

**CITY OF VAUGHAN**

**EXTRACT FROM COUNCIL MEETING MINUTES OF JANUARY 24, 2017**

Item 10, Report No. 2, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on January 24, 2017.

**10**

**SITE DEVELOPMENT FILE DA.16.067**

**B. BUTERA**

**WARD 2 - VICINITY OF MCGILLIVRAY ROAD AND MAJOR MACKENZIE DRIVE**

**The Committee of the Whole recommends approval of the recommendation contained in the following report of the Deputy City Manager, Planning & Growth Management, Interim Director of Development Planning, and Senior Manager of Development Planning, dated January 17, 2017:**

**Recommendation**

The Deputy City Manager, Planning & Growth Management, Interim Director of Development Planning, and Senior Manager of Development Planning recommend:

1. THAT Site Development File DA.16.067 (B. Butera) BE APPROVED, to permit the installation of a 60 m high shrouded tri-pole telecommunication tower and associated radio equipment shelter for Bell Mobility Inc. (Attachments #4 and #5) on the subject lands shown on Attachments #1 to #3.

**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 2003 (in-effect for this application) Telecommunication Tower/Antenna Facilities Protocol, the proponent (Bell Mobility Inc.) was not required to hold a Public Consultation meeting as the proposed tower is to be located within an employment area, and will be located greater than the minimum 100 m requirement from the nearest residential area (in Block 61, approximately 560 m to the north of this site) as identified on Attachment #1. Further information is provided within the Telecommunication Tower/Antenna Protocol section of this report.

**Purpose**

To seek approval from the Committee of the Whole for Site Development File DA.16.067 on the subject lands shown on Attachments #1 and #2, to permit the installation of a 60 m high shrouded tri-pole telecommunication tower with external antennas and an associated radio equipment shelter, as shown on Attachments #3 to #5.

**Background - Analysis and Options**

***Synopsis:***

*The proponent is proposing to locate a 60 m high shrouded tri-pole telecommunication tower with external antennas and an associated radio equipment shelter on the subject lands. The proposed installation of the telecommunication tower is appropriately designed and located within an employment area. The Vaughan Development Planning Department supports the proposed*

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*location of the telecommunication tower as it conforms with Vaughan Official Plan 2010, the City of Vaughan's Protocol for Establishing Telecommunication Tower/Antenna Facilities (2003, in-effect), Industry Canada's Protocol for Radio Communication and Broadcasting Antenna Systems, and the requirements of City Departments and external public agencies, and is deemed compatible with the surrounding existing and planned land uses in the employment area. The telecommunication tower will provide coverage to both the employment area and the new residences located in the Major Mackenzie Drive and Huntington Road area in Block 61, which is not adequately served as discussed in this report.*

Location

The subject lands shown on Attachments #1 and #2 are located on the east side of McGillivray Road, south of Major Mackenzie Drive and are known municipally as 9751 McGillivray Road, City of Vaughan. The surrounding land uses are identified on Attachment #2.

City of Vaughan's Telecommunication Tower/Antenna Facilities Protocol

On June 23, 2003, Vaughan Council adopted a protocol for establishing telecommunication tower/antenna facilities. In accordance with the City's Protocol (in-effect for this application), all new tower/antenna systems proposed by telecommunications carriers (as superseded by Innovation Science and Economic Development Canada (ISED), formerly Industry Canada's Protocol, June 2014) require consideration by Vaughan Council.

In accordance with the two Protocols, the Proponent attended a Pre-Application Consultation meeting with the Vaughan Development 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 locations 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 ("Task Force") comprised of residents, industry representatives, and two Vaughan Council Members to review the City of Vaughan's 2003 Protocol for establishing Telecommunication Tower/Antenna Facilities.

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 January 17, 2017, 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, Rogers Communications 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,

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That the Findings Report form the basis for developing the City of Vaughan's Telecommunication Facility Siting Protocol."

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

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

The Vaughan Development Planning Department prepared and forwarded a new *Telecommunication Facility Siting Protocol* to the Committee of the Whole for consideration on September 7, 2016. On October 19, 2016, Vaughan Council adopted the new protocol, and it is now in effect. However, applications that were received by the City prior to the adoption of the new Protocol are being processed under the old Protocol. This application was submitted on July 13, 2016, and is therefore being processed under the old Protocol.

Although the telecommunications tower proposed for the subject lands is being processed under the old Protocol, it is consistent with the locational and design requirements outlined in the new Protocol.

The City's in-effect (2003) Protocol states that applications for telecommunication towers located within industrial or commercial zoned areas and located a minimum of 100 m away from residential areas are exempt from the requirement to hold a Community Information Meeting. The subject lands are located within an employment area and zoned A Agricultural Zone by Zoning By-law 1-88. While it is recognized that the A Agricultural Zone may support a residential use, the proposed telecommunication tower location is greater than 100 m from any residential dwelling unit and therefore, the proponent was not required to hold a Community Information Meeting. The closest residential area in proximity to this site, as identified earlier in this report and on Attachment #1, is located in Block 61 (north side of Major Mackenzie Drive and east of Huntington Road), which is approximately 560 m away.

Official Plan and Zoning

The subject lands are designated "General Employment" and "Natural Area" by the West Vaughan Employment Area (WVEA) Secondary Plan, which forms part of Volume 2 of Vaughan Official Plan (VOP) 2010. The proposed telecommunications tower is located within the "General Employment" designation. Section 8.4.4 of 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. Section 8.4.4.2 also encourages that service providers be encouraged to share telecommunications and data infrastructure, where feasible, to minimize adverse impacts, including visual impacts, from wireless towers.

Section 2.6.1 of the WVEA Secondary Plan requires the preparation of detailed Block Plans for all areas of the WVEA to implement the Secondary Plan to specifically address the extent and precise location of the Secondary Plan elements on the lands, including the Natural Heritage Network, servicing and infrastructure details including road and pedestrian networks, and lot patterns. There are currently no Block Plan applications for Block 60 at this time.

VOP 2010 Schedule 9 – Future Transportation Network identifies McGillivray as a Major Collector with a right-of-way width of 26 m. It is also identified to be realigned. Schedule 1 of the WVEA Secondary Plan also illustrates the proposed future road alignment for McGillivray Road, which is

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to be relocated further west from the proposed telecommunications tower than the current alignment of McGillivray Road. The realignment will not have a direct impact on the proposed telecommunication tower.

The subject lands are zoned A Agricultural 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, including the *Planning Act* and *Building Code Act*. Additionally, telecommunication towers and antenna facilities are exempt from municipal zoning by-law requirements and site plan control approval (i.e. no implementing Site Plan Agreement or Letter of Undertaking).

#### Planning Considerations

A 60 m high shrouded tri-pole telecommunications tower is proposed to be installed at the north end of the subject lands within a 119 m<sup>2</sup> fenced compound with an equipment shelter, having a front yard setback of 7 m from McGillivray Road, a rear yard setback of 3 m from the Canadian Pacific Railway line, and a side yard setback of 31 m at the point where McGillivray Road and the Canadian Pacific Railway line meet.

Bell Mobility Inc. has advised that as more antennas are added in the future and/or another carrier adds antennas to the tower, the shrouding will increase accordingly. The Development Planning Department recommends a white shroud with no advertising, in order to minimize visual impact.

The proposed 119 m<sup>2</sup> equipment compound is enclosed by a 2.4 m high pressure treated red cedar wood fence. Due to the characteristics of the site (i.e. adjacent to a railway line), soft landscaping (i.e. trees and shrubs) will likely not survive. However, in addition to the cedar fence, the existing trees along the property line abutting McGillivray Road will also help to provide additional screening of the compound. To improve the visual appearance of the compound base, Bell Mobility Inc. will use pea gravel for aesthetics, as it is a permeable material that prevents weed growth. The compound includes a 60 m high shrouded tri-pole with external antennas and one radio equipment shelter, as shown on Attachments #3 to #5. The accessory radio equipment shelter is constructed of aluminum, as shown on Attachment #5. All hydro requirements to service the radio equipment shelter for the telecommunications tower will be provided to the satisfaction of Powerstream Inc.

Access to the site for the construction and servicing of the tower and associated radio equipment shelter will be provided via an existing secondary access from McGillivray Road, as shown on Attachment #3.

The proponent has advised that the 60 m high shrouded tri-pole telecommunication tower will allow the potential for future co-location by other licensed carriers, which is consistent with the City's in-effect (and new) Telecommunications Tower/Antenna Facilities Protocol that encourages the shared use of existing structures.

The purpose of the telecommunication tower is to provide coverage to new residences in the vicinity of Major Mackenzie Drive and Huntington Road due to a very low quality signal in this area. The proposed telecommunications tower is required by Bell Mobility Inc. to address signal gaps in this area based on increased demand for wireless services.

As part of Bell Mobility Inc.'s assessment for providing service in this area, it was determined that there were no suitable pre-existing towers in this area on which to co-locate their service.

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The Vaughan Development Planning Department has no objection to the proposed layout, design, and location of the compound and telecommunications tower.

#### **Vaughan Development Engineering and Infrastructure Planning (DEIP) Department**

The DEIP Department has reviewed the subject proposal and advise that they do not have any concern with the proposed location of the telecommunications tower, as there is no active Block Plan, and there is no immediate plan to widen and/or realign McGillivray Road.

#### **Canadian Pacific Railway (CPR)**

The CPR has reviewed the subject proposal and advise that they have no concerns.

#### **Relationship to Term of Council Service Excellence Strategy Map (2014-2018)**

This staff report is consistent with the following initiatives set forth in the Term of Council Service Excellence Strategy Map (2014-2018):

- i) Attract investment and create jobs
- ii) Invest, renew and manage infrastructure and assets

#### **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 Community Planning and Development Services Department has reviewed the site development application and have no comments.

#### **Conclusion**

The Vaughan Development Planning Department has reviewed the proposal for a 60 m high shrouded tri-pole telecommunications tower and associated radio equipment shelter in accordance with Vaughan Official Plan 2010, 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 requirements of City Departments and external public agencies, and the area context. The installation of the proposed tower and accessory radio equipment shelter is considered acceptable for the reasons provided in this report. Accordingly, the Vaughan Development Planning Department can support the approval of Site Development File DA.16.067.

#### **Attachments**

1. Context Location Map
2. Location Map
3. Site Plan
4. Compound Layout & Elevation Plan
5. Shelter Details
6. West Vaughan Employment Area Secondary Plan - Schedule 3: Land Use

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**Report prepared by:**

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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.)