

TORONTO STAFF REPORT

June 9, 2006

To: Economic Development and Parks Committee

From: Brenda Librecz, General Manager, Parks, Forestry and Recreation
Joseph P. Pennachetti, Deputy City Manager and Chief Financial Officer

Subject: 1400 Avenue Road - Otter Loop
(Ward 16 - Eglinton-Lawrence)

Purpose:

To authorize the acquisition of 1400 Avenue Road - Otter Loop, establish an obligatory reserve fund to receive donations to develop the site and issue receipts for income tax purposes for eligible donations in accordance with the Income Tax Act.

Financial Implications and Impact Statement:

This report recommends acquiring 1400 Avenue Road – Otter Loop from the Toronto Transit Commission (TTC) for nominal consideration, to be developed as a park. To provide funding to develop the site as a park, it is being recommended that a Reserve Fund be created to support fundraising. The fundraising target for this Reserve Fund is \$160,000.00.

It is being recommended that any necessary environmental assessments be completed prior to the transfer of 1400 Avenue Road from the TTC to the City of Toronto and the costs, up to \$28,000.00, be funded from the Parkland Acquisition capital project (CPR115-36-03).

The costs associated with acquiring the site, environmental remediation and the development of the park will be funded from the Reserve Fund.

Ongoing maintenance of the developed park site will be the responsibility of the Parks, Forestry and Recreation Division.

Recommendations:

It is recommended that:

- (1) the Chief Corporate Officer be authorized to accept a transfer of the property known municipally as 1400 Avenue Road (Otter Loop) for parks purposes from Toronto Transit

Commission, for nominal consideration, on such terms and conditions satisfactory to the Chief Corporate Officer and the General Manager, Parks, Forestry and Recreation and in a form satisfactory to the City Solicitor;

- (2) the City Solicitor be authorized to complete the transaction on behalf of the City, including making payment of any necessary expenses, and amending the closing and other dates to such earlier or later dates and on such terms as may from time to time be considered reasonable;
- (3) the Chief Corporate Officer be authorized to make any necessary arrangements with the Toronto Transit Commission for access to the property required for inspection, assessment and site preparation prior to the transfer;
- (4) any necessary environmental assessments be completed prior to the transfer and the costs, up to \$28,000.00, be funded from the Parkland Acquisition capital project (CPR115-36-03);
- (5) authority be granted to pay upfront any applicable taxes and registration costs related to the transfer of the property from the Parkland Acquisition capital project (CPR115-36-03); which amounts will be reimbursed from the Otter Loop Improvements Reserve Fund;
- (6) City Council establish an obligatory reserve fund called “Otter Loop Park Improvements Reserve Fund”, with criteria as described in the body of this report, for receiving donations for Otter Loop Park for the purpose of funding park improvements;
- (7) Municipal Code, Chapter 227 [Reserves and Reserve Funds] be amended by adding the “Otter Loop Park Improvements Reserve Fund” to Schedule 9 – Donations Obligatory Reserve Fund;
- (8) all donations received by the City for the Otter Loop Park Improvements Reserve Fund, be held separately in the Otter Loop Park Improvements Reserve Fund designated for this purpose, and receipts for income tax purposes be issued to donors for eligible donations in accordance with the Income Tax Act and City policy in this regard;
- (9) this report be forwarded to Policy & Finance Committee for consideration; and
- (10) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto; and that leave be granted for the introduction of any necessary bills in Council to give effect thereto.

Background:

At its meeting on March 22, 2006, the Toronto Transit Commission approved Report No. 23, headed, "Sale of Surplus Property – 1400 Avenue Road (Otter Loop)". Recommendation 2 of the report authorized TTC staff to offer Otter Loop to the City of Toronto for use as open green space by the City's Parks, Forestry and Recreation Division for a nominal sum with all maintenance by City staff at no cost to the Commission.

At its meeting on April 25, 26 and 27, 2006, Council adopted Policy and Finance Committee Report 3, Clause 24, headed "Creation of a Public Account for Donations for the Redevelopment of 1400 Avenue Road into a Community Park" and referred this Clause to the General Manager, Parks, Forestry and Recreation, for a report to the Economic Development and Parks Committee.

Comments:

The property is located on the west side of Avenue Road, south of Lawrence Avenue, and opposite the southern limit of Havergal College. Two residential streets, Otter Crescent and Kimbark Boulevard, converge on Avenue Road immediately south of the subject property.

The property is approximately 385 square metres in size, not including the abutting road right-of-ways on the Avenue Road and Otter Crescent sides. Approximately 315 square metres of the site is currently paved with asphalt and concrete. This figure does include the portions that extend into the road right-of-ways, as it is assumed all of the pavement on and around the site would be removed. The remainder of the property is minimally landscaped with turf, a bed of yew shrubs and a few small trees.

A single storey, one-room, brick and glass, bus passenger waiting structure occupies the north-west corner of the site. A washroom for TTC drivers is attached to the waiting area. The entire structure is approximately 35 square metres in size.

The site in question is an old TTC loop and is 'owned' by the TTC. The site was declared surplus in 1997. In order for the City to turn the site into a park, it is necessary for the City to acquire the site from the TTC. At its meeting held on March 22, 2006, the Toronto Transit Commission authorized its staff to offer Otter Loop to the City for use as an open green space for a nominal sum with all maintenance by City staff at no cost to the Commission. It is recommended that the City be authorized to accept a transfer of the property, for nominal consideration, given the relationship between the City and the TTC. The City will pay any applicable taxes and registration costs related to the transfer of the property up front. These amounts can be reimbursed from the Otter Loop Park Improvements Reserve Fund once park development is underway. Once the City acquires title to the property, on-going maintenance will be the responsibility of Parks, Forestry and Recreation.

It is City policy that land acquired for parks meet the provincial environmental criteria for parkland. To ensure that the property meets these standards, access to the property is required to conduct any necessary environmental assessments prior to the transfer of the lands to the City. Accordingly, a recommendation to make any necessary arrangements with TTC for access to the

property is included in this report. The costs, up to \$28,000.00, for any environmental assessments will be funded from the Parkland Acquisition capital project (CPR115-36-03).

If contamination is discovered during the environmental investigations, there are two options. If the contamination is confined in area and nature, the volume of contaminated soil can be transported off-site during the site preparation. These costs will be included in the site preparations costs. An allowance for a small amount to deal with any potential contamination costs is included in the \$160,000.00 total for park development costs.

If the contamination is more extensive and costly to remediate, the General Manager, Parks Forestry and Recreation will report to Council detailing the environmental concern and seeking further direction as to whether the City should proceed to acquire the property. It is anticipated that there should be little, if any, environmental concerns with Otter Loop.

The preliminary landscape concept envisions the following work to the site to develop it into a community park:

- site preparation;
- internal walkways to connect to Avenue Road and Otter Crescent;
- seating areas and a drinking fountain;
- trees, shrubs and other soft landscaping elements; and
- a public art component.

It is anticipated that this work, any potential environmental remediation, plus the costs associated with acquiring the site, including any applicable taxes and registration costs related to the transfer of the property, will be \$160,000.00.

It is recommended that the park development including but not limited to all site remediation, consulting and administration fees, materials and installation, be at no cost to the City in that the community will donate the \$160,000.00 necessary for the improvements. To facilitate the fundraising effort, it is recommended that a reserve fund be established and that the City issue tax receipts where appropriate to donors. The proposed Otter Loop Park Improvements Reserve Fund would include the following rules:

(a) Statement of Purpose:

The Otter Loop Park Improvements Reserve Fund is established to receive donations for the park for the purpose of funding park improvements.

(b) Service Area or Beneficiary of the Program:

Parks, Forestry and Recreation shall have primary responsibility for the reserve fund.

(c) Contribution Policy:

Funds from donors will be deposited as received in the reserve fund and the City will provide income tax receipts to all donors pursuant to City policies.

(d) Initial Contribution:

The City has received a commitment of an initial contribution from Post City Magazines in the amount of \$25,000.00.

(e) Withdrawal Policy:

Funds will be withdrawn either as part of the normal capital budget process (allocation to projects) for the purposes of the Otter Loop Park project or through a specific report to City Council authorizing the purpose and amount of the withdrawal. Should the fundraising target not be met and the funds raised not be sufficiently adequate to improve the site, then the funds could be diverted to another site or purpose upon a subsequent report to Council.

(f) Review Cycle:

The reserve fund will be reviewed once every three years, and closed when the fund is depleted.

(g) Fundraising Target:

The fundraising target for the enhancement of Otter Loop Park is \$160,000.00. This is based on estimated costs provided by Parks, Forestry and Recreation staff for the planned enhancements. The degree of enhancements possible will be solely based on the funds raised.

Conclusions:

A surplus TTC site has become available. This report is recommending that the City acquire the site for nominal consideration and develop it into a community park. To fund the redevelopment of the site, it is being recommended that the City establish a reserve fund to accept donations and that tax receipts be issued where appropriate.

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