

Appendix 2

Part of 1035 Sheppard Avenue West

BACKGROUND

The Property is located east of William R. Allen Road and south of Sheppard Avenue West. City Council has previously approved the transfer of another portion of 1035 Sheppard Avenue West to Build Toronto. The majority of the Property is utilized as a TTC commuter parking lot for a 10 year period that commenced in 2004, as permitted by Property Management Committee. As the parking was established on an interim basis prior to the development of the Property, and will be permitted to continue to the end of the term of the arrangement approved by the Property Management Committee, it is not necessary to replace the revenue from parking.

DETAILS OF PROPERTY

Legal Description: Part of Lots 14 and 15, Concession 2, West of Yonge Street designated as Parts 2 and 3 on Plan 66R-24644, City of Toronto (the “Property”) and shown as Parts 4 & 5 on Sketch No. PS-2005-147a (“the Sketch”)

Approximate Site Area: 125,527 m² (6.55 ac)

TERMS AND CONDITIONS OF TRANSFER

1. Build Toronto will address the affordable housing interest in this Property subject to the terms of a general agreement to be entered into by Build Toronto and the Deputy City Manager responsible for the Affordable Housing Office in respect of the delivery of affordable housing by Build Toronto, including number of units, locations, and financial arrangements, satisfactory to the Deputy City Manager responsible for the Affordable Housing Office.
2. The TTC will be permitted to continue to operate a commuter parking lot on the Property until December 31, 2014 or such earlier date as the TTC determines, and the revenue and costs of the TTC’s parking operation on the Property will be for the account of the TTC until such date.
3. Build Toronto will consider the continued use of a commuter parking lot on the Property after January 1, 2015, if by that time Build Toronto is not ready to proceed with development and has not secured a building permit for the Property, provided that the revenue and costs of the parking operation will be to the account of Build Toronto.
4. If Build Toronto requires the Property for development prior to January 1, 2015, Build Toronto will provide replacement parking or replacement revenue for the displaced parking to the TTC until December 31, 2014, or make other arrangements to the satisfaction of the TTC and Build Toronto.

5. Title to the Property will be subject to existing interests and to such easements or other interests as are required for existing and future utility installations and municipal services on the Property, including, but not limited to:
 - a. a warning clause, including a release from claims for damages, to be registered on title to that part of the Property within 60 metres of TTC facilities, and to be included in any agreement of purchase and sale or lease in respect thereof, advising of the effects of noise, vibration, airborne contaminants, air movement, electromagnetic interference, stray current transmissions and noise exposure due to the proximity of the Downsview Subway and related transit facilities, which acknowledgment and release shall be binding on successors and assigns;
 - b. restrictive covenants registered as TB433886 and TB433886Z that limit the use of the Property and restrict the height of any structures to be erected on the Property;
 - c. agreements registered as NY377189 and NY488285;
 - d. Notice of Pearson Airport Zoning Regulation registered as TR57844.

6. Build Toronto acknowledges:
 - a. the Property is subject to the Downsview Secondary Plan which is currently being reviewed and the final policies may not be finalized prior to the transfer of the Property;
 - b. the William R. Allen Road that abuts Parts 4 & 5 on the Sketch has not been dedicated as a public highway;
 - c. an obligation to accommodate the requirements of the Toronto York Spadina Subway Extension.

7. Build Toronto will develop the Property in accordance with the following general principles:
 - a. Build Toronto will develop the Property in accordance with the Community Plan adopted by the former City of North York and successor Official Plan amendments, and agrees that any variance from that plan will require referral to Community Council for a public hearing. Build Toronto acknowledges that it is intended that the Property be developed primarily as fully-serviced, pre-zoned lands. Build Toronto will undertake a community consultation process regarding its proposed development plans;

- b. Build Toronto will assume and be responsible for any expense or cost incurred relating to the development of the Property including, but not limited to, the cost, if any, of obtaining releases of any development restrictions on title;
- c. Build Toronto will invest in the Property through the development process, and will, to the extent it is reasonable to do so in the circumstances, service and pre-zone the Property, generally in conformity with the Community Plan, so that it can be disposed of at enhanced values;
- d. the Property will be developed in phases, integrated with Parts 2, 3, 7 and 9 on the Sketch, which have also been transferred to Build Toronto;
- e. Build Toronto's net profits on the disposition of the first phase of the development will generally be invested in subsequent phases of the development, including servicing;
- f. Build Toronto will adopt a "master-plan" approach to the development of the Property, and will consult with TTC and Parks, Forestry and Recreation to accommodate their requirements in Build Toronto's broader planning initiative;
- g. any change in use or any improvement or structure to be built on any portion of the Property within sixty (60) metres of the TTC's facilities is subject to TTC approval as to engineering, design and manner of construction, and that the change in use, improvement or structure will not be permitted if it may have an adverse effect on the safety and operation of the transit facilities;
- h. the Property will be developed primarily as fully-serviced, pre-zoned lands;
- i. Build Toronto will consult with Enwave and Toronto Hydro and report to the Policy and Finance Committee on opportunities to facilitate district heating, district cooling and/or co-generation on the Property;
- j. By its adoption of Clause 14 of Report 7 of the North York Community Council on June 7, 8 and 9, 2000, Council approved the Allen/Sheppard Urban Design and Development Framework Study and directed that in the development of the lands specified therein, including the Property:
 - (a) the Commissioner, Urban Development Services, be directed to co-ordinate plans for water, sewer, transportation and community services plans to facilitate the development of the properties identified in the Allen/Sheppard Urban Design and Development Framework Study;
 - (b) City Council confirm its intentions to pre-zone the City-owned lands in the south-east quadrant and sell off these lands as a pre-zoned property; and

- (c) City Council pursue the matter of a design competition for the development of the City-owned lands and the Commissioner, Urban Development Services, submit a report to Council on a timetable and process for reviewing the necessary plans for such a competition. (collectively, the “Development Directives”)

On August 1, 2, 3 and 4, 2000, Council adopted Clause 27 of Report 9 of the North York Community Council, amending the Downsview Area Secondary Plan, and approving, inter alia, Recommendation 2 (the “Fibre Optic Condition”), which would apply to future residential and non-residential development on the Property. The Fibre Optic Condition would require the installation of City-owned ducts for fibre optic cable in public roads and the connection of each building in the development to the municipal duct system.

Build Toronto agrees to implement the Development Directives and Fibre Optic Condition to the extent it is reasonable to do so in the context of the development of the Property by Build Toronto

1035 SHEPPARD AVE WEST PARTS 4 & 5 – WARD 10

