



Staff Report for Council Meeting

Date of Meeting: February 26, 2020

Report Number: SRPRS.20.035

Department: Planning and Regulatory Services

Division: Development Planning

Subject: **SRPRS.20.035- Request for Comments- Radio-Communication and Broadcasting Antenna System Application Public Consultation Application – 110 East Beaver Creek Inc. – City File D25-19001**

Owner:

110 East Beaver Creek Inc (c/o Harbour Management Corp.)
15 Maple Avenue
Barrie, ON
L4N 2N6

Agent:

Sarah Duncan (c/o Forbes Bros Ltd.)
130 - 482 South Service Road East
Oakville, ON
L6J 2X6

Location:

Legal Description: Lot 50, Registered Plan 65M-2104
Municipal Address: 100 East Beaver Creek Road

Purpose:

A request for comments from Council with respect to a Radio-Communication and Broadcasting Antenna Systems Public Consultation Application to permit the installation of a 25 metre (82.02 feet) monopole style telecommunications tower on the subject lands.

Recommendations:

- a) **That SRPRS.20.035 regarding an application for public consultation related to the construction of a proposed Radio-Communication and Broadcasting Antenna System submitted by 110 East Beaver Creek Inc., for the lands**

Page 2

known as Lot 50, Registered Plan 65M-2104 (Municipal Address 100 East Beaver Creek Road) City File D25-19001, 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.20.035.**

Contact Person:

Amanda Dunn, Planner II – Site Plans, phone number 905-747-6480
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.



Page 3

Background:

On August 19, 2019, the applicant on behalf of Rogers Canada Communication Inc. submitted a Radio Communication and Broadcasting Antenna Systems Public Consultation Application (City File D25-19001) to facilitate the installation of a 25 metre (82.02 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 100 metres (328.08 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 November 28, 2019. 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 Council 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 introduce any obligations already subject to Federal review. The City may, however seek clarification from proponents concerning their proposal and the

Page 4

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;
- 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 east side of East Beaver Creek Road, north of Highway 7 Road East, and have a lot area of approximately 2.57 hectares (6.36 acres). The lands currently support an existing industrial building and are located approximately 150 metres northeast from the intersection of East Wilmot Street and East Beaver Creek Road (refer to Map 1). The site is partially located within the Regulated Areas under Ontario Regulation 166/06 of the Toronto and Region Conservation Authority (TRCA), and abut City owned lands and Highway 404 to the east, existing industrial buildings to the north, vacant lands to the south, and East Beaver Creek Road to the west (refer to Maps 1 and 2).

Development Proposal

The applicant is proposing to install a 25 metre monopole steel lattice telecommunication tower within an enclosed fenced area approximately 6 metres (19.8 feet) by 6 metres (19.8 feet) in size, which is proposed to house the tower base and radio equipment cabinet for the proposed facility. The tower is to be painted red and white in order to meet the requirements of Transport Canada and will initially support the wireless services of Rogers Canada Communications Inc.; however, the tower has been designed to facilitate future co-location by other carriers.

Public Consultation Analysis:

Industry Canada and City of 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 25 metres (82 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 the City's Protocol for Radio-Communication and Broadcasting Antenna Systems. Staff also requested that consideration be given by the proponent to relocate the tower on the site in order to minimize potential impacts to existing vegetation.

Page 5

Public Notification

In accordance with the City's protocol, the City provided the applicant with mailing addresses for properties within 100 metres (328.08 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). It should be noted that no residences were captured within the notification circulation area. The nearest residence is located approximately 626 metres (2,053.8 feet) southeast of the proposed tower, and the second-closest residence is located approximately 1,016.92 metres (3,336.4 feet) northwest of the proposed tower location (refer to Maps 1 and 2).

Community Information Session

As previously noted, the requisite Community Information Session was hosted by the applicant on November 28, 2019 between 5:00 pm and 7:00 pm at the Holiday Inn Express and Suites Hotel (10 East Pearce Street, Richmond Hill). City staff and representatives for the applicant were in attendance, there were no members of the public in attendance. No comments or concerns were received at the Community Information Session. This meeting satisfies 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. 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.

Page 6

Land Use Planning Analysis: City of Richmond Hill Official Plan

The subject lands are designated **Employment Area** in accordance with Schedule A2 (Land Use) of the City's Official Plan (the Plan) (refer to Map 3), and are located within the Beaver Creek Business Park. The purpose of the **Employment Area** designation is to provide a range of high performance industrial and office uses that may not be accommodated elsewhere in the City, such as high-tech industries and knowledge-based businesses in the form of advanced manufacturing plants, corporate headquarters, and research and development facilities. **Policy 3.1.9.6.1** of the Plan states:

“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.”

The Plan defines **Utility(ies)** as ***“an essential public service such as electricity, gas, television or communications/telecommunications that is provided by a regulated company or government agency”***. Accordingly, the proposed telecommunication tower is permitted within the **Employment Area** designation. Further, it is 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.

Zoning

The subject lands currently support an industrial building which is a permitted use within the **High Performance Commercial Industrial (MC-1) Zone** as per Zoning By-law 150-80, as amended. Section 6.11.2 of Zoning By-law 150-80, as amended, identifies that ***“nothing in the by-law shall prevent the use of land or the use or erection of a building or structure for the purposes of public service [...] provided that it is in conformity with the general character of the area and the standards applicable under the By-law”***. Further, the City's Building Department has confirmed that the proposal conforms to the applicable by-law.

Staff had requested that the applicant consider shifting the location of the tower to the west, to avoid any impacts to the adjacent vegetation. Through the development review process, the applicant has revised the submission to provide greater setbacks (approximately 8.9 metres (29.19 feet)) to the west. As such, the TRCA and the City's Park and Natural Heritage Planning staff are satisfied that the impact to the adjacent natural features has been minimized appropriately and that there is adequate separation from the Regulatory flood plain and outer edge of the TRCA Regulation limits.

Page 7

Staff are satisfied that the proposed installation does not create any land use planning conflict with the current use of the subject lands or adjacent land uses. Further, the proposed tower is also located at an acceptable distance from neighbouring residences. As such, there are no outstanding issues that would result in the City requesting Industry Canada to defer a decision of approval or denial of the subject lands as a suitable site for the placement of the telecommunication tower.

Department and Agency Comments

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

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.
Financial Services	No objections.
Zoning Section	No objections.
Infrastructure Ontario	No objections.
Urban Design and Heritage	No objections.
Regional Municipality of York	No objections.
Toronto Airways Limited	No objections.
Toronto and Region Conservation Authority	No objections.
Parks and Natural Heritage Planning	No objections.
Development Engineering Division	No objections.

Page 8

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. Based on the scale of the proposal, 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 City'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;
- 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 the 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 City 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 Council.

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 City'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.

Page 9

Conclusion:

The applicant is seeking comments from Council with respect to a public consultation application regarding 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 and therefore recommends that Council receive Staff Report SRPRS.20.035, 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.

Attachments:

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

- Appendix A, Public Information Package, received by the City on November 13, 2019
- 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

Page 10

Report Approval Details

Document Title:	SRPRS.20.035 - Request for Comments - Radio-Communication Antenna System Application- City File D25-19001.docx
Attachments :	- SRPRS.20.035_MAP_1_AERIAL_PHOTOGRAPH.pdf - SRPRS.20.035_MAP_2_NEW_NEIGHBOURHOOD_CONTEXT.pdf - SRPRS.20.035_MAP_3_OFFICIAL_PLAN-LAND USE DESIGNATION.pdf - SRPRS.20.035_MAP_4_EXISTING_ZONING_S25-19001A.pdf - SRPRS.20.035_MAP_5_PROPOSED_SITE_PLAN.pdf - SRPRS.20.035_MAP_6_PROPOSED_PHOTOGRAPHIC_SIMULATION.pdf - SRPRS.20.035_Appendix A_PUBLIC INFORMATION PACKAGE.pdf
Final Approval Date:	Feb 10, 2020

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

Gus Galanis - Feb 10, 2020 - 10:49 AM

Kelvin Kwan - Feb 10, 2020 - 10:53 AM

Neil Garbe - Feb 10, 2020 - 2:12 PM