

Application to Remove a City Tree - 82 Cameron Avenue

Date: November 28, 2018

To: North York Community Council

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

Wards: Ward 18 - Willowdale

SUMMARY

This report recommends that City Council deny the application for a permit to remove one (1) City-owned tree located at 82 Cameron Avenue. Removal has been requested to address concerns that the tree is not healthy and in conflict with a proposed driveway to provide access to an existing integral garage.

The subject tree is a silver maple (*Acer saccharinum*) tree measuring 124 cm in diameter. Urban Forestry does not support removal of this tree as it is healthy and maintainable.

RECOMMENDATIONS

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

1. City Council deny the request for a permit to remove one (1) City-owned tree located at 82 Cameron Avenue.

FINANCIAL IMPACT

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

DECISION HISTORY

There is no previous decision history regarding the subject tree.

COMMENTS

Urban Forestry received an application to remove one (1) City-owned silver maple (*Acer saccharinum*) tree measuring 124 cm in diameter, situated on the City road allowance fronting the property located at 82 Cameron Avenue. The applicant is requesting a permit to remove the tree to address concerns that it is not healthy and is in conflict with a proposed driveway to provide access to an existing integral garage.

The arborist report dated June 4, 2018 in support of the application indicates the tree's trunk integrity and crown structure is in fair condition and crown vigor is in poor-fair condition. The report describes the crown having approximately 40% dieback with defects such as a poor union with included bark, leaky seams and reaction wood on two main trunks. The tree also exhibits pruning wounds, light epicormic shoots and has a history of fallen branches through the winter of 2016 and 2017. A City Tree Injury Permit was obtained to construct a new front porch and pathway within the 7.2 metre minimum tree protection zone to access the proposed dwelling. The report further outlines that the tree will need to be removed to accommodate a new driveway access to an existing integral garage.

Further, the newly installed pedestrian walkway at the front of the dwelling has an 18%-19% slope which does not conform to the grade required for accessible access. No details were provided to demonstrate how slope and access issues will be addressed.

Urban Forestry staff conducted a site inspection in August 2018 and determined that the subject tree was healthy and maintainable. The tree has included bark at the main union, but no signs of decay were observed to indicate the tree is structurally compromised. The tree has some pruning scars from previous maintenance but these do not impact the tree's structural integrity. Approximately 15% of the tree's crown contained deadwood. As is typical of large trees deadwood can be addressed by pruning in accordance with Good Arboricultural Practice.

An ISA Basic Tree Risk Assessment was conducted by Urban Forestry staff and the assessment determined overall risk of failure is low.

In 2015, the property owner submitted a minor variance application to Committee of Adjustment and requested 0.0 metre width driveway and 0.0 metre parking area for the newly created lot (82 Cameron Avenue). A memorandum from Urban Forestry was submitted to the Committee to demonstrate that Urban Forestry had no objection to the requested minor variances for 0.0 m driveway and 0.0 m parking area as it would facilitate retention of the tree. The requested minor variance application was approved with conditions that the variances be in effect until such time as the General Manager of Parks, Forestry and Recreation has determined that the tree is no longer maintainable and has issued a permit to remove the tree. The subject tree is still maintainable based on Parks, Forestry and Recreation's inspection and assessment, so therefore approval to remove the tree has not been granted to facilitate the driveway access.

In January 2016 a City Tree Injury Permit was issued to the applicant for installation of a new pathway and front porch within the tree protection zone, however, the newly installed pathway and pavement does not match the tree protection plan previously approved by Urban Forestry. According to the approved tree protection plan, the new pathway should be two (2) metres away from the tree and no pavement should be installed on the north side of the tree within 7.2 metres (the minimum tree protection zone). The measured distance between the pathway and the tree is 1.7 metres and the pavement was installed 3.7 metres away from the tree on north side.

Urban Forestry re-inspected the site in February 2017 and noted horizontal tree protection hoarding was not placed at the correct distance in the approved tree protection plan. The owner was notified and the horizontal hoarding was properly installed.

Urban Forestry Operations also assessed the tree in May 2017 and determined removal was not required based on its condition. General maintenance work was scheduled and undertaken by Operations in September 2017.

In 2018 the applicant was advised to submit more details or plans to specify how slope and access issues would be addressed to meet the requirements of the Ontario Building Code while exploring options to retain the tree. Urban Forestry consulted with Building Division and Transportation Services' Right of Way Management and explored workable solutions to address issues related to access and the existing slope. Right of Way Management confirmed the front pathway does not comply with the City's requirements for vehicle access and the pathway would not be supported as a motorcycle driveway. One feasible option is to add a couple of stairs which would improve access, address the slope and allow for tree retention. Urban Forestry advised the applicant to explore this option and submit a detailed plan for the proposed stair construction and arborist recommendations within tree protection zone.

The applicant further claimed that AODA compliant access is required for this dwelling and stairs would not be acceptable. Urban Forestry advised the applicant to submit site plans/technical drawing to demonstrate how the AODA compliant access will be constructed within the tree protection zone and actions to be taken to mitigate impact to the tree. However, the applicant declined to provide details or site plan for further review.

A permit to remove the tree was denied by Urban Forestry. The owner is appealing this decision. Should City Council approve this request for tree removal, in accordance with *Section 813-10 of City of Toronto Municipal Code, Chapter 813, Trees, Article II*, permit approval must be conditional upon the provision of satisfactory replacement planting and payment of appraised tree value. The application did not provide a landscaping plan to demonstrate how the City tree would be replaced. However, in this instance, it would be appropriate for the owner to provide the appraised value and at least five (5) replacement trees which can be achieved in a combination of on-site planting and cash-in-lieu of planting.

Trees improve the quality of urban life and contribute greatly to our sense of community. They are aesthetically pleasing and soften the hard lines of built form and surfaces in an

Application to Remove a City Tree - 82 Cameron Avenue

urban setting. Trees contribute to the overall character and quality of neighbourhoods. Studies suggest that social benefits such as crime reduction and neighbourhood cohesion can be attributed to the presence of trees.

The environmental benefits of trees include cleansing of air, noise and wind reduction, and protection from ultraviolet radiation. Trees reduce rainwater runoff thereby reducing soil erosion and lowering storm water management costs. They also contribute to moderation of temperature extremes and reduction of the urban heat island effect by providing shade during the summer.

Trees provide many economic benefits, including the enhancement of property values. Homes with mature trees have higher value when compared to similar types of homes in similar locations without trees. Mature trees are associated with reduced home energy consumption. Air conditioning costs are lower in a home shaded by trees and heating costs are reduced when trees mitigate the cooling effects of wind. Trees are a community resource which can make the city more attractive to investors, tourists and prospective residents, thus contributing to growth and prosperity.

It is the goal of the City of Toronto to increase the city's tree canopy to 40 percent. The loss of trees in the city due to the wind storm experienced in May 2018, the ice storm experienced in late December 2013, compounded with additional tree loss due to the presence of the Asian longhorned beetle and the emerald ash borer make the preservation of all healthy trees more necessary now than ever.

The silver maple tree at 82 Cameron Avenue is a valuable part of the urban forest. With proper care and maintenance this tree will provide the property owner and the surrounding community with benefits for years. Urban Forestry, therefore, does not support removal of this tree.

CONTACT

Tara Bobie, Supervisor, Tree Protection and Plan Review, Urban Forestry, Parks, Forestry and Recreation, Tel: 416-395-6134, Email: Tara.Bobie@toronto.ca

SIGNATURE

Jason Doyle
Director, Urban Forestry
Parks, Forestry and Recreation

ATTACHMENTS

Attachment 1 – Photograph of the subject silver maple tree measuring 124 cm in diameter

Attachment 2 – Photograph of the front access to the new dwelling

Attachment 3 – Tree Protection Plan accompanied with Tree Injury Permit that previously approved by Urban Forestry

Attachment 4 – Copy of Notice of Decision from Committee of Adjustment

Attachment 5 – Copy of document from Land Surveyor provided by applicant

Attachment 1 – Photograph of the subject silver maple tree measuring 124 cm in diameter



Attachment 2 – Photograph of the front access to the new dwelling



[illegible]

Attachment 4 – Copy of Notice of Decision from Committee of Adjustment



City Planning Division

City of Toronto
HAROLD MOFFATT
or OCCUPANT
5100 YONGE ST
TORONTO ON

North York Civic Centre
5100 Yonge Street
North York, Ontario
Canada, M2N 5V7
Tel.: (416) 395-7000
Fax: (416) 395-7200

Thursday, August 6, 2015

NOTICE OF DECISION MINOR VARIANCE/PERMISSION (Section 45 of the Planning Act)

File Number:	A0523/15NY	Zoning:	RD (f12.0; a370) / R7 [ZZC]
Owner(s):	REZA MAZAHARI	Ward:	Willowdale (23)
Agent:	MOHAMAD MAZAHARI		
Property Address:	82 CAMERON AVE	Community:	North York
Legal Description:	PLAN M412 LOT 41 TO 42		

Notice was given and a Public Hearing was held on Thursday, August 6, 2015, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To construct a new two-storey detached dwelling with an integral garage.

REQUESTED VARIANCE(S) TO THE ZONING BY-LAW:

- Chapter 10.5.100.1.(1), By-law No. 569-2013**
The minimum required driveway width is 2.0m.
The proposed driveway width is 0m.
Note - The proposed driveway is 3.2m wide, however the driveway width is reduced to 0m due to an existing tree on the lot and its required tree protection zone.
- Section 6A(5)a, By-Law No. 7625**
The minimum required access for a parking area is 2.6m.
The proposed access for the parking area is 0.0m.
Note - The proposed access for a parking area is 3.2m, however the access to parking is reduced to 0.0m due to an existing tree on the lot and its required tree protection zone.

IT WAS THE DECISION OF THE COMMITTEE OF ADJUSTMENT THAT:

The Minor Variance Application is Approved on Condition

It is the decision of the Committee of Adjustment to authorize this variance application for the following reasons:

- The general intent and purpose of the Official Plan is maintained.
- The general intent and purpose of the Zoning By-law is maintained.
- The variance(s) is considered desirable for the appropriate development of the land.
- In the opinion of the Committee, the variance(s) is minor.

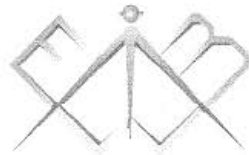
This decision is subject to the following condition(s):

Decision Notice - MV.doc

Page 1

- 1) City of Toronto Municipal Code Chapter 813, Article II, City-owned trees
(www.toronto.ca/trees/city_trees.htm)
- 2) City of Toronto Municipal Code Chapter 813, Article III, Privately-owned trees
(www.toronto.ca/trees/private_trees.htm)
- 3) The variances be in effect until such time as the General Manager of Urban Forestry has determined the tree is no longer maintainable and has issued a permit to injure, remove or destroy the tree under City of Toronto Municipal Code, Chapter 813, Article II, City-Owned Trees.
- 4) The applicant to satisfy the requirements of the Transportation Services Division.

Attachment 5 – Copy of document from Land Surveyor provided by applicant



E.W. BOWYER INC.
ONTARIO LAND SURVEYORS

9275 Highway # 48, Suite 201A, Markham, Ontario L6E 1A3 • Telephone: 905.294.8093 | Fax: 905.294.8349 | Email: ewbowyer@rogers.com

5 June 2018

M. Mazaheri
86 Hillcrest Avenue
Toronto, Ontario
M2N 3N7

Dear Sir,

Re : Existing Path
Lot 41
Registered Plan M-412
City of Toronto (North York)
(82 Cameron Avenue)

I attended the above noted site and measured the slope of the existing pathway located between the curb and streetline (City owned Road Allowance) and leading to No. 82 Cameron Avenue near the west side of the property. Please note the following:

1. The total length of pathway on City property is 5.6 meters.
2. A 3 meter portion has a slope of 19.5%.

It is my understanding that under the Ontario Building Code, the slope may not exceed 10%.

Please call should there be any questions.

Yours truly,

E. W. Bowyer, B.Sc., O.L.S., O.L.I.P.

12-142.PATH