Figure 3**) and is zoned as *Business Centre BC-14* under Former Town of Leaside By-law 1916, which permits a mix of industrial, office and commercial uses.

The Subject Site and local community are conveniently connected to and located in proximity to an expanding network of higher-order and frequent transit services (**Figure 2**). This includes the under-construction Ontario Line and Thorncliffe Park Station, located approximately 500 metres from the Subject Site. The Ontario Line will provide for excellent transit connectivity to the Subject Site which did not previously exist, including rapid transit connectivity to Downtown Toronto, the Eglinton Crosstown LRT, and to the regional GO Train network. The Subject Site is also located within the Council-adopted Thorncliffe Park Station PMTSA (Official Plan Amendment 575), wherein the Provincial Planning Statement, 2024 and Official Plan framework directs “transit-supportive” growth to occur to optimize the significant transit investments being made and to “maximizes the number of potential transit users that are within walking distance of the station (PPS Policy 2.4.2).”



Figure 1: Aerial overview of the Subject Site and surroundings.

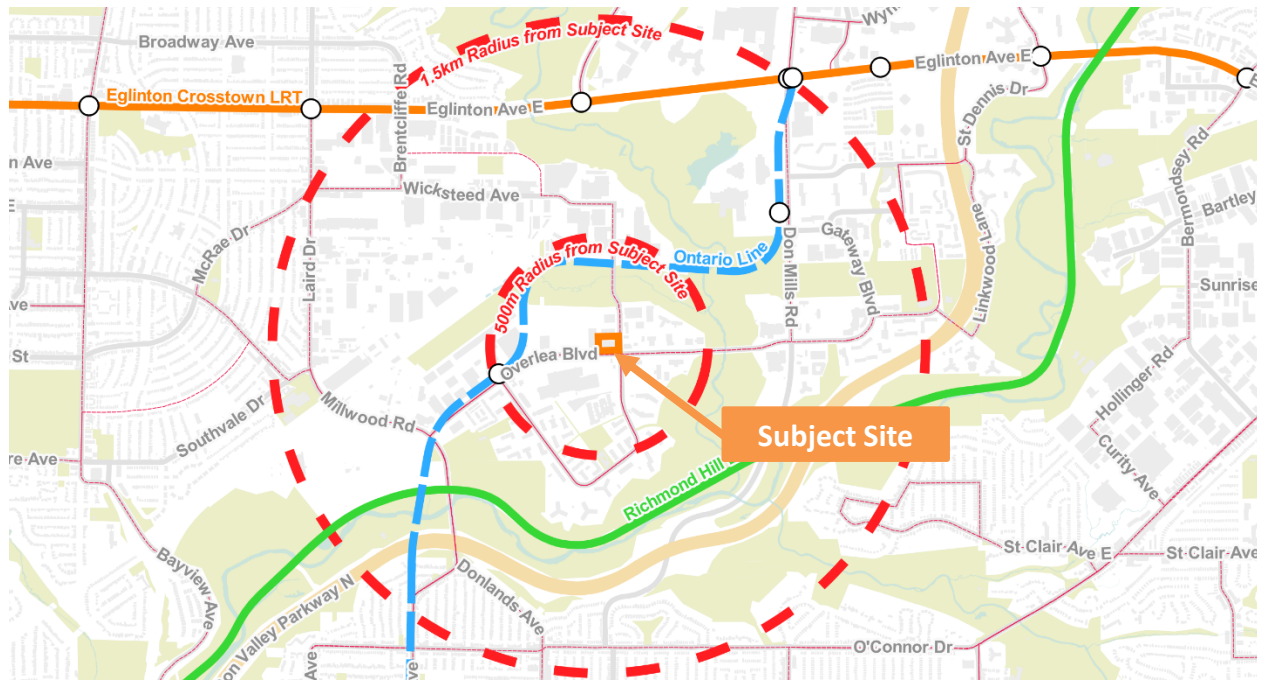


Figure 2: Subject Site identified in context with the surrounding transit network.

Comments

At its May 21 – 23, 2025 meeting, City Council will consider Agenda Item “PH21.1 - Official Plan Amendments to align with Provincial Legislative and Policy changes related to Employment Areas - Decision Report”, which recommends the adoption of Official Plan Amendment 804 to amend the Official Plan policies under Chapters 2 and 4 with respect to *Employment Areas* and to amend Map 2 and various land use designation maps to redesignate certain lands to *Regeneration Areas*, with implementing Site and Area Specific Policies.

OPA 804’s amendments to the Official Plan are being brought forward to update the City’s Official Plan in line with the Province’s update to the Planning Act’s definition for “area of employment” (which has since come into force). The Planning Act’s revised definition seeks to focus the permitted uses within “areas of employment” to:

- i. Manufacturing uses.*
- ii. Uses related to research and development in connection with manufacturing anything.*
- iii. Warehousing uses, including uses related to the movement of goods.*
- iv. Retail uses and office uses that are associated with uses mentioned in subparagraphs i to iii.*
- v. Facilities that are ancillary to the uses mentioned in subparagraphs i to iv.*

Moreover the revised definition expressly excludes the following uses from being considered “Area of employment” uses:

- i. Institutional uses.*
- ii. Commercial uses, including retail and office uses not referred to in subparagraph 1 iv;*

Sections 1(1.1) and 1(1.2) of the Planning Act enable existing uses which do not conform to the revised definition to continue on a “lawfully established” basis. However, the intent of the Province in making these changes was in-part to “...provide flexibility to convert employment lands for local uses – supporting the kinds of development and jobs that communities need.” (Source: <https://www.ontario.ca/page/helping-homebuyers-protecting-tenants>, May 7, 2025)

In keeping with this stated intent to refocus the purpose and uses of employment areas and provide flexibility for new land uses, the Province also released the Provincial Planning Statement, 2024 – which came into effect on October 20, 2024. The 2024 PPS incorporates the revised definition of an “area of employment,” while updating the policy requirements to redesignate employment lands, which would include opening up additional opportunities for lands which no longer adhere to the Planning Act’s definition for “area of employment.”

The staff report accompanying OPA 804 and PH21.1 before Council indicates that City staff reviewed the City's Official Plan-designated *Employment Areas* to identify lands for removal with two key criteria supportive of removal being lands containing "office parks" and "areas that do not act as a buffer to more sensitive uses" (Page 5). From this review the City identified only four areas within the City for removal.

Redesignation of the Subject Site

Despite the City's analysis of lands for removal through OPA 804, in our opinion, the Subject Site is similarly appropriate for redesignation to *Mixed Use Areas*.

The Subject Site does not contain any of the primary employment uses identified under the Planning Act and in fact is occupied by and permitted for commercial uses which are not associated with a primary employment use. These 'non-employment' uses have long-existed and been permitted under the in-force zoning on the Subject Site.

Furthermore, the *Employment Areas*-designated lands immediately abutting the Subject Site are predominantly occupied by uses which do not comply with the Planning Act definition, and for which residential uses are planned through the Provincially-led Thorncliffe Park Transit Oriented Community (see **Figure 4**).

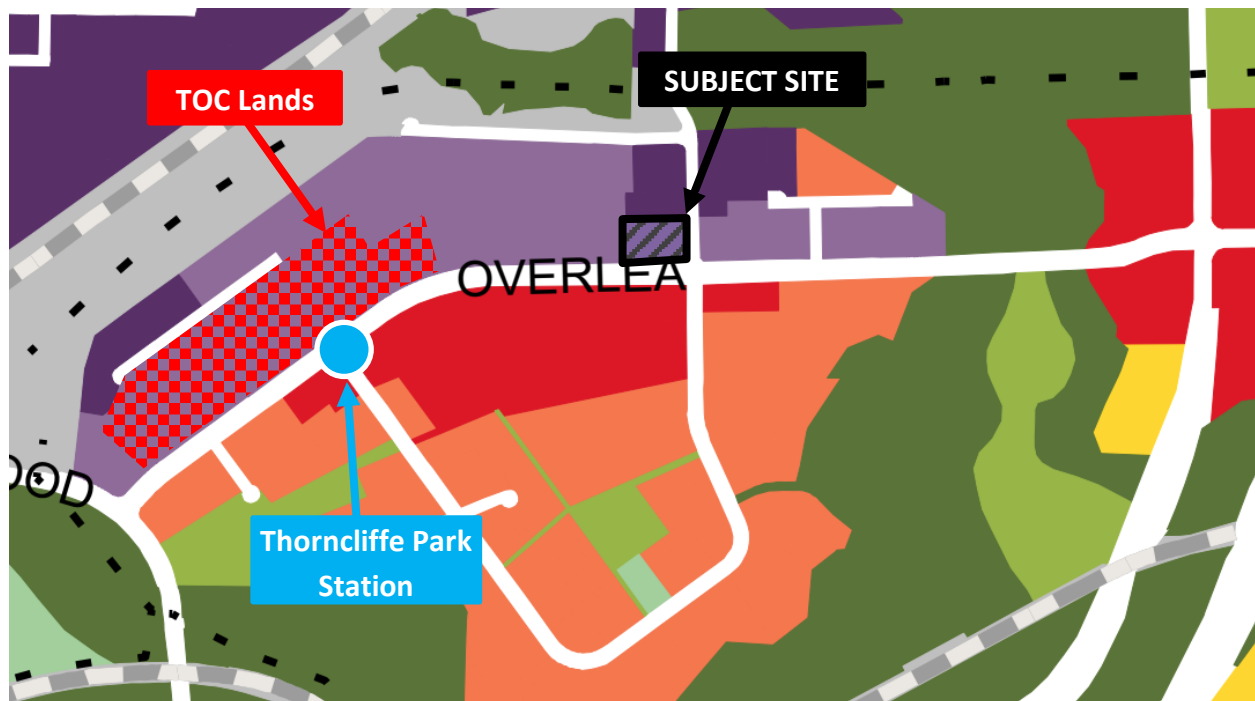


Figure 3: Subject Site located on Map 20 of the Official Plan.

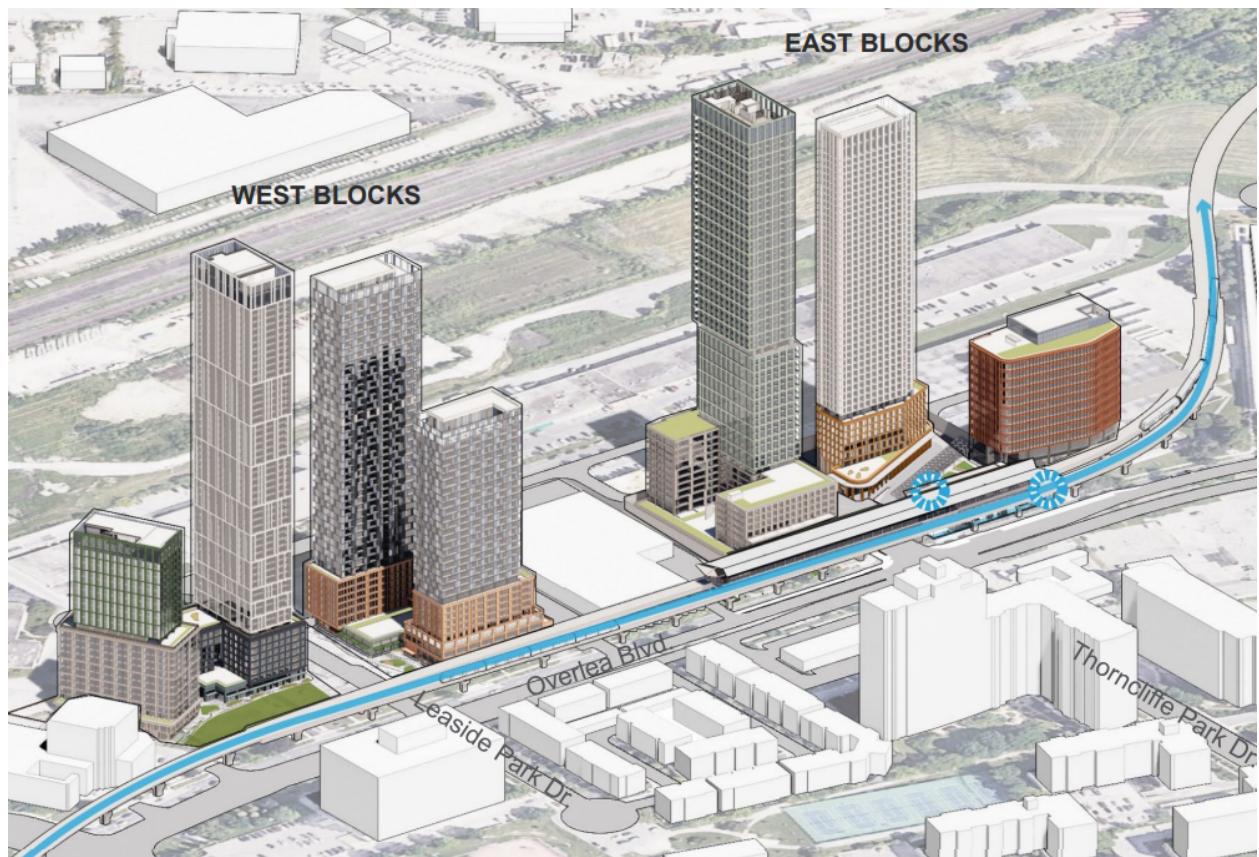


Figure 4: Rendering of the TOC proposal with tower heights up to 56 storeys.

More specifically, the Subject Site is surrounded by:

- North: Low-rise commercial, office, and place of worship uses, and limited legacy industrial uses abutting the Don River ravine system and Hydro transmission corridor.
- West: Funeral centre, Costco Retail store and parking lot, Thornccliffe Park Station and the Provincial Transit Oriented Community;
- South: Overlea Boulevard, the East York Town Centre shopping mall, existing school and community facilities, and several mid-and-high-rise apartment buildings;
- East: Thornccliffe Park Drive, places of worship, seniors living centre, high-rise apartment buildings, and the Don River ravine system

Furthermore, in February 2025, City Council adopted OPA 778 which designates the entirety of Overlea Boulevard's south side as an *Avenue* (directly across from the Subject Site), where mixed-use intensification with mid-rise and tall buildings is explicitly directed to occur by the Official Plan policy

framework. OPA 778 will therefore further support the local area's ongoing transition to intensify with mixed-uses surrounding the under-construction Thorncliffe Park Station

Given the ongoing transition away from industrial to commercial and other non-employment uses within in the balance of the *Employment Area* surrounding the Subject Site, and both the provincial and municipally led initiatives to intensify lands within and along it, it is unlikely that the Subject Site or the abutting lands will be occupied by the primary employment uses identified under the Planning Act. It is likely instead that the *Employment Area*-designated lands along Overlea Boulevard will continue to retain or seek to intensify their non-employment uses, including through residential intensification, which would serve to optimize the Ontario Line transit investments and support ridership at the station.

This ongoing land use transition is further evidenced through the various requests to redesignate the surrounding *Employment Areas*-designated lands submitted to the City of Toronto during the most recent Municipal Comprehensive Review, including:

- 26 Overlea Boulevard
- 14-16 Overlea Boulevard & 7-11 Banigan Drive
- 20 Overlea Boulevard

A "Conversion Request" was similarly submitted for the Subject Site during the MCR process, however was not approved by City Council. In the time since the Conversion Request was made, OPA 778 was adopted by City Council and the Thorncliffe Park TOC has been advanced.

Lastly, the Subject Site is located 300 metres from the broader employment area on the opposite side of the hydro corridor and does not act as a buffer between the existing residential uses. We also note that the Province's TOC proposal is similar located approximately 300 metres from the primary employment uses located on the opposite side of the rail corridor, and will include significant residential intensification. In our opinion, this existing context fulfills the criteria identified in the City staff report for consideration of removing the Subject Site from *Employment Areas*.

Conclusion

In our opinion, OPA 804 has not provided a sufficiently comprehensive and appropriate assessment of Employment Areas within the City and of those lands appropriate for redesignation to support mixed-use development.

As discussed in this memo, the Subject Site and local area also exhibits the qualities the City has identified as supporting factors in their staff report supporting the removal of four *Employment Areas* and in our

opinion the Subject Site is a similarly appropriate candidate for removal from the Official Plan-designated *Employment Area*, and for redesignation to *Mixed Use Areas*. A redesignation to *Mixed Use Areas* would enable the Subject Site to intensify with mixed-use development that would include a mix of residential and non-residential uses as intended by the Province's direction for Bill 97 and the PPS. This mixed-use redevelopment of the Subject Site would enable the lands to continue to support long-term employment activity within the City with appropriately integrated non-employment uses, while also contributing to expanding the housing supply within a community that is well served by the existing and planned transit network, infrastructure, and community services, and thereby contribute to achieving complete communities.

It is therefore our planning opinion that OPA 804 be modified to include the removal of the Subject Site from *Employment Areas* and to redesignate the lands to *Mixed Use Areas*.