

## Hamilton Municipal Heritage Committee

5.2

August 20, 2020

Jim MacLeod, Vice President

Ancaster Village Heritage Community

Thank you for your consideration of the plan put forward by **Ancaster Village Heritage Community** to improve demolition control in our city and add protection to important buildings that should not be demolished without careful consideration.

Some properties are protected through designation, listing and maintaining a register. This helps but property by property action is needed. Our proposals would build in a pause button for older buildings and move responsibility to City Council for issuance of demolition permits for these properties and other important buildings. Staff would still handle most truly routine requests.

This highlights the positive proposals in our full document. I believe you have a copy of it.

### GOAL

Ancaster Village Heritage Community Inc, AVHC, is a vibrant, engaged community group in Ancaster. We offer positive solutions for amendment of governance controlling demolitions to end the significant damage current City policies cause. Our focus is on Ancaster, but we believe the issues we set out affect the entire City.

**OUR REQUEST:** We ask that the Heritage Committee refer this matter to Planning Committee and City Council with a recommendation that a public process is created to develop a new Demolition Control Bylaw to replace Bylaw 09-208 as soon as possible.

### BACKGROUND

We looked at demolition control after the sudden loss of Brandon House, a pristine 1860s heritage home at the gateway to Ancaster. It seems clear the current bylaw, 09-208, is short on accountability and tilted towards efficiency. Non-residential buildings are not covered by 09-208 and Brandon House, a family home for almost 150 years, was zoned C5a Mixed Use and seems to have been processed under commercial zoning procedures. All demolitions should have similar governance.

The 2009 staff background document for Bylaw 09-208 is very clear that the goal is to minimize Council involvement in granting demolition permits. Decisions are delegated to staff. It appears to the public that demolition permit decisions are made behind closed doors. This needs a reset to ensure accountability to the community.

Multiple demolitions in Ancaster's heritage village on Wilson Street East, like Brandon House zoned C5a Mixed Use, left what can only be described as a wasteland at the corner of Academy Street.

The same is true of the weed infested Brandon House site that still has rubble strewn around. Current City governance of demolitions clearly can and does result in this.

### **WHY VACANT LOTS?**

Creation of vacant lots is a developer tactic. Council is under pressure to fill a vacant lot and may grant zoning variations to permit higher or denser development. Is Council and LPAT more likely to bend when faced with a lot that has been vacant for some time?

We may find out. While there is no development application filed, the potential developers of the vast vacant lot at Academy Street have made at least two public presentations to advance their agenda. AVHC notes the six story building outlined is double what is permitted under current zoning, enacted in 2018. The C5a zoning permits 9 meter height, about 3 stories.

- Over development creates multiple issues with traffic, infrastructure, and harms quality of life for other parts of the community.
- Vacant lots encourage over development.
- City demolition policies seem to encourage vacant lots.

It all ties together.

### **AVHC POSITION**

We ask Council to initiate a public process to repeal and replace Bylaw 09-208 and treat all demolitions in a similar manner. AVHC believes the resulting bylaw should follow these guiding principles:

- **Set out the intent** of demolition approval so all parties know what is acceptable upfront. Take a look at Waterloo bylaw intents that we outline in our document—they are excellent.
- **Look Carefully at Older Buildings.** Ensure that demolition applications for all buildings with heritage connections whether listed or not are dealt with by Council in a public process. AVHC suggests all buildings over 90 years old automatically be a Council decision
- **No Vacant Lots.** Ensure that the practice of allowing demolition to create vacant lots ends. Applications for a demolition permit not tied to a development permit and an approved plan should be considered by Council and generally denied.
- **Encourage Compliance.** Tie development and demolition together and impose a meaningful penalty on any applicant that fails to proceed with that development after demolition. AVHC suggests the current \$20,000 is pennies and closer to \$250,000 would be appropriate.
- **Set Clear Rules for Staff.** Ensure that the criteria set out in the new bylaw where staff can issue a demolition period are unequivocal.

Our positive suggestions and our specific request are outlined in detail in our written presentation.

**AVHC is asking Hamilton to urgently make changes and create a better future for our community. Development must be a win for the City, a win for the developer, but most important a win for the people.**