

**CITY OF VAUGHAN**

**EXTRACT FROM COUNCIL MEETING MINUTES OF DECEMBER 10, 2013**

Item 10, Report No. 52, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on December 10, 2013.

**10**

**SITE DEVELOPMENT FILE DA.13.024**

**GOLDPARK NASHVILLE INC.**

**WARD 1 - VICINITY OF NASHVILLE ROAD AND HUNTINGTON ROAD**

**The Committee of the Whole recommends:**

- 1) That the recommendation contained in the following report of the Commissioner of Planning and the Director of Development Planning, dated November 26, 2013, be approved; and**
- 2) That the coloured elevation drawings submitted by the applicant be received.**

**Recommendation**

The Commissioner of Planning and the Director of Development Planning recommend:

1. THAT Site Development File DA.13.024 (Goldpark Nashville Inc.) BE APPROVED, to permit the installation of a 45 m high monopole telecommunication tower and associated radio equipment cabinet (Attachments #3 to #6) on the subject lands shown on Attachments #1 and #2.
2. THAT prior to the approval of the final Site Plan, the Proponent (Bell Mobility Inc.) shall submit a landscape plan showing landscape screening in the form of tree planting around the base of the proposed telecommunications tower compound, to the satisfaction of the Vaughan Development Planning Department.

**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 April 22, 2013, which is discussed in the Protocol section of this report.

**Purpose**

The Proponent (Bell Mobility Inc.) has submitted Site Development File DA.13.024 on the subject lands shown on Attachments #1 and #2 for the installation of a 45 m high monopole telecommunication tower and associated radio equipment cabinet, as shown on Attachments #3 to #6.

**Background - Analysis and Options**

**Location**

The subject lands shown on Attachments #1 and #2 are located on the north side of Nashville Road, west of Huntington Road, in the City of Vaughan.

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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, 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 45 m high telecommunication tower exceeds the 15 m maximum tower exemption height and is subject to site plan approval.

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, industry representatives, and two Vaughan Council Members 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, 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 City's Protocol states that applications for telecommunication towers located within the rural 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, as shown on Attachment #2.

On April 22, 2013, the Proponent held a Community Information Meeting at the Nashville Community Church from 6:00 pm to 8:00 pm. In accordance with the City's Protocol, notice for this meeting was provided by regular mail to all notified residents a minimum of 20 days in advance of the Public Consultation meeting. No residents attended the Public Consultation Meeting and no concerns by residents have been received by the Development Planning Department.

#### Official Plan and Zoning

The subject lands are designated "Agriculture Area" (the telecommunication tower and cabinet are located in this designation) and "Valley and Stream Corridor" on Schedule "F" (Rural Area General) of in-effect OPA #600. The subject lands are also designated "Natural Areas" by the 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), as further modified and endorsed by Region of York Council on June 28, 2012, and approved, in part, by the Ontario Municipal Board on July 23, 2013.

The subject lands are zoned A Agricultural Zone (the telecommunication tower and cabinet are located in this designation) and OS1 Open Space Conservation 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*. 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).

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##### Previous Site Development Application

The Proponent originally submitted Site Development File DA.12.069 to locate a 45 m high monopole telecommunication tower at 7011 Nashville Road, located approximately 150 m east of the subject lands on the south side of Nashville Road, as shown on Attachment #2. As required by the City's Protocol, the Proponent provided notice to landowners within 250 m of the tower base and held a Community Information Meeting on November 29, 2012, at the Al Palladini Community Centre. Through the public consultation process, five (5) area residents sent correspondence to the Development Planning Department via email (municipal addresses were not provided) expressing concern regarding the location of the tower in proximity to an existing school located at 6950 Nashville Road (The Kleinburg Christian Academy) and the existing residential area to the east. The residents indicated that placing the tower closer to the existing hydro corridor was a more appropriate location. As a result, the Proponent selected the subject lands to provide greater separation from the nearby school and residential area.

##### Planning Considerations

The proposed 100 m<sup>2</sup> equipment compound is enclosed by a 2.4 m high chain link fence. The compound is accessed via a proposed driveway entrance from Nashville Road on lands (Parts 1 and 2) leased to the Proponent, as shown on Attachment #3. The compound includes a 45 m high monopole painted white with flush mounted antennas and associated radio equipment cabinet, as shown on Attachments #4 to #6. The accessory radio cabinet is constructed of galvanized steel and measures approximately 2.0 m x 2.4 m in area and 2.4 m in height. The compound and telecommunication tower are located on the southeast portion of the subject lands with a front yard setback of 16.5 m. The Proponent selected to place the tower on this portion of the subject lands due to site constraints, which include an existing ditch and culvert located to the northwest of the proposed compound and identified as a tributary of the Humber River by the Toronto and Region Conservation Authority (TRCA).

The location of the proposed telecommunication tower is appropriate given its proximity to the existing hydro corridor that abuts the subject lands to the west. However, given the visibility of the proposed compound to Nashville Road, the Development Planning Department recommends that landscape screening in the form of trees be planted around the base of the compound in order to mitigate the visual impact of the proposed radio cabinet that measures 2.4 m in height, which the Proponent has agreed to do. Prior to approval of the final Site Plan, the Proponent will be required to submit a landscape plan showing landscape screening around the base of the proposed telecommunication tower compound, to the satisfaction of the Vaughan Development Planning Department. A condition to this effect is included in the recommendation of this report. All hydro requirements to service the equipment cabinet for the telecommunications tower must be to the satisfaction of PowerStream Inc.

The Proponent has advised that the proposed telecommunication tower is required to maintain network coverage in the area and to respond to customer's request for improved wireless signal quality. 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, provided that additional landscape screening is placed around the base of the proposed compound.

##### Toronto and Region Conservation Authority

The subject lands are located within the Toronto and Region Conservation Authority (TRCA) Regulated Area. An existing ditch and culvert identified as a tributary of the Humber River is located on the subject lands to the northwest of the proposed telecommunication tower. On July 16, 2013, TRCA staff conducted a site visit with Bell Mobility's consultants (SJSB Network

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Consulting Group) to stake the top-of-bank and confirm the watercourse location of the existing tributary. The TRCA has indicated that it has no objections to the location of the proposed telecommunication tower, which is located above the top-of-bank.

#### **Relationship to Vaughan Vision 2020/Strategic Plan**

This report is consistent with the following initiative set forth in the Vaughan Vision 20/20 Strategic Plan:

i) **Manage Growth and Economic Well-being**

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, 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.

The Region of York Transportation and Community Planning Department has reviewed the proposed driveway access from Nashville Road and has no objections to its location. The Proponent is required to obtain a Road Occupancy Permit from the Region of York prior to commencing any work on Nashville Road.

#### **Conclusion**

The Vaughan Development Planning Department has reviewed the proposal for a 45 m high monopole 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, Industry Canada's Protocol for Radiocommunication and Broadcasting Antenna Systems, comments from area residents, and the requirements of City Departments and external public agencies. 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.13.024.

#### **Attachments**

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

#### **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.)