

Application to Injure a Private Tree - 179 Spadina Road

Date: May 11, 2018

To: Toronto and East York Community Council

From: Director, Urban Forestry, Parks, Forestry and Recreation

Wards: Ward 20 - Trinity-Spadina

SUMMARY

This report recommends that City Council approve the request for a permit to injure one (1) privately owned tree located at 179 Spadina Road. This application indicates the reason for injury is to accommodate resurfacing of an area within the minimum tree protection zone to create parking for the dwelling.

The subject tree is a bur oak (*Quercus macrocarpa*), measuring 186 cm in diameter and is a Heritage Tree as defined in Article III, Chapter 813, Trees, of the City of Toronto Municipal Code. Under the provisions of Chapter 813, the General Manager shall not issue a permit for the injury or destruction of trees where the tree is a heritage tree, or should in the opinion of the General Manager be recommended for designation as a heritage tree.

RECOMMENDATIONS

The General Manager of Parks, Forestry and Recreation recommends that:

1. City Council approve the request for a permit to injure one (1) privately owned tree located at 179 Spadina Road.

FINANCIAL IMPACT

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

DECISION HISTORY

There is no decision history regarding this tree injury permit application.

COMMENTS

Urban Forestry received an application for a permit to injure one (1) privately owned tree located at 179 Spadina Road. The subject tree is a bur oak tree measuring 186 cm in diameter. The tree is on Urban Forestry's list of trees that should be recommended for designation as a heritage tree. The request to injure this tree has been made to accommodate resurfacing of an area within the minimum tree protection zone to create parking for the dwelling.

Heritage Trees

A tree can be identified as having or potentially having heritage status either by "designation" under Part IV of the Ontario Heritage Act (OHA), or through "recognition" under the Heritage Tree Program administered by Forests Ontario (formerly Trees Ontario).

Designation under the OHA and the recognition of heritage status by Forests Ontario, as well as the identification of trees with potential heritage status are considered equally as identified heritage trees, groves or arboreal remnants under City by-laws, policies and procedures.

The Street Tree, Private Tree, and Ravine and Natural Feature Protection bylaws require that permit applications for injury or removal of heritage trees be refused. Urban Forestry staff do not have delegated authority to issue these types of permits. Even though no permit can be issued, Urban Forestry staff will continue to work with the applicant to provide options and alternatives in order to protect trees.

Applicants can appeal a refusal decision of Urban Forestry to City Council through Community Council, by way of the bylaw appeal process. The General Manager of Parks, Forestry and Recreation is authorized to issue a permit for the injury or removal of trees if directed to do so by City Council.

Application for bur oak tree at 179 Spadina Road

In May 2017, the owner of 179 Spadina Road applied for and was issued a building permit for interior alterations to the dwelling. Plans submitted with the building permit application also identified an existing frame garage to be demolished. The garage was located within the minimum tree protection zone of the bur oak tree. Urban Forestry was not notified of the building permit application and not consulted on the proposal to demolish the garage within the tree protection zone.

In July 2017, Urban Forestry's Compliance and Enforcement unit received a request to investigate the property in relation to the demolition of the garage and the possibility that it may have impacted the bur oak tree. Staff's investigation determined that the oak tree had not been impacted by the garage demolition and that a contravention of the private tree bylaw had not occurred. Urban Forestry issued a stop work order to the property owner prohibiting any further work to occur within the 11 metre minimum tree protection zone of the bur oak tree. Urban Forestry advised the owner to submit an application for

a permit to injure the tree for any additional work proposed in the minimum tree protection zone.

The owner of the property submitted an application to Urban Forestry requesting a permit to injure the tree in order to construct four (4) parking spaces within the minimum tree protection zone. As required under the provisions of the private tree bylaw, Urban Forestry denied the request for a permit. The owner has appealed the refusal decision to Community Council.

Included with the application requesting a permit to injure the tree is an arborist report providing an assessment of the tree's condition and details on how the tree will be protected during construction of the proposed parking spaces and what the impacts to the tree will be.

The arborist report states that the tree is in excellent condition and currently thriving. The report also states that a tree of this size and species has roots that extend metres deep into the soil and only re-emerge near the surface as feeder roots, tens of metres away. It also states that the likelihood of discovering any feeder roots of any significance on the property itself is very unlikely.

The proposed parking which is a requirement for this property under zoning bylaw 569-2013 will be constructed using a porous paving grid known as "Green Innovations PG45". The installation of the porous paving grid will be carried out under the supervision of a qualified tree expert. The excavation required to install the product will be carried out manually and to a maximum depth of 10 centimetres. It is not expected that any roots will be encountered during the installation due to the existing site conditions which consists of compacted clay and concrete. Any roots, less than 5 cm in diameter, encountered during the installation will be pruned by a qualified tree expert. If roots of 5 cm in diameter or greater are encountered, they will be preserved and incorporated into the porous paving system. Additional soft landscaping is proposed in the rear of the property which will provide additional space for water and oxygen infiltration to the bur oak's root system.

Staff agree with the applicant's arborist that there are not likely to be any roots encountered during the installation of the parking grid as a result of the garage that was previously located in this portion of the property and the compacted nature of the surface that currently exists at the rear of the property. Staff have reviewed the proposal with the arborist and agree that the work required to construct the proposed parking, if carried out as described in the submitted plans and under the supervision of a qualified tree expert, can be completed with no adverse impact to the health of the tree.

CONTACT

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SIGNATURE

Jason Doyle
Director, Urban Forestry
Parks, Forestry and Recreation

ATTACHMENTS

Attachment 1: Photograph of the bur oak tree, measuring 186 cm in diameter

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