

April 3, 2018

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Communication
COUNCIL: <u>Apr 11/18</u>
<u>CW/PA</u> Rpt. No. <u>15</u> Item <u>1</u>

VIA EMAIL - clerks@vaughan.ca

Mario Ferri
Deputy Mayor
Local and Regional Councillor
Committee of the Whole
Vaughan Civic Centre
2141 Major Mackenzie Rd
Vaughan, ON L6A 1T1

Chair and Members of Council:

Re: Committee of the Whole Public Meeting April 4, 2018
Re: Rutherford - Caldari Plan of Subdivision File 19T-18V001 - 2901 Rutherford Road
The Vaughan Mills Centre Secondary Plan

Please be advised that we are the solicitors for Canadian National Railway ("CN") on this matter.

Our client owns and operates the MacMillan Classification Yard (the "Yard") located east of Jane Street nearby the eastern edge of the proposed Plan. The Yard comprises about 1,000 acres and is about three times the size of the total proposed Vaughan Mills Center Secondary Plan Planning Area.

CN employs 1,500 people at this location and has, over the last fifty years, attracted numerous other industries to the employment lands that have developed around the Yard in the heart of Vaughan. The Yard is one of the most important transportation terminals in Canada and North America.

This yard was developed in response to constraints on expansion of CN's facilities in the City of Toronto. In response to mounting political pressure to relocate a majority of those freight operations outside of Toronto and the movement of new industries to suburban locations, CN commenced planning in the late 1950's for the ultimate relocation of its rail

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classification freight yard activities from central Toronto locations to a northern location outside of urban development in what was then a rural area.

The MacMillan Yard was ultimately constructed and opened in the 1960's. The amount of land acquired and the facilities that it can accommodate were designed to ensure sufficient capacities for CN's freight operations into the distant future.

When the MacMillan Rail Yard was designed, the pull back track which runs north of the yard beyond Rutherford Road was designed so that it went directly northbound in the direction of the then rural community of Maple.

As a result of objections by Maple residents, CN redesigned the yard and its pull back track to a less efficient configuration such that the pull back track went north of Rutherford Road and then curved west toward Jane Street where it terminates.

Over the last twenty-three years, there have been considerable residential encroachments permitted by the City adjacent to Yard. Initially in the 1980's residential development was allowed to the north of the yard's pull back track at a distance of 150 metres. This community generated a number of complaints for CN and Vaughan given the twenty-four hour noise generated by the Yard.

Subsequent to that the Villa Giardino residential condominium development was approved by Vaughan in 1999 and then for the first time, south of the yard's pull back track north of Rutherford Road high rise residential development was permitted by the OMB in 2004 after a lengthy hearing over the objections of the City of Vaughan and CN Rail.

CN has an outstanding appeal to the Vaughan Mills Centre Secondary Plan as it applies to the lands that are the subject of this draft plan of subdivision application at the south east corner Rutherford Road Jane Street. CN has unsuccessfully attempted to negotiate policies for the VM CSP as it affects these lands to ensure the appropriate implementation and maintenance of noise mitigation measures if the lands are feasible for residential development.

The draft plan of subdivision proposes mixed use high-rise, with a substantial portion being contemplated as residential condominium towers for the lands east of Jane Street and south of Rutherford Road. This area is within the noise influence area of the Yard and within the original setback zone established by the Township of Vaughan established to protect residential areas from excessive noise.

Most importantly the easterly portion of the Rutherford/Caldari subdivision will, if approved be the closest residential uses in the City of Vaughan to the "Big Hump" in the Yard. CN is very concerned by the introduction of residential and other sensitive land uses to the northwest of its yard in such close proximity to the Big Hump. This area of the Yard is the loudest stationary noise source existing in the Yard.

At this point in time CN has concerns about the acoustical environment in the proposed plan of subdivision. Technical analysis on similar projects leads us to believe that the future residents may face noise issues in their homes. This could be unhealthy for the residents and could threaten the continued successful operation of the MacMillan Classification Yard. The Yard is an integral part of the local, regional, national and international economy. Affordable rail transportation is a key part of the York regional economy.

CN is opposed to the proposed draft plan of subdivision at this time.

Kindly provide the author with written notice of any further meetings and/or decisions by Council or its Committees in respect of this matter and provide the author with Notice of Approval of any Draft Plan of Subdivision Approval.

We would request copies of the Minutes of the Committee of the Whole and Council meetings addressing this matter.

Kindly acknowledge receipt of this letter in writing.

Yours very truly,



A. Milliken Heisey, Q.C.

AMH/lg

cc: *Susanne Glenn-Rigny, RPP, OUQ, MCIP
Senior Officer, Community Planning and Development
Canadian National Railway*

Steve Zakem, solicitor for Granite Real Estate

Quinto Annibale, Solicitor for Rutherford/Caldari

Councillor Sandra Yeung Racco, Ward 4