



## STAFF REPORT ACTION REQUIRED

### 2901 Bayview Avenue - Removal of Eleven (11) City Owned Trees

<b>Date:</b>	April 11, 2007
<b>To:</b>	North York Community Council
<b>From:</b>	Brenda Librecz, General Manager, Parks, Forestry and Recreation
<b>Wards:</b>	Ward 24 - Willowdale
<b>Reference Number:</b>	

#### SUMMARY

---

To report on a request filed by the property owner for permission to remove eleven (11) City-owned boulevard trees, located on the Bayview Avenue frontage. Tree removal is required to accommodate the construction of an access route that will be used during construction. The route will provide access for overhead cranes, and the delivery of supplies during the construction of a 15-storey residential condominium that was approved by the Ontario Municipal Board (OMB).

The applicant has explored alternative access options including the usage of a neighbouring property and the closure of the Bayview Avenue northbound curb lane, with permission for both options being denied by the neighbour and Transportation Services respectively.

Removing and replacing the eleven (11) trees at the applicant's expense with cash-in-lieu being provided for additional tree planting in the community will allow the OMB-approved development to proceed and improve the growing environment for City-owned trees on the site.

#### RECOMMENDATIONS

---

**The General Manager of Parks, Forestry and Recreation recommends** that Council approve the request for permission to remove eleven (11) City-owned boulevard trees fronting 2901 Bayview Avenue, conditional on:

- a. the applicant paying all applicable costs and complying with all other requirements as set out in *City of Toronto Municipal Code, Chapter 813, Trees, Article II*;
- b. the subject trees not being removed until permitted construction and/or demolition-related activities in accordance with the approved plans commence that warrant the destruction of the trees;
- c. the applicant planting eleven (11) 70-millimetre calliper replacement trees, with an automatic sprinkler system, to the satisfaction of the General Manager of Parks, Forestry and Recreation; and
- d. the applicant paying an additional fee of \$19,229.00 as cash-in-lieu at a 3 to 1 replacement tree ratio.

### **Financial Impact**

There are no financial implications resulting from the adoption of this report.

### **ISSUE BACKGROUND**

The property was subject to an Ontario Municipal Board hearing on January 31, 2007, which granted approval to develop the site subject to conditions.

The applicant received a response for requested access to the neighbouring Orlando Corporation lands on February 28, 2007. The request for minor encroachment on the Bayview Village lands for any construction was denied.

On February 28, 2007, a meeting was held with City staff and the applicant to review the application including site access options. A detailed traffic management plan was submitted to the City for review on March 9, 2007, requiring the use of the City boulevard for construction. This proposal was presented to the Ward Councillor on March 26, 2007, at which time a request was made for the applicant to explore an option using the lands on the north end of the property. At the time of writing this report, the applicant has not provided a response to the request.

A written request was received by Urban Forestry on January 31, 2007, for permission to remove eleven (11) City-owned trees located on the City boulevard. There is one mature 28-centimetre diameter tree in fair condition; the remaining trees are 12-centimetre in diameter or less and in fair to good condition. The request was made as part of the proposed Traffic Management Plan for phase II of the construction. The applicant has requested permission from Transportation Services to use the City boulevard to construct a temporary covered sidewalk, site access for construction vehicles and a staging area. The request was resubmitted on March 29, 2007, following meetings with City staff and Daniel HR Corporation. The written request for tree removal indicates that all possible site access options have been explored and requests that the issue be heard at a meeting of Community Council.

## **COMMENTS**

A request made to the City's Right of Way Management Section for permission to close the curb lane of northbound Bayview Avenue was denied. The recourse for the applicant is to request permission for removal of the subject City trees.

A condition of the OMB approval is that the applicant constructs a new 2.0 metre wide public sidewalk along the subject Bayview Avenue property line. This will replace the existing 1.2 metre wide boulevard with a 3.0 m wide boulevard providing a better growing environment for the replacement trees.

The applicant will be required to submit a planting plan indicating the size and species of the eleven (11) trees to be planted as replacement. Additionally, the applicant will be required to pay \$19,229.00 that will be used for tree planting in the community surrounding the development site.

## **CONTACT**

Richard Ubbens, R.P.F., Director, Urban Forestry, Parks, Forestry and Recreation,  
Tel: 416 392-1894, Fax: 416 392-1915, Email: [rubbens@toronto.ca](mailto:rubbens@toronto.ca)

## **SIGNATURE**

---

Brenda Librecz  
General Manager, Parks, Forestry and Recreation

## **ATTACHMENTS:**

Attachments: 1- Letter from Daniels HR Corporation dated March 29, 2007  
2- Photograph showing the 11 subject trees in question

**Attachment: 1 – Letter of March 29, 2007 from Daniels HR Corporation**

**Daniels HR Corporation**  
Suite 3400 – 20 Queen Street West  
Toronto, ON M5H 3R3  
Tel: (416) 598-2129  
Fax: (416) 979-0415

*Via Facsimile (416) 395-7886*

March 29, 2007

City of Toronto  
Parks, Forestry & Recreation - Urban Forestry  
5100 Yonge Street, 3<sup>rd</sup> Floor  
Toronto, Ontario  
M2N 5V7

**Attn: Mr. Harrold Moffat, Supervisor of Tree Protection & Plan Review**

Dear Mr. Moffat:

**Re: Written Request to Remove City Owned Trees  
2885 Bayview Avenue  
NE Corner Bayview Avenue and Sheppard Avenue East  
Site Plan Approval Application No. 06 152140 NNY 24 SA**

---

As you are aware, pursuant to the requirements of the OMB site plan approval for the above noted project Daniels filed a request to remove 11 City owned trees on January 31, 2007 to facilitate issuance of a shoring and excavation permit to start construction. Following receipt of this application we understand you met with the local Councillor on February 19, 2007 to obtain his approval to the tree removal application. As we know, the Councillor refused to support the application and at his request a meeting was held between Daniels and City staff on February 28, 2007 to discuss alternative construction access. Daniels then prepared a comprehensive response to all City raised issues in a letter dated March 9, 2007 submitted to Robert Taylor.

In the March 9, 2007 letter all options were explored to allow the construction of the building explicitly taking into account the health and safety of the public and construction workers. As you know, Daniels agreed to complete all site excavation without the removal of the 11 City owned trees, however, in order to safely complete construction of the underground parking garage the 11 City owned trees will have to be removed. Moreover, we understand City staff is supportive of the tree removal application as the trees are required to be removed as part of the OMB approval to allow for the installation of the City requested sidewalk.

Part 1 of 2

**Attachment: 1 – Letter of March 29, 2007 from Daniels HR Corporation**

Mr. Harrold Moffat  
March 29, 2007  
Page 2 of 2

We understand you met with the Councillor on March 26, 2007 and the options presented by Daniels were still not accepted. Without reiterating the content of our March 9, 2007 letter, Daniels cannot safely and efficiently construct this building without using the Bayview Avenue boulevard.

Through discussions with you we understand the Councillor will not support the removal of the boulevard trees and instead is now asking Daniels to utilize only the excavated area and lands to the north for construction staging. It is important for you to understand the utilization of these lands would contravene health and safety regulations and significantly add to construction timeframes which will negatively impact to the community as previously outlined in the March 9, 2007 letter.

As the Ward Councillor has now refused to support this application on two separate occasions and Daniels has filed all required permits, materials and fees required by the City through the OMB site plan approval, please accept this letter as our formal request to prepare a staff report on this matter for consideration at the next North York Community Council.

Should you have any questions or require any additional information or assistance, please contact the undersigned directly.

Yours truly,



Neil Pattison, MCIP, RPP  
Manager of Development  
Tel: (416) 598-2129 x2353  
Fax: (416) 979-0415  
Email: [npattison@danielscorp.com](mailto:npattison@danielscorp.com)

c.c. Niall Haggart, Vice President, Daniels HR Corporation  
Steve Forrester, Senior Planner, City of Toronto  
Bob Taylor, Supervisor, Right of Way Management, City of Toronto  
Bruce Gordon, Urban Forestry Planner, City of Toronto  
Brian Haley, Solicitor, City of Toronto  
Mark Noskiewicz, Goodmans LLP

*S:\Neil\Active Projects\Arc\Letters\070329\_HM City Tree Removal Refusal Request.doc*

Part 2 of 2

Staff report for action on 2901 Bayview Avenue – Removal of 11 City Trees

**Attachment: 2 - 2901 Bayview Avenue**

View of the subject trees in question located between the street curb and City sidewalk.

