

Committee of the Whole (1) Report

DATE: Tuesday, May 7, 2024

WARD: 1

TITLE: CHOICE PROPERTIES LIMITED PARTNERSHIP: SITE DEVELOPMENT FILE DA.23.017 – TELECOMMUNICATION TOWER. 2911 MAJOR MACKENZIE DRIVE WEST, VICINITY OF MAJOR MACKENZIE DRIVE WEST AND MELVILLE AVENUE

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.23.017 for the Subject Lands shown on Attachment 1, to facilitate the installation of a 23.2 m high hybrid telecommunication tower, with signage and an attached digital display board, and an associated radio equipment compound for Rogers Communications Inc. (the 'Development') as shown on Attachment 2 to 4.

Report Highlights

- The Owner proposes a 23.2 m high hybrid telecommunication tower, with signage and an attached digital display board, and an associated radio equipment compound for Rogers Communication Inc.
- The Owner seeks municipal concurrence for the proposed hybrid telecommunication tower.
- The Development Planning Department supports municipal concurrence for the hybrid 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.23.017 (Northward Infrastructure Inc.), to permit a 23.2 m high hybrid telecommunication tower, with signage and an attached digital display board, and an associated radio equipment compound for Rogers Communications Inc. on the Subject Lands, as shown on Attachments 2 to 4, BE APPROVED.

Background

Location: The 3.8 ha lands (the 'Subject Lands') shown on Attachment 1 are municipally known as 2911 Major Mackenzie Drive West and are located on the south side of Major Mackenzie Drive West and west side of Melville Avenue.

The Subject Lands are currently owned by Choice Properties Limited Partnership and are developed as a commercial plaza with a grocery store (Fortinos), bank (BMO), and other small retail units with a free-standing sign located on the frontage of Major Mackenzie Drive West that displays all of the tenants.

A Site Development Application File DA.22.014 was approved on the Subject Lands in May 2023, to facilitate Tesla Charging stations along the Major Mackenzie Drive West frontage. The Tesla Charging stations, and related infrastructure have since been constructed on the Subject Lands.

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

Northward Infrastructure Inc. (the 'Applicant') has submitted a Site Development File DA.23.017 (the 'Application') on behalf of the Owner ('Choice Properties Limited Partnership') to permit the Development on the Subject Lands, as shown on Attachment 2 to 4. The existing free-standing sign will be removed to facilitate the Development. The proposed 2.4 m high radio equipment compound is proposed within a parking island abutting Major Mackenzie Drive West, which will be buffered by new plantings on the north side along Major Mackenzie Drive West and on the east side of the radio equipment compound. Additionally, bollards are proposed around the south and west sides of the radio equipment compound for safety.

Previous Reports/Authority

N/A

Analysis and Options

The Development 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 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 January 24, 2023, prior to submitting the Application. The Applicant conducted an evaluation of different sites and existing telecommunication towers in proximity to the Subject Lands. The Applicant concluded that the Subject Lands are an appropriate location for the Development, and existing infrastructure is insufficient for co-location. The Applicant also concluded that the Development is required to address a gap in network coverage.

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 between 15 m and 30 m in height and are located at a distance between 150 m and 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 157 m from a residential zone boundary and approximately 180 m from a residential dwelling. However, the Applicant mailed out a public information brochure containing information about the Development to landowners within 150 m of the Subject Lands to notify of the proposal, and no public comments were received.

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

The Subject Lands are designated "Mid-Rise Mixed-Use" by Vaughan Official Plan 2010 ('VOP 2010') with a maximum height of 8 storeys and a maximum floor space index ('FSI') of 2.5.

The Subject lands are zoned "GMU – General Mixed-Use Zone" by Zoning By-law 001-2021 and are subject to site-specific exception 14.765.

The *Radiocommunication Act* designated ISED, formerly Industry Canada, as 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 8.4.4.1 of VOP 2010 encourages the development of comprehensive high-speed telecommunications and data networks throughout the City of Vaughan to contribute to economic competitiveness and support widespread access to services. Section 8.4.4.2. encourages that providers share telecommunications and data

infrastructure, where feasible, to minimize adverse impacts, including visual impacts, from wireless towers. Section 8.4.4.3 provides the following guiding policies for telecommunication towers: minimizing adverse impacts, including visual impacts, on surrounding uses; supporting integration into existing or new building and structures; and ensuring infrastructure blends in with the existing built and natural landscape.

The Development incorporates three different elements into one structure, eliminating the need for individual structures along the Major Mackenzie Drive West frontage. The design includes a steel exterior with plantings along Major Mackenzie Drive West to screen and therefore minimize the visual impact of the radio equipment compound. Bollards are also proposed around the radio equipment compound for safety. The Development 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 Development will be 23.2 m in height and located along Major Mackenzie Drive West, as shown on Attachment 1. The Development has been designed to accommodate the co-location of a maximum of two telecommunication providers.

The Development is approximately 37 m², which consists of a concrete foundation with bollards on the west and south sides (inside the commercial parking lot) and planting buffer on the north side abutting Major Mackenzie Drive West and east side, as shown on Attachment 2. The proposed radio equipment compound is proposed to be painted white, to provide an opportunity for local artists to introduce public art through designs on or wrapping of the equipment. Access to the Development will be through the existing commercial parking lot, subject to executing agreements between the Owner and the Applicant. Additionally, no new parking spaces have been dedicated for servicing and/or maintenance vehicles as the Development is located within a commercial plaza with an excess of required parking spaces.

The Applicant has submitted a Justification Report for the Development evaluating existing telecommunication towers in proximity to the Subject Lands. The Applicant identified a lack of capacity in existing infrastructure to accommodate the proposed telecommunication provider and a gap in network coverage that will be addressed by the Development. The closest telecommunication tower is a monopole tower located within 200 m from the proposed tower, which lacks the capacity for co-location.

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.

Financial Impact

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

Operational Impact

The Urban Design and Cultural Heritage divisions of the Development Planning Department supports the Development

The Urban Design and Cultural Heritage divisions of the Development Planning Department are satisfied with the Development and have no objections to its approval. The Development will be appropriately screened on the north side, along Major Mackenzie Drive West, to reduce its visual impact.

The Building Standards Department has no objections to the Development

The Building Standards Department has reviewed the Development and has no objections as there are no negative impacts to the existing layout of the commercial parking lot or other requirements such as minimum required parking spaces and setbacks.

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

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

Nav Canada has no objections to the Development

Nav Canada has reviewed the Development and has no objections to its approval.

Broader Regional Impacts/Considerations

The Regional Municipality of York has no objections to the Development

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

The Toronto and Region Conservation Authority ('TRCA') has no objections to the Development

The TRCA has reviewed the Development and has no objections to its approval.

Conclusion

Site Development File DA.23.017 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 and external agencies, and the surrounding area context. The installation of the proposed hybrid 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.23.017.

For more information, please contact Kaveen Fernando, Planner, at extension 8592.

Attachments

1. Context and Location Map
2. Site Plan
3. Hybrid Telecommunication Tower and Compound Elevations
4. Proposed Renderings

Prepared by

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