

4.1

COUNCIL – MAY 3, 2011

**SITE DEVELOPMENT FILE DA.10.061
HL & M MARCUS INVESTMENTS INC.
WARD 4
(Deferred Item)**

Council, at its meeting of February 15, 2011, adopted the following (Item 7, Report No. 7):

That this matter be deferred to the Council meeting of May 3, 2011, to permit discussion with members of the telecommunications industry with cell towers in the City of Vaughan;

That the memorandum from the Solicitor, C5, dated February 15, 2011, be received; and

That the following communications be received:

- a) Mr. Stephen J. D'Agostino, Thomson Rogers, 390 Bay Street, Suite 3100, Toronto, M5H 1W2, C4 and C12, dated February 9 and 15, 2011; and
- b) Ms. Josie Fedele, West Woodbridge Homeowners Association Inc., 57 Mapes Avenue, Woodbridge, L4L 8R4, C11, dated February 15, 2011.

Committee of the Whole recommendation of February 1, 2011:

- 1) That consideration of this matter be deferred to the February 15, 2011 Council Meeting;
- 2) That staff undertake an overall review of the telecommunication tower protocol, with consideration given to health effects, protocols in other municipalities and proposals for a new telecommunication protocol and report back after consultation with the public, industry representatives, Health Canada and Members of Parliament; and
- 3) That the following deputations and communications be received:
 1. Ms. Tina Catalano, 20 Dalmato Court, Woodbridge, L4L 8X7 and Communication C4, dated February 1, 2011;
 2. Ms. Josie Fedele, West Woodbridge Homeowner's Association, 35 Albany Drive, Woodbridge, L4L 2X5 and Communication C3; and
 3. Mr. Matthew Milligan, Rogers Communication, 8200 Dixie Road, Brampton, L6T 0C1.

Report of the Commissioner of Planning, dated February 1, 2011

Recommendation

The Commissioner of Planning recommends:

1. THAT Site Development File DA.10.061 (HL & M Marcus Investments Inc.) BE APPROVED, for the installation of a 40m high telecommunication tower and accessory radio equipment cabinet on the subject lands shown on Attachments #1 to #3, and in the manner shown on Attachment #4, subject to the following:
 - a) that the Proponent obtain a Building and Land Use Permit from the Ministry of Transportation, prior to any construction or installation of the proposed Telecommunication Facility, on the subject lands.

Contribution to Sustainability

N/A

4.2

Economic Impact

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

Communications Plan

N/A

Purpose

The Proponent (Rogers Wireless Inc.) has submitted a Site Development Application on the subject lands shown on Attachments #1 and #2, for the installation of a telecommunication facility consisting of a 40m high telecommunication tower and accessory radio equipment cabinet as shown on Attachments #3 and #4.

Background - Analysis and Options

City of Vaughan's Telecommunication Tower/Antenna Protocol

On June 23, 2003, the City of Vaughan adopted a protocol for establishing telecommunication tower/antenna facilities. In accordance with the City's protocol, all new tower/antenna systems greater than 16.6m in height require consideration by City of Vaughan Council. The proposed 40m high circular steel monopole tower exceeds the 16.6m maximum height exemption, and therefore, is subject to this application.

The protocol states that telecommunication tower/antenna facilities proposed in industrial and commercial zoned areas that are a minimum of 100m away from residential areas are exempt from the public consultation process. As the proposed telecommunication facility is more than 100m from existing residential (located to the northeast of the subject lands on the east side of Keele Street and south of Regional Road #7), this application is exempt from the public consultation process.

As required in the City of Vaughan's Telecommunication Tower/Antenna Protocol, the Proponent attended a pre-application consultation meeting with the Vaughan Development Planning Department and subsequently submitted a Site Development Application with the required supporting documentation and application fee. The Proponent also conducted a survey of the surrounding area and it was determined that there were no facilities suitable for co-location within the vicinity network coverage.

The Development Planning Department is currently reviewing the City of Vaughan's existing Telecommunication Protocol in light of Industry Canada's revised procedures for installing radio communication and broadcasting antenna systems, which took effect on January 1, 2008. A report updating the City's existing Protocol will be forthcoming to a future Committee of the Whole Working Session, sometime in mid-2011. Some of the items under consideration for the new Protocol include the introduction of timelines respecting response times for comments made through the public consultation process; increasing the notification area; increasing the required minimum distance from residential areas; and, permitting telecommunication facilities on specific institutional lands subject to strict design criteria. The current proposal is not impacted by any of the proposed changes under consideration.

4.3

Location

The subject lands are located at the southwest corner of Doney Crescent and Keele Street, north of the Highway 407 on-ramp, municipally known as 25 Doney Crescent and 7500 Keele Street, as shown on Attachments #1 and #2.

Official Plan and Zoning

The subject lands are designated "Prestige Area" by OPA #450 (Employment Area Growth Management Plan). The new City of Vaughan Official Plan 2010 designates the subject lands "Prestige Employment", as adopted by Vaughan Council on September 7, 2010, and is subject to Region of York approval. The proposal conforms to the Official Plans.

The subject lands are zoned EM1 Prestige Employment Area Zone by By-law 1-88, subject to site-specific Exception 9(339). The proposed location of the compound complies with the EM1 Zone standards with respect to front, rear and side yard setbacks and is not located within the parking area of the subject lands. It should be noted that the siting of telecommunication tower/antenna facilities are not required to comply with the development standards set out in the City's Zoning By-law, as telecommunications is a matter of Federal jurisdiction.

Planning Considerations

The Development Planning Department conducted a review of the proposed telecommunication tower facility, its site location and design, and is of the opinion that the proposed 40m high circular steel monopole tower and telecommunication facility within the City's Employment Area, can be supported.

The equipment compound located at the south end of the subject lands has an area of 52.0m² as shown on Attachment #3, and is surrounded by a 1.8m high chain link fence, which can be accessed via lands leased to the Proponent for direct access to the compound. The compound houses a 40m high circular steel monopole telecommunication tower and accessory radio equipment cabinet (see Attachment #4). The 40m high tower is required in order to accommodate the necessary range and network demands the tower is intended to meet. The monopole design has been used throughout the City and is appropriate considering the employment area context. The design, construction and installation of the tower will be consistent with the required engineering practices including structural adequacy.

The accessory walk-in radio equipment shelter is constructed of galvanized steel and is situated on top of a concrete slab. The shelter is approximately 4.0m x 1.4m with a height of 2.4m. All hydro requirements to service the equipment shelter for the telecommunications tower must be to the satisfaction of PowerStream Inc.

The location of the proposed compound does not interfere with any existing landscaping on site or the required number of parking spaces. The Development Planning Department has no objection to the proposed layout and location of the compound and telecommunication tower.

Ministry of Transportation

The location of the proposed tower and accessory radio equipment cabinet on the subject lands shown on Attachments #1 and #2 is situated within the Ministry of Transportation's (MTO) Permit Control Area. The MTO requires a minimum 14.0m setback from the Highway 407 property line for all above and below ground structures and utilities. The proposed compound is located a minimum of 20.0m away from the rear lot line of the subject lands and complies with the MTO setback requirement.

4.4

The Proponent is required to apply to the MTO for and be granted a Building and Land Use Permit, prior to the construction or installation of any equipment associated with the proposal. The MTO requires the Proponent to provide a site plan drawing, which is to be stamped and signed by a Professional Engineer for review and approval.

Relationship to Vaughan Vision 2020/Strategic Plan

This report is consistent with the priorities set forth in Vaughan Vision 2020, particularly "Plan & Manage Growth & Economic Vitality".

Regional Implications

The Region of York Planning Department undertook a review of its Telecommunication Protocol in light of Industry Canada's revised procedures for installing radio communication and broadcasting systems, which has been in effect since January 1, 2008. In 2008 and early 2009, the Region of York Planning Department met with area municipalities (including Vaughan) and industry stakeholders to update its Protocol. As a result, on April 23, 2009, the Region of York adopted Industry Canada's protocol out-right. The proposed tower conforms to the adopted Industry Canada Protocol, and in doing so, also conforms to the Region of York's Protocol.

Conclusion

The Development Planning Department has reviewed the proposal for a telecommunication tower and accessory radio equipment cabinet in accordance with the Official Plan and Zoning By-law, and the City of Vaughan's Protocol for Establishing Telecommunication Tower/Antenna Facilities. The installation of the 40m high monopole antenna structure and associated equipment cabinet on the subject lands is considered acceptable within the employment area context, and accordingly, the Development Planning Department can support the approval of Site Development Application DA.10.061.

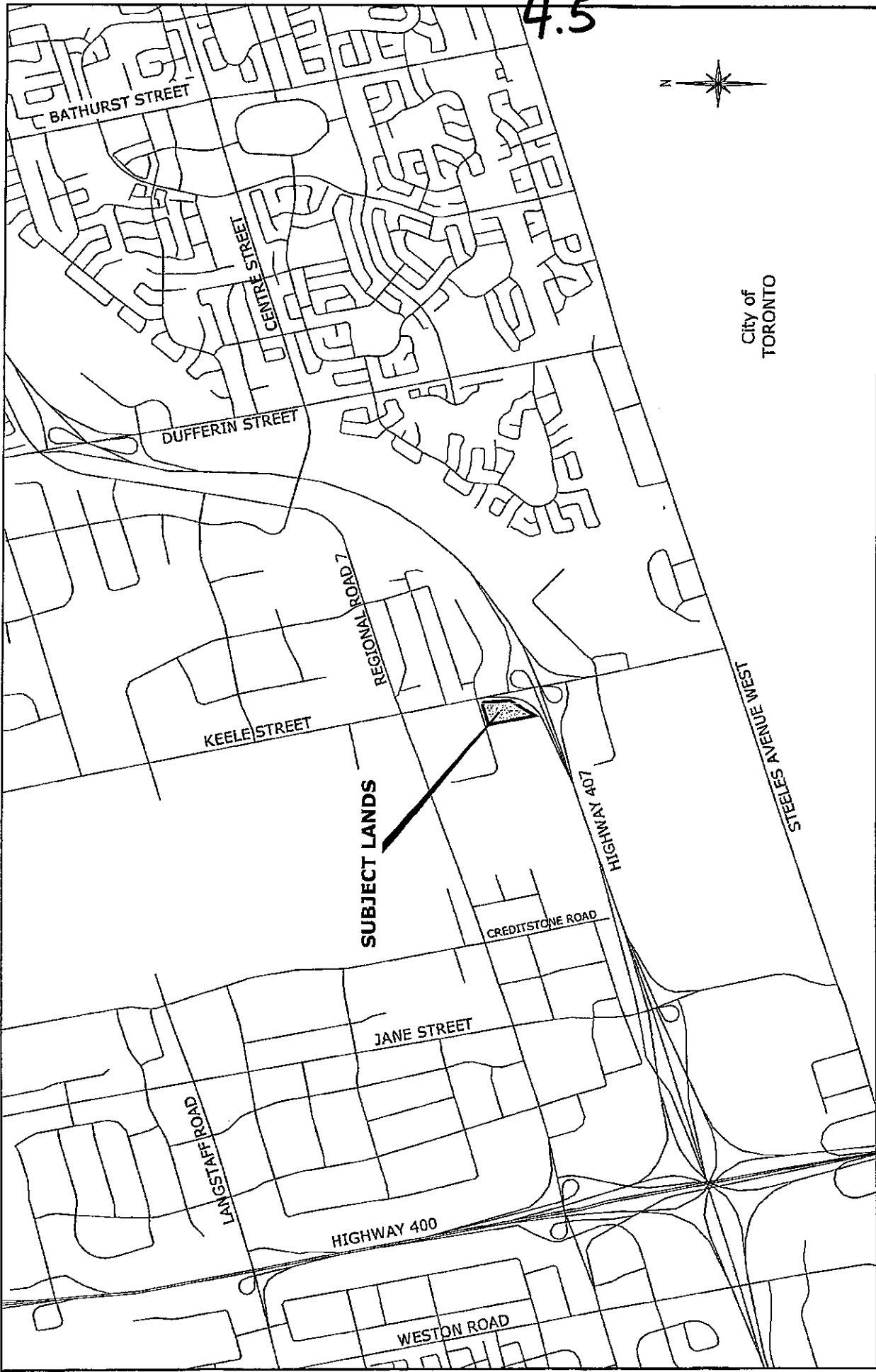
Attachments

- 1. Context Location Map
- 2. Location Map
- 3. Site Plan
- 4. Compound Plan and Tower
- 5. Communication C3, Committee of the Whole, February 1, 2011 }
- 6. Communication C4, Committee of the Whole, February 1, 2011 }
- 7. Communication C4, Council, February 15, 2011 } C3-C12 Refer to
- 8. Communication C5, Council, February 15, 2011 } Deferred Item 1
- 9. Communication C11, Council, February 15, 2011 }
- 10. Communication C12, Council, February 15, 2011 }

Report prepared by:

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/CM



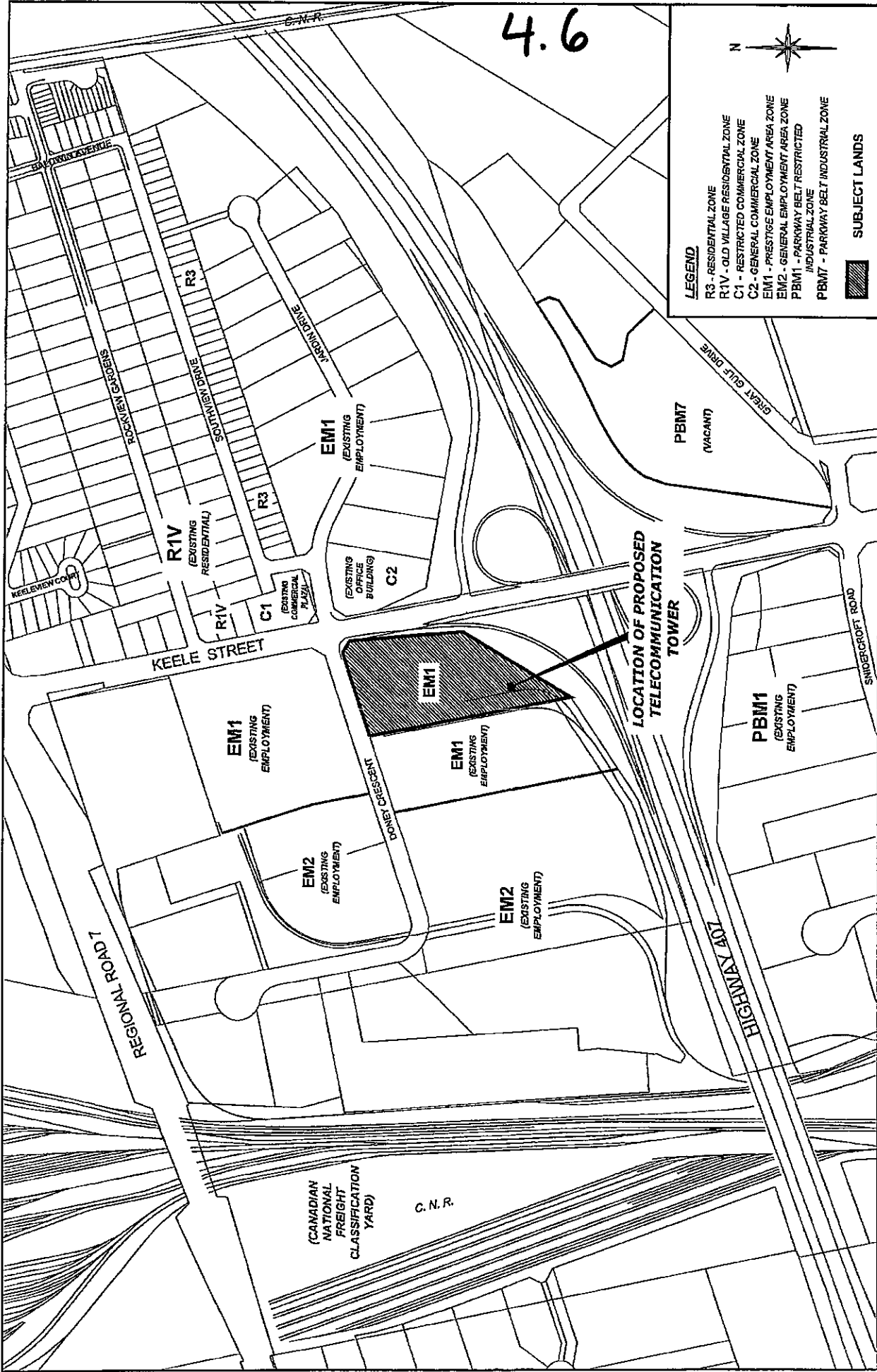
Attachment

FILE: DA.10.061
 DATE: January 10, 2011



Context Location Map

Location: Part of Lot 4, Concession 4
 Applicant: HL & M Marcus Investments Inc.
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Location Map

Location:
Part of Lot 4, Concession 4

Applicant:
HL & M Marcus Investments Inc.

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Attachment

FILE: DA.10.061

DATE: January 10, 2011

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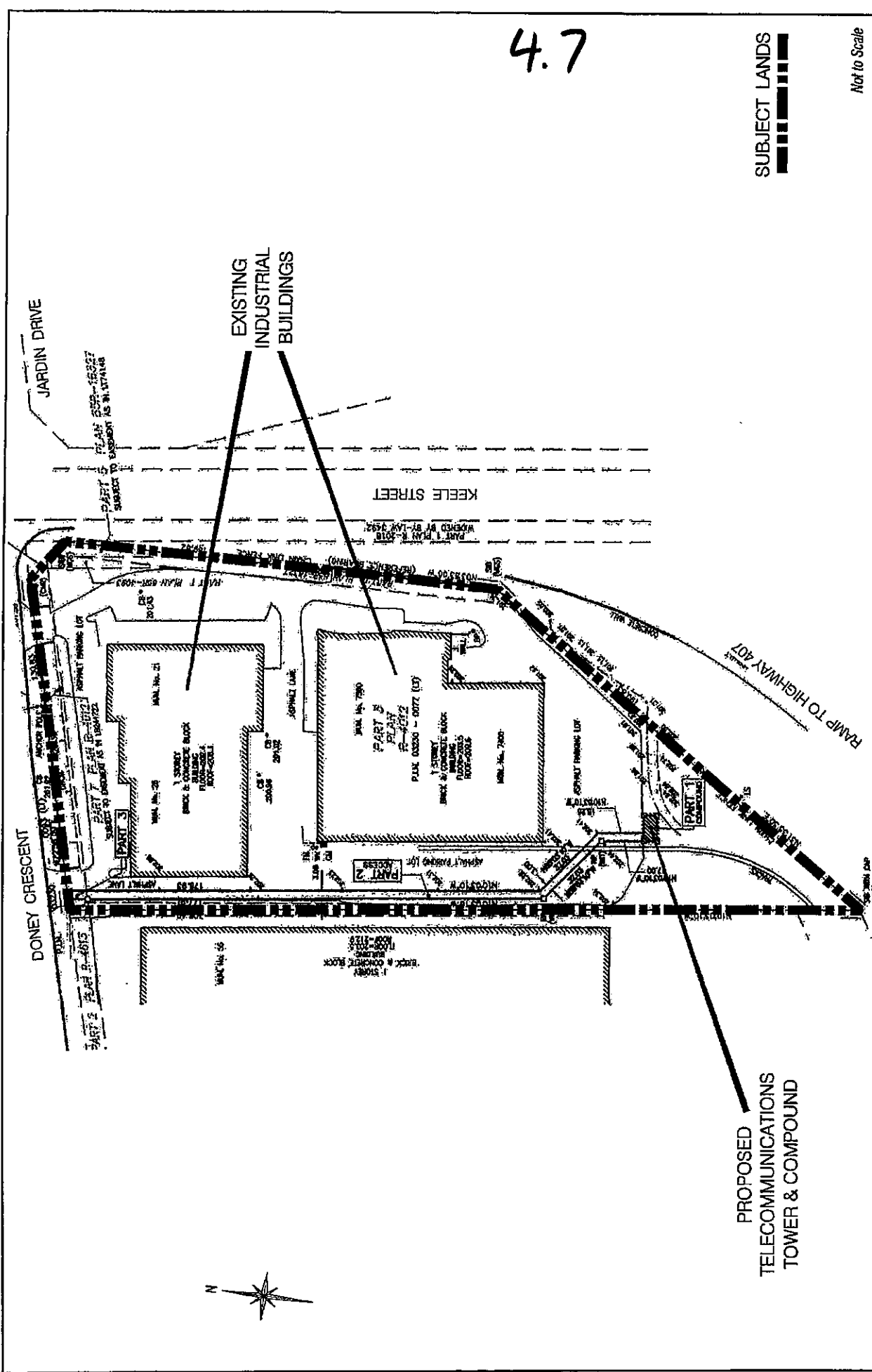
4.7

SUBJECT LANDS

Not to Scale

Attachment

FILE: DA.10.061
DATE: January 10, 2011



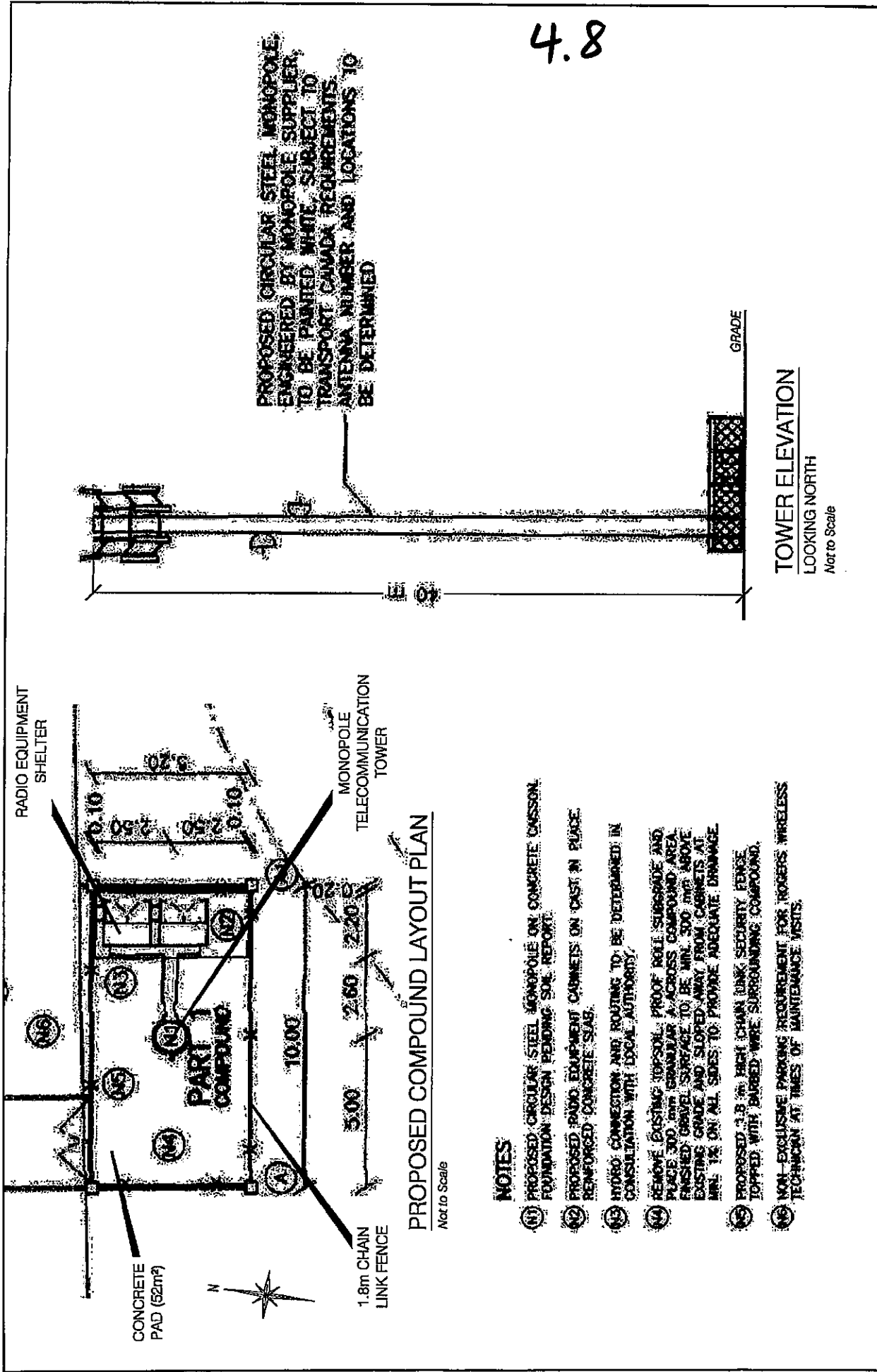
Site Plan

Location: Part of Lot 4, Concession 4

Applicant: HL & M Marcus Investments Inc.

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4.8



Compound Plan and Tower

Location: Part of Lot 4, Concession 4
Applicant: HL & M Marcus Investments Inc.
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