

**MOTION WITHOUT NOTICE****17 St Andrew Street – Technical Amendment to By-law No. 447-2023.****Moved by: Councillor Saxe** \_\_\_\_\_**Seconded by: Councillor Matlow** \_\_\_\_\_**SUMMARY:**

At its meeting held on February 7 and 8, 2023 City council adopted Item TE2.1 which recommended amendments to Zoning By-law 569-2013 to permit a 5-storey mixed-use building. City Council enacted By-law 447-2023 to permit the development.

It came to Development Review's attention that there are minor errors in the implementing site specific zoning by-law that must be corrected for the applicant to continue ongoing construction activities. The corrections reflect the development concept previously considered by City Council, but recent detailed review identified details that should have been originally included in Site Specific Zoning By-law 447-2023.

The corrections will address:

- Type G loading space access by residential and non-residential units;
- Location of residential and non-residential units on the same storey;
- Angular plane projection along the entire required rear yard setback;
- Landscaping requirement for abutting a lot in the Residential Zone; and
- Access to a lot from a neighboring lane.

The corrections reflect the main intent of the original application, and the building has not changed in any material way from what was considered and approved by City Council. It is therefore appropriate that the technical amendments as set out in the Recommendations be made to Site Specific Zoning By-law 447-2023, without the need for any further public notice.

This is an urgent matter as the site is currently under construction in order to provide student housing required by the university. Failing to correct these omissions from the zoning by-law would delay their building permit and building opening.

## RECOMMENDATIONS:

1. City Council amend By-law No. 447-2023 by deleting Section (L) and replacing it with the following:

"Despite Regulation 40.10.40.1(1), residential uses may be located below and on the same storey as non-residential use portions"

2. City Council amend By-law No. 447-2023 by deleting Section (N) and replacing it with the following:

"Despite Regulation 220.5.10.1 (1), (2) and (3), 1 loading space Type "G" shall be provided and maintained on the lot and may be shared between the residential and non-residential uses; regardless of access type"

3. City Council amend By-law No. 447-2023 by introducing a new Section (Q), that reads:

" Regulation 40.10.40.70.(2) (E) regarding a 45-degree angular plane does not apply;"

4. City Council amend By-law No. 447-2023 by introducing a new Section (R), that reads:

"Despite Regulation 40.10.50.10.(3), a minimum 0.74-metre-wide strip of land, used only for soft landscaping, must be provided along the part of the lot line abutting a lot in the Residential Zone category"

5. City Council amend By-law No. 447-2023 by introducing a new Section (S), that reads:

"Despite Regulation 40.10.90.40.(1), access to a loading space may be provided from a street"

6. City Council amend By-law No. 447-2023 by introducing a new Section (T), that reads:

"Despite Regulation 40.10.100.10.(1), vehicle access may be provided from a street"

7. City Council direct the City Solicitor to bring forward to Council's next meeting for enactment by Council, by-laws to make the changes noted in Recommendations 1 through 6 to By-law No. 447-2023; and
8. City Council determine through the adoption of this recommendation that, pursuant to Section 34(17) of the *Planning Act*, no further notice is to be given in respect of the changes to By-law No. 447-2023, in accordance with Attachment 1 to this motion.

## Attachments:

Attachment 1 – Proposed Amendment to By-law 447-2023.

Date: December 10, 2025