



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

250 Year Old Oak Tree - 76 Coral Gable Drive

Date: June 26, 2018

To: Government Management Committee

From: Interim City Manager

Deputy City Manager, Internal Corporate Services

Wards: Ward 7 - York West

REASON FOR CONFIDENTIAL INFORMATION

This report is about a proposed or pending land acquisition by the City

SUMMARY

City Council at its meeting of May 23, 24 & 25, 2018 requested the City Manager and the Deputy City Manager, Internal Corporate Services to report back to the meeting of Government Management Committee on July 3, 2018, on the feasibility of acquiring 76 Coral Gable Drive using the west parkland acquisition fund XR2203 should private fundraising reach 50 percent of the estimated value of the property. City Council also directed the Toronto Office of Partnerships to work with private donors to fundraise 50 percent of the estimated property value for the use of purchasing 76 Coral Gable Drive and preserving the 250 year old oak tree.

RECOMMENDATIONS

The City Manager and Deputy City Manager, Internal Corporate Services recommend that:

1. City Council authorize the Deputy City Manager, Internal Corporate Services to negotiate the acquisition of 76 Coral Gable Drive in consultation with the General Manager, Parks, Forestry & Recreation and the Toronto Office of Partnerships, subject to a successful arboricultural assessment of the 250 year old oak tree; and at least 50% of the determined market value being funded from private donations.
2. City Council approve the acquisition of the property municipally known as 76 Coral Gable Avenue from its current owner on the terms and conditions outlined in Confidential Attachment 1, and on such other terms and conditions as determined by the Deputy City Manager, Internal Corporate Services, and in a form acceptable to the

City Solicitor with 50% or more of the determined market value being funded from private donations.

3. City Council authorize the public release of Confidential Attachment 1 to this report following the closing of any related transaction.

FINANCIAL IMPACT

This report is to present preliminary information on the suitability of the property and as such, there is no financial impact. Relevant financial information is set out in Confidential Attachment 1 as it involves potential land acquisition and renovation costs.

Subject to successful negotiations with the owner, Parks, Forestry and Recreation will include the cost of the acquisition along with the appropriate funding source, as part of the 2019 Budget Submission.

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

DECISION HISTORY

At its meeting of May 23, 24 & 25, 2018 City Council requested the City Manager and the Deputy City Manager, Internal Corporate Services to report back to the meeting of Government Management Committee on July 3, 2018, on the feasibility of acquiring 76 Coral Gable Drive City Council request the City Manager and the Deputy City Manager, Internal Corporate Services, to report to the July 3, 2018 Government Management Committee meeting on the feasibility of acquiring the property at 76 Coral Gable Drive using the west parkland acquisition fund XR2203 should private fundraising reach 50 percent of the estimated value of the property. City Council also directed the Toronto Office of Partnerships to work with private donors to fundraise 50 percent of the estimated property value for the use of purchasing 76 Coral Gable Drive and preserving the 250 year old oak tree.

City Council also directed the Toronto Office of Partnerships to work with private donors to fundraise 50 percent of the estimated property value for the use of purchasing 76 Coral Gable Drive and preserving the 250 year old oak tree.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.EY29.55>

At its meeting of April 4, 2018 the Etobicoke York Community Council requested the City Manager and the Deputy City Manager, Internal Corporate Services, to report directly to City Council on April 24, 2018, on the feasibility of acquiring the property on Coral Gable Drive in order to preserve the 250 year old oak tree.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.EY29.55>

At its meeting of February 27, 2017 the Parks and Environment Committee received a report from the General Manager of Parks, Forestry and Recreation "Protection of Heritage Trees", which provided details on how Parks, Forestry and Recreation protects heritage trees, using available bylaws, internal policies and procedures, and the sharing of information with public utilities and other operational City divisions.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.PE17.3>

At its meeting of December 8, 2015, City Council adopted a report on the "Feasibility of Establishing a Fund Dedicated to the Maintenance of the Tree and the Cost of Acquiring the Property at 76 Coral Gable Drive".

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.EX10.11>

At its meeting of November 2 and 3, 2015, City Council amended Member's Motion 10.1 Request to Protect a 250 Year Old Oak Tree, thought to be the largest and oldest red oak in Toronto and, in so doing, directed the Deputy City Manager & Chief Financial Officer, in consultation with the General Manager, Parks, Forestry and Recreation and the Director, Toronto Office of Partnerships, to report to the December 1, 2015 meeting of the Executive Committee on the feasibility of establishing a Fund dedicated to receiving contributions toward the maintenance of the tree and the cost of acquiring the property at 76 Coral Gable Drive in the future, including, but not limited to the following:

- i. the establishment of the fund itself;
- ii. the facilitation of public contributions to the Fund, including the possible involvement of financial institutions in facilitating such contributions; and
- iii. the potential use of the City's website to facilitate such contributions.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.MM10.1>

COMMENTS

Due to its size, age and cultural significance, the red oak tree at 76 Coral Gable Drive is recognized as a heritage tree under Forests Ontario's Heritage Tree Program. The tree is currently protected under the provisions of the City's Private Tree By-law. City staff do not have the authority under the bylaw to issue injury or destruction permits for heritage trees. Where a permit application is submitted for a heritage tree, the decision would be referred to City Council through Community Council by way of the Private Tree By-law appeal process.

In 2015, when the ownership of the property was changing hands, Councillor Mammoliti introduced a Member's Motion at the Council meeting of November 2, 2015 which, upon amendment, requested a staff report on the feasibility of establishing a fund dedicated to receiving contributions towards acquiring 76 Coral Gable Drive and maintaining the tree.

The report back ("Feasibility of Establishing a Fund Dedicated to the Maintenance of the Tree and the Cost of Acquiring the Property at 76 Coral Gable Drive") was adopted by Council at its meeting of December 8, 2015:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.EX10.11>

Since the City does not have the authority to maintain privately-owned trees and because there is no existing process to transfer funds to a property owner for this purpose, this 2015 report recommended that the Toronto Office of Partnerships (TOP), in consultation with Parks, Forestry and Recreation (PF&R) and the Treasurer, "further explore the option of a third party organization taking responsibility to raise funds and maintain the 250 year old oak tree at 76 Coral Gable Drive."

There are currently 26 individual trees located on private property throughout the City that are recognized as heritage trees or have the potential to be recognized as heritage trees. If the City purchases 76 Coral Gable Drive, the owners of these trees could come forward seeking to sever their properties and sell to the City. The City would then assume the responsibility and maintenance of these heritage trees.

Toronto Office of Partnerships and Parks, Forestry & Recreation staff met with the Parks & Trees Foundation in early 2016 to discuss the organization's interest and capacity to lead this initiative. The Foundation agreed to manage the fundraising campaign and receive donations via their website. However, in order to undertake such a campaign, a fundraising target was needed.

Toronto Office of Partnerships spoke with the owner of 76 Coral Gable Drive in March 2016 and continued to correspond with him and his representatives (lawyer and real estate agent) over the following months. Each time, City staff asked for a firm sale price range, despite repeated requests, no response was forthcoming. As a result, the Toronto Office of Partnerships informed the property owner that the file would be placed on hold until a sale price was communicated.

In May 2018 City Council directed the Toronto Office of Partnerships to work with private donors to fundraise 50 percent of the estimated property value for the use of purchasing 76 Coral Gable Drive and preserving the 250 year old oak tree.

The City has agreement with the Parks & Trees Foundation to act as trustee for funds raised. Once the price and terms have been agreed to, the Toronto Office of Partnerships along with the Foundation, can aggressively pursue fundraising options.

The City is now in contact with the home owner and has undertaken its due diligence regarding the structural and botanical condition of the red oak tree. An arboricultural assessment of the tree was performed by Urban Forest Innovations Inc., an independent arborist to determine the viability of the tree over the long term. In a report dated June 25, 2018 the arborist's overall analysis of the tree has revealed that despite its age, the tree is in fair to good condition, based upon its structure and health. Aerial and tomographic inspection of the tree has determined that it has no significant structural defects and poses a low risk of failure. Further laboratory analysis of foliar health is pending.

In order to have a transparent and effective fundraising campaign, it is essential to have agreement with the home owner to confirm that the sale of the property will proceed. The negotiations are in early stages now and confirmation is premature. Without confirmation, no fundraising can occur.

The City's Official Plan does not identify the site as being in an area of parkland need and the emerging draft City-wide Parkland Strategy also does not identify this site as being in an area of future parkland need.

CONTACT

David Jollimore, Director, Real Estate Services, Tel.: (416) 392-8217
Email: David.Jollimore@toronto.ca

Jason Doyle, Director, Urban Forestry, Tel: (416) 392-1894
Email: Jason.Doyle@toronto.ca

Phyllis Berck, Director, Toronto Office of Partnerships, Tel: (416) 392-6119
Email: Phyllis.Berck@toronto.ca

SIGNATURE

Giuliana Carbone
Interim City Manager

Josie Scioli
Deputy City Manager, Internal Corporate Services

ATTACHMENTS

Appendix A - Location Map
Confidential Attachment 1

Appendix A - Location Map

