



Hamilton

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Planning and Economic Development Department
Planning Division
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FILE: HP2021-045

October 14, 2021

Lorne McArthur, Superintendent – Forestry, City of Hamilton
71 Main Street West, Hamilton (Ward 2)

**Re: Heritage Permit Application HP2021-045:
Proposed Removal of Honey Locust Tree at 71 Main Street West, Hamilton
(Ward 2) (By-law No. 06-011)**

Please be advised that pursuant to By-law No. 05-364, as amended by By-law No. 07-322, which delegates the power to consent to alterations to designated property under the *Ontario Heritage Act* to the Director of Planning and Chief Planner, Heritage Permit Application HP2021-045 is approved for the designated property at 71 Main Street West, in accordance with the submitted Heritage Permit application for the following alterations:

- Removal of Honey Locust Tree (DBH 128 cm) located in northeast corner of property; and,
- Replacement with 70mm Kentucky Coffee Tree.

Subject to the following conditions:

- (a) Any minor changes to the plans and elevations following approval shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to submission as part of any application for a Building Permit and / or the commencement of any alterations; and,
- (b) Implementation of the alterations, in accordance with this approval, shall be completed no later than October 31, 2023. If the alterations are not completed by October 31, 2023 then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

Please note that this property is designated under Part IV of the *Ontario Heritage Act*, and that this permit is only for the above-noted alterations. Any departure from the approved plans and specifications is prohibited, and could result in penalties, as

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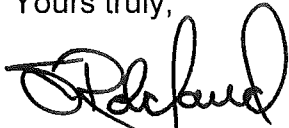
**October 8, 2021
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provided for by the *Ontario Heritage Act*. The terms and conditions of this approval may be appealed to the Ontario Land Tribunal within 30 days of your receipt of this permit.

The issuance of this permit under the *Ontario Heritage Act* is not a waiver of any of the provisions of any By-law of the City of Hamilton, the requirements of the *Building Code Act*, the *Planning Act*, or any other applicable legislation.

We wish you success with your project, and if you have any further questions please feel free to contact Stacey Kursikowski, Cultural Heritage Planner, at 905-546-2424 ext. 1202, or via email at Stacey.Kursikowski@hamilton.ca

Yours truly,



Steve Robichaud, MCIP RPP
Director of Planning and Chief Planner

cc: Stacey Kursikowski, Cultural Heritage Planner
Chantal Costa, Plan Examination Secretary
Bob Nuttall, Acting Manager, Building Inspections
Tamara Reid, Supervisor-Operations and Enforcement
Loren Kolar, Legislative Coordinator
Christine Vernem, Legislative Secretary
Councillor Jason Farr, Ward 2

HERITAGE PERMIT DELEGATED AUTHORITY REPORT – HP2021-045
ADDRESS: 71 Main Street West, Hamilton (City Hall)

Owner: City of Hamilton

Applicant / Agent: Lorne McArthur, Superintendent – Forestry, City of Hamilton

Description of proposed alterations:

- Proposed removal of Honey Locust Tree (DBH 128 cm) located in the northeast corner of property; and,
- Replacement with 70 mm Kentucky Coffee Tree.

Reasons for proposed alterations:

- Tree has extensive internal rot, repeated failures and poses risk to public safety.

Documentation submitted with application:

- Tree Risk Assessment Form; and,
- Map showing location of subject tree.

Staff assessment:

Key factors in the evaluation of alterations affecting a heritage building or its setting are the consideration of:

- **“displacement effects”** (those adverse actions that result in the damage, loss or removal of valued heritage features); and,
- **“disruption effects”** (those actions that result in detrimental changes to the setting or character of a heritage feature).

In the consideration of any Heritage Permit application, staff must assess the impact of the displacement and disruption effects on the heritage resource, particularly in relation to the heritage attributes mentioned in the Designation By-law, in this case By-law No. 06-011.

The applicant proposes to remove the Honey Locust Tree (DBH 128 cm) from the northeast corner of the subject property and install a 70 mm Kentucky Coffee Tree in its place. This work is being done due to extensive internal rot, repeated failures and risk to public safety.

While there will be “displacement effects” as a result of the loss of the mature tree, a replacement tree of substantial size is proposed. The work is seen as a necessity due to the potential risk to the public’s safety as a result of the internal rot.

Minimal “disruption effects” are expected to the heritage context of the property. The replacement tree will be complimentary to the overall landscape of the property and ensure public safety.

Staff are supportive of the proposed work as it will remove the failing tree and prevent further risk to public safety. The replacement will be visually compatible with the overall landscape and character of the property.

Key dates:

Notice of Complete Application: September 15, 2021
Sub-committee meeting date: September 21, 2021

Sub-committee comments and advice:

The Sub-committee considered the application and passed the following motion:

(Alexander/Ritchie)

That the Heritage Permit Review Sub-committee advises that Heritage Permit application HP2021-045 be approved as submitted, subject to the following conditions:

- (a) Any minor changes to the plans and elevations following approval shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to submission as part of any application for a Building Permit and / or the commencement of any alterations; and,
- (b) Implementations of the alterations, in accordance with this approval, shall be completed no later than October 31, 2023. If the alterations are not completed by October 31, 2023, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

CARRIED

Final Recommendation:

That the applicant be advised that Heritage Permit application HP2021-045 is approved in accordance with the submitted application, subject to the following conditions:

- (a) That any minor changes to the plans and elevations following approval shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to submission as part of any application for a Building Permit and / or the commencement of any alterations; and,
- (b) Implementations of the alterations, in accordance with this approval, shall be completed no later than October 31, 2023. If the alterations are not completed by October 31, 2023, then this approval expires as of that date and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

Approval:

Staff Approval:



___SM/AF___

Stacey Kursikowski, MCIP, RPP
Cultural Heritage Planner

SPM/MGR Initials

Authorized:



Steve Robichaud, MCIP RPP
Director of Planning and Chief Planner

Designation By-law (By-law No. 06-011)

Landscaped Grounds

Front (North)

- Forecourt together with former reflecting pool, walkways, existing multiple levels and topography, retaining walls, coniferous and deciduous trees;
- Grassed lawn and sycamore trees at the northwest corner of the property; and,
- Public art installation at the northwest corner of the property.