

555 Rexdale Boulevard – Zoning By-law Amendment Application – Supplementary Report 2

Date: May 13, 2021

To: Etobicoke York Community Council

From: Acting Director, Community Planning, Etobicoke York District

Ward: 1 - Etobicoke North

Planning Application Number: *20 185079 WET 01 OZ*

SUMMARY

At its meeting of January 8, 2021, the Etobicoke York Community Council (EYCC) adjourned and deferred consideration of the Final Report dated December 14, 2020 from the Director, Community Planning, Etobicoke York District (Item EY21.2) to the March 3, 2021 meeting of the Etobicoke York Community Council. EYCC also directed the Director, Community Planning, Etobicoke York District to continue discussions with the applicant and provide the outcome of the discussions to address matters described in the staff report dated December 14, 2020, including the means of securing matters without the use of a Section 37 Agreement, and provide the outcome in a Supplementary Report for the continuation of the statutory meeting on March 3, 2021.

As a result of this direction, a Supplementary Report dated February 26, 2021 from the Acting Director, Community Planning, Etobicoke York District was prepared outlining options and alternatives of securing transportation infrastructure improvements/matters without the use of a Section 37 Agreement. The report also provided an analysis of the benefits, challenges and potential risks associated with the individual options. At its meeting of March 3, 2021, EYCC adjourned and deferred consideration of the both the Final Report and the Supplementary Report (Item EY22.1) to the May 17, 2021 meeting of Etobicoke York Community Council. EYCC also directed staff to continue discussions with the applicant and report back on the outcome for the continuation of the statutory meeting on May 17, 2021.

Since March 3, 2021, the applicant has submitted a revised Transportation Impact Study providing a detailed analysis of the required off-site transportation improvements to support a transportation use and/or facility on-site including cost estimates for improvements. Clarification has also been provided that Site Plan Control application (File No. 20 205173 WET 01 SA) for the proposed GO Station applies to the entirety of the lands at 555 Rexdale Boulevard.

This report provides an update on the outstanding transportation and public access matters and includes revised recommendations based on additional information

received related to these issues. Staff continue to recommend the use of a Section 37 Agreement as the preferred way to secure the provision of transportation improvements and public access to a future transportation use and/or facility.

As an alternative, Option B of this report, proposes the draft Zoning By-law include provisions requiring the Owner to pay the estimated costs associated with the signal modification to signalized intersections prior to issuance of a building permit for a transportation use and/or facility on-site. It also proposes the Site Plan Control application (File No. 20 205173 WET 01 SA) for the GO Station include a number of conditions of approval related to pedestrian access by the public to the site. While this alternative may reduce the financial risk to the City, there could still be negative implications to the City as outlined in this report and the Supplementary Report dated February 26, 2021 from the Acting Director, Community Planning, Etobicoke York District.

RECOMMENDATIONS

The City Planning Division recommends that:

Option A

1. City Council amend the former City of Etobicoke Zoning Code, as amended, and Site Specific Zoning By-laws No. 864-2007, 1260-2018 and 1261-2018 for the lands at 555 Rexdale Boulevard substantially in accordance with the Draft Zoning By-law Amendment attached as Attachment 1 to this report.

2. City Council authorize the City Solicitor to make such stylistic and technical changes to the Draft Zoning By-law Amendment as may be required.

3. Before introducing the necessary Bills to City Council for enactment, City Council require the Owner to enter into and register in priority an agreement with the City pursuant to Section 37 of the *Planning Act*, to the satisfaction of the City Solicitor, in respect of the following legal conveniences:

a. Prior to the first building permit for a transportation use, the Owner is required to pay for all costs associated with the signal modifications to the following signalised intersections, and to other adjacent signalised intersections, as required, to the satisfaction of the General Manager of Transportation Services:

- Rexdale Boulevard and Humberwood Boulevard;
- Rexdale Boulevard and Queens Plate Drive West;
- Rexdale Boulevard and Highway 27;
- Rexdale Boulevard and Queens Plate Drive East; and
- Highway 27 and Belfield Road.

b. Prior to the first building permit for a transportation use, the Owner shall financially secure, design and construct, at its sole cost and expense, a pedestrian connection which shall provide accessible pedestrian travel between the proposed GO Station and the existing pedestrian infrastructure that is located on the east side of Highway 27, to the satisfaction of the Executive Director, Engineering and Construction Services and the General Manager, Transportation Services. The pedestrian connection shall be designed according to the applicable City design standards and shall comply with the accessibility requirements of the Toronto Green Standard Version 3.0 Tier 1.

c. Prior to Site Plan Approval for the transportation use, the Owner shall grant easements in respect of the pedestrian connection for the purpose of the general public's pedestrian access to and egress from a transportation use and/or facility and the existing municipal street network together with indemnification of the City against all claims related to the use of all private streets subject to grants of easement to the satisfaction of the City Solicitor.

d. Prior to Site Plan Approval for the transportation use, the Owner shall grant easements in respect of all private streets which provide the public with means of vehicular, pedestrian and cycling access to and egress from a transportation use and/or facility and the existing municipal street network, together with indemnification of the City against all claims related to the use of all private streets subject to grants of easement to the satisfaction of the City Solicitor.

e. The Owner shall design and construct all public and/or private streets that provide public access to the transportation use and the Owner shall improve all existing public and/or private streets on the site which provide public access to a transportation use and/or facility, shall be in accordance with City standards and specifications, to the satisfaction of the Chief Planner and Executive Director, City Planning and the General Manager, Transportation Services pursuant to the site plan application approval process for the site, and all such improvements shall be constructed and operational prior to a transportation use and/or facility on the site being operational.

f. Prior to Site Plan Approval for the transportation use, the Owner shall provide Transportation Demand Management measures for the transportation use and/or facility, to the satisfaction of the Chief Planner and Executive Director, City Planning or his or her designate in consultation with the General Manager, Transportation Services, all of which shall be constructed and operational prior to a transportation use and/or facility on the site being operational.

OR

Option B

1. City Council amend the former City of Etobicoke Zoning Code, as amended, and Site Specific Zoning By-laws No. 864-2007, 1260-2018 and 1261-2018 for the lands at 555

Rexdale Boulevard substantially in accordance with the Draft Zoning By-law Amendment attached as Attachment 2 to this report.

2. City Council authorize the City Solicitor to make such stylistic and technical changes to the Draft Zoning By-law Amendment as may be required.

3. Before introducing the necessary Bills to City Council for enactment, City Council require the Owner to:

1. Submit written confirmation from Metrolinx and Woodbine Entertainment Group (WEG), either in a joint letter or separately, confirming WEG shall grant a permanent easement in favour of Metrolinx over the subject property for public right-of-way for vehicular, pedestrian and cycling access to and from the transportation use and/or facility for all streets and pedestrian connections on-site which connect to the surrounding municipal street network.

2. Submit written confirmation from Woodbine Entertainment Group (WEG), confirming the lands subject to the Site Plan Control application (File No. 20 205173 WET 01 SA) are not transferred to Metrolinx prior to Site Plan Approval.

4. City Council direct staff to include the following matters in the review of the Site Plan Control application (File No. 20 205173 WET 01 SA), all to be secured in a Site Plan Agreement, and have the Director of Community Planning, Etobicoke York District report back to Etobicoke York Community Council on the full list of conditions to be included in the agreement and the Notice of Approval Conditions:

a. Prior to Site Plan Approval for the transportation use, the Owner shall grant easements in respect of the pedestrian connection for the purpose of the general public's pedestrian access to and egress from a transportation use and/or facility and the existing municipal street network together with indemnification of the City against all claims related to the use of all private streets subject to grants of easement to the satisfaction of the City Solicitor.

b. Prior to Site Plan Approval for the transportation use, the Owner shall grant easements in respect of all private streets which provide the public with means of vehicular, pedestrian and cycling access to and egress from a transportation use and/or facility and the existing municipal street network, together with indemnification of the City against all claims related to the use of all private streets subject to grants of easement to the satisfaction of the City Solicitor.

c. The Owner shall design and construct all public and/or private streets that provide public access to the transportation use and the Owner shall improve all existing public and/or private streets on the site which provide public access to a transportation use and/or facility, shall be in accordance with City standards and specifications, to the satisfaction of the Chief Planner and Executive Director, City Planning and the General Manager, Transportation Services pursuant to the

site plan application approval process for the site, and all such improvements shall be constructed and operational prior to a transportation use and/or facility on the site being operational.

d. Prior to Site Plan Approval for the transportation use, the Owner shall provide Transportation Demand Management measures for the transportation use and/or facility, to the satisfaction of the Chief Planner and Executive Director, City Planning or his or her designate in consultation with the General Manager, Transportation Services, all of which shall be constructed and operational prior to a transportation use and/or facility on the site being operational.

e. The Owner shall financially secure, design and construct, at its sole cost and expense, a pedestrian connection which shall provide accessible pedestrian travel between the proposed GO Station and the existing pedestrian infrastructure that is located on the east side of Highway 27, to the satisfaction of the Executive Director, Engineering and Construction Services and the General Manager, Transportation Services. The pedestrian connection shall be designed according to the applicable City design standards and shall comply with the accessibility requirements of the Toronto Green Standard Version 3.0 Tier 1.

FINANCIAL IMPACT

The City is in receipt of cost-estimates for capital works (transportation improvements) that have been prepared by the applicant. The cost estimates are based on underlying assumptions that staff are unable to confirm. The true financial costs are unknown at this time.

If the City secures the amount shown in the cost estimates and in the event the costs of the capital works exceed the estimates provided by the applicant, then the City will not be able to secure further funds from the applicant for the capital works (transportation improvements), absent of a requirement that all costs of capital works (transportation improvements) are of the sole responsibility of the Owner to the satisfaction of the General Manager, Transportation Services.

The Chief Financial Officer and Treasurer has reviewed this report and agrees with the financial impact information.

COMMENTS

As discussed in the Final Report dated December 14, 2020 from the Director of Community Planning, Etobicoke York District, this application proposes to amend the applicable Zoning By-laws to permit a transportation use on the site. Its approval would facilitate the development of a future transit facility, such as a GO Station, on the southeast portion of the site proposed through a separate but concurrent Site Plan Control application (File No. 20 205173 WET 01 SA).

Through the review of this application and the Site Plan Control application, staff identified a number of transportation impacts and deficiencies requiring further analyses and the need for an updated Transportation Impact Study. Staff also identified concerns related to lack of public access, including pedestrian and cycling facilities and connections to allow access to the proposed GO Station from the surrounding areas.

Additional Information Received

Since the January 8, 2021, EYCC meeting, the applicant has provided additional information for staff's review in response to the issues listed in the Final Report dated December 14, 2020 report from the Director of Community Planning, Etobicoke York District and the Supplementary Report dated February 26, 2021 from the Acting Director, Community Planning, Etobicoke York District. This information includes:

- A revised Transportation Impact Study dated April 20, 2021 prepared by Lea Consulting Ltd. identifying required off-site transportation improvements;
- A cost estimate for the required signal modifications to signalized intersections to support a future transportation use and/or facility (Attachment 6: Cost Estimate for Off-Site Transportation Improvements);
- A cost estimate for the construction of a pedestrian connection (sidewalk) between the existing pedestrian infrastructure that is located on the east side of Highway 27 to the future proposed GO Station located at the southeast corner of the site (Attachment 7: Cost Estimate for Sidewalk Connection);
- Detailed site information to confirm the lands subject to the Site Plan Control application (File No. 20 205173 WET 01 SA) for the GO Station facility apply to the majority of the lands at 555 Rexdale Boulevard;
- Consent to Include External Infrastructure Improvement Requirements, Woodbine Entertainment Group Letter, dated February 25, 2021 (Attachment 3: Consent to Include External Infrastructure Improvement Requirements);
- Public Right-of-Way Easements Letter, Woodbine Entertainment Group, dated February 25, 2021 (Attachment 4: Public Right-of-Way Easements Letter – Woodbine Entertainment Group);
- Public Right-of-Way Easements Updated Letter, Woodbine Entertainment Group, dated April 30, 2021 (Attachment 5: Public Right-of-Way Easements Updated Letter – Woodbine Entertainment Group); and
- Metrolinx Letter acknowledging WEG would grant a permanent easement in favour of Metrolinx over the subject property for the purposes of operation,

maintenance, and repair of the proposed transit facility.

Status of Required Off-Site Transportation Improvements

A revised Transportation Impact Study, dated April 20, 2021 was submitted which identified a number of off-site transportation improvements required to support a future transportation use and/or facility. The report has been reviewed and is to the satisfaction of the General Manager, Transportation Services. The report recommends that signal modifications are required to the following signalized intersections:

- Rexdale Boulevard and Humberwood Boulevard;
- Rexdale Boulevard and Queens Plate Drive West;
- Rexdale Boulevard and Highway 27;
- Rexdale Boulevard and Queens Plate Drive East; and
- Highway 27 and Belfield Road.

The report also notes that a pedestrian connection would be provided to the east side of Highway 27 for the southeast portion of the site which is the location of the proposed GO Station.

Transportation Services staff accept the consultants findings and recommend, if this application is approved, that the Owner provide sufficient funds to the City to undertake the signal modifications identified above, and to other adjacent signalised intersections, as required, to the satisfaction of General Manager, Transportation Services. They also recommend that should a transportation use in the form of a GO Station be constructed at the southeast portion of the site, the Owner is required to construct and pay for all costs associated with providing a pedestrian connection to the satisfaction of the City which shall accommodate accessible pedestrian travel between the proposed GO Station and the existing pedestrian infrastructure that is located on the east side of Highway 27, prior to the first building permit for a transportation use. The pedestrian connection is to be designed according to the applicable City design standards and shall comply with the accessibility requirements of the Toronto Green Standard Version 3.0 Tier 1. All matters are to be secured by the applicable Zoning By-law amendment and included in a registered Section 37 Agreement.

The applicant has also submitted an estimate of the costs associated with the required off-site transportation improvements. The estimate includes an approximate cost of \$60,000.00 for the signal modification works and \$293,000.00 for the pedestrian connection. These cost estimates are based on underlying assumptions that staff are unable to confirm. The true financial costs are unknown at this time. (See Attachment 6: Cost Estimate for Off-Site Transportation Improvements and Attachment 7: Cost Estimate for Sidewalk Connection).

Status of Public Access Matters

As discussed in the Supplementary Report dated February 26, 2021 from the Acting Director of Community Planning, Etobicoke York District, the Owner, Woodbine Entertainment Group (WEG), proposes to grant an easement to Metrolinx for the purposes of public access to the GO Station as referenced in their letter, dated February 25, 2021 (Attachment 4: Public Right-of-Way Easements Letter – Woodbine Entertainment Group).

The City has received further correspondence from WEG's solicitor clearly outlining the intent and purpose of the proposed easement for public access (Attachment 5: Public Right-of-Way Easements Updated Letter – Woodbine Entertainment Group). However, we have yet to receive similar confirmation from Metrolinx agreeing to such an easement, and their previous correspondence as discussed in the Supplementary Report dated February 26, 2021 from the Acting Director of Community Planning, Etobicoke York District only discussed an easement for the purposes of operation, maintenance, and repair of the proposed transit facility. Staff noted concerns as this Metrolinx letter did not reference an easement for the purposes of public right-of-way for vehicular, pedestrian and cycling access to and from the transportation use and/or facility connecting to the surrounding municipal street network.

Staff continue to be of the opinion that the Owner should provide a public street on-site in order to secure public access to the proposed transportation use and/or facility. If an easement is to be considered in lieu of a dedicated public street, staff will need to assess its potential short and long-term implications, conditions and risks related to public access, public safety, implementation and indemnification of the City against all claims related to the use of all private streets, subject to grants of easement.

To date, the City has yet to receive written confirmation from Metrolinx in support of an easement as proposed by WEG, which is for the purposes of public right-of-way for vehicular, pedestrian and cycling access to and from the transportation use and/or facility connecting to the surrounding municipal street network.

Securing Capital Works (Transportation Improvements)

Official Plan Section 5.1.1 and Section 37 of the *Planning Act*

As described in the Supplementary Report dated February 26, 2021 from the Acting Director of Community Planning, Etobicoke York District, Section 5.1.1 of the Official Plan contains policies pertaining to the provision of community benefits in exchange for increases in height and/or density pursuant to Section 37 of the *Planning Act*. A Section 37 Agreement can also be entered into as a legal convenience to secure other matters including, but not limited to, transportation and other infrastructure improvements, capital facilities and financial securities. Section 37 of the *Planning Act* can also be used to secure cash contributions through a Zoning By-law that includes provisions to require the Owner to provide the funding for certain facilities, services or matters prior to the issuance of a building permit.

Planning staff continue to recommend the use of a Section 37 Agreement as the preferred legal mechanism to appropriately secure the transportation matters required to support a transportation use and/or facility. The report recommendations include revised provisions to be included in the Section 37 Agreement to reflect the accepted transportation improvements identified in the revised Transportation Impact Study dated April 20, 2021.

As Transportation Services staff is recommending the Owner provide sufficient funds for the City to undertake the required signal modifications, the draft Zoning By-law could include the requirement for this payment to be made prior to the issuance of a building permit for a transportation use. Although the applicant has provided a cost estimate for the required signal modifications to signalised intersections, City staff are unable to confirm the true financial costs. If the draft Zoning By-law was to include a provision related to this matter based on the estimated costs provided by the applicant and prior to staff confirming the values, the City would not be able to secure further funds from the applicant for these transportation improvements, absent a requirement in the Zoning By-law that all costs of transportation improvements are of the sole responsibility of the Owner to the satisfaction of the General Manager, Transportation Services. Transportation Services recommends the funds to be secured by the Zoning By-law be no less than \$100,000.00 to reduce financial risk to the City.

Site Plan Control

As described in the Supplementary Report dated February 26, 2021 from the Acting Director of Community Planning, Etobicoke York District, the City's authority under the *City of Toronto Act, 2006* to impose conditions of Site Plan Approval is limited to those matters specifically set out in that *Act*. For Site Plan Control applications, a typical condition of a NOAC is entering into and registering of a Site Plan Agreement.

The applicant has submitted a revised Transportation Impact Study providing a detailed analysis of the required off-site transportation improvements which include signal modifications to a number of signalized intersections and the provision of a pedestrian connection from the southeast portion of the site (being the location of the proposed GO Station) to the existing pedestrian infrastructure that is located on the east side of Highway 27.

Section 114(11)(a)(ii) and (iv) of the *City of Toronto Act, 2006*, authorizes the use of conditions of Site Plan Approval to require the provision to the satisfaction of and at no expense to the City, facilities that provide access to and from land such as access ramps, curbs, and traffic direction signs as well as walkways and walkway ramps, including the surfacing thereof, and all other means of pedestrian access.

The Owner, WEG, in their letter dated February 25, 2021 (Attachment 3: Consent to Include External Infrastructure Improvement Requirements) advised that they agree as a condition of approval to their Site Plan Control Application (No. 20 205173 WET 01 SA) for the GO Station, to design, fund and construct a sidewalk connection from the station to the existing sidewalk on the east side of Hwy. 27 at Bethridge Road.

As per the *City of Toronto Act, 2006* the Site Plan Control Application (No. 20 205173 WET 01 SA) for the proposed GO Station could be used to secure the required pedestrian connection to the east side of Highway 27. However, if the site is transferred to Metrolinx prior to the Site Plan Approval then Metrolinx may take the position is it not bound by such conditions as an agent of the Crown.

CONCLUSION

Staff recommend that City Council approve the application and continue to recommend the use of a Section 37 Agreement as the preferred legal mechanism to secure the conditions to approval due to the lack of financial risk and obligation to the City. This report was prepared in consultation with the City Solicitor and Chief Financial Officer and Treasurer.

CONTACT

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SIGNATURE

Angela Stea, MCIP, RPP
Acting Director, Community Planning
Etobicoke York District

ATTACHMENTS

- | | |
|---------------|--|
| Attachment 1: | Option A: Draft Zoning By-law Amendment - Former City of Etobicoke Zoning Code |
| Attachment 2: | Option B: Draft Zoning By-law Amendment - Former City of Etobicoke Zoning Code |
| Attachment 3: | Consent to Include External Infrastructure Improvement Requirements – Woodbine Entertainment Group |
| Attachment 4: | Public Right-of-Way Easements Letter – Woodbine Entertainment Group |
| Attachment 5: | Public Right-of-Way Easements Updated Letter – Woodbine Entertainment Group |
| Attachment 6: | Cost Estimate for Off-Site Transportation Improvements |
| Attachment 7: | Cost Estimate for Sidewalk Connection |

Attachment 1: Option A: Draft Zoning By-law Amendment - Former City of Etobicoke Zoning Code

Authority: Etobicoke York Community Council Item ~ as adopted by City of Toronto Council on ~, 20~
Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

To amend Chapters 304 and 324 of the Etobicoke Zoning Code, as amended, and Zoning By-laws 864-2007, 1260-2018 and 1261-2018 with respect to lands municipally known in the year 2020 as 555 Rexdale Boulevard

WHEREAS authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. That despite Chapters 304 and 324 of the Etobicoke Zoning Code, and Zoning By-laws 864-2007, 1260-2018 and 1261-2018 the following development standards and uses shall also be applicable to the lands delineated by heavy lines on Schedule '1' attached hereto.
2. Where the provisions of this By-law conflict with the provisions of the Etobicoke Zoning Code, as amended, the provisions of this By-law shall apply.
3. For the purposes of this By-law, the following definition shall apply:
 - (a) "Transportation Use" – means the use of premises or facilities for the operation of a mass transit system or a transportation system that is provided by, or on behalf of, the City of Toronto, Province of Ontario or Government of Canada, or is privately operated and Federally regulated.
 - (b) "Accessory" means a building, structure or use naturally and normally incidental to and subordinate to a permitted use.
4. In addition to the uses permitted in Chapters 304-31 and 304-34 of the Etobicoke Zoning Code and Zoning By-laws 864-2007, 1260-2018 and 1261-2018, the following uses are permitted:
 - (a) Transportation Use; and

(b) Uses and buildings Accessory to a Transportation Use, including Retail Store.

5. Despite Chapter 304-36.B, C, & D, a building or structure used for a Transportation Use and accessory uses may be located 0 metres from a lot line where the lot line abuts a railway right-of-way or railway siding.
6. Section 37 Provisions
 - a. Pursuant to Section 37 of the *Planning Act*, and subject to compliance with this By-law, a Transportation Use is permitted on the lands shown on Schedule 1 in return for the provision by the Owner, at the Owner's expense of the facilities, services and matters set out in Schedule A hereof and which are secured by one or more agreements pursuant to Section 37(3) of the *Planning Act* that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor.
 - b. Where Schedule A of this By-law requires the Owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.
 - c. The Owner shall not use, or permit the use of, a building or structure erected for a Transportation Use pursuant to this By-law unless all provisions of Schedule A are satisfied.
6. Notwithstanding any existing or future consent, severance, partition, division of the lot, or conveyance for municipal purposes, the provisions of this By-law shall apply to the whole of the lot as if no consent, severance, partition, division or conveyance occurred.
7. Chapter 324, Site Specifics, of the Etobicoke Zoning Code is hereby amended to include reference to this By-law by adding the following to Section 324-1, Table of Site Specific By-laws.

**BY-LAW NUMBER
AND ADOPTION DATE**

DESCRIPTION OF PROPERTY

PURPOSE OF BY-LAW

XXX-2020
XXX XXX, 2020

Lands municipally known as 555
Rexdale Boulevard.

To amend the Zoning Code
to permit Transportation
Uses and accessory uses,
with site-specific standards
related to setback from a
railway right-of-way.

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

JOHN TORY,
Mayor
(Corporate Seal)

ULLI S. WATKISS,
City Clerk

Schedule A

Section 37 Provisions

The facilities, services and matters set out below are required to be provided to the City at the Owner's expense and secured in an agreement or agreements under Section 37(3) of the *Planning Act* whereby the Owner agrees as follows:

a) Prior to the first building permit for a transportation use, the Owner is required to pay for all costs associated with the signal modifications to the following signalised intersections, and to other adjacent signalised intersections, as required, to the satisfaction of the General Manager of Transportation Services:

- Rexdale Boulevard and Humberwood Boulevard;
- Rexdale Boulevard and Queens Plate Drive West;
- Rexdale Boulevard and Highway 27;
- Rexdale Boulevard and Queens Plate Drive East; and
- Highway 27 and Belfield Road.

b) Prior to the first building permit for a transportation use, the Owner shall financially secure, design and construct, at its sole cost and expense, a pedestrian connection which shall provide accessible pedestrian travel between the proposed GO Station and the existing pedestrian infrastructure that is located on the east side of Highway 27, to the satisfaction of the Executive Director, Engineering and Construction Services and the General Manager, Transportation Services. The pedestrian connection shall be designed according to the applicable City design standards and shall comply with the accessibility requirements of the Toronto Green Standard Version 3.0 Tier 1.

c) Prior to Site Plan Approval for the transportation use, the Owner shall grant easements in respect of the pedestrian connection for the purpose of the general public's pedestrian access to and egress from a transportation use and/or facility and the existing municipal street network together with indemnification of the City against all claims related to the use of all private streets subject to grants of easement to the satisfaction of the City Solicitor.

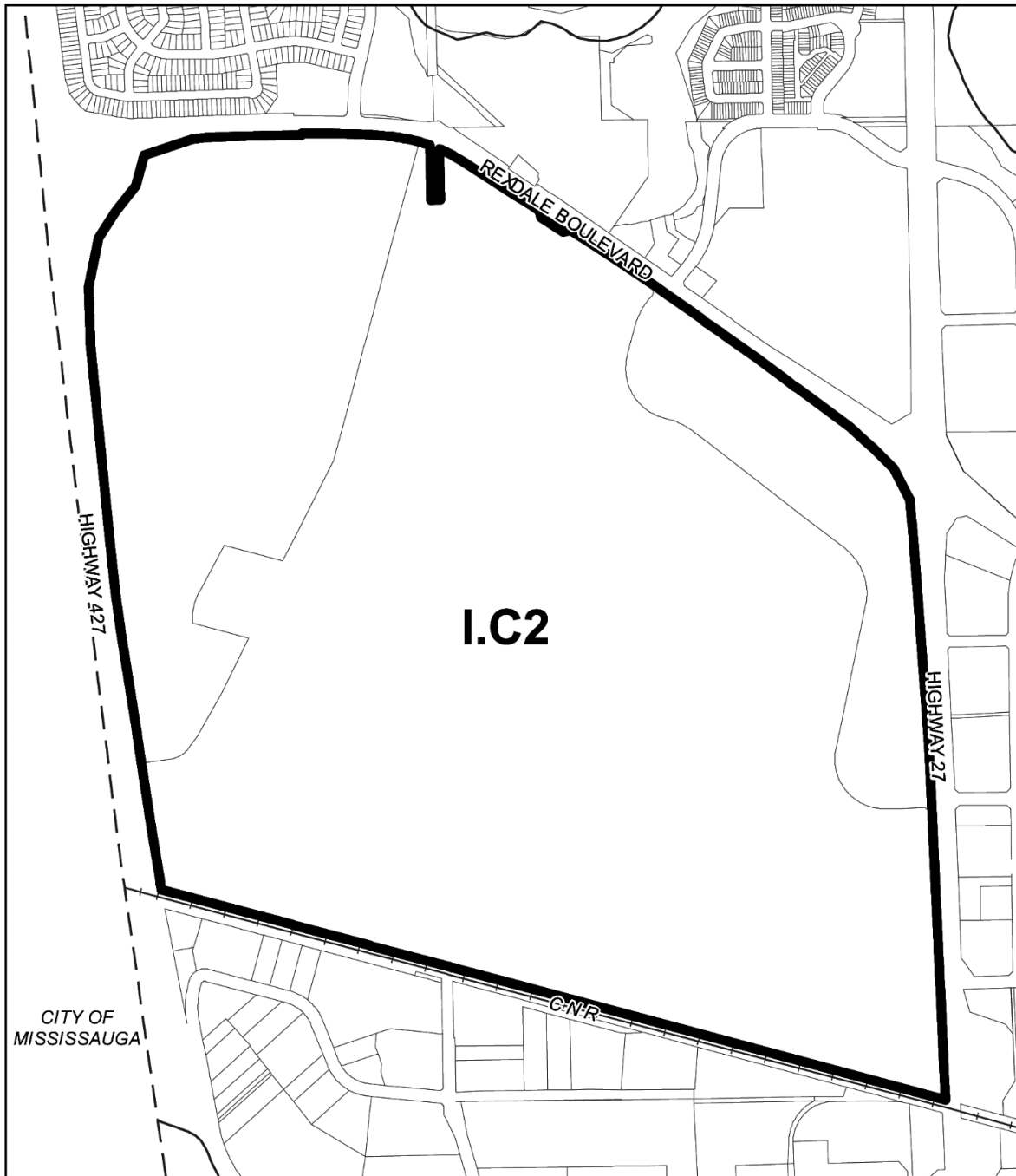
d) Prior to Site Plan Approval for the transportation use, the Owner shall grant easements in respect of all private streets which provide the public with means of vehicular, pedestrian and cycling access to and egress from a transportation use and/or facility and the existing municipal street network, together with indemnification of the City against all claims related to the use of all private streets subject to grants of easement to the satisfaction of the City Solicitor.

e) The Owner shall design and construct all public and/or private streets that provide public access to the transportation use and the Owner shall improve all existing public and/or private streets on the site which provide public access to a transportation use and/or facility, shall be in accordance with City standards and specifications, to the satisfaction of the Chief Planner and Executive Director, City Planning and the General Manager, Transportation Services pursuant to the site plan application approval process

for the site, and all such improvements shall be constructed and operational prior to a transportation use and/or facility on the site being operational.

f) Prior to Site Plan Approval for the transportation use, the Owner shall provide Transportation Demand Management measures for the transportation use and/or facility, to the satisfaction of the Chief Planner and Executive Director, City Planning or his or her designate in consultation with the General Manager, Transportation Services, all of which shall be constructed and operational prior to a transportation use and/or facility on the site being operational.

Schedule '1'



 **TORONTO**
Schedule A

555 Rexdale Boulevard

File # 20 185079 WET 01 02


City of Etobicoke By-law 11,373
Not to Scale
10/06/2020

Attachment 2: Option B: Draft Zoning By-law Amendment - Former City of Etobicoke Zoning Code

Authority: Etobicoke York Community Council Item ~ as adopted by City of Toronto Council on ~, 20~
Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

To amend Chapters 304 and 324 of the Etobicoke Zoning Code, as amended, and Zoning By-laws 864-2007, 1260-2018 and 1261-2018 with respect to lands municipally known in the year 2020 as 555 Rexdale Boulevard

WHEREAS authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. That despite Chapters 304 and 324 of the Etobicoke Zoning Code, and Zoning By-laws 864-2007, 1260-2018 and 1261-2018 the following development standards and uses shall also be applicable to the lands delineated by heavy lines on Schedule 'A' attached hereto.
2. Where the provisions of this By-law conflict with the provisions of the Etobicoke Zoning Code, as amended, the provisions of this By-law shall apply.
3. For the purposes of this By-law, the following definition shall apply:
 - (c) "Transportation Use" – means the use of premises or facilities for the operation of a mass transit system or a transportation system that is provided by, or on behalf of, the City of Toronto, Province of Ontario or Government of Canada, or is privately operated and Federally regulated.
 - (d) "Accessory" means a building, structure or use naturally and normally incidental to and subordinate to a permitted use.
4. In addition to the uses permitted in Chapters 304-31 and 304-34 of the Etobicoke Zoning Code and Zoning By-laws 864-2007, 1260-2018 and 1261-2018, the following uses are permitted:
 - (c) Transportation Use; and
 - (d) Uses and buildings Accessory to a Transportation Use, including Retail Store.

5. Despite Chapter 304-36.B, C, & D, a building or structure used for a Transportation Use and accessory uses may be located 0 metres from a lot line where the lot line abuts a railway right-of-way or railway siding.
6. Section 37 Provisions
 - a. Pursuant to Section 37 of the *Planning Act*, and subject to compliance with this By-law, a Transportation Use is permitted on the lands shown on Schedule 1 in return for the provision by the Owner, at the Owner's expense of the facilities, services and matters set out in Schedule A.
 - b. Where Schedule A of this By-law requires the Owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.
 - c. The Owner shall not use, or permit the use of, a building or structure erected for a Transportation Use pursuant to this By-law unless all provisions of Schedule A are satisfied.
7. Notwithstanding any existing or future consent, severance, partition, division of the lot, or conveyance for municipal purposes, the provisions of this By-law shall apply to the whole of the lot as if no consent, severance, partition, division or conveyance occurred.
8. Chapter 324, Site Specifics, of the Etobicoke Zoning Code is hereby amended to include reference to this By-law by adding the following to Section 324-1, Table of Site Specific By-laws.

**BY-LAW NUMBER
AND ADOPTION DATE**

DESCRIPTION OF PROPERTY

PURPOSE OF BY-LAW

XXX-2020
XXX XXX, 2020

Lands municipally known as 555
Rexdale Boulevard.

To amend the Zoning Code to permit Transportation Uses and accessory uses, with site-specific standards related to setback from a railway right-of-way.

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

JOHN TORY,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

Schedule A

Section 37 Provisions

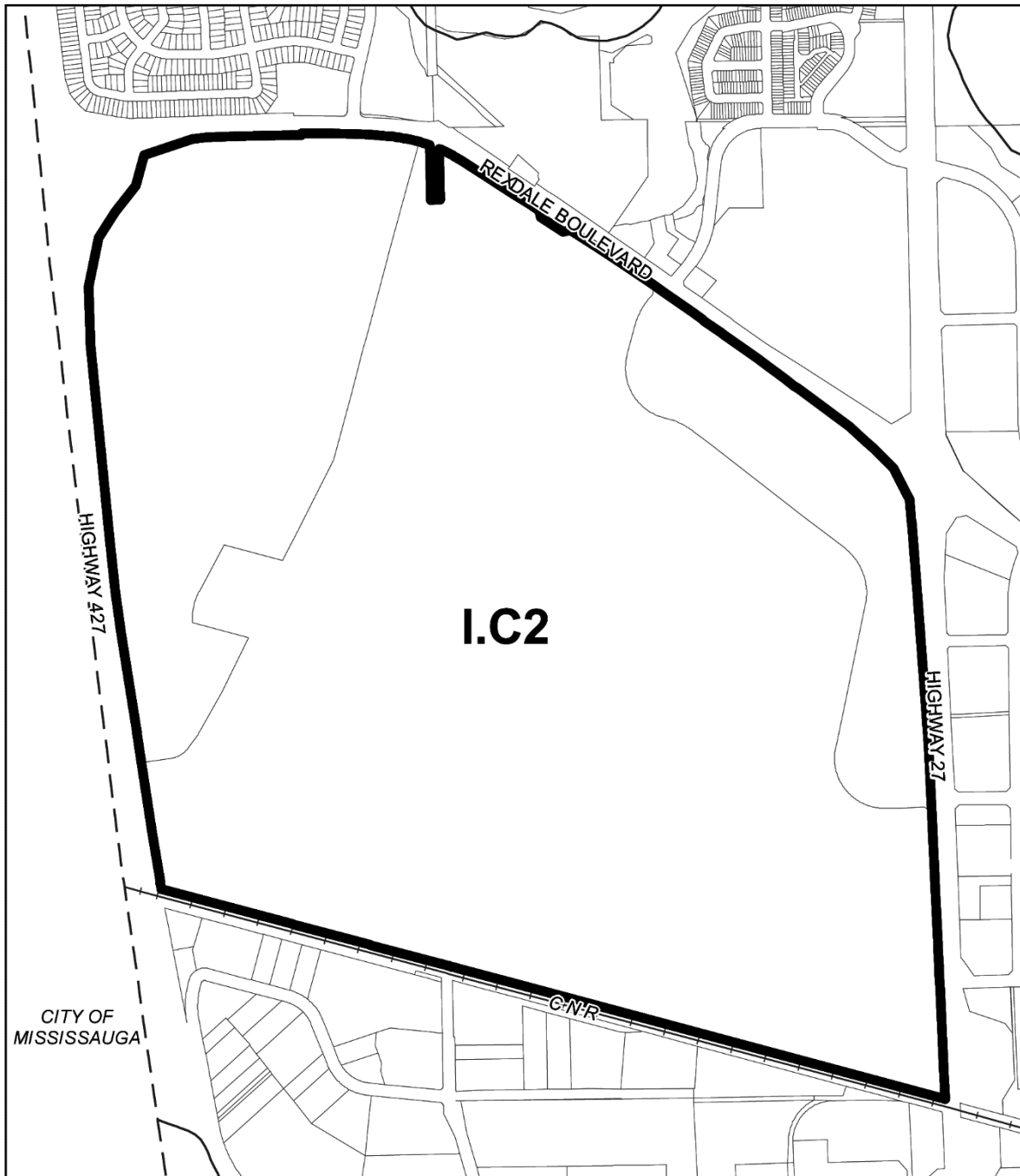
The facilities, services and matters set out below are required to be provided to the City at the Owner's expense whereby the Owner agrees as follows:

a) Prior to the first building permit for a transportation use, the Owner is required to pay **\$100,000.00** to the City for funds associated with the signal modifications to the following signalised intersections, and to other adjacent signalised intersections, as required, to the satisfaction of the General Manager of Transportation Services:

- Rexdale Boulevard and Humberwood Boulevard;
- Rexdale Boulevard and Queens Plate Drive West;
- Rexdale Boulevard and Highway 27;
- Rexdale Boulevard and Queens Plate Drive East; and
- Highway 27 and Belfield Road.

b) The funds pursuant to a) above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Building Construction Price Index for Toronto, calculated from the date of Bill enactment to the date of payment.

Schedule '1'



 **TORONTO**
Schedule A

555 Rexdale Boulevard

File # 20 185079 WET 01 02


City of Etobicoke By-law 11,373
Not to Scale
10/06/2020

Attachment 3: Consent to Include External Infrastructure Improvement – Woodbine Entertainment Group



February 25, 2021

By Email Only to luisa.galli@toronto.ca

City Planning Division
Community Planning
Etobicoke York District
2 Civic Centre Court, Third Floor
Toronto, ON
M9C 5A3

Attention: Luisa Galli, Manager

Dear Ms. Galli:

**Re: Woodbine Entertainment Group, 555 Rexdale Boulevard, Toronto
Confirmation of Consent to Include Infrastructure Improvements Requirements
Site Plan Control Application File No.: 20 205173 WET 01 SA
Zoning By-law Amendment application to add transportation use –
File No. 20 185079 WET 01 OZ.**

This letter is to confirm that Woodbine Entertainment Group ("Woodbine") agrees, as a condition of approval for Site Plan Control Application No. 20 205173 WET 01 SA, and should the technical review undertaken by City transportation staff determine that the improvements are required to support the proposed GO station and related facilities on Woodbine's lands to:

1. Design, fund and construct the following external infrastructure improvements including:
 - (a) Rexdale Boulevard/Queen's Plate Boulevard intersection signal modification;
 - (b) Rexdale Boulevard/Hwy. 27 intersection signal modification;
 - (c) Sidewalk connection from the train station to the existing sidewalk on the east side of Hwy. 27 at Bethridge Road; and
 - (d) Extension of the westbound left turn storage lane at the Rexdale Boulevard and Hwy. 27 intersection.
2. Design, fund and construct additional infrastructure within the entirety of Woodbine's current ownership known municipally as 555 Rexdale Boulevard, the limits of which are described and confirmed in the attached letter from our legal counsel for real property matters.

I further confirm that notwithstanding any severance of the site, the Woodbine Entertainment Group will not object to a site plan approval requirement for the provision of the transportation infrastructure described above, as well as any other additional transportation infrastructure, at the sole cost of Woodbine Entertainment Group to support the proposed GO station and all related facilities for lack of the City's authority to require them, but that any additional transportation infrastructure must be demonstrated as being necessary for the operation of the GO station and all related facilities.

DH 01677311 2



WOODBINE™

I trust that the forgoing provides the assurance requested. Should you require any further particulars, please do not hesitate to contact the undersigned.

Best regards,

William G. Ford

Bill Ford
General Counsel and Corporate Secretary

Copy: Mark Piel, Solicitor, City of Toronto

DH 01677311 2

Attachment 4: Public Right-of-Way Easements Letter – Woodbine Entertainment Group



February 25, 2021

By Email Only to luisa.galli@toronto.ca

Luisa Galli
City Planning Division
Community Planning
Etobicoke York District
2 Civic Centre Court, Third Floor
Toronto, ON
M9C 5A3
Dear Luisa:

Re: Easements to be granted in connection with the transfer to Metrolinx of the Station Lands currently forming part of the land owned by Woodbine Entertainment Group
Zoning By-law Amendment to add transportation use – File No. 20 185079 WET 01 OZ
Site Plan Application for GO station – File No. 20 205173 WET 01 SA

Our counsel, Kim Beckman of Davies Howe LLP, has advised that you have requested comfort regarding easements to be granted in connection with the proposed transfer of the station lands (the “Station Lands”) currently owned by Woodbine Entertainment Group (“Woodbine”) to Metrolinx.

I can confirm that the commercial agreement between Woodbine and Metrolinx with respect to the construction of the station on the Station Lands and the transfer of the Station Lands to Metrolinx provides that Woodbine is required to, inter alia, grant to Metrolinx such easements over the Woodbine’s lands (the “Woodbine Lands”) as may reasonably be required in connection with the operation, maintenance and repair of the Metrolinx station located on the Station Lands, the rail corridor and transit operations (including, without limitation, access required to the rail corridor in the event of an emergency).

While the precise terms of the easements remain subject to negotiation between the parties, included in the easements that will be appurtenant to the Station Lands will be an easement in perpetuity that will allow Metrolinx and its invitees (including the public) to enjoy free uninterrupted and unobstructed access, ingress, egress and passage (with or without vehicles) to and from public thoroughfares in, over, through, under, along and upon the Woodbine Lands, so as to permit free access between such public thoroughfares and any structures, buildings and/or improvements constructed within or to be constructed within the Station Lands.

I trust that the forgoing provides the comfort that you require, but should you have any questions regarding this matter, please let me know.

Best regards,

A handwritten signature in blue ink, reading "William G. Ford". The signature is written in a cursive style with a large, stylized 'W' and 'F'.

Bill Ford
General Counsel and Corporate Secretary

Copy: Mark Piel, Solicitor, City of Toronto

MT DOCS 21232389v1

Attachment 5: Public Right-of-Way Easements Updated Letter – Woodbine Entertainment Group



McCarthy Tétrault LLP
PO Box 48, Suite 5300
Toronto-Dominion Bank Tower
Toronto ON M5K 1E8
Canada
Tel: 416-382-1812
Fax: 416-888-0673

Kent Beattie
Direct Line: (416) 801-7644
Direct Fax: (416) 888-0673
Email: kbeattie@mccarthy.ca

Assistant: Leung, Wendy
Direct Line: (416) 801-8200 x542254
Email: wleung@mccarthy.ca

VIA EMAIL

April 30, 2021

Mark Piel
Solicitor, Planning & Administrative Tribunal Law
City of Toronto
Legal Services Division
399 The West Mall
Toronto, ON M9C 2Y2

Dear Mark:

Re: Zoning By-law Amendment Application No.: 20 185079 WET 01 OZ
Site Plan Control Application No.: 20 205173 WET 01 SA
Access Easements to be granted in connection with lands (the "Station Lands") currently forming part of land municipally known as 555 Rexdale Boulevard, Toronto (the "Owner's Lands") and owned by Woodbine Entertainment Group (the "Owner") to be transferred to Metrolinx pursuant to an agreement of purchase and sale made as of February 10, 2020 (the "APS")

I am writing further to our recent conversation.

As advised, we are counsel to the Owner.

By way of background, the APS referenced above contains conditions precedent to be satisfied on or prior to the closing of the sale of the Station Lands by the Owner to Metrolinx for nominal consideration.

These conditions precedent include, among other things, the settlement, execution and delivery of material transaction documents, including a reciprocal easement schedule (the "Reciprocal Easement") to be attached to (and form part of) the registered transfer of the Station Lands.

Pursuant to the terms of the APS, on closing, the Reciprocal Easement will provide Metrolinx, as owner of the Station Lands, the GO Station and the rail corridor abutting the Station Lands, free uninterrupted and unobstructed access, ingress, egress and passage (with or without vehicles) to and from public thoroughfares in, over, through, under, along and upon the remainder of the Owner's Lands, so as to permit free access between such public thoroughfares and any structures, buildings and/or improvements constructed within or to be constructed within the Station Lands. It is intended that Metrolinx's invitees (which will include the general public) will have the right to enjoy such access pursuant to the Reciprocal Easement.

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MT MTDOCS 41249811v2

The final terms of the Reciprocal Easement remain subject to negotiation between Metrolinx and Woodbine, and it is anticipated that the Reciprocal Easement will be settled in draft in early 2022.

The Reciprocal Easement will remain subject to changes that Metrolinx and the Owner agree to during the course of the construction of the Go station (the "GO Station") to be built by the Owner on the Station Lands, and will be finalized prior to the closing of the transfer of the Station Lands to Metrolinx.

The Owner will provide Community Planning staff with a draft of the Reciprocal Easement prior to the registration of the transfer of the station Lands and Community Planning's approval of the above-referenced Site Plan Control Application for the GO Station.

The Reciprocal Easement will survive for so long as Metrolinx does not permanently cease to operate the GO Station or another similar regional transit service on the Station Lands in accordance with demand and service capacity.

I would be happy to answer any questions that you may have regarding the Reciprocal Easement (in particular any questions that you may have with respect to the access provisions in the Reciprocal Easement).

Yours truly,



Kent F. Beattie

cc: Bill Ford, Woodbine Entertainment Group
Kim Beckman, Davies Howe LLP
Ameena Khan, Planner, City of Toronto

Attachment 6: Cost Estimate for Off-Site Transportation Improvements

Woodbine GO Station - City of Toronto External Improvements Estimate Worksheet

Reference "Table 9-1: Recommended Improvements Comparison"						
Ref. No.	Study Area Intersection/Location	WEG Phase 1 Improvements - BA Group Study PM Peak	Hwy 27/Woodbine GO Station Improvements - LEA April 2021 TIS Update PM Peak	Hwy 27/Woodbine GO Station Improvements - LEA April 2021 TIS Update AM Peak	Classified as External Improvement for Estimation	Hwy 27/Woodbine GO Station Improvements - Estimate
1	Rexdale Blvd & Humberwood Blvd	B1. New STP with 130 second cycle length in order to have coordination along Rexdale corridor	C1. Same as B1. no additional improvements	No improvements needed because no critical movements observed	Yes	\$0.00
2	Queens Plate Dr West & Rexdale Blvd	B2. New STP with 130 second cycle length	C2. Same as B2. no additional improvements	D1. New STP optimized splits but same cycle length as existing to improve critical movements operations	Yes	\$5,000.00 - \$15,000.00
3	Hwy 27 & Rexdale Blvd	B3. New STP with 130 second cycle length	C3. Same as B3. no additional improvements	D2. New STP optimized splits but same cycle length as existing to improve critical movements operations and capacity constraints	Yes	\$5,000.00 - \$15,000.00
4	Queens Plate Dr East & Rexdale Blvd	B4. New STP with 130 second cycle length	C4. Same as B4. no additional improvements	D3. New STP optimized splits but same cycle length as existing to improve critical movements operations	Yes	\$5,000.00 - \$15,000.00
5	Highway 27 & Belfield Rd	B5. New STP with 130 second cycle length & additional lanes: 3 SBT and 3 NBT which are recommended to be deferred until after Phase 1 due to forthcoming lane improvements to 427	C5. Same as B5. no additional improvements	D4. New STP optimized splits but same cycle length as existing to improve critical movements operations	Yes	\$5,000.00 - \$15,000.00
6	Grandstand Entrance Rd & Connector Road (to/from Highway 27)	None	C6. AWSC	D5. AWSC	No	N/A
7	Bus Loop Outbound Access & Entrance Road	None	C7. AWSC and WBL lane	D6. AWSC and WBL lane	No	N/A
8	PPUDO Access & Entrance Road	None	C8. WBL lane	D7. WBL lane	No	N/A
9	West Parking Lot & Entrance Road	None	C9. AWSC	D8. AWSC	No	N/A
10	Grandstand Entrance Rd between Entrance Rd and Highway 7	None	C10. Sidewalk connection across Highway 27 to connect with existing Highway 27 east side sidewalk	D9. Sidewalk connection across Highway 27 to connect with existing Highway 27 east side sidewalk	Yes	\$282,956.10
11	Entrance Rd between Carlingview Dr and Grandstand Entrance Rd	None	C11. Multi-use path along entrance Road and bordering portions of subject site	D10. Multi-use path along entrance Road and bordering portions of subject site	No	N/A
12	Grandstand Entrance Rd & Entrance Road	None	C12. EBL lane	D11. EBL lane	No	N/A
TOTAL:						\$342,956.10

Attachment 7: Cost Estimate for Sidewalk Connection

WOODBINE					
Sidewalk Connection across Highway 27					
No.	Description	Quantity	Unit	Rate	Total
1	Removal of Existing Asphalt	1,223	m2	\$18	\$ 22,016
2	Granular 200 mm	245	m3	\$65	\$ 15,900
3	Sidewalk	899	m2	\$75	\$ 67,410
4	Curb	453	m	\$60	\$ 27,180
5	Line Painting	1	Ls	\$5,000	\$ 5,000
6	Sidewalk on Bridge - 250 mm thick (including rebar)	53	m2	\$320	\$ 16,800
7	Waterproofing	53	m2	\$280	\$ 14,700
8	Parapet Wall	25	lm	\$1,700	\$ 42,500
9	Railing	25	lm	\$350	\$ 8,750
10	Landscape Restoration	1	ls	\$3,000	\$ 3,000
11	TCB - Rent	100	Lm	\$220	\$ 22,000
12	TCB - Relocation	370	Lm	\$50	\$ 18,500
13	Traffic Crew	80	Hr	\$240	\$ 19,200
TOTAL - DIRECT COST					\$ 282,956

Estimate will vary depending on the following:

- > Site inspection and Detailed condition survey
- > Availability of existing bridge structural drawings
- > Available info. regarding deck/girder size and reinforcement
- > Findings of detailed analysis / design phase