

June 25, 2021

**By E-Mail Only to *phc@toronto.ca***

Planning and Housing Committee  
City of Toronto  
100 Queen Street West  
Toronto ON M5H 2N2

**Attention: Nancy Martins, Administrator**

Dear Members of Planning and Housing Committee:

**Re: Agenda Item PH25.5  
Zoning Conformity for Official Plan Employment Areas – Phase 1 Final  
Report and Phase 2 Update  
Comments filed on behalf of Woodbine Entertainment Group – 555 Rexdale  
Boulevard**

We are counsel to Woodbine Entertainment Group (“**Woodbine**”), the owner of approximately 277 hectares (684 acres) of land at the intersection of Highway 427 and Rexdale Boulevard in the City of Toronto (the “**Woodbine Lands**”). A map of the Woodbine Lands is attached to this letter.

The Woodbine Lands currently contain the Woodbine Racetrack complex, and its ancillary uses including slots and electronic gaming, off-track wagering and various accessory buildings related to the racetrack operations, with extensive surface parking areas. The Woodbine operation is the largest horse racing operator in Canada and the largest gaming facility in the Greater Toronto Area.

The Woodbine Lands are subject to various past and present planning applications. In 2019, after an extensive conceptual Master Plan process for the entirety of the Woodbine Lands, a Draft Plan of Subdivision was approved by the Local Planning Appeal Tribunal for approximately 118.3 hectares (292.4 acres) within the Woodbine Lands, located to the north and west of the racetrack. The Draft Plan of Subdivision, attached, contains 17 development blocks (including a public park block and stormwater pond blocks) and public roads.

Two of the development blocks within the Draft Plan of Subdivision, Blocks 9 and 10 shown on the attached map, are the subject of active site plan applications and development activity. The Ontario Gaming GTA Limited Partnership (doing business as One Toronto Gaming) (“**OGG**”) commenced the construction of a major casino, hotel and entertainment complex over two years ago within Block 10.

Live gaming was approved on the Woodbine Lands in 2018, subject to a series of Council directives that included a primary requirement that the proposed casino be constructed in the context of an integrated entertainment complex. In keeping with that directive, OGG is also pursuing site plan approval for Block 9 for additional restaurant, retail and entertainment uses that will create an integrated entertainment district. Plans to further support the integrated entertainment district are projected for expanded and compatible development on additional blocks within the Draft Plan of Subdivision that abut Rexdale Boulevard and Highway 27.

The purpose of this letter is to outline the significant concerns of Woodbine with respect to the proposed Zoning By-law Amendment to the Former City of Etobicoke Zoning Code (Attachment 9 to the Final Report) (the “**Proposed ZBA**”) as it applies to the Woodbine Lands, including, among other potential impacts, Woodbine’s current operations, OGG’s ongoing development initiatives and anticipated development within the Woodbine Lands to support uses that are currently permitted.

### **Planning Policy and Zoning Framework**

The Woodbine Lands are designated *General Employment Areas* and *Core Employment Areas* in the Official Plan and are subject to Site and Area Specific Policies 29 and 296 (“**SASP 29**” and “**SASP 296**”, respectively). As the preamble to Chapter 7 of the Official Plan indicates, Site and Area Specific Policies apply and prevail over the more general policies and designations of the Official Plan. Neither SASP 29 nor SASP 296 were modified in any way by the adoption and partial approval of Official Plan Amendment No. 231.

SASP 29 section e) states that “new residential and other sensitive land uses may be permitted on the Woodbine Racetrack lands ... provided at the time of draft plan of subdivision and final approval and/or site rezoning no new residential and other sensitive land uses are located within the Transport Canada approved 30 NEF/NEP Composite Noise Contour” and that “nothing in the Plan will prevent the use of the Woodbine Racetrack lands for a horse racetrack including housing, dormitories and other noise sensitive land uses and the keeping of horses, required only for the operation of horse racing, and for any related, associated or accessory uses, facilities and services”.

SASP 296 provides a comprehensive planning framework for the Woodbine Lands, permissions for a mixed-use development to “sustain and building on the existing horse racetrack and associated entertainment uses to create a prominent, active, pedestrian-friendly commercial retail and entertainment centre and residential neighbourhood, for residents, workers and visitors in the Greater Toronto Area”. Development will be organized “into districts for commercial retail and entertainment and residential with sub-areas organized around design features, amenities, streets and lanes”. SASP 296 provides that in addition to the permitted uses in SASP 29, “permitted uses include a horse racetrack and related, associated and accessory uses, including gaming, entertainment, retail, including large scale, stand-alone retail stores, hotel, restaurant and office uses”. Residential and other sensitive land uses are specifically permitted in the northwest portions of the Woodbine Lands, subject to the preparation of a planning framework prior to the enactment of any implementing zoning by-law without amendment to the Official Plan.

The Woodbine Lands are zoned Class 2 Industrial (“I.C2”) under the Former City of Etobicoke Zoning Code, and are also subject to site-specific zoning under By-laws 864-2007, 1260-2018 and 1261-2018. These site-specific by-laws implement the above noted site and area specific policies, as well as Council support to the addition of live gaming and the associated approved Draft Plan of Subdivision for portions of the Woodbine Lands. These by-laws refer back to permitted uses on the site in the I.C2 zone of the Etobicoke Zoning Code.

As City staff is aware, Metrolinx and Woodbine are undertaking an extensive planning exercise in connection with a future Woodbine GO Station, which has long been recognized as an Expansion Element of the City’s higher-order transit system under the in-force Official Plan. A Zoning By-law Amendment to add Transportation Use and Accessory uses as permitted uses to the Woodbine Lands) was recently enacted by City Council on June 9, 2021 (By-law 500-2021). During the extensive review process for this application with City Planning Staff, further amendments to the permitted uses in the I.C2 zone were not raised with Woodbine’s advisors, nor were they raised in the final and supplementary staff reports on this matter.

Lastly, the Woodbine Lands are also subject to a Minister’s Zoning Order, filed as Ontario Regulation 688/98, which permits slot machines and electronic gaming on the Woodbine Lands.

### **Proposed Zoning By-law Amendment Concerns**

The Proposed ZBA would remove “Race-Tracks and Ancillary Facilities” as a permitted use in the I.C2 zone. The racetrack and associated development of the lands is a well-established and significant use in the GTA and Province. The City’s planning policy framework applicable to the Woodbine Lands has recognized and supported the continuance and expansion of this use. The Proposed ZBA is inconsistent with the City’s Official Plan Policy and does not conform to or implement the Official Plan as required under the Planning Act.

The above noted site-specific zoning by-laws for the Woodbine Lands also provide for permitted uses under Chapters 304-31 and 304-34 of the Etobicoke Zoning Code. The proposed amendment would have the effect of removing permitted uses on the Woodbine Lands which are explicitly contemplated by SASP 296, including but not limited to “Entertainment Facilities” and “Commercial Sport/Recreational Facilities”. These proposed deletions are not appropriate and are also of significant concern to Woodbine. A list of all uses proposed to be deleted of concern to Woodbine is attached to this letter.

On page 10 of the staff report recommending the Proposed ZBA, it is indicated that where a site and area specific policy allows for a sensitive use or a use otherwise not permitted in *Employment Areas*, and that use is permitted under the in-force zoning by-law, it is the intent of this review to maintain that permission. It is further indicated that this is to be implemented through a site or area-specific exception in the applicable zoning by-law; however, no such exception has been proposed for the Woodbine Lands. The failure to exempt the Woodbine Lands as a site and area-specific exception in the Proposed ZBA is inconsistent with Council’s direction, does not conform with existing City Official Plan Policy, and is contrary to the Council-approved future planning context for the Woodbine Lands.

The proposed amendments to the Etobicoke Zoning Code will potentially create further interpretation issues and uncertainty regarding the zoning framework applicable to the Woodbine Lands, which is cumbersome and will be problematic for both the City and Woodbine.

While the Proposed ZBA provides for a transition clause for Site Plan applications deemed complete at the time of Council adoption of the Proposed ZBA, we require confirmation that the ongoing Site Plan applications for the Woodbine Lands as described above are not affected in any way to prevent full permitting and operation of the buildings and uses in those applications by any amendments to the Etobicoke Zoning Code. However, this assurance would only address current applications for portions of the Woodbine Lands and would still result in uncertainty and the undermining of continuing efforts by Woodbine to facilitate further development contemplated by the Draft Plan of Subdivision and particularly development that would support and expand the integrated entertainment district.

As a result of the concerns identified above, we respectfully request that the Proposed ZBA, either in its entirety or as it applies to the Woodbine Lands, is referred back to City staff for further consideration and review.

We further request that staff be directed to meet with Woodbine, OGG and their respective consultants to address our concerns herein.

We thank Planning and Housing Committee for its consideration of our client's concerns. We request that we be provided with any notice of any further meetings of Council or Committees of Council where the Proposed ZBA will be considered, as well as notice of any decisions in respect of the Proposed ZBA.

Sincerely,  
**DAVIES HOWE LLP**

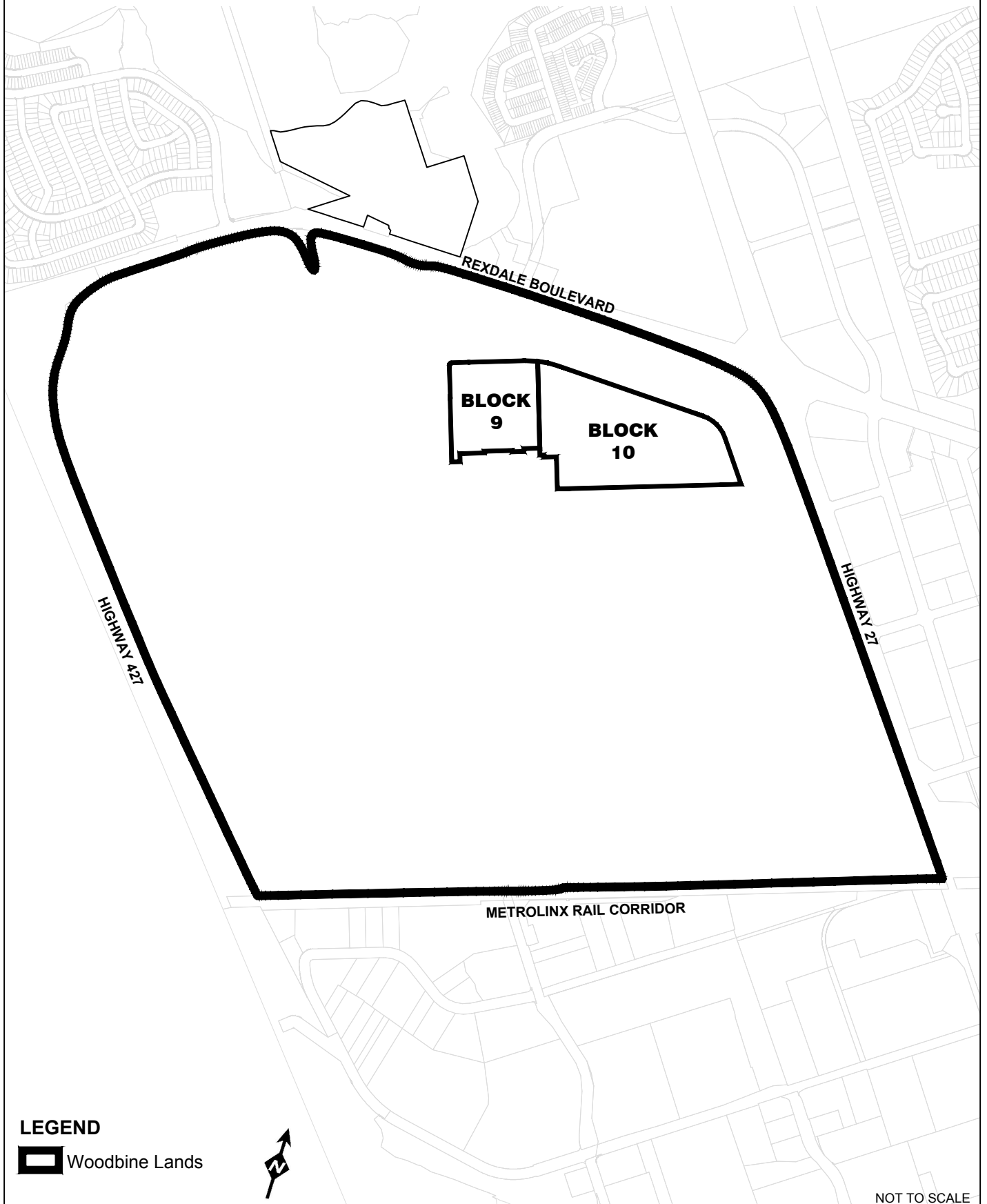


Kimberly L. Beckman


KLB:SL

copy: Woodbine Entertainment Group  
Ontario Gaming GTA Limited Partnership  
Gregg Lintern, Chief Planner, City Planning  
Michael Mizzi, Director, Zoning and Committee of Adjustment  
Mark Piel, Solicitor, City Legal

# MAP



## LEGEND

 Woodbine Lands



NOT TO SCALE

## **List of Uses Proposed to be Deleted of Concern to Woodbine**

Race-Tracks and Ancillary Facilities

Banquet Halls

Entertainment Facilities

Restrooms

Trade and Convention Centres

Community Centres

Athletic Fields

Playgrounds

Cinemas

Bowling Alleys

Curling Rinks

Bingo Halls

Arenas

Nightclubs

Fraternal Organizations

Fitness Clubs

Commercial Sport/Recreational Facilities

Studios for Arts-Related Purposes (proposed to be modified)

Amusement Arcades

School, Elementary

School, Secondary

School, Private

School, Nursery

Colleges

School, Commercial (proposed to be modified)

Training Centres (proposed to be modified)

Libraries

Daycares

Places of Worship