



## City of Hamilton PLANNING COMMITTEE ADDENDUM

**Meeting #:** 20-010  
**Date:** September 22, 2020  
**Time:** 9:30 a.m.  
**Location:** Due to the COVID-19 and the Closure of City Hall

All electronic meetings can be viewed at:

City's Website:

<https://www.hamilton.ca/council-committee/council-committee-meetings/meetings-and-agendas>

City's YouTube Channel:

<https://www.youtube.com/user/InsideCityofHamilton> or Cable 14

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

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Pages

### 5. DELEGATION REQUESTS

- \*5.1 Matt Johnston, UrbanSolutions, respecting Request for Direction to Proceed with Appeal of Committee of Adjustment Consent Applications AN/B-20:30, AN/B-20:31 and AN/B-20.32 for the Properties Located at 822 Book Road W, 914 Book Road W, and 1276 Shaver Road (Item 9.2) (For today's meeting)

### 7. PUBLIC HEARINGS / WRITTEN DELEGATIONS / VIRTUAL DELEGATIONS

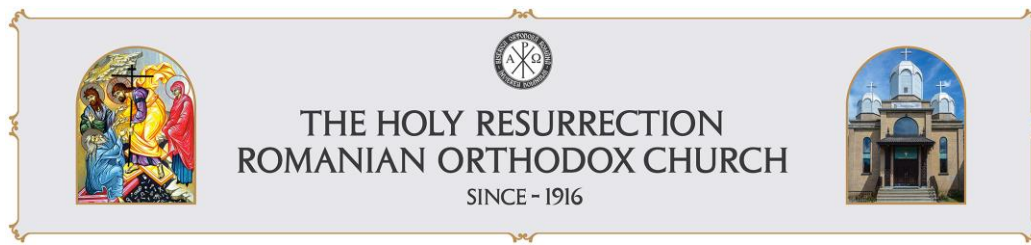
- 7.2 Applications for Official Plan Amendment and Zoning By-law Amendment for lands located at 282 MacNab Street North, Hamilton (PED19071(a)) (Ward 2)

- \*7.2.a Written Submissions:
1. Lucian Puscariu, The Holy Resurrection Romanian Orthodox Church
  2. Paul Consiglio

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\*7.2.b Registered Delegations:

1. Nancy Chater



**September 18, 2020**

**To: Mark Kehler**  
 Planning and Economic Development Department  
 Development Planning, Heritage and Design -Urban Team  
 71 Main St, West, 5<sup>th</sup> Floor, L8P 4Y5

**To: Chair and Members, Planning Committee, City of Hamilton**

**From:**  
 The Romanian Orthodox Church of the Holy Resurrection  
 278 Mac Nab Street North, Hamilton, On, L8L 1K4

**The issue:**

We received notification of Public Meeting of the Planning Committee – Plan Amendment File **UHOP-18-015**, Zoning By-law Amendment **No. ZAC - 18-037** for Lands located at 282 MacNab Street North, Hamilton to:

- Permit a 10 - storey building with 89 multiple dwelling units with a residential density of 688 units per gross hectare
- Change in zoning from “J” District to a site specific “E/S -1799-H” (Multiple Dwellings, Lodges, Clubs, etc.) District Modified to permit construction of a 10 storey (33.0m), 89 unit multiple dwellings with 66 parking spaces.

**The concerns:**

We, the congregation of The Romanian Orthodox Church of the Holy Resurrection are presenting the City of Hamilton Planning and Economic Department with the following concerns:

- We believe that demolition of the building located at 282 MacNab Street North was abusive. We will like to know when the permit was issued, before or after the demolition?
- With approval of this Amendment, considering the same construction across the street – just approved as an “exception” – the area will be over congested.
- The proposed Official Plan Amendment fails to follow the land use designation general policies for stable areas as listed by the West Harbour (Setting Sail) Secondary Plan adopted by the Hamilton City Council.

- The proposed building height (10 storey) and residential density of 688 units per gross hectare is a gross deviation from the West Harbour (Setting Sail) Secondary Plan core planning principles as emerged from extensive public consultation undertaken by the City during the conception of this plan.
- The proposed Zoning By-Law Amendment is not clear with regards to the subject lands zoning designation under the “site specific” definition opening the possibility of land use designations incompatible with our religious activity.
- The proposed development is adjacent to our Church and we are deeply concerned that our building will sustain structural damages caused by vibration during the excavations for the underground parking levels.
- The proposed development fails to provide the appropriate number of parking spaces in accordance with the current zoning By-Law. This will negatively impact our congregation by reducing the number of available on-street parking spaces in the area and prevent our members to attend religious services and events (i.e. baptism, weddings or funeral ceremonies) as our existing parking lot is very small (only 8 parking spaces) and there are no other off-street parking facilities available nearby.
- The above-mentioned plan imposes a high risk of structural damage to our property.
- During construction there will be traffic restrictions in the area that will interfere with our activities and religious services (i.e. weddings, funeral services). Having multiple apartment buildings in the area is likely not compatible with the Church’s rituals, traditions and activities.
- Our Church is an older structure with a main access door in the front to conceal transportation of the deceased, during the funeral procession, weddings and other celebrations. Given this is a large congregation, and that the proposed apartments proximity and heights, there would be no way for us to conceal viewing of this type procession from neighbouring people children, situated on upper floors, which may be disturbing.
- Ringing of the Church bells during the Liturgy, on Sunday’s and during other ceremonies is part of our religious tradition, we are concerned given the fact that the people living in these proposed apartment buildings being so close to the church, will be affected by the sound.
- Granting permit to such development plan will restrict our community’s rights to enjoy the property, will negatively impact the life of our congregation.
- Our community is very concerned and it feels existentially threatened, especially by the construction of two massive buildings. People are ready for a public protest, taking into consideration that they are not being listened to.

On behalf of Romanian Orthodox Congregation,  
Rev. Fr. Lucian Puscariu

September 20th, 2020

## LETTER OF PROTEST

**To: Chair and Members, Planning Committee**

- **Councillor Jason Farr - Chair**
- **Councillor John-Paul Danko - 1st Vice Chair**
- **Councillor Brenda Johnson - 2nd Vice Chair**
- **Councillor Chad Collins**
- **Councillor Judi Partridge**
- **Councillor Lloyd Ferguson**
- **Councillor Maureen Wilson**
- **Councillor Maria Pearson**

**From: “Holy Resurrection” Romanian Orthodox Church Parish Council**

CC: Stephen Robichaud, Director, Planner and Chief Planner

Mark Kehler, Planning and Economic Development Department

**Re: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 282 MacNab Street North, Hamilton**

Plan Amendment Application UHOPA-18-018 by St. Jean Properties Inc. and Durand Development Corporation, Owner

Zoning By-law Amendment Application ZAC-18-037 by St, Jean Properties Inc. and Durand Development Corporation, Owner

Dear Sir/Madam,

At the Planning and Development Committee meeting held on April 2, 2019 committee members agreed to grant a 30 days’ deferral for the above-mentioned applications to permit staff to report back on a proposed design change submitted that very morning by the applicant. These proposed changes have not been communicated to the public nor to us as adjacent neighbours until September 16<sup>th</sup> 2020 when the staff report was released. **The Parish Council of the “Holy Resurrection” Romanian Orthodox Church wants**

**to express our deepest concerns and disappointment with respect to how this file was handled and the lack of communication despite the commitment made by Councillor Jason Farr at the above-mentioned public meeting to engage in conversations with us on this matter. It is our last resort to present the Chair and Planning Committee members with below reasoning for our position and ask you to deny the application and direct staff to engage in consultations with us, so our church existence will be preserved and protected.**

a. Official Plan Amendment

1. The proposed development shall fully comply with the West Harbour (Setting Sail) Secondary Plan with regards to matters but not limited to, building height, massing and compatibility with the existing character of the surrounding neighbourhood.
2. The proposed development shall fully adhere to Planning Principles of the West Harbour (Setting Sail) Secondary Plan, section A.6.3.2.2 - Strengthen Existing Neighborhoods, section A.6.3.7- Stable Areas and section A.6.3.7 - Land Use. It is our opinion that according with the above mentioned sections the subject lands are classified as low density residential areas in which significant physical change is not anticipated. Further more, Policy A.6.3.7.1.1 establishes that housing within Stable Areas is envisioned to consist predominantly of detached, semi-detached and street townhouse dwellings.
3. The proposed development shall comply with the Medium Density Residential 1 designation that permits a maximum density of 150 units per gross hectare while maintaining the character of the surrounding low-density residential neighbourhood.

We would like to remind that the West Harbour (Setting Sail) Secondary Plan was approved by Council in 2005 after a long process and extensive public consultations, it was appealed at OMB and received the final decision in 2012. It is our opinion that this plan went through critical and careful examination of planning principles before to be approved for implementation, therefore any amendment will be an undermining of efforts undertaken by staff and West Harbour communities including the Romanian Orthodox congregation and will set a bad planning precedent for our community.

a. Zoning By-Law Amendment

1. The proposed development shall fully comply with the current zoning by-law with regards to building height and floor area ratio, setbacks, landscaped area, parking stall size, number of parking spaces, loading space dimensions

and number of loading spaces.

2. We would like to reiterate our concerns with regards to the on-street parking spill over effect generated by a development approval that fails to provide sufficient on-site parking capacity. Our congregation is directly impacted by the on-street parking matter as our parking lot has a very small capacity. A review of our notes from the April 2, 2019 meeting confirmed a staff direction issued by Councillor Terry Whitehead with regards to future developments full adherence to existing parking ratios of 1.25 parking spaces per dwelling unit + 0.25 parking spaces per dwelling units for visitors. We request that staff diligently follow this direction.
  - a. Provincial Policy Statement (2014)
    1. The proposed development shall fully adhere to Cultural Heritage and Archaeology requirements listed by sections 2.6.1, 2.6.2 and 2.6.3 -" planning authorities shall not permit development and site alteration on adjacent land 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."

**Our congregation is deeply disappointed about the Hamilton Municipal Heritage Committee recommendation to permit a 10-storey building next to our church and simply destroy the character of the neighbourhood.**

1. The proposed developments shall fully adhere to the noise and vibrations requirements as listed by section 1.2.6.1. Our congregation expressed deep concerns with regards to the high probability that our church will sustain structural damage during constructions. The Parish Council wishes to use this opportunity to remind that our church recently received important and expensive upgrades like new windows and floors and this spring the entire dome roof will be replaced. More so, the church altar and iconostasis has religious mural painting that is prone to cracks caused by vibrations and restoration costs are extremely high.
  - a. James Street North Mobility Hub

The City Council adopted the James Street North Mobility Hub Study in 2014. A quick lecture of this study revealed that 282 MacNab Street North parcel is located within Focus Area C- Station Area, an area defined by its historic architecture and proximity to stable residential neighbourhoods where the design and massing of all new developments should respect this character. There are ten opportunity sites identified by the James

Street North Mobility Hub, three of them near the subject lands. All three opportunity sites in the vicinity are envisioned to receive developments with no more than 6 storeys. The subject land at 282 MacNab Street North has not been identified as suitable for change in land use designation by this study.

**It is our opinion that a good planning practice shall focus on achieving the area growth objectives by developing the opportunity sites identified in the first place and later study the feasibility of adding more developments on the remaining sites.**

Notwithstanding all of the above, the Parish Council of the Romania Orthodox Church of the Holy Resurrection is respectfully requesting staff that any application for the lands located at 282 MacNab Street North is subject to the following conditions:

- i. The proponent shall undertake a pre-constructions and post-constructions structural analysis to ensure structural integrity for our buildings. The analysis shall be performed by a third-party authorized agent selected to our satisfaction and paid by the proponent. The Parish Council shall retain a copy of assessment reports for legal and insurance purposes.
- ii. No constructions activity including but not limited to excavations and shoring shall be permitted without 24/7 vibrations monitoring and no constructions activity shall be permitted in the event of vibrations exceeding the safe limits indicated by the structural licensed engineer. The expense of the monitoring system is to be covered by the proponent.
- iii. No constructions activity is to be permitted during religious services such as Divine Liturgy, Wedding, Baptism or Funeral Service.

Dear Chair and Committee members, our community feels that our church existence is in great danger and we are considering all available options to preserve our place of worship. Our congregation submitted two petitions with over 400 signatures outlining our concerns that have been totally ignored. We are asking you to show care and compassion towards us and deny this application and we are welcoming you to engage in talks with us, so you can learn more about our heritage and the contributions we have made to this great city for more than 100 years.

Respectfully submitted on behalf of Romanian Orthodox Church Parish Council by:

**Nick Bunu, President of Parish Council**



**From:** Paul Consiglio  
**Sent:** September 21, 2020 12:41 AM  
**To:** [clerk@hamilton.ca](mailto:clerk@hamilton.ca)  
**Subject:** Proposed building of condo @ 282 MacNab St.N!

Hello councillors! I am messaging you on behalf of my mother \*Josephine Di Cenzo as well as myself \*Paul Consiglio. We both live at 283 MacNab St. N. This message reflects our thoughts of the proposed potential building of a ten story condominium at 282 MacNab Street North. My mother owns the house directly across the street from that abandoned lot and she is very unhappy with the proposed decision to build a 10 storey condominium across the street from her and so am I. My neighbours are not happy as well. We all attended past meetings about this and another proposed building at an empty lot next to 285 MacNab St.N. and we are not happy about neither of them. Our neighbours and us cannot attend this meeting due to cov-19 restrictions that's why I am sending you this message. In the following paragraphs I will cite issues that concern our neighbours and us. We already have had issues on our street with the lack of parking and this is just going to exacerbate the situation. In the winter the city plows the snow where we all park and it's already hard enough to deal with that as it stands. Imagine when this monstrosity is built we will all truly struggle to find parking anywhere near our home and so will all my neighbours. This project will take years to build and will cause all sorts of seismic damage to the church next door and my neighbours and our property. The dust, the noise and the ripping apart of streets to accommodate the additional sewage will be a nightmare for our quiet little neighborhood. Our house gets the easterly sun in the morning which gives life to our plants but if this monstrosity is built this condominium will block all direct sunlight to us permanently...People on my block WORK and their lives will be disturbed and disrupted by the constant noise and vibration of the building process. Have you even thought about that??? This will affect tax payers, do you care about that??? Tax payers who work nights and sleep during the day will have their sleep interrupted due to corporate greed!!! Several of my neighbours work nights and have small children do you think that's fair to them??? If construction starts the constant truck and machinery traffic will bring the neighbourhood to a complete stand still. This is a child friendly street do you not care what both the pollution environmentally and the noise will be for them. I own a dog imagine what this chaos would sound like to him, it's totally insane and this madness must be stopped at all costs before it even starts! This is a quiet peaceful law abiding and tax paying type of neighbourhood and we don't want to see it ruined and totally butchered by this proposed monstrosity that doesn't suit this neighbourhood at all. Imagine councillors that this was happening where YOU lived and it disrupted your peace and destroyed your properties would you then be so quick to allow this from being built??? Please have so decorum and think hard and say NO to this proposed building of this condominium! There are literally tons of places to build with empty lots such as Barton St W. and such. Please do the right thing and stop this project from ever happening! PLEASE take into consideration the lives of your constituents that will be forever affected by your decisions. Thank you for your time and patience!

Josie Di Cenzo, Paul Consiglio.