



Corporate Report

NO: R177

COUNCIL DATE: July 21, 2003

REGULAR COUNCIL

TO: Mayor and Council DATE: July 11, 2003
FROM: General Manager, Planning and Development FILE: 7999-0137-00
SUBJECT: Rock Tree - Delegation by Janet Dahr on Behalf of the Friends of Kennedy Park Community Association to Council-in-Committee Meeting on June 16, 2003

RECOMMENDATION

It is recommended:

1. That Council receive this report as information;
2. That the lot at 12237 – 91A Avenue, on which the Rock Tree is located, not be acquired by the City and that no changes be made to the approach which has been adopted by Council for protecting the Rock Tree as documented in this report; and
3. That Council authorize the City Clerk to forward a copy of this report and the related Council resolution to Janet Dahr, who appeared before Council as a delegation regarding the Rock Tree.

INTENT

This report is intended to provide information to Council regarding the request that Janet Dahr, Director - Friends of Kennedy Park, made of Council during a presentation to Council-in-Committee on June 16, 2003 and seeks Council direction with respect to the on-going protection of the Rock Tree.

BACKGROUND

At the June 16, 2003 Council-in-Committee meeting, Janet Dahr, a Director of the Friends of Kennedy Park appeared as a delegation to request that the City consider trading the City-owned lot at 12304-92A Avenue or some other similar City-owned lot, for the lot on which the Rock Tree is located so that the Rock Tree may be better protected. A letter dated June 3, 2003, from The Friends of Kennedy Park Community Association attached, as Appendix "A" provides a more detailed summary of the information that Ms. Dahr presented to Council. After hearing the delegation, Council referred the matter to staff for review and the preparation of Corporate Report, complete with recommendations for Council's consideration.

Communication in support of Ms. Dahr's request, on behalf of the Friends of Kennedy Park, was received by City and is attached as Appendix "B".

Ms. Dahr had previously appeared before Council as a delegation on October 7, 2002, at which time the City was requested to assist the Friends of Kennedy Park Society in acquiring the Rock Tree property as additional parkland. Corporate Report No. 213, attached as Appendix "C", was submitted to Council in response to that delegation. Council adopted the recommendations of that report.

DISCUSSION

Staff of the Parks, Recreation and Culture Department has advised that the inventory of parks in the Kennedy area satisfies the City requirements. They have also advised that the City is attempting to reduce the number of mini-parks in the City since these types of parks are expensive to maintain and occasionally attract uses that are a nuisance to the immediate neighbours, particularly if they have not been designed as a park space. There is a further concern, in this circumstance, that the owners of the new houses situated on either side of the Rock Tree property may not consider the introduction of public open space on the subject Rock Tree lot in a positive light, particularly in view of the fact that the property was not identified as park space through the subdivision process.

It is noted that the City's on-going efforts dedicated to preserving the Rock Tree have been successful. These efforts to preserve and protect the Rock Tree have been documented in reports and memoranda forwarded previously to Mayor and Council and include:

1. Designing the subdivision around the Rock Tree and the engineering services fronting the Rock Tree lot in a manner to protect the Rock Tree;
2. Installing a fence around the Rock Tree to identify the "no disturbance area";
3. Registering a Restrictive Covenant on the title of the lot identifying the location of the tree, the area of "no disturbance" around the tree, the area where a driveway may be constructed to allow access to the future house on the lot on which the tree is located, the location of the building envelope on the lot where a house may be constructed and requiring the owner of the lot to maintain the fence around the Rock Tree, to water and maintain the Rock Tree and to retain the services of an arborist to monitor the health of tree on an annual basis; and
4. Including the Rock Tree on the List of Significant Trees in the Tree Preservation By law and on the City's Heritage Register, which means that the tree cannot be pruned or otherwise affected without a permit from the City, approved by City Council.

On-going field inspections by City staff, the latest being on July 10, 2003, confirm that weekly watering of the tree is continuing in a manner satisfactory to maintain the health of the tree and that the protective fence remains in place. The most recent report by the arborist retained by the developer of the subdivision, dated June 4, 2003 (Appendix "D") indicates that the Rock Tree is in healthy condition.

Even though the Rock Tree is located on private property, it is located immediately adjacent to 91A Avenue, a public street and can easily be observed from this street. Having the tree located on private property appears to offer better protection to the tree than if it was located on public property since the owner of the lot will be aware of the special status of the tree by virtue of the Restrictive Covenant on the title. Individuals attending the site, if it were a public park, may not be as attentive to respecting the "no disturbance area" and the tree. Acts of vandalism occur on City park sites on a fairly regular basis.

As noted earlier, a number of restrictions on the building design and driveway location of the single-family dwelling that may be constructed on the Rock Tree lot have been incorporated in accordance with recommendations made by a professional arborist. These will be enforced through the building permit application review and approval and the subsequent building inspection process.

The developer/owner of the lot on which the Rock Tree is located continues to cooperate with the City, as evidenced by his receipt of a "Friends of Heritage" award in February 2003. This would suggest that his continued cooperation could be expected.

CONCLUSION

It is recommended that the lot at 12237 – 91A Avenue, on which the Rock Tree is located, not be acquired by the City, that no changes be made to the approach which has been adopted by Council for protecting the Rock Tree, as documented in this report and that Council authorize the City Clerk to forward a copy of this report and the related Council resolution to Janet Dahr who appeared as a delegation before Council on behalf of the Friends of Kennedy Park regarding the Rock Tree.

Murray Dinwoodie
General Manager
Planning and Development

NM:saw

Attachments

Appendix "A" – Letter dated June 3, 2003 - The Friends of Kennedy Park Community Association

Appendix "B" – Communication in Support of Request

Appendix "C" – Corporate Report No. R213 (without Appendices)

Appendix "D" – Report dated June 4, 2003 from Susan M. Murray Arboricultural Consulting Services

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