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Item No. 15.1.4
Halifax Regional Council
September 12, 2023

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY: Original Signed

Cathie O'Toole, Chief Administrative Officer

DATE: August 8, 2023

SUBJECT: **Case 20218: Initiation for site-specific SMPS amendments for lands located at Robie Street, Spring Garden Road, and Carlton Street, Halifax.**

ORIGIN

- Application by Dexel Developments Limited.
- August 1, 2017, Regional Council gives direction to continue to process this request for site-specific municipal planning strategy amendments, on the conditions that the proposal:
 - (a) Generally aligns with the June 2017 Centre Plan document relative to Urban Structure, Height and Floor Area Ratio, and
 - (b) Addresses the planning principles of transition, pedestrian-orientation, human-scale building design, and context-sensitivity as noted in Table 2 of the staff report dated July 26, 2017.
- January 29, 2019, Regional Council approves substantial alterations to the four municipally registered heritage properties (Case H00461).
- July 15, 2019, Regional Council adopts amendments to the Halifax MPS and the Peninsula LUB to enable the proposal through a development agreement.
- November 27, 2021, the Halifax MPS and the Peninsula LUB which regulated land use on Peninsula Halifax are replaced by the Regional Centre SMPS and the Regional Centre LUB. The Regional Centre SMPS contains policies IM-42, IM-43, and IM-44 to enable Community Council to consider a development agreement on the subject lands.
- Staff determined that the most recent proposal (June 2021) does not conform with Policy IM-43 of the Regional Centre SMPS.

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter (HRM Charter), Part VIII, Planning and Development

RECOMMENDATION

It is recommended that Halifax Regional Council direct the Chief Administrative Officer to:

1. Initiate a process to consider amendments to the Regional Centre Secondary Municipal Planning

Recommendation continued on page 2

- Strategy to broaden the scope of enabling policies IM-43, IM-44, and IM-46; and
2. Follow the public participation program for municipal planning strategy amendments as outlined within the Community Engagement section of this report.

BACKGROUND

History

In October of 2015, Dixel Developments Limited, on behalf of the property owner Lowen Properties Limited, applied for an amendment to the Halifax Municipal Planning Strategy (MPS) to enable a development agreement for a mixed-use residential and commercial development located at the southeast corner of the Spring Garden Road and Robie Street intersection. On July 15, 2019, Regional Council approved amendments to the Halifax MPS to enable a development agreement for the subject site. After the 2019 amendments, the proposed development continued to evolve with the most recent proposal being received in June 2021.

On November 27, 2021, the Regional Centre Secondary Municipal Planning Strategy (SMPS) was adopted and replaced the Halifax MPS on Peninsula Halifax. Policies that enabled the consideration of a mixed-use residential and commercial development by development agreement were carried forward into the new SMPS with minor changes in wording. The new policies IM-42, IM-43, and IM-44 (see Attachment A) were intended to allow Community Council to consider a development agreement for the June 2021 proposal. However, after further review, staff determined that the enabling policy set was not sufficient in scope to consider all elements of the June 2021 proposal. Therefore, amendments to the enabling policies will first be required before a development agreement for the June 2021 proposal can be considered by Community Council.

Subject Site	1403 Robie Street; PID 00135384; 5950, 5954A/5954, 5958A/5958B/5960/5962/5964/5966/5966A; 5970/5972; 5980; 5982; 5984/5986; 5990/5992 and 5994 Spring Garden Road; and 1478; 1480;1484; and 1494 Carlton Street
Location (Map 1)	The subject properties are located two blocks to the west of the Halifax Public Gardens, on the opposite side of Spring Garden Road. The properties have frontage on Robie Street, Spring Garden Road, and Carlton Steet.
Regional Plan Designation	Urban Settlement
Regional Centre SMPS Designation (Map 2)	Centre
Zoning (Map 3)	Centre 2 (CEN-2) and Centre 1 (CEN-1)
Size of Site	4,961 square metres (53,401 square feet)
Street Frontage	Robie Street – 30 m (98 feet) Spring Garden Road – 123 m (403 feet) Carlton Street – 43 m (141 feet)
Current Land Use(s)	A variety of residential and commercial uses
Surrounding Use(s)	A variety of residential, institutional and commercial uses

Proposal Details

The most recent Dixel proposal for Spring Garden West, submitted in June 2021, consists of three main components:

- (a) To rehabilitate four municipally registered heritage buildings fronting on Carlton Steet (1478-1494 Carlton Street);
- (b) To demolish the rest of the building stock on the development site (5950-5994 Spring Garden Road and 1403 Robie Street); and

- (c) To build a 30-storey mixed-use residential and commercial building along Spring Garden Road and Robie Street (5950-5994 Spring Garden Road and 1403 Robie Street).

The 30-storey mixed-use residential and commercial building will consist of a shared four-storey podium supporting two tower components, each consisting of an additional 26 storeys. The proposal also includes signature architectural projections at various locations on the facades of the tower portions (see Attachment B). These signature architectural projections are 2-metre-deep, glass curtain-wall clad projections that span the height of multiple storeys. Because the proposed signature architectural projections extend for the full height of the units and extend the living area of the units that they are attached to, they are counted as floor area.

MPS and LUB Context

This application is to be considered under Policies IM-42, IM-43, and IM-44 of the Regional Centre SMPS. These policies allow for the consideration of comprehensive, unique, and site-specific mixed-use development proposals within the Spring Garden Road – Robie Street (SGRRS) Special Area by development agreement. The subject lands lie within the SGRRS Special Area.

Of note, Policy IM-43 includes the following three mandatory criteria:

- Development of Site A is limited to a maximum Floor Area Ratio of 8.0 and any lot area(s) containing registered heritage properties shall not be included as part of the total lot area calculation;
- A minimum separation distance of 23 metres is provided between any tower portions of the building; and
- That any proposed towers, located above the streetwall, not exceed a floor area of 750 square metres per floor.

Staff have determined that because the signature architectural projections are considered floor area, the June 2021 proposal is unable to meet the above three criteria. The signature architectural projections would result in a development that would have:

- a floor area ratio of 9.1;
- a tower separation distance of 19 metres between the two tower portions; and
- a floor area exceeding 750 square metres (805 square metres) for one of the two tower portions¹.

DISCUSSION

The Regional Centre SMPS is a strategic policy document that sets out the goals, objectives, and direction for long term growth and development in the Municipality. While the SMPS provides broad direction, Regional Council may consider SMPS amendment requests to enable proposed development that is inconsistent with its policies. Amendments to a SMPS are significant undertakings and Council is under no obligation to consider such requests. Amendments should only be considered within the broader planning context and when there is reason to believe that there has been a change to the circumstances since the SMPS was adopted, or last reviewed.

Applicant Rationale

The applicant has indicated the following:

¹ The maximum West tower floor area which occurs at levels 21-23 is 467.4 square metres (including signature architectural projections). The average maximum floor area between the two towers is 635.3 square metres.

- Significant effort, including professional time and resources, have gone into the current design and they wish to continue moving it forward; and
- The signature architectural projections will provide for a unique architectural design feature in the Regional Centre, which is encouraged under the enabling policy set.

Review

The original enabling policy set for Spring Garden West was adopted by Regional Council as an amendment to the Halifax MPS on July 15, 2019. Because the enabling policy set and the associated Land Use By-law (Peninsula LUB) did not specify what was to be excluded from floor area ratio calculations, tower separation distances, and tower floor area maximums, it was decided that these measures would be defined within the development agreement.

In June 2021, staff were in receipt of a revised design proposal for Spring Garden West (current proposal). It was decided that the enabling policy set, then contained in the Halifax MPS, would be transferred to the newly proposed Regional Centre SMPS for consideration by Regional Council in the Fall. A few minor changes were made to the policy set during this transfer. On November 27, 2021, the Regional Centre SMPS and LUB were approved by Regional Council and replaced the existing policy and land use regulatory context (Halifax MPS and Peninsula LUB) which had applied to the Halifax Peninsula. The Regional Centre SMPS contains policies IM-42, IM-43, and IM-44, which enable Community Council to consider a development agreement on the subject lands.

Staff have recently determined that amendments to the SMPS are required prior to Council considering this proposal. Unlike the Halifax Peninsula LUB, the Regional Centre LUB specifies what is to be excluded from floor area ratio calculations; tower separation distances; and tower portion floor area maximums. The signature architectural projections included in the June 2021 proposal are not permitted by the Regional Centre LUB to be excluded from floor area calculations, tower separation distances, and tower portion floor area maximums. Policy IM-43 of the Regional Centre SMPS is not broad enough to allow Community Council to consider additional exclusions to these measures via a development agreement. As part of this initiation process, staff are proposing amendments to bring additional flexibility to the site-specific development agreement policies that will fix the issues highlighted above (see Attachment C). Moreover, staff is proposing other amendments that will bring additional flexibility to the consideration of the Dixel proposal, these include:

- Identifying the signature architectural projections as secondary elements in setback and stepback requirements;
- Identifying a one-storey residential penthouse as a rooftop feature that can exceed the overall maximum height of 90 metres;
- Permitting a two-percent tolerance for maximum building height, streetwall heights, and building podium heights; and
- Allowing for the consideration of opportunities for collaboration with a development on the neighbouring site, identified as Site B on Map 24 of the RCSMPS.

Conclusion

Staff have reviewed the proposed SMPS amendment request and advise that there is merit to the request. Therefore, staff recommend that Regional Council initiate the SMPS amendment application process.

FINANCIAL IMPLICATIONS

The HRM costs associated with processing this planning application can be accommodated within the approved 2023-2024 operating budget for Planning and Development.

RISK CONSIDERATION

There are no significant risks associated with the recommendations contained within this report. This application involves proposed SMPS amendments. Such amendments are at the discretion of Regional Council and are not subject to appeal to Nova Scotia Utility and Review Board. Information concerning risks and other implications of adopting the proposed amendments are contained within the Discussion section of this report.

COMMUNITY ENGAGEMENT

Should Regional Council choose to initiate the SMPS amendment process, the HRM Charter requires that Regional Council approve a public participation program. The proposed amendments would apply only to the subject properties and the neighbouring properties identified as Site B on Map 24 of the RCSMPS. Staff therefore advise that due to the localized nature of the proposed amendments, that Regional Council proceed with a public participation program that is different from the February 1997 Public Participation resolution. Staff's recommendation is that engagement be performed through the HRM website, signage on the subject lot, and letters mailed out to property owners within the notification area. Planning staff will be available for one-on-one discussions with members of the community who have concerns or questions about the proposed amendments. The community will have a further opportunity to engage with Regional Council at the required public hearing. Amendments to the SMPS will potentially impact the following stakeholders: residents, landowners, and businesses.

ENVIRONMENTAL IMPLICATIONS

No environmental implications are identified at this time.

ALTERNATIVES

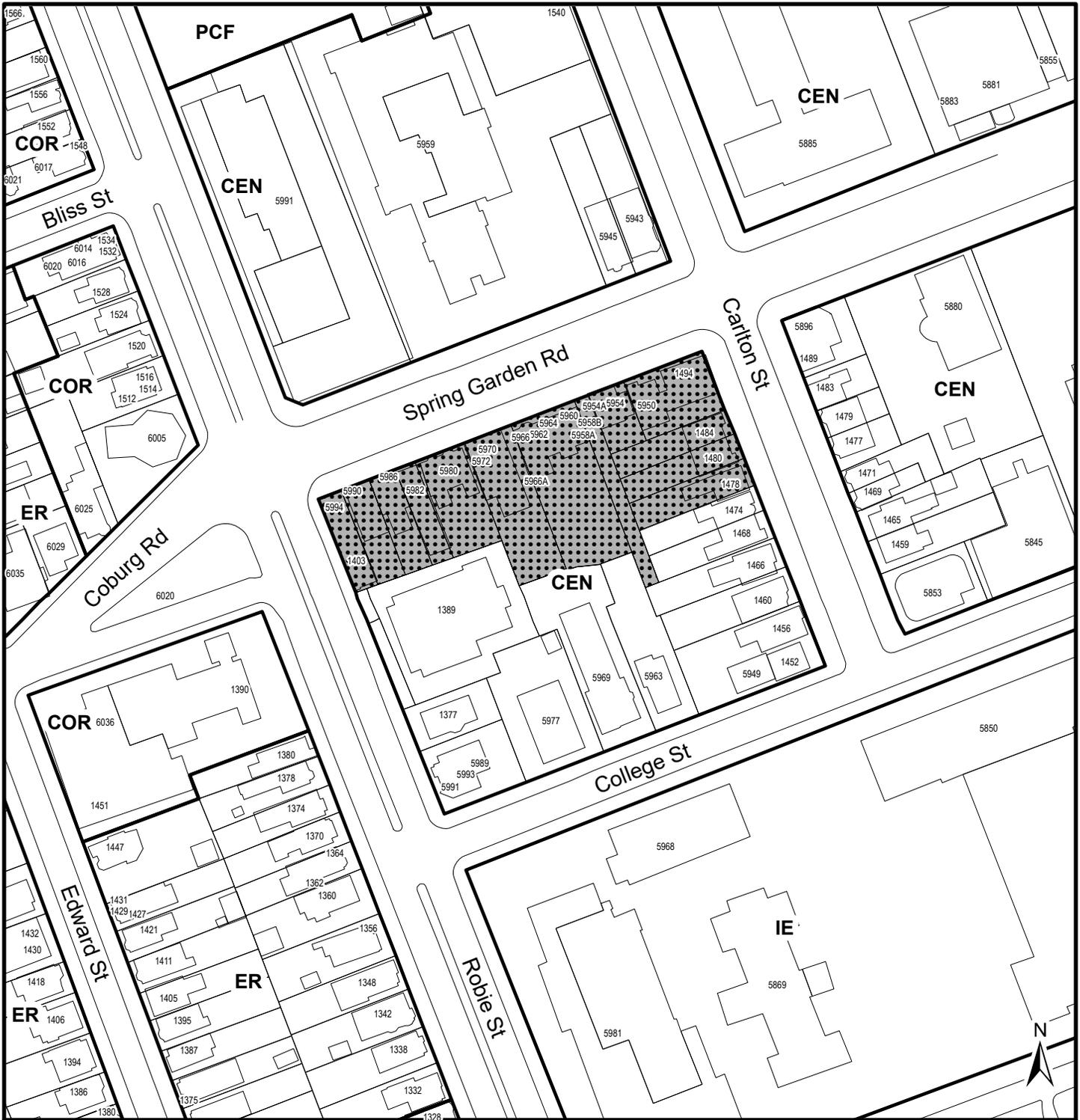
1. Regional Council may choose to initiate the consideration of potential policy that would differ from those outlined in this report. This may require a supplementary report from staff.
2. Regional Council may choose not to initiate the SMPS amendment process. A decision of Council not to initiate a process to consider amending the Regional Centre Secondary Municipal Planning Strategy is not appealable to the Nova Scotia Utility and Review Board as per Section 262 of the *HRM Charter*.

ATTACHMENTS

Map 1:	Location and Notification
Map 2:	Generalized Future Land Use
Map 3:	Zoning
Attachment A:	Relevant Regional Centre SMPS Excerpts
Attachment B:	Images of Signature Architectural Projections
Attachment C:	Proposed Amendments to the Regional Centre SMPS

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Luc Ouellet, Principal Planner, Planning and Development, 902.717.4357



Map 2 - Generalized Future Land Use

Spring Garden Road and Robie Street,
Halifax

 Subject Properties

Designation

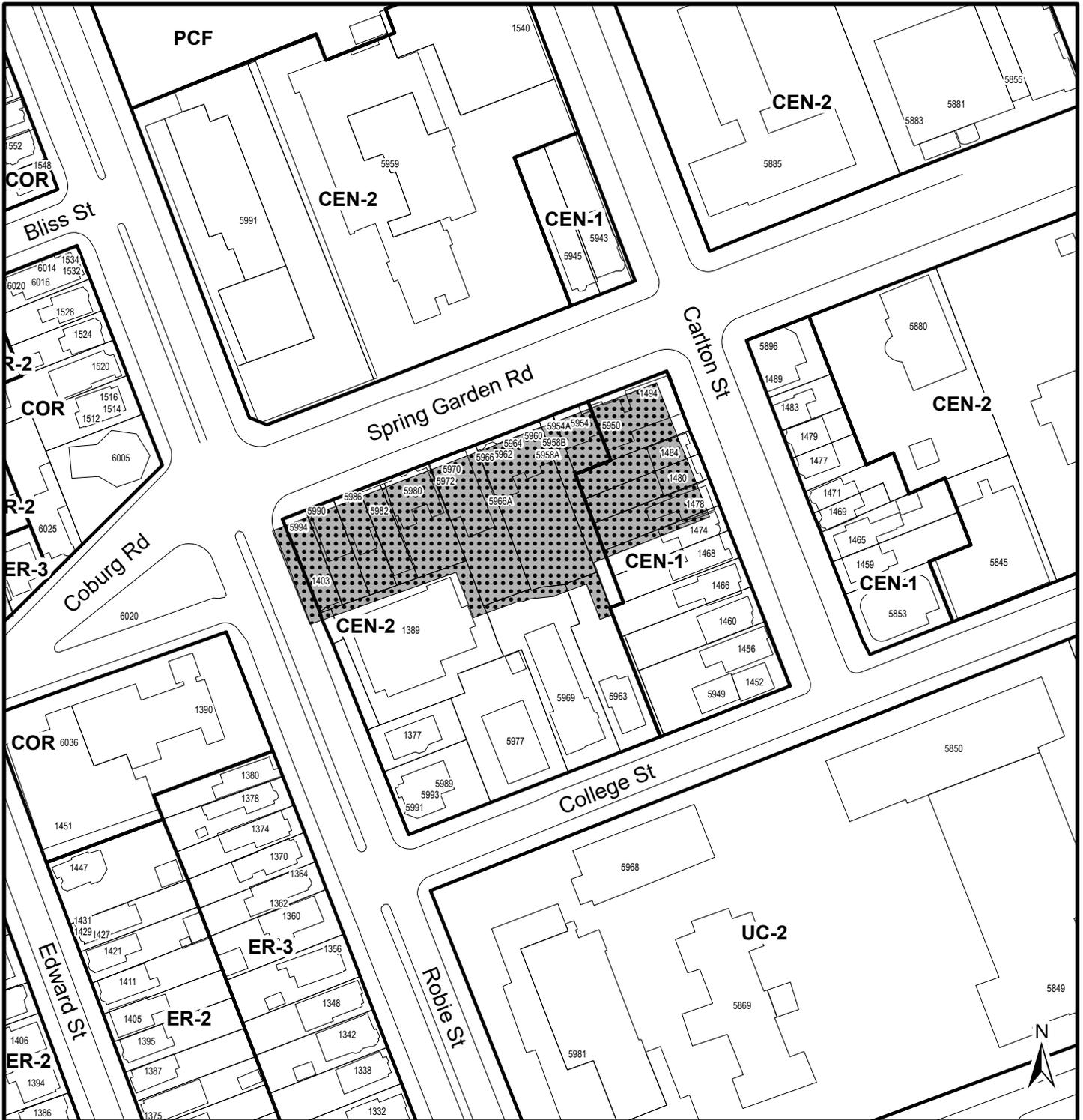
CEN Centre
 COR Corridor
 ER Established Residential
 IE Institutional Employment
 PCF Park and Community Facility



This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the plan area indicated.

The accuracy of any representation on this plan is not guaranteed.

Regional Centre Plan Area



Map 3 - Zoning

Spring Garden Road and Robie Street,
Halifax

 Subject Properties

Zone

- CEN-1 Centre 1
- CEN-2 Centre 2
- COR Corridor
- ER-2 Established Residential 2
- ER-3 Established Residential 3
- PCF Parks and Community Facilities
- UC-2 University and College 2

Regional Centre
Land Use By-Law



This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated.

The accuracy of any representation on this plan is not guaranteed.

ATTACHMENT A

RELEVANT REGIONAL CENTRE SECONDARY MUNICIPAL PLANNING STRATEGY EXCERPTS

9.12.3 SPRING GARDEN ROAD – ROBIE STREET (SGRRS) SPECIAL AREA

This Plan establishes the Spring Garden Road – Robie Street (SGRRS) Special Area, which includes Site A and Site B, as identified on Map 24, to recognize Spring Garden Road’s important relationship with the Early Victorian Streetscape along Carlton Street, which is designated as a Heritage Streetscape. The area is comprised of seventeen registered heritage buildings constructed between 1860 and 1906 that is valued as an excellent example of a Victorian era residential street. This area lies on what was once part of the South Common and is located on Carlton Street between Spring Garden Road and College Street.

Architecturally, the Heritage Streetscape is valued for its sense of unity in scale, materials, and detail. These homes incorporate and blend elements of the Greek Revival, Modified Gothic, and Second Empire styles. The houses and townhomes range between two and three storeys, which allows for the human element and sense of community to flourish. All of the houses are of wood frame construction. There is a variety in the pitch and type of roof lines, and the buildings’ placement offers a vast array of dormers, windows, and bays, decoration, porches, and verandas. Each house commands its own attention while complementing its abutting, opposite, or adjacent structure. The Heritage Streetscape forms part of a larger land block that includes portions of Spring Garden Road, Robie Street, and College Street. Except for four properties along Carlton Street, the block is held in the ownership of two landowners.

In June of 2017, as part of the process for developing this Plan, Council authorized the direction contained in the Centre Plan guiding policy document (2017) as a framework for amending existing planning documents and developing new planning documents. The 2017 Centre Plan guiding policy document identified this block as a future Centre with a mix of Established Residential. At this time, Council provided direction to consider development proposals in this area, subject to the proposals generally aligning with the 2017 Centre Plan guiding policy document.

In July of 2019, Council approved new planning policy within the Halifax Plan for most of this block. These policies placed a strong emphasis on the retention and rehabilitation of municipally registered heritage properties, while also allowing for the consideration of a high-density mixed-use development form envisioned for Centres. This Plan incorporates the intent of these 2019 policies to continue to support unique built form and design consideration for this prominent block. Development in this Special Area may proceed either through the as-of-right process under the Land Use By-law or through site-specific development agreement policies set out in Policies IM-42, IM-43, IM-44, IM-45, and IM-46.

Policy IM-42

Development in the Spring Garden Road – Robie Street (SGRRS) Special Area, which consists of Site A and Site B, as shown on Map 24, shall only proceed either through the as-of-right allowances under the Land Use By-law or through the development agreement policy for Site A and Site B, as set out in Policies IM-43, IM-44, IM-45, and IM-46.

(A) Development Agreement Policies for Site A

Policy IM-43

Subject to Policy IM-42, to enable comprehensive, unique, and site-specific development of Site A within the Spring Garden Road – Robie Street (SGRRS) Special Area, shown on Map 24, Council may consider mixed-use development proposals by development agreement that meet the following requirements:

- (a) that the proposal is a comprehensive plan for the development of all lands identified as Site A, and including phasing of the development;
- (b) in accordance with the approval of substantial alterations granted by Council on January 29, 2019, the properties identified as 1478 Carlton Street, 1480 Carlton Street, 1484 Carlton Street and 1494 Carlton Street, shall be altered and subdivided, as proposed in the staff report dated November 9, 2018, titled *Case H00461: Substantial Alteration to municipally registered heritage properties at 1478, 1480, 1484 and 1494 Carlton Street, Halifax*;
- (c) following subdivision of 1478 Carlton Street, 1480 Carlton Street, 1484 Carlton Street and 1494 Carlton Street, that resulting parcels (parcels which contain no heritage buildings) be deregistered;
- (d) development of Site A is limited to a maximum Floor Area Ratio of 8.0 and any lot area(s) containing registered heritage properties shall not be included as part of the total lot area calculation;
- (e) building heights are limited to a maximum of 90 metres, excluding rooftop features;
- (f) that the development conforms with the Citadel Rampart Sight Line requirements;
- (g) that the proposed building podium and streetwall are setback a minimum of:
 - (i) 6 metres from any property boundary associated with 1474 Carlton Street,
 - (ii) 28 metres from the Carlton Street streetline,
 - (iii) 1.5 metres from the Robie Street streetline, and
 - (iv) 0.5 metres from the Spring Garden Road streetline,
- (h) that the mixed-use development located above the streetwall or building podium, not including secondary elements such as balconies or window bays, be located west of the Heritage Line, as identified on Map 24 and be setback a minimum of 11.5 metres from the edge of the building podium facing East (Carlton Street);
- (i) that the mixed-use development located above the streetwall or building podium, not including secondary elements such as balconies or window bays, be setback a minimum of:
 - (i) 11.5 metres from the south property line, and
 - (ii) 4.5 metres from the edge of any streetwall,
- (j) streetwall height is limited to a maximum of:
 - (i) 16 metres along Robie Street;
 - (ii) 13 metres along most of Spring Garden Road; and
 - (iii) 16 metres along Spring Garden Road, for a total distance of 35 metres travelling northeast from Robie Street, however no portion of the 16 metre streetwall, along Spring Garden Road, shall be located between two towers;
- (k) building podium heights are limited to a maximum of:
 - (i) 13 metres facing East (Carlton Street), and
 - (ii) 16 metres facing South (College Street),
- (l) a minimum separation distance of 23 metres is provided between any tower portions of the building; and
- (m) that any proposed towers, located above the streetwall, not exceed a floor area of 750 square metres per floor.

Policy IM-44

In considering a development agreement under Policy IM-43 for the lands identified as Site A on Map 24, Council shall consider:

- (a) that a mix of residential unit types are provided;
- (b) that a landscaped buffer and fencing is provided along the east lot line or any property boundaries which abut a registered heritage property;
- (c) the provision of indoor and outdoor amenity space for on-site residents;
- (d) streetwall massing, external building design, building materials, design of at-grade residential units, front yard landscaping, outdoor storage, signage, and the planting of vegetation that complements any abutting registered heritage property in a manner that respects its heritage value;
- (e) the provision of parking within or under the proposed building;
- (f) the provision of appropriate changes in building size and massing, to create appropriate transitions to surrounding built forms;
- (g) that the proposed development is oriented toward Spring Garden Road and Robie Street and that the design complements a commercial streetscape, through the provision of commercial units with large, transparent windows and at-grade entrances opening onto the sidewalk;
- (h) that the design of driveways and garage entrances minimizes their impact on pedestrians and on the streetscape, by minimizing their size, by setting garage doors back from the street and by using screening or architectural finishes as appropriate;
- (i) environmental factors, including sun/shadow and wind conditions are suitable for the intended use of the site;
- (j) Policy CH-16 of the Regional Municipal Planning Strategy, which provides guidance for development abutting heritage properties, and all applicable heritage policies as may be amended from time to time;
- (k) that incentive or bonus zoning is provided in accordance with Part XV of the Land Use By-law; and
- (l) the general development agreement criteria set out in Policy IM-7 in Part 9 of this Plan.

(B) Development Agreement Policies for Site B

Policy IM-45

Subject to Policy IM-42, to enable comprehensive, unique, and site-specific development of Site B within the Spring Garden Road – Robie Street (SGRRS) Special Area, shown on Map 24, Council may consider mixed-use development proposals by development agreement that meet the following requirements:

- (a) that the proposal is a comprehensive plan for the development of all lands identified as Site B, including phasing of the development;
- (b) in accordance with the approval of substantial alterations granted by Council on January 29, 2019, the properties identified as 1452 Carlton Street, 1456 Carlton Street, 5969 College Street and 5963 College Street, shall be altered, relocated and registered, as proposed in the staff report dated November 9, 2018, titled *Case H00456: Substantial Alterations to municipally registered heritage properties at 5969 College Street and 1452 & 1456 Carlton Street, Halifax*;
- (c) that development located west of the Heritage Line as shown on Map 24 is limited to a maximum Floor Area Ratio of 8.0 and lot area(s) associated with 1452 Carlton Street and 1456 Carlton Street, or any lands located east of the Heritage Line, shall not be included as part of the total lot area calculation;

- (d) building height is limited to a maximum of 90 metres, excluding rooftop features;
- (e) that the development conforms with the Citadel Rampart Sight Line requirements;
- (f) that the proposed building podium is setback a minimum of:
 - (i) 6 metres from any registered heritage property or any property boundary facing East (Carlton Street), and
 - (ii) 1.5 metres from any streetline,
- (g) that the mixed-use development located above the streetwall or building podium, not including secondary elements such as balconies or window bays, is setback a minimum of:
 - (i) 6.5 metres from the edge of the building podium facing East (Carlton Street),
And
 - (ii) 4.5 metres from the edge of any streetwall,
- (h) that the mixed-use development located above the streetwall or building podium, not including secondary elements such as balconies or window bays, is setback a minimum of 11.5 metres from the north property line;
- (i) that a minimum separation distance of 23 metres is provided between any tower portion of the building;
- (j) that the floor area of any tower is limited to a maximum of 750 square metres per floor;
- (k) streetwall height is limited to a maximum of:
 - (i) 16 metres along Robie Street,
 - (ii) 13 metres along most of College Street, and
 - (iii) 16 metres along College Street, for a total distance of 18.5 metres travelling east from Robie Street, and
- (l) building podium heights are limited to a maximum of:
 - (i) 13 metres facing East (Carlton Street), and
 - (ii) 16 metres facing North (Spring Garden Road).

Policy IM-46

In considering a development agreement under Policy IM-45 for the lands identified as Site B on Map 24, Council shall consider:

- (a) that a mix of residential unit types are provided;
- (b) that a landscaped buffer and fencing is provided along the East lot line or any property boundaries which abut a registered heritage property;
- (c) sufficient indoor and outdoor amenity space is provided for on-site residents;
- (d) opportunities for ground floor commercial uses along Robie Street and College Street are provided with ground floor commercial uses along College Street located in close proximity (within 18.5 metres) to Robie Street;
- (e) opportunities for ground floor commercial uses along Robie Street and College Street are provided with ground floor commercial uses along College Street located in close proximity (within 18.5 metres) to Robie Street;
- (f) provision of underground parking within the building;
- (g) the provision of appropriate changes in building size and massing, to create appropriate transitions to surrounding built forms;
- (h) the design of at-grade residential units that balance residents' privacy with the desire for attractive and transparent streetwalls;

- (i) that the proposed development is oriented toward Robie Street and College Street;
- (j) that the design of ground floor commercial units along Robie Street and a portion of College Street complement a commercial streetscape, through the provision of commercial units with large, transparent windows and at-grade entrances opening onto the sidewalk;
- (k) that the design of driveways and garage entrances minimizes their impact on pedestrians and on the streetscape, by minimizing their size, by setting garage doors back from the street and by using screening or architectural finishes as appropriate;
- (l) environmental factors, including sun/shadow and wind conditions are suitable for in the intended use of the site;
- (m) Policy CH-16 of the Regional Municipal Planning Strategy, which provides guidance for development abutting heritage properties, and all applicable heritage policies as may be amended from time to time;
- (n) that incentive or bonus zoning is provided in accordance with Part XV of the Land Use By-law; and
- (o) the general development agreement criteria set out in Policy IM-7 in Part 9 of this Plan.

ATTACHMENT B IMAGES OF SIGNATURE ARCHITECTURAL PROJECTIONS



Figure 1: Signature architectural projections identified by red arrows



Figure 2: Signature architectural projections identified by red arrows



Figure 3: Signature architectural projections identified by red arrows

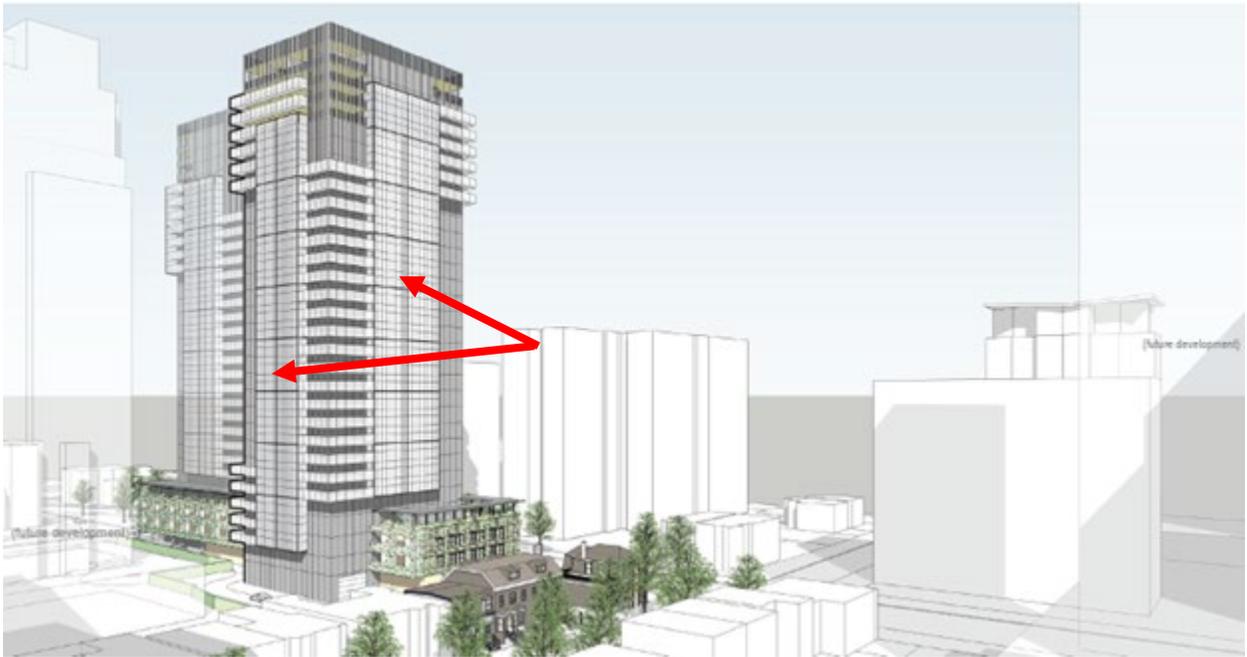


Figure 4: Signature architectural projections identified by red arrows



Figure 5: Signature architectural projections identified by red arrows

ATTACHMENT C
PROPOSED AMENDMENTS TO THE REGIONAL CENTRE SECONDARY MUNICIPAL
PLANNING STRATEGY

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Regional Centre Secondary Municipal Planning Strategy is hereby further amended as follows:

1. Clause (d) of Policy IM-43 is amended, as shown below in bold, by adding the words, brackets, letter, and comma “subject to Clause (o),” before the words “development of Site A”.

(d) **subject to Clause (o)**, development of Site A is limited to a maximum Floor Area Ratio of 8.0 and any lot area(s) containing registered heritage properties shall not be included as part of the total lot area calculation;

2. Clause (e) of Policy IM-43 is amended, as shown below in bold, by adding the period and words “. For additional clarity, a one-storey residential penthouse is considered a rooftop feature under Policy IM-43” after the words “excluding rooftop features” and before the semi-colon.

(e) building heights are limited to a maximum of 90 metres, excluding rooftop features. **For additional clarity, a one-storey residential penthouse is considered a rooftop feature under Policy IM-43;**

3. Clause (h) of Policy IM-43 is amended, as shown below in bold, by adding the commas and words “, signature architectural projections,” after the words “secondary elements such as balconies” and before the words “or window bays”.

(h) that the mixed-use development located above the streetwall or building podium, not including secondary elements such as balconies, **signature architectural projections**, or window bays, be located west of the Heritage Line, as identified on Map 24 and be setback a minimum of 11.5 metres from the edge of the building podium facing East (Carlton Street);

4. Clause (i) of Policy IM-43 is amended, as shown below in bold, by adding the commas and words “, signature architectural projections,” after the words “secondary elements such as balconies” and before the words “or window bays”.

(i) that the mixed-use development located above the streetwall or building podium, not including secondary elements such as balconies, **signature architectural projections**, or window bays, be setback a minimum of:

(i) 11.5 metres from the south property line, and

- (ii) 4.5 metres from the edge of any streetwall,
5. Clause (l) of Policy IM-43 is amended, as shown below in bold and strikeout, by:
- (a) adding the words, brackets, letter, and comma “subject to Clause (o),” before the words “a minimum separation distance”; and
 - (b) deleting the word “and” after the semi-colon.
- (l) **subject to Clause (o)**, a minimum separation distance of 23 metres is provided between any tower portions of the building; ~~and~~
6. Clause (m) of Policy IM-43 is amended, as shown below in bold and strikeout, by:
- (a) adding the words, brackets, letter, and comma “subject to Clause (o),” before the words “that any proposed towers”; and
 - (b) by deleting the period at the end of the sentence and replacing it with a semi-colon.
- (m) **subject to Clause (o)**, that any proposed towers, located above the streetwall, not exceed a floor area of 750 square metres per floor;
7. Policy IM-43 is amended, as shown below in bold, by adding two new clauses immediately below Clause (m).
- (n) **that a tolerance of two percent be allowed for maximum building heights, streetwall heights, and building podium heights; and**
 - (o) **the Floor Area Ratio set out in Clause (d), the minimum separation distance between any tower portions of the building set out in Clause (l), and the floor area per floor of any proposed towers located above the streetwall set out in Clause (m) may, for the purpose of permitting the additional floor area required to accommodate signature architectural projections only, be decreased and increased to the following minimum and maximum values:**
 - (i) **maximum Floor Area Ratio (FAR) of 9.1,**
 - (ii) **minimum separation distance between any tower portions of the building of 19 metres, and**
 - (iii) **maximum floor area per floor of any proposed towers located above the streetwall of 810 square metres per floor.**

For additional clarity, signature architectural projections , in the context of Policy IM-43, are glass curtain-wall cladded projections that span the height of multiple storeys.

8. Clause (k) of Policy IM-44 is amended, as shown below in ~~strikeout~~, by deleting the word “and” after the semi-colon.

(k) that incentive or bonus zoning is provided in accordance with Part XV of the Land Use By-law; ~~and~~

9. Clause (l) of Policy IM-44 is amended, as shown below in bold and ~~strikeout~~, by deleting the period and replacing it with a semi-colon and the word “and”.

(l) the general development agreement criteria set out in Policy IM-7 in Part 9 of this Plan; ~~;~~ **and**

10. Policy IM-44 is amended, as shown below in bold, by adding a new clause immediately below Cause (l).

(m) opportunities for collaboration with a development on the neighbouring site, identified as Site B on Map 24.

11. Clause (n) of Policy IM-46 is amended, as shown below in ~~strikeout~~, by deleting the word “and” after the semi-colon.

(n) that incentive or bonus zoning is provided in accordance with Part XV of the Land Use By-law; ~~and~~

12. Clause (o) of Policy IM-46 is amended, as shown below in bold and ~~strikeout~~, by deleting the period and replacing it with a semi-colon and the word “and”.

(o) the general development agreement criteria set out in Policy IM-7 in Part 9 of this Plan; ~~;~~ **and**

13. Policy IM-46 is amended, as shown below in bold, by adding a new clause immediately below Clause (o).

(p) opportunities for collaboration with a development on the neighbouring site, identified as Site A on Map 24.