

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 23, 2015

Item 10, Report No. 24, of the Committee of the Whole, which was adopted, as amended, by the Council of the City of Vaughan on June 23, 2015, as follows:

By approving:

That the following be approved in accordance with Communication C29 from the Commissioner of Planning, dated June 22, 2015:

- a) ***That Site Development File DA.14.049 (The Corporation of the City of Vaughan) be held in abeyance, pending the investigation of an alternate site for the proposed telecommunications tower at the William T. Foster Woods Park, on lands owned by the Toronto and Region Conservation Authority (TRCA);***

That the recommendation contained in Communication C10 from the Commissioner of Planning, dated June 16, 2015, be approved as follows:

1. ***That this Communication be received as information;***

That the report of the Commissioner of Planning, Director of Development Planning, and Manager of Development Planning, dated June 2, 2015, be received; and

That the following Communications be received:

- C1. ***Geetika Prasher, Golden Gate Circle, Woodbridge, dated June 2, 2015;***
- C2. ***Carmen Ahluwalia, Golden Gate Circle, Woodbridge, dated June 2, 2015;***
- C25. ***Petition from residents;***
- C26. ***Petition from residents;***
- C27. ***Ms. Lucy Frechette, dated June 18, 2015; and***
- C28. ***Mr. Claude Frechette, Darien Road, Burlington, dated June 17, 2015.***

10 **SITE DEVELOPMENT FILE DA.14.049**
THE CORPORATION OF THE CITY OF VAUGHAN
WARD 2 - VICINITY OF MAJOR MACKENZIE DRIVE AND ISLINGTON AVENUE

The Committee of the Whole recommends:

- 1) **That consideration of this matter be deferred to the Council meeting of June 23, 2015, to allow further consultation between the applicant and area residents, and for the applicant to report to staff on the results of the consultation prior to the matter returning to Council;**
- 2) **That the following deputations and Communication be received:**
 1. **Mr. Sean Galbraith, SJSB – Bell, Dalhousie Street, Toronto;**
 2. **Ms. Jillian Sbrizzi, Capner Court, Kleinburg;**
 3. **Ms. Lucy Frechette, Lookout Point Court, Woodbridge;**
 4. **Ms. Bianca Bradau, Lookout Point Court, Woodbridge; and**
 5. **Mr. Richard Cooper, John Kline Lane, Kleinburg, and Communication C6, dated June 2, 2015;**
- 3) **That the following Communications be received:**
 - C3 **Mr. Jerry Celenza, Capner Court, Kleinburg, dated May 31, 2015;**
 - C4 **Mr. Joe Chetti, dated June 2, 2015; and**
 - C5 **Ms. Frances Chetti, dated June 2, 2015; and**

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4) 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.14.049 (City of Vaughan) BE APPROVED, to permit the installation of a 40 m high flagpole telecommunication tower and associated radio equipment cabinet for Bell Mobility Inc. (Attachments #3 to #6) on the subject lands shown on Attachments #1 and #2, subject to the following conditions:
 - a) that the Proponent enter into a lease agreement with the City of Vaughan for the use of City-owned lands, to the satisfaction of the City of Vaughan Legal Services Department, Real Estate Division; and,
 - b) that the compound fence enclosure be constructed of western red cedar.

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 September 4, 2014, which is discussed in the Telecommunication Tower/Antenna Protocol section of this report.

Purpose

The purpose of this report is to seek approval from the Committee of the Whole for Site Development File DA.14.049 on the subject lands shown on Attachments #1 and #2, to permit the installation of a 40 m high flagpole telecommunication tower with internal antennas and an associated radio equipment cabinet, as shown on Attachments #3 to #6. The proposed development implements Vaughan Official Plan 2010 (VOP 2010) and is appropriately located.

Background - Analysis and Options

Location

The subject lands (known as Sonoma Heights Park) shown on Attachments #1 and #2 are located on the southwest corner of Major MacKenzie Drive and Islington Avenue, municipally known as 100 Sunset Ridge, 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 (as superseded by Industry Canada's Protocol, June 2014) require consideration by Vaughan Council.

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In accordance with the City's Protocol, the Proponent attended a Pre-Application Consultation meeting with the Vaughan Planning Department and submitted 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.

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 to 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 June 2, 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 telecommunications industry professionals. The Task Force approved the final Findings Report at its 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 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 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 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, as well as to the local ratepayers' association. At the request of the City, the Proponent expanded the notification area to include properties along Islington Avenue, Lookout Point Court, Sunset Ridge, Park Ridge Drive, and St. Padre Pio Gardens, where residential dwellings face the subject park, as shown on Attachment #2.

On September 4, 2014, the Proponent held a Community Information Meeting at the Al Palladini Centre from 6:00pm - 8:00pm, however, no residents attended the meeting. The Proponent

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received communications from five residents; one in support and 4 in opposition to the proposed tower, for the following reasons:

- the park should be used as a park, and not for any other purposes
- the proposed tower would lower home values, and will lead to adverse health effects as a result of the high levels of exposure to microwaves
- concerns with aesthetics, safety (potential of children climbing the pole) and noise

The Vaughan Planning Department offers the following responses:

Aesthetics: The originally proposed design of the tower, a monopole with shrouded antennas, was changed to a flagpole design by the proponent at the request of the Vaughan Planning Department to provide a more appropriate design for the entrance to a municipal park. The equipment compound will be screened by a solid board fence, and the Proponent has agreed to plant four trees and ornamental shrubs along the compound fence, as shown on Attachment #4.

Health: Industry Canada has adopted Health Canada's guidelines for safe human exposure to RF energy, commonly known as Safety Code 6. Compliance with these guidelines is mandatory at all times and is a condition of a carrier's spectrum license. Bell Mobility Inc. attests that the proposed radio antenna system described will comply with Health Canada's Safety Code 6 limits, as may be amended from time to time, for the protection of the general public including any combined effects of additional carrier co-locations and nearby installations within the local radio environments.

Safety: The compound will be enclosed by a 2.4 m high board fence and will be accessed only by locking doors. The proposed tower design has a smooth base with no footholds for climbing.

Location in a park: Bell Mobility Inc. antennas are already located in the park, on an existing hydro tower structure. The Proponent advises that Hydro One Network Inc., the Owners of the structure, will not permit any upgrades to the equipment.

Property Value: Industry Canada deems concerns about the effects of a proposed antenna system on property values as "not relevant" in CPC-2-0-03 (Radiocommunication and Broadcasting Antenna Systems Protocol).

Official Plan and Zoning

The subject lands are designated "Natural Areas", "Parks", and "Infrastructure and Utilities" by 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 a new telecommunications tower protocol.

The subject lands are zoned OS2 Open Space Park 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*. 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).

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Planning Considerations

The proposed 100 m² equipment compound is enclosed by a 2.4 m high board fence. The compound includes a 40 m high flagpole with internal antennas, one radio equipment cabinet, and dedicated space to accommodate the equipment cabinet of a future co-located carrier, as shown on Attachments #3 to #6. The compound layout details indicate that the proposed 2.4 m high fence enclosure is constructed of pressure treated wood. The plan must be revised to change the fence material to western red cedar in accordance with City standards, which the Proponent has agreed to undertake. A condition of approval is included in this report. The accessory radio cabinet is constructed of galvanized steel, as shown on Attachments #5 and #6. All hydro requirements to service the equipment cabinets for the telecommunications tower must be to the satisfaction of PowerStream Inc.

Should the application be approved, the Proponent has agreed to compensate the City of Vaughan for the removal of/damage to four trees in the vicinity of the compound, to the satisfaction of Vaughan's Parks and Forestry Operations Department. The Proponent also proposes to plant four additional trees and ornamental shrubs to provide screening along all four sides of the base of the compound. The Vaughan Planning Department is satisfied with the proposed screening.

The Proponent is proposing construction and servicing via the existing driveway to the park from Major MacKenzie Drive, as shown on Attachment #3.

The Proponent has advised that the proposed telecommunication tower is required to maintain service in the area. Bell Mobility Inc.'s existing site in the area is located on a hydro tower in the park. The proponent advises that Hydro One Network Inc., the Owner of the structure, will not permit any upgrades to the equipment, and will be requiring the antennas to be removed. No other opportunities for co-location in the area exist. The nearest non-Bell installation is a Rogers' Communications site on Islington Avenue to the south, on which Bell Mobility Inc. is pursuing co-location.

The Proponent has advised that the 40 m high flagpole telecommunications tower will facilitate future co-location by other licensed carriers, which is consistent with the City's in-effect telecommunication tower/antenna facilities protocol that encourages the use of existing structures. The compound layout, as shown on Attachment #4, includes space for the equipment of future co-located antennas. The Vaughan Planning Department has no objection to the proposed layout, design, and location of the compound and telecommunications tower.

City of Vaughan

The proposed tower will be located on City-owned lands. The Proponent must enter into a lease agreement with the City to the satisfaction of the City of Vaughan Legal Services Department, Real Estate Division. A condition to this effect is included in the recommendation of this report.

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 Well-Being

The proposal will support the development of a high-speed telecommunications and data network throughout the City of 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 tower and has no objections.

Conclusion

The Vaughan Planning Department has reviewed the proposal for a 40 m high flagpole 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, and Industry Canada's Protocol for Radiocommunication and Broadcasting Antenna Systems. The installation of the proposed tower and accessory radio equipment is considered acceptable, and accordingly, the Vaughan Planning Department can support the approval of Site Development File DA.14.049, subject to the conditions identified in the recommendation of this report.

Attachments

1. Context Location Map
2. Location Map
3. Site Plan
4. Compound Layout & Tower Details
5. Cabinet Details - South and West Elevations
6. Cabinet Details - North and East Elevations

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.)