

Committee of the Whole (1) Report

DATE: Tuesday, January 17, 2023

WARD: 1

TITLE: FREEDOM MOBILE INC.
SITE DEVELOPMENT APPLICATION DA.21.046
VICINITY OF KIRBY ROAD AND HIGHWAY 400

FROM:

Haiqing Xu, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To obtain municipal concurrence from the Committee of the Whole for Site Development File DA.21.046 for the subject lands shown on Attachment 2, for a proposed 50 m high telecommunication tower, as shown on Attachments 3 to 5.

Report Highlights

- The proponent seeks to construct a 50 m high telecommunication tower on the subject lands
- The proponent seeks municipal concurrence for the proposed telecommunication tower
- The Development Planning Department supports municipal concurrence for the 50 m high telecommunication tower as it conforms to Vaughan Official Plan 2010 and meets the requirements of the City of Vaughan Telecommunication Facility Siting Protocol

Recommendation

1. THAT municipal concurrence be granted for Site Development File DA.21.046 (Freedom Mobile Inc.), to permit a 50 m high telecommunication tower on the subject lands, as shown on Attachments 3 to 5, subject to the conditions in Attachment 1, BE APPROVED.

Background

The 0.405 ha subject lands ('the Subject Lands'), as shown on Attachment 2, are municipally known as 3240 Kirby Road, and are located on the north side of Kirby Road, east of Highway 400. The surrounding land uses, and the location of the telecommunication tower are shown on Attachments 2 and 3. The Subject Lands are currently occupied by a one-storey single detached dwelling that will be retained.

The Proponent has submitted a Site Development application to permit the telecommunication tower

The proponent has submitted Site Development File DA.21.046 (the 'Application') to permit the development of a 50 m high steel monopole telecommunication tower with a fenced compound area (the 'Development').

Previous Reports/Authority

Not applicable.

Analysis and Options

The proposed telecommunication tower conforms to Vaughan's Telecommunication Facility Siting Protocol ('TFSP')

Vaughan Council adopted the Vaughan Telecommunication Facility Siting Protocol ('TFSP') on October 19, 2016, for establishing telecommunication tower/antenna facilities in the City. In accordance with the City's Protocol, new tower/antenna systems proposed by telecommunications carriers (as superseded by Innovation Science and Economic Development Canada (ISED), formerly Industry Canada's Protocol (June 2014), may require consideration by Vaughan Council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 Applicant and to ISED.

In accordance with the TFSP, the Applicant attended a Pre-Application Consultation (PAC) meeting held June 10, 2021, with the Development Planning Department prior to submitting the Application. The Proponent has advised staff that the proposed telecommunication tower is required to address network gaps in the area and to support additional carriers in the future.

Public Notice was provided in accordance with Vaughan's Telecommunication Facility Siting Protocol ('TFSP')

The City's in-effect TFSP (Section 4.3) requires that applications for antenna systems (telecommunication towers) that are higher than 15 m in height and located less than 200 m from any residential zone, require full public consultation, City review and approval by Vaughan Council.

The proposed height of the telecommunication tower is 50 m and is in an “A Agricultural Zone” as shown on Attachment 2. The “A Agricultural Zone” permits Single-Family Detached Dwellings. Accordingly, this Application meets the above-noted criteria and requires a full public consultation process.

The Applicant erected a notice sign along the south lot line abutting Kirby Road, in accordance with the TFSP. The Applicant also placed a Public Notice in the local print media (Vaughan Citizen Newspaper) on October 28, 2021.

The Applicant held a virtual Public Information Session (non-statutory) on November 29, 2021, from 6:00 pm to 7:00 pm to receive information from the public for the proposed telecommunication tower. In accordance with the City’s TFSP, notice for this meeting was provided by regular mail within a 250-metres radius to all residents 30 days in advance of the Public Information Session. One member of the public attended the meeting. The following comments were raised:

- Is the telecommunication tower compatible with the current and future development in the area?
- What impacts will the proposed design have on the area?
- Are telecommunication towers safe?
- Does the telecommunication tower have setback requirements?
- Will the telecommunication tower generate noise pollution?

The following responses were provided based on the identified comments that were generated through the Public Information Session:

- The telecommunication tower is intended to support existing and future users within the immediate area
- The telecommunication tower has been designed to reduce visual impact and blend in with the surround community
- Telecommunication sites are governed by Health Canada’s Safety Code 6 to ensure safety
- There are no required setbacks as the proposed tower is Federally regulated

Telecommunication towers are exempt from the policies of Vaughan Official Plan 2010 (VOP 2010), Zoning By-law 1-88 and the Comprehensive Zoning By-law 001-2021

The Subject Lands are designated “Prestige Areas”, “Potential Valley and Stream Corridor”, “Employment Area Activity Centre” and “Stormwater Management Facility” by Schedule C – Land Use within the Vaughan Official Plan (VOP 2010), Volume 2, Highway 400 North Employment Lands Secondary Plan.

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 co-location of telecommunication infrastructure to minimize the visual impact of telecommunications towers. The proposed telecommunication tower conforms to the telecommunication policies of VOP 2010.

The Subject Lands are zone “A Agricultural” by Zoning By-law 1-88, subject to site-specific Exception 9(535) and zoned “FD Future Development” subject to site-specific Exception 319 by Zoning By-law 001-2021. The *Radiocommunication Act* designates the ISED, formerly Industry Canada, as the authority for all matters respecting telecommunications towers and antenna facilities. Federal regulations are not subject to Provincial policies, including the *Planning Act* and *Ontario Building Code*. Therefore, telecommunication towers and antenna facilities are exempt from municipal official plans, zoning by-law requirements and Site Plan approval (i.e., no implementing Site Plan Agreement or Letters of Undertaking). However, the City of Vaughan in accordance with the Protocol, can grant municipal concurrence for the telecommunication tower.

Site Plan Review

The Subject Lands are currently occupied by a 1-storey single detached residential dwelling. The telecommunications tower will be located at the rear of the property at the northwest corner of the lot. Access to the telecommunication tower will be provided through a secondary private driveway along the western boundary of the lot. The base of the tower will have a 10 m by 10 m compound area with 1.8 m high chained linked security fence. Visual reference of the proposed site plan is shown in Attachment 3.

Compliance with the City of Vaughan TFSP

Vaughan Council adopted the City of Vaughan TFSP on October 19, 2016. In addition to meeting the Federal requirements, the Development Planning Department supports the Development as it conforms to the City’s TFSP, to allow the Proponent to obtain municipal concurrence to install the tower. The following policies of the TFSP are compared with the Development:

	City of Vaughan TFSP Requirement	Site Development File DA.21.046 Compliance with TFSP Requirement
a.	<u>Pre - Application Consultation</u> (‘PAC’) (Section 7.3) The Proponent is required to have a PAC meeting with the Development Planning Department prior to submitting the Site Development Application	The PAC Meeting for this Application was held on June 10, 2021

b.	<u>Complete Application</u> (Section 8.2) The City of Vaughan shall consider the date a complete application was received as the official commencement of the Site Development Application review process	The Application was deemed complete on January 26, 2022
c.	<u>Notification Protocol</u> (Section 4.3) A tower that is between 15 m and 60 m in height and located within 150 m of any residential zone requires City review and concurrence by Vaughan Council. Public consultation is required	<p>The telecommunication tower is 50 m in height and the Subject Lands contains a residential dwelling, as shown on Attachment 2. As a result, a full public consultation process was required</p> <p>Once Notice sign was installed facing Kirby Road</p> <p>Public Notice was placed in the 'Vaughan Citizen' on October 28, 2021</p> <p>A Virtual Public Information Session was held on November 29, 2021</p>
d.	<u>Height of Tower</u> (Section 3.0) Height means the vertical distance measured from the lowest ground level at the base, including the foundation, to the tallest point of the Antenna System	The tower is 50 m in height, as shown on Attachments 2 to 5.
e.	<u>Compliance with Safety Code 6</u> (Sections 2.4 and 3) Means Health Canada's Safety Code 6, "Limits of Human Exposure to Radiofrequency Electromagnetic Fields in the Frequency Range from 3 kHz to 300 GHz". The Proponent must submit a signed attestation or an acceptable analysis to ISEDC indicating compliance with Safety Code 6	The Site Selection Report prepared by Landsquared International and dated September 30, 2021, "attests that the radio antenna system 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 environment." The Proposal complies with Safety Code 6

f.	<p><u>Co-location</u> (Section 5.0) The Proponent is required, where feasible and appropriate:</p> <ul style="list-style-type: none"> • to co-locate with another tower; and • if co-location is not feasible, to size leased areas to accommodate future expansion and co-location to accommodate leasing facilities. 	<p>The Site Selection Report states that the Applicant conducted a survey of the surrounding area and determined that despite there being telecommunication towers in the area, there are no existing facilities suitable for co-location within the network coverage vicinity. The tower height is designed to accommodate several providers including all three national providers to allow for co-location</p>
g.	<p><u>Location Criteria (Section 5.2)</u> The TFSP identifies preferred site selection criteria for new Towers. Proponents are encouraged to site antenna system facilities in the following order:</p> <ol style="list-style-type: none"> 1. On existing telecommunication towers at least 200-meters away from any residential zone. 2. Where co-location is not possible a new tower located 200-m away from any residential zone in: employment areas; other non-residential zones; natural areas an opens space; other publicly-owned properties; and Regional and District parks. 3. Where it is not possible to locate outside 200-m from any residential zone, and there is limited site availability, co-location may be encouraged at the time of Pre-Application Consultation. 	<p>The Site Selection Report states that the “proponent conducted a survey of the surrounding area and determined that there are no existing facilities suitable for co-location within the network coverage vicinity”</p> <p>Given the limited site availability for the tower, the location of the tower was chosen in accordance with Section 5.2 (Option 3) of the TFSP and is designed to accommodate co-location.</p>

h.	<p><u>Design (Section 6.2)</u></p> <p>The architectural style of the telecommunication tower will be chosen based upon what is most compatible with the surrounding physical context. Monopole design with antennas shrouded or flush mounted are preferred architectural styles.</p> <p>Towers are to be located to the rear lot and away from the streets to minimize the visual impact of the tower from the streetscape.</p>	<p>The telecommunication tower is a steel monopole tower with co-location capabilities. Maintenance and electrical infrastructure will be contained within the compound area at the base of the tower including radio equipment cabinets.</p> <p>The telecommunication tower is located at the rear of residential lot as shown in Attachments 3 to 5</p>
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The Development Planning Department can support municipal concurrence for the telecommunication tower, as it conforms to TFSP.

The Development Engineering ('DE') Department has no objection to the Development

The DE Department has reviewed the Development and provided no objection to its approval.

Financial Impact

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

Broader Regional Impacts/Considerations

The York Region Community Planning and Development Services Department has reviewed the Development and has no objection to its location.

Conclusion

Site Development File DA.21.046 has been reviewed in consideration of the policies of the City of Vaughan TFSP, the ISEDC's Protocol for Radiocommunication and Broadcasting Antenna Systems, the requirements of City Departments and external agencies, and the surrounding area context. The installation of the proposed telecommunication tower and associated radio equipment cabinet conforms to VOP 2010, satisfies the requirements of the City's and ISEDC's Protocols, is satisfactory to all the required review agencies, and is therefore considered appropriate. Accordingly, the Development Planning Department can support the approval of Site Development File DA.21.046.

For more information, please contact: OluwaKemi (Kemi) Apanisile, Planner, at extension 8210.

Attachments

1. City of Vaughan Conditions of Municipal Concurrence
2. Context and Location Map
3. Site Plan
4. Compound Layout Plan and Elevations
5. Rendering

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