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OZ-8711
Sonia Wise

TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	APPLICATION BY: SEASONS RETIREMENT COMMUNITIES 633, 635, 637, 645, 649, 651 & 655 BASE LINE ROAD EAST NOTICE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD MEETING ON OCTOBER 10, 2017

RECOMMENDATION

That, on the recommendation of the Managing Director, Planning and City Planner, in response to the letter of appeal to the Ontario Municipal Board, received July 25, 2017 submitted by Daniel Cardoso relating to the Official Plan and Zoning By-law Amendment OZ - 8711 concerning 633, 635, 637, 645, 649, 651, 655 Base Line Road East, the Ontario Municipal Board **BE ADVISED** that the Municipal Council has reviewed its decision relating to this matter and sees no reason to alter it.

PREVIOUS REPORTS PERTINENT TO THIS MATTER

OZ-8711: Public Participation Meeting on June 19, 2017 for the development proposed for an 8 storey continuum of care facility with a two storey podium and 12 townhouse units 633, 635, 637, 645, 649, 651, 655 Base Line Road East.

PURPOSE AND EFFECT OF RECOMMENDED ACTION

The recommended action would advise the Ontario Municipal Board that Municipal Council is in agreement with their previous decision on June 26, 2017 to approve the requested amendment to the Official Plan and Zoning By-law to permit the continuum of care facility and townhouse development.

BACKGROUND

An application to amend the Official Plan and Z.-1 Zoning By-law was received by the City and deemed complete on November 15, 2016. The initial application for a continuum of care facility was proposed with a height of 10 storeys along Base Line Road East with 12 townhouse units in the rear. Through the application review and input from city departments, the public and relevant panels and agencies the development design eventually evolved to an 8 storey continuum of care facility set atop a two storey podium with 12 townhouse units located in the rear.

A Public Participation Meeting occurred before the Planning and Environment Committee on June 19, 2017, and Council approved the requested Official Plan and Zoning By-law Amendment on June 26, 2017. The approved amendment was a change to the Official Plan from a Low Density Residential designation to a Multi-Family, Medium Density Residential designation, a special policy to allow for an eight storey (38.5m) height, and a change from the Residential R1 (R1-6) Zone to a Residential R1 Bonus (R1-6*B-__) Zone.

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Appendix A



LOCATION MAP

Subject Site: 633, 635, 637, 645, 649,
651 & 655 Base Line Rd E
Applicant: Seasons Retirement Communities
File Number : OZ-8711

Planner : SW
Created By : MB
Date : 2017/06/02
Scale : 1:2000

Legend

Subject Site

Prepared by : Graphics & Information Services , Planning Division
Corporation of the City of London
File=planning\projects\p_bcat\lmaps\MXD



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OZ-8711
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Appendix B

2017-LO1

City Clerk No. 1882
 Subject Appeal to the OMB re
633 635 637 645 649 651
655 Baseline Rd E
 JULY 25 2017
 Ref. Wethercatt
 C.C. _____

RE Appeal to the OMB

Appeal Form and Money Order/Cheque Enclosed – Act Reference s. 17(24) &
34(19)

DATE	2017-07-24 <small>YYYYMMDD</small>
Serial No.	2933-80140662
	\$ *****600.00

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Environment and Land Tribunals Ontario
Ontario Municipal Board
 655 Bay Street, Suite 1500
 Toronto ON M5G 1E5
 Telephone: 416-212-6349
 Toll Free: 1-866-448-2248
 Fax: 416-326-5370
 Website: www.elt.o.gov.on.ca

Appellant Form (A1)

Receipt Number (OMB Office Use Only)

Date Stamp - Appeal Received by Municipality

1. Appeal Type (Please check all applicable boxes) *

Subject of Appeal	Type of Appeal	Act Reference (Section)
<i>Planning Act Matters</i>		
Official Plan or Official Plan Amendment	<input checked="" type="checkbox"/> Appeal a decision by local council that adopted an OP or OPA (exempt from approval by Minister or Approval Authority)	17(24)
	<input type="checkbox"/> Appeal a decision of an Approval Authority that approved or did not approve all or part of a plan or amendment	17(36)
	<input type="checkbox"/> Approval Authority failed to make a decision on the plan within 180 days	17(40)
	<input type="checkbox"/> Council failed to adopt the requested amendment within 180 days	22(7)
	<input type="checkbox"/> Council refused the requested amendment	
Zoning By-law or Zoning By-law Amendment	<input checked="" type="checkbox"/> Appeal the passing of a Zoning By-law	34(19)
	<input type="checkbox"/> Application for an amendment to the Zoning By-law – failed to make a decision on the application within 120 days	34(11)
	<input type="checkbox"/> Application for an amendment to the Zoning By-law – refused by the municipality	
Interim Control Zoning By-law	<input type="checkbox"/> Appeal the passing of an Interim Control By-law	38(4)
Minor Variance	<input type="checkbox"/> Appeal a decision of the Committee of Adjustment that approved or refused the application	45(12)
Consent/Severance	<input type="checkbox"/> Appeal a decision that approved or refused the application	53(19)
	<input type="checkbox"/> Appeal conditions imposed	53(27)
	<input type="checkbox"/> Appeal changed conditions	53(14)
	<input type="checkbox"/> Application for consent – Approval Authority failed to make a decision on the application within 90 days	
Plan of Subdivision	<input type="checkbox"/> Application for a plan of subdivision – Approval Authority failed to make a decision on the plan within 180 days	51(34)
	<input type="checkbox"/> Appeal a decision of an Approval Authority that approved a plan of subdivision	51(39)
	<input type="checkbox"/> Appeal a decision of an Approval Authority that did not approve a plan of subdivision	
	<input type="checkbox"/> Appeal a lapsing provision imposed by an Approval Authority	
	<input type="checkbox"/> Appeal conditions imposed by an Approval Authority	
	<input type="checkbox"/> Appeal conditions - after expiry of 20 day appeal period but before final approval (only applicant or public body may appeal)	51(43)
	<input type="checkbox"/> Appeal changed conditions	51(48)

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OZ-8711
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Subject of Appeal	Type of Appeal	Act Reference (Section)
Development Charges Act Matters		
Development Charge By-law	<input type="checkbox"/> Appeal a Development Charge By-law	14
	<input type="checkbox"/> Appeal an amendment to a Development Charge By-law	19(1)
Development Charge Complaint	<input type="checkbox"/> Appeal municipality's decision regarding a complaint	22(1)
	<input type="checkbox"/> Failed to make a decision on the complaint within 60 days	22(2)
Front-ending Agreement	<input type="checkbox"/> Objection to a front-ending agreement	47
	<input type="checkbox"/> Objection to an amendment to a front-ending agreement	50
Education Act Matters		
Education Development Charge By-law	<input type="checkbox"/> Appeal an Education Development Charge By-law	257.65
	<input type="checkbox"/> Appeal an amendment to an Education Development Charge By-law	257.74(1)
Education Development Charge Complaint	<input type="checkbox"/> Appeal approval authority's decision regarding a complaint	257.87(1)
	<input type="checkbox"/> Failed to make a decision on the complaint within 60 days	257.87(2)
Aggregate Resources Act Matters		
Aggregate Removal Licence	<input type="checkbox"/> One or more objections against an application for a 'Class A' aggregate removal licence	11(5)
	<input type="checkbox"/> One or more objections against an application for a 'Class B' aggregate removal licence	
	<input type="checkbox"/> Application for a 'Class A' licence – refused by Minister	11(11)
	<input type="checkbox"/> Application for a 'Class B' licence – refused by Minister	
	<input type="checkbox"/> Changes to conditions to a licence	13(6)
	<input type="checkbox"/> Amendment of site plans	16(8)
	<input type="checkbox"/> Minister proposes to transfer the licence – applicant does not have licensee's consent	18(5)
	<input type="checkbox"/> Minister proposes to refuse transfer of licence – applicant is licensee or has licensee's consent to transfer	
	<input type="checkbox"/> Minister proposes to refuse transfer of licence – applicant does not have licensee's consent to transfer	
<input type="checkbox"/> Revocation of licence	20(4)	
Municipal Act Matters		
Ward Boundary By-law	<input type="checkbox"/> Appeal the passing of a by-law to divide the municipality into wards	222(4)
	<input type="checkbox"/> Appeal the passing of a by-law to redivide the municipality into wards	
	<input type="checkbox"/> Appeal the passing of a by-law to dissolve the existing wards	
Ontario Heritage Act Matters		
Heritage Conservation District	<input type="checkbox"/> Appeal the passing of a by-law designating a heritage conservation study area	40.1(4)
	<input type="checkbox"/> Appeal the passing of a by-law designating a heritage conservation district	41(4)

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Other Matters

Subject of Appeal	Act/Legislation Name	Section Number
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2. Location Information

Address and/or Legal Description of property subject to the appeal *
633, 635, 637, 645, 649, 651, 655 Baseline Road, East

Municipality *
London

Upper Tier (Example: county, district, region)

3. Appellant/Objector Information

Note: You must notify the OMB of any change of address or telephone number in writing. Please quote your OMB Case/File Number(s) after they have been assigned.

Last Name * Cardoso	First Name * Daniel Bernadino
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Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation)

Professional Title

Email Address

Daytime Telephone Number * [REDACTED]	ext.	Alternate Telephone Number	Fax Number
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Mailing Address

Unit Number	Street Number * 127	Street Name * Hamilton Road	PO Box
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City/Town * London	Province * Ontario	Country * Canada	Postal Code * N6B 1N2
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4. Representative Information

I hereby authorize the named company and/or individual(s) to represent me

Last Name	First Name
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Company Name

Professional Title

Email Address

Daytime Telephone Number ext.	Alternate Telephone Number	Fax Number
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Mailing Address

Unit Number	Street Number	Street Name	PO Box
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City/Town	Province	Country	Postal Code
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OZ-8711
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Note: If you are representing the appellant and are not a solicitor, please confirm that you have written authorization, as required by the OMB's Rules of Practice and Procedure, to act on behalf of the appellant. Please confirm this by checking the box below.

I certify that I have written authorization from the appellant to act as a representative with respect to this appeal on his or her behalf and I understand that I may be asked to produce this authorization at any time.

5. Appeal Specific Information

Municipal Reference Number(s)
Official Plan Amendment No. 658 and Zoning By-Law Z.-1-172591

Outline the nature of your appeal and the reasons for your appeal *

My wife Maria and I are two of the shareholders of the corporation, 1748893 Ontario Inc, that owns 657 Baseline Rd East in London, Ontario.

Our property directly abuts the proposed Seasons Retirement Communities project on the east side.

We have reviewed the notice to amend the official plan and zoning as well as the proposed plans and have summarized our comments regarding how this proposed project will negatively impact our property at 657 Baseline Rd E below:

1. Traffic

An 8 storey seniors apartment and nursing home with an additional 12 townhouses is too intense and will mean a significant increase in vehicular traffic on Baseline Rd East, and especially for cars wanting to get in and out of our residential property. This will become a major issue especially at peak traffic times (e.g morning and after work) and negatively impact our two storey residential property.

2. Noise

Again, with an 8 storey building and 12 townhouses there will be additional noise from vehicular traffic, deliveries, visitors, etc....All of which impede with the reasonable enjoyment of our property. A greater side yard set back, buffers and better scale transition should be required at the very least. This is supposed to be a low density neighborhood according to the City's own Official Plan document. This also runs contrary to the intent of the London Plan, so I can not see how city staff can endorse this application in any way. Planning rules and development expectations need to be applied consistently across the board.

3. Lighting

The lighting required to illuminate the parking lot of the proposed project will cause disturbing brightness at all hours of the day, but more so in the evening. The excess lighting will flood to our property and will cause unwanted glare and brightness. Again, this will have a detrimental impact on our property.

4. Location of Garbage

From the proposed conceptual site plan submitted with the notice, it appears that the location of the garbage bins will be located in the corner that abuts with our property. This will cause issues with unpleasant odours, as well as attract additional rodents (e.g mice, rats, raccoons, etc...) This is obviously a negative impact to our property creating land use conflict and should not be permitted.

5. Too little of a sideyard setback

From the conceptual site plan submitted with the notice, it appears that the setback between the proposed project and our property is minimal, especially when compared to the setback on the west side of the property. With such a small setback all of the issues already mentioned will be magnified. Alternatively, if this proposal is given a green light, can we have zoning to permit a 4-plex, or a high-rise as well for that matter?

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6. Inappropriate height

The height of an 8 storey building is inappropriate and not proportional when compared to height of the single family homes abutting the proposed project, especially given the policy intent of the both the current Official Plan as well as The London Plan. It will make our property and all of the other low rise residential dwellings appear dwarfed and is not in fitting the rhythm of the street-scape or character on the existing neighborhood. This is not good planning!

7. Too dense

This project is much too dense for what is supposed to be a low density residential neighbourhood. The increase in population density from the residents of the the 8 storeys and the additional 12 townhomes will have a negative impact on every aspect of this neighborhood. Moreover, there will be even more density from the employees who work at the nursing home and visitors to residents and detract from the residential of the area.

In conclusion, this stretch of Baseline Rd East has always been a quiet, pleasant and residential community, and this proposed development will undermine that existing condition.

Please note our strong objection to this application in its current format.

Regards,

Maria C. Cardoso and Daniel Cardoso

657 Baseline Rd East

Oral/written submissions to council

Did you make your opinions regarding this matter known to council?

Oral submissions at a public meeting Written submissions to council

6. Related Matters

Are there other appeals not yet filed with the Municipality?

Yes No

Are there other matters related to this appeal? (For example: A consent application connected to a variance application)

Yes No

7. Scheduling Information

How many days do you estimate are needed for hearing this appeal?

1 day 2 days 3 days 4 days 1 week
 More than 1 week

How many expert witnesses and other witnesses do you expect to have at the hearing providing evidence/testimony?
2 or 3

Describe expert witness(es)' area of expertise (For example: land use planner, architect, engineer, etc.)
To be determined

Do you believe this matter would benefit from mediation? *

(Prior to scheduling a matter for mediation, the OMB will conduct an assessment to determine its suitability for mediation)

Yes No

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OZ-8711
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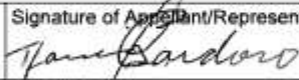
8. Required Fee

Total Fee Submitted * \$ 600

Payment Method * Certified cheque Money Order Solicitor's general or trust account cheque

9. Declaration

I solemnly declare that all of the statements and the information provided, as well as any supporting documents are true, correct and complete.

Name of Appellant/Representative	Signature of Appellant/Representative	Date (yyyy/mm/dd)
Daniel B. Cardoso		2017/07/26

Personal information requested on this form is collected under the provisions of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, and the *Ontario Municipal Board Act*, R.S.O. 1990, c. O. 28 as amended. After an appeal is filed, all information relating to this appeal may become available to the public.