

January 10, 2022

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**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 11<sup>th</sup> 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.<sup>[4]</sup> 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.<sup>[5]</sup> Two large pillars aligned east to west in the middle of the room each support the interior corner of four bays.<sup>[6]</sup> 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.<sup>[7]</sup>

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.<sup>[5]</sup> 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](http://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.<sup>[8]</sup> 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.<sup>[3]</sup>

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,



John ROSS

