



STAFF REPORT ACTION REQUIRED

Conveyance of lands to be added to Joel Weeks Park

Date:	April 15, 2011
To:	Government Management Committee
From:	General Manager, Parks, Forestry and Recreation
Wards:	Ward 30 – Toronto – Danforth
Reference:	P:\2011\Cluster A\PFR\GM04-060111-AFS#13678

SUMMARY

This reports deals with the conveyance of land for parkland purposes within the Don Mount Court (DMC) subdivision. In connection with the DMC subdivision, the City and Toronto Community Housing Corporation ("TCHC") entered into a land exchange agreement under which the City conveyed City land to TCHC in exchange for the future conveyance by TCHC to the City of TCHC land for park purposes (the "Land Exchange Agreement"). The TCHC land to be conveyed to the City will be added to the existing Joel Weeks Park. The land has levels of salt that are higher than is permitted under City Policy which reflects provincial standards, but otherwise the soils meet all of the requirements of land that is clean to the level required for parkland purposes. The lands are not clean to Ministry of Environment (MOE) Generic Table 3 Site Condition Standards which are required for parkland acquisitions under the City policy adopted by City Council in July 2007 (the "City Policy").

The proposal is to convey the land with a 2.0 metre clean soil on top of the soils impacted with salt in compliance with MOE Table 5 Stratified Site Condition Standards. This will ensure that an appropriate growing medium for vegetation will be provided.

RECOMMENDATIONS

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

1. City Council grant a site specific exemption to the City Policy which requires park conveyances to be clean to MOE Generic Table 3 Site Condition Standards for the lands shown as Block 6 on Attachment A (the "Park Block"), provided the Park Block meets MOE Table 5 Stratified Site Condition Standards and the

- acquisition is otherwise in compliance with the City Policy, and subject to satisfactory Peer Review;
2. City Council, with TCHC concurrence, accept a MOE Table 5 Stratified Site Conditions Standard for the Park Block 6 Transfer, in substitution for the environmental requirement as set out in Section 1.8 (3) of Schedule "C" of the Subdivision Agreement for Don Mount Court; and
 3. City Council declare that, for the purposes of acquisition of the Park Block under the Land Exchange Agreement, compliance with the conditions stated in recommendations 1 and 2 of this report shall be deemed to be in compliance with City Council policies respecting soil remediation of sites to be acquired by the City.

FINANCIAL IMPACT

There is no cost to the City for conveying this land. The City and TCHC entered into a land exchange agreement under which the City conveyed City land to TCHC in exchange for the future conveyance by TCHC to the City of TCHC land for park purposes (the "Land Exchange Agreement").

The project scope has not yet been determined as park's design is in its final stages, however, Parks, Forestry and Recreation Division intends to work within the available resources.

Once park's design is finalized, the required operating funding for this additional land will be determined and, if any, submitted for consideration with the Parks, Forestry and Recreation future year Operating Budget submissions.

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

DECISION HISTORY

City Council, at its meeting of June 14, 15 and 16, 2005, adopted Motion J(8), entitled "Ontario Municipal Board Hearing - Redevelopment of the Don Mount Court site located at 825 Dundas Street East, 46 Hamilton Street, 35 Carroll Street and 120 Broadview Avenue."

<http://www.toronto.ca/legdocs/2005/minutes/council/cc050614.pdf>

City Council, at its meeting of June 8, 2010, adopted Toronto and East York Community Council Item TE34.45, entitled "Permanent Closure of a Portion of Carroll Street Extending Between Thompson Street and Davies Avenue and a Portion of Thompson Street for Incorporation into Joel Weeks Park."

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2010.TE34.45>

City Council, at its meeting of July 16, 17, 18 and 19, 2007, adopted Planning and Growth Management Committee Item PG7.9, 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."

<http://www.toronto.ca/legdocs/mmis/2007/cc/decisions/2007-07-16-cc11-dd.pdf>

City Council, at its meeting of July 25, 26 and 27, 2006 adopted Administration Report 5, Clause 16, entitled "Sale of Part of 46 Hamilton Street, Don Mount Parkette in Exchange for Certain Lands owned by Toronto Community Housing Corporation for Park Purposes."

<http://www.toronto.ca/legdocs/2006/agendas/council/cc060725/adm5rpt/cl016.pdf>

ISSUE BACKGROUND

As a result of the Don Mount Court development, and pursuant to the Subdivision Agreement and the Land Exchange Agreement, TCHC, as the developer of the Don Mount Court is required to convey the Park Block to the City of Toronto. The Park Block is located on the east side of Carroll Street. Carroll Street is being closed and added to the existing parkland, thereby enlarging Joel Weeks Park. The City closed and conveyed Don Mount Court Parkette to TCHC to be used as part of its residential development.

According to the City Policy, all parkland dedications are to be conveyed to the City certified clean for the intended purpose, which in this case is park. Through the Phase 2 Environmental Site Assessment (ESA) investigation, the identified soil impacts of concern were lead, boron, polycyclic hydrocarbons (PAH's), and Electrical Conductivity (EC), and sodium adsorption ration (SAR). Remediation work was completed on the lands that are to be conveyed as parkland. Soils impacted with lead, boron and PAH's were removed from the site, leaving EC and SAR.

A portion of the Park Block has levels of EC and SAR in the soil, typically associated with the application of road salt that is above the generic MOE Table 3 requirements for parkland. The EC and SAR impacted soils are located at least 2.0 metres below ground surface and within the footprint of the former Carroll Street parking lot. Rather than having the EC and SAR impacted soils excavated and removed, TCHC's Environmental Consultant recommended that the City accept a stratified approach to the EC and SAR levels where a minimum 2.0 metre depth of clean soil be retained on top of the EC and SAR impacted soils. In addition a 2.0 metre depth of clean soil would ensure that trees, shrubs and other plants can grow in a healthy state on these lands.

The City's Peer Reviewer reviewed TCHC's Environmental Consultant's results and proposal and (among other things) noted that the stratified approach was not consistent with the City Policy and, that for the City to accept this approach, required City Council

approval. They further note that in order to convey the Park Block in its present condition to the City in fulfilment of the requirements set out in the Subdivision Agreement and the Land Exchange Agreement would require City Council authorization. This report seeks that City Council authorization.

City Council has authorized the closing of the Carroll Street Road allowance in order to add that land to Joel Weeks Park. The closed road allowance will join the land that is the subject of this report with the existing Joel Weeks Park. In preparation for this land being added to the park, the City has completed a Phase I and II ESA in anticipation of obtaining a Record of Site Condition. The results of the ESAs indicate that there are no contaminants that exceed the MOE Table 3 standards for residential/parkland. Elevated values of electrical conductivity (EC) and sodium adsorption ratio (SAR) in the soils and sodium in the groundwater were identified at the site. These values were suspected to be the result of the use of road salt for de-icing. Impacts related to salt use for highways and de-icing area not considered to exceed the Standard under Subsection 48(3) of Ontario Reg. 153/04.

The soils of the Park Block and the closed road allowance will have similar elevated EC and SAR parameters once the park is complete. It should be noted that if the use of road salt at the affected location is reduced or discontinued, these values should diminish over time.

COMMENTS

The conveyance of the Park Block will allow the City to provide a new enlarged Joel Weeks Park. The Park Block lands are clean to the level required except for elevated levels of EC and SAR (salt in the soil). Salt is of particular concern for growing plants. There will be a 2.0 metre cap of clean soil on top of the impacted soils.

While the Park Block being added to Joel Weeks Park will not be conveyed until after the new park has been built, it is important to ensure before park development takes place that it will not be necessary to remove all of the park development elements in order to go back and remediate by digging out the EC and SAR impacted soil on the site. TCHC has requested that the proposed environmental condition be agreed to now so that they can continue the park development in an orderly process to meet the time lines set out in the Land Exchange Agreement.

Authorization of the stratified approach to the remediation of the Park Block is appropriate according to City staff and MOE regulations. The salt that is in the soil is not a human health concern under MOE regulations. Salt in the soil may affect plants which come in contact with it. The stratified approach is appropriate because the resulting parkland can be used safely by the public, while the 2.0 metre depth of soil provides a sufficient growing medium to allow for the healthy development of a wide variety of trees, shrubs and plants.

CONTACT

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SIGNATURE

Brenda Patterson
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ATTACHMENTS

Attachment A – Sketch showing parkland conveyance of Block 6 for the expansion of Joel Weeks Park