



Staff Report for Committee of the Whole Meeting

Date of Meeting: June 18, 2019

Report Number: SRPRS.19.094

Department: Planning and Regulatory Services

Division: Development Planning

Subject: **SRPRS.19.094 – Request for Comments –
Radio-Communication and Broadcasting
Antenna System Public Consultation
Application – Landsquared on behalf of Sabi
Ahsan – City File D25-18001**

Owner:

Sabi Ahsan
13076 Leslie Street
Richmond Hill, ON
L4E 1A2

Agent:

Landsquared
275 Macpherson Ave, Unit 103
Toronto, ON

Location:

Legal Description: Part of Lot 6, Concession 2, E.Y.S.
Municipal Address: 13076 Leslie Street

Purpose:

A request for comments from Committee of the Whole with respect to a Radio-Communication and Broadcasting Antenna Systems Public Consultation Application to permit the installation of a 40 metre (131.23 feet) monopole style telecommunication tower on the subject lands.

Recommendations:

- a) **That SRPRS.19.094 regarding an application for public consultation related to the construction of a proposed Radio-Communication and Broadcasting Antenna System submitted by Landsquared, on behalf of Sabi Ahsan, for the**

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lands known as Part of Lot 6, Concession 2, E.Y.S. (Municipal Address: 13076 Leslie Street) City File D25-18001, be received;

- b) That Council acknowledge that consideration of the proposed radio-communication and broadcasting antenna system has been undertaken in accordance with the City’s Protocol for Public Consultation for Radio-Communication and Broadcasting Antenna Systems; and,**
- c) That Staff be directed to inform Industry Canada that Council acknowledges that no land use planning issues remain outstanding as it pertains to the installation of the proposed radio-communication and broadcasting antenna system on the subject lands for the reasons outlined in Staff Report SRPRS.19.094.**

Contact Person:

Kelsey Prentice, Planner I – Zoning, phone number 905-771-2470
Deborah Giannetta, Manager of Development—Site Plans, phone number 905-771-5542

Report Approval:

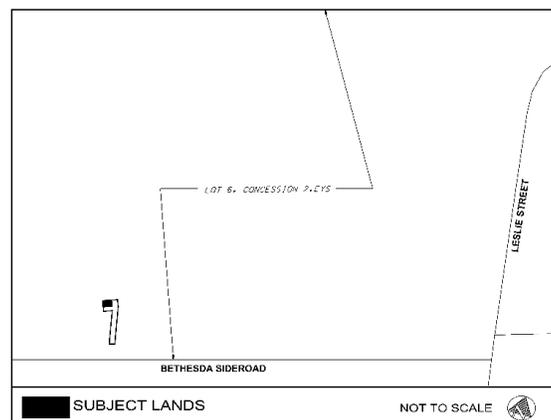
Submitted by: Kelvin Kwan, Commissioner of Planning and Regulatory Services

Approved by: Neil Garbe, City Manager

All reports are electronically reviewed and/or approved by the Division Director, Treasurer (as required), City Solicitor (as required), Commissioner and City Manager. Details of the reports approval are attached.

Location Map:

Below is a map displaying the property location. Should you require an alternative format call the person listed under “Contact Person” above.



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Background:

On January 15, 2018 the applicant submitted a Radio-Communication and Broadcasting Antenna Systems Public Consultation Application (File D25-18001) to facilitate the installation of a 40 metre (131.23 feet) telecommunication tower on the subject lands. The application was subsequently circulated to City departments and external agencies for review and comment in accordance with the City's Protocol for Public Consultation for Radio-Communication and Broadcasting Antenna Systems (City's Protocol). The applicant was provided with the necessary circulation information from the City in order to provide the required Notification Package to residents within 320 metres (1,049.86 feet) of the proposed tower location measured from the tower base in accordance with the City's Protocol.

The requisite Community Information Session regarding the subject proposal was held on June 5, 2018. As per Section 7.5 of the City's Protocol for undertaking public consultation for a proposed antenna system, the holding of this meeting complies with the requirements of the City. Further, in accordance with the City's Protocol, staff are required to bring forward a report to Committee of the Whole advising that public consultation has been completed, that a review of land use planning matters related to the subject site has been undertaken and to provide comments with respect to the City's official position concerning the proposed antenna system. Accordingly, this is the purpose of this report.

Understanding Government Jurisdiction

Radio-communication and broadcasting facilities come under the jurisdiction and responsibility of the Federal Government, with municipal governments generally being permitted to engage in public consultation with proponents in order to address reasonable and relevant concerns from a land use planning perspective. As such, only the Federal Minister of Industry has the authority under the *Radio-Communication Act* to issue radio authorizations, to approve each site upon which antenna systems are to be installed and to approve the erection of all masts, towers and other antenna-supporting structures.

Industry Canada's ultimate role is to ensure orderly development and the efficient operation of antenna systems throughout Canada. It is acknowledged however, that municipal governments are best suited to explain to applicants the particular amenities, sensitivities, planning priorities and other relevant characteristics of the areas within which such facilities are to be located. It is for this reason that municipal governments facilitate consultation between the public and proponents albeit strictly from a land use planning perspective.

Non-Applicable Consultation Topics

Industry Canada's protocol outlines that applicants have specific obligations that are subject to Federal requirements and therefore the City's requirement for initiating public consultation cannot intrude on obligations already subject to Federal review. The City

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may however seek clarification from proponents concerning their proposal and the alternatives available to satisfy these and any other radio authorization requirements.

The Federal requirements include compliance with the following:

- Health Canada's Public Radio Frequency Exposure Guidelines - Safety Code 6 (Safety Code 6);
- radio frequency interference and immunity – EMCAB-2;
- notification of nearby broadcasting stations;
- environmental considerations; and,
- Transport Canada/NAV CANADA aeronautical safety responsibilities.

Summary Analysis:

Site Location and Adjacent Uses

The subject lands are located on the north side of Bethesda Road, west of Leslie Street and have a lot area of approximately 14.66 hectares (36.22 acres). The lands currently support a cemetery (Toronto Muslim Cemetery) and abut Haynes Lake to the north, a significant forest to the north and west, Bethesda Road to the south and Leslie street to the east (refer to Maps 1 and 2).

Development Proposal

The applicant is proposing to install a 40 metre monopole style telecommunication tower with a radio equipment cabinet at the base. It is proposed that the tower will be accessed via a gravel access road from Bethesda Road (refer to Map 5). The proposed tower will initially support the wireless services of Freedom Mobile Inc.; however, the tower has been designed to facilitate future co-location by other carriers.

Public Consultation Analysis:

Industry Canada and City Richmond Hill Exemptions

Certain kinds of radio-communication and broadcasting antenna systems are not subject to the City's Protocol for undertaking consultation on land use matters relating to antenna systems. Staff confirms that the proposed antenna system is ground-based, is to have a height of 40 metres (131.2 feet) and will not qualify under either of the exemption conditions that are set out by Industry Canada or under the City-specific exemptions.

Pre-Consultation Meeting

The applicant met with City staff prior to submitting the application for public consultation. Staff discussed the proposed design of the tower and the requirements of City's Protocol for Radio-Communication and Broadcasting Antenna Systems. Staff also requested that consideration be given by the proponent to relocate the tower in order to minimize potential impacts to existing vegetation.

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Public Notification

In accordance with the City's Protocol, the City provided the applicant with mailing addresses for those properties within 320 metres (1049.86 feet) of the proposed tower base (refer to Map 1). The applicant has fulfilled its obligations by mailing the required Notification Packages and posting a sign on the subject lands that describes the application and to advertise the Community Information Session as required by the City's Protocol (refer to Appendix A).

Community Information Session

As previously noted, the requisite Community Information Session was hosted by the applicant on June 5, 2018 between 6:00 pm and 8:00 pm at the Oak Ridges Community Centre. City staff and representatives of the applicant were in attendance. This meeting meets the requirements of holding a Community Information Session regarding the subject proposal in accordance with Section 7.5 of the City's Protocol.

Public Consultation Comments

The City did not receive any written comments from the public regarding the proposed telecommunications tower.

Concluding Public Consultation

In accordance with the City's Protocol for conducting consultation on proposed antenna systems, the public consultation process is to be finalized once Council ratifies their final comments as being the official position of the City in regard to the proposed submission. Ratification of the City's official position is to be in the affirmative or the negative. In other words, the official position of the City is to concur or to object to the proposed antenna system. Concurrence indicates that no land use planning matters remain outstanding while an objection would indicate to Industry Canada that land use planning matters remain outstanding.

An objection would also trigger a dispute resolution process outlined in Section 8 of the City's Protocol for Radio-Communication and Broadcasting Antenna Systems. In this regard, the next section of this report is intended to brief Council on the land use planning issues pertaining to the subject lands and assist Council in determining the most appropriate land use position for the City with respect to the applicant's proposal.

Land Use Planning Analysis:

Official Plan and Zoning

The subject lands are designated **ORM Natural Linkage** and **ORM Natural Core** in accordance with Schedule A2 (Land Use) of the City's Official Plan (the Plan) (refer to Map 3). The telecommunications tower is proposed to be located in the **ORM Natural Linkage** designation. The purpose of the **ORM Natural Linkage** designation is to maintain and improve or restore the ecological integrity of the *Oak Ridges Moraine Conservation Plan* (ORMCP) area, and permitted uses include fish, wildlife and forest

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management, conservation projects and flood and erosion control projects, agricultural uses, home businesses, home industries, and low-intensity recreation uses, among other uses.

Policy 3.1.9.6.1 of the Plan states the following:

“Public utilities, authorized in accordance with the requirements of the Environmental Assessment Act, where applicable, and that do not conflict with the Vision and Guiding Principles of this Plan, are permitted in all land use designations.”

Staff has previously noted that the Federal Ministry of Industry has the authority under the *Radio-Communication Act* to issue radio authorizations to approve each site on which antenna systems are to be installed and to approve the erection of all masts, towers and other antenna-supporting structures. Staff provides the following comments respecting the Plan and Zoning By-law provisions applicable to the subject lands:

- the subject lands currently support a cemetery which predates the ORMCP and the Plan. A Site Plan Agreement dated December 5, 2000 approved a five-phase development of the cemetery, including two vehicular connections from Bethesda Sideroad. The proposed tower is to be accessed from the approved westerly driveway (refer to Map 1);
- the purpose of the **ORM Natural Linkage** designation is to maintain, and wherever possible, improve, restore and protect the ecological integrity of the ORMCP area. Policy 3.1.9.6.1 of the Plan states that public utilities are permitted in all land use designations, provided that they are authorized in accordance with the requirements of the *Environmental Assessment Act*, where applicable, and do not conflict with the Vision and guiding Principles of the Plan. In this regard, the Toronto and Region Conservation Authority (TRCA) and the City’s Park and Natural Heritage Planning staff have reviewed the proposal and are satisfied that the impact to the adjacent natural features has been minimized appropriately;
- the nearest residence is located approximately 192 metres (629.92 feet) southeast of the proposed tower, and the second-closest residence is located approximately 480 metres (1,574.80 feet) east of the property (refer to Maps 1 and 2). In this regard, the tower is located at an acceptable distance from neighbouring residences. The proposal has no zoning by-law impacts, and staff are satisfied that the proposed installation does not create any land use planning conflict with adjacent land uses.

Department and Agency Comments

Staff has circulated the application to relevant City departments and external agencies. The following table summarizes comments received to date:

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Department/Agency	Comments
Enbridge Gas	No objections.
Powerstream	No objections. Applicant to contact Power Stream to confirm service supply and determine charges.
Fire and Emergency Services Division	No objections.
Zoning Section	No objections.
Toronto and Region Conservation Authority	No objections.
Parks and Natural Heritage Planning	No objections.
Development Engineering Division	No objections.

As previously discussed, staff requested that the applicant consider shifting the location of the tower to avoid impact to adjacent vegetation. Through the development review process, the applicant has shifted the location of the compound approximately 2 metres (6.56 feet) to the east to avoid trimming or removing edge vegetation as much as possible. As such, there are no outstanding issues that would result in the City requesting Industry Canada defer a decision on approval or denial of the subject lands as a suitable site for the placement of the telecommunications tower.

Requirements for Building Permits and/or Agreements

The City's Building Services Division has confirmed that a Building Permit will be required for the foundation of the proposed tower. Staff are satisfied that no Agreements are necessary in order to facilitate the construction for the proposed telecommunications tower.

Relationship to Protocol Objectives

Section 7.7 of the City's Protocol requires that staff outline in particular how a proposed antenna system has contributed to and satisfied the City's objectives for requiring public consultation on proposed antenna systems. Staff therefore advises that:

- i) the City's Designated Municipal Contact has received, reviewed, and provided all comments to the applicant and overseen the public consultation process;
- ii) the applicant has fully complied with the Town's submission and public consultation requirements;
- iii) the location of the proposed antenna system does not impact the existing streetscape and any significant sight lines that are present both on the subject lands and in the immediately surrounding area;

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- iv) the proposed antenna system is appropriately located at acceptable distances from surrounding residential uses;
- v) the proposed antenna system appropriately balances the need to provide a high level of technical service to residents, surrounding properties and users with the objectives of the City stated in this protocol;
- vi) the proposed antenna system has been designed to support co-location and staff is satisfied that co-location in this part of the Town would be desirable as it would potentially reduce the need for an additional antenna system in the immediate vicinity; and,
- vii) the City's Protocol has provided an effective forum to inform the public through the mailing of the Notification Package, the holding of a Community Information Session, and this report to Committee of the Whole.

Financial/Staffing/Other Implications:

The recommendations of this report do not have any financial, staffing or other implications.

Relationship to the Strategic Plan:

The recommendations of this report will facilitate a development proposal that is aligned with the Town's Strategic Plan. In this regard, the development proposal is aligned with **Goal One – Stronger Connections in Richmond Hill** by planning for a connected community. The proposed development would align with **Goal Four – Wise Management of Resources in Richmond Hill** by being responsible through a commitment to use land responsibly.

Conclusion:

The applicant is seeking comments from Council with respect to a public consultation application involving the installation of a telecommunications tower on its land holdings. Staff is satisfied that all relevant land use planning concerns related to the proposal have been addressed by the applicant. Staff therefore recommends that Council receive Staff Report SRPRS.19.094, acknowledge the application has been undertaken in accordance with the City's approved protocol for Public Consultation for Radio-Communication and Broadcasting Antenna Systems, and that Industry Canada be informed of the preceding as it relates to the installation of a telecommunications tower on the subject lands.

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Attachments:

The following attached documents may include scanned images of appendixes, maps and photographs. If you require an alternative format please call contact person listed in this document.

- Appendix A, Public Information Package, received by the City May 3, 2018
- Map 1, Aerial Photograph
- Map 2, Neighbourhood Context
- Map 3, Official Plan Designation
- Map 4, Existing Zoning
- Map 5, Site Plan
- Map 6, Photographic Simulation

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Report Approval Details

Document Title:	SRPRS.19.094.docx
Attachments:	<ul style="list-style-type: none">- Appendix A.pdf- MAP_1_AERIAL_PHOTOGRAPH.pdf- MAP_2_NEIGHBOURHOOD_CONTEXT_S25_18001.pdf- MAP_3_OFFICIAL_PLAN_DESIGNATION.pdf- MAP-4-EXISTING-ZONING_S25_18001.pdf- MAP_5_SITE_PLAN.pdf- MAP_6_PHOTOGRAPHIC_SIMULATION.pdf
Final Approval Date:	Jun 7, 2019

This report and all of its attachments were approved and signed as outlined below:

Gus Galanis - Jun 4, 2019 - 2:16 PM

Kelvin Kwan - Jun 5, 2019 - 3:30 PM

Neil Garbe - Jun 7, 2019 - 9:23 AM