

**CITY OF VAUGHAN**

**EXTRACT FROM COUNCIL MEETING MINUTES OF NOVEMBER 17, 2015**

Item 6, Report No. 40, of the Committee of the Whole which was adopted, as amended, by the Council of the City of Vaughan on November 17, 2015, as follows:

***By approving that the applicant meet with the Ward 1 Councillor to finalize the colour of the pole and design of the base of the cell tower to better compliment the adjacent historical Church.***

**6**

**SITE DEVELOPMENT FILE DA.14.031  
ST. PAUL'S PRESBYTERIAN CHURCH  
WARD 1 - VICINITY OF MAJOR MACKENZIE DRIVE AND PINE VALLEY DRIVE**

**The Committee of the Whole recommends:**

- 1) That the recommendation contained in the following report of the Deputy City Manager, Planning and Growth Management, Director of Development Planning, and Senior Manager of Development Planning, dated November 3, 2015, be approved; and**
- 2) That the coloured elevation drawings submitted by the applicant be received.**

**Recommendation**

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

1. THAT Site Development File DA.14.031 (St. Paul's Presbyterian Church) BE APPROVED, to permit the installation of a 38 m high monopole telecommunication tower and associated radio equipment cabinet for Bell Mobility Inc. (Attachments #3 to #7) to be located on the subject lands shown on Attachments #1 and #2, subject to the following condition:
  - a) that a licensed archaeologist be on the site during excavation; and,
  - b) that the compound fence be constructed of western red cedar to the satisfaction of the Vaughan Development Planning Department, Urban Design and Cultural Heritage Division.

**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 July 8, 2014. The Proponent held a second Public Consultation meeting on March 15, 2015, as the location and design of the tower was revised due to site constraints. One resident expressed concern about the height and visibility of the proposed tower. The meetings are discussed in the Telecommunication Tower/Antenna Protocol section of this report.

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#### **Purpose**

The purpose of this report is to seek approval from the Committee of the Whole for Site Development File DA.14.031 on the subject lands shown on Attachments #1 and #2, to permit the installation of a 38 m high monopole telecommunication tower with internal antennas and an associated radio equipment cabinet by Bell Mobility Inc., as shown on Attachments #3 to #7.

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

##### *Synopsis:*

*The Proponent is proposing to develop the subject lands with a 38 m high monopole telecommunication tower with internal antennas and an associated radio equipment cabinet. The proposed telecommunication installation implements Vaughan Official Plan 2010 and is appropriately designed and located. The Vaughan Development Planning Department supports the proposed telecommunications tower as it is compatible with the surrounding existing and planned land uses in the area.*

#### **Location**

The subject lands shown on Attachments #1 and #2 are located on the west side of Pine Valley Drive, and approximately 400 metres north of Major MacKenzie Drive, municipally known as 10150 Pine Valley Drive, in the City of Vaughan. The surrounding land uses are identified 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 (as superseded by Industry Canada's Protocol, June 2014) require consideration by Vaughan Council.

In accordance with the City's 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. 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 November 3, 2015, in accordance with the above resolution.

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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 250 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. The Proponent notified the following local Ratepayers’ Associations:

- Kleinburg and Area Ratepayers’ Association
- Millwood Woodend Ratepayers’ Association
- East Woodbridge Community Association

On July 8, 2014, the Proponent held a Community Information Meeting at the Al Palladini Community Centre from 6:00pm - 8:00pm regarding the original proposed tower location, however, no residents attended the meeting. The Proponent received no communications from residents during the formal consultation period. After the formal consultation period, the Proponent held a meeting with the landlord of the subject lands and three residents to discuss the design of the tower.

Due to the presence of a septic tile bed on the subject lands, as shown on Attachment #3, and discussed later in this report, the Proponent relocated the proposed tower from directly behind the existing church building to a triangular parcel of land at the rear of the property, as shown on Attachments #3 and #4. Due to the constraints of the new location, the Proponent changed the design of the proposed tower from a shrouded tri-pole to a shrouded monopole. As a result of the revised location and design, the Proponent held a second Community Information Meeting on March 15, 2015, from 6:00pm to 8:00pm at the Al Palladini Community Centre. The notification radius for the subject tower is shown on Attachment #2. Four residents attended the second meeting. Three attendees indicated support for the tower, with one of the three further elaborating in written comments that a tower is needed as cell phone service is poor in the area.

One attendee e-mailed comments after the meeting. The resident was concerned with the visibility of the tower from the Millwood subdivision, and expressed a desire for the tower height to be reduced as much as practically possible, and for the tower to be painted an off-white colour.

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The Proponent agreed to reduce the height of the tower from 40 m to 38 m and advised that the tower height cannot be any lower due to engineering constraints. The Proponent also advised that the tower can be painted any colour that the City prefers and would be agreeable to an off-white colour.

The resident to the immediate north of the subject lands contacted the Proponent by phone after the second Community Information Meeting. The resident asked for additional information regarding the location of the tower relative to his property. The Proponent provided the information and no additional comments were received.

#### Official Plan and Zoning

The subject lands are designated “Agricultural” by Vaughan Official Plan 2010 (VOP 2010), and “Natural Heritage System within the Protected Countryside” in the Greenbelt Plan. Greenbelt conformity is discussed later in this report. 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 policies in VOP 2010 also indicate that the telecommunications and data policies in VOP 2010 do not apply until such time as Vaughan Council has adopted a new telecommunications tower protocol, which is expected in early 2016.

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).

#### Planning Considerations

The proposed 32 m<sup>2</sup> equipment compound includes a 2.4 m high board fence on the east side of the compound, between the compound and the rest of the property. The compound includes a 38 m high monopole with internal antennas and one radio equipment cabinet, as shown on Attachments #3 to #7. The accessory radio cabinet is constructed of galvanized steel, as shown on Attachments #6 and #7. All hydro requirements to service the equipment cabinets for the telecommunications tower must be to the satisfaction of PowerStream Inc.

The Proponent is proposing construction and servicing via the existing church driveway from Pine Valley Drive, as shown on Attachment #3.

#### a) Septic Tile Bed

The subject lands contain a septic tile bed as shown on Attachment #3. The City of Vaughan Environmental Inspector advises that there does not appear to be any issues with the proposal provided a 5 m clearance is maintained from any structure to the septic distribution piping. The septic area is to be protected from compaction. The Proponent has confirmed that the proposed tower is located outside of the required 5 m buffer from the septic tile bed.

#### b) Co-location

The Proponent advises that it conducted an initial survey of the area for buildings of a similar height or wireless communication installations that might be considered for this installation, and

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an opportunity for co-location was not found. A Rogers wireless installation is located nearby to the north of the proposed location, but that tower does not have sufficient height to accommodate Bell's equipment. The Proponent has advised that the 38 m high monopole 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.

c) Tree Preservation

The Proponent submitted an arborist report, including a tree preservation plan, dated October 21, 2013. Two Spruce trees, one Basswood tree, and several Buckthorn weed trees will be removed to accommodate construction. There is an existing hedgerow at the rear of the property (between the proposed tower location and the church and the cemetery) as shown on Attachment #4. Six (6) White Spruce Pine trees will be planted in the area as compensation for the loss of trees, and to replace part of the hedgerow, due to construction. Other trees located on the property will be protected as part of the preservation plan. The trees will be planted to screen the tower compound from the church and the cemetery. The Vaughan Development Planning Department is satisfied with the arborist report and tree preservation plan.

d) Cultural Heritage, Landscaping and Fencing

The subject lands include a church and a cemetery and are located in an area identified as being of high archaeological potential in the City's database of archaeological resources. The Proponent submitted an Archaeological Assessment to the Ministry of Tourism, Culture and Sport (MTCS) detailing the Stage 1 and 2 archaeological assessment conducted on the original tower location. MTCS concurred with the recommendations that a Stage 3 assessment (mechanical removal of topsoil) was required for a 5 m buffer surrounding the compound.

When the tower was relocated to its current proposed location, the Proponent's archaeologist submitted an affidavit to the Ministry of Government and Consumer Services (MGCS) advising that the new tower location is outside of the cemetery. MGCS accepted the affidavit, and advised the Proponent to submit a new survey indicating the true boundaries of the cemetery to the Cemeteries Registration Unit. Based on this information and the review by the Vaughan Development Planning Department, Urban Design and Cultural Heritage Division, no new Archaeological Assessment was requested for the revised location. Cultural Heritage staff have advised that a licensed archaeologist must be on the site during excavation. A condition to this effect is included in the recommendation of this report.

The Proponent submitted a Heritage Impact Assessment, which included recommendations for an enhanced landscape plan, upgraded fencing, and the placement of the tower in an axial relationship to the church tower. The Proponent submitted an enhanced landscape plan, as shown on Attachment #4, with six new White Spruce trees to be planted to screen the compound base from the church and the cemetery, and Dogwoods and Daylilies to be planted along the walkway access to the compound. The existing tree hedge is to remain on either side of the compound. The landscape plan also includes a bench along the walkway, and a 2.4 m high pressure treated wooden fence and gate along the eastern edge of the tower compound, to further screen it from the church and the cemetery. The plan must be revised to change the fence material to western red cedar in accordance with City standards. A condition of approval in this regard is included in the recommendation of this report. The Vaughan Development Planning Department is satisfied with the landscape plan and the location of the tower subject to the comments and recommendations in this report.

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Originally, the tower was proposed to be a shrouded tri-pole, and subsequent to public consultation, a monopole tower design was proposed by the Proponent. The size of the area where the tower is proposed will only support a monopole tower design. The Vaughan Development Planning Department is satisfied with the revised tower design.

#### e) Greenbelt Plan Conformity

The subject lands are designated “Natural Heritage System within the Protected Countryside” in the Greenbelt Plan. The Proponent submitted a Greenbelt Conformity Report in support of the proposed telecommunication tower.

The Proponent advised that the proposed telecommunication tower:

- Serves the significant growth and economic development expected in Southern Ontario beyond the Greenbelt by providing for the appropriate infrastructure connections among the urban growth centres and Ontario's borders;
- Minimizes the amount of land required for the facility;
- Minimizes negative impacts on the landscape;
- Supports provincial growth management initiatives; and,
- Avoids key natural heritage features.

The Vaughan Development Planning Department has reviewed the Conformity Report and is satisfied that the proposed tower conforms to the policies of the Greenbelt Plan.

#### f) View of the Tower from Trail

The William Granger Greenway Trail intersects with Major MacKenzie Drive to the southwest of the subject lands. The base of the tower is approximately 2 km from the trail and there are numerous forested plots between the trail and the proposed tower location. The distance and trees will contribute to buffering the view of the tower from the trail.

#### g) City of Vaughan Access Over Driveway

The City of Vaughan maintains access over the existing driveway of St. Paul's Presbyterian Church, in order to access and maintain the cemetery grounds on either side of the church. The City also maintains the driveway and ploughs the snow. The City of Vaughan's Parks and Forestry Operations Department confirms that an access easement over the driveway necessary for the installation and maintenance of the tower will be in addition to the City's easement, and that an additional access easement will not change the City's obligations of maintenance.

#### h) Well on City-owned Property to the West

A well is located on the City-owned lands to the west, south and west of the proposed location of the telecommunications tower. The Ministry of the Environment advises that there is no legislation regarding setback distances from wells to telecommunications towers, and further advises that the well should be protected from any damage/vibration during construction.

#### Vaughan Development Engineering and Infrastructure Planning Services Department (DEIPS)

The DEIPS Department has no comments on the proposal.

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

The TRCA advises that the proposed tower and access are not within the Regulated Area of the TRCA. The TRCA has no objection to site plan approval.

#### **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.

#### **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 proposal and has no objections.

#### **Conclusion**

The Vaughan Development Planning Department has reviewed the proposal for a 38 m high monopole telecommunication tower and associated radio equipment cabinet in accordance with the policies of 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, and the requirements of City Departments and external public agencies. The installation of the proposed tower and accessory radio equipment is considered acceptable, and accordingly, the Vaughan Development Planning Department can support the approval of Site Development File DA.14.031, subject to the conditions included in the recommendation of this report.

#### **Attachments**

1. Context Location Map
2. Location Map
3. Site Plan
4. Landscape Plan
5. Compound Layout and Tower Details
6. Cabinet Details – South and West Elevations
7. 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.)