



City of Hamilton

PLANNING COMMITTEE ADDENDUM

Meeting #: 22-009
Date: May 31, 2022
Time: 9:30 a.m.
Location: Council Chambers
Council Chambers, Hamilton City Hall
71 Main Street West

Lisa Kelsey, Legislative Coordinator (905) 546-2424 ext. 4605

Pages

9. PUBLIC HEARINGS / DELEGATIONS

9.1. Modifications and Updates to existing Secondary Dwelling Unit and Secondary Dwelling Unit – Detached Regulations (PED20093(c)) (City Wide)

*b. Added Written Submissions

(i) Mary Ellen Scanlon

(ii) Anka Cassar

(iii) Dawn Vanson

(iv) Andy Tran, Suite Additions Inc.

(v) Daniel Segal

(vi) Jill Tonini

(vii) Michelle Diplock, West End Homebuilders' Association

(viii) Kris Gadjanski

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9.3. Applications for Official Plan Amendment and Zoning By-law Amendment for Lands Located at 1107 Main Street West, Hamilton (PED22098) (Ward 1)

a. Registered Delegations:

*a. Added Registered Delegations:

(vii) Rhonda Ross (in person)

(viii) Ilana Goldberg (virtual)

(ix) Joel Goldberg (video)

b. Written Submissions:

- *a. Added Written Submissions
 - (iii) Scott and Kathy Warner
 - (iv) Gavin Barringer
 - (v) Joel Goldberg
 - (vi) John Ross

14. PRIVATE AND CONFIDENTIAL

- *14.1. Appeal to the Ontario Land Tribunal (OLT) for Lack of Decision on Urban Hamilton Official Plan Amendment Application UHOPA-20-003 and Zoning By-law Amendment Application ZAC-20-008 for Lands Located at 354 King Street West (LS21046(a)/PED21178(b)) (Ward 1)

Pursuant to Section 9.1, Sub-sections (e), (f) and (k) of the City's Procedural By-law 21-021, as amended; and, Section 239(2), Sub-sections (e), (f) and (k) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and, a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

From: mescanlon mescanlon

Sent: Saturday, May 28, 2022 5:25 PM

To: clerk@hamilton.ca; Wilson, Maureen <Maureen.Wilson@hamilton.ca>

Subject: Re May 31st Planning Cttee Agenda Item 9.1

Attn Hamilton City Clerk's Department re May 31st Planning Cttee Agenda Item 9.1

I am writing to indicate my support for the recommendations contained in Report PED20093(c) with regard to secondary suites. I am of the opinion that the amendments and regulations outlined in the report will reduce the concerns and barriers encountered in facilitating gentle intensification in Hamilton. We cannot address housing related issues in Hamilton unless we shift our focus away from single family home ownership and return to an emphasis on housing that meets the needs of the residents.

I own a home but 35 years ago I rented a suite in a house. I contributed to the life of that neighbourhood just as the young renters on my street do now. Some of the comments in the media suggest that renters degrade a neighbourhood. On the contrary a secondary suite might make it possible for younger people to buy a home with revenue from a suite or create a private living space for an older family member.

A 2017 report indicated that there were 2 million vacant bedrooms in Toronto. How many homes in Hamilton are underutilized because an older person has no option for downsizing if they wish to access the equity in their home while remaining in familiar surroundings close to friends? As I approach my 70s I would appreciate more opportunities to downsize and rent without being forced to live in a highrise or a senior's enclave on the edge of the urban area.

The commitment to a firm urban boundary was a bold step for Hamilton. Now it is time for us to act like grownups and accept the changes in residential density and form we need in order to be a sustainable and equitable community.

Thank you,

Mary Ellen Scanlon

From: Anka Cassar

Sent: Friday, May 27, 2022 6:25 PM

To: clerk@hamilton.ca

Subject: Modifications and Updates to Existing Secondary Dwelling Units and Secondary Dwelling Unit-Detached Regulations

To whom it may concern,

Please add my letter to the agenda for the Planning committee meeting dated May 31, 2022 regarding item 9.1.

I am a resident of Ward 12 and I support the proposed staff changes regarding the rules for secondary dwelling units (SDUs) in Hamilton's urban neighbourhoods. Facilitating approval of SDUs is crucial to mitigate the housing crisis and to keep our urban boundary firm. We have seen a drastic increase in the price of homes and SDUs are an important option for affordable housing. Be it a first time home owner who wants to add an SDU to collect rent to finance their mortgage; or an elderly citizen who can't manage a single detached home on their own but would like to stay in their neighbourhood or close to their family; or even a adult child who can't afford a home so their parents build an SDU allowing them to have their own independent living space. SDUs will gently intensify our neighbourhoods, and with this intensification comes advantages. Intensification supports a more vibrant and prosperous community for local businesses, justifies more reliable and frequent public transit and creates more inclusive and welcoming neighbourhoods.

The city should also be providing Hamiltonians education on the advantages of SDUs and promote them so that citizen feel comfortable and less opposed to them.

Thank you,

Anka Cassar

From: fastdogz
Sent: Thursday, May 26, 2022 3:44 PM
To: clerk@hamilton.ca; Ward 1 Office <ward1@hamilton.ca>
Subject: May 31 Planning Committee meeting item

To Whom it may concern,
In regard to the May 31 Planning Committee meeting, specifically regarding the Modifications and Updates to existing Secondary Dwelling Unit and Secondary Dwelling Unit – Detached Regulations (PED20093(c)) I think it's imperative that Hamiltonians are heard.

Considering the following:

- we are facing a serious housing supply crisis
- we are facing a serious housing affordability crisis
- we are facing a serious environmental crisis that demands we use current urban lands better rather than expand into the Green Belt
- we are facing a serious crisis of infra-structure building and maintenance
- we are facing a serious crisis in elder-care and long-term care placements that demands alternatives to long-term care placements be found
- we know most seniors would prefer to age in place - in their homes - with adequate support and that housing situations where multi-generational needs can be met on one property offer very good elder support

We know secondary dwellings address each of these issues.

As a mobility-challenged homeowner, I have no doubt that in order to be able to stay in my home as I age, I will need to alter my home to accommodate my mobility challenges. The best solution for doing that is building a fully accessible secondary dwelling unit rather than trying to retrofit my 100+ year old home. Building such a unit would not only enable me to gain some modest income in my retirement (and at least partially fund

the cost of building the secondary unit), but it will enable me to provide a modest rental opportunity for someone willing to do building and grounds maintenance when I can no longer do it. In doing this, I will be not only providing an opportunity for a new family to move into my neighbourhood, but I will be able to continue to enjoy living in the wonderful Strathcona neighbourhood with the supportive neighbours I've come to love in my almost 20 years of home ownership here.

We are living in a different social and environmental reality than we were when many Hamilton homes were built - when the expectation for lot and housing size in the city in many neighbourhoods was really quite equal to suburban lots now. We need to do better. Secondary dwelling units help us do better in so many ways.

As a citizen of Hamilton, a senior who is trying to do best for myself, best for my city, and best for the environment, I implore you to do everything you can to facilitate the streamlined building of secondary dwelling units, including removing barriers to building and finding funding, perhaps in the form of forgivable loans, to allow more secondary units to be quickly built. Let's truly make Hamilton the best place to raise a child AND age in place!

Sincerely,
Dawn Vanson, Homeowner, Ward 1, Hamilton

From: Suite Additions

Sent: Friday, May 27, 2022 9:00 AM

To: clerk@hamilton.ca

Subject: May 31 Planning Committee meeting item Modifications and Updates to existing Secondary Dwelling Unit and Secondary Dwelling Unit – Detached Regulations (PED20093(c)) (City Wide)

Dear Madam/Sir,

As a house designer specifically in the space of densification through second suites and detached SDUs, I wholeheartedly support Hamilton's new proposed SDU amendments to existing Secondary Dwelling Unit and Secondary Dwelling Unit - Detached Regulation (PED20093(c)).

I have studied and visited similar housing types across North America, and in all cases, these housing types do not negatively affect the neighbourhood. Rather they improve it, and provide relatively more affordable housing to the community, while reducing the damaging effects of urban sprawl.

SDUs are the most gentle form of densification available within the low rise residential areas within the urban boundary of Hamilton, and is a type of development that is accessible by many homeowners themselves.

Here are just a few examples of some of the benefits of SDUs:

1. Better use of existing city services and infrastructure
2. Repopulates areas in decline and creates greater demand for local businesses
3. Additional security for low-density neighbourhoods
4. Affordable housing option for young people, small families, seniors and individuals
5. Great option for seniors to age-in-place in the community they are accustomed to
6. Creates jobs for the local economy
7. A great option for multigenerational families to live in proximity and still maintain privacy
8. Additional financial security for homeowners

I support the changes proposed to reduce parking requirements. Hamilton has invested heavily in public transportation and bike lanes. We should encourage residents to use these services. Not requiring additional parking for SDUs makes a lot of sense in this regard, and it also reduces water runoff by retaining permeable landscaping.

In areas where street parking is allowed, there are many studies to show that street parking actually improves safety, by slowing down moving vehicles and creating a safety barrier for pedestrians on the sidewalk. See article link cited below*.

Additionally there were 2 concerns brought up by Councillor Danko that I wish to address:

1. An increase of the existing 7.5m separation between the primary house and the SDU detached. This distance is already very high compared with many other municipalities in Ontario, and will eliminate many properties to be eligible for an SDU detached. Most other cities' are significantly less. For example 1.5m in Brantford, 4m in Toronto, 0m in Kitchener and many other cities and towns where they can be attached as an addition to the unit. As long as amenity space and lot coverage is maintained, the 7.5m should actually be reduced in my opinion to allow more properties to qualify.

2. A maximum percentage of SDU detached relative to the primary house because of concerns that it will be an equal size house . This is redundant since we already have a maximum percentage based on lot size, maximum unit size, and that it cannot be larger than the primary house. Implementing a rule such as 75% maximum (as Councillor Danko suggests) would effectively make many SDUs not large enough to justify the high cost to build a 2 bedroom unit that makes them a viable housing option for a large demographic of the population.

I personally have had many clients who are older adults looking to build these units to downsize into themselves to age in place and eliminate stairs, stay in their neighbourhood, and allow their grown kids to move into the main house or to rent out, and retain financial security. But many of the parking restrictions have made them effectively ineligible.

Please don't allow a small group of vocal minorities who are against this inclusive housing option to slow down the incredible work that has been done to put this policy in place, and more importantly to make the decision for the entire population of Hamilton, the majority of whom support this type of housing.

Thank you for your consideration.

* <https://www.cnu.org/publicsquare/2020/01/07/nine-keys-safe-downtown-streets>

Andy M. Tran - Suite Additions Inc.

From: Daniel Segal

Sent: Thursday, May 26, 2022 2:05 PM

To: clerk@hamilton.ca

Subject: RE: May 31 Planning Committee meeting item Modifications and Updates to existing Secondary Dwelling Unit and Secondary Dwelling Unit – Detached Regulations (PED20093(c))

I support intensification. SDUs should be allowed up to 3 per property and parking requirements should be waived.

Appropriate housing is hard to find at an affordable price. Only solution is build more.

Daniel Segal

From: Jill

Sent: Friday, May 27, 2022 11:09 AM

To: clerk@hamilton.ca

Subject: Item 9.1 on the May 31st Planning Committee meeting agenda

Good morning clerk, and members of the Committee,

I'm writing in support of gentle neighbourhood infill in many forms, but especially via Supplementary Dwelling Units (SDUs). This includes the 'housekeeping amendments' which have been designed to facilitate the establishment of more SDUs and to minimize the need for property owners to have to go to the Committee of Adjustment with requests for minor variances. A few reasons for my enthusiastic support:

1. SDUs can help many people become homeowners. Having a supplementary income from an SDU can help pay the mortgage and provides additional security, yard sharing, and help with maintenance.
2. SDUs can enable extended families to support each other. A 'granny flat' SDU supports the idea being that families can support elders on site with an additional, but separate unit. This helps to provide elders with some independence and enables everyone to have their own living space on a family property. This also helps in terms of additional Child Care, after school care, and inter-generational living that provides a huge benefit to the health of our communities.
3. SDUs can help increase the availability of rental units in an urban area, which is crucial when apartment buildings get converted to condos. The SDU option also opens the door to enabling a renter to live in a neighbourhood - in a house with a yard, etc. We need a variety of rental options, for a varying demographic of renters.
4. SDUs support gentle density, creating a way to increase population levels in existing neighbourhoods but not in an extreme manner. The increased population levels can help to support more neighbourhood amenities - more customers for the drug store or grocery store around the corner, and more people to justify increased transit frequency, etc. It will also prevent the need for an urban boundary expansion, and sprawling, costly subdivisions. Keeping our farmland/wetlands and other natural areas will help with food security, wildlife habitat, and begins to address the climate crisis in a real way.

Thanks for listening!

Jill Tonini,
A concerned citizen
Dundas, On

West End Home Builders' Association

1112 Rymal Road East, Hamilton

Serving members in Hamilton and Halton Region

May 31, 2022

To:

Members of Planning Committee and City Council

City of Hamilton

71 Main Street West

WE HBA Comments on Secondary Dwelling Units

The West End Home Builders Association (WE HBA) has been a key stakeholder throughout the process City Staff undertook to develop the City of Hamilton's Secondary Dwelling Unit Policies. As a provincially required policy, WE HBA was pleased with the work Hamilton City Staff put into creating a made in Hamilton policy that encouraged uptake and building of secondary units. We appreciated the expressed commitment to revisit the policies to determine what changes are necessary to reduce the number of secondary dwelling units that are required to seek a minor variance through the Committee of Adjustment. WE HBA supports such a permissive approach to reduce additional process and minor variance applications as the provincial government requires municipalities to permit secondary units as of right on most residential properties. The changes that have been brought forward to Planning Committee by City Staff represent a fulfillment of that commitment that was made to stakeholders involved in the initial consultation.

Throughout initial stakeholder consultation, City Staff emphasized the importance of these revisions before the Planning Committee, to help with reducing the volume of applications for minor variances, as the policies put in place in 2021 were more restrictive than necessary. WE HBA would like to reiterate our initial letter of support submitted alongside several other Hamilton area stakeholders and share that our organization continues to strongly support a flexible and permissive framework for secondary dwelling units as an important housing supply option. While secondary units are a small piece to both solving housing affordability challenges and achieving Hamilton's aspirational intensification targets, they do remain a very important piece of the puzzle. Secondary Dwelling Units are a small scale and incremental form of intensification that should be expressly encouraged City-wide through policies that allow as many lots in the City as possible to accommodate them, without onerous setback, size, height, and parking restrictions.

Kind Regards,



Michelle Diplock, RPP, MPI

Manager of Planning & Government Relations

West End Home Builders' Association

From: Kris Gadjanski
Sent: Monday, May 30, 2022 9:35 AM
To: clerk@hamilton.ca
Subject: Item 9.1 - May 31st Planning Committee Mtg Agenda

My letter today is in support for gentle density in the City of Hamilton via SDUs. The fear mongering of those who claim their neighbourhoods will be “bastardized” by SDUs is based on fear of change rather than evidence, let alone common sense. The City needs more homes in all price ranges. To discriminate based on what someone can afford is shameful and must be dismissed outright.

Without SDUs, many cannot afford to buy a new home. My two twenty-something children may be able to manage buying a home if there is a rental unit to offset the astronomical costs of a home today.

As well, I sincerely hope to be able to live in a home with an SDU someday as I have a brother with a significant mental illness who will, in future, require our assistance to remain healthy, and live safely, independently and with dignity. Having him live in a unit on our property will save our health care system untold amounts of money for his care. It’s a win-win. The same could be said for those who would like to have aging parents inhabit an SDU on their property, or adult children who are saving in order to purchase their own home.

Hamilton has votes for a firm urban boundary. Now it requires the zoning to match that aspiration. I encourage you to remember that in your decision on SDUs.

Many Thanks,

Kris Gadjanski

From:

Sent: Sunday, May 29, 2022 12:40 PM

To: clerk@hamilton.ca

Subject: File UHOPA-20-012

I'm writing with my objection to Zoning Application ZAC-20-016.
The text of this is included below as well as in the word file attached.

Reference: File UHOPA-20-012 ... Zoning By-Law Amendment (File No. ZAC-20-016)

I am writing to state my opposition to this change
I will begin with some procedural observations and progress to my detail objections.

Procedural Issues:

My wife and I live at *** ... this is only a block from this proposed 15 story mixed use development.
Why is it that we were not included in the distribution of your May 13 notice of public meeting?
Don't you think that a development of this size will have an impact on a wider range of the community than your standard distribution area?

For this reason, I request that this meeting be postponed so that others in the neighbourhood can be informed of the application and have a chance to submit their comments.

Second, I can find no reference to the items 772 and H75 which are requested in the application ... A description of these need to be included in the notice so that we can see exactly what is being requested.

Detailed Objections:

This proposal – if granted would lead to a development which is completely outside the norms of what is considered a residential neighbourhood especially this neighbourhood.

The combination of this application and the proposed LRT changes needs to be examined to consider the impacts on the community.

For instance, traffic volume and flows on our neighbourhood streets needs to be examined both from a volume perspective as well as a safety perspective considering that the Hebrew School and Synagogue are present and both generate a lot of foot traffic.

The addition of the number of potential residences in a development of the size proposed would lead to major traffic problems.

As I understand, because of the LRT there would be no left turn from Main onto Cline South or from Cline South onto Main ... this represents a huge problem for the residential streets in the area ... has this been studied?

Also, I believe that mixed use will allow businesses to be included. This will also add to the traffic in the area due to the new traffic restrictions.

Therefore, we strongly suggest that you deny this request.

The current owner of this property purchased it knowing the zoning requirements ... and I believe that an application was made to construct an eight-story apartment complex ... what is the status of that request?

Scott and Kathy Warner

From: Gavin Barringer
Sent: Sunday, May 29, 2022 6:46 PM
To: clerk@hamilton.ca
Subject: Comments re File: UHOPA-20-012 & ZAC-20-O16.

To whom it may concern.

I am writing to you about the proposed multi-use space tower at Main and Cline. I was given your contact information through Maureen Wilson's office.

While I acknowledge the very real and immediate need to contribute to solving the housing crisis, and while multi-storey dwellings are undoubtedly positive in many respects, I do have some concerns with the proposed 15 Storey mixed use development to be built on the corner of Main St West, between Cline Avenue South and Dow Avenue. We have received Notice of Public Meeting of the Planning Committee File: UHOPA-20-012 & ZAC-20-O16.

Specifically, my concerns involve:

- parking
- traffic flow
- sewage

We live on *** Avenue, one block south of Main and Cline Avenue South, and parking has already become a problem, as the single family homes with parking for one or two cars have been filled with multiple students with multiple vehicles. As a result, the streets already have cars parked on both sides, all the time. There is currently one hour parking only, although it is not enforced. As a result, there is often traffic congestion on the street due to impassibility caused by illegal parking. Moreover, during the winter, snow plows were unable to properly plow the street due to all the parked cars. If this proposed building is undertaken, my concern is that there will not be adequate parking, resulting in more congestion and danger. There is a school and playground on Cline and Dow (The Hamilton Hebrew Academy), and as a result there are small children, and often caregivers in cars dropping off and picking up kids on these streets.

Furthermore, Cline Ave South is the portal of entry for westbound traffic to access much of the AinslieWood Neighbourhood. I would hope that this issue, and some proactive remedy to it is part of the planning, but if it has not been, I foresee tremendous traffic problems during construction.

Currently, I have reason to believe that the sewers in our neighbourhood are having difficulty with the capacity of the sewage, based on the smells emanating from them. Consequently, I cannot help but be concerned about the effect of adding a high rise building to the infrastructure. Are infrastructure updates part of the plan going forward?

Again, I want to reiterate that I understand the need for increased affordable housing, and I believe that this proposed construction could be a good idea in our neighbourhood, as long as parking, traffic flow, and infrastructure needs are properly planned for and dealt with.

Thanks so much for your time.

Cheers,

Gavin Barringer

August 31, 2020

Andrea Dear

Planning and Economic Development Department
Development Planning, Heritage and Design – Urban Team
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5

Shannon McKie

Senior Project Manager
Development Planning, Heritage and Design – Urban Team
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5

Dear Ms. Dear and Ms. McKie,

**RE: UHOPA-20-012 and ZAC20-016
1107 Main Street West, Hamilton (Ward) 1
Possible Errors and lack of legislative authority in new Zoning Map B.6.2-1
Request for City of Hamilton to revert back to the 2016 Zoning Map B.6.2-1 and
To postpone Application pending the determination of the Zoning on Dow Avenue**

In reviewing the background information for the rezoning of the 6 houses on Dow Avenue by the City of Hamilton, I examined the Submission dated October 4, 2016 to the Planning Committee of the City of Hamilton regarding the TOC1 rezoning for residential properties in Ward 1. I was able to ascertain that the municipal addresses of these 6 houses, being **1, 9, 15, 19, 25, & 31 Dow Avenue, were never set out in the rezoning Submission**. Rather on page 10 of the report the municipal address of **65-71 Dow Avenue** is set out, but this address does not exist. (Perhaps 65-71 was referring to Dalewood Avenue and Dow was inserted in error).

The Submission also refers to 1190 Main Street West as being rezoned from Institutional to Mixed Use – Medium Density, however, **no mention is made of 1107 Main Street West** which are subject lands in the Application, as being rezoned from Institutional to Mixed Use – Medium Density. (see page 10 of Zoning By-Law: Proposed Transit Corridor Zones (PED16100(a) (Wards 1-4) – Page 10 of 22).

The Submission, however, does contain Appendix “A” and Appendix “A1” that purport to locate by sketch some of the houses on Dow Avenue and 1107 Main Street West which were to be rezoned, **even though the municipal addresses have been omitted from the Submission itself**. It is also clear that the proposed maps set out on **Page 14 of Appendix “A”** to the Report and on **Page 15 of Appendix “A1”** to the Report, the property known municipally as 31 Dow Street was never included. Yet when Zoning Map B.6.2-1 was finalized, the property known as 31 Dow

Street was somehow included in the new TOC1 map, which is attached to the Notice of Complete Applications for Preliminary Circulation dated March 20, 2020.

It therefore appears that there were two categories of errors made in the Report Submission of October 4, 2016 which was presented to the Planning Committee. The first was the complete omission of the relevant properties being 1, 9, 15, 19, 25 & 31 Dow Avenue, and 1107 Main Street West. The second was the arbitrary inclusion of land which was never set out in either Appendix "A" or "A1" to the Report, into a revised Zoning Map B.6.2-1 without proper legislative authority.

The apparent justification for the redesignation of all these lands were to "allow for redevelopment of blocks for a wider range of uses which are more consistent with higher order transit". Yet in creating this larger sized block the City of Hamilton may have failed to adhere to their own planning guidelines for Cultural Heritage properties and Cultural Heritage Landscapes, to the detriment of the single detached homeowners in the neighbourhood. Many of the issues raised against the subject Application are equally valid and relevant in a review of the justification for the expansive rezoning of 6 houses on Dow Avenue (being one half of the existing street), in light of the location of these houses across the road from the Church, the Synagogue, the day school and the public parkette, and the relationship of these very homes to the cultural history and character of the neighbourhood from the time of its creation by CMHC.

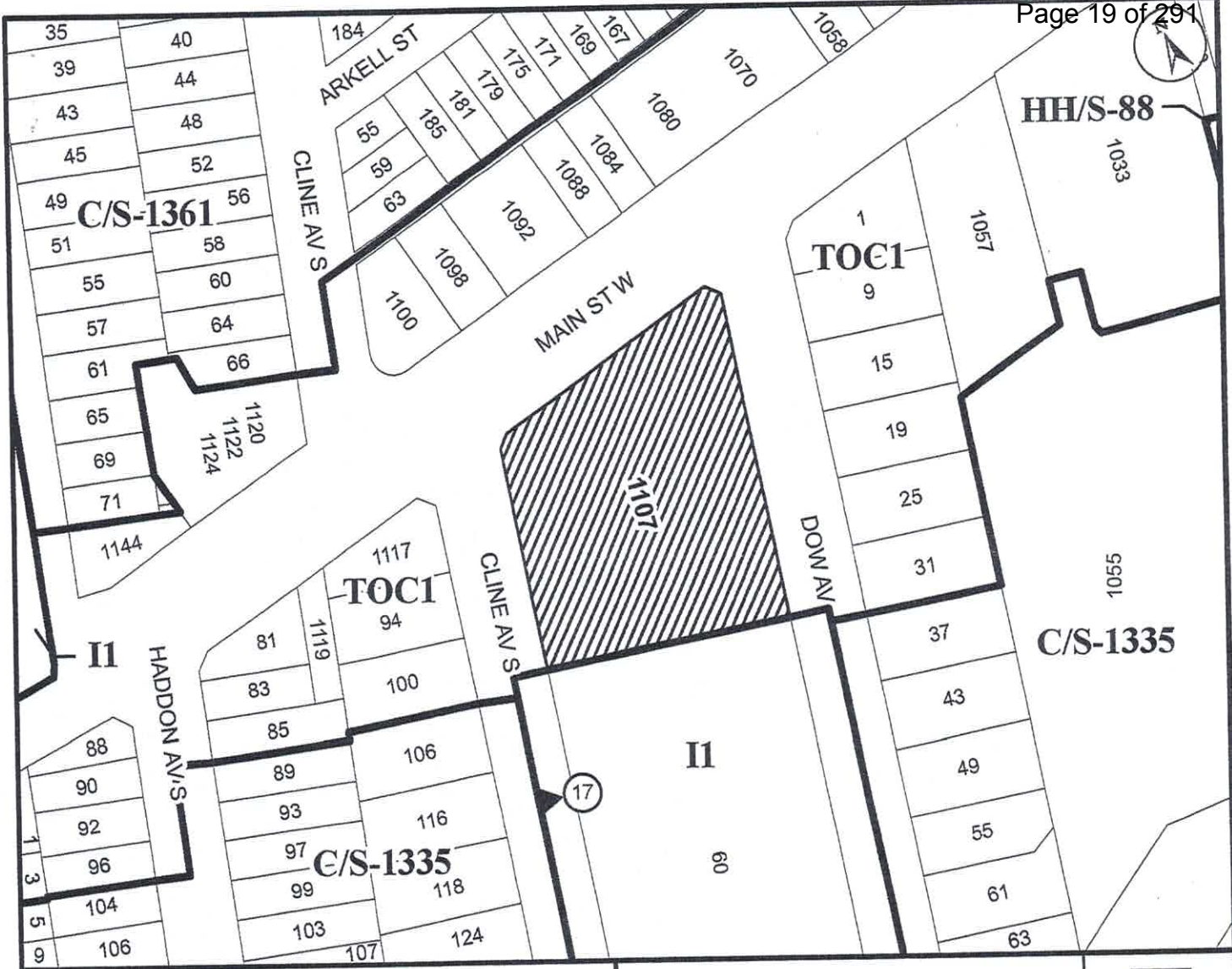
If there were other Submissions or Reports to the Planning Committee or Council concerning the rezoning of 1, 9, 15, 19, 25 & 31 Dow Avenue or 1107 Main Street West, either directly referring to these municipal addresses or correcting the errors in the sketches made on page 14 of Appendix "A" and page 15 of Appendix "A1", it would be most appreciated if you could kindly provide me with the documentation or a link to the meeting in which these errors were remedied.

If, however, there were no subsequent meetings, reports or By-laws correcting these matters or addressing the rezoning of these lands, it is my belief that Zoning Map B.6.2-1 which was attached to the Notice of Complete Application is invalid, and that the Planning Department must revert back to the pre-2016 Zoning Map B.6.2-1 for the purpose of reviewing the subject Application, and postpone the hearing of the Application until such time.

I kindly ask if you could please notify and advise me of the position of the Planning Department in respect to the matters which I have raised in this letter. Thank you for your assistance herein.

Yours very truly,


John Ross

● Site Location



Key Map - Ward 1



Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-20-016 & UHOPA-20-012

Date:
March 4, 2020

Appendix "A"

Scale:
N.T.S

Planner/Technician:
AD/VS

Subject Property

1107 Main Street West, Hamilton

SUBJECT: City of Hamilton Comprehensive Zoning By-law: Proposed Transit Oriented Corridor Zones (PED16100(a)) (Wards 1 - 4) - Page 10 of 22

detailed analysis of each of the proposed amendments is outlined in Appendix "A-1" to Report PED16100(a).

2.4.1 Volume 1

Amendments to Volume 1 are required to:

- amend Policy E.2.4 Urban Corridors to add a new policy to prepare Station Area plans for certain stops along the LRT corridor;
- amend Schedule E-1 – Urban Land Use Designations to redesignate lands at proposed Station Area Locations along the LRT corridor from Neighbourhoods to Mixed Use – Medium Density;
- amend Appendix B – Major Transportation Facilities and Routes to identify the LRT Corridor; and,
- add a new Appendix B-1 – LRT Corridor Proposed Station Area Locations to identify proposed Station Area Locations.

2.4.2 Volume 2

Amendments to Volume 2 are required to:

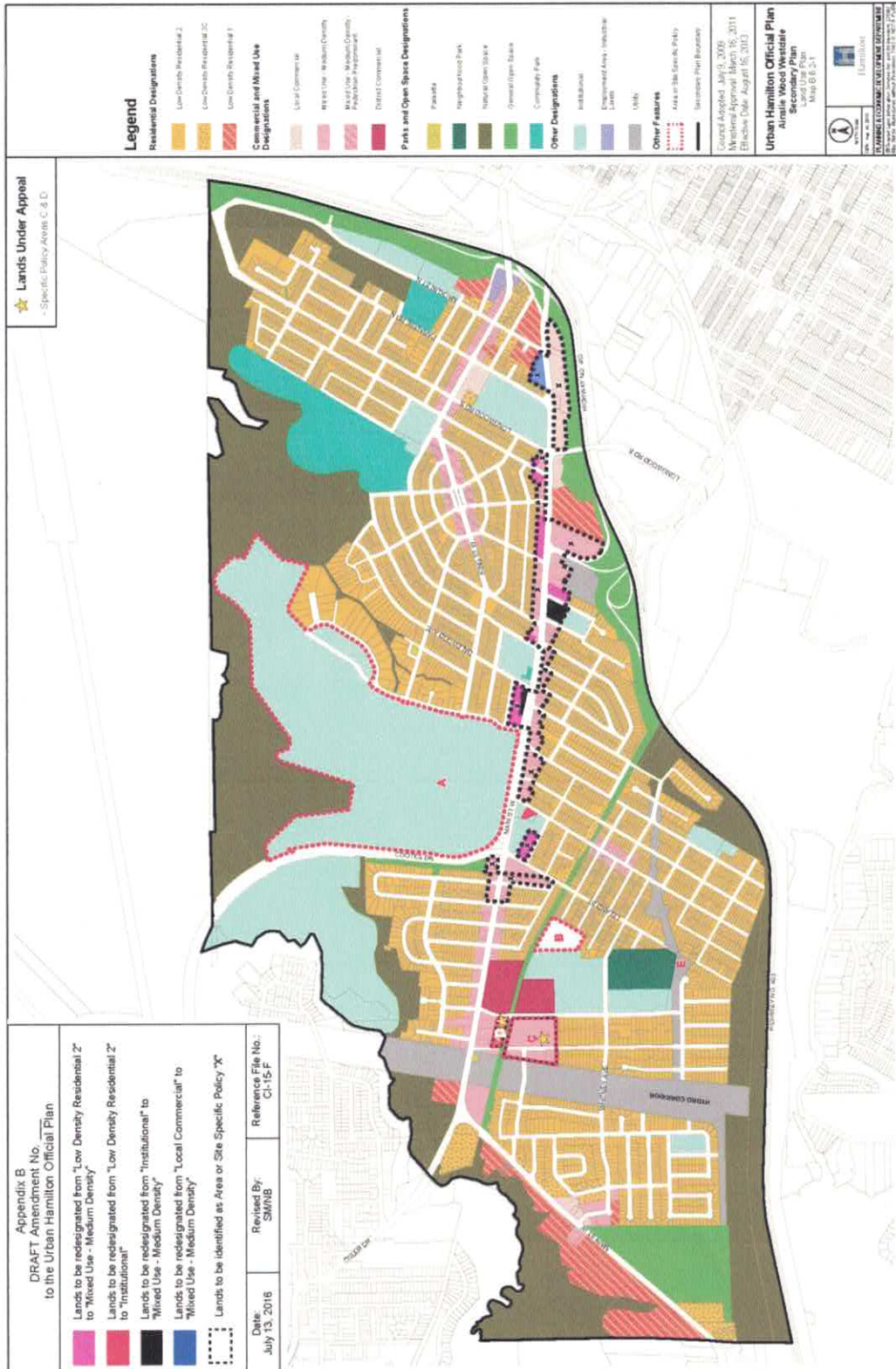
- amend the policies of Section B.6 Ainslie Wood Westdale Secondary Plan to implement new policy directions for lands along Main Street West. This plan was originally adopted in 2005 and was not planned with higher order transit as a transportation option;
- amend Map B.6.2-1 Ainslie Wood Westdale – Land Use Plan (included in Appendix "A" to Report PED16100(a)) to redesignate lands from:
 - Low Density Residential 2 to Mixed Use – Medium Density
 - North East Corner of Leland Street and Sussex Street
 - South side of Treymore Avenue between Forsyth Avenue South and Dalewood Avenue
 - 65-71 Dow Avenue
 - North side of Main Street West between Newton Avenue and Paisley Avenue South
 - 127-131 and 150-158 Bond Street South
 - Institutional to Mixed Use – Medium Density
 - 1190 Main Street West
 - Low Density Residential 2 to Institutional
 - Portion of 38 Emerson Street
 - Local Commercial to Mixed Use – Medium Density
 - 690 Main Street West
- add a new Area Specific policy to the Ainslie Wood Westdale and Strathcona Secondary Plans to prohibit drive-through facilities, gas bars, car washes and motor


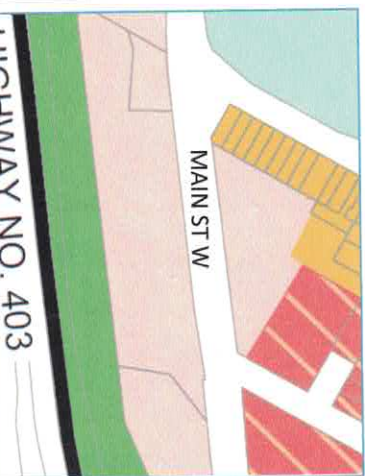
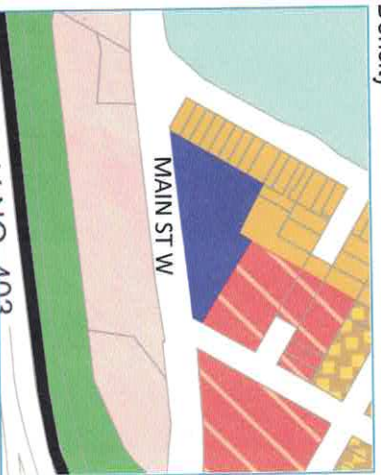
OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

Schedule "1"



<p>Ainslie Wood Westdale Secondary Plan Map B.6.2-1</p>	<p>Map B.6.2-1</p> 	<p>Revise Map B.6.2-1 to redesignate lands from:</p> <ol style="list-style-type: none"> 1. Low Density Residential 2 to Mixed Use – Medium Density 2. Institutional to Mixed Use – Medium Density 	<p>Redesignations would allow for redevelopment of blocks for a wider range of uses which are more consistent with higher order transit.</p>
<p>Ainslie Wood Westdale Secondary Plan Map B.6.2-1</p>	<p>Map B.6.2-1</p> 	<p>Revise Map B.6.2-1 to redesignate lands from:</p> <p>Local Commercial to Mixed Use – Medium Density</p> 	<p>Redesignation would allow for redevelopment of the block for a wider range of uses which are more consistent with higher order transit.</p>



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	October 4, 2016
SUBJECT/REPORT NO:	City of Hamilton Comprehensive Zoning By-law: Proposed Transit Oriented Corridor Zones (PED16100(a)) (Wards 1 - 4)
WARD(S) AFFECTED:	Wards 1, 2, 3 and 4
PREPARED BY:	Shannon McKie Senior Planner (905) 546-2424 Ext. 1288 Diana Yakhni Planner (905) 546-2424 Ext. 7582 Steve Robichaud Director of Planning and Chief Planner
SUBMITTED BY:	Jason Thorne General Manager Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That approval be given to Official Plan Amendment (OPA) No. XX to the Urban Hamilton Official Plan (UHOP) to amend policies, schedules and maps, to implement up-to-date mapping and policies on the Transit Oriented Corridor located along Main Street from McMaster University to Hwy. 403, King Street from Hwy 403 to the Delta and along Main Street East to the Queenston Traffic Circle on the following basis:
- (i) That the Draft Official Plan Amendment, attached as Appendix "A" to Report PED16100(a), be adopted by Council; and,
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (PPS) 2014, conforms to Growth Plan for the Greater Golden Horseshoe, 2006 (P2G).

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

Mr. Daniel Barnett,
City of Hamilton,
Planning and Economic Development Department,
Development Planning, Heritage and Design – Urban team,
71 Main Street West, 5th Floor, Hamilton, ON L8P 4Y5

January 28, 2022

Dear Mr. Barnett,

Re: UHOPA-20-012 and ZAC20-016
Application by 1107 Main Inc. to amend Official Plan and Zoning By-Law – 1107 Main Street West

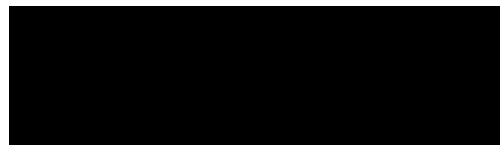
I am writing to further our objection to the dangerous scope and over-intensification of the proposed 1107 Main Street West development. We have objected in writing previously (April 27, 2020) and find it grossly self-serving when the developer puts forward claims of local resident support as if it is somehow unanimous; we live on the same street as this proposed development and we object strenuously to any bylaw changes to accommodate this plan. Specifically, with regard to violations of the city's Tree Protection Plan, the developer will be wantonly cutting down and disposing of a gorgeous English Oak (whose roots just won't survive the proposed 3m setback and the proposed underground parking excavation) and the beautiful Silver Maple.

And more. The property on Dow Avenue bookended by those two trees was an important garden space providing for those in our city with food insecurity. The proposed plan paves paradise and puts up park benches overlooking their garbage dump (I know it sounds incredible but it's true). The green space in the proposal is on upper levels – public space? No chance – it will be an outdoor party area for high-rise tower student residents who are at risk for throwing bottles onto the streets below – witness headline-grabbing street party destructive outbursts. Did we not learn anything from the pandemic about respect for safe distancing and preserving our spaces including our green spaces?

Finally, we are members of the local Adas Israel community, among those who are opposed to the overwhelming size of this proposal - in our Jewish tradition, we have just celebrated Tu B'shevat, a holy day which is specifically set aside in our calendar to celebrate the vibrant importance of trees in our community lives and our moral environmental responsibilities – it is terribly ironic at a time when we are celebrating such ecological growth that we are told to witness instead the destruction of these heritage trees, only to be seen in photo memories or perhaps, as the folk singer predicted 'in a tree museum where we pay a dollar and a half just to see 'em'.

The developers have an alternative – they can stay within the current city bylaws – they can build a beautiful mixed rental-condo building of 6 – 8 stories, preserving the trees and the land and the local neighbourhood community while still adding needed residential accommodation to our city. But they are preoccupied with profit at all costs, with what appears to be an ecology insensitive and dangerously over-intensive skyscraper that ignores local needs. Please consider this in your deliberations on this ugly plan.

Sincerely,



Joel and Ilana Goldberg



cc: Maureen Wilson, Councillor, Ward 1

Ms. Maureen Wilson,
 Ward 1 City Councillor
 City of Hamilton,
 71 Main Street West, 2nd Floor,
 Hamilton, ON L8P 4Y5

March 8, 2022

Dear Ms. Wilson,

Re: UHOPA-20-012 and ZAC20-016
 Application by 1107 Main Inc. to amend Official Plan and Zoning By-Law – 1107 Main Street West

We are writing to you as interested residents in your Ward 1 with regard to what we see as the dangerous scope and over-intensification of the proposed 1107 Main Street West development, which is adjacent to our Dow Avenue property where we have lived for over twenty years. We have written previously on this matter (previous letters, January 28, 2022; April 27, 2020).

We kindly request that we be notified in advance of any committee meetings or any City of Hamilton council meetings pertinent to this property and specifically, we request for notification of any demolition permit requests (the Grace Lutheran Church heritage building). Please send us notification: laniegoldberg@gmail.com

We respectfully ask that you consider that the Design Review Panel Summary of January 2021 acknowledged "the site is appropriate for intensification but concluded that the height and mass of the proposed development is overwhelming" to the property, and that "the proposed height and massing on Dow Avenue and Cline Avenue South is inappropriate based on the low density, low rise context of the surrounding neighbourhood". They also pointed out that "angular planes next to single detached homes cannot be ignored". The panel recommended lowering the building height and increasing the setbacks from the lot line.

There were revisions submitted by the developers, however, in these revisions, there seemed to be little to address the issues of height and the over development of the property. The by laws require setbacks of 6 metres from the lot line on the two side streets yet the 1107 Main Inc. developers are proposing a setback of a mere 3 metres and only 1.75 meters of a setback on Main Street, where the bylaws require 4.5 metres on the front. The height of the tower has also not been reduced as their proposal is for an incredible 15 storey tower, with a two-storey rooftop mechanical penthouse, hiking the building up to a massive 17 storeys - far exceeding the bylaws for a mid rise building.

There are also concerns that there is no room for landscaping on the property which results in serious environmental issues that have been identified. Because of the enormous size of the proposed structure, there is just no green space on the land; the proposal does not provide for the vital benefits of landscaping on the property, or for the vital ecological needs of water and space.

We are aware that there has been recent refusal by the City of Hamilton to make bylaw changes in Ancaster that had been requested by developers due to objections by local residents; we hope that the City of Hamilton will apply objections to this similar development proposal in the Westdale neighbourhood. Please reject the zoning application by 1107 Main Inc. on similar grounds, grounds for rejection that have been clearly identified by the Design Review Panel Summary (January 2021) for this application.

Recent opinion pieces in the Hamilton Spectator have provided timely and well-considered rationales for why "giving developers free rein won't fix the housing crisis" (The Spec, Mark Winfield; February 19, 2022). There is specific and most relevant commentary on the horrible impact of planners who accede to developer demands to "specifically remove limitations on building heights and other elements related to the liveability of the resulting communities." The article warns that a 'no rules' approach is "doing little to actually provide affordable housing for families" and that this

“weakened planning rules” experience in Toronto “should serve as a cautionary tale” for us in Hamilton. Specifically, the “massive high-rise residential development completely outstrip(s) the capacity of all forms of infrastructure to support (it)...and the new condos being constructed tend to be of little use to growing families.”

Another opinion piece (The Spec, Kevin Werner; February 23, 2022) praises the City of Hamilton Planning Department (as we do) for the rejection of the proposal in Ancaster, which was described as “out of character and not consistent” with the lot size and local neighbourhood. The rejection of the proposal considered that “it was three times the height” of the existing bylaws; Steve Robichaud, Director of Planning is quoted as saying, “the application was too large, too dense and too high for the property.”

The parallels are compelling between the Ancaster amendments which were rejected and with the 1107 Main Street West over-intensification proposal. We ask that you consider a similar response to reject the 1107 Main Inc. proposal for amendments at any upcoming meetings.

We understand that the Province of Ontario has now made it more difficult for resident concerns to be heard on these over-intensification and massive building size and height issues, even characterizing local resident objections as obstructionistic. We are not NIMBY complainers – we believe in new building and we look forward to the prospect of new neighbours but like The Spec articles that we have cited, we strenuously oppose a ‘free rein’ to development approach.

We hope that the proposed bylaw amendments will not be approved at any upcoming meetings, and that the developers will work on a new proposal for a development more suitable to the lot size and to the neighbourhood. Your rejection of the proposed bylaw changes will hopefully encourage these and future developers to propose creative housing that both blends in with existing properties and also meets the needs of Hamilton’s growing population; such plans that respect existing city planning rules would be amazing and would provide the opportunities for us to meet and greet and truly welcome new neighbours and share with them in making everyday a beautiful day in the neighbourhood.

Sincerely,

[Redacted signature]

Joel and Ilana Goldberg

[Redacted contact information]

cc: Mr. Daniel Barnett, City Planning
cc: Mr. Steven Robichaud, Director of Planning



Meeting Summary

The Design Review Panel met virtually on **Thursday January 14, 2020** via Webex.

Panel Members Present:

David Clusiau, *Chair*

Dayna Edwards

Hoda Kameli

Joey Giaimo

Jana Kelemen

Jennifer Mallard

Jennifer Sisson

Eldon Theodore

Staff Present:

Jason Thorne, General Manager of Planning and Economic Development

Stephen Robichaud, Director of Planning and Chief Planner

Anita Fabac, Manager, Development Planning, Heritage and Design

Victoria Cox, Urban Designer, Urban Team

Andrea Dear, Senior Planner, Urban Team

Applicant and Design Team Present:

<p>Presentation #1 Residential Development 1107 Main Street West</p>	<p>Marc Villemaire, SRM Architects David Falletta, Bousfields Inc.</p>
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Regrets:

Ted Watson (Panel member)

Declaration of Interest:

N/A

Schedule:

Start Time	Address	Type of Application	Applicant/ Agent	Development Planner
2:00 p.m.	1107 Main Street West	Urban Hamilton Official Plan Amendment and Zoning By-law Amendment UHOPA-20-012 and ZAC-20-016	Owner: 1107 Main Street Inc Agent and Presentation: SRM Architects	Andrea Dear, Senior Planner

Summary of Comments:

Note: The Design Review Panel is strictly an advisory body and makes recommendations to Planning Division staff. These comments should be reviewed in conjunction with all comments received by commenting agencies and should be discussed with Planning Division staff prior to resubmission.

1107 Main Street West

Development Proposal Overview

The proposal includes the demolition of the existing Grace Lutheran Church and rectory buildings, and the development of a new 15 storey mixed use building. The building includes 615.2 square metres of commercial space at grade along Main Street West and a total of 327 dwelling units, with seven grade related townhouse units in the building's base fronting Dow Avenue and Cline Avenue South. Parking for the development is proposed to be contained within three levels of underground parking.

Key Questions to the Panel from Planning Staff

1. What is the relationship of the proposal to the existing neighbourhood character? Does it maintain, and where possible, enhance and build upon desirable established patterns, built form and landscapes?
2. Does the proposal respect the existing cultural and natural heritage features of the existing environment by re-using, adapting and incorporating existing characteristics?
3. Does the proposal create comfortable pedestrian environments by:
 - a) Locating principal facades and primary building entrances parallel to and as close to the street as possible;
 - b) Including ample glazing on ground floors to create visibility to and from the public sidewalk;
 - c) Including a quality landscape edge along frontages where buildings are set back from the street; and,
 - d) Using design techniques, such as building step-backs, to maximize sunlight to pedestrian areas.

Panel Comments and Recommendations

a) Overview and Response to Context (Questions 1 and 2)

- The panel acknowledged that the site is located on Main Street West, a Primary Corridor, and that an appropriate amount of intensification is to be expected along a corridor; however, the panel concluded that the height and mass of the proposed development is overwhelming to the context.
- Many panel members agreed that while the Main Street West frontage is likely able to accommodate some height, the proposed height and massing on Dow Avenue and Cline Avenue South is inappropriate based on the low density, low rise context of the surrounding neighbourhood.
- Many panel members expressed concerns about the Dow Avenue and Cline Avenue South sections of the building. The conclusion was that the building sections adjacent to Dow Avenue and Cline Avenue South should be reduced in height and revised to respect a 45-degree angular plane from the right-of-way to help step back the building from the street and to better integrate into the surrounding context.

b) Built Form and Character (Questions 1, 2 and 3)

- The panel noted that the tower volume is too bulky and should be refined. There are concerns with overlook and impacts to the surrounding community.
- The panel agreed that the building sections adjacent to Dow Avenue and Cline Avenue South should be reduced in height and revised to respect a 45-degree angular plane to better integrate into the surrounding context. The proposed 8 -10 storey height is challenging on a small right-of-way adjacent to single detached homes and one panel member stated that angular planes next to single detached homes cannot be ignored. The panel recommended lowering the heights and increasing the separation distance between these building sections to mitigate negative impacts to the surrounding neighbourhood. One panel member noted that a T-shaped building would help to achieve more privacy and better light access for the units.
- The panel suggested simplifying the front façade materials and reducing the number of varied components for a sleeker and simpler design. Some panel members recommended removing the triangular balconies as they add to the busy composition, while other panel members thought that this was not necessary. Some panel members also suggested reducing the size and prominence of the large vertical signage on the front façade.
- Panel members appreciated the active grade related uses and encouraged a more detailed landscape strategy along the Main Street West frontage.

c) Heritage Resources (Questions 2 and 3)

- The panel pointed out the Secondary Plan policies regarding the importance of preserving and enhancing heritage features. The panel felt that there were better ways to incorporate the salvaged entryway heritage feature, not just in a two-dimensional and ancillary way. One panel member noted that the connection it has to the ribbon on the building blurs the integrity of that artifact.
- Many panel members agreed that the heritage feature may be more appropriately integrated into the courtyard as it provides more space to experience the feature and better connects to past conditions.
- The panel noted there is not enough information regarding the repurposed materials.

d) Site Layout and Circulation

- Some panel members suggested that the courtyard should be redesigned to allow better access to sunlight for the outdoor space and the adjacent units. The panel noted that the courtyard could be better integrated into the site and connect with the site to the south.
- The panel noted that bikes should be stored closer to the elevators.

e) Streetscape, The Pedestrian Realm & Landscape Strategy

- The panel suggested that more work should go into the programming of the streetscape and creating a pedestrian oriented environment for safe pedestrian movement.

Summary

The panel appreciated the detailed presentation and recognized that there is great potential on this site for redevelopment. The panel agreed that the Main Street West frontage could accommodate some height but recommended reducing the bulkiness of the tower. The panel stated that the proposed building heights and volumes along Dow Avenue and Cline Avenue South are not in keeping with the character of the existing neighbourhood and require major revisions as stated above. The panel appreciated the desire to preserve some of the cultural heritage features from the existing church but were concerned that the proposed location may not be the best way to celebrate the heritage resource.

Meeting was adjourned at 3:12 p.m.

February 16, 2021

Andrea Dear
 Planning and Economic Development Department
 Development Planning, Heritage and Design – Urban Team
 71 Main Street West, 5th Floor
 Hamilton, ON L8P 4Y5

Maureen Wilson
 Councillor Ward 1
 71 Main Street West, 2nd Floor
 Hamilton, ON L8P 4Y5

Dear Ms. Dear and Ms. Wilson:

**RE: UHOPA-20-012 and ZAC20-016
 1107 Main Street West, Hamilton (Ward) 1
 Objections to three-level underground parking garage
 Inconsistency with PPS and lack of conformity to Growth Plan GGH and UHOP
 Chedoke Creek Valley System subwatershed and the detrimental impact on
 neighbouring residences and properties, and the forested slope of the C CVS**

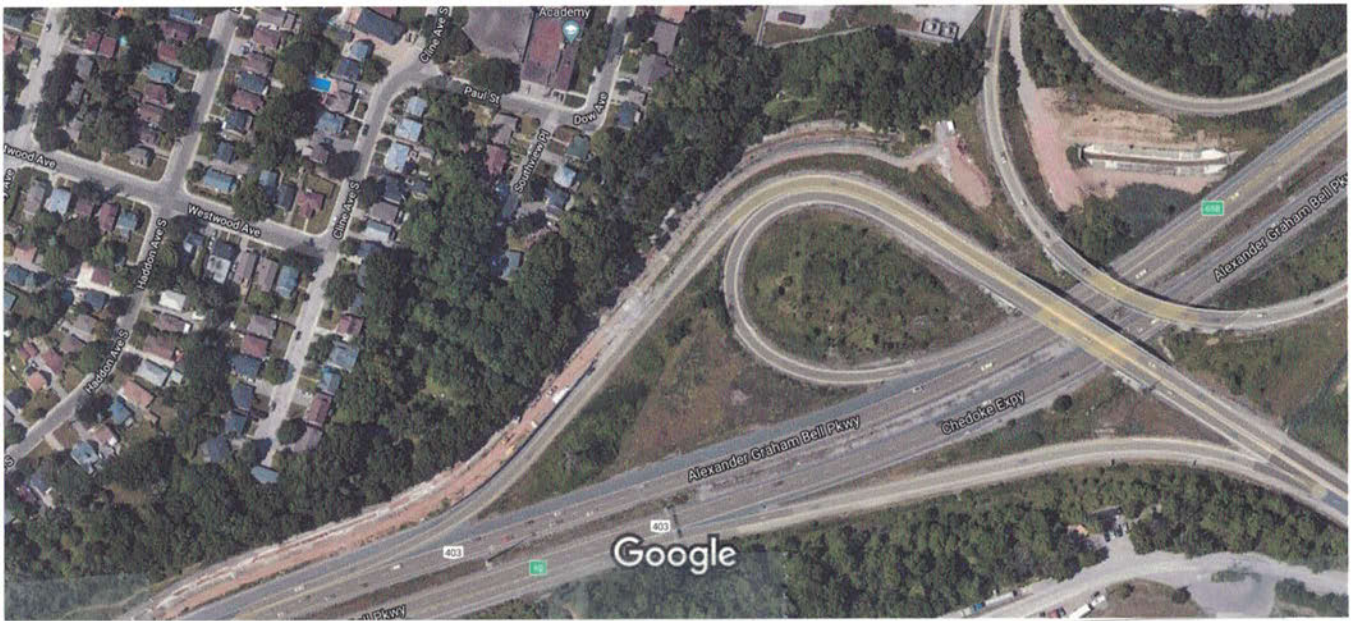
We, the undersigned residents in the immediate vicinity of the subject site, strongly object to the proposed development. Although there are many valid reasons for requesting that the two above captioned applications be denied, the specific concerns raised in this objection letter relate to the three-level underground parking garage and the detrimental impact that it will have on the neighbouring properties, the Chedoke Creek Valley System subwatershed, and the forested slope that separates the residences from the general open space and Provincial Highway 403.

A) LANDS IMMEDIATELY TO THE SOUTH OF THE SUBJECT SITE

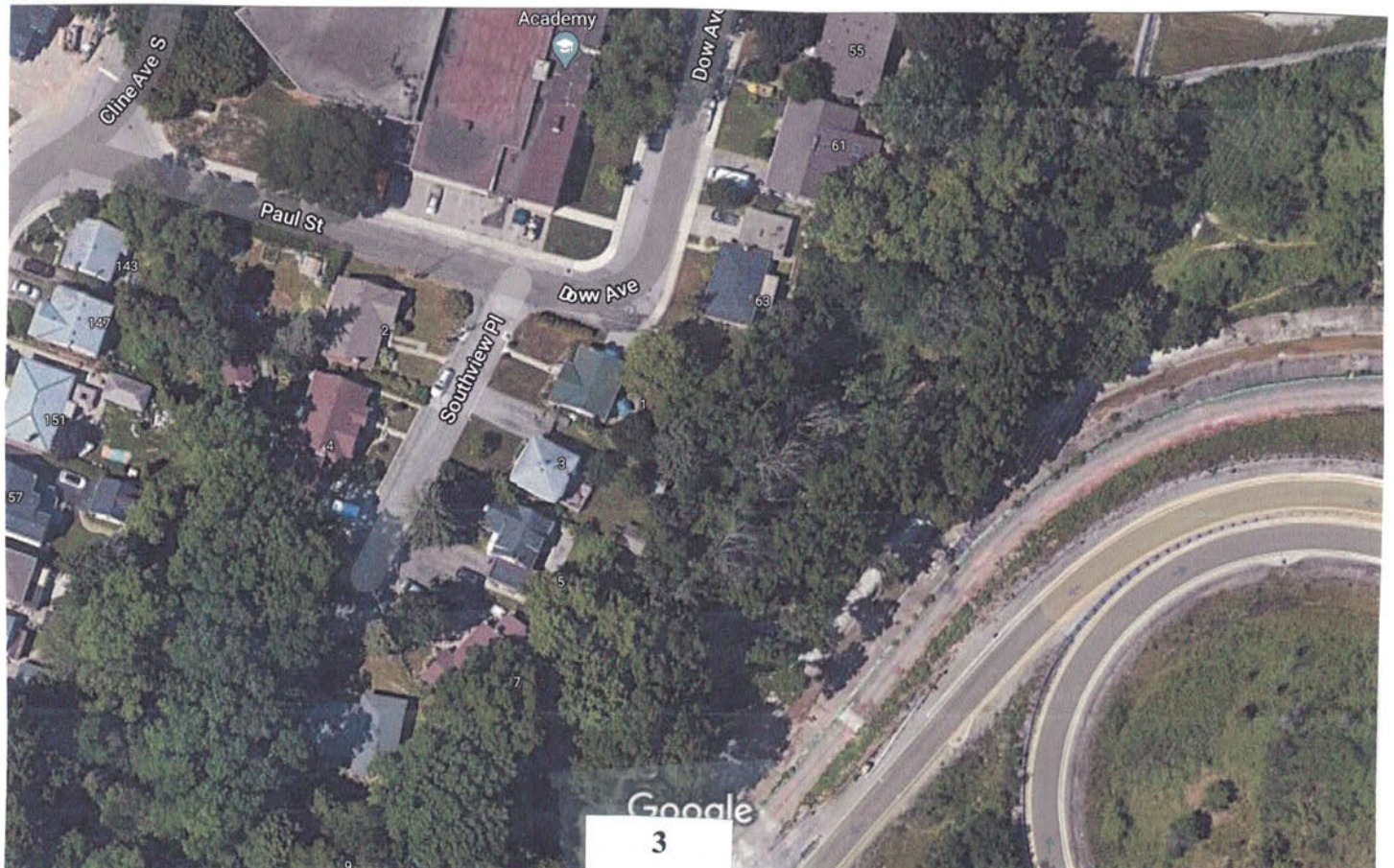
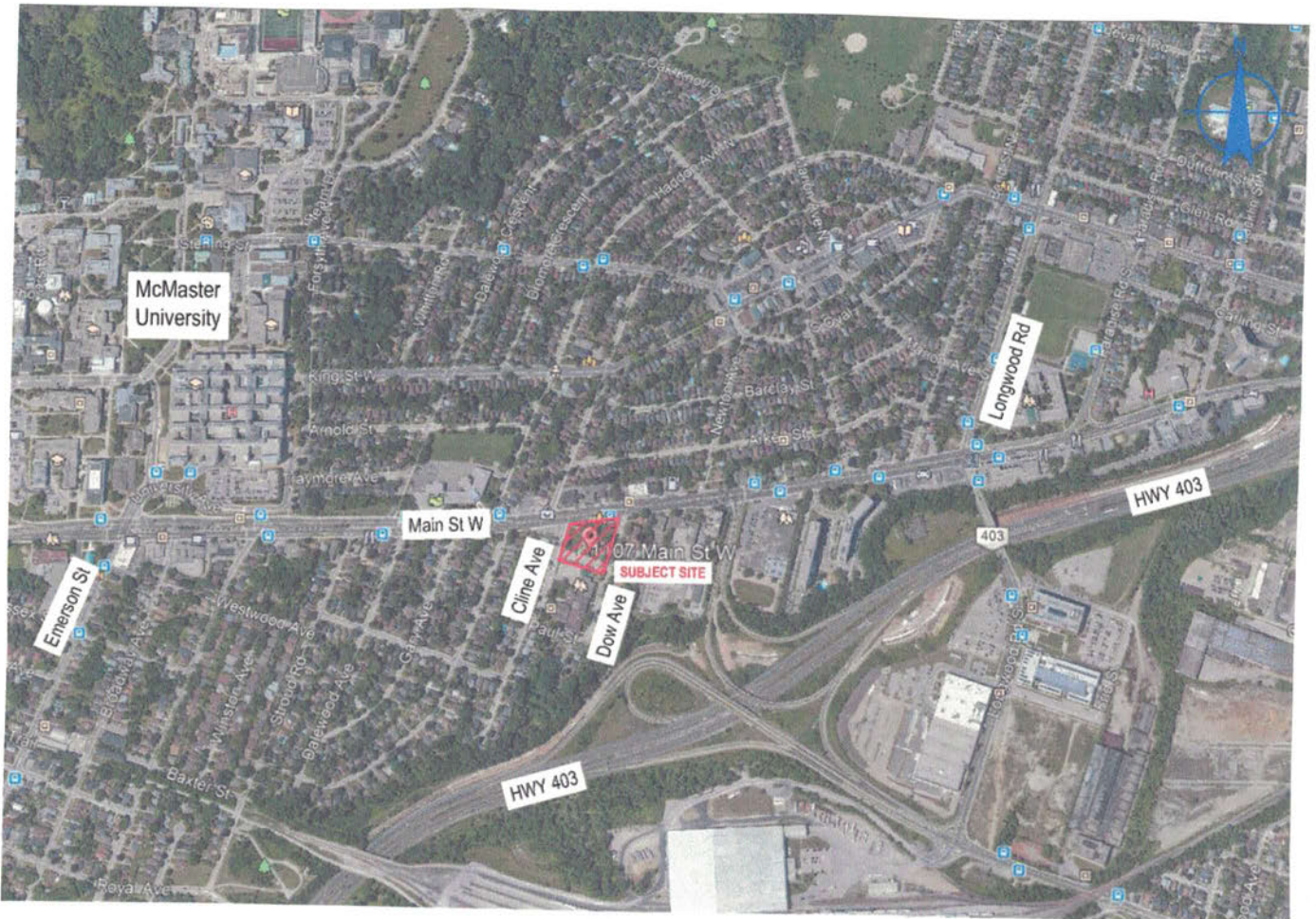
Although the Planning Rationale submitted by the Applicant went to great lengths to give an expansive description of the lands to the north, east and west of the subject site, and cited proposed developments often several thousand metres away, the description set out in the Planning Rationale for the lands to the “south” totally omitted the lands lying within 200 metres of the site and which are designated as “general open space” (Neighbourhood map) and “forest” HCA Chedoke Subwatershed map), as well as ignoring the Chedoke Creek, which are both situated between the residential properties and Hwy 403.

The description of these lands lying to the south, in comparison to the lands to the east, west and north of the subject site, can be visually appreciated in the following maps and pictures:

- 1) The Ainslie Wood Westdale Land Use Plan from 2015;
- 2) The Site Location Map prepared by GHD in the Transportation Study;



Parks and Open Space Designations	
	Parkette
	Neighbourhood Park
	Community Park
	General Open Space
	Natural Open Space



- 3) Google Satellite Map with Hwy 403;
- 4) Google Satellite Map with close-up of the forest canopy on Dow Avenue, Southview Place and Cline Avenue South;
- 5) Map CH-9: Chedoke East Catchment of the Chedoke Creek Subwatershed as prepared by Hamilton Conservation Authority.

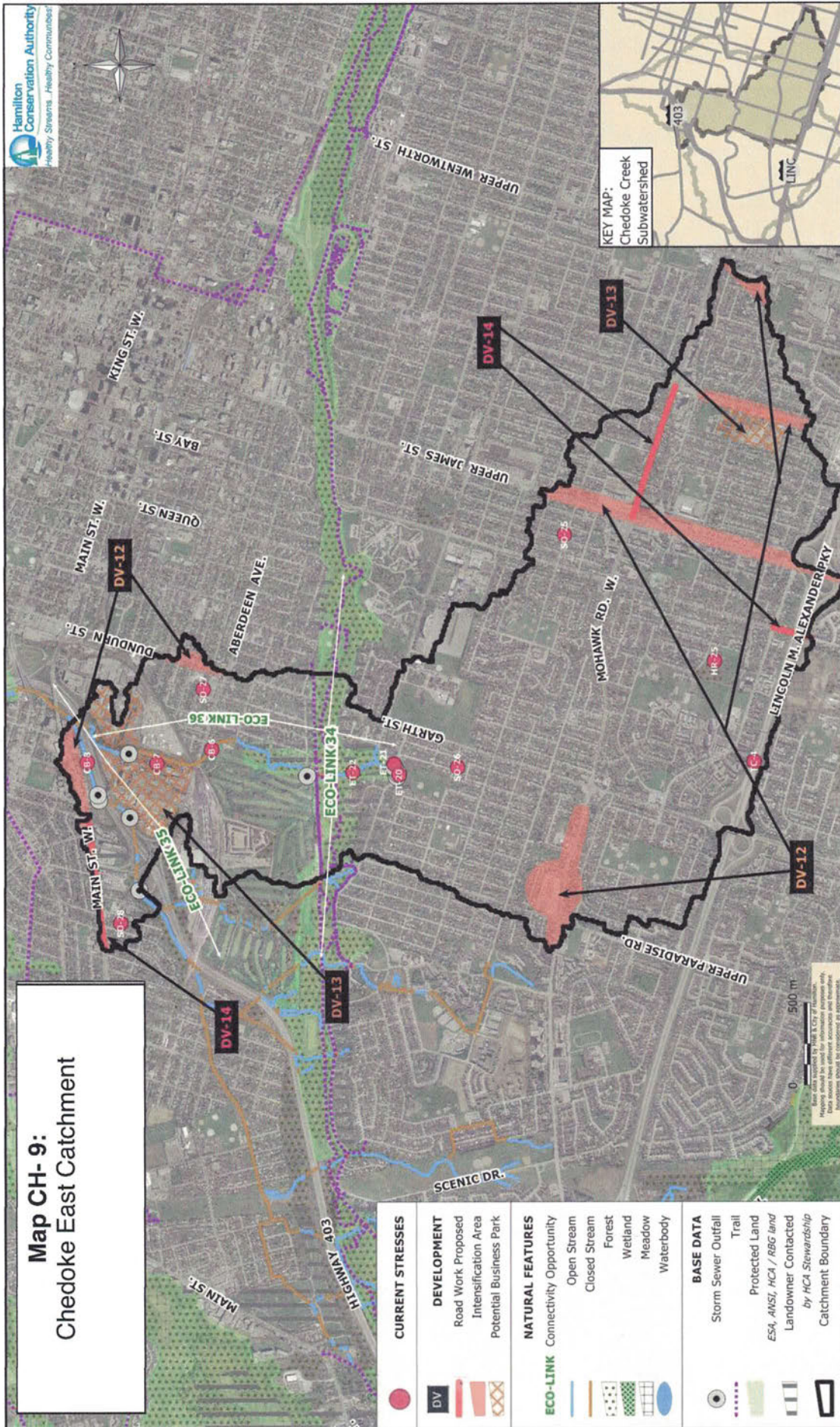
From these maps one can ascertain the valuable role the forested canopy of these lands has in the aesthetic beauty of the neighbourhood. But most importantly this natural landscape feature serves as a barrier in three distinct capacities, a visual barrier blocking the view of Hwy 403 from the neighbourhood, a noise barrier reducing the noise and decibel levels from the truck and motor vehicle traffic on Hwy 403, and; an air pollution abatement barrier absorbing by deposition some of the harmful vehicle emissions from Hwy 403.

B) CHEDOKE CREEK VALLEY SYSTEM SUBWATERHED AND STRESSORS

The Chedoke Creek watershed is 25.1 square kms in area and the portion in which the subject site lies is the Chedoke East Catchment as set out in Map CH-9. According to the Hamilton Conservation Authority guideline comparison of the Chedoke Creek watershed to Environment Canada' 'How much Habitat is Enough' Guidelines for three landscape features, the Chedoke Creek subwatershed only has 0.02% Wetland when the Guideline suggests 6%; only has 9.6% Forest when the Guideline suggests 30%; and has 76% Impervious Surface when the Guideline suggest no higher than 10% impervious surface.

In addition, the Chedoke Creek Watershed contains three areas designated by the City of Hamilton as Environmentally Significant Area (ESAs), these being Iroquoia Heights Conservation Area, Hamilton Escarpment, and Cootes Paradise. It also is the home of significant species in the natural areas of the watershed according to HCA, such as the Butternut tree, Cooper's Hawk, Monarch and Northern Ribbon Snake.

The Hamilton Conservation Authority as part of its stewardship plan to protect habitat, and to improve the health of the Chedoke Creek Watershed identified 15 Stressors, three of which are considered Dominant Stresses, the other 12 being considered Associated Stresses, in the various sections of the subwatershed and also recommended some general guidelines applicable to the entire area. These include such matters as: maintaining the natural features on a property; planting native trees, shrubs and herbaceous plants in front, rear and side yards; disconnecting downspouts that direct water into the storm sewer and instead directing them to yards and gardens; collection of rain water in rain barrels to use for watering gardens; alternative driveway design to reduce the amount of impermeable driveway surface; applying the Yellow Fish Road to all catchbasins and the Stream of Dreams program to increase awareness regarding stormwater input and the impacts of CSO outfalls on stream systems; reducing the use of road salt and implementing a road salt management plan, and; *enhancing groundwater recharge by ensuring that 70% of all land, post construction must remain pervious as a condition for development application approval.*



CH-50

CHEDOKE CREEK SUBWATERSHED

CHEDOKE EAST DATA SHEET

SITE-LEVEL STRESSES		STEWARDSHIP ACTIONS				STEWARDSHIP ACTIONS			
FUTURE STRESSES	DESCRIPTION	AWARENESS OPPORTUNITY	SPECIAL STUDY OPPORTUNITY	RESTORATION OPPORTUNITY	RESTORATION OPPORTUNITY	PRIVATE LAND	PUBLIC LAND	DFO COMP PROJECT POTENTIAL	DEMO SITE POTENTIAL
DV-12	Intensification Areas	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
DV-13	Proposed Business Parks	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
DV-14	Road Work Proposed – improvements	<input checked="" type="checkbox"/>							
CURRENT STRESSES	DESCRIPTION	AWARENESS OPPORTUNITY	SPECIAL STUDY OPPORTUNITY	RESTORATION OPPORTUNITY	PRIVATE LAND	PUBLIC LAND	DFO COMP PROJECT POTENTIAL	DEMO SITE POTENTIAL	
CB-6	Buried stream	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
CB-7	Buried stream	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
CB-8	Channelized stream	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
ET-20	Ecotourism at Chedoke Falls	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
ET-21	Ecotourism at Denlow Falls	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
ET-22	Ecotourism at Lower Chedoke Falls	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
HR-25	Habitat fragmentation – loss of forest cover	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
SO-25	Combined sewer system	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
SO-26	Storm sewers	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
SO-27	Combined sewer system	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
SO-28	Combined sewer system	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
TC-4	Water contamination from Lincoln Alexander Parkway	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	

The specific future and current Dominant Stressors for the vicinity immediately surrounding the subject site as identified by HCA on the Chedoke East subwatershed map are listed as DV-14, (Development DV) being Road Work Proposed -Improvements on Main Street West, and SO-28, (Storm Sewer Outfalls (SO) being an Associate Stress from the Dominant Street Detachment from Nature (DT) which in the case of Chedoke East subwatershed is identified as the Combined Sewer System. (see attached Chedoke East Date Sheet CH-51 prepared by HCA)

C) EXISTING PROBLEMS WITH STORM SEWER/COMBINED SEWER WITHIN THE NEIGHBOURHOOD

Within the last few years there have been severe basement flooding and raw sewage backflows into basements on Dow Avenue, Southview Place and Cline Avenue South due to cross connections between the storm and sanitary sewers. More specifically, within the last 6 months there have been major basement flooding issues for a number of properties within 120 metres of the subject site.

These problems are ongoing, and in fact many of these very complaints that related to the inadequate stormwater and sanitary sewer infrastructure in the neighbourhood, were raised directly with the Applicant at the Virtual Community Meeting held on August 11, 2020. These infrastructure issues, and the amount of stormwater flow, however, remain to be resolved with the municipality, and accordingly we are extremely worried about any further increase in the amount of stormwater entering the system.

Another serious issue of concern is the Chedoke Creek Valley System forested slope which runs along the rear of the lots on Dow Avenue, Southview Place and Cline Avenue South. It is this slope which appears to be undergoing erosion due to the steep angle of the slope and the effect of climate change. The discharge and underground flooding in the area due to storm water discharge, and which is only metres away from the top of the slope, as well as the recent Hwy 403 bridge construction that was carried out by the Province of Ontario and MTO in which a large amount of soil was removed from the “toe” of the slope, but which was never replaced after construction was completed, are two issues that have caused much alarm and consternation among the residents in the neighbourhood.

D) EXISTING AND PROPOSED STORM WATER MANAGEMENT AT THE SUBJECT SITE

The IBI Group Functional Service Report submitted by the Applicant correctly identified the fact that the Grace Lutheran Church has no connection or discharge into the storm sewers. This is because Grace Lutheran Church collected all their rooftop rainwater in large rain barrels at every downspout around the perimeter of the building. The rainwater was then used entirely for watering the extensive church gardens, special gardens, landscaped areas and community gardens, resulting in a an almost 100% recharge in to the Chedoke Creek subwatershed.

SUBWATERSHED STRESSES & STEWARDSHIP ACTIONS

There are fifteen Subwatershed-wide Stresses identified within the Chedoke Creek subwatershed. Three of these are considered Dominant Stresses while the others are considered Associated Stresses as they directly relate to the Dominant Stresses. These stresses and their relationships to one another are listed in **Table CH-5**. Error! Reference source not found.

Table CH-6 outlines the Stewardship Actions and measurable targets for each of the Subwatershed-wide Stresses listed in **Table CH-5**; the Dominant Stresses are highlighted in yellow for quick reference. Additionally, each Dominant and Associated Stress has Site-level Stresses identified on the catchment maps, the details of which are within the corresponding catchment datasheets. Within the Chedoke Creek subwatershed, 82 Site-level Stresses have been identified. Inventories and the location of the Site-level stresses found in each of the catchments are listed under the Stress description in **Table CH-6**.

Erosion stresses have been noted within both the Development and Habitat Degradation Dominant Stress categories and all Storm water Mismanagement Stresses have been noted under both the Development and Detachment from Nature Dominant Stress categories as the Stewardship Actions directly relate to both of these Dominant Stresses.

In summary, future urban intensification in the Mid-Chedoke, Chedoke East and Lower Chedoke Creek catchments of this subwatershed is of main concern to the fisheries potential as it increases the potential for erosion downstream. Present natural systems (aquatic & terrestrial) must remain intact and preserved and be used as a foundation for restoration in this warm water system. In order to maintain or enhance the water quality of this subwatershed, contamination as a result of salt application on major arterial roadways must be reduced. Wetland and upland forest restoration above the escarpment may also be of benefit to mitigate existing erosion resulting from past development. Additionally, phosphorus loading and pesticide use are of great concern in this urban area of the City of Hamilton.


Findings of note in this subwatershed to highlight in this plan are the extensive natural areas bordering the Niagara Escarpment, the open stream tributaries and the Friends of Chedoke



group along the Chedoke Ravine. Also, there are many accessible waterfalls located within in this subwatershed that have the potential to serve as excellent awareness opportunities through interpretive signage & trail opportunities. These eco-tourism sites can be incorporated into the enhancement of noted ecological linkages, ensuring connectivity for terrestrial species to reach Cootes Paradise Marsh through this urban environment.


Table CH- 5: Dominant & Associated Subwatershed-wide Stresses

DOMINANT STRESS	ASSOCIATED STRESS
Development (DV)	Erosion (ER)
	Storm Water Mismanagement (SW)
Detachment from Nature (DT)	Water Contamination through Transportation Corridors (TC)
	Eco-tourism Related Degradation (ET)
Terrestrial Habitat Degradation & Lack of Riparian Buffer (HR)	Storm Sewer Outfalls (SO)
	Storm Water Mismanagement (SW)
	Channelized / Buried Streams (CB)
	Debris Jams (DJ)
	Encroachment (EN)
	Erosion (ER)
	On-line Ponds / Culverts (PC)
Phosphorus Loading (PL)	Pesticide Use (PS)
	Plowed Watercourses (PW)

Table CH-6 Stewardship Actions & Inventories of Site Level Stresses

<p>Development Map Code: DV</p> <p>Definition: The process of developing populated settlements; including housing and supporting infrastructure.</p> 	<p>2008-2012: Host annual training sessions for City staff & developers to create awareness regarding the incorporation of development related BMPs into planning applications (i.e. pervious pavement, green rooftops, storm water management, road-salt alternatives, snow-piling, erosion & sediment control measures, compliance & enforcement, etc.);</p> <ul style="list-style-type: none"> Partners: BARC / CITY / DFO / FSRT / Green Venture / HCA / MTO <p>2008-2012: Apply Yellow Fish Road to all catchbasins on streets and in parking areas to educate private landowners post-development;</p> <ul style="list-style-type: none"> Partners: BARC / CITY / DFO / FSRT / Green Venture / HCA / MTO 	<p>2008-2012: Continue to complete ecological surveys (using the Ecological Land Classification system) to ensure species at risk habitat or rare ecological areas are not disrupted;</p> <ul style="list-style-type: none"> Partners: CITY / HCA / post-sec. schools <p>2008-2012: Continue to incorporate downstream assessments of creek conditions, with recommendations for improvement, as part of the watershed-wide watershed studies conducted as part of new Greenfield development planning;</p> <ul style="list-style-type: none"> Partners: CITY / HCA / post-sec. schools <p>2008-2012: HCA staff to develop an internal mechanism to ensure that BMP's and Stewardship Actions to preserve and enhance habitat are addressed in development application prior to construction;</p> <ul style="list-style-type: none"> Partners: BARC / CITY / DFO / FSRT / Green Venture / HCA / MTO 	<p>2008-2012: Use the terrestrial habitat and ecological linkages identified in this plan to preserve & rehabilitate these areas as part of new Greenfield developments in the subwatershed;</p> <ul style="list-style-type: none"> Partners: HCA / CITY <p>2008-2012: Enhance groundwater recharge by ensuring that 70% of all land, post construction must remain pervious as a condition for development application approval;</p> <ul style="list-style-type: none"> Partners: HCA / CITY <p>2008-2012: Implement the fish habitat buffer requirements for warm and coldwater streams as outlined in the HCA Planning and Regulations Policy and Guidelines document (30m setback for coldwater systems and 15m setback for warmwater systems);</p> <ul style="list-style-type: none"> Partners: HCA / CITY
<p>Inventory of Sites Identified = 12</p> <p>Catchment Locations:</p> <ul style="list-style-type: none"> Chedoke West (2) Lang's Creek (1) Mid-Chedoke (2) Cliffview (1) Chedoke East (3) Lower Chedoke Creek (3) <p>Audience: CITY / HHHBA / developers / private landowners</p>			

 <p>Plowed Watercourse Map Code: PW</p> <p>Definition: Headwater swales or small watercourses that are worked for agricultural production.</p> <p>Inventory of Sites Identified = 0</p>	<p>2008-2012: Utilize workshops, information sessions, literature & webpages & direct private landowner contact to create awareness regarding environmental effects of plowed watercourses;</p> <ul style="list-style-type: none"> ▪ Partners: DFO / HCA / OMAFRA / Ont. Stewardship Council / HHWSP <p>2008-2012: Promote the Environmental Farm Plan program and associated Cost Sharing Programs for the implementation of Beneficial Management Practices projects;</p> <ul style="list-style-type: none"> ▪ Partners: Stewardship Council / HHWSP / OSCIA 	<p>2010: Assess landowner motivation for installing grassed waterways and riparian buffers;</p> <ul style="list-style-type: none"> ▪ Partners: HCA / OMAFRA / HHWSP / HWSCIA 	<p>2008-2012: Reduce sedimentation through the creation of a minimum of one riparian buffer on private lands, target 15m from top of bank for warm water systems and 30m from top of bank for coldwater systems;</p> <ul style="list-style-type: none"> ▪ Partners: HCA / landowner / HHWSP
 <p>Stormwater Outfalls / CSO's Map Code: SO</p> <p>Definition: The point where a combined sewer overflow system discharges into a watercourse during a storm event.</p> <p>Inventory of Sites Identified = 19</p> <p>Catchment Locations: Chedoke West (2) Lang's Creek (2) Mid-Chedoke (5) Cliffview (2) Chedoke East (4) Lower Chedoke Creek (4)</p> <p>Audience: children & private landowners (residential / commercial / industrial)</p>	<p>2008-2012: Implement the Stream of Dreams and Yellow Fish Road Programs with local schools, scout, girl guides and other children's groups, to create awareness regarding stormwater input & the impacts of CSO outfalls on stream systems;</p> <ul style="list-style-type: none"> • Partners: BARC / CITY / FSRT / HCA <p>2008-2012: Support Sewer-Use Bylaw enforcement (City of Hamilton By-law No. 04-150);</p> <ul style="list-style-type: none"> ▪ Partners: BARC / CITY / FSRT / HCA 	<p>2008-2012: Conduct water quality testing at storm sewer outfalls to support a study on illegal sewer hookups, Sewer Use Bylaw enforcement, & restoration efforts;</p> <ul style="list-style-type: none"> ▪ Partners: CITY / HCA / post-sec. schools <p>2008-2012: Conduction water quality testing at CSO outfalls pre and post mitigation to support mitigation measures;</p> <ul style="list-style-type: none"> ▪ Partners: CITY / HCA / post-sec. schools 	<p>2008-2010: Reduce flows & sedimentation through riparian buffer establishment downstream of CSO outfalls (public lands);</p> <ul style="list-style-type: none"> ▪ Partners: CITY / FSRT / Green Venture / HCA / Ont. Stewardship Council / landowners & citizens <p>By 2012: 80% of connected downspouts to be disconnected & rain barrels to be utilized as an alternative;</p> <ul style="list-style-type: none"> ▪ Partners: CITY / FSRT / Green Venture / HCA / Ont. Stewardship Council / landowners & citizens

<p>Water Contamination through Transportation Corridors Map Code: TC</p>  <p>Definition: Contamination resulting from stormwater runoff from major arterial roadways; often associated with the application of salts for de-icing and the residual precipitate created by automobile exhaust.</p> <p>Inventory of Sites Identified = 3</p> <p>Catchment Locations: Mid-Chedoke (2) Chedoke East (1)</p> <p>Audience: CITY / MTO</p>	<p>2008-2012: Host training sessions for City staff to create awareness & encourage environmentally friendly road salt alternatives & proper snow removal practices; <ul style="list-style-type: none"> ▪ Partners: CITY / DFO / HCA / MTO / Ont. Stewardship Council </p>	<p>By 2010: Determine the best method to mitigate contamination from transportation corridors into watercourses by studying alternatives to road salt for de-icing & incorporating into a road salt management plan; <ul style="list-style-type: none"> ▪ Partner: CITY / HCA / MTO / post-sec. schools </p>	<p>2010-2012: Implement road salt management plans & reduce use of salt for de-icing by 15% over 5yrs; Increase use of vacuum street sweepers; Increase vegetated filter strips / grassed swales along medians & roadsides, where ditches are present incorporate non-invasive native vegetation; <ul style="list-style-type: none"> ▪ Partners: CITY / MTO </p>
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We believe that the sheet flows from the subject site to the stormwater infrastructure calculation for the existing Church may not be correct in the IBI Group Functional Service Report which was submitted, as a different calculation should be used when a property is completely disconnected from the storm sewers and the rainwater is collected and reused on permeable soil and landscaping on site. This calculation is attached as a Schedule, and data provided by IBI should therefore be reviewed to determine the additional discharge into the storm sewers as a result of the proposed development.

E) PROPOSED DEVELOPMENT, ROOFTOP TERRACES AND ABSORPTION OF RAINWATER INTO UNTREATED STORAGE TANKS

The IBI Group Report further discloses that the “proposed development will construct a building whose face will be near to the property line with the building’s **footprint being at least 70% of the subject land area**”. It was also disclosed by the Applicant at a meeting that the entire site is to be excavated for the underground parking garage, which indicates that even the maximum 30% of ground level area of the development will be directly above the parking garage. From this fact we can conclude that the subject site will therefore have **0% recharge** in direct conflict with the Hamilton Conservation Authority and City of Hamilton Guidelines for the Chedoke Creek Subwatershed which sought to *“enhance groundwater recharge by ensuring **that 70% of all land, post construction must remain pervious as a condition for development application approval.**”*

Although there is a benefit to be derived by having a rooftop which will incorporate methods of absorption to collect and store rainwater, it appears from the site plan and the architectural drawings that there still is a very large percentage of impervious area at ground level which will permit sheet flow directly into the storm sewers on Dow Avenue. This is in contrast with the Grace Lutheran Church which collected all its rainwater and which had pervious soil, pervious landscaping and gravel right up to the street sidewalks, with the exception of the concrete walkways on the interior of the property. The IBI Report further claims that “some small areas at the boundary of the site will sheet drain to the adjacent lands as is the existing condition”, but it appears that these proposed areas are much larger than anything that currently exists on the Grace Lutheran Church property, and that this additional sheet flow will be a considerable increase over what is currently flowing into the stormwater infrastructure, a storm sewer system which is in urgent need of repair, and which cannot presently handle the existing stormwater flows.

The landscape drawings indicate that there are two small areas on the terrace levels on the 10th Floor which are identified as being “Green Roof - No Public Access”, but the exact percentage that this area constitutes in relation to the entire roof top of the proposed development, has not been presented. The City of Hamilton does not yet have a Green Roofs By-law, however based on the City of Toronto ‘Green Roofs By-law’ which was pioneered in 2006, it is not clear as to whether the Applicant’s proposed roof top, including these two small areas, qualifies in any of the three categories of ‘Green Roof’ established in the City of Toronto By-law.

The IBI Report also states that rainwater in some places will be absorbed and that all runoff from the building's roof and larger landscaped areas will be collected via areas drains. The Applicant then proposes to have on-site stormwater storage utilizing rooftop areas and an underground storage tank, which will not utilize any stormwater quality measures. The two questions which are relevant to the storage tank, however, relate to contamination and the discharge flow rate.

The identification of air contamination and pollution records for the very area in which the subject site is located, has some of the worst air pollution in Hamilton, and that some of these toxic contaminants may remain in collected rainwater. If the Applicant intends to store the rainwater in tanks, it should be recommended that due to the fact that the site runoff may not be from "clean sources", the underground stormwater storage tanks mentioned in the IBI Group Report, utilize stormwater quality measures that are readily available, and which are installed in many other new developments.

The issue of storage capacity and the discharge flow rate from the tanks are important as the existing stormwater infrastructure is already inadequate, and the amount of discharge flow can adversely affect the homeowners on Dow Avenue who have already had cross connection backups in their basements. The sheet flows from the proposed development will be much higher than the presently existing rate, and accordingly the collected rainwater will have to be stored for longer periods and only discharged into the stormwater infrastructure when it is safe to allow this discharge. To this extent there will be a requirement to have additional underground tanks for storage, and the number suggested by IBS Group appears to be inadequate.

F) IMPACT OF THE THREE-LEVEL UNDERGROUND PARKING GARAGE

The site area for the three-level underground parking garage consists of approximately one-half hectare and the Planner has advised that the area is 5,169.3 square metres. If the depth of the garage is a minimum of 10 metres, (perhaps it will be even deeper), the underground area of the garage will be 51,693 cubic metres. For the sake of comparison, it is known that an official Olympic sized swimming pool is 50 metres by 25 metres by 2 metres, or a total of 2,500 cubic metres. Accordingly, when dividing the cubic metre capacity for volume of water of the Olympic sized pool into the three -level underground parking garage, it is a volume of approximately 21 Olympic pools.

This is an enormous area to have excavated and then encased in concrete foundations and walls. The adverse impacts that will occur as a result of the removal of this massive amount of soil between Dow Avenue and Cline Avenue South, and the constructions of the three -level underground parking garage in such close proximity to the forested slope of the Chedoke Creek Valley system are as follows.

- 1) Drastic displacement of soil and ground water absorption resulting in a change in the water table and an increase in hydrostatic water pressure on neighbouring properties;

- 2) Opening of small cracks and fissures in the basements of houses along Dow Avenue and Cline Avenue South, especially at the subsurface mortar joints of the block foundations, causing basement water leakage and flooding, and perhaps the need to install sump pumps in these houses;
- 3) Increased hydrostatic water pressure in the soil adjacent to the forested slope of the Chedoke Creek Valley system;
- 4) Increased storm water release at the top of the slope due to larger volumes of stormwater drainage and its leakage from the defective and inadequate stormwater infrastructure along Dow Avenue, Paul Street, Southview Place, and Cline Avenue South;
- 5) A diversion and change in the subsurface groundwater flow and irreversible damage to the Chedoke East subwatershed and to the urban forest along these streets and within the slope itself.

G) RED FLAG WARNINGS FOR A LANDSLIDE OF THE FORESTED SLOPE

There are worrisome examples of forested slopes along Hwy 403 and which are in close proximity to the subject site, and which have already collapsed or which have caused great concern of collapse and landslide.

Hwy 403 Landslide

The first is a watermain that broke on York Boulevard near the Desjardins Canal where Cootes Paradise drains into Hamilton Harbour. As seen and stated in the attached two articles in the Hamilton Spectator, the underground water leakage resulted in a mudslide that crossed the embankment and entered unto Hwy 403.

Columbia Student Residence Development Proposal Main Street West and Longwood Road

The second example is even closer at only a few hundred metres away, and it concerns the forested slope of the Chedoke Creek Valley system at Main Street West and Longwood Road, and in the same Chedoke East subwatershed map as the subject site. This slope came under review as the owner wanted to redevelop the parcel and to infill a portion of the valley. Hamilton Conservation Authority staff however identified that “the property is associated with a regulated valley system, and that a geotechnical investigation would be required to determine the erosion hazard limit on the site and to establish an appropriate development setback from the hazard”. Despite requesting specific supporting reports and technical studies “a geotechnical assessment to identify the erosion hazard on site, including the stable top of bank and an appropriate development setback, was not included with the submission”.

According to the HCA staff memorandum “HCA provided the City with formal comments regarding these applications on May 30, 2016, identifying significant concerns with the proposed filling and development within the erosion hazard of the valley. As the delegated authority for representing the provincial interest in the implementation of natural hazard policy in municipal planning matters, HCA advised the City that HCA staff were of the opinion the proposal did not

comply with municipal, HCA or provincial policy, and therefore recommended the applications be denied”.

HCA staff further stated that in “their opinion there are potential public safety and property risks associated with the proposed development of an institutional use within valley lands susceptible to erosion hazards. As the delegated authority for representing the provincial interest in natural hazard policy matters, it is the HCA staff professional opinion the proposal is not consistent with the PPS.”

A Floodplain Assessment Report submitted by the developer of 925 Main Street West and Longwood Road which was prepared by Amec Foster Wheeler dated December 3, 2015 concluded that:

“On the basis of the forgoing, it is considered that the current regulated hazard on the property as depicted by HCA, *would potentially relate more to valley and slope form.* (our emphasis) That said, there is no water feature or flood plain which contacts the subject land, hence there may be a case whereby the currently depicted hazard limits can be modified since the creek cannot influence the slope through any long-term erosion processes. Further dialogue will be required with your geotechnical engineer and HCA regarding this perspective.”

These comments support the position that it was the condition of the slope itself, rather than the floodplain, that is of major concern in respect of hazard policy regulation.

Finally, the HCA staff memorandum concluded that “the policy direction and importance of directing development to areas outside of hazardous lands is based not only on science relating to natural hazards, but also on real life experience. There are examples across the Province of development historically taking place within hazardous lands, specifically ravine lands, with resultant failure of ravine slopes and damage to property or loss of use with the subsequent economic and social losses. Locally, this issue was highlighted in an October 13, 2017 article entitled "Cracks in the foundation: The price of living on the edge", where the City was considering purchasing a residential property due to slope failure issues. This is but one example of ravine slope failure issues in the City of Hamilton. Provincial and HCA policies are in place to direct development outside of hazardous lands wherever possible to avoid future issues and to learn from the past.”

Ultimately the proposed development was approved, but it appears that the approval came with a “save harmless” clause which meant that the developer was building at his own risk. This is set out in an online article published in “Raise the Hammer” on December 4, 2020 and which was written by Paul Weinberg. In his article the author writes that:

https://raisethehammer.org/article/3793/conservation_conundrum

Notwithstanding the opposition of the HCA technical staff, the HCA board of directors (comprising both City Councillors and citizen appointees) voted unanimously for the

project with a series of requirements, including a "Save Harmless Agreement" between the developer and the HCA to avoid lawsuits in the event of a failure or mishap.

"What that failure could look like, who knows," said Scott Peck, HCA deputy chief administrative officer and director of watershed planning and engineering, in an interview with me later. "It could be that a portion of the building fails, or a slope fails. Something that causes the owner of the property a monetary loss in the future sometime. They could always come back and say 'sue the authority, for whatever losses they have.' That [save harmless] agreement is really the authority's attempt to kind of say 'we told you not to build there, you were aware of it.'"

The events that have transpired at the development project at Main Street West and Longwood Road, only a few blocks away from the subject site, and relating to a forested slope which is part of the same Chedoke Creek Valley system woodlot and open space designation, causes us great concern as these three slopes, (the Dow Avenue/Southview Place slope, the Cline Avenue South slope and the Main/Longwood slope) appear to possess the exact same slope steepness, type of tree and vegetative growth, and the same degree of erosion hazard.

Excavation and Construction of Garage and Underground Vibrations

Although it is not common to have landslides triggered by vibrations in sensitive ground caused from construction activities, it has been proven to occur where sensitive clays and loose soil deposits have already been impacted by natural factors, such as erosion and heavy precipitation and snow melt, and other destabilizing conditions including unfavourable groundwater conditions, artesian pressure, filling, etc., all causing the slope to become highly unstable. In this case the removal of soil from the toe of the slope and the already high erosion hazard ranking by Hamilton Conservation Authority, make the slope on Dow Avenue and Southview Place, and perhaps the slope on Cline Avenue South extremely susceptible to a triggering event from construction related vibrations, especially relating to vibro-pile driving.

Red Flags

The proposed development of the subject site with a three-level underground parking garage could cause considerable damage to the properties on Cline Avenue South, Dow Avenue, and Southview Place, as well as precipitating a landslide of the forested slope at the rear of the properties. The reasons for such a landslide being triggered is based on the following factors:

- 1) The increase in hydrostatic pressure at the top of the slope, and against the basement foundation walls of all neighbouring properties;
- 2) The change in the depth of the groundwater and water saturation due to the massive excavation and removal of soil resulting in an equivalent volume displacement towards the neighbouring houses and the top of the slope;
- 3) The defective stormwater infrastructure and underground water leakage on Dow Avenue resulting in basement flooding and backups, and the need for sump pumps, and which is all occurring in close proximity to the top of the slope;

- 4) The steepness of the slope and its high erosion hazards and instability due to climate change events and increased precipitation, as already identified by HCA on similar slopes in the Chedoke Creek Valley System subwatershed;
- 5) The large amount of soil that was removed and never replaced at the bottom or “toe” of the slope, resulting in a greater level of slope instability;
- 6) The vibrations and shock waves that will be emitted from the subject site during excavation and the sinking of the pilings into the ground, or perhaps into the bedrock, at the subject site, and which will travel beneath the surface and impact the forested slope.

All of these factors, working in combination, are the red flags that indicate a landslide of the forested slope could likely occur as a result of the proposed development, causing considerable loss, both monetarily and environmentally, to the residents who live in the immediate neighbourhood.

H) RATIONALE FOR CONSTRUCTING A THREE-LEVEL UNDERGROUND PARKING GARAGE

In the Formal Consultation Document that the Applicant signed with the City of Hamilton, the Applicant advised the City that it intended to construct a two-level underground parking garage with 152 parking stalls. Then, in December 2019 the Applicant stated in its Project Updates Post-Community information sheet, that having recently met with resident’s associations on November 26th 2019, it redesigned the parking garage in response to the community requests for a reduction in the need for street parking. The Applicant provided a redesigned description and indicated it was now planning to construct a three-level underground parking garage with 226 parking stalls in direct response to the wishes of the neighbourhood associations.

We believe that the request made by the neighbourhood associations, if in fact true, to the Applicant was offered in haste and 1) without the benefit of consulting with the neighbours most affected by their wish to have a bigger parking garage in order to reduce street parking; 2) without a detailed review of plans and architectural drawings indicating the setbacks and angular plane; 3) without a review of the City of Hamilton Transportation Demand Measures and relevant parking policies of the City of Hamilton; 4) without consideration of the severe environmental harm and adverse impacts which would be caused by an excavation and construction of an underground garage of this magnitude, and; 5) without recognizing that the density and height of the proposed development could be reduced to reflect actual parking needs as determined by the City of Hamilton. In light of the issues and concerns associated with the Applicant’s revised parking garage, we firmly believe that whoever raised this matter with the Applicant, would now willingly withdraw and rescind their request, and would emphatically insist that the underground parking garage be no more than two levels, and preferably just one level of underground parking.

I) PROVINCIAL POLICY STATEMENT (PPS) AND GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE

The proposed three-level underground parking garage is a) inconsistent with the Provincial Policy Statement and, b) does not conform to the Growth Plan for the Greater Golden Horseshoe, based on the issues and concerns set out above in this objection letter, and some of the specific and relevant provisions of these two documents are set out as follows:

Provincial Policy Statement

1.1.1 Healthy, liveable and safe communities are sustained by:

c) avoiding development and land use patterns *which may cause environmental or public health and safety concerns*;

1.6.6.7 Planning for stormwater management shall:

a) be integrated with planning for sewage and water services and ensure that systems are optimized, feasible and financially viable over the long term;

b) *minimize, or, where possible, prevent increases in contaminant loads*;

c) *minimize erosion and changes in water balance, and prepare for the impacts of a changing climate through the effective management of stormwater, including the use of green infrastructure*;

d) *mitigate risks to human health, safety, property and the environment*;

e) *maximize the extent and function of vegetative and pervious surfaces*; and

f) *promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development*.

1.7.1 Long-term economic prosperity should be supported by:

e) *encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes*;

k) *minimizing negative impacts from a changing climate and considering the ecological benefits provided by nature*;

2.1.2 *The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.*

2.2.1 Planning authorities shall protect, improve or restore the quality and quantity of water by:

a) *using the watershed as the ecologically meaningful scale for integrated and long-term planning, which can be a foundation for considering cumulative impacts of development*;

b) *minimizing potential negative impacts, including cross-jurisdictional and cross-watershed impacts*;

c) *evaluating and preparing for the impacts of a changing climate to water resource systems at the watershed level*;

- d) *identifying water resource systems consisting of ground water features, hydrologic functions, natural heritage features and areas, and surface water features including shoreline areas, which are necessary for the ecological and hydrological integrity of the watershed;*
- e) maintaining linkages and related functions among ground water features, hydrologic functions, natural heritage features and areas, and surface water features including shoreline areas;
- f) implementing necessary restrictions on development and site alteration to:
 - 1. protect all municipal drinking water supplies and designated vulnerable areas; and
 - 2. *protect, improve or restore vulnerable surface and ground water, sensitive surface water features and sensitive ground water features, and their hydrologic functions;*
- g) planning for efficient and sustainable use of water resources, through practices for water conservation and sustaining water quality;
- h) ensuring consideration of environmental lake capacity, where applicable; and
- i) *ensuring stormwater management practices minimize stormwater volumes and contaminant loads, and maintain or increase the extent of vegetative and pervious surfaces.*

Growth Plan for the Greater Golden Horseshoe

3.2.7 Stormwater management

1. Municipalities will develop *stormwater master plans* or equivalent for serviced *settlement areas* that:
 - a. are informed by *watershed planning* or equivalent;
 - b. protect the *quality and quantity of water* by assessing existing stormwater facilities and systems;
 - c. characterize existing environmental conditions;
 - d. *examine the cumulative environmental impacts of stormwater from existing and planned development, including an assessment of how extreme weather events will exacerbate these impacts and the identification of appropriate adaptation strategies;*
 - e. incorporate appropriate *low impact development* and *green infrastructure*;
 - f. *identify the need for stormwater retrofits, where appropriate;*
 - g. identify the full life cycle costs of the *stormwater infrastructure*, including maintenance costs, and develop options to pay for these costs over the long-term; and
 - h. include an implementation and maintenance plan.
2. Proposals for large-scale *development* proceeding by way of a secondary plan, plan of subdivision, vacant land plan of condominium or site plan will be supported by a *stormwater management plan* or equivalent, that:
 - a. is informed by a *subwatershed plan* or equivalent;
 - b. incorporates an integrated treatment approach to minimize stormwater flows and reliance on stormwater ponds, which includes appropriate *low impact development* and *green infrastructure*;

- c. *establishes planning, design, and construction practices to minimize vegetation removal, grading and soil compaction, sediment erosion, and impervious surfaces; and*
- d. aligns with the *stormwater master plan* or equivalent for the *settlement area*, where applicable.

4.2.10 Climate change

1. Upper- and single-tier municipalities will develop policies in their official plans to identify actions that will reduce greenhouse gas emissions and address climate change adaptation goals, aligned with other provincial plans and policies for environmental protection, that will include:
 - a. supporting the achievement of *complete communities* as well as the minimum intensification and density targets in this Plan;
 - b. reducing dependence on the automobile and supporting existing and planned transit and *active transportation*;
 - c. assessing *infrastructure* risks and vulnerabilities and identifying actions and investments to address these challenges;
 - d. *undertaking stormwater management planning in a manner that assesses the impacts of extreme weather events and incorporates appropriate green infrastructure and low impact development*;
 - e. recognizing the importance of *watershed planning* for the protection of the *quality and quantity of water* and the identification and protection of hydrologic features and areas;
 - f. protecting the Natural Heritage System for the Growth Plan and water resource systems;
 - g. promoting local food, food security, and soil health, and protecting the agricultural land base;
 - h. providing direction that supports a culture of conservation in accordance with the policies in subsection 4.2.9; and
 - i. any additional policies to reduce greenhouse gas emissions and build resilience, as appropriate, provided they do not conflict with this Plan.

5.2.5 Targets

1. The minimum intensification and density targets in this Plan, including any alternative targets that have been permitted by the Minister, are minimum standards and municipalities are encouraged to go beyond these minimum targets, *where appropriate, except where doing so would conflict with any policy of this Plan, the PPS or any other provincial plan.*

J) APPREHENDED FEAR OF ENVIRONMENTAL AND SAFETY CONCERNS, AND THE NEED FOR ADDITIONAL REPORTS AND STUDIES FROM THE APPLICANT

Although we do not currently have in our possession the studies and reports which will conclusively prove that the fears and concerns set out above will definitely occur, it is to be noted that the Provincial Policy Statement addresses the sustainability of healthy, liveable and safe communities by avoiding development and land use patterns which may cause environmental or public health and safety concerns. It is therefore clear that the relevant standard to adopt for this redevelopment Application of the subject site, is “may cause” and not the words “will cause”.

The onus to disprove our contention, and the onus to prove consistency with the PPS and conformity with the GPGGH clearly lies with the Applicant. This can be accomplished by the Applicant submitting additional reports, studies, and /or plans, as well revising some of the studies already submitted, to address our concerns regarding the Chedoke Creek Valley system subwatershed, the forested slope, the stormwater infrastructure, hydrostatic water pressure, groundwater, rate of recharge, storage tank discharge flow rate, leakage and flooding of basements, and subsurface vibrations during construction activity.

The Applicant entered into a Formal Consultation Document in which it stated that it was constructing a two-level underground parking garage, but the submitted application was for a three-level underground parking garage. In addition, the City of Hamilton set out condition #6 in the FCD which reads “*it may be determined during review of the application that additional studies or information will be required as a result of issues arising during the processing of the application.*”

We firmly believe that the issues that we have set out in our objection letter warrant further reports to be provided before the hearing date of the subject applications to the Planning Committee, and we therefore kindly ask that the City of Hamilton Planning Department now request from the Applicant the following:

- 1) Revised Functional Servicing Report from IBI Group to address why the subject site will have **0% recharge** in direct conflict with the Hamilton Conservation Authority and City of Hamilton Guidelines for the Chedoke Creek Subwatershed which sought to “enhance groundwater recharge by ensuring that **70%** of all land, post construction must remain pervious as a condition for development application approval.
- 2) New Stormwater Management Report/Plan and Sub-watershed Plan to address sheet flow, recharge, groundwater, and storm sewer flow into the Chedoke Creek and the identified stressors on the subwatershed.
- 3) Hydrogeological Study of subject site, neighbouring lands and the neighbouring open space/forested slope of the Chedoke Creek Valley System.
- 4) Soils/Geotechnical Study on subject site and neighbouring properties and forested slope to be delivered before the hearing date of the subject applications for OP and Zoning By-law Amendment stage, and not to be delayed until Site Plan Approval stage.

- 5) Underground Vibration Study relating to proposed construction activity of the underground parking garage at the subject site.
- 6) Transportation Demand Management Options Report on the proposed renting or selling of parking stalls in the three-level underground parking garage to non-occupants/residents of the proposed building, to be delivered before the hearing date of the subject applications for OP and Zoning By-law Amendment stage, and not to be delayed until Site Plan Approval stage. (This is due to concern that a very large percentage of the parking stalls exceeding one full level of underground parking, may be reserved for first-year McMaster University students who will not be living on site but rather will be living at the university campus student residences on the north side of Main Street West at Traymore Avenue and Forsyth Avenue North)

We apologize for the delay in not having this objection letter submitted to you earlier, however much of the information set out in our letter only became recently available following the release a few months ago of the LPAT decision for the property at Main Street West and Longwood Road, and the very recent publication of an article on the Chedoke Creek Valley System forested slope in December 2020. Accordingly, we believe that our request for additional reports from the Applicant is merited, timely, made in good faith and not for any improper purpose, and deserving of your consideration under the Provincial Interest section of the Ontario Planning Act.

K) CONCLUSION

Our objection letter only sets out the issues relating to the three-level underground parking garage in the proposed development. There are numerous other equally valid issues that we have with the Applications for the UHOP and Zoning By-law Amendments, but these objections have already been delivered to you, and will continue to be raised and submitted separately to you. The common interest, however, to all of these issues is the detrimental impact that the proposed development will have on the character of our neighbourhood, our sense of place, and our right to reside in a healthy, liveable and safe community.

It is our sincere belief that not only will the three-level underground parking garage adversely impact the entire neighbourhood, but that it has the very real potential to lead to the destruction of the most valuable asset we have in the urban forested slope which is part of the adjoining Chedoke Creek Valley System. For not only does this slope serve as a crucial air pollution barrier, noise pollution barrier, and visual barrier separating us from Hwy 403, but it reflects our neighbourhood's character, its commitment to conservation and its aesthetic appeal to all its residents.

If you require any further information regarding our concerns or have questions on any of these issues, please do not hesitate to contact us.

Sincerely yours,

Address of Property:

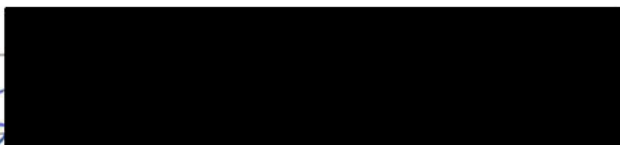


Signature(s):

Name(s)

RONDA ROSS. JOHN ROSS

Address of Property:

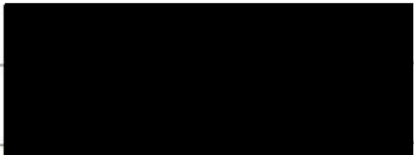


Signature(s):

Name(s)

NIKITA OHAJAW EVELY OHAJAW

Address of Property:

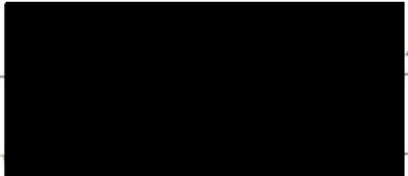


Signature(s):

Name(s)

DR. JASAW E EVELYNE OHAJAW

Address of Property:

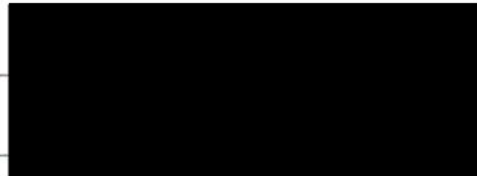


Signature(s):

Name(s)

EVELYNE OHAJAW

Address of Property:

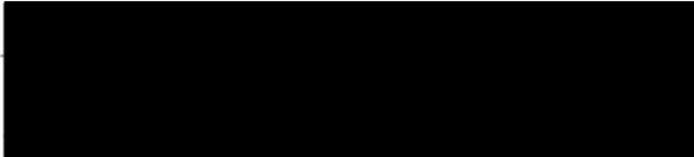


Signature(s):

Name(s)

Joel Goldberg

Address of Property:

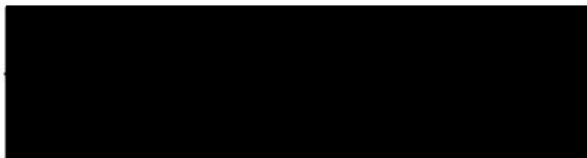


Signature(s):

Name(s)

ILANA GOLDBERG

Address of Property:

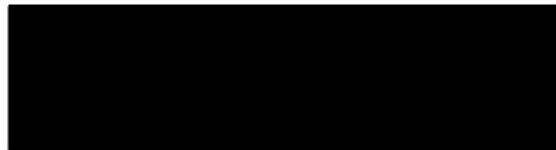


Signature(s):

Name(s)

Agnes Gajdo

Address of Property:

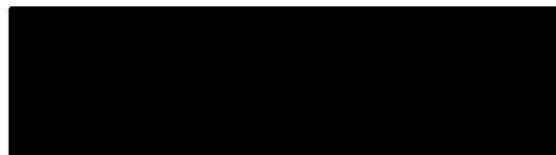


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Name(s)

ADAM JANCIK

Address of Property:

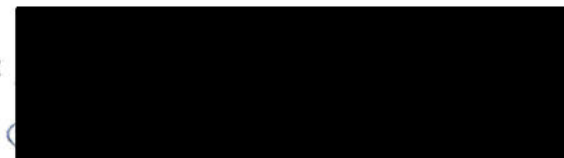


Signature(s):

Name(s)

STANISLAW LACH

Address of Property:



Signature(s):

Name(s)

ANNA FADYSEJ

Address of Property:



Signature(s):

Name(s)

Leslie Sugar Robert Sugar

Address of Property: _____

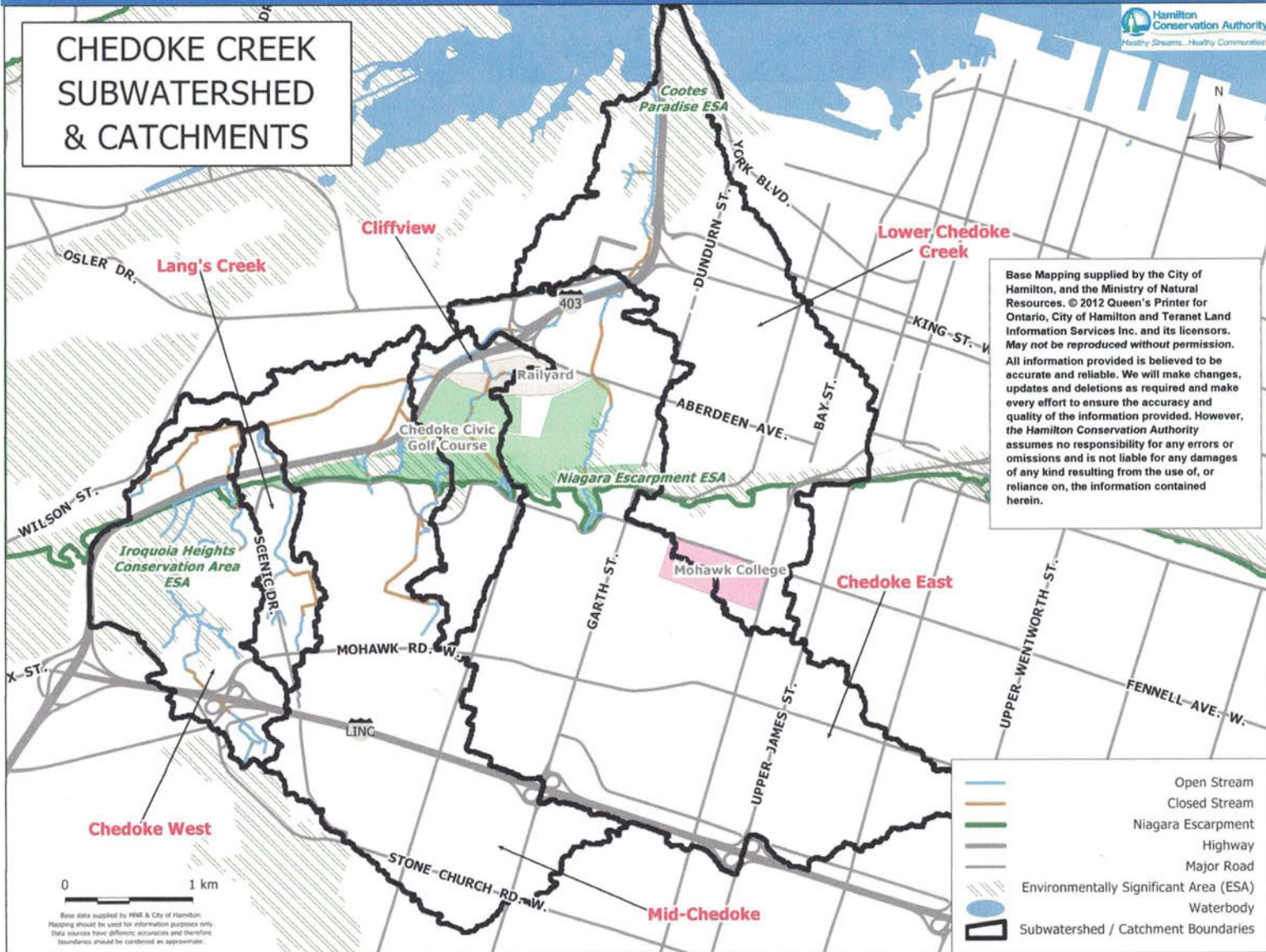
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The Chedoke Creek watershed is 25.1 km² in area. The headwaters are located above the Niagara Escarpment with the only tributaries still present above the surface being located within Chedoke West, Lang's Creek and Mid-Chedoke catchments. The headwaters of the Chedoke West catchment are piped upstream but still supply the year round flowing Chedoke Falls. All of the tributaries flow over the escarpment and then travel eastward and align parallel with Highway 403 before outletting into Cootes Paradise.

Chedoke Creek watershed in comparison to Environment Canada's 'How much Habitat is Enough' Guidelines

Landscape Feature	Guideline	Subwatershed Status
Wetland	6%	0.02%
Forest	30%	9.6%
Impervious Surface	<10%	76%

Three municipally designated Environmentally Significant Areas (ESAs) are located within this subwatershed: Iroquoia Heights Conservation Area, Hamilton Escarpment, and Cootes Paradise.

Chedoke Creek is a warm water system.

Significant species found within the natural areas of this watershed include: Butternut (pictured at right), Cooper's Hawk, Monarch and Northern Ribbon Snake.



Much of the Chedoke Creek watershed has been altered over time as a result of urban development within the Hamilton area; subsequently the majority of the stream flow directly results from storm water input. Therefore, erosion, sedimentation and insufficient channel sizes occur at the outlet. The following locations are where natural stream channels can be found within the subwatershed: southwest of Golf Links Road and Scenic Drive, through Iroquoia Heights Conservation Area, through Olympic Park / Hydro lands east of Scenic Drive, through Lang's Park east of Scenic Drive, Hydro lands north of Highway 403, northwest of Upper Paradise Road and Mohawk Road, through Chedoke Golf Course, west of Chedoke Avenue, and parallel to Highway 403.

Three environmental stresses in the Chedoke Creek watershed, as identified within the Spencer Creek Stewardship Action Plans, are:

- Insufficient riparian buffers (recommended width of 30 metres) along creeks,
- The degradation of terrestrial habitats, and
- Stormwater and runoff contamination from impervious surfaces

What are we doing to protect habitat and improve the health of the Chedoke Creek subwatershed?

The Hamilton Watershed Stewardship Program works with the public and private property owners to develop and implement initiatives and restoration projects that create and enhance natural areas and habitats in the HCA watershed. The program offers free on-site consultation to private property owners who have natural features on their properties. Property owners that undertake restoration projects that create or enhance natural habitats or water quality may be eligible to apply for financial assistance.

What can landowners do to restore and protect the habitats and health of Chedoke Creek?

1. Re-establish riparian buffers where there are none and increase the width of existing riparian buffers.
2. Plant native trees, shrubs and herbaceous plants in front, rear and side yards.
3. Disconnect downspouts that direct water from roofs and eavestroughs to the storm sewer system and direct them to yards and gardens.
4. Consider an alternative driveway design that reduces the amount of impermeable driveway surface.
5. Collect rain water in rain barrels to use the water on gardens



Disconnected downspout at left. Riparian Buffer along Both Sides of the Creek at right.

Sources: Hamilton Conservation Authority (HCA) 2008. Chedoke Creek Subwatershed Stewardship Action Plan and the Canada-Ontario Environmental Farm Plan, Fourth Edition Workbook, 2013.



Hamilton Watershed Stewardship Program
c/o Hamilton Conservation Authority
P.O. Box 81067, 838 Mineral Springs Road
Ancaster, Ontario L9G 4X1
www.hamiltonhaltonstewardship.ca
Office: (905) 525-2181, Ext. 181, 196

Are you interested in information about how you can protect water quality and habitat on your property?
Call to arrange a free on-site consultation!

Sites with Unconnected Impervious Cover

As described in detail in *Chapter 2: Low Impact Development Techniques*, an important nonstructural BMP will be new impervious cover that is not directly connected to a site's drainage system. Instead, runoff from these impervious areas will sheet flow onto adjacent pervious areas, where a portion of the impervious area runoff will be given a second opportunity to infiltrate into the soil. Under certain conditions described below, this can help provide both groundwater recharge and stormwater quality treatment for small rainfalls as well as reduce the overall runoff volume that must be treated and/or controlled in a structural BMP downstream. Unconnected impervious areas may either be on-grade (e.g., a parking lot) or above-grade (e.g., a roof), while downstream pervious areas may either be constructed (e.g., lawn) or natural (e.g., woods or meadow).

In most circumstances, impervious areas can be considered unconnected under the following conditions:

1. All runoff from the unconnected impervious area must be sheet flow.
2. Upon entering the downstream pervious area, all runoff must remain as sheet flow.
3. Flow from the impervious surface must enter the downstream pervious area as sheet flow or, in the case of roofs, from downspouts equipped with splash pads, level spreaders, or dispersion trenches that reduce flow velocity and induce sheet flow in the downstream pervious area.
5. All discharges onto the downstream pervious surfaces must be stable and nonerosive.
6. The shape, slope, and vegetated cover in the downstream pervious area must be sufficient to maintain sheet flow throughout its length. Maximum slope of the downstream pervious area is 8 percent.
7. The maximum roof area that can be drained by a single downspout is 600 square feet.

To determine the hydrologic effects of unconnected impervious cover, the combined effects of the impervious area disconnection and the subsequent infiltration in downstream pervious areas must be quantified. Techniques to do so are presented below.

- **Rational and Modified Rational Methods:** Due to the character of the basic Rational Equation, there is currently no technique for addressing the effects of unconnected impervious cover. As such, neither the Rational nor Modified Rational Methods can be recommended at this time for use at sites with unconnected impervious areas.
- **Methodology Using NRCS Equations:** Computation of the resultant runoff from unconnected impervious areas can be performed using two different methods. The first method is described in the NRCS TR-55. The second method is a two-step technique using the NRCS runoff equation. Both methods are discussed in detail below. Additional discussion and computed examples of unconnected impervious cover are presented in *Chapter 2: Low Impact Development Techniques*.
- **NRCS TR-55 Methodology:** This method is based on the procedures to compute runoff from unconnected impervious surfaces described in the NRCS TR-55. Complete details of these procedures are described in Chapter 2 of TR-55. It should be noted that the TR-55 procedures are applicable only to sites with less than 30 percent total impervious coverage. In addition, the size of the downstream pervious area must be at least twice as large as the unconnected impervious area.
- **Two-Step Technique:** This method is a two-step technique using the NRCS runoff equation. First, the resultant runoff from the unconnected impervious area should be computed separately, using the NRCS runoff equation in a manner similar to the technique described above for impervious surfaces. However, once the runoff from the unconnected impervious area is computed, it should then be considered as additional rainfall on the downstream pervious area it sheet flows onto. As a result, these pervious areas will effectively be subject to

their own direct rainfall as well as the “rainfall” flowing from the upstream unconnected impervious areas. The resultant runoff from the downstream pervious areas in response to this combined rainfall can then be computed using the NRCS runoff equation again.

Example 5-3 illustrates this two-step runoff computation technique for unconnected impervious areas. In reviewing the example, it is important to note that the unconnected impervious area runoff depth must be converted to an equivalent uniform rainfall depth over the entire downstream pervious area based on the relative sizes of the unconnected impervious and downstream pervious areas.

Example 5-3: Site With Unconnected Impervious Cover Runoff Volume Computation Using Two-Step Technique

Description: A 3-acre development site is comprised of 1 acre of impervious surface and 2 acres of lawn and woods with an NRCS Curve Number (CN) of 65. Runoff from the entire impervious surface sheet flows onto to the pervious portion of the site before entering the site’s drainage system. Compute the total runoff volume for the 1.25-inch stormwater quality design storm using the NRCS methodology.

Stormwater Quality Design Storm = $P = 1.25$ inches

Total drainage area = 3 acres

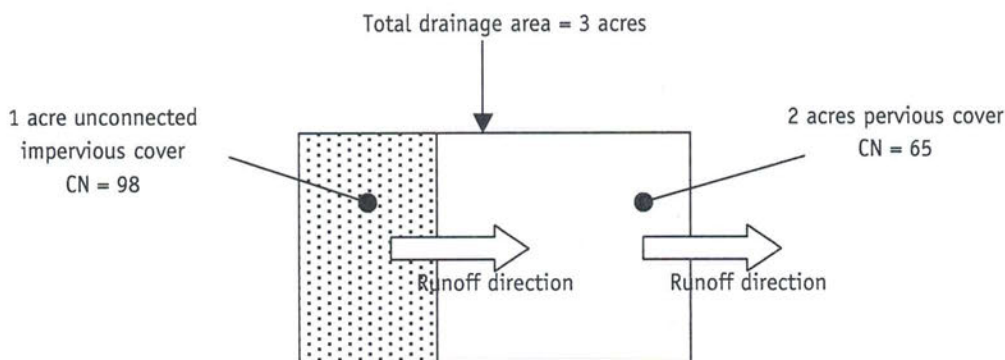
Impervious area = 1 acre (1/3 of total area)

Pervious area = 2 acres (2/3 of total area)

Pervious cover = mixture of lawn and woods pervious CN = 65

Impervious cover = asphalt impervious CN = 98

Note: All impervious area runoff sheet flows onto downstream pervious area



Impervious Area

$$\text{Impervious area } S = \frac{1000}{\text{CN}} - 10 = \frac{1000}{98} - 10 = 0.20 \text{ inches}$$

$$\text{Impervious area initial abstraction} = 0.2S = (0.2)(0.20) = 0.04 \text{ inches}$$

$$0.8S = (0.8)(0.20) = 0.16 \text{ inches}$$

$$\text{Impervious area runoff volume} = Q = \frac{(P - 0.2S)^2}{P + 0.8S} = \frac{(1.25 - 0.04)^2}{1.25 + 0.16} = 1.04 \text{ inches}$$

$$\text{Runoff volume} = (1.04 \text{ inches}/12 \text{ inches per foot})(1 \text{ acre})(43,560 \text{ sf per acre})$$

$$\text{Impervious area runoff volume} = 3775 \text{ cubic feet}$$

$$\begin{aligned} \text{Equivalent rainfall depth on downstream pervious area} &= \\ (3775 \text{ cubic feet}) / (2 \text{ acres})(43,560 \text{ sf per acre}) &= 0.043 \text{ feet} = 0.52 \text{ inches} \end{aligned}$$

Pervious Area

$$\begin{aligned} \text{Total effective rainfall} &= \text{direct rainfall} + \text{unconnected impervious area runoff} \\ &= 1.25 \text{ inches} + 0.52 \text{ inches} = 1.77 \text{ inches total} \end{aligned}$$

$$\text{Pervious area } S = \frac{1000}{\text{CN}} - 10 = \frac{1000}{65} - 10 = 5.38 \text{ inches}$$

$$\text{Pervious area initial abstraction} = 0.2S = (0.2)(5.38) = 1.08 \text{ inches}$$

$$0.8S = (0.8)(5.38) = 4.30 \text{ inches}$$

$$\text{Pervious area runoff volume} = Q = \frac{(P - 0.2S)^2}{P + 0.8S} = \frac{(1.77 - 1.08)^2}{1.77 + 4.30} = 0.08 \text{ inches}$$

$$\begin{aligned} \text{Runoff volume} &= (0.08 \text{ inches} / 12 \text{ inches per foot})(2 \text{ acres})(43,560 \text{ sf per acre}) \\ &= 581 \text{ cubic feet} \end{aligned}$$

$$\text{Pervious area runoff volume} = \text{total runoff volume} = 581 \text{ cubic feet}$$

From the above example, it can be seen that a key parameter in the two-step runoff computation technique for unconnected impervious cover is the effective size of the downstream pervious area. The following three criteria, in conjunction with the seven requirements for all unconnected impervious areas shown above, should be used to determine the effective size of this downstream area:

1. The minimum sheet flow length across the downstream pervious area is 25 feet.
2. The maximum sheet flow length across the unconnected impervious area is 100 feet.
3. While the total flow length area may be greater, the maximum sheet flow length across the downstream pervious area that can be used to compute the total resultant runoff volume is 150 feet.

These criteria are illustrated below in Figures 5-5 and 5-6 for both on-grade and above-grade unconnected impervious areas, respectively. Additional criteria for determining the lower limits of the downstream pervious area are presented in Figure 5-7. When using Figure 5-6 with overlapping pervious areas downstream of roof downspouts, the overlapping areas should be counted only once in the computation of the total pervious area downstream of the roof.

Finally, when computing the peak runoff rate or hydrograph from an area with unconnected impervious cover, the time of concentration of the combined impervious and downstream pervious area should be based upon the T_c of the downstream pervious area only, with the T_c route beginning as sheet flow at the upper end of the pervious area.

4 Triggering of landslides in vibration sensitive ground

Norway have large areas covered with marine sediments now above sea level due to land heave after the last ice age. Due to fresh water leaching out the salt particles in between the clay and silt particle, many areas have loose soils (i.e. high porosity) with large water content. Such soils are known to be sensitive, i.e. they lose almost all of their strength after failure. The cause of landslides in sensitive clays and loose soil deposits is usually associated with natural factors (e.g., erosion and precipitation), human activities e.g., placing of fill, excavation, or a combination of both. In addition to this, vibrations and loads from earthquakes, blasting, piling and other construction activities are known to have triggered landslides in sensitive clays and loose soils.

Earthquake induced landslides are very common and a lot of the knowledge related to vibration behaviour of soils have been developed to deal with the seismic stability of natural and engineered slopes. The information compiled in this report is to some extent based on literature dealing with seismic slopes stability. However, since quick clay slides are common in Norway information pertinent to vibration susceptibility of slopes with quick clay is also given.

In 2015, a report (in Norwegian) was issued dealing with construction vibrations, and possible impact on the stability of slopes with vibration sensitive materials, [26]. The work in the present SOA-report builds on parts of the 2015 report and extends it. Further, in 2014, NGI was engaged through the NIFS organisation (Natural Hazard, Infrastructure, Flooding and Landsliding) in the investigation of the technical cause for the landslide at Nord-Statland on 29 January 2014, [27]. The landslide led to a tsunami that caused great material damage. The conclusion of the investigation was that the landslide with high probability was triggered in the area where construction activity was taking place, and the vibro-compaction of fill masses may have had significant impact on the local stability. On the basis of this work, it became clear that there was a need to look further at how vibrations from construction work can disturb the soil and trigger slides in slopes.

In [28] the Nord-Statland case is described in more detail and a numerical tool is applied to evaluate the effect of vibro-compaction on the slope stability. Below are some examples of landslides where blasting, and vibro compaction is contributing factor to the triggering. Mitigation measures related to vibro compaction and sheet pile installation near shore line slopes are listed in section 4.3.

4.1 Case histories vibration induced landslides

Release of landslides in sensitive clays and other deposits with vibration sensitive material, such as loose sand and silt, is usually associated with natural factors (e.g., erosion and precipitation), human activities (e.g., filling, digging), or a combination of both. In addition to this, vibrations and loads from earthquakes, blasting, vibro-compaction, piling and construction traffic are known to have triggered landslides in

Table 7. Landslides possibly triggered by blasting or where blasting was recorded before landslides. References are given in [26]

Location	Country	Date	Volume (x 10 ⁶ m ³)	PPV (mm/s)	Time range
Lade, Trondheim	Norway	04.25.1990	6	>20-25	3h21
Finneidfjord	Norway	??.01.1978	0.2	?	?
Finneidfjord	Norway	06.20.1996	1	> 9.25	2-3 t
Finneidfjord	Norway	03.11.2006	0.2	?	?
Kattmarka	Norway	03.13.2009	0.4	5.2	30 s
Sandnessjøen	Norway	01.06.1967	0.3-1	?	Shortly after blasting
Toulnustouc River, Quebec	Canada	23.05.1962	?	?	Shortly after blasting
La Romaine, Quebec	Canada	08.01.2009	~0.5	300	?
Uddevalla	Sweden	05.06.1973	?	?	?
Lödöse	Sweden	2011	?	30	< 24 t
Fröland	Sweden	1973	?	?	30-60 s

4.1.2 Slides where construction activities other than blasting may have been a contributing factor

Except for blasting, other construction activities which can induce vibrations large enough to trigger landslides are e.g vibro-compaction, and vibro-driving of sheet piles. Conventional hammer driving of piles is known to have caused landslides, but it is mainly thought to be due the static loads impose by the soil mass displacement. These types of effects are studied in a separate Remedy subproject.

Vibrations from vibro-compaction cause cyclical stresses and strains, which can lead to pore pressure build-up, cyclical degradation and failure of vibration sensitive soils. Too high water content in the ground can also create difficulties for the compaction work. If cyclic stresses from the compaction reach down to a fine-grained saturated soil, the pore pressure may increase in the material and thus reduce the strength, [26].

Table 8 give a brief list of landslides possibly triggered vibratory compaction or induced vibrations, which are described further below.

Table 8. Landslides possibly triggered vibratory compaction or induced vibrations.

Location	Country	Date	Reference
Trestycke vatten, South of Uddevalla	Sweden	1990	[31]
Åsele	Sweden	1983	[32]
Lake Ackerman, Michigan	USA	1987	[33]
Nord-Statland	Norway	2014	[27][26][34][35]

The investigation committee of the landslide of 29 January 2014 at the Nord-Statland in the Namdalseid municipality concluded the landslide was likely triggered by the construction activity, and that the impact of the compaction work with a vibratory roller may have been significant for the local stability, [27]. The vibratory roller used at Statland, was a Volvo SD115 D6 with vibration frequencies in the range of 23-33 Hz, and a maximum dynamic load of 258 kN [36][37]. Vibration analysis showed that the soil down to a depth of some 5 m may have been weakened due to the compaction work. The landslide occurred about an hour to an hour and half after compaction work was finished for the day. Based on these conditions, the simplified calculations in [27] showed that the cyclic shear stresses, due to underlying ground geometry and resonance, likely exceeded the cyclic strength of the soil materials in the shore area at Statland.

In Sweden, vibratory roller compaction caused a slope failure of a filling along the road RV 351 in Åsele on October 4, 1983, [32]. The landslide was triggered by a 3.3-ton tractor pulled roller doing repairs to the road fill, Figure 13. The road embankment was partly submerged and consisted of mass surplus from surrounding moraine masses.



Figure 13. Overview of slide area at Åsele, 1983 (after [32]).

On July 24, 1987, a landslide was triggered in a road closure along Lake Ackerman on Highway 94 in Michigan, USA [33]. The landslide was triggered by six 22-ton (196-kN) trucks that generated seismic vibrations for a seismic reflection study. The road filling was a hydraulic filling consisting of loose and fine - medium sand. Studies by Hryciw et al. [33] indicate the vibrations from the seismic sources generated shear strains up to 0.055% and a shear stress ratio ($\tau / \sigma'v$) estimated at 0.12. Each car at 2 meter intervals produced at least 25 load cycles above $\gamma = 0.01\%$ every 15 seconds. Results from stability evaluation show that the residual shear strength of the loose sand was on the order of 8-12 kPa.

A vibratory roller is also believed to have caused a landslide into a lake in Sweden in 1990. The following description is based on [31]. Some 80 km north of Gothenburg, south of Uddevalla, a slide occurred in connection with the construction of a berm designed to provide additional stability to an embankment for the E6 highway. The highway embankment was 1 year old when a layer of topsoil for vegetation was being

placed with bulldozers and compacted by heavy vibratory roller. The embankment did not fail since it was founded on rock fill down to a competent base. However, a slide occurred towards the end of the placement of top soil. All the way from the highway embankment toe to the lake shore, the slope of the original ground surface was uniform and remarkably small ($\approx 1^\circ$), which indicates the cause of the slide was related to the ongoing construction work and not due to inherent instability. The roughly 5 m high supporting berm had been constructed already in the fall of 1989 but was completed about a year later by adding a layer of topsoil for vegetation. The heavy berm had thus remained stable for more than a year, and during this period the underlying soil had been subject to drainage and consolidation. It seems, therefore, very unlikely that the slide was initiated solely by the weight of the thin layer of humus-rich topsoil, constituting only some 5 % of the total weight of fill that had already been placed more than a year before. Hence, the impact of the heavy vibratory roller on the subsoil is assumed to have been the triggering agent in the slide initiation process.

4.2 Effect of vibration on triggering landslides

4.2.1 Vibro compaction

Ground vibrations from vibratory rollers transmits large loads to the soil which can cause build-up of pore pressure and reduce soil strength in vibration susceptible soils such as loose silt and sand, and sensitive clays. This should be considered when carrying out construction work near slopes with such soils. The strength reduction is dependent on soil state, load amplitude and number of cycles.

Vibratory roller compaction is performed by passing over the same area up to 8 times [6], which means that a soil element is exposed to a large number of vibration cycles. The number of load cycles a soil element is subjected to depends on the speed of the roller, the vibration frequency and the depth. Vibratory rollers typically have vibration frequencies between 20-40 Hz. Both the load amplitude and vibration frequency varies with the type of soil and the thickness of the compacted layer. The operating speed is usually between 0.5 m/s (2 km/h) to 1.5 m/s (6 km/h). In [27] it was estimated that soil the elements were subjected to several hundreds of load cycles. A shallow soil element is in general subjected to larger amplitudes than a deeper soil element. Even though a deeper soil element is subjected to smaller vibration amplitude it is influenced by the vibratory equipment over a wider area.

To estimate the effect of compaction induced vibrations on a slope with vibration sensitive material, one can use empirical equations, e.g. [38], to estimate vibration amplitudes. However, such equations give vibration amplitude on the ground surface, while the slope failure is likely to be induced at some depth beneath the vibratory equipment. To evaluate the potential effect of vibro-compaction on the slope stability a numerical tool has been developed further and applied in the Remedy project to analyse the Nord-Statland landslide, see further description in [28].

An important aspect of predicting vibrations induced by construction activities is to account for the load dependent behaviour of the soil materials. Therefore, a nonlinear soil model has been used to capture the reduction of stiffness and increase in damping with increasing strain in the soil. The tool used in Remedy is promising in that results compare well with field experiments of vibratory compaction and pile experiments. The numerical tool has been used to analyse the effect of vibrations from compaction on the stability of the slope in connection with the Statland landslide described in section 4.1.2. The analysis supports the earlier findings in [27], that vibratory compaction can likely have caused an initial failure in the upper part of the slope, which then may have induced a wider large-scale failure of the slope. The effect of the vibrations from the vibratory roller in the analysed case reached to a depth of 4 m beneath and 13 m in front of the roller. An earlier study [39] suggested an influence zone of about 5 m thick by 15 m wide. Thus it seems pertinent to be very careful when performing vibratory compaction within some 15 m of the shore line.

4.2.2 Vibration from vibratory installation of sheet piles

We have not been able to find examples in the literature about slope failures or landslides caused by sheet pile installation. However, vibratory sheet pile installation does induce large vibrations that cause settlements in sand, and can cause damage to buildings close to the installation locations (see e.g. [40], [41], [37]). This indicates that vibratory sheet pile installation can cause failure in vibration sensitive soils. Therefore, one should plan carefully for installation of sheet piles in the vicinity of slopes with vibration sensitive materials as shown in Figure 14.

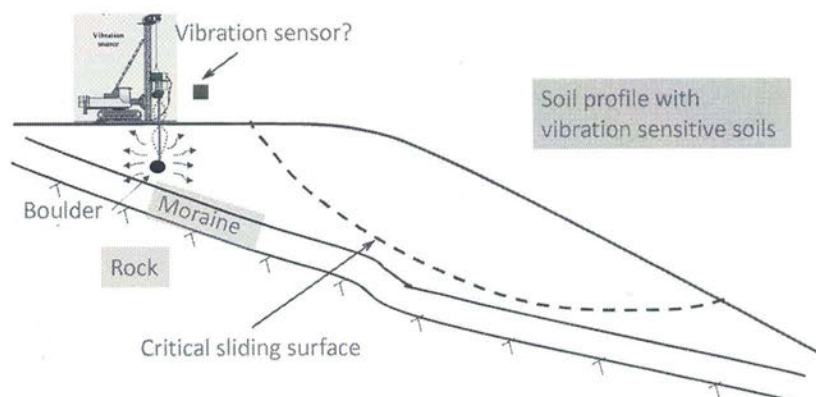


Figure 14. Vibratory sheet pile installation next to slope with vibration sensitive material. When the sheet pile hits strong materials like moraine or a boulder, vibrations in the soil can become large. Driving-stop criteria can help avoiding large vibrations.

When the sheet pile is driven through quick clay material very little driving force is necessary to install the pile and thus induced vibrations are not very large. The fact that quick clay loses its strength also means it cannot transfer stresses and vibrations in to the surrounding soil. On the other hand, when the sheet pile hits strong materials such as moraine or a boulder outside or beneath the quick clay, the induced vibrations in the

Work and delays continue after Hamilton 403 landslide

By [David Brennan](#) - November 29, 2014, 7:18 pm



Crews were still working Saturday to repair the damage caused by a massive landslide Friday onto highway 403, triggered by a watermain break. It sent mud and water sliding onto the highway just below York Boulevard, causing gridlock and chaos on Hamilton roads.

The 403 was closed for more than 10 hours and alternate routes were jammed. Saturday York Boulevard was still closed because of concerns the slope could collapse. City crews spent hours inspecting the hillside where the break happened.

Dan McKinnon, Director of Hamilton Water says they're not finished yet. "The first thing Monday morning there's going to be activity at the base of the slope again stabilizing the base of the slope that's likely going to require a lane closure on the 403." The work will take at least a week and will mean more delays for drivers on a stretch of highway that's already busy and often bottlenecked.

Hamilton Councillor for Ward 8 said the frustrating day illustrates a bigger problem. "We saw last night just the devastating effect it could have on travel throughout the lower city. We know the Ministry of Transportation is looking at expanding lanes on that stretch of road, we also know we need to do a better job on detouring traffic when there is a shut down that is a major corridor."

Crews will have to bring in material to the base of the slope and build it back up after 130 tonnes of dirt was trucked out after the landslide Friday. One lane of the Eastbound 403 will close after the morning rush hour on Monday.

April 19, 2021

Andrea Dear
 Planning and Economic Development Department
 Development Planning, Heritage and Design – Urban Team
 71 Main Street West, 5th Floor
 Hamilton, ON L8P 4Y5

Maureen Wilson
 Councillor Ward 1
 71 Main Street West, 2nd Floor
 Hamilton, ON L8P 4Y5

Dear Ms. Dear and Ms. Wilson

RE: UHOPA-20-012 and ZAC20-016
1107 Main Street West, Hamilton (Ward) 1
Pedestrian/Cyclist Hazard Assessment relating to:
a) failure of Applicant to adhere to minimum rear and side yard setbacks of
applicable zoning by-law, and
b) revised location of underground parking garage access ramp

I had previously forwarded to you some of the neighbourhood's concerns for pedestrian safety regarding the proposed development, but I have now obtained a copy of a very detailed and highly relevant report which has direct bearing on the above two Applications.

This Report is entitled "[School Transport Walking Hazard Assessment Guidelines, Ottawa, Ontario](http://www.ottawaschoolbus.ca/wp-content/uploads/2016/06/osta-mh-main-report-26-oct-11.pdf)" and was prepared by the firm of Morrison Hershfield on October 26, 2011 for the Ottawa Student Transportation Authority. It can be accessed on the internet at:
<http://www.ottawaschoolbus.ca/wp-content/uploads/2016/06/osta-mh-main-report-26-oct-11.pdf>

The Report is extremely pertinent as it is a walking hazard assessment from the perspective of young students and pre-schoolers. Due to the fact that the subject site is adjacent to a City of Hamilton playground parkette as well as the day school known as the Hamilton Hebrew Academy, the issue of 1) safe sidewalks and roadways, and 2) hazards for pedestrian and cyclist safety, should both be examined as part of the planning approval process to determine whether there will be negative impacts as a result of the proposed development.


I have attached a few extracts from the Report and in particular I draw your attention to pages 14-16 which set out "how children view their surroundings and interact with traffic". I have also attached pages 33-36 in which Section 8.2 evaluates pedestrian travel along a sidewalk in a traffic corridor, and Section 8.2.2 evaluates "Accesses" such as the entrance ramp to an underground parking lot.

I have also attached the index pages and a few other pages which give a more detailed understanding of the relevancy of the Report to this proposed development.

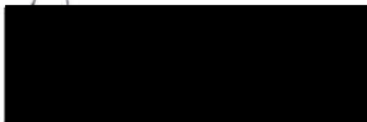
Based on the findings and the hazard assessment guidelines for young school aged pedestrians and cyclists contained in the Report, I am of the opinion that the Applicant's request for relief from the minimum setback requirements for both the side yards and rear yard of the proposed development, and the Applicant's relocation of the access ramp of the underground parking garage from the building's midpoint to further south along Cline Avenue South to a point approximately at the site's southerly boundary line, will create unsafe adjacent pedestrian sidewalks for young children walking and cycling to the City of Hamilton parkette or to the day school.

Accordingly, it is my belief that the proposed development is inconsistent with both the Provincial Policy Statement and the public interest provisions of the Planning Act. If you require any further information relating to this Report or to the sources it refers to, or if you need any clarification on any matter raised in this objection letter, please do not hesitate to contact me.

Yours very truly,



John Ross



- Child pedestrians tend to be **overrepresented in certain types of collisions** (particularly midblock crossings, with/without pedestrian crossovers) and also display certain childlike behaviours (e.g. running into the road, playing on the road) that may contribute to collisions. There are several possible reasons for such trends including the limited capabilities of children to deal with traffic as discussed in Section 6.2 and the difficulty of drivers in perceiving child pedestrians due to their smaller stature which reduces visibility.

While the above-noted facts and statistics about child pedestrians may seem alarming, this information is not presented in an attempt to discourage walking. Rather, it is intended to provide a greater awareness of the special considerations which are called for when evaluating safety for children.

6.2 Child Pedestrians¹⁰

Evaluating traffic safety around schools requires an understanding of how children view their surroundings and interact with traffic. Child pedestrians have unique perceptions of the world around them as they mature, and developmental factors play an important role in influencing their abilities to safely navigate the demands of intersections and roads.

According to the SafeKids Canada Child Pedestrian Injuries Report 2007-2008, child pedestrian injuries are a leading cause of injury-related death for Canadian children aged 14 years and younger. There are a wide range of physical, psychological, and behavioural characteristics of children which tend to increase their risk for pedestrian injury and contribute to collisions.

The following summary of “human factors” related to children has been extracted and compiled from a variety of sources, including Jacobsen et al. (2000), Aoki and Moore (1996), Reiss (1977), TAC (1998b), ITE (1999), the National Safe Kids Campaign (2002), and Safe Kids Canada (2008).

- Children have difficulty detecting traffic. Their small size not only makes them **less visible to drivers** but also **less able to see oncoming vehicles**, especially when parked cars impede their vision. In addition, the field of vision of children is one-third narrower than that of adults. As a result, **young children are not able to see out of the corner of their eyes as well as adults** and have a restricted capacity for using information in their peripheral field of vision. Children under the age of 8 also have **difficulty judging the direction and importance of various traffic sounds**, such as sirens. Consequently, they may turn the wrong way searching for a sound, missing important information necessary to react safely.
- Children have difficulty judging safe gaps in traffic and safe places to cross the road. This complex task requires assessments of speed, distance and time that are beyond a

¹⁰ Much of the write-up in this section has been extracted from a report prepared by Morrison Hershfield for the City of Ottawa in 2002: “Adult School Crossing Guard Program and School Zone Traffic Safety Program Policy Development”

child's capabilities. In general, **children up to approximately 8 years of age have difficulty conceptualizing speed and distance**. Consequently, children may have trouble judging how fast a vehicle is coming towards them or how far away a vehicle is, limiting their ability to choose safe gaps in traffic or recognize situations where a driver is likely to hit them even though the pedestrian has the right-of-way (i.e. failure to stop at a crosswalk or stop sign).

- Children have trouble detecting movement. **Because their sense of perception is different from that of adults, children may think large cars move more quickly than small cars, or that narrow streets are less dangerous than wide streets**. A child may also perceive a small vehicle as being further away than an equidistant truck and may tend to judge noisy cars as going faster than quiet cars. This distorted view of traffic motion is particularly dangerous in light of children's **limited understanding of the physics of a moving vehicle**, and the time and distance required to stop. Furthermore, children frequently base their decision to cross the road on the visible presence of vehicles without regard to sight distance or possible visual obscurement.
- Although children may have been taught to cross the street safely, **they can be easily distracted and may respond impulsively**. Moreover, children tend to focus only on the things that interest them most and more readily attend to new or emotionally engaging information than to information relevant to traffic. **Children also tend to mix fantasy with reality, and are often impatient**. As a result, they have trouble waiting for stoplights to change or for cars to stop at a crosswalk before they step out onto the road.
- **Children need more time to process information and react than adults. Children also have difficulty processing several items of information at the same time** and may be overwhelmed by the complexity of traffic. Indeed, young children are unable to synthesize all of the pieces of information that they need to act appropriately in an emergency situation. Even if children have been taught the rules of the road, their brains are unable to process multiple pieces of information or a complex chain of events. **Lacking the fully developed ability to evaluate complex and potentially hazardous situations, they fall back on prescriptive rules, easily remembered but not always appropriate**. Children's rigid adherence to rules combined with their way of thinking may cause a child to conclude that a pedestrian crosswalk or sign renders them safe without properly evaluating the traffic situation. **Since children tend to concentrate on one thing at a time and are incapable of distributing their attention, they may have only a vague overall impression of their surroundings** despite the complexity of the traffic situation they are encountering.
- **Children cannot understand the driver's point of view** and expect adults to look out for them. They believe that others see what they see and do not realize that drivers may be unaware of their presence. **Young children often have mistaken beliefs about cars**, trusting cars to stop instantly. **Many children believe that the safest way to cross a street is to run. Children also lack a sense of vulnerability**, and do not understand that a car can seriously hurt or kill them. This lack of understanding may translate into unsafe behaviour as children travel within their neighbourhood.

While younger children have certain limitations that hinder their ability to safely react to traffic situations, older children generally have sufficient ability to cope with the dangers of

traffic. According to Safe Kids Canada, children older than nine have generally matured sufficiently to be able to walk and cycle safely near traffic, and can therefore be permitted greater independence.

By age eight, children's brains have reached a stage of development that allows them to be more responsible and to make good judgement. As a child's thinking becomes increasingly more sophisticated, the brain develops the ability to process multiple pieces of information at the same time. This allows a child to properly assess a chain of events and respond appropriately – a very important skill when cycling or walking near traffic. As a child ages, he/she begins to develop feelings of vulnerability and therefore is more conscious of the risks and consequences of his/her activities. Reality-based fears begin to surface around age nine [such as the fear of someone dying]. As physical coordination develops, children become more suited to dealing with the hazards of traffic. At the same time, children become less impulsive and are more likely to think before darting out into the street.

Given these limitations, it is generally recognized that children younger than the ages nine to eleven require adult supervision when walking or cycling on community roads (Reiss 1977; National Safe Kids Campaign 2002; Safe Kids Canada 2008). The National Safe Kids Campaign (2002) recommends that children under the age of ten be accompanied by adults or older children when crossing the street. Likewise, Safe Kids Canada (2008) recommends the proper supervision of children under the age of eleven, since younger children generally do not have the ability to make safe decisions when dealing with complex traffic situations, regardless of their level of intelligence. Indeed, parents have a tendency to over-estimate their child's pedestrian skills, without recognizing that their child lacks the cognitive development, behavioural capacity, and physical coordination to safely walk and cycle in traffic, and react to dangerous situations which might arise.

As reported by Jacobsen et al. (2000), teaching children about traffic safety has only limited potential to reduce child pedestrian injuries:

While children as young as nine years may be able to learn the skills to cross the street, it is unlikely, because of their cognitive, perceptual and behavioral abilities, that they can be relied upon to use those skills, especially when they are engrossed in play. Interacting with traffic is complex, and the necessary abilities are not fully developed in children until age 11 to 12 years (pg. 71).

Based on these findings, **an age of eleven was selected as the 'design age' for which hazards will be evaluated** with the given methodology. While children of all ages are encouraged to walk to school within no transport zones, **parental accompaniment/supervision is assumed for all children below the age of eleven.**

Although younger children may not have the ability to make safe decisions when walking or cycling unsupervised, it is still important to expose children to traffic, and to allow them to develop the skills required to safely navigate the road network once they are developmentally ready for the challenge.

Given the above considerations, the proposed methodology is based on a two-part framework to assess situations which are considered to be absolutely unsafe (absolute warrant) as well as situations which are cumulatively felt to increase the exposure to risk (combination warrant).

For each type of hazard, the key factors influencing safety were identified to provide a rationale and basis for developing evaluation measures. Where these underlying factors are difficult to measure, representative proxies for safety are presented to be used in the evaluation process. The following sections describe the various measures proposed for assessing safety, along with a discussion of supporting background research as appropriate.

8.2 Assessing Travel Along Roads (Corridors)

This section deals with the evaluation of conditions where a pedestrian is travelling along a corridor, either directly on a roadway, or using a sidewalk, shoulder or pathway. Figure 2 illustrates the primary types of collisions for pedestrians associated with different types of pedestrian action as well as the potential root cause of these collisions.

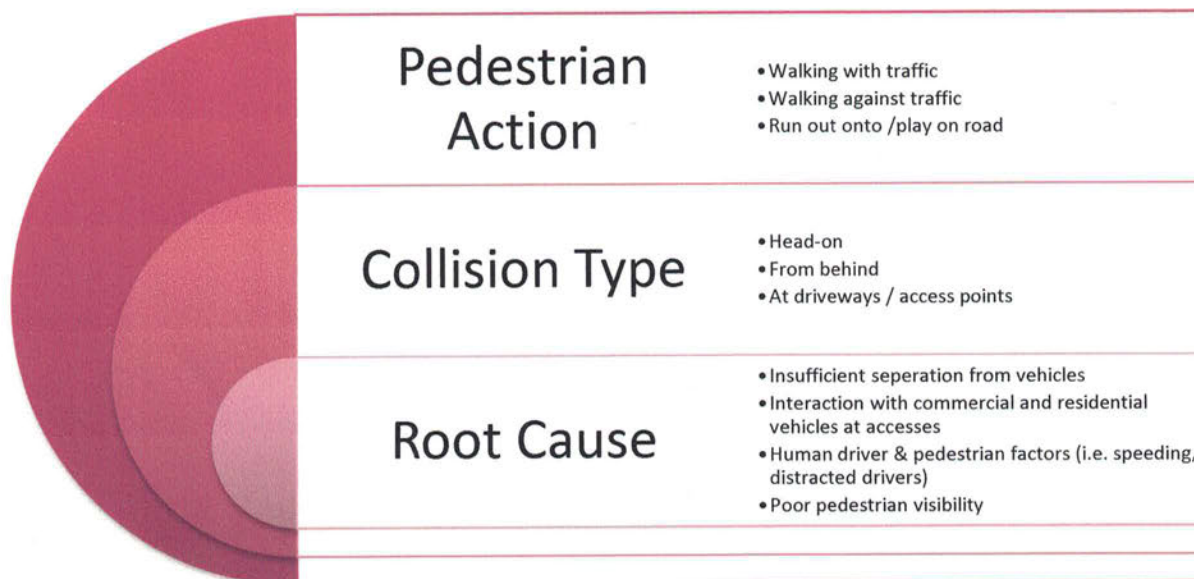


Figure 2 Key Issues of Concern for Corridors

Based on these root causes, a number of measures were identified to assess the safety of travelling along a given corridor. Overall, travel along corridors is assumed to be less critical in terms of safety than travel across roads. This is captured in the evaluation process, in which corridors are weighted less than crossings.

The information presented below is relevant for arterial and collector roads. Since local streets are governed by a different set of design principles and are subject to different operating conditions (typically low speed, low volume traffic), the information presented below may not be applicable. In the evaluation methodology, only collector and arterial roads are to be evaluated for the route to school.

8.2.1 Separation from Traffic

Separation from traffic is most closely related to collisions occurring head-on or from behind. Should a driver swerve to avoid an obstacle or lose control of the vehicle and veer off course, the separation between pedestrians and vehicles will be a key factor in whether a collision occurs.

In evaluating the degree of separation of traffic, two main criteria are used. These are:

- 1) Type of facility (sidewalk, shoulder, etc.)
- 2) Width of facility (separation from vehicle lanes)

The type of facility is inherently related to the degree of separation from traffic as well as the perception of pedestrians by motorists. For example, pedestrians are most commonly expected to be seen on sidewalks, so driver awareness is often higher for pedestrians on sidewalks as opposed to a pedestrian walking along the side of a road or shoulder. The speed of traffic is also a key consideration, as higher speeds require longer braking distances for a driver to respond, and are more likely to result in a serious or fatal injury should a collision occur. Speed is incorporated in the evaluation methodology as a qualifier which indicates the required separation from traffic at different posted speeds.

Sidewalks

Sidewalks provide a segregated travel corridor for pedestrians. It has been found that streets with no sidewalks have 2.6 times more pedestrian collisions than expected based on exposure.¹¹ Although the presence of sidewalks provides a high degree of safety for pedestrians, the quality of the sidewalk also plays a role.

The City of Ottawa's Sidewalk Design Guidelines are summarized in Table 4 below.

Table 4 City of Ottawa Sidewalk Design Guidelines

Width Requirements	Sidewalk	Boulevard
Desirable Minimum	1.8m	Minimum of 1.5m from back of curb, 2.0m preferred (1.0m setback from property line) when there is adequate building setback from the property lines
Absolute Minimum	1.5m	
Arterials & Collectors with right-of-way >26m	2.0m	
Near schools, hospitals, offices, commercial and industrial areas where large pedestrian volumes occur	Consider 2.0 - 2.4m	
In shopping areas and entertainment areas	Consider 2.4 – 3.6m	

Source: City of Ottawa Sidewalk Design Guidelines

¹¹ ITE Traffic Engineering Council Committee TENC-5A-5. 1998. Design & Safety of Pedestrian Facilities: A Recommended Practice of the Institute of Transportation Engineers. Washington, DC

Table 5 shows the recommended sidewalk widths according to the TAC Geometric Design Guide for Canadian Roads.

Table 5 Recommended Sidewalk & Boulevard Widths

Road Classification	Sidewalk Width	Desirable Boulevard Width	Total Preferred Width (Edge of Road to Edge of Sidewalk)
Arterial	min 1.5m preferred 2 - 3m	3.0	4.5 - 6.5m
Collector / Local Street		2.0	3.5 - 5.0m

Source: TAC Geometric Design Guide for Canadian Roads

Evaluation of sidewalk facilities was based primarily on the width of separation from traffic (distance from the edge of the travel lane to the outer edge of the sidewalk facility), as it relates to the speed of the road. Sidewalks below the desired minimum width with no boulevard therefore represent the worst condition. However, since sidewalks generally provide a high level of accommodation for pedestrian travel along a road, even narrow sidewalks are not felt to be unsafe so much as undesirable, which is reflected in the evaluation methodology.

Shoulders

If a pedestrian is walking along a shoulder, the width of the shoulder will be the main determinant of separation from traffic unless roadside barriers are provided.

Table 6 below indicates design standards for shoulder widths. Obviously, the wider the shoulder, the more separation from traffic. For high speed or high volume roads, shoulder widths which do not meet the minimum requirement are deemed to present a significant safety hazard, and are considered to meet the absolute warrants for the provision of hazard busing. Other shoulder conditions may or may not pose a serious hazard depending on the speed and volume of traffic using the road, and the evaluation methodology has been design accordingly.

Table 6 Shoulder Widths, Rural Undivided Roads

Design Speed (km/hr)	Volume <250	Volume 250- 450	Volume >450
60	1.5m	2.0m	2.5m
70	1.5m	2.0m	2.5m
80+	2.0 - 2.5m	2.5m	2.5 - 3.0m

Source: Adapted from the TAC Geometric Design Guide for Canadian Roads

No Walking Facilities

This situation arises where no shoulders or sidewalks are available and a child is forced to travel on the road itself. The separation from traffic in this case is non-existent. Consequently, this is considered to meet the 'absolute safety' warrant for hazard busing.

Pathway

For the purposes of this project, a pathway is defined as a winter-maintained, off-road facility intended for walking or cycling. An asphalt path in place of a sidewalk is not considered a pathway for this evaluation, but should instead be evaluated as a sidewalk.

Since pathways are segregated from the roadway and do not follow along the path of a road, they are not subject to encroachment by vehicular traffic and therefore there are no safety concerns for these facilities from a traffic safety perspective.

8.2.2 Accesses

Accesses and driveways can increase the risk to pedestrians due to conflicts between the movements of pedestrians and drivers. Since drivers have to negotiate finding a gap in traffic to pull out as well as watching for pedestrians, it is often a complicated manoeuvre. For this reason, commercial accesses are generally considered to be more dangerous than residential driveways as they typically require a higher level of driver attentiveness to other traffic movements on busier streets which may distract from their awareness of pedestrians. In addition, commercial accesses generally see higher traffic volumes than residential driveways. While it is recognized that some types of accesses present higher risks than others (e.g. underground parking lots which may have poor visibility), grouping accesses by the type of adjacent development (residential/commercial) is felt to provide an approximate representation of the inherent risk.

Since the evaluation process considers a corridor which may vary in length, access frequency is a more useful measure of risk than the total number of accesses.

In the evaluation methodology, accesses are considered solely for roads with sidewalks. While it is possible that there are accesses on roads with shoulders only, driveways are typically more common in developed areas where roads have an urban cross-section with curbs instead of shoulders. Since roads with shoulders are already penalized more heavily than sidewalks, no additional weight was given for the presence of accesses.

8.2.3 Route Consistency

While a route may consist primarily of one type of facility i.e. all sidewalks or all shoulders, there may be missing segments or inconsistent quality of treatment (narrower sections, change in surface treatment etc.) Since such inconsistency may negatively impact safety, it is desirable to recognize the hazards associated with route inconsistencies within the evaluation framework.

8.2.4 Lighting

Lighting can play an important role in improving pedestrian visibility and consequently is an important consideration for pedestrian safety. However, lighting is



MORRISON HERSHFIELD

REPORT

School Transport Walking Hazard Assessment Guidelines

Ottawa, Ontario

Presented to:

Blyth Helman

Acting Assistant General Manager

Ottawa Student Transportation Authority

Confederation Education Centre
1645 Woodroffe Avenue, Room 102,
Nepean, Ontario K2G 1W2

Project No. 2114069.00

October 26th, 2011

Executive Summary

This report provides details on a methodology that was developed on behalf of the Ottawa Student Transportation Authority (OSTA) for evaluating where school bus service should be provided – essentially where there are legitimate traffic safety hazards that present a barrier to children walking to school. The methodology is based on a two-part framework:

1. **Absolute warrants** are used to identify situations which are deemed to present such a significant risk to student pedestrians that busing is automatically warranted if no alternative routes exist.
2. **Combination warrants** account for the cumulative impact of multiple hazards along the route to school. While each hazard in isolation may be insufficient to automatically warrant busing, in combination, these hazards may contribute to a level of safety that is less than desirable. To apply the combination warrant, “hazard points” are assigned to reflect the relative risk; where the two greatest hazards have a combined score of 100 points or greater, busing is considered to be warranted.

The proposed system has a number of benefits:

- It is based on quantitative safety indicators, ensuring that the results are unbiased and fair.
- It relies on a series of check-lists and forms, allowing the evaluation to be carried out by OSTA staff who may not have a background in traffic engineering or safety.
- It is based on a thorough review of the literature, and reflects the latest research on pedestrian safety.
- It offers the opportunity to rank hazardous routes in order of priority. While not intended for this purpose, this inherent flexibility ensures that busing is provided where it is most needed in the event that financial constraints limit the amount of busing that can be provided.

The methodology as proposed is intended solely for evaluating the need for hazard busing and should not be applied outside the defined scope of application. In particular, just because a location does not meet the warrants for hazard busing does not necessarily imply that the route is “safe” – the concept of safety is relative, and can be measured in different ways using a variety of indicators. While the methodology is based on sound engineering principles and well-documented research, this document is intended solely as a guideline and should not replace common sense or professional judgement.

Moving forward, the following recommendations are presented to the Ottawa Student Transportation Authority:

- Once the methodology has been applied at several schools, the assignment of hazard points should be reviewed to ensure the results accurately reflect the perceived level of risk as determined by a traffic professional. Based on this review, minor tweaking of the point system may be required. Such review and refinement is considered important given the wide range of conditions likely to be encountered in the field and the challenges inherent in evaluating multiple hazards in combination.

- In applying the methodology, coordination should be carried out with other agencies and groups having an interest in child pedestrian safety. While the methodology is intended to identify whether or not hazards exist, it can also be used to invoke action, by identifying problems to the City of Ottawa or other governing bodies who have the authority to make changes and improvements to the traffic safety environment.
- The methodology is designed to be transparent and objective. Accordingly, it is intended as a public document to be shared with concerned parties i.e. parents, schools, principals etc. The methodology should only be shared in conjunction with the report as presented, since many of the caveats of the methodology are most clearly addressed in the body of the report.
- As new types of hazards emerge in the changing landscape of the urban traffic environment (such as roundabouts), the methodology should be updated to reflect current practice and new research on pedestrian safety.
- For hazards associated with busing which are outside the realm of traffic safety (i.e. personal security), it is recommended that the OSTA develop a framework for responding to requests for busing on a case-by-case basis.
- Over time, all of the schools within the Ottawa-Carleton District School Board and Ottawa Catholic School Board should be reviewed with the methodology to ensure consistency of application with respect to hazard busing.

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APPENDIX A: Methodology Framework

APPENDIX B: Pre-Evaluation Steps & Resources

APPENDIX C: Site Visit Tools

APPENDIX D: Hazard Evaluation Forms

APPENDIX E: Examples from Literature Review

6. What is Safe?

Maintaining safety is a paramount consideration in accommodating the mobility needs of all users of the transportation system – be they pedestrians, cyclists, buses or vehicles. While professionals and decision makers may strive for the highest level of safety, what constitutes safe is not always well understood or defined:

“It is impossible to make a road completely safe, if by “safe” we mean a road on which we can guarantee that there will never be a collision. We can, however, design a road to provide a reasonable level of safety. Just what is a reasonable level of safety, when we take into account the cost required to build it, is a matter of experience and judgment. In short, the notion of a “safe” (or collision-free) road is a myth. Design should be viewed instead as a process that can result in a road being ‘more safe’ or ‘less safe’.”

-TAC Geometric Design Guide for Canadian Roads

Transportation engineers use engineering judgment in combination with design standards and guidelines when making decisions – the concept of **ultimate safety does not exist**. This is due to the fact that safety can only be understood or defined in a relative sense for the following reasons:

- Users of the transportation system differ widely in terms of their perceptions, speeds and vulnerability. As such, the threshold of what constitutes safe can vary considerably.
- Mobility and safety have to be balanced against each other. Maximizing one cannot be done with total disregard for the other.
- Pedestrian safety is a “Shared Responsibility”. The marginal safety benefits to be gained from an incremental improvement in safety reaches a diminishing rate of return at some point.

Although it is impossible to assess absolute safety, for the purposes of this methodology, it is necessary to make a final conclusion about whether a particular walking route is “safe enough”. Traditionally, evaluating the safety of pedestrians has been a limited and complicated endeavour. The analysis of collision data is frequently used because it is one of the few numerical measures that is widely available. However, collision data for pedestrians is not as reliable as that for vehicles because it is not always accompanied by associated pedestrian volumes, which are needed to assess exposure (see Section 6.1). In addition, collisions involving pedestrians tend to be rare. Just because no collisions were observed does not imply a safe situation, particularly if pedestrians are avoiding areas they know to be dangerous.

For the purposes of this project, **a number of measures have been selected as a proxy of the actual safety of a pedestrian travelling along a route**. The use of these measures, although based on sound engineering principles and judgement, is still open to interpretation and criticism. Despite the ‘subjective’ nature of safety, every effort has been made to develop an objective and consistent evaluation process which **seeks to determine whether**

an unacceptable level of risk is faced by a child walking to school under normal conditions. However, it is important to keep in mind that the goal of this evaluation process is to objectively assess the requirement for busing. **Simply because a hazard is not deemed to require busing is not an explicit endorsement of the safety of a child pedestrian walking along a given route.**

“Despite the increased promotion of walking and bicycling behaviour and the need for supportive physical environments, “gold standard” tools with known psychometric properties for assessing the suitability of those environments do not yet exist.”

-Reliability and Validity of Two Instruments Designed to Assess the Walking and Bicycling Suitability of Sidewalks and Roads, American Journal of Health Promotion

Perceptions of safety can be very different from the reality of the condition. While both perception and reality are important in influencing decisions about travel mode and route choice, the proposed methodology focuses on factors known to influence actual safety. In addition to safety, there is also the element of “security” which refers to feeling free from threat or danger. Concerns with personal security are not easily quantified and fall outside of the evaluation tools employed by a transportation engineer and thus for the purposes of this report is not considered. However, it is recommended that the OSTA put in place a mechanism for evaluating any security issues that may arise on a case-by-case basis.

6.1 Understanding Collision Data

Collision data is a common measure examined in evaluating the safety of transportation infrastructure. Understanding what types of pedestrian collisions have occurred in the past has obvious benefits for gaining a greater understanding of some of the core issues associated with pedestrian safety. However, collision data has its limitations. For that reason, while the analysis of collisions is useful in providing guidance, it is not to be weighed more heavily than the use of sound engineering judgement. The occurrence of previous collisions may be indicative of a safety hazard, however, a lack of collisions does not necessarily imply that a situation is safe, since pedestrian collisions are relatively rare and are highly influenced by exposure (i.e. the amount of pedestrian activity). For example, a crossing with one pedestrian collision a year may indicate a serious safety hazard if only 10 people use the crossing per day, but may be acceptable if 5000 people use the crossing on a daily basis. Key trends in collision data which have been identified in several studies are presented below for review.

Table 2 was extracted from the City of Toronto’s *Pedestrian Collision Study*, which identifies the relative frequency of various types of pedestrian-motor vehicle collisions, based on two years’ worth of data.

Table 2 Pedestrian Collisions: Percentage by Collision Type

Collision Types	2002+2003	
	# of Cases	%
Intersection		
1. Vehicle turns left while pedestrian crosses with right-of-way at intersection	632	13%
2. Vehicle turns left while pedestrian crosses without right-of-way at intersection	196	4%
3. Vehicle turns right while pedestrian crosses with right-of-way at intersection	422	9%
4. Vehicle turns right while pedestrian crosses without right-of-way at intersection	117	2%
5. Vehicle is going straight through intersection while pedestrian crosses with right-of-way	232	5%
6. Vehicle is going straight through intersection while pedestrian crosses without right-of-way	654	14%
Total at Intersection	2,253	47%
Non-Intersection		
8. Pedestrian hit at mid-block location	1,042	22%
9. Pedestrian hit at private driveway	347	7%
10. Pedestrian hit at pedestrian crossover (PXO)	232	5%
11. Pedestrian hit on sidewalk or shoulder	163	3%
Total at Non-Intersection	1,784	37%
Other / Unknown		
55. Pedestrian hit in parking lot	508	11%
99. Other / Unknown	230	5%
Total at Other/Unknown Category	738	16%

Source: City of Toronto Pedestrian Collision Study

While this study is not exclusively focused on child pedestrians, it is still useful for examining overall trends in pedestrian collisions. Of interest is the fact that almost half of all pedestrian collision occurred at an intersection. Additionally, mid-block crossings represent the single highest percentage of collision location.

The data in Table 2 was further analyzed to examine the over-representation of certain age groups by collision type (refer to Table 3). For this study, over-representation was determined by plotting the age profile of the group of pedestrians involved in one type of collision against the age profile for all the pedestrians in the entire study sample, to reveal age groups that are "over-represented".

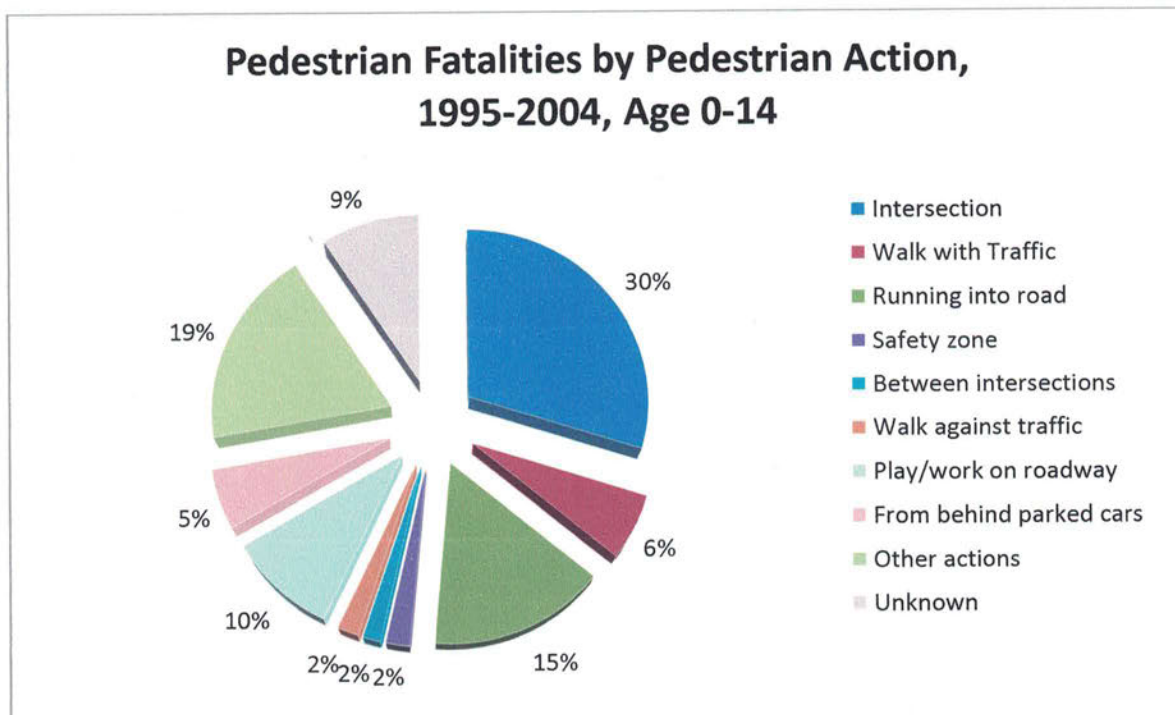
Table 3 Over-Represented Pedestrian Collision Types

Collision Type	Over-Represented Age Group	
	Male	Female
1. Vehicle turns left while pedestrian crosses with right-of-way at intersection	55-64	25-44
2. Vehicle turns left while pedestrian crosses without right-of-way at intersection	55+	-
3. Vehicle turns right while pedestrian crosses with right-of-way at intersection	75+	15-19
4. Vehicle turns right while pedestrian crosses without right-of-way at intersection	25-44;55-64;75+	25-44
5. Vehicle is going straight through intersection while pedestrian crosses with right-of-way	15-19	-
6. Vehicle is going straight through intersection while pedestrian crosses without right-of-way	15-24	5-14
8. Pedestrian hit at mid-block location	5-14	5-14
9. Pedestrian hit at private driveway	55-64; 75+	75+
10. Pedestrian hit at pedestrian crossover (PXO)	5-14	5-14
11. Pedestrian hit on sidewalk or shoulder	25-44	25-44

Source: Adapted from the City of Toronto *Pedestrian Collision Study, 2007*

Over-represented collision types corresponding to child pedestrians are indicated in yellow and include the following: mid-block crossings, pedestrians hit at a pedestrian crossover, vehicles travelling straight through the intersection while pedestrian crosses with the right of way and vehicles travelling straight through intersection while pedestrian crosses without the right of way. These findings suggest that children have particular difficulty in navigating mid-block crossings, pedestrian crossings, and intersections.

Figure 1 provides more detailed information about the action of child pedestrians at the time of collision, based on national collision data from Transport Canada.



Source: Transport Canada, 2009

Figure 1 Pedestrian Fatalities by Pedestrian Action, Age 0-14

According to Figure 1, intersections present the greatest risk to child pedestrians. This is not surprising as intersections are the most complicated elements in a transportation network, with multiple conflicting movements. It is therefore crucial that a methodology which evaluates safety for children gives careful consideration to crossing points.

Factors such as children playing on the road are extremely difficult to address through an analysis of environmental factors contributing to pedestrian safety, beyond recognizing that reduced speeds along roads which are frequently used by children can make it easier for drivers to stop in an emergency. Since this methodology is used for the evaluation of collector and arterial roads only, as children are travelling to school, risks associated with playing in the road or running into the road are not considered in the evaluation methodology. While it is still possible that these actions may occur as children travel to school, such behaviours are not considered sufficient to warrant the provision of busing.

The following conclusions are based on a review of Figure 1 and Table 2 above, as well as a number of additional resources consulted for this report:

- **Crossings and intersections appear to present the greatest hazard for all pedestrians**, including children, with crossings of all types (unprotected, protected with signals, protected with multi-way stops, etc.) resulting in higher collision rates than non-crossing related movements (walking with traffic, walking against traffic, on a sidewalk, etc.)

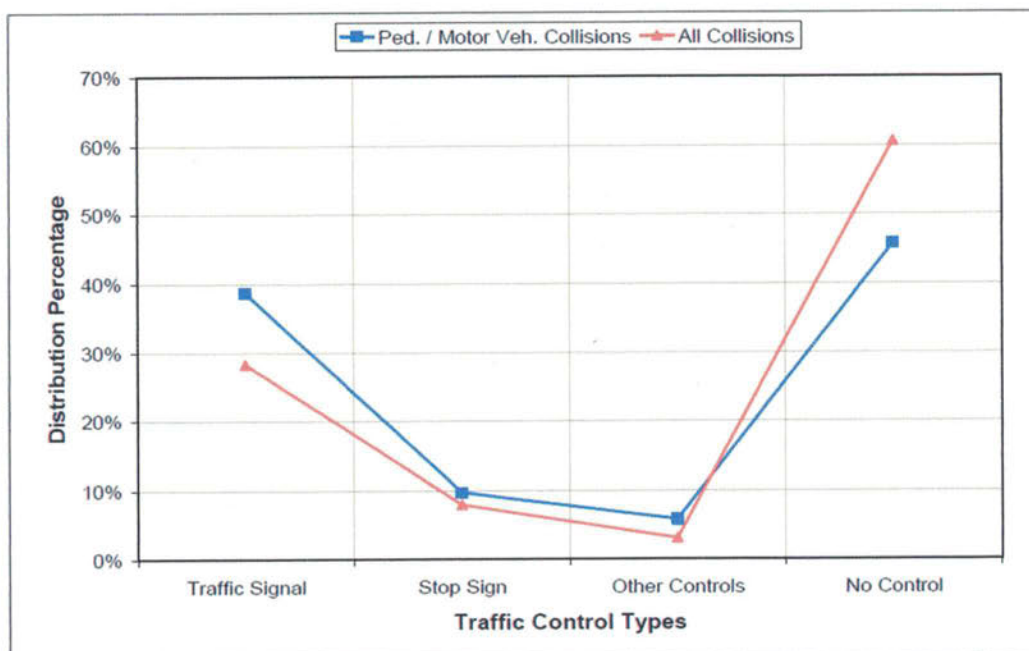
not considered within the evaluation framework because children are not required to walk to school during times when it is dark outside.

8.3 Assessing Travel Across Roads (Crossings)

Road crossings can present unique challenges for child pedestrians. Due to the nature of a crossing, there may be many conflicting movements which must be assessed and understood before a safe crossing can be made. It is important to understand the underlying risks associated with each type of crossing in order to be able to effectively evaluate the level of safety afforded by them.

In assessing safety, a predictive approach has been adopted – based on the presence of key factors influencing safety, is there a strong likelihood that collisions will occur in the future? However, it is also desirable to consider what has occurred in the past since this is perhaps the best indicator of a potential hazard. Thus, in the proposed methodology, collision data is used as an initial verification that the intersection does not pose a proven risk to pedestrians.

Figure 3 indicates the relative distribution of pedestrian collisions by traffic control type, based on data from Toronto. From this figure, it can be concluded that pedestrian collisions are most common at crossings with no control, followed by traffic signals. Unfortunately, however, it is impossible to conclude that one type of control is more or less dangerous from another due to a lack of exposure data on the number of people using each crossing type.



Source: City of Toronto *Pedestrian Collision Study, 2007*

Figure 3 Collision Distribution by Traffic Control

Visibility

In engineering terms, sight distance refers to the distance required to safely stop if an obstacle is observed on the road. If the available sight distance is less than the required sight distance (due to an obstacle such as a tree or building), then the driver may not be able to stop in time if a person is crossing the road, posing a serious safety concern. Consequently, sight distance is an essential requirement no matter which type of crossing is being considered. If there is **insufficient visibility** such that drivers cannot see a pedestrian in the crossing and vice versa, then the crossing **should be considered to meet the absolute safety warrant for the provision of hazard busing.**

Sight distances have been calculated with formulae from the TAC Geometric Design Guide for three grades and are presented below in Table 7.

Table 7 Minimum Stopping Sight Distances (m)

Flat	Average Grade	Steep Grade
No grade	Downgrade = 3%	Downgrade = 6%
65	70	70
85	90	95
110	120	125
140	150	160
170	180	195
210	220	240

Adult Crossing Guards

Adult crossing guards are felt to provide an improvement in both real and perceived safety at crossings. According to the Institute of Transportation Engineers (ITE):¹²

*"In general, **crossing guards and increased enforcement are the best measures for child pedestrian safety.**"*

For the evaluation methodology, the presence of crossing guards, as adults who are trained to help children safely navigate crossings, is felt to improve safety to the degree that hazard bussing is no longer required.

Additional Factors

While it may not be possible to draw conclusions about the safety of each type of intersection from Figure 3, it is recognized that each presents unique challenges for pedestrians. Technical resources generally divide crossings into two categories: controlled and uncontrolled. Because the root causes for safety concern are different for these two

¹² Institute of Transportation Engineers (ITE). 1999. Traffic Engineering Handbook. J. Pline, Editor. Washington, DC: Institute of Transportation Engineers.

types of treatments, it is desirable to consider each type of crossing treatment separately when analyzing safety hazards.

8.3.1 Mid-Block & Uncontrolled Crossings

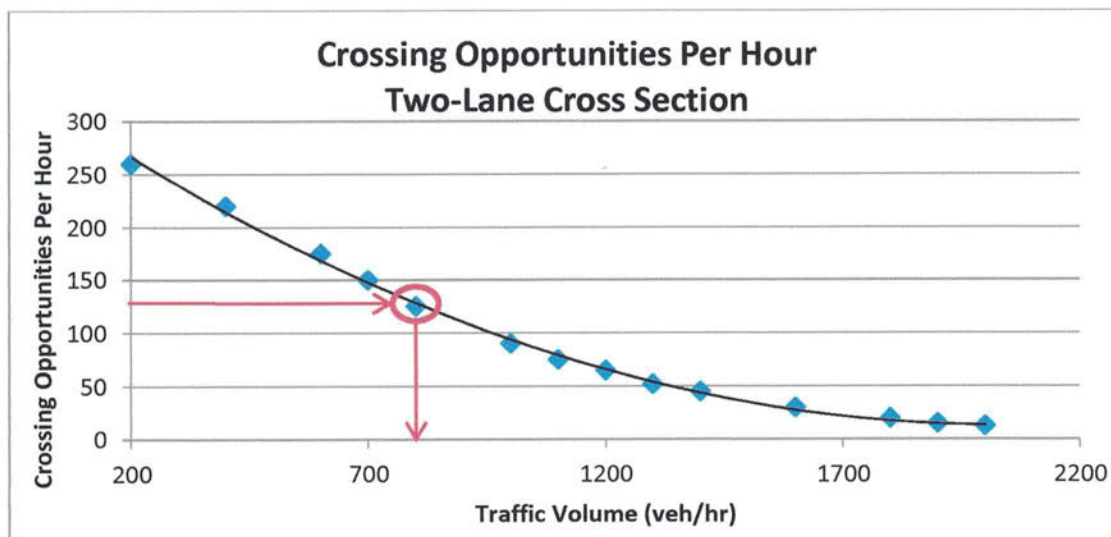
The main issue associated with mid-block and uncontrolled crossings relates to the availability of gaps in the traffic stream to allow the pedestrian to cross safely.

Volume & Crossing Opportunities

The number of crossing opportunities is a function of the volume of the roadway and crossing width. According to the *TAC Pedestrian Crossing Control Manual*, where there are greater than 120 crossing opportunities per hour, no special treatment for pedestrians is warranted. Based on this cut-off value of 120 crossing opportunities/hour, the corresponding hourly volume on the roadway can be used as a threshold for determining whether the crossing can be made safely.

In the case of child pedestrians, it was determined that no more than two lanes of traffic should be crossed in an uncontrolled situation without assistance. Based on the crossing distance for a two-lane road, it is possible to determine the corresponding maximum volume which will provide at least 120 crossing opportunities per hour.

Figure 4 below shows the traffic volumes and corresponding crossing opportunities for a two lane road, assuming 12 seconds are needed to safely cross - 9 seconds of walking time plus 3 seconds of perception-reaction time (i.e. the time required to perceive a gap and assess whether it is safe enough to cross, before stepping out onto the road).

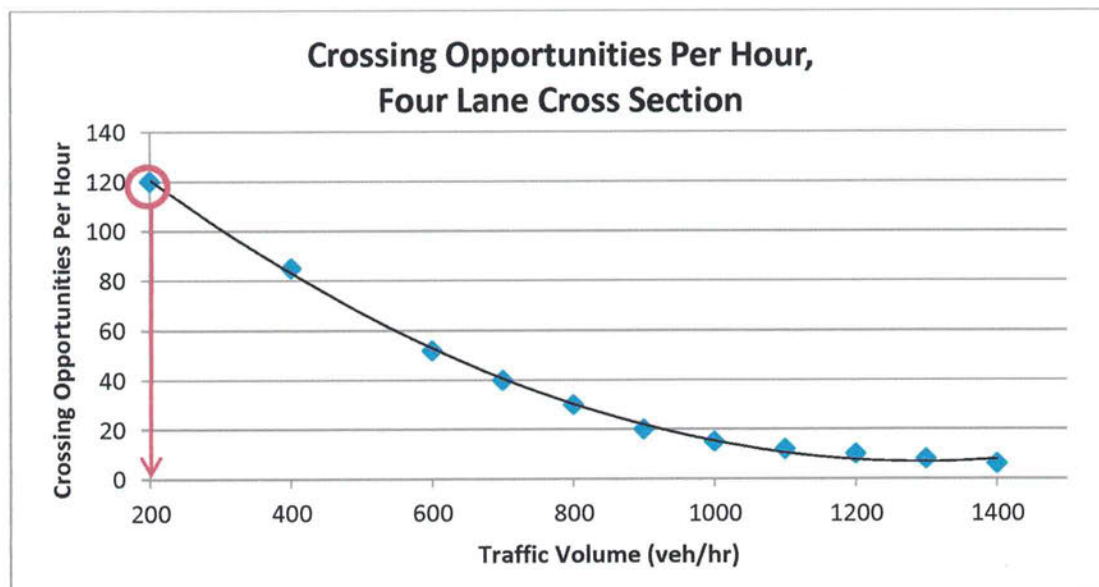


Source: Adapted from the *TAC Pedestrian Crossing Control Manual*

Figure 4 Crossing Opportunities per Hour, Two Lane Cross Section

According to this chart, for any volume less than 800 veh/hr, a pedestrian should not have any difficulty crossing the road. However, in order to account for the additional requirement of children pedestrians, it may be desirable to provide an extra degree of comfort.

Tripling the perception-reaction time (PRT) to 9 seconds would give a total crossing requirement of 18 seconds, allowing for 9 seconds of walking time to cross a two-lane road. This is somewhat similar to the case shown in Figure 5 for a 4-lane cross-section, which also requires an 18 second total crossing time (3 seconds PRT plus 15 seconds walking time). In order to achieve 120 crossing opportunities per hour in this situation, 200 veh/hr is the cut-off volume.



Source: Adapted from the *TAC Pedestrian Crossing Control Manual*

Figure 5 Crossing Opportunities per Hour, Four Lane Cross Section

Taking the average of the two cut-off volumes from the above figures gives 500 veh/hr. This value is considered to represent an appropriately conservative maximum threshold for midblock / unprotected crossings – if the traffic volume is greater than 500 veh/hr, the crossing is deemed to meet the absolute safety warrant for the provision of hazard busing.

Although direct measurements of gap availability have been used in other methodologies for assessing safety hazards (such as the City of Ottawa's School Crossing Guards warrants), this measure is not included in the proposed methodology since it is not easily measured by OSTA staff. Instead, the crossing opportunities evaluation described above is used to capture the ability of pedestrians to safely cross at unprotected crossings.

October 28, 2021

Bousfields Inc.
1 Main Street East, Suite 200
Hamilton, ON L8N 1E7

Attention: Ashley Paton and David Falletta

City of Hamilton Planning Committee
John-Paul Danko, Chair
Hamilton City Hall
71 Main Street West, 2nd Floor
Hamilton, ON L8P 4Y5

Dear Sir/Madam,

**RE: UHOPA-20-012 and ZAC20-016
1107 Main Street West, Hamilton (Ward) 1
Early determination of issues in dispute on two contested matters arising from the
Planning Response letter of the Applicant**

I wish to thank Bousfields and IN8 Developments for updating the Applicant's website, but as a result of reading the additional material just recently posted on the website and in particular the Planning Response Letter dated December 20th 2020, I believe than an **early determination of two contested matters** that are set out in this response letter, would be beneficial to all the parties involved in the two applications, and especially the members of the Planning Committee who will eventually consider the merit of the applications at a latter formal hearing date.

This is because the contested matters relate to issues of perceived conflict of interest and/or lack of declarations of interest in respect of a private meeting held on November 26, 2019 and in relation to the "Letters of Support and a Petition" which were filed with the Planning Department. If the Applicant were not to rely upon or use the meeting and letters of support and petition as grounds or justification for the granting of the two applications, I would not be concerned with these matters. But due to the fact that the Planning Response Letter indicates that the Applicant is heavily relying on the same, it is my opinion that the contested issues should be dealt with in advance, thereby allowing the parties on both sides to concentrate on the planning issues that are at the core of both of the above captioned applications.

I therefore believe that it will be beneficial to have either an early determination by a designated staff member appointed as an arbitrator by the Planning Committee, or at an "in camera" delegation/hearing presented before members of the Planning Committee, as both options would

save the committee members' valuable time on the formal hearing date which has yet to be determined, and because it may afford the Planning Committee an opportunity to develop protocols respecting all Planning Applications that come before the committee with respect to an Applicant's reliance upon meetings with neighbourhood associations, letters of support and petitions.

I am briefly setting out a summary of the disputed issues, but before that I am firstly setting out a minor request to Bousfields regarding the up-dated website and which concerns the Transportation Impact Study.

Transportation Impact Study

It appears that there are in fact two Transportation Impact Studies, both of which are dated January 28, 2020. The original Transportation Impact Study was submitted by Bousfields to the City of Hamilton Planning Department in February 2020, however this original report is not on the website under the Heading "February 13th, 2020 Submission".

Rather a revised Transportation Impact Study with the same date of January 28, 2020, which may or may not have been subsequently submitted to the City of Hamilton, appears on your website. This second report should be clearly identified as the "Revised Report" and the original report should now be posted on the website.

The proper identification of the two Transportation Impact Studies is important as some of the objection letters refer to statements contained in the original report, but these very statements no longer appear in the revised report. Accordingly, to avoid this confusion I respectfully request that the original report now also be included in your list of posted submission documents,

Planning Response Letter of Dec. 20, 2020 page 10 and the November 26, 2019 private meeting with Neighbourhood Associations

The contested issue with the Neighbourhood Associations relates to a private meeting held on November 26, 2019, the characterization of which appears on page 10 of the Planning Response letter, which was recently posted, and which is attached. I have objections to the characterization in the response letter that it was the people in attendance at the gathering who embraced the 15-storey height of the building as being appropriate for this particular location and who made the financial bargain to add the extra height of two storeys to the building in consideration of a third level of underground parking, all on behalf of the two neighbourhood associations which are named in the response letter as being the Ainslie Wood Community Association (AWCA) and the Ainslie Wood-Westdale Community Association (AWWCA).

The brief summary of my objections are as follows:

- Invitees and attendees to the private meeting also consisted of members of Concerned Residents of Westdale (CROW) who were vociferously opposed to the McMaster Residence Development at the corner of Traymore and Dalewood Avenue, and who were particularly upset that only 46 underground parking spots had been provided for the entire development.
- Members of CROW were concerned about student parking issues on their own side streets which are lying to the north of Main Street West, while the subject site for the proposed development is to the south of Main Street West and which is situated in a totally separate neighbourhood than the McMaster project.
- The equation of a mutual setoff for economic feasibility between an increased height of 2-storeys in consideration of a third level of underground parking is unenforceable as the party who allegedly struck the bargain is unidentified and lacks authorization, and because height is a matter that lies under the UHOP amendment, while parking is a matter that lies under the Zoning By-Law amendment.
- The Board of the Ainslie Wood Community Association (AWCA) by its Chair, Mark Coakley sent a letter specifically opposing the proposed development.
- The Ainslie Wood-Westdale Community Association (AWWCA) to the best of my knowledge and belief has not submitted or filed any letter in support of the proposed development.
- A member of AWWCA attending the private meeting of November 26, 2019 may have had sufficient prior involvement with a member of the Applicant ownership and development group and that as such it may have constituted grounds for recusing the member from voicing any opinion of support of the proposed development, if in fact any opinion was rendered, at the November meeting.
- Another member of AWWCA who was in attendance at the private meeting of November 26, 2019 had been reprimanded by the Board of Directors of AWWCA for sending out a letter of support for the McMaster University proposed development at the corner of Traymore and Dalewood Avenue, at a time when the Board of AWWCA was officially opposed to the development. The offending Board member was told that the member could only express his opinion as “**an individual**” and not in any official capacity for AWWCA.
- The increase in height of the proposed building by two additional storeys should not be attributable back to Neighbourhood Associations as they either did not express the view that the height should be increased, or if any person in attendance did express such an opinion, then it was clearly without authorization and could not possibly be construed as the official position of the Neighbourhood Associations.

Letters in Support - Paragraph 4.1 (page 4) of the Planning Response Letter of Dec. 20, 2020

The Planning Response letter refers to Letters in Support (on page 4, Paragraph 4.1 which is attached) and cites that a total of 17 letters of support were received and that many submissions

stated that “**as residents that will be most greatly impacted by the development, we feel that this will enhance the quality of living in our area**”. The response letter also references a petition in support signed by 20 neighbourhood households. My concerns with the letters of support and the petition are briefly set out as follows:

- There are seven (7) resident households which are in the closest immediate proximity to the proposed development, and which households are on record as being in **opposition to the proposed development**.
- If the three (3) houses which are associated or connected with the developers of the proposed development are discounted due to a perceived conflict of interest, then **100% of the arm’s length households** of the remaining first seven houses on Dow Avenue and the remaining first three houses on Cline Avenue South are opposed to the proposed development.
- The words “**most greatly impacted**” must be determined on an objective basis and be based on proximity, and not be based on an undefinable subjective viewpoint which can be completely misleading.
- The arm’s length independence of some of the petitioners in support of the proposed development is being questioned as to whether any of them are engaged in land development and acquisition in the neighbourhood or in respect of properties lying within 120 metres of the proposed development, or whether they are currently tenants or receiving, directly or indirectly, financial remuneration or employment income or rental subsidies from any party associated with or connected to the proposed development, or from a landowner intending a future intensification of lands within 120 metres of the proposed development.
- A letter was sent to members of the Adas Israel Synagogue stating that a “portion of the project’s profit will be donated” back and accordingly it is imperative to know if any of the writers of letters of support indicating that the proposed development will “enhance the quality of life” and “help preserve the neighbourhood character”, will receive monetary donations from the Applicant, or receive, directly or indirectly, financial remuneration or employment income, and rental subsidies arising from or paid out of the rental stream and profits to be generated by the proposed development.

Summary of Recommendations

The members of the Planning Committee must be in a position to focus on the important planning issues that arise whenever Applications are being heard or presented at its public meetings, and accordingly any issue that could be clarified or resolved in advance of the public meeting, and which is entirely between the Applicant and the residents who are objecting to the application, is extremely worthwhile.

Two issues which I believe have arisen at past committee meetings, and which are of concern to many of the residents participating in, or watching the meeting by online video broadcast, relate to the role of the Neighbourhood Association and Letters of Support/Petitions relied upon by the Applicant. It is therefore my firm belief that any measures that can be enacted by the Planning Committee to more quickly and expeditiously resolve these types of disputed facts as set out in the above circumstances, would be of immense benefit to not only Planning Staff, but to all Members of the Planning Committee and to the citizens of Hamilton.

Accordingly, I am making the following suggestions for your consideration:

- All Applicants shall be required to provide a written confirmation to the Planning Department at the time the Applicant submits any documentation concerning or referring to Letters of Support/Petitions, that the Applicant has vetted all letter writers in support of the application and petitioners who are signing a supportive petition, and/or participants and invitees at any public or private Neighbourhood Association meeting or event and is satisfied that there exists no conflicts of interest, or any circumstances which warrants a declaration of interest.
- All Applicants shall be required to file an Undertaking and Acknowledgement in writing that at any private meetings hosted by the Applicant with invited representatives from Neighbourhood Associations, that comments or private viewpoints made by or attributed to any representative at such meeting, shall not be tendered or referred to as evidence or be used as grounds for support of any application by the Applicant or in a submission by the Applicant's Planning Consultant, or that any such expressed private viewpoint or comment is the official position of the Neighbourhood Association.

It is my sincere belief that enacting the above measures may be of assistance in avoiding future disputes of this nature, thereby save the Planning Committee valuable time at the hearing. Most importantly it will also afford the public some assurance of impartiality whenever letters of support and petitions are being considered by members of the Planning Committee.

The measures, however, do not address the circumstances of the present two applications, or if an Applicant fails to properly conduct a full vetting of writers in support or the petitioners in support, or if the Applicant is in breach of the Undertaking and Acknowledgment. In these circumstances I propose the following:

- The Applicant and the Applicant's Planning Consultant shall meet in person or by video conference with the Objector(s) who is/are challenging the submissions of the Planning Consultant, and at such meeting the Objecting party shall be able to obtain and review all records, minutes, names of attendees pertaining to any private meeting with Neighbourhood Association representatives, and the Applicant shall further provide to the Objecting party the unredacted Letters of Support and Petition with all the names and addresses of the signatories, together with the names and interests of all parties connected or involved with, or sharing in the profits of the development of the property.

- The Objecting party shall have 5 business days to review the challenged documents and material and to then provide to the Applicant and the Applicant's Planning Consultant the documentary evidence which the Objecting party considers to be supportive of a prima facie finding of a potential conflict of interest or a circumstance which warrants a Declaration of Interest.
- The Applicant and the Applicant's Planning Consultant and the Objecting party shall meet as soon as practical after 5 business days to resolve and remedy the dispute that may exist between the parties, and for the Applicant or Applicant's Planning Consultant to either rescind, revise or modify the comments set out in any submission filed by the Applicant and which pertains to the involvement of any Neighbourhood Association or which relates to any Letter of Support or signatory to any petition.
- In the event the parties cannot resolve their dispute, or if the Applicant does not believe that any conflict of interest exists, or if the Objecting party is not satisfied with the proposed remediation to be taken by the Applicant, then either party shall be able apply to the Chair of the Planning Committee and request binding arbitration by a staff person to be appointed by the Chair. The arbitration shall be based and referenced on the material filed by the parties at the prior meetings, and the arbitrator's decision shall be released prior to the delivery of the final Planning Department Staff Recommendation Report.

If you require a more detailed letter or the delivery of any supporting documentation which I have at this time, please contact me as I would be pleased to provide the same to you. I am also willing to meet with Bousfields at any time to review the contents of this letter and to see if a resolution can be reached in this matter.

If however, you consider it more appropriate that the issues that I have raised, and the recommendations which I hope will be enacted by the Planning Committee, are more appropriate for being heard as an "in camera" Delegation at an upcoming meeting of the Planning Committee, I kindly ask that you please advise me and Bousfields, in order that a mutually satisfactory date can be obtained for both the presentation of my concerns, and for the response from Bousfields.

I thank you for your time and I look forward to your reply.

Yours very truly,

John Ross

cc. Maureen Wilson, Councillor Ward 1
cc. Daniel Barnett, City of Hamilton
Planning and Economic Development Department

Development Planning, Heritage and Design — Urban Team

71 Main Street West, 5th Floor

Hamilton, ON L8P 4Y5

cc. Lisa Kelsey

cc. Stephanie Hilson

January 10, 2022

Daniel Barnett, City of Hamilton
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Shannon McKie
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Maureen Wilson
Councillor Ward 1
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Hamilton, ON L8P 4Y5

**RE: UHOPA-20-012 and ZAC20-016
1107 Main Street West, Hamilton (Ward) 1
Applicant's new CHIA resubmission of December 3, 2021 for the
Redevelopment of the Grace Lutheran Church property**

I have reviewed the Cultural Heritage Impact Assessment (CHIA) of Parslow Heritage Consultancy Inc. which was included in the documentation filed on December 3, 2021 in respect of the third resubmission of the Applicant's redevelopment application. It is my opinion that this new CHIA report fails to comply with the UHOP and with the set of criteria which were endorsed by the City of Hamilton Municipal Heritage Committee on June 19, 2003 and which were adopted by Council as The City of Hamilton: Cultural Heritage Evaluation Criteria on October 29, 2008.

I believe that a full review of the contents of the CHIA Report reveals that it does not address the cultural heritage criteria of the City of Hamilton, nor does it set out the full historical/associative and contextual heritage value of the site. The Report's final recommendations and conclusions, in my opinion, indicate that the Applicant has not fully investigated the range of opportunities for

utilizing the Grace Lutheran Church property “in situ” and instead the CHIA Report has only presented the faulty and unsubstantiated viewpoint of the Applicant and some of its financial investors, to the detriment of the existing neighbourhood.

Unfortunately, I believe that the unwillingness of the Applicant to address cultural heritage concerns, and the Applicant’s insistence that it will not provide any meaningful and appropriate semi-public open area which reflects the site’s actual history and its heritage significance, now necessitates that a full peer review or new CHIA be obtained for consideration by the Planning Department before the date is set for the hearing of the Applicant’s two applications at the Planning Committee.

The three major issues which demonstrate the above shortcomings, and which I will proceed to elaborate upon relate to 1) the important research and necessary background information that was omitted from the CHIA Report pertaining to the site location and to the Lutheran Church as a Protestant church in the “restricted community” of Westdale; 2) the “community gardens” at Grace Lutheran Church, the various components of the community gardens, the need for an appropriate conservation and preservation on site of Grace Lutheran Church and its gardens, the appropriate forms of commemoration on site of Grace Lutheran Church, and the reasons why the Applicant’s off site commemoration proposal should be rejected; and, 3) a more detailed review of the seven major objections of the Applicant against being required to adhere to “in situ” preservation and mitigation, and a response setting out why each of its objections lack sufficient merit and why the two Applications should be denied for approval by the Planning Department.

1) ADDITIONAL BACKGROUND INFORMATION TO BE CONSIDERED

a) Subject lands within the Township of Ancaster up to 1930

The new CHIA, as well as the two prior ones, still misdescribe the location of the subject lands by claiming that the lands were formerly part of the “Township of Barton” in the “County of Wentworth”. The site is part of the **Gore of Ancaster in the Township of Ancaster**, and only in 1930 did the area known as Ainslie Wood, in which the site is located, separate from Ancaster and join the City of Hamilton.

Accordingly, much of the early history of the settlement of the City of Hamilton, and a record of its development as set out in the CHIA, is not as relevant as would have been a history of the Gore of Ancaster. The CHIA Report therefore does not fully appreciate the historical and heritage attributes of the subject site as being part of the early history of Ancaster, and does not give proper consideration to the early pioneers and European settlers of the Gore of Ancaster such as the “Ainslie, Binley, Bowman, Buttrum, Cline, Ewen, Forsyth, Radford, Stroud, and Horning families”. To this extent the most important and relevant early contextual history is entirely omitted in the CHIA.

b) Proximity of the Chedoke Valley and Chedoke Creek

Both the CHIA and the Planning Rationale of the Applicant entirely neglect to discuss the history of the natural geographical and topological features of the neighbourhood, despite the fact these very features appear in virtually every satellite photograph utilized by the Applicant's various consultants. The importance of the Chedoke Valley subwatershed from which the subject lands drain into, and the warnings and concerns of the Hamilton Conservation Authority regarding the subwatershed and development in this area, are also overlooked by the CHIA. The northerly slope of the Chedoke Creek valley and the green space between the houses in the neighbourhood and Chedoke Creek is also omitted from the CHIA, even though a small portion of the slope lies within 120 meters of the proposed development. These are all necessary components of the cultural, historical and heritage of the neighbourhood and the CHIA is not complete or particularly useful without considering these heritage resources of the neighbourhood.

c) Aitchison Park Subdivision No. 728, and the Minister of Munitions & Supply of Canada acting through Wartime Housing Limited

Unfortunately, it appears that the two Heritage Consultants who prepared all of the CHIA Reports submitted by the Applicant, did not conduct a search of title on the Teraview system, as it would have been ascertained from looking at the registered subdivision map that the lands lying between Cline Avenue South and Dow Avenue on the south side of Main Street West, were owned by Wartime Housing Limited. It also could have been ascertained that the entire subdivision was created solely to provide wartime housing for workers who had come to Hamilton to work in the munition factories, such as the nearby Westinghouse factory at Longwood Road and Aberdeen Avenue. (see Appendix pages 1 and 2)

The CHIA Report refers to a 1947 Insurance Map marked sheet "1489A" and with the initials CMHC across it, but the CHIA fails to make any connection to the fact that the initials CMHC refer to Central Mortgage and Housing Corporation, as it was then known, and that the houses shown on the map were the Wartime Houses built by the Minister of Munitions & Supply of Canada acting through Wartime Housing Limited. (The process of building each house was with pre-fabricated walls and ceilings, and each house was assembled within one day.)

The CHIA further neglects to provide any historical connection of the subject lands to Wartime Housing and omits the strong Hamilton connection to Wartime Housing Limited, such as Joseph Pigott, a well-known real estate magnate in the local construction industry who was the President of Wartime Housing Limited and responsible for its success. The CHIA fails to disclose that after the war and when the workforce for the factories had found other accommodation, the houses shown on the Insurance map were dismantled and disassembled in accordance with the post-war legislation by the Federal Government. After the land had become vacant in the 1950's, CMHC decided to divide the lands lying between Dow Avenue and Cline Avenue South into two parcels of land.

d) Conveyance of Wartime Housing Parcels by CMHC to two religious organizations

CMHC after the war decided to sell the two parcels to two religious organizations, both of which had their membership greatly expanded by the post-war influx of immigration from Europe to Hamilton, and whose Places of Worship were underrepresented in the two neighbourhoods of Westdale and Ainslie Wood. This is because the planned community of Westdale was “restricted” and prevented conveyances of houses to members of racial and ethnic minorities, as set out in the attached restrictive covenant. (see Appendix pages 3 to 5)

e) **The contextual Importance of Discrimination against Jews and German-Canadian Lutherans**

The prohibition against foreign born Jewish people, amongst other listed races and creeds, was a group specifically set out in the restrictive covenant in the Westdale planned community. The Lutherans were not among the listed minorities to be discriminated against as they were part of the Protestant movement, however because the Lutherans were culturally connected to Germany, and had the German language as part of their liturgy, they experienced discrimination during the First World War in Canada. This involved some Lutherans being placed in internment camps during WWI, and by the time of the Second World War, anti-German sentiment was high in the very neighbourhoods which were already restricted and prejudiced against minorities.

This discrimination against German-Canadian Lutherans, by their fellow Protestant majority, may perhaps be supported by the wording of the restrictive covenant in perpetuity which was registered as instrument No. HA327114 on the title of each lot in the Westdale subdivision, which read as follows:

" None of the land described...shall be used, occupied by or let or sold to Negroes, Asiatics, Bulgarians, Austrians, Russians, Serbs, Rumanians, Turks, Armenians, ***whether British subjects or not***, or foreign-born Italians, Greeks or Jews" (see registered instrument HA327114). (bold italic added for emphasis)

The inclusion of the words, “whether British subjects or not” suggests that the discrimination was extended against any foreigner who either looked different, had a different religion, or who spoke a different mother tongue, regardless of their common citizenship. As the primary language spoken at home for the early Lutheran post-war immigrants arriving in Hamilton was German, it is my opinion that even though the Lutherans were Protestant, their language and culture and lack of British ancestry, made them targets of the restrictive covenant in the Westdale “planned community” despite their shared Protestant religion.

I also believe that this can be supported by evidence as according to one historian who studied the impact of the Westdale restrictive covenant stated that

"developers' brochures emphasized that Westdale was ‘restricted’ . Regulation in the early years was enforced. A real estate agent warned a contractor not to sell to an interested Italian greengrocer: ‘Tom, **we don't want people like that in here.**’ ‘Builders, dependent upon credit and a sound reputation with developers, lacked the security to risk breaking covenants”.

Two articles which I have found to be very pertinent, both of which were written by Dr. Elliot Worsfold provide direct relevance on the relationship of the Lutheran Church to the Protestant movement specifically the Episcopalian and Presbyterian denominations, and how the Lutherans in Ontario were affected by this discrimination. The first article is entitled "Cast Down, But Not Forsaken; The Second World War Experience and Memory of German-Canadian Lutherans in Southwestern Ontario" by Elliot Worsfold; *Ontario History/ Volume CVL, No. 1/Spring 2014*.

The second paper is his doctoral thesis which is entitled "Welcoming Strangers: Race, Religions, and Ethnicity in German Lutheran Ontario and Missouri, 1939-1970 (2018)"; by Elliot Worsfold *Electronic Thesis and Dissertation Repository, 5678* <https://ir.lib.uwo.ca/etd/5678> I am attempting to contact Elliot Worsfold to obtain his expert opinion on this issue of discrimination against Lutherans in Ontario, and whether he believes that the Westdale restrictive covenant enforced by the Protestant majority could have operated against German-Canadian Protestant Lutherans. As soon as I hear back, I will forward his response to you.

These articles thoroughly document the cultural position of German Lutheran churches and their membership within Canadian society and within the Protestant movement. It is therefore my opinion that CMHC made a very conscious and deliberate decision when it selected Adas Israel Synagogue and Grace Lutheran Church to purchase the two abutting parcels which were formerly wartime housing. This was due I believe to five reasons that were shared in common by each of the two congregations: 1) both religious organizations had the greatest increase of members from the recent influx of postwar immigration and the greatest need for new places of worship ; 2) both organizations were long established in Hamilton and had been located in the working class neighbourhoods of downtown Hamilton; 3) both groups had faced discrimination in some Hamilton communities and neighbourhoods, which in the case of Jews was by the restrictive covenants and overt discrimination in restricted planned communities, while in the case of Lutherans who were Protestant and were still part of the majority religion, it was discrimination due to their German culture and language, and the unjustified suspicion that they were disloyal during the war because of their language and place of origin; 4) CMHC had already been actively involved in combatting discrimination in Westdale by enacting fair and equitable lending policies which tremendously helped the respective congregants of the Adas Israel Synagogue and Grace Lutheran Church who had been discriminated against in respect of housing opportunities; and 5) both religious communities were underrepresented in the number of places of worship given their increasing population in the Westdale area.

f) The Relationship between the Adas Israel Synagogue and Grace Lutheran Church

The early history of the two places of worship indicates the respect they had for each other and their commitment to the betterment of society and the Hamilton community at large. The archival records for the sod breaking ceremony of Adas Israel Synagogue shows that The Reverend Earl W. Hasse, Pastor of Grace Lutheran Church was invited to the ceremony and extended greetings. (see Appendix pages 6 & 7 for Programme dated August 5, 1959 and picture).

Mutual courtesies were extended between the two congregations and perhaps the greatest honour from Grace Lutheran Church to Adas Israel Synagogue was the creation of the Peace Garden and the “Peace Pole”, which was commissioned and erected by the Church in the middle of one of the landscaped sitting areas. It has a message in three languages on three of the sides of the pole. The first, in English reads “May Peace Prevail on Earth”. The second is the same verse translated into German, in recognition of the heritage of the Lutheran Church. The third language for the same verse is Hebrew, in honour of the Adas Israel Synagogue, its neighbour. (see Appendix pages 8 & 9) This is a true reflection of multi-culturalism and inter-ecumenical goodwill at work.

This “Peace Pole” and its carved tri-lingual inscriptions is also a most appropriate and fitting memorialization to the site formerly being the Wartime Housing Limited subdivision for workers engaged in the manufacturing of war munitions. In demonstrating that in both congregations the mutual quest for “peace” amongst nations is an ideal that all humankind should pray for, establishes this section of the garden in particular as an important component of its cultural heritage

Furthermore, at the Tribute dinner in honour of the memory of the late Rabbi Mordechai Green, the Pastor and Directors of Grace Lutheran Church made a dedication that reads as follows:

In Honour of Rabbi Mordechai Green Z'L – With Great Admiration for his Leadership and Dedication to his Community and Faith. We very much enjoyed his visits to the Gardens at the Church

To this extent the histories of the two congregations have been interwoven during the last 60 years, from shared experiences and with the timely intervention of CMHC which permitted the two congregations to grow and thrive in their new locations, side-by-side, in the lands lying between Cline Avenue South and Dow Avenue.

g) The Grace Lutheran Church not a landmark according to CHIA

It appears that the CHIA is of the opinion that the Grace Lutheran Church is not a landmark as the Report alleges without evidence that the Church is not visible on all sides from more than a block away. This allegation is patently untrue, and it is further submitted that height alone is not indicative of being merited as a landmark.

Grace Lutheran Church is very much clearly visible along Main Street West from a distance of over 750 meters, as there is an excellent sightline from as far west as Emerson Street looking easterly towards the Church. I have attached a Google Earth satellite picture upon which I have indicated by a black arrow the extensive straight sightline along Main Street West. I have also attached a Google Maps picture looking eastward from Main Street West and Broadway in which the Church is visible in the horizon of the second lane of traffic heading east. This is the illusion that is created by the Church for this entire distance as the straight sightline gives the appearance that the front doors of the Church are located directly in the middle of Main Street West. (see Appendix pages 10 & 11)

A second Google Maps picture is attached which was taken on Main Street West between Gary Avenue and Haddon Avenue. (see Appendix pages 12) This picture indicates the angular change in the direction of Main Street West, and clearly explains which the Grace Lutheran Church is visible for such a long distance on Main Street West. Accordingly, the allegation by the Heritage Consultant that Grace Lutheran Church is not a landmark and should be somewhat downgraded on the heritage value scale because it is not visible more than one block away, should be entirely discounted.

2) GRACE LUTHERAN CHURCH, COMMERCATION AND THE COMMUNITY GARDENS

a) Hamilton Victory Gardens at Grace Lutheran Church

The Applicant's CHIA report has focused upon the Hamilton Victory Gardens, (see Appendix pages 13 & 14) which was just one component of the entire landscaped gardens at Grace Lutheran Church, and then proceeded to unfortunately mischaracterize this element by dismissing its connection to Hamilton Victory Gardens, a not-for-profit charitable organization. It is this charity which oversees the growing of produce at various locations throughout Hamilton and for distribution of tons of produce for local Food Banks and food programs. Grace Lutheran Church is only working in conjunction with Hamilton Victory Gardens and is in fact under the control and supervision of this charity.

Accordingly, the four elevated beds consisting of two rows of concrete blocks on top of each other, which are referred to in the CHIA, are an entirely separate project of a different charitable organization. Each location throughout the City of Hamilton grows their share of produce and on average one ton of produce was harvested from the Grace Lutheran Church location each year for local Food Banks and food programs. The combined yearly amount of produce harvested at all 12 of the Hamilton Victory Gardens locations throughout the City of Hamilton over the past 8 years was over 230,000 pounds of "fresh produce for local food banks and hot meal programs.... Including Good Shepherd Mission Services, Neighbour-to-Neighbour, The King's Way Outreach, Dream Center and Living Rock".

To this extent, the very "community gardens" which the Applicant now wishes to replicate somewhere in the Ainslie Wood Westdale neighbourhood was never an exclusive Church garden for growing produce as a hobby for Church members, nor was it a stand-alone activity in which the Church acted in isolation, but rather it was part of an existing not-for-profit organization that supervises, provides and secures volunteers, obtains the seeds and plants, carries out the harvesting, and then makes the arrangements for pick-up and delivery of the produce to the local food banks and food programs. It is not clear who exactly the Applicant has identified as the "community members", nor is it clear to whose benefit he intends to build these garden beds, as the volunteers at Grace Lutheran Church were not growing fresh produce on their own, but rather in association and under the control and supervision of Hamilton Victory Gardens.

It is equally unclear as to why the City of Hamilton would donate land for this purpose, when Hamilton Victory Gardens has already secured sites and locations for these raised garden beds throughout the City of Hamilton. One such site in close proximity to the subject lands is at The Good Shepherd Square at the intersection of Ray Street North and King Street West, and it is interesting to note that Good Shepherd was in partnership with Victory Garden for the very first site which was built on Catherine Street North in the spring of 2011.

The Applicant has also misread the story which appeared in the Spectator on October 16, 2020, written by Rob Howard (see Appendix pages 15-20), and clearly did not understand the precise role being played by Grace Lutheran Church nor the operation of Hamilton Victory Gardens in its capacity as a not-for-profit organization.

The material posted online by Hamilton Victory Gardens explaining the growing of produce for the sole purpose of reducing hunger in our community is attached, as well as the cost of sponsoring a raised garden bed, which is \$50.00 for one year or \$150.00 for a three-year sponsorship. (see pages 21 to 28) The cost for sponsoring the four raised garden beds that have now been removed from Grace Lutheran Church, but which will be slotted to another site selected by the non-profit, is \$200.00 for the one year.

Accordingly, the Planning Department should immediately reject the Applicant's proposal to build four garden beds for one year, at a new offsite location somewhere in Westdale/Ainslie Wood, with salvaged materials taken from the Church. The suggestion in the CHIA Report is that this one-time expenditure be accepted in full exchange of the Applicant being completely relieved of the obligation to provide any meaningful semi-public open area or landscaping at the proposed development and for this reason the Applicant's offer should also be refused. In addition, the proposed exchange would forever relieve the Applicant from the obligation to provide any meaningful conservation or cultural heritage mitigation at the site contrary to the provisions found in the UHOP and Cultural Heritage guidelines and policies.

b) On Site Commemoration by CMHC and the Cathedral Basilica of Christ the King Diocese of Hamilton

Two of the appropriate parties which should be consulted and involved in wording, designing and commemorating of the cultural heritage history and importance of the site to the neighbourhood and the City of Hamilton are CMHC (Canada Mortgage and Housing Corporation) and the Cathedral Basilica of Christ the King Diocese of Hamilton. Both of these parties have already expressed a written interest in commemoration at the site of Grace Lutheran Church. (see Appendix pages 29 & 30)

Canada Mortgage and Housing Corporation is interested as their Executive Engagement and Events Manager recognizes the role CMHC played in helping end the discriminatory practices of Westdale as a restricted "planned community" through its lending policies, promotion of legislation to end discrimination, and in selecting Adas Israel Synagogue and Grace Lutheran Church to buy the two parcels of land to erect their respective Places of Worship. CMHC also

assumed control and ownership of the lands and wartime houses that were assembled by Wartime Housing Limited under the leadership of Hamiltonian Joseph Pigott, and therefore it fully appreciates the cultural heritage significance and associative value of these lands.

Cathedral Basilica of Christ the King Diocese of Hamilton is supporting the recommendation of a commemorative plaque which recognizes the extensive and outstanding work of architect William Souter who designed Grace Lutheran Church, the Cathedral Basilica of Christ the King, and many other structures in the City of Hamilton. I do not believe a commemorative plaque has been erected for William Souter in the City of Hamilton, even though he designed many other significant and important buildings, places of worship, schools and government structures. I also understand that on a balloting of Hamilton's most important architect he placed second, behind the famous architect John Lyle.

c) Two Differing Evaluations of Cultural Heritage Value or Interest

The Applicant has hired two different Heritage Consultants and has submitted or resubmitted three Evaluations of Cultural Heritage Value of Interest respecting the Grace Lutheran Church. The evaluations, however, differ substantially on several major points under Ontario Regulation 9/06 Criterion on the required Response and on the required Rationale.

In light of these discrepancies between the Applicant's own Heritage Consultants on the important issues of preservation, mitigation and off-site commemoration, I am of the opinion that a peer review is required in order to satisfy the requirements of the OHA, the UHOP and the guidelines and policies of the City of Hamilton Cultural Heritage Evaluation Criteria.

3) EXAMINATION OF THE SEVEN MAIN OBJECTIONS OF THE APPLICANT TO BEING REQUIRED TO OBSERVE IN SITU PRESERVATION AND MITIGATION, AND THE REASONS RELIED UPON BY THE APPLICANT TO SEEK RELIEF FROM CULTURAL HERITAGE POLICIES

It is my personal belief that a few of the Applicant's objections set out in the CHIA Report were outside the field of expertise of a Cultural Heritage Consultant on heritage architecture with the result that the Consultant and may have strayed into the issue of land use planning. Accordingly, while I believe that very little weight should be attributed to some of the Consultant's comments and conclusions, as they are in the nature of planning arguments, I am still responding to each one because of the critical and detrimental impact that may result if these arguments are accepted as valid by the Planning Department.

The objections to the request to adhere to cultural heritage the policies and requests for relief from planning guidelines respecting cultural heritage sites and buildings, are in relation to the following: a) the PPA (2020); b) economic feasibility, functionality and achieving a sustainable new build; c) exploration of multiple integration techniques for a building design; d) support for much needed housing for staff and students of McMaster University; e) support and bolstering the Jewish community by providing convenient opportunities for current and potential members

of Adas Israel Synagogue; f) community consultation; and g) integration of non-secular history and design of the extant structure into a secular structure has the potential to reduce the desirability to potential clientele.

a) The Provincial Policy Statement 2020 (PPS 2020)

The Heritage Consultant for the Applicant has stated that “the Project Area is a prime candidate for intensive re-development” and incorrectly paraphrases and takes out of context the PPS (2020) when the Report states that the PPS encourages the intensification of development through the use of “**high-density mixed-use structures**”, as the main primary focus in the PPS is only for a “**higher density than currently exists**”.

I believe that in light of the severe limitations associated with the site given the extremely poor air quality due to high levels of nitrogen dioxide in the neighbourhood resulting from traffic related air pollution and its adverse impacts on health, the negative impact on the sustainability of the urban forest, the impact of climate change, the reduction in recharge of land for conservation and the Chedoke Creek Valley subwatershed, and the negative impacts on both road and sidewalk pedestrian safety, the Project Area is “highly vulnerable” and is one of the least appropriate candidates for the type of redevelopment recommended by the Heritage Consultant in the CHIA Report. Accordingly, the pertinent provisions and actual wording of the PPS 2020 should be considered: (Italics added for emphasis)

“The Provincial Policy Statement is more than a set of individual policies. *It is to be read in its entirety and the relevant policies are to be applied to each situation. When more than one policy is relevant, a decision-maker should consider all of the relevant policies to understand how they work together.* The language of each policy, including the Implementation and Interpretation policies, will assist decision-makers in understanding how the policies are to be implemented.”

1.1.1 Healthy, liveable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*
- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;*

1.7.1 Long-term economic prosperity should be supported by:

- a) promoting opportunities for economic development and community investment-readiness;
- b) encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of housing options for a diverse workforce;

- c) optimizing the long-term availability and use of land, resources, infrastructure and public service facilities;
- d) *maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets;*
- e) *encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes;*

1.8 Energy Conservation, Air Quality and Climate Change

1.8.1 Planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the impacts of a changing climate through land use and development patterns which:

- a) promote compact form and a structure of nodes and corridors;
- b) promote the use of active transportation and transit in and between residential, employment (including commercial and industrial) and institutional uses and other areas;
- c) focus major employment, commercial and other travel-intensive land uses on sites which are well served by transit where this exists or is to be developed, or designing these to facilitate the establishment of transit in the future;
- d) focus freight-intensive land uses to areas well served by major highways, airports, rail facilities and marine facilities;
- e) *encourage transit-supportive development and intensification to improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion;*
- f) *promote design and orientation which maximizes energy efficiency and conservation, and considers the mitigating effects of vegetation and green infrastructure; and*
- g) *maximize vegetation within settlement areas, where feasible.*

2.6 Cultural Heritage and Archaeology

2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.

2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.

2.6.3 Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.

Definitions

Green infrastructure: *means natural and human-made elements that provide ecological and hydrological functions and processes. Green infrastructure can include components such as natural heritage features and systems, parklands, stormwater management*

systems, street trees, urban forests, natural channels, permeable surfaces, and green roofs.

Intensification: *means the development of a property, site or area at a higher density than currently exists through:*

- a) redevelopment, including the reuse of brownfield sites;*
- b) the development of vacant and/or underutilized lots within previously developed areas;*
- c) infill development; and*
- d) the expansion or conversion of existing buildings*

With respect to the subject site, it is clear that it was not a “brownfield” nor a “greyfield”. Rather it was an actively utilized Church with community gardens constituting a cultural heritage landscape, and it fulfilled a vital role in the community as a “sense of place”, and in the City of Hamilton it qualified as a cultural heritage landmark. It is also a site upon which is erected a building that is on both the Inventory of Significant Places of Worship in Hamilton and the Inventory of Buildings of Architectural Interest and History.

Accordingly, the subject site should be considered as a site of “last resort or last instance” and should properly be recognized as incompatible for the excessively high level of intensification which the Applicant has requested. Contrary to the statements of the Applicant’s Heritage Consultant, this site is only suitable for a “higher density than currently exists” and given its cultural heritage significance and its inherent vulnerabilities to climate change, poor air quality, due to high levels of nitrogen dioxide, detrimental health and safety impacts, it is a site that is entirely distinguished from other types of properties in other growth areas.

b) Economic Feasibility, Functionality and Sustainable New Build

The Applicant was well aware of the lot dimensions and the existing zoning, setbacks, height and density prior to the purchase of the property, and, in addition, the Applicant also signed a Formal Consultation Agreement with the City of Hamilton in June 2019 in which the requirement of a Cultural Heritage Impact Assessment was clearly identified. The first CHIA Report submitted by the Applicant also stressed the importance of mitigation and preservation for Grace Lutheran Church.

Members of the Applicant’s development team have stated in writing that they were also aware of the “risks” associated with the redevelopment of the property at the time of the purchase of the property, and it is not appropriate at this late stage for the Applicant to now request relief from the very risks that is had voluntarily assumed. If the density, mass and scale of the project desired by the Applicant is no longer achievable due to the constraints of cultural heritage policies, it should be the Applicant who bears the cost for the adhering to these policies and to be compelled to redesign the project. It is not for the City of Hamilton to grant relief from the very planning policies that were enacted for the benefit of all the residents of Hamilton, merely because one developer wishes to grossly over intensify its redevelopment project.

The Applicant and its Heritage Consultant further claim that the objectives of both heritage preservation and functionality cannot be met, as they do not lend itself to integration into the style of infrastructure needed to support the “changing needs” of the Ainslie Wood/Westdale community. But these “changing needs” were never clearly prioritized by the Applicant, and clearly these “changing needs” do not require the abandonment of the very cultural heritage policies which gave the existing neighbourhood its character and “sense of place” that is actively enjoyed by the existing residents in the neighbourhood.

The additional argument made by the Applicant and its Heritage Consultant, namely, that it is impossible to provide “for onsite retention of the former Church while achieving a sustainable new build” as set out in its Appendix D, is not supportable. The first CHIA Report of Metropolitan Design Ltd. which was submitted by the Applicant, sets out on page 25 a Section 7.1 which is entitled “Precedents and Ideas” and on this page is listed the Bellefair Church project in the City of Toronto with two pictures of the highly successful and fully completed Church redevelopment with incorporation of mixed-use residential.

The Applicant has clearly avoided any meaningful attempt for retention, in whole or for partial preservation of the former Church, nor for an open public or semi-public area as part of the redevelopment site, that commemorates the former Church, the heritage cultural history of the site, and the beautiful semi-public landscaped gardens, walkways and sitting areas that will forever be removed from the site based on the Applicant’s proposal for redevelopment.

The issue of sustainable new build has similarly been avoided by the Applicant, as no attempt was made to consider reducing the mass and scale of the project by eliminating the second level of underground parking, and by incorporating timber construction for a maximum height of six residential levels to be erected above the church structure. Not only would these two measures result in a truly sustainable new build, but they would also result in a tremendous cost savings to the Applicant and enable much needed affordable housing to be built on the subject site.

Most importantly, if the Applicant were to reduce the height, density massing and scale of the project, and provide for a larger semi-public landscaped courtyard, these steps would increase the permeable percentage of land, thereby allowing for a higher level of soil recharge and a greater opportunity for the growth of a mature urban forest.

c) Exploration of Multiple Integration Techniques for a Building Design

The Applicant claims that if it was compelled to retain a portion of the existing structure it only results in designs that present as heritage graft-ons or design after-thoughts. The Applicant further claims that it and its design team have explored multiple integration techniques and have been unable to achieve a meaningful and aesthetically pleasing option that satisfies the objectives of all interested parties, and that the current iteration is the best option.

In obtaining and reviewing the documents posted on the Applicant’s website and upon hearing and reading the comments of the Design Review Panel, it is my belief that the Applicant has not

made any attempt to redesign its drawings from the very first **U-shaped** building it proposed in February 2020. The reason why no agreement has been reached with the Culture and Heritage Section of the Planning Department, in my opinion, is because the Applicant is still insistent on the high-rise tower in the middle of the lot, with two excessively massive and bulky wings extending down Cline Avenue South and Dow Avenue. The building design appears to be two projects lumped together into one, and with a building footprint which covers the whole lot without adherence to the requirements of the zoning by-laws, and without making a serious attempt to consider the Cultural Heritage policies of the City of Hamilton.

The panel of experts at the Design Review Panel commented on the massiveness and bulkiness of the project, its encroachment into the angular plane, its lack of daylight and its lack of “elbow room”. One panelist also asked why the architect didn’t consider a **T-shaped** design. The Applicant has never gone back to the drawing board to consider any other shape or combination of designs, to accommodate the Cultural Heritage guidelines and policies regarding the Church in a substantial and meaningful manner. Instead, the current iteration only indicates minor variations on the same flawed design, without any serious attempt to incorporate more elements of the Church into the proposed building structure, or to even consider the Precedents and Ideas from the Applicant’s own originally submitted CHIA Report. (see Appendix page 31)

d) Support for Much Needed Housing for Staff and Students of McMaster University

The need for student housing is already being addressed by multiple other redevelopment projects in the vicinity, and by the time of final completion of these other projects, the students attending McMaster University will have sufficient alternative accommodation readily available.

The largest project is the first-year student residences on the McMaster campus located on Main Street West between Traymore, Dalewood and Forsyth Avenues. This project will allow McMaster University to accommodate every first-year student enrolled at McMaster on campus as it increases the total number of beds in its existing campus residences by an additional 1,366 beds with the new redevelopment. This project is also being supplemented by the Graduate Student Residence project which has already commenced construction at the corner of Bay Street South and Main Street West. Both projects will alleviate any shortage of housing for McMaster University staff and students in the very near future.

Furthermore, there are numerous higher-density residential mixed-use redevelopments in the construction or planning stage, directly fronting and extending along the Main Street West and King Street West higher-order transit corridors, such as the project at Main Street West and Longwood Road. Other projects are at King Street West and Queen Street North along the LRT route, at King Street West and Paradise Road, and several other large redevelopment projects also on Main Street West towards Dundas.

These new projects will afford ample housing opportunities for McMaster University students, and it should be noted that the transportation node for the proposed LRT station at Main Street West and Longwood Road, is already one of the nodes that exceeds the combined targets set

under the GPGGH for residential and employment density levels. Accordingly, there is no pressing or demonstrable need to jeopardize or sacrifice the healthy, safe and liveable community surrounding Grace Lutheran Church with the total demolition of the church structure and by avoiding compliance with the cultural heritage policies of the City of Hamilton.

Regrettably, it appears that the concern of the Applicant in providing housing for university students, is also an opportunity for the Applicant to maximize its rental stream for its investors, as having student tenants with shorter term leases, allows the Applicant to increase the turn around time on being able to increase the rents more frequently. This opportunity has been identified and admitted by the Applicant itself in the attached written transcript of excerpts from a podcast interview, in which the President of IN8 Developments discussed the very concept of “rental cycles” as one of the greatest benefits for building student housing. (see Appendix pages 32 to 35)

It is my opinion that the Applicant and its investors should forego constructing units for university students, and instead focus solely on the goal of building the best, the most appropriate and the most affordable housing for residents and stakeholders of the existing neighbourhood, and for all the residents of the City of Hamilton.

e) Support and Bolstering the Jewish Community by Providing Convenient Opportunities for Current and Potential Members of Adas Israel Synagogue

For many of the reasons set out above, the need for housing for current and potential members of Adas Israel Synagogue as outlined in the CHIA Report has never been quantified, as both the Applicant and its investors have never disclosed the exact number of units that are being set aside for the Adas Israel Synagogue membership, and whether these units are in the high-rise tower or only in the wings extending along Dow Avenue and Cline Avenue South. A request for the information on the percentage breakdown of unit allocation was made in writing approximately two years ago, but no response was ever received.

The number of units reserved for current and potential members is important to know, as the unit ratio of potential members to university students will indicate the true economic impacts and financial viability of the entire project, and an evaluation of any arrangement that may have been entered into with the Applicant for building additional units for potential synagogue members. It will also allow an assessment to determine if the needs of current members and potential members could have been met by securing rental units in existing apartment buildings such as Camelot Towers and the Beverly Hills, where past and current members reside, or by securing longer term rental leases in the many houses in close proximity to the synagogue and which houses annually become available for rental opportunities.

Accordingly, it is my opinion, that the Planning Department should dismiss the Applicant’s comments that the Jewish community will be supported and bolstered by the development project as suggested in the CHIA Report. This is because these very comments do not have any bearing on the merits of the two Applications, and therefore the City of Hamilton should not

grant relief from its cultural heritage policies on the basis of unquantified and vague projections that are totally unenforceable and beyond the scope of land use planning policy.

f) Community Consultation

The Heritage Consultant in the CHIA Report indicated that Rabbi Daniel Green was contacted as part of the CHIA. But in light of the fact that Rabbi Green is closely associated with the development team behind the proposed project, his selection as the person to talk about community and to outline the relationship of Grace Lutheran Church to the neighbourhood and the proposed development, was not appropriate.

Other choices to contact for information to assess the role of Grace Lutheran Church to the neighbourhood and the cultural heritage policies of the City of Hamilton could have been the former Pastor, or members of Grace Lutheran Church who reside in the neighbourhood, or neighbours living within 120 meters of the site. Another organization which would have been pleased to convey their concerns from a cultural heritage perspective would have been the Dow Avenue Forest Neighbours Association (DAFNA). This non-profit organization was incorporated specifically in response to the proposed development and a copy of the Articles of Incorporation are attached. (see Appendix pages 36 to 41) DAFNA will also be filing an objection letter to the issues set out in the Applicant's Planning Rationale and the CHIA Report.

g) Integration of Non-Secular History and Design of a Gothic extant Structure into a Secular Structure has Potential to Reduce Desirability

It is in my opinion that this claim, which has been relied upon by the Applicant and its Heritage Consultant, is incorrect and very misleading as it misstates and does not reflect the actual viewpoint on the desirability for architecturally designed Gothic buildings to Jewish communities around the world. I believe that if greater research had been carried out by the Heritage Consultant and representatives of the Applicant into Gothic architecture and Jewish synagogues, they would have arrived at the opposite conclusion than the one set out in their CHIA Report which alleges that preserving and maintaining a Gothic extant structure "has the potential to reduce the desirability of the structure to potential clientele" and would fail to retain "the vitality of another of Hamilton's religious organizations".

The necessary areas that I believe they should have examined pertain to i) Synagogue architecture; ii) notable Gothic Synagogues; iii) the act of "deconsecrating" a consecrated Place of Worship to enable its future secular use; and iv) the Talmudic Tractate called "Abodah Zarah" which is extremely pertinent to what is forbidden in terms of "idolatry" within the Jewish faith. A review of all of the above will clearly demonstrate that the preservation of the former Grace Lutheran Church, in whole or in part, could be desirable to potential clientele and help retain the vitality of the Adas Israel Congregation.

g) i Synagogue Architecture

It is well known that synagogue architecture is based on the "prevailing architectural style" of the country in which the synagogue is located. In this regard, a synagogue in China will resemble

Chinese temples in the same locality, a synagogue located in the lands of the eastern Roman Empire will resemble temples of the local Christian sects, a synagogue in Morocco will utilize the tilework associated with Moroccan architecture, and medieval synagogues that are still in use in Budapest, Prague and Germany were built using Gothic architecture and structures.

Other styles of architecture and structures utilized in the construction of synagogues are Renaissance, Baroque, Neoclassical, Neo-Byzantine, Romanesque Revival, Moorish Revival, Gothic Revival and Greek Revival. To this extent there is nothing offensive or foreign about the architecture of the former Grace Lutheran Church to the Jewish community of Hamilton.

It is also interesting to note that William Souter who designed Grace Lutheran Church and the Cathedral Basilica of Christ the King, also designed the Beth Jacob Synagogue in Hamilton, Similarly, Joseph Singer, who designed the Adas Israel Synagogue, also designed churches. In fact, one of the greatest architectural influences on the modernist design of the Adas Israel Synagogue was the work of Peter Dickinson who adapted the modernist architecture of England's New Cathedral at Coventry for the design of Beth Tzedek Synagogue in Toronto, which the basis for Adas Israel Synagogue.

Both architects, William Souter and Joseph Singer, also designed many secular buildings for local, provincial and federal governments and both were tremendously involved with designing schools and educational structures in the City of Hamilton, utilizing some of the architectural designs found in their religious structures. In many ways, the modernist architecture of the former Board of Education building on Main Street West, opposite City Hall, was based on the modernist architecture used in the of Adas Israel Synagogue. Accordingly, the architectural structure and design found in churches, synagogues, temples and mosques has a much broader universality that has been reflected in the drawings and plans architecture of secular buildings, thereby blurring the line between secular and non-secular religious architecture.

The identification of one style of architecture as being the sole domain of one religious group or of one particular denomination, therefore is incorrect. This is because architectural styles are interchangeable within religions, as it merely reflects the prevailing styles of the location and dates in which the buildings were first constructed. It is in my opinion that the former Grace Lutheran Church, despite being labelled in the CHIA Report as having a “non-secular history and design” and possessing a “liturgical value inherent to the overall design of the structure, with its linear configuration, directional interior focus and presence of stained-glass panels depicting sacred religious scenes” can still be incorporated into another “secular” structure, or even a non-secular Jewish structure, by removing the stained-glass panels and by adhering to the cultural heritage guidelines and policies of the City of Hamilton.

g) ii Notable Gothic Synagogues

Three notable Gothic synagogues which are still in use are the following:

- a) Congregation Mickve Israel (originally known as Kahal Kadosh Mickva Israel) organized in 1735 in Savannah, Georgia, USA and consecration of current Gothic building in 1878;

- b) the Worms Synagogue, (also known as Rashi Shul) an 11th century Gothic synagogue located in Worms, Germany and which is still in use; and,
- c) the Old New Synagogue (also called the Altenu Schul) which is located in Prague, Czech Republic and which is Europe's oldest active synagogue and the "oldest surviving medieval synagogue of twin-nave design having been completed in 1270.

Photographs of these three Gothic synagogues are attached, and brief references to the architectural style, design and structure of two Gothic synagogues is also included, as it is extremely relevant to appreciating the similarities to the architectural style, design and structure of Grace Lutheran Church. Each of the following descriptions are from Wikipedia. (see Appendix pages 42-63 for pictures and details of the architecture and design)

Worms Synagogue

"Built at the point when late Romanesque style was fading and Gothic rising, the rectangular prayer hall features a pair of Romanesque columns supporting groin vaults. The windows in the thick stone walls are simple gothic arches. The windows in the adjoining study hall, the so-called *Rashi Shul*, have rounded Romanesque arches. The women's section of the prayer hall has Romanesque windows in the eastern wall, and gothic windows in the western wall."

Old New Synagogue

"Nine steps lead from the street into a vestibule, from which a door opens into a double-nave with six vaulted bays. This double-nave system was most likely adapted from plans of monasteries and chapels by the synagogue's Christian architects.^[4] The molding on the tympanum of the synagogue's entryway has a design that incorporates twelve vines and twelve bunches of grapes, said to represent twelve tribes of Israel.^[5] Two large pillars aligned east to west in the middle of the room each support the interior corner of four bays.^[6] The bays have two narrow Gothic windows on the sides, for a total of twelve, again representing the twelve tribes. The narrow windows are probably responsible for many older descriptions of the building as being dark; it is now brightly lit with several electric chandeliers.

The vaulting on the six bays has five ribs instead of the typical four or six. It has been suggested that this was an attempt to avoid associations with the Christian cross. Many scholars dispute this theory, pointing to synagogues that have quadripartite ribs, and Christian buildings that have the unusual five rib design.^[7]

The bimah from which Torah scrolls are read is located between the two pillars. The base of the bimah repeats the twelve vine motif found on the tympanum.^[5] The Aron Kodesh where the Torah scrolls are stored is located in the middle of the customary eastern wall. There are five steps leading up to the Ark and two round stained-glass windows on either side above it...The twelve lancet windows in the synagogue, which

directed light towards the bimah, apparently led members to compare the structure with Solomon's Temple.”

g) iii Deconsecration – The Act of Secularizing a Consecrated Building

Deconsecration of a Place of Worship is an act carried out to permit a “consecrated” building to be used for secular purposes in the future. A “Deconsecration Service” is performed in order to not only comfort the former congregants on their loss, but also to assure future occupants of the building that it has become secularized and is no longer consecrated.

An example of a Deconsecration Service is in the following definition taken from An Episcopal Dictionary of the Church which reads:

Secularizing a Consecrated Building

“This service is used to deconsecrate and secularize a consecrated building that is to be taken down or used for other purposes. The form for this service is provided by the BOS. The presiding minister may be the bishop or a deputy appointed by the bishop. The altar and all consecrated and dedicated objects that are to be preserved are removed from the building before the service begins. The service begins with an address by the presiding minister. This statement acknowledges that for many the building has been “hallowed by cherished memories.” The address prays that those who suffer a sense of loss will be comforted by knowledge that the presence of God is not tied to any place or building. The presiding minister also states the intention of the diocese that the congregation will not be deprived of the ministry of Word and sacrament. The bishop's Declaration of Secularization is then read. It revokes the Sentence of Consecration, and remits the building and all objects in it for any lawful and reputable use in accordance with the laws of the land. After the Declaration of Secularization is read, the presiding minister and people say the Lord's Prayer. The presiding minister says the concluding prayers. The peace may be exchanged at the end of the service.”

The Deconsecration Service has been modified in accordance with the rituals of Judaism to be performed by congregants of Jewish synagogues and on December 9, 2020, for example, a service was conducted by the congregation of Temple B’Nai Israel of Olean, ON when its 91-year-old historic building, which was on the National Register of Historic Places, was sold to the Olean Community Theatre. (see the newspaper article at: www.oleantimesherald.com/news/temple-b-nai-isreal)

The Deconsecration ceremony is also fully recognized as being valid by Jewish religious organizations, as Jewish denominations have purchased deconsecrated churches to use as their synagogues. An excellent example is the Jewish Orthodox Congregation named “Beth Hamedrash Hagodol” of the Lower East side of New York City which in 1885 purchased the Gothic Revival structure built by Norfolk Street Baptist Church, to use as their synagogue until the building was destroyed by fire on May 14, 2017.

A review of this historic building, which was dedicated as a church in January 1850, indicates that it was first used by Baptists, up to 1862 when ownership was transferred to the Alanson Methodist Episcopal Church until 1884. At that time the building was listed for sale and “in 1885 Beth Hamedrash Hagadol purchased the building for \$45,000.00 and made alterations and repairs at a cost of \$10,000.00”. The architectural structure and design of the former twice deconsecrated church and the 1885 consecrated synagogue is described in Wikipedia as follows:

“Largely unchanged, the structure was designed in the Gothic Revival style by an unknown architect, with masonry-bearing walls with timber framing at the roof and floors, and brownstone foundation walls and exterior door and window trim. The front facade (west, on Norfolk Street) is "stuccoed and scored to simulate smooth-faced ashlar", though the other elevations are faced in brick. Window tracery was all in wood. Much of the original work remains on the side elevations.^[8] Characteristically Gothic exterior features include "vertical proportions, pointed arched window openings with drip moldings, three bay facade with towers". Gothic interior features include "ribbed vaulting" and a "tall and lofty rectangular nave and apse." Originally the window over the main door was a circular rose window, and the two front towers had crenellations in tracery, instead of the present plain tops. The square windows below are original, but the former quatrefoil wooden tracery is gone in many cases. The bandcourse of quatrefoil originally extended across the center section of the facade.^[3]

Though the building had undergone previous alterations—for example, the Church Extension and Missionary Society had "removed deteriorated parapets from the towers" in 1880—it did not undergo significant renovations until the early 1890s. That year the rose window on the front of the building was removed, "possibly because it had Christian motifs", and replaced with a large arched window, still in keeping with the Gothic style.

Accordingly, if a highly observant Orthodox congregation such as Beth Hamedrash Hagadol can use a twice deconsecrated church building with Gothic architectural structure and design with only a substituted stained glass window on the front of the building, as its synagogue for 132 years, there exists a clear precedent for either the potential members of the Adas Israel Congregation or by any financial investor of the Applicant, to be fully able to utilize, or walk through, or reside in, a building that incorporates all or part of the extant Gothic structure of the former Grace Lutheran Church.

g) iv “Abodah Zarah” - Tractate from the Babylonian Talmud on idolatry (strange worship)
The Jewish legal question as to whether a Jewish person is forbidden from entering a church and whether these laws pertain to the cultural heritage issues related to the former Grace Lutheran Church is based on the practical rules which Rabbis and commentators have established in relation to forbidden worship. The extremely ancient rules almost two millennia old, are derived from this very Talmudic Tractate which was written at the period in world history when polytheism and idol worship were the prevalent practices. As circumstances changed and new situations evolved over the passage of time, modern commentators rendered new decisions, such

as the affirmation that once a church has been “deconsecrated” it indicates to all that no form of worship is being performed in the building, and therefore the doctrine of “abodah zarah” forbidding entry will not apply.

Another concept in the Tractate which is relevant in Jewish law is that of “false appearances” in which a Jewish person entering a town or building with idols may have no intention of abandoning his or her faith and of worshipping outside of Judaism, but that other people may suspiciously observe the entry into a building or a town and falsely “suspect” that the abandonment of Jewish faith has occurred. Once again, if a church has been deconsecrated and if a plaque records the date of deconsecration for all to see, the concept of “false appearance” cannot be reasonably maintained.

The concept has even been modified to modern-day circumstances where a church is still actively conducting ceremonies and worship, but the situation arises in which the building is being used to perform a “civic function” such as an election poll to vote, or in attending a blood donor clinic. In these civic function circumstances, it is entirely permissible for a Jewish person to enter the church, and the doctrine of “false appearances” will not apply.

Commentators to the Tractate have also narrowed the operation of concept of “false appearances” by expanding the number of alternative explanations for being present on church property and providing other rationales such as “walking through” the property or building. In these circumstances it is only necessary to prove an alternative pathway leading into or out of the church, as an alternative means of ingress and egress will effectively exclude the operation of “false appearances”. Accordingly, the renderings of the Applicant which show multiple means of ingress and egress, and a large back entrance and exit door, would all qualify the building for the exclusion of the “false appearances” doctrine found in “Abodah Zarah”.

Two issues which have to be clarified, however, relate to the stained-glass panels and windows, and the wording used on any commemorative plaque or record of deconsecration. If the sacred imagery motif is such that any replacement stained-glass window should be required, this can be negotiated at the site-plan stage. It would also be relevant to know who has ownership of the stained-glass windows and whether Grace Lutheran Church already specified in the Agreement of Purchase and Sale that all stained-glass panels and windows were to be transferred over to the Church and removed from the premises once construction has been started by the Applicant. In this case, the Applicant should be required in any event to replace the stained-glass panels and windows, and the Applicant itself can then select to either use non-secular Jewish motifs or to use neutral, secular stained glass for the replacements. The decision can be best left to the Applicant and its financial investors.

Secondly, it is necessary to ensure that the wording used for the record of “deconsecration” and for any commemorative plaques do not employ phrases or words which give the impression that the building or any portion of the property is being “reconsecrated” or sanctified for the purpose of worship. The location and publication of the deconsecration plaques (probably best located at

the front and back doors, and publicized in the local newspaper) and the determination of suitable phraseology to be used in or on the property for any commemorative or cultural heritage plaque, can be agreed upon at the site-plan stage with the appropriate parties being; the Applicant, the City of Hamilton Cultural Heritage Planner, a representative of CMHC, a representative of Cathedral Basilica Christ the King, a representative of Grace Lutheran Church, a representative of the Adas Israel Synagogue, and a representative of an appropriate neighbourhood group.

4) CONCLUSION

On the basis of the above shortcomings respecting the important research and necessary background information that was omitted from the CHIA Report, and the failure of the Applicant to provide as part of its Applications suitable and appropriate conservation and preservation for the site of Grace Lutheran Church and its landscaped gardens, and for advancing the false dichotomy that the demolition of the Gothic extant structure “is the key to retaining the vitality of another of Hamilton’s religious organizations”, it is my opinion that the Applicant’s two Applications should be denied.

I believe that the Applicant has incorrectly set out a far diminished heritage value of the Grace Lutheran Church and its landscaped gardens, and that it has vastly overstated the benefit to the current community, with the result being its unsupportable and erroneous conclusion that “when the heritage value of the property is compared to the benefit to the current community of the proposed re-development of the site, the benefits to the current community outweigh the losses to heritage”.

I also believe that the Applicant’s desire to obtain the highest possible income stream from the redevelopment and the ability to maximize the number of rental cycles, should not become the opportunity to override the well-established policies and guidelines set out in the UHOP and affirmed by provisions in the PPS 2020. While my objection letter only refers to cultural heritage policies, there are numerous other policies, guidelines and provisions that equally apply, and which also have great relevance to the proposed development. Taking these additional factors into consideration it becomes clear that the Applicant’s level of intensification, by way of height, density, massing and scale is inappropriate for the site and for the existing neighbourhood.

To grant the two Applications on the rationale set forth in the CHIA Report establishes a terrible precedent whereby any developer could obtain a religious organization to invest in or hold a small ownership interest in its proposed redevelopment, and then have the Applicant claim that it is in their investor’s or co-owner’s key interests to ignore or override the cultural heritage policies and guidelines of the City of Hamilton, or that the benefit of their investors or co-owners outweighs the loss of heritage to the neighbourhood and the residents of Hamilton.

Accordingly, it is my hope that the Planning Department will inform the Applicant that the proposed redevelopment is deficient on multiple land use planning levels, including specific

reference to cultural heritage issues, and advise the Applicant that unless it goes back to the drawing board to substantially redesign a project which is consistent with and conforms to these relevant policies, that its two Applications will be denied.

Yours truly,

A solid black rectangular redaction box covering the signature of the sender.

John ROSS

A large solid black rectangular redaction box covering the contact information of the sender.

APPENDIX

AITCHISON PARK

BEING A SUBDIVISION OF

PART OF THE GORE OF THE TOWNSHIP OF ANCASTER

NOW IN THE

CITY OF HAMILTON.

SCALE:- 1 INCH = 100 FEET.

728

728

I hereby certify that this plan accurately shows the manner in which the lands enclosed within the RED LINES have been surveyed and subdivided by me and that this plan has been prepared in accordance with the provisions of the Registry Act and the Surveys Act.

Dated this 18th day of December A.D. 1941.

G. R. [Signature]
Ontario Land Surveyor.



li

SURVEY

1000

Sworn before me this... day of----- A D. 1942.

A Notary Public.

HIS MAJESTY THE KING in Right of CANADA herein represented by the Minister of MUNITIONS & SUPPLY OF CANADA acting through Wartime Housing Limited hereby certifies th. LOTS 1 to 58 and the Avenues as outlined in RED on this plan are laid out according to instructions and the said AVENUES are hereby dedicated as PUBLIC HIGHWAYS.

WARTIME HOUSING LIMITED.

per [Signature]
per [Signature]



The Municipal Council of the City of Hamilton doth hereby approve of this plan

Westdale Properties Ltd.

327114

DATED 1st JUNE, 1950.

1057

267

251 to 256 (75)

WESTDALE PROPERTIES LIMITED

AND

CECIL R. DEMARA

327114

BUILDING RESTRICTIONS AGREEMENT
FOR RESUBDIVISION OF PART OF
"OAK WOOD" AND PART OF "GIRCS-
CENTWOOD", PLAN NO. 690.

Notes: 10
2.95
Pd. 3.05

1950
G.A.M.
Part
A. K. Pope

13

THIS AGREEMENT made, in duplicate, this *fourth*
day of June, A.D., 1930.

B E T W E E N

WESTDALE PROPERTIES LIMITED,
hereinafter called the "VENDOR"

OF THE FIRST PART.

A N D

CYRIL H. DeMARA, of the City of
Hamilton, in the County of
Wentworth, Realtor, hereinafter
called the "PURCHASER"

OF THE SECOND PART.

WITNESSETH:

THAT WHEREAS the Vendor caused to be registered in the Registry Office for the Registry Division of Wentworth as Number 690 a Plan of a resubdivision of Lots Numbers 1, 2, 3, 4, 5, 6, and 7, the Sixteen Feet (16') Right of Way, and Whitton Place (now closed) as shown on Plan of "Oak Wood", registered as No. 683; and Lots Numbers 1705, 1706 and part of Lot Number 1707 as shown on Plan of "Greentwood", registered as No. 652, which said Plan Number 690 shows said lots as subdivided into building lots.

AND WHEREAS the Vendor is the owner of all the lands hereinafter described and affected by this Agreement, and the Purchaser has agreed to buy Lot Number Five (5), as shown on the said Plan upon the condition that the restrictions hereinafter set forth should apply to the lot herein agreed to be purchased by him, and to all the lots hereinafter described.

NOW THEREFORE THIS AGREEMENT WITNESSETH AS FOLLOWS:-

The Vendor and the Purchaser, to the intent that burdens and benefits of these covenants shall run with the land, do hereby respectively covenant and agree with and to each other to observe and comply with the restrictions, conditions and provisos herein set forth affecting the following lands, namely,

1. Within the area contained in Lots Numbers One (1) to Six (6), both inclusive, as the same are shown on Plan, registered as No. 690, none other than single family residences, with private garages, shall be built or erected, and when so built or erected shall be used only as single family residences and private garages, respectively, and said residences, exclusive of the land, shall bona fide be worth, when completed, not less than the sum of Eight Thousand Dollars (\$8,000.00).

2. The exterior of the walls of each residence shall be constructed of brick, stone or stucco materials, or combination thereof, and the exterior of the walls of each garage shall be of similar construction unless said garage is at least Fifty Feet (50') from the street line of "Oak Wood Place".

3. No clay, sand or gravel may be excavated or dug except for the purpose of laying foundations of buildings or improving the garden or ground belonging thereto.

4. None of the lands described herein shall be used or occupied by or let or sold to Negroes, Asiatics, Bulgarians, Austrians, Russians, Serbs, Rumanians, Turks, or Armenians, whether British subjects or not, or foreign born Italians, Greeks or Jews.

5. Only one residence, as above described, shall be built on each Lot and the location, plan and specifications, exterior elevation and type of construction of this residence, together with the location, plan and specifications, exterior elevation and type of construction of all outbuildings shall be first approved by the Vendor before proceeding with the construction thereof.

6. No wooden fences shall be erected within Thirty Feet (30') of any street line.

7. No building, wall, verandah, fence, or other obstruction, shall be erected or placed within Thirty-three Feet (33') of the centre line of Oak Wood Place.

8. Upon the Vendor or Purchaser transferring its or his interest in all or in any portion of the lands described herein, all present liability of the Vendor and Purchaser herein shall thereupon cease and determine as far as concerns such portion or portions so transferred.

9. Should default occur at any time hereafter in the performance or carrying out of any of the foregoing covenants, then upon one month's notice in writing personally served upon the registered owner at the time of such default of the parcel or parcels upon which the said default may occur directing such Owner to remedy such default, and such default not being remedied within the period of one month, then any other Owner of any of the said lands hereby restricted shall have the right to enter upon Lot or Lots upon which such default may have occurred and remedy such default and shall also have the right, with or without such notice, to apply to the proper Courts for the enforcement of this Agreement.

10. These covenants, conditions and restrictions shall be binding upon the heirs, executors, administrators, successors or assigns of the parties hereto during the period of ownership of any Lot herein described.

IN WITNESS WHEREOF the Vendor has hereunto affixed its Corporate Seal, attested by the hands of its proper Officers in that behalf, and the Purchaser has hereunto set his hand and seal, this Fourth day of June, 1930.

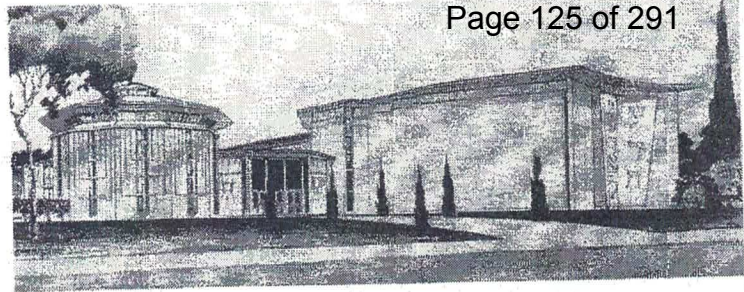
SIGNED, SEALED AND DELIVERED }
In the Presence Of

Arne Jayle

[Handwritten Signature]

WITNESSES
[Handwritten Signatures]

ADAS ISRAEL CONGREGATION OF HAMILTON



Temporary Study and Office: 39 YORK STREET - HAMILTON, ONTARIO - JA. 7-8553

Rabbi of the Congregation
MORTON GREEN

Cantor
J. SINGER

August 5, 1959.

EXECUTIVE

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Samuel Katz

1st Vice-Pres.:

Dave Hoffman

2nd Vice-Pres.:

Percy Wright

Treasurer:

Pinchas Magder

Secretary:

Harold Bornstein

Financial Sec'y

Jack Gleicher

Ass't. Finan. Sec'y

Jack Carpal

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M. A. Waxman

Y. Waxman

Jack Waxman

L. Welkovic

R. Yellin

I. Zucker

G. Zwicker

CEREMONY OF TURNING THE SOD

PROGRAMME

Master of Ceremonies

Henry Katz

G-d Save The Queen

Assembly

Invocation

Rabbi Abraham Simon
Spiritual Leader - Beth Jacob Synagogue
of Hamilton

Welcome

Max Hoffman
Chairman of Building Committee

Greetings

His Worship Mayor L. D. Jackson
of Hamilton

Rabbi Samuel Lichtiger
Principal of Herzlia - Montreal, Quebec

Rabbi William Herskowitz
Spiritual leader - Shaarei Tefila -
Toronto, Ontario

The Reverend Earl W. Haase
Grace Evangelical Lutheran Church -
Hamilton, Ontario

His Honour - Judge Joseph A. Sweet

Mishebarach

Rev. Jacob Singer
Cantor of Adas Israel Congregation of
Hamilton

Address

Rabbi Morton Green
Spiritual Leader of Adas Israel Congregation
of Hamilton

- TURNING OF THE SOD -

Closing Prayer

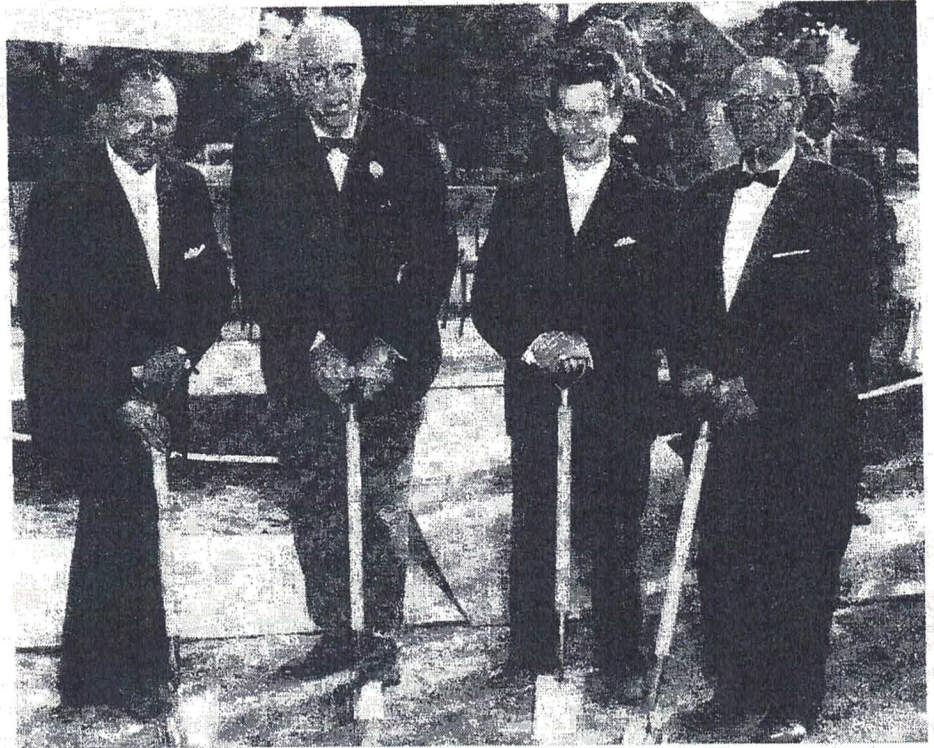
Rabbi Bernard Baskin
Spiritual Leader - Temple Anshe Shalom

Hatikvah

Assembly

(Cont'd - next page)

TURNING OF THE SOD



On a hot blistering Wednesday afternoon, on August 5th, 1959, many people gathered to witness the historic event of Turning the Sod for the New Home of Adas Israel Congregation of Hamilton.

Prominent religious, civic, and lay-leaders participated in the ceremony on this momentous occasion.

Rabbi Morton Green, Mr. Sam Katz, President of the Congregation; Mr. Max Hoffman, Chairman of the Building Campaign; Mrs. Nathan Katz, President of the Sisterhood, initiated the turning of the sod, which was shared by fifty honoured members and distinguished friends of the Congregation.

Master of Ceremonies was Mr. Henry Katz. A welcome on behalf of the Congregation was given by Mr. Max Hoffman, who has devoted much of his precious time and effort for the Synagogue.

On behalf of the City of Hamilton, Mayor Lloyd D. Jackson commended the Congregation for being a spiritual and social addition to Hamilton. "It will," he said, "be another contribution by the Jewish community to the attractiveness of the City."

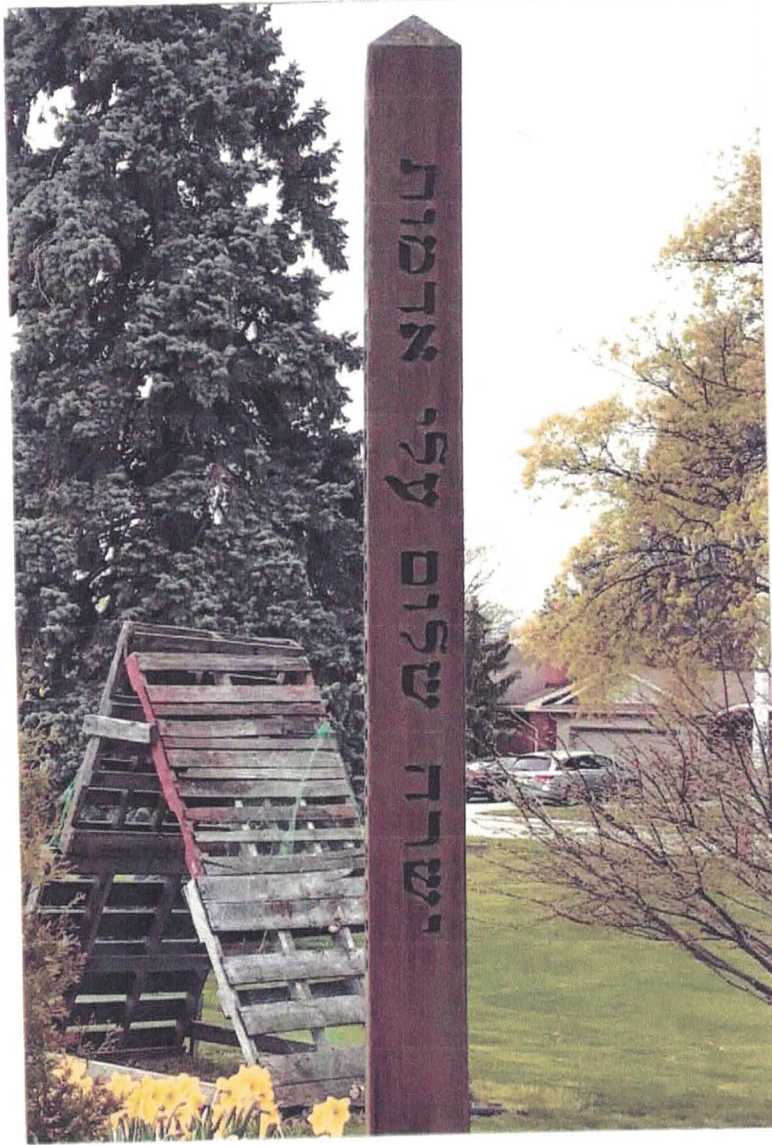
Other greetings came from Rabbi William Herskowitz, of Shaarei Tefila Synagogue, Toronto; Judge Jos. Sweet; Mr. J. I. Oelbaum, on behalf of Canadian Jewish Congress; the Rev. Earl W. Haase, Pastor of the neighbouring soon-to-be-built Grace Evangelical Lutheran Church.

The Invocation was delivered by Rabbi Abraham Simon, of Beth Jacob Synagogue, Hamilton. Rabbi Bernard Baskin, of Temple Anshe Sholom, offered the closing prayer. Cantor Jacob Singer, of Adas Israel Congregation, sang the Mishebarach.

In his address, Rabbi Green viewed the new Synagogue as one seeking to meet both a challenge and a need. "The need is for a place of worship, which is expressive of Judaism's eternal teachings no less than of the finest features of contemporary thought, a Synagogue in which—to paraphrase the rabbinic dictum—the beauty of Japhet will dwell amid the holiness of Shem. The challenge is for the leaders and members of such a Synagogue to demonstrate the vitality of traditional Judaism and to assert their influence on the future religious pattern of Hamilton Jewry. We want to put a social premium, not a penalty, on religious observance and piety, and to give a sense of self-respect and pride to the devotees of Orthodoxy. To achieve this, we shall require much courage, vision and depth of thought. Above all, we shall have to be guided by the highest principles of absolute integrity and communal service, suffused by the true fear of Heaven."



8



Landmark Sightline along Main Street West

10

Legend



1107 Main St W



200 m



Google Maps 1325 Main St W

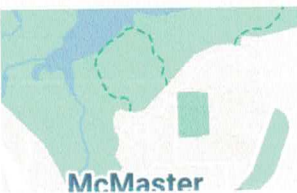


Image capture: Feb 2021 © 2022 Google

Hamilton, Ontario



Street View - Feb 2021



11

Google Maps 1149 Main St W



Image capture: Feb 2021 © 2022 Google

Hamilton, Ontario



Street View - Feb 2021

12







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[HOMES](#)[OPINION](#)

Saying goodbye to a church and its bountiful garden

Rob Howard: Grace Lutheran Church and its gardens making way for highrise development

By **Rob Howard** Contributing Columnist

Fri., Oct. 16, 2020 4 min. read

The greater loss is, as it should be, the church.

Grace Lutheran Church on Main Street West will close next year, its congregation moving to merge with other Hamilton Lutherans. The church will be demolished to make room for a highrise residential building. The West Hamilton neighbourhood and the greater Hamilton community of churches will both be poorer for the loss.

But almost as poignant will be the loss of the exceptionally magnificent gardens that surround Grace. They've been a feature of Hamilton Spectator [Open Garden Week](#) several times and they are a little-known treasure beside the frenzied traffic hurtling along Main Street.



Passing motorists might notice the four long raised beds on the east side of the church property. Leafy greens started popping there up every May, turning to a Horn-of-Plenty harvest of vegetables there by midsummer. A magnificent yellow-flowered magnolia tree on the west side is also visible to those who take the time to look.



But around the church is so much more: a small meditation “Mary Garden” that has the look and feel of a cloistered space at a monastery. A glorious English oak spreads its limbs over the garden, which includes a spiral of grasses designed to focus a visitor’s eyes on the sky. There’s a row of euonymus standards (like small trees) to screen out passing traffic, and feather reed grass planted around a statue of St. Francis of Assisi.

Gorgeously planted mixed perennial beds lead a visitor to and through a permaculture garden (more on that in a moment), and then around to the raised beds and a sturdy brick pizza oven.

It began with a lilac tree planted by the church office door, says Grace’s pastor, Rev. Loretta Jaunzarins. She arrived there 15 years ago to find nothing but grass. She planted the late-blooming lilac as much for her own pleasure as that of Grace’s flock.

After that, garden spaces started happening in bits and pieces — as gardens do.



There are grapes and raspberries and strawberries, and on an arch, a hop vine. The garden mixes edible and ornamental plants, although many seem to be both. There are copious varieties of tomatoes (76 plants this season) as well as peppers, avocado squash, zucchini, eggplant, bok choy and arugula. The “ornamental” plants are more than eye candy. They serve as attractants for pollinators. Elderberries and red currants thrive and the white flowers of garlic chives attract hordes of bees. Native plants and pollinators get priority: Here, native milkweed is planted along with cultivars.



Grace has delivered 1,000 pounds of produce this year. This year was different than the past. The raised beds were installed and maintained 10 years ago in partnership with Hamilton Victory Gardens, which has grown more than 230,000 pounds of produce over the past decade for Hamilton food banks and hot meal programs. But due to COVID-19, Victory Gardens couldn't supply a site supervisor or volunteers this year, so Grace Lutheran's parishioners took over responsibility and Hamilton food banks received half a ton of Grace produce to distribute this season.



Rounding out the quartet of volunteers at the garden on this day is one of the pastor's two daughters.

Juliah Thrift once thought she might be a lawyer but became a gardener. She studied horticulture and gardening in California through UCLA Extension, then worked with her hands in the dirt in the U.S., New Zealand and France. Home in Canada "for now," she led the way in planting flowers for cutting in two of the raised beds. The "harvests" of strawflowers, scabiosa, cosmos, lavatera, annual bee balm, statice, snapdragons, zinnias, mignonette, Mexican paintbrush, ornamental thistle and more have resulted in more than 50 bouquets that went to hospitals and front line workers.



SPONSOR A BED

Sponsor a garden bed at a Hamilton Victory Garden site of your choice for \$50 for one year or \$150 for a three-year sponsorship.

With your generosity, the sponsored garden bed will produce approximately **100 pounds of fresh produce** each year of sponsorship. All of the fresh produce will be donated to local food banks and meal programs in Hamilton! #FEEDHAMILTON

A 3-Year Sponsorship includes:

- Engraved plaque with your name or the name of your company, organization or gift recipient
- Picture of your plaque on a garden bed at your chosen site
- A gift card, if applicable, to personalize and give to your recipient



Home About Us Volunteer
Donate Locations & Schedules
Contact Us



Our Roots

Meet Our Board of Directors



Our story

During the first and second World Wars, people in Canada, the U.S.A., Great Britain, France and Germany would use public spaces and their own yards to grow food. These were known as Victory Gardens and contributed to the war effort and instilled an important sense of community when the world needed it most.

The seeds of Hamilton Victory Gardens were planted in 2011, the vision of Hamilton residents Bill and Judy Wilcox. They believed that the dozens of empty city lots lying unused in our city could become sustainable sources of food in a community where too many go hungry or do not have the proper nutritious food supply.

In partnership with Good Shepherd, the first Victory Garden was built on Catherine Street North in the spring of 2011. The idea

resonated with dozens of volunteers, students, and neighbours who helped to grow and harvest 2,200 pounds of produce for local food banks and meal programs that year.

The simple act of one couple extending an unconditional hand of friendship has grown into a dedicated group of volunteers that have been able to harvest over 230,000 pounds of fresh produce for local food banks and hot meal programs in the past 8 years.

As of January, 2020, Hamilton Victory Gardens has grown to a total of 12 garden sites and 661 raised beds (equivalent size of 4 ft. by 16 ft.). The 1000's of pounds of fresh produce harvested each year are donated to local food banks and food programs including Good Shepherd, Mission Services, Neighbour-to-Neighbour, The King's Way Outreach, Dream Center and Living Rock.



Planting Happiness Reducing Hunger

Hamilton Victory Gardens is a not-for-profit team of community volunteers dedicated to alleviating hunger and food insecurity in Hamilton Ontario and local communities by using urban agriculture to provide fresh produce to local food banks and meal programs. Hamilton Victory Gardens transforms empty city lots into places of community, education and growth.

[Visit our Locations](#)

On behalf of the Board of Directors, I would like to extend out appreciation and gratitude to our dedicated site coordinators, Michelle (St Helen's), Anne Marie (Jones Rd), and Greta and Gerry (Venture Centre). Greta and Gerry also assisted with overseeing the operations with professionalism and dedication. In addition, we would like to recognize our Service Canada Summer jobs interns Bea and Connor and our dedicated volunteers, especially those that attended regularly; Alayna, Allison, Charlene, Edgar, and Theresa. Last but not least, we would be unable to sustain our operational expenses without the generous support of our donors and partners. Without the ongoing support from our donors and partners K&K Greenhouses and William Dam seeds, we wouldn't have exceeded our harvest poundage year to year. Our 2021 Harvest count was 16,600 lbs. Congratulations to all who contributed towards reducing food insecurity this season.

Regards,
Mark Tennant
Chairman of the Board of Directors
Hamilton Sustainable Victory Gardens Inc.

Donations Request

Hamilton Victory Gardens Needs Your Help! The COVID-19 pandemic has created many challenges throughout the 2020 season and into the 2021 season, consequently causing the permanent closure of one of our largest gardens and the temporary closure of our Macassa Lodge Garden site. Creating engaging, beautiful and accessible green space, growing healthy

produce and reducing food insecurity are of the utmost importance to us.

Despite the obstacles we have experienced last season, we are not giving up! We are seeking donations to help us enhance our existing gardens so that we can continue to grow and harvest an abundance of fresh, healthy produce and continue to reduce food insecurity in Hamilton. Any amount of donation would be greatly appreciated. Thank you for helping us to plant happiness and reduce hunger!

We are currently running a campaign to assist us with achieving our goal of decreasing food insecurities for as long as we can in the 2021 growing season and beyond.

Subscribe to our mailing list for garden updates and more!

* indicates required

Email Address *

First Name

Last Name

Please select an option:



**“Hunger is not an issue of charity. It is an issue of
justice.”**

Jacques Diouf

[Donate Now](#)

JOIN THE BOARD OF DIRECTORS

WE WELCOME LOCAL PROFESSIONALS TO APPLY.
BE A COMMUNITY LEADER!

[Learn More About Us!](#)

Learn

Learn the history and roots of Hamilton Victory
Gardens

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John Ross

From: Wilbur A. Mclean <wmclean@cmhc-schl.gc.ca>
Sent: May 13, 2020 10:31 AM
To: John Ross
Subject: CMHC plaque

Hi John,

Thank you for the conversation.

My contact information is below for your reference.

As discussed, we find this story fascinating and would like to do some promotion around it.

This is the website I mentioned: www.placetocallhome.ca. You'll see a link there to "Success Stories" (<https://www.placetocallhome.ca/stories>). There are dozens of stories on housing impacting Canadians that we produce. We promote those stories externally through advertising, social media and pitches to traditional media. I already spoke to the person who oversees those stories. Like everybody else I've mentioned it to, she was fascinated by the historical story of Westdale. We will write a piece for the website on it in the coming months.

We'll talk soon I'm sure.

Thank you,

Wilbur

Wilbur McLean

Executive Engagement and Events

wmclean@cmhc-schl.gc.ca

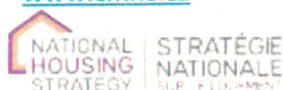
T: 416-218-3331

100 Sheppard Avenue East, 3-624, Toronto, ON

Canada Mortgage and Housing Corporation

(CMHC)

www.cmhc.ca

**Wilbur McLean**

Mobilisation de la haute direction et événements

wmclean@cmhc-schl.gc.ca

T : 416-218-3331

100 Avenue Sheppard est, 3-624, Toronto, ON

Société canadienne d'hypothèques et de logement (SCHL)

www.schl.ca

Visit www.cmhc-nhs.ca | Visiter www.schl-snl.ca

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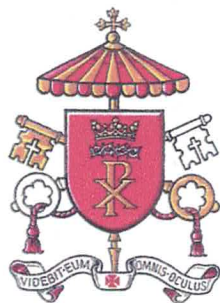
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CATHEDRAL BASILICA OF CHRIST THE KING

714 King Street West • Hamilton, Ontario L8P 1C7

(905) 522-5744

www.ctkbasilica.ca



Wednesday, May 20, 2020

John R. Ross

106 Cline Avenue South
Hamilton, ON L8S 1X1

Dear Mr. Ross,

I am happy to support the recommendation of a commemorative plaque to be placed in the new entrance of the former *Grace Lutheran Church*. The plaque would recognize the work of architect William Souter who designed *Grace Lutheran Church*, and many other structures in the City of Hamilton.

William Souter was part of the architectural team responsible for the design of the Cathedral Basilica of Christ the King and the adjoining Bishop's Residence and Clergy Rectory. His contribution to the Cathedral Basilica is recognized with his family's coat of arms over the Tower entrance, and the bestowal of the *Benemerenti Medal* by Pope Pius XI upon the completion of the Cathedral Basilica.

A commemorative plaque honouring this outstanding architect, and citizen of Hamilton, would be a fitting tribute to him, and a kind recognition of the Grace Lutheran community who occupied that church for more than 50 years.

If I can be of further assistance to you, please do not hesitate to contact me.

With kind regards and very best wishes for you, I am,

Yours Sincerely,

Very Reverend David A. Wynen, VF
Rector



7.1 Precedents and Ideas

Bellefair Church, Toronto

Church redevelopment with incorporation of mixed-use residential.



St. James Church, Hamilton

Church redevelopment with incorporation of mixed-use residential.



John M. Lyle Studio – Toronto

Redevelopment with incorporation of mixed-use residential.



Truecondos.com

The True Condo Podcast Episode 108

“Why Students Make Perfect Tenants with Darryl Firsten of IN8 Developments”

Extracts from posted Interview Transcript between Andrew la Fleur and Darryl Firsten

Darryl Firsten: Yeah, absolutely. I'll give you a couple other notes on students. I had talked to a few apartment building players that own a lot of apartment buildings near universities and colleges, and they loved them, and I asked the question why. They said, “Well no rent control.” I'm like, “What do you mean?” “Well when we own an apartment building in a big city, tenants tend to stay for a long time, which is kind of nice, but it tends, inflation and the real cost, the real cost of operating the building tends to exceed CPI and we're locked into those rents, or by that plus 1% or 2%.” they're like, “Then with being near a university, we get great tenants, they stay for two or three years, we get to reset the rent when they leave in two or three years, so we're not way lagging on our rental rates.”

Andrew la Fleur: Yeah, absolutely. Another great point. Let's talk a little bit about your, before we get into Kingston, just the last point on Waterloo, so you've completed just so people who aren't familiar with what IN8 Developments has already done, you completed five buildings already, like you said, you've got five in the pipeline. What has been, again, the condo investor listening to this show is interested to know, what has been your track record so far? What has been the experience so far for the investors in your buildings?

Darryl Firsten: I'd like to say it's been great for two reasons. Number one, I've heard virtually no complaints. Number two, we've had a lot of repeat customers. Our Sage one building went on sale, sold out really fast, it was delivered on time at it's first, not only was it delivered for occupancy at it's first occupancy date, it closed on it's first occupancy date, which is virtually unheard of in the condo world. All the guaranteed rents that

we aimed to achieve were achieved not only that first year, but that building's four years old, or it's been through four rental cycles, and all of the tenants have achieved equal or higher rents than they expected.

Our Sage three building has now been complete and closed for a year. It also hit it's first occupancy date, and closed about three weeks after the first occupancy date, so pretty small timeline. Again, it's been through two rental cycles now, and everything was rented at the rents that were expected or higher.

Our Sage two building is now in it's second rental cycle. Sorry, it's now, yeah, so it's in it's second rental cycle, and that one actually has a number of units that are renting higher, and it's actually the one bedroom units there that we projected \$995 a month in rent, and they're getting \$1,100, and we're actually pushing closer towards \$1,200 now in one bedroom units, so those buyers were thrilled. They ended up ending up with more in rent than expected.

I know the other thing that buyers look for some is capital appreciation or the ability to resell the unit for a higher price than they paid for it. Tons, absolutely tons in each building have buyers reselling their units to parents buying something for their kid, reselling to another investor, and I've seen prices only go up for all those buyers. We've now completed five buildings, which comprise I think about 700 units in total, and we're under construction on three more projects as we speak. These are all in Waterloo with two more starting construction in May 2017. Pretty good track record, and people have been very happy with the investment.

Andrew
la Fleur: What's your experience with parking? That's a question that often comes up with investors is how important is that to the investment? If someone's looking at buying the building, do you find many students in these types of buildings have cars, or is it really the same as we see most students in any building, which is very few of them actually do have cars?

Darryl
Firsten: I think in our buildings, we're trying to attract really the affluent students. I think they have a higher probability of having a car than the average student, and that's what we've experienced in our other buildings. I'll tell you, it's amazing. When you walk through our Sage one, or two, or three underground parking garages in Waterloo, to look at the makes and models of the cars that are in the parking garage. It is 50-60% German cars, cars more expensive than what I drive, so there's definitely affluent students who have cars. In saying that, not every student has a car. I'm 50/50 on it. Clearly not every student would have a car. If I was a very conservative investor, I'd buy the parking spot.

I can tell you in our other buildings, the parking spots rented in the building, so you're going to get cash flow from owning the parking spot, and it's just a safe thing to own to know that you have it. What you wouldn't want to find out down the road is one of a couple things. You own the unit, but you can't seem to find a tenant because the tenants you're looking at all want a parking spot, a little bit scary. Furthermore, you go to sell the unit down the road. In the future it's worth more than what you paid for it, but the buyer, who's a pretty high end buyer is buying for their son or daughter who's going to school there absolutely wants to have a parking spot, but you don't own one, and there's no market to purchase one because they've all been sold.

To me, it's like an insurance policy against your, if you're going to buy a \$300,000 unit to spend \$20,000 on a parking

spot, which will cash flow itself is probably a smart move. The other thing you don't want to do, which we've experienced in our other buildings, is if there is parking still available after closing, it's way more of a pain to acquire it just from a financing perspective. When you buy that parking spot on day one, you roll it into your purchase, and you go to your bank, and you borrow whatever it is you're borrowing, 65-80% of the purchase price. When you try to purchase the parking spot after the fact, you're probably paying cash for it, and I guess the leverage and value in the investment isn't quite as good, so we highly recommend to people, if they're going to do it, do it early, and roll it in with their existing mortgage, and they'd probably find that the parking spot carries itself based on what people are paying for rent.



Certificate of Incorporation

Canada Not-for-profit Corporations Act

Certificat de constitution

*Loi canadienne sur les organisations à but non
lucratif*

DOW AVENUE FOREST NEIGHBOURS' ASSOCIATION

Corporate name / Dénomination de l'organisation

1303337-6

Corporation number / Numéro de
l'organisation

I HEREBY CERTIFY that the above-named corporation, the articles of incorporation of which are attached, is incorporated under the *Canada Not-for-profit Corporations Act*.

JE CERTIFIE que l'organisation susmentionnée, dont les statuts constitutifs sont joints, est constituée en vertu de la *Loi canadienne sur les organisations à but non lucratif*.

R Edwards

Raymond Edwards

Director / Directeur

2021-05-20

Date of Incorporation (YYYY-MM-DD)
Date de constitution (AAAA-MM-JJ)

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Form 4001
Articles of Incorporation
Canada Not-for-profit Corporations
Act (NFP Act)

Formulaire 4001
Statuts constitutifs
Loi canadienne sur les
organisations à but non lucratif
(Loi BNL)

- 1 Corporate name
Dénomination de l'organisation
DOW AVENUE FOREST NEIGHBOURS' ASSOCIATION
- 2 The province or territory in Canada where the registered office is situated
La province ou le territoire au Canada où est maintenu le siège
ON
- 3 Minimum and maximum number of directors
Nombres minimal et maximal d'administrateurs
Min. 1 Max. 10
- 4 Statement of the purpose of the corporation
Déclaration d'intention de l'organisation
See attached schedule / Voir l'annexe ci-jointe
- 5 Restrictions on the activities that the corporation may carry on, if any
Limites imposées aux activités de l'organisation, le cas échéant
None
- 6 The classes, or regional or other groups, of members that the corporation is authorized to establish
Les catégories, groupes régionaux ou autres groupes de membres que l'organisation est autorisée à établir
See attached schedule / Voir l'annexe ci-jointe
- 7 Statement regarding the distribution of property remaining on liquidation
Déclaration relative à la répartition du reliquat des biens lors de la liquidation
See attached schedule / Voir l'annexe ci-jointe
- 8 Additional provisions, if any
Dispositions supplémentaires, le cas échéant
None
- 9 **Declaration:** I hereby certify that I am an incorporator of the corporation.
Déclaration : J'atteste que je suis un fondateur de l'organisation.

Name(s) - Nom(s)

Original Signed by - Original signé par

John Jay Ross

John Jay Ross

John Jay Ross

Stanislaw Farysej

Stanislaw Farysej

Stanislaw Farysej

Anna Farysej

Anna Farysej

Anna Farysej

Rhonda Melanie Ross

Rhonda Melanie Ross

Rhonda Melanie Ross

A person who makes, or assists in making, a false or misleading statement is guilty of an offence and liable on summary conviction to a fine of not more than \$5,000 or to imprisonment for a term of not more than six months or to both (subsection 262(2) of the NFP Act).

La personne qui fait une déclaration fautive ou trompeuse, ou qui aide une personne à faire une telle déclaration, commet une infraction et encourt, sur déclaration de culpabilité par procédure sommaire, une amende maximale de 5 000 \$ et un emprisonnement maximal de six mois ou l'une de ces peines (paragraphe 262(2) de la Loi BNL).

You are providing information required by the NFP Act. Note that both the NFP Act and the *Privacy Act* allow this information to be disclosed to the public. It will be stored in personal information bank number IC/PPU-049.

Vous fournissez des renseignements exigés par la Loi BNL. Il est à noter que la Loi BNL et la *Loi sur les renseignements personnels* permettent que de tels renseignements soient divulgués au public. Ils seront stockés dans la banque de renseignements personnels numéro IC/PPU-049.

Schedule / Annexe

Purpose Of Corporation / Déclaration d'intention de l'organisation

- 1) To incorporate a Not-for-profit Corporation with non-charitable status, consisting of an association of members who reside in that portion of the registered plans of subdivisions within the vicinity of the wooded slope of the Chedoke Creek Valley System, and within a boundary of the residential lots lying between and including all lots fronting on the easterly side of Dow Avenue (on the east), the southerly side of Main Street West (on the north), the easterly side of Stroud Road (on the west), and Stroud Park and Chedoke Creek (on the south);
- 2) To obtain and maintain party status entitling the Corporation to be able to fully participate in the hearing of Applications UHOPA-20-012 and ZAC20-016 at the City of Hamilton Planning Committee Meeting and City Council Meeting, and to facilitate further participation in any related legal proceedings concerning the two applications, including all appeals, hearings, pre-hearings, and mediation conferences before the Ontario Local Planning Appeal Tribunal ("LPAT");
- 3) To promote, preserve, protect and conserve the urban forest of the City of Hamilton and its continued beautification, restoration and conservation, and in particular the conservation of flora and fauna of that portion of the Chedoke Creek Valley System and the Chedoke Creek, lying within the boundary of the association;
- 4) To promote clean air and the reduction of air pollution in the City of Hamilton in order to prevent adverse health impacts, and in particular to improve the air quality and environment within the land boundary of the association by: promoting the dispersal of airborne contaminants with increased sunlight and wind to avoid the "street canyon" effect; preventing the reduction in daylight and wind penetration directly arising from any proposed built form; reducing motor vehicle emissions and traffic related air pollution from Hwy 403 and Main Street West; promoting policies that mitigate and alleviate harmful air pollution such as the protection and preservation of the urban forest, green space and the use and implementation of green infrastructure;
- 5) To protect and promote the conservation of both the Chedoke Valley wooded slope, Chedoke Creek, and the Chedoke Creek Subwatershed, and in particular: alleviating or preventing unnecessary development stressors on the environment, the erosion of the wooded slope and other factors leading to slope instability, such as climate change, changes in the water table, increases in hydrostatic pressure and underground excavation, and the contamination of the Chedoke Creek, the subwatershed and its water quality;
- 6) To promote and enhance the levels of recharge into the subwatershed by the adoption of pervious land use development policies and the utilization of permeable materials in any redevelopment of land within the land boundary of the association;
- 7) To promote safe pedestrian sidewalks for the health and safety of all our residents, which are free of hazards and dangerous accesses impacting upon the young and the elderly, and to promote hazard free and safe cycling and traffic conditions on the roadways directly abutting and within the land boundary of the association, and to further ensure the adoption of measures which reduce motor vehicle emissions caused by engine idling;
- 8) To promote, enhance, celebrate and protect the "sense of place", "character" and "quality of life" within the land boundary of the association, and in particular, the architectural and cultural heritage history of the two inventoried properties included on both the "Inventory of Buildings of Architectural and/or Historical Interest" for the City of Hamilton, and the "Inventory of Significant Places of Worship in the City of Hamilton", the cultural heritage landscape gardens located at 1107 Main Street West, the cultural heritage history of the Wartime Housing subdivision of the lands lying between Dow Avenue and Cline Avenue South, and the current Veterans' Housing Area Cultural Heritage Landscape lying between Haddon Avenue South, Gary Avenue,

Dalewood Avenue and Stroud Road;

9) To commence, undertake and pursue all necessary steps that are required to have the synagogue property municipally known as 125 Cline Avenue South, Hamilton designated as a heritage property under Section 29(6)(iii) of the Ontario Heritage Act, and to fully participate at all meeting and hearings of the Hamilton Municipal Heritage Committee and of Hamilton City Council, in the pursuit and promotion of the designation of 125 Cline Avenue South, Hamilton as a property of cultural heritage value under Part IV of the Ontario Heritage Act;

10) To carry on research and investigation of all relevant information and circumstances which will enable a proper determination of the appropriate level of intensification which can be accommodated by way of development, infilling, demolition or redevelopment of real property lying within the land boundary of the association, and to further ensure that any such development, infilling, demolition or redevelopment is consistent with the current Provincial Policy Statement and the public interest as set out in the Planning Act, and in conformity with the current Growth Plan for the Greater Golden Horseshoe, the Urban Hamilton Official Plan and the municipal development guidelines, and complies with zoning by-laws relating to such requirements as setbacks, amenity area, landscaped area and buffering from adjacent and neighbouring land uses;

11) To conduct, obtain or examine an architectural design review which will enable a proper determination that any proposed development within the land boundary of the association, and specifically the proposed building form, is in character and compatible with the existing built forms on adjacent properties and the surrounding neighbourhood, and that the proposed building form provides appropriate transitions in building massing, density, scale and height in order to maintain and enhance the established character and "sense of place" of the area;

12) To pursue, lobby and communicate the concerns of the members of the association, and wherever possible, to advocate for and represent its interests at any necessary municipal, governmental or administrative meeting, conference, hearing, appeal or proceeding;

13) For such other complementary purposes that are not inconsistent with the aforementioned objects.

Schedule / Annexe
Classes of Members / Catégories de membres

The corporation is authorized to establish Class A members and Class B members as follows:

(1) The Class A members shall be entitled to receive notice of and to attend all meetings of the members of the Corporation and each Class A member shall have one (1) vote at each such meeting, except for meetings at which only members of another class are entitled to vote separately as a class.

(2) Except as otherwise provided by the Canada Not-for-Profit Corporations Act, S.C. 2009, c.23 the Class B members shall not be entitled to receive notice of, attend or vote at meetings of the members of the Corporation.

Schedule / Annexe

Distribution of Property on Liquidation / Répartition du reliquat des biens lors de la liquidation

Any property remaining on liquidation of the Corporation, after discharge of liabilities, shall be distributed to one or more qualified donees within the meaning of subsection 248(1) of the Income Tax Act.

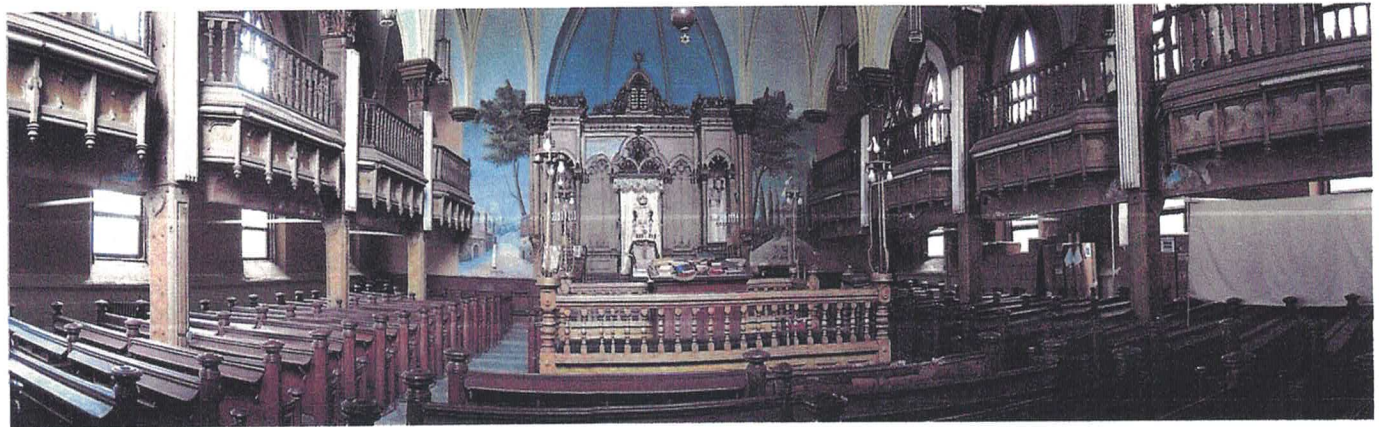


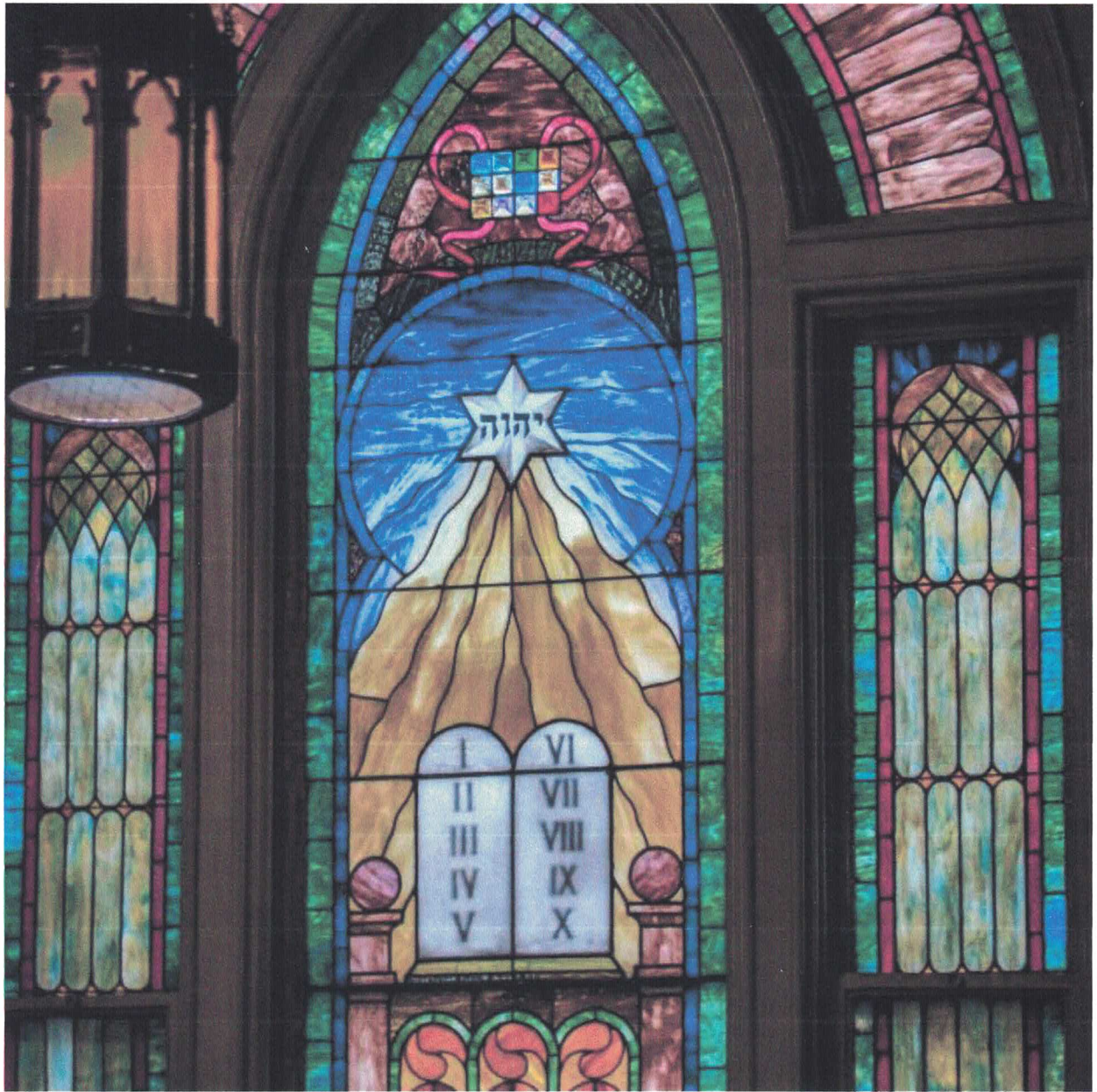
**GOTHIC WORMS SYNAGOGUE OF GERMANY ABOVE
GOTHIC GRACE LUTHERAN CHURCH OF HAMILTON BELOW**



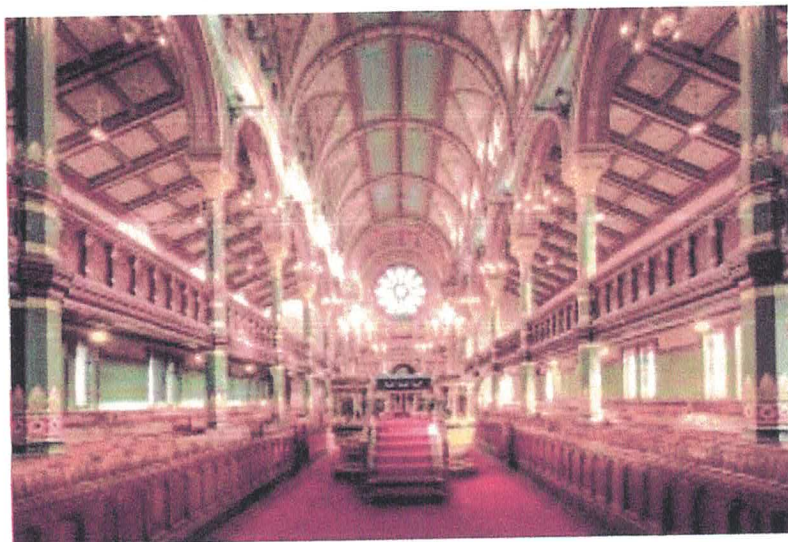


**INTERIOR AND EXTERIOR OF
JEWISH SYNAGOGUES
WHICH USED GOTHIC ARCHITECTURE
AND DESIGN**



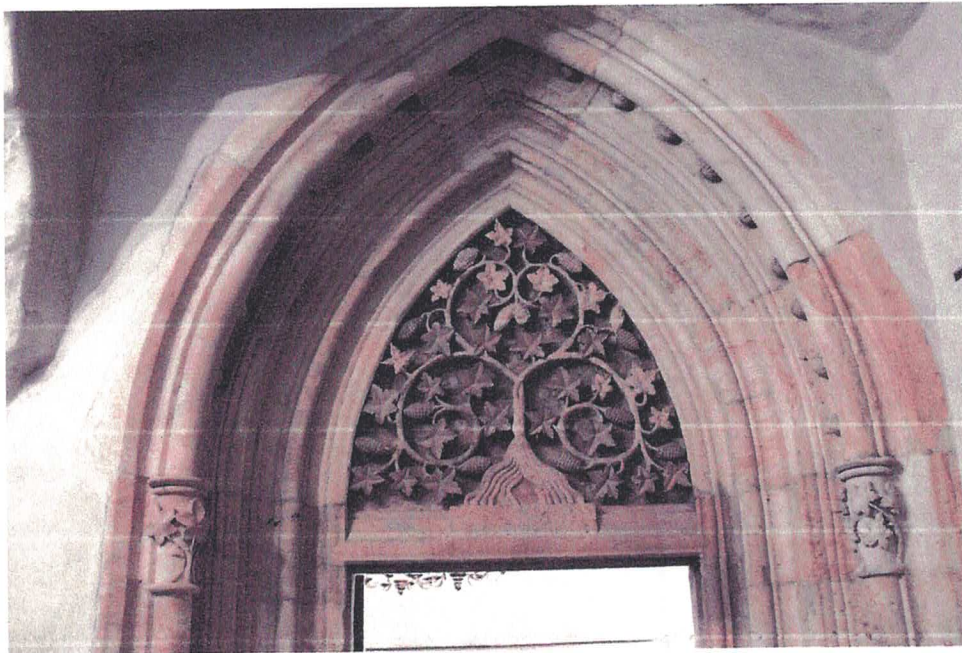


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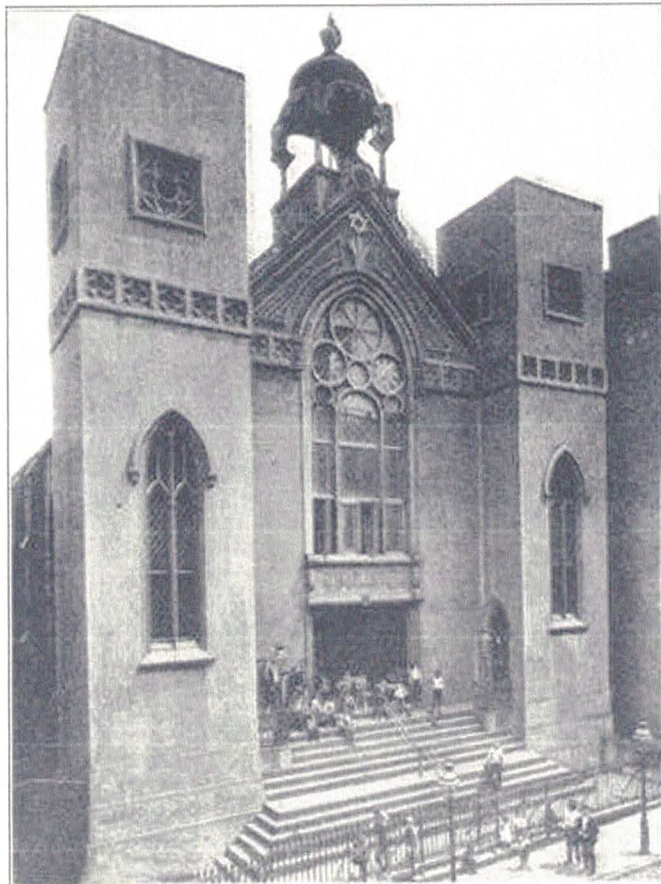


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Synagogue architecture

Synagogue architecture often follows styles in vogue at the place and time of construction. There is no set blueprint for synagogues and the architectural shapes and interior designs of synagogues vary greatly. According to tradition, the Divine Presence (*Shekhinah*) can be found wherever there is a *minyan*, a quorum, of ten. A synagogue always contains an ark, called *aron ha-kodesh* by Ashkenazim and *hekhal* by Sephardim, where the Torah scrolls are kept.

Contents

Blueprint for synagogues

Central Europe: Polish–Lithuanian Commonwealth

Wooden synagogues

Synagogues with bimah-support

Nine-field synagogues

Egyptian Revival

Moorish influence

Modern synagogue architecture

The interior

The Ark

Other interior arrangements

Interior decoration

Gallery

See also

References

Further reading

External links



The late 19th century Princes Road Synagogue, Liverpool, United Kingdom



The 16th century Spanish Synagogue in Venice, Italy, a "clandestine" synagogue not giving any external sign of its function.



Oriental style—Belz Great Synagogue (2000), Jerusalem.

Blueprint for synagogues

The ark may be more or less elaborate, even a cabinet not structurally integral to the building or a portable arrangement whereby a Torah is brought into a space temporarily used for worship. There must also be a table from which the Torah is read. The table, called *bimah* by eastern Ashkenazim, *almemmar* (or *balemmer*) by Central and Western Ashkenazim and *tebah* by Sephardim, where the Torah is read (and from where the services are conducted in Sephardi synagogues) can range from an elaborate platform integral to the building (many early modern synagogues of central Europe featured bimahs with pillars that rose to support the ceiling), to elaborate free-standing raised platforms, to simple tables. A *ner tamid*, a constantly lit light as a reminder of the constantly lit *menorah* of the Temple in Jerusalem. Many synagogues, mainly in Ashkenazi communities, feature a pulpit facing the congregation from which to address the assembled. All synagogues require an *amud* (Hebrew for "post" or "column"), a desk facing the Ark from which the *Hazzan* (reader, or prayer leader) leads the prayers.

A synagogue may or may not have artwork; synagogues range from simple, unadorned prayer rooms to elaborately decorated buildings in every architectural style.

The synagogue, or if it is a multi-purpose building, prayer sanctuaries within the synagogue, are typically designed to have their congregation face towards Jerusalem. Thus sanctuaries in the Western world generally have their congregation face east, while those east of Israel have their congregation face west. Congregations of sanctuaries in Israel face towards Jerusalem. But this orientation need not be exact, and occasionally synagogues face other directions for structural reasons, in which case the community may face Jerusalem when standing for prayers.

Historically, synagogues were built in the prevailing architectural style of their time and place. Thus, the synagogue in Kaifeng, China looked very like Chinese temples of that region and era, with its outer wall and open garden in which several buildings were arranged.

The styles of the earliest synagogues resembled the temples of other sects of the eastern Roman Empire. The synagogues of Morocco are embellished with the colored tilework characteristic of Moroccan architecture. The surviving medieval synagogues in Budapest, Prague and the German lands are typical Gothic structures.

For much of history, the constraints of anti-semitism and the laws of host countries restricting the building of synagogues visible from the street, or forbidding their construction altogether, meant that synagogues were often built within existing buildings, or opening from interior courtyards. In both Europe and in the Muslim world, old synagogues with elaborate interior architecture can be found hidden within nondescript buildings.

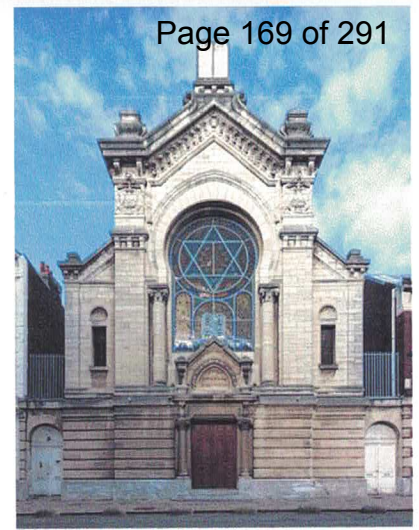
Where the building of synagogues was permitted, they were built in the prevailing architectural style of the time and place. Many European cities had elaborate Renaissance synagogues, of which a few survive. In Italy, there were many synagogues in the style of the Italian Renaissance (see Leghorn; Padua; and Venice). With the coming of the Baroque era, Baroque synagogues appeared across Europe.

The emancipation of Jews in European countries and of Jews in Muslim countries colonized by European countries gave Jews the right to build large, elaborate synagogues visible from the public street. Synagogue architecture blossomed. Large Jewish communities wished to show not only their wealth but also their newly acquired status as citizens by constructing magnificent synagogues. Handsome nineteenth century synagogues form the period of Jewish imagination stand in virtually every country where there were Jewish communities. Most were built in revival styles then in fashion, such as Neoclassical, Neo-Byzantine, Romanesque Revival Moorish Revival, Gothic Revival, and Greek Revival. There are Egyptian Revival synagogues and even one Mayan Revival synagogue. In the nineteenth and early twentieth century heyday of historicist architecture, however, most historicist synagogues, even the most magnificent ones, did not attempt a pure style, or even any particular style, and are best described as eclectic.

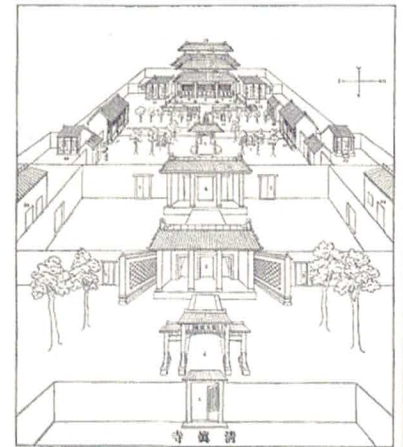
Chabad Lubavitch has made a practice of designing some of its Chabad Houses and centers as replicas of or homages to the architecture of 770 Eastern Parkway.^[1]

Central Europe: Polish–Lithuanian Commonwealth

The great exceptions to the rule that synagogues are built in the prevailing style of their time and place are the wooden synagogues of the former Polish–Lithuanian Commonwealth and two forms of masonry synagogues: synagogues with bimah-support and nine-field synagogues (the latter not totally confined to synagogues).



Lille synagogue, France. An eclectic hybrid with Moorish, Romanesque and Baroque elements.



1. Exterior view of the Kaifeng synagogue
Copied by Pao J. Barker, S.J. from drawings prepared by Pao Juan Damouze, S.J., who visited the Kaifeng synagogue in 1722. Reproduced from *Illustrations Jures* of Pao Jérôme Tabou, S.J. (n. Chap. IV, p. 53).

Synagogue of the Kaifeng Jewish community in China

Old New Synagogue

The **Old New Synagogue** (Czech: *Staronová synagoga*; German: *Altneuschul*), also called the **Altneuschul**, situated in Josefov, Prague, is Europe's oldest active synagogue.^[1] It is also the oldest surviving medieval synagogue of twin-nave design.^[2]

Completed in 1270 in gothic style, it was one of Prague's first gothic buildings.^[3] A still older Prague synagogue, known as the Old Synagogue, was demolished in 1867 and replaced by the Spanish Synagogue.

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Golem of Prague

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Etymology

The synagogue was originally called the New or Great Synagogue and later, when newer synagogues were built in the 16th century, it became known as the Old-New Synagogue.^[2] Another explanation derives the name from the Hebrew על תנאי (al tney), which means "on condition" and sounds identical to the Yiddish "alt-nay," or old-new. According to legend angels have brought stones from the Temple in Jerusalem to build the Synagogue in Prague—"on condition" that they are to be returned, when the Messiah comes, i.e., when the Temple in Jerusalem is rebuilt and the stones are needed.

Interior

Nine steps lead from the street into a vestibule, from which a door opens into a double-nave with six vaulted bays. This double-nave system was most likely adapted from plans of monasteries and chapels by the synagogue's Christian architects.^[4] The molding on the tympanum of the synagogue's entryway has a design that incorporates twelve vines and twelve bunches of grapes, said to represent twelve tribes of Israel.^[5] Two large pillars aligned east to west in the middle of the room each support the interior corner of four bays.^[6] The bays have two narrow Gothic windows on the sides, for a total of twelve, again representing the twelve tribes. The narrow windows are probably responsible for many older descriptions of the building as being dark; it is now brightly lit with several electric chandeliers.

The vaulting on the six bays has five ribs instead of the typical four or six. It has been suggested that this was an attempt to avoid associations with the Christian cross. Many scholars dispute this theory, pointing to synagogues that have quadripartite ribs, and Christian buildings that have the unusual five rib design.^[7]

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Old New Synagogue



View from the west

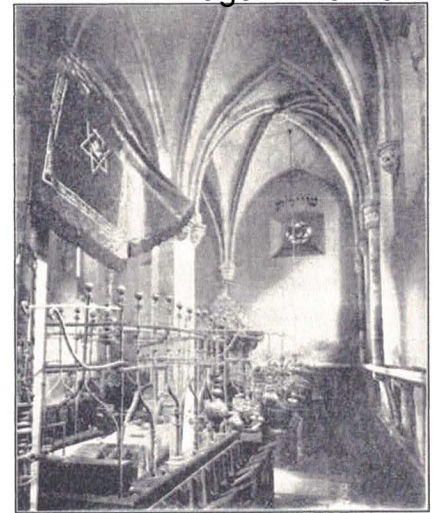
Religion	
Affiliation	Orthodox Judaism
Ecclesiastical or organizational status	Active
Location	
Location	Prague, Bohemia, Czech Republic
Architecture	
Style	Gothic
Completed	1270
Website	
The Old-New Synagogue in Prague (http://www.synagogue.cz/)	

The bimah from which Torah scrolls are read is located between the two pillars. The base of the bimah repeats the twelve vine motif found on the tympanum.^[5] The Aron Kodesh where the Torah scrolls are stored is located in the middle of the customary eastern wall. There are five steps leading up to the Ark and two round stained glass windows on either side above it. A lectern in front of the ark has a square well a few inches below the main floor for the service leader to stand in.

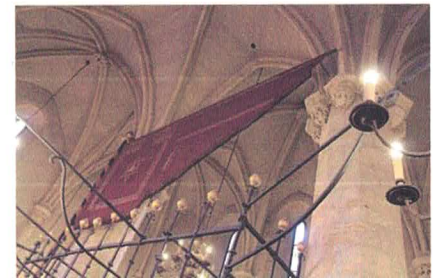
The twelve lancet windows in the synagogue, which directed light towards the bimah, apparently led members to compare the structure with Solomon's Temple.^[5]

The synagogue follows orthodox custom, with separate seating for men and women during prayer services. Women sit in an outer room with small windows looking into the main sanctuary. The framework of the roof, the gable, and the party wall date from the Middle Ages.

An unusual feature found in the nave of this synagogue is a large red flag near the west pillar. In the centre of the flag is a Star of David and in the centre of the star is a "Jewish hat." Both the hat and star are stitched in gold. Also stitched in gold is the text of *Shema Yisrael*. Ferdinand III, Holy Roman Emperor awarded the Jewish community their own banner in recognition for their services in the defence of Prague during the Thirty Years War. The banner now on display is a modern reproduction.



View of the Synagogue interior with the "Jewish Flag" at left.



View of the "Jewish Flag"



Close up of the "Jewish Flag" with the "Jewish Hat"

Golem of Prague

It is said that the body of Golem (created by Rabbi Judah Loew ben Bezalel) lies in the attic where the genizah of Prague's community is kept.^[8] A legend is told of a Nazi agent during World War II broaching the genizah, but who perished instead.^[9] In the event, the Gestapo apparently did not enter the attic during the war, and the building was spared during the Nazis' destruction of synagogues.^[8] The lowest three meters of the stairs leading to the attic from the outside have been removed and the attic is not open to the general public. Renovation in 1883 and exploration of the attic in August 2014 found no trace of a golem.^[10]

See also

- Oldest synagogues in the world

Gallery

Worms Synagogue

The **Worms Synagogue**, also known as **Rashi Shul**, is an 11th-century synagogue located in Worms, Germany.

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History

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History

The first synagogue at the site was built in 1034 and is therefore regarded as the oldest existing synagogue in Germany. The building was destroyed during the First Crusade in 1096 and subsequently rebuilt in 1175 in the Romanesque style. In 1186 southwest of the synagogue a subterranean mikveh was constructed.

During the pogroms of 1349 and 1615 the synagogue was badly damaged: in both pogroms the vaulted ceilings and the walls were heavily damaged. During reconstruction after 1355 Gothic forms for the window and the vault were chosen. Of comparable seriousness was the damage after the fire of 1689 during the Nine Years' War. When the building was restored in 1700, the interior was renovated in period style.

On Kristallnacht in 1938 the synagogue was once again attacked and reduced to rubble. It was painstakingly reconstructed in 1961, using as many of the original stones as could be salvaged.^[1] The synagogue, open as a museum, continues to be a functioning synagogue used by the Jewish community.

In May 2010, the synagogue was firebombed by arsonists, suspected to be anti-Zionists.^{[2][3]} The firebombs were thrown against eight corners of the stone building and against a window, but no one was injured and no serious damage to the building was reported.

Architecture

Built at the point when late Romanesque style was fading and Gothic rising, the rectangular prayer hall features a pair of Romanesque columns supporting groin vaults. The windows in the thick stone walls are simple gothic arches. The windows in the adjoining study hall, the so-called *Rashi Shul*, have rounded Romanesque arches. The women's section of the prayer hall has Romanesque windows in the eastern wall, and gothic windows in the western wall.^[4]

Worms Synagogue



Worms synagogue, rear view.

Religion

Affiliation Judaism

Status Active

Location

Location Hintere Judengasse 6, Worms, Germany



Shown within Germany

Geographic coordinates 49°38′0.96″N 8°21′58.82″E﻿ / ﻿49.6336000°N 8.3663556°E﻿ / 49.6336; 8.36636

coordinates 49°38′0.96″N 8°21′58.82″E﻿ / ﻿49.6336000°N 8.3663556°E﻿ / 49.6336; 8.36636

Architecture

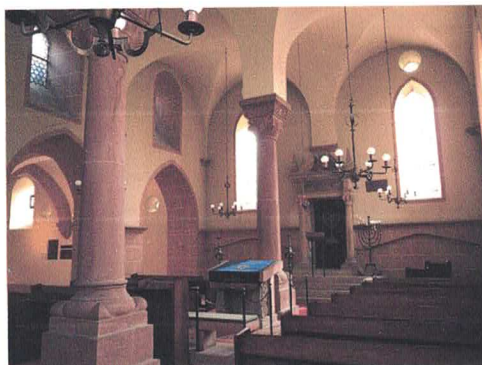
Type Synagogue

Style Romanesque, Gothic

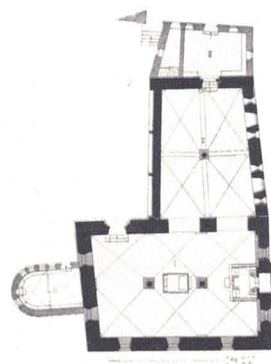
Completed 1034 (original); 1175 (second); 1961 (third)



Pre-1938 interior
of the Rashi Shul



Interior



Plan of the
synagogue

References

1. Sacred destinations: Worms Synagogue (<http://www.sacred-destinations.com/germany/worms-synagogue>)
2. *Anti-Zionists Firebomb Kristallnacht Synagogue, Demand PA Peace* (<http://www.israelnationalnews.com/News/News.aspx/137595>)
3. (in German) *Polizei findet mehrere Bekenner schreiben: Brandanschlag auf die Synagoge in Worms* (http://www.rp-online.de/panorama/deutschland/Brandanschlag-auf-die-Synagoge-in-Worms_aid_858514.html)
4. Meek, H.A. *The Synagogue*. Phaidon, London, 1995, pp.82-88

External links

- [Worms tourism site on the synagogue](https://www.worms.de/en/tourismus/museen/juedisches_museum/) (https://www.worms.de/en/tourismus/museen/juedisches_museum/)
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Retrieved from "https://en.wikipedia.org/w/index.php?title=Worms_Synagogue&oldid=1060244153"

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Beth Hamedrash Hagodol

Beth Hamedrash Hagodol^{[10][11][12][13]} (Hebrew: בית המדרש הגדול, "Great Study House") is an Orthodox Jewish congregation that for over 120 years was located in a historic building at 60–64 Norfolk Street between Grand and Broome Streets in the Lower East Side neighborhood of Manhattan, New York City. It was the first Eastern European congregation founded in New York City and the oldest Russian Jewish Orthodox congregation in the United States.^[5]

Founded in 1852 by Rabbi Abraham Ash as *Beth Hamedrash*, the congregation split in 1859, with the rabbi and most of the members renaming their congregation *Beth Hamedrash Hagodol*. The congregation's president and a small number of the members eventually formed the nucleus of *Kahal Adath Jeshurun*, also known as the Eldridge Street Synagogue.^{[14][15]} Rabbi Jacob Joseph, the first and only Chief Rabbi of New York City, led the congregation from 1888 to 1902.^[16] Rabbi Ephraim Oshry, one of the few European Jewish legal decisors to survive the Holocaust, led the congregation from 1952 to 2003.^[17]

The congregation's building, a Gothic Revival structure built in 1850 as the **Norfolk Street Baptist Church** and purchased in 1885, was one of the largest synagogues on the Lower East Side.^{[15][18]} It was listed on the National Register of Historic Places in 1999.^[9] In the late 20th century the congregation dwindled and was unable to maintain the building, which had been damaged by storms. Despite their obtaining funding and grants, the structure was critically endangered.^{[2][19]}

The synagogue was closed in 2007. The congregation, reduced to around 20 regularly attending members, was sharing facilities with a congregation on Henry Street.^[20] The Lower East Side Conservancy was trying to raise an estimated \$4.5 million for repairs of the building, with the intent of converting it to an educational center.^{[2][19]} In December the leadership of the synagogue under Rabbi Mendel Greenbaum filed a "hardship application" with the Landmarks Preservation Commission seeking permission to demolish the building to make way for a new residential development.^[21] This application was withdrawn in March 2013, but the group Friends of the Lower East Side described Beth Hamedrash Hagodol's status as "demolition by neglect".^[22] The abandoned synagogue was "largely destroyed" by a "suspicious" three-alarm fire on May 14, 2017.^{[6][7]}

Beth Hamedrash Hagodol (Norfolk Street Baptist Church)



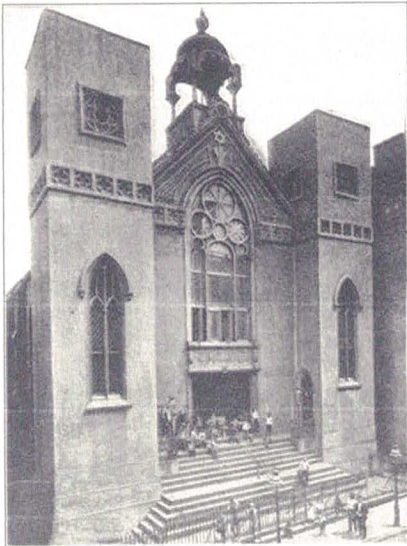
Beth Hamedrash Hagodol facade in 2008

	Religion
Affiliation	Orthodox Judaism
Leadership	Rabbi Mendl Greenbaum ^[2]
Status	Inactive
	Location
Location	60–64 Norfolk Street
Municipality	New York City Lower East Side, Manhattan
State	New York
Country	United States

Contents

Early history

The congregation's building at 60-64 Norfolk Street, between Grand Street and Broome Street on the Lower East Side, had originally been the Norfolk Street Baptist Church. Founded in 1841 when the Stanton Street Baptist Church congregation split, the members had first worshiped in an existing church building at Norfolk and Broome. In 1848 they officially incorporated and began construction of a new building, which was dedicated in January 1850.^[3]



Beth Hamedrash Hagodol at the beginning of the 20th century

Largely unchanged, the structure was designed in the Gothic Revival style by an unknown architect, with masonry-bearing walls with timber framing at the roof and floors, and brownstone foundation walls and exterior door and window trim. The front facade (west, on Norfolk Street) is "stuccoed and scored to simulate smooth-faced ashlar", though the other elevations are faced in brick. Window tracery was all in wood. Much of the original work remains on the side elevations.^[8] Characteristically Gothic exterior features include "vertical proportions, pointed arched window openings with drip moldings, three bay facade with towers". Gothic interior features include "ribbed vaulting" and a "tall and lofty rectangular nave and apse." Originally the window over the main door was a circular rose window, and the two front towers had crenellations in tracery, instead of the present plain tops. The square windows below are original, but the former quatrefoil wooden tracery is gone in many cases. The bandcourse of quatrefoil originally extended across the center section of the facade.^[3]

Even as the building was under construction, the ethnic makeup of the church's neighborhood was rapidly changing; native-born Baptists were displaced by Irish and German immigrants. As members moved uptown, the congregation decided to follow and sold their building in 1860 to Alanson T.

Biggs, a successful local merchant. The departing Baptist congregation founded the Fifth Avenue Baptist church, then founded the Park Avenue Church, and finally built the Riverside Church.^[52]

Biggs converted the church to one for Methodists,^{[53][54]} and in 1862, transferred ownership to the Alanson Methodist Episcopal Church.^[55] The Methodist congregation was successful for a time, with membership peaking at 572 members in 1873. It declined after that, and the church ran into financial difficulties. In 1878 the congregation transferred ownership to the New York City Church Extension and Missionary Society of the Methodist Episcopal Church.^[55]

Founded in 1866, the Church Extension and Missionary Society's mission was "... to promote Churches, Missions, and Sunday-schools in the City of New York."^[55] It built or supported Methodist churches primarily in poor areas, or areas that were being developed,^[55] including one in the building that would later house the First Roumanian-American congregation.^[56] Soon after its purchase of the Norfolk Street building, the Church Extension and Missionary Society discovered that the neighborhood had become mostly Jewish and German. By 1884, it realized "the church was too big and costly to maintain", and put it up for sale.^[55]

In 1885 Beth Hamedrash Hagodol purchased the building for \$45,000 (today \$1.3 million), and made alterations and repairs at a cost of \$10,000 (today \$290,000), but made no external modifications by the re-opening. Alterations to the interior were generally made to adapt it to synagogue use. These included the additions of an Ark to hold the Torah scrolls (replacing the original pulpit), an "eternal light" in front of the ark, and a *bimah* (a central elevated platform where the Torah scrolls are read). At some time a women's gallery was added round three sides of the nave.^{[5][57][58]} Interior redecorations included sanctuary ceilings that were "painted a bright blue, studded with stars".^[18]

In addition to attracting new and wealthy members, the congregation intended the substantial building to garner prestige and respectability for the relatively new immigrant Jews from Eastern Europe, and to show that Jews on the Lower East Side could be just as "civilized" as the reform-minded Jews of uptown Manhattan.^[59] For this reason, a number of other Lower East Side congregations also purchased or built new buildings around this time.^[43] They also hired increasingly expensive cantors until, in 1886, Kahal Adath Jeshurun hired P. Minkowsky for the "then-staggering sum of five thousand dollars per annum" (today \$144,000).^[60] Beth Hamedrash

Hagodol responded by recruiting from Europe the famous and highly paid cantor Israel Michaelowsky (or Michalovsky).^[44] By 1888 Beth Hamedrash Hagodol's members included "several bankers, lawyers, importers and wholesale merchants, besides a fair sprinkling of the American element."^[62]

Though the building had undergone previous alterations—for example, the Church Extension and Missionary Society had "removed deteriorated parapets from the towers" in 1880—it did not undergo significant renovations until the early 1890s. That year the rose window on the front of the building was removed, "possibly because it had Christian motifs", and replaced with a large arched window, still in keeping with the Gothic style. The work was undertaken by the architectural firm of (Ernest) Schneider & (Henry) Herter, German immigrants who had worked on a number of other synagogues, including the Park East Synagogue. In 1893 they fixed "serious structural problems", the consequence of neglected maintenance. The work included "stabiliz[ing] the front steps, add[ing] brick buttresses to the sides of the church for lateral support, again in a Gothic style, and replac[ing] the original basement columns with six-inch cast iron columns." A later renovation replaced the wooden stairs from the main floor to the basement with iron ones.^[63]

Two Stars of David were added to the center of the facade. One is seen in the old photograph (above left), over a palmette ornament at the top of the window arch. The other, mounted above the top of the gable, remains visible in the modern photograph (top). The unusual cupola-like structure on legs seen above the gable in the old photograph, now gone, was also added by the synagogue, as was the square structure on which it sat.^[64] The panel with a large Hebrew inscription over the main doors was added in this period, before the older photograph. The decorations to the upper parts of the central section of the facade survived until at least 1974, as did the tracery to the square windows on the towers; this Gothic ornamentation was removed after it deteriorated.^[65]

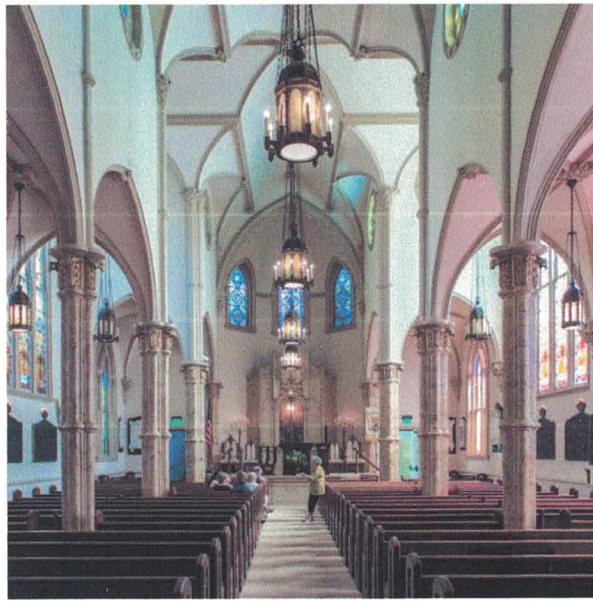
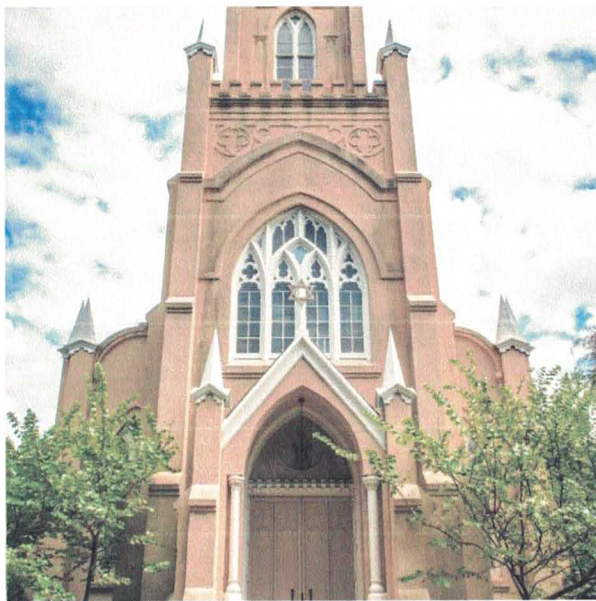
Jacob Joseph era

Ash died in 1887,^[27] and the United Hebrew Orthodox Congregations (now called The Association of American Orthodox Hebrew Congregations) began a search for a successor, to serve as rabbi of Beth Hamedrash Hagodol and as Chief Rabbi of New York City.^{[16][65]} This search was opposed by Rabbi Henry Pereira Mendes, of Congregation Shearith Israel. Mendes felt that the money and energy would be better spent on supporting the Jewish Theological Seminary of America (JTSA), which he had co-founded with Sabato Morais in 1886. In his view, training American-born rabbis at the Seminary would be a much more effective means of fighting the growing strength of American Reform Judaism: these native English-speaking rabbis would appeal to the younger generation far more than imported, Yiddish-speaking ones.^[66]

The Association of American Orthodox Hebrew Congregations rejected Morais's position, and offered the role to a number of "leading East European Orthodox rabbis", all of whom turned it down. They eventually narrowed the field to two candidates, Zvi Rabinovitch and Jacob Joseph.^[16] Although Rabinovitch received "massive support" from "leading east European rabbis", the congregation hired Jacob Joseph as the first—and what would turn out to be only—Chief Rabbi of New York City.^[67]

Born in Kroz, Lithuania, Joseph had studied in the Volozhin yeshiva under Naftali Zvi Yehuda Berlin; he was known there as Rav Yaakov Charif ("Rabbi Jacob Sharp") because of his sharp mind.^{[45][68]} He was one of the main disciples of Yisroel Salanter, and in 1883 had been appointed the *maggid* (preacher) of Vilna.^[45] Beth Hamedrash Hagodol, the Eldridge Street Synagogue, and 13 other Lower East Side synagogues had raised \$2,500 (today \$72,000) towards the creation of a European style *kehilla* to oversee New York's Orthodox community, and had imported Joseph in an attempt to achieve that (ultimately unfulfilled) goal.^[65] Joseph's salary was to be the then-substantial \$2,500 per year, "with an additional \$1000 for rent, furnishings, and utilities". Though Joseph's appointment was, in part, intended to bring prestige to the downtown Orthodox congregations, his primary task as Chief Rabbi was to bring order and regulation to New York's chaotic kosher slaughtering industry.^[69]

Joseph arrived in New York on July 7, 1888, and later that month preached his inaugural Sabbath sermon at Beth Hamedrash Hagodol.^[70] The speech attracted a huge crowd, with over 1,500 men crowded into the sanctuary, and thousands more outside.^{[70][71]} The police had to call extra reinforcements to control the throng, and to escort Joseph into the synagogue.^[71] Though he had been chosen, in part, for his "fabulous skills as an orator",



Congregation Mickve Israel

Congregation Mickve Israel has a long and storied history, dating back to 1733, just a few months after the founding of the City of Savannah. 42 intrepid Jews set sail from England aboard The William and Sarah, with little more than their beloved Torah (which the Congregation still uses annually in their anniversary Shabbat service) and a special kit for circumcision. They arrived in Savannah, a border colony town with an innovative vision for religious tolerance, to start their lives anew in a land of freedom.

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Congregation Mickve Israel

Congregation Mickve Israel in Savannah, Georgia, is one of the oldest synagogues in the United States, as it was organized in 1735 by mostly Sephardic Jewish immigrants of Spanish-Portuguese extraction from London who arrived in the new colony in 1733. They consecrated their current synagogue, located on Monterey Square in historic Savannah, in 1878. It is a rare example of a Gothic-style synagogue. The synagogue building was listed on the National Register of Historic Places in 1980. Today, the synagogue is a member of the Union for Reform Judaism.

Mickve Israel synagogue



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- Congregation formed
- First synagogue building site
- Shift to Reform Judaism
- Current building

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See also

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History

Congregation formed

The congregation was established in July 1735 as *Kahal Kadosh Mickva Israel* (the Holy Congregation, the Hope of Israel); they soon rented a building for use as a synagogue. The congregation was founded by many from a group of 42 Jews who had sailed from London aboard the *William and Sarah* and had arrived in Savannah on

Religion

Affiliation	<u>Reform Judaism</u>
Leadership	Rabbi Robert Haas
Status	Active

Location

Location	<u>20 East Gordon Street, Monterey Square, Savannah, Georgia, United States</u>
Geographic coordinates	<u>32.07104°N 81.09427°W﻿ / ﻿32.07104; -81.09427</u>

Architecture

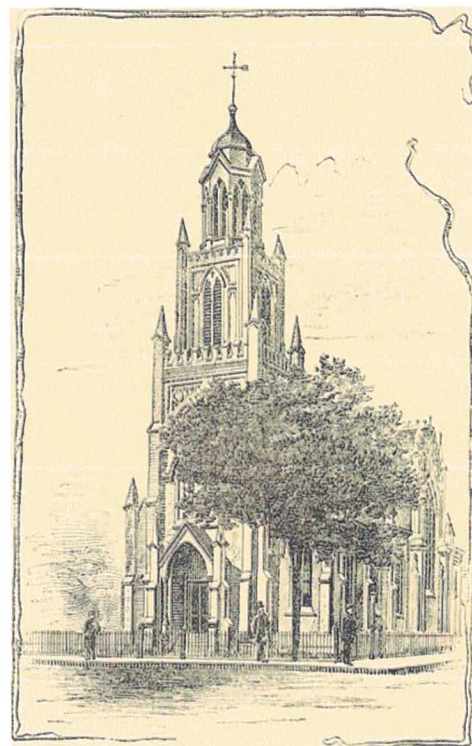
The congregation used a modified Portuguese traditional siddur until 1895, when the synagogue published a prayer book of its own. In 1902, the congregation adopted the Union Prayer Book. Mickve Israel joined the Union of American Hebrew Congregations (Reform) on January 10, 1904. A vestige of the congregation's Sephardi tradition remains with the singing of "El Norah Alilah" during the Ne'ila service in the concluding hour of Yom Kippur.^[1]

Current building

With the growth in Savannah's Jewish population, the congregation outgrew its structure. It planned for a new building, laying the cornerstone for what its current structure on March 1, 1876. The building's Gothic Revival architecture was the work of New York architect Henry G. Harrison. An unused portion of property adjoining the synagogue building, which had been dedicated by Mordecai Sheftall in 1773 for use as a cemetery, was sold. Another portion of the lot was used as the site of the Mordecai Sheftall Memorial in 1902, a building that included space for meeting rooms and a religious school.^[1]

A capacity crowd of Jews and prominent Christians attended a ceremony held at the congregation on May 7, 1933 to mark the 200th anniversary of the arrival of Jews in the colony of Georgia. The planned speaker at the event, Harold Hirsch of Atlanta, was unable to attend.^[6]

As the congregation found additional needs, the original Mordecai Sheftall Memorial space became too small. An expanded replacement structure was dedicated on January 11, 1957.^[1]



An 1890 illustration of the current, Gothic Revival building



The New West End Synagogue

George Audsley (1838-1925)

**N. H. J. Westlake (1833-1921)
and Erwin Bossanyi (1891-
1975), windows**

**George Aitchison (1825-1910),
light-fittings**

Built 1877-79, with a few later
additions

Red brick, Mansfield stone,
terracotta, and slate for the roof;
inside, marble-covered iron
columns, alabaster and marble
wall-facings, teak and pitch pine

St Petersburg Place, London
W2 4JT

Photographs and text by
Jacqueline Banerjee, 2010.
[Commentary continues below.
Mouse over the text for links.]

Thanks to Eli Ballon of the New
West End Synagogue for his
help.

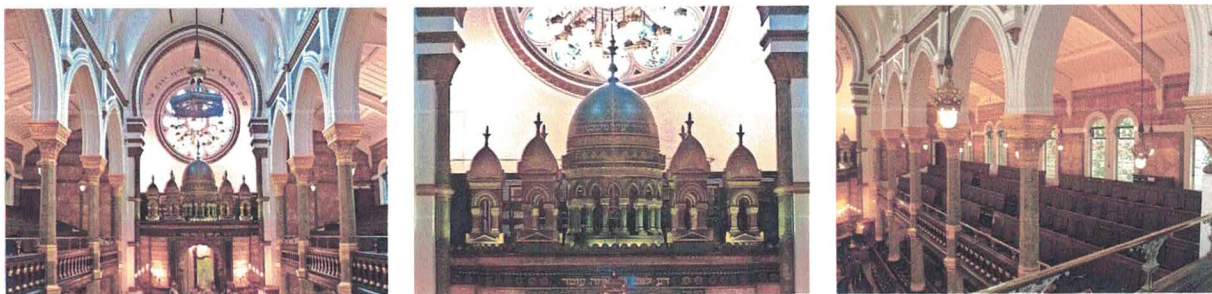
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When it was raised to Grade 1 listing in 2007, the New West End Synagogue was hailed in *The Independent* newspaper as Britain's first "truly Jewish" synagogue. Not so: even apart from the early-eighteenth-century Bevis Marks Synagogue in the East End, with its Renaissance-style Ark, there was the beautiful Liverpool Old Hebrew Congregation, completed in 1874. This is now also Grade 1 listed. It had been designed by the Scottish-born Audsley brothers together; the New West End Synagogue, designed by George Audsley alone, is very similar. The later one does mark a milestone, however, by demonstrating that "London's Jewish community had arrived":

by the late 1870s, leaders of the Jewish community in London's West End felt more secure. Most official forms of anti-Jewish discrimination had been lifted. There were about 46,000 Jews in the UK, before the huge influx started by the anti-Semitic riots in Russia in the 1880s. It was 20 years since the law began allowing practising Jews to become MPs, an anglicised Jew, Benjamin Disraeli, was Prime Minister, and most of London's congregations were joined under the United Synagogue. (McSmith)

Commissioning the new house of worship initiated one of the United Synagogue's "first really major projects" (Levy). The style was described in the *Jewish Chronicle* as "eclectic, although based chiefly on the Saracenic. The sharply cut and channelled foliage ornaments, and both the round and pointed horseshoe

arches, point to this origin" (qtd. in "New West End Synagogue"). A Gothic element was also noted, of the building's proportions, and features like the rose windows.

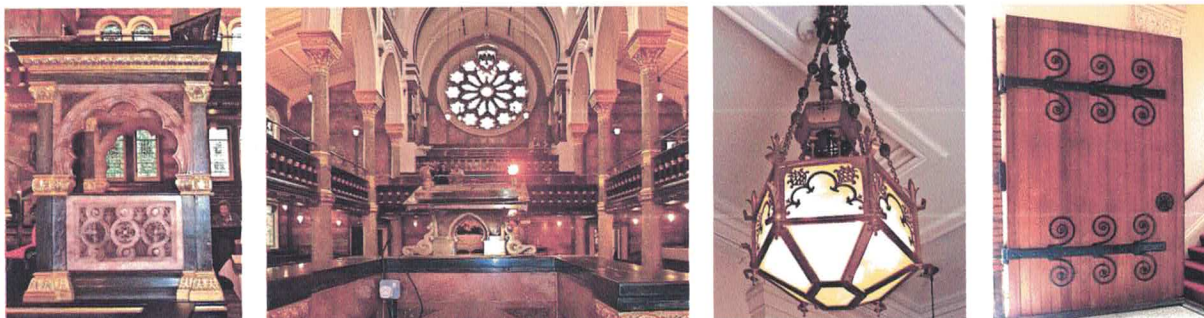


Left to right: (a) The sumptuous interior, looking towards the Ark, with Audsley's impressively large menorahs on either side. (b) The Byzantine cupola and Assyrian minarets above the Ark. (c) The south gallery, with texts along the upper part of the wall. [For these and the following, click on thumbnails for larger images.]



Left to right: (a) Spring flowers against stylised foliage and architectural elements, in one of N. H. J. Westlake's stained-glass side windows, this one with the Hebrew word for "Spiritually Clean," and inscribed, "In Loving Memory of James Henry Solomon." (b) Steps up to the Bimah; note the mosaic flooring here designed by Audsley. (c) The three leather seats below the Bimah for the Wardens, who are the lay readers of the synagogue; like the marble pieces in the arch spandrels, all 49 of the Bimah's capitals (some seen here behind the seats) have individual designs. (d) The seating, which is for about 800 people, uses contrasting types of wood, and rises in tiers from each side of the prayer hall; women sit in the galleries above.

Audsley was responsible for the western rose window, with its Star of David, water-lily and daisy design, as well as the little clerestory windows, while the rose window at the east end was designed later by the Hungarian-born Erwin Bossanyi (1891-1975). Less dramatic than the rose windows but with a lovely cumulative effect are the 40 stained-glass windows by Nathaniel Westlake, installed along both sides of the prayer hall, upstairs and downstairs, in the very early twentieth-century. These are appealing in their freshness and delicacy. The Hebrew words featured by Westlake complement the texts around the walls, and those in brass along the lower edges of the galleries. Using texts as decorative as well as uplifting motifs was by no means innovative, but it was something the Victorians in general particularly liked. The Audsley brothers themselves are an example here: see examples of their designs for medieval lettering. The United Synagogue had, in fact, chosen as their architect one of the foremost "ornamentists" of their age. So the Bimah and the Ark were both designed by Audsley himself and were part of the original fittings. Everything here is plush. The wonderful materials, such as the Cipallino marble from the Rhone valley, look forward to the use of similarly internationally-sourced materials for the panelled walls of the Catholic Westminster Cathedral at a slightly later date. There is the same air of opulence in both late-Victorian houses of worship. The report in the *Jewish Chronicle* makes particular reference to the kinds of wood used in the synagogue: "the doors and gallery fronts display wood of remarkable richness and rarity. Probably no such wood is to be seen in any public building in London" (qtd. in "New West End Synagogue").



Left to right: (a) The marble and alabaster pulpit from the side (the plinth dates from the 1890s, but the pulpit itself was added in 1907). Notice the Westlake windows behind it. (b) Looking up towards the west gallery, and Audsley's rose window. (c) One of the brass lamps designed by George Aitchison, hanging in the lofty foyer. (d) One side of the entrance door with its ornamental wrought-iron hinges.

January 25, 2022

Daniel Barnett
Planning and Economic Development Department
Development Planning, Heritage and Design – Urban Team
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5

Maureen Wilson
Councillor Ward 1
71 Main Street West, 2nd Floor
Hamilton, ON L8P 4Y5

Dear Mr. Barnett and Ms. Wilson

**RE: UHOPA-20-012 and ZAC20-016
1107 Main Street West, Hamilton (Ward) 1
Environmental and Health Concerns relating to the Hamilton Airshed, Truck
Traffic Volume Flow and Decline of the Urban Forest
Applicant's failure to adhere to zoning by-law setback requirements contrary to
provisions set out in the PPS (2020)**

In prior letters of objection to the proposed development that were filed with the Planning Department I set out the reasons why I believed the site was vulnerable to several important environmental and health issues which have been enumerated in the Provincial Policy Statement. These included detrimental health impacts resulting from elevated levels of nitrogen dioxide levels and detrimental impacts to the Chedoke Creek Valley subwatershed by development stressors in the neighbourhood.

I now wish to provide supplemental information to these earlier objections letters as this new information will demonstrate the negative impacts on both the future occupants in the proposed development as well as the existing residents in the neighbourhood. Accordingly, the issues which I am addressing in this objection letter are based on: 1) Specific provisions in the PPS (2020) that are applicable to the proposed redevelopment; 2) Air quality, air pollution and the Hamilton Airshed Modelling System at the subject site; 3) Increased truck traffic volume along both Main Street West and Highway 403, and the projected increase in truck traffic congestion with the anticipated LRT; and 4) Climate change, green infrastructure and the severe decline of Urban Forest in the neighbourhood.

For each of these issues I have set out the concern in greater detail, as well as the supporting documentation, and the mitigation response which should be requested from the Applicant as part of the application process by the Planning Department.

A) Provincial Policy Statement (2020)

The PPS sets out relevant factors upon which any proposed development should be evaluated. It is clear that intensification at higher densities than currently exist, is a primary goal. However, it is equally clear that other provisions in the PPS must also be considered. Some of the pertinent provisions are found in the following policy sections in the PPS (2020) (*italics are added for emphasis*)

1.1.1 *Healthy, liveable and safe communities are sustained by:*

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;
- c) *avoiding development and land use patterns which may cause environmental or public health and safety concerns;*
- h) *promoting development and land use patterns that conserve biodiversity; and*
- i) *preparing for the regional and local impacts of a changing climate.*

1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:

- c) *minimize negative impacts to air quality and climate change, and promote energy efficiency;*
- d) *prepare for the impacts of a changing climate;*

1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options *through intensification and redevelopment where this can be accommodated* taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.

1.1.3.4 *Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.*

1.6.1 Infrastructure and public service facilities *shall be provided in an efficient manner that prepares for the impacts of a changing climate while accommodating projected needs.* Planning for infrastructure and public service facilities shall be coordinated and integrated with land use planning and growth management so that they are:

- a) financially viable over their life cycle, which may be demonstrated through asset management planning; and
- b) available to meet current and projected needs.

1.6.2 *Planning authorities should promote green infrastructure to complement infrastructure.*

1.7.1 *Long-term economic prosperity should be supported by:*

k) minimizing negative impacts from a changing climate and considering the ecological benefits provided by nature;

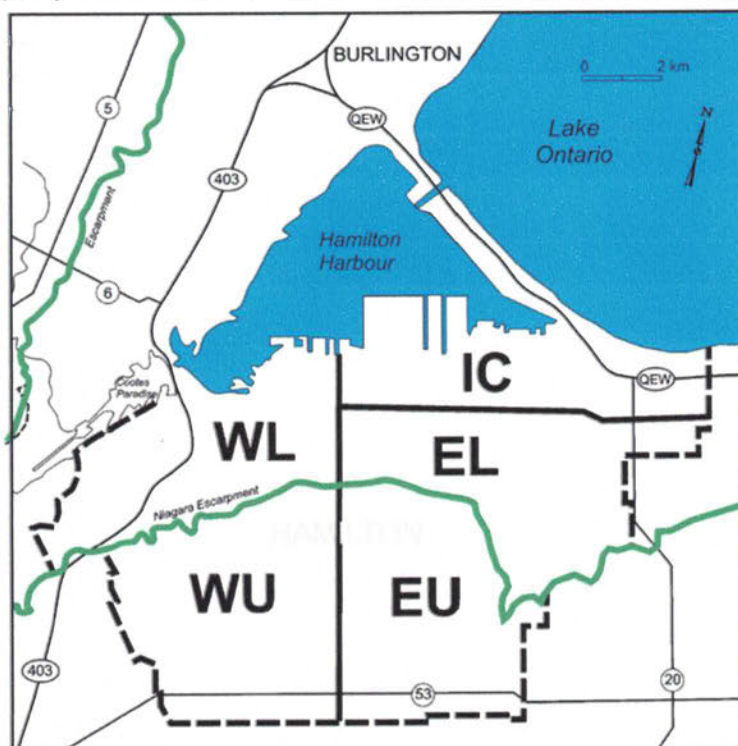
1.8.1 *Planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the impacts of a changing climate through land use and development patterns which:*

*f) promote design and orientation which maximizes energy efficiency and conservation, and considers the mitigating effects of vegetation and green infrastructure; and
g) maximize vegetation within settlement areas, where feasible.*

B) Air quality, air pollution and the Hamilton Airshed Modelling System

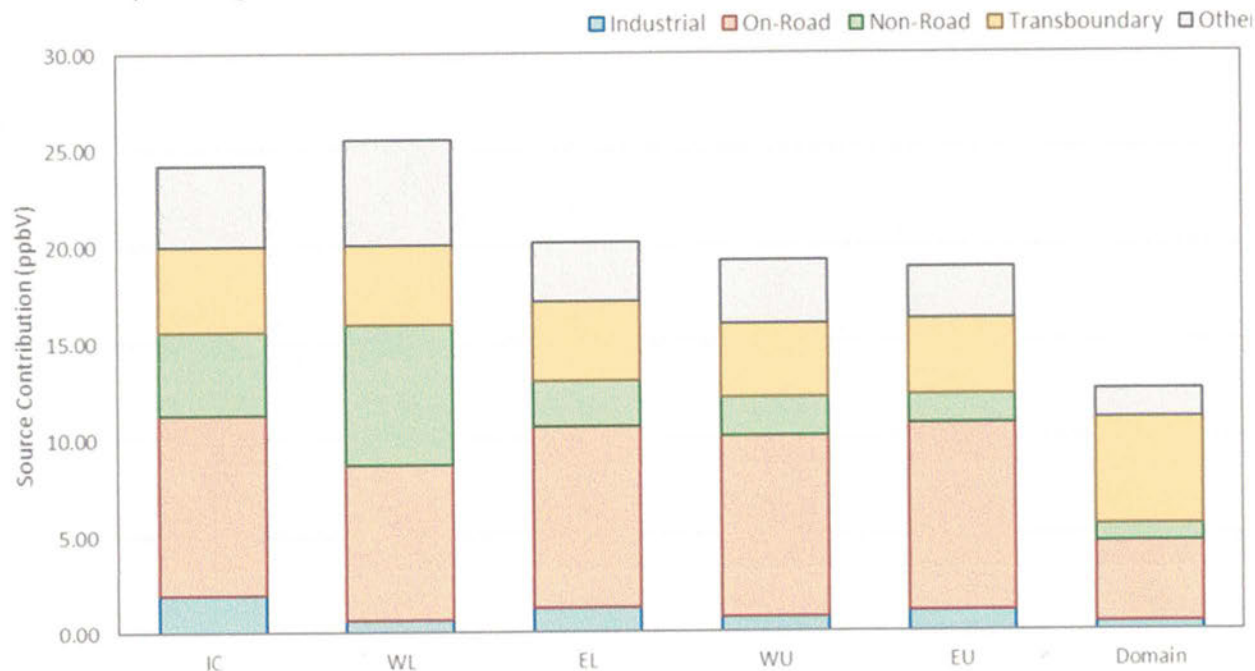
Clean Air Hamilton

In addition to the attachments that were previously set out in my letter of December 2020 and which contained the Nitrogen Dioxide readouts taken at the Hamilton West Ambient Monitoring Station, I am now attaching relevant information from Clean Air Hamilton that was published by Air Quality and Climate Change, Public Health Services, Healthy Environments Division, Healthy & Safe Communities Department, City of Hamilton in December 2019. This material pertains to the “Hamilton Airshed Monitoring System” which was completed in 2018 and which divided the City of Hamilton into five specific domain areas, one of which was West Lower (WL). This is the domain in which the subject site is located.



One of the important air contaminants being monitored in the Hamilton Airshed Modelling System was Nitrogen Dioxide and the study found that the levels of Nitrogen Dioxide were highest in the West Lower domain. Transportation on road sources account for the majority of emissions, but in West Lower area non-road sources were also higher.

Annually Averaged Source Contribution: NO₂



The concentrations of Nitrogen Dioxide read at the Hamilton West Ambient Air Monitoring Station continue to have some of the highest in the Province of Ontario on temperature inversion days and the 20-30% of days in the year when the prevailing winds are out of the east, trapping the air contaminants in the “West Lower” domain which lies within the geographical confines of the escarpment. Unfortunately, the total number of temperature inversion days and changes in wind direction out of the east appear to be increasing due to climate change, exacerbating the detrimental impacts on the health of children and seniors.

C) Increased truck traffic along both Main Street West and Highway 403, and the projected increase in truck traffic congestion with the anticipated LRT

Metrolinx

As part of the LRT study for the City of Hamilton and Metrolinx, a report was issued by Steer Davies Gleave in February 2017 to examine ridership modelling and traffic, as well as the reduction of green gas emissions from road traffic. An important factor was Traffic Flow and the study produced four charts indicating AM LRT volumes 2031; PM Peak hour LRT volumes 2031; AM Peak hours BAU (Business as usual) without LRT; and PM Peak hours BAU Scenario (without LRT) 2031. (see pages 17, 18, 19 & 20)

All four charts indicate the extremely high traffic volume in the immediate vicinity of the proposed development, and when combining the traffic volume from Main Street West which passes the site to the north, and the traffic volume from Highway 403 it appears that this area has the highest Traffic Flow in the entire City of Hamilton. With indications of even greater truck traffic volume due to the potential widening of Highway 403 to accommodate increased traffic volume, the combined increased volume in heavy trucks along Highway 403 and Main Street West will result in a corresponding increase in Nitrogen Dioxide as it is directly produced by diesel truck emissions.

Table II: Forecasted Road Traffic Data (2031)

Road Name		Cars	Medium Trucks	Heavy Trucks	Total
Main Street	Daytime	41 166	762	12 524	54 452
	Nighttime	4 574	85	1 392	6 050
	Total	45 740	847	13 916	60 503
Highway 403	Daytime	110 462	4 664	7 610	122 736
	Nighttime	19 493	823	1 343	21 659
	Total	129 956	5 487	8 953	144 395

The Metrolinx Report on the LRT by Steer Davies Gleave also points out two other factors that must be considered in assessing the extremely high levels of Nitrogen Dioxide in the vicinity of the proposed development. The first is that Metrolinx does not anticipate any overall reduction in Greenhouse Gas Emissions from a reduction in overall vehicle kilometres travelled (VKT) as stated in one of its reports

“all Hamilton Rapid Transit investment options increase VKT during morning rush hour in 2041. This means the transit options are poor at reducing auto distance travelled, and therefor poor at providing a reduction in greenhouse gas emissions.” (italics added for emphasis)

The second factor recognized by Metrolinx was that in order to avoid traffic congestion along Main Street West it will be necessary to increase the signal timing for a higher green time for the traffic lights at the Highway 403/Main Street West interchange and at Main Street West and Dalewood for both the eastbound and westbound traffic flow. This will help avoid some congestion on Main Street West, but it will unfortunately result in more congestion and idling on the Highway 403 exit ramp for truck traffic waiting to turn onto Main Street West, and it will also increase the idling time for vehicles that are waiting to make right turns onto Main Street West from both Dow Avenue and Cline Avenue South. This is set out in Sections 5.18 and 5.19 an in Table 5.4 of the Steer Davies Gleave Report.

- 5.18 Work has been undertaken as part as an iterative process to mitigate the congestion and delays of traffic within the network. This is a time consuming and iterative process where ‘fixing’ an issue at one intersection pushes the traffic elsewhere within the network and it generates a new and different problem elsewhere.
- 5.19 Ultimately the network is not at a point where the impact is limited to a number of constrained points in the network. In order to get to this stage, a number of mitigations were required, some having more impact than others. These are set out in the table below.

Table 5.4: Network Changes required to accommodate LRT

Intersection	Signals	Changes
James and Main	Signal Timing	Higher green time to EBT
Main and Emerson	Signal Timing	Higher green time to EBT, WBT and EBLT
Main and Dalewood	Signal Timing	Higher green time to EB/WB
Main and Hwy 403	Signal Timing	Higher green time to EB/WB
Main and Longwood	Signal Timing	Higher green time to NBT

If this is combined with the increased amount of vehicle traffic diverted to adjacent roads as a result of the LRT line, it will lead to further increases in VKT and thereby again result in an unacceptable increase of nitrogen dioxide in the neighbourhood.

Hamilton Truck Route Master Plan

Another reason for concern relating to increases in the already higher levels of Nitrogen Dioxide in the neighbourhood is the that Main Street West is an important component of the Hamilton Truck Route Master Plan with a Full-Time major truck route extending from Longwood Road and westbound on Main Street West directly in front of the proposed development. The steady and increasing volumes of heavy truck traffic, does not bode well for air pollution reduction, as the truck route requires a faster-moving flow of traffic without delays or congestion, which may not be possible with the LRT along Main Street West. (see pages 21 & 22)

It is certainly appreciated that the Province of Ontario is seeking in the long term to enact measures to reduce the carbon content of transportation fuels, and to mandate improved vehicle efficiencies, such as aerodynamic improvements, speed limiters and anti-idling devices. Other measures may include hybrid-electric vehicles and truck stop electrification, however, given the fact that the truck traffic on Main Street West primarily consists of heavy truck commercial fleets, the more realistic and helpful option to reduce nitrogen dioxide is to take the steps that are readily available to the municipality such as requesting adherence to setback requirements, increasing green infrastructure, and requiring landscaping buffers and built forms that avoid the “street canyon” effect along this section of Main Street West.

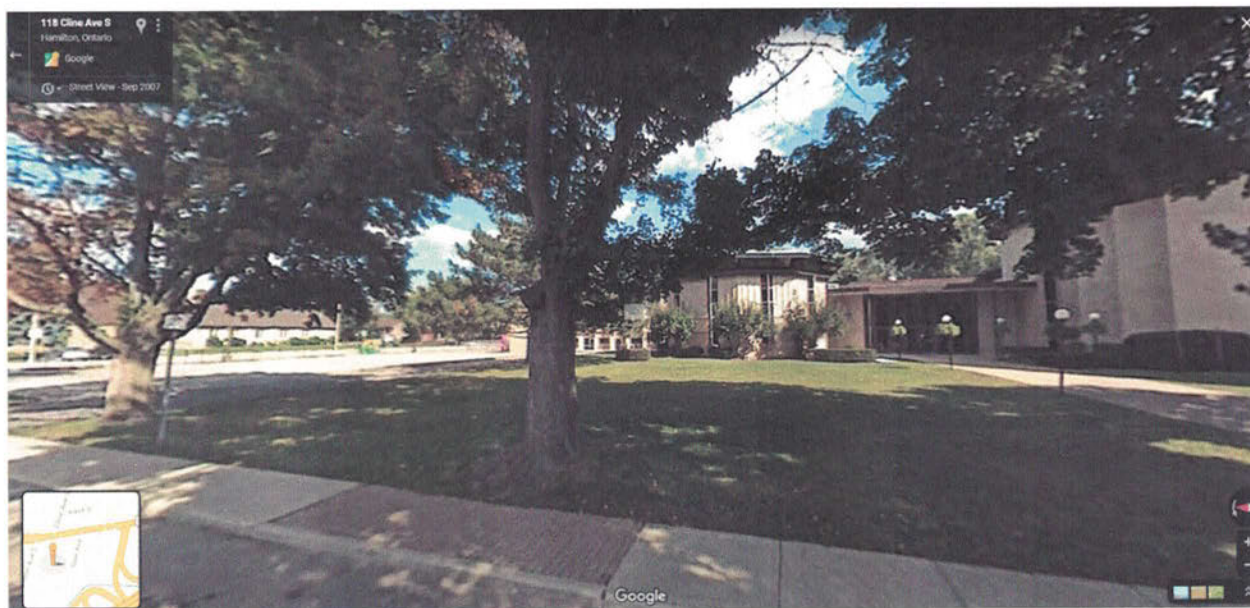
D) Climate change, green infrastructure and the decline of Urban Forest in the neighbourhood

Severe Decline of the Urban Forest

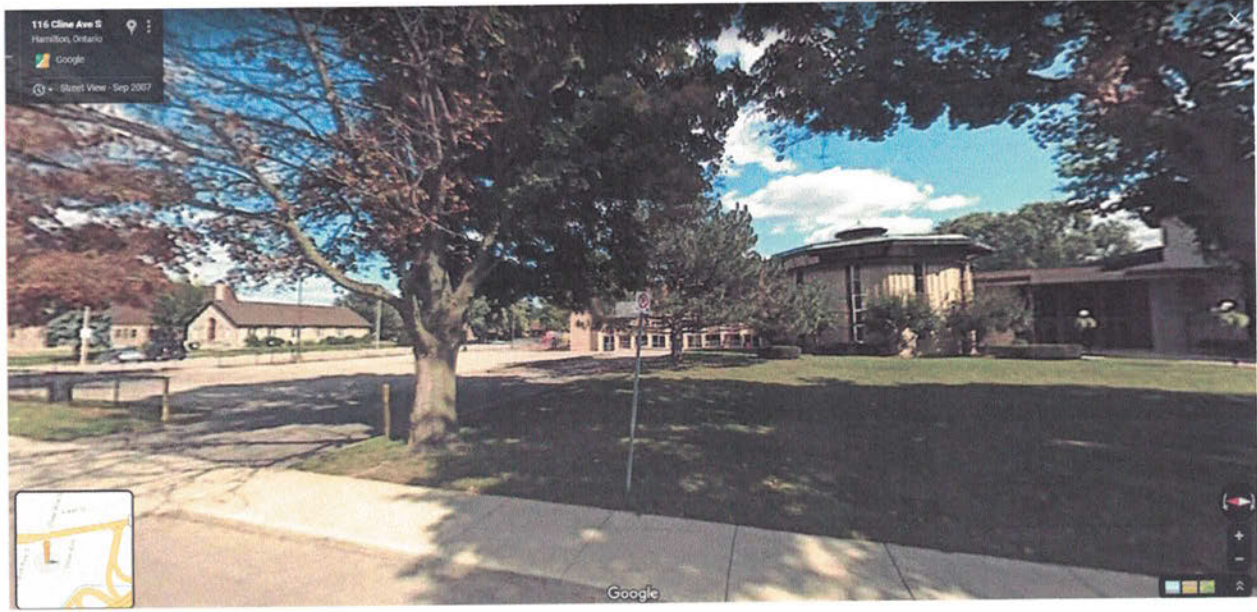
The extraordinary loss of mature trees in the neighbourhood surrounding the proposed development can best be explained by viewing the following pictures that show eight trees that

have been cut down and removed by the City of Hamilton, and the five small replacement trees which were planted to replace them. (There was a sixth tree at the corner of Main Street West and Cline Avenue South but it died and has been removed) It is not known whether the removal of the trees by the municipality was due to climate change or whether it was due to the effects of the very high level of air pollution in the neighbourhood, which these trees were, ironically, intended to mitigate against. I believe that the City of Hamilton Forestry & Horticulture Section would have records for the date of each removal and the reason why the various municipal trees were cut down.

An urban forest is recognized as the most optimum mitigation measure in absorbing harmful contaminants in the air, such as nitrogen dioxide, and an urban forest and a green landscaped buffering area is also considered a highly effective noise barrier from adjacent roadways and highways in close proximity to any site being developed. It is therefore most disturbing and alarming that the existing urban forest is already in dramatic decline, and when compounded with the removal of mature trees by the Applicant for the proposed development, it appears probable that the existing urban forest will no longer be able to mitigate the effects of the increasing levels of air pollution in the neighbourhood.



TWO TREES CUT DOWN IN FRONT OF THE ADAS ISRAEL CHAPEL



**TREE CUT DOWN NEXT TO PLAYGROUND DRIVEWAY
NEVER REPLACED**



**TREE CUT DOWN IN FRONT OF PLAYGROUND
NEVER REPLACED**



**TREE CUT DOWN NEXT TO CHURCH PARKING LOT
NEVER REPLACED**



**TREE CUT DOWN AT CORNER OF MAIN STREET WEST
AND CLINE STREET SOUTH
(TREE WAS REPLACED BUT SUBSEQUENTLY DIED AND NEVER REPLACED)**



REPLACEMENT TREE THAT DIED AND WAS REMOVED



MOST RECENT PICTURE SHOWING NO MUNICIPAL TREES



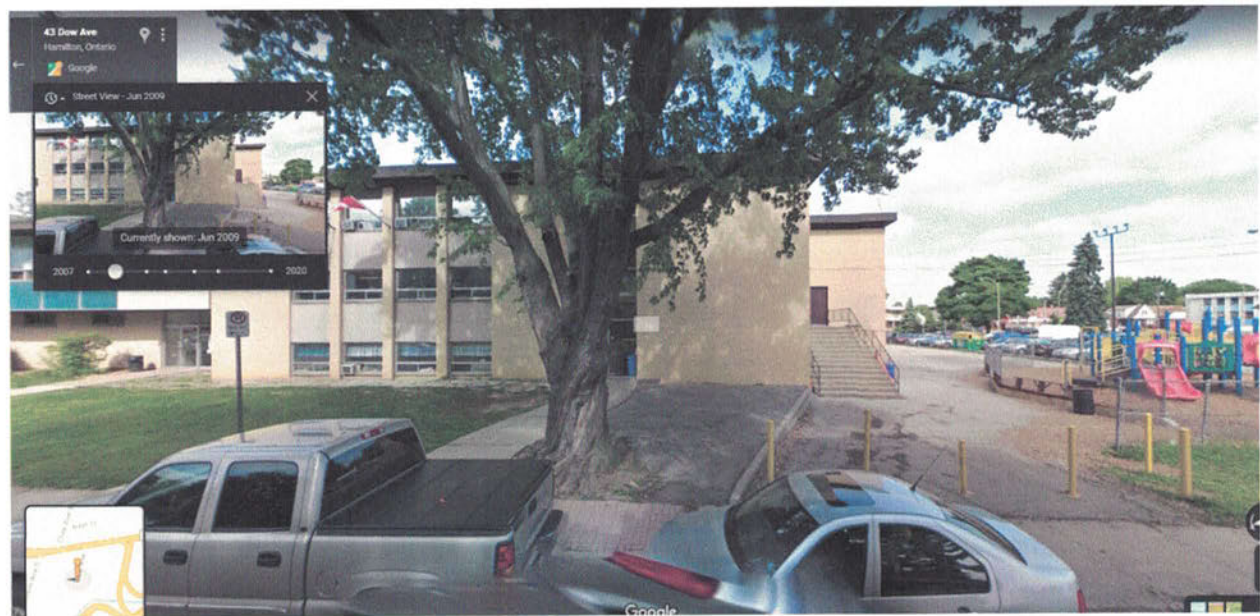
**RECENT VIEW LOOKING UP CLINE AVENUE SOUTH
WHERE FIVE MATURE TREES WERE REMOVED
THREE OF WHICH HAD NO REPLACEMENT**



**TWO REPLACEMENT TREES PLANTED BY CITY
NEXT TO FENCE**



LARGE TREE ON DOW AVENUE WHICH WAS CUT DOWN



**ANOTHER VIEW OF THE SAME TREE SHOWING
LARGE CANOPY**



**TWO SMALL REPLACEMENT TREES FOR THE
LARGE TREE CUT DOWN ON DOW AVENUE**



**TWO TREES AT THE CORNER OF PAUL STREET
AND CLINE AVENUE SOUTH WHICH WERE CUT DOWN**



**NO REPLACEMENT TREE PLANTED
(NEW TRANSFORMER BOX WHERE TWO TREES ONCE STOOD)**

It is therefore extremely important that all possible measures be taken to protect the urban forest and to promote a green infrastructure and green landscaping at the subject site and within the surrounding neighbourhood. Metrolinx is committed to using green infrastructure wherever possible in the construction of the LRT and it is therefore imperative that the Applicant similarly be required to utilize green infrastructure and to take the necessary mitigation measures to diminish the harmful effects of nitrogen dioxide in the neighbourhood. This can be accomplished by providing a healthy growth environment for mature trees, and by allowing for a sufficiently wide and deep area to permit the tree roots to become established in the soil and to reach the water table. Although the trees in the neighbourhood appear to be under the stress of climate change and the detrimental impact of high levels of nitrogen dioxide, appropriate land use planning can ensure the health of the existing urban forest canopy as well as the survival of the future urban forest which is to be planted as part of the redevelopment process.

Setbacks

The tools available for the Planning Department for ensuring a healthy urban forest which will suffer under the stress of climate change and traffic related air pollution are already found in the zoning by-laws and in the UHOP and the City of Hamilton's guidelines and policies planning documents. In this regard the Applicant should be required to adhere to the setback distances of **6.0 metres** on Dow Avenue and Cline Avenue South, and the **4.5 metres** on Main Street West, rather than granting relief to the **3.0 metres and 1.7 metres** distances which the Applicant applied for in its Application. In addition, the very large underground parking garage proposed by the Applicant should similarly observe all setback requirements from the lot line above and below grade, as it essential that the tree roots be able to reach the water table and have as much permeable surface area as possible.

“Canyon Effect” on the south side of Main Street West

Another applicable policy relates to avoiding the “canyon effect” on the south side on a street with an east/west axis. In this case the Planning Department should request compliance with its guidelines and insist that the Applicant separate its tower by a podium no higher than three-storeys as such a separation and reduction in height permits sunlight and wind penetration and helps in the dispersal of ambient air pollutants, such a nitrogen dioxide.

Cultural Heritage Policies in respect of Grace Lutheran Church and a landscaped Courtyard

The Cultural Heritage policies in the UHOP in the Cultural Heritage guidelines are also extremely relevant, as mitigation measures for the preservation and conservation of the extant building of the Church, in whole or in part, and an open courtyard with a permeable surface, will provide the neighbourhood with a much-needed landscaped courtyard with trees and shrubs to provide a “sense of place” and “vitality” to the neighbourhood. But most importantly, it will also provide an additional measure to help mitigate against the harmful effects of traffic related air pollution.

CONCLUSION

The issue of high levels of nitrogen dioxide in the Hamilton Airshed, increased heavy truck traffic volume flow, and climate change and the dramatic decline of the urban forest, are all factors that demonstrate the vulnerability of the proposed site.

The reduction in setback distance as set out in the proposed site-plan and the Applicant’s request for relief from the setback requirements in the TOC1 zoning by-law, as well as its non-compliance with the Urban Design guidelines and policies of the City of Hamilton, will exacerbate a critical situation that currently exists in the neighbourhood. Most importantly, the Applicant’s proposed development will create detrimental health impacts on not only the existing residents in the neighbourhood, especially children and seniors, but also all the intended occupants of its proposed buildings.

It is therefore respectfully requested that the Planning Department circulate this objection letter and the two previous objection letters relating to the health impacts of traffic related air pollution and the environmental issues relating to the Chedoke Creek Valley subwatershed, to the following departments for their respective comments on and response to the appropriateness or adequacy of the setbacks in the Applicant’s proposed site-plan:

Hamilton Conservation Authority, the Hamilton Board of Health, the Air Quality & Climate Change Division, Recreation Division, Healthy & Safe Communities Department, Healthy Environments Division - Public Works Department, Forestry and Horticulture Division – Public Works Department, Source Water Protection Planning – Public Works Department, and the Traffic Department.

In light of the provisions set out in the Provincial Policy Statement (2020) and the reasons set out above, I strongly believe that the Applicant's two Applications are not consistent with the PPS and that they should be denied by the Planning Department.

Yours truly,

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/John Ross

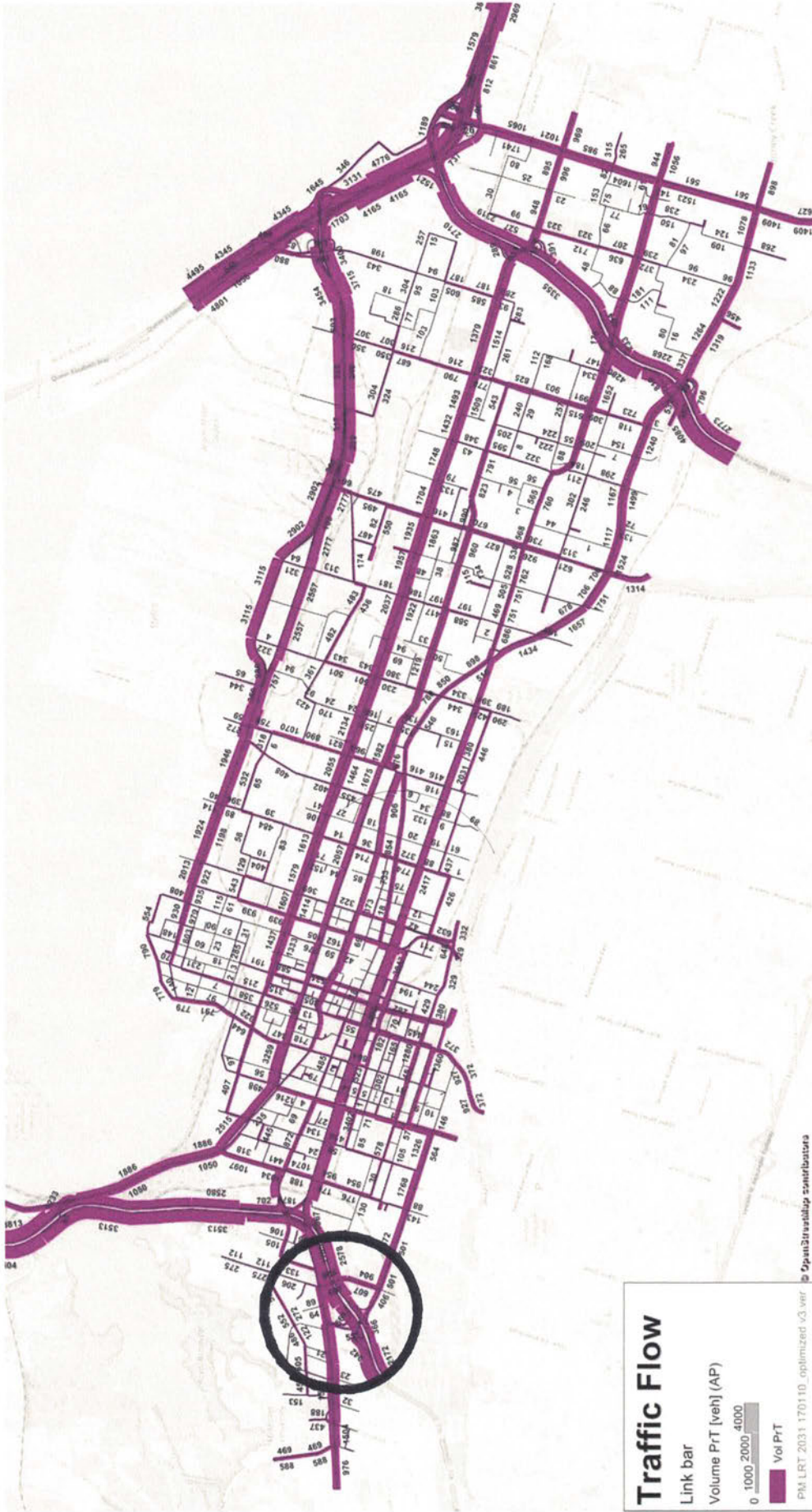
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Figure 5.3: 2031 AM LRT Volumes



17

Figure 4-8: 2031 PM Peak hour Volumes – LRT Scenario (with LRT)



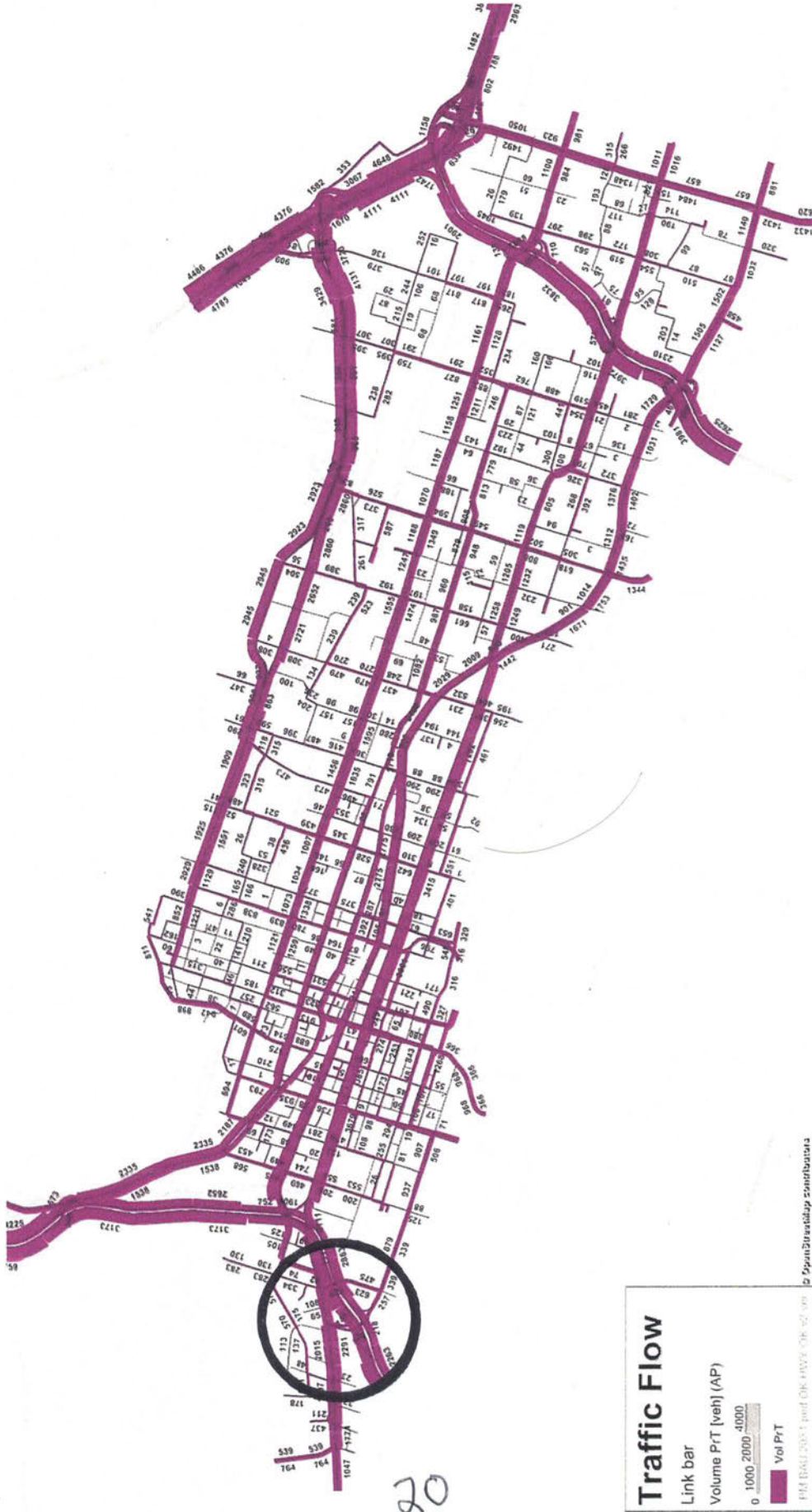
18

Figure 4.2: 2031 AM BAU Volumes



19

Figure 4-7: 2031 PM Peak hour volumes BAU Scenario (without LRT)



20



January 31, 2022

Daniel Barnett
Planning and Economic Development Department
Development Planning, Heritage and Design – Urban Team
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5

Maureen Wilson
Councillor Ward 1
71 Main Street West, 2nd Floor
Hamilton, ON L8P 4Y5

Dear Mr. Barnett and Ms. Wilson

**RE: UHOPA-20-012 and ZAC20-016
1107 Main Street West, Hamilton (Ward) 1
Detrimental Impact on Tree Management Plan and Pedestrian Safety
As a Result of Applicant reducing required setback by 3 metres**

The failure of the Applicant to adhere to the 6-metre setback on Dow Avenue and Cline Avenue South has resulted in two additional impacts that detrimentally affect the neighbourhood, and which deserve consideration by the Planning Department. These impacts relate to the Tree Protection Plan and the Vehicle Circulation Review which were both submitted by the Applicant. In my opinion the deficiencies arising in both documents as a result of the reduced setback, clearly demonstrate that the proposed development cannot be supported as being consistent with the PPS.

Tree Management Plan

It is well established that a precedent in the City of Hamilton for a “good and modern intensification along a higher-order traffic corridor” is Good Shepherd Square. In reviewing this redevelopment, it becomes readily apparent that the Good Shepherd’s compliance with the street setback allowed the mature municipal trees on both Ray Street North and Pearl Street North to remain intact and that the buildings were erected without disruption to the urban forest in the neighbourhood. The municipal trees therefore continued to serve as a benefit to the all the residents who moved into Good Shepherd Square, and to all the residents in the neighbourhood along Ray and Pearl Streets.

Due to the Applicant’s reduction of the required minimum setback from 6 metres to 3 metres, and its request for relief from the TOC1 zoning by-law, the municipal trees on Dow Avenue and Cline Avenue South are not being saved or preserved, unlike the municipal trees at Good Shepherd Square, whose structural roots and feeder roots were largely preserved and not cut back.

Norway Maple

On Cline Avenue South there is a large Norway Maple with a well-developed crown diameter of 14 metres and with an excellent structural condition. This municipal tree is marked to be removed as it is in the building footprint. If, however, the building footprint were to be pushed back a further 3 metres to meet the zoning by-law requirement, the Norway Maple could have remained intact and thereby be included as a municipal tree marked for protection under the Tree Management Plan.



Norway Maple Tree No. 1 on Tree Management Plan

English Oak

The English Oak is a municipal tree located on Dow Avenue and it has a crown diameter of 20 metres and this tree is being identified for protection under the Tree Management Plan. It is subject to conditions set by the Applicant, one of which reads that “if a critical number of structural roots or feeder roots are proposed to be removed” it is to be recommended that the tree be removed.



English Oak Tree No, 20 on Tree Management Plan

12. CONSIDERATION TO PRESERVE TREE #20 WILL BE MADE IF THE FOLLOWING CONDITIONS ARE SATISFIED AND EACH TREE IS DEEMED SAFE TO PRESERVE.
- 12.1. TREE TO BE PRUNED PRIOR TO CONSTRUCTION BY A QUALIFIED PROFESSIONAL.
 - 12.2. SOIL WITHIN THE TREE PROTECTION ZONE TO BE REMOVED USING A SUPERSONIC AIR TOOL OR HYDRO VACUUM UNIT. SOIL REMOVAL TO OCCUR ONE DORMANCY PERIOD OR ONE GROWING SEASON AFTER MAJOR PRUNING HAS OCCURRED.
 - 12.3. STRUCTURAL ROOTS SHOULD BE EVALUATED BY A QUALIFIED PROFESSIONAL WITH EXPERIENCE IN ROOT EXCAVATION AND PRUNING.
 - 12.4. IF A CRITICAL NUMBER OF STRUCTURAL ROOTS OR FEEDER ROOTS ARE PROPOSED TO BE REMOVED, IT IS RECOMMENDED THAT THE TREE IS REMOVED AND COMPENSATED FOR ACCORDINGLY.
 - 12.5. IF IT IS DEEMED THAT ROOTS IN THE TREE PROTECTION ZONE MAY BE PRUNED WITHOUT MORTALITY OR RISK OF STRUCTURAL FAILURE THEN ROOT PRUNING SHOULD OCCUR AS FOLLOWS:
 - 12.5.1. RETENTION OF AS MUCH ROOT AS POSSIBLE, ROOTS MUST BE PRUNED WITH SHARP TOOLS, AND EXPOSED ROOTS MUST BE KEPT MOIST/DAMP WITH MULCHING MATERIALS, IRRIGATION OR WRAPPING IN BURLAP. MONITOR ROOT MOISTURE EVERY 4 HOURS.
 - 12.5.2. POROUS PAVING, OR INTERLOCKING PAVERS, INSTALLED ON SUPPORTING MATERIAL TO REDUCE COMPACTION.

Again, if the building footprint were to have been pushed back another 3 metres in order to be in compliance with the zoning by-law, an additional 3 metres of structural roots and feeder roots of the English Oak could have been saved. This additional 3 metres of roots are critically important and make the vital difference as to whether this municipal tree is destroyed, or whether it can remain intact, and continue to grow on Dow Avenue for the benefit of all the neighbourhood residents and future residents.

Silver Maple

The Silver Maple is a municipal tree also located on Dow Avenue and it currently has a crown diameter of 21 metres, but it is identified in the report as having minor defects or symptoms of disease. It is to be noted that five other silver maples on municipal lands have been cut down by

the City of Hamilton on Cline Avenue South, but it is important to know why the other trees were cut down, and whether this minor symptom of disease was due to air pollution and the high levels of nitrogen dioxide in this vicinity.



Silver Maple Tree No. 23 on Tree Management Plan

The Silver Maple on Dow Avenue is in relatively good condition and is not nearly as sickly or in as poor health as were the silver maples on Cline Avenue that were cut down by the City. At a time when the neighbourhood needs more trees, not less, every effort should be taken to protect this Silver Maple. If the setback requirement of 6 metres were to have been adhered to by the Applicant, this Silver Maple could have been protected under the Tree Management Plan.

Wooded Slope of the Chedoke Creek Valley

If the Silver Maple is suffering from the effects of air pollution it is critical that all the trees on the municipal lands that compose the Wooded Slope of the Chedoke Creek Valley, and lying between the houses on Dow Avenue, Southview Place and Cline Avenue South, and the Chedoke Creek, should be inspected by the Forestry and Horticulture Department of the City of Hamilton to determine the health of these municipal trees.

The urban forest on this slope is critically important as the trees act as an air pollution barrier, a noise barrier from traffic on Highway 403, and a vital slope stabilizer. If these trees on the wooded slope of the Chedoke Creek Valley are in poor health or dying, it would be a catastrophic loss for the entire neighbourhood.

Pedestrian Safety

The primary function and rationale of a 6-metre setback for a building that has driveway access to and from a street, is that the vehicles going into and out of the driveway access pose a danger to pedestrians walking on the sidewalk and to other vehicles, and that in order to prevent queuing of cars on the street and the blocking of a sidewalk a larger distance of 6 metres from the lot line should be provided by the developer. Accordingly, the full 6-metre setback is required for the safety of both pedestrians and motorists whenever there is an access driveway.

In addition to the full 6 metre setback, the developer is also required to provide a visibility triangle to ensure that pedestrians can see the motor vehicle, and that the driver can see the pedestrians. The reduction of the 6-metre setback to the Applicant's proposed 3 metre setback is therefore alarming given the composition of the projected pedestrians who are and will be walking or cycling on the neighbourhood sidewalks and streets.

The proposed development is adjacent to a City of Hamilton parkette with a playground built for pre-schoolers and young children. It is also adjacent to a day school with an enrollment from nursery to grade 8, and it is adjacent to a synagogue with congregants and their families walking on the neighbourhood sidewalks and streets. Studies by the City of Ottawa School Board and the consulting firm of Morrison Hershfield examined the issue of road traffic and pedestrian safety for school children and the following are factors and conclusions which are excerpted from their report:

6.2 Child Pedestrians

Evaluating traffic safety around schools requires an understanding of how children view their surroundings and interact with traffic. Child pedestrians have unique perceptions of the world around them as they mature, and developmental factors play an important role in influencing their abilities to safely navigate the demands of intersections and roads.

According to the SafeKids Canada Child Pedestrian Injuries Report 2007-2008, child pedestrian injuries are a leading cause of injury-related death for Canadian children aged

14 years and younger. There are a wide range of physical, psychological, and behavioural characteristics of children which tend to increase their risk for pedestrian injury and contribute to collisions.

The following summary of “human factors” related to children has been extracted and compiled from a variety of sources, including Jacobsen et al. (2000), Aoki and Moore (1996), Reiss (1977), TAC (1998b), ITE (1999), the National Safe Kids Campaign (2002), and Safe Kids Canada (2008).

- Children have difficulty detecting traffic. Their small size not only makes them **less visible to drivers** but **also less able to see oncoming vehicles**, especially when parked cars impede their vision. In addition, the field of vision of children is one-third narrower than that of adults. As a result, **young children are not able to see out of the corner of their eyes as well as adults** and have a restricted capacity for using information in their peripheral field of vision. Children under the age of 8 also have **difficulty judging the direction and importance of various traffic sounds**, such as sirens. Consequently, they may turn the wrong way searching for a sound, missing important information necessary to react safely.
- Children have difficulty judging safe gaps in traffic and safe places to cross the road. This complex task requires assessments of speed, distance and time that are beyond a child’s capabilities. In general, **children up to approximately 8 years of age have difficulty conceptualizing speed and distance**. Consequently, children may have trouble judging how fast a vehicle is coming towards them or how far away a vehicle is, limiting their ability to choose safe gaps in traffic or recognize situations where a driver is likely to hit them even though the pedestrian has the right-of-way (i.e. failure to stop at a crosswalk or stop sign).
- Children have trouble detecting movement. **Because their sense of perception is different from that of adults, children may think large cars move more quickly than small cars, or that narrow streets are less dangerous than wide streets**. A child may also perceive a small vehicle as being further away than an equidistant truck and may tend to judge noisy cars as going faster than quiet cars. This distorted view of traffic motion is particularly dangerous in light of children’s limited understanding of the physics of a moving vehicle, and the time and distance required to stop. Furthermore, children frequently base their decision to cross the road on the visible presence of vehicles without regard to sight distance or possible visual obscurement.
- Although children may have been taught to cross the street safely, **they can be easily distracted and may respond impulsively**. Moreover, children tend to focus only on the things that interest them most and more readily attend to new or emotionally engaging information than to information relevant to traffic. **Children also tend to mix**

fantasy with reality, and are often impatient. As a result, they have trouble waiting for stoplights to change or for cars to stop at a crosswalk before they step out onto the road.

- **Children need more time to process information and react than adults.** **Children also have difficulty processing several items of information at the same time** and may be overwhelmed by the complexity of traffic. Indeed, young children are unable to synthesize all of the pieces of information that they need to act appropriately in an emergency situation. Even if children have been taught the rules of the road, their brains are unable to process multiple pieces of information or a complex chain of events. **Lacking the fully developed ability to evaluate complex and potentially hazardous situations, they fall back on prescriptive rules, easily remembered but not always appropriate.** Children's rigid adherence to rules combined with their way of thinking may cause a child to conclude that a pedestrian crosswalk or sign renders them safe without properly evaluating the traffic situation. **Since children tend to concentrate on one thing at a time and are incapable of distributing their attention, they may have only a vague overall impression of their surroundings** despite the complexity of the traffic situation they are encountering.

- **Children cannot understand the driver's point of view** and expect adults to look out for them. They believe that others see what they see and do not realize that drivers may be unaware of their presence. **Young children often have mistaken beliefs about cars,** trusting cars to stop instantly. **Many children believe that the safest way to cross a street is to run. Children also lack a sense of vulnerability,** and do not understand that a car can seriously hurt or kill them. This lack of understanding may translate into unsafe behaviour as children travel within their neighbourhood.

While younger children have certain limitations that hinder their ability to safely react to traffic situations, older children generally have sufficient ability to cope with the dangers of traffic. According to Safe Kids Canada, children older than nine have generally matured sufficiently to be able to walk and cycle safely near traffic, and can therefore be permitted greater independence.

By age eight, children's brains have reached a stage of development that allows them to be more responsible and to make good judgement. As a child's thinking becomes increasingly more sophisticated, the brain develops the ability to process multiple pieces of information at the same time. This allows a child to properly assess a chain of events and respond appropriately – a very important skill when cycling or walking near traffic. As a child ages, he/she begins to develop feelings of vulnerability and therefore is more conscious of the risks and consequences of his/her activities. Reality-based fears begin to surface around age nine [such as the fear of someone dying]. As physical coordination develops, children become more suited to dealing with the hazards of traffic. At the same time, children become less impulsive and are more likely to think before darting out into the street.

Given these limitations, it is generally recognized that children younger than the ages nine to eleven require adult supervision when walking or cycling on community roads (Reiss 1977; National Safe Kids Campaign 2002; Safe Kids Canada 2008). The National Safe Kids Campaign (2002) recommends that children under the age of ten be accompanied by adults or older children when crossing the street. Likewise, Safe Kids Canada (2008) recommends the proper supervision of children under the age of eleven, since younger children generally do not have the ability to make safe decisions when dealing with complex traffic situations, regardless of their level of intelligence. Indeed, parents have a tendency to over-estimate their child's pedestrian skills, without recognizing that their child lacks the cognitive development, behavioural capacity, and physical coordination to safely walk and cycle in traffic, and react to dangerous situations which might arise.

As reported by Jacobsen et al. (2000), teaching children about traffic safety has only limited potential to reduce child pedestrian injuries:

While children as young as nine years may be able to learn the skills to cross the street, it is unlikely, because of their cognitive, perceptual and behavioral abilities, that they can be relied upon to use those skills, especially when they are engrossed in play. Interacting with traffic is complex, and the necessary abilities are not fully developed in children until age 11 to 12 years (pg. 71).

Based on these findings, **an age of eleven was selected as the 'design age' for which hazards will be evaluated** with the given methodology. While children of all ages are encouraged to walk to school within no transport zones, **parental accompaniment/supervision is assumed for all children below the age of eleven.**

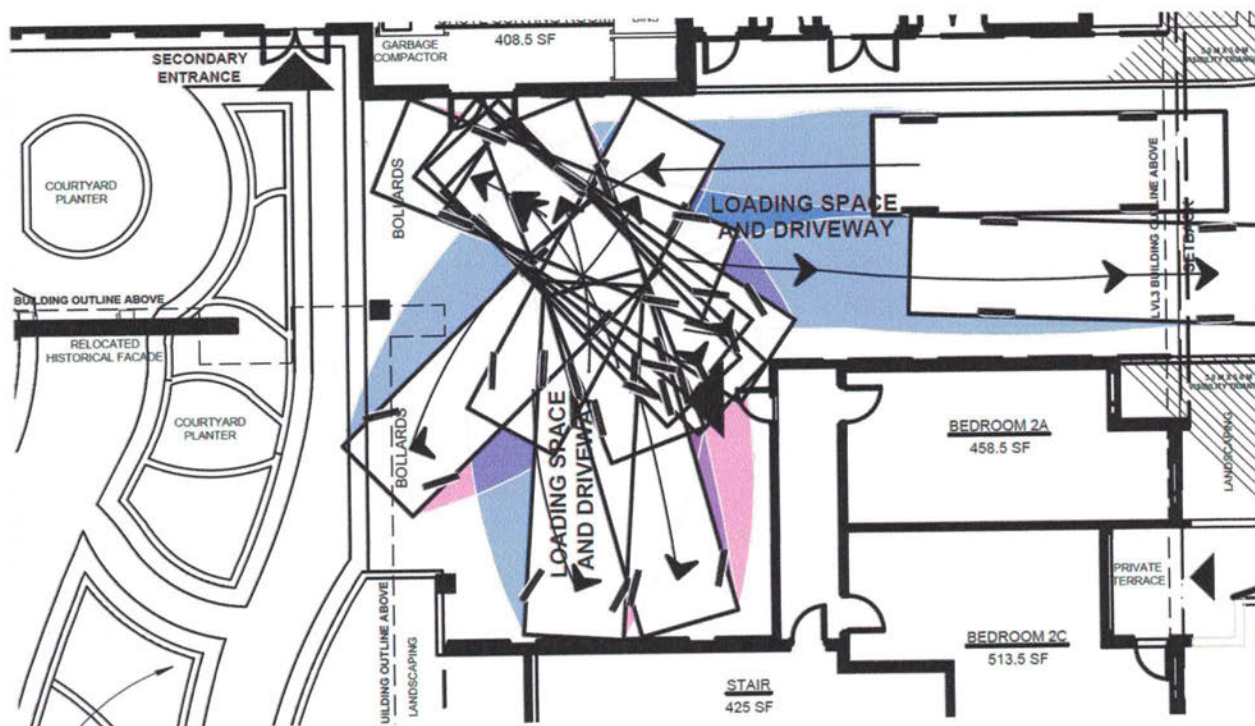
Although younger children may not have the ability to make safe decisions when walking or cycling unsupervised, it is still important to expose children to traffic, and to allow them to develop the skills required to safely navigate the road network once they are developmentally ready for the challenge.

Accordingly, the reduction of the distance between the sidewalk and the building portion of the access driveway by 3 metres on both Dow Avenue and Cline Avenue South, is a substantial reduction in the safety distance between child pedestrians and motor vehicles. With two access driveways in the building located on both Dow Avenue and Cline Avenue South and two busy sidewalks leading to a City of Hamilton parkette and a school playground which is adjacent to the proposed development, the 3 metre shortfall in the required setback constitutes a significant increased danger to child pedestrians.

Vehicle Circulation Review

The Applicant has submitted the attached Vehicle Circulation Review which was Appendix B to the Parking Supply and Vehicle Circulation report prepared by GHD and dated June 12, 2021. (see pages 12 to 15)

Of particular concern is the Garbage Truck Circulation Review for a Garbage Truck entering the driveway access on Dow Avenue and then turning around within the proposed development and then exiting onto Dow Avenue. (see below)



Looking at the Applicant's Garbage Truck Circulation Review it appears that a Garbage Truck is required to complete a 7-point turn in an extremely narrow Loading Space before the vehicle is able to drive out of the building and onto Dow Avenue. It is my opinion that an experienced garbage truck driver would be able to successfully complete this turn around manoeuvre, but that a less skillful delivery driver, or an individual who is renting a truck for unloading or pickup, would not be prepared to negotiate a 7-point turn, and would elect to back out in reverse from the driveway and reverse back across the sidewalk onto Dow Avenue, or even back into the loading space driveway from Dow Avenue. Both options are extremely dangerous for pedestrian safety.

To compound the matter, if another vehicle was to be parked or idling within the loading space, there may not even be an opportunity to negotiate the 7-point turn, and accordingly any truck driver, or van or delivery truck driver, would have no other alternative than to back the vehicle out of the loading space in reverse onto Dow Avenue.

Removable Bollards

The site plan and Level 1 Floor Plan submitted by the Applicant to the Planning Department, indicates that the outdoor amenity space courtyard is to be separated from the loading space by removable bollards. But with four proposed commercial stores and a café located in a 15-storey high-rise, it may not be realistic to expect that all delivery and commercial and moving van drivers will take the time to contact the property management company and have the bollards

temporarily removed in order to provide the driver with the required manoeuvring room to complete a turn around. Rather it appears more likely that after the completion of the project the bollards will be permanently removed, thereby allowing the outdoor amenity courtyard to be partly incorporated into the loading space driveway.

Children on Municipal Sidewalks

It has already been stated that children are less visible to drivers, and that children have difficulty conceptualizing speed and distance, and the ability to evaluate complex and potentially hazardous situations. The greatest concern respecting the narrow loading space and access driveway off Dow Avenue is the fact that “children under the age of 8 also have difficulty judging the direction and importance of various traffic sounds, such as sirens. Consequently, they may turn the wrong way searching for a sound, missing important information necessary to react safely”.

It is certainly reasonable to assume that if this proposed redevelopment were to be approved, many of the delivery trucks and vans using this loading access driveway will be backing up out of the driveway onto Dow Avenue, and therefore young children will be required to hear the “backup beeping” sound of a truck or van and be quickly required to process and appreciate the imminent danger if they are walking, cycling or running along the sidewalk. This mental processing, however, is not present in young children under 8, and consequently they will be exposed to dangerous situations just by being on the sidewalk.

If a delivery truck, or van, or other large commercial vehicle has already partially backed out of the driveway and is blocking the sidewalk when a young child approaches, will the child know the proper course of action to follow. Unfortunately, young children are “impatient” and they may believe that they have to enter the roadway and quickly run behind the truck or van, or they may believe that they have to enter the loading space area and quickly dart in front of the truck or van. Either scenario is extremely dangerous, and young children leaving or heading towards a playground or school should not have to be placed in this situation, due to a poorly designed access driveway and loading space, and due to proposed built form with an inadequate setback from the property line.

Proposed Connection to Neighbouring School thereby avoiding use of sidewalk


The current site plan submitted by the Applicant indicates that there is a proposed connection from the development to the neighbouring school, which is the Hamilton Hebrew Academy. At the Design Review Panel meeting it was suggested that this connection might be a security gate with controlled access and a passcode only given to certain, exclusive residents, selected by the school or the synagogue. While this security access gate will avoid the necessity of the children of some of the future occupants from using the sidewalks, is it not more important to design a built form which establishes the safety of all pedestrians using municipal sidewalks as the top priority, rather than only the safety of the few children who will be able to use the security access gate?

Conclusion

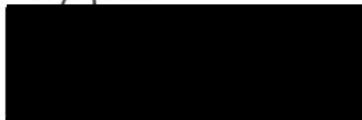
The Applicant's request to be relieved from adhering to the setback requirements as set out in the zoning by-law should be denied. The reduction of the setback of 3 metres is substantial, as it will result in the loss of three large municipal trees that would otherwise have survived with a 6-metre setback. These municipal trees are part of the urban forest, and the trees provide a vital role in mitigating from the harmful affects of traffic related air pollution and the high nitrogen dioxide levels which exist in this very neighbourhood. These municipal trees also provide the neighbourhood with its "sense of place" and character, and greatly add to the vitality of the street.

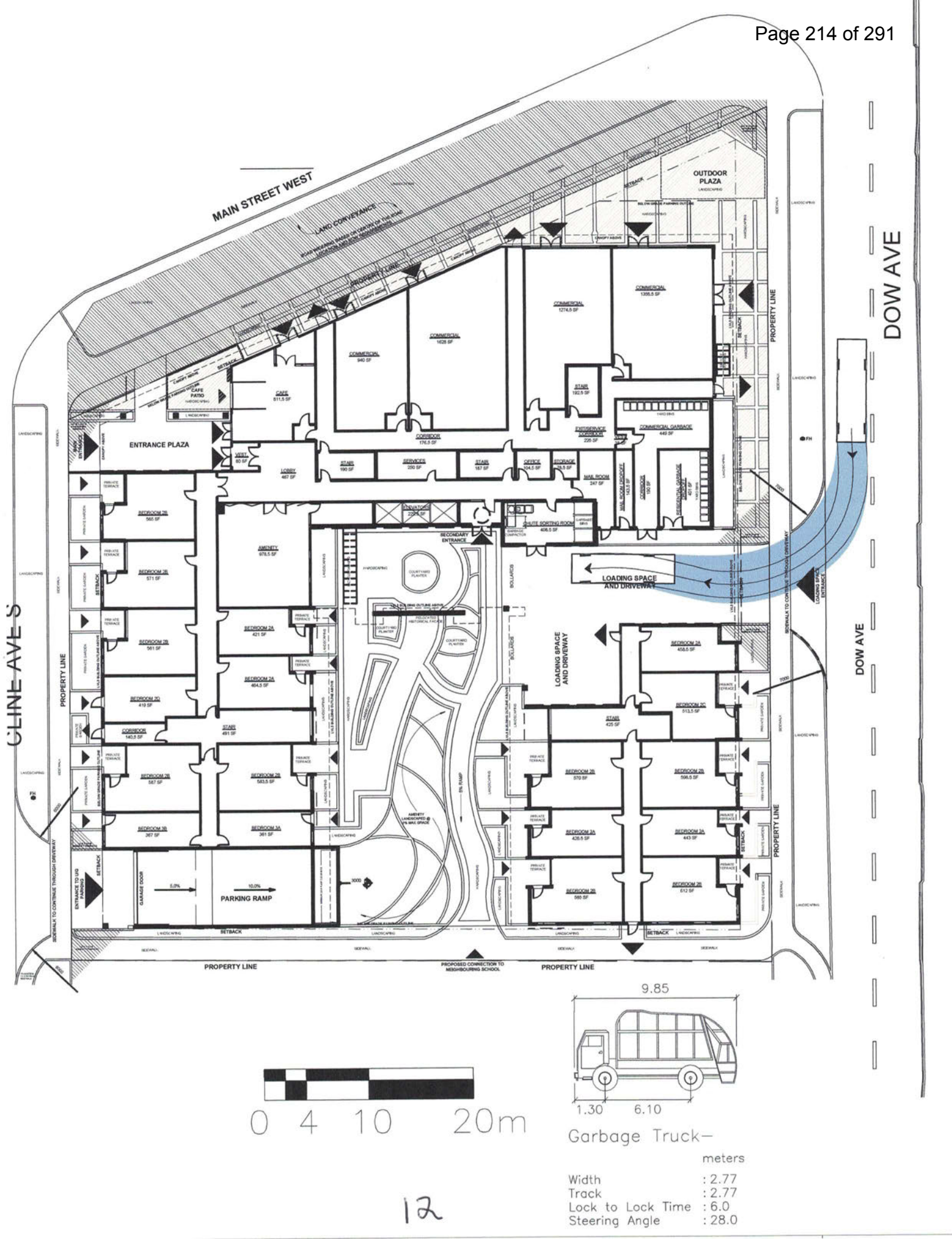
The request for a reduction from the setback requirement should also be denied to the Applicant in respect of the detrimental impact for child pedestrian safety on the sidewalks surrounding the proposed development, especially at the two access driveways. Based on the severe impact that will be created by the Applicant, I respectfully urge the Planning Department to exercise the mandate given to it under the Planning Act to protect the "public interest" and that there be no relief granted to the Applicant from the 6 metre setback that is required in the TOC1 Zoning By-law.

Yours truly,



John Ross



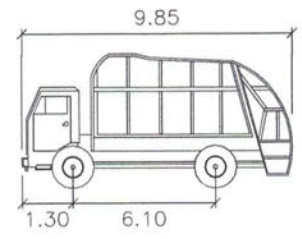


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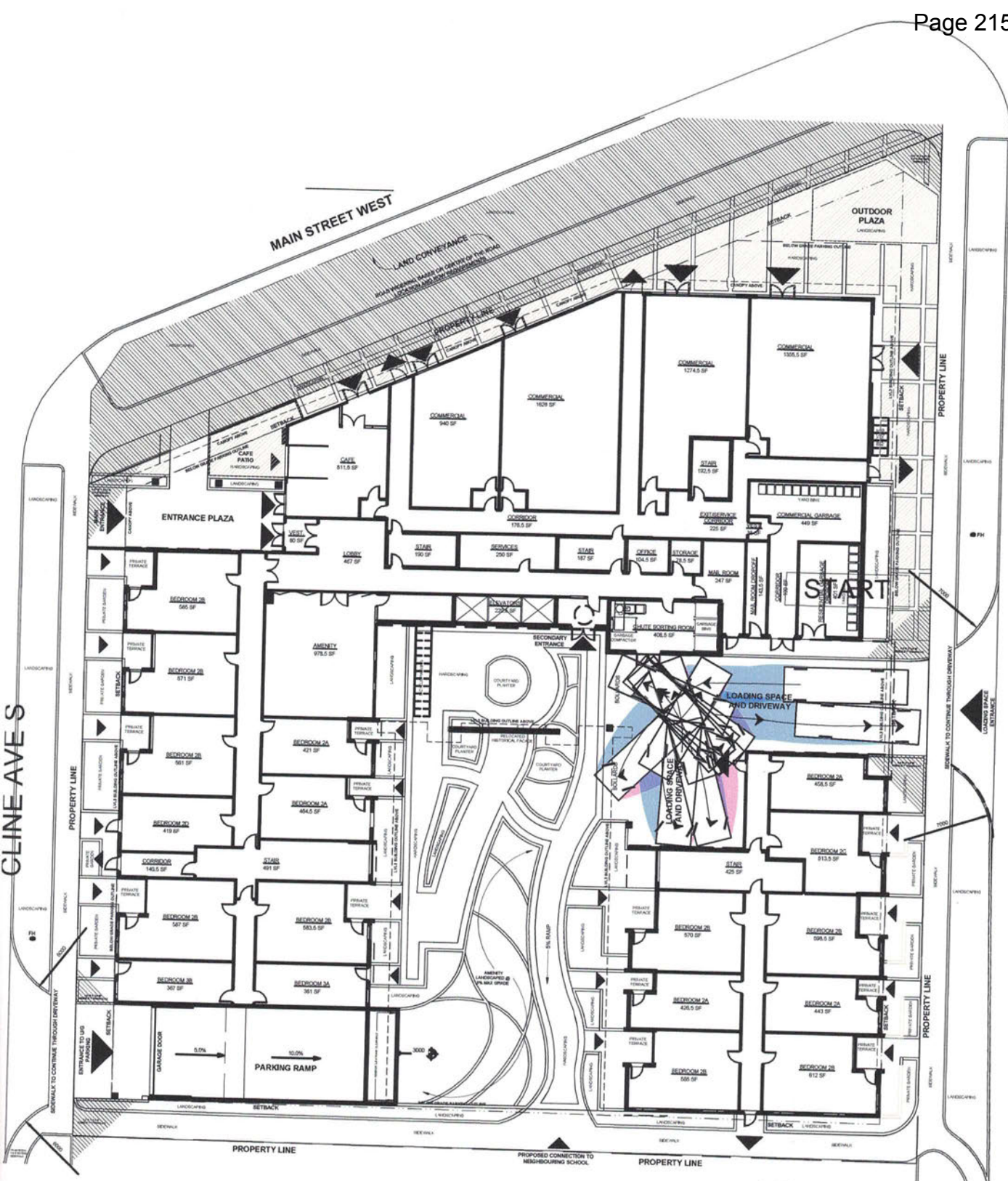
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DOW AVE



Garbage Truck—
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 Track : 2.77
 Lock to Lock Time : 6.0
 Steering Angle : 28.0

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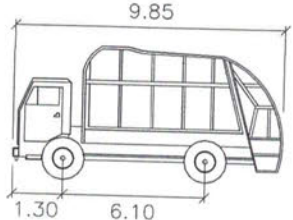
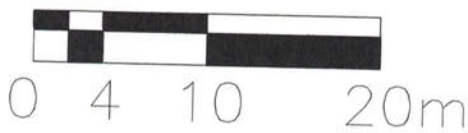


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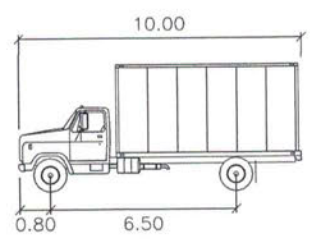
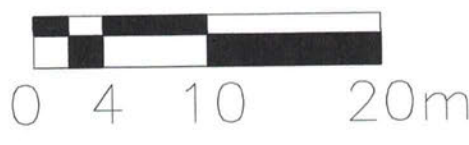
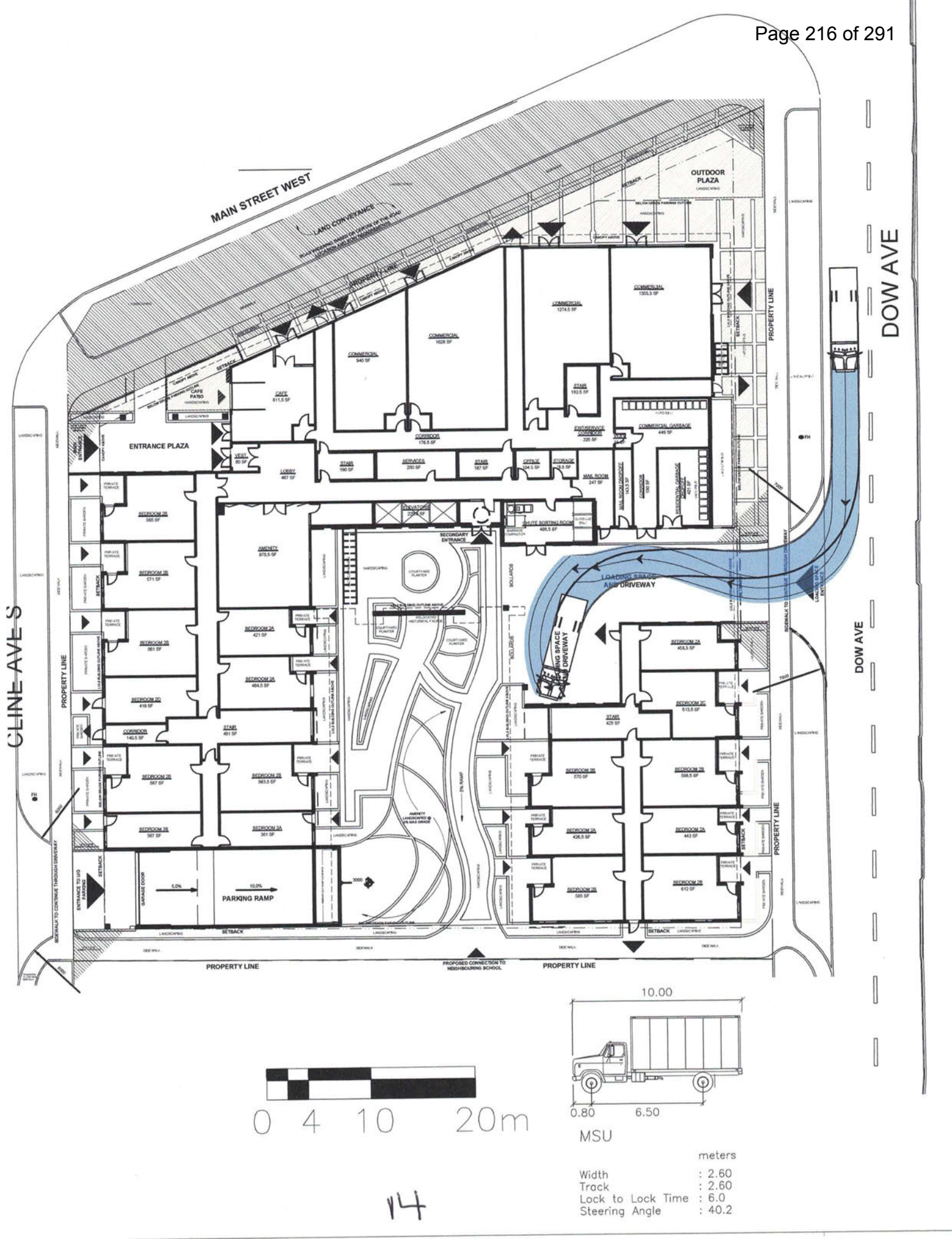
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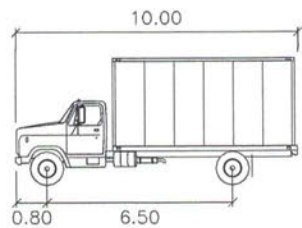
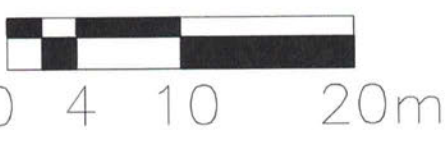
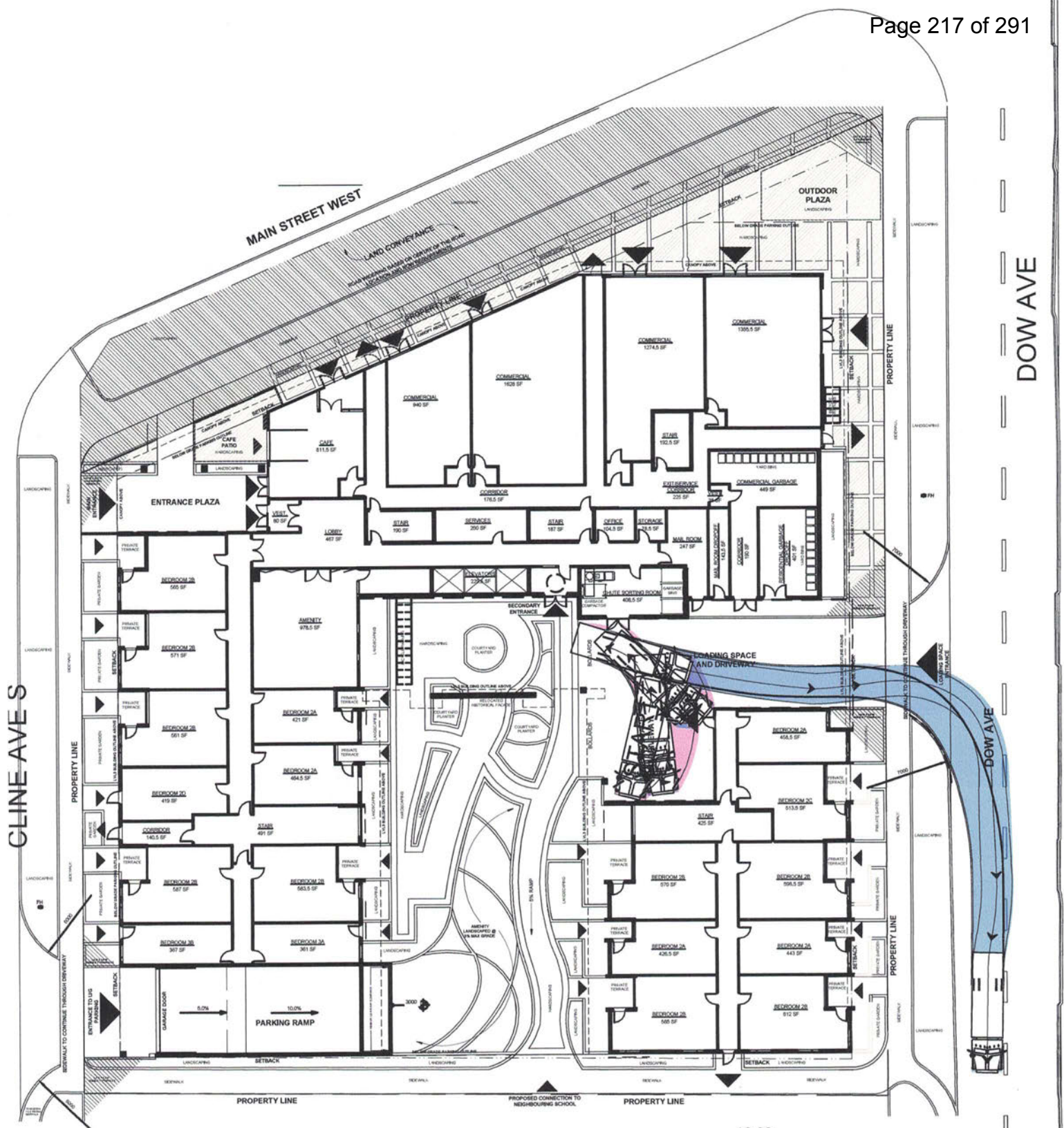
Garbage Truck— meters

- Width : 2.77
- Track : 2.77
- Lock to Lock Time : 6.0
- Steering Angle : 28.0



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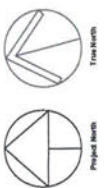
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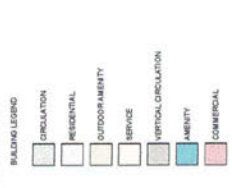
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GENERAL NOTES

1. ALL WORK SHALL COMPLY WITH THE 2022 ONTARIO BUILDING CODE (OBC) AND ALL APPLICABLE BY-LAWS.
2. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE 2022 ONTARIO BUILDING CODE (OBC) AND ALL APPLICABLE BY-LAWS.
3. DIMENSIONS AND TOLERANCES SHALL BE AS SHOWN ON THE DRAWINGS UNLESS OTHERWISE SPECIFIED.
4. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE 2022 ONTARIO BUILDING CODE (OBC) AND ALL APPLICABLE BY-LAWS.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AUTHORITIES.
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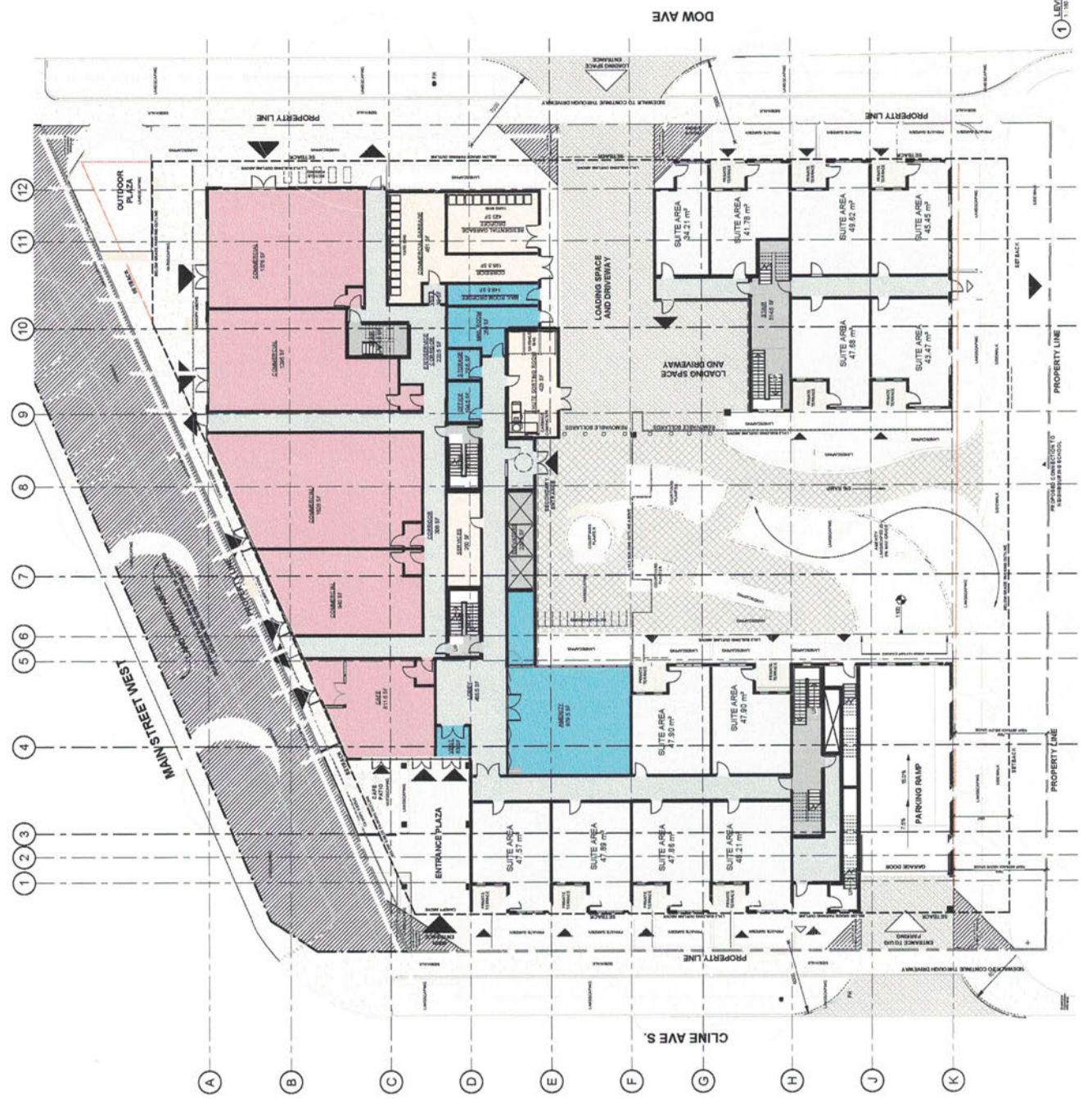
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LEVEL 1 FLOOR PLAN

ASSOCIATION OF ARCHITECTS OF ONTARIO
REGISTERED ARCHITECT
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1 LEVEL 1 FLOOR PLAN

16

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January 18, 2022

Daniel Barnett
Planning and Economic Development Department
Development Planning, Heritage and Design – Urban Team
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5

Maureen Wilson
Councillor Ward 1
71 Main Street West, 2nd Floor
Hamilton, ON L8P 4Y5

Dear Mr. Barnett and Ms. Wilson

**RE: UHOPA-20-012 and ZAC20-016
1107 Main Street West, Hamilton (Ward) 1
Non-compliance of proposed development with established Urban Design Policies
and Guidelines of the City of Hamilton and inconsistent with the PPS (2020)
Quantitative Comparison of proposed development with the Good Shepherd Square**

I have submitted prior letters of objections to the proposed development on the basis that the site is a vulnerable parcel of land and highly unsuitable for the Applicant's proposed degree of intensification. These concerns related to such matters as pedestrian safety, air quality impacts arising from the extremely high levels of truck traffic on Main Street West and Highway 403 directly causing elevated readings of nitrogen dioxide air pollution in the immediate vicinity, and environmental issues arising from climate change and the detrimental impacts to the subwatershed recharge and the urban forest on Dow Avenue, Cline Avenue South and the surrounding neighbourhood.

I am of the opinion that all of the above issues are matters deserving investigation and the implementation of mitigation measures by the City of Hamilton as enumerated in the provisions set out in Section 2 of the Planning Act and the key policies objectives set out in the PPS (2020). The objection set out in this letter, however, relates to the Applicant failing to adhere to the Urban Design Policies and Guidelines of the City of Hamilton, and inconsistencies with the "sense of place" principles set out in the PPS (2020). Such policies and guidelines include and relate to zoning by-laws, setbacks, step-backs, landscaping, outdoor amenity areas or public areas, transition into and compatibility with the residential neighbourhood.

I further believe that the case for compelling the Applicant to comply with these very policies is reinforced by recognizing the detrimental impacts set out in the prior objections letters, and that the Hamilton Conservation Authority, the Hamilton Board of Health, the Air Quality & Climate Change Division, Recreation Division, Healthy & Safe Communities Department, Healthy

Environments Division - Public Works Department, Forestry and Horticulture Division – Public Works Department, Source Water Protection Planning – Public Works Department, and the Traffic Department would all similarly agree that adherence to the urban design guidelines would mitigate to a significant degree some of the very harmful impacts which relate to the proposed development.

Quantitative Comparison with the Good Shepherd Square

In the Applicant's Planning Rationale that was submitted by its Planning Consultant, the report identified, as one of the precedents for the proposed development, the intended project by McMaster University for the future construction of two student residences on its campus, which is located on the university property on Main Street West and bounded by Traymore Avenue, Forsyth Avenue and Dalewood Avenue. The Applicant's Planning Consultant was also the Planning Consultant for the McMaster University project, and it is very interesting to note that at the Planning Committee meeting which approved the McMaster project, the Planning Consultant stated that the developer incorporated the comments of the Design Review Panel. Most importantly, however, the Planning Consultant stated that he relied upon as one of the precedents for comparison purposes to the McMaster University project, the Good Shepherd Square as a "good and modern urban intensification" and for increased residential density along a major higher order traffic corridor.

The urban design factors relating to Good Shepherd Square as an intensification project along a higher order traffic corridor should therefore be examined, according to the very rationale used by the Applicant's Planning Consultant, in order to determine if the proposed site plan is appropriate and consistent with other approved redevelopments in the City of Hamilton. The Good Shepherd Square redevelopment project, which won awards for urban design, is located on the north side of King Street West, between Ray Street North and Pearl Street North, and in this regard a Quantitative Comparison between the Good Shepherd Square and the Applicant's proposed development at 1107 Main Street West can reveal some of the major deficiencies of the Applicant's intensification.

These deficiencies relate to the failure of the Applicant to adhere to the angular plane requirements, setbacks and step-backs, the failure to design a built form which is compatible with the neighbourhood and incorporates a transition to the profile of the low rise single detached houses along Cline Avenue South and Dow Avenue, and by the failure of the Applicant to provide a meaningful, suitable and appropriate semi-public landscaped courtyard and landscaped buffering areas along the side and rear yards.

SITE COMPARISON

Good Shepherd Square

Although the Applicant's site is smaller than the Good Shepherd Square, the proposed site still maintains the same general proportions of depth and frontage as the Good Shepherd Square. In

addition, both sites are similar in having north/south extensions along two secondary residential streets into the existing neighbourhood. A copy of the Good Shepherd Square drawings showing the location of its buildings and the open public courtyard is attached, as is the Applicant's proposed site plan and courtyard landscaping plan for its development at 1107 Main Street West.



Courtyard

One of the most significant elements incorporated into the Good Shepherd Square is the public courtyard between the four buildings which comprise the development. This large and beautifully landscaped area, with public walkways, water-garden swales with natural botanical features, benches and sitting areas, serves as a public space for the neighbourhood. It succeeds in its purpose of creating a “sense of place” and aids in the transition of the buildings into the neighbourhood and the visually open and accessible walkways throughout the development from King Street West, Ray Street North and Pearl Street North all ensure the compatibility of the development with the residential houses on both Ray Street North and Pearl Street North.



The Good Shepherd Square development uses its beautifully landscaped public courtyard to also provide a buffer between its buildings and between the properties in the neighbourhood. This landscaping accomplishes a more subtle and valuable transition with properties within 120 metres, and also preserves and protects the existing character of the neighbourhood with its central outdoor public area which is easily accessible from all directions.



In direct contrast to the Good Shepard Square, the Applicant's resident's only amenity courtyard, which is set out in the Applicant's resubmission of December 2021, is an extremely small, inaccessible, visually obstructed area with one bench that directly overlooks the garbage pickup and the rear service door of the high-rise building. Furthermore the "sense of place" which currently exists with the important cultural heritage landscape of Grace Lutheran Church, the

highly visible and community utilized garden outdoor landscaped grounds and its walkways and numerous seating areas, and which was already serving as an outdoor meeting place for the neighbourhood, are now completely eliminated.

The landscaped grounds of Grace Lutheran Church had represented a community landmark being comprised of a public realm consisting of various types of gardens and walkways, from the Peace Pole gardens, bee garden, meditation garden, herb garden, and community gardens. The peace garden in particular maintained the strong connection with the cultural heritage of Canada and of Hamilton as these very lands were the former site of wartime Housing on the subdivision specifically drawn up by Central Mortgage and Housing (CMHC) on behalf on Wartime Ministry of Housing in 1942. Based on CMHC's strong and vital role in not only creating wartime housing on the subject site, but its strong and vital role in overcoming and eventually eliminating the prejudice and racial discrimination contained in the restrictive covenants registered on lands in the Westdale neighbourhood, CMHC is still very much interested in remembering this cultural heritage past.

The Applicant's proposed amenity courtyard, without any replacement garden or preservation or mitigation of the extant structure of Grace Lutheran Church, does not fulfill the important task of contributing to the local sense of place nor in maintaining the cultural heritage of the site extending back approximately 80 years ago. By heavily relying on a very poorly researched CHIA by its own Heritage Consultant, the Applicant has only succeeded in eradicating and ignoring the important cultural heritage, history, and sense of place that was already established by reason of the fact that Grace Lutheran Church is an important neighbourhood landmark.

Consequently, the proposed amenity area courtyard of the Applicant's proposed development, unlike the public courtyard of the Good Shepherd Square, will not succeed in attracting local residents onto the property, nor in contributing to the character of the neighbourhood, nor in integrating the existing and important cultural heritage history and landscaping that was identifiable with the neighbourhood and Grace Lutheran Church.

Zoning By-laws

The subject site is not considered an undersized nor a small lot situated along a higher order transit corridors and being within a TOC1 zoning, which lacked sufficient frontage or depth. Nor is it incapable of being developed for intensification by reason of having insufficient depth and frontage, nor for being saw-toothed shaped, which would require developers to seek extensive variances that will allow the necessary degree of intensification that is economically feasible.

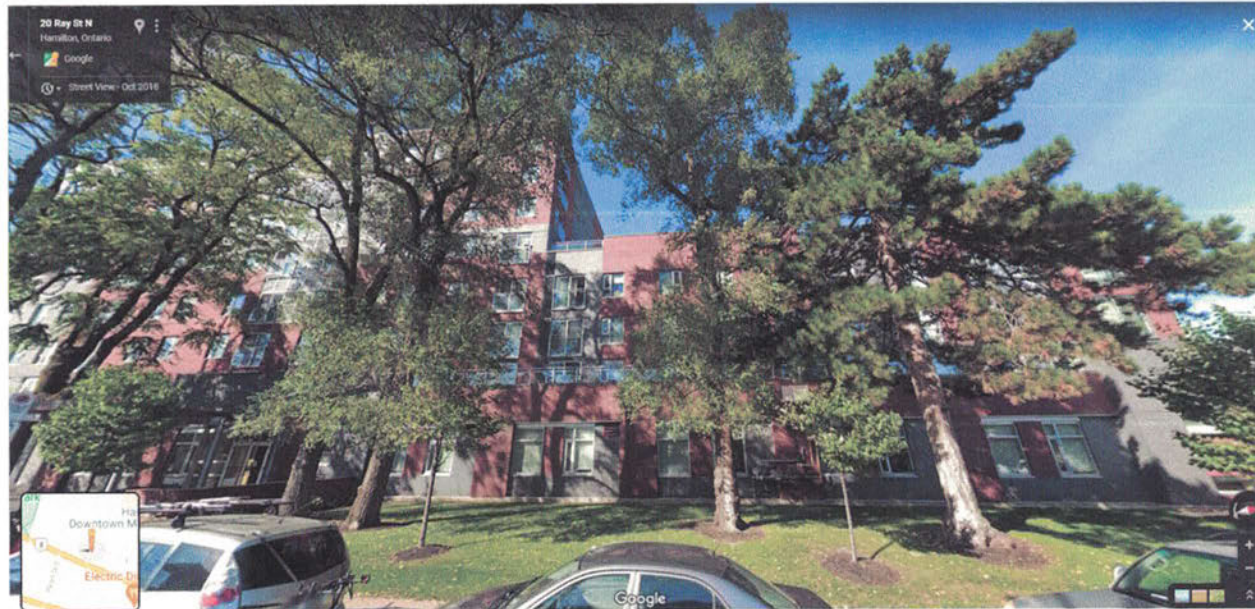
On the contrary the subject site is already sufficiently large enough to accommodate an intensification and higher density without the need for any variances from the zoning by-laws. In this regard both the Good Shepherd Square site and 1107 Main Street West had the advantage of being of adequate size and shape for redevelopment and intensification, as each site was free of the restraints of having to request multiple variances from the zoning by-laws in order to commence construction of a redevelopment which met the City of Hamilton's target for

increased intensification and density. It is therefore important to determine how the developer of each site proceeded, with particular emphasis on the Good Shepherd Square project, because it was cited with approval by the developer of the McMaster University project at Traymore and Forsyth Avenue, to be one of the applicable guiding precedents for an appropriate and recent urban intensification.

Setbacks

The Good Shepherd Square appears to adhere to all relevant zoning by-laws regarding front, rear and side-yard setbacks. An actual visit to the development was carried out and I was able to verify from measurements that the setback from the lot line was the full 6.0 metres, and the distance from the sidewalk to the building exterior was approximately 9.0 metres, throughout the project.



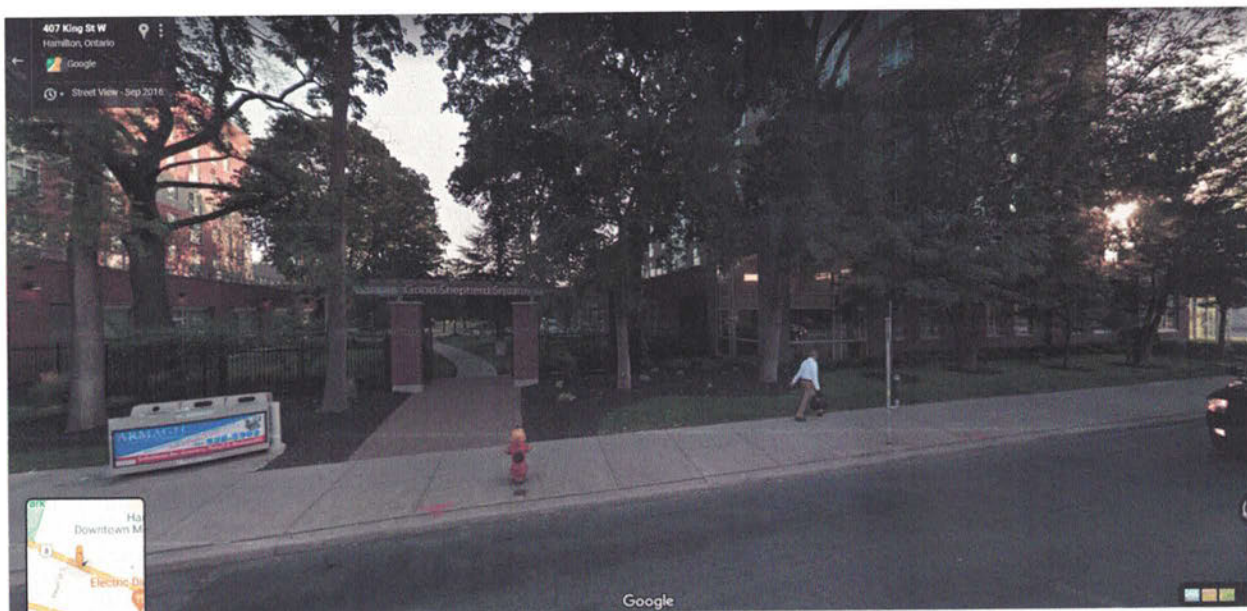


In contrast, the proposed development of the Applicant as indicated on its site plan, is that the project will only have a setback of 3.0 metres on the two side streets, which is only 50% of the required distance in the zoning by-law and only 50% of the setback provided by the Good Shepherd Square throughout its project. The reduced setback distance dramatically impacts on the character of the neighbourhood and is an incompatible transition to the existing residential houses on Dow Avenue and Cline Avenue South. It also results in an increase in the built form and the impermeable percentage of the building envelope at the expense of natural permeable landscaping at ground level and by a severe reduction of the subwatershed recharge which is essential for the growth and maintenance of the urban forest within the neighbourhood.

Front Yard Setback and Streetscape

I am not aware of the setback distance from King Street West that the Good Shepherd Square was required to adhere to, however in respect of the streetscape the Good Shepherd Square is separated into two buildings and has a wide pedestrian access path leading directly from King Street West into the interior landscaped public courtyard. The Urban Design Guidelines and Policies suggest that the streetscape on a major traffic corridor between two city blocks have separate built forms or a lower height of three storeys in the middle of the block. It is to be noted however, that the Good Shepherd Square is on the north side of King Street West, and that for any proposed development on the south side of a main traffic corridor having an east/west axis, (as is the case for the proposed development) and when the frontage for the streetscape is 60 metres, the City of Hamilton guidelines are even more concerned and stringent in relation to avoiding the “canyon effect”. This relates to the guideline in Section 4.9 which states that there are to be two separate built forms and a maximum height of three storeys between the two buildings.





For the proposed development the front yard setback required in the TOC1 Zoning By-law is set at 4.5 metres from Main Street West, but it appears from the site plan that the Applicant is proposing only a 1.7 metre setback. Furthermore, the Applicant's response to the requirement to avoid the "street canyon effect" was only to reply that there would be no direct sunlight on sidewalks of Main Street West if the developer built one continuous built form of eight storeys in height. This demonstrates that the Applicant considers that it can utilize an "as of right" to totally disregard this important City of Hamilton design principle.

Rear Yard Setback

The Good Shepherd Square rear yard setback in terms of metres is not available to me, however, these lands appear to have a fully landscaped buffer zone as its rear yard setback which is greater than the 7.5 metres. The Applicant's proposed site plan for the rear yard of the southerly boundary of the development has a rear yard setback of 7.5 metres above grade, but with the exceptionally large underground parking garage, the setback is only 3.0 metres below grade.

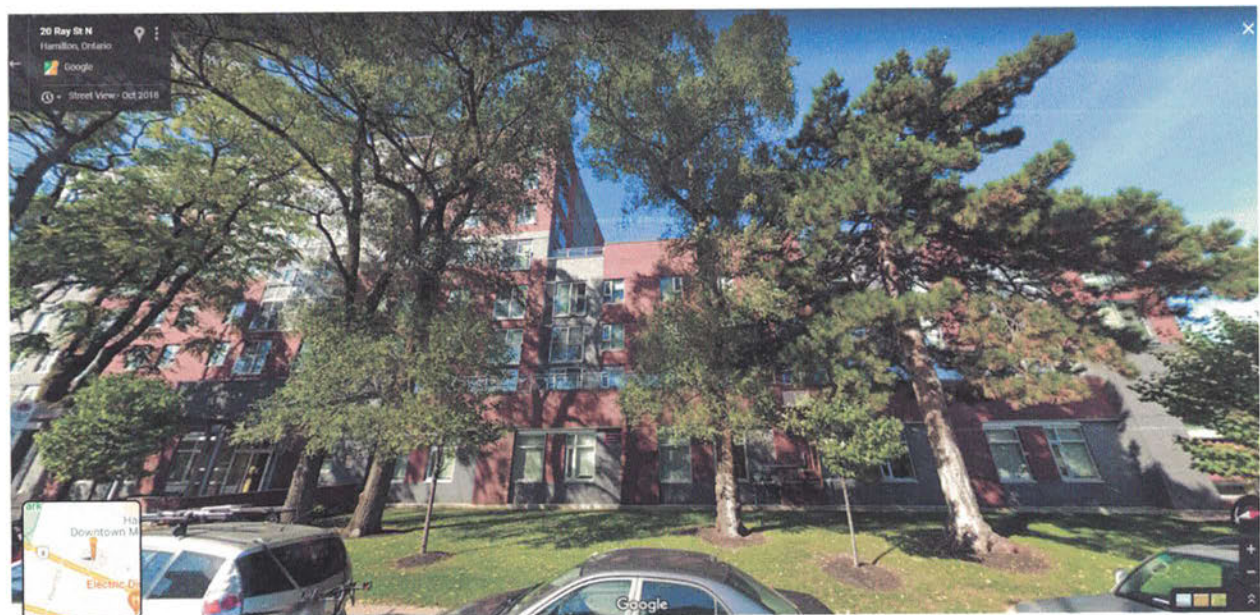




It is also important to note that instead of having a fully landscaped area for the entire length and width of the 7.5 metre setback which could act as a much-needed buffer zone to lessen the transition between the Applicant's development with the neighbourhood, and to specifically provide more separation from the City of Hamilton parkette located on the school playground of the adjoining property to the south, the Applicant proposes only a 3 metre landscaped buffer then a concrete walkway. This is far less than the landscaped area separating Good Shepherd Square from the adjoining property.

Step-backs

The Good Shepherd Square has set-backs to assist in meeting the angular plane requirements, but all of these step-backs are in addition to having already met the required 6.0 metre setbacks from the property line. Accordingly, the step-backs begin after full compliance of the building location with the zoning by-law and enhance and ease the transition of the development into the neighbourhood.





The Applicant's proposed step-backs, however, in direct contrast to those of the Good Shepherd Square, are extremely shallow in depth as they only commence while still within the setback clearance distance of 6.0 metres. This results in some of the upper levels of the proposed building still being closer than 6.0 metres to the property line, and this creates a vastly inferior transition into the neighbourhood. Even with the Applicant's proposed setback and step-backs much of the buildings and the wings are closer to the property line than any portion of the buildings located at the Good Shepherd Square, which indicates the extreme shortcomings of the Applicant's urban design form, when compared with a "good and modern" urban design for appropriate levels of intensification on a higher order traffic corridor and while still meeting government established density targets.

Height

The Good Shepherd Square has four buildings. The two buildings fronting on King Street West have a height that is **eight storeys**, with a step-back a beginning at the second storey and rising up the remaining seven storeys to the rooftop. Both buildings extend into the neighbourhood along the residential side streets of Ray Street North and Pearl Street North, and quickly drop down to **four storeys in height**, with the same step-back beginning at the second storey and rising up the third and fourth storey to the rooftop.

In contrast the Applicant's proposed development has a **15-storey building**, with an additional **two-storey rooftop mechanical penthouse**, and two buildings or wings that are attached to the podium and extending into the neighbourhood along Dow Avenue and Cline Avenue South. For the two additional buildings or wings the height is 7 storeys, with a small shallow depth step-back beginning with the third storey, and rising up the fourth, fifth and sixth storeys, and then another small shallow step-back for the seventh and eighth storeys on Dow Avenue and Cline

Avenue South. Only for the rear yard do the wings have a **height of four storeys** with a step-back from the fourth storey of 7.45 metres to the sixth storey, and a final step-back of 2.67 metres to the seventh storey.



Applicant's Rationale for Building Height of 15-storeys as opposed to 8-storeys

The Applicant and its Planning Consultant appear to justify the height of 15-storeys on the basis of two rationales. The first is that the proposed development is a “mid-rise” building, despite the fact that the City of Hamilton Tall Building Guidelines identifies that a ‘Mid-Rise’ building has a range of 6-12 storeys. The Applicant has stated that with the increase depth of the lot of approximately 58 metres on Cline Avenue South and 86 metres on Dow Avenue, the height of 15-storeys is supported and that the proposed development can exceed the guidelines, however Good Shepherd Square is on a much deeper lot, and it has a maximum building height of eight-storeys. If a wider and deeper lot with a building height of eight-storeys on a higher order traffic corridor was considered to be a “good and modern” intensification, it therefore must follow that an intensification almost 100% higher in height and in density on a lot which is much narrower and shallower, is totally inappropriate on the basis of the Good Shepherd Square precedent.

The second rationale that was advanced by the Applicant for an increase in building height to 15-storeys, was raised at the Community Meeting of August 11, 2020, and concerned the fact that two additional storeys, being the 14th and 15th storeys were being added to the proposed development because the Applicant was agreeing to someone’s request to build a third level of underground parking and that the two additional storeys in height were required as economic compensation for acceding to this request.

A verbatim transcript of that portion of the meeting of August 11, 2020 is as follows:

0:07:35.120,0:07:41.599

David, thank you and I do want to just jump in here and ask you a question that we did receive in advance of the meeting tonight regarding the November 2019 meeting with the neighborhood associations and about the community feedback and discussion at this meeting and specifically the question was with regards to a **height increase from 13 storeys to 15 storeys**. Could you clarify that meeting for us and what the proposed design changes that followed from that meeting were.

0:08:09.680,0:08:13.120

So again, yes that meeting was a pre-application meeting, so it was before the application was submitted and the intention was to gain some input from the neighborhood associations before an application was submitted, and at that meeting the concept plan was in its early stages, and it was at **13 storeys**. Some of the comments we did receive related to the neighborhood associations there was a couple of people that specifically identified the understanding that Main Street is an intensification corridor, and they are embracing a height along that corridor.

One of the comments that we also received related to parking and the need to increase the parking amount. At the time there was **two levels of parking** that were provided so given the comments that we received related to parking it ensued a conversation with Edward about you **know in order to add an additional level of parking there would need to be additional leasable area or saleable area within the building given the cost to go down to a third level. So based on the feedback we received the consultant team reviewed the proposal and modified the proposal and it now, when we did submit the application in February, it was for a 15-story building with three levels of underground parking.**

I hope that clarifies things.

The Applicant has stated that the 14th and 15th storeys were to provide “additional leasable area or saleable area within the building given the cost to go down to a third level” but clearly this economic rationale no longer exists or has any validity as the revised submission of December 3, 2021, has eliminated the third level of underground parking. Due to the economic change in circumstances as there will no longer be any financial costs incurred for the cancelled third level of parking, the corresponding two additional storeys on the building height should also be immediately eliminated.

Relationship of Amenity Space to Outdoor Landscaping Requirements

Based on photographs of the interior common areas of the buildings in the Good Shepherd Square it appears that the project has exceeded all amenity area requirements with various meeting rooms, game rooms, sitting areas, activity centres and public space.

While meeting the amenity space requirements, Good Shepherd Square has also constructed a beautifully landscaped public courtyard which exceeds the minimum landscaped open space requirements set out in the setbacks of the applicable zoning by-law. Accordingly, a good urban design for intensification along a higher order traffic corridor can adhere to amenity space requirements within a site-plan, and at the same time adhere to minimum setbacks for landscaped open space without the necessity of having amenity space count towards a reduction in or the relief from setback requirements.

In direct contrast to the Good Shepherd Square, the Applicant's proposed development does not achieve minimum landscaped open space on the ground level. Rather it appears that the Applicant is suggesting that the total amenity area that it has set out in its proposed site-plan, including such areas as exclusive-use balconies and rooftop terraces with picnic tables and built-in barbeques, should be considered towards meeting the minimum landscaping areas set out in the TOC1 zoning by-law setback requirements.

If one calculates the amount of setback area that the Applicant has requested by way of variance to be relieved from adhering to the TOC1 zoning, it can be estimated that **414.14 square metres or 4,456 square feet** of critical setback area are "absent" from the proposed development, whereas Good Shepherd Square provided 100% of the setback and had this setback area landscaped.

This "absent" setback area, or area which is critically needed for landscaping, and which is proposed to be occupied by building form is calculated as follows:

- 1) Frontage on Main Street West which is not in compliance is approximately **38.597** metres and it is **2.8** metres closer to Main Street West than the TOC1 zoning allows. Total absent area is **108.07 square metres**.
- 2) Frontage on Dow Avenue which is not in compliance is approximately **57.690** metres and it is **3.0** metres closer to Dow Avenue than the TOC1 zoning allows. Total absent area is **173.07 square metres**.
- 3) Frontage on Cline Avenue South which is not in compliance is approximately **44.334** metres and it is 3.0 metres closer to Cline Avenue South than the TOC1 zoning allows. Total absent area is **133.0 square metres**.
- 4) The total sum of the three areas is **414.14 square metres or approximately 4,456 square feet of area** that should have been landscaped in the public interest for the benefit of the intended occupants of the proposed development and for the benefit of all the existing residents in the neighbourhood.

The Applicant also suggests that even if it did not provide sufficient amenity area in its proposed site-plan, the deficiency in achieving minimum requirements should not be held against the Applicant, as the Planning Department staff should consider the site's close proximity to Churchill Park, Cootes Park and Cathedral Park. If this rationale were to have been adopted by Good Shepherd Square there would not have been any outdoor public landscaped area or amenity area, as their location is much closer to both Victoria Park at Locke Street and King Street West and also much closer to Cathedral Park behind Fortino's Plaza at Dundurn Street North and King Street West. Accordingly, the reduction in amenity area requirement due to proximity to these parks should not be considered as an "as-of-right" entitlement to the Applicant.

It is understood that many developers seek to provide on site-amenities and facilities that are commensurate with anticipated resident composition of their development. In the case of the Applicant's proposed development the rooftop picnic tables and built-in barbeques, the small

outdoor amenity courtyard at ground level, and the scarcity of other amenities which are far more suitable and appropriate for a wider mix of residents, such as seniors, retirees and young professionals, may indicate the desired resident composition.

Regardless of the resident composition of the proposed development or the source of the income stream that will be generated by the project, the small outdoor amenity spaces and rooftop areas should not be applied or set off against the required setbacks on Main Street West, Dow Avenue and Cline Avenue South. Nor should the proposed outdoor amenity space replace or diminish in size or quality, the requirement to provide a larger and more appropriate semi-public courtyard that can fulfill the requirement of “sense of place” and honour the cultural heritage history associated with the site.

The Applicant’s proposed development must therefore be substantially downsized in massing, scale, and density in order to provide maximum amenity areas for its intended future occupants and to meet the full requirements of the zoning by-laws for setbacks and for providing the open outdoor landscaping at ground level of an urban forest, which will be an invaluable tool in mitigating the air quality, subwatershed conservation and climate change issues which apply to this particular site.

Affordable Housing

The Good Shepherd Square fulfilled a valuable role in addressing the shortage of affordable housing as well as homelessness in Hamilton. The complex has the city’s only homeless women’s shelter and also 72 units specifically set aside for low-income housing. Out of the total 214 units in the Good Shepherd Square 142 units are subsidized for homelessness or affordability. Perhaps the City of Hamilton played a role in assisting the development of the project by either waiving or deferring development charges and levies, and this clearly demonstrates that a modern urban intensification along a higher order traffic corridor should and can provide affordable housing in an appropriate massing, scale, height and density that is compatible with the neighbourhood in which it is located.

Ironically the most important role in the historical background of the subject lands at 1107 Main Street West, was the one played by CMHC (Canada Mortgage and Housing Corporation, formerly Central Mortgage and Housing Corporation). This is because the site was located in part of a subdivision specifically created by CMHC to erect wartime housing for the factory workers making munitions in the war effort. CMHC was also involved in the creation of housing for veterans within the adjacent subdivisions and these very houses still stand today as a protected heritage landscape. CMHC was also instrumental in helping end the discriminatory racial restrictive covenants that prevented minority groups from moving into the Westdale subdivision by enacting laws and providing low interest rate loans for purchasers regardless of colour or creed. Accordingly, it would be most appropriate if CMHC could be involved in the proposed redevelopment in order to help secure more affordable housing in the City of Hamilton.

CONCLUSION

The height, density, massing and scale of the Good Shepherd Square, and its attractive streetscape and urban forest, represent an appropriate intensification. Its open public courtyard which is beautifully landscaped for the benefit of the neighbourhood residents, is also a complimentary improvement and recognition to the established character of the neighbourhood. In contrast, the height, density, massing, scale, and streetscape of the Applicant's overly excessive and inappropriate level of intensification, completely overwhelms the existing character of the neighbourhood and destroys the already utilized and appreciated "sense of place" and detrimentally impacts the existing urban forest for the existing residents. Furthermore, the proposed development with its smaller and limited outdoor amenity space courtyard which is designed solely to increase saleable area for the benefit of the Applicant, comes at the cost of eliminating the existing cultural heritage and history associated with both Grace Lutheran Church and CMHC.

The Applicant's proposed development with its reduced setbacks and shallow step-backs, and excessive height and density levels will further exacerbate the harmful effects on the health and safety of not only the residents already living in the neighbourhood, but also the health and safety of the future occupants of the proposed development. These detrimental impacts relate to poor air quality due to high nitrogen dioxide levels, increasing volumes in truck traffic and diesel exhaust produced by engine idling due to traffic congestion, pedestrian safety, destruction of the urban forest, the effects of climate change, and stressors to subwatershed recharge and conservation.

A quantitative comparison of the Applicant's proposed development with the Good Shepherd Square, which is a recent and comparable redevelopment on a site which is similarly located on a higher order transit corridor, indicates the substantial deficiencies of the Applicant's proposed site plan and submissions. Accordingly, it is my sincere belief that the Applicant's two applications for amendments to the UHOP and the Zoning By-law should be denied by the Planning Department.

Yours truly,



John Ross





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large



Other Master Plan + Urban Design Work

Other Multi-Unit Residential Work

Other Work

SITE PLAN

1107 MAIN ST
IN8

A1.1 - r2



PROJECT NO: 10902
DATE: 2021.12.17
OWNER: NLU
CITY: NYU
PROJECT: 1107 MAIN ST, IN8
SCALE: 1/8" = 1'-0" (NOT TO SCALE)



GENERAL NOTES

- DO NOT SCALE DIMENSIONS. WRITE DIMENSIONS AS SHOWN. ALL DIMENSIONS ARE IN FEET AND INCHES.
- ALL DIMENSIONS SHALL COMPLY WITH THE 2021 ZONING AND BUILDING CODE AND ORDINANCES.
- CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND LOCATIONS BEFORE CONSTRUCTION. ANY DISCREPANCIES SHALL BE REPORTED TO THE ARCHITECT IMMEDIATELY.
- ALL CONTRACTORS AND SUB-CONTRACTORS SHALL BE BOUND BY THE CONTRACT DOCUMENTS AND SHALL BE RESPONSIBLE FOR VERIFYING ALL DIMENSIONS AND LOCATIONS FOR THE WORK.
- ALL CONTRACTORS AND SUB-CONTRACTORS SHALL BE RESPONSIBLE FOR VERIFYING ALL DIMENSIONS AND LOCATIONS FOR THE WORK.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY AND STATE OF NEW YORK.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL DIMENSIONS AND LOCATIONS FOR THE WORK.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL DIMENSIONS AND LOCATIONS FOR THE WORK.

SITE DATA

NO	DESCRIPTION	REMARKS
1	LOT AREA	5,083 SF
2	LOT AREA - FOOTPRINT	17,130 SF
3	LOT AREA - TERRACE	1,250 SF
4	LOT AREA - COVERED WALKWAY	1,250 SF
5	LOT AREA - BALCONY	1,250 SF
6	LOT AREA - PLANTER	1,250 SF
7	LOT AREA - TOTAL	23,013 SF
8	LOT AREA - UNDEVELOPED	11,983 SF

BUILDING DATA

NO	DESCRIPTION	REMARKS
1	FLOOR AREA	230,000 SF
2	FLOOR AREA - TERRACE	1,250 SF
3	FLOOR AREA - COVERED WALKWAY	1,250 SF
4	FLOOR AREA - BALCONY	1,250 SF
5	FLOOR AREA - PLANTER	1,250 SF

VEHICLE PARKING DATA

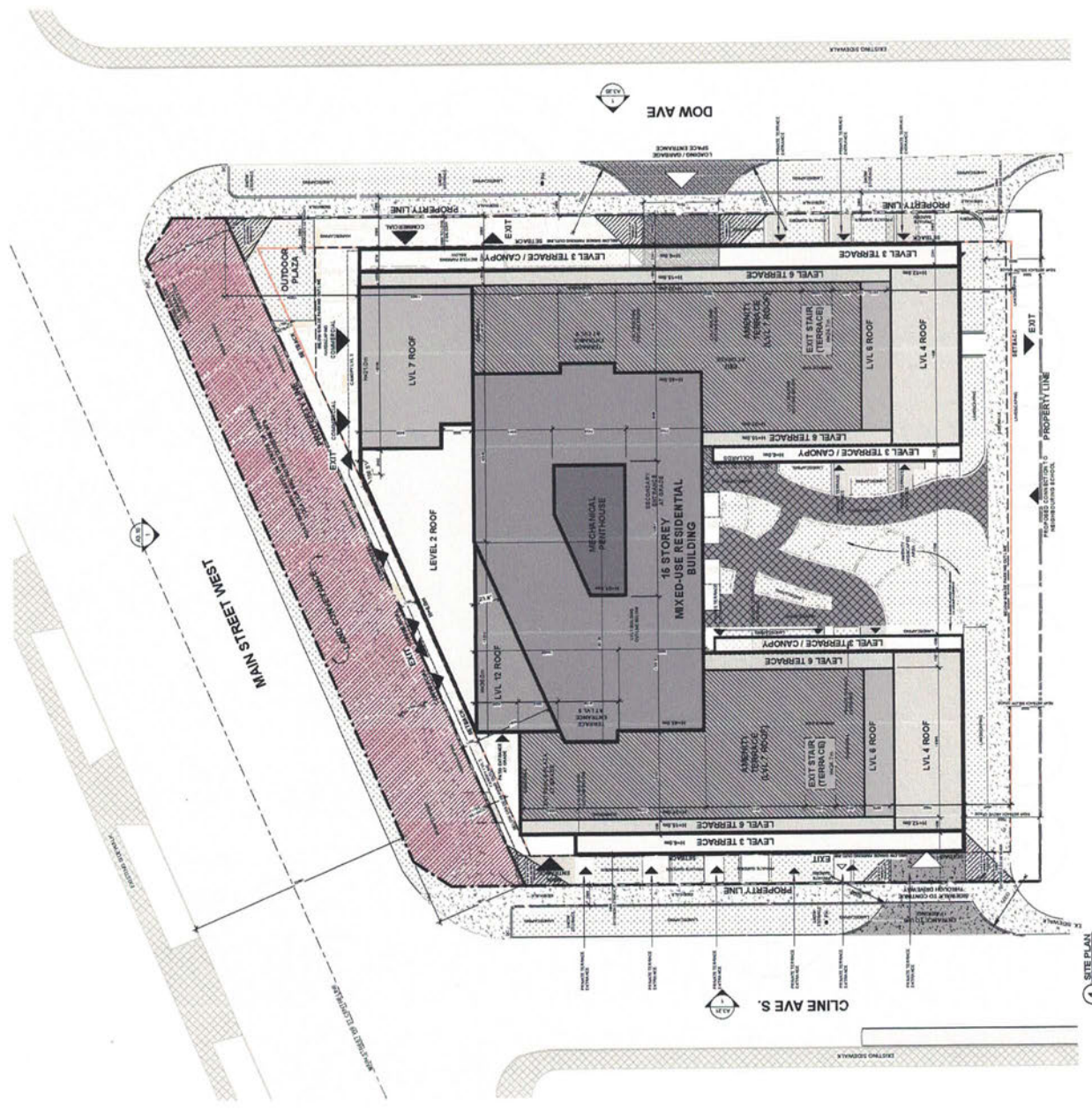
TYPE	NO.	TOTAL
RESIDENTIAL	110	110
COMMERCIAL	10	10
TOTAL	120	120

BIKE PARKING DATA

TYPE	NO.	TOTAL
BIKE	120	120
TOTAL	120	120

UNIT BREAKDOWN

TYPE	NO.	TOTAL
1-BED	120	120
2-BED	0	0
3-BED	0	0
TOTAL	120	120



1 SITE PLAN
1/8" = 1'-0"

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City of Hamilton
 Design Review Panel
 Meeting Summary – January 14th 2021

Meeting Summary

The Design Review Panel met virtually on **Thursday January 14, 2020** via Webex.

Panel Members Present:

David Clusiau, Chair

Dayna Edwards

Hoda Kameli

Joey Giaimo

Jana Kelemen

Jennifer Mallard

Jennifer Sisson

Eldon Theodore

Staff Present:

Jason Thorne, General Manager of Planning and Economic Development

Stephen Robichaud, Director of Planning and Chief Planner

Anita Fabac, Manager, Development Planning, Heritage and Design

Victoria Cox, Urban Designer, Urban Team

Andrea Dear, Senior Planner, Urban Team

Applicant and Design Team Present:

Presentation #1 Residential Development 1107 Main Street West	Marc Villemaire , SRM Architects David Falletta , Bousfields Inc.
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Regrets:

Ted Watson (Panel member)

Declaration of Interest:

N/A

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Schedule:

Start Time	Address	Type of Application	Applicant/ Agent	Development Planner
2:00 p.m.	1107 Main Street West	Urban Hamilton Official Plan Amendment and Zoning By-law Amendment UHOPA-20-012 and ZAC-20-016	Owner: 1107 Main Street Inc Agent and Presentation: SRM Architects	Andrea Dear, Senior Planner

Summary of Comments:

Note: The Design Review Panel is strictly an advisory body and makes recommendations to Planning Division staff. These comments should be reviewed in conjunction with all comments received by commenting agencies and should be discussed with Planning Division staff prior to resubmission.

1107 Main Street West

Development Proposal Overview

The proposal includes the demolition of the existing Grace Lutheran Church and rectory buildings, and the development of a new 15 storey mixed use building. The building includes 615.2 square metres of commercial space at grade along Main Street West and a total of 327 dwelling units, with seven grade related townhouse units in the building's base fronting Dow Avenue and Cline Avenue South. Parking for the development is proposed to be contained within three levels of underground parking.

Key Questions to the Panel from Planning Staff

1. What is the relationship of the proposal to the existing neighbourhood character? Does it maintain, and where possible, enhance and build upon desirable established patterns, built form and landscapes?
2. Does the proposal respect the existing cultural and natural heritage features of the existing environment by re-using, adapting and incorporating existing characteristics?
3. Does the proposal create comfortable pedestrian environments by:
 - a) Locating principal facades and primary building entrances parallel to and as close to the street as possible;
 - b) Including ample glazing on ground floors to create visibility to and from the public sidewalk;
 - c) Including a quality landscape edge along frontages where buildings are set back from the street; and,
 - d) Using design techniques, such as building step-backs, to maximize sunlight to pedestrian areas.

Panel Comments and Recommendations

a) Overview and Response to Context (Questions 1 and 2)

- The panel acknowledged that the site is located on Main Street West, a Primary Corridor, and that an appropriate amount of intensification is to be expected along a corridor; however, the panel concluded that the height and mass of the proposed development is overwhelming to the context.
- Many panel members agreed that while the Main Street West frontage is likely able to accommodate some height, the proposed height and massing on Dow Avenue and Cline Avenue South is inappropriate based on the low density, low rise context of the surrounding neighbourhood.
- Many panel members expressed concerns about the Dow Avenue and Cline Avenue South sections of the building. The conclusion was that the building sections adjacent to Dow Avenue and Cline Avenue South should be reduced in height and revised to respect a 45-degree angular plane from the right-of-way to help step back the building from the street and to better integrate into the surrounding context.

b) Built Form and Character (Questions 1, 2 and 3)

- The panel noted that the tower volume is too bulky and should be refined. There are concerns with overlook and impacts to the surrounding community.
- The panel agreed that the building sections adjacent to Dow Avenue and Cline Avenue South should be reduced in height and revised to respect a 45-degree angular plane to better integrate into the surrounding context. The proposed 8 -10 storey height is challenging on a small right-of-way adjacent to single detached homes and one panel member stated that angular planes next to single detached homes cannot be ignored. The panel recommended lowering the heights and increasing the separation distance between these building sections to mitigate negative impacts to the surrounding neighbourhood. One panel member noted that a T-shaped building would help to achieve more privacy and better light access for the units.
- The panel suggested simplifying the front façade materials and reducing the number of varied components for a sleeker and simpler design. Some panel members recommended removing the triangular balconies as they add to the busy composition, while other panel members thought that this was not necessary. Some panel members also suggested reducing the size and prominence of the large vertical signage on the front façade.
- Panel members appreciated the active grade related uses and encouraged a more detailed landscape strategy along the Main Street West frontage.

c) Heritage Resources (Questions 2 and 3)

- The panel pointed out the Secondary Plan policies regarding the importance of preserving and enhancing heritage features. The panel felt that there were better ways to incorporate the salvaged entryway heritage feature, not just in a two-dimensional and ancillary way. One panel member noted that the connection it has to the ribbon on the building blurs the integrity of that artifact.
- Many panel members agreed that the heritage feature may be more appropriately integrated into the courtyard as it provides more space to experience the feature and better connects to past conditions.
- The panel noted there is not enough information regarding the repurposed materials.

d) Site Layout and Circulation

- Some panel members suggested that the courtyard should be redesigned to allow better access to sunlight for the outdoor space and the adjacent units. The panel noted that the courtyard could be better integrated into the site and connect with the site to the south.
- The panel noted that bikes should be stored closer to the elevators.

e) Streetscape, The Pedestrian Realm & Landscape Strategy

- The panel suggested that more work should go into the programming of the streetscape and creating a pedestrian oriented environment for safe pedestrian movement.

Summary

The panel appreciated the detailed presentation and recognized that there is great potential on this site for redevelopment. The panel agreed that the Main Street West frontage could accommodate some height but recommended reducing the bulkiness of the tower. The panel stated that the proposed building heights and volumes along Dow Avenue and Cline Avenue South are not in keeping with the character of the existing neighbourhood and require major revisions as stated above. The panel appreciated the desire to preserve some of the cultural heritage features from the existing church but were concerned that the proposed location may not be the best way to celebrate the heritage resource.

Meeting was adjourned at 3:12 p.m.

March 30, 2022

Daniel Barnett
Planning and Economic Development Department
Development Planning, Heritage and Design – Urban Team
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5

Amber Knowles
Planning and Economic Development Department
Development Planning, Heritage and Design – Cultural Heritage
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5

Ken Coit
Planning and Economic Development Department
Development Planning, Heritage and Design – Cultural Heritage
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5

Steve Robichaud
Planning and Economic Development Department
Chief Planner and Director of Planning
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5

Maureen Wilson
Councillor Ward 1
71 Main Street West, 2nd Floor
Hamilton, ON L8P 4Y5

Dear Sirs/Mesdames:

RE: Objection to the Applicant's Cultural Heritage Proposal of a Stand-Alone Façade and six garden planter boxes for the corner of Dow Avenue and Main Street West UHOPA-20-012 and ZAC20-016

We, the undersigned residents of the Ainslie Wood East Neighbourhood, wholeheartedly support the unanimous motion of the Cultural Heritage Committee, which was passed on February 25,

2022, and the unanimous motion passed by the Planning Committee on March 22, 2022, which recommended to Council that 1107 Main Street West, Hamilton be added to the Municipal Heritage Register and to the staff work plan for heritage designation of the property under the Ontario Heritage Act.

It is our sincere hope that the extant building of the Grace Lutheran Church will be utilized for adaptive use or in the alternative that many heritage attributes of the Gothic and Neo-Gothic architecture be utilized in any new redevelopment of the property. We are fully aware of the fact that the property is on an LRT Corridor, and that as such, is subject to the pressures of higher intensification where it can be accommodated. In fact, we support a truly affordable housing redevelopment with subsidized rents for this site, and we believe that the Applicant has missed a splendid opportunity to partner with CMHC, as this federal agency already has a long and meaningful involvement with these lands and with Grace Lutheran Church.

Upon reviewing the Applicant's Cultural Heritage Impact Assessment (CHIA) Report we have regretfully concluded that the Municipality must now independently make the proper determination of the cultural heritage and historical context of the Church site and the degree to which adaptive use, conservation or preservation can be accomplished. This is because we believe that the CHIA Report recently filed by the Applicant did not sufficiently research the history of the property and consequently the Report failed to present the necessary information to determine the full historical context of the property.

We are also of the belief that the Report overly relied upon perceived notions and incorrect assumptions and in the process, it has minimized any adaptive reuse or preservation of the Church and its Gothic and Neo-Gothic architectural and heritage attributes. This unfortunately resulted in either minimal conservation of the building in its entirety or in part, and in respect to the CHIA Report submitted on December 3, 2021, it directly led to the Applicant's recommendation that the City of Hamilton donate an offsite location to allow the Applicant to erect garden beds using salvaged material from the Church.

We are most shocked and dismayed to learn that the Applicant's Planning Consultant, at the meeting of the Planning Committee on March 22, 2022, advised the Committee Members that the Heritage and Planning Staff are "generally supportive" and "supportive" of the Applicant's most recent recommendation – a stand-alone façade of the front door and wall of the Church building with six community garden planter boxes on both sides of the wall - which is to be erected at the corner of Dow Avenue and Main Street West. We strongly believe that this recommendation should be dismissed as being unacceptable for deserving the support by Heritage and Planning Staff. On the contrary we all strongly urge Heritage and Planning Staff to immediately reject the Applicant's recommendation for the following reasons.

The specific inclusion of the six "community garden planters" is presumably to recognize the symbolic role of Grace Lutheran Church as a participant during the years 2010 to 2020 in the Hamilton Victory Gardens food bank program. It is not clear at all as to why the Applicant decided that this specific 10-year period of participation should be perpetually and symbolically commemorated over all of the other aspects of the activities of Grace Lutheran Church,

particularly when Hamilton Victory Gardens has 17 other locations for growing vegetables for food banks throughout the City of Hamilton. It is also puzzling as to why the Applicant ignored the other gardens and walkways and sitting areas on the Church property which were open to the public, such as the meditative “Mary Gardens”, the “Peace Gardens”, the biodiversity of the “Bee Pollinator” garden, and the many other landscaped flower gardens, shrubs and trees located throughout the semi-public grounds. The Applicant also ignored the Church’s strong leadership role and commitment to environmentalism and climate change by being one of the pioneers in disconnecting downspouts into the storm sewer system and only irrigating its entire grounds using a series of rainwater collection barrels.

The Applicant therefore should honour and commemorate the Grace Lutheran Church by expanding the size of the proposed extraordinarily small rear courtyard and utilizing the existing stone benches and salvaged material from the Church to erect a much more appropriate semi-public landscaped courtyard incorporating the same floral themes and gardens that are part of the Church’s landscaped property. Accordingly, we find the Applicant’s attempt to have six “community garden planters” symbolize the cultural heritage of the site, to be demeaning and insulting, as the proposed development represents quite the opposite in terms of environmentalism and the ideals which the Church truly represents.

This is even more acutely felt because the “community garden planters” will rest on a site plan footprint in which several large and beautiful municipal trees will be needlessly cut down or lost because the Applicant refuses to adhere to the setback requirements set out in the zoning by-law, and because the Applicant will be excavating an even larger portion of the lot below grade for a massive underground parking garage. All these actions make a mockery of the Church’s commitment to biodiversity and the environment, its dedication in trying to mitigate the effects of climate change, and its responsibility to maintain watershed recharge by the extensive use of permeable surfaces and rainwater collection barrels.

The proposed stand-alone façade of the front door and wall of the Church is similarly an insufficient and inappropriate replacement for the actual heritage attributes of Grace Lutheran Church. To destroy the Gothic and Neo-Gothic architecture of the Church without any meaningful adaptive reuse or conservation or preservation on the actual interior portion of the proposed redevelopment will be a significant loss of a heritage property for the neighbourhood and all of Hamilton.

The Applicant’s intention to erect a stand-alone façade replication, (which we believe to be totally without any precedent in terms of cultural heritage preservation and which lacks any appreciative value in the realm of public art), and to present this proposal as being in compliance with the actual heritage conservation requirements envisioned under the UHOP and the Ontario Heritage Act, is a terrible precedent for the City of Hamilton. This is because any resident of Hamilton who lives not only along the LRT route, but along any bus route or higher-order traffic corridor, and within the vicinity of a heritage property, will soon be facing similar applications in which Developers will create a “Potemkin village” of their own stand-alone facades in lieu of any meaningful cultural heritage preservation and conservation.

Accordingly, it is our sincere hope that Heritage and Planning Staff of the City of Hamilton will reconsider their support of the Applicant's recommendation and will now advise the Applicant that it must resubmit a new Cultural Heritage proposal which meets the policies and guidelines of the City of Hamilton and the Ontario Heritage Act.

We thank you for your consideration.

Yours very truly,

[Redacted signature block]

Name: RHONDA KOSK
Address: [Redacted]

Name: John Ross
Address: [Redacted]

[Redacted signature block]

Name: Dr. Joel Goldberg
Address: [Redacted]

Name: Jiana Goldberg
Address: [Redacted]

[Redacted signature block]

Name: ELLYNE O'HAYON
Address: [Redacted]

Name: DIANE RYIMY-GUTWEN
Address: [Redacted]

[Redacted signature block]

Name: NIKITA O'HAYON
Address: [Redacted]

Name: ANNA PASZKOWY
Address: [Redacted]

[Redacted signature block]

Name: Robert Sugar
Address: [Redacted]

Name: STANISLAW PARYSEJ
Address: [Redacted]

[Redacted signature block]

Name: Leslie Sugar
Address: [Redacted]

Name: STANISLAW LACH
Address: [Redacted]

TRAN MINH TRAN

Name: [Redacted]
Address: [Redacted]

Name: [Redacted]
Address: [Redacted]

Andrea Dear, City of Hamilton
Planning and Economic Development Department
Development Planning, Heritage and Design – Urban Team
71 Main Street West, 5th Floor
Hamilton, ON
L8P 4Y5

May 26, 2020

Dear Ms. Dear,

**RE: UHOPA-20-012 and ZAC20-016
1107 Main Street West, Hamilton (Ward) 1
Grace Lutheran Church “Community Gardens” and Cultural Heritage Landscape**

I have reviewed the Cultural Heritage Impact Assessment (CHIA) of Metropolitan Design Ltd. which was submitted in support of the redevelopment application, and it is my belief that the CHIA report has failed to comply with the set of criteria which were endorsed by the City of Hamilton Municipal Heritage Committee on June 19, 2003 and which were adopted by Council as The City of Hamilton: Cultural Heritage Evaluation Criteria on October 29, 2008.

Cultural Heritage Landscape (CHL)

The criteria are to be used to the cultural heritage value of a property, and pertain to a property’s archaeological resources, built heritage resources and place in a **cultural heritage landscape**. This evaluation can assist in determining a property’s merit for designation under the *Ontario Heritage Act* and for preparing a statement of Cultural Heritage Value or Interest and Description of Heritage Attributes.

Both the Provincial Policy Statement, 2020 and the Growth Plan for the Greater Golden Horseshoe 2019, have the same definition for Cultural Heritage Landscape which reads as follows:

*A defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an Aboriginal community. The area may involve features such as structures, spaces, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association. Examples may include, but are not limited to, heritage conservation districts designated under the Ontario Heritage Act; villages, parks, **gardens**, battlefields, mainstreets and neighbourhoods, cemeteries, trailways, viewsheds, natural areas and industrial complexes of heritage significance; and area recognized by federal or international designation authorities (e.g., a National Historic Site or District designation, or a UNESCO World Heritage Site).*

Planning Decisions on CHLs

Historical and cultural value has generally been signified by the listing of a property on an inventory of heritage property, but this is not the only signifier as there have been a number of decisions of the Ontario Municipal Board, (now the Local Planning Appeal Tribunal) which recognized the existence/value of cultural heritage landscapes that were not designated on a municipal inventory listing. In the case of Canadian *Niagara Hotels* (12 April 2005, L040295) the OMB Members held that the fact that a property is not designated under the OHA is not determinative of its heritage value: *“a site is designated in recognition of its heritage value. The heritage value does not flow from the designation”*.

Similarly in a City of Ottawa appeal case to the OMB (18 November 2014, PL140212), the OMB member held that a lack of a heritage designation is in no way determinative of a property’s heritage value or interest, particularly in the context of a broader understanding of built and landscape heritage values in the 2014PPS.

Finally, in the case of Corsica Developments Inc. (1 May 2013, PL101254) the OMB member held that the boundary of a Cultural Heritage Landscape (CHL) included a wide range of built form and natural features of historical, contextual and physical value, and that Cultural Heritage landscapes are complex, dynamic and evolve organically.

Grace Lutheran Church Gardens as a CHL

With these cases in mind, it becomes clear that the Cultural Heritage Impact Assessment should have addressed the gardens and landscaping surrounding Grace Lutheran Church, (which were not in existence at the time of construction of the Church in 1959, but which were added and evolved over many years changing the property) and make a statement or recommendation as to whether these “dynamic and evolving” gardens constitute a Cultural Heritage Landscape. While the CHIA does briefly mention the “gardens” and has pictures of them in the report, the Planning and Urban Design Rationale was entirely dismissive of the “gardens” and only referred to it on page 5 of the Report, and then only described it as “a garden at the south west corner of Main Street and Dow Avenue”. This reference to a “garden” however, is the food bank garden, one of the many gardens on the property, and ignores the remaining gardens surrounding the Church and which are located on the south and west sides of the Church.

The CHIA submitted by the applicant should have referred the matter of the gardens to a third-party landscape architect or urban planner who was qualified to assess “cultural heritage landscapes” (CHLs) or a horticulturist qualified to make a determination of the contextual value of the community gardens to the neighbourhood. I therefore believe that it is incumbent upon someone who lives within 120m of the redevelopment site to briefly offer the following background information on the Grace Lutheran Church “community gardens” in order for the Cultural Heritage Planning Committee to properly assess the desirability of having the applicant or the City of Hamilton conduct another CHIA and CHVI on this specific matter.

Features of Grace Lutheran Church Gardens

In many ways the gardens of Grace Lutheran Church are similar to a small scaled version of the Royal Botanical Gardens, with flowers, shrubs and trees blooming in spring and summer. The landscaped grounds are also a Permaculture Teaching Garden in which young people are hired to learn about plants and cultivating vegetables. (See Church bulletin). The Grace Lutheran Church also maintains a Pollinator Project Garden which is registered with Environment Hamilton.

In addition, Grace Lutheran Church has been an environmental leader in conservation and biodiversity by cultivating garden plots and growing food for the most vulnerable in our city. Many in our city are involved in food distribution ministries but few were able to accomplish what Grace Lutheran Church has successfully done year after year in providing vegetables for City of Hamilton food banks. The Church was also one of the earliest practitioners of “green” environmentalism as demonstrated by their Victory Gardens and Healing Gardens. (see pictures)

The gardens, with their winding paths, archways, trellises, park benches, landscaped alcoves, sculptures, and stone sitting areas, convey the solemn and meditative surroundings for truly appreciating nature and for reflection. One of the highlights of the gardens is the “Peace Pole” which was commissioned and erected by the Church in the middle of one of the landscaped sitting areas. It has a message in three languages on three of the sides of the pole. The first, in English reads “May Peace Prevail on Earth”. The second is the same verse translated into German, in recognition of the heritage of the Lutheran Church. The third language for the same verse is Hebrew, in honour of the Adas Israel Synagogue, its neighbour. (see pictures)

Every aspect of this “community garden”, be it environmentalism, conservation, education, promotion of biodiversity, charity for the poor and the hungry, interfaith relations, or just peaceful solitude and reflection in the midst of the beauty of flowers, shrubs and trees, is a community benefit to be appreciated by all. It is indeed no wonder, that at the Tribute dinner in honour of the memory of the late Rabbi Mordechai Green, the Pastor and Directors of Grace Lutheran Church made a dedication that reads as follows:

In Honour of Rabbi Mordechai Green Z’L – With Great Admiration for his Leadership and Dedication to his Community and Faith. We very much enjoyed his visits to the Gardens at the Church

This is exactly what the “community gardens” are associated with, and this demonstrates the visual and contextual focus of an evolving, dynamic “cultural heritage landscape” that Grace Lutheran Church has created over the years in the neighbourhood. In the block which is bounded by Dow Avenue and Cline Avenue South this CHL has especially been valued and appreciated by its residents and those of us who consider it an honour and privilege to be living across the street from both a Church and a Synagogue. It is this “landscape” and this “streetscape” which are to be measured against the redevelopment plans for the Church property. Most importantly it is the loss of this significant entire garden landscaping which will be erased from the existing community, and which in some manner must be remembered and preserved under thoughtful and meaningful conservation strategies.

Analysis of Proposed Landscape Plan of GSP Group

It is recognized that the Church will be demolished, but this should not be a licence to destroy and rip up the community gardens and not make any attempt to re-landscape the property. If the Church building can have no other preservation or mitigation plan than to save the front door main entry and re-assemble it in “the entry experience of the new building’s north-west corner” then it is imperative to see if a more valid and worthwhile mitigation and conservation strategy can be implemented for the Church’s cultural heritage landscape.

The Tree Management Plan of GSP Group identifies 25 trees on the subject property and of these, only four trees fronting on Main Street West are to remain. The Landscape Plan for the Ground Level, and which refers to the project as being a 13-storey building, (rather than the 15-storey building in the application) shows seven trees to be planted. One tree on the corner of Cline Avenue South and Main Street, two trees on the corner of Dow Avenue and Main Street, and four trees in the courtyard boxed in between the two 10-storey towers, with two in planters and two in the lawn.

The remaining extent of the ground level landscape plan are to have ten small private planter boxes on Dow Avenue and Cline Avenue South. A concrete sidewalk is to run behind the 10-storey towers and between the school playground of the Hamilton Hebrew Academy, but is not clear if this sidewalk is even accessible to pedestrian travel or access to Dow Avenue or Cline Avenue South.

The landscape plan indicates four trees to be planted on the roof tops on level 8 of the step-back of the two towers. The greatest amount of landscaping for the entire project, however, is assigned to Level 10 of the two towers with rooftop paver tiles, raised planters, low planters, picnic tables, bar height table tops facing Dow Avenue and Cline Avenue South, BBQ stations, ornamental grasses, and eight proposed trees.

In my opinion this landscape plan does very little to replace or conserve the community gardens that belong to Grace Lutheran Church and which are now part of the “Cultural Heritage Landscape” of the property. The landscaping and amenities on the rooftops, although of great convenience to the student residents of the new building, add nothing to the existing community nor does it have any value for the neighbours living on Dow Avenue and Cline Avenue South. The ground level landscaping plan is so sparse and insufficient compared to the community gardens that were appreciated by all, that it does not add to the streetscape and only serves to make the absence of the Grace Lutheran Church community gardens even more acute.

Step backs or set backs in a TOC1 Zone

The Planning & Urban Design Rationale believes “that from a built form and urban design perspective the proposal and landscaping plans will complement and reinforce the mid-rise urban structure vision of the UHOP and recently adopted OPA65”. It also believes that the new building will frame the Main Street frontage “*while transitioning with generous step backs*

toward the interior of the neighbourhood, particularly along Cline Avenue South and Dow Avenue and the Synagogue site located south of the subject site”.

It is my opinion that this proposed building does not complement and reinforce the mid-rise urban structure, and that it permanently eradicates the cultural heritage landscape of the subject site. The built form does not even comply with the minimum set backs of the TOC1 Zoning, and as a result the proposed building grossly intrudes into an area that should have been set aside for landscaping, thereby impacting upon the single-detached homes along Cline Avenue South and Dow Avenue and the Adas Israel Synagogue.

Support for lower density, height and scale in the Provincial Policy Statement 2020 and the Growth Plan for the Greater Golden Horseshoe 2019

Although both the PPS and GPGGH refer to intensification and redevelopment it is clear that in both Statements the complex inter-relationships among environmental, economic and social factors in land use planning and that one section can not be read in isolation nor be the overriding priority to the exclusion of other factors. Rather the two documents state that they are to be read in their entirety, that “when more than one policy is relevant, a decision maker should consider all of the relevant policies to understand how the policies are to be implemented”.

With respect to the subject site it is clear that it is not a “brownfield” nor a “greyfield”. Rather it is an actively utilized Church with community gardens constituting a cultural heritage landscape, and thereby fulfills a vital role in the community and in the City of Hamilton. It is a site which has a building on both the Inventory of Significant Places of Worship in Hamilton and the Inventory of Buildings of Architectural Interest and History. It is a site that is adjacent to a Synagogue which is also on the same two inventory lists, and both the Church and the Synagogue have valid claims for being designated under the Ontario Heritage Act.

Accordingly, the subject site should be only considered as a “last resort or last instance” for major intensification and underutilization principles, even by the standards, provisions and policies of the PPS and GPGGH. It is not a high priority or first choice for the intensification that applies to other types of properties in other growth areas. Most importantly it is the local planning policies and provisions under the UHOP, the cultural heritage, conservation and biodiversity criterion of the City of Hamilton Planning Department, the provisions set out in the Ainslie Wood Westdale Secondary Plan, the planning principles set out in the City-Wide Corridor guidelines and the Transit Oriented Development guidelines of the City of Hamilton which help complement and direct which of the many policies and provisions in the PPS and GPGGH should apply for the subject site.

Cultural Heritage Resource and Cultural Heritage Landscape

The Developer was to provide a strong planning justification for any increase in height over three storeys or the permitted height allowed in the TOC1 Zoning. In light of the fact that Grace Lutheran Church is a cultural heritage resource and that sufficient grounds exist for considering the subject site to also be a cultural heritage landscape, the application for the UHOP amendment

and the Zoning By-law amendment should not be granted. Rather the Developer should be required to resubmit an amended application for a building form and ground level landscaping that meets the cultural heritage landscaping, conservation and biodiversity criterion of the City of Hamilton, and which is in full compliance with the height, density, mass and scale of a TOC1 Zoned 6-storey building on the subject site.

Yours truly,

A black rectangular redaction box covering the signature of John Ross.

John Ross

A large black rectangular redaction box covering contact information for John Ross.

Cc. Maureen Wilson, Councillor Ward 1



Grace Lutheran Church

Garden Programs

One of the first things you'll notice when you arrive at GLC are the gardens. Not only are they beautiful, but they serve a significant purpose.

The walkway from the parking lot will lead you along beautiful gardens of hydrangea, Japanese maple, lilac, iris, poppy and tall grasses to the front doors of the church. Did you see the statue of St. Francis of Assisi?



In the spring of 2015 we expanded our gardens to include a **Permaculture Teaching Garden** made possible, in part, by a grant from the [Retired Teachers of Ontario](#). This garden was designed by [Shawn McCarty of Chickabee Farm](#) and installed with the help of many volunteers.

In 2016 we created a **Healing Garden** made possible, in part, by a grant from the [ELCIC Women of Faith Fund](#). Our inspiration for this garden comes from a workshop on Healing Gardens lead by Dan Bissonnette of the [Naturalized Habitat Network](#). This garden will be a quiet place for spiritual meditation and reflection.



In 2016 we also completed a **Pollinator Garden** along the new pathway to Grace Hall. We are now registered through [Environment Hamilton](#) as a [Pollinator Project Garden](#).

If you enjoy the fun, challenge and reward of gardening, you are welcome to volunteer in one of our gardens.

Spend time by yourself or bring your skills to teach and instruct children and adults, or be part of an educational session to learn new skills.

GLC site also hosts a [Hamilton Victory Gardens](#) growing garden and orchard.



SUMMER 2020 GARDENING INTERNSHIPS

This is an eight week, 30 hr/wk position working mostly outdoors in the gardens. \$14.25/hr. 4 positions available
May 11 - July 4 or July 6 - August 29

In a team setting with supervision, the intern will help to: develop/teach food/nutrition program, manage growing gardens, meditation garden and outdoor cooking program; facilitate relationship building with program participants, networking, gathering and distribution of harvest. You will be working with participants from community programs including the Good Food Box program.

Position Requirements: No gardening or cooking experience needed. We will teach you! Interns will be required to wear long pants, closed toed shoes and hat and adhere to safe practices. Training provided in the safe use of gardening tools and products.

You must be reliable, dependable, on time for work and be interested in working with seniors, refugees, those with mental health challenges and a wide variety of disabilities.

Must work well in a team, take direction well from supervisor and team leaders and carry out assigned tasks.

Suitable for post-secondary students in nutrition, social work, mental health, horticulture, chef training, nursing, medicine, gerontology, community food sustainability.

For more information or to apply please send your resume and cover letter to:

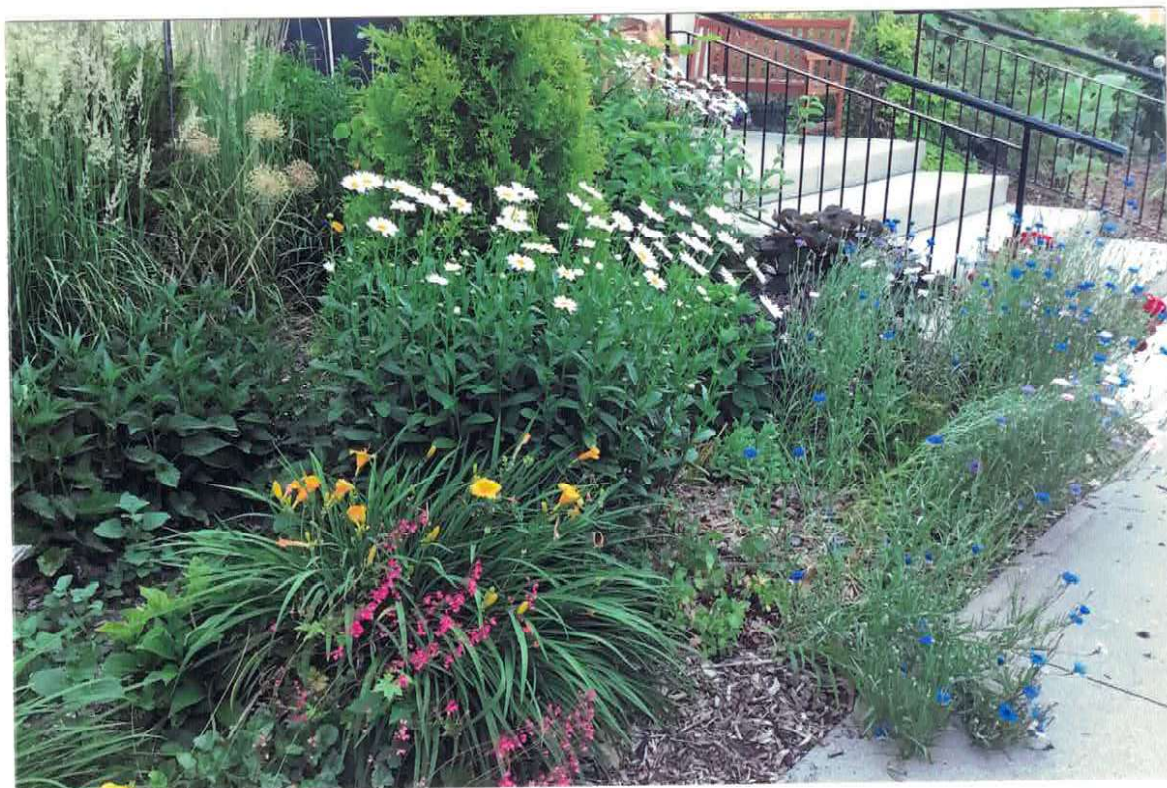
Pastor Loretta Jaunzarins

info.glc.hamilton@gmail.com

Application Deadline: March 6, 2020

p://glc.ca/

2020-03-05





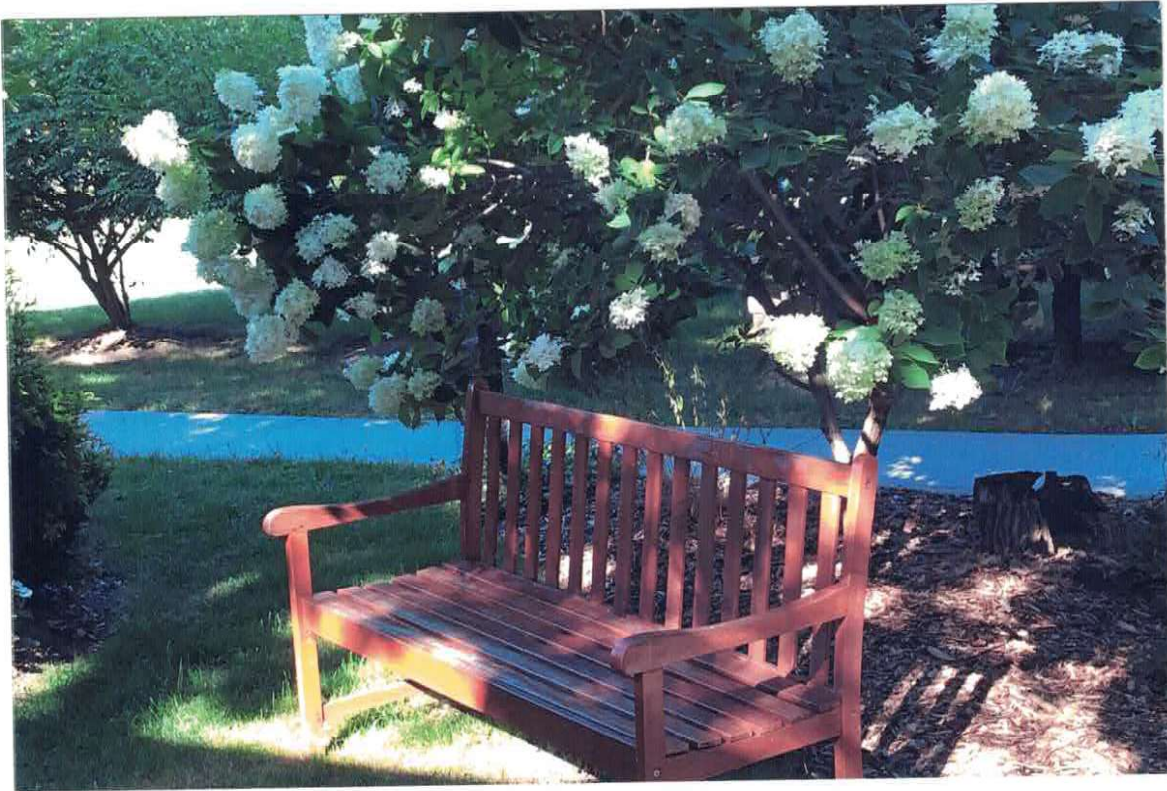


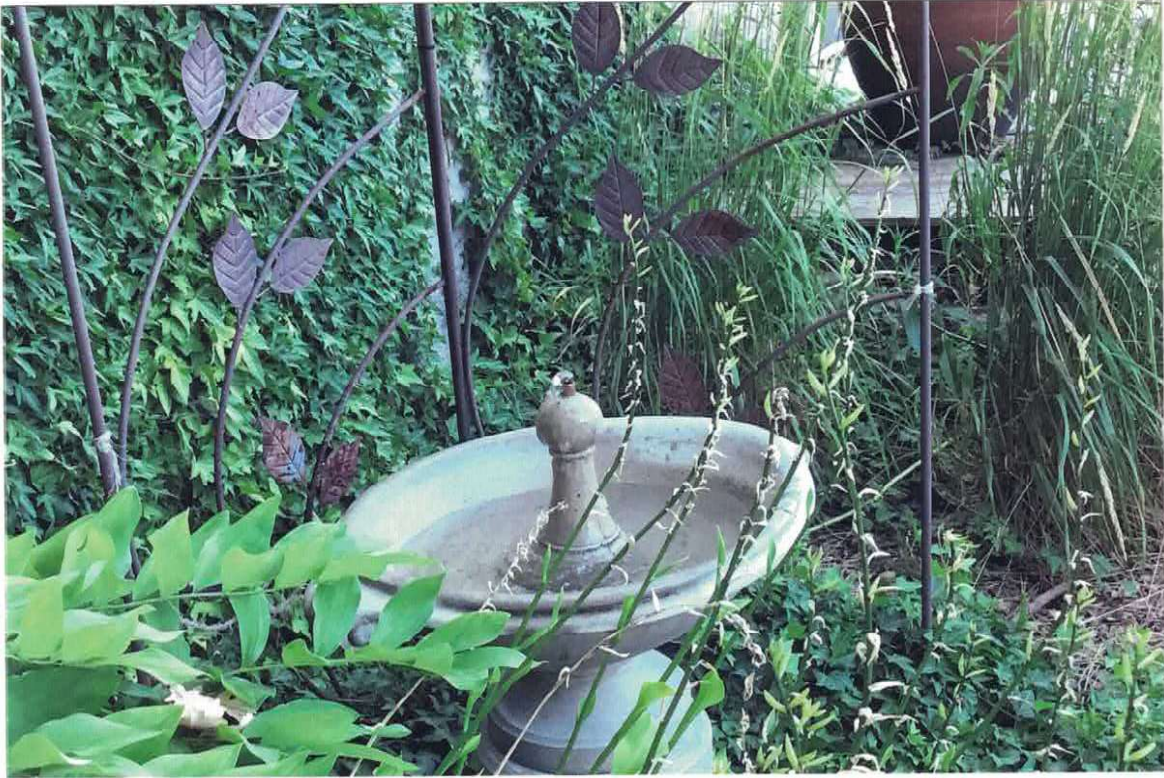
Bronze
BASE DEDICATION

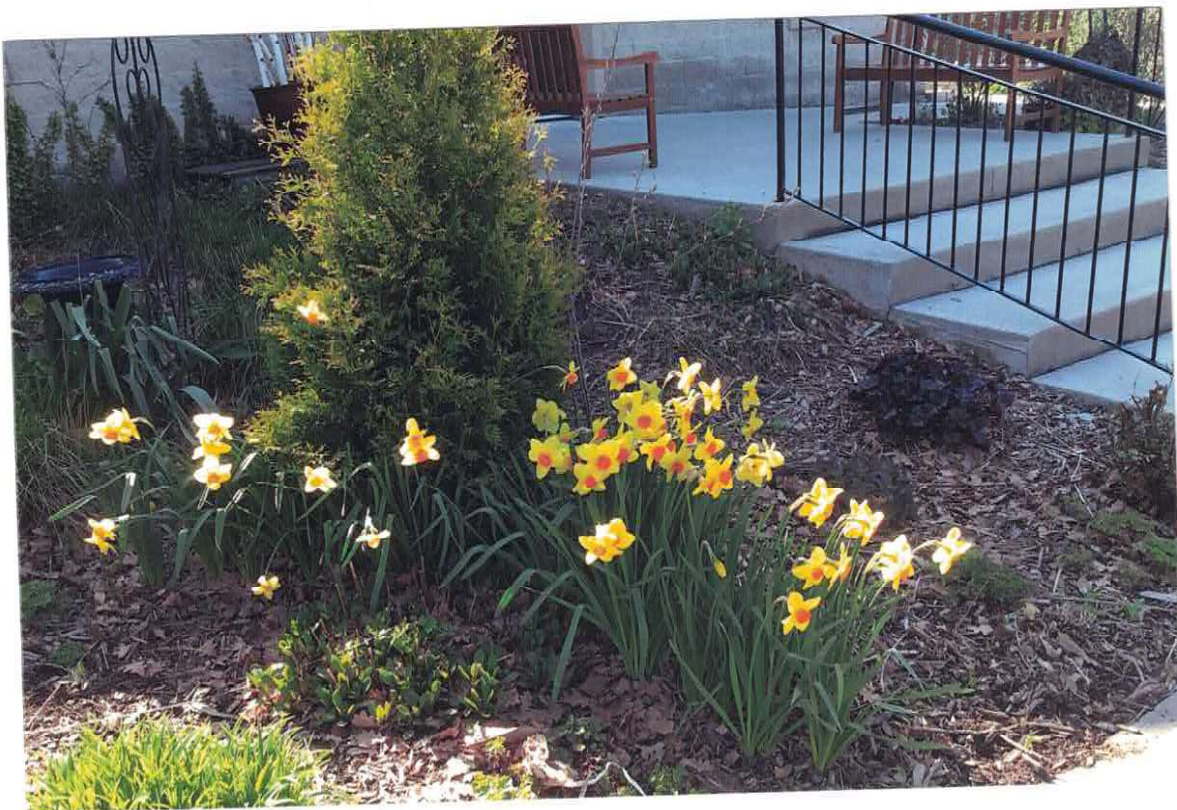
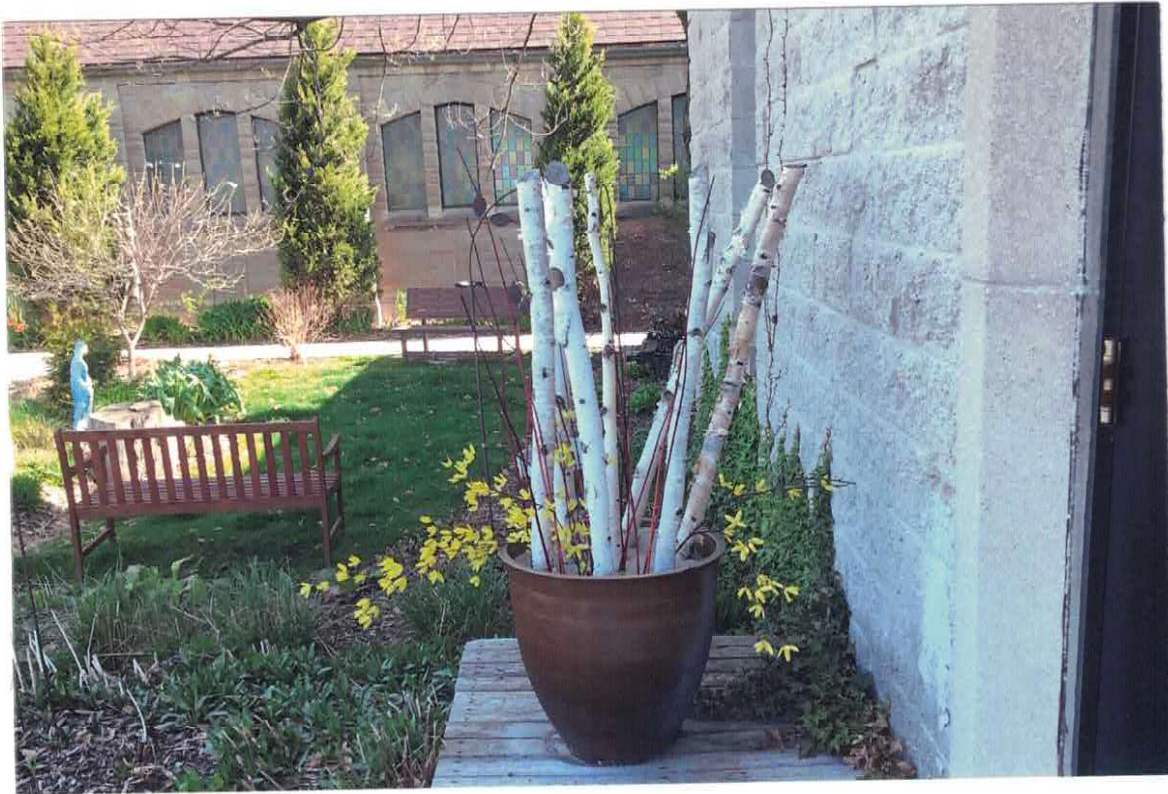
IN HONOUR OF
RABBI MORDECHAI GREEN *Z'L*
WITH GREAT ADMIRATION FOR HIS
LEADERSHIP, AND DEDICATION TO HIS
COMMUNITY AND FAITH. WE VERY MUCH
ENJOYED HIS VISITS TO THE GARDENS AT THE
CHURCH.

Grace Evangelical Lutheran Church Hamilton
Pastor Loretta Jaunzarins
Board of Directors; Sparrow Rabideau, Shawn McKenzie,
Melody Van Veen, Monique Jacobsen, Mair Davies,
Diane Garvin, & Zel Firisa

Raising the Torch
Rabbi Mordechai Green *Z'L*
Memorial Gala Tribute



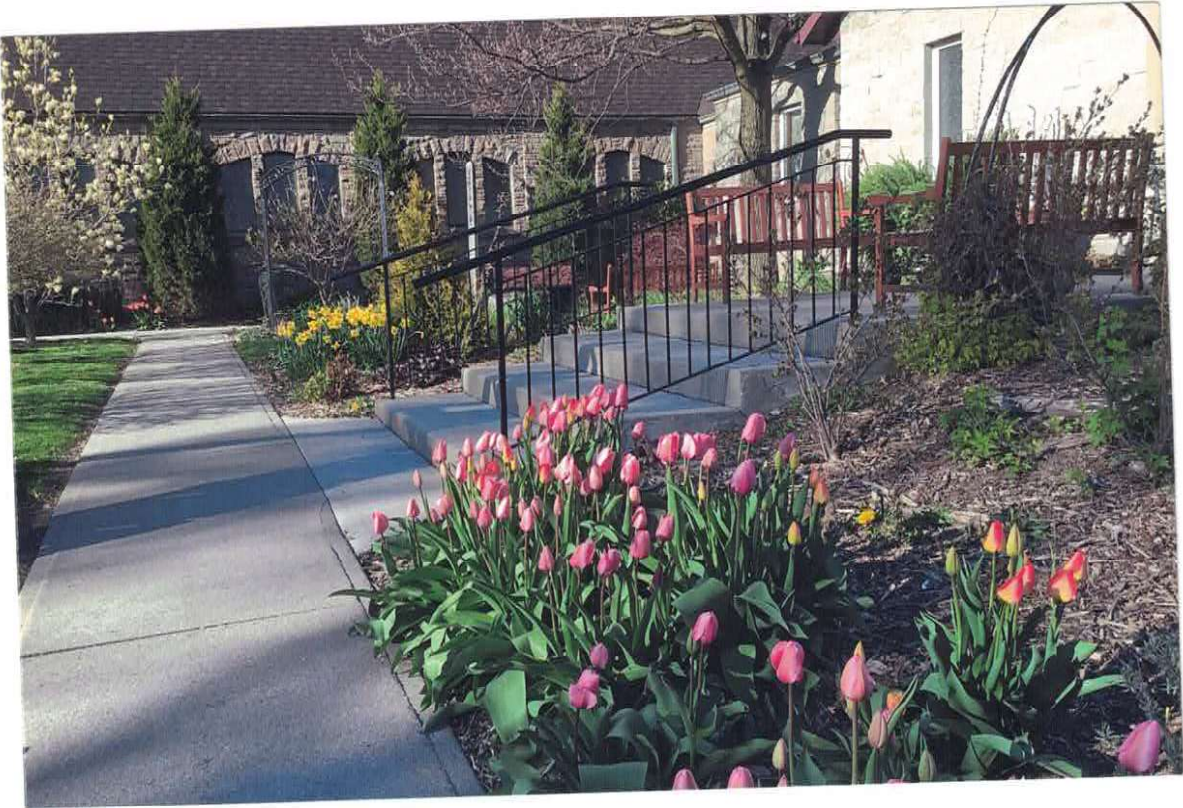


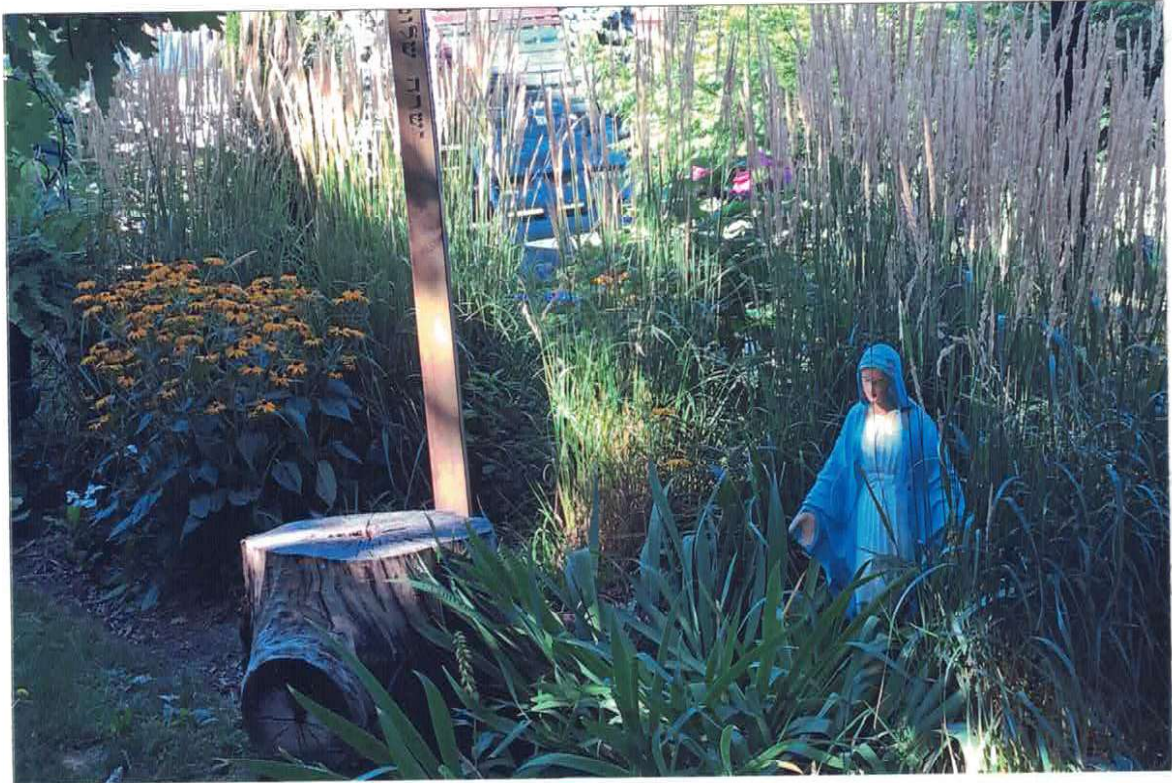






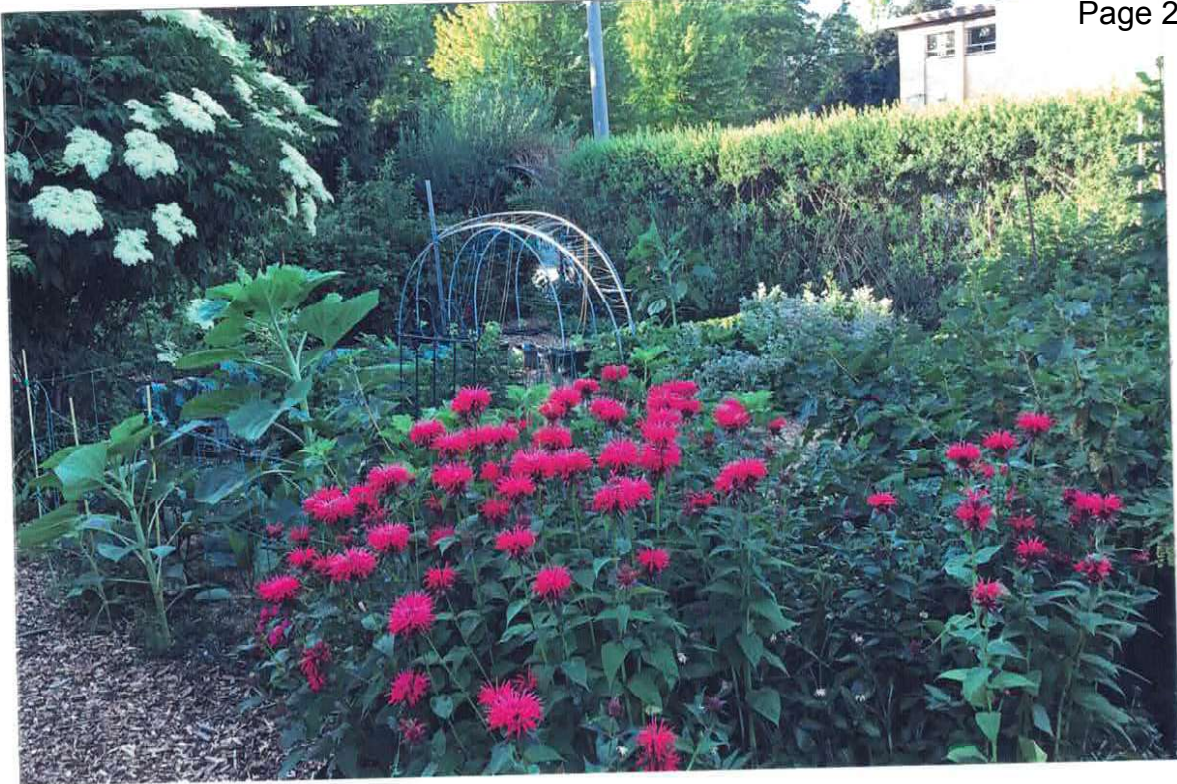


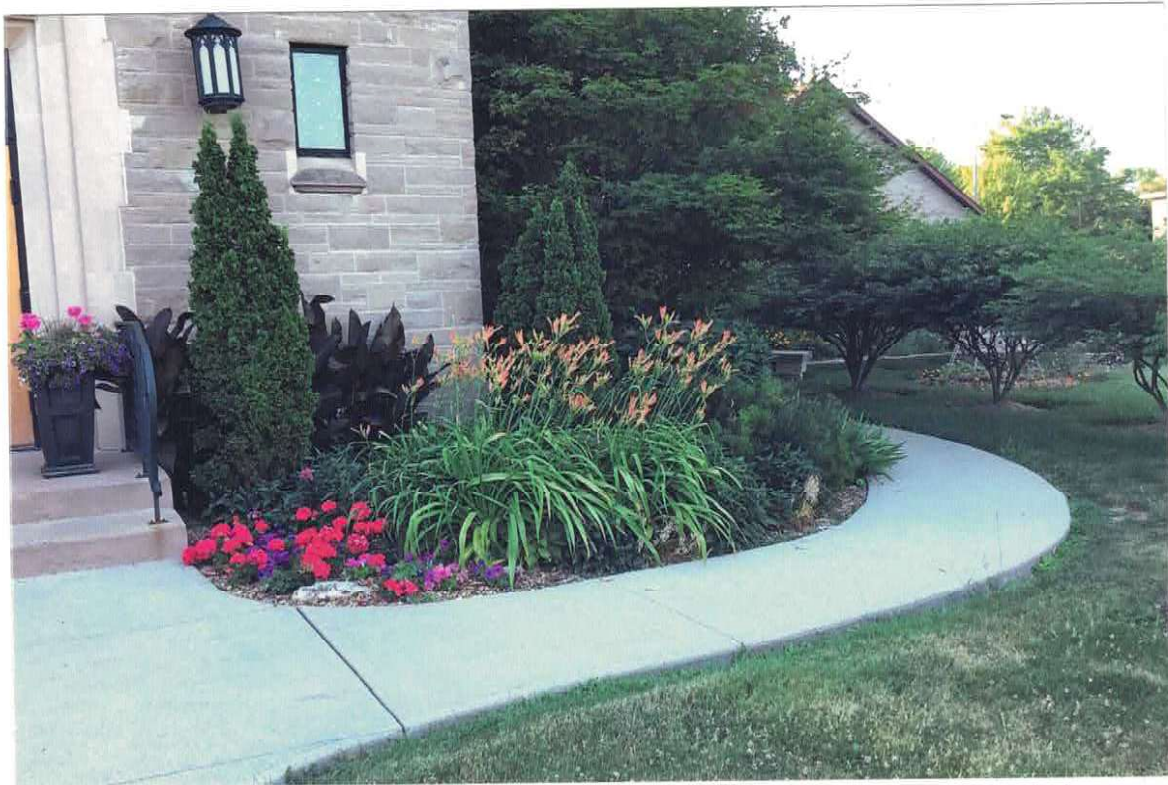


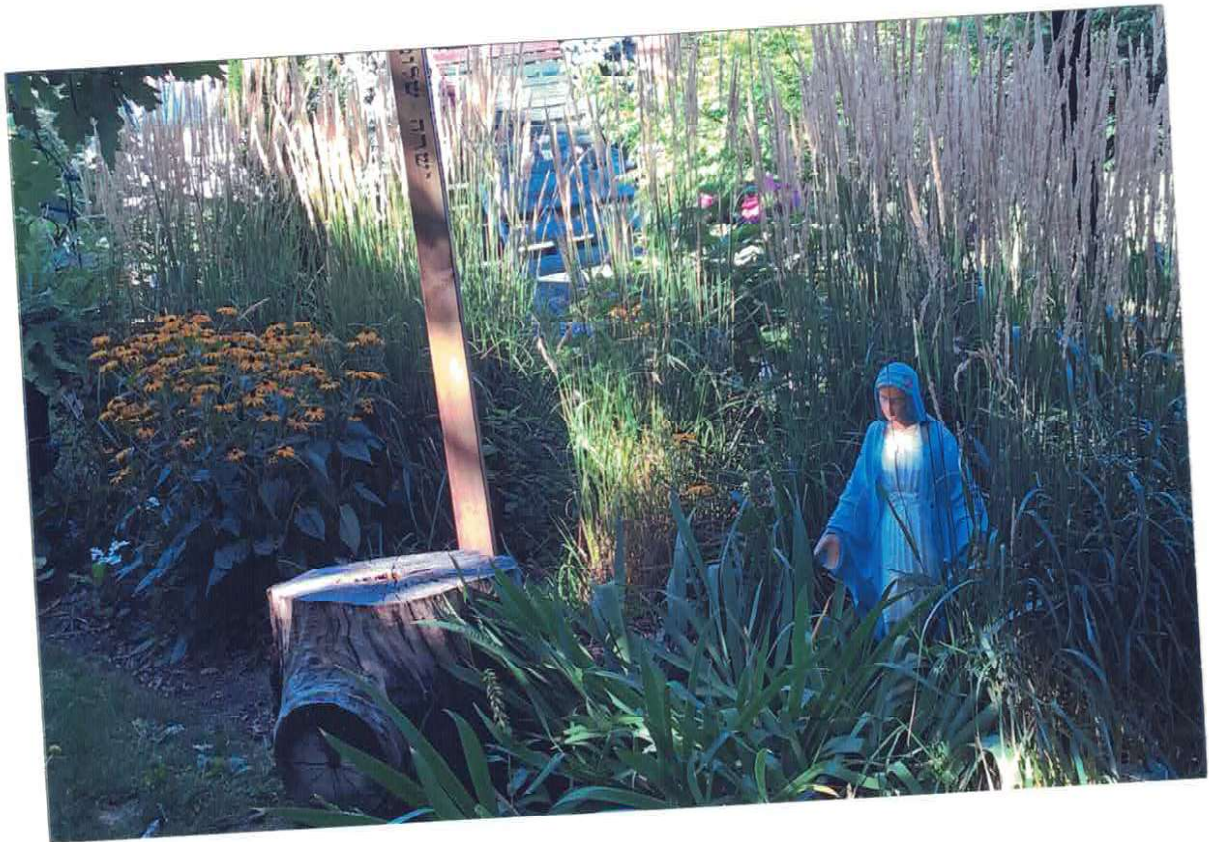
































Legend

- REFERENCE TREE TO NUMBER
- DENOTES TREE TO BE REMOVED
- TREE PROTECTION FENCING TO REMAIN INSTALLED FOR THE DURATION OF CONSTRUCTION
- TREE IDENTIFICATION NUMBER

GENERAL NOTES:

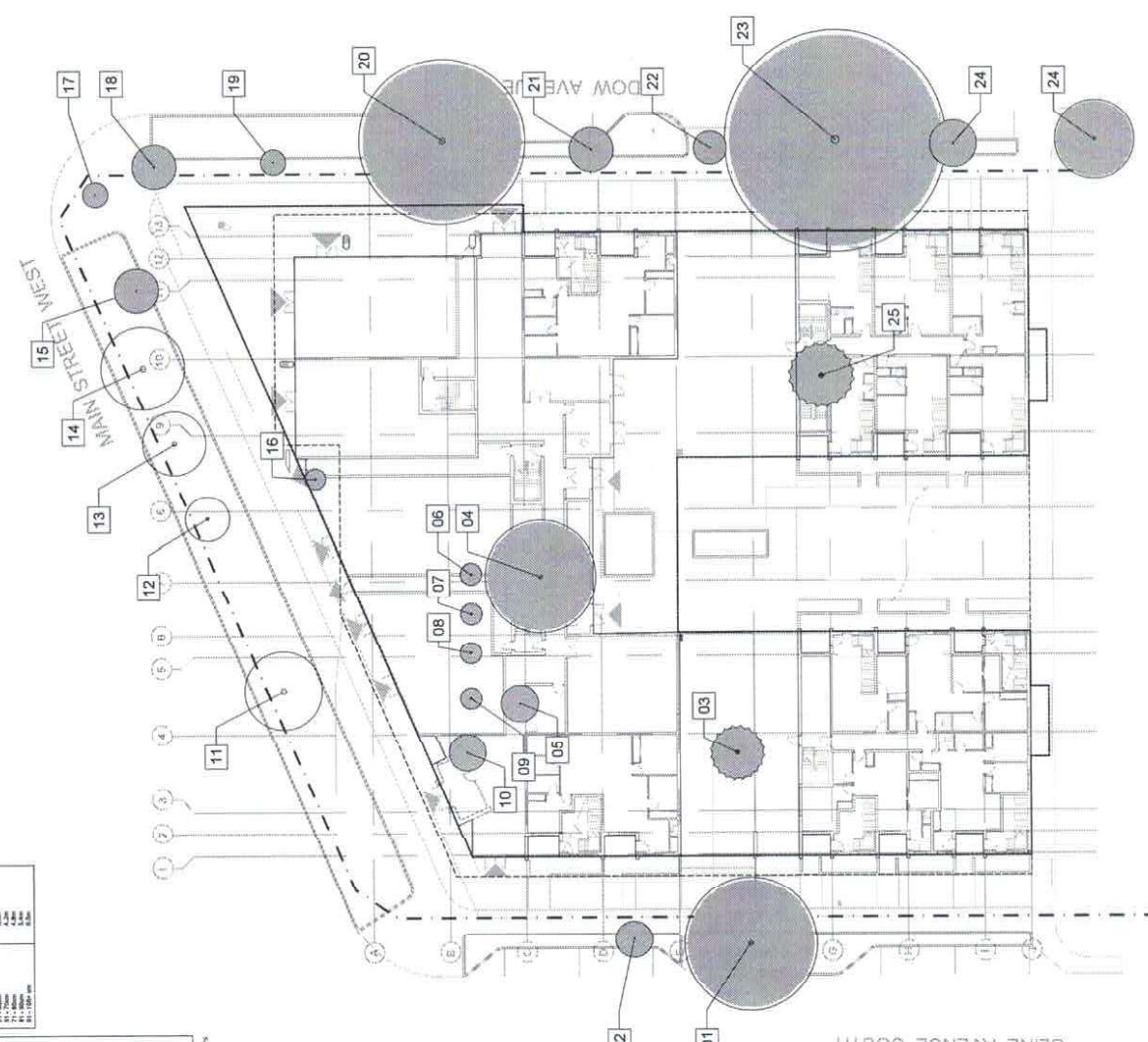
- CONTRACTOR SHALL VERIFY ANY INFORMATION BETWEEN THE DRAWINGS AND SITE CONDITIONS.
- ALL TREE LOCATIONS ARE THE RESPONSIBILITY OF THE CONTRACTOR. WORK SHALL BE STOPPED IMMEDIATELY IF ANY UNIDENTIFIED TREE IS FOUND ON THE SITE.
- BASE DRAWING PROVIDED BY ARCHITECT.
- FOR GRADING OR CONSTRUCTION TO PROCEED BY THE CONTRACTOR, THE CONTRACTOR SHALL OBTAIN APPROVAL FROM THE CITY OF HAMILTON.
- NO CONSTRUCTION WORK SHALL BE PERMITTED WITHIN THE PROTECTION FENCING UNLESS APPROVED BY THE CITY OF HAMILTON.

TREE MANAGEMENT PLAN
 1107 MAIN ST. W.
 HAMILTON, ONTARIO

ISSUED FOR REVIEW, NOT FOR CONSTRUCTION.

DATE	DESCRIPTION	BY	CHK
12/15/2011	ISSUED FOR REVIEW		

GSP BFOUD
 1107 MAIN ST. W.
 HAMILTON, ONTARIO
 www.gspbfoud.ca



TREE PROTECTION ZONE

TRUNK DIAMETER (DBH)	PROTECTION ZONE RADIUS (M)
1 - 100mm	1.5m
101 - 200mm	3.0m
201 - 300mm	4.5m
301 - 400mm	6.0m
401 - 500mm	7.5m
501 - 600mm	9.0m
601 - 700mm	10.5m
701 - 800mm	12.0m
801 - 900mm	13.5m
901 - 1000mm	15.0m

Tree Preservation Plan In Effect

NO WORK SHALL BE PERMITTED WITHIN THE PROTECTION ZONE BEYOND THIS POINT

City of Hamilton
 Planning & Development
 100 King Street West
 Hamilton, ON L8Z 1R7

TREE MANAGEMENT NOTES - HAMILTON

- THE PREPARATION OF THIS TREE PRESERVATION PLAN HAS BEEN COORDINATED WITH THE CITY OF HAMILTON. THE PLAN HAS BEEN REVIEWED BY THE LANDSCAPE ARCHITECT AND ENGINEERING CONSULTANTS. THE RELEVANT FEATURES OF THESE PLANS ARE IN CONFORMANCE WITH THE CITY OF HAMILTON TREE PROTECTION BY-LAW.
- NO SERVICES, GRADING OR OTHER CONSTRUCTION ACTIVITY IS TO OCCUR UNTIL THE INSTALLATION OF THE TREE PROTECTION FENCING AND ANY OTHER PROTECTION MEASURES REQUIRED TO PROTECT TREES. THE FENCING SHALL NOT BE ALTERED OR RELOCATED UNLESS AUTHORIZED IN WRITING BY THE LANDSCAPE ARCHITECT.
- IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO ENSURE THAT THEY ARE AWARE OF ALL MEASURES BEING TAKEN TO PROTECT ALL TREES IDENTIFIED.
- BEFORE THE FENCING IS INSTALLED, THE CONTRACTOR SHALL NOTIFY THE CITY AND MEASURES REQUIRED TO PROTECT TREES.
- ALL TREES TO BE SAVED SHALL BE FULLY PROTECTED WITH PROTECTIVE FENCING. THE FENCING SHALL BE INSTALLED IMMEDIATELY UPON THE APPROVAL OF THE CITY. THE LOCATION TO BE APPROVED UPON INSTALLATION BY THE LANDSCAPE ARCHITECT, WHO THEN IN TURN PROVIDES A VERIFICATION LETTER TO THE CITY OF HAMILTON. THE TREE PRESERVATION PLAN AS APPROVED BY THE CITY OF HAMILTON. TREE PROTECTION SHALL REMAIN IN PLACE UNTIL FRESH LANDSCAPING.
- ALL DAMAGE TO TREES SHALL BE REPORTED TO THE CONSULTANT IMMEDIATELY BY THE CONTRACTOR.
- THE SERVICE OF TREE PROTECTION LETTERS MUST BE HONORED TO THE CITY. BEFORE ANY OTHER GRADING ON THE SITE CAN OCCUR, SERVICES CAN COMMENCE. THESE PLANS ARE APPROVED BY THE CITY OF HAMILTON.
- THE CITY FOREST CONSERVATION BY-LAW OFFICER WILL ALSO CHECK THE SITE DURING THE CONSTRUCTION PERIOD.
- FOR ALL FENCING DETAILS REFER TO BRUSHWOOD AND BERMING CONTROL PLAN #10.

SEE SITE PLAN FOR ADDITIONAL INFORMATION. REFER TO DRAWINGS BY THE OWNER.

Tree #	Species	DBH (cm)	Height (m)	Condition	Notes
01
02
03
04
05
06
07
08
09
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25



Legend

	MOUND AND TREES
	PAVING TYPE 1
	PAVING TYPE 2
	PAVING TYPE 3
	CONCRETE PAVING
	SOD
	PLANTINGS
	PROPERTY LINE

GENERAL NOTES:

- SHOWING NOT TO BE USED FOR CONSTRUCTION UNLESS AUTHORIZED BY THE LANDSCAPE ARCHITECT.
- CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CANADIAN AND CITY OF HAMILTON STANDARDS.
- ALL UTILITIES LOCATIONS, THE RESPONSIBILITIES OF THE CONTRACTOR, SHALL BE DETERMINED BY THE CONTRACTOR'S UTILITY INVESTIGATION.
- ALL UTILITIES LOCATIONS TO BE REVEALED AND REPAIRED IN ACCORDANCE WITH THE CITY OF HAMILTON STANDARDS.
- ALL LANDSCAPE ELEMENTS SHALL BE PLANTED IN ACCORDANCE WITH THE CITY OF HAMILTON STANDARDS.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FOR THE PROJECT.
- ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
- ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE LANDSCAPE ARCHITECT.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FOR THE PROJECT.

LANDSCAPE PLAN

GROUND LEVEL
1107 MAIN ST. W.
HAMILTON, ONTARIO



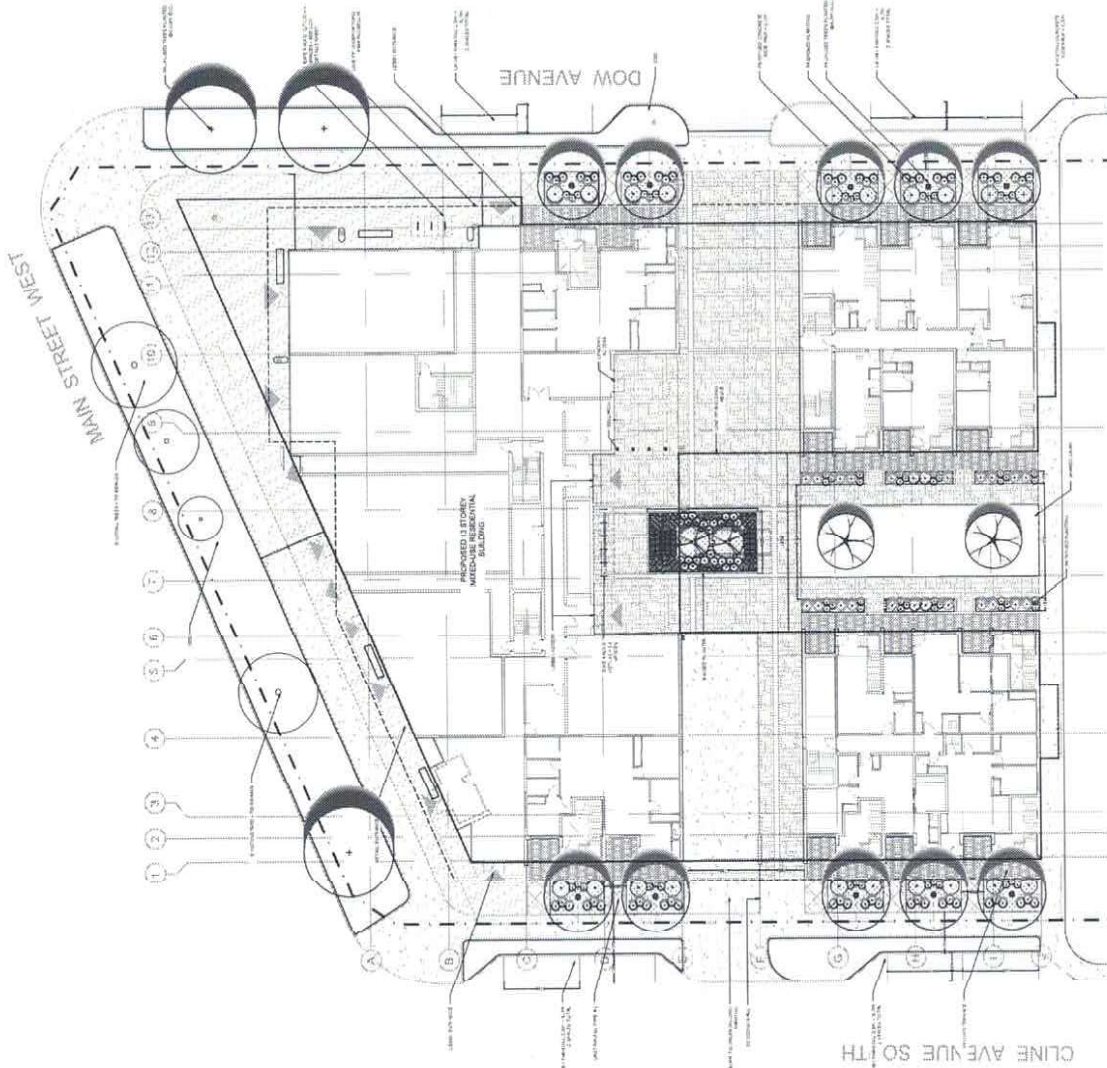
ISSUED FOR REVIEW NOT FOR CONSTRUCTION

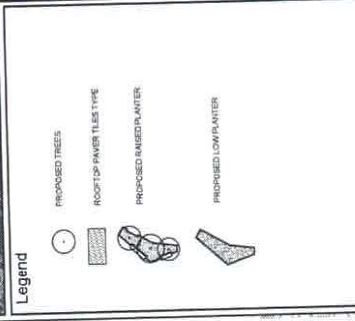


DATE	DESCRIPTION	BY
2022-11-15	ISSUED FOR REVIEW	LANDSCAPE ARCHITECT
2022-10-25	ISSUED FOR REVIEW	LANDSCAPE ARCHITECT
2022-10-15	ISSUED FOR REVIEW	LANDSCAPE ARCHITECT
2022-10-05	ISSUED FOR REVIEW	LANDSCAPE ARCHITECT
2022-09-15	ISSUED FOR REVIEW	LANDSCAPE ARCHITECT
2022-09-05	ISSUED FOR REVIEW	LANDSCAPE ARCHITECT



GSP Group
Landscape Architecture
2000 Zeeb Road, Hamilton, Ontario L8P 3K8
416-520-8888
www.gspgroup.ca





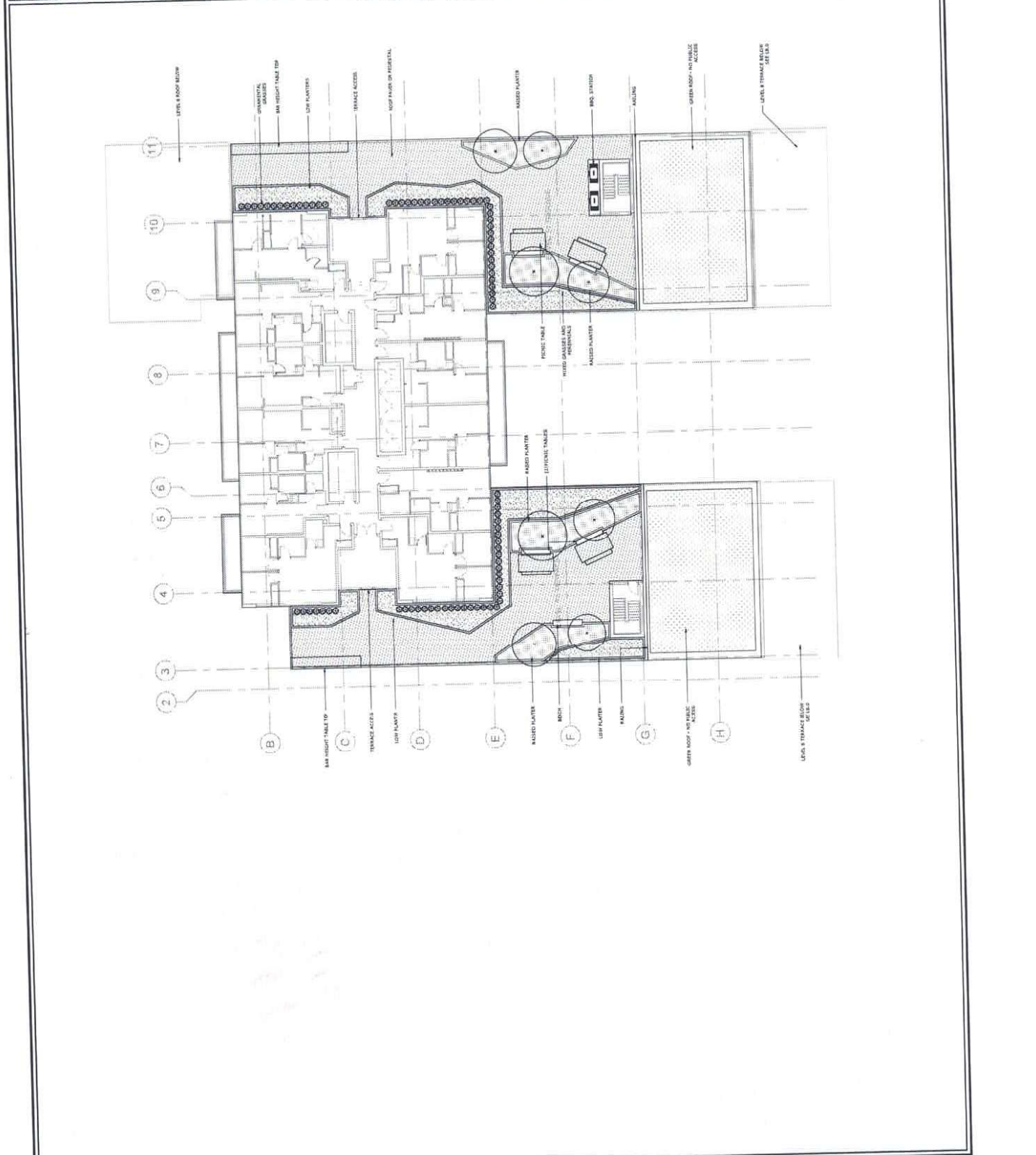
GENERAL NOTES:

- DRAWING MUST NOT BE USED FOR CONSTRUCTION UNLESS AUTHORIZED BY THE ARCHITECT.
- CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND FINISHES AS SHOWN ON THIS DRAWING AND REPORT ANY DISCREPANCIES TO THE ARCHITECT IMMEDIATELY UPON DISCOVERY.
- ALL UTILITY LOCATIONS ARE THE RESPONSIBILITY OF THE CONTRACTOR. ANY UNDETECTED UTILITIES SHALL BE REPORTED IMMEDIATELY TO THE ARCHITECT.
- ALL WORK SHALL BE IN ACCORDANCE WITH THE CANADIAN NATIONAL BUILDING CODE AND ALL APPLICABLE REGULATIONS.
- LANDSCAPE ELEMENTS SHALL BE INSTALLED AND MAINTAINED AS SHOWN UNLESS OTHERWISE SPECIFIED BY THE ARCHITECT.
- CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS AND APPROVALS FOR ALL WORK.
- LANDSCAPE ELEMENTS SHALL BE INSTALLED AND MAINTAINED AS SHOWN UNLESS OTHERWISE SPECIFIED BY THE ARCHITECT.

LANDSCAPE PLAN
LEVEL 10
 1107 MAIN ST. W.
 HAMILTON, ONTARIO

ISSUED FOR REVIEW NOT FOR CONSTRUCTION.

DATE	DESCRIPTION	BY
11/15/2019	ISSUED FOR REVIEW	[Signature]
11/15/2019	ISSUED FOR REVIEW	[Signature]
11/15/2019	ISSUED FOR REVIEW	[Signature]
11/15/2019	ISSUED FOR REVIEW	[Signature]
11/15/2019	ISSUED FOR REVIEW	[Signature]
11/15/2019	ISSUED FOR REVIEW	[Signature]
11/15/2019	ISSUED FOR REVIEW	[Signature]
11/15/2019	ISSUED FOR REVIEW	[Signature]
11/15/2019	ISSUED FOR REVIEW	[Signature]
11/15/2019	ISSUED FOR REVIEW	[Signature]



L10.0

GSP group

1107 MAIN ST. W.
 HAMILTON, ONTARIO
 L8R 2K1
 TEL: 905.571.1111
 WWW.GSPGROUP.COM

August 31, 2020

Andrea Dear
 Planning and Economic Development Department
 Development Planning, Heritage and Design – Urban Team
 71 Main Street West, 5th Floor
 Hamilton, ON L8P 4Y5

Shannon McKie
 Senior Project Manager
 Development Planning, Heritage and Design – Urban Team
 71 Main Street West, 5th Floor
 Hamilton, ON L8P 4Y5

Dear Ms. Dear and Ms. McKie,

**RE: UHOPA-20-012 and ZAC20-016
 1107 Main Street West, Hamilton (Ward) 1
 Possible Errors and lack of legislative authority in new Zoning Map B.6.2-1
 Request for City of Hamilton to revert back to the 2016 Zoning Map B.6.2-1 and
 To postpone Application pending the determination of the Zoning on Dow Avenue**

In reviewing the background information for the rezoning of the 6 houses on Dow Avenue by the City of Hamilton, I examined the Submission dated October 4, 2016 to the Planning Committee of the City of Hamilton regarding the TOC1 rezoning for residential properties in Ward 1. I was able to ascertain that the municipal addresses of these 6 houses, being **1, 9, 15, 19, 25, & 31 Dow Avenue, were never set out in the rezoning Submission**. Rather on page 10 of the report the municipal address of **65-71 Dow Avenue** is set out, but this address does not exist. (Perhaps 65-71 was referring to Dalewood Avenue and Dow was inserted in error).

The Submission also refers to 1190 Main Street West as being rezoned from Institutional to Mixed Use – Medium Density, however, **no mention is made of 1107 Main Street West** which are subject lands in the Application, as being rezoned from Institutional to Mixed Use – Medium Density. (see page 10 of Zoning By-Law: Proposed Transit Corridor Zones (PED16100(a) (Wards 1-4) – Page 10 of 22).

The Submission, however, does contain Appendix “A” and Appendix “A1” that purport to locate by sketch some of the houses on Dow Avenue and 1107 Main Street West which were to be rezoned, **even though the municipal addresses have been omitted from the Submission itself**. It is also clear that the proposed maps set out on **Page 14 of Appendix “A”** to the Report and on **Page 15 of Appendix “A1”** to the Report, the property known municipally as 31 Dow Street was never included. Yet when Zoning Map B.6.2-1 was finalized, the property known as 31 Dow

Street was somehow included in the new TOC1 map, which is attached to the Notice of Complete Applications for Preliminary Circulation dated March 20, 2020.

It therefore appears that there were two categories of errors made in the Report Submission of October 4, 2016 which was presented to the Planning Committee. The first was the complete omission of the relevant properties being 1, 9, 15, 19, 25 & 31 Dow Avenue, and 1107 Main Street West. The second was the arbitrary inclusion of land which was never set out in either Appendix "A" or "A1" to the Report, into a revised Zoning Map B.6.2-1 without proper legislative authority.



The apparent justification for the redesignation of all these lands were to "allow for redevelopment of blocks for a wider range of uses which are more consistent with higher order transit". Yet in creating this larger sized block the City of Hamilton may have failed to adhere to their own planning guidelines for Cultural Heritage properties and Cultural Heritage Landscapes, to the detriment of the single detached homeowners in the neighbourhood. Many of the issues raised against the subject Application are equally valid and relevant in a review of the justification for the expansive rezoning of 6 houses on Dow Avenue (being one half of the existing street), in light of the location of these houses across the road from the Church, the Synagogue, the day school and the public parkette, and the relationship of these very homes to the cultural history and character of the neighbourhood from the time of its creation by CMHC.

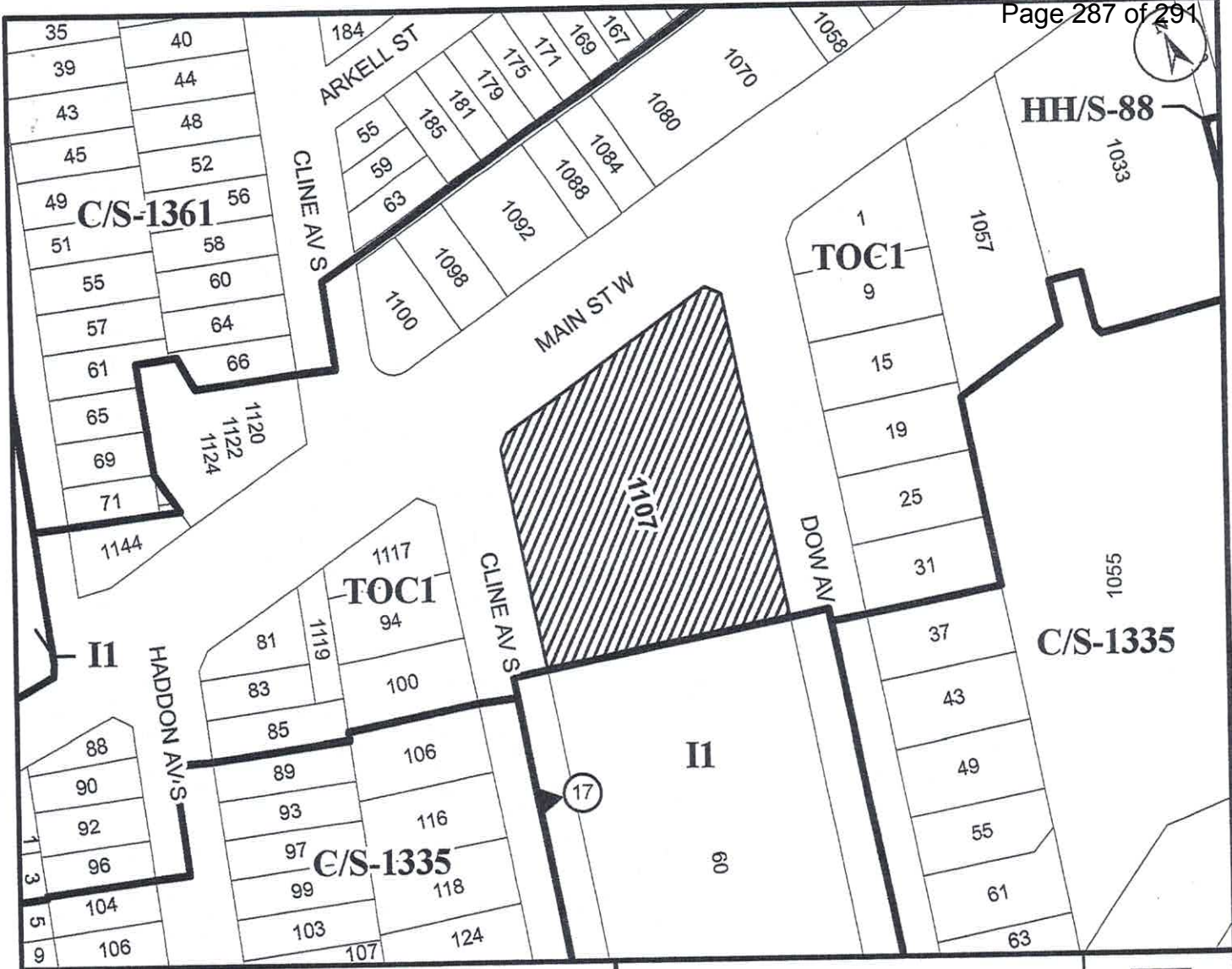
If there were other Submissions or Reports to the Planning Committee or Council concerning the rezoning of 1, 9, 15, 19, 25 & 31 Dow Avenue or 1107 Main Street West, either directly referring to these municipal addresses or correcting the errors in the sketches made on page 14 of Appendix "A" and page 15 of Appendix "A1", it would be most appreciated if you could kindly provide me with the documentation or a link to the meeting in which these errors were remedied.

If, however, there were no subsequent meetings, reports or By-laws correcting these matters or addressing the rezoning of these lands, it is my belief that Zoning Map B.6.2-1 which was attached to the Notice of Complete Application is invalid, and that the Planning Department must revert back to the pre-2016 Zoning Map B.6.2-1 for the purpose of reviewing the subject Application, and postpone the hearing of the Application until such time.

I kindly ask if you could please notify and advise me of the position of the Planning Department in respect to the matters which I have raised in this letter. Thank you for your assistance herein.

Yours very truly,


John Ross




● Site Location



Key Map - Ward 1



Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-20-016 & UHOPA-20-012

Date:
March 4, 2020

Appendix "A"

Scale:
N.T.S

Planner/Technician:
AD/VS

Subject Property

 1107 Main Street West, Hamilton

SUBJECT: City of Hamilton Comprehensive Zoning By-law: Proposed Transit Oriented Corridor Zones (PED16100(a)) (Wards 1 - 4) - Page 10 of 22

detailed analysis of each of the proposed amendments is outlined in Appendix “A-1” to Report PED16100(a).

2.4.1 Volume 1

Amendments to Volume 1 are required to:

- amend Policy E.2.4 Urban Corridors to add a new policy to prepare Station Area plans for certain stops along the LRT corridor;
- amend Schedule E-1 – Urban Land Use Designations to redesignate lands at proposed Station Area Locations along the LRT corridor from Neighbourhoods to Mixed Use – Medium Density;
- amend Appendix B – Major Transportation Facilities and Routes to identify the LRT Corridor; and,
- add a new Appendix B-1 – LRT Corridor Proposed Station Area Locations to identify proposed Station Area Locations.

2.4.2 Volume 2

Amendments to Volume 2 are required to:

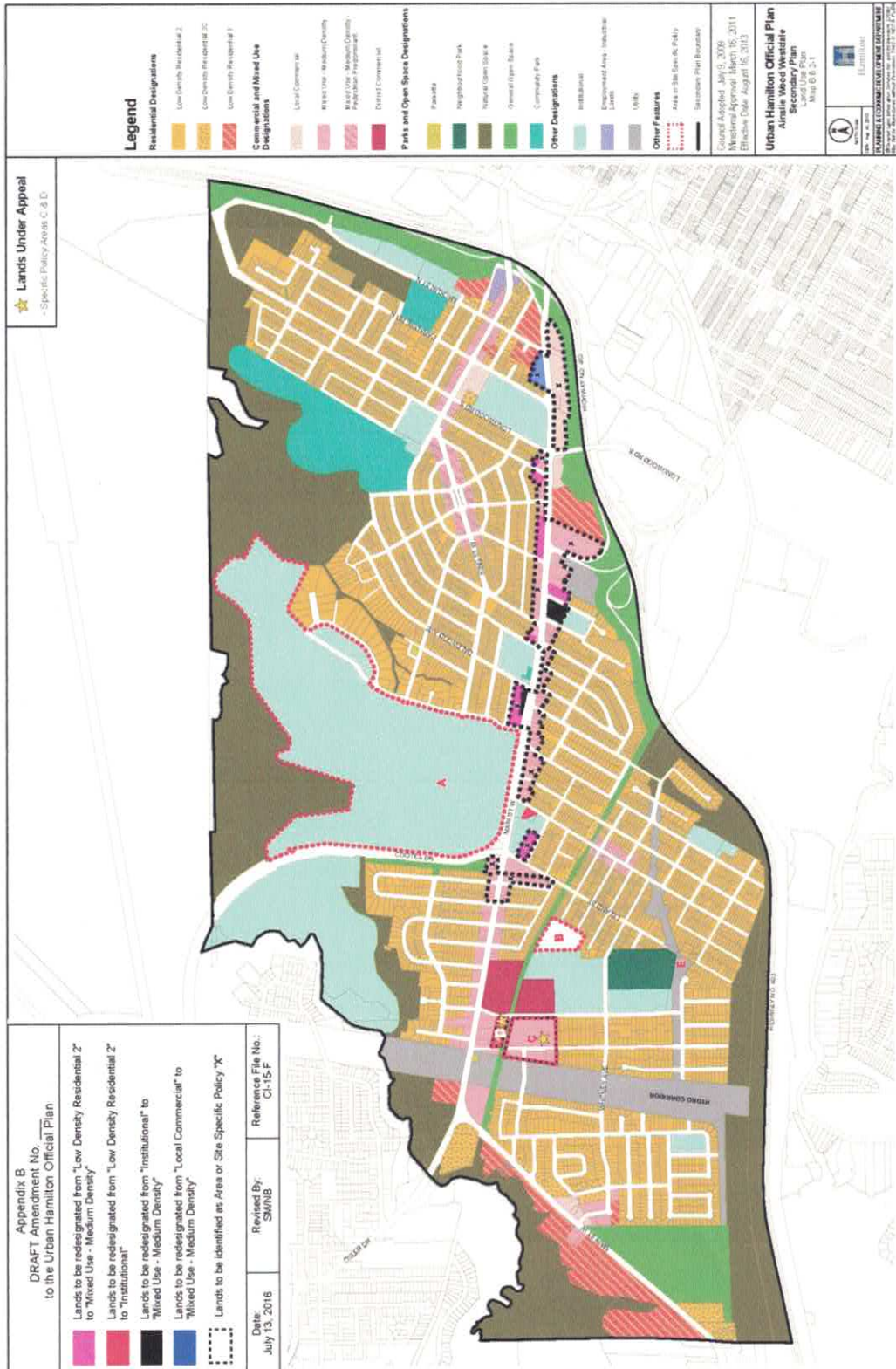
- amend the policies of Section B.6 Ainslie Wood Westdale Secondary Plan to implement new policy directions for lands along Main Street West. This plan was originally adopted in 2005 and was not planned with higher order transit as a transportation option;
- amend Map B.6.2-1 Ainslie Wood Westdale – Land Use Plan (included in Appendix “A” to Report PED16100(a)) to redesignate lands from:
 - Low Density Residential 2 to Mixed Use – Medium Density
 - North East Corner of Leland Street and Sussex Street
 - South side of Treymore Avenue between Forsyth Avenue South and Dalewood Avenue
 - 65-71 Dow Avenue
 - North side of Main Street West between Newton Avenue and Paisley Avenue South
 - 127-131 and 150-158 Bond Street South
 - Institutional to Mixed Use – Medium Density
 - 1190 Main Street West
 - Low Density Residential 2 to Institutional
 - Portion of 38 Emerson Street
 - Local Commercial to Mixed Use – Medium Density
 - 690 Main Street West
- add a new Area Specific policy to the Ainslie Wood Westdale and Strathcona Secondary Plans to prohibit drive-through facilities, gas bars, car washes and motor


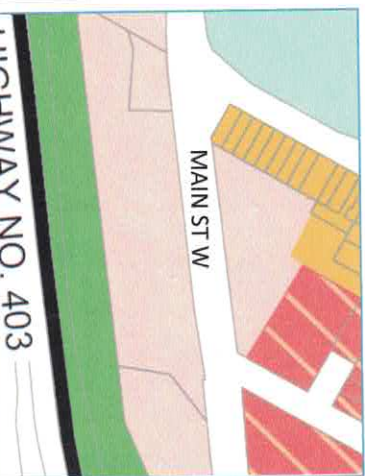
OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

Schedule "1"



<p>Ainslie Wood Westdale Secondary Plan Map B.6.2-1</p>	<p>Map B.6.2-1</p> 	<p>Revise Map B.6.2-1 to redesignate lands from:</p> <ol style="list-style-type: none"> 1. Low Density Residential 2 to Mixed Use – Medium Density 2. Institutional to Mixed Use – Medium Density 	<p>Redesignations would allow for redevelopment of blocks for a wider range of uses which are more consistent with higher order transit.</p>
<p>Ainslie Wood Westdale Secondary Plan Map B.6.2-1</p>	<p>Map B.6.2-1</p> 	<p>Revise Map B.6.2-1 to redesignate lands from:</p> <p>Local Commercial to Mixed Use – Medium Density</p>	<p>Redesignation would allow for redevelopment of the block for a wider range of uses which are more consistent with higher order transit.</p>



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	October 4, 2016
SUBJECT/REPORT NO:	City of Hamilton Comprehensive Zoning By-law: Proposed Transit Oriented Corridor Zones (PED16100(a)) (Wards 1 - 4)
WARD(S) AFFECTED:	Wards 1, 2, 3 and 4
PREPARED BY:	Shannon McKie Senior Planner (905) 546-2424 Ext. 1288 Diana Yakhni Planner (905) 546-2424 Ext. 7582 Steve Robichaud Director of Planning and Chief Planner
SUBMITTED BY:	Jason Thorne General Manager Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That approval be given to Official Plan Amendment (OPA) No. XX to the Urban Hamilton Official Plan (UHOP) to amend policies, schedules and maps, to implement up-to-date mapping and policies on the Transit Oriented Corridor located along Main Street from McMaster University to Hwy. 403, King Street from Hwy 403 to the Delta and along Main Street East to the Queenston Traffic Circle on the following basis:
- (i) That the Draft Official Plan Amendment, attached as Appendix "A" to Report PED16100(a), be adopted by Council; and,
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (PPS) 2014, conforms to Growth Plan for the Greater Golden Horseshoe, 2006 (P2G).

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