

To: **Members of the Planning and Environment Committee** (Joni Baechler - Chair, Dale Henderson, Paul Hubert, Bud Polhill, Sandy White)

From: Kelley McKeating and Bruce Jones

cc: Cathy Saunders, City Clerk

Date: May 4, 2014

Re: **Submission Concerning Proposed Development at 230 Victoria Street – Local and City-wide Implications**

We are speaking for ourselves and also on behalf of the 100 or so neighbours who are concerned about this proposed development.

The proposed development consists of a 4-storey U-shaped building on the north-east corner of Richmond and Victoria Streets. The first two floors (approximately 85,000 square feet total) will house a medical mall, doctors' offices, and retail. The top two floors (also totaling approximately 85,000 square feet) will house a retirement home.

The footprint of the building (approximately 42,500 square feet) is equivalent to the footprints of about 40 average Old North homes.

Our submission consists of observations and recommendations regarding the following:

1. Broad interpretation of the zoning by-law
2. Broad interpretation of the minor variance condition
3. Community consultation and communication
4. Additional concern
5. Mitigation of adverse impacts on the neighbourhood

The following background material is included in the Appendices:

- A – Relevant zoning by-law definitions
- B – Emails from Councillor Branscombe to the neighbourhood
- C – Advanced Medical Group marketing material and site signage
- D – Images of the adjoining streetscape and the proposed development
- E – April 4, 2014 memo to City Council, neighbourhood survey results, background information

1. Broad Interpretation of the Zoning By-law

The property at 230 Victoria Street is zoned CF3. Under the CF3 variation of a Community Facility Zone (Institutional Facilities):

- Clinics and medical/dental offices are permitted “in association with other permitted uses”
- Personal service establishments “associated with the main permitted use” are also allowed

- The permitted uses not subject to condition are continuum-of-care facilities for seniors, hostels, nursing homes, rest homes, and retirement lodges. All of these terms are defined in the city's zoning by-law. The definitions are similar, but not identical, to how the terms would be interpreted by a lay-person (see Appendix A).

The traditional interpretation and application of the first condition is that a doctor can establish an office within the care facility, nursing home, rest home, or retirement lodge for the purpose of treating the residents of the facility.

The traditional interpretation and application of the second condition is that a hairdresser (for example) could maintain equipment on-site to provide services to the residents of the facility.

The Statesman proposal represents a dramatic departure from the above. The proposal has been deemed acceptable by the city by means of a "broad interpretation" of the zoning by-law (see Appendix B). **If this project proceeds, then it will be established that in a CF3 zone, up to 50% of the floor space of a building can be used for commercial medical offices and retail establishments. This has city-wide ramifications.**

Statesman's marketing material to doctors (see Appendix C) and Web site (www.advancedmedicalgroup.net) make no mention of the residential component of the building being a source of patients or customers. To laypeople like us, the association between the medical/retail component and the residential component is tenuous at best.

It is also important to note that the subject site is designated low-density residential in the city's Official Plan. The CF3 zoning is in place only because of the historic use of the property. The first McCormick Home was built on this site in 1894, and replaced by a newer building in the late 1960s.

The decision to adopt a very broad interpretation of the zoning sets a precedent which has implications for development proposals in other zoning categories. If a developer submits a proposal that the city wishes to decline because of non-compliance with zoning rules, that developer now has the Statesman decision as ammunition in a legal proceeding. Why did the city take a broad interpretation for Developer A and not Developer B? Shouldn't there be a level playing field?

Recommendation 1

We request that the Planning and Environment Committee recommend to city council that they implement an interim control by-law to:

- Prohibit the issuance of any building permits for medical offices associated with a residential use in all CF3 zones, and
- Direct staff to undertake a land use planning study to determine if the CF3 zone should be amended to permit 50% of the floor space to be used for offices

This would serve two purposes:

- It would confirm (or correct), through an open public process, the proposition that up to 50% of the floor space in a CF3-zoned building can be used for medical offices and retail establishments, and that these businesses can serve the general public instead of the building's residents.
- It would remove the requirement to "broadly interpret" existing zoning for this specific site, thus eliminating the risk of city-wide adverse outcomes in other zoning categories.

2. Broad Interpretation of the Minor Variance Condition

In June of 2007, Statesman applied for a minor variance. The purpose of the application was a "request to construct a seniors' complex with a lot coverage of 44% whereas 30% is permitted". The request was approved on condition that the building design be "in keeping with the Richmond Street and Victoria Street streetscapes and the character of the surrounding Old North Area".

In our opinion, the proposed building design is not in keeping with the streetscape and the character of the surrounding area (see Appendix D). Also, it would appear that the purpose underlying the original application has changed.

For these two reasons, the city's broad interpretation of the minor variance condition sets an unfortunate precedent.

Recommendation 2

We request that the Planning and Environment Committee direct staff to:

- Create a policy document that outlines the criteria and parameters to be used in determining whether or not a building design is in keeping with adjacent streetscapes and the character of an area,
- Consult with the public and other interested stakeholders prior to creating the policy document, and
- Consider elements such as architectural features, exterior finishing material, height differentials, set-back differentials, distance from neighbouring buildings, and traffic access to the site when developing the policy document

3. Community Consultation and Communication

The current expressions of concern, including a petition to city council and a lawn sign campaign, result in our view from a poor decision made by the city in May of 2012.

Appendix B consists of a series of emails from Councillor Branscombe (on behalf of the city for the most part, it would appear) to the neighbourhood. These emails are dated:

- January 31, 2011
- March 7, 2011
- March 28, 2011
- April 16, 2011
- April 20, 2011
- July 9, 2011
- July 21, 2011
- September 15, 2011
- July 4, 2012
- July 31, 2012
- April 15, 2014

We have bolded relevant phrases below for emphasis. These phrases were not bolded in the original emails.

The neighbourhood consultation began early in 2011 subsequent to discussions between the City Manager, city lawyers, the General Manager of Planning, Councillor Branscombe and the developer. The city took a leadership role in initiating this consultation and in keeping the neighbourhood informed of progress, as is evidenced by the following extracts:

- January 31, 2011: "In light of all of these concerns and unresolved issues, I asked for a meeting last Monday of our City Manager, Jeff Fielding, our City lawyers Jim Barber and Dave Munteer, GM of Planning Rob Panzer, and the Planner Jeff Leunissen who is assigned to this file. We discussed the concerns and decided that we should have a conference call with the developer about the mounting concerns amongst the neighbourhood regarding this proposal. Our hope is that we can find something more appropriate for him to build on this lot."
- March 7, 2011: "After a conversation with the developer, and in the hopes of avoiding a legal battle which could fester for some time, a representative sample of neighbours were invited to a meeting last Wednesday with myself, our City Manager, Jeff Fielding, Jeff Leunissen, John Fleming (Planning) and Michael Tomazincic. During the two hour discussion many ideas came up-some were rejected and others were discussed more fully. The main points that I took away were that people were **more supportive of residential use** of the property (perhaps site specific project with any rezoning potential tied to a specific plan) **than mixed use** and that the condo idea was unacceptable."
- March 28, 2011: "After much discussion back and forth between myself, the neighbourhood, City staff and Statesman (the Developer), I am sending you this update as the final proposal from Statesman to the neighbourhood to see if there is general agreement that this is how we should proceed

We communicated, to Statesman, the main concerns of the neighbourhood from those who had attended meetings over the last number of months and those who emailed or called with concerns and suggestions. We also recently had a small "focus group" meeting (a representative sample of neighbours with various perspectives) with Jeff Fielding and myself at City Hall to see if we could come up with some ideas about what might work on that site.

The **main concerns** of the neighbourhood (and not just immediate neighbours, since this project affects all of us) included:

- 1) wanting a low profile motif facing Victoria Street which is in a similar Victorian motif as the neighbourhood
 - 2) must be oriented to an age-related community preferably seniors as per current zoning
 - 3) no risk to the community as to future Student Housing
 - 4) restricted parking and
 - 5) maintain the perimeter large treed landscaping where possible."
- July 9, 2011: City staff and the developer have been working closely together over the past few months to come to a successful outcome on the future development of this site. We think we're there but we need **one last meeting for public input to make sure the project is in keeping with the character of the neighbourhood and maintains the streetscape**. The developer, Garth Mann from Statesman will be in attendance as well as myself, Jeff Leunissen from Planning and other City Staff members. We were able to agree to a continuum of care facility and keep the CF3 zoning which was important to many of you (and me)."
 - September 15, 2011: "The meeting was very well attended so **City staff and I were pleased** that a good number of the neighbours were there to hear from the Developer, Statesman Group represented by Garth Mann.

This **project appears to be generally what the neighbours had hoped for** from the numerous neighbourhood meetings that we held.”

According to an April 15, 2014 email from Councillor Branscombe, Statesman submitted a site plan application in May of 2012. Given the extensive communication and consultation that had occurred in 2011, we are surprised that city staff apparently decided not to inform Councillor Branscombe (and thus not inform the neighbourhood) that the developer had abandoned the 2011 “final plan”. City staff may not have had a statutory obligation to communicate this important turn of events to the neighbourhood, but in our opinion they most certainly had a moral obligation to do so.

It appears that Councillor Branscombe learned of the situation in July of 2012. However, the email below did not reach all of the neighbourhood.

- July 31, 2012 (sent to some neighbours, but not others; we learned of it for the first time on May 2, 2014): “The developer held a “community meeting” on July 18th. Unfortunately, I could not attend. I didn’t have prior notice and we were away on holidays. Garth Mann, the developer did send information to me so I could see what he was planning. Many of you were surprised to find a proposal quite different from the one we had worked on with Statesman last year (after a great deal of effort and a number of meetings). The **present plan does not meet the current zoning requirements so the developer is working with the City’s Planning department to come up with a plan that does**. I will keep you updated as soon as I get any information. That’s all I have for now.”

The current proposal does not differ in any discernible way from the May 2012 site plan application. What did not “meet the current zoning requirements” in July of 2012 has not been deemed to be in compliance.

- April 15, 2014: “Planning staff, after much of the early consultation agreed that they would **broadly interpret the zoning** because the overwhelming and consistent concern the neighbourhood had (and still has) was the potential that this development would become student-type housing.”

We would note that, in the main concerns of the neighbourhood listed above, student housing is number 3 of 5.

Recommendation 3

We ask that the Planning and Environment Committee instruct staff to:

- Develop a formal policy for improved neighbourhood communication regarding post-consultation changes,
- Determine which individual made the decision in May 2012 to not inform Councillor Branscombe that the developer had abandoned the 2011 “final plan” and put forward a very different plan, and
- Institute governance changes such as peer-review procedures to ensure that such poor decisions are minimized in future.

4. Additional Concern

We are concerned about Statesman’s commitment to the retirement home component of the development.

Statesman’s marketing material to doctors and on-site signage (see Appendix C) make no mention of any residential component to the development. The only mention of the retirement home on the Web site (www.advancedmedicalgroup.net) is on 2 of the 18 pages of the downloadable brochure.

Statesman's other Web site (themanorvillage.com/historic-london-ontario) contains scant information concerning the retirement home. We find this surprising given that construction is imminent. Furthermore, some of the retirement home design elements in the site plan application are unusual. As one example, the residents may have limited access to the outdoor areas of the property:

- The courtyard inside the U-shape of the building consists of narrow sidewalks and parking spaces. There doesn't appear to be room for even a bench. If there was a bench, it would look out on 40 or so parking spaces.
- The lawn to the west of the building (adjacent to busy Richmond Street) is only accessible through emergency exits from private doctors' offices.
- The patio to the east of the building is only accessible from the doctor-only fitness facility or through the offices labelled physiotherapy on the plan.
- The lawn on the north side of the building can be accessed from doors in the bistro-café. Residents will probably be able to access this outdoor area when the bistro-café is open, but it is unclear whether they will have access to those doors when the café is closed in the late afternoon, in the evening, or on weekends. This lawn area is approximately 35 feet deep (south to north).

Recommendation 4

We ask that the Planning and Environment Committee direct staff to report on the recourse available to the city if the building, upon completion, includes a smaller than planned or no retirement home component.

5. Mitigation of Adverse Impacts on the Neighbourhood

If the development proceeds as currently proposed, there will be an adverse impact on the surrounding neighbourhood:

- The homes immediately adjacent to the site will become less desirable. Realtors tell us that house values will decline. Some homeowners may decide to move due to the negative aspects of this new development. Will the city be liable for their losses on sale?
- The owner-occupied homes immediately adjacent to the site may evolve to student rental housing.
- The developer estimates that the building will generate 2,800 traffic trips per day. If these estimates are accurate, the new building on its own will result in vehicle volumes that are double the city-determined maximums (1,500 vehicles per day) for a local road like Victoria Street. Much of this additional traffic will cut through Old North. For example:
 - If we were travelling to the site from Adelaide and Huron, we would go west on Huron, south on William, west on Victoria to the site except at the start and end of the school day when Victoria at Ryerson School becomes very congested. During those times, we would travel west on Regent from William, go south on Waterloo or Wellington, then west on Victoria. In our opinion, the developer's assumption that such traffic would travel west on Huron to Richmond, south on Richmond, then east on Victoria is not plausible. This is a less direct and more time-consuming route because of the wait times to turn left onto Richmond and onto Victoria.

- If we were travelling to the site from Masonville, we would turn east at Regent (no traffic light), south on Wellington, then west on Victoria. This is the route we take to our own home. When heading south on Richmond, we don't turn east onto Victoria from Richmond due to the wait times at the intersection.
- While stacked hydraulic parking may be a desirable solution in some instances, it appears not to have been designed for the short-term needs related to a doctor's office visit, a hairdressing appointment, or a trip to the pharmacy. We understand that there is a wait time involved in placing the vehicle in the stack and then retrieving it. Thus, it is likely that many customers of the new building will decide to park on nearby streets. Many patients of St. Joseph's Hospital already do this. There is therefore little available on-street parking on many days. The search for a parking spot will result in additional traffic volume, noise, and exhaust fume pollution.
- The afore-mentioned wait times for the hydraulic parking system may make those spots undesirable for doctors and building employees who wish to run errands in their vehicles at lunchtime. This is a relatively common practice amongst those who work outside the downtown or other commercial hubs.
- The wait times may also result in back-ups to access the parking lot during peak morning hours, with a resulting impact on nearby intersections (Wellington at Victoria, Richmond at Victoria).
- Once bus rapid transit is implemented on Richmond Street, issues related to back-ups to access Victoria Street from Richmond may be exacerbated.
- The combination of increased traffic and frustrated drivers searching for on-street parking raises safety concerns for the children who walk to Ryerson School along adjacent streets.

Recommendation 5

We request that the Planning and Environment Committee direct staff to:

- Immediately begin consultation with the neighbourhood to identify actions and policies that will mitigate, where possible, the adverse impacts identified above or identified through additional neighbourhood input, and
- Submit a mitigation action plan, including timelines and costs, to city council

Appendix A – Relevant Zoning By-law Definitions

The site is zoned **CF3**. CF stands for Community Facility Zone (Institutional Facilities). This means (from <http://www.london.ca/by-laws/chaptr03.htm> and [http://www.london.ca/by-laws/chaptr32.htm#community facility](http://www.london.ca/by-laws/chaptr32.htm#community_facility)):

The following are **permitted uses** in the CF3 Zone variation:

- a) Clinics, in association with other permitted uses;
- b) Continuum-of-care facilities, for seniors;
- c) Hostels;
- d) Medical/dental offices, in association with other permitted uses;
- e) Nursing homes;
- f) Personal service establishments, associated with the main permitted use;
- g) Rest homes;
- h) Retirement lodges.

Relevant Definitions (from Section 2 of Zoning By-law Z.-1 of the City of London):

"CONTINUUM-OF-CARE FACILITY" means a facility which may include a **Senior Citizens Apartment Building, a Nursing Home and/or a Retirement Lodge** and may include facilities associated with, and designed specifically to serve, the Senior Citizens Apartment Building, Nursing Home and/or Retirement Lodge such as hospitals, clinics, recreation centres, cafeterias and personal service establishments and may also include **independent Senior's accommodation in separate structures/living units that share in services, such as meals**, medical care services, or recreation that are provided by the facility.(Z.-1-93173) (Z.-1-01915) (Z.-1-051405)

"HOSTEL" means a dwelling where, for a fee, **room, board and personal care, supervision and assistance with daily living activities are provided** to persons who are otherwise unable to care fully for themselves by reason of age or mental or physical disability, and, without limiting the generality of the foregoing, includes such facilities as an unlicensed nursing home or rest home, an unlicensed retirement home or retirement lodge, or an unlicensed establishment providing nursing care for chronic invalids or the elderly, but does not include:

- a) any residential facility licensed, approved or supervised under the *Nursing Homes Act*, the *Homes for the Aged and Rest Homes Act*, the *Homes for Retarded Persons Act*, the *Homes for Special Care Act*, the *Private Hospitals Act*, or any other Act or authority;
- b) a rooming house or a boarding house;
- c) a Type 1 or Type 2 Group Home;
- d) an apartment house.

"NURSING HOME" means a dwelling or other building in which **rooms or lodging are provided for hire or pay in conjunction with the provision of meals**, personal care, nursing services and medical care and treatment, but does not include a hospital.

"HOME FOR THE AGED, REST HOME" means a building for the aged established and maintained under the *Homes for the Aged and Rest Homes Act*.

"RETIREMENT LODGE" or **"RETIREMENT HOME"** means a residence providing accommodation primarily for persons or couples over 60 years of age where each private bedroom or living unit has a **separate private bathroom and separate entrance from a common hall but where common facilities for the preparation and consumption of food are provided**, and common lounges, recreation rooms and medical care facilities may also be provided.

"SENIOR CITIZENS APARTMENT BUILDING" - See "DWELLING, APARTMENT BUILDING, SENIOR CITIZENS".

"DWELLING" means a building containing one or more dwelling units.

a) **"APARTMENT BUILDING"** means a building or existing non-residential building that is divided horizontally and/or vertically into five or more separate dwelling units but does not include a converted dwelling or townhouse dwelling.

(Z.-1-98604)

b) **"APARTMENT BUILDING, HANDICAPPED PERSONS"** means an apartment building designed for the accommodation and occupancy by physically handicapped persons which is owned and managed by a public housing authority or non-profit organization or a charitable institution, and which may be associated with a church.

c) **"APARTMENT BUILDING, SENIOR CITIZENS"** means an apartment building designed for the accommodation of the elderly, which is owned and **managed by a public housing authority or non-profit organization or a charitable institution** and which may be associated with a church.

"DWELLING UNIT" means a single room or a series of rooms of complementary use which is located in a building, in which food preparation, eating, living, sleeping and sanitary facilities are provided for the exclusive use of the occupants thereof, which has a private entrance directly from outside the building or from a common hallway inside the building, in which all occupants have access to all of the habitable areas and facilities of the unit, and which is occupied and used or capable of being occupied and used as a single and independent housekeeping establishment. A dwelling unit shall contain no more than five bedrooms.

"OFFICE, MEDICAL/DENTAL" means an office or offices in which the practice of the professions of medicine, psychiatry, dentistry or optometry is carried on or in which the treatment by osteopathy or chiropractic is carried out but does not include a CLINIC, METHADONE.

"PERSONAL SERVICE ESTABLISHMENT" means a building, or part thereof, in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons, comprising the premises of a barber, hairdresser, beautician, tailor, dressmaker and/or shoemaker, as well as a laundromat, dry cleaning and laundry depot, suntanning shop and a formal rentals shop. The sale of merchandise shall be permitted only as an accessory use to the personal service provided.

"CLINIC" means a building or part thereof, other than a hospital, used by medical doctors, dentists, optometrists, podiatrists, chiropractors and/or drugless practitioners, the practice of health discipline, radiological technicians, registered psychologists and their staff for the purpose of public or private medical, surgical, physiotherapeutic or human health and may include administrative offices, waiting rooms, treatment rooms, laboratories, ophthalmic dispensers, pharmacies, blood donor facilities, specimen collection centres and dispensaries directly associated with the facility, but does not include overnight accommodation or operating rooms and does not include a CLINIC, METHADONE.

Appendix B – Emails from Councillor Branscombe to the neighbourhood

Jones/McKeating

From: Lamise Kablawi <nancy2@nanbran.com>
Sent: January-31-11 3:49 PM
To: Kelley McKeating
Subject: Old McCormick home Site Update from Nancy Branscombe

Hi Everyone,

On August 31st, a public information meeting was held with Hampton Group, a local developer, to get feedback from the public about his proposal to develop the Old McCormick Home site. You will recall, if you've been following this, that he was proposing to build self-contained condos and an amenity building (with a shared kitchen facility) where, because of the CF3 zoning, one person in each unit would have to be 60 years of age or older. There would have been a total of four buildings on the site and underground parking. Hampton Group decided not to proceed with this application so did not renew their condition in November. Nothing happened for awhile.

The original developer, Statesman from Calgary (Garth Mann) contacted me about the chance of holding another public meeting in December with essentially the same proposal. We agreed on the date of December 8th at Kings College and I sent out an email on December 3rd with plans he had given me along with some other details for people to look over. It was the developer's meeting (not mine or the City's). The City staff were not keen to participate in that meeting since an application had not yet been received by them from Statesman. As it turned out, we had some snow storms so that meeting was cancelled on December 7th.

I communicated with Planning staff and the developer, that before another public meeting was scheduled, some work between them needed to be done-we tentatively booked January 11th. There was, in my opinion, no need to drag people out to another meeting if there were no answers to people's questions or an actual application. The developer made efforts to meet with the City staff to answer their questions but I didn't get confirmation of this until January 5th. Since the room at Kings' College had been booked for January 11th we decided to go ahead with the meeting. I sent out notices via email on January 5th to anyone in my database. This again, was the developer's meeting and not mine or the City's. Obviously, I attended to hear the plans like everybody else. City staff did attend this meeting as well as the August 31st meeting.

There were vocal concerns about the proposal and I had many emails after the meeting, specifically in a couple of areas:

- 1) The neighbourhood believed and still do, that there was a restrictive covenant that ran with the land which prevented the land being used for anything but the type of senior's facility that was previously on the property. This was checked in a variety of ways and no restrictive covenant is on title at the present time.
- 2) The ability to enforce the "one resident per unit must be over 60 years old" was a very big concern to many people including myself. Several suggestions of how this might be done were proposed by the developer and city staff. They included "bylaw" enforcement, condominium registration and bylaws, another restrictive covenant etc. Unfortunately none of these seem like "iron-clad guarantees" so this very big issue remains unresolved.
- 3) Interpretation of the current zoning is being verbally challenged. Presently the use has to be primarily for people or couples over 60 years of age. Many people attending the meetings and in emails I have received since then, are viewing this "interpretation" as an enhancement of the zoning or a change in the zoning, and there has been no public process that is always required for zoning changes.

In light of all of these concerns and unresolved issues, I asked for a meeting last Monday of our City Manager, Jeff Fielding, our City lawyers Jim Barber and Dave Munteer, GM of Planning Rob Panzer, and the Planner Jeff Leunissen who is assigned to this file. We discussed the concerns and decided that we should have a conference call with the developer about the mounting concerns amongst the neighbourhood regarding this proposal. Our hope is that we can find something more appropriate for him to build on this lot. That conference call will occur later this week. Last Monday night the story on this issue appeared on the A Channel 6pm news as well.

In the meantime, the Director of Building Controls, George Kotsifas has declined an extension on the developer's original building permit for a variety of reasons. He will need to apply for a new building permit should he decide to proceed with this application. I have asked George to let me know if/when there is a new building permit application.

The neighbourhood has a couple of options as well. "The building permit can be appealed" on the grounds that it doesn't meet the zoning requirement and/or there can be a "lawsuit to restrain his construction" again on the grounds that it doesn't meet the zoning requirement. There is a precedent for the latter in London with the RCMP building although the building was substantially complete when the lawsuit occurred. In this case, construction has not started yet.

My advice is to wait until after our conference call with the developer this week. He has been reasonable to work with to date and my hope is that we can successfully resolve this without going the "legal" route. As always, if you have specific questions, please email me at nancy@nanbran.com or call 519-432-1100.

Nancy Branscombe

Sent by: nancy2@nanbran.com
Lamise Kablawi
(Assistant to Nancy Branscombe)

Jones/McKeating

From: Lamise Kablawi <nancy2@nanbran.com>
Sent: March-07-11 4:53 PM
To: Kelley McKeating
Subject: Old North Update from Nancy Branscombe

Hi everyone,

This is an update on a number of outstanding “Old North” issues. McCormick home is the most pressing because of the looming construction season but I will save that to the end of my email.

There is a proposal for a “purpose-built” student apartment building on Richmond Street across from Ross Park. The developers had a public meeting to get feedback and comments from the neighbourhood a few months ago. The application was to come before BNEC Committee this evening but had to be withdrawn temporarily. There are some issues which involve the Upper Thames Regional Conservation Authority (UTRCA) that have to be resolved-at which point it will be back on the Committee agenda. I will email when it’s rescheduled for those who want to participate. The BNEC (formerly Planning Committee) meeting will be a public participation meeting.

I have been working with staff (who have analyzed the data and public input) about the “Old North” Traffic Calming project. We don’t seem to be any closer to a consensus but I will be meeting with staff shortly to discuss options and what the “next steps” might/should be. No construction is scheduled for this season, to my knowledge.

The London Property Managers Association (LPM A) has launched their lawsuit (as expected) against the City’s new Rental Licensing Bylaw. The hearing is set for May 9th and May 11th. I will communicate details as I receive them.

The old McCormick Home site continues to be a big concern to the neighbourhood. After the January public meeting there was a groundswell of concern about the interpretation of the bylaw by City staff. Many from the neighbourhood were willing to band together to launch a lawsuit to stop potential construction or the issuance of a building permit on the grounds that it would not meet the zoning-that the proposal from Statesman is a zoning change rather than an interpretation-and there had not been a public process.

After a conversation with the developer, and in the hopes of avoiding a legal battle which could fester for some time, a representative sample of neighbours were invited to a meeting last Wednesday with myself, our City Manager, Jeff Fielding, Jeff Leunissen, John Fleming (Planning) and Michael Tomazincic . The meeting was to try to find out if there were any ideas from the neighbourhood which would be more acceptable to you. While I understand that 20 people can’t speak for the entire neighbourhood, it was a good place to start. I some new ideas came out of that meeting, we would then speak to the developer and if he was amenable, City staff would do some more work and we would have a full public meeting with some substance around the new idea(s) for further discussion.

During the two hour discussion many ideas came up-some were rejected and others were discussed more fully. The main points that I took away were that people were more supportive of residential use of the property (perhaps site specific project with any rezoning potential tied to a specific plan) than mixed use and that the condo idea was unacceptable. The notion of a co-op came up and that generated some interest (at least to get more details). The original seniors’ home concept is not going to be an option for the developer or any other developer. There didn’t seem to be many who thought a long-term care facility would work-amount of land is too small, price is too high, restrictions from the province etc. The idea that it should be a park was not seen as realistic. If there were an application to rezone the property, that process will be a public process.

Since last Wednesday, there has been a discussion by City staff with the developer and the exploration of some of these other options will take place culminating in a larger, neighbourhood meeting probably in April.

FYI, George Georgopoulos, the realtor, was in attendance and he had an “offer to purchase” that he was going to present to the Statesman. No more details about his offer were discussed.

I will provide a further update as information becomes available.

Nancy Branscombe

Sent by: nancy2@nanbran.com
Lamise Kablawi
(Assistant to Nancy Branscombe)

Jones/McKeating

From: Lamise Kablawi <nancy2@nanbran.com>
Sent: March-28-11 4:37 PM
To: Kelley McKeating
Subject: Final proposal for Old McCormick Home Site (Victoria and Richmond) - from Nancy Branscombe
Attachments: Groves of Historic London Site Plan March 24 11.pdf

Hi Everyone,

After much discussion back and forth between myself, the neighbourhood, City staff and Statesman (the Developer), I am sending you this update as the final proposal from Statesman to the neighbourhood to see if there is general agreement that this is how we should proceed.

We communicated, to Statesman, the main concerns of the neighbourhood from those who had attended meetings over the last number of months and those who emailed or called with concerns and suggestions. We also recently had a small "focus group" meeting (a representative sample of neighbours with various perspectives) with Jeff Fielding and myself at City Hall to see if we could come up with some ideas about what might work on that site. The main concerns of the neighbourhood (and not just immediate neighbours, since this project affects all of us) included:

- 1) wanting a low profile motif facing Victoria Street which is in a similar Victorian motif as the neighbourhood
- 2) must be oriented to an age-related community preferably seniors as per current zoning
- 3) no risk to the community as to future Student Housing
- 4) restricted parking and
- 5) maintain the perimeter large treed landscaping where possible.

Statesman is now proposing to promote "The Groves of Historic London" as an "Aging-in-Place" seniors community.

To help the community and our insistence of maintaining a low profile on Victoria and designed in the motif of the neighbourhood, they are proposing 11 one level-2 bedroom "Cotswold's (Villas) with 2 car heated garage below grade. Each Brownstone would have front sidewalk access to the Victoria Street sidewalk and would all be facing Victoria Street (none would be facing Richmond Street). The motif would be for independent seniors living in an aging-in-place community. The Villas would be sold with a Buy-Back provision should they wish to relocate to the Manor behind at a later date.

Through a masonry pathway, the Manor Village (behind) would specialize in dementia and enhanced care. It would be a 4 storey supportive care community of 118 one bedroom suites incorporating a commercial kitchen and skilled staff (with staff quarters) for Supportive living. The Courtyard would allow for extensive private green space. Only 40 to 50% of the residents would drive a vehicle so parking would not be a concern. Each floor would contain a solarium and be serviced by two elevators. Parking for all the units is below grade and would exceed the bylaw requirements (although there would be a reduction from the previous proposal).

I would really like to hear from you about this. I have attached a sketch of the proposal-though it's very rough to give you an idea of the proposed configuration of the site. Statesman would like to know that there is some general agreement before they proceed much further.

We have tentatively scheduled a public meeting for Wednesday, April 20th at King's College Student Lounge, if required so mark that date on your calendars.

It is really important for me to get feedback from you about this. My personal opinion is that the Developer, Garth Mann, has tried to work with us to get the type of development we would like but I want to hear from the rest of

you. There are still many details to work out but if there is general consensus about this then we will proceed down this path.

PLEASE CALL (519) 432-1100 OR EMAIL ME WITH YOUR COMMENTS BY THURSDAY, MARCH 31ST AND COPY THE EMAIL TO JEFF LEUNISSEN AT CITY HALL AS WELL. We will review the comments and Jeff will speak with the Developer at the end of the week.

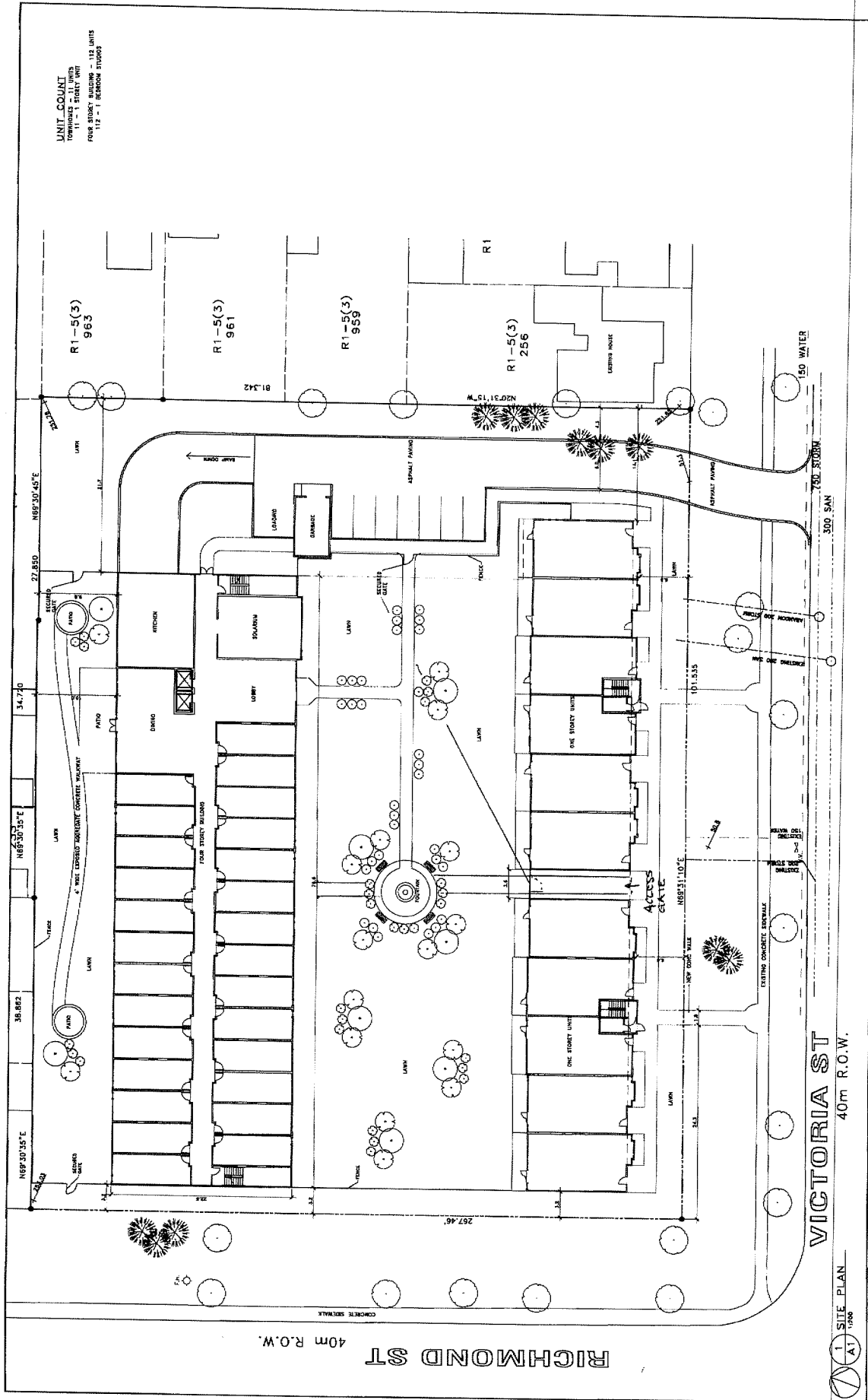
Thank you.

Nancy Branscombe

nancy@nanbran.com

jleuniss@london.ca

**Sent by Lamise Kablawi (nancy2@nanbran.com)
Assistant to Nancy Branscombe**



the GROVES OF HISTORIC LONDON

STATSMAN

DAVID HAMILTON ARCHITECT O.A.A.

1721-03-24-11-JM

SITE

A1

Jones/McKeating

From: Lamise Kablawi <nancy2@nanbran.com>
Sent: April-16-11 9:53 PM
To: Kelley McKeating
Subject: Old McCormick Home Site Meeting update

Hi everyone,

Please be advised that the meeting for the Old McCormick Home Site that was scheduled for April 20, 2011 has been postponed for a tentative date either April 27th or May 4th.

We will send out another email once the date has been confirmed.

We apologize for any inconvenience.

Thanks

Lamise Kablawi
(Assistant to Nancy Branscombe, Ward 6 London City Councillor)

Jones/McKeating

From: Lamise Kablawi <nancy2@nanbran.com>
Sent: April-20-11 10:50 AM
To: Kelley McKeating
Subject: Old McCormick Home Site Meeting
Attachments: Old McComick April.pdf

Hi everyone,

The Meeting for the **Old McCormick Home Site** has been scheduled for April 27th at King's University College, Student Lounge at 7pm. I've attached the Notice that is being sent out today to property owners within 120 m of the subject site.

I encourage you all to attend and please feel free to forward this notice to your neighbours.

Thanks

Lamise Kablawi
(Assistant to Nancy Branscombe, Ward 6 London City Councillor)

April 19, 2011

NOTICE OF COMMUNITY MEETING

Re: A proposal to redevelop 230 Victoria Street, northeast corner of Victoria Street and Richmond Street, for an aging in place community.

On Wednesday, April 27, at 7:00 pm at the Monsignor Wemple Building of Kings College, 266 Epworth Avenue, Councillor Branscombe will host a community consultation meeting to hear input on the proposal by Statesman Group for an aging in place community at 230 Victoria Street.

Statesman's recent proposal (attached) consists of 11 one level – 2 bedroom "Cotswold's (Villa) with below grade parking. The motif would be for independent seniors living in an aging-in-place community. The villas would be sold with a buy-back provision, should they wish to relocate to the Manor Village (behind). The Manor Village would consist of 112 – 1 bedroom suites incorporating a commercial kitchen and skilled staff for supportive living. The courtyard allows for extensive private green space.

The purpose of this meeting is to assist myself and city staff when dialoguing with Statesman Group regarding the fit within the community and the process to get there. This is not a substitute for any statutory public meeting before the Built and Natural Environment Committee, should one be necessary.

Should you have any questions or comments regarding this proposal, please contact myself at 519-432-1100, or Jeff Leunissen, Manager of Development Planning, Development Approvals Business Unit at 519-661-2500, Ext. 5349 referring to the lands known municipally as 230 Victoria Street.

17221-03-24-11-JM FOR REVIEW ONLY

the GROVES OF HISTORIC LONDON

STATESMAN

DAVID HAMILTON
ARCHITECT
O.A.A.

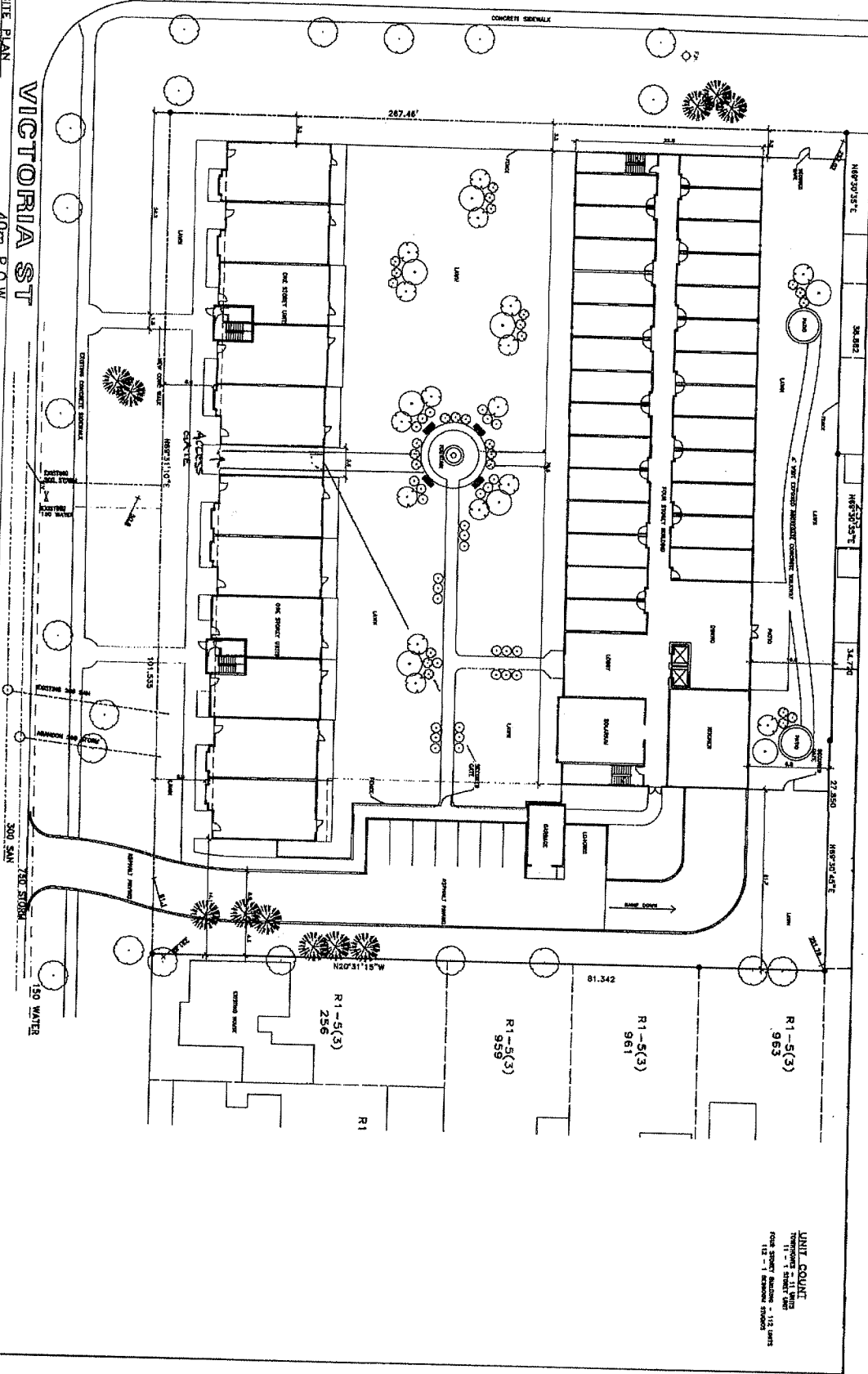
17221-03-24-11-JM
SITE

A1

1 SITE PLAN
A1

VICTORIA ST
40m R.O.W.

RICHMOND ST
40m R.O.W.



UNIT COUNT
 TOTAL UNIT COUNT = 115 UNITS
 FOUR STOREY BUILDING = 115 UNITS
 112 - 1 BEDROOM STUDIOS

Jones/McKeating

From: Lamise Kablawi <nancy2@nanbran.com>
Sent: July-09-11 11:03 AM
To: Kelley McKeating
Subject: Old McCormick Home Site Public Meeting

SAVE THE DATE!!!

Saturday, July 23rd at 10 am

For an important community meeting regarding the final proposal for redevelopment of the old McCormick Home site at the corner of Victoria and Richmond Street.

City staff and the developer have been working closely together over the past few months to come to a successful outcome on the future development of this site. We think we're there but we need one last meeting for public input to make sure the project is in keeping with the character of the neighbourhood and maintains the streetscape. The developer, Garth Mann from Statesman will be in attendance as well as myself, Jeff Leunissen from Planning and other City Staff members. We were able to agree to a continuum of care facility and keep the CF3 zoning which was important to many of you (and me). I am really pleased with the progress and wanted to send this notice as soon as the date was confirmed so you can block it off. I will forward site plan and elevations as soon as they are completed early next week. Please tell your neighbours and friends to attend. This may be our final opportunity for public input.

The Community meeting will be hosted by me on Saturday, July 23rd at 10 am at Kings College in the Labatt Hall Building-Room LH 105, 295 Epworth Avenue.

Thanks
Nancy Branscombe

Sent by Lamise Kablawi
Assistant to Nancy Branscombe, London City Council ward 6
Nancy2@nanbran.com

Jones/McKeating

From: Lamise Kablawi <nancy2@nanbran.com>
Sent: July-21-11 2:56 PM
To: Kelley McKeating
Subject: Reminder : Old McCormick Home Site Meeting
Attachments: 230 victoria.pdf

Hi Everyone,

This is a Gentle reminder that on Saturday, July 23, at 10am at the Labatt Hall Building of King's University College, Room LH 105, 295 Epworth Ave I will be hosting a community consultation meeting to hear input on the proposal by Statesman Group for a continuum-of-care Facility at 230 Victoria Street.

A representative for Statesman Group will be in attendance to explain their revised proposal.
(See attached)

Please feel free to circulate this information among your neighbours and hope to see you there.

Thanks

Nancy

Sent by Lamise
Assistant to Nancy Branscombe
City Councillor – Ward 6 – City of London
Office: 519 432 - 1100
e-mail: nancy2@nanbran.com
web: www.nanbran.com



300 Dufferin Avenue
P.O. Box 5035
London, ON
N6A 4L9

London
CANADA

July 20, 2011

NOTICE OF COMMUNITY MEETING

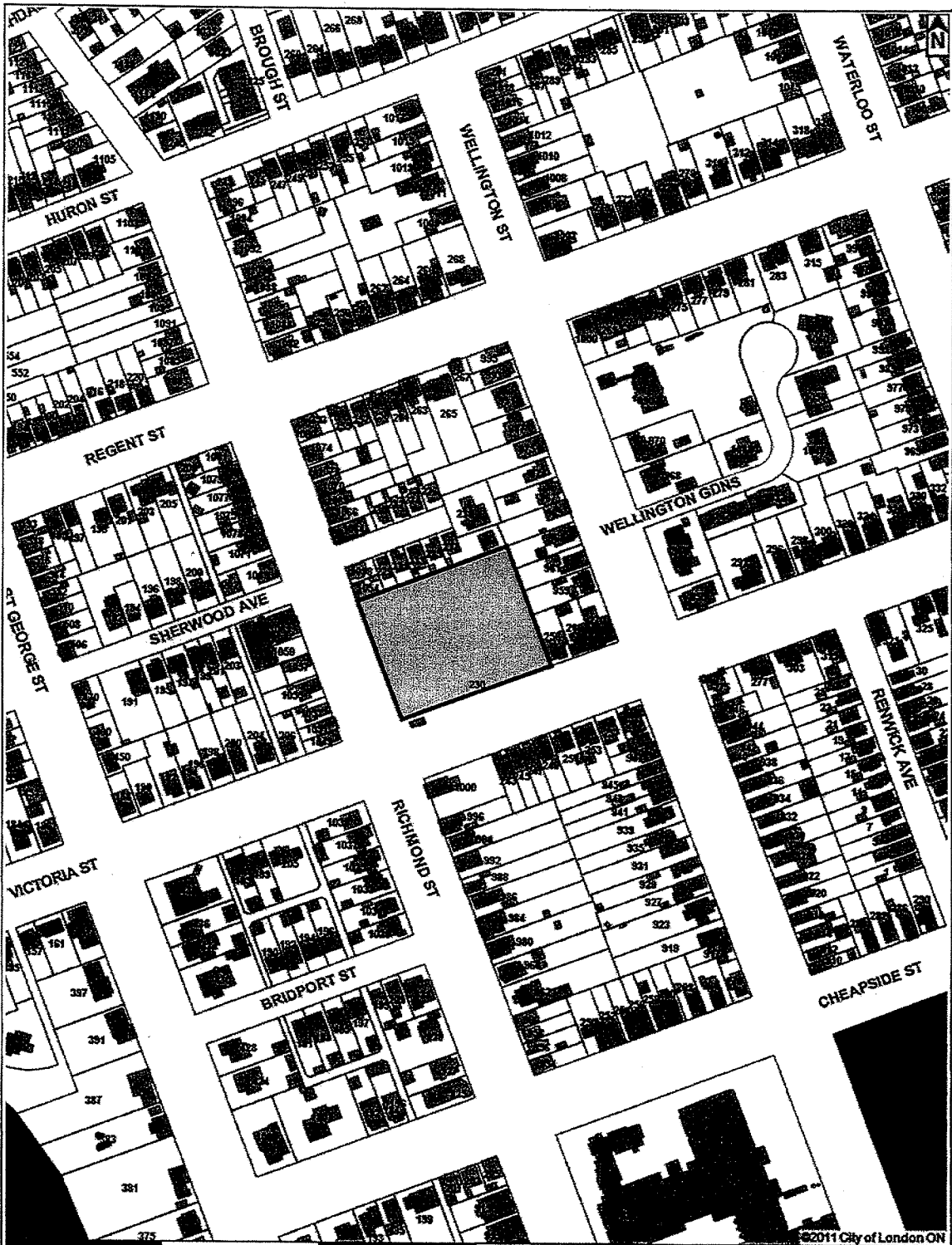
Re: A proposal to redevelop 230 Victoria Street, northeast corner of Victoria Street and Richmond Street, for a continuum-of-care facility.

On Saturday, July 23, at 10:00 am at the Labatt Hall Building of Kings College, Room LH 105, 295 Epworth Avenue Councillor Branscombe will host a community consultation meeting to hear input on the proposal by Statesman Group for a continuum-of-care facility at 230 Victoria Street.

A representative for Statesman Group will be in attendance to explain their revised proposal, a copy of which is attached.

The purpose of this meeting is to assist myself, city staff and the property owner in the formulation of a site plan and elevations that are in keeping with the character of the area and maintain the streetscape.






Should you have any questions or comments, please contact myself at 519-432-1100, or Jeff Leunissen, Manager of Development Planning, Development Approvals Business Unit at 519-661-2500, Ext. 5349 referring to the lands known municipally as 230 Victoria Street.



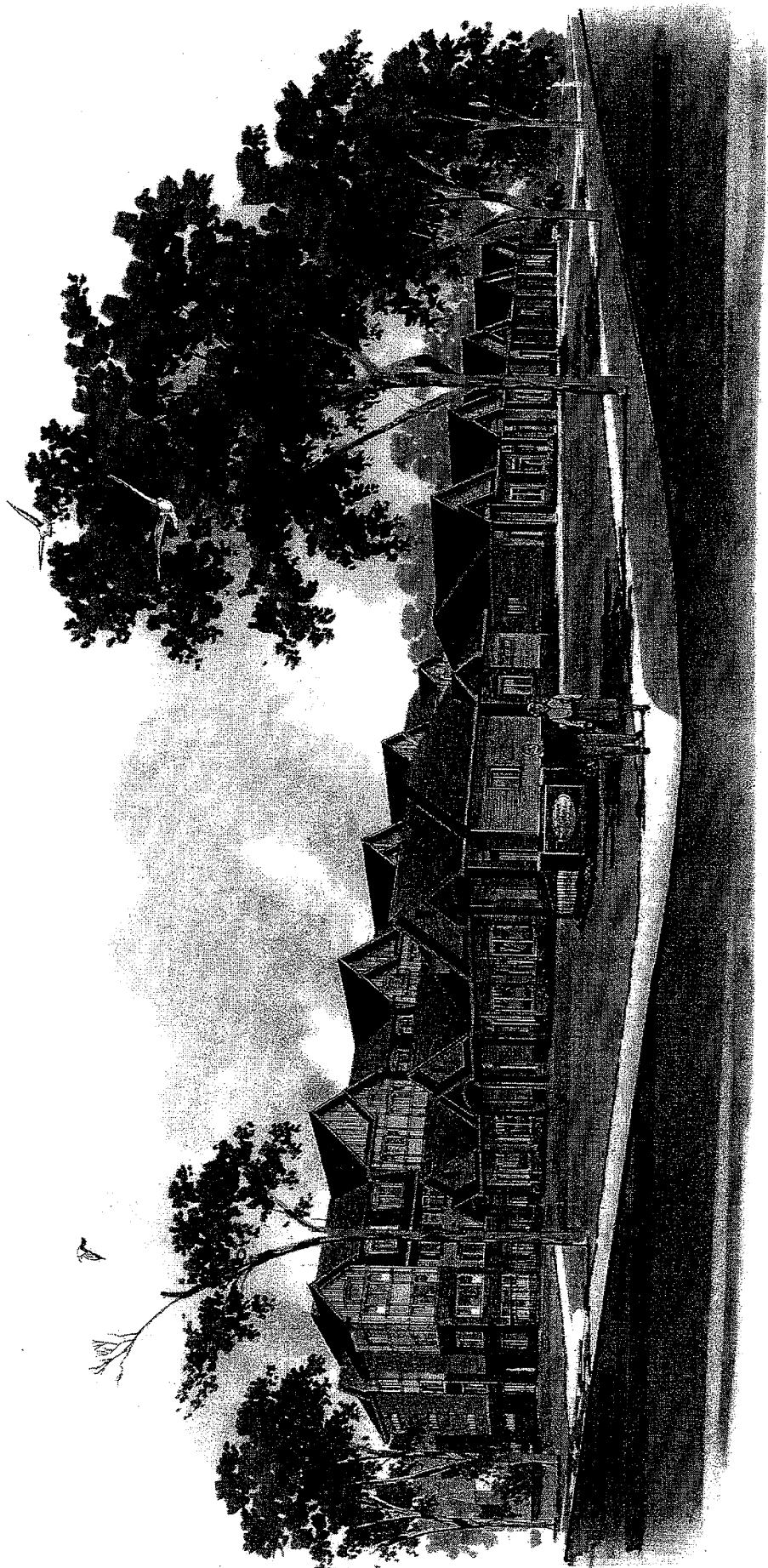
LOCATION MAP

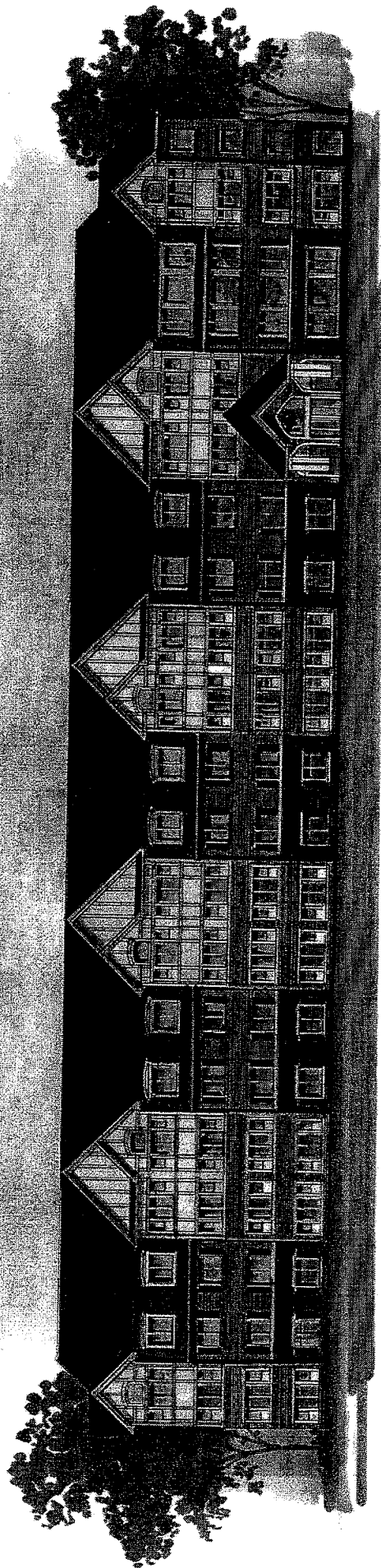
Location: 230 Victoria Street, northeast corner of Victoria Street and Richmond Street
 Created By: Jeffery Leunissen
 Date: 2011-07-07
 Scale: 1:3000

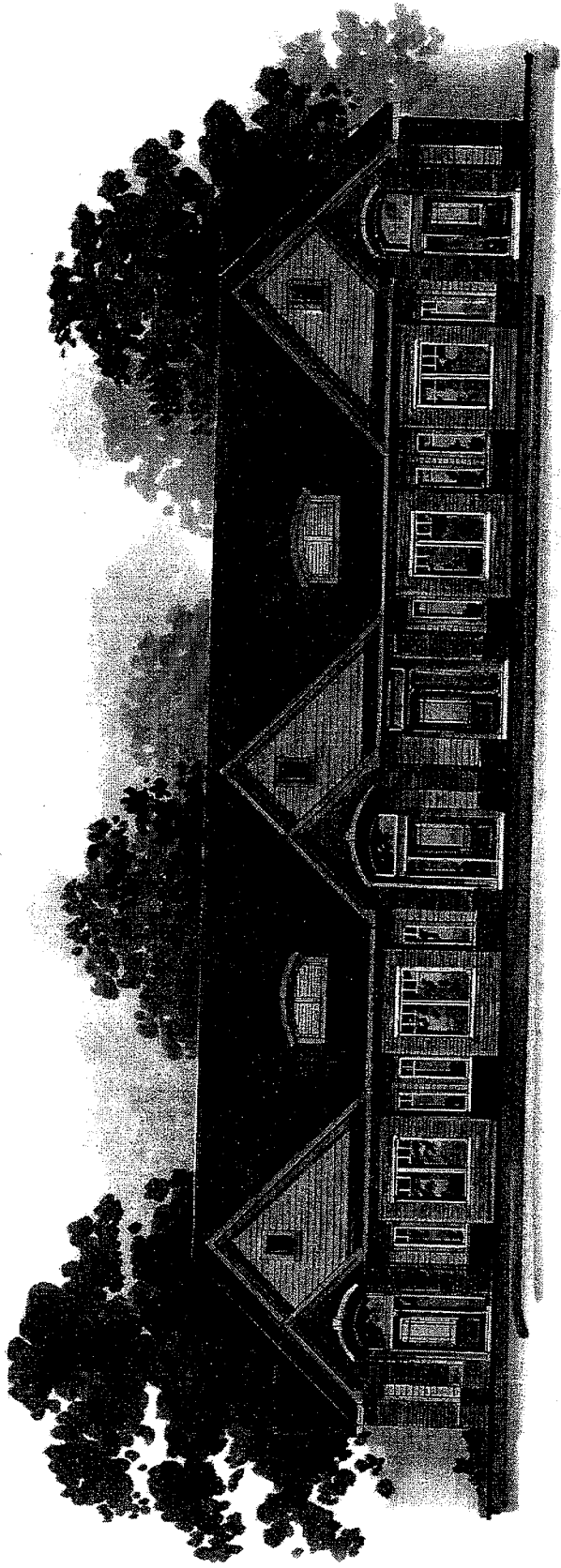
LEGEND

-  Subject Site
-  Parks
-  Assessment Parcels
-  Buildings
-  Address Numbers









Jones/McKeating

From: Lamise Kablawi <nancy2@nanbran.com>
Sent: September-15-11 11:49 AM
To: Kelley McKeating
Subject: Old McCormick Home Site Update from Nancy Branscombe

After yesterday's email update was sent, a constituent asked about the "old McCormick home site" at Richmond and Victoria. I thought we had sent out a summary of the meeting but Lamise and I got our "wires crossed" and nothing was sent. Here is the update (I'm using much of what Drew Egerton emailed out to the immediate neighbours with some of my own additions).

The meeting was very well attended so City staff and I were pleased that a good number of the neighbours were there to hear from the Developer, Statesman Group represented by Garth Mann.

This project appears to be generally what the neighbours had hoped for from the numerous neighbourhood meetings that we held.

No definite timing could be provided but there was an indication of 50% presales for the Villa's would be needed. Construction time for the main build was indicated to take 14 months and there was still some site plan work to be done with City staff.

The single storey Villas along Victoria and Richmond streets are not for sale but rather will be "purchased" by residents who, when they leave, will get their money back from the developer, less real estate and a fee to put them back in an original state. These units, from the brochure, are roughly 750 square feet for one bedroom and 950 square feet for two bedroom. Parking is available under the main building. These units can come with housekeeping, food, and other services provided by the main building. These homes will be priced at "under \$400,000".

2 The main building will offer some 120 bedrooms with three levels of "care". The main two floors will be light care, then higher degrees of care on the third and fourth floors-with provisions for people with dementia. There will be separate dining rooms for each level, serviced off a main kitchen. There will be a wide variety of "health care" type services.

3. Parking for some 35-40 vehicles will be provided in the basement with 12 for the "Villa's" and the remainder for staff and residents. It should be recognized that most of the residents will not drive for health reasons. There will also be a 17 car surface lot for visitors.

4. a landscape plan will be provided but there appears to be a willingness to provide trees along the eastern boundary.

I am very pleased that with the persistent effort of the neighbourhood, our City staff, myself and the developer that we came to a "meeting of the minds" on this development. Thanks to all involved. I will try to find out if there is any sense of when the project will begin. At the meeting both the developer and the neighbours wanted to "get on with it" asap. We're all very tired of that big hole. Please call if you have any more questions and my apologies for the oversight.

Nancy

Jones/McKeating

From: Lamise Kablawi <nancy2@nanbran.com>
Sent: July-04-12 1:23 PM
To: Kelley McKeating
Subject: Old McCormick homeSite Open house
Attachments: OldMcCormicksite.pdf

Hi Everyone,

Please be advised that there is a Community Open house regarding 230 Victoria Street, which is the Old McCormick home Site.

Date: Saturday July 14th 2012

Time: 9:00 am – 10:00am

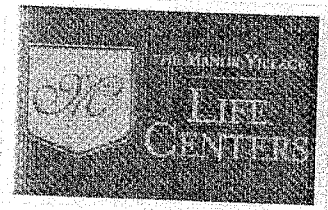
Location: King's University College – Room LH100 – “Bessie Labatt Hall”

Please see attached for further details. We encourage you to come out and voice your opinions.

Thank you,

Lamise

Assistant to Nancy Branscombe
(Ward 6, London City Councillor)



Dear Neighbour:

As the proponents for a Zoning By-law Amendment and Site Plan application for 230 Victoria Street, we are inviting you to a community open house to come and see what we are proposing for our lands and your neighbourhood.

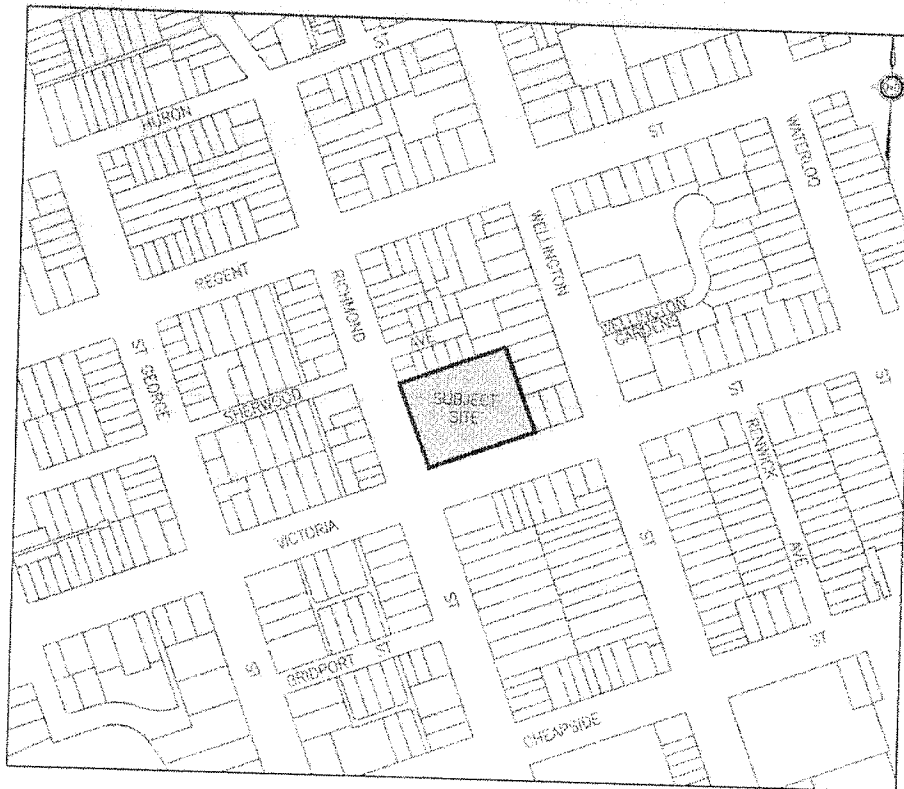
Date: Saturday, July 14th, 2012

Time: 9:00 a.m – 10:00 a.m.

Location: King's College – Room LH100 – "Bessie Labatt Hall",
Southwest corner of Eppworth Ave and Waterloo Street.

Formal presentation will begin promptly at 9:10 followed by a question and answer session. In attendance will be representatives from Statesman Group – The Manor Village Life Centers, and the development team to answer questions and record your comments.

Available for viewing will be zoning details, building renderings, and landscape plans.



From: Lamise Kablawi
Sent: July-31-12 5:58 PM
To: Alicja and Richard Traczuk
Subject: Update re: Traffic Calming and The old McCormick home Site

Hi everyone,

There are two issues that have come up recently as concerns to many of you. The first is the new development proposed on the Old McCormick home site. The developer held a "community meeting" on July 18th. Unfortunately, I could not attend. I didn't have prior notice and we were away on holidays. Garth Mann, the developer did send information to me so I could see what he was planning. Many of you were surprised to find a proposal quite different from the one we had worked on with Statesman last year (after a great deal of effort and a number of meetings). The present plan does not meet the current zoning requirements so the developer is working with the City's Planning department to come up with a plan that does. I will keep you updated as soon as I get any information. That's all I have for now.

The second concern was the traffic calming measures on Maitland Street, being done while the infrastructure work is going on. I have attached the letter that was sent out to old north neighborhoods after the original "traffic calming plan" was halted. The letter is self-explanatory so I thought it would help to resend it to refresh everyone's memory. Individual traffic concerns will be dealt with as they were previously-on a case-by-case basis if the local neighbors want it. Maitland is a local street and Transportation staff and I were satisfied after meeting with them that what they had proposed was in order.

Clearly, when traffic calming measures are put in, it will change traffic patterns. That's the point. There was no concurrence on the measures proposed in the larger study so this is the route that the Transportation department will take, only at the request of and in consultation with the local neighbours. Hope this clears things up-though I know some of you won't be happy with it. Thanks.

Nancy

Sent from nancy2@nanbran.com – Nancy's assistant, Lamise Kablawi

Jones/McKeating

From: Emily Ambrogio <emily@nanbran.com>
Sent: April-15-14 4:01 PM
To: Kelley McKeating
Subject: Old McCormick Home site (230 Victoria) from Nancy Branscombe
Attachments: Urban Design Brief 230 Victoria Street.pdf

Good afternoon everyone,

This email is regarding the development at 230 Victoria Street (old McCormick Home site). In this email you will find:

- 1) Councillor Nancy Branscombe's comments on the development.
- 2) A comment from Mr. Bruce Henry, Manager of Development and Planning for the City of London. This comment includes a summary of events regarding the 230 Victoria Street development from May 2012 to present.
- 3) A copy of the Urban Design Brief for 230 Victoria Street.

From Councillor Nancy Branscombe:

Hi everyone,

There seems to be some confusion about what's going on/in at the Old McCormick home site at the corner of Victoria and Richmond. There has been a lot of community consultation over the years as the various developers tried to find something appropriate to build. I have recently met with City staff and reviewed what happened up to and after the July 2011 meeting, which Bruce Henry has kindly summarized and I am including with this email. I am also attaching the Urban Design Brief which the developer (Statesman) submitted to the Urban Design panel in June 2012. Here are my comments as well.

None of the community meetings we had throughout this process were statutory, in other words, were not required. The developer has never asked for the property to be rezoned (which would require a public meeting). Planning staff, after much of the early consultation agreed that they would broadly interpret the zoning because the overwhelming and consistent concern the neighbourhood had (and still has) was the potential that this development would become student-type housing. I agreed then and still do that this broad interpretation is appropriate. The developer met with the neighbourhood, myself and City staff-I think July 2011-and we did come to a "meeting of the minds". The concerns were addressed by Garth Mann himself since he had flown in from Calgary to meet with us. Included in that discussion were assurances that this would be a "managed" seniors building geared to folks suffering from memory loss and not designed as apartments which students would find appealing.

His application was submitted in May 2012 and has gone through the proper process including another non-statutory public meeting (called by the developer and attended by City staff but not by me). All along, our staff have been keeping copious notes from the various meetings so certainly understand the sentiments of the neighbourhood. The developer was free to submit whatever application he chose to submit. After the minor variance was approved in 2007, the "Approval Authority" who, at the time was the General Manager of Planning and Development, was/is obliged to make sure that the building design is in keeping with the streetscapes and character of the surrounding area in Old North before building permits are issued. Since the development agreement has been sent to the developer for signature, Mr. Kotsifas, our Chief Building Official is satisfied that that requirement has been fulfilled.

The Chief Building Official, Mr. Kotsifas is governed by provincial legislation. There is nothing I can do to interfere in the process. The only thing that can be done to stop this, would be a court challenge to the granting of the building permits. I believe Mr. Kotsifas intends to grant the building permits, subject to some last details being worked out between the developer and the City.

Some of you will be very unhappy about this and some of you will be very happy about this. I fall somewhere in the middle, myself. This development has taken a very long time so it has been difficult for everyone, including the developer to get to this point. I am, however, satisfied that staff did everything they were obliged to do (and more) and certainly understand the neighbourhood issues. I will be in my home office all next week if people would like to chat and Bruce Henry is also available to answer any additional questions you may have at 519-661-2500 ext. 5488 (or Terry Grawey at 519-661-2500 ext. 4655)

Thank you.

Nancy Branscombe
Ward 6 City Councillor
519-432-1100
nancy@nanbran.com

From Mr. Bruce Henry, Manager of Development and Planning:

There have been several inquiries regarding the above development, please advise the Mayor and the Councillors who may in turn advise the public.

In May 2012, the City received an application for site plan approval (SPA) for a four storey U-shaped building at the above address. In general terms, the upper two floors were for senior care suites and the first and second floor contained accessory uses for the senior care and secondary uses.

As a result of this application, the owner held a neighbourhood information meeting to advise area residents of the proposal submitted to the City. There was no requirement for this meeting. The developer believed it was important to advise the community of his plans. Kelley McKeating identified the meeting in her summary and the four storey U-shaped building. It is clear that everyone was aware of the change in the proposal in July 2012.

The submission was also presented to the Urban Design Peer Review Panel (UDPRP). I have been advised one of the neighbour's attended the Panel to better understand this part of the process. The Panel reviewed and commented on the proposal and Urban Design staff worked with the applicant and site plan staff to refine the elevations to a point where they could be accepted. At the same time, staff were reviewing servicing and grading plans as well as the landscape plans which were ultimately accepted in early 2013. There was no requirement for a site plan public meeting at PEC and Council. The Approval Authority for this file is delegated to staff as are the majority of the site plan files.

In the summer of 2013, reductions of the floor plans of the U-shaped building were provided to Mr. Card, subsequent to his inquiry on behalf of his client. Mr. Card has been following the application with periodic enquiries and on April 2/2014 Mr. Card and his client attended our office to review the permit plans. They raised a number of questions regarding the use of the building but not the form. We will be responding to Mr. Card separately. We can advise you that the proposal meets the regulations of the CF3 zone as varied.

Near the end of 2012 (approximately), the Statesman wanted to alter their parking arrangements by having a portion of the underground parking be a mechanical system. This delayed our processing of the site plan application while this was being revised. This change had no effect on the design of the building itself or other plans under review.

In order to approve the mechanical parking system, a noise and vibration study as well as a Traffic Impact Analysis were required and submitted in 2013. These requirements were based upon the General Provisions of the zoning by-law. These reports were reviewed and ultimately accepted in order to implement the zoning by-law. Subsequent to this, the development agreement was finalized. In the middle of March 2014, the development agreement was issued for the four storey U-shaped building. We are expecting the developer to execute the agreement in the near future.

With respect to the building permit, an application for a building permit was filed in September 2013 for the four storey U-shaped building consistent with the above noted uses. The proposed building meets all the regulations of the CF3 as varied. The building is consistent with the plans/drawings that were processed for site plan approval. At this time, there are minor

details outstanding for the permit, fees, charges and the security before the permit can be issued. Once the agreement is signed and registered, and these details completed the CBO will be in a position to issue the permit.

We have been advised that the contractor had commenced drilling for the thermal energy system and this did not require a permit. However the contractor had initiated the installation of some of the plastic liner which did require a permit. I have been advised that the building inspector has issued an Order to Comply as the contractor was not aware of the requirements.

Should you require additional information please contact my office.

Sincerely
Bruce Henry
Manager, Development Planning
City of London
519-661-2500 ext 5488

You can also contact Mr. Terrance Grawey, Manager of Development Services and Planning Liaison, at phone number 519-661-2500 ext 4655.

If you know anyone else who would be interested in this information, please feel free to forward this email.

Thank you.

Emily Ambrogio
Assistant to Councillor Nancy Branscombe