

Building Division reviewed the building permit application, the plan checker identified the conflict. The processing of the building permit application was put on hold and City staff contacted Mr. Sidhu and Mike Tynan, the design consultant, to resolve the matter.

Once the design consultant learned that the tree preservation plan he had been given by the developer was not the approved plan, he developed two draft alternative house layouts for the subject lot that would not require the removal of the spruce tree. The alternate layouts did not reduce the floor area of the proposed house, but rather reconfigured the footprint and shifted the house further back onto the lot. Copies of the alternative layouts are attached as Appendix "C". No zoning variances or relaxations would be required to accommodate either of these alternative layouts. The owner, however, has advised staff that he is not satisfied with the alternative layouts and has listed his reasons in his August 10, 2005 letter to Council. The owner wants to build the house as originally proposed and, therefore, is insisting that he be allowed to remove the spruce tree.

Mr. Sidhu's letter also refers to two trees that were removed from Lots 6 and 7 within the same subdivision. These two trees were removed without a tree removal permit from the City and infraction tickets were issued to the owners. The owners of these other lots have been required to post security for the planting of "upsized" replacement trees on these other lots. It should be noted that these other two trees that were removed without authorization, were not nearly as "significant" in the context of the neighbourhood as the subject spruce tree. They are shown on the photograph attached as Appendix "D".

A tree removal permit has already been issued by the Building Division to the original developer of the subject lot to allow the removal of two trees from the front yard of the subject lot that were shown to be preserved on the approved tree preservation plan for the development. These trees were approved for removal in that they were positioned such that a driveway to the lot could not be constructed without their removal.

Since the final approvals were granted to allow for the subdivision, the developer has requested, on a number of occasions, that the City issue a permit to remove this large spruce tree. The requests have been consistently denied because the tree is considered to be of good quality and does not prevent a house with the maximum floor area permitted under the Zoning By-law from being constructed on the lot.

Staffs' specific reasons for denying the tree removal permit are:

1. The tree in question is a 1.0 metre (3.3 feet) in diameter spruce tree of high quality that is protected by the Tree Preservation By-law (Appendix "E" contains a photograph of the tree);
2. The building scheme design consultant, Mike Tynan, has provided the owner with two possible layouts for accommodating a house on the lot with a floor area at the maximum permitted size under the lot's zoning, neither of which require the removal of the subject tree;
3. The tree was designated for preservation through the subdivision process and was shown to be preserved on the plans attached to the building design guidelines, which the purchaser would have received when buying the lot. As such, the purchaser was, or should have been, aware of the requirement to save the tree when the lot was purchased; and
4. The tree is a significant feature in the subdivision and an important contribution to the neighbourhood.

It is noted that City staff has received a telephone complaint, regarding the loss of mature trees in this new subdivision and about the danger of losing the remaining few mature trees that were preserved through the site servicing process.

At the time of approval of the 12 lot subdivision, within which the subject lot is located, 33 protected trees were to be retained in total on the 12 lots. Subsequent to the approval of the subdivision, 2 trees have been removed from the subject lot with a permit from the City, to allow for access to be provided to the lot, 2 other protected trees have been removed from another lot without authorization from the City and 6 of the trees have blown over.

Possible Alternatives for Council's Consideration:

Option1 - Authorize the Removal of the Tree Subject to Replacement Trees Being Provided

The lot owner has indicated in his letter that if Council approves the removal of the spruce tree, he is prepared to plant on the lot, based on an "equivalency" concept, 4 trees with a minimum trunk diameter of 17 centimetres (7 inches) and a minimum height of 6 metres (20 feet) or pay to the City \$1,500 to allow the City to replant trees elsewhere in lieu of the spruce tree that is removed from the lot.

Pros:

- The lot owner is able to build his house plan of choice;
- Four relatively large replacement trees will be planted in lieu of the spruce tree that is removed. Normally, replacement trees measure 8 centimetres in diameter or 3 metres in height, so that replacement trees proposed by the lot owner are significantly larger than typical replacement trees.

Cons:

- The spruce tree is significant in the context of the subdivision and the neighbourhood and there appears to be neighbourhood interest in saving the few remaining mature trees in the subdivision, including the subject spruce tree; and
- Given there are alternate house layouts that will allow for the same size house on the lot while retaining the tree, there is less reason to approve its removal than if alternate layouts were not available.

As more fully described in the second paragraph on page 2 of this report, staff understand that Mr. Sidhu purchased the subject lot in good faith on an understanding that the house he was proposing to build on the lot would be permitted on the lot, based on the fact that Mr. Tynan, the design consultant, had approved the design of the house.

As an aside, staff note that planting 4 trees of the size indicated by Mr. Sidhu in his letter would cost more than \$1,500 based on current market prices for such trees and related planting work.

Option 2 - Deny the Request to Remove the Tree

Pros:

- Demonstrates to the community that the City is committed to saving mature trees in the City where practical, in balance with allowing land development to occur;
- Will allow for the retention of this spruce tree in the neighbourhood, which is visually significant in the context of the neighbourhood; and
- The lot owner is still able to build a house on the lot of the same floor area as originally proposed, but in a different configuration than originally proposed.

Cons:

- Will not satisfy the specific interests of the lot owner in relation to building a house with a specific design on the lot and will diminish the area of the rear yard on the lot, which the owner advises is a concern to him; and
- The lot owner may not properly care for the tree if it is not wanted on the lot, which may lead to its demise, in any case.

CONCLUSION

It is recommended that Council provide direction to staff, regarding whether or not issue a permit for the removal of the spruce tree on the lot at 15558 – 59 Avenue and, if such a removal is authorized, the conditions that the owner will need to satisfy in relation to such removal.

Murray Dinwoodie
General Manager,
Planning and Development

MDD:saw

Attachments:

Appendix "A" - Letter from Mr. Sidhu dated August 10, 2005

Appendix "B" - Plan illustrating the location of the subject tree and the layout of the proposed subject lot

house on the

Appendix "C" - Plan showing alternative layouts

Appendix "D" - Photographs of 2 trees removed from Lots 6 and 7

Appendix "E" - Photograph of spruce tree

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Appendix "A"

Appendix "B"



Appendix "C"



Appendix "C"



Appendix "D"



Appendix "E"



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