

Committee of the Whole Report

DATE: Tuesday, June 04, 2019

WARD: 1

**TITLE: BROADVIEW FARMS
SITE DEVELOPMENT FILE DA.18.061
VICINITY OF BATHURST STREET 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.18.061 for the Subject Lands shown on Attachment 1, to permit the installation of a 30 metre high steel monopole telecommunications tower and associated radio equipment cabinet, for Rogers Canada Wireless Communication, as shown on Attachments 2 and 3.

Report Highlights

- The Owner is proposing a 30 metre high steel monopole telecommunication tower and associated radio equipment cabinet.
- The Development Planning Department supports the approval of the proposed telecommunication tower as it conforms to the policies of Vaughan Official Plan 2010 ('VOP 2010') and the City of Vaughan Telecommunication Facility Siting Protocol.

Recommendation

1. THAT Site Development File DA.18.061 (Broadview Farms) BE APPROVED for the Subject Lands shown on Attachment 1, to permit the proposed monopole telecommunication tower and associated radio equipment cabinet, as shown on Attachments 2 and 3.

Background

The 41 ha Subject Lands (the 'Subject Lands') shown on Attachment 1 are located on the west side of Bathurst Street and south of King-Vaughan Road, opposite the Town of Richmond Hill. The surrounding land uses are shown on Attachment 1. The Subject Lands are used for agricultural purposes and developed with a 1½-storey residential

dwelling and a number of accessory agricultural buildings including a barn, metal clad shed, two quanset buildings and silos.

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

The Owner has submitted Site Development File DA.18.061 (the 'Application') to permit the development of a 30 m tall telecommunications tower and an 80.1 m² radio equipment cabinet and area (the 'Development') accessed by the existing driveway on the Subject Lands.

Previous Reports/Authority

N/A

Analysis and Options

The Development conforms to the City of Vaughan Telecommunication Facility Siting Protocol ('TFSP')

Vaughan Council adopted a protocol for establishing telecommunication tower/antenna facilities on October 19, 2016. In accordance with the TFSP, the 30 m telecommunications tower proposed by a telecommunications carrier requires consideration by Vaughan Council.

In accordance with the City's protocols, the Owner attended a Pre-Application Consultation ('PAC') meeting with the Development Planning Department prior to submitting the Application. The Owner's agent 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 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 the TFSP

The TFSP states that applications for telecommunication towers that are higher than 15 m in height and located between 0 m and 150 m of any residential zone require full public consultation, City review, and approval by Vaughan Council.

The proposed telecommunication tower is 30 m in height and located 110 m from a residential zone in the City of Richmond Hill to the east. The Owner is required to give notice of the proposal 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 Councilors and the Local Councilor for the area;
- d) The City of Richmond Hill, Planning and Regulatory Services Department; and

- e) Innovation, Science and Economic Development Canada ('ISED') regional office.

The TFSP requires the Owner to hold a Public Information Session and provide notice of the session by mail to all landowners within a 250 m radius, or three times the height of the proposed telecommunications tower, whichever is greater. A radius of 250 m was used to establish the polling area, as shown on Attachment 1. The Owner also erected a notice sign along the east lot line abutting Bathurst Street and provided newspaper notice in the Vaughan Citizen on January 31, 2019.

On March 4, 2019, the Owner held a Public Information Session at the Maple Community Centre from 5:00 - 8:00 p.m. for the Development. One resident from the City of Vaughan and four residents from the Town of Richmond Hill attended the Public Information Session. Six residents from the Town of Richmond Hill also submitted written comments via email.

The primary concerns identified by the submitted comments pertained to health impacts on residents in the area, the visual impact of the telecommunication tower and the impact on land values. Rogers Communications Inc. (the 'Agent') provided a written response to each comment received. A copy of all written public correspondence received and the Agent's responses are provided in Attachment 4.

The Development Planning Department on May 28, 2019, sent out a Notice of this Committee of the Whole meeting to all the individuals that submitted correspondence or attended the Public Information Session regarding this Application.

The Development conforms to the Oak Ridges Moraine Conservation Plan 2017 ('ORMCP')

The Subject Lands are designated "Natural Linkage Area" and "Natural Core Area" by the ORMCP. The Owner has submitted an ORMCP Compliance Report which identifies that the proposed telecommunications tower complies with Section 41 of the ORMCP pertaining to infrastructure. The area of construction disturbance will be kept to a minimum by locating the telecommunications tower away from natural features on the Subject Lands and on existing disturbed area that is accessed by an existing driveway. The proposed telecommunications tower conforms to the ORMCP.

The Development is exempt from the policies of Vaughan Official Plan 2010 ('VOP 2010') and Zoning By-law 1-88

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 Act*. 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).

The Subject Lands are designated “Oak Ridges Moraine Natural Linkage” and “Oak Ridges Moraine Natural Core” by 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 services. Section 8.4.4.2 encourages the sharing of telecommunications infrastructure to minimize the visual impact of telecommunication towers. Although the Development is exempt from the requirements of municipal official plans, the proposed telecommunication tower conforms to the telecommunication policies of VOP 2010.

The Subject Lands are zoned “Oak Ridges Moraine” (‘ORM’) and “Open Space Environmental Protection” (‘OS5’) by Zoning By-law 1-88.

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

The proposed telecommunication tower will be 30 m in height, light grey in colour and setback 110 m from Bathurst Street. The proposed tower will accommodate Rogers Canada Wireless Communication. The antennas will be concealed with a partial shroud, as shown on Attachment 3. Space is provided on the tower to accommodate co-location in the future.

The proposed radio equipment cabinet area is 80.1 m² and consists of prefabricated galvanized steel on a cast in place reinforced concrete slab, enclosed by a 1.8 m high chain link fence. An area of existing vegetation screens the cabinet area and a portion of the telecommunication tower from Bathurst Street. Access to the cabinet area is provided by an existing driveway from Bathurst Street. A parking space has been provided immediately south of the tower for maintenance purposes, as shown on Attachment 3.

The Owner conducted an analysis of existing tower locations and identified a gap in network coverage that could be addressed through the proposed telecommunication tower on the Subject Lands. The closest existing tower locations are at 11654 Bathurst Street (approximately 1.2 km from the Subject Lands) and 12196 Dufferin Street (approximately 2 km from the Subject Lands).

The Urban Design and Cultural Heritage Division of the Development Planning Department has reviewed the Development and is satisfied with the proposal. The Development will be partially screened by existing vegetation and the antennas will be concealed with a partial shroud.

Cultural Heritage staff have reviewed the Development and have advised there are no built heritage concerns respecting the Subject Lands. However, the Subject Lands are located partially in an area that may still retain some archaeological potential, and as such, the Owner is advised of the following Standard Archaeological Clauses:

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

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

Bombardier and Nav Canada have no objection to the Development

Bombardier and Nav Canada have reviewed the Development and provided no objections to its location and height.

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

The Subject Lands are partially located within the TRCA Regulated Area; however, the location of the Development is not within the Regulated Area. The Development is Federally regulated and is exempt from the permitting requirements under the Ontario Regulation 166/06. The TRCA has reviewed the Development and has no objection to its location.

The City of Richmond Hill has no objection to the Development

The City of Richmond Hill Planning and Regulatory Services Department has reviewed the Development and has no objection to its location.

Financial Impact

There are no requirements for new 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.18.061 has been reviewed in consideration of the policies of VOP 2010, the City of Vaughan TFSP, the ISED'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.18.061.

For more information, please contact Chris Cosentino, Planner, at extension 8215.

Attachments

1. Location Map
2. Site Plan
3. Compound Layout and Elevation Plan
4. Public Correspondence and Agent Responses

Prepared by

Chris Cosentino, Planner, ext. 8215

Mary Caputo, Senior Planner, ext. 8635

Nancy Tuckett, Senior Manager of Development Planning, ext. 8529

Mauro Peverini, Director of Development Planning, ext. 8407

/LG