

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JANUARY 20, 2015

Item 13, Report No. 2, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on January 20, 2015.

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**SITE DEVELOPMENT FILE DA.14.005
ROMDOR DEVELOPMENTS INC. C/O CONDOR PROPERTIES
WARD 4 - VICINITY OF BATHURST STREET AND ILAN RAMON BOULEVARD
(Referred)**

The Committee of the Whole recommends:

- 1) That the recommendation contained in the report of the Commissioner of Planning, Interim Director of Planning/Director of Development Planning and Manager of Development Planning, dated September 2, 2014, be approved, subject to the following, as outlined in Communication C1 from the Commissioner of Planning, dated December 18, 2014:**
 - 1. That Recommendation #1 and Attachments #3 and #4, be deleted and replaced with the following:**
 - "1. That Site Development File DA.14.005 (Romdor Developments Inc. c/o Condor Properties) BE APPROVED, to permit the installation of a 30 m high monopole telecommunication tower, together with 1.8 m high coniferous landscaping and iron fencing surrounding the associated compound for the radio equipment cabinets for Bell Mobility Inc., on the subject lands shown on Attachments #1 and #2, in accordance with revised Attachments #3 and #4 attached to this Communication and Attachments #5 and #6 in the staff report;" and**
- 2) That the coloured elevation drawings submitted by the applicant be received.**

Council, at its meeting of September 9, 2014, adopted the following recommendation (Item 16, Report No. 36):

By approving that this matter be deferred to a future Committee of the Whole meeting in accordance with the request from Bell Mobility, contained in Communication C23 from Shehryar Khan, Fontur International Ltd., dated September 8, 2014.

Recommendation of the Committee of the Whole meeting of September 2, 2014:

The Committee of the Whole recommends:

- 1) That Site Development File DA.14.005 (Romdor Developments Inc. c/o Condor Properties) to permit the installation of a 35 m high monopole telecommunication tower and associated radio equipment cabinets for Bell Mobility Inc. (Attachments #3 to #6) on the subject lands shown on Attachments #1 and #2, be refused;**
- 2) That the deputation of Mr. James Henley, Bell Mobility, be received; and**
- 3) That the coloured elevation drawings submitted by the applicant be received.**

Recommendation of the Commissioner of Planning, Interim Director of Planning/Director of Development Planning and Manager of Development Planning, dated September 2, 2014

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Recommendation

The Commissioner of Planning, Interim Director of Planning/Director of Development Planning, and Manager of Development Planning recommend:

1. THAT Site Development File DA.14.005 (Romdor Developments Inc. c/o Condor Properties) BE APPROVED, to permit the installation of a 35 m high monopole telecommunication tower and associated radio equipment cabinets for Bell Mobility Inc. (Attachments #3 to #6) 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

Pursuant to the City's current telecommunication tower/antenna facilities protocol, the Proponent (Bell Mobility Inc.) held a Public Consultation Meeting on May 15, 2014, which is discussed in the Protocol section of this report.

Purpose

To seek approval from the Committee of the Whole for Site Development File DA.14.005 on the subject lands shown on Attachments #1 and #2, to permit the installation of a 35 m high monopole telecommunication tower with internal antennas and associated radio equipment cabinets, as shown on Attachments #3 to #6.

Background - Analysis and Options

Location

The subject lands shown on Attachments #1 and #2 are located on the southwest corner of Major Mackenzie Drive and Ilan Ramon Boulevard, municipally known as 955, 965, 975 and 995 Major Mackenzie Drive, in the City of Vaughan.

City of Vaughan's Telecommunication Tower/Antenna Protocol

On June 23, 2003, Vaughan Council adopted a protocol for establishing telecommunication tower/antenna facilities. In accordance with the City's Protocol, all new tower/antenna systems proposed by telecommunications carriers (as superseded by Industry Canada's Protocol, June 2014) require consideration by Vaughan Council.

In accordance with the Protocols, the Proponent attended a Pre-Application Consultation meeting with the Vaughan Planning Department prior to submitting 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. The location of existing telecommunication towers that required and were granted municipal concurrence within the vicinity of the subject lands are located on Attachment #1.

On June 7, 2011, Vaughan Council resolved to appoint a Telecommunication Facility Task Force comprised of residents, industry representatives, and two Vaughan Council Members to review the City of Vaughan's existing Protocol for establishing Telecommunication Tower/Antenna Facilities.

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On June 7, 2011, Vaughan 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 Tower/Antenna Facilities.”

The subject Site Development application is proceeding to the Committee of the Whole meeting on September 2, 2014, in accordance with the above resolution.

The Task Force developed a comprehensive work plan to formulate a Findings Report with assistance from City staff. The Task Force also consulted with and heard presentations from a variety of sources such as Industry Canada, Public Health Ontario, Bell Mobility, and telecommunication industry professionals. The Task Force approved the final Findings Report at its last meeting on December 17, 2013, and forwarded the Findings Report and the following recommendation to the Committee of the Whole meeting on January 14, 2014, which Vaughan Council adopted on January 28, 2014:

“That the Findings Report be referred to staff for review, and that a report be provided to a future Committee of the Whole meeting; and,

That the Findings report form the basis for developing the City of Vaughan’s Telecommunication Facility Siting Protocol.”

City Staff reviewed the approved Findings Report and provided recommendations through a report from the Commissioner of Planning for consideration by the Committee of the Whole on June 17, 2014. On June 24, 2014, Vaughan Council adopted the following recommendation:

“THAT the Vaughan Planning Department be directed to prepare a new City of Vaughan Telecommunication Facility Siting Protocol (“Protocol”), for consideration at a future Committee of the Whole (Working Session) meeting, in early 2015.”

The City’s in-effect Protocol states that applications for telecommunication towers located within the urban area require the Proponent to provide notice of a Community Information Meeting by regular mail to all landowners within a radius of 120 m from the tower base, or within a distance of three times the height of the proposed tower, whichever is greater.

On May 15, 2014, the Proponent held a Community Information Meeting at the Maple Community Centre from 6:00 pm to 8:00 pm. In accordance with the City’s Protocol, notice for this meeting was provided by regular mail within a 120 m radius to all notified residents a minimum of 20 days in advance of the Community Information Meeting. No residents attended the Public Consultation Meeting and no concerns by residents have been received by the Planning Department.

Official Plan and Zoning

The subject lands are designated “Low-Rise Mixed-Use” by City of Vaughan Official Plan 2010 (VOP 2010). VOP 2010 encourages the development of comprehensive high-speed telecommunications and data networks throughout Vaughan to contribute to economic competitiveness and support widespread access to such services. The telecommunications and data policies of VOP 2010 do not apply until such time as the Telecommunication Facility Siting Protocol Task Force has concluded its work and Vaughan Council has adopted a new telecommunications tower protocol.

The subject lands are zoned C4 Neighbourhood Commercial Zone and are subject to site-specific Exception 9(1319).

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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 official plan policies and zoning by-law requirements and site plan control (i.e. no implementing Site Plan Agreement or Letter of Undertaking).

Planning Considerations

The proposed 180 m² equipment compound is enclosed by a 2.4 m high chain link fence. The compound includes a 35 m high white monopole tower with internal antennas (flagpole design) and two radio equipment cabinets, as shown on Attachments #3 to #6. The accessory radio cabinets are constructed of galvanized steel and measure approximately 2.0 m x 2.4 m in area and 2.4 m in height, as shown on Attachments #5 and #6. All hydro requirements to service the equipment cabinets for the telecommunication tower must be to the satisfaction of PowerStream Inc.

The Proponent is proposing a temporary access from Major Mackenzie Drive in order to construct the telecommunication tower. Once construction is complete, servicing and maintenance of the tower and associated cabinets is via an existing asphalt driveway entering from Ilan Ramon Boulevard and through a proposed pedestrian footway, as shown on Attachments #3 and #4.

The proposed compound is located in proximity to Major Mackenzie Drive. In order to mitigate the visual exposure of the compound and associated radio cabinets, the Proponent has agreed to install coniferous landscape screening in the form of 1.8 m cedar trees around the entirety of the compound. In addition, five (5) existing deciduous trees located within the compound area are to be relocated within the vicinity of the compound, thereby providing additional screening of the proposed compound to Major Mackenzie Drive.

The Proponent has advised that the proposed telecommunication tower is required to address existing and proposed network gaps along Major Mackenzie Drive as a result of future residential development. The Proponent conducted a search radius for existing telecommunication infrastructure and found the closest telecommunication tower to be approximately 1.4 km away from the proposed tower. The proposed tower has been designed to support co-location with additional carriers. The Planning Department has no objection to the proposed layout, design and location of the compound and telecommunication tower.

Toronto and Region Conservation Authority

The Toronto and Region Conservation Authority (TRCA) has no objections to the proposal. Prior to construction, the Proponent must provide an effective erosion and sediment control plan to prevent construction impacts to any natural heritage features located on the subject lands, to the satisfaction of the TRCA.

Relationship to Vaughan Vision 2020/Strategic Plan

This report is consistent with the following initiatives set forth in the Vaughan Vision 2020/Strategic Plan:

i) Plan and Manage Growth & Economic Vitality

The proposal will support the development of a high-speed telecommunications and data network throughout Vaughan to contribute to economic competitiveness and support widespread access to such services.

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Regional Implications

On April 23, 2009, York Region 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 York Region's adopted Protocol.

The York Region Transportation and Community Planning Department has reviewed the proposed temporary construction driveway access from Major Mackenzie Drive and has no objections to its location. The Proponent is required to obtain a Road Occupancy Permit from York Region prior to commencing any work on Major Mackenzie Drive.

Conclusion

The Vaughan Planning Department has reviewed the proposal for a 35 m high monopole telecommunication tower and associated radio equipment cabinet in accordance with the Official Plan, Zoning By-law 1-88, the City of Vaughan's Protocol for Establishing Telecommunication Tower/Antenna Facilities, Industry Canada's Protocol for Radiocommunication and Broadcasting Antenna Systems, and the requirements of City Departments and external public agencies. The installation of the tower and accessory radio equipment is considered acceptable. Accordingly, the Planning Department can support the approval of Site Development File DA.14.005.

Attachments

1. Context Location Map
2. Location Map
3. Site Plan
4. Compound Layout & Elevation Plan
5. Cabinet Details, South Elevation
6. Cabinet Details, West Elevation
7. Communication C23

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(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.)