

125 The Esplanade - City Initiated Rezoning, Extension of Temporary Use By-law - Final Report

Date: August 21, 2020

To: Toronto and East York Community Council

From: Director, Community Planning, Toronto and East York District

Wards: Ward 10 - Spadina-Fort York

Planning Application Number: 17 172081 STE 28 OZ

SUMMARY

This application proposes to extend permission for an existing one-storey structure located at 125 The Esplanade for the continued temporary relocation of the North St. Lawrence Market. The structure is usually used on weekends for a farmer's market and antique market. The proposed extension will allow the temporary North Market to continue operations up until 2023, by which time the new North Market building at 92 Front Street East, which is currently under construction, is expected to be complete.

The proposed development is consistent with the Provincial Policy Statement (2020) and conforms with A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019).

This report reviews and recommends the extension of the Temporary Use Zoning By-law for an additional 3 years.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law No. 438-86, for the lands at 125 The Esplanade substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 4 to the report dated August 21, 2020, from the Director, Community Planning, Toronto and East York District.
2. City Council amend City of Toronto Zoning By-law No. 569-2013 for the lands at 125 The Esplanade substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 4 to the report dated August 21, 2020, from the Director, Community Planning, Toronto and East York District.

3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.

FINANCIAL IMPACT

The City Planning Division confirms that there are no financial implications resulting from the recommendations included in the report in the current budget year or in future years.

DECISION HISTORY

At its meeting of July 30, 31 and August 1, 2002, City Council adopted Clause 14, Report 10 of the Administration Committee, entitled “Studying the Redevelopment of the St. Lawrence Market North Building.” In so doing, City Council approved, in principle, the concept of redeveloping the St. Lawrence Market North property for a new Farmers’ Market, Antique Market and other uses.

Subsequently, in 2003, City Council mandated the formation of a Working Committee as a forum for the community and City staff to establish a set of planning and development guidelines which would inform the redevelopment of the property. In addition, the Working Committee considered a number of locations for the temporary relocation of the Farmers’ and Antique Markets during the demolition and redevelopment of the North Market property. The Working Committee agreed that 125 The Esplanade was the most appropriate location.

At the City Council meeting held on September 30 and October 1, 2009, City Council adopted the recommendations in Item 27.18, that included a recommendation to amend Zoning By-law 438-86 for a temporary use zoning by-law for a period of up to three years and a recommendation to require site plan control approval prior to introducing the Bill to enact the temporary use zoning by-law. On June 13, 2014, the Bill to pass By-law 561-2014 was passed, bringing the temporary use zoning by-law into effect for a period of three years from the date of passing the by-law.

On May 24, 2017, City Council directed City Planning to commence a City Initiated Zoning By-Law Amendment to extend the temporary use permission for the subject site for a period of three years. By-law 1049-2017 was enacted by City Council at its meeting of October 2,3 and 4, 2017.

At its meeting of July 28, 2020, City Council directed City Planning to further extend the temporary use permission for an additional 3 years.

PROPOSAL

The City of Toronto is in the midst of redeveloping the North St. Lawrence Market (North Market) located at 92 Front Street East. The North Market operations, which include a Farmers' Market on Saturdays and an Antique Market on Sundays, were relocated in 2014 to a temporary one-story structure at 125 The Esplanade to allow for demolition to commence at 92 Front Street East. The temporary North Market at 125 The Esplanade was permitted through a Temporary Use Zoning By-law that came into effect originally in June 2014. The temporary use was extended in 2017 with the enactment of a new Temporary Use Zoning By-law that will expire on October 4, 2020.

At the request of the City of Toronto Chief Corporate Office and as directed by City Council on July 28, 2020, City Planning has commenced a City-initiated Zoning By-law Amendment to extend the Temporary Use Zoning By-law for 125 The Esplanade for a period of three years from 2020 to 2023. The existing Temporary Use Zoning By-law serves to permit a one-storey building at 125 The Esplanade and allows for retail uses, restaurants, showrooms, and a community centre.

The existing temporary building is a one-storey (10.7 metre) pre-fabricated building with no traditional or extensive foundation or any permanent structural or servicing elements. The total gross floor area of the existing building is 1,084 square metres, which represents a lot coverage of 95.6%. The building has minor encroachments of up to 0.57 metres into the Market Street right-of-way and one narrow encroachment of 0.95 metres into The Esplanade right-of-way. Sanitary servicing for toilets and washing facilities does not rely on any underground connections. There are six floor drains within the building for stormwater management.

The temporary North Market also occupies the north side of Wilton Street between Lower Jarvis Street and Market Street with a fenced enclosure to allow for some outside storage of tables and equipment associated with the markets. The fenced enclosure extends 2.7 to 3.6 metres into the Wilton Street right-of-way. Heating, ventilation and air conditioning (HVAC) equipment is located within fenced area.

For further detailed information regarding the project please refer to Attachment No. 3 – Application Data Sheet.

Site and Surrounding Area

The City of Toronto owns the site at 125 The Esplanade. The property is an entire block with an area of 1,120 square metres that is bounded by The Esplanade to the north, Lower Jarvis Street to the east, Wilton Street to the south and Market Street to the west. The site is rectangular in shape with approximately 42 metres of frontage along The Esplanade and Wilton Street, 26 metres along Lower Jarvis Street and 27 metres on Market Street. The site slopes very gently downwards from north to south.

Prior to the introduction of the temporary North Market structure in 2014, the site was used as a 40-space commercial parking lot operated by the Toronto Parking Authority (TPA).

The following uses surround the site:

North: The St. Lawrence Market South Building is located on the north side of The Esplanade.

South: On the south side of Market Street there is a mixed-use 7-storey base building with ground floor retail and dwelling units on the upper floors. At the south end of the base building there is a 33-storey tower with dwelling units.

East: David Crombie Park is on the east side of Lower Jarvis Street. On the north side of the park there is a 7-storey mixed use building with ground floor retail and residential units on the upper floors. On the south side of the park there is a 6-storey mixed-use building with ground floor retail, a public alternative elementary school named the Downtown Alternative School, and residential uses on the upper floors.

West: The block on the west side of Market Street is comprised of several mid-rise mixed-use developments.

The site is located within the St. Lawrence Neighbourhood, which is a dynamic and historic district, comprising a mix of office, residential and commercial uses.

Reasons for Application

The proposed rezoning is required to extend the permission for the existing temporary market building for an additional three years, which is the maximum duration permitted under the Planning Act. The temporary use permission is to permit a retail store, eating establishment, showroom, and community centre, which are not otherwise permitted in the O zone.

APPLICATION BACKGROUND

Statutory Public Meeting Comments

In making their decision with regard to this application, Council members have been given an opportunity to view the oral submissions made at the statutory public meeting held by the Toronto and East York Community Council for this application, as these submissions are broadcast live over the internet and recorded for review.

POLICY CONSIDERATIONS

Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

The Provincial Policy Statement (2020)

The Provincial Policy Statement (2020) (the "PPS") provides policy direction province-wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- the efficient use and management of land and infrastructure;
- ensuring the sufficient provision of housing to meet changing needs including affordable housing;
- ensuring opportunities for job creation;
- ensuring the appropriate transportation, water, sewer and other infrastructure is available to accommodate current and future needs; and
- protecting people, property and community resources by directing development away from natural or human-made hazards.

The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the [Planning Act](#) and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.6 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

Provincial Plans

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards.

Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and conform with Provincial Plans.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) (the "Growth Plan (2019)") came into effect on May 16, 2019. This new plan replaces the previous Growth Plan for the Greater Golden Horseshoe, 2017. The Growth Plan (2019) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part. The Growth Plan, 2019 establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the Planning Act that comprehensively applies the policies and schedules of the Growth Plan (2019), including the establishment of minimum density targets for and the delineation of strategic growth areas, the conversion of employment areas, and others.

Policies not expressly linked to a MCR can be applied as part of the review process for development applications, in advance of the next MCR. These policies include:

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

The Growth Plan (2019) builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan (2019) take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

In accordance with Section 3 of the Planning Act all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan. Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan.

Toronto Official Plan

The Official Plan designates the site as *Parks*. Lands designated as Parks are to be used primarily for public parks and recreational opportunities that contribute to a green open space network in the city. Policy 4.3(6) requires new development within Parks to protect trees, preserve public access, maintain linkages between parks, improve the usability for recreational and cultural purposes, and provide comfortable and safe pedestrian conditions.

Section 5.1.5 of the Official Plan allows Council to enact temporary use by-laws to permit the temporary use of lands, buildings or structures for a purpose that is otherwise prohibited by the Zoning By-law and/or the Official Plan, under Section 39 of the *Planning Act*. The Official Plan states that temporary use by-laws may allow a use on a trial basis or for the temporary use of a building or property.

Policy 5.1.5(2) requires a temporary use to:

- (a) maintain the long term viability of the lands for the uses permitted in the Official Plan and Zoning By-law;
- (b) be compatible with adjacent land uses, or be made compatible through site mitigation;
- (c) not have an adverse impact on traffic, transportation or parking facilities in the area; and
- (d) be suitable for the site in terms of site layout, building design, accessibility, provision of landscaping, screening and buffering and available services.

TOcore: Planning Downtown

Official Plan Amendment 406 (the Downtown Plan) was adopted by City Council on May 22, 2018 and modified and approved by the Ministry of Municipal Affairs and Housing on June 5, 2019. OPA 406 includes amendments to Section 2.2.1 and Map 6 of the Official Plan, as well as a new Downtown Plan. It applies to all applications deemed complete after June 5, 2019. As previously mentioned, Section 5.1.5 of the Official Plan allows City Council to enact temporary use by-laws.

Zoning

The site is zoned Open Space (O (x210) in Bylaw 569-2013, which permits parks, public utilities, recreation uses and education uses. A Temporary Use Zoning By-law (No. 561-2014) came into effect in June 2014 that permits a retail store, eating

establishment, showroom, and community centre on the site for three years. The by-law allows for a maximum height of 11 metres and a maximum density of 1.0 times the lot area. The new Temporary Use By-law was enacted to allow the temporary use for an additional 3 years in October, 2017.

Site Plan Control

A Site Plan Control application for the existing temporary one-storey structure was submitted on June 4, 2014, and approved on February 13, 2015. A further Site Plan Control application is not required for the existing structure.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate by-law standards.

COMMENTS

Provincial Policy Statement and Provincial Plans

Staff are of the opinion that the proposed development application is consistent with the Provincial Policy Statement (2020) and conforms and does not conflict with the Growth Plan (2019).

Land Use

The long term viability of the lands for a public park as per the *Parks* designation in the Official Plan and the Open Space (O) zone in the Zoning By-law will be maintained as the ultimate plan for the temporary site at 125 The Esplanade is for the development of a park. The site is suitable for the temporary location of the North Market as it is located in close proximity to the original and future North Market location at 92 Front Street East and is located directly across The Esplanade from the South Market. The proposed land use is compatible with the existing market and commercial uses in the immediate vicinity.

The temporary North Market does not significantly impact traffic, transportation or parking facilities in the area. Market activities occur on weekends. Located in the immediate area at 2 Church Street is the Toronto Parking Authority (TPA) Carpark 43 – St. Lawrence Garage, with approximately 2,000 parking spaces. The site layout and building design is suitable for the site and the North Market operations.

The temporary North Market is primarily for a Farmers' Market on Saturdays and an Antique Market on Sundays. There are no plans to regularly use the temporary building during the remainder of the week but in order to provide flexibility for other uses during

the week, Facilities and Real Estate (F&RE) staff have requested that a showroom and community centre be included as permitted uses in the temporary use zoning by-law. There are no planning concerns or objections to these additional uses. Any use of the building during the week would be vetted through F&RE staff and the local Ward Councillor's office.

Density, Height, Massing

The height, density and massing permitted by the existing and proposed temporary use, being a one-storey building with a peaked roof and a maximum height of 11 metres that covers almost the entire site (see Attachments 1 and 2), is appropriate for the subject property on a temporary basis and does not significantly impact adjacent properties.

Traffic Impact, Loading/Unloading

The fenced enclosure on the north side of the Wilton Street right-of-way does not significantly impact vehicular traffic or pedestrian routes as two-way traffic is maintained on a 6.5-metre wide roadway and the sidewalk on the south side of Wilton Street provides a safe and convenient pedestrian route.

There are no on-site loading bays/facilities. Wilton Street and Market Street are used for loading during the overnight and early morning periods as these two streets have the least traffic volume and do not compete with the loading traffic on The Esplanade for the South Market vendors. The Esplanade is used for loading in the afternoons. To facilitate loading, the building's south elevation has three sets of doors and the building's west elevation has two sets of doors and a cargo door for vehicles to drive into the structure.

St. Lawrence Market Operations

Some vendors for the Saturday Farmer's Market and Sunday Antique Market vendors have outdoor stalls along The Esplanade and Market Street, which have sidewalks that are sufficiently wide to accommodate the stalls and a sizeable volume of market patrons and pedestrians. The outdoor stalls operate approximately nine months of the year. The produce sold by the farmers at these outdoor stalls is primarily fruit and vegetables. They do not sell any meat, baked goods or other prepared produce and the farmers are required to keep the area around their stalls clean and free of garbage. During market breakdown, the farmers are required to pick up all empty cardboard boxes, packaging and containers and take them away. For the Antique Market vendors, the outdoor stalls enable them to further display their wares. The outdoor stalls and pedestrian clearways are monitored by the St. Lawrence Market Complex Administration Office (SLMCAO) and the City's Facilities Management Division.

Open Space/Parkland

The proposal is exempt from the parkland dedication requirement under Chapter 415, Article III, Section 30A (9)(c) of the Toronto Municipal Code.

The proposed rezoning will not jeopardize the long-term plan to develop a public park on the subject property.

Community Consultation

A Community Consultation Meeting was held on June 28, 2017, at 115 The Esplanade. The meeting coincided with a monthly meeting for the St. Lawrence Neighbourhood Association (SLNA). Overall, the community expressed support for the temporary North Market, recognized it is an asset for the whole city, and would like to see its operations continue without interruption. Issues that we identified with the operation of the temporary market were provided to the St. Lawrence Market Complex Administration Office (SLMCAO), which is a part of the Real Estate Services Division for the City of Toronto, and were addressed.

A further formal community consultation has been held. Information relating to the 3 year extension of the temporary use by-law has been included in the SLNA electronic newsletter, with staff contacts, should there be any questions or concerns by the local community. Staff have determined that there have been no complaints registered with Municipal Licensing over the last 3 years. If concerns are raised, staff will prepare a supplementary report to advise City Council.

Conclusion

The temporary North Market is a desirable amenity and asset to the St. Lawrence Neighbourhood and the City as a whole. The long term viability of the lands for the Parks designation in the Official Plan will be maintained. Staff find that the proposed extension of the temporary use is appropriate for the subject property and in the public interest.

CONTACT

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E-mail: Leontine.Major@toronto.ca

SIGNATURE

Lynda H. Macdonald, MCIP, RPP, OALA, FCSLA,
Director, Community Planning,
Toronto and East York District

ATTACHMENTS

- Attachment 1: Application Data Sheet
- Attachment 2: Location Map
- Attachment 3: Existing Zoning By-law Map
- Attachment 4: Draft Zoning By-law Amendment
- Attachment 5: Site Plan
- Attachment 6: Elevations
- Attachment 7: Elevations

Attachment 1: Application Data Sheet

Municipal Address: 125 THE ESPLANADE Date Received: June 2, 2017
 Application Number: 17 172081 STE 28 OZ
 Application Type: OPA / Rezoning, Rezoning

Project Description: Proposed Temporary Use Zoning Bylaw to extend the existing Temporary Use Zoning Bylaw (No. 561-2014) for a period of 3 years. The By-law serves to permit a temporary structure for the 'North Market' that contains retail uses and eating establishments.

Applicant	Agent	Architect	Owner
CITY OF TORONTO PAT CARROZZI			TORONTO CITY

EXISTING PLANNING CONTROLS

Official Plan Designation:	Parks	Site Specific Provision:	515-76, 576-76, 677-76, 24-77, 478-78, 812-78, 116-82
Zoning:	G	Heritage Designation:	
Height Limit (m):	17, 0, 0	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq m): 1,120 Frontage (m): 42 Depth (m): 27

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			1,084	1,084
Residential GFA (sq m):				
Non-Residential GFA (sq m):			1,084	1,084
Total GFA (sq m):			1,084	1,084
Height - Storeys:			1	1
Height - Metres:			11	11

Lot Coverage Ratio 96.75 Floor Space Index: 0.97
(%):

Floor Area Breakdown Above Grade (sq m) Below Grade (sq m)

Residential GFA:

Retail GFA: 1,084

Office GFA:

Industrial GFA:

Institutional/Other GFA:

Residential Units by Tenure	Existing	Retained	Proposed	Total
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Rental:

Freehold:

Condominium:

Other:

Total Units:

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
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Retained:

Proposed:

Total Units:

Parking and Loading

Parking Spaces:	Bicycle Parking Spaces:	Loading Docks:
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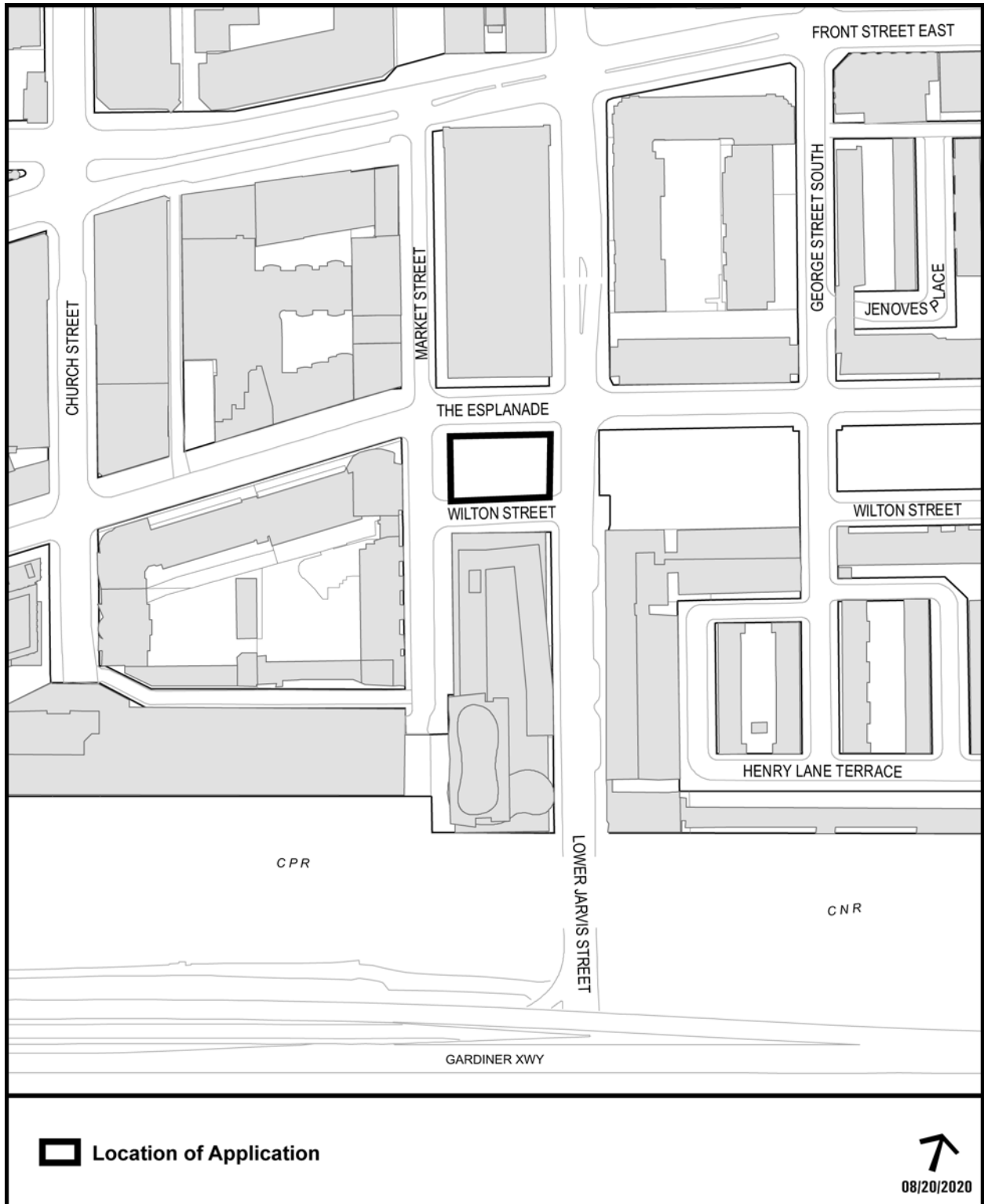
CONTACT:

Leontine Major, Senior Planner

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Leontine.Major@toronto.ca

Attachment 2: Location Map



Attachment 4: Draft Zoning By-law Amendment

Authority: Toronto and East York Community Council Item ~ as adopted by City of Toronto Council on ~, 20~

Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

To amend former City of Toronto Zoning By-law No. 438-86, as amended, and to amend City of Toronto Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known as 125 The Esplanade

WHEREAS authority is given to Council by Section 39 of the Planning Act, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. For the purposes of this By-law, the lot shall consist of the lands outlined by heavy black lines on Diagram 1 attached to a forming part of this By-law.
2. Former City of Toronto Zoning By-law No. 438-86 as amended is amended as follows:
 - a) Notwithstanding the provisions of Sections 4(5), 4(8) and 5(1) of Zoning By-law No. 438-86, as amended, being “A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain buildings and structures in various areas of the City of Toronto”, nothing shall prevent the use of the lot as a retail store, restaurant, showroom or community centre, provided that:
 - i. The maximum height of any building or structure shall not exceed 11 metres measured to the peak of the roof;
 - ii. The maximum gross floor area on the lot shall not exceed 1.0 times the area of the lot; and
 - b) Parking and loading spaces shall not be required for any of the permitted uses in 2 a) above.
3. Zoning By-law No. 569-2013, as amended, is amended as follows:

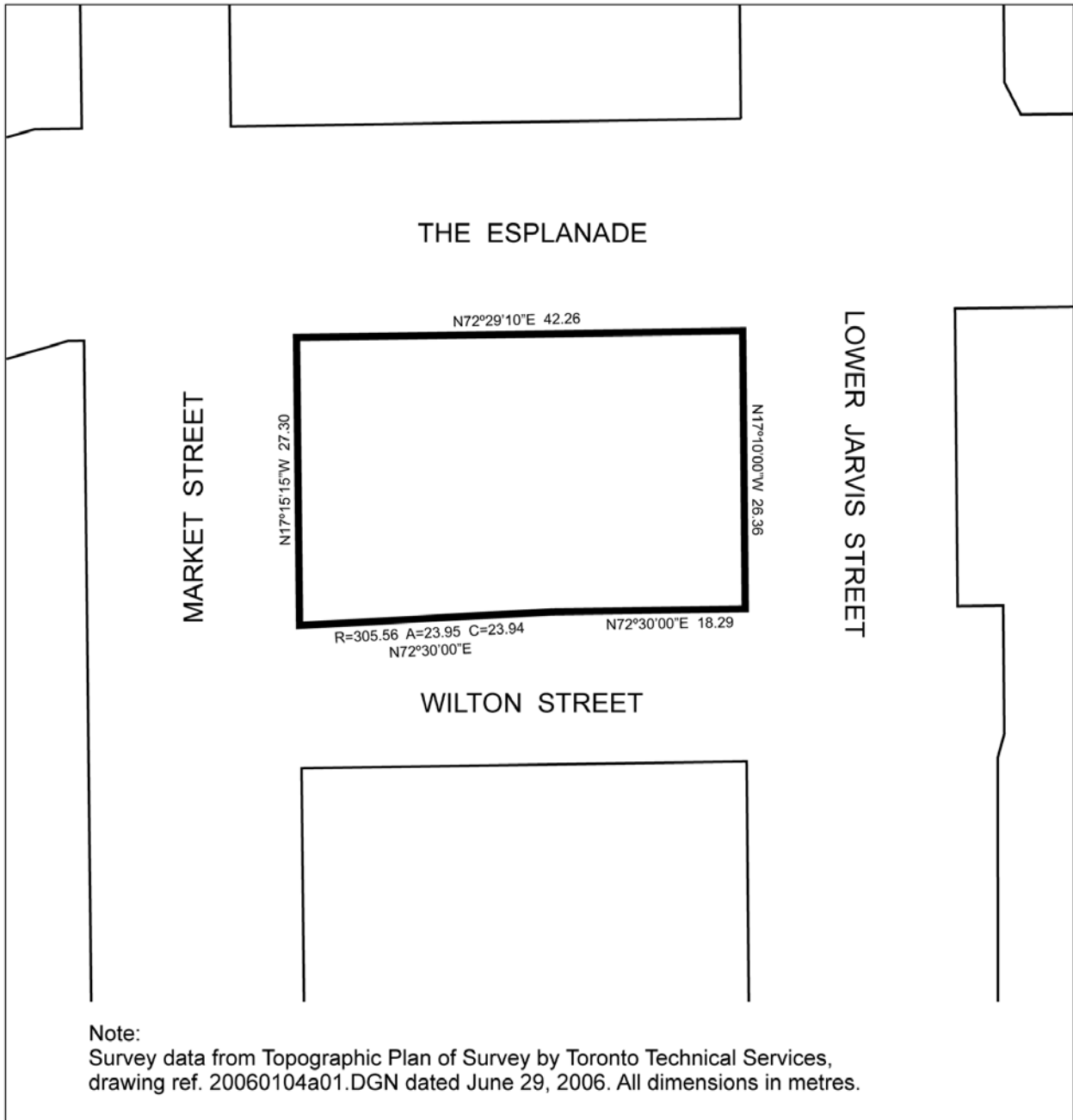
- a) Despite the provisions of Section 90.10 of Zoning By-law No. 569-2013, as amended, nothing will prevent the use of the **lot** for a **retail store, eating establishment, showroom or community centre**, if:
- i. The maximum height of any **building or structure** does not exceed 11.0 metres measured to the highest point on the building; and
 - ii. The maximum **gross floor area** on the **lot** does not exceed 1.0 times the area of the lot;
- b) Despite the provisions of Sections 200.5.10.1(1) and 220.5.10.1 of Zoning By-law No. 569-2013, as amended, **parking spaces** and **loading spaces** are not required for any of the uses permitted in 3(a) above.
4. Zoning By-law No. 569-2013, as amended, is amended as follows:
- Regulation 900.40.10 (210), being Exception O 210, is amended by adding under the heading 'Prevailing By-laws and Prevailing Sections' a new regulation (C) so that it reads:
- (C) On 125 The Esplanade, Section 3 of By-law (by-law number to be inserted) applies for a period of 3 years from (date to be inserted).
5. This By-law shall be in effect for a period of 3 years from the date of the passing hereof.

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

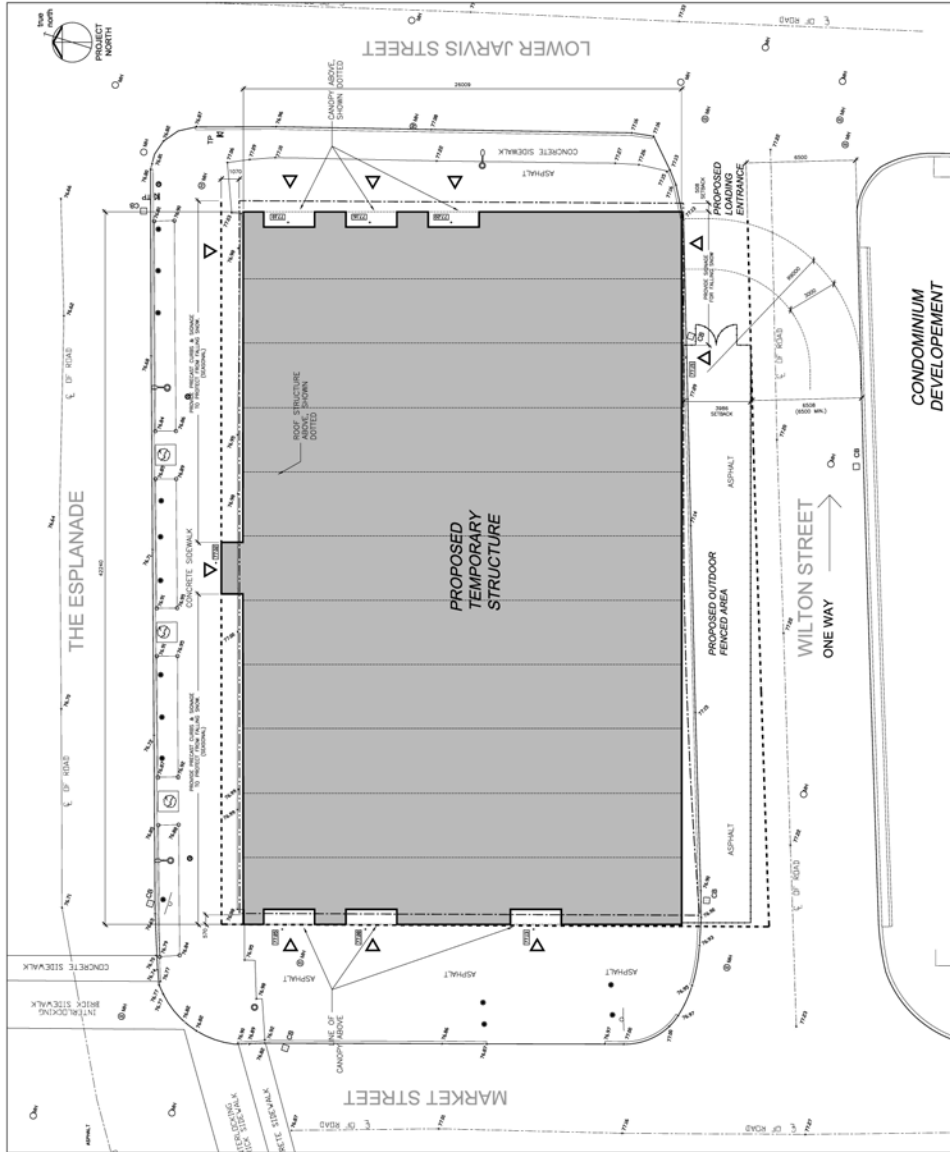
JOHN TORY,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)



Attachment 5: Site Plan



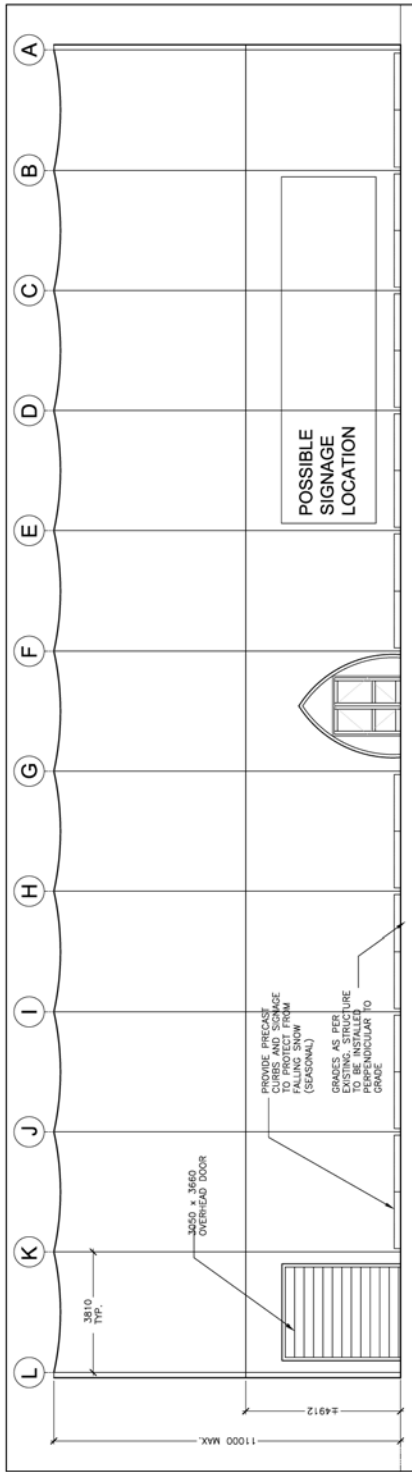
125 The Esplanade

Site Plan
Applicant's Submitted Drawing

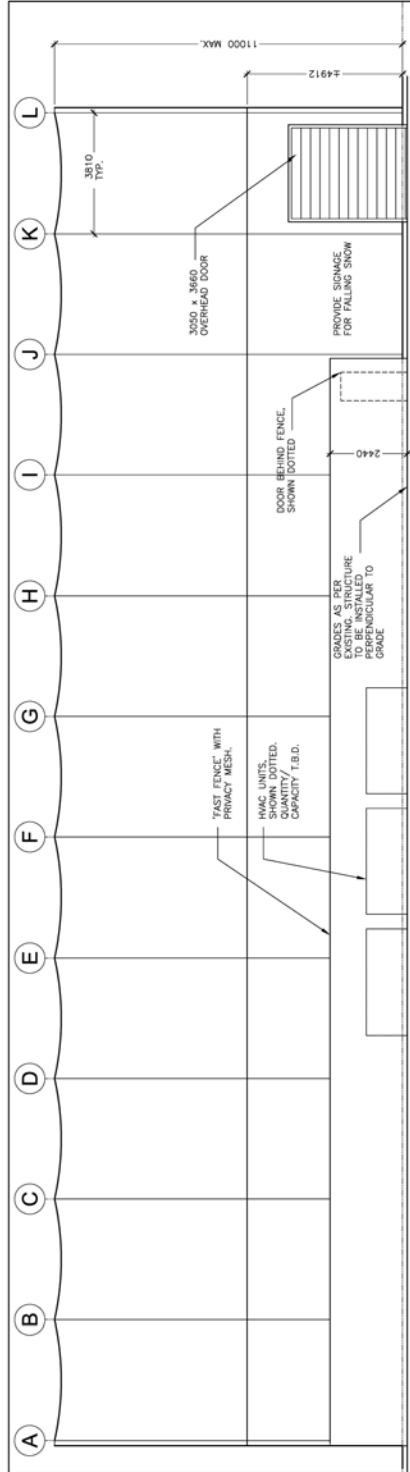
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File # 17 172081 STE 28 0Z

Attachment 6: Elevations



North Elevation



South Elevation

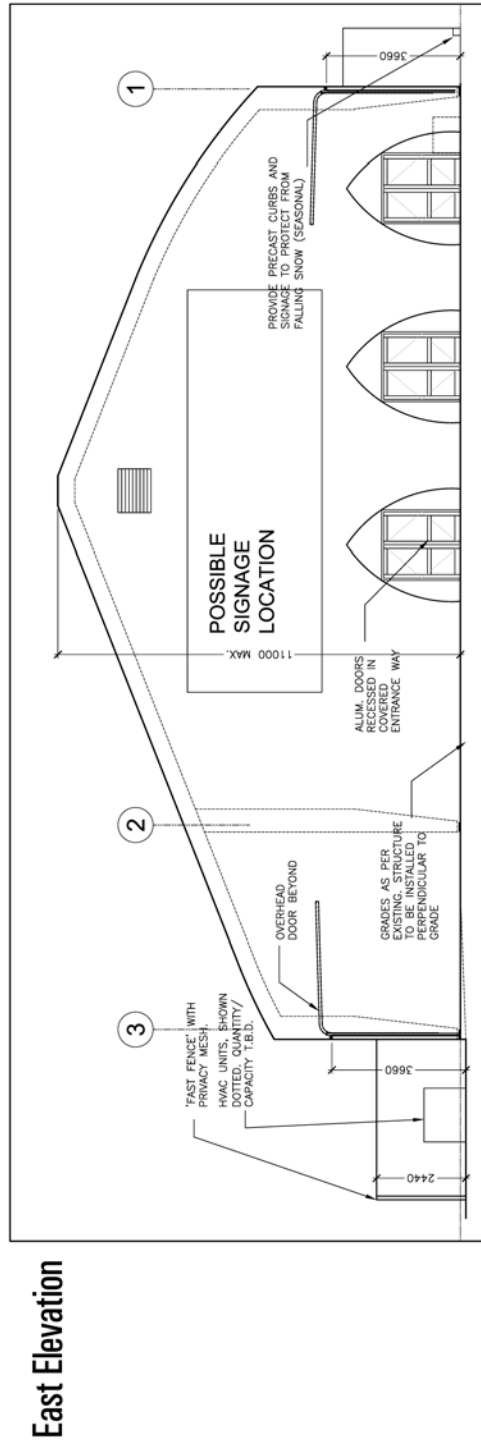
125 The Esplanade

North and South Elevations

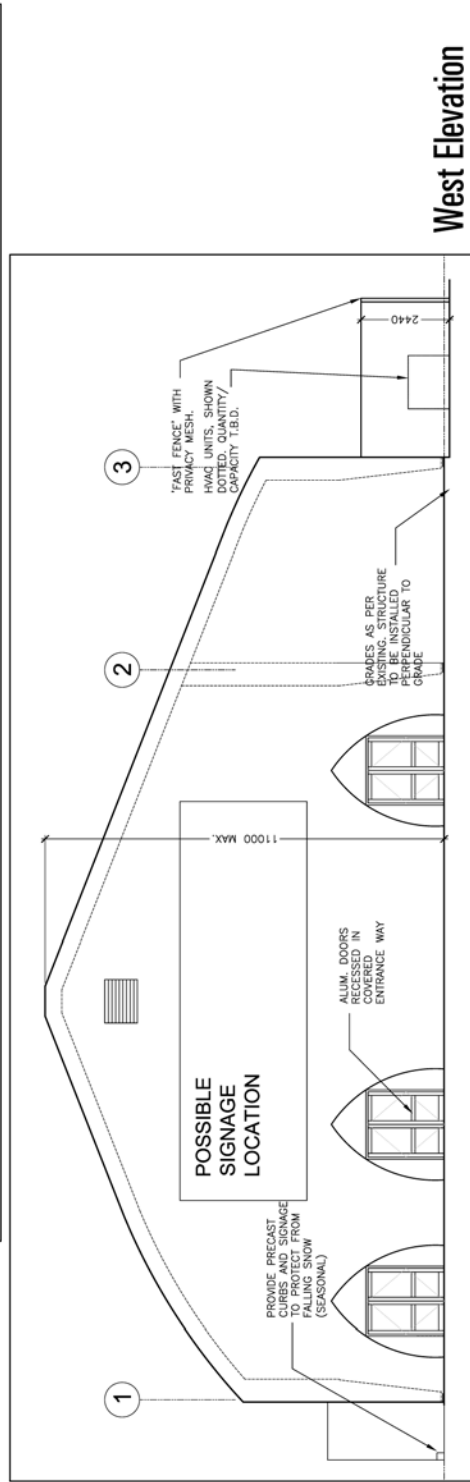
Applicant's Submitted Drawing

Not to Scale
07/10/2017

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East Elevation



West Elevation

125 The Esplanade

East and West Elevations

Applicant's Submitted Drawing

Not to Scale
07/10/2017

File # 17 172081 STE 28 0Z