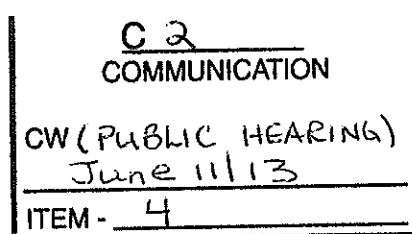


June 7, 2013

Councillor Rosanna de Francesca and Members of the Committee of the Whole
Vaughan City Hall
2141 Major Mackenzie Drive
Vaughan, Ontario
L6A 1T1

Attention: Rose Magnifico

rose.magnifico@vaughan.ca



Chair de Francesca and Members of the Committee:

RE: Draft Vaughan Mills Centre Secondary Plan - City File 26.1 (the "Plan")
Re: Meeting of the Committee of Whole June 11, 2013

Please be advised that we are the solicitors for Canadian National Railway ("CNR"). 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 1000 acres and is about three times the size of the total proposed Vaughan Mills Center Secondary Plan Planning Area.

CNR employs 1500 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

CNR was invited by the City of Vaughan to participate as a member of the Technical Advisory Committee for the Study leading up to the preparation of this draft amendment as a member representative of a relevant agency or stakeholder, along with City staff, and participants from MTO, TRCA, Metrolinx, and York Region. The City invited CNR's participation out of recognition of the large influence area of the Yard's operation and the Yard's significant role in the Regional, Provincial and National economy. CNR attended and actively participated throughout the study process.

CNR has the following comments

1. AMENDMENT AREA IS INAPPROPRIATE

CNR states that the inclusion of the lands east of Jane Street and south of Rutherford Road and north of Riverrock Gate in the Study Area and the proposed Secondary Plan Planning Area has been done with no planning rationale or analysis to support the inclusion of these lands in the Amendment Area.

It is our belief that Vaughan Planning Staff does not support this decision as Staff's original recommendation did not include any lands east of Jane Street within the original Study Area.

2. PROPOSED DESIGNATION OF LANDS EAST OF JANE STREET AS HIGH-RISE MIXED USE IS BAD PLANNING

The current version of the proposed Secondary Plan calls for mixed use high-rise, with a substantial portion being contemplated as residential condominium towers of up to 22 storeys 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.

These lands were originally designated as "Commercial Mixed Use" but have been subsequently proposed to be redesignated by Vaughan City Council (as of June 2012), as "High-Rise Mixed Use". There has not been any analysis as to the land use compatibility between the new proposed high-density residential uses and the existing uses of the employment area abutting to the south and east, including the Yard. It is our belief that both York Region and Vaughan Planning Staff do not support this decision to designate these lands as High-Rise Mixed Use.

Our client believes that, should high rise residential developments be permitted in the area east of Jane Street and south of Rutherford Road many of the new residents will be exposed to noise levels from the Yard and the adjoining industrial area that are not consistent with the standards for industrial noise levels established by the Ontario Ministry of the Environment Guidelines and the City of Vaughan Noise Bylaw.

CNR as a railway is exempt from the provisions of the Vaughan Noise Bylaw and the Ontario Environmental Protection Act.

Additionally, CNR believes that traffic infiltration from this proposed residential area into the employment lands may lead to conflicts with industrial traffic and in particular tractor trailers.

3. HIGH RISE MIXED USE LANDS WEST OF JANE STREET REQUIRES ACOUSTICAL FEASIBILITY

CNR is also concerned about designations of the lands proposed along the western frontage of Jane Street and the proposed maximum height limit of 22 storeys.

Noise from the Yard carries long distances at higher building elevations. This western frontage is currently proposed to be designated by the Secondary Plan, in part, as High-Rise Mixed Use.

Our client submits that stationary and impulse noise emanating from the Yard and the industries to the east of Jane Street, which at ground level will likely be within satisfactory limits, might be at unacceptable levels at higher floors on building facades facing industrial and Yard noise sources.

It is currently not known at what elevation stationary and impulse noise from the Yard and industry could become an issue. It would be prudent, prior to approving the proposed Amendment, for the City to conduct an acoustical feasibility study to determine what stationary noise levels will be expected at what height and on what building facades.

The response to high noise levels at higher building elevations may a requirement that facades of buildings facing the Yard are non-sensitive commercial land uses.

4. HISTORY OF RESIDENTIAL ENCROACHMENTS ON THE MACMILLAN YARD

Over the last twenty years, there have been considerable residential encroachments permitted adjacent to the MacMillan 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 MacMillan 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 is very concerned by the possible introduction of residential and other sensitive land uses to the northwest of its yard, south of Rutherford Road and east of Jane Street.

5. THE 2005 PROVINCIAL POLICY STATEMENT

CN would refer Vaughan Council to the 2005 Provincial Policy Statement issued under the Planning Act and in particular section 1.6.6 of that policy.

Transportation and Infrastructure Corridors

1.6.6.1 Planning authorities shall plan for and protect corridors and rights-of-way for transportation, transit and *infrastructure* facilities to meet current and projected needs.

1.6.6.2 Planning authorities shall not permit *development* in *planned corridors* that could preclude or negatively affect the use of the corridor for the purpose(s) for which it was identified.

The Macmillan Classification Yard is one of the most important transportation terminals in Canada and its continued successful and efficient operation is important to the economies of Vaughan, York Region and the North American in making rail an affordable transportation option.

Kindly provide the author with written notice of adoption of an Official Plan Amendment and notice of any further meetings and/or decisions by Council or its Committee in respect of this matter.

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

Kindly acknowledge receipt of this letter in writing.

Please list the author as a deputant to this item.

Yours very truly,



A. MILLIKEN HEISEY Q.C.

AMH/rm

cc: Canadian National Railway

Steve Zakem, solicitor for Granite Real Estate
(Formerly M1 Developments Inc.)

Michael Melling, Solicitor for Tesmar

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