

Committee of the Whole (1) Report

DATE: Tuesday, June 4, 2024

WARD: 4

TITLE: 8940 BATHURST STREET LTD. – SITE DEVELOPMENT FILE
DA.23.053: 8950 BATHURST STREET, VICINITY OF BATHURST
STREET AND RUTHERFORD ROAD

FROM:

Haiqing Xu, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To seek municipal concurrence from the Committee of the Whole for Site Development File DA.23.053 for the Subject Lands shown on Attachment 1, to permit an existing 24-metre-high telecommunication tower mounted atop of a movable trailer (Cell on Wheels ‘COW’) for Rogers Communications Inc. as shown on Attachments 2 to 4 for a temporary period of one year.

Report Highlights

- The Owner seeks municipal concurrence to permit an existing temporary 24-metre-high telecommunication tower, mounted a top of a moveable trailer (‘COW’) with an associated compound area for Rogers Communications Inc.
- The Development Planning Department supports municipal concurrence for the telecommunication tower as it conforms to the policies of Vaughan Official Plan 2010 and meet the requirements of the City of Vaughan Telecommunication Facility Siting Protocol.

Recommendation

1. THAT Municipal Concurrence for Site Development File DA.23.053 (8940 Bathurst Street Ltd.) to permit for 1 year a temporary 24-metre-high telecommunication tower mounted atop of a moveable trailer (‘COW’) with an associated compound area on the Subject Lands, as shown on Attachments 2 to 4, BE APPROVED.

Background

The 1.82 ha subject lands ('the Subject Lands'), as shown on Attachment 1 are municipally know as 8950 Bathurst Street and are located on the west side of Bathurst Street, south of Rutherford Road.

A Site Development Application has been submitted to permit municipal concurrence for a telecommunication tower

Spectra Point Inc. (the 'Applicant') has submitted Site Development File DA.23.053 (the 'Application') on behalf of the Owner (8940 Bathurst Street Ltd.) to permit an existing temporary 24-meter-high telecommunication tower mounted atop of a movable trailer 'COW' and within a 144 m² enclosed compound area that is surrounded by a 2.4 meter high chain link fence ('the Development') on the Subject Lands, as shown on Attachment 2. The Development is temporary (one year) and is required to maintain sufficient and reliable wireless network coverage within the immediate area. The Subject Lands for the COW was selected as a result of the removal of the previous telecommunication tower from its location across the street in the City of Richmond Hill.

The Subject Lands ultimately contemplates redevelopment through application files (OP.21.024 and Z.21.048) which includes residential buildings and stacked back-to-back townhouses. Establishing a permanent solution and location for the telecommunication tower will be required prior to construction of the residential development and will be processed through a separate application.

Date Site Development File DA.23.053 was deemed complete: May 13, 2024.

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 Proponent and to ISED.

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

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

The COW telecommunication tower is 24 metres high and is located on a vacant parcel that contemplates rezoning to facilitate residential development as describe above. The Subject Lands currently abuts an existing residential zone (RT Townhouse Residential) and is over 60 meters from the closest residential dwelling unit within the “RT Townhouse Residential Zone”. Accordingly, this Application meets the above-noted criteria and requires a full public consultation process.

As per section 9.5 of TFSP a Public Information Session was held on March 20, 2024, by the Applicant. The Public Information Session was from 6:00 pm to 7:00 pm and generated the following comments:

- What level of radiation will be emitted by the temporary COW telecommunication tower and is this level safe;
- What is the duration of the temporary COW telecommunication tower.

Following the Public Information Session, Rogers Communication Inc. provided a ‘Safety Code 6 Measurement and Compliances Report’ prepared by MobileComm Professionals Inc. dated April 11th, 2024. 15 locations around the COW telecommunication tower were tested for Maximum Permissible Exposure to Radio Frequency emission. The report noted that levels were in an allowable range, less than 5 percent of the Maximum Exposure Limit (MEL).

Through further consultation with the Owner, it was also noted by staff that the duration of the temporary COW telecommunication tower would be for a period of one year from the time municipal concurrency is granted.

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

The Subject Lands are designated “Low-Rise Residential” by Vaughan Official Plan 2010 (VOP 2010). The Subject Lands are zoned “RT Townhouse Zone”, subject to exception 14.729 in By-law 001-2021.

The *Radiocommunication Act* designates ISEDC, 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 and 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 COW telecommunication tower is consistent with the guidelines as set out in VOP 2010 as the tower is fully fenced, significantly setback from Bathurst Street and Ner Israel Dr., and will be temporary in nature, therefore minimizing any permanent visual impact to the surrounding uses. The COW telecommunication tower meets the intent of the telecommunication policies in VOP 2010.

Co-location abilities was not considered in the COW telecommunication tower due to the temporary nature of the structure. Development Planning maintains the position that any future permanent solution to the telecommunication proposal should contain co-location abilities as per the TFSP. This will be taken into consideration for any future permanent application proposal.

The Development Planning Department has no objection to the Development

The COW telecommunication tower is 24-meters-high, with associated equipment's located at the base, on movable trailer. The movable trailer is protected and secured by a 2.4 metre fence and locked gate. Vehicular access to the compound area is through an existing paved driveway from Bathurst Street.

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 various utility companies have no objection to the Development

Alectra, 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 ISEDC'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.

The Toronto and Region Conservation Authority (TRCA) has provided conditions of approval

The Subject Lands are located within an area subject to the Source Protection Plan (SPP). The SPP under the *Clean Water Act*, 2006, developed for the Credit Valley, Toronto and Region and Central Lake Ontario (CTC) Source Protection Region, took effect on December 31, 2015. The Subject Lands are in a vulnerable area referred to as a Wellhead Protection Area – Q2 (WHPA-Q2). However, it has been identified that the location of the movable COW telecommunication tower is in an area identified as being down gradient of municipal wells. As such, the installation of the temporary COW telecommunication tower is exempted from the REC-1 part 2 policy. While still subject to REC-1 part 1 policy of the CTC SPP which includes Low Impact Development (LID) management practices, the TRCA is in the opinion that the location of the temporary moveable telecommunication tower does not represent a significant threat to water quantity/recharge reduction.

Conclusion

Site Development File DA.23.053 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 COW 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.23.053.

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

Attachments

1. Context and Location Map.
2. Site Plan.
3. COW Telecommunication Tower Elevation.
4. Photo of Existing COW Telecommunication Tower.

Prepared by

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