

Committee of the Whole (1) Report

DATE: Tuesday, September 14, 2021

WARD: 3

TITLE: BELL MOBILITY
SITE DEVELOPMENT FILE DA.21.004
VICINITY OF WESTON 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.21.004 for the subject lands shown on Attachment 2, for a proposed 22-metre-high telecommunication tower, as shown on Attachments 3 to 6.

Report Highlights

- The proponent seeks to construct a 22-metre-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 22-metre-high telecommunication tower as it conforms to Vaughan Official Plan 2010 and meets the requirements of the City of Vaughan Telecommunication Facility Siting Protocol

Recommendations

1. THAT municipal concurrence be granted for Site Development File DA.21.004 (Bell Mobility), to permit a 22-metre-high telecommunication tower on the subject lands, as shown on Attachments 3 to 6, subject to the condition in Attachment 1 BE APPROVED.

Background

The 0.56 ha subject lands ('the Subject Lands'), as shown on Attachment 2, are municipally known as 8003 Weston Road and are located on the east side of Weston Road, north of Highway 7. The surrounding land uses, and the location of telecommunication towers are shown on Attachment 2. The Subject Lands are currently occupied by a one-storey employment building.

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

The Proponent has submitted Site Development File DA.21.004 (the 'Application') to permit the development of a 22-metre-high (steel meso tower) monopole telecommunication tower (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 In accordance with the City's Protocol, new tower/antenna systems proposed by telecommunications carriers (as superseded by Innovation Science and Economic Development Canada (ISED), formerly Industry Canada's Protocol (June 2014), may require consideration by Vaughan Council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 Proponent and to ISED.

In accordance with the Protocol, the Proponent attended a Pre-Application Consultation (PAC) meeting held August 14, 2020 with the Development Planning Department prior to submitting the Application. The Proponent has advised 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

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 m from any residential zone, require full public consultation, City review and approval by Vaughan Council.

The proposed height of the telecommunication tower is 22 metres. The closest residential zone (R3 Residential Zone) is approximately 40 metres west of the Subject Lands, as shown on Attachment 2. Accordingly, this application meets the above-noted criteria and requires a full public consultation process.

The Proponent erected a notice sign along the west lot line abutting Weston Road, in accordance with the Protocol. The Proponent also placed a Public Notice in the local print media (i.e., Vaughan Citizen Newspaper) on May 13, 2021.

The Proponent held a virtual Public Information Session on June 8, 2021, from 5:30 pm to 7:00 pm to receive information from the public for the proposed telecommunication tower. In accordance with the City's Protocol, notice for this meeting was provided by regular mail within a 250 metres radius to all notified residents, a minimum of 30 days in advance of the Public Information Session. Three members of the public attended the meeting. The following concerns were raised:

- the location of the telecommunication tower could potentially create a hazard as it is located near a turning circle that is often used by large motor vehicles i.e., trucks. A tree was previously driven over where the tower is proposed
- the location of the Tower would create visual obstructions for signs facing Weston Road
- if the tower requires electrical services, a cost sharing agreement would be required for use of the electrical room located at 120 Jevlan Drive. The existing agreement does not contemplate the use and operation of a telecommunication tower at 8003 Weston Road
- the telecommunication tower may cause signal interference
- health and safety concerns for occupants working near the proposed telecommunication tower

The Proponent prepared a Public Consultation Summary Report to respond to the concerns that were identified through the Public Information Session. The following responses were provided through the Public Consultation Summary Report:

- 4 bollards are now proposed to be installed at the base of the telecommunication tower as an added safety measure to protect against motor vehicle traffic maneuvering in the area
- the telecommunication tower has a slim design to minimize potential visual obstructions
- the Proponent has confirmed that there will be no cost incurrence to landowners of 120 Jevlan Drive and 8003 Weston Road. The telecommunication tower will have a separate meter and will be billed directly for its electrical use to Bell Mobility. In addition, it has been confirmed that if the switching unit for the tower is housed at 120 Jevlan Drive then Bell would enter into an easement agreement with 120 Jevlan Drive that would provide monetary compensation
- there will be no interference as Bell uses their own frequency and licenses on the frequency spectrum
- all installed telecommunication towers must comply with the Health Canada's "Limits to Exposure to Radiofrequency Electromagnetic Energy in the range of 3KHz to 300 Ghz- Safety Code 6 (2015)"

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

The Subject Lands are designated "Employment Commercial Mixed-Use" by Vaughan Official Plan 2010 (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 such services. Section 8.4.4.2 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 zoned "EM1 Prestige Employment Area" subject to site-specific Exception 9(462B) by Zoning By-law 1-88. The *Radiocommunication Act* designates the ISEDC, 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). However, the City of Vaughan in accordance with the Protocol, can grant municipal concurrence for the telecommunication tower.

The Application has been reviewed and municipal concurrence can be supported

Site Plan Review

The Subject Lands is currently occupied by 1-storey building that is used as a Funeral Home. The Development will be located at the rear of the property adjacent to the existing parking stall and driveway access. Bollards as previously discussed will frame the base of the tower as an added safety measure and is shown in Attachment 3.

Compliance with the City of Vaughan Telecommunication Facility Siting Protocol

Vaughan Council adopted the "City of Vaughan Telecommunication Facility Siting Protocol" ('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 Telecommunication Facility Siting Protocol, 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 Telecommunication Facility Siting Protocol (TFSP) Requirement	Site Development File DA.21.004 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	The PAC Meeting was held on August 14, 2020

	prior to submitting the Site Development Application	
b.	<p><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</p>	The Application was deemed complete on March 5, 2021
c.	<p><u>Notification Protocol</u> (Section 4.3) A tower that is between 15 m and 30 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>	<p>The tower is 22 m in height and the Subject Lands is 40 m from the closest residential zone, as shown on Attachment 2. As a result, a full public consultation process was required</p> <p>A Notice signs was installed facing Weston Road</p> <p>Public Notice was placed in the 'Vaughan Citizen' on May 13, 2021</p> <p>Public (Virtual) Information Session was held on June 8, 2021</p>
d.	<p><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</p>	The tower is 22 m in height, as shown on Attachments 4 to 6.
e.	<p><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,".</p> <p>The Proponent must submit a signed attestation or an acceptable analysis to ISEDC indicating compliance with Safety Code 6</p>	The Planning Justification Report ('PJR') prepared by FONTUR International and dated September 14, 2020, "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 (Section 5.0)</u> 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 Planning Justification Report states that the Proponent conducted a survey of the surrounding area and determined that despite there being telecommunication towers in the area, there no existing facilities suitable for co-location within the network coverage vicinity. The Tower height is designed to accommodate a maximum of three telecommunication 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 m away from any residential zone. 2. in non-residential zones (employment: commercial) located 200 m away from a residential zone; an where it is no possible to locate outside 200 m from any residential zone. And there is limited site availability, co-location may be encouraged at the time Pre-Application Consultation. 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 PJR 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> 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>Bell Mobility has designed a (steel meso flower) monopole tower with co-location capabilities. Maintenance and electrical infrastructure will be contained within the monopole eliminating the need for a compound base site</p> <p>Attachments 5 to 6 provides visual reference of the proposed tower</p>
i.	<p><u>Landscaping (Section 6.2)</u> The planting of trees and shrubs at the tower site sand around the equipment shelter is encouraged to enhance the landscape character of the surroundings.</p>	<p>There is no compound-based component associated with the telecommunication tower proposal. Maintenance will be contained within the tower.</p>
j.	<p><u>Minimum Parking Spaces (Section 6.2)</u> One parking space will be provided at each new telecommunication tower site with access from a public right-of-way at a location acceptable to the City. Where parking is provided for another use on the site and this parking is withing 20 metres of the telecommunication tower, the parking space for the tower is not required (parking space need not be exclusively devoted to Antenna System usage).</p>	<p>The telecommunication tower is located within an existing parking area associated the employment building on 8003 Weston Road therefore a dedicated parking space for service/maintenance providers is not necessary.</p>

The Development Planning Department can support municipal concurrence for the telecommunication tower, as it conforms to the VOP 2010 and the Protocol.

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.21.004 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 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.21.004.

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. Elevation
5. Photo North and South
6. Photo East and West

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