



TREE CONSERVATION REPORT

266 Park Street

Tree Conservation Report submitted as Partial
Requirements for a Site Plan Control Application,
March 20, 2023

Dendron Forestry Services



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Tree Conservation Report

Submitted as part of Site Plan Control Application

Address: 266 Park Street
Date of Site Visit: March 7, 2023
Date of Report: March 20, 2023
Prepared by: Kevin Myers, ISA Certified Arborist®
Client: Jordan Tannis, jt@concorde-properties.ca

This Report must be read in its entirety, including the Assumptions and Limiting Conditions attached herein.

Purpose of the Report

This Tree Conservation Report has been prepared for Jordan Tannis from Concorde Properties, as partial requirements for the Site Plan Control Application submitted to the City of Ottawa. The objectives of this Tree Conservation Report are:

- To describe all trees with diameters over 10 cm on the site, recording their species, size, and current health condition. This includes trees on adjacent private property 10 cm or greater in diameter, with critical root zones that extend onto the subject property. It also includes city trees of all sizes that will be impacted by the proposed development.
- To evaluate the impact on the trees by the proposed development and what the recommended action is (retain and protect or remove)
- To provide recommendations on how to mitigate damage to retained trees during construction

Methodology

The following materials were reviewed as part of this report:

- Survey by Annis, O'Sullivan, Vollebakk Ltd., dated December 21, 2022
- Site Plan by Figurr Architects Collective, dated February 2023
- Preliminary Grading plan by D.B. Gray Engineering Inc., dated March 7, 2023
- GeoOttawa tree inventory layer and aerial photography
- Google© Street View imagery – various years

A site visit was conducted to collect the following information from each tree classified as protected under the City of Ottawa's Tree Protection By-law No. 2020-340:

- Diameter at breast height (1.3 m from grade)
- Species
- Tree health



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Current Vegetation

This property is in a highly developed urban area, and no presence of natural elements as described in the City of Ottawa Tree Protection were identified, including butternut (*Juglans cinerea*), a tree Species at Risk in Ontario as regulated under the *Endangered Species Act, 2007, S.O. 2007, c. 6*.

The following is an inventory of all trees that are protected under City of Ottawa Tree Protection (By-law No. 2020-340) on the site. This includes private trees with a diameter at breast height (dbh) of 10 cm or greater, and city-owned trees of all sizes. It also includes trees with a dbh of 10 cm or greater on adjacent properties whose Critical Root Zone (CRZ) extend into the subject area. The CRZ is an area around the trunk with a radius equivalent to 10 times the diameter of the trunk. This does not take into account infrastructure such as buildings and asphalt and it assumed the tree has no restrictions on root growth.

Tree Inventory

Tree ¹	Species	Diameter at breast height (dbh)	Ownership ^{2,3}	Condition	Action
1	Manitoba maple (<i>Acer negundo</i>)	Multi-stem: 21, 27, 35	Adjacent – 273 Park	Good/Fair	Remove due to grade change and proximity of excavation; Tree Permit and permission from adjacent property owner required
2	American Elm (<i>Ulmus americana</i>)	17	Boundary – 273 Park	Fair: heavy lean	Remove due to grade change and proximity of excavation; Tree Permit and permission from adjacent property owner required
3	Siberian elm (<i>Ulmus pumila</i>)	47	Boundary – 273 Park	Fair: significant deadwood in crown	Remove due to proximity of excavation; Tree Permit and permission from adjacent property owner required
4	Manitoba maple (<i>Acer negundo</i>)	20 (est.)	Boundary – 262 Deschamps	Fair: heavy lean	Retain and protect as per City of Ottawa Tree Protection Specifications (March 2021); Note: removal of this tree could be considered at this time – should be discussed with adjacent property owner
5	Manitoba maple (<i>Acer negundo</i>)	13	Boundary – 262 Deschamps	Good	Remove based on poor location and species; Tree Permit required



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6	Manitoba maple (<i>Acer negundo</i>)	Multi- stem: 14, 9	Boundary – 262 Deschamps	Fair/Poor	Remove based on poor location, health and species; Tree permit and permission from adjacent property owner required
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¹ Please refer to the enclosed Tree Conservation Report map for tree numbers. Note that this map includes a tree layer added to the grading plan (in pdf format) provided by the client. This layer includes only information about the trees and the original grading plan is not altered in this process.

²Ownership of the tree in this report is based on the information provided and should not be used as a determination of ownership. For ownership disputes, a survey should be relied on. For boundary trees, consent from the adjacent property owner is required for removal as part of the application.

³Trees on adjacent properties do not include a full assessment. The diameters are estimated, and the health is estimated based on what is visible from the subject property. Trees along the property line may also have limited health assessments if part of the tree is not visible.

Proposed Development and Conserved Vegetation

This site is a parking lot surrounded by trees that likely seeded on their own; Manitoba maples and Siberian elm are known for their aggressive seeding and grow in marginal areas. The proposed development may have little impact on the small stand of Manitoba maples at the West boundary of the property (**Trees 4-6**), but they are not good urban trees, and it would be better to use this opportunity to remove and replace them with more suitable species. The development, however will impact the trees along the South property line, specially their rooting systems.. The proposed reduction in grade and the construction of a retaining wall very close to their trunks, combined with significant loss of the Critical Root Zones (CRZ) due to excavation, make it unlikely **Trees 1 and 2** will survive. **Tree 3** is a mature Siberian elm with a canopy width of approximately 11m; significant pruning would be required to make space for the proposed building. There are signs of poor health in the tree, specifically dead branches in the canopy. The combined stresses of severe pruning and loss of CRZ due to excavation make it unlikely this tree will survive.

Mitigation Measures

Prior to any site works, protective fencing should be installed around the trees as indicated in the attached Tree Information Map and maintained until all construction on site has been completed as per the **City of Ottawa Tree Protection Specifications (March 2021)**. Within the fenced area, the following tree protection guidelines should be applied:

- Do not change the grade
- Do not store construction material
- Do not operate machinery
- Do not convert to hard surface or change the landscaping
- Do not excavate unless it is a method that has been pre-approved by the City
- Do not place signs, notices or posters to any tree
- Do not damage the root system, trunk, or branches of any tree
- Direct the exhaust away from the tree

The tree protection fencing must be 1.2 m in height and constructed of a rigid or framed material (e.g. modulus – steel, plywood hoarding, or snow fence on a 2”X4” wood frame) with posts 2.4 m apart such



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that the fence location cannot be altered. All supports must be placed outside of the CRZ and installation must minimize damage to existing roots.

If the fenced tree protection area must be reduced to facilitate construction, *one* of the following mitigation measures should be applied:

- Place a layer of 6-12 inches (15 to 30 cm) of woodchip mulch to the area
- Apply ¾ (2 cm) inch plywood, or road mats over a 4+ inch (10 cm) thick layer of the wood chip mulch
- Apply 4-6 inches (10 to 15 cm) of gravel over a taut, staked, geotextile fabric

Tree Planting Recommendation

A preliminary landscape plan showed two new trees planted at the front of the building. The rear area of soft landscaping could offer more space for tree planting, if required.

Wildlife Impact

Given its current status as parking lot, there is likely little impact to wildlife from development of this site.

Tree Clearing and Migratory Birds

Following the guidelines under the *Migratory Birds Convention Act, 1994*, removal of vegetation should be avoided during the nesting periods for migratory birds which extends from April 15 to as late as August 15th. If tree removal is required during this period, a nesting survey should be completed by a biologist within 5 days of tree removal to confirm that no nests are present.

The undersigned personally inspected the property and issues associated with this report on March 7, 2023. On Behalf of Dendron Forestry Services,

Kevin Myers, MFC

ISA Certified Arborist®, ON-2907A

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Figure 1 - Tree 1: Adjacent Manitoba maple to be removed



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Figure 2 - Tree 2: Boundary elm to be removed



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Figure 3 - Tree 3: Boundary Siberian elm to be removed



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Figure 4 - Trees 4, 5 and 6 (indicated with arrows): boundary Manitoba maples to be removed



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ASSUMPTIONS AND LIMITING CONDITIONS

Intended Use of the Report

This Report was prepared by Dendron Forestry Services (hereafter "Dendron") at the request of the Client. The results, observations, interpretations, analysis, recommendations, and conclusions contained within this Report are to be used solely for the purposes outlined within this Report. All other uses are impermissible and unintended, unless specifically stated in writing in the Report.

Intended User of the Report

This Report was prepared by Dendron for the exclusive use of the Client and may not be used or relied upon by any other party. All other users are unintended and unauthorized, unless specifically stated in writing in the Report.

Limitations of this Report

This Report is based on the circumstances and on-site conditions as they existed at the time of the site inspection and the information provided by the Client and/or third parties to Dendron. On-site conditions may limit the extent of the on-site inspection(s) conducted by Dendron, including weather events such as rain, flooding, storms, winds, tornados, snowfall, snow cover, hail; obstructions including fencing, dwellings, buildings, sheds, plants, and animals; lack of access to the entire perimeter of the tree due to adjacent properties; the shape of the tree; and accessibility of the tree crown, branches, trunk, or roots for examination.

In the event that information provided by the Client or any third parties, including but not limited to documents, records, site and grading plans, permits, or representations or any site conditions are updated or change following the completion of this Report, this Report is no longer current and valid and cannot be relied upon for the purpose for which it was prepared. Dendron and its agents, assessors, and/or employees are not liable for any damages, injuries, or losses arising from amendments, revisions, or changes to the documents, records, site and grading plans, permits, representations, or other information upon which Dendron relied in preparing this Report.

No assessment of any other trees or plants has been undertaken by Dendron. Dendron and its agents, assessors, and/or employees are not liable for any other trees or plants on or around the subject Property except those expressly identified herein. The results, observations, interpretations, analysis, recommendations, and conclusions contained within this Report apply only to the trees identified herein.

Trees and plants are living organisms and subject to change, damage, and disease, and the results, observations, interpretations, analysis, recommendations, and conclusions as set out in this Report are valid only as at the date any inspections, observations, tests, and analysis took place. No guarantee, warranty, representation, or opinion is offered or made by Dendron as to the length of the validity of the results, observations, interpretations, analysis, recommendations, and conclusions contained within this Report. As a result the Client shall only rely upon this Report as representing the results, observations, interpretations, analysis, recommendations, and conclusions that were made as at the date of such inspections, observations, tests, and analysis. The trees discussed in this Report should be re-assessed periodically and at least within one year of the date of this Report.

No Opinion regarding ownership of the Tree

This Report was not prepared to make a determination as to ownership of the subject tree(s). Where ownership of the subject tree(s) is identified within this Report, said identification is based on the information provided by the Client and third parties, including surveys, permits, and site and grading plans and may not be relied upon as a guarantee, warranty, or representation of ownership.

Assumptions

This Report is based on the circumstances and conditions as they existed at the time of the site inspection and the information provided by the Client and/or third parties to Dendron. Where documents, records, site and grading plans, permits, representations, and any other information was provided to Dendron for the purpose of preparing this Report, Dendron assumed that said information was correct and up-to-date and prepared this Report in reliance on that information. Dendron and its agents, assessors, and/or employees, are not responsible for the veracity or accuracy of such information. Dendron and its agents, assessors, or employees are not liable for any damages, injuries, or losses arising from inaccuracies, errors, and/or omissions in the documents, records, site and grading plans, permits, representations, or other information upon which Dendron relied in preparing this Report.

For the purpose of preparing this Report, Dendron and its agents, assessors, and/or employees assumed that the property which is the subject of this Report is in full compliance with all applicable federal, provincial, municipal, and local statutes, regulations, by-laws, guidelines, and other related laws. Dendron and its agents, assessors, and/or employees are not liable for any issues with respect to non-compliance with any of the above-referenced statutes, regulations, bylaws, guidelines, and laws as it may pertain to or affect the property to which this Report applies.

For the purpose of preparing this Report, Dendron and its agents, assessors, and/or employee assumed that there are no hidden or unapparent conditions affecting the results, observations, interpretations, analysis, recommendations, and conclusions contained within this Report.

No Publication

The Client acknowledges and agrees that all intellectual property rights and title, including without limitation, all copyright in this Report shall remain solely with Dendron Forestry. Possession of this Report, or a copy thereof, does not entitle the Client or any third party to the right of publication or reproduction of the Report for any purpose save and except where Dendron has given its prior written consent.



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Neither all nor any part of the contents of this Report shall be disseminated to the public through advertising, public relations, news, sales, the internet or other media (including, without limitation, television, radio, print or electronic media) without the prior written consent of Dendron Forestry.

Implementing the Report Recommendations

Dendron and its agents, assessors, and/or employees accept no responsibility for the implementation of any part of this Report unless specifically requested to provide oversight on the implementation of the recommendations. In the event that inspection or supervision of all or part of the implementation of the within recommendations is requested, that request shall be in writing and the details agreed to in writing by both parties.

Dendron and its agents, assessors, and/or employees are not liable for any damages or injuries arising from the manner in which the recommendations in this Report are implemented, including failure to, incorrect, or negligent implementation of the recommendations.

Further Services

Neither Dendron nor any assessor employed or retained by Dendron for the purpose of preparing or assisting in the preparation of this Report shall be required to provide any further consultation or services to the Client, save and except as already carried out in the preparation of this Report and including, without limitation, to act as an expert witness or witness in any court in any jurisdiction unless the Client has first made specific arrangements with respect to such further services, including, without limitation, providing the payment of the Report's regular hourly billing fees.

Limits of Liability

In carrying out this Report, Dendron and its agents, assessors, and/or employees have exercised a reasonable standard of care, skill, and diligence as would be customarily and normally provided in carrying out this Report. While reasonable efforts have been made to ensure that the trees recommended for retention are healthy, no guarantees are offered, or implied, that these trees, or all parts of them will remain standing. It is professionally impossible to predict with absolute certainty the behaviour of any single tree or group of trees, or all their component parts, in all given circumstances. Inevitably, a standing tree will always pose some risk. Most trees have the potential to fall, lean, or otherwise pose a danger to property and persons in the event of adverse weather conditions, and this risk can only be eliminated if the tree is removed.

Without limiting the foregoing, no liability is assumed by Dendron for:

- a) any legal description provided with respect to the Property;
- b) issues of title and or ownership respect to the Property;
- c) the accuracy of the Property line locations or boundaries with respect to the Property; and
- d) the accuracy of any other information provided to Dendron by the Client or third parties;
- e) any consequential loss, injury or damages suffered by the Client or any third parties, including but not limited to replacement costs, loss of use, earnings and business interruption; and
- f) the unauthorized distribution of the Report.

The total monetary amount of all claims or causes of action the Client may have as against Dendron Forestry, including but not limited to claims for negligence, negligent misrepresentation, and breach of contract, shall be strictly limited solely to the total amount of fees paid by the Client to Dendron Forestry pursuant to the Contract for Services dated February 13, 2023, for which this Assessment was carried out.

Further, under no circumstance may any claims be initiated or commenced by the Client against Dendron or any of its directors, officers, employees, contractors, agents, assessors, or Assessors, in contract or in tort, more than 12 months after the date of this Report.

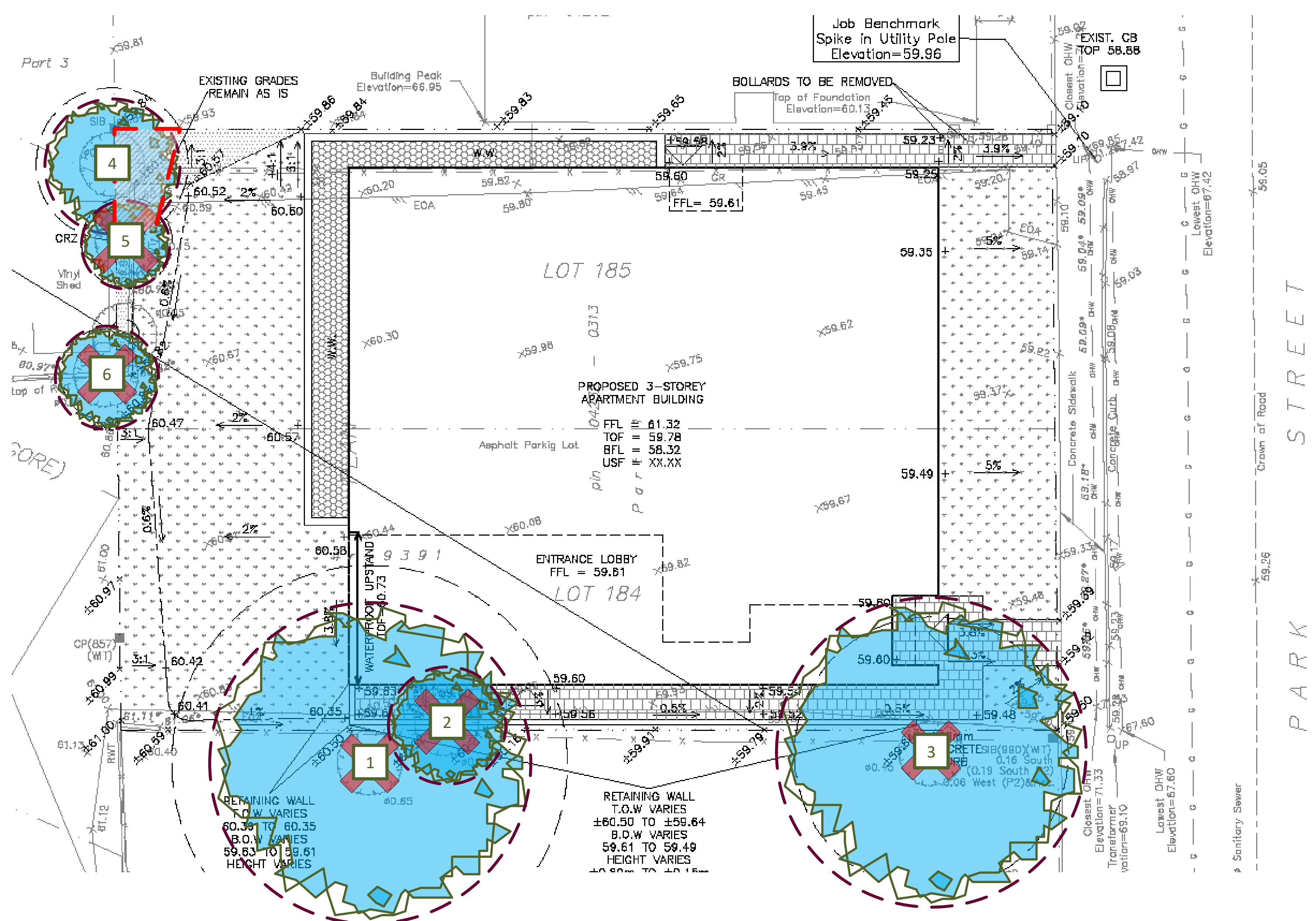
No Third Party Liability

This Report was prepared by Dendron exclusively for the Client for the purpose set out in the Report. Any use which a third party makes of this Report, or any reliance on or decisions a third party may make based upon this Report, are made at the sole risk of any such third parties. Dendron Forestry accepts no responsibility for any damages or loss suffered by any third party or by the Client as a result of decisions made or actions based upon the unauthorized use or reliance of this Report by any such party.

General

Any plans and/or illustrations in this Report are included only to help the Client visualize the issues in this Report and shall not be relied upon for any other purpose. This report is best viewed in colour. Any copies printed in black and white may make some details difficult to properly understand. Dendron accepts no liability for misunderstandings due to a black and white copy of the report.

Notwithstanding any of the above, nothing in this Report is taken to absolve the Client of the responsibility of obtaining a new Report in the event that the circumstances of the tree change.



Tree ¹	Species	Diameter at breast height (dbh)	Ownership ^{2,3}	Condition	Action
1	Manitoba maple (<i>Acer negundo</i>)	Multi-stem: 21, 27, 35	Adjacent – 273 Park	Good/Fair	Remove due to grade change and proximity of excavation; Tree Permit and permission from adjacent property owner required
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Tree Protection Area (TPA)

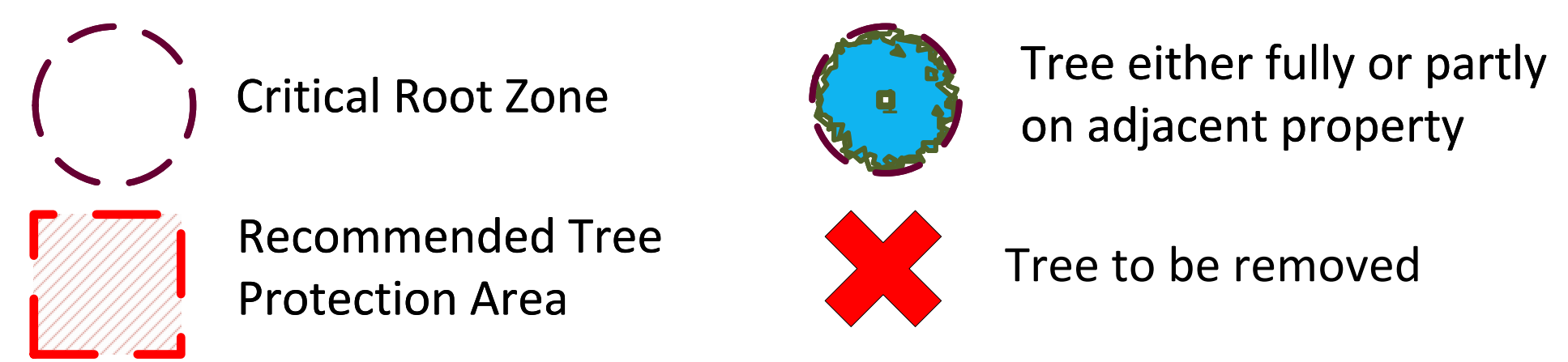
Prior to any site works, protective fencing should be installed around the TPA as indicated in Map and maintained until all construction on site has been completed as per the **City of Ottawa Tree Protection Specifications (March 2021)**. Within the fenced area, the following tree protection guidelines should be applied:

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- Do not store construction material
- Do not operate machinery
- Do not convert to hard surface or change the landscaping
- Do not excavate unless it is a method that has been pre-approved by the City
- Do not place signs, notices or posters to any tree
- Do not damage the root system, trunk, or branches of any tree
- Direct the exhaust away from the tree

The tree protection fencing must be 1.2 m in height and constructed of a rigid or framed material (e.g. modulus – steel, plywood hoarding, or snow fence on a 2"X4" wood frame) with posts 2.4 m apart such that the fence location cannot be altered. All supports must be placed outside of the CRZ and installation must minimize damage to existing roots.

If the fenced TPA must be reduced to facilitate construction, *one* of the following mitigation measures should be applied:

- Place a layer of 6-12 inches (15 to 30 cm) of woodchip mulch to the area
- Apply ¾ (2 cm) inch plywood, or road mats over a 4+ inch (10 cm) thick layer of the wood chip mulch
- Apply 4-6 inches (10 to 15 cm) of gravel over a taut, staked, geotextile fabric



Note that the tree layer has been added to the original grading plan supplied by the client in pdf format. This layer refers to the trees only, and the original grading plan has not been altered in the process.

