

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 19, 2018

Item 10, Report No. 21, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on June 19, 2018.

10 SITE DEVELOPMENT FILE DA.17.100 JETHABHAI ENTERPRISES LTD. VICINITY OF REGIONAL ROAD 27 AND KING-VAUGHAN ROAD

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Deputy City Manager, Planning and Growth Management, dated June 5, 2018:

Recommendation

1. THAT Site Development File DA.17.100 (Jethabhai Enterprises Ltd.) BE APPROVED, to permit a shrouded tri-pole telecommunication tower as shown on Attachments #3 to # 5.

Item:



Committee of the Whole Report

DATE: Tuesday, June 05, 2018

WARD: 2

**TITLE: SITE DEVELOPMENT FILE DA.17.100
JETHABHAI ENTERPRISES LTD.
VICINITY OF REGIONAL ROAD 27 and KING-VAUGHAN ROAD**

FROM:

Jason Schmidt-Shoukri, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To seek approval from the Committee of the Whole for Site Development File DA.17.100 for the Subject Lands shown on Attachments #1 and #2, to permit the installation of a 65 m high shrouded tri-pole telecommunication tower and associated radio equipment cabinets as shown on Attachments #3 to #5, for Shared Network Canada, on behalf of Rogers Canada Wireless Communication.

Report Highlights

- The Development Planning Department supports the approval of the proposed telecommunication tower as it conforms to Vaughan Official Plan 2010 and complies with Zoning By-law 1-88, and meets the requirements of the City of Vaughan Telecommunication Facility Siting Protocol.

Recommendation

1. THAT Site Development File DA.17.100 (Jethabhai Enterprises Ltd.) BE APPROVED, to permit a shrouded tri-pole telecommunication tower as shown on Attachments #3 to # 5.

Background

The 18.2 ha Subject Lands (“the Subject Lands”) shown on Attachments #1 and #2 are located on the east side of Regional Road 27, south of King-Vaughan Road, and are municipally known as 11965 Regional Road 27. The Subject Lands are situated entirely within the Greenbelt Plan area, and portions of the Subject Lands are regulated by the Toronto and Region Conservation Authority (the “TRCA”). The surrounding land uses are zoned primarily for Agricultural uses as shown on Attachment #2. There is an existing single-detached dwelling on the Subject Lands. The area proposed to be occupied by the telecommunication installation is 15 m by 15 m (225 m²), as shown on Attachment #4.

Previous Reports/Authority

Not applicable.

Analysis and Options

The development proposal conforms to Vaughan’s Telecommunication Facility Siting Protocol

On October 19, 2016, Vaughan Council adopted a new protocol for establishing telecommunication tower/antenna facilities. In accordance with the City’s Protocol (the “Protocol”), new tower/antenna systems proposed by telecommunications carriers (as superseded by Innovation Science and Economic Development Canada (“ISED”), formerly Industry Canada’s Protocol, June 2014) may require consideration by Vaughan Council prior to the City of Vaughan issuing a Statement of Concurrence or Non-Concurrence to the Proponent and to ISED.

In accordance with the Protocol, the Proponent attended a Pre-Application Consultation (“PAC”) meeting with the Development Planning Department prior to submitting the subject application. The Proponent’s agent 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 shown on Attachment #1.

Public Notice was provided in accordance with Vaughan’s Telecommunication Facility Siting Protocol

The City’s in-effect Protocol states that applications for antenna systems (telecommunication towers) that are higher than 30 m in height and are located within 200 m from any residential zone, require full public consultation, City review and approval by Vaughan Council.

The proposed telecommunication tower is 65 m in height. Although the closest residential zone (RR Rural Residential Zone) is approximately 750 m south of the Subject Lands, the closest residential dwelling (in an A Agricultural Zone) is located on the abutting property approximately 150 m north of the proposed telecommunication tower compound, which meets the above-noted criteria.

The Proponent is required to give notice to the following:

- a) All affected residential properties within the prescribed distance, detailed below;
- b) All affected Ratepayer Groups within the prescribed distance;
- c) The Mayor, Regional Councillors and Local Councillor for the area; and,
- d) ISEDC (Innovation, Science and Economic Development Canada) regional office.

The City's Protocol requires the Proponent to provide notice of a Public Information Session by mail to all landowners within a radius of 250 m, or three times the height of the proposed Antenna System, whichever is greater for applications for telecommunication towers located within the rural area. As the proposed telecommunication tower is 65 m in height, a radius of 250 m was used to establish the notification area, as shown on Attachment #2. This distance is measured from the furthest point of the Antenna Systems' supporting mechanism (i.e. outermost structure edge).

The Proponent also erected a notice sign along the west lot line abutting Regional Road 27, in accordance with the City's Protocol. A Public Notice was also placed in the local print media (i.e. the Vaughan Citizen) by the Proponent on February 15, 2018.

On March 8, 2018, the Proponent held a Public Information Session at the Cornerstone Community Church from 6:00 pm to 8:00 pm for the proposed telecommunication tower. In accordance with the City's Protocol, notice for this meeting was provided by regular mail within a 250 m radius to all notified residents, a minimum of 30 days in advance of the Public Information Session. One resident attended the Public Information Session, and had no specific concerns with the proposal.

The proposed telecommunication tower conforms to Vaughan Official Plan VOP 2010 and complies with Zoning By-law 1-88

The Subject Lands are designated "Natural Areas" and "Agricultural" by Vaughan Official Plan 2010 (VOP 2010).

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 encourages the sharing of telecommunication infrastructure to minimize the visual

impact of telecommunications towers. The proposed telecommunication tower conforms with the telecommunication policies of VOP 2010.

The Subject Lands are zoned A Agricultural Zone and OS1 Open Space Conservation Zone by Zoning By-law 1-88.

The *Radiocommunication Act* designates ISEDC 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*. Therefore, telecommunication towers and antenna facilities are exempt from municipal official plan policies, zoning by-law requirements and site plan control approval (i.e. no implementing Site Plan Agreement or Letter of Undertaking).

The Site Development application has been reviewed and is satisfactory subject to the comments in this report

Site Plan Review

The proposed 225 m² radio equipment compound is enclosed by a 2.1 m high pressure treated wood board fence and is located approximately 170 m east of Regional Road 27. The compound includes a 65 m high steel shrouded tri-pole design with internal antennas and three radio equipment cabinets, as shown on Attachments #3 to #5. The accessory walk-in radio cabinets are constructed of prefabricated galvanized steel and each measure approximately 4 m² in area and 2.4 m in height. Each cabinet is set on cast in place reinforced concrete slabs (3 m by 3 m each). All hydro requirements to service the equipment cabinets for the telecommunication tower must be to the satisfaction of Alectra Utilities Corporation and TransCanada PipeLines Limited.

A parking space is provided adjacent to the telecommunication tower site with access from a public right-of-way, in accordance with the City's Protocol requirements.

Access to the site for the construction, servicing, and maintenance of the tower and associated cabinets will be provided via a proposed internal driveway connection to the existing driveway access from Regional Road 27, as shown on Attachment #3.

The Proponent has advised that the proposed telecommunication tower is required to address existing and proposed network gaps in this area. The Proponent conducted a search radius for existing telecommunication infrastructure and found the nearest existing telecommunication tower to be approximately 3 km south of the subject property, which is located on top of a water tower, and is already co-located.

The proposed tower will accommodate Rogers Canada Wireless Communication, and has been designed to support co-location with additional carriers.

On this basis, the Development Planning Department has no objection to the proposed layout, design and location of the compound and telecommunication tower.

Development Planning Department, Urban Design and Cultural Heritage Division

Cultural Heritage staff have advised there are no built heritage concerns respecting the Subject Lands. However, the Subject Lands are located in an area that has been identified as having high archaeological potential, and as such, recommends that the following standard clauses be applied to this application:

- a) Should archaeological resources be found on the property during construction activities, all work must cease and the Ontario Ministry of Tourism, Culture and Sport and the City of Vaughan Development Planning Department, Urban Design and Cultural Heritage Division shall be notified immediately.
- b) In the event that human remains are encountered during construction activities, the Owner must immediately cease all construction activities. The Owner shall contact the York Regional Police Department, the Regional Coroner and the Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Business Services.

The Policy Planning and Environmental Sustainability (“PPES”) Department has no objections to the proposal

The proposed telecommunication tower is located in the Greenbelt Plan Area. Infrastructure, specifically telecommunications infrastructure, is permitted in the Greenbelt Plan Area in accordance with Sections 3.5.6.1. and 3.5.6.2 of VOP 2010. The Policy Planning and Environmental Sustainability Department advises that proposed telecommunication tower will not impact the City’s Natural Heritage Network “Core Features”, and therefore, offers no further comments on natural heritage matters.

The Development Engineering (“DE”) Department has no objections to the proposal subject to TRCA and York Region approval

The DE Department has no objection to the proposed telecommunication tower on the Subject Lands subject to TRCA and York Region approval. Both the TRCA and York Region have indicated no objection to the proposal.

The Toronto and Region Conservation Authority (“TRCA”) has no objection to the proposal

The Subject Lands are partially located within a TRCA Regulated Area of the Humber River watershed. Development activities within regulated areas for radio communication and broadcasting antenna system providers are exempt from the regulatory approval

process under Section 28 of the *Conservation Authorities Act*. *The TRCA has no objections to the approval of the proposal.*

The Ministry of Municipal Affairs (“MMA”) has no concerns with the proposal

The MMA has reviewed the Application in consultation with the Ministry of Transportation Ontario (“MTO”) in relation to the new Northwest GTA Corridor Identification Study Area (“Study Area”). It was determined that Subject Lands are located outside of the Study Area. As such, the MMA has no concerns with the proposed telecommunication tower.

TransCanada PipeLines Limited (“TransCanada”) has no objection to the proposal, subject to requirements

The Site Development Application was circulated to TransCanada for review and comment, as there is a high pressure natural gas pipeline located along the northern edge of the Subject Lands (Part 1 Plan 65R-36748), adjacent to the proposed telecommunication tower compound, as shown on Attachment #3.

TransCanada advises that the proposed compound and fencing is approximately 10 m from the pipeline right-of-way, and therefore subject to the following regulatory and development requirements:

1. Written consent must be obtained from TransCanada prior to undertaking the following activities:
 - a) constructing or installing a facility across, on, along or under a TransCanada pipeline right-of-way. A facility may include, but is not limited to driveways, roads, access ramps, trails, pathways, utilities, berms, fences/fence posts;
 - b) conducting a ground disturbance (excavating or digging) on TransCanada’s pipeline right-of way or within 30 m of the centerline of TransCanada’s pipe (the “Prescribed Area”); and
 - c) driving a vehicle, mobile equipment or machinery across a TransCanada pipeline right-of-way outside the travelled portion of a highway or public road; and using any explosives within 300 m of TransCanada’s pipeline right-of-way.
2. TransCanada may have new and/or existing cathodic protection test stations in the area including underground cabling. If the overhead power line is within 30 m of the pipeline or crosses the pipeline right-of-way, review and approval is required from TransCanada.

3. In addition to the written consent noted above, a locate request must be made to the local one-call notification centre (“One-Call Centre”) a minimum of three business days in advance of the construction, ground disturbance, or vehicle or mobile equipment crossing. The One-Call Centre will notify TransCanada to send a representative to mark the facilities, explain the significance of the markings and provide a copy of the locate report. TransCanada request a minimum five business days’ notice for any work involving explosives.
4. Storage of materials and/or equipment on TransCanada’s right-of-way is not permitted.
5. If landscaping of TransCanada’s right-of-way is proposed, it is to be approved in writing by TransCanada and done in accordance with TransCanada’s Landscaping Guidelines:
 - a) TransCanada’s right-of-way is to be seeded with Canada #1 seed;
 - b) Shrubs maturing at more than five (5) feet tall and trees including fruit, nut-bearing and Christmas tree farms shall not be permitted within the right-of-way; and
 - c) Shrubs maturing at less than five (5) feet tall shall maintain a separation of five (5) metres from the edge of the pipeline.

Alectra Utilities Corporation (“Alectra”) has reviewed the proposal and has no objection to its approval

Alectra has no objection to the proposed telecommunication tower on the Subject Lands.

Financial Impact

There are no requirements for new funding associated with this report.

Broader Regional Impacts/Considerations

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 Community Planning and Development Services Department has reviewed the Site Development application and have no comments.

Conclusion

Site Development File DA.17.100 has been reviewed in consideration of the policies of VOP 2010, the requirements of Zoning By-law 1-88, the City of Vaughan Telecommunication Facility Siting Protocol, ISEDC's Protocol for Radiocommunication and Broadcasting Antenna Systems, the requirements of City Departments and external public agencies, and the surrounding area context. The proposed telecommunication tower and associated radio equipment compound conforms with the policies of VOP 2010, complies with Zoning By-law 1-88 and is considered appropriate for the reasons provided in this report. Accordingly, the Development Planning Department can support the approval of Site Development File DA.17.100.

For more information, please contact: Letizia D'Addario, Planner, at extension 8213.

Attachments

1. Context Location Map
2. Location Map
3. Site Plan
4. Compound Plan and Elevation Plan
5. Cabinet Details

Prepared by

Letizia D'Addario, Planner, ext. 8213

Clement Messere, Senior Planner, ext. 8409

Carmela Marrelli, Interim Senior Manager of Development Planning, ext. 8791

Mauro Peverini, Director of Development Planning, ext. 8407

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