



SUBJECT: Public tree removal report – 2243-269 Fairview St & 864 Drury Lane – Phase 1 (535-001-20)

TO: Environment, Infrastructure & Community Services Cttee.

FROM: Roads, Parks and Forestry Department

Report Number: RPF-17-22

Wards Affected: 2

File Numbers: Site Plan (535-001-20)

Date to Committee: July 7, 2022

Date to Council: July 12, 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. 535-001-20 as outlined in roads, parks & forestry department report RPF-17-22; and

Instruct the applicant, Thomas Maxwell (Multiplex Construction Canada Ltd) on behalf of Fairview Limited Partnership c/o OZ Drewniak, CLV Group Inc., to provide replacement tree compensation for the public tree removals totaling \$11,000; 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:

- 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 along Fairview Street at the northwest corner of Drury Lane, which will be developed into four (4) towers. This Site Plan application has been split into separate phases, and this report addresses phase 1 only (See Fig. 1).



Figure 1: Subject Property, 2243-2269 Fairview St. & 864 Drury Lane

An application for site plan (File No. 535-001-20) 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 application. More specifically, the five (5) trees will directly conflict with proposed roadway and fire access route 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 Drury Lane and Fairview St. The trees proposed for removal are as follows:

1. Tree No. 7: Honey Locust (*Gleditsia triacanthos*): DBH 45cm
2. Tree No. 8: Honey Locust (*Gleditsia triacanthos*): DBH 22cm
3. Tree No. 9: Honey Locust (*Gleditsia triacanthos*): DBH 61cm
4. Tree No. 37: Pear Ornamental (*Pyrus calleryana*): DBH 7cm
5. Tree No. 38: Pear Ornamental (*Pyrus calleryana*): DBH 8cm

The site plan application was appealed by the applicant to the Ontario Land Tribunal, with a resolution approved on May 6, 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. Based on the public trees proposed to be removed, a total of 22 trees are required to replace the canopy lost. 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 \$11,000 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 replacement tree compensation, tree permit fees 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: (if none delete section)

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Name : Jenn Morrison (CLV Group Inc.)

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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.