



SUBJECT: Public Tree Removal Report – 2069 Lakeshore Rd (535-013-20)

TO: Environment, Infrastructure & Community Services Cttee.

FROM: Roads, Parks and Forestry Department

Report Number: RPF-12-22

Wards Affected: 2

File Numbers: Site Plan (535-013-20)

Date to Committee: May 5, 2022

Date to Council: May 17, 2022

Recommendation:

Approve the request by the applicant to remove (5) public trees in order to proceed with the proposed Site Plan application File No. 535-013-20 as outlined in roads, parks & forestry department report RPF-12-22; and

Instruct the applicant, Mark Bales on behalf of Lakeshore (Burlington) Inc., to provide compensation for the public tree removals by providing cash-in-lieu of replacement totaling \$4,500.00 and the planting of six (6) new street trees as part of the overall streetscape design for the site plan application; and

Direct that a tree permit be obtained for the public tree removals and pay the associated tree permit fees as outlined in the City's Rates and Fees By-law; and

Direct that all associated costs with respect to the removal of the public trees (including stump removal) will be the responsibility of the applicant. The contractor hired to remove the trees will require approval by the Manager of Urban Forestry or designate.

PURPOSE:

Vision to Focus Alignment:

Delete this line and the areas that do not apply.

- Support sustainable infrastructure and a resilient environment
- Deliver customer centric services with a focus on efficiency and technology transformation

Background and Discussion:

The subject property is located at the corner of Lakeshore Rd. and Pearl St. which will be developed into a mixed-use building consisting of residential and commercial retail space that fronts onto Pearl St. and Lakeshore Rd. (See Fig. 1).



Figure 1: Subject Property, 2069 Lakeshore Rd.

An application for Site Plan (File No. 535-013-20) has been submitted to redevelop the subject property. As part of a condition to satisfy their Site Plan, council approval to proceed with issuance of a tree permit must be obtained in order to facilitate the removal of public trees. In accordance with the City of Burlington's Public Tree By-law 68-2013, Section 1.19 states, "*The City Arborist shall not issue a Tree Permit for Trees located on Public Property immediately abutting Private Property for which a development application has been submitted, until such time as the development application has been approved and Council has also approved the removal of these trees*".

Strategy/process

Five (5) public trees are proposed to be removed due to conflicts with the proposed Site Plan. More specifically, the five (5) trees will directly conflict with proposed services and proposed streetscape improvements as described within the Arborist Report submitted as Appendix B. Forestry has reviewed and assessed the trees which differ from those conditions reported within the report. The assessment of the public trees is based on staff's assessment as contained in Appendix A. The subject trees that are proposed for removal are located within the municipal right-of-way of Lakeshore Rd. and Pearl St. The trees proposed for removal are as follows:

1. Tree No. 2: Ivory Silk Lilac (*Syringa reticulata*): DBH 4cm
2. Tree No. 4: Little Leaf Linden (*Tilia cordata*): DBH 25.5cm
3. Tree No. 8: Norway Maple (*Acer platanoides*): DBH 19cm
4. Tree No. 9: Norway Maple (*Acer platanoides*): DBH 18.5cm
5. Tree No. 10: Norway Maple (*Acer platanoides*): DBH 28cm

The proposed development was appealed by the applicant to the Ontario Land Tribunal for the official plan, rezoning and site plan applications, and was approved March 18, 2022. The conclusion of this hearing was factored into the review of this file and the proposed public tree removals. Given the design and proposed scale of this development combined with encroachment, construction and access related requirements, it is not feasible to retain the public trees. As such, Forestry is in support of the removal of the above noted subject trees under the provision that cash-in-lieu fees are provided to the City as compensation for canopy loss and that the six (6) trees identified within their streetscape design are installed within the public right-of-way. Based on the public trees proposed to be removed, a total of 15 trees are required to replace the canopy lost. As the applicant is proposing the installation of soil structural cells with their streetscape design and the planting of six (6) new public trees, these six trees (6) have been subtracted from the compensation (cash-in-lieu) as identified herein. All private tree removals will be dealt with through the *Planning Act* process.

Refer to Appendix A – Tree Inventory and Compensation Form completed by City staff, Appendix B – Supporting Documents for additional details.

Options Considered

Forestry staff conducted a comprehensive review of the proposed plans with the applicant.

Financial Matters:

A total of \$4,500.00 shall be paid by the applicant as compensation for the public tree removals. These funds will be utilized to replace the loss in canopy within the City. In addition to the cash-in-lieu fees, a tree permit fee will be required as prescribed in the City's Rates and Fees By-law (as amended). The total cost of tree and stump removals will be borne entirely by the applicant.

Total Financial Impact

Not Applicable.

Source of Funding

Not Applicable.

Other Resource Impacts

Not Applicable.

Climate Implications

The removal of trees is always a concern as they provide the most cost-effective measure of carbon sequestration, in addition to providing a host of other ecological benefits associated with climate change. It is critical that in cases where trees must be removed, that they are sufficiently compensated for in the interest of replacing the canopy loss long-term.

Engagement Matters:

Conclusion:

The City's Forestry section has reviewed the proposed tree removals, and supports the removals as per the recommendations listed above.

Respectfully submitted,

Melissa Torchia

Supervisor, Forest Protection

(905) 333-6166 ext. 6121

Appendices:

- A. Tree Inventory and Compensation Form
- B. Supporting Documents

Notifications:

Name : Mark Bales, Lakeshore (Burlington) Inc.

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Name : Paul Ferris, Paul Ferris & Associates

Email : PFerris@ferrisassociatesinc.com

Report Approval:

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Counsel.