



July 4, 2023

**Via E-Mail**

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Attention: Planning & Housing Committee

Dear Committee Members:

**Re: Item 5.3: Employment Conversion Request #74 – 555 Rexdale Blvd**

We are the lawyers for Gazzola Paving Ltd.

Gazzola has its head office, dispatch yard and winter maintenance facility operating on 6 acres of land located at 529 & 515 Carlingview Drive. They also operate an asphalt plant and aggregate/concrete recycling facility on 14 acres at 345 Attwell Drive.

The Gazzola properties are adjacent to the Woodbine Racetrack at 555 Rexdale Boulevard. Both locations border the Kitchener Go Line and are less than 50 meters from the proposed employment land conversion. Gazzola is opposed to Conversion Request No. 074 as it is currently drafted.

Gazzola has been made aware of the plans of Woodbine Entertainment. Gazzola is supportive of development generally, and supports residential intensification at the north end of the site in the area that is over 1 km from its current operations. However, the proposal to develop on the southern boundary of the site is unacceptable and irreconcilable with Gazzola's heavy industrial operations.

Gazzola is a third-generation family-owned civil construction company operating in the GTA. Gazzola is in its 71st year of business, a business that is a success story built on hard work and dedication to, and within, the City. What began as a small landscaping business in 1952 has morphed into one of the GTAs largest asphalt producers and trusted civil construction partners. Today, the Gazzola name synonymous with asphalt in the GTA marketplace. Being a leader in asphalt, Gazzola's business includes not only work with the private industry, but it supplies critical municipal, provincial, and federal infrastructure projects. Gazzola delivers its services through its 300+ employees who are required to keep the City, the province and the country moving.

Gazzola's contract partners include the City of Toronto, Ministry of Transportation, the Greater Toronto Airport Authority (GTAA), TTC, Toronto Region Conservation Authority, Trillium Hospital Partners, William Osler Health System, Halton Healthcare, Town of Milton, Town of Burlington, City of Mississauga and many private entities.

Of particular importance is the intensity of the use Gazzola makes of the employment lands. The asphalt manufacturing and paving plant, as well as the winter maintenance business, operate an on-call, as required, 365 day a year, 24 hours a day business. It results in significant impacts (noise, odour, dust) that until now, have been appropriately managed by the distance between Gazzola's business and sensitive residential uses located more than a kilometer away. Of note is the fact that:

- Any reference to statutory minimum distances of 300m being respected, or reference to the direction of prevailing winds, is not relevant to the impacts that this application has because environmental impacts are measured on worst case – not best case – scenarios. This means Woodbine Entertainment must meet worst case scenario standards to comply with applicable law, and it cannot do so.
- In the construction season (between April and December), the asphalt mixing plant and equipment operate 24 hours a day, which includes 400+ dump trucks trips with all of the attendant warning signals and banging tailgates associated with this intense use (that is over 16 dump trucks per hour, or one dump truck every 3-4 minutes).
- The time of day cannot be managed as a substantial part of Gazzola's business includes Municipal and Ministry of Transportation contracts that must be completed at night to avoid impacts on traffic. This is the time when noise is most troublesome at sensitive receptors.
- Winter maintenance (October to April) occurs on an on-call and unpredictable basis with operational requirements and impacts similar to the asphalt plant. Gazzola operates 24 hour a day using a fleet of 100 trucks and snow clearing equipment for contracts with the Ministry of Transportation/Link427 Highway, the GTAA and the Town of Oakville.
- Even with significant mitigation, residential complaints are inevitable due to the asphalt plant and winter maintenance operations.

As the Committee is aware, employment lands contribute critical jobs to the City, the regional market area surrounding the City, and beyond. Gazzola's objection is focussed on the impact that the introduction of sensitive land uses will have on the ability of Gazzola to operate. It could make it impossible for condominiums to be constructed, or it will otherwise force the Gazzola business to discontinue its operations.

Put simply, the proposal has not demonstrated compliance with the Provincial Policy Statement because the development as proposed will adversely affect the overall viability of the employment area, including Gazzola's business.

Sufficient work has not been completed to show that the development on the Woodbine Racetrack Lands can mitigate the impacts on Gazzola's business appropriately, with particular emphasis on those buildings that are proposed to be located within 1 km of the Gazzola operations.

The Compatibility and Mitigation policies in policies 2.2.4.5 through to 2.2.4.13 in the City's Official Plan reinforce the need for the City to ensure that new sensitive uses can be introduced and that any of the environmental impacts arising from the existing employment areas can be mitigated. It is not enough to say the matter will be studied in the future because these impacts are the impacts that adversely affect the overall viability of the employment area.

Unless Woodbine Entertainment can demonstrate that mitigation steps are available to show that the new sensitive uses can coexist with businesses like Gazzola, an irreconcilable conflict between land uses exists.

Relocation of Gazzola's business is not an option as there are very few, if any, viable and appropriately sized properties within the City. Gazzola cannot relocate outside of the GTA and maintain its asphalt quality. It could not service its existing contracts within the GTA market in an efficient manner. The jobs that the City should be protecting could be lost.

The costs to the taxpayers – including and especially those in the City – will be substantially increased due to the loss of a critical asphalt provider. Finally, fewer options will be available due to the removal of one of the aggregate recycling yards operated by Gazzola. It is one of only a few located within the City limits. These are cascading undesirable costs and impacts.

We would be remiss if we did not highlight the fact that Gazzola is also a strong corporate citizen in Toronto. It has made environmental and social commitments such as becoming a full-scale carbon neutral operation. Gazzola for the past number of years has been accelerating its carbon reducing initiatives through offsets and new asphalt production processes, responsibly investing so that it can achieve its Scope 1 Carbon neutral asphalt plant/paver/winter maintenance provider designation by 2030. This comes with a significant cost that cannot be undertaken when the existence of the Gazzola business remains uncertain and at risk.

Ultimately, Gazzola supports development and accepts that development is the engine that funds growth in the City. It remains open to dialogue with Woodbine Raceway, the City and the Province of Ontario. However, the impact of the proposed development on the overall viability of the employment area, and Gazzola, cannot be ignored.

The City must ensure that an appropriate mitigation strategy exists that is actionable and that can be imposed at the front end of the project before approving the conversion.

Yours truly,

Cassels Brock & Blackwell LLP

A handwritten signature in blue ink, appearing to be 'Raivo Uukkivi', with a long horizontal line extending to the right.

Raivo Uukkivi  
Partner

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