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London, ON
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April 10, 2026

Committee Chair Steve Lehman
Planning and Environment Committee
City of London
300 Dufferin Ave, London, ON
N6A 4L9

via email

RE: 845-875 COMMISSIONERS ROAD EAST Z-25141

Chair Lehman:

Auburn Developments is the applicant for Zoning By-law Amendment (ZBA) Application Z-25141 at 845-875 Commissioners Road East. The lands are located on the south side of Commissioners Road East between Wellington Road and Adelaide Street North near Victoria Hospital and the Westminster Ponds ESA.

While we are generally supportive of the Staff recommendation to approve the application, we are unable to support specific components of the Staff modifications to our ZBA concerning urban and architectural design. We have prepared an alternate motion which we request be advanced by Committee in substitution for the recommendation contained in the Staff report.

We have had several discussions with Staff throughout the course of this application and circulation of our various submittals. We have been consistent in stating that the zoning regulation to require a setback of the building of 1.5m along Commissioners Road East is simply not workable. Imagine if 5' were chopped off the front of your house, and how it would compromise your living spaces. We have worked very hard to develop efficient and functional apartment units which have critical minimum dimensions. We have always stated unequivocally that good buildings are designed from the inside-out, rather than from the outside-in. We cannot accept this regulation in the zoning for our site.

We requested in our application that “Indoor Amenity Space” at the rooftop level not be factored into building height as a “storey” given our cap in the Official Plan at 14 storeys for “Neighbourhoods” designated lands with the “HDR Overlay”. It is part of Auburn’s amenity program to provide outdoor rooftop amenity space which is paired with an indoor amenity space at the rooftop level. While the Zoning By-law excludes outdoor rooftop amenity space from the building height calculation, indoor amenity space at this level would constitute an additional storey under the By-law. To provide our typical program, we would need to remove an entire storey of residential units in order to keep an indoor amenity space at the rooftop level. This approach has been taken elsewhere in London and we request that this provision be added back in to allow us to construct 14 residential storeys with indoor and outdoor amenity space at the rooftop level.

We have also submitted a modification to the “direction to staff” for a future site plan approval process. We continue to see the same types of urban design ideas as was rejected by Committee and Council as part of the recent London Plan Heights Review process. We are trying to build efficient, functional buildings which are affordable to our tenants in the long term. Specifically, at this site, we are aiming to build housing which is more affordable than other recent Auburn projects including the 415 units currently under construction in north London.

While discussions with Staff around this application have generally been productive, evidenced by the Staff recommendation for approval, we are requesting that the attached alternate motion be endorsed by Committee and approved at Council.

Sincerely,



Alex Vandersluis

Development Manager, Auburn Developments
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cc: *Steve Stapleton, Auburn Developments*
Planning and Environment Committee Members and City of London Clerk’s Office

ALTERNATE MOTION

Notwithstanding the recommendation of the Director, Planning and Development, the following actions be taken with respect to the application of Auburn Developments relating to the property located at 845-875 Commissioners Road East:

- (a) The proposed by-law attached hereto as Appendix "A" BE INTRODUCED at the Municipal Council meeting April 28, 2026 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, The London Plan, to change the zoning of the subject property FROM a Restricted Service Commercial (RSC1/RSC3/RSC4) Zone, a Light Industrial (LI1) Zone and Open Space (OS5) Zone TO a Holding Residential R10 Special Provision (h-1*h-5*h-8*R10-4(_)) Zone, a Holding Residential R10 Special Provision (h-1*h-5*h-8*h-193*R10-4(_)) Zone, and an Open Space (OS5) Zone;
- (b) The Site Plan Approval Authority BE REQUESTED to consider the following design issues through the site plan process:
 - i) A private easement and joint use maintenance agreement be entered into to access the municipal sanitary sewer;
 - ii) The recommendations and mitigation measures from the Air Quality Assessment be included in the Development Agreement; and
 - iii) Engage with Realty Services to facilitate a land transfer to acquire the Environmentally Significant Area in exchange for the unopened municipal right-of-way.

IT BEING NOTED, that the above noted amendment is being recommended for the following reasons:

- i) The recommended amendment is consistent with the Provincial Planning Statement, 2024;
- ii) The recommended amendment conforms to The London Plan, including but not limited to the Key Directions, Neighbourhoods Place Type, and the Our Tools policies; and
- iii) The recommended amendment would permit an appropriate form of development at a scale and intensity that is appropriate for the site and surrounding context.

Appendix A – Zoning By-law Amendment

Bill No.(number to be inserted by Clerk's Office)
2026

By-law No. Z.-1-

A by-law to amend By-law No. Z.-1 to
rezone an area of land located at 845-
875 Commissioners Road East

WHEREAS this amendment to the Zoning By-law Z.-1 conforms to the Official Plan;

NOW THEREFORE the Municipal Council of The Corporation of the City of London

enacts as follows:

1. Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 845-875 Commissioners Road East, as shown on the attached map FROM a Restricted Service Commercial (RSC1/RSC3/RSC4) Zone, a Light Industrial (LI1) Zone and Open Space (OS5) Zone TO a Holding Residential R10 Special Provision (h-1*h-5*h-8*R10-4(_)) Zone, a Holding Residential R10 Special Provision (h-1*h-5*h-8*h-193*R10-4(_)) Zone, and an Open Space (OS5) Zone.

2. Section Number 14.4 of the Residential R10 Zone is amended by adding the following Special Provisions:

R10-4(_) 845-875 Commissioners Road East

a) Regulations

- i) Front Yard Depth (minimum) – 3.0 metres
- ii) Rear Yard Depth (minimum) – 3.0 metres
- iii) Interior Side Yard Depth (minimum) – 4.0 metres
- iv) Height (maximum) – 14-storeys or 50.0 metres, whichever is less
- v) Indoor Amenity Space at Rooftop level shall be excluded from Height calculations

3. This Amendment shall come into effect in accordance with Section 34 of the Planning Act, R.S.O. 1990, c. P13, either upon the date of the passage of this by-law or as otherwise provided by the said section.

PASSED in Open Council on April 28, 2026 subject to the provisions of PART VI.1 of the *Municipal Act*, 2001.

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First Reading – April 28, 2026
Second Reading – April 28, 2026
Third Reading – April 28, 2026