

November 7, 2012

Chair Peter Milczyn and Members of the Planning Growth  
And Management Committee  
10<sup>th</sup> Floor, West Tower, City Hall  
Toronto, ON M5H 2N2

pgmc@toronto.ca

Attention: Merle MacDonald

Chair Milczyn and Members of the Committee:

Re: Draft Comprehensive Zoning Bylaw  
Re: Agenda Item PG 19.12 Draft Comprehensive Zoning Bylaw  
Re: 158, 164, 181 and 200 Sterling Road  
Re: PGMC Meeting of November 8, 2012

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Please be advised that we are the solicitors for Castlepoint Studio Partners Limited (hereinafter Castlepoint) which is the owner of 158, 164, 181 and 200 Sterling Road in the City of Toronto.

We understand that the Committee will be considering the new draft Comprehensive Zoning Bylaw at its meeting of November 8.

Our client made comments concerning the prior Comprehensive Zoning Bylaw 1156-2010 as it affects the lands having municipal address 158, 164, 181 and 200 Sterling Road (hereinafter the Castlepoint Lands).

The Castlepoint Lands are located on both sides of Sterling Road North of Dundas Street West, south of Bloor Street West and between the Metrolinx Newmarket Subdivision Rail corridor and the City of Toronto's West Toronto Rail Path linear park.

Further to our earlier letter to you insofar as the new Comprehensive Zoning Bylaw carries forward the provisions of Bylaw 1156-2010 referenced in our prior communication to the Committee of March 8, 2011, a file copy of which is attached, our client maintains its concerns and repeats the request for those changes.

Please confirm receipt of this communication and advise the author when the draft Comprehensive Zoning Bylaw will be before the Committee and City Council going forward.

Kindly provide the author with notice under the Planning Act of notice of passing of any bylaw passed pursuant to this review.

Yours very truly,



A. Milliken Heisey  
AMH/cmb

Enclosures

cc: Castlepoint Studio Partners Limited  
Councillor Ana Bailao Councillor for Ward 18  
Church of the First Born  
Pino DiMascio - Urban Strategies

March 8, 2011

Chair Peter Milczyn and Members of the Planning Growth  
And Management Committee  
10<sup>th</sup> Floor, West Tower, City Hall  
Toronto, ON M5H 2N2

pgmc@toronto.ca

Attention Merle MacDonald:

Chair Milczyn and Members of the Committee:

Re: Zoning Bylaw 1156-2010, City of Toronto  
Re: 158 Sterling Road  
Our File no. 93120

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Please be advised that we are the solicitors for Castlepoint Studio Partners Limited (hereinafter Castlepoint) which is the owner of 158 Sterling Road in the City of Toronto.

Our client has been advised that the Committee will be considering various minor amendments to Zoning Bylaw 1156-2010 to present to Council and the Ontario Municipal Board in the near future.

Please consider this a formal request to the Committee by Castlepoint seeking several minor changes to Zoning Bylaw 1156-2010 as it affects the lands having municipal address 158 Sterling Road ( hereinafter the Castlepoint Lands). The legal description of the property is attached as Schedule A to this letter and the properties are shown on the attached survey site plan, attached as Schedule B outlined in black.

The Castlepoint Lands are located on both sides of Sterling Road north of Dundas Street West, south of Bloor Street West and between the Metrolinx Newmarket Subdivision Rail corridor and the City of Toronto's West Toronto Rail Path linear park.

23 Metre Height Limit in Bylaw 1156-2010.

The lands west of Sterling Road are currently improved with a large vacant important historic structure called the Tower Automotive building which was constructed in the first quarter of the 20<sup>th</sup> century and has been largely vacant for 10 years. The building is not habitable in its current state.

The Tower Automotive building is 10 stories and 50 metres (164 feet) in height and comprises only the first phase of the originally planned larger building for the site which contemplated a building double the current size.

Until recently there was also located on these lands a large chimney associated with discontinued industrial operation having height of 36.576 metres (120 feet). This chimney was located on the property for over 80 years and was demolished in order to facilitate remediation of the lands which were contaminated. My clients are pursuing a reuse of the Tower Automotive Building for a new purpose.

Under Bylaw 1156-2010 the height limit for any building on these lands is only 23 metres and accordingly the new bylaw renders this important building a legal non conforming use. Contextually a 10 storey building has formed part of the neighbourhood the Castlepoint Lands are located in for over 80 years. The height limits in the new zoning for the property should reflect that historical reality and permit an expansion of the existing building as was originally planned for and in fact designed.

As part of a reuse of the property my client is also giving consideration to a reconstruction of the chimney that was required to be removed as an heritage feature of the redevelopment /reuse of the Castlepoint Lands. The new chimney structure however would not be functioning as a chimney and accordingly would not be permitted under Bylaw 1156-2010 either as exceeding the 23 metre height limit.

Our clients are pursuing a redevelopment or reuse of this property. The status of the Tower Automotive building as legal non conforming use, as it exceeds the height limits in the Bylaw makes the financing of any improvements to the building difficult and makes any investment in its maintenance to enable reuse to occur more difficult than it should be.

Castlepoint is looking for confirmation from City Council that the City would like to see the Tower Automotive building retained as part of any redevelopment or reuse of the Castlepoint Lands and is supportive of the reconstruction of the historic landmark chimney.

Existing Use Permissions in Zoning for Property in Bylaw 436-86 Removed by Bylaw 1156-2010

Zoning Bylaw 1156-2010 proposes to delete as permitted uses for the Castlepoint Lands the following uses currently permitted under the City's existing Zoning Bylaw 436-86.

- clinic and a community health centre
- day nursery
- police station

- retail services limited (total cumulative interior floor area on a lot use for retail service may not exceed the greater of 200 sqmetres or 10% of the total GFA of the principal buildings on the lot to a maximum of 500 sqmetres)
- union hall
- brew-on-premise establishment
- personal grooming establishment
- restaurant services limited (from max 475 sq m to max 200 sq m)
- tailoring shop
- parking garage (public)
- (private) Transportation Use (e.g. bus station)
- Veterinary hospital
- Education use (commercial school, trade school)

The removal of the uses listed above, removes some uses that presently exist in industrial buildings in the vicinity.

For example there is a commercial day care centre in a building to the south and across the street from the Tower Automotive building on another property.

Given that these uses have been permitted since at least 1986, such uses should not be removed by Bylaw 1156-2010 and limit the ability of our clients to find new users for the Tower Automotive building and the Castlepoint lands.

Add Place of Worship as a Permitted Use Under Bylaw 1156-2010.

Castlepoint has been contacted by the leadership of the Church of the First Born located at 72 Perth Avenue to the north of the Castlepoint Lands. The Church of the First Born is looking at relocating its church to a new location in the same neighbourhood as its property is zoned to permit residential uses and has various constraints that make the existing property less than ideal for their purposes.

To that end Castlepoint is requesting that the City amend Zoning Bylaw 1156-2010 to add Places of Worship to the permitted uses for the Castlepoint Lands to enable either the use of a portion of the Tower Automotive building for a new location for the Church of the First Born or an ultimate site on the Castlepoint lands for a self standing church on the property. The Church of the First Born has asked Castlepoint to make this request on their behalf.

The specific amendments sought to Zoning Bylaw 1156-2010 pursuant to this request are attached to this letter as Schedule C.

Please advise the author when the matter of Zoning Bylaw 1156-2010 will be before the Committee so that Castlepoint can appear and make submissions to the Committee.

Yours very truly,

A. Milliken Heisey

AMH/ir

Enclosure

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cc: Castlepoint Studio Partners Limited  
cc: City of Toronto Legal Department  
cc: Councillor Ana Bailao Councillor for Ward 18  
cc: Church of the First Born  
cc: Pino DiMascio – Urban Strategies