

# **125 The Esplanade - City Initiated Rezoning, Extension of Temporary Use By-law - Decision Report - Approval**

Date: June 6, 2023

To: Toronto and East York Community Council

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

Ward: 10 - Spadina-Fort York

**Planning Application Number: 23 140663 STE 10 OZ**

## **SUMMARY**

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This application proposes to extend permission for the existing one-storey structure located at 125 The Esplanade for the continued temporary relocation of the North St. Lawrence Market for a period of one year. The structure is typically used on weekends for the farmer's market and antique market. The proposed extension will allow the temporary North Market to continue operations up to June 2024, by which time construction on the new North Market building at 92 Front Street East is expected to be complete.

This report reviews and recommends an extension of the current Temporary Use Zoning By-law that permits the North Market at 125 The Esplanade for an additional year.

## **RECOMMENDATIONS**

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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 included as Attachment No. 4 to the report dated June 6, 2023, 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 included as Attachment No. 4 to the report dated June 6, 2023, 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**

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

## **DECISION HISTORY**

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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 to enable the temporary relocation of the Farmers' and Antique Markets to a temporary structure on the property at 125 The Esplanade 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. By-law 793-2020 was enacted by City Council at its meeting of September 30, October 1 and 2, 2020.

On March 2022, the City of Toronto, Toronto Public Library, and CreateTO announced plans for the new location of an expanded St. Lawrence district library at 125 The Esplanade and on June 15, 2022 City Council directed CreateTO, Toronto Public Library, and City Planning to explore options for the new library to include other City and community uses, as appropriate. This request can be found at this link: <https://secure.toronto.ca/council/agenda-item.do?item=2022.MM45.38>

At its meeting of May 10, 2023, City Council directed City Planning to commence a City initiated Zoning By-law Amendment to extend the temporary use permissions for an additional 6 months.

## THE SITE

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**Description:** 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. The site is located in the St. Lawrence Neighbourhood.

**Existing Use:** 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).

### Surrounding Uses:

North: The St. Lawrence Market South Building, which is located on the north side of The Esplanade across from the site.

South: On the south side of Market Street 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, known as Market Wharf.

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, 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 APPLICATION

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**Description:** The application proposes to extend the temporary use zoning by-law for the site. The existing temporary use zoning by-law permits a one-storey building and allows for retail uses, restaurants, showrooms, and a community centre.

**Building Height:** 10.7 metres.

**Gross Floor Area:** 1,084 metres (approximately 0.97 times density).

**Reasons for Application:** The existing building has been on the site since 2015. No changes to the structure are proposed. The proposed rezoning is required to extend the permission for the existing temporary market building for an additional one year. 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 (Open Space). The construction of the new St. Lawrence Market was delayed due to the pandemic, hence the need for a further extension.

**Additional Information:** See Attachments 1-7 at the end of this report for project data, location map, zoning by-law map, draft zoning by-law amendment for the temporary use extension, and a site plan and elevations.

**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.

## **POLICY CONSIDERATIONS**

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**Provincial Land-Use Policies:** All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the Provincial Policy Statement (PPS), and shall conform to provincial plans.

**Official Plan:** The Official Plan designates the site as Parks.

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. 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.

**Zoning:** The site is zoned Parks (G) in Bylaw 438-86 and 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 times the lot area. Three year extensions to the Temporary Use Zoning By-law have been provided in 2017 and in 2020.

## **COMMENTS**

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### **Provincial Policy Statement and Provincial Plans**

Staff are of the opinion that the proposal continues to be consistent with the PPS and conforms with the Growth Plan.

### **Extension Period**

As noted previously in this report, at its meeting of May 10, 2023, City Council directed City Planning to commence a City-initiated Zoning By-law Amendment to extend the Temporary Use Zoning By-law for 125 The Esplanade for a period of six months. Following discussions with Corporate Real Estate Management, the intent is that the extension last until approximately May 2024 to complete the construction and occupancy of the new North Market building. As such, City Planning is recommending a one-year extension from the date the proposed the proposed Temporary Use Zoning By-law Amendment is passed; this would then extend the temporary use permission to July 2024.

### **Land Use**

The site has functioned as a temporary North Market since 2015. The location is suitable given its proximity to the 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.

Facilities and Real Estate staff had requested in 2013 the additional uses of a showroom and community centre in order to provide flexibility of use.

### **Density, Height, Massing**

The height, density and massing permitted by the temporary use, being a one-storey building with a peaked roof and a maximum height of 11 metres that covers almost the entire site, is appropriate for the subject property on a temporary basis and does not significantly impact adjacent properties. The structure has existed on site since 2015.

### **Traffic Impact, Loading**

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.

### **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.

### **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 identified then 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.

Staff have determined that there have been no complaints registered with Municipal Licensing since the temporary North Market's opening. As well, the SLNA has provided information, with staff contacts, regarding this extension to its association in the event that there are any concerns or questions. If concerns are raised, staff will prepare a supplementary report to advise City Council.

### **Future Use of the Site**

In March 2022, the City of Toronto, Toronto Public Library, and CreateTO announced the new location of an expanded St. Lawrence district library on the subject site. The new library will be approximately 30,000 square feet. City Planning, together with CreateTO and the Toronto Public Library, are exploring options to expand public uses on the site in order to create a community hub. A report is intended in the future regarding this City-building opportunity. No impacts on the planning and design of this new library/community hub are expected as a result of this one year extension of the temporary use zoning by-law. The Toronto Public Library and CreateTO have been notified of this extension and did not express concerns.

### **Conclusion**

The temporary North Market is a desirable amenity and asset to the St. Lawrence Neighbourhood and the City as a whole. The temporary use zoning by-law will not impact the site's future plans for the relocation of the Toronto Public Library's St. Lawrence branch. Staff find that the proposed extension of the temporary use to July

2024 to allow for completion of the new North Market, is appropriate for the subject property and in the public interest.

## **CONTACT**

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## **SIGNATURE**

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Willie Macrae, BA, MES, MCIP, RPP  
Acting Director, Community Planning  
Toronto and East York District

## **ATTACHMENTS**

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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: May 10, 2023  
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. 793-2020) for a period of 1 year to July 2024. The By-law serves to permit a temporary structure for the 'North Market' that contains retail uses, eating establishments, showroom and community centre.

Applicant	Agent	Architect	Owner
CITY OF TORONTO			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
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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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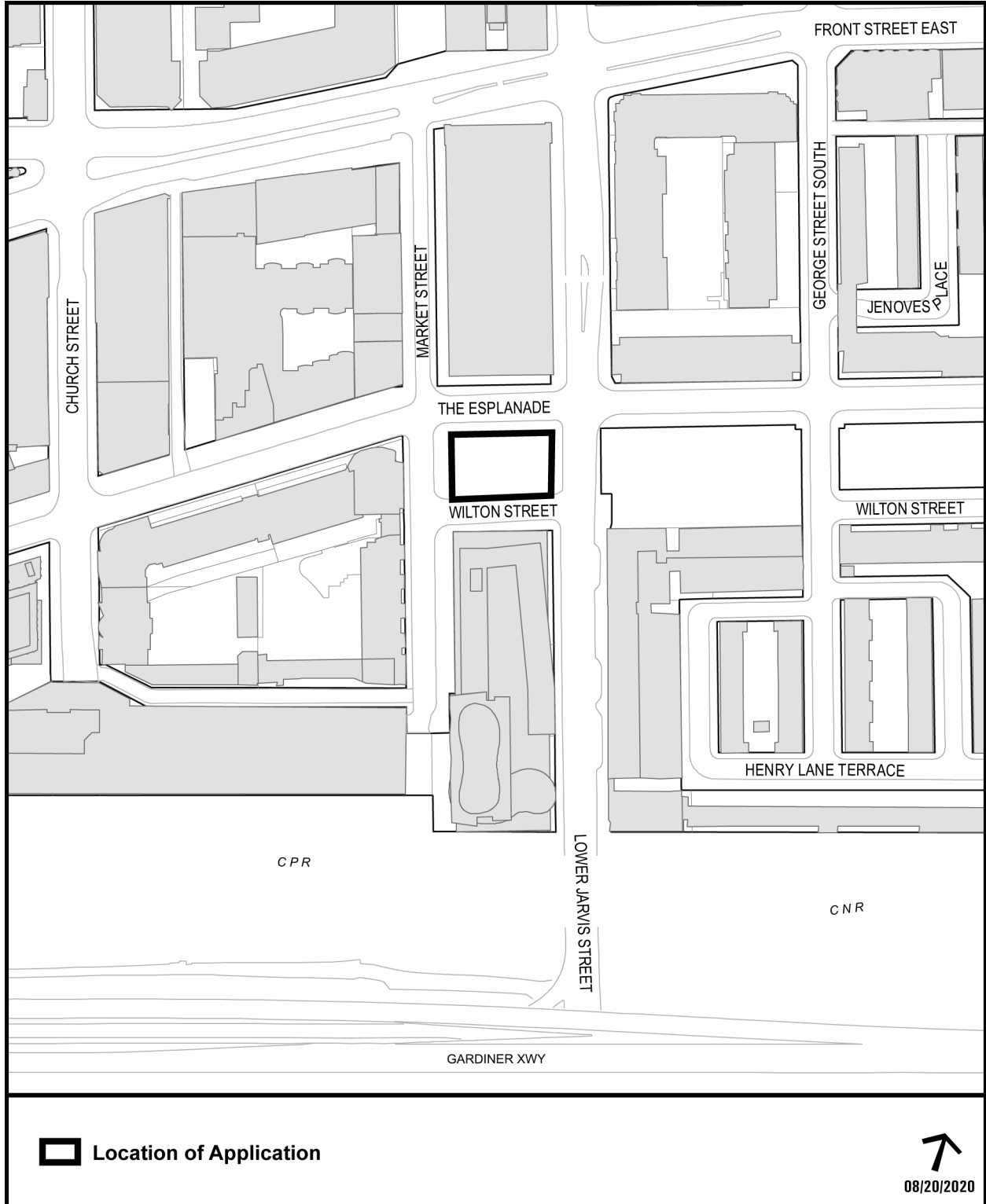
CONTACT:

George Pantazis, Senior Planner

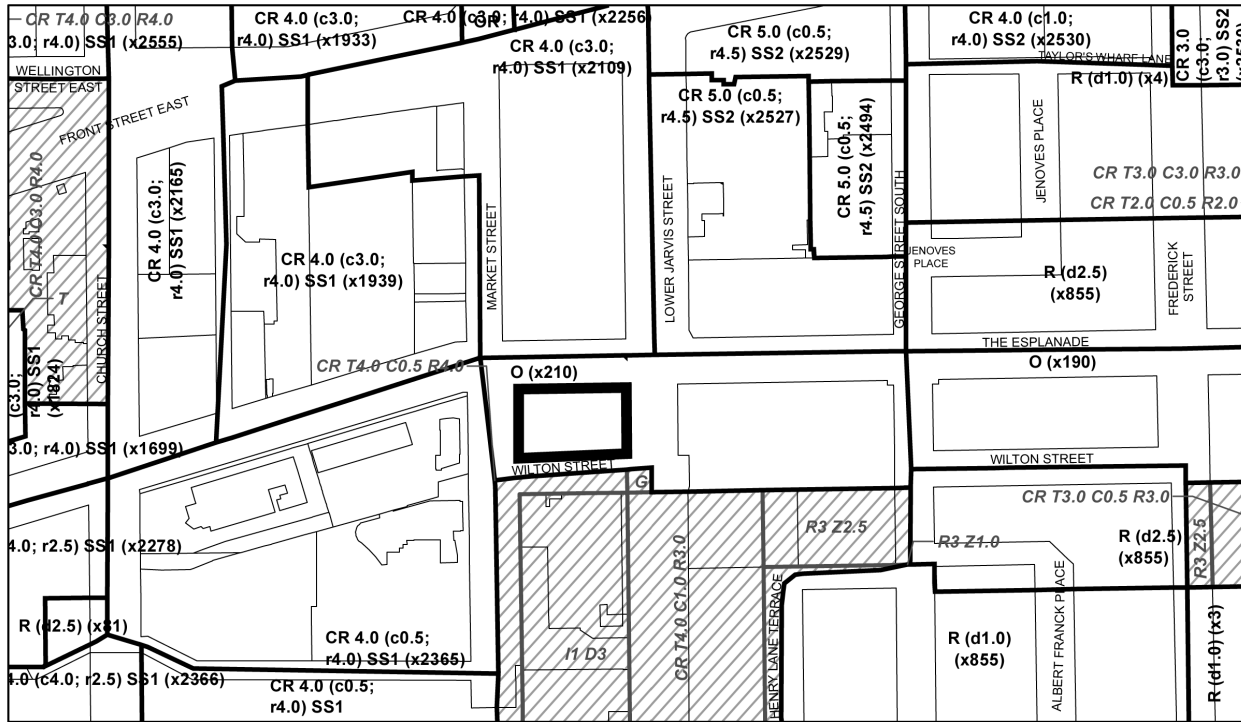
(416) 392-3566

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Attachment 2: Location Map



# Attachment 3: Existing Zoning By-law Map



**Zoning By-Law No. 569-2013**

**125 The Esplanade**

**File # 17 172081 STE 28 0Z**

Location of Application

R Residential  
CR Commercial Residential

O Open Space  
OR Open Space Recreation

See Former City of Toronto By-Law No. 438-86

R3 Residential District  
CR Mixed-Use District  
I1 Industrial District  
G Parks District



Not to Scale  
Extracted: 07/10/2017

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 2a) 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 1 year from (date to be inserted).

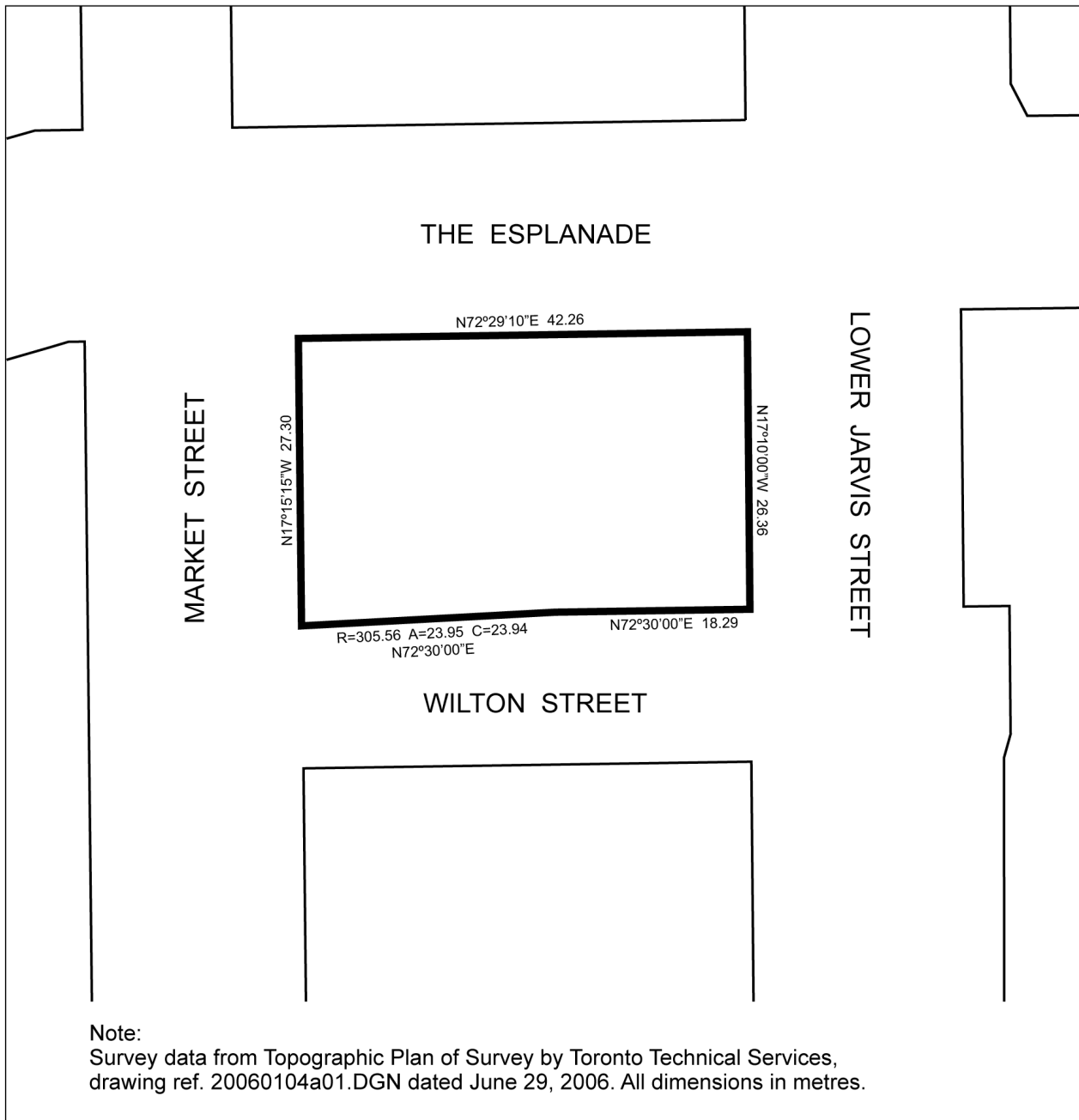
5. This By-law shall be in effect for a period of 1 year from the date of the passing hereof.

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

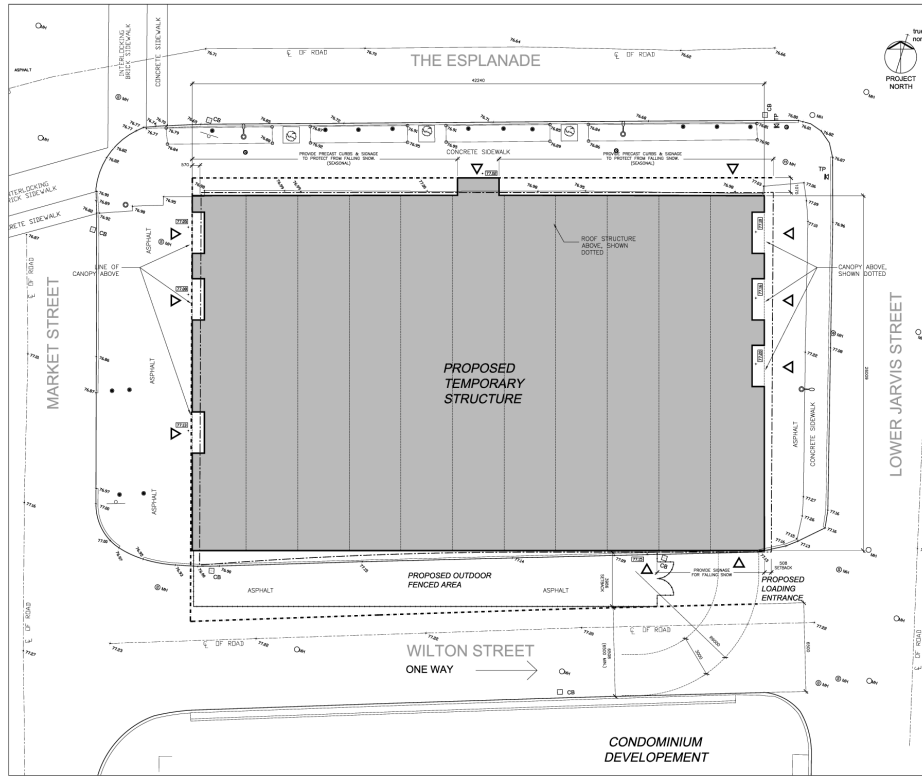
JENNIFER MCKELVIE,  
Deputy Mayor

ULLI S. WATKISS,  
City Clerk

(Corporate Seal)



Attachment 5: Site Plan



Site Plan

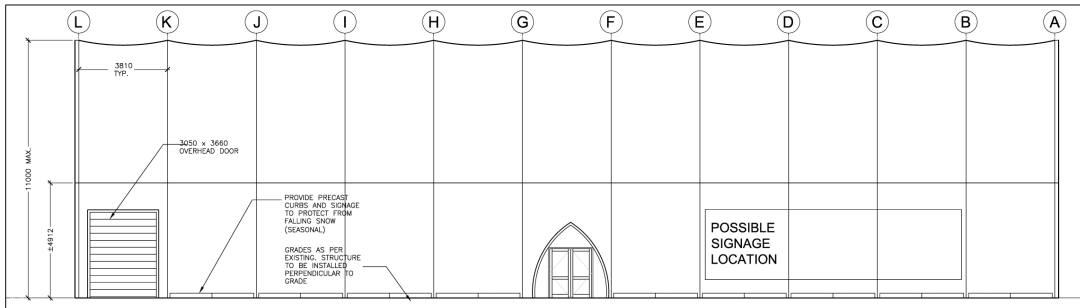
Applicant's Submitted Drawing

Not to Scale 

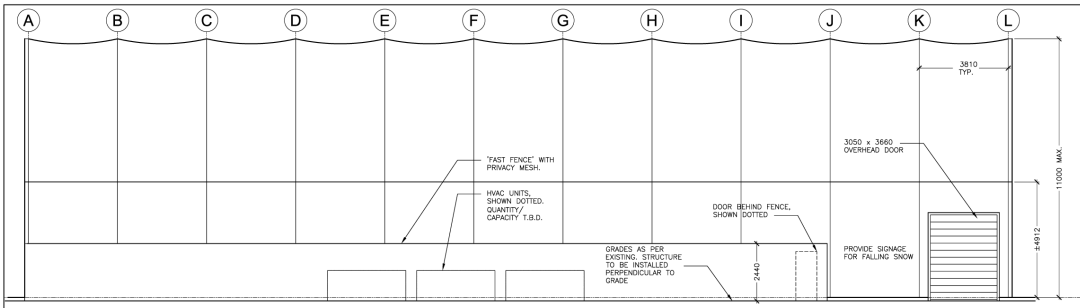
125 The Esplanade

File # 17 172081 STE 28 OZ

Attachment 6: Elevations



North Elevation



South Elevation

North and South Elevations

Applicant's Submitted Drawing

Not to Scale  
07/10/2017

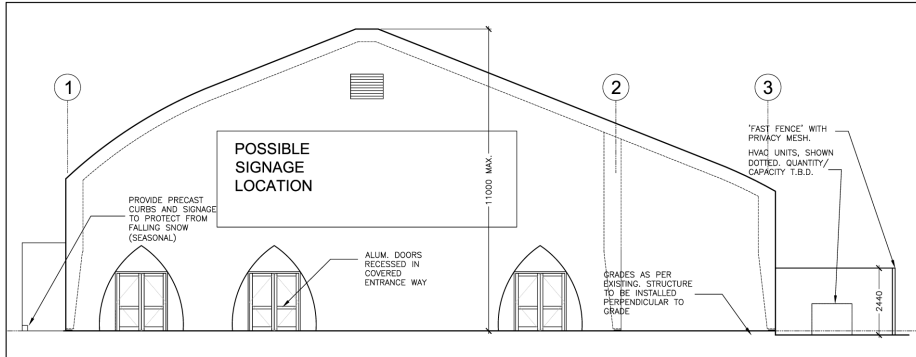
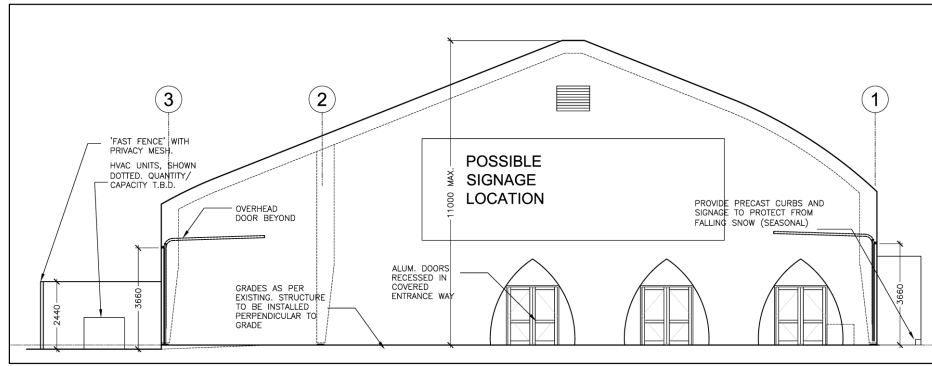
125 The Esplanade

File # 17 172081 STE 28 0Z



Attachment 7: Elevations

East Elevation



West Elevation

East and West Elevations

Applicant's Submitted Drawing

Not to Scale  
07/10/2017

125 The Esplanade

File # 17 172081 STE 28 OZ