

TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE MEETING ON NOVEMBER 20, 2017
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	THE CITY OF LONDON TREE PROTECTION BY-LAW C.P. 1515-228 IMPLEMENTATION REVIEW
RECOMMENDATION	

That, on the recommendation of the Managing Director, Planning and City Planner, the following report **BE RECEIVED** for information regarding the Tree Protection By-Law C.P.-1515-228 Implementation Review.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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| October 10, 2017 | Planning & Environment Committee Report– Planning Services Work Program update |
| July 17, 2017 | Planning & Environment Committee Report – Staffing Resources to support the new Tree Protection By-Law |
| August 22, 2016 | Planning & Environment Committee Report – Adoption of the Tree Protection By-Law and direction of to monitor the implementation of the By-law and provide a status report and any recommended amendments to the By-law within a period of one year. |
| August 26, 2014 | Planning & Environment Committee Report - Adoption of the Urban Forest Strategy and endorsement of an Implementation Plan that includes by-law revisions |

PURPOSE

The purpose of this report is to inform Council of the impact to Urban Forestry’s work plan due to the implementation of the “The City of London Tree Protection By-Law C.P. 1515-228”.

Based on Council’s August 22, 2016 direction, a more comprehensive review of the Tree Protection By-Law will be performed in Q1 2018. A report will be provided to Council outlining community and stakeholder feedback, and any proposed changes to the By-Law including any direction that may be received from this report.

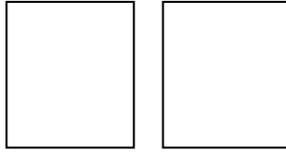
ANALYSIS

Council Adoption of the Tree Protection By-law

In August 2016, Municipal Council adopted “The City of London Tree Protection By-Law C.P. - 1515 -228”. The intent of the By-Law is to “Prohibit and regulate the destruction or injuring of trees in the City of London”. The By-Law replaced the “Tree Conservation By-Law C.P.-1466-249”.

By-law covers 50cm diameter trees vs 75cm diameter Distinctive Trees

In anticipation of the new By-Law, staffing resources were increased by two full-time equivalents (FTEs) to accommodate additional responsibilities related to its implementation and enforcement. The original organizational and staffing plan for the new By-Law was based on the trunk size of



the “Distinctive Tree” category being greater than or equal to at 75 cm diameter at breast height (DBH).

Through the approvals process at Planning and Environment Committee and Council, a revision to the By-Law was made to amend the definition of “Distinctive Tree” to be greater than or equal to 50 cm DBH, instead of greater than or equal to 75 cm DBH. At that time, Administration indicated that this change would have a significant impact on the required resources to administer and enforce the proposed By-law. Accordingly, Council directed staff to move forward with the change to greater than or equal to 50 cm DBH and report back after a year of implementation to identify progress on implementation, potential revisions to the By-law, and any resource requirements resulting from the By-law.

Implications of the 50cm diameter Distinctive Tree size

Due to this size adjustment, applications for Distinctive Trees are about five times the number (517 vs 109) that would have been submitted if the definition had remained at greater than or equal to 75 cm DBH. There has been an obvious and expanding gap in the service delivery within Urban Forestry and its ability to continue to carry out specific projects recommended in the Council approved Urban Forest Strategy. Staff have been directed to prioritize the By-Law resulting in other project work being impacted by being delayed, not performed to standard, or not completed. Most recently, on October 11, 2017, a report was provided to the Planning and Environment Committee updating the Planning Services Work Program.

SUMMARY OF DISTINCTIVE TREE PERMITS & OTHER BY-LAW WORK

September 1st 2016 – October 13th 2017

Distinctive Trees

Permit Applications:

Distinctive Tree greater than or equal to 75 cm DBH	109
Distinctive Tree greater than or equal to 50 cm DBH	408

Permit Applications Denials:

Distinctive Tree greater than or equal to 75 cm DBH	11
Distinctive Tree greater than or equal to 50 cm DBH	55
Estimated Applications - Dead Trees	15-20%

Tree protection areas (TPA)

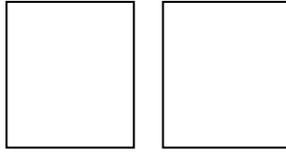
Permit Applications	92
Denials	4

Property Standards By-law (2017 only)

Applications	70
Calls	153
Observed By Officer on Site	20
Follow up Inspections	36
Removals	373
Pruning	57
Estimated Number of Hours	216

Other by-law related work

Inquiries (Only related to By-Law)	1,324
Written Warnings (2017 only)	6
Part I Offence Notices Issued	1
Part III Proceeding Commenced by Laying an Information (100hrs)	1
Orders to Discontinue	12
Appeals (30 hrs)	6
Estimated Enforcement Calls (2-3 per week per officer)	400
About 90% of these calls are non-infractions	360



In addition to the new By-Law requiring much more time to implement the Distinctive Tree component, there are other impacts that have influenced its implementation. During the first year much time and resources were needed to educate and guide applicants through the new process. Many application submissions were incomplete or incorrect. The quality of applications has improved, in particular with industry partners such as tree care companies.

One of the major challenges of enforcement is that it is reactive in nature. It is important for the new By-law to have vigor in its enforcement to ensure that it continues to have credibility. Enforcement calls can come into Urban Forestry through many sources such as internal work groups (Councillor's Office, Forestry Operations, Site Plan, By-Law), and external parties (community groups, citizens). Calls need to be responded to quickly to make the difference between only one or several trees being removed, and to enhance the prospects of a successful prosecution or fine by catching perpetrators carrying out the activity. During the first year of the By-Law much time has been utilized educating the public and applicants about the By-Law as a result of enforcement calls.

When Urban Forestry receives a call, planned project work takes a back seat while this concern is being addressed. All enforcement calls result in a physical site visit but there is also work prior to going out into the field such as researching the site for active planning applications and reviewing ownership information. Results of an enforcement site visit can vary and range from no follow up; to issuing orders to stop work; to the creation of work orders and/or issuing of Offence Notices. All of these actions require time to research and to follow through.

Tree work and construction activities are seasonal in nature as is Urban Forestry's work plan work (invasive plant management, community tree planting, community programs). This has the small staff resources stretched during our peak season (April-Oct).

Urban Forestry services both internal and external clients. Internal customers include other business units that rely on Urban Forestry expertise to provide input into reports and plans. Delayed responses can place additional strain on work units to provide Urban Forestry comments when needed, delay approvals or result in missed opportunities for improved tree protection and replanting. External clients submitted approximately 1,300 inquiries (phone, email) about the By-law, and also submit applications and various plans. Without adequate support these too can be delayed and lead to decreased customer service experiences.

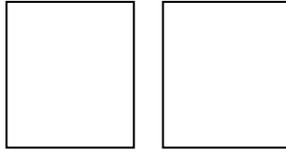
It is difficult to determine the impact that the Tree Protection By-Law has had on preserving our tree canopy cover over the first year. Some information at this stage is anecdotal. It is evident that Londoners care about their trees as illustrated by the large number of inquiries and calls to staff about the new Tree Protection By-Law. There is no practical way to determine how many trees, of the protected tree types in the new By-Law, have been saved that were otherwise being removed in London prior to the adoption of the By-Law.

Commitment to preserving our urban forest is a long term endeavor that will benefit future generations. This will entail longer term studies and analysis. The Urban Forest Strategy notes that canopy cover studies should be completed every 5 years and urban forest analysis every 10 years. This is to track the progress of achieving our tree canopy cover goal of 34% by 2065. The latest data collected for canopy cover was in 2015 with the most recent urban forest analysis in 2012.

To support the "Plant More" of the Urban Forest Strategy, some of the tree permit applications require tree planting as a condition of the permit and in other situations cash-in-lieu has been collected for tree planting elsewhere in the community.

Internal Efficiencies & Improvements Made

When the By-Law was adopted many new policies and procedures were needed to support the By-Law. This includes learning simple tasks such as how to process payments, and tracking information to more complex issues such as how to properly issue fines and the appeals process. It has been very much a "Learn as we go" or "Building an airplane while flying" process. However, internal improvements have been made where possible. Examples of some are noted below.



Review & Consistency Meetings

Staff initially met twice a week to review applications and processes. This was to help ensure that there was consistency in the application of the new By-Law and the permitting process. It was also important that the same information was being provided to applicants and others that had interactions with the new By-Law. Due to these meetings where staff could share information and experiences, they were brought up to speed quickly.

Addition of Clerical Staff (CRS) – Customer Service

This past July, permanent clerical support was secured for Urban Forestry with a focus on By-Law implementation. This was approved by Council utilizing existing funding. This position provides an improved customer service experience for those seeking assistance regarding the new By-Law. It is the first point of contact for customers and has reduced the time to process permits. This position also helps utilize existing resources in a more effective manner as routine and common questions can be answered without them being forwarded to the Urban Forestry Technologists (Municipal By-Law Enforcement Officers). This position also provides many administrative functions such as creating files, tracking, and data entry and receives and processes payments.

Data Entry – Duplication of Work

In efforts to continue to streamline and improve processes, staff are investigating ways to decrease the amount of time for data entry. Planning Services is creating a GIS based system that will limit the amount of redundant information needed to be inputted while improving tracking and reporting. Areas for improvement such as an online fillable permit application form and various other ways to receive payments are also being investigated. Requiring permits for dead trees was also evaluated and determined that it is practical to continue to do so as many applications are submitted noting the reason for the removal is that the tree is dead, when it is not.

Other improvements that are being looked into include redistribution of areas of work based on volume of work to be more equitable and decrease travel time, creation of a simpler application template to improve the information being submitted and accepting pictures of dead trees in the application process to avoid some site visits.

Reprioritization of Urban Forestry Work Program for 2018

Given the existing staffing resources, the Urban Forest Strategy and associated Implementation Plan has been reviewed reprioritizing the actions that support the short and long term strategic goals. As shown in the October 2017 report, the two projects that are on Council’s Strategic Plan, iTree Eco Analysis and Boulevard Tree Protection By-Law Revisions, have been prioritized. The review and update to the Tree Protection By-Law would also be undertaken, as directed by Council. In addition, a project has been added that would include internal service review regarding effective and efficient delivery of tree By-Law services. This project would be supported by Planning Services, Development & Compliance Services and Environmental & Engineering Services.

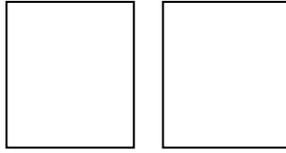
REVISED URBAN FORESTRY WORK PROGRAM

PROJECTS TO IMPLEMENT

Implementation & Enforcement of Tree Protection By-Law	On-going
Enforcement of Property Standards – tree hazards	On-going
Boulevard Tree Protection By-Law Revisions* (with tree species review)	Q2
Tree Protection By-Law Update	Q2
Internal Service Review on Efficiencies and Process Improvement	Q3
iTree Eco Analysis*	Q4 into 2019

PROJECTS AS RESOURCES PERMIT

Report Writing & Analysis	On-going
Plan reviews (subdivision, site)	Response Time Delay
Invasive Species Reduction Programs	
• Buckthorn Management Program	On-going
• Asian Long horned Beetle (ALB) Program (monitoring)	Delayed



Woodland Management Capital Program

On-going

PROJECTS WITH MODIFIED TIMEFRAME

Supporting Documents for By-Laws & Strategies

- UF Communications & Education Strategy Defer
- Watering Strategy Defer
- Tree Compensation Guidelines Defer
- Downtown Capital Tree Planting Projects Defer

Take on additional Property Standards role Defer

Take on responsibility for the Boulevard Tree By-law Defer

*Note: * indicates that the item is within the 2015-2019 Council Strategic Plan*

The impact to not continuing to implement the short and medium term action items relate to “Engage the Community” is the delay in the creation of a comprehensive communication strategy. Currently, City Communications provides on-going support to Urban Forestry in many projects such as National Tree Day, and TreeME funding. However, this strategy would be to help reach our community and many partners in a targeted and effective manner. Many of the action items that have not been implemented effect how we are going to support their efforts to have a healthy and sustainable urban forest. This includes educating the public about proper tree care, and comprehensive workshops.

Overall Risks

With the approval of London’s Urban Forest Strategy, a comprehensive plan was put in place to manage our urban forest through short, medium and long-term actions. One of the UFS pillars is to “Protect More” and the Tree Protection By-law is key to that goal. At this time, administration of this one initiative is affecting other important goals, such as:

- Delaying implementation of the comprehensive Urban Forestry Strategic Plan and meeting special action plan goals;
- May delay the City in reaching its tree canopy cover goal of 34% by 2065;
- Reduced management and asset value of London’s trees; and,
- Loss or delay of the many benefits that trees provide in terms of environmental, social, health and recreational values.

OPTIONS TO MITIGATE THE ADMINISTRATIVE IMPACTS OF THE BY-LAW

Staff will continue to make progress on some key initiatives through 2018 as outlined above, but overall progress on our long-term Urban Forest Strategy is being impacted. To address this, Council may wish to consider the following options prior to, or through the next budget process:

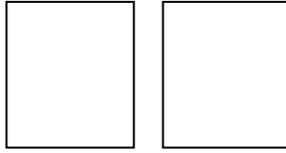
1. Modify work program and Urban Forest Strategy goals to suit current staff resources.

Continue with the Tree By-law Distinctive Tree size at 50cm and process administrative by-law changes resulting from upcoming stake-holder consultations. Formally adjust Urban Forestry’s work program as noted above and amend the Urban Forest Strategy as required.

- Pros: - As noted above
 Cons: - As noted above
 Costs: - No new resourcing costs. Potential “costs”, noted above in the risk assessment.

2. Increase staffing resources through the addition of two Forestry Technologist & leave the By-Law Distinctive Tree as greater than or equal to 50 cm DBH

The addition of two employees would be used to redistribute the By-Law implementation and enforcement from three geographical areas into five. This will allow staff to focus also on project work that supports the Urban Forest Strategic Plan and other Council priorities. This will also permit Urban Forestry to take on the added responsibilities of implementation and enforcement



of the revised Boulevard Tree By-Law and comprehensively manage the hazard tree piece of the Property Standards By-Law.

- Pros
 - Balanced work plan with achievable Urban Forest Strategy
 - Efficiencies found throughout the Corporation that are urban forestry related work.
 - Smoother implementation process and enforcement of the upcoming revised Boulevard Tree By-Law.
 - Improved customer service with the hazard tree for the Property Standards By-Law and reducing overall staff time.
- Cons
 - Impact to budget
- Costs
 - Permanent increase in Urban Forestry operating budget of \$138,000 starting in 2019

3. Increase the size of the Distinctive Tree category to greater than or equal to 75 cm DBH

Based on the numbers provided, it is estimated that changing the distinctive tree size to greater than or equal to 75 cm DBH will result in workload being greatly reduced. There would be far fewer permit applications and associated work related to them (i.e. data entry, enforcement activities, calls). Much work related to communication, education and awareness has been completed around the new By-Law.

Although it is a very small sample group, a few observations about the smaller size can be made from the permit application denials. There were 11 issued for greater than or equal to 75 cm DBH and 44 for equal to or greater than 50 cm DBH. Applications were generally denied as the trees were in good health and condition. When looking at the types of the trees that were denied, it was noted that the majority of denials were for the smaller sized category and were more diverse. Although many small trees comprise this category, it represents proportionally more canopy cover.

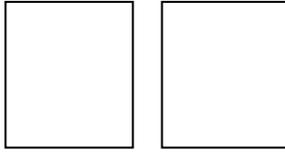
- Pros
 - Significantly reduce the work load of the implementation and enforcement of the new By-Law allowing more time and resources to implement Urban Forest Strategy and work plans in a timely manner.
- Cons
 - The Distinctive Tree component of the By-Law will apply to trees that are older and nearing the end of their lifecycle.
 - Changing the size requirements could lead to public confusion and perhaps even a loss of the City’s credibility.
- Costs
 - No significant impact, noting minor costs may be incurred related to community engagement and education and updates to existing materials and manuals, which can be accommodated within existing budgets.
 - A cost savings may also be realized in overtime costs as not as many enforcement call are being addressed. Overtime has been used to address enforcement issues that require investigation that may extend past normal working hours.

CONCLUSION

The City of London’s urban forest is an asset that grows in value over time. Based on the Urban Forest Effects Model (2008) study, it is valued at \$1.5 billion and provides the following ecosystem goods and services and functions:

- \$10.3 million for carbon stored in existing trees
- \$4.5 million for the removal of air contaminates
- \$1.7 million for energy conservation

London is “The Forest City” and over the years, with Council support, it has become a leader in its field through the adoption of the Urban Forest Strategy. The Tree Protection By-Law is a major piece in Strategy to “protect more” to ensure that Londoners will have a healthy, sustainable urban forestry for current and future generations. Staff have adjusted the Urban Forestry work plan for 2018 to reflect the available resources. Future direction will be requested with respect to



managing the challenges associated with the implementation of this by-law and the many other aspects of the Urban Forestry Strategy going forward.

PREPARED BY:	SUBMITTED BY:
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