

LORNE ROSS PLANNING SERVICES I

36 Saratoga Drive, Scarborough, ON, M1P 4J1
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PG21.1.255

February 27th 2013.

Mr. Paul Bain
Project Manager, OP Review
Metro Hall, 22nd Floor
55 John Street
Toronto ON M5V 3C6

*Revised
2/27/13*

WJ

2013-922
RECEIVED
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**RE: MUNICIPAL COMPREHENSIVE REVIEW
EMPLOYMENT POLICIES
F. T. REISMAN AND ASSOCIATES LTD.
4800, 4810, 4820, 4830 SHEPPARD AVENUE EAST**

Dear Sir:

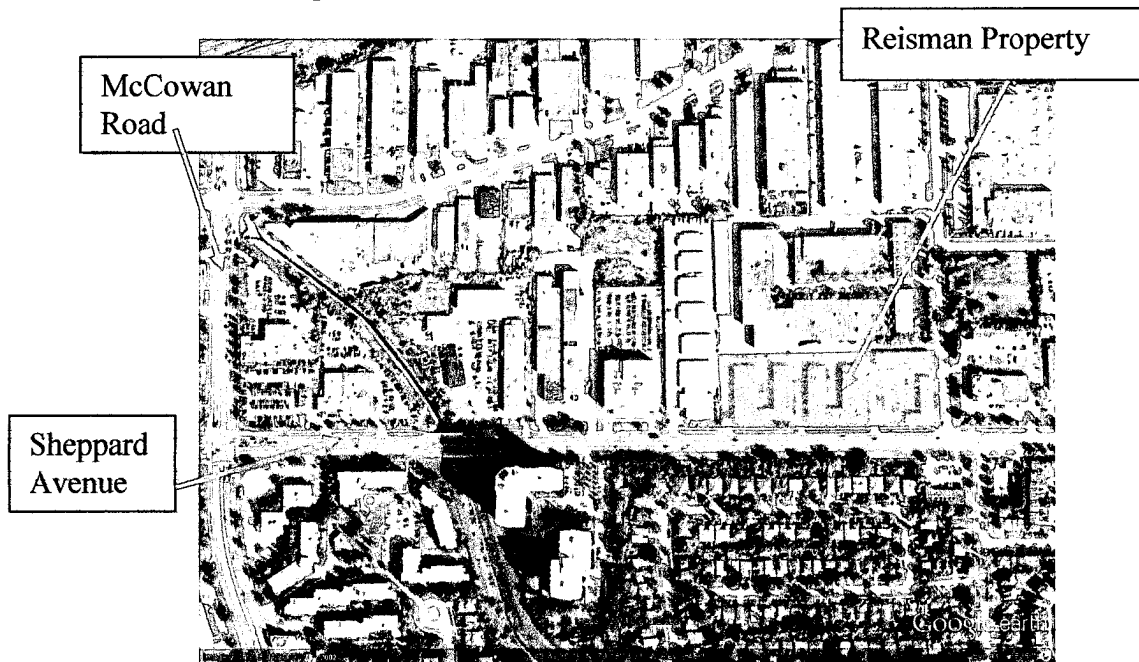
I have been retained by F. T. Reisman and Associates Ltd with respect to the Municipal Comprehensive Review of Employment Policies.

My client's properties are located on the north side of Sheppard Avenue East immediately west of Shorting Road and addressed as 4800-4830 Sheppard Avenue East...

The purpose of this letter is to request a Retail Employment designation in the Toronto Official Plan rather than the General Employment designation proposed in the Staff report of October 2012.

Property Description

The Reisman lands are developed with 7,600m2 of floor area arranged in 4 single storey multi-tenant buildings.



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The property is located at the intersection of Sheppard Avenue East and Shorting Road at the only signalized intersection giving access to the large employment area to the north between McCowan Road and Markham Road.

As originally constructed the typical unit sizes range from +\-65m² to +\-147m². The property functions in part as a small business start-up centre. There are very few 'name brand' tenancies other than a Tim's restaurant and an Ontario Motor Vehicle licensing office. There is constant change in both the nature and size of business tenants as successful businesses expand to occupy multiple attached whole or part units.

Existing Zoning

The property is zoned M-Industrial and MDC-Industrial District Commercial. Permitted uses are:

- Retail Stores
- Restaurants
- Personal Service Shops
- Recreational Uses
- Financial Institutions
- Offices
- Educational and Training Facility Uses
- Industrial Uses
- Places of Worship
- Day Nurseries
- Vehicle Sales Operations maximum 85 m² floor area.
- Vehicle Service Garages, maximum 3 tenancies totaling maximum 1,161m² floor area.

The total floor area of all Personal Service Shops, Retail Stores, Financial Institutions, Restaurants and Recreational Uses shall not exceed 4,650 m².

Proposed Designation

Map 18 shows a proposed General Employment designation on the Reisman property.

Our concern is the policy restrictions placed on retail and service commercial uses by the proposed General Employment designation are inconsistent and incompatible with the as-of-right zoning of the property and the very nature of businesses which prosper in this location:

- A General Employment designation provides for
 1. "small-scale restaurants and catering facilities"
 2. "small-scale service uses that directly serve business needs such as courier services, banks and copy shops..."
 3. "small scale" ancillary retail outlets ,all of which will be subject to maximum floor areas set out in the zoning By-laws.

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- It also provides for “large scale stand alone retail stores”, defined as in excess of 6,000m² floor area and “power centres”, defined as several retail stores with one over 6,000m².
- By omission therefore, what it does not provide for is any form of retail and/or service commercial between “small scale” and “large scale” of over 6,000 m².

As can be seen from the existing zoning summary above retail and service commercial uses are not restricted in terms of the floor area of individual tenancies, except for vehicles sales operations. Nor are they restricted to “directly serving business needs”. Nor are they restricted to being “ancillary” to other permitted uses.

Given the location of the Reisman property at the edge of a large employment area, at the only intersection between McCowan and Markham roads giving access to the interior of that district, business tenants have the opportunity to serve the employees and businesses within that district as well as the passing by trade on a major arterial road soon to have a \$1.5 billion dollar LRT transit line with a station on their doorstep. The Reisman property will be one of very few sites on the north side of Sheppard between Brimley and Markham Road that will retain all-way vehicular movement through the signals at Shorting after construction of the RT: most of the Sheppard frontage properties will be restricted to in-right out-right turns only.

Implementing a General Employment Designation: the City-Wide Zoning By-law

The City is in the midst of developing a city-wide new zoning By-law. As presently proposed, the Reisman property appears to be exempt. We are concerned that a second Phase of the city-wide zoning By-law program will implement the “small scale”, “ancillary” and “directly serving business” policies of the proposed General Employment designation should it be applied to the Reisman property.

Recent examples of By-laws designed to implement similar “small scale”, “ancillary” and “directly serving business” policies contain arbitrary restrictions on the size of tenancies and the nature of goods and services which may be provided. For instance:

- Exception 473 limits the size of individual retail store on one property to 250m²;
- Exception 474 applies a limit of 475m² to another;
- Restaurants are limited to 465m² in one By-law and 550m² in another;
- Retail stores are permitted selling equipment, furniture, hardware and supplies as long as it is “for offices”;
- Equipment may be repaired and serviced as long as it is “business” equipment;
- Food may be sold as long as it is “health” food
- Clothing and footwear may be sold as long as it “for work”.

Such restrictions place City By-law inspectors in totally capricious situations: who can definitively tell if a piece of clothing or footwear is “for work” or if a particular chair or desk is actually going to be used in an office. Will By-law inspectors be expected to define “health food”?

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Such restrictions place a significant burden on property owners such as my client in leasing their units, and on tenants trying to determine if their goods and services comply. What information will be required by City Zoning Examiners to determine if the business is permitted? In my experience where there is any doubt in the mind of a Zoning Examiner, prospective tenants are told to apply to the Committee of Adjustment for a variance or to Council for a By-law amendment, both of which frustrate the growth of successful businesses, and the employment and taxation they will bring to the City. Small businesses require flexibility to grow and adapt their original business plan quickly to changing market conditions if they are to succeed. They do not need to be constantly returning to the Committee of adjustment to determine what is a "health" food, what article of footwear is for "work", nor what is meant by "business" equipment.

Request for a Retail Employment Designation

Of the three proposed Official Plan Employment designations, only the Retail Employment designation will recognize the as-of-right zoning of the Reisman property and continue to provide the flexibility if their tenants are to survive and prosper. A Retail Employment designation permits all uses permitted in Core Employment Areas and General Employment Areas, plus the "full range and scale of retail and service uses".

For the reasons stated above please consider this letter as a formal objection to the proposed General Employment designation of the F. T. Reisman and Associates property located at 4800, 4810, 4820, 4830 Sheppard Avenue East, as shown on Map 18 of the October 2012 Staff report, and a request for a Retail Employment designation.

Yours truly,



Lorne Ross Planning Services Inc.

CC: Councillor Chin Lee
Ulli S. Watkiss, Clerk, City of Toronto.