

1916596 Ontario Ltd. – Preliminary Planning Report - Application for rezoning to permit a recreation and community centre in the form of a public arena and place of amusement in the form of a casino, Kingsway, Sudbury

Comments received between March 16, 2018 @ 4:00 p.m. and March 22, 2018 @ 4:00 p.m.

clerks - I SUPPORT LOCATING ARENA & CASINO AT TNS

From: jcaouette [REDACTED]
To: <clerks@greatersudbury.ca>
Date: 3/16/2018 7:35 PM
Subject: I SUPPORT LOCATING ARENA & CASINO AT TNS

To the True North Strong (Kingsway Entertainment District) Planning Committee.

I very much support Greater Sudbury and Gateway Casino's application for rezoning the lands located on the north side of the Kingsway, northwest of Levesque Street in Sudbury to permit a recreation and community centre in the form of a public arena on approx. 11.96 hectares of land and a place of amusement in the form of a casino on approximately 6.96 hectares of land.

This should be an easy decision, and should Not go against the previous vote for True North Strong.

Vote YES for rezoning.

Joanne Caouette

Sent from my Samsung Galaxy smartphone.

clerks - Kingsway Arena

From: Amanda Baker [REDACTED]
To: "clerks@greatersudbury.ca" <clerks@greatersudbury.ca>
Date: 3/16/2018 10:00 PM
Subject: Kingsway Arena
Cc: "lynne.reynolds@greatersudbury.ca" <lynne.reynolds@greatersudbury.ca>

Hello,

I am a resident of the neighbourhood immediately south of the proposed arena/entertainment district location. I am opposed to a casino being built. Casinos do nothing positive for our communities and I know that, having lived in the immediate area of the Western Fair District in London, which has a gaming center. My parents still live there and when I lived there and when I visit now, I see people walking to gamble daily - and they are definitely not wealthy - they look to be in poor health and in a desperate financial situation. There are so many tragic stories of gambling addictions. I do not wish to see my neighbourhood, which is currently very quiet, become a high traffic area, especially knowing that many will be folks desperate for money to feed their gambling addiction.

Our city does not need a casino. My neighbourhood does not need a casino. Who is it demanding a casino?? Where are all the people saying they love going to the casino and wish our city had one?? I have talked to quite a few people and haven't heard a single person say they'd like to see a casino in Sudbury. I want to see the petition FOR a casino here. I've signed a petition against one, and hope that was considered at some point by the city. Right now the only considerations seem to be for the builder and tax benefits - not for the residents of our city, who do not need more gambling opportunities.

I was on the fence about an arena so close to my home, but hearing it go from a plan for an arena to this massive complex including a casino, that's a big NO!

I am also shocked to hear that the plan doesn't include making the Kingsway pedestrian friendly - it is scary to walk on between Falconbridge and Moonlight.

Also - what about the dump stench?? The prospect of the city finally doing something to mitigate it is the ONLY positive I can see here.

Thank you.
Amanda Baker
[REDACTED]

clerks - Fwd: PROPOSED CASINO AND EVENT CENTRE

From: Alex Singbush
To: Beth Autio; clerks
Date: 3/19/2018 10:42 AM
Subject: Fwd: PROPOSED CASINO AND EVENT CENTRE

>>> michael los [REDACTED] 3/19/2018 10:34 AM >>>
ALEX:

WE ARE A DEEPLY CONCERNED HOUSEHOLD ON [REDACTED] STREET AND DON'T FEEL AT ALL HOPEFUL OF
THE CASINO AND EVENT CENTRE GAINING YOURS AND THE CITY'S APPROVAL.

MICHAEL LOS

Sent from Mail for Windows 10

From: Irene [REDACTED]
To: "clerks@greatersudbury.ca" <clerks@greatersudbury.ca>
Date: 3/20/2018 10:00 AM
Subject: KINGSWAY ENTERTAINMENT DISTRICT - YES!!!!!! - Kingsway all the way

To whom it may concern:

We, Irene and Franco Sacchetto wish to send you our opinion of what we think the Greater City of Sudbury needs.

Kingsway Entertainment District, WOW, this puts this city on the map, just like the Amazing Race segment gave us a boost.

It's time for this city to stop spending Taxpayers money to boost this big hole called the Downtown. The Sudbury Theater Center is in peril, just like Cambrian Theater and the Sudbury Symphony. It's time we allowed progress with fantastic venues. Bring in the tourists instead of having our folks leave town for shopping and gambling.

These greedy Downtown merchants will benefit from an influx of tourists.

The development of the Kingsway Project will widen the vision for other enterpreners. Can you imagine how thrilling adventures in hunting, fishing and snowmobiling Also renting out cottages in the forest that most visitors have never experienced the freshest air. The possibilites are endless.

This is definetly the time, this is the place, Sudbury, to welcome the world by having this project come to fruition Please let's not waste another minute by over analyzing the outcome, let's do it now.

Costco has brought to our doorstep people from out-of-town, let's broaden that and invite the world with a new Kinsway Entertainment District.

We need to embrace this project, so our survival is guaranteed.

We rest our case.

Thank you,

Irene & Franco Sacchetto
[REDACTED]

clerks - can we have a referendum on the casino and event centre?

From: Ruby Loughheed Yawney [REDACTED]
To: "clerks@greatersudbury.ca" <clerks@greatersudbury.ca>
Date: 3/15/2018 6:58 PM
Subject: can we have a referendum on the casino and event centre?
Cc: Fern Cormier <fern.cormier@greatersudbury.ca>, Mark Signoretti <mark.sig...>

Hello Rene, Fern, Mark and all of council and our Major -

Can we not have a referendum on this?

It is a huge project that will affect every tax payer in our city. My property taxes have gone up 10X since I bought my first house in Sudbury, and I hear complaints every time I do a financial review. "my taxes are more than anyone else I know from Vancouver to Halifax".

So many people I know are so upset, the leading business owners in our community, the professional associations I belong to. The momentum is growing so loud. Just off the phone with a teacher at Rainbow who wants to have the teachers come to city hall to protest this.

Do you really want to go against the wishes of some of the largest private employers in our city, the entrepreneurs and families that build this city, the architects, accountants, planners, engineers, doctors and lawyers, judges, teachers, social activists and religious leaders of our community?

Who are you listening to?

This will shape the future of our city and I am sure the next election.

We have more than 2500 signatures on our petition that reads:

Dear Major and City Councillors – don't Gamble with our city! We say "no casino in Sudbury".

Casinos are bad social, economic and government policy.

The truth about casinos is that the community loses; the odds are stacked against us so don't be deceived.

A casino comes here to suck money out of our economy.

Casinos do not provide facilities at "no cost" to taxpayers. There is a cost, and it is wildly understated.

Research confirms the resulting social impact will include: money leaving our local economy, damaged finances, anxiety, depression & even suicide.

Take the time to learn the true costs by looking at the research.

Faith leaders, business owners, medical, health and addictions workers, economists, the legal profession, student and youth leaders, civic leaders, academics, community leaders, social activists, architects and planners, the members of the arts, culture & food community, trades professionals, and many others from across the Greater Sudbury area have spoken out against casino expansion and signed a joint statement in opposition.

5 x's the percentage of the population of our community signed the petition compared to the one against a casino in the city of Toronto. Why were they listened to and we aren't? If your citizens don't feel listened to and respected, this is a very dysfunctional situation.

I cannot understand why the council is not listening to the voices of community leaders about this important issue.

Very unfortunately, I am out of town the week of the 26th of March. I want to be heard and the people who have signed the petition want to be heard, we don't want a full blown casino! I studied this at university, I have mountains of research from associations across Canada and North America and have the support of one of the richest people in the world, Warren Buffett! Why do you refuse to listen to us?

We want a functioning city, one not drowning in debt, who refused to listen to our business leaders, the Health Unit, the Chamber of Commerce, The Canadian Safety Council, Livable Sudbury, the Inter-faith committee and educators.

It really makes me wonder why. The former auditor in me is wondering if there are conflicts of interest yet to be found out.

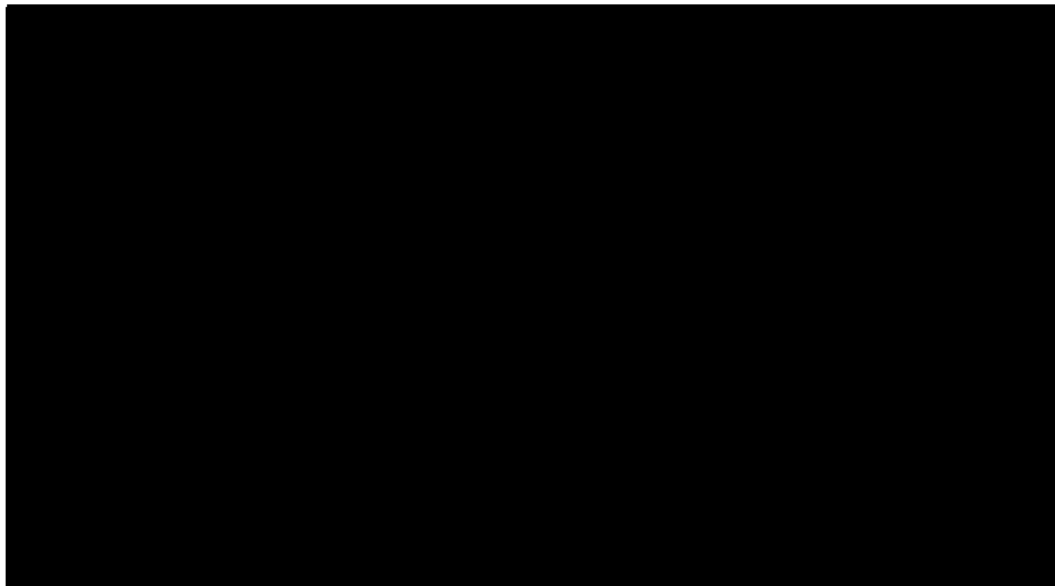
We keep doing this urban sprawl and the infrastructure costs are killing the few that are left. It scares me we will end up like Smooth Rock Falls. Can't give your house away and the smaller # of people supporting growing costs.

With continued urbanization a global phenomenon, why on earth would a community like ours, an aging one, one at serious risk of continued declining population and it is becoming known as a hub for drugs and human trafficking. Where do they launder their dirty money? CASINOS! Read the papers.

Do you really think that the Greatest Investor of our time, Warren Buffett is wrong when he says "Our governments should not be preying upon its' citizens to create more addicts by raising money from people who can't afford to gamble, by promising them a dream that isn't going to come true!"

Respectfully,

Ruby Lougheed Yawney



clerks - RE: can we have a referendum on the casino and event centre?

From: Ruby Loughheed Yawney [REDACTED]
To: Rene Lapierre <Rene.Lapierre@greatersudbury.ca>, clerks <clerks@greaters...>
Date: 3/19/2018 10:12 AM
Subject: RE: can we have a referendum on the casino and event centre?
Cc: Fern Cormier <Fern.Cormier@greatersudbury.ca>, Mark Signoretti <Mark.Sig...>

[REDACTED]

[REDACTED]

About the casino, just a reminder, when you and I met in my office about the casino several years ago, the majority of the people engaged in the NO CASINO from day one were Professionals and business owners from day one. I showed you a list of basically the "who's who" of Sudbury with their signatures on the petition. Signatures. They committed.

The Michel Family from Gloria's and A&J Home Hardware, Conrad Houle from Tracks and Wheels, the Day family, Paul from The Townehouse, Mining and Engineering consulting firm owners, many managers and executives from Vale, the Medical Professional, Lawyers, Accountants, Financial Advisors, media professionals and Architects. Most of these people are also business owners.

And we weren't invited to any council meetings. My councillor, you, the Major, all those people who knew I had an opinion and wanted to raise issues, not one invited me. The site selection meeting, as far as I knew, was about an arena, not a casino.

Then, when I sat on the Chamber of Commerce sub-committee on the casino, other than the executives of the Chamber on the sub-committee, many of the fellow Chamber small business owners were opposed also, eg. Jack from "Buzzy Browns" who was on the sub-committee with me. I hope you see that there have always been many owners. And they put their names on the petition from day one.

In fact, when I took out that one page Sudbury Star article in June 2013, those are all the people in the article opposed.

Indeed, Tom Fortin, an owner, entrepreneur, inventor and an example of a "Community Builder" was onside from day one.

As was Warren Buffett! I find it amazing who people won't listen to him or disagree with him. My arrogance or ego isn't so great. Interesting enough, Money Sense did an entire article about this fact. He rarely expresses an opinion, but his infrequent advice has been uncannily accurate. Hard to argue with his results. Especially in making good economic decisions as a business owner.

As far as research, I too, as I have shown you and told you, have been studying the effects of casinos on local economies since 1987. I have read a lot, I believe I showed you a very large binder of the summaries of research, and, with the keen eye of an auditor. I have a minor in Economics and a focus on the economics of government spending. Then, all the reports from the health sector on the effects of gambling addiction. I can forward to you and other councils to read if you would like.

If you read the reports, they do not come to the conclusion that it will benefit the local economy. Indeed, at the Chamber sub-committee, on a conference call with the OLG, when I asked them for ANY REPORT that showed it would benefit the local economy, they themselves cannot say that it benefits the local economy. Why? Because there is no evidence to support it. Go ahead and ask the OLG yourself!

The Sudbury and District Health Unit came out against it, even the Canadian Safety Council requested a moratorium on new casinos.

We are not Vegas. The province is putting casinos in every small community. Mining communities are at higher risk, we have a wealthier aging population (think government and big mining company pension plans) and the casinos want their money.

I so remember when the former Major told me that she received "hundreds of calls" in favour of a casino, my then 14 year old son say "well, that's a hyperbole!". Those in opposition put their name on a petition, and we have almost 3000. Do you have names on a petition FOR A FULL BLOWN CASINO BESIDE THE DUMP AND AN ARENA that exceed 3000?

I have had 2 people (regular folks, not trolls, not those vulnerable or already addicted, not those paid to support it by the OLG, or a developer group with a conflict of interest) tell me they were in favour of it. Then 1 or those 2 ended up signing the petition opposing it after she understood the "why" behind it.

People were stopping me on walks, in the parks, all saying "good for you and I hope you are successful!" These are the silent majority.

As for Robert Kirwan's comments that the recent report is "an option", not only does it show his ignorance that all professional reports are "opinions" but shows his desperation. Here is the last paragraph of the auditor's report on the 5th largest company in the USA "In our opinion," yup, after auditing, obtaining reasonable assurance, examining, testing, reviewing evidence, etc. they give "AN OPINION".

Thank-you also for the information on property taxes. I recall John Rodriguez sharing that information and my response was "MPAC bases it on Fair Market Value, why don't you look at where we stand with respect to "Fair Market Value"? Surely the poor folks in Smooth Rock that can hardly give their house away with a severe declining population pay a higher rate for a bungalow, and "bungalow" in Toronto is a million dollar home.

Respectfully,

Ruby.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

How do we compare to other municipalities in Ontario?

Average value of property taxes for a detached bungalow for municipalities with a population greater than 100,000



2016 BMA Study
Rene Lapierre @ParamedicRene - 11 Apr 2017

Plusieurs gens demandent, nos tax @GreaterSudbury ce compare comment a autre municipalite? Voici des infos pour vous!

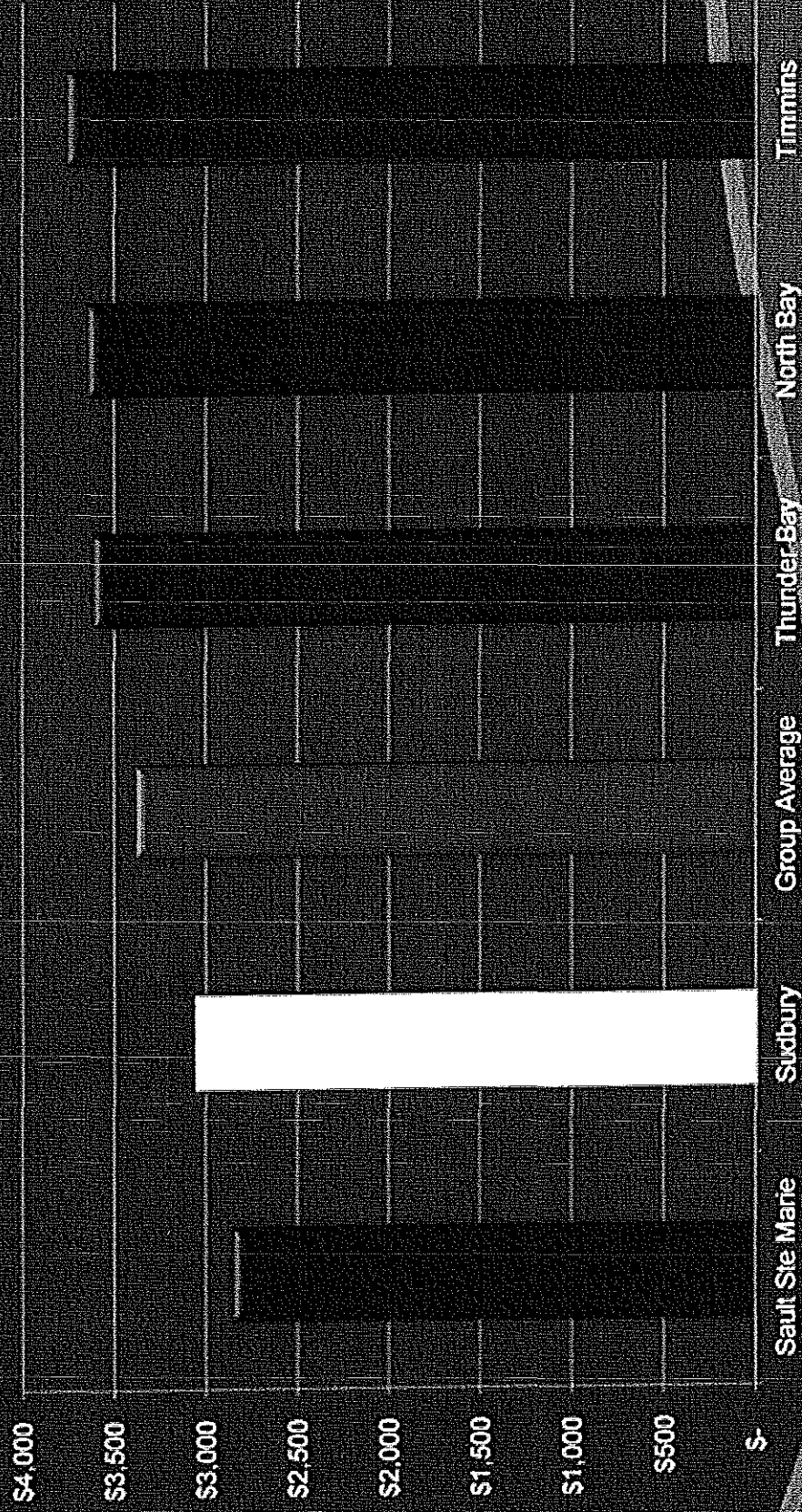


Sudbury
Greater Grand
Toronto

2016 BMA Study
Rene Lapierre @ParamedicRene - 11 Apr 2017

2016 Tax Comparison

Property tax comparison for a typical bungalow - Northern Ontario



2016 BMA Study



- 36 of 46 municipalities with populations in excess of 40,000 residents (78%) have some form of fixed charge; and
- Approximately two-thirds of municipalities included in the BMA study use uniform variable rates (i.e. the rate per m³ of water consumed does not vary based on consumption).

Residential fixed charge for water and wastewater customers (2016)

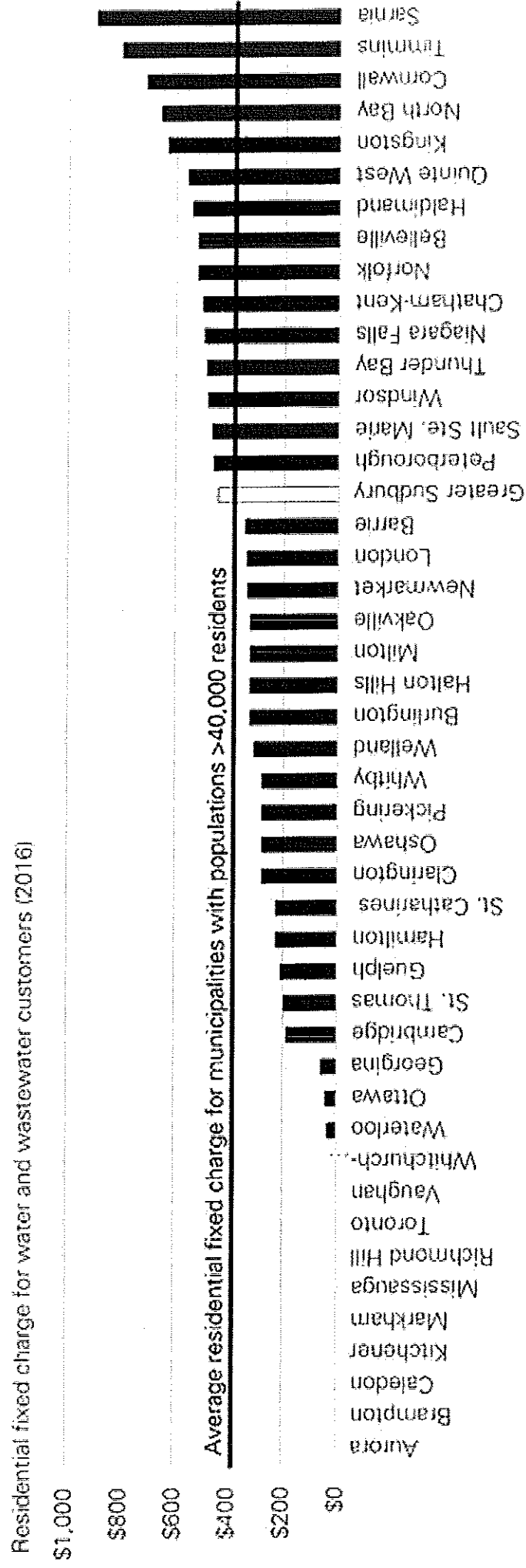


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The City's current rate structure for water and wastewater consists of both a fixed component (determined based on meter size) and a variable component, which is the same regardless of the level of water consumed. This rate is consistent with the majority of Ontario municipalities with populations in excess of 40,000 residents:

- 36 of 46 municipalities with populations in excess of 40,000 residents (78%) have some form of fixed charge; and
- Approximately two-thirds of municipalities included in the BMA study use uniform variable rates (i.e. the rate per m³ of water consumed does not vary based on consumption).

For a residential customer in Greater Sudbury consuming 200 m³ of water, the fixed charge for water and wastewater services would have been \$443 in 2016, which is just above the average fixed charge for municipalities with populations in excess of 40,000 residents that have a fixed charge component (\$393).



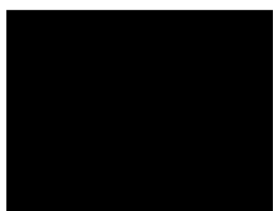
clerks - Proposed Kingsway Entertainment District/Casino/Hotel and Arena Event Centre/Additional Parking

From: Darlene Hornsby [REDACTED]
To: "clerks@greatersudbury.ca" <clerks@greatersudbury.ca>
Date: 3/22/2018 10:58 AM
Subject: Proposed Kingsway Entertainment District/Casino/Hotel and Arena Event Centre/Additional Parking
Cc: [REDACTED]
Attachments: 2018.03.22 - Ltr.GEP to Mayor and Council Members final.pdf; 2018.03.21 - Ltr.R.Faludi to GEP Sup. Opinion.pdf; 2018.03.20 - Sudbury Casino WND Letter.pdf

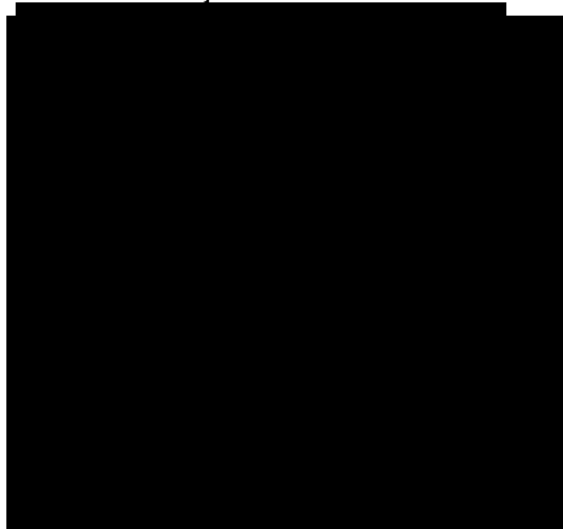
Dear City Clerk,

Please find the attached important correspondence and report which is addressed to Mayor Bigger and Members of City Council from Mr. Petch in respect of the above noted subject matter.

Best regards,



Darlene Hornsby



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GORDON E. PETCH

- Barrister -

REAL ESTATE DEVELOPMENT | MUNICIPAL LAW | ENVIRONMENTAL LAW

March 22, 2018

VIA EMAIL - clerks@greatersudbury.ca

Mayor Bigger and Members of City Council
200 Brady Street, 2nd Floor
Tom Davies Square
Sudbury, ON
P3A 5P3

Your Worship Mayor Bigger and Members of Council,

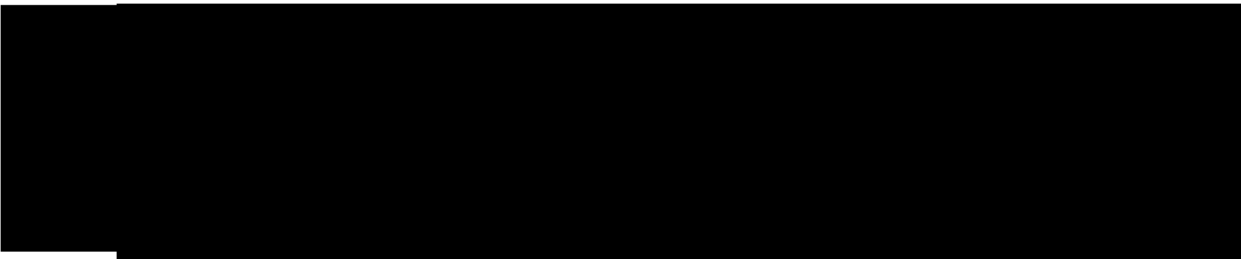
Re: Proposed Kingsway Entertainment District/Casino/Hotel and Arena Event Centre/Additional Parking

I am retained by the 'Downtown Sudbury' BIA and Mr. Tom Fortin with regard to the above Planning Act applications which I understand are scheduled to be considered at a statutory public meeting pursuant to the provisions of the Planning Act on March 26 and 28, 2018.

As I advised in my previous letter dated March 12, 2018 my clients retained Mr. Rowan Faludi of urbanMetrics Inc. to undertake a preliminary economic impact study of the said proposed Kingsway Entertainment District composed of a new OHL Arena/Event Centre in an integrated development with a casino and hotel on the Downtown. Mr. Faludi subsequently received the City Staff report and his supplementary opinion letter dated March 21, 2018 is attached hereto. Mr. Robert Dragicevic of WND Planning was also retained and I attach his planning opinion dated March 20, 2018 hereto. You will also note that he like Mr. Faludi has considerable experience studying the casino/gambling industry as well the economic issues related to Ontario Downtowns.

Economic and Financial Impacts on The Downtown

The existing arena, which is perhaps the largest draw for the downtown, is recognized as supporting other commercial, retail, service and entertainment uses. The City has long recognized the arena needed to be upgraded to improve the OHL hockey experience, to improve



attendance and revenues and to attract larger performing acts that cannot be accommodated in the existing facility. The new and expanded arena/event centre would be the largest entertainment facility in the entire City and was intended as a key economic generator to revitalize the Downtown with increased tourism and employment. The City, starting in 2012 also initiated other “Transformational Large” projects that could assist in this redevelopment and on September 12, 2017 approved a Hotel/Convention, Performance Centre with a Library and expanded Art Gallery development plan. These initiatives in combination with the new arena/event centre, were exactly what the long term planning and economic strategy for the City contemplated.

However, the City now proposes to relocate and build this new OHL Arena and Event Centre as a major component for a new “Entertainment District” in combination with a casino and hotel, which will also obviously function as a hotel/convention facility. To replace the existing arena the City now proposes a new downtown performance centre which would duplicate the role of the Event Centre component of the new arena. As Mr. Faludi quite rightly points out the Sudbury market is simply too small to justify the proposed Downtown performance center and a second hotel/convention facility and that the new Entertainment District will economically overwhelm the Downtown-all of which is contrary to the City’s long term planning instruments (From the Ground Up 2015-2025, the Downtown Master Plan and the Official Plan) which are promoted by the Growth Plan for Northern Ontario - thereby frustrating these plans.

Mr. Faludi’s findings that the proposed “Entertainment District” will have long term negative economic consequences for the Downtown, from which it may never recover, is not surprising. However, what is surprising is that at no time has the City retained qualified experts to independently assess the economic impacts of the Entertainment District on the Downtown and the planned “Transformational Large” projects as is required by S. 3(5) and 3(6) of the Planning Act and S. 1.7(b) of the Provincial Policy Statement and S. 19 of the City’s own Official Plan requires such an assessment.

Mr. Faludi also advises that there is no significant net financial revenue or job increase advantage for the City with the proposed Kingsway development.

Therefore, what is the basis for the City so anxiously proceeding with the development? If such is premised on the promotional materials provided by OLG and its 2012 “Modernization Plan” one needs to read the 2014 Report of the Provincial Auditor General which was triggered by the Province’s Standing Committee on Public Accounts to address their concern that OLG was overstating its position. One of the fundamental findings was that municipalities had not been properly consulted. Commencing at page 15, in Section 4 “Summary” the Auditor General concludes that:

- a. OLG overstated its estimated profits for the Modernization Plan which “was partially due to the lack of a comprehensive underlying business case based on objective data as well as the lack of information on whether the various key stakeholders would support OLG’s plans.
- b. OLG has already reduced its estimate of gaming revenues by 48% and expected there would be a further reduction of \$562M or 12% in net profit to the Province by March 2018.

- c. OLG estimated the Modernization Plan would increase payments to charities by 20% in first year (and declining thereafter) when bingo halls were converted to electronic bingo centres. However, Table 10 shows that the increase in the first year for Sudbury was only 6% and its payments to City charities has declined (Figure 11).
- d. New employment projections were overstated. It is more likely there will be a net loss of provincial gaming jobs than expected.
- e. "In fact, job losses would occur in almost every municipality where slots at a racetrack, OLG casino or resort casino already exists"
- f. OLG job projections do not include non-gaming job losses.

Therefore, this Report should have been a "heads up" to any municipality considering a casino, that they could not simply accept the OLG financial and job data at face value. They should treat it like any other major commercial development and do their own independent peer review with qualified experts.

Finally, at Figure 3 to the Report it is noted that OLG records state that the proposal for Sudbury is described as follows:

"Replace Slots at Sudbury Downs with casino in downtown Sudbury"

However, I can find no City resolution to this effect and question the source of this information and its reliability.

Therefore, it is imperative and in the public interest that Sudbury independently assess the net economic benefits from the proposed casino. Mr. Faludi's opinion is the only independent opinion the City now has and it is incumbent that the City obtain their own before making any final decisions. This should include not only the economic impacts from the casino but from the simple removal of the arena from the Downtown and its inclusion in the proposed new Entertainment District. Mr. Faludi has provided the terms of reference for such a study to assist the City in undertaking an independent economic analysis.

Therefore, as a matter of law, I am of the opinion that City Staff must include in their report a comprehensive review of the economic impact of this proposed development on the long term "vitality and viability of the Downtown" which to date has not been done. Until such has been done, City Council cannot render a decision approving the proposed Kingsway development. If Council feels compelled to make a Decision, you must deny the applications.

Public Health and Safety Concerns

Subsection 1.1.1 c) requires "avoiding development and land use patterns which may cause environmental or **public health and safety concerns**".

As you are aware, the Province's 2012 "Modernization of Lottery and Gaming In Ontario" plan is simply a strategy to increase gambling revenue, or stated more accurately, to increase

gambling losses by the residents of Ontario. The principle planning theory is to relocate the casino closer to the residential population making it more convenient and easier for residents to gamble than is the case with current operations at the more rural racetrack locations. For Sudbury, this means relocating the current slots operations at the Sudbury Downs Racetrack to the proposed Kingsway site and add gambling tables. As Mr. Faludi has reported, this will increase the current net gaming revenues from approximately \$42M at the racetrack slot operations to \$75-80m from combined table and slots being a substantial increase in current gambling losses.

In response to this increase in gambling losses for the residents of Greater Sudbury, the Sudbury and District Health Unit prepared a "Briefing Note" dated February 14, 2013 to which was attached the City of Toronto report titled "Health Impacts of Gambling Expansion in Toronto". These reports raise the very real "public health" issues related to a casino in the City. There are also severe economic consequences for the City if the disposable income of its residents is to be reduced by a further \$42m - all of which needs to be assessed as required by the PPS prior to Council making any decision.

Employment Lands Conversion

Mr. Dragicevic has advised that the proposed Official Plan Amendment to the Industrial Area designation to allow for the new "Entertainment District" is not consistent with the PPS 2014 and is tantamount to a conversion of employment lands and that such uses collectively are not an "Employment Use." Certainly, the proposed casino is not an "Employment Use" as defined.

As stated in Section 1.3.2.2 of the PPS 2014 "Planning authorities may permit conversion of lands within employment areas to non-employment uses through a **comprehensive review**, only where it has been demonstrated that the land is not required for employment purposes over the long term and that there is a need for the conversion".

There is no public information demonstrating that such a "comprehensive review" has been undertaken and approved as required by the PPS and accordingly, as a matter of law, the failure to do so is not "consistent" with the requirements with the relevant provisions of the PPS. Until such occurs it is premature for the City to consider approving any official plan amendment or zoning by-law to allow for the arena/event centre and casino and additional parking at the Kingsway site as components of the new "Entertainment District".

Compliance with Planning Act Requirements

The Staff Report and the record clearly describes the history of Council Decisions that have been made since the Province announced its modernization plan in 2012.

As all Members of Council and Planning Staff are aware, it is a fundamental principle of planning law that the approval of applications to amend an official plan or zoning by-law can only be made after providing the statutory notice of a Statutory Public Meeting as required by the

Planning Act. The clear purpose of this requirement is to allow for the public to have meaningful input into the final decision of Council approving such an amendment. This requirement allows elected officials to obtain meaningful input from their constituents before making important decisions. This requires Staff and Members of Council to be able to remain objective and not breach the legal principle of “Bias” prior to staff rendering its recommendations and Council making its Decision. Their discretion must be unfettered. The following resolutions of Council have predated this Statutory Public Meeting process:

- a. The decision as to whether or a municipality wants to be a willing host for a new casino, is unquestionably a serious and contentious issue and one that elected officials should only be made with the utmost care. Prior to O.Reg. 81/2012 municipalities were required to hold a supporting referendum before Council’s were empowered to proceed with agreeing to be a “willing host” and considering any land use approvals.
- b. O. Reg 81/2012 removed that statutory obligation, leaving it to discretion of the municipality as to how to obtain the views of the public. A referendum is an expensive process. Therefore, as an alternative, Council, with clear and advance Notice to the Public at large, could simply hold a public meeting to allow both the City, relevant social and other government agencies to study the issue and to obtain the views of the public.
- c. My research to date reveals that no public meeting with advance notice has ever been held by Council to simply assess whether or not the public supports a casino in their municipality. The previous City Council simply passed resolutions in May and August of 2012 advising OLG and the Province of the City’s willingness to host a casino. Further, the Staff Report of August 2, 2012, which was forwarded to OLG stated:

“Council has not adopted an official position on the question of the desired location for a new facility. We have indicated that there is a latent interest in seeing what amenities might be leveraged as part of this opportunity, either directly or indirectly.”

- d. Therefore, it was clear that the previous Council had made no commitments to the Province or OLG that it was agreeable to being a “willing host” for the casino. However, since the resolutions in 2012 Council has simply proceeded as if they have a mandate from the electorate to proceed with and expend public staff resources and monies to advance the land use approvals for the casino.
- e. Without prior written Notice seeking full public consultation and providing supporting documentation, Council resolved on February 26, 2013 to advise OLG that it “requires gaming facility investment proponents to maximize economic opportunities to the community by working with local groups to develop ancillary and complimentary amenities as part of their proposals” with amenities such as an OHL-ready hockey rink, performing arts centre and a hotel/convention or multi use centre.
- f. Council received the PWC dated February 21, 2017 which dealt solely with the business case for the new arena and clearly highlighting its benefits to the Downtown and instructed PWC to proceed to the next step and study the appropriate location.
- g. The PWC June 2017 report, as Mr. Faludi notes, favoured the arena in the Downtown. Council directed PWC to consider “capital costs” and “parking” as key issues. PWC advised the City that it did not have adequate information nor the professional skill set to

consider the comparative parking issue between the Downtown and the Kingsway and recommended a transportation consultant be obtained.

- h. The current Staff Report states that on June 27, 2017 Council resolved to relocate the arena from the Downtown and relocate it to the Kingsway site. However, there is no public evidence that the recommendation by PWC to retain and obtain the comparative transportation and parking report was ever complied with prior to Council making its decision on June 27, 2017. Similarly, there were no detailed "costs" studies for the Kingsway site-considering all direct and indirect costs - that would warrant the approval of the Kingsway Site for both the arena and casino. Nor, as noted above, was there a comparative economic impact study addressing the economic consequences of the combined Kingsway proposal on the Downtown. What is also apparent, is that the City was at this stage approving the casino and its location at the Kingsway site as part of a fully integrated development with the Casino and Hotel.
- i. By August 2017 the relationship between the City, Gateway Casinos and the Kingsway landowner/developer 1915695 Ontario Limited (Zulich) was well advanced and had become a joint/venture partnership. The City Staff Report dated August 9, 2017 shows all three parties had negotiated a cost sharing and planning partnership to advance a Site Design Strategy for the arena/event centre, casino and hotel/convention centre at the Kingsway site with the City committing to pay 1/3rd of the cost of the total \$387,000 for Gateway's Architect to develop the development plan. The City justified the work being sole-sourced because there was insufficient time for an RFP process to be used, as would normally be required.
- j. As well the August 9, 2017 report recommends the allocation of staff resources to give priority to the furtherance of the entire project. A City Staff person is to be assigned to be a full-time "Project Director" to report to the City's General Manager of Community Development.
- k. The "Final Integrated Site Plan" report dated November 22, 2017 was presented to City Council by the City General Manager of Community Development, the City Project Director and a principal from Gateway's architect, Cumulus Architect Inc. At page 10 of the report is a chart titled "PARTNERSHIPS" with the explanation that "The Kingsway Entertainment District and Integrated Site Plan is a partnership between: City of Greater Sudbury, Gateway Casinos and Entertainment Ltd. and Dario Zulich and Company.
- l. A publication dated December 21, 2017 pictures an architect's elevation concept drawing for the joint Kingsway development and advises that the construction of the arena and the casino will take place concurrently with the arena opening in 2020. The said publication states that the decision to locate the arena/events centre at the Kingsway site was made by Council on June 27, 2017. I could not find any documentation required by the PPS and Official Plan, as noted above, being circulated to the public with the required Notice.
- m. In the City's adopted 2018 Budget for 2018, at pages 224-225 of the Best Case" report for the proposed "Arena/Event Centre the "Overview of the Proposal" is described as follows:

"On June 27, 2017, City Council selected the Kingsway location as the future site of the Arena/Event Centre and directed staff to include an option for financing in the 2018 Budget. This business case addresses the funding for the approved Arena/Event Centre. The Estimated cost of the project is \$100million." (my underlining)

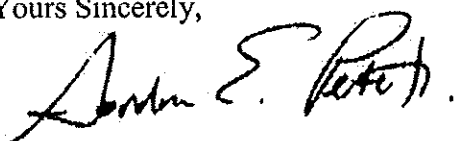
Premised on the above, it is clear that Council's decision to remove the existing arena from the Downtown and locate it at the Kingsway was made on June 27, 2017 and Staff are acting on and accepting that position of Council. It is also clear that the effect of the June 27, 2017 resolution was to recognize the City had agreed to be a "willing host" for the casino and to locate it at the Kingsway site as part of a totally integrated development and to pursue the development and their approvals and construction as a "Partnership" – all of which has occurred prior to the subject Statutory Public Meeting that we are now participating.

Therefore, what is the purpose of the current Statutory Public Meetings which are required by the Planning Act as a precondition to approving the said official plan and rezoning applications, if Council has already made its decision on the fundamental planning issues? Council has clearly formed a "Partnership" with the casino operator (Gateway) and landowner (Zulich) and expended public monies and staff resources prior hereto, in order to advance all of their respective collective interests.

Accordingly, I am of the opinion that City Staff and Council have demonstrated a bias prior to holding the mandated Statutory Public meeting and are unable to fairly and objectively entertain and respond to legitimate objections to either the arena/event centre or casino applications, contrary to the requirements of the Planning Act.

What is required is for Council to either resolve to deny the applications for lack of the required information, as described above, or resolve to put all matters on hold and to re-commence the approval in its entirety, but only after Council and Staff have complied with the above noted requirements of the Growth Plan for Northern Ontario, the 2014 PPS, its own economic development strategy "From the Ground Up 2015-2025, its Downtown Master Plan and its current Official Plan and the notice requirements of the Planning Act before making any decisions on the merits of the subject applications.

Yours Sincerely,



Gordon E. Petch
GEP/dh

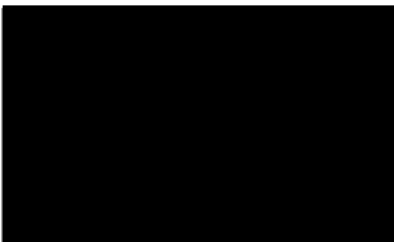
Encl.

cc: Tom Fortin
Downtown Sudbury BIA
R. Faludi
R. Dragicevic
Z. Sayeed



March 21, 2018

Mr. Gord Petch



Dear Mr. Petch:

RE: City of Greater Sudbury Staff Reports – Arena, Casino and Parking

As requested, I have had the opportunity to review the City of Greater Sudbury Staff Reports dated March 14 in advance of the Public Meetings scheduled for March 26 and March 28 related to the proposed arena, casino and parking on the Kingsway site. I am providing you with my comments with regards to a number of specific issues raised in the staff reports. These comments supplement my previous report dated March 12, 2018. Please note that the staff reports do not cause me to alter my opinions and conclusions contained in my earlier report.

1. It is important to note that the Arena report acknowledges that on March 7 2017 Council passed a resolution to accept the site evaluation criteria and weighting put forward by PwC, which included 8 criteria. On April 12 Council modified these criteria to divide them between those of "Highest Importance", those that are "Extremely Important" and those that are "Important" criteria. It is only when council isolates those criteria that are of highest importance that the Kingsway site achieves a first overall ranking, and as noted in my report, two of the three of these highest importance criteria are deeply flawed. This raises an important question. What would cause Council to modify an approved full set of criteria that had already been weighted in order of importance and make a decision based on only a subset of these criteria?

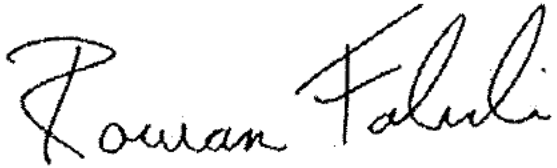
2. No where in any of the reports does staff address the impact on downtown of a) moving the arena; b) opening a major entertainment/commercial venue that would compete with the downtown for visitors; and c) opening a casino and hotel that could use casino revenues to subsidize highly competitive accommodation and restaurant offerings with a direct impact on existing restaurant and hotel businesses. The staff report does note that the community arena is proposed to be reused by a public library, an expanded art gallery and a new convention centre and that on April 12, 2016, Council endorsed these projects along with a performing arts venue. We would note, however, that several issues present themselves with regards to the lack of a downtown impact analysis. First, if Council does not know what the impact on the downtown will be, how can they be sure that the major projects will address those impacts. It would also be fair to recognize that none of these large projects would have a draw anywhere near to that of a casino and the arena, so they are not likely comparable replacements. Secondly, in its budget document, staff recognize that the arena will use funds that could otherwise be used for other municipal projects. The City has never addressed whether they can still afford to do the other major projects in a reasonable time frame after sinking 100+ million into the new arena. Furthermore, the City has already opened the door to a convention centre on the Kingsway site. In its meeting on February 26, 2013, the City resolved to advise OLG that a casino could be combined with amenities, including a convention or multi-use centre, and in fact, a promotional video prepared on behalf of the Kingsway site, shows a convention centre on the Kingsway site. The Kingsway Entertainment Centre, if it materializes, could jeopardize the City's ability to develop these major projects in the downtown core.
3. One of the criteria that is required when undertaking an employment land conversion study as part of municipal comprehensive review is whether the proposed uses could be located in other parts of the City. This has not been effectively analyzed by the City. For example, why use designated employment lands for the arena, when there is at least one alternative site that has been rated by the City's own consultant as superior to the one proposed for a conversion. The same argument could also be made for the casino, for which in 2012 the public indicated the preferred site was Sudbury Downs.
4. The staff report notes that construction of the arena would generate 495 years of employment with \$31.4 million in wages, as per the PwC study. Staff also notes that the arena would generate 60 jobs and \$1.9 million in annual salaries. But the PwC report rated the downtown site higher in terms of generating economic impacts and complementary benefits. Why was this not mentioned in the staff report?
5. In both reports, staff discuss Tourism under the Provincial Policy Statement in Appendix 2 dealing with policies cited. No where have I seen any analysis that demonstrates that either the arena or casino will bring in significantly more tourists than they currently do. My assessment is that both of these uses are heavily oriented to the local population. Based on licence plate and cell phone usage data, the current slots facility draws about 85% of its

customers from the City. Furthermore, with respect to the arena, PwC acknowledges that the majority of event attendees will come from the local area. Furthermore, I am not aware of any analysis that compares the tourism draw of an arena on the Kingsway site to the draw that would be available to a downtown arena.

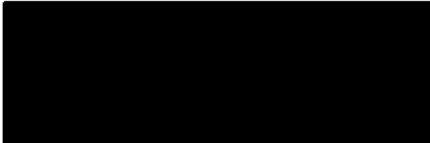
6. Under Transportation Demand Analysis, staff indicates that the goal is to get 5% of users to a Kingsway arena to take public transportation. The City has not indicated whether the percentage of transit users currently going to the downtown arena is already 5% or higher?
7. The reports also discuss how surplus lands on the site could be used for employment uses, although the proponent has indicated a potential for a motor sports park, retail outlets, a convention centre and other entertainment/commercial uses, which could use up most or all of these lands.
8. The public meeting on the casino that staff refers to is the one held on February 26, 2013, which appears to have only dealt with location and seems to have been based on the assumption that a casino was already accepted by the community. If there was a specific public consultation process that dealt with whether the City should be a host community for a casino, why was it not mentioned. It is also important to note, that when the slots were added to Sudbury Downs, they were installed as a means of supporting the horse racing community. This is no longer the case and a full-scale casino offers a very different type of gaming experience than the slots at the racetrack. Public acceptance of the slots at race tracks facility, if it was actually provided, should not be taken as acceptance of the casino proposed as part of a Kingsway Entertainment District. Furthermore, the Kingsway casino proposal appears to have ignored the public comments emanating from the February 26, 2013 meeting:
 - A majority of the respondents preferred the existing Sudbury Downs location while a significant number preferred a downtown setting. Lower numbers preferred a location at the four corners or the Kingsway.
 - It was commented that the Sudbury Downs site would use existing infrastructure and be remote enough to discourage problem gambling. They also noted that it would support the horse racing industry. This is no longer the case today.
 - Concerns were raised with regards to impacts of easy accessibility. Note the proposal calls for the events centre/arena to be connected to the casino by an enclosed walkway). There appears to be no assessment as to whether there are issues with combining a casino with a community arena that would attract a large number of youth and underaged patrons, or whether this proposal has received endorsement by the public.

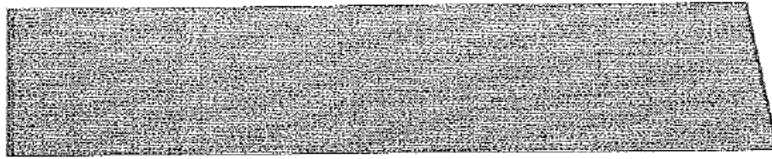
We look forward to discussing our comments with you in further detail.

Yours truly,
urbanMetrics inc.

A handwritten signature in black ink that reads "Rowan Faludi". The signature is written in a cursive, flowing style.

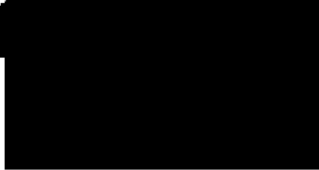
Rowan Faludi





20 March 2018

Municipal Law Chambers



Attention: Mr. Gordon Petch

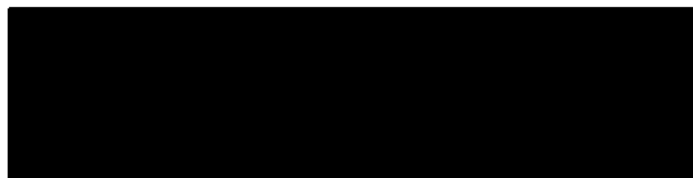
Dear Mr. Petch

**RE: Proposed Sudbury Arena and Casino Development
Planning and Development Applications for Rezoning and Official
Plan Amendment
City File Nos. 751-6/17-27, 751-6/17-24 & 701-6/17-9, 751-6/17-26
Gateway Casino and Entertainment Limited and 1916596 Ontario
Limited
City of Greater Sudbury
WND File 17.685**

As requested we have prepared our report to provide our analysis and conclusions with respect to the above referenced applications which have been filed seeking approvals for zoning change to allow for the development of a new arena/event centre (a Recreation and Community Centre), additional parking lots, and an Official Plan Amendment and Zoning Change to allow for the development of a gaming casino (place of amusement) with hotel and ancillary related activities on lands located north of Ramsey Road and Levesque Street in the Jack Nicholas Business and Innovation Industrial Park on the north side of The Kingsway.

Our firm has extensive experience in the land use planning field working with private and public-sector clients in Ontario, and we are, or have been involved, in a number of the initiatives in the Province related to the reorganization and locational distribution of gaming facilities (casinos in Peterborough, Toronto and Milton).

Our background research of the proposals in the City of Greater Sudbury ("City") involved the review of the materials related to the arena facility and the selection of the proposed development site, the City's Official Plan and zoning bylaw, the Provincial Policy Statement 2014 and the Growth Plan for Northern Ontario (2011), the Downtown Sudbury Master Plan, the City's Economic Development Strategy ("From the Ground Up 2015- 2025"), the PWC February Arena Business Analysis, the PWC June 2017 Arena Site Selection Analysis, the Sudbury Health Unit "Briefing Note" of February 14, 2013, the applicant's supporting materials (planning, traffic etc.), and the preliminary City reports released prior to the first of



two public meetings and the City's final Staff Report where these applications will be considered by Planning Committee on March 26 and 28, 2018.

We have also consulted with the economic consultant (urbanMetrics Inc.) retained by you in respect to this matter, including the urbanMetrics work dated March 2018 and that work has been used in formulating my preliminary findings with respect to the applications.

In preparing this reporting it became clear to me that there are a number of sub-headings that would be useful in presenting our preliminary findings, some of which can be commented in final form pending receipt or availability of additional information.

The Applications

There are three applications which will be presented to the Planning Committee on March 26 and 28, 2018. In terms of process, the three applications are distinguished as one requiring a rezoning only (the arena/event centre (recreation and community centre), one requiring a rezoning only (parking lots), and one involving an amendment to the Official Plan and zoning amendment for the casino (the place of amusement).

Notwithstanding that there is a separate Planning Act application for the casino and the arena/event centre and additional parking it is important, from a planning perspective to analyse the overall proposed development and not to consider each component in isolation. The entire development is consistently described by the proponents as a major new "Entertainment District" for the City and it should be assessed as such.

The applications are all located within the same approved draft plan of subdivision which remains unchanged or not in need of change according to the filings submitted by the applicants' consultants. The draft plan of subdivision has not been registered and the approvals will lapse in late 2018 if not further extended by Council.

The Proposed Development

The overall development is shown on the Conceptual Kingsway Integrated Site Plan (Drawing A110 prepared by Cumulus Architects and dated 15/11/17). The lands subject to the rezoning application proposes a recreation and community centre in the form of a public arena/event centre with a seating capacity of 5,800 for major sports and entertainment, recreation and community centre, with 1,250 parking spaces are proposed on lands bounded by the loop formed by Streets A and C on the draft plan of subdivision. The 11.96ha (29.56 ac) site is proposed to have three points of access on north/south Street C and four points of access on east/west Street A, in shown in the draft plan of subdivision. Streets A and C each are proposed to intersect with The Kingsway as the primary means of access to the proposal.

The ownership of the arena/event centre is municipal with the primary use and operation to be operated privately on a for profit basis by a private operator.

The arena/event centre is proposed to be developed immediately adjacent to and integrated with the proposed 7,696 m² (82,839 sq. ft.) casino and 15 storey hotel projects with 825 parking spaces on a 6.96 ha (17.2 ac) site. The casino and hotel would be to be physically connected, via an enclosed pedestrian bridge, to the recreation and community centre. The combined development is designed to around a shared outdoor multi purpose amenity and commercial area referred to as "Festival Square".

The proposed casino is described in the applicant's submissions as a three-storey casino of 5,854 sq.m. (58,545 sq.ft.), with a 15-storey hotel of approximately 18,488 sq.m. (184,885 sq.ft.), with parking fields to the south and west. A large area (not dimensioned in plans accompanying the application) of the block including the casino/hotel along The Kingsway would remain vacant.

The proposed parking lot use on +/- 23.5ha (58.07ac) is intended to augment the expected parking required for the arena, casino and hotel (3,365 parking spaces). These additional parking spaces represents an increase of the parking supply shown in the Conceptual Kingsway Integrated Site Plan by nearly 270%.

The applicant's development plan does not provide any information related to the nature and scale of retail commercial uses or other amenities and services to be included as part of the overall development proposal which reasonably can be anticipated

The land subject to the Official Plan amendment and rezoning application is designated General Industrial. The General Industrial designation allows for a range of industrial activities, primarily of a manufacturing and process nature. The application for Official Plan Amendment seeks to amend the General Industrial designation to permit a "Place of Amusement" (casino) and other accessory uses, including an open-air plaza ("Festival Square"). The casino lands are placed in the M1-1, Business Industrial Zone and the requested amendment would add the "place of amusement" as an additional use in the M1-1 Zone for these lands.

The land subject to the rezoning application for the arena/event centre is designated General Industrial in the City's Official Plan. The land subject to this application is placed in the M1-1, Business Industrial and "M2", Light Industrial zones in the City Comprehensive Zoning By-law 2010-100Z. These zones permit a variety of land uses but do not permit a recreation and community centre and, as such, the applicant is requesting a site specific rezoning to "M1-1(S)", Business Industrial Special to permit a recreation and community centre. The application requests an exception to permit a building height of 55 m (180.45 ft) in the M1-1 Zone where the maximum building height permitted in the by-law is 12.0 m (39.37 ft.) and an additional exception to permit a minimum interior side yard of 0 m where the minimum interior side yard required in the by-law is 3.0 m (9.84 ft).

The land subject to the zoning application for the required parking fields to support the entertainment complex area designated General Industrial in the City's Official Plan. The land subject to this parking application permission is placed in the "M2" Light Industrial and "M3" Heavy Industrial Zones on the City's Comprehensive Zoning By-law 2010-100Z. These zones do not permit parking as a primary use in the zone.

As noted above, all three applications are clearly related, and anticipated based on descriptions in reports and shown on concept plans and the changes proposed in the zoning by-law amendment application, to be connected, integrated and function, according to the Dillon Planning Justification Report submitted in support of the applications, as a *"regional facility"* to serve as *"the catalyst to a new area for Entertainment to service residents and tourists alike"* (page 14, Section 3.9).

In total, the proposed new "Entertainment District", as discussed in the end of the three applications involves an area of 41.97ha (103 ac).

The City of Greater Sudbury Official Plan

The City of Greater Sudbury Official Plan (in force and effect) establishes two primary areas for development—Living Areas 1 and 2 and the Employment Areas, in which there as many as eight subcategories to distinguish areas for land use distribution.

The City's Official Plan policies for the Employment Areas designations provides for a broad spectrum of employment activities to be realized, including commercial centres, institutional and industrial uses, and mineral aggregate operations in recognition of the range of employment activities contemplated in each of these areas. Under the umbrella of the Employment Areas designation, there are specific sub-categories (designations) which thereby geographically distinguish the location of employment areas. In doing so the City's Official Plan identifies and acknowledges that all areas of employment contribute to the overall supply of jobs and opportunities, and that each of those sub- categories (designations) of employment as a matter of policy carry forward a different array of land use permissions. If this were not the case, there would be no distinction at a policy level between various geographic areas of the City in terms of the distribution of land use, the distinction between lands uses and the municipal priority for land use decision making and public and private investment.

In the case of the applications now under consideration, the arena/event centre and parking proposal is considered by City staff and the applicant to be something which can proceed by way of a zoning by-law amendment only, primarily on the basis that the proposed facility will be owned by the City with a private operator and as such is considered to be a public/private initiative.

Institutional Areas are addressed in Section 4.4 of the Official Plan and indicates that Institutional uses, which include community facilities intended for public use, are permitted throughout the municipality in accordance with the needs of area residents. Institutional Area Policy 2 contained in Section 4.4 indicates that:

"In considering the establishment of new institutional uses or the expansion of existing facilities on lands not specifically designated for institutional purposes, Council will ensure that:

- a. sewer and water services are adequate to service the site;*
- b. adequate traffic circulation can be provided;*
- c. adequate parking for the public is provided on-site;*
- d. public transit services can be provided economically for the site;*
- e. the proposed institutional use can be integrated into the area and is compatible with surrounding uses; and,*
- f. adequate buffering and landscaping is provided."*

As a very technical interpretation, institutional uses are permitted throughout the municipality; however, these policy considerations are rather limited to an analysis of any site's ability to accommodate the proposed use, rather than a more global review of all Official Plan policies.

The proposed arena/event centre in this case, as part of a contextually large entertainment, gaming and sports complex is not simply a use that would be permitted in all land use designations. The City staff's interpretation of the land use allowances in the Official Plan, as it relates to the arena/event centre component of the overall proposal does not fully account for the nature, scale and role of the arena/event centre as both a major sports and entertainment venue, as proposed. The proposed arena in this case is unlike the nature or role of the institutional uses (community facilities, community centres and arenas)

contemplated for local or even larger city-wide community and recreation facilities, most if not all of which would not have the physical building capacity to accommodate 5,000 to 6,000 patrons for sporting events (in this case the home for the Sudbury Wolves Junior A hockey team) or entertainment events (concerts, religious assemblies, trade shows and the like). As discussed later in this reporting letter, it is my opinion that the arena/event centre is a major component of the overall proposal that should be addressed in conjunction with the casino proposal as a single Official Plan amendment.

In the case of the casino (place of amusement), there is no doubt of the need to amend the Official Plan designation to add the use, which would allow for the zoning to change to accommodate the overall gaming and entertainment facility and associated retail uses.

Much of the supporting material submitted by the applicant draws heavily on the benefit of the proposed complex of uses from a tourist perspective. On its face, the introduction of a casino anywhere in the City could be argued to have that potential benefit in terms of job creation, diversification of the economy and so on. Those submissions, in my view, need to be considered against the following:

- Official Plans are a matter of municipal policy in relation to the appropriate location of land uses. The Official Plan is the guide to the planning for the City and identifies “what and where” activities should occur. The current Official Plan designation for the casino proposal is an Industrial Area designation which has as its intended role, as a sub-category of the spectrum of Employment Areas designations, the land use allowances to provide for industrial activities, with limited complementary land uses. The nature and type of uses in the Industrial Area designations was intended to provide a “safe haven” for industrial and related uses or uses ancillary to and serving the industrial area.
- Has there been sufficient consideration to alternative locations, suitably designated in the Official Plan, as a matter of priority for land use decisions by the City given that the Official Plan should be read as the guide for the priority assigned to the designations in the Official Plan?

and

- Has there been sufficient consideration to the economic and planning impact to the implications of relocating a significant function and activity generator (the arena) from the Downtown of the City?

The proposed casino and the complex of uses within the overall integrated proposal is a complex of uses which are of the nature, scale and type which, as matter of Official Plan policy, could be located in the Downtown (the primary Centre among those identified within the designations under the Employment Areas designation) and provide for the synergies sought by the Official Plan for the Downtown of the City.

Given the potential for this new Entertainment complex to form a new regional tourist based destination, including an array of commercial and related uses (hotel, entertainment venue, restaurants and retail) this development approval has the potential to significantly alter the structure of the overall City Plan and should be assessed on the basis of the impact to the overall thrust of the plan, particularly in respect to the Downtown and the ongoing efforts to revitalize and rejuvenate the Downtown.

Having considered the assessment undertaken in the urbanMetrics and their observations and findings it is clear that the proposed complex as a whole and the central components of the complex (arena relocation, entertainment complex and casino) are uses which could reasonably be considered for the

Downtown area particularly given the experience elsewhere with the location and relocation of such major facilities to the established urban cores of other municipalities in Ontario and elsewhere. In addition, the assessment by urbanMetrics presents serious concerns respecting the potential economic impact of the proposals under consideration and specifically the effect to other major city initiatives in the Downtown ("the cannibalizing effect") such as the arena/events centre which forms a significant element of the City's efforts to rejuvenate and activate the Downtown core area. The arena/events centre is an initiative identified in the City Long-Term Financial Plan. In my opinion and taken in the context of Section 19 of the City's Official Plan (Finance) which provides that the policies of the Official Plan are to be implemented with an "examination of the financial impacts" of all major development projects to ensure that they are financially sustainable, with precedence to programs "which further Official Plan objectives and policies" (Section 19.2.1 a. and b.).

In the context of the City's Official Plan, an economic impact analysis, in my opinion, is a requirement for any official plan amendment for an entertainment complex of this nature and scale, and in particular the central components of this complex given the economic implications of a significant redirection of land use policy and investment and investment outside of the Downtown of the City.

The Provincial Policy Statement 2014 (PPS)

Section 3(6)(a) of Planning Act requires that all those who are providing comments or making recommendations must take into account and consider the PPS issues and render a recommendation "consistent with "the identified PPS policy, and all decisions of Council and any appeal tribunal must render decisions that are consistent with the identified PPS policy.

Part V, Section 1.0 of the PPS is titled "Building Strong Healthy Communities". There are two relevant subsections to be taken into consideration in the review of these applications:

Section 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

1.1.1 Healthy, liveable and safe communities are sustained by:

- a) Promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- b) n/a
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns.
- d) n/a
- e) promoting cost effective development patterns and standards to minimize land consumption and servicing costs.

1.7 "Long Term Economic Prosperity" and in particular S.1.7.b. dealing with "maintaining and where possible enhancing the vitality and viability of downtowns and mainstreets";

To date I have not been able to uncover for review anything from the applicant's supporting materials or from the municipality dealing with the economic impact issues on the Downtown. The only analysis conducted was related to the relative costs of alternative arena locations under consideration.

To date I have not been able to uncover for review anything from the applicant's supporting materials or from the municipality addressing the public health and social issues issue of gambling specific to Sudbury. There is the Sudbury Public Health report expressing concerns respecting gambling, but no response from the applicant. The City staff position on this may address these issues in a final report, but this was not identified in the staff reporting to date.

In my opinion, the proposed Official Plan Amendment to the Industrial Area designation to allow for the casino is not consistent with the PPS and is tantamount to a conversion of employment lands.

The definition of Employment area in the PPS

"means those areas designated in an official plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities."

As stated in Section 1.3.2.2 of the PPS:

"Planning authorities may permit conversion of lands within employment areas to non-employment uses through a **comprehensive review**, only where it has been demonstrated that the land is not required for employment purposes over the long term and that there is a need for the conversion".

The PPS further defines Comprehensive Review as follows:

Comprehensive Review: means a) for the purposes of policies 1.1.3.8 and 1.3.2.2, an official plan review which is initiated by a planning authority, or an official plan amendment which is initiated or adopted by a planning authority.

As the comprehensive must be municipally initiated I have reviewed the City's web site and have been unable to determine if such **comprehensive review** has been undertaken or initiated. At this time, I can advise that should the casino be considered and involve the redesignation of land for a non-employment use this can only be accomplished following a municipally initiated city-wide review of employment lands. In my opinion a casino and entertainment complex are not employment uses as defined by the PPS. It is not manufacturing, warehousing, offices and in no way could be accounted for as associated retail and ancillary facilities. Those associated retail and ancillary facilities are meant to be complementary to, limited in scale and intended to provide support services to the employment area.

The Growth Plan for Northern Ontario

All decisions and comments have to "conform with" ..or "not conflict with" the Growth Plan for Northern Ontario ("GPNO").

The "GPNO" as noted in the preamble (which is officially not part of the plan) is "in part an economic development plan, an infrastructure plan, a labour market plan and a land use plan". These are all relevant issues to the review of both the arena and the casino individually, but also as combined integrated complex outside the Downtown

The Purpose of the GPNO is set out in Section 1.2) is to:

- a) *"enable decisions to be made about growth to be made in ways that sustain a robust economy, build strong economies and promote a healthy environment and culture of conservation;"*
-

- b) *To promote a rational and balanced approach to decisions about growth that builds on community priorities, strengths and opportunities and makes efficient use of infrastructure;"*
- c) *n/a*
- d) *"to ensure that a long-term vision and long-term goals guide decision making growth and provide for the co-ordination of growth policies among all levels of government;"*

The very purpose of the GPNO directs that there be serious consideration to the goals and objectives of the municipality in considering land use decisions, particularly involving decisions that could significantly impact the long-term goals with respect to important elements of the Official Plan, and in particular in these applications where a significant commercial and entertainment complex will be developed well beyond the limits of the Downtown. The decision to relocate the arena from the Downtown alone is one which would be contrary to the long-term vision for the Downtown area, and one which is entirely under the control of the municipality as the owner of the current arena. Public investment in the Downtown of Sudbury, and in many Ontario municipalities is critical to the success of these areas in the long term, not only in terms of infrastructure but in maintaining and reinforcing the activities necessary to the development of a vibrant and healthy core.

Section 2.3.10 and other sections of the GPNO speak to the vital importance of tourism to the northern economy. This is an obvious objective and while it could be applied to development anywhere in the municipality, a key takeaway from these policies is to maintain AND build upon the successful tourist businesses and industry and would suggest that it would be necessary, or at a minimum prudent, to address by proper review and analysis the potential impacts to the priority areas, including the Downtown. I have not been able to review any material from the applicant's supporting documentation in respect to this and this should be part of the City staff review. The Terms of Reference in the urbanMetrics report prepared by Mr. Faludi would be the type of review I would think necessary and appropriate to a complete understanding of the implications of the proposed integrated arena/casino complex.

In the preamble to Part 4 of the GPNO (Communities) in Section. 4.1 emphasizes the vital importance of the public involvement in the creation of long term strategic plans for their community. The GPNO identifies the importance of this and looks to the "Official Plans, community economic plans and participation in community planning efforts". To guide the consideration of the current applications, there is an Official Plan in place that promotes and describes the importance of the Downtown, including the arena as a key component as well as City initiated Economic and Downtown strategies discussed below.

"From the Ground Up 2015-2025"

This report is "A Community Economic Development Strategic Plan" which involved some 2,300 persons as stakeholders in its preparation including the City Economic Corporations and City Staff. This strategy contains numerous statements of the importance of the Downtown to Sudbury and the stated Objective in s. 4.1, (page 32) to attract investment, infrastructure improvements and capital investment, targeting business retention and strengthening development opportunities all as part of a revitalization program. At page 43 of this report the strategy specifically speaks to a new arena/entertainment complex for the City and in the next bullet speaks to the need to promoting tourism in the Downtown Core and "creating destination attractions" as described in the Downtown Master Plan.

At page 44 of the report, the "Required Action" in Section. 7.1.1 is to "Develop a multi-purpose facility (or facilities) for arts, culture, business and sport in the Downtown core, with consideration for the following high priority uses:

- Conference facilities
- Performing arts centre
- Arena/sports complex
- Art gallery
- Accommodation

The Downtown Sudbury Master Plan, Downtown Sudbury, A Plan for the Future (March 2012)

This report contains many observations and comments on the importance of the Downtown and the message that "a struggling downtown sends a negative message to future residents, businesses and investors" (Section 1.0, pg. 2).

The report further states (page 9 (S. 4.0) of the Executive Summary) that:

"As Sudbury's economy continues to evolve and its cultural offer develops further the Downtown will play an increasingly important role in providing the place for that continued economic and cultural growth. The success of the Downtown will be fundamental in helping the community cement its role as the economic and cultural 'Centre of the North'. The strategy for creating a Downtown that is a destination for the City and the Region is supported by the follow objectives:

- *Grow Employment in the Downtown*
- *Create Destination Attractions in the Downtown*
- *Make the Downtown a Centre for Learning*
- *Make the Downtown a Centre for Living"*

At page 10 of the report and as shown on the map following is shown:

- Invest in the infrastructure necessary to support growth in the Downtown
- Build a "multi-use Recreation and Conference complex/hotel" and
- "Sudbury Arena Improvements"

The report also stresses (page 79, Section 5.10) that the Downtown Arena is supported by dispersed parking, which is important in "host (ing) regional sporting events, theatre and festivals at the Sudbury Arena and (abutting) Sudbury Theatre Centre' with the surrounding "popular local establishments including restaurants, a coffee shop and a bakery, a fire station, some low rise apartments, a cluster of shops and galleries on Elgin Street and a selection of social services...". It is abundantly clear in reviewing these materials that there is considerable effort and interest in the significance of the Downtown and its economic performance of the Downtown and the importance of the arena to the complex of activities in the Downtown area.

The report (page 118, Section 6.2.1) recommends amendments to the Official Plan further express and implement the recommendations and focus capital investment into the downtown, directing office employment to the Downtown and further economic policies to strengthen the role of the Downtown. While these recommendations have not made their way into an amendment to the Official Plan the report is helpful to an appreciation of the relevance of the Downtown and the interest in protecting and

strengthening the area as a major destination, including the major sports arena and other activities in the Downtown.

Parking

The supply of parking for facilities of this type, particularly the place of amusement/casino is a significant consideration particularly within a business park environment where there will be little if any other facilities in the area which will be able to provide additional parking, certainly not on public streets as would likely be the case in other commercial locations.

While we are not transportation experts, our understanding from work elsewhere is that casino (gaming operations) typically require a substantial number of parking spaces based either on the number of gaming positions or by way of general floor area . The application for the rezoning for the parking use reinforces the need to properly address the implications of the proposed overall entertainment complex both from the perspective of the policy implications of the proposal to the physical consumption of land within the business park, and the transportation related implications of the complex of uses, including parking generation, and impacts to surrounding streets and traffic operations in general.

In my opinion, the full extent of the parking required for these proposals should be reviewed carefully given the context and the level of publicly available transit options. This is particularly necessary to determine the extent to which these uses in combination will consume Employment lands which do not carry forward permission or allowances for the combined entertainment complex and casino use within the applicable land use designation.

Conclusions

In summary, it is my opinion that the integrated arena/event centre and casino/hotel complex and associated required parking fields should be dealt with in the context of a singular development proposal, all of which should require an amendment to the City's Official Plan.

Any amendment to the Official Plan to allow for the casino component, the integrated arena/event facility, and the associated required parking fields within the General Industrial land use designation should only be evaluated in the context of a municipally initiated comprehensive review of the employment lands designations through a City-wide process. Failing this would be contrary to the PPS and GNOP. Given the nature, scale and type of the primary entertainment uses sought to be approved in these applications (major sports and entertainment venue, casino and non-employment related uses) together with a pre-zoned hotel which reasonably would operate as a hotel/convention facility, such are not employment uses under the PPS.

Should a determination be made through the comprehensive review process required under the PPS that the lands subject to these applications are not required to fulfill the need for employment lands in the Sudbury area, any amendment to the Official Plan should be evaluated against the impact of a proposal of this nature, type and scale to the planned commercial areas, including the economic and potential land use impacts to the Downtown area of Sudbury. This should include the impact on the City's planned "Transitional Large" projects for the Downtown.

Each of the site-specific applications for Official Plan amendment and rezoning of the lands should not be approved pending the completion of a comprehensive review of employment lands as mandated under the PPS.

The applicant's development plan should be further detailed and assessed in the context of and provide supportable levels of retail and other amenities included as part of the overall development.

Should an amendment to the Official Plan be advanced for a casino (place of amusement) policy considerations should be advanced beyond a simple "notwithstanding" clause in the amendment.

Policies should include a requirement for measures to be developed with City staff and the Sudbury Medical Officer of Health to implement harm mitigation measures to address the negative impacts of problem gambling and to require the proponent to implement those measures prior to any zoning approval.

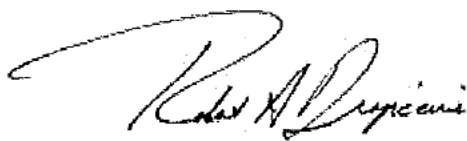
The proposed rezoning for the required parking fields to support an entertainment complex is not a transitional land use. The request for a parking lots is not indicated to be a temporary in nature and constitutes a main use of the lot. It is also noted that by definition in the City By-law a "Parking Lot" is defined as *"A parking area which constitutes a main use on a lot and where vehicles are parked for remuneration"*.

While surface parking is considered transitional in nature, by City staff in their report on this application, it nonetheless is a permanent use of the land if approved.

Finally, and as presented in the urbanMetrics Report of March 2018 sets out, there is need for additional study to address the potential economic impacts to the Downtown prior to the approval of this new regional scale entertainment and gaming complex in order to comply with the above noted relevant provisions of the PPS, Growth Plan for Norther Ontario and the City's Official Plan.

Yours very truly,

WND associates
planning + urban design



Robert A. Dragicevic, MCIP, RPP



clerks - rezoning

From: "Michael Toppazzini" [REDACTED]
To: <clerks@greatersudbury.ca>
Date: 3/22/2018 11:25 AM
Subject: rezoning

I will be brief .I am not in favour of rezoning the property as well I am still opposed to the location the siteI should be in the core of the cityDOWNTOWN....dont want to come across rude but if you read all the professional reports supplied and look at what happened to other cities as ours it speaks for itselfplease lets start againI know its tough but having that out there is just not right and the proof is in all the reports we spent goood money onthank you for your timeMichael Toppazzini

clerks - Planning Meetings

From: Maureen Masecar [REDACTED]
To: <clerks@greatersudbury.ca>
Date: 3/22/2018 11:51 AM
Subject: Planning Meetings

WE DO NOT NEED A CASINO IN SUDBURY. I AM VOTING NO ON THAT AMENDMENT!!

THE ARENA SHOULD BE A PART OF THE KINGSWAY SITE MAINLY BECAUSE OF THE EVER LASTING PROBLEM OF PARKING IN THE DOWNTOWN CORE.

clerks - Comments for the March 26 Planning Committee meeting

From: Julian Rickards [REDACTED]
To: <clerks@greatersudbury.ca>
Date: 3/22/2018 12:30 PM
Subject: Comments for the March 26 Planning Committee meeting

I cannot attend so I'd like to submit my comments via email.

The arena is old and may need replacing at some point, that I don't dispute, but I don't want it moved to the proposed Kingsway location. My greatest concern is with regard to the City's planning documents and how the creation of the entertainment district and the move of the arena to the proposed Kingsway location is not in keeping with the planning that has been worked on for years. The City has a vested interest in the arena and so building it, or allowing it to be built, in an area that is not part of the plan for it runs in contrary to the planning for the arena's future. If a business developer decided, with his/her own funds (business or personal) to build a basketball arena on this or an other area, then the City could allow it because it would not use City funds (current or future) but the arena is different because the City is involved in the current and future funding and therefore, the planning documents should be adhered to.

The planning documents provide stability to the city: everything is considered and laid out well ahead of time so residents and businesses (current and future) can, themselves, plan to move to this city but having a plan and then disregarding it is bad for the residents and businesses as it appears that "anything goes".

I like the idea of enhancing the downtown core with conference centres, art galleries, restaurants, arena (for both hockey and basketball and ...) and other core improvement planned constructions and changes. Moncton has a vibrant downtown because their city has invested in the downtown, this city will result in a ghost-downtown if the arena is allowed to move to the proposed Kingsway location.

Sincerely,

Julian Rickards
[REDACTED]

To Planning Committee

RECEIVED

MAR 21 2018

Clerks @ greater Sudbury, CA

I Am so sick and tired of all these
so called hasbeens complaining about
the arena on the Kingsway. Get over
it and quite crying. Pass the rezoning
and bring in jobs. You people don't realize
that some tax payers lost their jobs
with the mines, Sears (that had 30 or more
years) and can't get a job. Would you
people that ^{are} against the Arena and casino,
would you like to help feed these
families. And some of them pay taxes, and
I am sure they would like to say to
their children "Yes we can go to see
the Wolves play in a new arena, tonight.
Why is it, that it is always the people
in stores downtown ^{or New Sudbury} always complaining,
and a certain councilor (Ward 1).
These business people don't care about
bringin^g jobs into Greater Sudbury. People

(2)
are moving out of Sudbury because of
jobs loss. I would like to no were
a certain car dealer got rezoning done
on ~~the~~ Barry down to build a car dealership
On the ~~Hotel~~ ^{Hotel} on the Kings way, were
did they (who ever owns it) get the rezoning
done. Is it who you no (or like).
This project is going to live out for
a long time and we will loose ~~out~~ ^{our}
O.H.L Hockey team. It will cost us
more money to buy all the Buildings
down town to put a new arena downtown
We people have gone through all this
when we built Science North. They said
it would put us in a hole. Well Counsellor
ward 1 how is it now? They took away
the Farmers market and sold the land to build
a school, and look now where the Farmers
market is. Just because people downtown
cried. Well to the committee, I hope you
do the right thing and listen to all the
tax payer outside the downtown core Because

③

we pay taxes too and we are tired
of being bullied by downtown or
New Sudbury business, and Ward
Councilor.

Yours truly

S. Hamilton

