

**CITY OF VAUGHAN**

**EXTRACT FROM COUNCIL MEETING MINUTES OF SEPTEMBER 25, 2012**

Item 21, Report No. 33, of the Committee of the Whole, which was adopted, as amended, by the Council of the City of Vaughan on September 25, 2012, as follows:

***By approving the recommendation of the Commissioner of Planning, dated September 4, 2012; and***

***By receiving Communication C13, from the Commissioner of Planning, dated September 20, 2012.***

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**SITE DEVELOPMENT FILE DA.12.036  
CANADIAN NATIONAL RAILWAY COMPANY  
WARD 4 - VICINITY OF JANE STREET AND REGIONAL ROAD 7**

The Committee of the Whole recommends:

- 1) That consideration of this matter be deferred to the Council meeting of September 25, 2012;
- 2) That the deputation of Mr. David Hahn, Turris, Todd Road, Georgetown, be received; and
- 3) That the coloured elevation drawings submitted by the applicant be received.

**Recommendation**

The Commissioner of Planning recommends:

1. THAT Site Development File DA.12.036 (Canadian National Railway Company) BE APPROVED, for the installation of a 45m high monopole-telecommunication tower and associated radio equipment cabinets (Attachments #3, #4 and #5) on the subject lands shown on Attachments #1 and #2.

**Contribution to Sustainability**

N/A

**Economic Impact**

There are no requirements for new funding associated with this report.

**Communications Plan**

N/A

**Purpose**

The Proponent (Public Mobile) has submitted Site Development File DA.12.036 on the subject lands shown on Attachments #1 and #2 for the installation of a 45m high monopole-telecommunication tower and associated radio equipment cabinets as shown on Attachments #3, #4, and #5.

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#### **Background - Analysis and Options**

##### Location

The subject lands shown on Attachments #1 and #2 are located southeast of Jane Street and Regional Road 7, within the CNR MacMillan Yard, accessed from Freshway Drive. The subject lands are located within an existing industrial area and are approximately 1,120m from the nearest residential area, as shown on Attachment #2.

##### City of Vaughan's Telecommunication Tower/Antenna Protocol

On June 23, 2003, the City of Vaughan adopted a protocol for establishing telecommunication tower/antenna facilities. In accordance with the City's Protocol, all new tower/antenna systems greater than 16.6m in height (now 15m as superseded by Industry Canada's Protocol, January 2008) require consideration by Vaughan Council. The proposed 45m high telecommunication tower exceeds the 15m maximum exemption height and is subject to site plan approval.

The City's Protocol states that if a telecommunication tower/antenna facility is proposed in an industrial area and located a minimum of 100m away from a residential area, the proponent is not required to notify the public and is exempt from the public consultation requirements. The proposed telecommunication tower is located in an industrial area and is approximately 1,120m from existing residential uses, as shown on Attachment #2. Therefore, the application is not subject to the City's public consultation process.

In accordance with the Protocol, the Proponent had a Pre-Application Consultation meeting with the Vaughan Development Planning Department and submitted the subject application. The Proponent conducted a survey of the surrounding area and determined that there were no existing facilities suitable for co-location within the vicinity network coverage.

On June 7, 2011, Vaughan Council resolved to appoint a Telecommunication Facility Task Force comprised of residents and industry representatives to review the City of Vaughan's existing protocol for establishing Telecommunication Tower/Antenna Facilities. The Telecommunication Task Force is currently conducting a background review and consulting key stakeholders, prior to preparing a Findings Report that will support the development of a new City of Vaughan Telecommunication Facility Siting Protocol. On June 7, 2011, Council also resolved:

"THAT Site Development Applications for new telecommunication facilities submitted prior to approval of a new City protocol be reviewed under the current City of Vaughan Protocol for Establishing Telecommunication Towers/Antenna Facilities."

##### Official Plan and Zoning

The subject lands are designated "Rail Facilities" by in-effect OPA #450 (Employment Area Plan). The subject lands are also designated "General Employment" by the City of Vaughan Official Plan 2010 (VOP 2010), which was adopted by Vaughan Council on September 7, 2010 (modified on September 27, 2011, March 12, 2012 and April 17, 2012), and is subject to approval by the Ontario Municipal Board. The proposal conforms to the Official Plans.

The subject lands are zoned EM4 Employment Area Transportation Zone by Zoning By-law 1-88. The *Radiocommunication Act* designates Industry Canada as the approval authority for all matters respecting telecommunication towers and antenna facilities. Federal regulations are not subject to Provincial policies, which include the *Planning Act* and *Building Code Act*. As such, telecommunication towers and antenna facilities are exempt from municipal zoning by-law requirements and site plan control (i.e. no implementing Site Plan Agreement or Letter of Undertaking).

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##### **Planning Considerations**

The proposed 60m<sup>2</sup> equipment compound is located within the CNR MacMillan Yard, as shown on Attachments #1 and #2. The compound is enclosed by a 2.1m high chain link fence with barbed wire, and accessed via an existing right-of-way located on the subject lands from Freshway Drive (Attachment #3). The compound includes a 45m high telecommunication tower and associated radio equipment cabinets, as shown on Attachments #4 and #5.

According to the Proponent, the proposed telecommunication tower is required to address existing network and coverage issues along Highway #407, Keele Street and Steeles Avenue. The proposed tower is a galvanized monopole which will be painted grey. A total of three (3) accessory radio equipment cabinets situated on concrete pads are proposed: a Public Mobile cabinet measuring 2.55m x 1.83m; a Wind Mobile cabinet measuring 2.0m x 3.0m; and a future cabinet for co-location with measurements to be determined. All hydro requirements to service the equipment cabinets for the telecommunications tower must be met to the satisfaction of PowerStream Inc.

The location of the proposed equipment compound was chosen to provide appropriate access through the existing CNR right-of-way and to maintain an appropriate setback from Highway #407 (Attachments #3 and #4). The proposed compound is setback 30.46m from the existing bridge wall of Highway #407, as shown on Attachment #3. The proposed compound is 12.82m from the Ministry of Transportation (MTO) projected property line, as shown on Attachment #4. MTO has indicated that they are satisfied with the 12.82m setback for the compound, provided that the telecommunication tower base and compound access maintain a 14.0m setback from the projected property line. The base of the proposed telecommunication tower and access to the proposed compound are setback greater than 14.0m from the projected property line, as shown on Attachment #4. The Development Planning Department has no objection to the proposed layout and location of the compound and telecommunication tower.

##### **Relationship to Vaughan Vision 2020/Strategic Plan**

This staff report is consistent with the priorities set forth in Vaughan Vision 2020, particularly "Plan & Manage Growth & Economic Well-being".

##### **Regional Implications**

On April 23, 2009, the Region of York adopted Industry Canada's Protocol (CPC-2-0-03) to reduce redundancies and permit a more efficient and consistent approach for regulating telecommunication facilities, while providing an opportunity for local municipalities to determine individual procedures and protocols. The proposed compound area and telecommunication tower conforms to the Region of York's adopted Protocol.

##### **Conclusion**

The Vaughan Development Planning Department has reviewed the proposal for a 45m high telecommunication tower and associated radio equipment cabinets in accordance with the Official Plan, Zoning By-law 1-88, the City of Vaughan's Protocol for Establishing Telecommunication Tower/Antenna Facilities, and Industry Canada's Protocol for Radiocommunication and Broadcasting Antenna Systems. The installation of the tower and accessory radio equipment is considered acceptable. Accordingly, the Development Planning Department can support the approval of Site Development File DA.12.036.

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**Attachments**

1. Context Location Map
2. Location Map
3. Site Plan
4. Compound Plan
5. Tower Elevation

**Report prepared by:**

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/CM

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)