

48-108 Eastdale Avenue, 2-50 Secord Avenue - Exemption from "Policy for Accepting Potentially Contaminated Lands to be Conveyed to the City under the Planning Act"

Date: June 24, 2020

To: Toronto and East York Community Council

From: General Manager of Parks, Forestry and Recreation

Director, Engineering Review, Engineering and Construction Services

Wards:Ward 19

SUMMARY

This report seeks authority to accept conveyance of parkland in association with an infill and tower block redevelopment project at 2-50 Secord Avenue and 48-108 Eastdale Avenue prior to environmental remediation of the parkland and to provide relief from the applicable provisions of the City policy entitled "Policy for Accepting Potentially Contaminated Lands to be Conveyed to the City under the Planning Act" requiring remediation prior to conveyance.

The proposed delay in environmental remediation will allow residents of existing rental housing, partially located within the proposed parkland dedication lands, to stay in their units until they can be relocated into new replacement rental units constructed at another location on the development site. Future environmental remediation is proposed to be secured by financial security posted pursuant to a Section 37 Agreement which will be registered against title to the development site and is a precondition of the final approval of the proposed redevelopment by the Local Planning Appeal Tribunal.

RECOMMENDATIONS

The General Manager of Parks, Forestry and Recreation and the Director, Engineering Review, Engineering and Construction Services recommend that:

1. City Council authorize the City to accept conveyance of parkland dedication in association with an infill and tower block redevelopment project at 2-50 Secord Avenue and 48-108 Eastdale Avenue prior to environmental remediation of the parkland in order to allow residents of 12 existing rental units, partially located within the proposed parkland dedication lands, to remain in their units until they can be relocated into new replacement rental units constructed at another location on the development site.

2. City Council provide relief from the applicable provisions of the City policy entitled "Policy for Accepting Potentially Contaminated Lands to be Conveyed to the City under the Planning Act" to permit environmental remediation of the parkland dedication lands to take place after conveyance.

3. City Council require the owners of lands at 2-50 Secord Avenue and 48-108 Eastdale Avenue, prior to the conveyance of the parkland to the City, to provide financial security to the City to guarantee future demolition of the existing rental units and environmental remediation to the Ministry of Environment, Conservation and Parks standards as per Ontario Regulation 153/04 of the proposed parkland dedication in the amount satisfactory to the Executive Director, Corporate Real Estate Management, in consultation with the General Manager, Parks, Forestry and Recreation.

4. City Council authorize and direct the City Solicitor to enter into such agreements and take such steps as may be required in her sole discretion in order to implement Recommendations 1-3 above.

FINANCIAL IMPACT

There is no financial impact resulting from the adoption of the recommendations in this report.

Costs associated with the environmental remediation of the parkland will be borne by the developer. To mitigate against any risk of the Developer defaulting in its obligations to remediate the proposed parkland dedication lands, the City will obtain adequate financial security pursuant to the Section 37 Agreement which will be registered against title to the development site and which is a precondition of the final approval of the proposed redevelopment by the LPAT.

Any operating impacts as a result of conveyance of parkland to the City will be submitted through future year Operating Budget Submissions for consideration.

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

DECISION HISTORY

The developer plans to redevelop the site municipally known as 2-50 Secord Avenue and 48-108 Eastdale Avenue by adding two new buildings, constructing a new City park, and carrying out other site improvements. The development proposal is before the Local Planning Appeal Tribunal, and a settlement was approved. Council authorized the terms of the settlement through Item CC39.7 on April 24, 2018, and later approved the Developer's rental housing demolition application through Item TE34.21 on July 23, 2018.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.CC39.7\\Vs-pdv\pdvdata\PDV\PDV\POLICY\parks%20planning\1%20SOUTH%20DISTRICT\01%20>

[-Development%20Applications\90%20Eastdale\13-002RP05%20MAY%2013%272020.pdf](#)

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.TE34.21>

The planning approvals contemplate the exchange of an existing City park (Eastdale Parkette) for a new and larger park to be located at 2 Secord Avenue. The rental demolition approval requires the existing rental housing occupying the 2 Secord Avenue site to remain in place until replacement rental dwelling units are constructed elsewhere on the development site.

City Council further authorized the land exchange through Item MM9.50 on July 16, 2019 permitting the Eastdale Parkette lands to be transferred to the Developer and redeveloped as a residential tower approximately four years before the construction of the new City park at 2 Secord Avenue.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.MM9.50>

COMMENTS

2 Secord Inc. and 90 Eastdale Inc. (the "Developer") plan to redevelop the site municipally known as 2-50 Secord Avenue and 48-108 Eastdale Avenue by adding 35-storey residential tower, a 7-storey rental replacement building, constructing a new City park and carrying out other site improvements. City Council authorized a settlement of the Developer's planning applications before the Local Planning Appeal Tribunal (the "LPAT"), through Item CC39.7 on April 24, 2018. City Council approved the Developer's rental housing demolition application through Item TE34.21 on July 23, 2018.

The planning approvals contemplate the exchange of an existing City park at the northeast corner of the block (the "Eastdale Parkette") for a new City park to be located at 2 Secord Avenue (shown as Parts 5 and 6 in Appendix A). The rental demolition approval requires the existing rental housing occupying 2 Secord Avenue to remain in place until replacement rental dwelling units are constructed at another location on the development site.

Council authorized the proposed land exchange through Item MM9.50 on July 16, 2019 permitting the Eastdale Parkette lands to be transferred to the Developer. While redevelopment is underway, the lands of the new City park, currently occupied by rental townhouses, will be leased back to the Developer for nominal consideration for 46 months until such time as the rental replacement building is complete and the tenants of the rental townhouses are relocated on-site.

A portion of the new City park consists of parkland dedication lands which are to be conveyed to the City pursuant to the provisions of the Planning Act, prior to the issuance of the first above grade building permit (shown as Part 5 in Appendix A). Conveyances of parkland to the City are governed by the City policy entitled "Policy for Accepting Potentially Contaminated Lands to be Conveyed to the City under the Planning Act" (the "Policy"). In accordance with the Policy, the Developer must

complete a third-party peer review of environmental site assessment reports and subsequent remediation efforts for the proposed parkland to the satisfaction of the City in order to ensure that the parkland dedication lands to be conveyed to the City meet all applicable Ministry of the Environment, Conservation and Parks standards.

Based on the peer-reviewed results of the Phase Two Environmental Site Assessment completed to date, the site of the future park, including the parkland dedication lands, contains an unknown quantity of surface fill, likely originating from demolition of previous structures on the site that exceeds the applicable Site Conditions Standards under Ontario Regulation 153/04. As a result, remediation by excavation and off-site disposal of the surface fill to meet the criteria set out in the Policy is required. The remediation of the proposed parkland is impossible without displacing at least some of the tenants. It is also not practical unless conducted in conjunction with the environmental remediation of the rest of the lands of the new City park at the end of the lease.

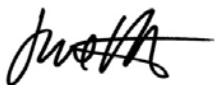
Considering the importance of maintaining secure homes for tenants and the fact that it is feasible to remediate lands dedicated for parkland, after the tenants are relocated to new accommodations, this report recommends that Council authorize relief from the provisions of the Policy requiring environmental remediation of parkland dedication lands to take place prior to conveyance. To mitigate against any risk of the Developer defaulting in its obligations to remediate the proposed parkland dedication lands, the City will obtain adequate financial security pursuant to the Section 37 Agreement which will be registered against title to the development site and which is a precondition of the final approval of the proposed redevelopment by the LPAT.

CONTACT

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SIGNATURE



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ATTACHMENTS

Appendix A - Site Map & Reference Plan Sketch

