

ATTACHMENT 7B

From: Saadia Jamil <Saadia.Jamil@cn.ca> **On Behalf Of** Proximity
Sent: Friday, October 14, 2022 3:25 PM
To: Nicholas Del Prete <Nicholas.DelPrete@vaughan.ca>
Subject: [External] 2022-10-14_CN Comments_8960 Jane Street, Vaughan ON

Hi Nicholas,

Thank you for circulating CN on the subject application. The subject site is located in proximity to the CN Mac Yard. It should be noted that CN has concerns of developing/densifying sensitive uses in proximity to our railway right-of-way. Development of sensitive uses in proximity to railway operations cultivates an environment in which land use incompatibility issues are exacerbated.

Please refer to CN's guidelines below for the development of sensitive uses in proximity to railways. CN's guidelines reinforce the safety and well-being of any existing and future occupants of the area. CN urges the municipality pursue the implementation of the criterion as conditions of an eventual project approval. These policies have been developed by the Railway Association of Canada and the Federation of Canadian Municipalities. Please visit <http://www.proximityissues.ca> for more information.

1. The Owner shall engage a consultant to undertake an analysis of noise. Subject to the review of the noise report, the Railway may consider other measures recommended by an approved Noise Consultant.
2. The following clause should be inserted in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of each dwelling unit within 300m of the railway right-of-way: "Warning: Canadian National Railway Company or its assigns or successors in interest has or have a rights-of-way within 1,000 meters from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CN will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way."

3. The Owner shall through restrictive covenants to be registered on title and all agreements of purchase and sale or lease provide notice to the public that any mitigation measures implemented are not to be tampered with or altered and further that the Owner shall have sole responsibility for and shall maintain these measures to the satisfaction of CN.
4. The Owner shall enter into an Agreement with CN stipulating how CN's concerns will be resolved and will pay CN's reasonable costs in preparing and negotiating the agreement.
5. The Owner shall be required to grant CN an environmental easement for operational noise and vibration emissions, registered against the subject property in favour of CN.

CN anticipates the opportunity to review a noise report for the subject site.

Please keep us apprised on any updates on the project.

Sincerely,

Saadia Jamil

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