

May 8, 2014

Our File No.: 10.1678

Via Email

Chair and Members of the Public Works
and Infrastructure Committee
Toronto City Hall
100 Queen Street West
Toronto, ON M5H 2N2

Attention: Candy Davidovits
Committee Administrator (pwic@toronto.ca)

Dear Sirs/Mesdames:

**Re: Public Works and Infrastructure Committee – Item PW31.10
Port Union Road – Environmental Assessment Addendum
Ravine Park Plaza – 275 Port Union Road**

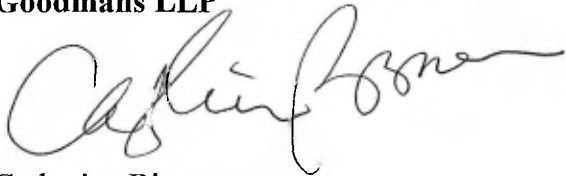
We are writing on behalf of our client, the Sitzer Group of Companies, the owner of the Ravine Park Plaza located on the east side of Port Union Road, south of Fanfare Avenue (the “Plaza”) as indicated on the attached air photo. The Plaza is a 60,000 square foot community shopping centre that has been successfully serving the local community for decades, with an existing driveway configuration that provides for full vehicular access directly to and from Port Union Road. It has recently come to our client’s attention that the City of Toronto is contemplating an Addendum to the approved Port Union Road Environmental Assessment that may result in alterations to the existing Port Union Road driveway. In connection with the potential driveway access alteration, we have recently met with Transportation Services staff to discuss a number of options. The attached letter outlines our concerns as well as some potential solutions to the driveway reconfiguration issue.

It is our understanding that the Committee will be considering this Addendum at its meeting to be held on May 14, 2014. We are writing to advise the Committee of our concerns and our intention to appear on behalf of our client to make representations in connection with this matter. As outlined in our letter, the potential impact of any changes to the existing driveway is a serious concern to our client.

If you have any questions, please do not hesitate to contact the undersigned.

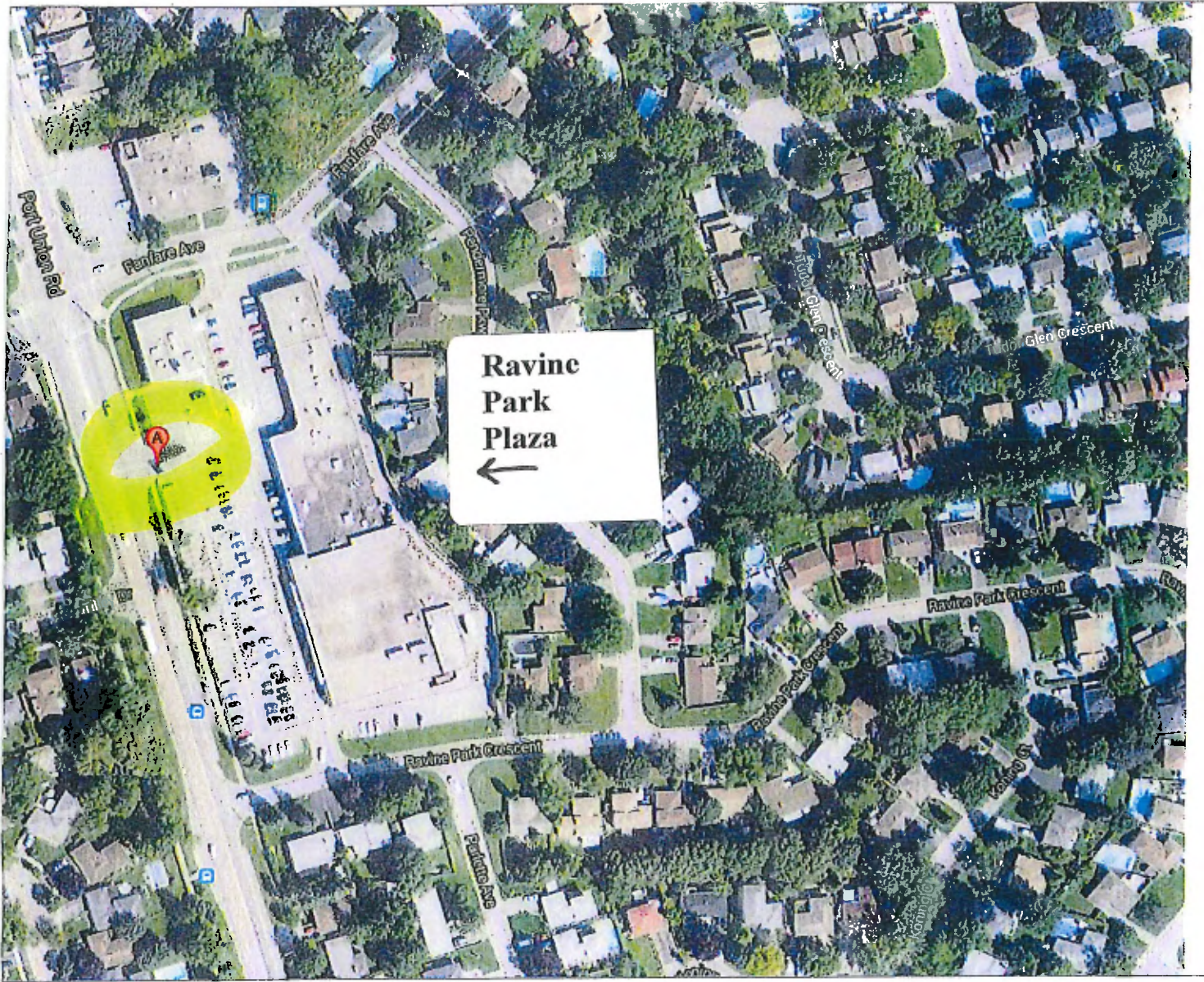
Yours truly,

Goodmans LLP

A handwritten signature in black ink, appearing to read "Catherine Biesma". The signature is fluid and cursive, with a long horizontal stroke at the end.

Catherine Biesma
Land Use Planner
CMB/sls

cc: David Kuperman
Michael Sitzer
Councillor Ron Moeser



May 7, 2014

Our File No.: 10.1678

David Kuperman
Project Manager, Infrastructure Planning
Transportation Services Division
City of Toronto
100 Queen Street West
22nd Floor, East Tower
Toronto, ON M5H 2N2

Dear Mr. Kuperman:

**Re: Proposed Addendum to Port Union Road Environmental Assessment
Ravine Park Plaza – 275 Port Union Road**

Thank you for taking the time to meet with us last Friday to discuss the potential impacts associated with the proposed addendum to the municipal class environmental assessment for Port Union Road that was initially completed in 2004 (the “EA Addendum”).

As you know, our client, The Sitzer Group of Companies, is the owner of the Ravine Park Plaza, located on the east side of Port Union Road, south of Fanfare Avenue (the “Plaza”). The Plaza is a 60,000 square foot community shopping centre that has been successfully serving the local residents for decades, with an existing driveway configuration that provides for full vehicular access directly to and from Port Union Road. The Plaza is anchored by Metro, Shoppers Drug Mart and TD Canada Trust, and features a variety of other retailers and service providers. These tenants rely heavily upon their visibility to traffic passing by the site, as well as the direct access that is afforded to motorists driving both north and south along Port Union Road.

As discussed during our meeting, our client did not become aware of the proposed EA Addendum until April 14, 2014, when you contacted the Plaza’s property manager via email to discuss the potential access impacts on the Plaza arising from the road design preferred by staff. We subsequently learned that a public open house in relation to the EA Addendum had been held on December 11, 2013, and that the public was invited to submit written comments following the open house. However, neither our client nor the Plaza’s property manager received any notice of the open house or public consultation period.

Based on our review of the EA Addendum materials available on the City’s website and our discussion last Friday, we understand that no additional land is required from our client in order to accommodate the proposed widening and reconfiguration of Port Union Road. Instead, we

understand that consideration is being given to either completely eliminating the driveway entrance to the Plaza from Port Union Road, or erecting signage to prohibit left-turn movements into and out of the Plaza.

As explained during our meeting, any measures taken by the City to restrict or eliminate the Plaza's direct access to and from Port Union Road will have a serious detrimental impact on the commercial viability of the Plaza. If the main access driveway is restricted or removed, there is a very good chance that the existing retailers, particularly the well-established anchor tenants, will choose to relocate to sites with better accessibility. We cannot overemphasize our client's significant concern with the changes being considered.

It is our view that a solution can be easily found which allows for the road widening to proceed and for unrestricted access to the Plaza be maintained. At least two alternative options were discussed in our meeting which we believe would produce a mutually beneficial outcome:

1. The section of Port Union Road in front of the plaza could be widened to five full lanes to provide for a continuous centre left turn lane, similar to the proposed road design north of Fanfare Avenue. In this scenario, all turning movements into the Plaza would take place from the centre left turn lane. Based on our preliminary review, it appears that there is ample room within the existing right-of-way on the west side of the existing road to accommodate such a lane configuration. This option would not only maintain full access to the Plaza, but it would also improve traffic conditions by preventing vehicles queuing up for left turns from obstructing either of the southbound through lanes. We would also note that the environmental assessment completed in 2004 had a similar five-lane cross-section in front of the Plaza, while still providing for bicycle lanes in both directions.
2. The existing driveway into the Plaza could be relocated further south to align with Tilley Drive. This scenario could also include the creation of a centre left turn lane to service both the Plaza driveway and Tilley Drive, or it could allow for left turns from the southbound through lane (which would be similar to the existing condition, except that the cars turning left would be further away from the intersection of Port Union and Lawson/Fanfare). This scenario would require the construction of a new driveway entrance as well as a modest reconfiguration of the internal Plaza parking lot (ie. the re-striping of parking spaces), all at the City's cost. However, we believe that these costs would be relatively minor, and that this option could result in the best possible outcome for both the Plaza and the City, as the desired road improvements would be achieved while creating a better access point with improved traffic operations and separation distances. Again, we believe that there is ample room within the existing right-of-way to accommodate such a design.

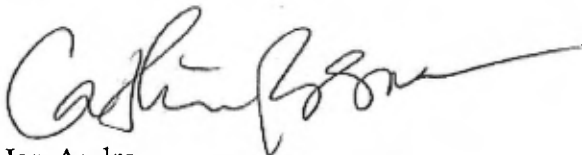
We understand that the EA Addendum is scheduled to be considered by the Public Works and Infrastructure Committee on May 14, 2014, and by City Council at its meeting commencing on

June 10, 2014. We have not had an opportunity to review the specific staff recommendations in relation to the EA Addendum, since the agendas and staff report are not yet available online. However, it is our hope and expectation that any staff recommendation or Council decision on the EA Addendum will not preclude the alternative options described above (or some other resolution which maintains the existing unrestricted access to the Plaza).

As noted above, the loss of the driveway, or the restriction of movements to and from the Plaza, would, in our view, result in a substantial loss of revenue to the existing retailers and our client. In those circumstances, our client and its tenants would have no choice but to seek compensation for this loss through an injurious affection claim or other available redress. The dollar value of these types of claims can be very significant, and should be carefully considered by the City when assessing the costs and benefits of the various alternative options.

We look forward to further discussions with you in order to find an appropriate resolution of this issue. We believe that there are reasonable options available which will satisfy the City's road improvement objectives while also allowing for the Plaza to remain viable and to continue to serve the needs of the local community, all of which is in the public interest.

Yours truly,
Goodmans LLP



per
Ian Andres
IDA/sls

cc: Marko Oinonen, Transportation Services Traffic Operations
Satbinder Pabla, Transportation Services
Michael Sitzer
R.J. Ross