

REPORT

Parks and Recreation Department

To: Mayor Johnstone and Members of Council
Date: February 26, 2024

From: Dean Gibson
Director of Parks and Recreation
File: 2449697

Item #: 2024-101

Subject: 12 K de K Court Esplanade Boulevard Trees

RECOMMENDATION

THAT the Director of Parks and Recreation be authorized to execute the Letter of Understanding between the City and the Dockside Strata (NW2459) as included in Attachment "A" to this report, and

THAT the City further engage the Quayside Community Board regarding the overall management of trees in their neighbourhood.

PURPOSE

This report is a follow-up to Council's motion to meet with the members of the Dockside Strata at 12 K de K Court to seek a mutually acceptable resolution pertaining to the on-going maintenance of the esplanade boulevard trees fronting this strata property.

BACKGROUND

Commencing with the installation of additional trees along the Quayside esplanade boulevard in 2007, residents of the Dockside Strata at 12 K de K Court have expressed concern regarding the impact of the trees on matters pertaining to light and river views. A compromise approach was supported by Council in 2016-17 that resulted in a higher standard of tree maintenance along the esplanade with particular emphasis on pruning selected trees adjacent to 12 K de K Court with the intent of improving light penetration into the river facing residences and re-establishing views to the river.

On August 28, 2023, Council received a report from staff regarding the maintenance cycle and standards of the esplanade boulevard trees and in particular those trees fronting the Strata at 12 K de K Court (Dockside Strata). The report discussed staffs' assessment that the current tree maintenance program for the esplanade implemented in 2017 was not fully achieving the intended outcomes and was not proving to be sustainable with current staffing resources. The report recommended that the current three-year esplanade boulevard tree maintenance cycle revert to the seven-year cycle standard and objectives as applied to street and boulevard trees in other areas of the City.

At the August 28, 2023 meeting, a delegation representing the Dockside Strata appealed to Council to not accept the staff recommendation as it relates to trees fronting the Strata's property. The delegation tabled two documents: a case for honouring past commitments by the city; and an independent consulting arborist's report that they commissioned. The report provided an opinion on a number of matters pertaining to the three esplanade boulevard trees fronting the Strata's property. Most notably, the consultant's report provided an opinion as to whether or not there is a pruning regime that could reduce the extent of the canopies of the three trees to a size envisioned in the 2017 maintenance program.

Council subsequently passed the following motion:

THAT Council refer this matter with instructions that:

- a. City staff meet with Dockside residents and seek a mutually acceptable resolution on the issue; and
- b. City staff come forward with information about the City's tree maintenance policies and resources.

Section "a)" of the Council motion is the subject of this report. Section "b)" will be addressed in a subsequent report to Council.

DISCUSSION

Dockside Strata Arborist's Report (August 2023)

Subsequent to Council's direction, staff have met on several occasions with representatives of the Dockside Strata with the intent of seeking a mutually acceptable resolution to the matter. Initial meetings focused on gaining a common understanding of the opinions presented in the Strata's consulting arborist's report. Key issues addressed in the arborist's report and the associated opinions are summarized below:

Issue #1: Options to transplant three trees.

Arborist Response: Each tree is approaching the largest practical size for transplant and transplanting the trees is not the best option to meet the objectives of the agreement between the City and Strata. Tree removal and replacement with more

suitable trees is a more cost effective alternative to transplantation and the best solution to meet previously agreed to conditions.

Issue #2: Estimated size of the three trees over the next five and ten-year periods assuming present pruning practices are maintained (e.g. the three-year pruning cycle).

Arborist Response: Trees can be expected to grow at similar rates as experienced in past years as they move into semi-maturity, both primary growth (shoot elongation) and secondary growth (thickening of trunks, stems, branches, twigs). It was also noted that the tree appears to have consistently good growing conditions and that pruning can have the short-term effect of slowing the growth rate, but pruning can also promote increased growth rates should trees detect the need to replace their photosynthetic capabilities that may result from over pruning.

Issue #3: Estimated size of trees should the city revert to a seven year pruning cycle.

Arborist Response: Unable to provide conclusive opinion due to lack of information on a number of assumptions related to intended pruning activities by the City in 2023. General response suggests that based on the current growth rates and good growing conditions, the three trees are growing to become medium – large trees at maturity (i.e. at least 15 meters tall and similar width).

Issue #4: Opinion if there is any pruning regime that could bring the three trees down to the size as envisioned in the 2017 Letter of Understanding.

Arborist Response: Yes, a pruning regime is possible and a prescription was provided for the 2023 pruning cycle. It is further recommended that it is vitally important that the three-year pruning cycle with annual review be maintained. The three trees are growing to become medium – large trees at maturity and the only way to maintain the trees to reopen and maintain view corridors is to conduct clear and thoughtful three year scheduled pruning with annual pruning to selectively reduce branches that grow into view lanes. (Note the recommended pruning regime was followed by City crews in late 2023.)

Issue #5: Opinion if there is any possible issues with the roots of the three trees impacting the structure of the building either now or in the future.

Arborist Response: It is unlikely that roots have grown to the extent they are approaching the building foundation wall now, or will pose a conflict in the future.

Issue #6: Opinion if there is potential for fire hazard due to the three trees' proximity to the building. .

Arborist Response: Based on Home and Site Hazard Assessment, the three trees pose a Wildfire Hazard Level score of "0" (low).

Updated Letter of Understanding between the Dockside Strata and City

Informed by the information provided in the Dockside Strata's consulting arborist's report, staff and the Strata representatives have met to discuss a path forward. Discussions have resulted in agreement on revised terms to update to the 2017 Letter

of Understanding (LOU) between the Strata and City (included as Attachment “A” to this report).

Salient points contained in the updated LOU include:

- Continued focus on the three esplanade boulevard trees fronting the Dockside Strata property (two Yellowwood trees and one Black Gum tree).
- Ongoing acknowledgment of the *Quayside Esplanade Boulevard Maintenance Program for Trees (April 10, 2017)* which sets out over-arching objectives for tree maintenance along the Quayside esplanade.
- Acknowledgment that the Strata will be consulted as part of the scheduled pruning cycles, and formalization of processes by which the Strata may provide comment respecting the annual inspection program for the three esplanade boulevard trees.
- Acknowledgment of the Strata’s consulting arborist’s report and agreement that the City’s 2023 pruning approach for the three trees will be based upon applicable sections of the report and subsequent updates (with conditions that further recommendations remain aligned with original objectives and strategies, and that the health of the trees are not compromised).
- Retention of three-year pruning cycle regime.
- Notification period to the Strata should the City elect to nullify the LOU in the future.

Staff are recommending acceptance of the terms of the updated Letter of Understanding. The Dockside Strata has agreed to the terms as attached.

Additional Considerations

The above-proposed approach acknowledges both historical decisions made by the City respecting past commitments, the evolution of the City’s strategies and goals for its urban forest, and the operating capacity of the Parks and Recreation Department’s urban forestry division. This approach represents a compromise position that will enable both the City and the Dockside Strata to move forward.

The broader issue related to the overall management of all trees in the Quayside neighbourhood remains outstanding, both for trees along the esplanade and for street trees. Staff are suggesting further engagement with the Quayside Community Board on this matter before additional recommendations are made to Council.

NEXT STEPS

Pending Council’s endorsement of the recommendations in this report, staff will commence the process to respond Council’s outstanding August 28, 2023 motion related to providing information about the City’s tree maintenance policies and

resources. Additionally, during 2024, staff will commence conversations with the Quayside Community Board regarding neighbourhood wide tree management issues. Concurrent with this work, will also be undertakings to respond to a past Council motion respecting inventory and assessment of dead or dying trees in the City. Reports back to Council may come back in a single, or series, of reports to City Council during this year.

FINANCIAL IMPLICATIONS

The financial implication of sustaining a three-year pruning cycle for the subject three trees is modest (less than \$2,000 over a 5-7 year period) relative to the overall urban forest management budget.

INTERDEPARTMENTAL LIAISON

Staff from the Office of the CAO have been involved in the review of the Letter of Understanding.

OPTIONS

Options for Council's consideration include:

1. Authorize the Director of Parks and Recreation to execute the Letter of Understanding between the City and the Dockside Strata (NW2459) as included in Attachment "A" to this report.
2. Further engage the Quayside Community Board regarding the overall management of trees in their neighbourhood.
3. Provide staff with alternate direction.

Options #1 #2 are recommended.

CONCLUSION

The above-proposed approach acknowledges both historical decisions made by the City respecting past commitments, the evolution of the City's strategies and goals for its urban forest, and the operating capacity of the Parks and Recreation Department's urban forestry division. This approach represents a compromise position that will enable both the City and the Dockside Strata to move forward.

ATTACHMENTS

Attachment "A" - Letter of Understanding for Esplanade Boulevard Trees fronting 12 K de K Court

APPROVALS

This report was prepared by:
Dean Gibson, Director of Park and Recreation

This report was approved by:
Lisa Spitale, Chief Administrative Officer