



Hamilton

**B-24:24 – 23-31 Church Street, Stoney Creek (Delegated Authority)**

**Recommendation:**

Approve

**Proposed Conditions:**

1. That the owner submits and receives approval of a Tree Protection Plan including the review fee as per the Schedule of Rates and Fees, to the satisfaction of the Manager of Heritage and Urban Design. The Tree Protection Plan is to be prepared by a qualified tree management professional (i.e., certified arborist, registered professional forester or landscape architect) in accordance with the City's Council adopted Tree Protection Guidelines (revised October 2010).
2. That the owner submits and receives approval of a Landscape Plan that shows the location of compensation trees to the satisfaction of the Manager of Heritage and Urban Design.
3. A Permit to injure or remove municipal trees is a requirement of this application. A Tree Management Plan must be submitted to the Forestry and Horticulture Section c/o the Urban Forestry Health Technician, to address potential conflicts with publicly owned trees.

**Proposed Notes:**



# Hamilton

## **Development Planning:**

### **Background**

To permit the creation of an easement for access for shoreline maintenance over properties known as 23, 25, 27, 29 & 31 Church Street, Stoney Creek.

### **Analysis**

#### **Urban Hamilton Official Plan**

The property is identified as “Neighbourhoods” in Schedule E – Urban Structure and is designated “Neighbourhoods” in Schedule E-1 – Urban Land Use Designations. Policy F.1.14.3.7, amongst others, are applicable and permit easements for infrastructure and utility works.

**1.14.3.7** Consents may be granted for the purposes of long-term lease agreements for infrastructure and utility works provided a separate lot is not created for a dwelling or any urban land use, except the uses noted in this Section.

Staff note that the proposal maintains the general intent of the Official Plan as the easements are in favour of maintenance access to the shoreline of Lake Ontario. Based on the foregoing, staff support the application.

### **Zoning:**

Recommendation:	No comments
Proposed Conditions:	
Comments:	
Proposed Notes:	

### **Cultural Heritage:**

Recommendation:	No comments
Proposed Conditions:	
Comments:	
Proposed Notes:	

### **Natural Heritage:**

Recommendation:	Comments and Conditions / Notes
Proposed Conditions:	1. That the owner submits and receives approval of a Tree Protection Plan including the review fee as per the Schedule of Rates and Fees, to the



Hamilton

	<p>satisfaction of the Manager of Heritage and Urban Design. The Tree Protection Plan is to be prepared by a qualified tree management professional (i.e., certified arborist, registered professional forester or landscape architect) in accordance with the City’s Council adopted Tree Protection Guidelines (revised October 2010).</p> <p>2. That the owner submits and receives approval of a Landscape Plan that shows the location of compensation trees to the satisfaction of the Manager of Heritage and Urban Design.</p>
<p>Comments:</p>	<p>1. The subject properties are located within the boundaries of the Urban Hamilton Official Plan (UHOP). Based on Schedule B (Natural Heritage System) of the UHOP, Core Areas (i.e., Environmentally Significant Areas, Areas of Natural and Scientific Interest, Significant Woodlands, wetlands and watercourses) as well as Linkages (natural areas that ecologically connect Core Areas) have not been identified within the subject properties.</p> <p>It is important to note Core Areas (Lake Ontario, Community Beach Ponds Environmentally Significant Area, Significant Woodland and watercourse) have been identified within the surrounding landscape. These features contribute to the function of the area as a significant landbird migratory stopover area.</p> <p>Any development or site alteration within or adjacent to Core Areas shall not negatively impact their natural features or their ecological functions (policy C.2.3). Due to the location of the site, there is concern if tree removal will occur. In addition, there is concern with impacts (bird-building collisions) to migrating birds.</p> <p>A Species Habitat Assessment is recommended. This assessment would discuss the function of the trees on the property, assess the direct and indirect impacts on birds as well as specific bird-friendly design elements that would be incorporated into the design of any proposed development.</p> <p>It is important to note that the properties are located within the Hamilton Conservation Authority (HCA) regulated area. It is advised that HCA be contacted to determine relevant requirements (i.e., permits).</p> <p>2. Through aerial photograph interpretation, trees have been identified within and adjacent to the subject property. The City recognizes the importance of trees to the health and quality of life in the community (i.e., canopy cover, energy conservation, mental health benefits) and encourages the protection and restoration of trees (policy C.2.11.1).</p>



Hamilton

	<p>There may be an impact on trees within and adjacent to the subject properties. To ensure that trees are considered in the design of the proposed development, it is recommended that a Tree Protection Plan (TPP) be prepared by a qualified tree management professional (i.e., certified arborist, registered professional forester, or landscape architect) in accordance with the City's Council adopted Tree Protection Guidelines (revised October 2010).</p> <p>To ensure existing tree cover is maintained, the City requires 1 for 1 compensation for any tree (10 cm DBH or greater) that is proposed to be removed. If trees are to be removed, it is recommended that a Landscape Plan (showing the required compensation) be provided.</p>
Proposed Notes:	

Forestry:

Recommendation:	Approve with Conditions
Proposed Conditions:	A Permit to injure or remove municipal trees is a requirement of this application. A Tree Management Plan must be submitted to the Forestry and Horticulture Section c/o the Urban Forestry Health Technician, to address potential conflicts with publicly owned trees.
Comments:	<p>Conditions of the Forestry and Horticulture Section will be cleared only after receipt of all applicable fees.</p> <p>An assessment of the information provided shows that there are potential conflicts with publicly owned trees or trees that may become city assets through right of way widening.</p> <p>Where existing municipal trees are impacted by development work, are within proximity of the development work or access/egress to the development work, a Public Tree Permit to injure or remove municipal trees is required.</p> <p>Where ownership of trees in proximity to the boundary between public and private land is un-certain, the subject trees must be surveyed by the applicant to confirm ownership. Ownership is as per By-law 15-125. Ownership must be clearly identified on the Tree Management Plan as either municipal or private.</p> <p>No Landscape plan required.</p>



TREE MANAGEMENT

Tree Protection is a measure of efforts to preserve existing trees during the Planning of New Developments, Infrastructure Enhancements, Utility Upgrades & Residential Improvements.

The Forestry & Horticulture Section requires that a Tree Management Plan be prepared by a MTCU Qualified Arborist, or ISA Certified Arborist, or a Registered Landscape Architect. All trees within this proposed development area must be surveyed, identified and accurately plotted on the plan to determine ownership, including intensions regarding retention or removal.

It is compulsory that all proposed surface treatment changes within individual tree driplines as well as property lines, building footprints, driveways, utility construction corridors and temporary access roads be accurately depicted on the submission.

The Tree Inventory Analysis Table on the Tree Management Plan shall not be considered complete without the following data and recommended action for each tree.

- Species by Botanical and common name
- Diameter at breast height in centimeters or millimeters
- Ownership {> 50% @ ground level = ownership}
- Biological health
- Structural condition
- Proposed grade changes within individual driplines {compulsory}
- Proposed utility construction within individual driplines {compulsory}
- Proposed removals or relocations
- Proposed trees to be protected.

If it is determined and verified that existing trees can remain, a Tree Protection Zone Detail with notes showing Tree Preservation Techniques shall be included on the submission as per the Public Tree Preservation and Sustainability Policy.

The determination of ownership of all trees is the responsibility of the applicant and any civil issues which may exist or arise between property owners with respect to trees, must be resolved by the applicant. The



Hamilton

	<p>ownership of each individual tree inventoried must be clearly stated as municipal or private.</p> <p>All Healthy trees on municipal property which are found to be in conflict with this proposed development and do not meet our criteria for removal are subject to a replacement fee as outlined in the Public Tree Preservation and Sustainability Policy in conjunction with By-Law 15-125.</p> <p>A permit will be issued upon approval of the Tree Management Plan and applicable fees.</p>
Proposed Notes:	

Development Engineering:

Recommendation:	No comments
Proposed Conditions:	
Comments:	
Proposed Notes:	

Building Engineering:

Recommendation:	No comments
Proposed Conditions:	
Comments:	
Proposed Notes:	

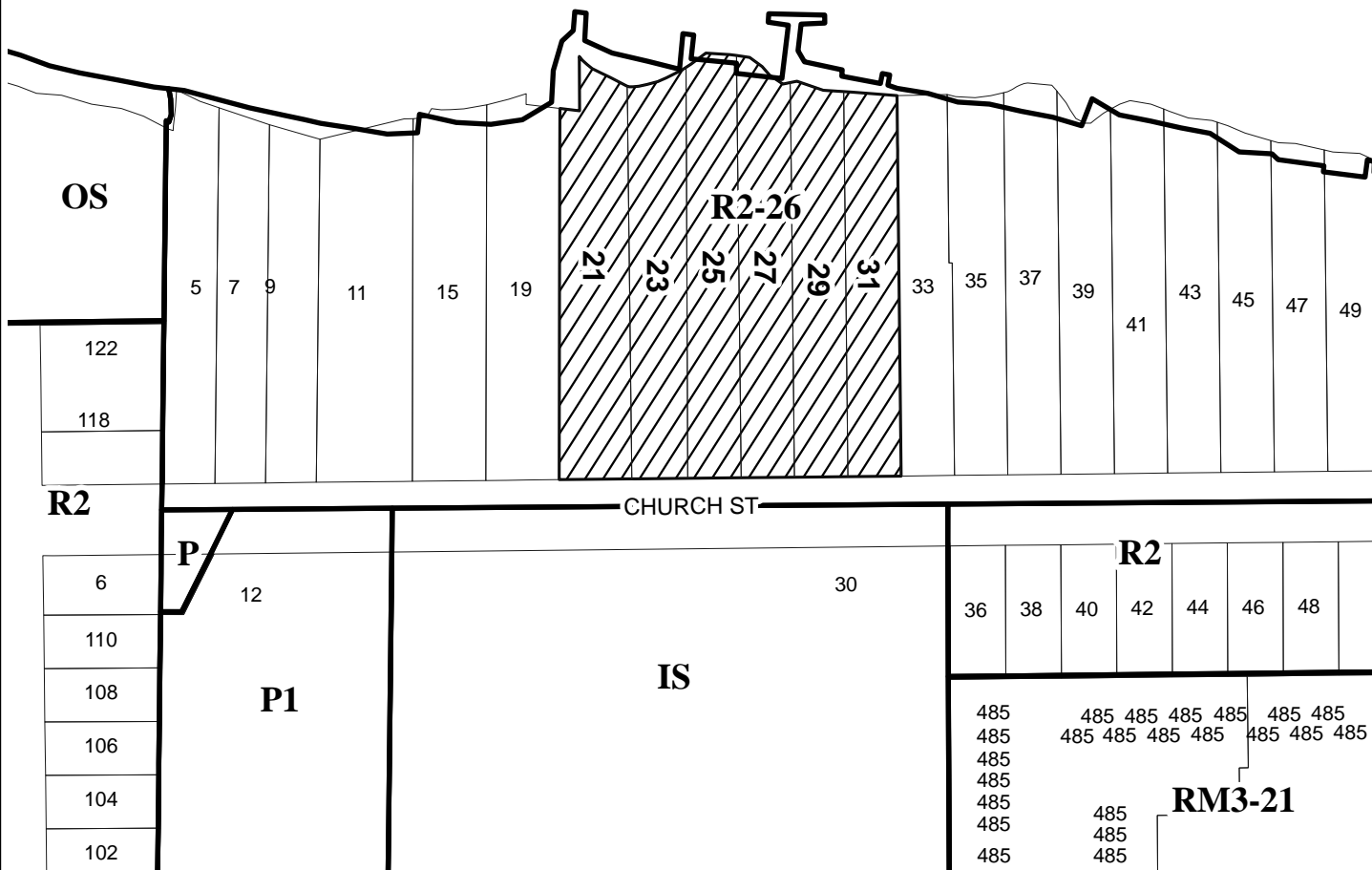
Transportation Planning:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	No files were available to review for Transportation Planning
Proposed Notes:	

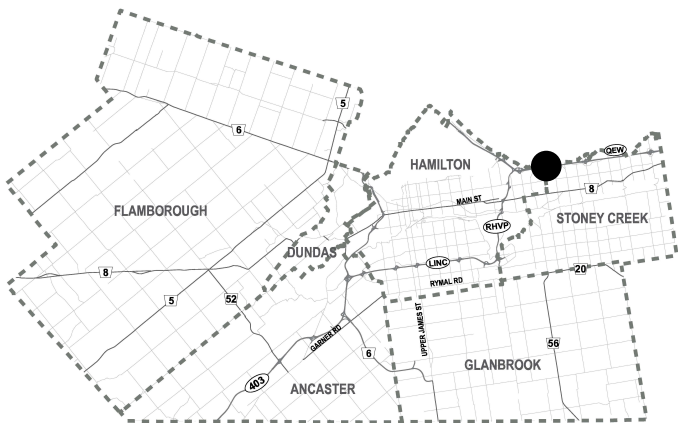
Legislative Approvals:

Recommendation:	No Comments.
Proposed Conditions:	
Comments:	
Proposed Notes:	We ask that the Owner agrees to physically affix the municipal numbers or full addresses to either the buildings or on signs in accordance with the City's Sign By-law, in a manner that is clearly visible from the road.

Lake Ontario



● Site Location



City of Hamilton

# Committee of Adjustments

## Subject Property



21 - 31 Church Street, Stoney Creek (Ward 10)

File Name/Number:

B-24:24

Date:

June 6, 2024

Technician:

AL

Scale:

N.T.S.

Appendix "A"



Hamilton