

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 21, 2017

Item 10, Report No. 6, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on February 21, 2017.

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**SITE DEVELOPMENT FILE DA.14.078
BELL MOBILITY INC./GOLD PARK INC.
WARD 1 - VICINITY OF JANE STREET AND TESTON ROAD**

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 February 7, 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.14.078 (Bell Mobility Inc./Gold Park Inc.) BE APPROVED, to permit the installation of a 40 m high monopole telecommunication tower and associated radio equipment cabinets (Attachments #3 and #4) for Bell Mobility Inc. on the subject lands shown on Attachments #1 and #2, subject to the following conditions:
 - a) should a development application be approved on the subject lands subsequent to the Block Plan review process, since the subject lands are located in a New Community Area (Planning Block 27), the Proponent shall relocate the telecommunication tower and associated compound (i.e. antenna system).
 - b) the Proponent shall submit an application for an alternate site, and the telecommunication tower, as shown on Attachment #2, shall be decommissioned and removed once:
 - i. municipal concurrence has been granted, a lease/license is secured for the replacement antenna system, and the new replacement antenna system is built and in service; and,
 - ii. the Proponent has determined that the replacement site is technically feasible.
 - c) the Proponent shall successfully obtain a Road Occupancy Permit from York Region for the proposed access from Teston Road.

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's agent (FONTUR International Inc.) held Public Consultation Meetings on March 12, 2015, and June 29, 2016, which is discussed in the Protocol section of this report.

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Purpose

To seek approval from the Committee of the Whole for Site Development File DA.14.078 on the subject lands shown on Attachments #1 and #2, to permit the installation of a 40 m high monopole telecommunication tower and associated radio equipment cabinets, as shown on Attachments #3 to #4.

Background - Analysis and Options

Synopsis:

The Proponent is proposing to install a 40 m high monopole telecommunication tower and associated radio equipment cabinets within an 84 m² compound for Bell Mobility Inc. Access to the proposed telecommunication tower is provided from a proposed gravel driveway from Teston Road. The proposed telecommunication tower was originally located within an area designated "Natural Areas" by Vaughan Official Plan 2010 (VOP 2010), and within a sub-watershed study area, as identified by the Toronto and Region Conservation Authority (TRCA). As a result, the TRCA requested that the proposed tower be relocated. The Proponent has relocated the telecommunication tower 85 m to the west and 35 m to the south of the original location on the subject lands, to an area designated "New Community Area" in VOP 2010, which is subject to a Secondary Plan and a future Block Plan (Planning Block 27) review process.

The Vaughan Development Planning Department supports the revised location of the proposed telecommunication tower, subject to the conditions identified in this report, because it conforms with VOP 2010, the City of Vaughan's Protocol for Establishing Telecommunication Tower/Antenna Facilities, the Innovation, Science and Economic Development Canada (ISED) Protocol for Radiocommunication and Broadcasting Antenna Systems, and the requirements of City Departments and external public agencies.

Location

The 33 ha subject lands shown on Attachments #1 and #2 are municipally known as 2546 Teston Road, and are located east of Jane Street on the north side of Teston Road. The proposed telecommunication tower is located in the southwest corner of the property, as shown on Attachment #2. The surrounding land uses are also shown on Attachment #2.

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 Innovation Science and Economic Development Canada (ISED), formerly 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 Development Planning Department prior to submitting the subject application. The Proponent's agent 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 ("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 February 7, 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 the ISEDC, 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,

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 Vaughan Development Planning Department brought the 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, which is now in-effect. However, applications that were received by the City prior to this date are being processed under the previous protocol. This application was submitted on November 6, 2014, and is therefore being processed under the previous protocol.

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. Given that the proposed telecommunication tower is 40 m in height, a radius of 120 m was used to establish the polling area, as shown on Attachment #2.

On March 12, 2015, the Proponent held a Community Information Meeting at the Maple Community Centre from 7:00 pm to 8:00 pm for the original location of the proposed telecommunication tower, as shown on Attachment #2. 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. Two residents attended the Community Information Meeting, and had no specific concerns with the proposal.

As a result of relocating the proposed telecommunication tower approximately 85 m to the west and 35 m to the south of the original location on the subject lands, as shown on Attachment #2,

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an additional Community Information Meeting was required in order to capture and notify property owners within 120 m of the new location of the tower. On June 29, 2016, the Proponent held a second Community Information Meeting at the Maple Community Centre from 6:15 pm to 7:45 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, as shown on Attachment #2, a minimum of 20 days in advance of the Community Information Meeting. Two different residents from the March 12, 2015, meeting attended the Community Information Meeting, and had no specific concerns with the revised proposal.

Official Plan and Zoning

The subject lands are designated "Natural Areas", "Agricultural" and "New Community Areas" by City of Vaughan Official Plan 2010 (VOP 2010). The proposed telecommunication tower, as shown on Attachment #2, was originally located on a portion of the subject lands designated "Natural Areas" by VOP 2010, and was identified as being subject to a sub-watershed study area by the TRCA, as the subject lands form part of Planning Block 27, which is identified as a New Community Area in VOP 2010. As a result, the Proponent relocated the proposed telecommunication tower approximately 85 m to the west and 35 m to the south of the original location on the subject lands, as shown on Attachment #2, in order to address comments from the TRCA. The revised location for the proposed telecommunication tower, compound and driveway access is located within a "New Community Areas" designation, by VOP 2010.

Section 5.3 of the new in-effect City of Vaughan Telecommunication Facility Siting Protocol identifies relocation conditions for telecommunication towers that are built within New Community Areas to prevent land use, road network, and infrastructure conflicts due to the siting of a telecommunication tower in advance of an approved Block Plan. On this basis, notwithstanding that the proposal is subject to the policies of the previous Telecommunication Protocol, the Vaughan Development Planning Department recommends that the requisite relocation conditions, as identified in Section 5.3 of the new Protocol, are considered appropriate given the uncertainty of the future land use for the subject lands at this time.

Should development be approved on the subject lands through the Block Plan review process and subsequent development applications, the Proponent will be required to relocate the proposed telecommunication tower to a more appropriate location. The new location of the proposed tower will require municipal concurrence and confirmation from the Proponent that the revised location is technically feasible. Conditions to this effect are included in the recommendation of this report.

Section 8.4.4 in 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 subject lands are zoned OS1 Open Space Conservation Zone and A Agricultural Zone by Zoning By-law 1-88, which does not permit the proposed use.

The *Radiocommunication Act* designates ISED 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*. Additionally, telecommunication towers and antenna facilities are exempt from municipal official plan policies and zoning by-law requirements and site plan control approval (i.e. no implementing Site Plan Agreement or Letter of Undertaking).

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Planning Considerations

The proposed 84 m² equipment compound is enclosed by a 2.4 m high chain link security fence and is located approximately 40 m north of Teston Road. The compound includes a 40 m high white monopole tower (flagpole design) with internal antennas, one equipment shelter, and two radio equipment cabinets, as shown on Attachments #3 to #5. The proposed radio equipment shelter, as shown on Attachment #4, measures 3.2 m in height and 10 m² in area. The accessory radio cabinets are constructed of galvanized steel and measure approximately 0.36 m² in area and 3 m in height. All hydro requirements to service the equipment cabinets for the telecommunication tower must be to the satisfaction of PowerStream Inc. Access to the site for the construction, servicing and maintenance of the tower and associated cabinets will be provided via a proposed gravel driveway from Teston Road, as shown on Attachments #2 to #4.

The Proponent has advised that the proposed telecommunication tower is required to address existing and proposed network gaps along Teston Road, and to service the existing residential area located south of the subject lands. The Proponent conducted a search radius for existing telecommunication infrastructure and found the closest telecommunication tower to be approximately 700 m away from the proposed tower, which is 30 m in height and does not support additional co-location.

The proposed tower will accommodate Bell Mobility Inc., and has been designed to support co-location with additional carriers. As indicated earlier, the subject lands are designated “New Community Areas” by VOP 2010, and are subject to the Block Plan process. On this basis, the Vaughan Development Planning Department has no objection to the proposed layout, design and location of the compound and telecommunication tower subject to the conditions identified in the recommendation of this report.

Toronto and Region Conservation Authority (TRCA)

The original location of the proposed telecommunication tower, as shown on Attachment #2, was located within the TRCA's regulated area pursuant to Ontario Regulation 166/60 and within a “Natural Areas” designation by VOP 2010. On October 7, 2015, the TRCA provided comments to the City identifying concerns that the original location of the proposed telecommunication tower may preclude the achievement of natural heritage system objectives through the land use planning process of the Block 27 New Community Area. As a result, the Proponent relocated the telecommunication tower, as shown on Attachment #2, to an area situated outside of the “Natural Areas” designation and the TRCA's regulated area. On April 12, 2016, the TRCA provided comments to the City with regard to the revised location and advised they have no objections to the location of the proposed telecommunication tower and associated compound.

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

This report supports the following priority set forth in Term of Council Service Excellence Strategy Map (2014-2018):

- Attract investment and create jobs

Regional Implications

The subject lands are located on Teston Road, a right-of-way under the jurisdiction of York Region. The Proponent intends to construct a gravel driveway to access the site in order to construct, service and maintain the proposed telecommunication tower. The York Region Community Planning and Development Services Department has reviewed the proposal and has

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advised that a Road Occupancy Permit is required to permit the proposed access from Teston Road. The Proponent is required to satisfy all requirements of York Region. A condition to this effect is included in this report.

Conclusion

The Vaughan Development Planning Department has reviewed the proposal for a 40 m high monopole 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, ISED'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 cabinets is considered acceptable. Accordingly, the Vaughan Development Planning Department can support the approval of Site Development File DA.14.078, subject to the conditions identified in the recommendation section of this report.

Attachments

1. Context Location Map
2. Location Map
3. Site Plan, Compound Layout & Elevation Plan
4. Cabinet Details

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.)