

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 4, 2013

Item 14, Report No. 23, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on June 4, 2013.

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**SITE DEVELOPMENT FILE DA.12.102
ROYAL 400 CENTRE INC.
WARD 3 – VICINITY OF LANGSTAFF ROAD AND HIGHWAY #400**

The Committee of the Whole recommends:

- 1) That the recommendation contained in the following report of the Commissioner of Planning, dated May 21, 2013, be approved; and**
- 2) That the coloured elevation drawings submitted by the applicant be received.**

Recommendation

The Commissioner of Planning recommends:

1. THAT Site Development File DA.12.102 (Royal 400 Centre Inc.) BE APPROVED, for the installation of a 29.9 m high monopole telecommunication tower and associated radio equipment cabinets 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.12.102 on the subject lands shown on Attachments #1 and #2 for the installation of a 29.9 m high monopole telecommunication tower and associated radio equipment cabinets, as shown on Attachments #3 and #4.

Background - Analysis and Options

Location

The subject lands shown on Attachments #1 and #2 are located north of Langstaff Road, west of Highway #400 (3550 Langstaff Road), in the City of Vaughan.

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 In accordance with the City's Protocol, all new tower/antenna systems greater than 16.6 m in height (now 15 m as superseded by Industry Canada's Protocol, January 2008) require consideration by Vaughan Council. The proposed 29.9 m high telecommunication tower exceeds the 15 m maximum exemption height and is subject to site plan approval.

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The City's Protocol states that if a telecommunication tower/antenna facility is proposed in an industrial or commercial area located a minimum of 100 m 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 existing commercial and industrial area approximately 460 m 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 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.

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 "Prestige Area" by in-effect OPA #450 (Employment Area Plan). The subject lands are also designated "Prestige Employment" by the new City of Vaughan Official Plan 2010 (VOP 2010), which was adopted by Vaughan Council on September 7, 2010 (as modified September 27, 2011, March 20, 2012, and April 17, 2012), and further modified and endorsed by Region of York Council on June 28, 2012, and is pending approval from the Ontario Municipal Board. The proposal conforms to the Official Plans.

The subject lands are zoned C7 Service Commercial Zone by Zoning By-law 1-88, subject to site-specific Exception 9(841G). 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).

Notwithstanding the above, the proposal will remove approximately three (3) parking spaces located along the north side of the subject lands in order to facilitate the telecommunication tower and associated equipment compound. Upon review of the proposal, a deficiency of eight (8) parking spaces was noted on-site. The subject lands require 268 parking spaces, whereas a total of 260 parking spaces are proposed. The Owner applied to the Vaughan Committee of Adjustment to rectify this deficiency through Minor Variance Application A081/13. On April 11, 2013, the Committee of Adjustment approved a total of 260 parking spaces on the subject lands. Accordingly, the subject lands comply to Zoning By-law 1-88.

Planning Considerations

The proposed 30 m² equipment compound is enclosed by a 1.8 m high chain link fence and eight (8) concrete-filled steel bollards. The compound is accessed via an existing driveway from Terecar Drive on lands leased to the Proponent, as shown on Attachment #3. The

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telecommunication monopole will be sited at the rear of a multi-unit service commercial building and backing onto the rear of the northerly multi-unit employment building. The compound includes a 29.9 m high monopole painted white with flush mounted antennas and associated radio equipment cabinets, as shown on Attachment #4. The accessory radio cabinets measure approximately 0.6 m x 1.5 m, and are constructed of galvanized steel situated on a 2.55 m x 1.83 m concrete pad. All hydro requirements to service the equipment cabinets for the telecommunications tower must be to the satisfaction of PowerStream Inc.

The Proponent has advised that the proposed telecommunication tower is required to address existing network and coverage issues along Highway #400 centred at Langstaff Road. The proposed tower has been designed to support co-location with additional carriers. The Development Planning Department has no objection to the proposed layout, design and location of the compound and telecommunication tower.

Ministry of Transportation (MTO)

The proposed telecommunications tower falls within MTO's permit control area. On March 28, 2013, the MTO issued a Building and Land Use Permit to the Applicant to permit the construction of the proposed telecommunication tower.

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 proposed development implements the City's current Official Plan and the Vaughan Official Plan 2010 to encourage the development of high speed comprehensive telecommunications and data networks throughout the City of Vaughan to contribute to economic competitiveness and support widespread access to such services.

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 29.9 m 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.12.102.

Attachments

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

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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.)