

125 The Esplanade – Rezoning Application – Final Report

Date:	May 28, 2009
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 28 – Toronto Centre-Rosedale
Reference Number:	06 162241 STE 28 OZ

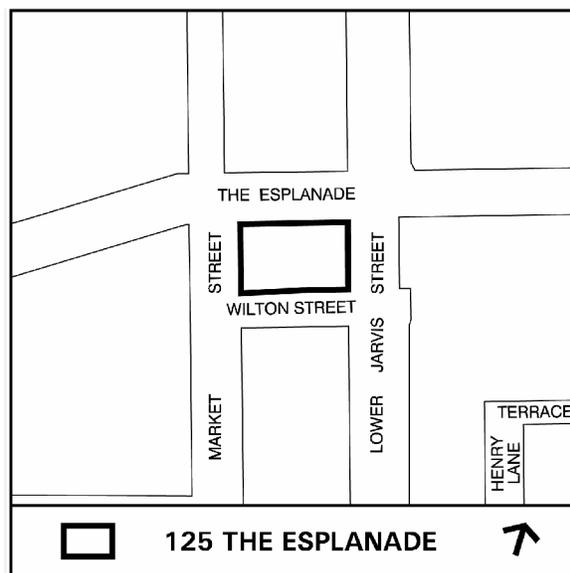
SUMMARY

This application was made before January 1, 2007 and is not subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

This application by the City of Toronto Facilities and Real Estate is for a temporary use by-law to permit the temporary relocation of the North St. Lawrence Market’s weekend markets to 125 The Esplanade while the North Market building redevelops for a period of up to 3 years.

The long term viability of the lands for the parks use permitted in the Official Plan and Zoning By-law will be maintained. The proposed land use is appropriate for the temporary use of an underutilized parking lot. The proposed relocation site of the North Market is located in close proximity to the existing North Market and directly across from the South Market. Relocating the activities of the North Market to this site would be compatible with the existing market activities.

This report reviews and recommends approval of the application to amend the Zoning By-law.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law 438-86 substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 5, for a temporary use By-law for a period of up to 3 years from the day of the passing of the by-law.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.
3. Before introducing the necessary Bills to City Council for enactment, require the applicant to submit for review and acceptance an application for site plan control approval, to the satisfaction of the Chief Planner.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

The City of Toronto owns the site at 125 The Esplanade. The property is a 1,120 square metre parcel of land that occupies the block bounded by The Esplanade to the north, Wilton Street to the south, Market Street to the west and Lower Jarvis Street to the east. The site has had long-term use as a commercial parking lot operated by the Toronto Parking Authority (TPA), who leases the property from the Facilities and Real Estate Division.

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.

Section 39 of the Planning Act permits Council to pass a by-law authorizing the temporary use of land, buildings or structures for any purpose that is otherwise prohibited by the Zoning By-law for a maximum period of three years, which may be renewed through future applications.

ISSUE BACKGROUND

Proposal

The City of Toronto's Facilities and Real Estate Division has applied for a Zoning By-law amendment in the form of a Temporary Use By-law to permit a pre-fabricated, one-storey building at 125 The Esplanade for a period of up to three years.

The temporary building is intended to house a Farmers' Market on Saturdays and an Antique Market on Sundays, both of which currently operate out of the St. Lawrence Market North building located at the northwest corner of Front Street East and Jarvis Street. The City is proposing to demolish and redevelop the St. Lawrence Market North building. During the demolition and construction period, the Farmers' and Antique Markets require a temporary location within which to operate.

The proposed 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 proposed structure is approximately 1,170 square metres. It is proposed that all services, including portable toilets, washing facilities and generators, will be brought onto the site.

The applicant is also proposing the temporary closure of Wilton Street between Lower Jarvis Street and Market Street to allow for some outside storage of tables and equipment associated with the markets. In order to accommodate the temporary structure, there will also be a 0.56 metre encroachment within the Market Street right-of-way and a 1.07 metre encroachment within The Esplanade right-of-way.

For further detailed information regarding the project please refer to Application Data Sheet (Attachment No. 1).

Site and Surrounding Area

The site occupies the block bounded by The Esplanade to the north, Wilton Street to the south, Market Street to the west and Lower Jarvis Street to the east. The TPA is currently leasing the property from the Facilities and Real Estate Division and operating it as a 40-space commercial parking lot. The following uses surround the site:

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

South: A commercial parking lot currently operates on the lot on the south side of Wilton Street (18 Lower Jarvis Street). The site has been approved for a phased development of an 8-storey podium with 105 apartments (phase 1) and a 33-storey apartment building with 349 units (phase 2) (File no. 07 228805 STE 28 OZ).

East: Crombie Park; a 6-storey mixed use building with residential units and retail uses at-grade, and St. Michael's School are located on the east side of Lower Jarvis Street.

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, comprised of a mix of office, residential and commercial uses.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation.

City Council's planning decisions are required by the Planning Act, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The Official Plan designates the site as Parks. Areas designated as Parks will be used primarily to provide public parks and recreational opportunities.

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, pursuant to 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.

In order to enact a temporary use by-law, Council must be satisfied that the temporary use will:

- (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; and
- (c) not have an adverse impact on traffic, transportation or parking facilities in the area; and 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 G (Park District), which permits uses that include public parks, public playgrounds, and golf courses. The proposed temporary building is intended to house a retail use, specifically a Farmers' Market on Saturdays and an Antique Market on Sundays. These uses are not permitted under the existing zoning.

Site Plan Control

An application for Site Plan has not been filed but will be required. The applicant anticipates submitting the site plan application in the last quarter of 2009.

Reasons for Application

An Official Plan amendment is not required. The applicant has applied for a Zoning By-law amendment in the form of a Temporary Use By-law.

A Zoning By-law amendment in the form of a Temporary Use By-law has been filed because the proposed one-storey, temporary retail building and associated uses are not permitted in a G (Park District) zone. The applicant is proposing the temporary structure and uses for three years or less.

Community Consultation

A community consultation meeting was held on February 26, 2009. There were approximately 25 members of the public that attended along with the Ward Councillor, City Planning staff and Facilities and Real Estate staff who are the applicants for this proposal. The proposal was presented to the community by the applicant.

There were a number of issues that were raised at the community consultation meeting. The majority of the issues were site planning matters related to site layout/design, and business operation issues with the temporary market and the existing South Market. The proposed temporary land use was not an issue, although people did want to know what the building would be used for during the week as market activities occurred on weekends.

There were a number of transportation and traffic related issues raised. Some felt that the use of the parking lot as a market would reduce the supply of parking available in a busy area. There were general concerns with respect to vendors loading and unloading on weekends and the idling of vehicles impacting air quality. Residents felt it would be better to move the loading areas and cargo doors away from the residential uses on Market Street to Wilton Street. Changing Wilton Street to a one-way street or closing Wilton Street during market days would help with respect to moving vehicles, loading and unloading.

Questions were raised with respect to the temporary market building such as timing and length of construction, building materials, cost, height and setback information, when the demolition of the existing North Market building would occur and when the park would ultimately be constructed at the temporary market location.

Particular concern was expressed as to how the back portion of the temporary market building along Wilton Street would be treated. People wanted to ensure that they were not looking at unsightly storage and washroom areas. Similarly, cleanliness, smell and garbage storage were raised both for the proposed temporary market and that of the existing South Market.

Letters received from area residents reflected the comments and concerns raised above at the community consultation meeting.

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

The proposal is consistent with the PPS. The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

Land Use

The Official Plan states that temporary use by-laws may allow a use on a trial basis or the temporary use of a building or property. In order to enact a temporary use by-law, Council must be satisfied that the temporary use will maintain certain criteria.

The long term viability of the lands for the uses permitted in the Official Plan and 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 proposed relocation site of the North Market is located in close proximity to the existing North Market and directly across The Esplanade from the South Market. The relocation of the market is the first step in achieving this longer term redevelopment goal in the area. The proposed land use is compatible with the existing market and commercial uses in the immediate vicinity.

The proposal does not have an adverse impact on traffic, transportation or parking facilities in the area. The existing surface parking lot is small and would eliminate approximately 40 parking spaces. Market activities occur on weekends and located immediately in the area at 2 Church Street is Toronto Parking Authority Carpark 43 – St. Lawrence Garage, with approximately 2,000 parking spaces. Facilities and Real Estate staff are also exploring temporarily closing all of Wilton Street, between Lower Jarvis

and Market Streets, during weekends to ensure traffic impacts are minimized. The details of this are discussed in a subsequent section of this report.

The site layout and building designed is suitable for the proposed use. Staff will have the opportunity for further review and refinement of the site details and to secure matters such as landscaping, screening and buffering when a formal site plan application is filed.

The North Market farmers and Antique Market vendors will be using the temporary market on Saturdays and Sundays respectively. Providing a location for the existing retail and restaurant uses in the North Market is the primary purpose for the temporary building. At this time, Facilities and Real Estate (F&RE) staff have no firm plans to use the temporary building during the remainder of the week. In order to provide Facilities and Real Estate staff flexibility to consider additional users during the week, F&RE staff has also asked that “showroom” and “community centre” uses be permitted as part of the draft zoning by-law. Any use of the building during the week would be vetted through F&RE staff and the local Ward Councillor.

Traffic Impact, Loading/Unloading

The proposal incorporates the partial closure of Wilton Street for the period of time in which the North Market is relocated to 125 The Esplanade. Approximately 6.5 metres of Wilton Street would be closed leaving 8 metres of Wilton Street open for two-way traffic and a pedestrian walkway.

There will be no on-site loading bays/facilities. F&RE proposes to use the unclosed portion of Wilton Street and Market Street for loading during overnight and early morning periods as these two streets have the least traffic volume and will not compete with the loading traffic on The Esplanade by the South Market vendors. Market Street is also a dead end south of The Esplanade. At the end of the day it is proposed that The Esplanade will also be used for loading. 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 in to the structure.

In order to ensure that any traffic impacts are minimized in the area, Facilities and Real Estate Staff are working with Transportation Services to review the possibility of closing all of Wilton Street on both market days. The full closure of Wilton Street would improve traffic and the loading/unloading for both the Farmers Market and the Sunday Antique Market because all of the loading traffic could be contained within Wilton Street. Also, the full closure of Wilton Street combined with the relocation of the cargo doors, from Market Street, as originally proposed, to Wilton Street would have the effect of keeping loading traffic away from the residential co-ops along Market Street.

Wilton Street Road Allowance

The proposal includes a number of market related activities within the Wilton Street road allowance such as: outdoor storage, vehicle loading and unloading, washing stations, and portable washrooms. The temporary market building requires site plan approval. Community Planning will work with Facilities and Real Estate staff to address the

screening and buffering of this area in order to eliminate or minimize any impacts. Options include reviewing proposed building materials, privacy fencing and/or landscaping. There are also enforcement measures that can be pursued through enforcement of the City's Idling and Noise By-laws. Wilton Street appears to be the best option for such uses as it is located away from the residential uses of Market Street and Lower Jarvis Street, it currently faces a parking lot, and would not be in clear view of the South Market area.

St. Lawrence Market Precinct Operations

Some existing North Market farmers and Sunday Antique Market vendors have outdoor stalls along Jarvis Street and Front Street East. The outdoor stalls operate approximately 9 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. As with the farmers, the vendors are required to keep the area around their stalls clean and free of garbage.

When the two Markets are temporarily relocated to the 125 The Esplanade site, it is proposed that the related outdoor stalls be moved to The Esplanade and Market Street frontages. Only these two frontages have sidewalks that are sufficiently wide enough to accommodate a row of tables and a sizeable volume of market patrons and pedestrians. These outdoor stalls will be subject to a permit approval process run by Municipal Licensing and Standards (MLS). F&RE staff have already met with MLS staff to discuss the outdoor stalls and will continue to meet with them to fine-tune the stalls' proposed operations. With respect to resident comments that The Esplanade is a poor location for the outdoor stalls because they will face the unsightly South Market loading docks, F&RE staff will make every effort to improve the upkeep and maintenance of the South Market frontage, recognizing that North Market patrons want to shop in a clean and pleasant environment.

Development Timing

The temporary structure to accommodate the North Market uses is tentatively scheduled to be erected in late 2010 and would take approximately 2 months to construct. The building would be erected relatively quickly having minimal impact on the surrounding community. The height of the structure itself would be limited to a maximum of 11 metres (36 feet) to the peak of the building and this has been secured as part of the draft zoning by-law (Attachment 5).

The removal of the temporary market building and planning for use of 125 The Esplanade as a park would not occur until the new North Market building is constructed and occupied. Occupancy for the North Market is tentatively scheduled for sometime in 2014.

Development Charges

This is a City facility and if it is determined that development charges are applicable, it is estimated that the development charges for this project will be \$116,181.00. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

CONTACT

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Fax No. 416-392-1330

E-mail: jandree@toronto.ca

SIGNATURE

Raymond David, Director
Community Planning, Toronto and East York District

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ATTACHMENTS

Attachment 1: Site Plan

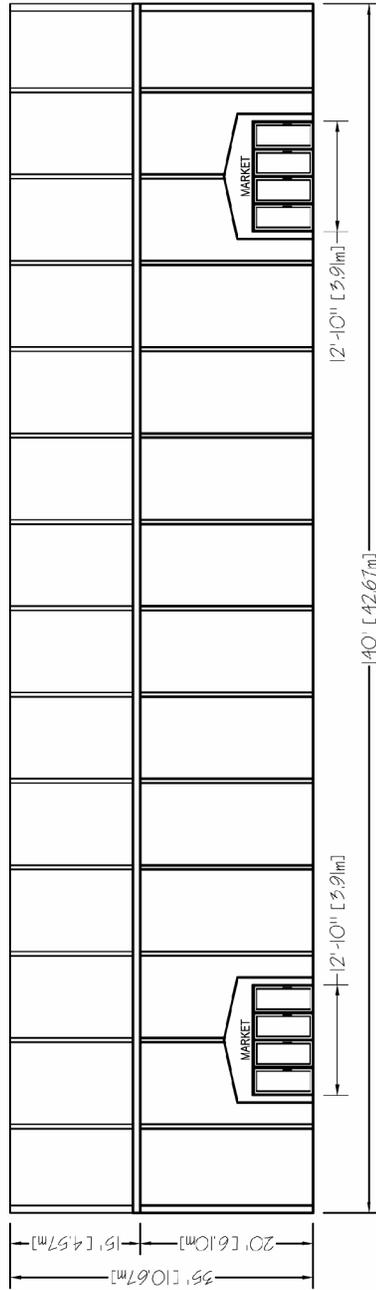
Attachment 2A-2D: Elevations

Attachment 3: Zoning

Attachment 4: Application Data Sheet

Attachment 5: Draft Zoning By-law Amendment

Attachment 2A: Elevations



North Elevation - The Esplanade

Elevation

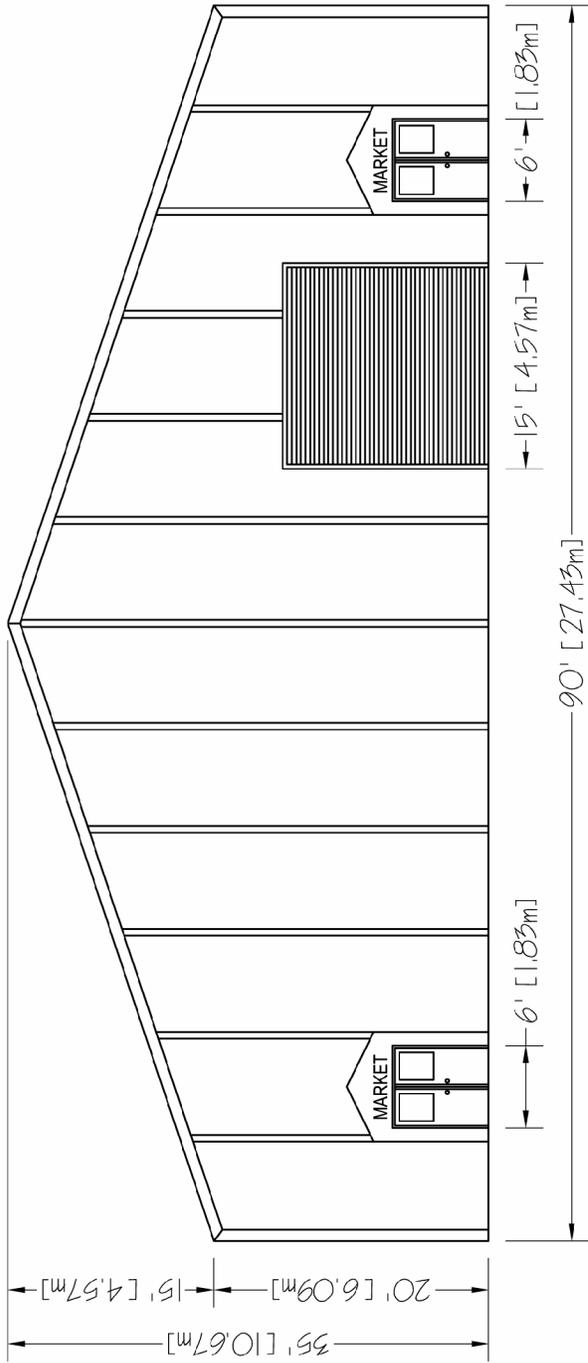
Applicant's Submitted Drawing

NCL to Scale
04/28/2009

125 The Esplanade

File # 06_162241

Attachment 2B – Elevations



West Elevation - Market Street

Elevation

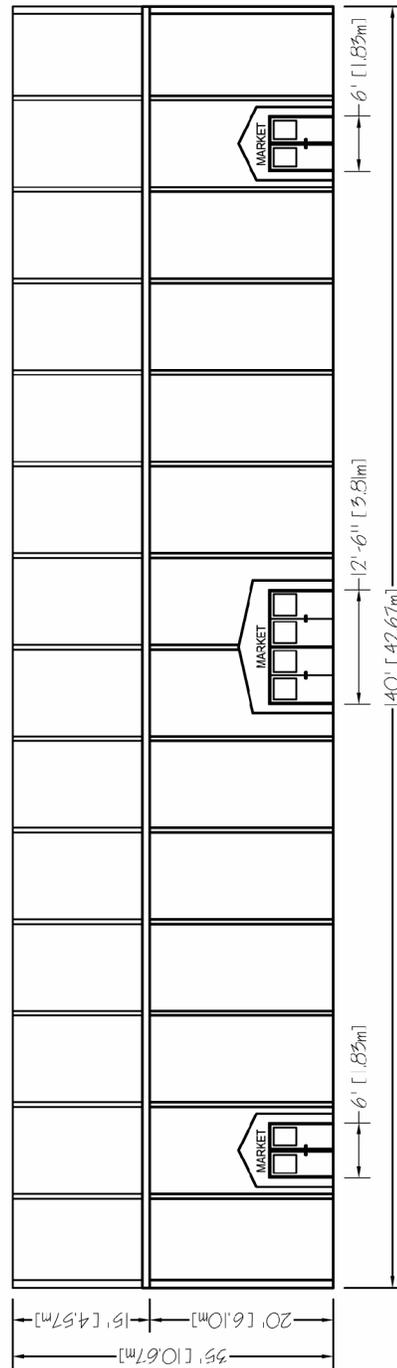
Applicant's Submitted Drawing

Not to Scale
04/29/2009

125 The Esplanade

File# 06_162241

Attachment 2C – Elevations



South Elevation - Wilton Street

Elevation

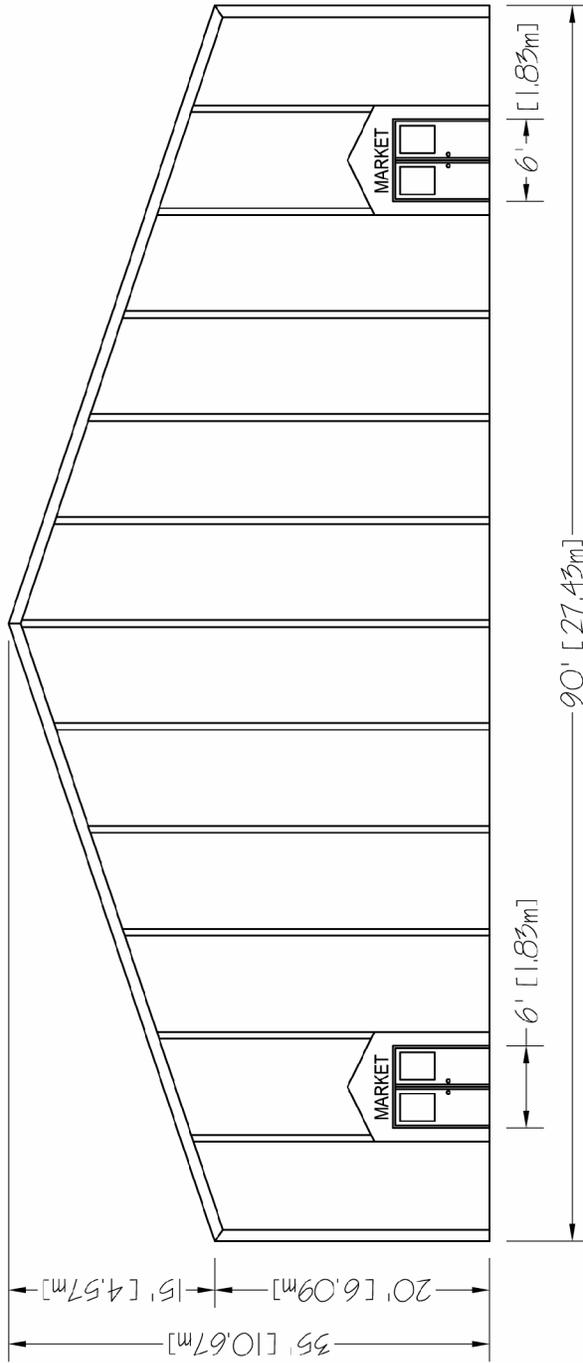
Applicant's Submitted Drawing

Not to Scale
04/29/2009

125 The Esplanade

File # 06_162241

Attachment 2D – Elevations



East Elevation - Lower Jarvis Street

Elevation

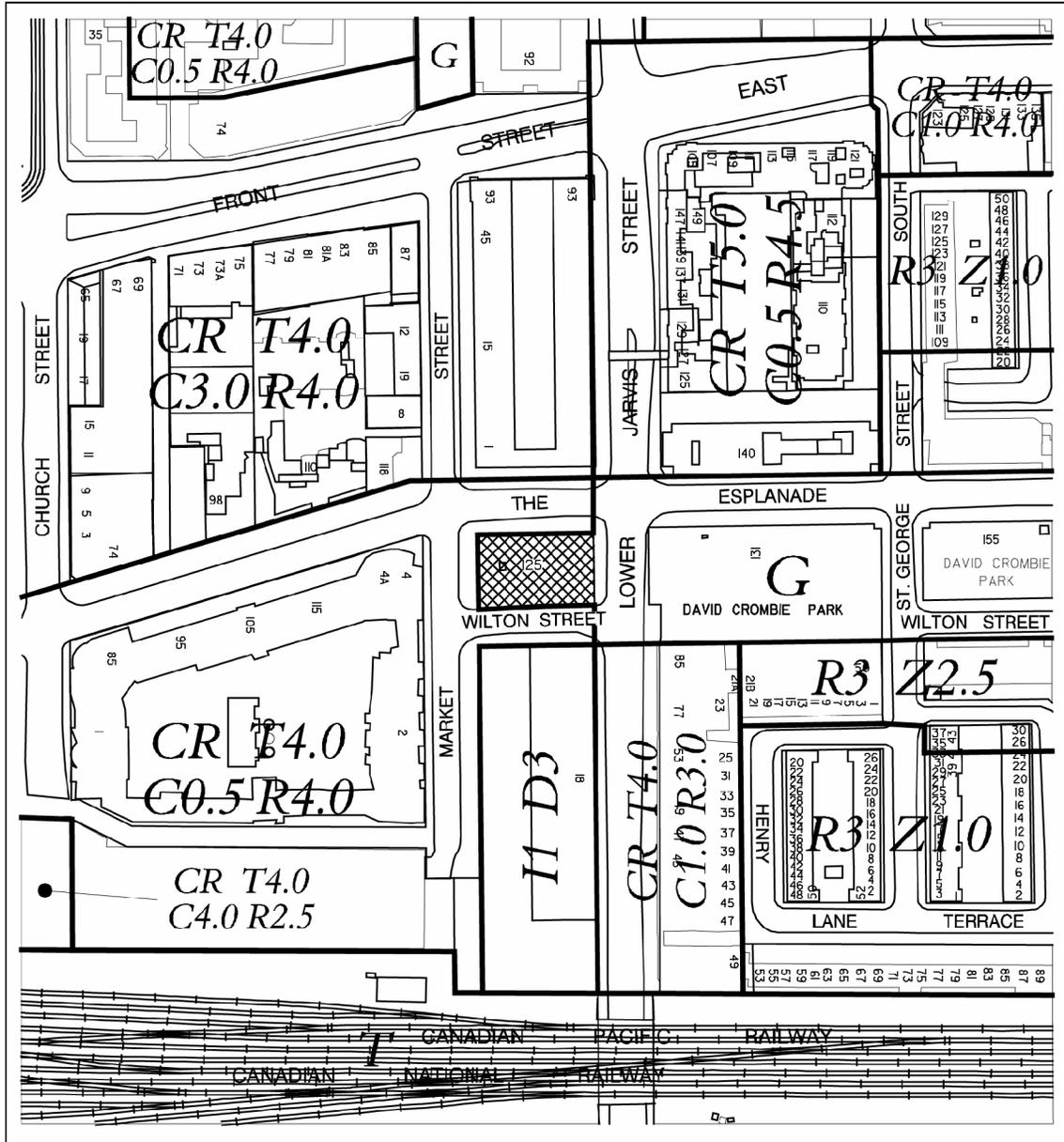
Applicant's Submitted Drawing

Not to Scale
04/29/2009

125 The Esplanade

File# 06_162241

Attachment 3: Zoning



TORONTO City Planning
Division
Zoning

125 The Esplanade
File # 06_162241

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



Not to Scale
Zoning By-law 438-86 as amended
Extracted 10/17/06 - TA

Attachment 4: Application Data Sheet

Application Type: Rezoning Application Number: 06 162241 STE 28 OZ
 Details: Rezoning, Temporary By-law Application Date: July 31, 2006

Municipal Address: 125 THE ESPLANADE, TORONTO ON
 Location Description: PT ESPLANADE ST CLOSED PL 5A PT LTS 22 & 23 RP 63R4876 PTS 5 & 6
 **GRID S2812
 Project Description: Application for a Temporary Zoning By-Law to permit a 1-storey pre fab temporary building to be located at 125 The Esplanade for a period of under three years.

Applicant: CITY OF TORONTO (Facilities & Real Estate)
 100 Queen Street West
 Toronto, ON M5H 2N2
Agent:
Architect:
Owner: CITY OF TORONTO

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 Historical Status: N
 Height Limit (m): 17 Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq. m): 1120.4 Height: Storeys: 1
 Frontage (m): 42.26 Metres: 10
 Depth (m): 27.3
 Total Ground Floor Area (sq. m): 1170.58 **Total**
 Total Residential GFA (sq. m): 0 Parking Spaces: 0
 Total Non-Residential GFA (sq. m): 1170.58 Loading Docks: 0
 Total GFA (sq. m): 1170.58
 Lot Coverage Ratio (%): 100
 Floor Space Index: 1.04

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Tenure Type:			
Rooms:	0	Residential GFA (sq. m): 0	0
Bachelor:	0	Retail GFA (sq. m): 1170.58	0
1 Bedroom:	0	Office GFA (sq. m): 0	0
2 Bedroom:	0	Industrial GFA (sq. m): 0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m): 0	0
Total Units:	0		

CONTACT: PLANNER NAME: John Andreevski, Senior Planner – Downtown Section
TELEPHONE: (416) 392-9434, e-mail: jandree@toronto.ca

Attachment 5: 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,
with respect to the lands municipally known as,
125 The Esplanade**

WHEREAS authority is given to Council by Section 39 for Temporary Use By-law 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 Plan 1 attached to a forming part of this By-law.
2. 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 land delineated by a heavy line and shown on the map attached hereto and forming part of this By-law as a *retail store, restaurant, showroom or community centre*, provided that:
 - a. The maximum height of any building or structure shall not exceed 11 metres measured to the peak of the roof.
 - b. The maximum non-residential gross floor area of any building or structure on the lot shall not exceed 1.0 times the area of the lot.
 - c. Parking and loading spaces shall not be required for any of the permitted uses.
3. This By-law shall be in effect for a period of 3 years from the date of passing hereof.

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

DAVID R. MILLER,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

