



Hamilton

# Demolition Control and Heritage Report PED22093 (Item 10.2)

Planning Committee (WebEx)  
April 25, 2022

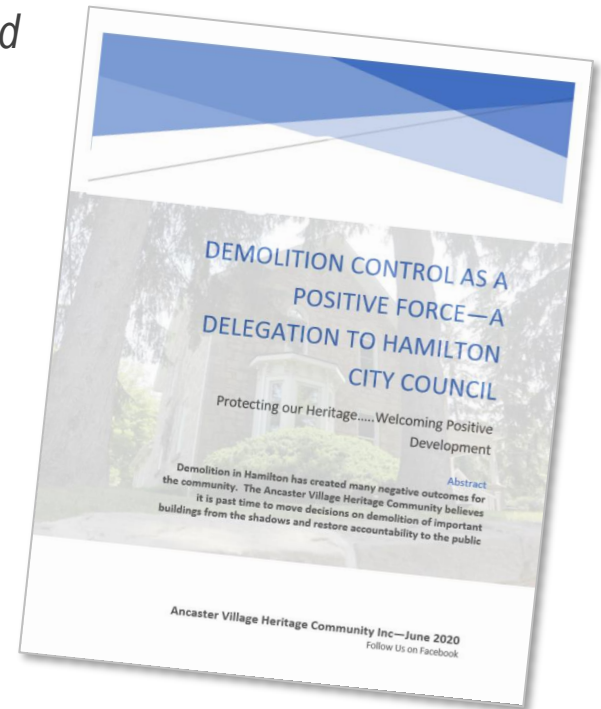
# Background – AVHC Delegation

## AVHC Delegation Request (July 2020)

*Revise Demolition Control By-law to require all Building Permits to Demolish buildings more than 90 years old to be considered by Council and allow for public consideration, and improve language around “routine applications”.*

Additional feedback from AVHC at Fall 2020 meeting:

- 90-year old buildings just a suggestion – open to other options to ensure unprotected properties of heritage interest are reviewed
- Get the ones that matter to Council – not looking to overload staff and Council
- Remove subjectivity (interpreting “routine applications”)



## Background - Process

- Inter-divisional PED working group
- Internal review of procedure and policy
- Best practice review
- Observations
- Themes for improvement
- Update to AVHC for feedback

# Clarifications on Demolition Control

- Prevents demolition without a permit – *section 33(2)*
- Only applies to “residential property”
- Not a public process (only owner can appeal)
- Council has 30-days to make a decision - *section 33(4)*
- Council must issue a permit to demolish where a building permit has been issued for new construction – *section 33(6)*
- Inferred intent: retention of housing stock / residential units

# Summary of Observations

- Public participation in heritage conservation via **BHI Strategy**
- Demolition Control is not a heritage conservation tool – but should align with City policy and process
- Premature demolition of “residential property” (heritage or not) can be prevented by ensuring new uses are considered through **development application** process
- Improved transparency with undelegated applications

# Key Actions

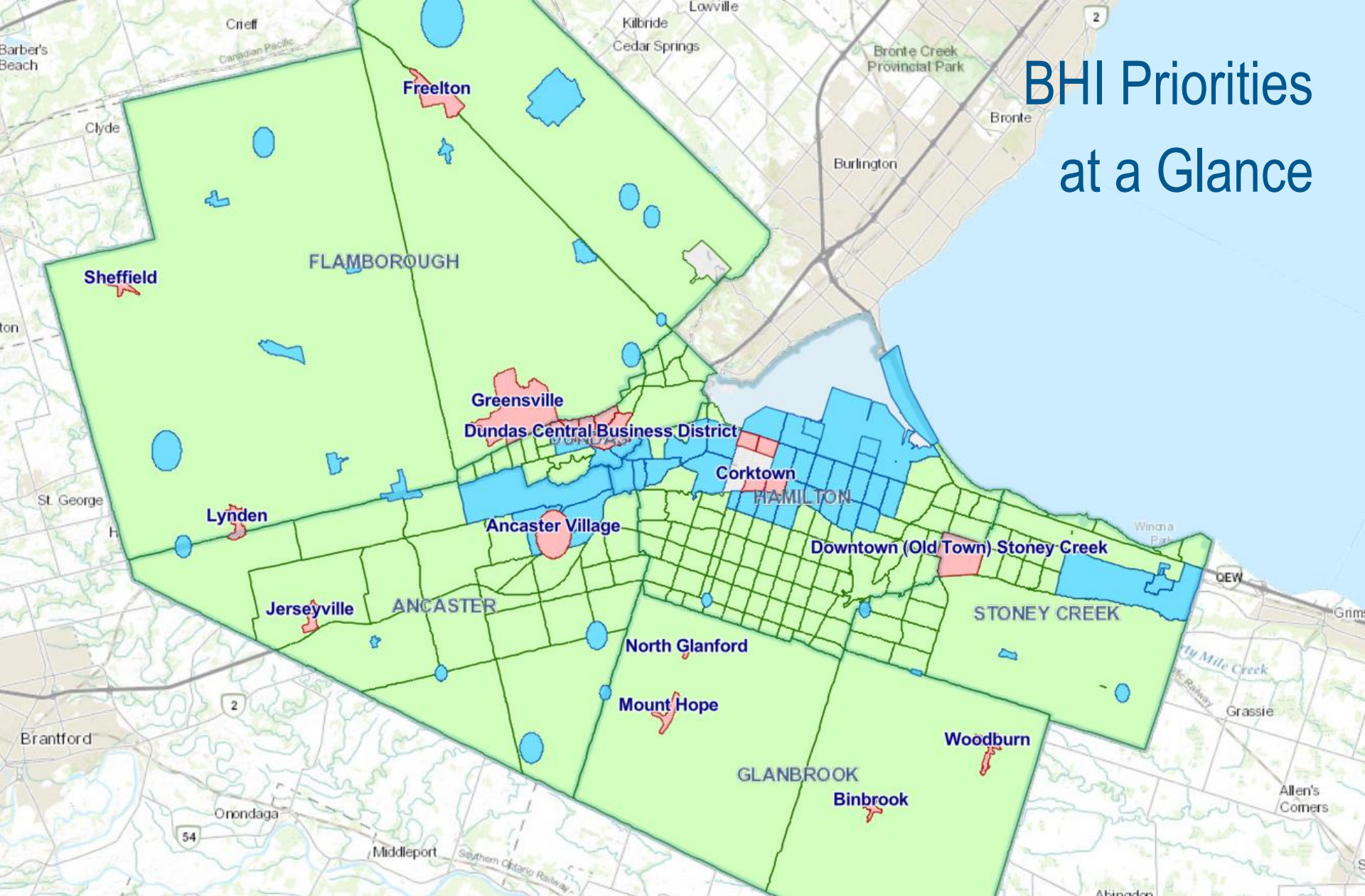
1. Continue Proactive Identification of Heritage Properties
2. Update the Demolition Control Area By-law
3. Standardize the Register Demolition Process
4. Improve Internal Processes

# Proactive Identification of Heritage Properties

- Built Heritage Inventory Strategy
- Public engagement and participation in identification of heritage buildings
- **Listing:** interim 60-day protection from demolition
- **Designation:** Heritage Permit process



# BHI Priorities at a Glance





# Community-Led Inventories



## Update the Demolition Control Area By-law

- See draft by-law - **Appendix “A”** to Report
- Clarify the intent of By-law
- Redefine scope of delegated authority
  - Delegate where permissions for replacement buildings and / or uses have been granted
  - Undelegated applications considered at Council (transparency)

# Existing Delegated Authority Scope in By-law

*[...] "routine applications" include, but are not limited to, an application to demolish a residential building:*

- in an established neighbourhood when the standard conditions in section 6 would apply;*
- to facilitate a development under an approved site plan or approved draft plan of subdivision;*
- in a zone that does not permit a residential use;*
- when another non-residential use is permitted;*
- to facilitate land assembly for future development;*
- in the Rural Area when abutting lands would not be impacted.*

# Proposed Delegated Authority Scope in New By-law

- Redevelopment of the residential property is **imminent**, including where:
  - The **erection of a new building** is proposed on the site of the residential property to be demolished and where the standard rebuild conditions of the By-Law apply;
  - **Final Site Plan Control** approval has been granted;
  - **Draft Plan of Subdivision** approval has been granted, the associated Subdivision Agreement has been registered and the preliminary grading and servicing conditions have been satisfied;
  - Demolition is required as a condition of approval of an application for **Consent to Sever**;
- A residential property has been **severely damaged** by fire or natural disaster and a professional engineer has recommended demolition.

# Standardizing the Register Demolition Process

- Heritage Process Review
- Bill 108 Changes to OHA
- Standardize process for Register demolition notices
  - Create a form for submitting notice of intention to demolish;
  - Delegate Council's authority for staff to receive an owner's notice;
  - Prescribe minimum requirements for the plans and information required to be submitted with an owner's notice; and,
  - Define a process by which HMHC and Council are made aware of notices of intention to demolish listed properties.



## Improve Internal Processes

- Improved communication between Divisions
- Internal notifications

- Report recommendation:

That the Demolition Control Area By-Law attached as Appendix “A” to Report PED22093, which repeals and replaces the existing Demolition Control Area By-Law No. 09-208 and its amending By-Law No. 13-185, be **APPROVED.**

Thank you!

Questions?