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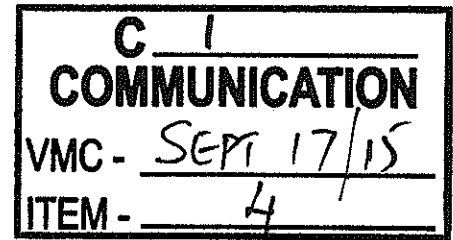
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September 16, 2015

VIA EMAIL: [clerks@vaughan.ca](mailto:clerks@vaughan.ca)

Vaughan Mills Centre Secondary Plan Sub-Committee  
City Hall  
Level 200  
2141 Major Mackenzie Drive  
Vaughan, Ontario  
L6A 1T1



Dear Sirs,

**Re: Vaughan Metropolitan Centre Secondary Plan**

**Re: Meeting Thursday, September 17, 2015 at 2:30pm in Committee Room 242/243**

Please be advised that we are the solicitors for Canadian National Railway ("CN"). Our client owns and operates the MacMillan Classification Yard (the "Yard") located east of Jane Street to the north and east of the proposed Amendment Area of the Vaughan Metropolitan Centre Secondary Plan.

The Yard comprises about 1000 acres and CN employs 1500 people at this location. Over the last fifty years, the Yard 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.

We are writing to express our client's concerns with respect to the current draft of the above referenced Secondary Plan which does not incorporate the changes sought to the proposed Secondary Plan by CN.

Specifically CN objects to the current wording of, inter alia, sections 3.3, 4.1.4, 4.3.8, 8.1.17, 8.1.18, 8.5.3, 10.1.2, 10.1.3 and 10.6.2 of the Amendment as currently drafted which do not adequately identify the Yard or support and protect the function and transportation needs of the employment area to the north and east of the Amendment area or the Yard.

It is our client's view that the amendment as currently drafted is not consistent with the Provincial Policy Statement 2014 or the Growth Plan for the Greater Golden Horseshoe.

Attached please find the policies as amended that CN is seeking.

Standard Life Centre, Suite 510, 121 King St. W., P.O. Box 105, Toronto, ON M5H 3T9

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Please acknowledge receipt of this letter in writing and provide the author with notice of any future meetings held to consider this Amendment.

Yours very truly,



A. Milliken Heisey, Q.C.  
AMH/cmb

Enclosure

cc: Canadian National Railway  
policyplanning@vaughan.ca

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## CN Rail Comments on the VMC Draft Plan (July 2015)

### 3.0 Objectives

3.3 In time, the VMC should fulfill the role of a central business district containing a range of employment types, including corporate and government offices, industrial uses, retail and services, businesses of all sizes and a variety of employment types. Offices for departments of the Federal, Provincial, Regional and municipal governments should be encouraged to locate in the VMC. Preservation of the integrity of MacMillan Yard operations should be encouraged in order to preserve the associated operations and industries, existing and future, as a significant employment hub east of Jane Street. To ensure housing is complemented by employment uses, office space should be included in the initial phases of intensification. The industrial and highway surroundings also create the opportunity to accommodate a mix of innovative businesses with varying space requirements, as well as create an adequate buffer from sensitive land uses. The City should phase development approvals to ensure that buildings/structures of non-sensitive uses are constructed to ensure full shielding of new sensitive land uses from industrial noise and other emissions.

### 4.0 Streets and Transportation

4.1.4 The City may require with applications for development, the submission of a traffic impact study and pedestrian and bicycle circulation plan that assess the impacts of the proposal on the street network, while also considering the impacts on existing and future truck routes that support industrial uses, and how it facilitates access and circulation by transit users, cyclists and pedestrians.

4.3.8 The Crediton-Portage-Applewood Bypass will help to mitigate through-traffic on Highway 7 and Jane Street. However, to realize the long-term plan for these streets, additional transportation improvements and strategies beyond the VMC will need to be planned and implemented over time. The City will work with the Region of York, the Ministry of Transportation and other major industrial employers, such as CN Rail, on other measures aimed at significantly reducing truck traffic and other through-traffic in the VMC. The planning and implementation of these measures should support the VMC's existing uses of industrial nature. The measures may include new streets and other network improvements beyond the VMC. The City will seek to create dedicated trucking lanes to safely separate incompatible modes of transit.

### 8.0 Land Use, Density and Built Form

8.1.17 A setback of 14 metres will apply to all future developments that occur adjacent to the Ministry of Transportation right-of-way in accordance with Ministry policy and will be measured from the highway property line. If the Ministry of Transportation, based on a valid and documented technical rationale, determines that a setback of 14 metres is not required in a specific location, the Ministry may identify an alternate setback in writing to the City of Vaughan. This policy is not meant to detract from the process of obtaining necessary Ministry of Transportation permits prior to the commencement of construction. As well as a minimum setback of 500 metres of all sensitive uses, including residential, should apply to all future developments within the VMC from the property limits of MacMillan Yard.

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8.1.18 Proposed residential and other sensitive land uses close to existing industrial uses shall demonstrate compatibility and, where necessary, mitigate the impact of the existing use in terms of noise, vibration, air quality, lighting, overlook and traffic generation, in accordance with all Provincial and municipal guidelines and in consultation with CN where applicable (in reference to developments within 1000 metres of MacMillan Yard, and within 300 metres of all other railway operations).

8.1.19 Further to Policy 8.1.18, the development of residential and other noise sensitive land uses shall have regard for potential noise and vibration impacts from industry and other existing uses and major streets within and in proximity to the VMC. Applications for residential development and other noise sensitive land uses shall include a noise and vibration study to the satisfaction of CN Rail where applicable and to the satisfaction of the City in accordance with Ministry of Environment guidelines. The City will require that developers enter into an agreement with CN Rail to ensure that concerns of noise and vibration, safety, land use compatibility are addressed on applications that are relevant to CN Rail operations. ~~in accordance with Ministry of Environment guidelines. The noise and vibration study shall~~ to identify any appropriate measures to mitigate adverse impacts from the source of noise and vibration as well as to ensure noise compliance for adjacent regulated industries is maintained. Should the findings of the noise and vibration study indicate difficulties in meeting the applicable sound level limits for the relevant acoustic professional, Vaughan Council may, at their discretion and by resolution, grant a Class 4 designation for a site or area will be implemented by way of zoning by-law, draft plan of subdivision and/or site plan, in accordance with the Ministry of the Environment guidelines and City policy, provided that this Class 4 designation does not impact industries current and future ability to obtain an Environmental Certification of Approval from the Ministry of Environment.

~~8.1.23 The City acknowledges the long term potential for the VMC to expand east and north beyond the boundaries identified in Schedule A as the population targets and land use objectives of this plan are achieved. Such expansions will require a review of land use policies for the affected areas, in the context of an Official Plan Review.~~

8.1.23 The City recognizes that certain uses authorized in the VMC are inherently incompatible in proximity to existing industry. Therefore, the City acknowledges that expansion beyond the eastern boundary of the VMC should not be permitted. The eastern boundary identified in Schedule A should be implemented as the furthest possible extremity for development of non-industrial uses due to proximity of the proposed boundary to MacMillan Yard.

8.5.3 Recognizing the close proximity of Highway 400/existing industrial uses to the planned residential areas reflected in the cross-hatched portions of Neighbourhood Precincts N1 and N4 on Schedule F, office uses and ancillary commercial as outlines in 8.6.1 will be permitted as an alternative to residential uses in these areas for the purposes of establishing a shielding of non-sensitive land uses from sensitive land uses. The cross-hatched portions indicated in Schedule F should cover all lands east of Jane Street.

## 10.0 Implementation

10.1.2 The City shall work cooperatively with the Region of York, the Toronto and Region Conservation Authority and the relevant transit providers, in consultation with landowners, the public and developers,

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CN Rail, and major industrial employers to facilitate and coordinate implementation of public and private development in the VMC, in accordance with this plan, while supporting existing and future industrial uses.

10.1.3 To attract development, business and people to the VMC, the City shall:

- actively promote the VMC to the Federal, Provincial and Regional governments as an appropriate location for government offices;
- prepare an Economic Development and Marketing Plan for the VMC to promote office, institutional, educational and other development;
- maintain and support existing industrial uses, to preserve the VMC as a vital employment zone with a variety of employment types.
- work with landowners and developers to facilitate the development of office space for public agencies and private tenants.

10.6.2 To ensure orderly development of the VMC, and to ensure the most efficient and economical use of existing and planned infrastructure, justification shall be required with a development application to demonstrate, as it relates specifically to the development proposal, to the satisfaction of the City that:

- a. Capital costs associated with the infrastructure and community facilities required for the development shall not adversely affect the City's budget.
- b. Transportation requirements, including transit and cycling facilities, both internal and external to the city block will be provided and / or available within an acceptable time frame.
- c. Local and regional water and sanitary sewer trunk services will be provided to the city block.
- d. Water and sewer allocation capacity shall be identified by York Region and allocated to the City.
- e. Adequate school capacity has been confirmed by the school boards including provision of school sites, as required, or such other alternative solution has been agreed upon with the school boards.
- f. Park and community facilities shall be developed within a time frame acceptable to the City.
- g. Existing and future industrial uses are acknowledged by the City as a vital source of employment.
- h. All development in proximity to industrial uses will demonstrate thorough land use compatibility.