

Acquisition of park land at 50 St. Joseph St.

Date:	July 30, 2010
To:	Government Management Committee
From:	General Manager, Parks, Forestry and Recreation

CONFIDENTIAL RECOMMENDATIONS

The General Manager of Parks, Forestry and Recreation recommends that:

1. City Council authorize the acquisition of the lands referred to as Park Land Part 1, in the Section 37 Agreement dated August 29, 2008, made between the University of Toronto's St. Michael's College, Rattling Chain Investments Inc. and the City of Toronto, also identified in Schedule "A" to this report as "UOS", in its current environmental condition, waiving compliance with the provisions of subsection 8.4(b) of the Section 37 Agreement.

CONFIDENTIAL INFORMATION

Issue Background

City Council, at its meeting held on July 16, 17, 18, and 19, 2007, adopted the report entitled, "*Development Review Process: Review of Procedures and Updated Triggers for Environmental Site Assessment and Peer Review of Potentially Contaminated Lands being Conveyed to the City under the Planning Act*". In keeping with the Council approved conditions of approval, it is required that the owner of property to be conveyed, submit environmental reports for peer review by City-hired consultants. The proof of performance requirements (clean to required Ministry of Environment ("MOE") standards – Table 3) of the lands in question must be to the satisfaction of the City's peer reviewer prior to conveyance.

The Section 37 Agreement respecting the lands to be developed at 50 St. Joseph St. was written with an environmental requirement that is consistent with the above-referenced policy and, with reference to the acquisition of Park Land Part 1 (the "Parkette"), subsection 8.4(b) of that Agreement requires:

"...the Owner shall, in conjunction with the conveyance, provide certification from the Qualified Person to the satisfaction of Director, TS that Park Land Part 1 meets the Ministry of the Environment standards for Residential/Parkland/."

To address the conditions of approval, the owner engaged an environmental consultant whose report concluded that the Parkette met provincial environmental standards. Pursuant to City's development review process, Staff engaged AMEC Earth & Environmental Limited to conduct a peer review of the report provided by the owner's environmental consultant. The City's peer reviewer identified concerns with the owner's environmental report. Subsequent testing identified three locations on the Parkette site that did not meet Table 3 standards. To date, the peer reviewer has advised that:

...based on reports provided by the City that the near surface fill material may have been variably impacted across the Site with sodium absorption ratio (SAR) impacts and metals. Although SAR is generally not considered a major environmental concern, the presence of SAR above the Table 3 standards would preclude the obtaining of a Record of Site Condition (RSC) for this property. Additionally, the presence of metals impacts at various locations in the surficial soils above the Table 3 generic Site Condition Standards would also preclude obtaining a RSC for the Site."

In order to address the concerns identified by the peer review report, a 300 millimetre cap of clean soil was applied to one location where metal impacts were identified, thus creating a barrier between the impacted material and the surface. Provided that the cover is maintained, the public will not be exposed to impacted material.

There are 13 trees within the Parkette that are to be preserved. The trees are a mixture of small, medium and mature trees of desirable park species such as Red Oak, Silver Maple and Catalpa. Eight of the trees currently qualify for protection under the City of Toronto's Private Tree By-law. Further remediation efforts such as soil removal or capping of clean soil will adversely affect the trees and may destroy them.

Comments

The soil tests have demonstrated that the Parkette has levels of contamination which exceed MOE Table 3 standards. Specifically there are locations where environmental parameters, typically associated with salt, exceed the Table 3 standards and one location where metal concentrations exceed the Table 3 standards (which latter location has been capped with clean soil). As stated in the peer reviewer's report, this condition is not considered a major environmental concern.

The current environmental condition of the Parkette is considered generally and reasonably safe for public use. Considering that further remediation measures would adversely affect the existing trees, it is recommended that the Parkette be acquired in its present environmental condition without the need to comply with the provisions of subsection 8.4(b) of the Section 37 Agreement.