

Committee of the Whole (1) Report

DATE: Tuesday, April 5, 2022

WARD: 2

TITLE: 2133354 ONTARIO INC.

SITE DEVELOPMENT FILE DA.21.016

TELECOMMUNICATION TOWER

7515 MARTIN GROVE ROAD

VICINITY OF MARTIN GROVE ROAD AND HIGHWAY 7

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.21.016 for the Subject Lands shown on Attachment 1, to facilitate the installation of a 40 m high steel monopole telecommunication tower and associated radio equipment cabinet compound for Bell Mobility Inc. as shown on Attachments 2 to 6.

Report Highlights

- The Owner proposes a 40 m high steel monopole telecommunication tower and associated radio equipment cabinet compound for Bell Mobility Inc.
- The Owner seeks municipal concurrence for the proposed telecommunication tower.
- The Development Planning Department supports municipal concurrence for the telecommunication tower as it conforms to the policies of Vaughan Official Plan 2010 and meets the requirements of the City of Vaughan Telecommunication Facility Siting Protocol.

Recommendation

1. THAT municipal concurrence for Site Development File DA.21.016 (2133354 Ontario Inc.), to permit a 40 m steel monopole telecommunication tower and associated radio equipment cabinet compound on the Subject Lands, as shown on Attachments 2 to 6, BE APPROVED.

Background

The 0.2 ha subject lands ('the Subject Lands') shown on Attachment 1 are municipally known as 7515 Martin Grove Road and are located on the east side of Martin Grove Road, south of Highway 7.

The Subject Lands are currently occupied by a two-storey brick building with a detached garage that is operating as a Motor Vehicle Sales Establishment with the outdoor display of vehicles and tire packages. A satellite antenna also exists on the Subject Lands that is attached to the two-storey brick building for the Owner's personal use.

There is a Bell Mobility cellular antenna on an existing hydro pole within the Martin Grove right-of-way that provides signals for the immediate area, and a Canada Radio-television Telecommunication Commission (CRTC) Tower (that operates at a different frequency), located within the Vaughan Grove Sports Park, both located north of the Subject Lands, as shown on Attachment 1. Surrounding land uses are also shown on Attachment 1.

A Site Development Application has been submitted to permit municipal concurrence for a telecommunication tower and associated radio equipment cabinet

Fontur International Inc.(the 'Applicant') has submitted Site Development File DA.21.016 (the 'Application') on behalf of the Owner (2133354 Ontario Inc.) to permit the development of a 40 m steel monopole telecommunication tower and a 0.70 m², 2.13 m high radio equipment cabinet, enclosed within a 40 m² area surrounded by a 2.4 m high chain link fence ('the Development') on the Subject Lands, as shown on Attachments 2 to 6. The Development is proposed on the northeast corner of the Subject Lands and access is proposed via the existing access from Martin Grove Road, at the southwest limits of the Subject Lands, as shown on Attachment 2.

Date Site Development File DA.21.016 was deemed complete: May 14, 2021

Previous Reports/Authority

Not applicable.

Analysis and Options

The proposed telecommunication tower and associated radio equipment cabinet conforms to Vaughan's Telecommunication Facility Siting Protocol

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 Proponent and to ISED.

In accordance with the Protocol, the Proponent attended a Pre-Application Consultation ('PAC') meeting with the Development Planning Department on September 18, 2020, prior to submitting the Application. The Applicant conducted an analysis of existing telecommunication tower locations and identified a gap in network coverage that could be addressed through the proposed telecommunication tower on the Subject Lands. The Applicant identified network gaps along Martin Grove Road and Highway 7 and Bell Mobility Inc. anticipates a significant growth in the amount of wireless broadband use in the area.

Bell Mobility Inc. conducted a search within a 1.5 km radius of the Subject Lands, and 4 existing telecommunication towers, 1 cellular antenna and 1 CRTC tower were identified, as shown on Attachment 1; however, the Site Justification Report dated September 18, 2020, prepared by Bell Mobility Inc., identifies these existing facilities as not sufficient for co-location. The existing towers are either too small or would not allow Bell Mobility Inc. to meet their coverage requirements. A 40 m telecommunication tower was determined to meet the anticipated coverage requirements and would support future co-location.

The Development is exempt from Public Consultation in accordance with Vaughan's TFSP

Section 4.3 of the TFSP states that applications for antenna systems (telecommunication towers) that are higher than 30 m in height and located over 200 m from any residential zone ("Area B" on Figure 1 of the TFSP), do not require public consultation, but require approval from Vaughan Council. The Development is located approximately 405 m away from the nearest residential zone and approximately 293 m from the nearest dwelling within a "PB2 Complementary Use Zone", as shown on Attachment 1. Therefore, public consultation is not required. However, the West Woodbridge Homeowners' Association was notified of the Development Application. No comments from the West Woodbridge Homeowners' Association were received by the Development Planning Department.

Telecommunication towers are exempt from the policies of Vaughan Official Plan 2010 and Zoning By-law requirements

The Subject Lands are designated "Community Commercial Mixed Use" by Vaughan Official Plan 2010 ('VOP 2010') with a maximum height of 4 storeys and a maximum

floor space index (FSI) of 1.5. The Subject Lands are zoned “C2 General Commercial Zone” by Zoning By-law 1-88, subject to site-specific exception 9(1070), and zoned “CMU Commercial Mixed Use” subject to site-specific exception 14.746 by Zoning By-law 001-2021.

The *Radiocommunication Act* designates ISED, formerly Industry Canada, as the authority for all matters respecting telecommunication towers and antenna facilities. Federal regulations are not subject to Provincial policies, including the *Planning Act* and the *Ontario Building Code Act*. Therefore, telecommunication towers and antenna facilities are exempt from municipal official plan policies, zoning by-law requirements and Site Plan approval (i.e., no implementing Site Plan Agreement or Letter of Undertaking). However, the City of Vaughan in accordance with the TFSP, can grant municipal concurrence for the telecommunication tower.

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. Telecommunication towers are encouraged to be co-located where feasible, to minimize adverse impacts. Additionally, Section 8.4.4.3 of VOP 2010 provides the following guidance for telecommunication towers: (1) locating telecommunication towers and infrastructure to the rear of lots and away from the streets and prohibiting locating such towers in parks, (2) minimize adverse impact including visual impacts on surrounding uses, (3) supporting integration in to existing or new buildings and structures, and (4) ensuring infrastructure blends in with the existing built and natural landscape.

The proposed telecommunication tower is consistent with the guidelines as set out in VOP 2010 as the tower and radio equipment shelter are proposed to be located at the rear of the Subject Lands, and the tower is proposed as a steel monopole design which will minimize view impacts. In addition, sufficient landscape exists surrounding the Subject Lands to screen the proposed telecommunication equipment from view of the street and abutting properties. The proposed telecommunication tower meets the intent of the telecommunication policies in VOP 2010.

The Application has been reviewed and municipal concurrence can be supported, subject to the comments in this report

The proposed telecommunication tower is proposed to be a 40 m high monopole design made of a non-reflective steel material that is white in colour to minimize visual impact in accordance with the TFSP, as shown on Attachments 4 and 6. The tower is also designed to support and accommodate additional carriers for co-location in the future.

The telecommunication tower is accompanied by a 40 m² compound with a 2.13 m high radio equipment cabinet, which is proposed to be completely enclosed by a 2.4 m high chain link security fence, topped with barbed wire, as identified in Attachment 3. The cabinet is proposed to be made of steel that is light grey in colour, as shown on Attachment 5. A locked gate that is alarmed and electronically monitored is also proposed for the compound to ensure safety. The compound is appropriately screened by existing trees and shrubs on abutting lands surrounding the Subject Lands, as shown on Attachment 2. A tree declaration report dated February 22, 2021, and prepared by 7 Oaks, identifies that there are no trees on the Subject Lands that will be impacted by the Development. All neighbouring trees in proximity to the Subject Lands will not be impacted.

Access to the telecommunication tower and compound is proposed via the existing driveway access provided to the Subject Lands via Martin Grove Road. A total of 94 parking spaces are provided on the Subject Lands for the motor vehicle sales establishment use. The Development will require the removal of 3 parking spaces to accommodate the compound; however, the Subject Lands will comply with the minimum parking requirements of Zoning by-law 1-88.

The Development Planning Department has reviewed the Application and is satisfied that the Development conforms to the TFSP and meets the intent of VOP 2010. The Development Planning Department shall provide a letter of municipal concurrence, should the Application be approved by Vaughan Council.

The Cultural Heritage Division of the Development Planning Department has no objection to the Development

The Cultural Heritage Division of the Development Planning Department has no objection to the Development, as there are no built heritage concerns or archaeological potential on the Subject Lands.

The Policy Planning and Special Programs Department has no objection to the Development

The Policy Planning and Special Programs Department has reviewed the Application and has no objection.

The Development Engineering ("DE") and Infrastructure Planning Corporate Asset Management ("IPCAM") Departments have no objection to the Development

The DE and IPCAM Departments have no objection to the Development as there is no impact on grading, servicing, or storm water drainage.

The Parks Infrastructure Planning and Development ('PIPD') Department has no objection to the Development

The PIPD Department has no objection to the Development, providing that all works are completed on the Owner's lands and no access from the adjacent City parkland (Vaughan Grove Sports Park), is required to construct the Development.

The Building Standards Department advised that the telecommunication tower is not required to obtain a Building Permit

The Building Standards Department identifies that telecommunication towers are not designated structures as set out in the *Ontario Building Code*. As such, a building permit is not required.

The Development is not subject to Development Charges

As a building permit is not required for the Development, development charges are not required to be paid by the Owner.

The Ministry of Municipal Affairs and Housing ('MMAH') has no objection to the Development

The MMAH has reviewed the Development in consideration of the Parkway Belt West Plan (1978), as amended, and has advised that the Subject Lands have been removed from the Parkway Belt West Plan, therefore they have no concerns as it relates to the Application.

Nav Canada and Bombardier have no objection to the Development

Nav Canada and Bombardier have no objection to the Development; however, the Applicant shall notify them upon completing construction of the Development.

The various utility companies have no objection to the Development

Bell Mobility Inc., Rogers Communications Inc., Enbridge Gas Inc. and Hydro One Networks Inc. have no objections to the Development.

Financial Impact

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

Broader Regional Impacts/Considerations

York Region adopted Industry Canada's (now ISED's) Protocol (CPC-2-0-03) on April 23, 2009, 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 Development

conforms to York Region's adopted Protocol. The Application was circulated to York Region Community Planning and Development Services Department and advise that they have no objections to the approval of the Application.

Conclusion

Site Development File DA.21.016 has been reviewed in consideration of the policies of VOP 2010, the City of Vaughan TFSP, the ISEDC's Protocol for Radiocommunication and Broadcasting Antenna Systems, the requirements of City Departments, 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 required review agencies and is considered appropriate. Accordingly, the Development Planning Department can support the approval of Site Development File DA.21.016.

For more information, please contact: Rebecca Roach, Planner, at extension 8626.

Attachments

1. Context and Location Map
2. Site Plan
3. Compound Plan
4. Tower Elevations
5. Radio Equipment Cabinet Elevations
6. Perspective Renderings

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