

Tree protection through the Committee of Adjustment process

Parks and Environment Committee
February 23, 2018

City Council requested the General Manager, Parks, Forestry and Recreation, in consultation with the City Solicitor, the Chief Building Official and the City Planner to undertake a review of the Committee of Adjustment consent and minor variance review process as it relates to tree protection.

Report PE25.1 and this presentation provides:

- an overview of the decision-making framework
- A description of the existing Urban Forestry process as it relates to the Committee of Adjustment
- examples of how this process is applied, and
- details about recent improvements to the process that were aimed at improving tree protection through the committee of adjustment process.

Tree By-laws:

- City of Toronto *Municipal Code, Chapter 813, Trees*
 - Article II – Trees on City Streets
 - Article III – Private Tree Protection
- City of Toronto *Municipal Code, Chapter 658, Ravine and Natural Feature Protection*



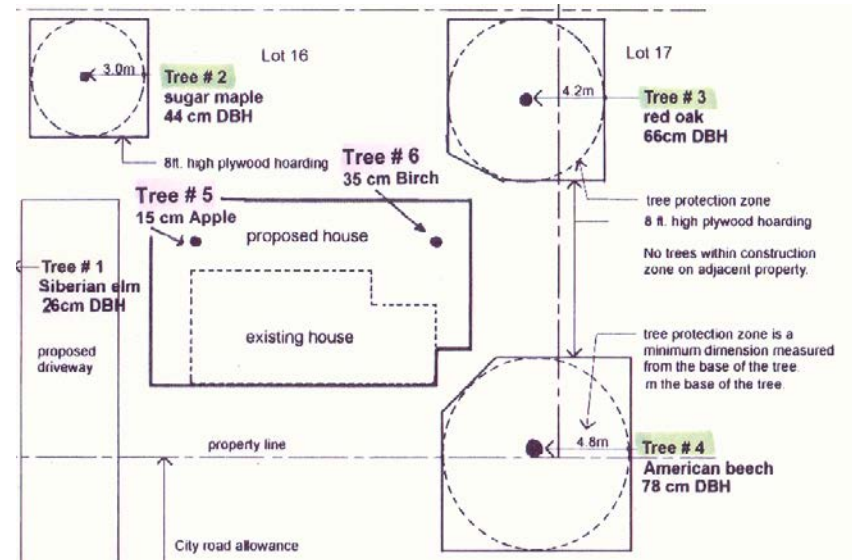
Planning Act

Committee of Adjustment

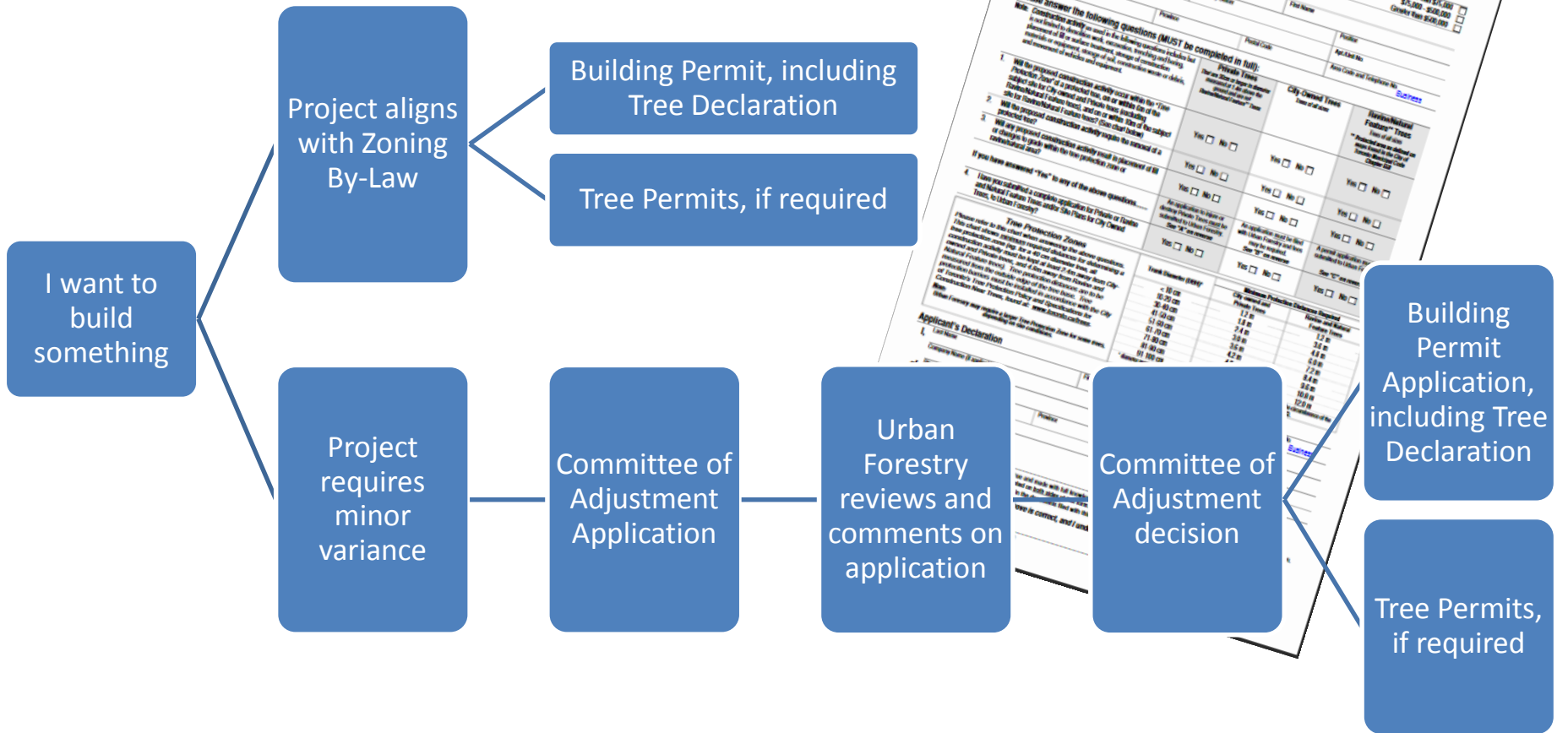
- Consent to sever
- Minor variances

The “four tests”

- The proposal is appropriate for the development of the land and/or building;
- **The general intent and purpose of the City’s *Official Plan* is maintained;**
- The general intent and purpose of the City’s *Zoning By-law* is maintained; and
- The variance is minor.



Tree review within the permit and Committee of Adjustment process



Tree Declaration
This is NOT a permit application

Owner Information
Owner (Last Name): _____
City: _____

Please answer the following questions (MUST be completed in full):

1. Will the proposed construction activity occur within the "Tree Protection Zone" of a protected tree, or within the "Tree Protection Zone" of a protected tree, or within the "Tree Protection Zone" of a protected tree? (See "Tree Protection Zones" section for details.)
Yes No

2. Will the proposed construction activity require the removal of a protected tree?
Yes No

3. If you have assessed "Yes" to any of the above questions, have you completed a complete application for a Tree Removal Permit, as required by the City of Toronto?
Yes No

Tree Protection Zones

Tree Protection Zone	Tree Type	Minimum Distance (m)
1.00 m	Tree of any size	1.2 m
2.00 m	Tree of any size	2.4 m
3.00 m	Tree of any size	3.6 m
4.00 m	Tree of any size	4.8 m
5.00 m	Tree of any size	6.0 m
6.00 m	Tree of any size	7.2 m
7.00 m	Tree of any size	8.4 m
8.00 m	Tree of any size	9.6 m
9.00 m	Tree of any size	10.8 m
10.00 m	Tree of any size	12.0 m

Urban Forestry process for Committee of Adjustment

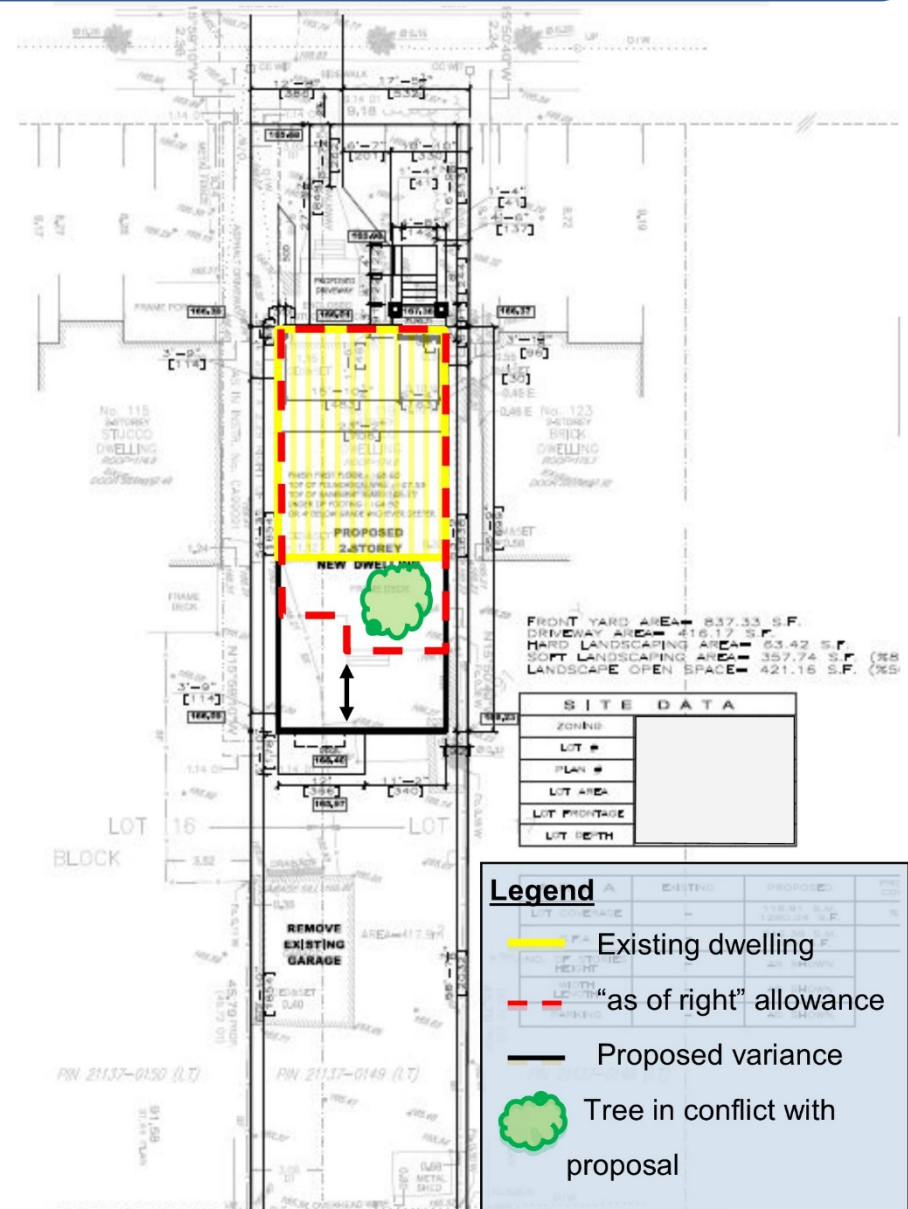
Staff review every minor variance and consent application and:

- Object (stand alone memo),
- Request deferral,
- Confirm no objections, or
- Confirm no objections subject to certain conditions

Conditions are specific to the site and apply only to the proposed variances/consent that impact protected trees

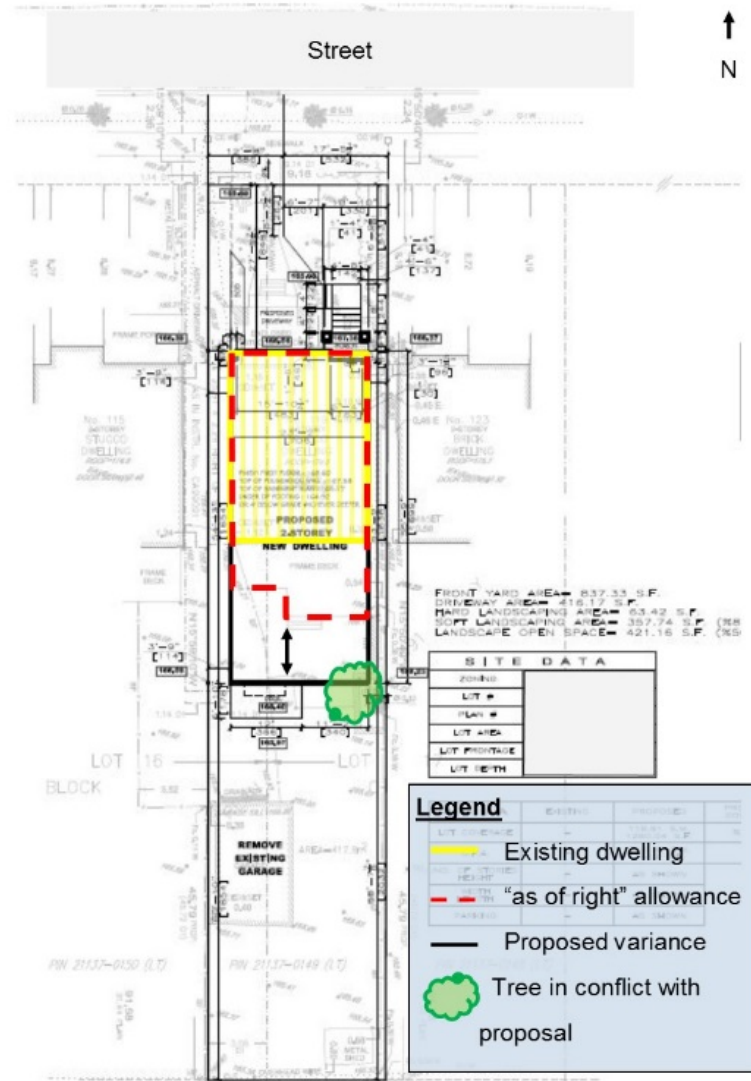
Scenario #1: Tree is located within the “as of right” portion of development proposal

- Private tree is in ‘as-of-right’ allowance, minor variance would have no additional impact on tree removal requirements.
- **With or without a minor variance, tree removal would be authorized.**



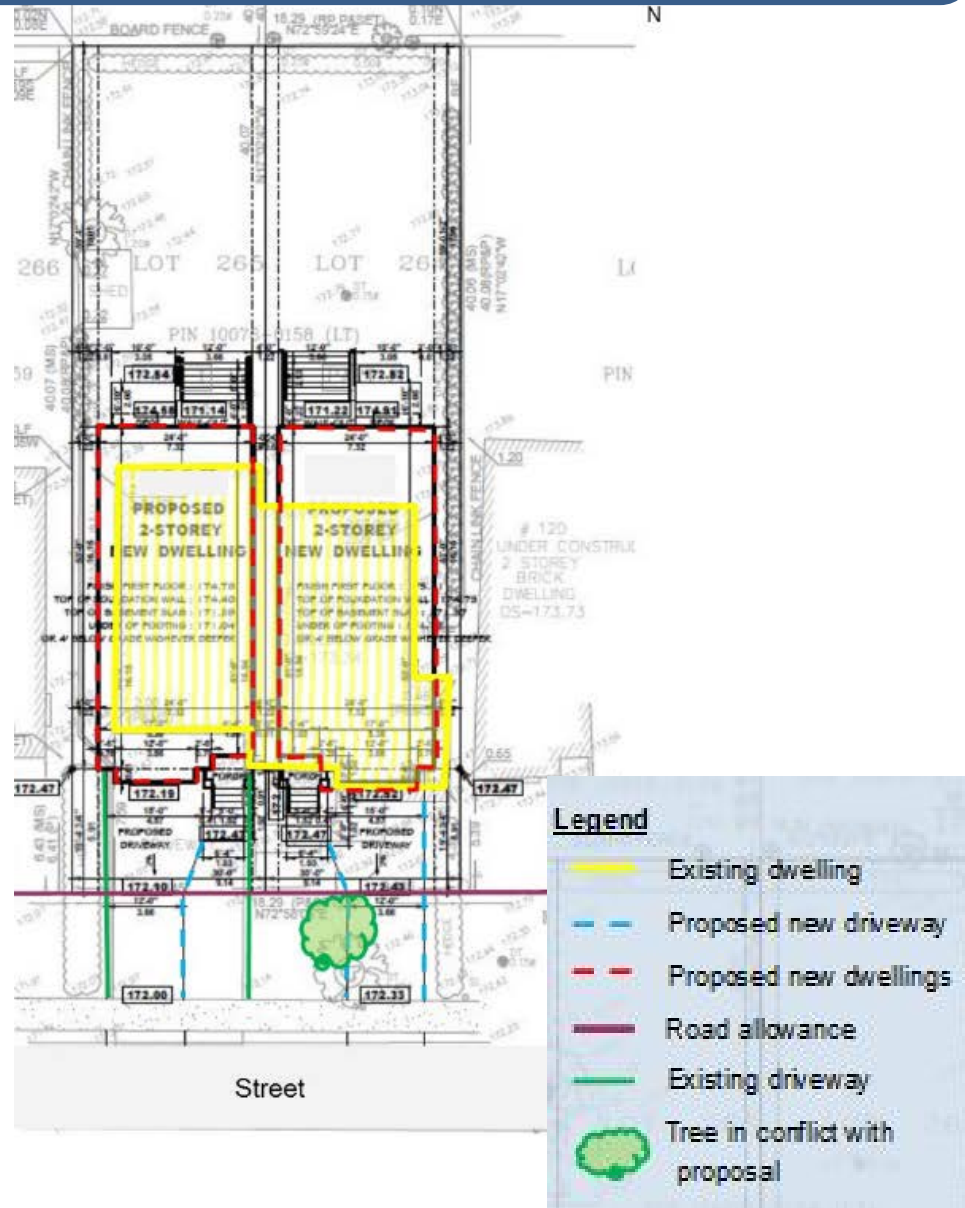
Scenario #2: Variances directly impact a private tree

- Private tree would be impacted by the proposed variance and should be considered by the Committee of Adjustment.
- **Urban Forestry would object to the removal and request denial of the minor variance.**
- If the variance is approved, a tree removal application is still required, but would be authorized by Urban Forestry in accordance with the Committee of Adjustment's decision.



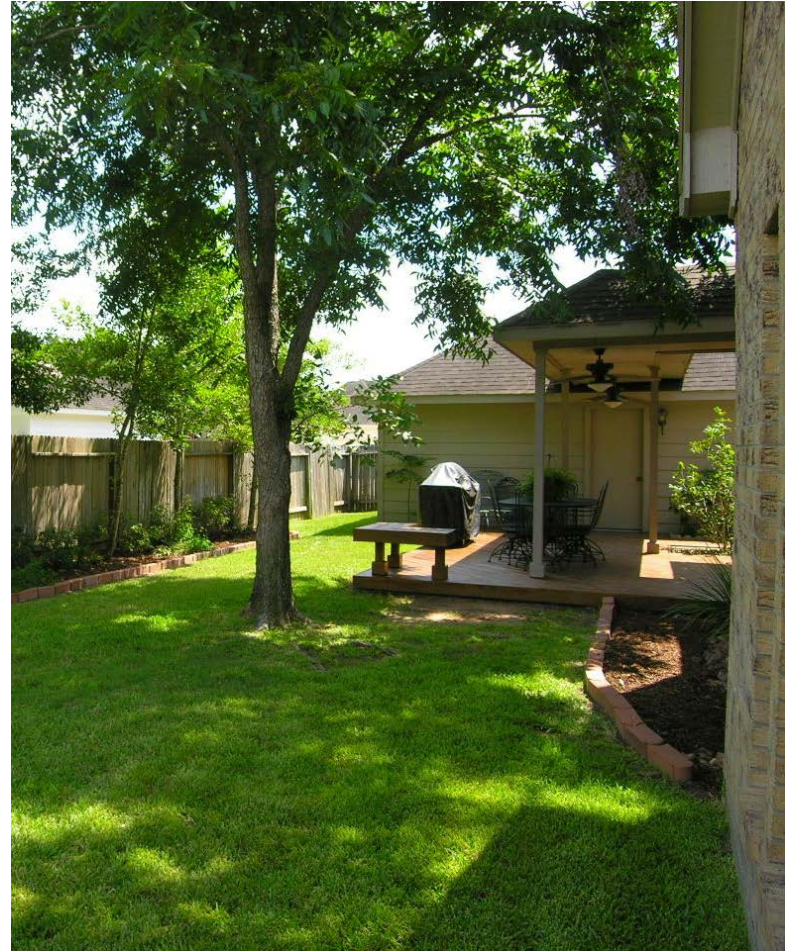
Scenario #3: Consent to sever directly impacts *City tree*

- City tree would be impacted by proposed consent to sever and should be considered by the Committee of Adjustment.
- **Urban Forestry would object to the application.**
- **Even if the variance is approved, it is possible the City may not authorize tree removal.**



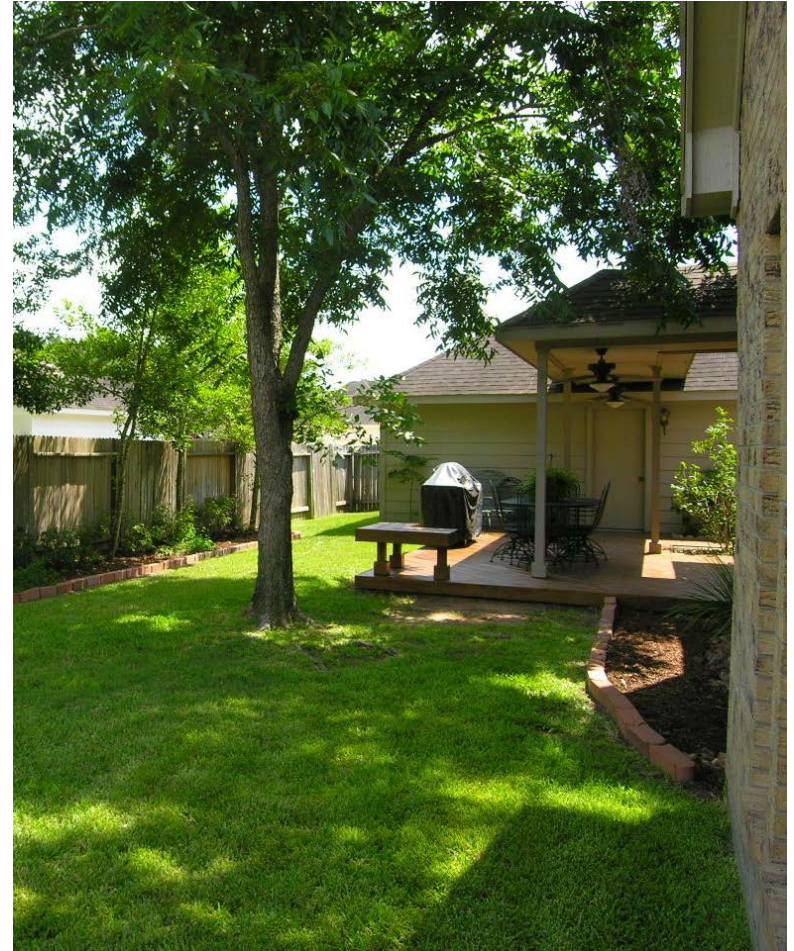
Recent improvements to tree protection through the Committee of Adjustment process

- Standardized Urban Forestry's Committee of Adjustment review and commenting process to ensure consistent and timely advice to the Committee where tree protection is concerned.



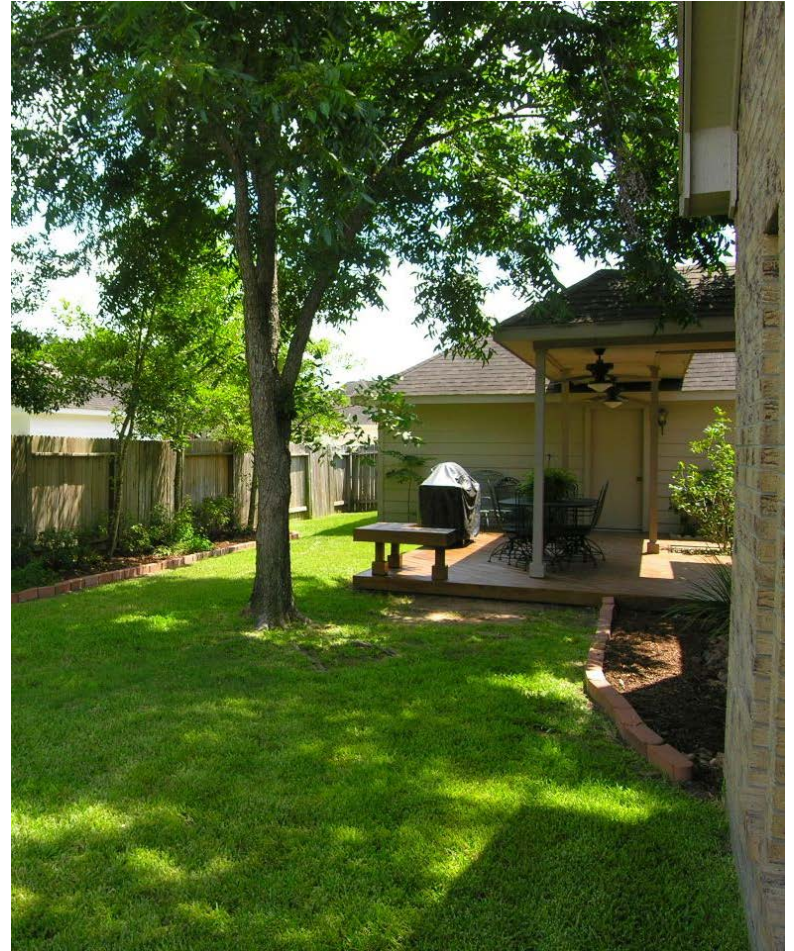
Recent improvements to tree protection through the Committee of Adjustment process

- Improved customer service that ensures staff are providing defensible, specific and consistent conditions in a timely manner.



Recent improvements to tree protection through the Committee of Adjustment process

- Training with Committee of Adjustment staff regarding natural environment policies of the Official Plan to ensure the impacts of decisions are clearly understood, not only for tree removal, but also for the loss of healthy soils and long-term Forest canopy growth.



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