



May 6, 2021

Corporation of the City of London
300 Dufferin Ave
London ON N6A 4L9

Attn: Councillor Squire, Chair PEC

**RE: 2631 Hyde Park Road and 1521 Sunningdale Road West,
Mount Pleasant Lands N/E Hyde Park and Sunningdale Road
Summary of OPA, City Comments, and Process to Date
CITY FILE: 0-9190**

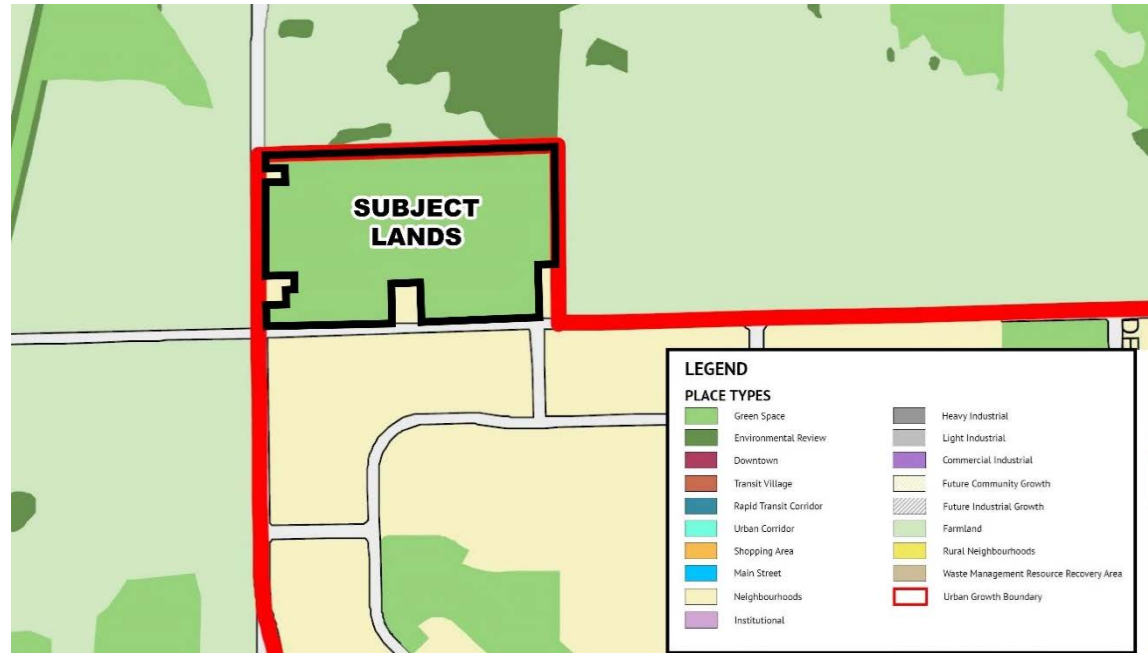
Please find below our summary of the proposed Official Plan Amendment (OPA) for the lands at 1521 Sunningdale Road West (the 'Subject Lands'); a summary of City comments; a review of the application process that has occurred to date; and, anticipated next steps. An issues summary and response chart is provided at the end of this memo. A high-level summary is provided below.

- The subject lands consist of 20.5ha of generally flat land currently used as cultivated fields, within the City's Urban Growth Boundary (UGB)
- The proposed OPA seeks to re-designate the subject lands to the "Neighbourhoods" place type from the current "Open Space" (1989 OP) designation and "Green Space" (London Plan) place type.
- The subject lands were formerly planned to be used as a cemetery. A hydro-geological report has shown the subject lands are unsuitable for a cemetery due to a high water table.
- The OPA application to re-designate the lands was submitted to the City on November 22, 2019. A requested hydrogeological study was submitted on February 27, 2020 and the application was deemed complete on March 10, 2020.
- City staff are of the opinion that the OPA application is pre-mature and requires a comprehensive review and secondary plan prior to the identification of any specific land uses.
- An Initial Proposal Report (IPR) for a Draft Plan of Subdivision was submitted to the City on September 15, 2020. A review meeting was held with City staff on December 9, 2020. Comments were provided by staff on January 4, 2021.
- City staff cancelled a meeting for March 22, 2021 to discuss the proposed OPA and refused further discussion on the application as proposed.
- The OPA application is to be heard at the Planning and Environment Committee and Council.

SUMMARY OF PROPOSED OFFICIAL PLAN AMENDMENT (OPA)

The subject lands are proposed to be re-designated to the “Neighbourhoods” place type from the current “Open Space” (1989 OP) designation and “Green Space” (London Plan) place type (Figure 1) as the cemetery use is no longer viable.

Figure 1 – The London Plan – Map 1 (excerpt) showing Urban Growth Boundary



The subject lands were brought in to the UGB in 1999 through an Ontario Municipal Board (OMB) decision No 0183. The decision noted that the subject lands were justified to be brought into the UGB and were not contemplated for a specific use at the time of the original inclusion:

*“At this time, the Board, in any case, wishes to stress that **the acceptance by this Board of the Mount Pleasant Cemetery Lands in Fox Hollow being brought within the boundary of the Urban Growth Area for OPA 88 is NOT and should NOT be taken as approval of the use of those lands for cemetery purposes.** As a result of this Decision the lands will be left in the designation “Urban Reserve – Community Growth” and that is all. The only purpose of their acceptance within the Urban Growth Area at this time is to indicate that the evidence which Mount Pleasant Cemetery led at the hearing has, at least, satisfied the Board that Policy 2.1.3 of the Provincial Policy Statement [1997] has been adequately addressed. Whether, however, the location should be used for a cemetery purposes in the context of the planning of the Fox Hollow Community Planning Area, as a whole, and whether the lands themselves are suitable for cemetery purposes from a planning point of view in terms of compatibility with neighbouring uses, are decisions for another day when the Fox Hollow Community Plan is completed, and detailed Land Use Designations are brought forward through City-adopted Official Plan Amendments and/or when Mount Pleasant itself brings forward any site specific Official Plan Amendment, Zoning By-Law Amendment and site plan applications for cemetery use” [bolded added]*

The City of London and Mount Pleasant Cemetery, through the Foxhollow Community Plan process, subsequently determined the designation of the lands to be “Open Space”

designation as the lands were contemplated for a cemetery. It should be noted that only a very small area has been identified in the London Plan as a Natural Heritage feature in Map 5 and does not impact development and the Open Space/Green Space Place Type was not applied because of any Natural Heritage features, only because of the proposed cemetery use.

A subsequent hydrogeological report showed high ground water levels that impact the use for burial plots and therefore the Mount Pleasant Cemetery subsequently entered into a purchase and sale with Auburn Developments and provided them with a letter stating they no longer have an interest in developing the land for a cemetery.

Given that the subject lands will not be used for a cemetery, only a limited range of uses could be contemplated for the lands, with a range of residential uses being the most appropriate given the context. We have provided the prerequisite independent Planning Justification Report (Zelinka Priamo) and submitted it with the OPA.

We further note that there is a public benefit in developing the subject lands for residential uses in order to increase the supply of housing to address the current housing shortage as well as provide an elementary school site for the area where pupil demands exceed current capacity of schools in the northwest quadrant of the City.

TIMELINE OF EVENTS

The OPA application to re-designate the farm lands was submitted to the City on November 22, 2019. A notice was received on December 20th, 2019, indicating the application was not deemed complete due to insufficient materials. We submitted a letter to City staff on February 7th, 2020, requesting that the additional reports be deferred as they were not material to the OPA. An email was received from City staff (Paul Yeoman) on February 24, 2020, requesting the submission of a hydrogeological report while a number of other studies were deferred to the subsequent Plan of Subdivision process given the property was substantially a farm field and there were no significant features identified in the current London Plan. The requested hydrogeological study was submitted on February 27, 2020 and the application was deemed complete on March 10, 2020.

An Initial Proposal Report (IPR) was submitted to the City on September 15, 2020. A review meeting was held with City staff on December 9, 2020. Comments were provided by staff on January 4, 2021. In all of the comments received, many of which related to specific subdivision type of comments that would be addressed when that process was initiated however, the principle of residential development needed to be clarified.

City staff provided comments on the proposed OPA on December 15, 2020, generally stating that, in their opinion, the application was pre-mature, and recommended that the subject lands be re-designated to the "Urban Reserve – Community Growth" place type, not "Neighbourhoods". *This position, in essence, is a down designation and places a hold on land within the growth boundary without policy support or consideration of the public interest or the PPS. City staff recommend a down designation to Urban Reserve Community Growth Place Type, so they can use the few policies of that 'holding' designation so they can apply the need to conduct a Secondary Plan process (which can only be conducted by them) instead of applying the many other policies that are applicable to change a land use from Green Space to Neighbourhood. This is a process for process sake as the London Plan has identified only one Place Type that can be applied to a suburban context and that Place Type is 'Neighbourhood'. A Secondary Plan is not going to change the Place Type for these lands as shown on Map 1 of the London Plan, it will be Neighbourhood nor will a Secondary Plan inform this development as the road connections and Departmental comments have already been provided and can be address through the subsequent Plan of Subdivision process. The recommended stepp*

back only permits staff to defer these lands until the remainder of the area 'comes in' to the UGB and staff are recommending this without a supportive policy framework in the London Plan or the PPS.

A meeting was scheduled for Monday, March 22, 2021 with Auburn, City staff, and Zelinka Priamo to discuss these matters as well as our additional research regarding the premise of the property's inclusion in the UGB. City staff cancelled the meeting on the preceding Friday stating that no new information had been presented. On the contrary, new information was presented that spoke specifically to the City's position on how the subject lands came to be within the UGB which we believe alleviate the concerns expressed, as well as the policy context that can be applied to support the application. This position is strengthened given the various Departmental comments received on the pre-consultation of the Plan of Subdivision as there were no comments that could not be addressed. This is why we don't believe that the recommendation from staff should be supported nor is it in the public interest.

SUMMARY OF CITY COMMENTS

Generally, staff were of the opinion that the subject lands should be re-designated to the "Urban Reserve – Community Growth" place type, essentially a down designation and treating these lands as if they were a 'holding' zone until they review the land needs for the City to see if the abutting lands can 'come in' to the UGB sometime in the future. Staff relied on the following key ideas to support their position:

1. *The subject lands were never previously considered for any use other than a cemetery; [as noted above, this is an erroneous conclusion]*
2. *The subject lands cannot be planned in absence of planning for additional abutting lands to the north and east. Infrastructure (road connections and servicing) need to be planned to ensure efficient and viable servicing and infrastructure;*
3. *Appropriate land uses need to be identified, including review of natural heritage features;*
4. *City proposed re-designation to "Urban Reserve – Community Growth"; and,*
5. *Development of the subject lands may conflict with the future expansion of the settlement area as the current amendment may ultimately conflict with the vision and goals of the future Secondary Plan in the area.*

The lack of policy support or framework to ignore an OPA application in favour of a down designation is a unique response given the circumstances, being in the UGB, and the public interest, need of additional elementary school site as noted by the TVDSB. We believe that the justification to change the inappropriate Green Space Place Type to 'Neighbourhood' Place Type is supportable and justifiable in policy especially given the lack of housing and school needs in the community. We have provided an analysis and response to each of these issues and have concluded that the subject lands can be effectively and appropriately planned without placing this area in a holding designation for years, or completing an unnecessary secondary plan for an area not in the UGB, with specific reference to policies from the 2020 Provincial Policy Statement, the 1989 Official Plan, and The London Plan.

Importantly, the proposed OPA represents an opportunity for the City of London to realize additional residential growth capacity without the need for an expansion to the UGB. Staff did not provide analysis on this opportunity.

The City provided specific comments on the submitted IPR, which included a Draft Plan of Subdivision and Functional Servicing Report, on January 4, 2021. Generally, the comments can be addressed through detailed servicing studies typically submitted in the subdivision development process.

NEXT STEPS

The proposed OPA identified “Neighbourhood” the only land use in the London Plan that is supported by policy for this suburban location. Any further study will not derive at an alternative Place Type. A delay in the implementation is unnecessary and is not supported by existing London Plan policies nor the Provincial Policy Statement.

The issues identified in the OPA and Draft Plan of Subdivision pre consultation will all be addressed and can be implemented through the subsequent Draft Plan application that is forthcoming. We have highlighted these below:

ISSUES SUMMARY AND RESPONSE CHART

ISSUE	RESPONSE
<p><i>The subject lands were never previously considered for any use other than a cemetery;</i></p>	<p>This is an erroneous conclusion. No particular land use was contemplated when the subject lands were brought into the UGB. They were justified for use as a cemetery, and they can be justified for residential uses. The subject lands were reviewed as part of a comprehensive land needs study and were found to be appropriate to bring into the UGB for community growth.</p> <p>SOLUTION: Re-designate to “Neighbourhoods”</p>
<p><i>The subject lands cannot be planned in absence of planning for additional abutting lands to the north and east. Infrastructure (road connections and servicing) need to be planned to ensure efficient and viable servicing and infrastructure;</i></p>	<p>While a secondary plan may be useful in an ideal situation, there is no policy basis to require a secondary plan. Auburn has demonstrated reasonable road and servicing connections through the IPR process. Such detailed engineering items are beyond the scope of the proposed OPA and are more appropriately dealt with through the Subdivision process, as we have previously contended.</p> <p>SOLUTION: Defer detailed engineering items to the Subdivision process</p>
<p><i>Appropriate land uses need to be identified, including review of natural heritage features;</i></p>	<p>There are a very limited number of land uses that could be considered for the subject lands, given their context. The <i>Neighbourhoods</i> place type provides a sufficient range of uses to effectively develop the subject lands for appropriate residential, institutional, and commercial uses. Natural heritage</p>

	<p>features are proposed to be conserved through the Subdivision process.</p> <p>SOLUTION: Re-designate to "Neighbourhoods"</p>
<p><i>City proposed re-designation to "Urban Reserve – Community Growth"; and,</i></p>	<p>The City's proposal would effectively remove the subject lands from the UGB and delay their development indefinitely.</p> <p>This proposal would result in an unnecessary, expensive, and time-consuming process that is not in the public interest.</p> <p>SOLUTION: Re-designate to "Neighbourhoods"</p>
<p><i>Development of the subject lands may conflict with the future expansion of the settlement area as the current amendment may ultimately conflict with the vision and goals of the future Secondary Plan in the area.</i></p>	<p>City staff have not provided any reference to what potential conflicts may arise nor confirmed that there will be any conflicts.</p> <p>It is highly likely that the ultimate development of the broader area will be for predominantly residential uses, which are compatible with the proposed development of the subject lands.</p> <p>Generally, the vision and goals of secondary plans are not so unique that a contemporary plan of subdivision would materially impact their achievement.</p> <p>SOLUTION: Re-designate to "Neighbourhoods"</p>

We respectfully submit that the OPA application fulfills the PPS, the policies of the London Plan as well as the public interest. The opportunity to provide additional housing and a school site given the current constraints should not be ignored. The anticipated Plan of Subdivision process is sufficient to address all implementation issues and coordination with the future development of lands outside the current Urban Growth Boundary and therefore these lands should not be restricted or 'held' until these lands are included in a future expansion of the Urban Growth Boundary. There is no public benefit of a delay and much to be gained by approving this OPA to permit the 'Neighbourhood' Place Type.

Auburn Developments Inc.

Per: Stephen Stapleton, Vice President