

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 16th 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