

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MARCH 24, 2015

Item 11, Report No. 12, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on March 24, 2015.

11 **SITE DEVELOPMENT FILE DA.13.040**
SIL-DOM HOLDINGS LTD.
WARD 1 - VICINITY OF JANE STREET AND BRANDON GATE DRIVE

The Committee of the Whole recommends:

- 1) That the recommendation contained in the following report of the The Commissioner of Planning, Director of Development Planning, and Manager of Development Planning, dated March 3, 2015; and**
- 2) That the coloured elevation drawings submitted by the applicant be received.**

Recommendation

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

1. THAT Site Development File DA.13.040 (SIL-DOM Holdings Ltd.) BE APPROVED, to permit the installation of a 6.25 m high extension to the existing 18.75 m high monopole telecommunication tower, by WIND Mobile for a total height of 25 m (Attachments #3 to #6) located on the subject lands shown on Attachments #1 and #2, to facilitate co-location with Bell Mobility Inc. and a future additional carrier.

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 (Turris Sites Inc.) held a Public Consultation Meeting on July 25, 2013, 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.13.040 on the subject lands shown on Attachments #1 and #2, to permit the installation of a 6.25 m high extension to the existing 18.75 m high monopole telecommunication tower, by WIND Mobile for a total height of 25 m, as shown on Attachments #3 to #6, to facilitate co-location with Bell Mobility Inc. and a future additional carrier.

Background - Analysis and Options

Location

The subject lands shown on Attachments #1 and #2 are located on the southeast corner of Jane Street and Brandon Gate Drive, municipally known as 10555 Jane Street, in the City of Vaughan. The surrounding land uses are identified on Attachment #2.

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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 (as superseded by Industry Canada's Protocol, June 2014), the replacement or modification of existing towers require consideration by Vaughan Council where the total cumulative height increase of the tower is greater than 25% of the height of the initial telecommunication tower. The proposed increase in tower height from 18.75 m to 25 m, an increase of 6.25 m, represents a 33% height increase to the existing telecommunication tower. Accordingly, the proposal requires consideration by Vaughan Council.

In accordance with the Protocol, 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 the existing telecommunication facility is suitable for co-location within the vicinity network coverage, provided that the height of the existing telecommunication tower is increased to facilitate additional carriers. 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.

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 March 3, 2015, 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."

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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 July 25, 2013, the Proponent held a Community Information Meeting at the Maple Community Centre from 7:00 pm to 8:30 pm. In accordance with the City's Protocol, notice for this meeting was provided by regular mail within a 120 m radius (as shown on Attachment #2) to all notified residents a minimum of 20 days in advance of the Community Information Meeting. One resident attended the Public Consultation Meeting for information purposes only. The Proponent also received email correspondence from three residents with concerns regarding health and safety, and the visual compatibility of the fencing design for the existing compound.

Concern 1 - Health and Safety

Health Canada has established safety guidelines for exposure to radio frequency fields, in its Safety Code 6 publication entitled "Limits of Human Exposure to Radiofrequency Electromagnetic Fields in the Frequency Range from 3 kHz to 300 GHz". Industry Canada has adopted this guideline for the purpose of protecting the general public, which concludes that there is no scientific or medical evidence that a person will experience adverse health effects from exposure to radio frequency fields, provided that the installation complies with Safety Code 6.

It is the responsibility of proponents and operators of the installations to ensure that all radiocommunication and broadcasting installations comply with Safety Code 6 at all times, including the consideration of combined effects of nearby installations within the local radio environment. For all proponents following Industry Canada's Default Public Consultation Process, the proponent's notification package must provide a written attestation that there will be compliance with Safety Code 6 for the protection of the public, including consideration of nearby radiocommunication systems. The notification package must also indicate any Safety Code 6 related signage and access control mechanisms that may be used.

The Proponent's notification package for this proposal includes written attestation confirming compliance with Safety Code 6 for the protection of the public.

Concern 2 - Visual Compatibility of the Existing Fence

Two Residents living in proximity to the subject lands raised concerns regarding the visual compatibility of the existing compound and fence. The Proponent has agreed to install wrought iron decorative panels facing the perimeter of the existing fence enclosure, as shown on Attachment #5. Additional landscaping is also proposed to the west of the enclosure to mitigate the visual impact of the existing fence facing Jane Street, as shown on Attachment #4.

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 Vaughan Council has adopted new policies that are in accordance with the Task Force Findings Report that will accompany a new telecommunications tower protocol later this year.

The subject lands are zoned C3 Local Commercial Zone and are subject to site-specific Exception 9(910).

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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 0.4 ha subject lands are developed with a multi-unit commercial building, as shown on Attachment #3 consisting of retail and eating establishment uses. The existing telecommunication tower and associated compound are located at the northwest corner of the subject lands, as shown on Attachment #3. The existing white monopole telecommunication tower measures 18.75 m in height and is setback approximately 7 m from the westerly property line abutting Jane Street. An existing 2.4 m high pressure treated wooden fence enclosing the compound abuts the westerly property line and sight triangle at Jane Street and Brandon Gate Drive. The existing compound measures approximately 40 m² in area and consists of two equipment cabinets for WIND Mobile, the existing carrier located on the telecommunication tower. Access to the tower and compound is via an existing 4 m wide access easement entering from Brandon Gate Drive.

The proponent seeks to extend the existing 18.75 m telecommunication tower by 6.25 m, for a total height of 25 m, as shown on Attachment #6. The increase in the tower height will facilitate two additional carriers (Bell Mobility Inc. and future carrier) to locate on the existing telecommunication tower. The proposed extension will match the monopole design and colour (white) of the existing tower, with the proposed antennas located internal to the tower.

Two additional accessory cabinets are proposed inside the existing compound, as shown on Attachment #5, and will be screened by the existing wooden fence enclosure. The accessory radio cabinets shown on Attachment #6 are constructed of galvanized steel and measure approximately 2.0 m x 2.5 m in area and 2.4 m in height. All hydro requirements to service the new equipment cabinets for the telecommunication tower must be to the satisfaction of PowerStream Inc.

The existing compound is located in proximity to Jane Street with high visual exposure to the streetscape. In order to mitigate the visual presence of the compound, the Proponent has agreed to install wrought iron decorative panels around the perimeter of the existing fence enclosure, as shown on Attachment #5. The Proponent has also agreed to install additional landscape screening in the form of multi-stem deciduous shrubs, as shown on Attachment #4. The proposed landscape treatment is located beyond the property limits of the subject lands within the Jane Street right-of-way, which is under the jurisdiction of York Region. The Proponent is required to obtain an Encroachment Permit from York Region for the proposed landscaping within the Region's right-of-way.

The Proponent has advised that the proposed extension to the existing telecommunication tower will facilitate co-location with additional carriers. The proposal is consistent with Industry Canada's preference for co-location, as stipulated in Section 3 of Industry Canada's Protocol (CPC-2-0-03), and with Section 2 of the Telecommunication Facility Siting Task Force Findings Report, which recommends the encouragement of utilizing existing tower facilities for co-location, provided that the visual impact of the tower is minimized. The proposal will assist in reducing the number of telecommunication infrastructure within the general vicinity, and consists of additional measures to mitigate the visual impact of the existing compound, as described in this report. On this basis, the Vaughan Planning Department has no objections to the proposed layout, design and location of the compound and telecommunication tower.

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Relationship to Vaughan Vision 2020/Strategic Plan

This report is consistent with the following initiative 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.

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 proposal conforms to York Region's adopted Protocol.

The York Region Transportation and Community Planning Department has no objections to the proposal. The Proponent is required to obtain an Encroachment Permit from York Region prior to commencing any landscaping work within the Jane Street right-of-way.

Conclusion

The Vaughan Planning Department has reviewed the proposal for a 6.25 m extension to the existing 18.75 m 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, Industry Canada's Protocol for Radiocommunication and Broadcasting Antenna Systems, the Telecommunication Facility Siting Task Force Findings Report, and the requirements of City Departments and external public agencies. The installation of the tower extension and two additional accessory radio equipment cabinets is considered acceptable. Accordingly, the Vaughan Planning Department can support the approval of Site Development File DA.13.040.

Attachments

1. Context Location Map
2. Location Map
3. Site Plan
4. Landscape Plan
5. Compound and Fencing Details
6. Cabinet Details and Tower Elevations

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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.)