

Committee of the Whole (1) Report

DATE: Tuesday, October 5, 2021

WARD: 3

TITLE: PRIMA VISTA ESTATES INC.
SITE DEVELOPMENT FILE DA.14.090
10699 & 10733 PINE VALLEY DRIVE
VICINITY OF PINE VALLEY DRIVE AND TESTON ROAD

FROM:

Haiping 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.14.090 for the Subject Lands shown on Attachment 1, for a 40-metre-high steel flagpole telecommunication tower and associated radio equipment cabinet compound for Bell Mobility Inc., as shown in Attachments 2 to 5.

Report Highlights

- The Owner has proposed a 40-metre-high steel flagpole 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 the approval of the proposed 40-metre-high steel flagpole 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 be granted for Site Development File DA.14.090 (Prima Vista Estates Inc.) to permit a 40-metre-high flagpole telecommunication tower and associated radio equipment cabinet compound on the subject lands, as shown on Attachments 2 to 5, BE APPROVED.

Background

The subject lands (the 'Subject Lands') shown on Attachment 1 are located at the southeast corner of Pine Valley Drive and Teston Road. The surrounding land uses are shown on Attachment 1.

Vaughan Council, on June 28, 2016, approved File DA.14.090 for a proposed development of a 40-metre-high shrouded flagpole telecommunication tower and associated radio equipment cabinets on the Subject Lands. At the time of Council's approval, the Subject Lands were developed with a 2-storey stucco building, as shown in Attachment 6. Since then, the Subject Lands have been approved for a multi-unit commercial development by Vaughan Council on May 27, 2020 (File DA.19.001) and will be developed with 3 commercial buildings, as shown in Attachment 2.

The Applicant has revised the location of the proposed telecommunication tower to accommodate the newly approved commercial development (File DA.19.001) and to fulfill the requirement of public consultation in consideration of the residential uses in the vicinity of the Subject Lands, as shown in Attachment 1.

The Owner has resubmitted a Site Development Application to permit the proposed telecommunication tower

The Owner has resubmitted Site Development File DA.14.090 (the 'Application') to permit the development of a 40-metre-high telecommunication tower and 25 m² radio equipment cabinet compound containing four cabinets (the 'Development') accessed from Purple Creek Road.

Previous Reports/Authority

A previous report regarding the Subject Lands can be found at the following link:
[June 28, 2016, Item 3, Report No. 27, Committee of the Whole DA.14.090](#)

Analysis and Options

The proposed telecommunication tower conforms to the City of Vaughan's Telecommunication Facility Siting Protocol

Vaughan Council adopted the Vaughan Telecommunication Facility Siting Protocol ('Protocol') on October 19, 2016 for establishing telecommunication tower/antenna facilities in the City. In accordance with the Protocol, new tower/antenna systems proposed by telecommunication 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. Accordingly, the proposal for this 40-metre-high telecommunication tower requires consideration by Vaughan Council.

In accordance with the City's protocols, the Owner attended a Pre-Application Consultation ('PAC') meeting on September 2, 2020 with the Development Planning Department prior to submitting the Application. The Owner's agent conducted a survey of the surrounding area and determined that the proposed tower would serve an underserved area where demand is growing and will support wireless data, voice, and internet demand.

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

The TFSP (Section 4.3) notes that applications for telecommunication towers that are 40 m in height and located within 200 m of any residential zone requires full public consultation, City review and municipal concurrence by Vaughan Council.

The proposed telecommunication tower is 40 m in height and the closest residential zone is located approximately 30 m west of the proposed tower, as shown on Attachment 1. As such, this application meets the above noted criteria and requires a full public consultation process.

The Applicant erected a notice sign along the west lot line abutting Pine Valley Drive in accordance with the TFSP. The Owner also placed a Public Notice in the local print media (i.e., Vaughan Citizen Newspaper) on June 10, 2021.

On July 12, 2021, the Applicant held a virtual Public Information Session from 5:30 p.m. to 7:00 p.m. 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 150m radius to all notified residents, a minimum of 30 days in advance of the Public Information Session. One resident attended the Public Information Session, and the following comment was raised at the Public Information Session:

- The resident commented about the electromagnetic exposure and proximity of the telecommunication tower to the residential area and request it be relocated to the northeast corner of the site, furthest away from the residential uses

The Applicant prepared a Public Consultation Summary Report to respond to the comments that were identified through the Public Information Session. The following response was provided through the Public Consultation Summary Report:

- Several iterations of the tower location were considered for this site. The northeast limit of the site would also have the same proximity to residential uses. The tower location was selected in order to achieve the anticipated coverage requirements while reducing visibility to the residents as much as possible. The proposed location also complemented the site layout the most, being away from patio areas.
- Bell Mobility Inc. will ensure to follow all health and safety protocols and all federal guidelines. Health Canada has established electromagnetic exposure guidelines, known as Safety Code 6, to ensure the safe operation of wireless antenna installations. Bell attests that all of its facilities will continue to operate well below the allowable limits.

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

The Subject Lands are designated "Medium Density Residential/Commercial" with a "Neighbourhood Commercial Centre" designation by Vaughan Official Plan 2010, Volume 2, Section 12.13 Block 40/47. The proposed telecommunication tower is located within the approved Block 40/47 Plan.

Section 8.4.4 of VOP 2010 encourages the development of comprehensive high-speed telecommunication 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 telecommunication 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 "C4 Neighbourhood Commercial Zone" subject to site-specific Exception 9(1495).

The *Radiocommunication Act* designates Innovation, Science and Economic Development Canada ('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 *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 of Letter of Undertaking). However, the City of Vaughan in accordance with the Protocol, can grant municipal concurrence for the telecommunication tower.

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

Site Plan Review

The proposed steel flagpole telecommunication tower will be 40m in height. It is designed to allow for potential future co-location and minimize the number of towers required in the future while also resulting in a visually sleek design.

The tower is proposed to incorporate a decorative fenced-in compound area of approximately 25m² together with shrubs and landscaping to minimize the visual impact of the telecommunication tower and compound area, as shown in Attachment 3. The site facility would include one locked, alarmed and electronically monitored mechanical equipment shelter. Fencing with one locked gate access point would be installed around the base of the tower and equipment shelter.

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 Proponent identified network gaps along Pine Valley Drive and Teston Road in consideration of future residential development in the area. Bell Mobility is anticipating significant growth in the amount of wireless broadband use in the area. The Proponent conducted a search within a 1km radius of the Subject Lands, and none were identified. The closest existing tower locations are approximately 1.1km and 1.6km from the proposed tower location, as shown in Attachment 1. In order to meet the anticipated coverage requirements, a telecommunication tower height of 40 m was determined. The proposed tower is located approximately 30m from the nearest residential use.

The Urban Design and Cultural Heritage Division of the Development Planning Department has reviewed the Development and is satisfied with the Application. There are no built cultural heritage concerns on this property. Although the Subject Lands have undergone Archaeological Assessment and are considered to be clear of remaining archaeological concern, the Subject Lands are in close proximity to the Purpleville Methodist Cemetery. Therefore, the following clauses shall be included in the letter of concurrence:

- i. Should archaeological resources be found on the property, all work must cease and both the Ontario Ministry of Tourism, Culture, Sport and Cultural Industries, and the City of Vaughan's Development Planning Department shall be notified immediately.

- ii. In the event that human remains are encountered during the ongoing use of the access road, the proponent must immediately cease all construction activities. The proponent shall contact the York Regional Police Department, the Regional Coroner, and the Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer Services.

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

The DE Department has reviewed the Development and has no objection to its approval and is satisfied with the proposed location of the telecommunication tower and radio equipment cabinets as it is outside of the approved sight triangles.

Bombardier and Nav Canada have no objection to the Development

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

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

The TRCA has reviewed the subject proposal and confirmed the new location of the proposed tower is outside of the TRCA regulated areas. The TRCA has no objection to the proposed tower.

Financial Impact

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

Broader Regional Impacts/Considerations

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

Conclusion

Site Development File. DA.14.090 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 surround 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 therefore considered appropriate. Accordingly, the Development Planning Department can support the approval of Site Development File DA.14.090.

For more information, please contact: Jennifer Kim, Planner, Development Planning Department, ext. 8592.

Attachments

1. Context and Location Map
2. Site Plan
3. Compound Layout & Elevation Plan
4. Photo Simulation North and South
5. Photo Simulation Future Commercial Plaza
6. Previous approved Site Plan - June 28, 2016

Prepared by

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