

## **191A King Street – Application to Injure Two Privately-Owned Trees**

<b>Date:</b>	January 14, 2009
<b>To:</b>	Etobicoke York Community Council
<b>From:</b>	Richard Ubbens, Director, Urban Forestry, Parks, Forestry and Recreation
<b>Wards:</b>	Ward 11 – York South-Weston
<b>Reference Number:</b>	

### **SUMMARY**

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The report requests Council’s authority to approve the request to injure two (2) privately owned trees, situated along the east property line of 189 King Street. This request has been made to allow for the construction of a new single family home on the property at 191A King Street.

Inspection of the trees by staff revealed that both are in fair to good condition. Construction of the new home will encroach upon the minimum required tree protection zone of both trees, as defined in the City of Toronto’s Tree Protection Policy and Specifications for Construction Near Trees.

The applicant has provided a tree preservation plan detailing the impact the proposed construction will have on the trees and the arboricultural techniques that will be employed to minimize this affect. Urban Forestry is satisfied that implementation of this plan will serve to adequately protect the trees throughout the course of construction.

### **RECOMMENDATIONS**

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**The General Manager of Parks, Forestry and Recreation recommends that** Council approve the request to injure two (2) privately-owned trees located at 189 King Street to allow construction of a single family dwelling at 191A King Street.

#### **Financial Impact**

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

## **ISSUE BACKGROUND**

In accordance with *City of Toronto Municipal Code, Chapter 813, Trees, Article III*, an application has been made by the property owner of 191A King Street requesting permission to injure two (2) privately-owned trees located at 189 King Street.

The proposed construction of a single family dwelling at 191A King Street will encroach upon the minimum tree protection zones of both trees.

## **COMMENTS**

An application for permit was received on November 24, 2008, from Al Miley & Associates on behalf of the property owner of 191A King Street, for the removal of one privately-owned tree and the injury of two (2) additional trees. The application was submitted in conjunction with a proposal to demolish an existing home, sever the property and construct two new single family dwellings.

The tree proposed for removal is a Colorado spruce tree (*Picea pungens*), measuring 39 cm in diameter, situated at the front of the property. Urban Forestry has confirmed that this tree is in poor condition. In accordance with *Section 813-16.A, of City of Toronto Municipal Code, Chapter 813, Trees, Article III*, Urban Forestry will be issuing a permit authorizing the removal of this tree. Issuance of a permit authorizing tree removal will be subject to the applicant adhering to a number of conditions including the planting of a minimum of three large growing deciduous trees at the site.

It should also be noted that there is a City-owned Norway maple tree (*Acer platanoides*), measuring 25 cm in diameter, situated on City road allowance fronting the site. The property owner has agreed to protect this tree in full accordance with city requirements. The owner will be providing a tree guarantee deposit to cover the cost of the estimated value of this tree as well as removal and replacement costs.

The owner of 191A King Street obtained approval from the Committee of Adjustment for the construction of two (2) new two (2) storey detached dwellings in October 2008. The proposed construction of one of the homes will encroach within the minimum required tree protection zone of the two (2) private trees in question.

The two (2) trees in question are a black oak tree (*Quercus velutina*), measuring 80 cm in diameter, and a multi-stem white birch tree (*Betula papyrifera*) with one stem measuring over 30 cm in diameter (32.5 cm). Both of the trees are situated on the adjacent property to the west, 189 King Street.

In consultation with the ward Councillor, Urban Forestry has worked with the property owners of both 191A and 189 King Street and the community throughout the design process, including numerous community and on-site meetings. As a result of this involvement the property owner has reconfigured the original proposal from three homes to two and positioned the homes and driveways in a manner that is least disruptive to trees both on and adjacent to the site.

As required under *Section 813-17, of City of Toronto Municipal Code, Chapter 813, Trees, Article III*, a Notice of Application sign was posted on the subject property for the minimum 14 day posting period. The posting serves to notify the neighbourhood and provide an opportunity for objection to the application. No letters were received in response to the posting.

The two (2) trees are significant and a valuable component of the forest community that exists within this area. The property owner has retained a private qualified tree expert who has provided a detailed tree preservation plan which outlines the measures that will be taken to minimize the impact construction will have on the black oak and white birch trees.

These measures include:

- o hand digging within the first 60 cm of soil along limits of excavation adjacent to tree protection zones;
- o installation of protective hoarding;
- o immediate pruning of roots encountered during hand digging by a qualified tree expert;
- o installation of mulch within tree protection zones; and
- o use of pre-fabricated concrete stairs to eliminate excavating beyond foundation walls within the tree protection zone of the black oak tree.

It is the opinion of the independent tree expert retained by the applicant that full implementation of the protection measures set out in this report will mitigate any impacts from the proposed construction activity upon the trees to be retained.

Urban Forestry agrees with the independent tree expert and recommends that a permit authorizing injury of the two (2) privately owned trees situated at 189 King Street be approved, conditional on the implementation of the tree preservation plan on file with Urban Forestry, and with tree planting being undertaken to our satisfaction.

## **CONTACT**

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## **SIGNATURE**

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Richard Ubbens  
Director, Urban Forestry, Parks, Forestry and Recreation

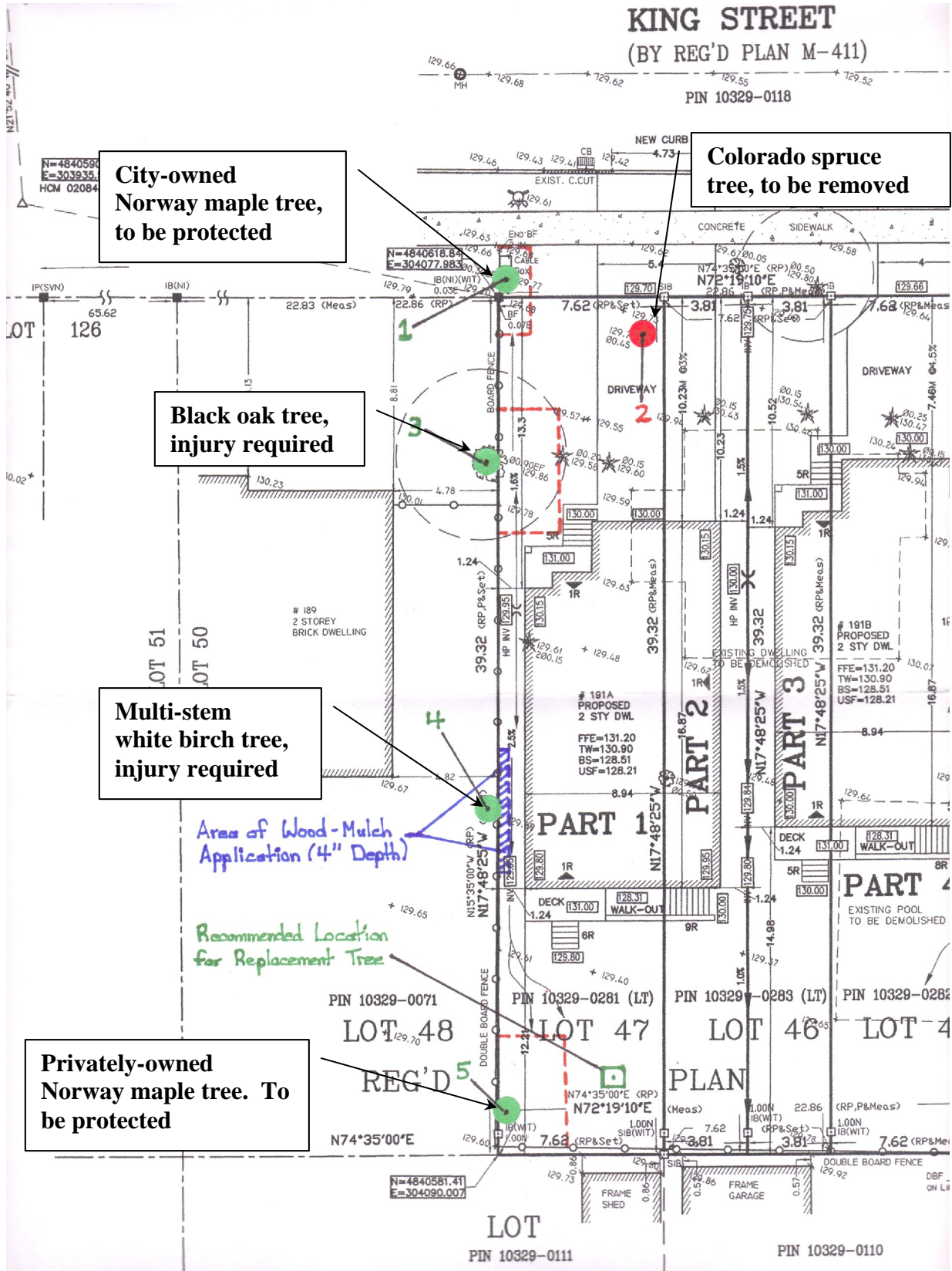
## **LIST OF ATTACHMENTS**

Attachment 1 – Site Plan

Attachment 2 – Colorado Spruce Tree

Attachment 3 – Black Oak Tree

Attachment 4 – White Birch Tree



Attachment 2 – Colorado Spruce Tree



Attachment 3 – Black Oak Tree



Attachment 4 – White Birch Tree

