

**CITY OF VAUGHAN**

**EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 28, 2016**

Item 3, Report No. 27, of the Committee of the Whole, which was adopted, as amended, by the Council of the City of Vaughan on June 28, 2016, as follows:

***By approving that consideration of this matter be deferred until such time as the site plan application comes forward for the property;***

***By receiving Communication C12, from the Deputy City Manager, Planning & Growth Management, dated June 27, 2016; and***

***By receiving the coloured elevation drawings submitted by the applicant.***

**3**

**SITE DEVELOPMENT FILE DA.14.090  
PRIMA VISTA ESTATES INC.  
WARD 3 - VICINITY OF TESTON ROAD AND PINE VALLEY DRIVE**

**The Committee of the Whole recommends:**

- 1) That consideration of this matter be deferred to the Council meeting of June 28, 2016;**
- 2) That the deputation by Mr. Shehryar Khan, East Beaver Creek, Richmond Hill, on behalf of Bell Mobility Inc., be received; and**
- 3) That the coloured elevation drawings submitted by the applicant be received.**

**Recommendation**

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

1. THAT Site Development File DA.14.090 (Prima Vista Estates Inc.) BE APPROVED, to permit the installation of a 40 m high shrouded monopole telecommunication tower with flag and associated radio equipment cabinets for Bell Mobility Inc. (Attachments #3 to #5) on the subject lands shown on Attachments #1 and #2, subject to the following condition:
  - a) that Bell Mobility Inc. submit a landscape plan showing the details of the proposed decorative wood fence (i.e. height and material) and landscape screening (i.e. height, species and quantity) around the tower base and compound.

**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 May 15, 2014, 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.14.090 on the subject lands shown on Attachments #1 and #2, to permit the installation of a 40 m high shrouded

## CITY OF VAUGHAN

### EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 28, 2016

#### Item 3, CW Report No. 27 – Page 2

monopole telecommunication tower with flag and associated radio equipment cabinets, as shown on Attachments #3 to #5.

#### **Background - Analysis and Options**

##### *Synopsis:*

*The Proponent is proposing to locate a 40 m high shrouded monopole telecommunication tower with flag and four radio equipment cabinets. The proposed development is appropriately designed and located. The Vaughan Development Planning Department supports the location of the proposed telecommunications tower because it conforms with the Vaughan Official Plan, the City of Vaughan'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.*

##### Location

The subject lands are located south of Teston Road, on the east side of Pine Valley Drive (as shown on Attachments #1 and #2), and municipally known as 10699 Pine Valley Drive, in the City of Vaughan. The surrounding land uses are 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 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 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 require 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 Siting 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 June 21, 2016, 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

## CITY OF VAUGHAN

### EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 28, 2016

#### Item 3, CW Report No. 27 – Page 3

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 new City of Vaughan Telecommunication Facility Siting Protocol is scheduled for consideration by the Vaughan Committee of the Whole in mid-2016.

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 March 12, 2015, the Proponent held a Community Information Meeting at the Maple Community Centre from 7:00 pm to 8:00 pm. In accordance with the City’s Protocol, notice for this meeting was provided by regular mail to residents and property owners within a 120 m radius, as well as to the local ratepayers association and applicants for the surrounding properties. Notice was provided a minimum of 20 days in advance of the Community Information Meeting. No residents attended the Public Consultation Meeting. To date, no correspondence has been received by the Development Planning Department respecting this application.

#### Official Plan and Zoning

The proposed telecommunications tower is located within the approved Block 40/47 Plan, as shown on Attachment #6. The subject lands are designated “Medium Density Residential/Commercial” by City of Vaughan Official Plan Amendment (OPA) 744, approved in part by the OMB (decision date: December 14, 2015). The approved Block 40/47 Plan identifies the subject lands as being “Neighbourhood Commercial”.

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 of VOP 2010 encourages the sharing of telecommunication infrastructure to minimize the visual impact of telecommunications towers. The proposed development conforms with the telecommunication policies of VOP 2010.

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, 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 (i.e. no implementing Site Plan Agreement or Letter of Undertaking).

## CITY OF VAUGHAN

### EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 28, 2016

#### Item 3, CW Report No. 27 – Page 4

##### Planning Considerations

The proposed 23 m<sup>2</sup> equipment compound will be surrounded by a 1.8 m high wooden fence (red cedar), and screened by 1.8 m high cedar trees around the compound. The compound includes a 40 m high steel shrouded monopole tower with flag and four radio equipment cabinets, as shown on Attachments #3 to #5. The accessory radio cabinets are constructed of galvanized steel and measure approximately 4.8 m<sup>2</sup> in area and 2.13 m in height, as shown on Attachments #4 and #5. 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 an existing asphalt driveway entering from Pine Valley Drive, as shown on Attachments #2 and #3.

The proposed compound is located in proximity to the future Pine Valley Drive and Teston Road realignment and a proposed commercial development. In order to mitigate the visual exposure of the compound and associated radio cabinets, the Proponent has agreed to locate the tower in the south area of the site and away from the future road realignment, and to install a wooden fence and coniferous landscape screening around the entirety of the compound as described earlier. Additional mitigation measures may be required as part of any future site plan application for the planned commercial development.

The Proponent has advised that the proposed telecommunication tower is required to address existing and proposed network gaps along Pine Valley Drive and Teston Road as a result of future residential development in this area. The Proponent has conducted a review of existing telecommunication infrastructure within a 500 m radius of the proposed telecommunications tower, which revealed an absence of telecommunication facilities within this area. The Proponent has also advised that the closest Bell Telecommunication Tower is approximately 1 km west of the proposed tower. The proposed tower has been designed to accommodate 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, subject to the recommendation in this report for Bell Mobility Inc. to submit a landscape plan showing the details of the proposed decorative wood fence (ie. height and material) and landscape screening (ie. height, species and quantity) around the tower base and compound. The Plan should take into account the context of planned commercial and residential development and taking into account the planned realignment of Teston Road and the widening of Pine Valley Drive.

##### Vaughan Development Planning Department, Urban Design and Cultural Heritage Division

The Vaughan Development Planning Department, Urban Design and Cultural Heritage Division has reviewed the proposal, and due to the proximity of the proposed telecommunications tower and access driveway to the existing cemetery (Purpleville Methodist Cemetery) to the south, recommends that the following standard clauses be applied to this application:

- a) Should archaeological resources be found on the property, all work must cease and both the Ontario Ministry of Tourism, Culture and Sport and the City of Vaughan's Development Planning Department shall be notified immediately.
- b) In the event that human remains are encountered during the ongoing use of the access road, the proponent must immediately cease all construction activities. The proponent shall contact the York Regional Police Department, the Regional Coroner and the Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer Services.

## **CITY OF VAUGHAN**

### **EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 28, 2016**

#### Item 3, CW Report No. 27 – Page 5

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

The Vaughan DEIP Department has reviewed the subject proposal and has no comments.

##### Toronto and Region Conservation Authority (TRCA)

The TRCA has reviewed the subject proposal and has no objections to the proposed tower.

##### Block 40/47 Landowners Group

The Block 40/47 Landowners Group has reviewed the subject proposal and provided correspondence indicating that they are not opposed to the location of the proposed telecommunications tower on the subject lands.

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

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

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

##### **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 Region may require lands to the north of this site for the widening of Pine Valley Drive and the realignment of Teston Road.

The York Region Community Planning and Development Services Department has reviewed the proposed tower and have no comments.

##### **Conclusion**

The Vaughan Development Planning Department has reviewed the proposal for a 40 m high shrouded monopole telecommunication tower with flag 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 requirements of City Departments and external public agencies, and the area context. The installation of the tower and accessory radio equipment cabinets in the proposed location is considered acceptable for the reasons provided in this report. Accordingly, the Development Planning Department can support the approval of Site Development File DA.14.090.

##### **Attachments**

1. Context Location Map
2. Location Map
3. Site Plan
4. Compound Layout & Elevation Plan
5. Cabinet Details
6. Approved Block 40/47 Plan

**CITY OF VAUGHAN**

**EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 28, 2016**

Item 3, CW Report No. 27 – Page 6

**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.)