



Staff Report for Committee of the Whole Meeting

Date of Meeting: September 18, 2024

Report Number: SRPBS.24.089

Department: Planning and Building Services

Division: Development Planning

Subject: **SRPBS.24.089 - Request for Comments - Radio-Communication and Broadcasting Antenna System Application Public Consultation Application - 120 West Beaver Creek Road - TELE-22-0001**

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 27 metre (88.58 feet) monopole style telecommunications tower on the subject lands.

Recommendation(s):

- a) That SRPBS.24.089 regarding an application for public consultation related to the construction of a proposed radio-communication and broadcasting antenna system submitted by York Region Condominium Plan No. 606 for the lands municipally known as 120 West Beaver Creek Road, City File TELE-22-0001, 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 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 SRPBS.24.089.

Contact Person(s):

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Deborah Giannetta, Director of Development Planning, 905-771-5542

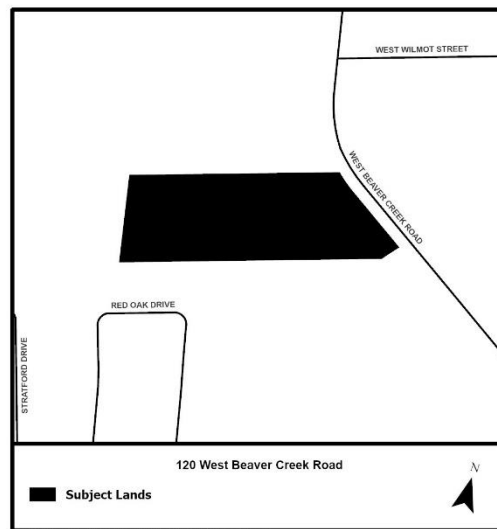
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Gus Galanis, Commissioner of Planning and Building Services, 905-771-2465

Report Approval:

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:



Key Messages:

- A Radio-Communication and Broadcasting Antenna Systems Public Consultation Application has been submitted to facilitate the installation of a 27 metre (88.58 feet) monopole style telecommunications tower on the subject lands;
- The required Community Information Session was hosted by the applicant on Thursday March 30, 2023; and,
- Planning staff recommend that Council support the Radio-Communication and Broadcasting Antenna Systems Public Consultation Application.

Background:

On September 8, 2022, the applicant on behalf of Rogers Canada Communication Inc. submitted a Radio Communication and Broadcasting Antenna Systems Public Consultation Application (City File D25-22001) to facilitate the installation of a 27 metre (88.58 feet) steel lattice tri-pole style telecommunications tower and related equipment shelter 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

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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 located within 100 metres (328.08 feet) of the proposed tower measured from the tower base in accordance with the City's Protocol.

In accordance with Section 7.5 of the City's Protocol for undertaking public consultation for a proposed antenna system, the requisite Community Information Session regarding the subject proposal was held on Thursday March 30, 2023. 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 are 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 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;

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- environmental considerations; and,
- Transport Canada/ NAV CANADA aeronautical safety responsibilities.

Discussion:

Site Location and Adjacent Uses

The subject lands are located on the west side of West Beaver Creek Road, north of Highway 7, have a lot area of approximately 2.369 hectares (5.85 acres), and currently support an existing industrial building. The proposed tower is to be located at the northwest corner of the subject property 215.7 metres (707.67 feet) west from the existing driveway access for the lands on West Beaver Creek Road, as well as approximately 100.00 metres from existing residential uses to the south and approximately 130.00 metres from existing residential uses to the west of the subject lands. The lands abut an industrial building to the north, West Beaver Creek Road to the east, and City owned lands that contain a woodland to the south and west.

Development Proposal

The applicant is proposing to install a 27 metre (88.58 feet) monopole steel lattice tri-pole style telecommunication tower on the subject property. The structure is to have three support “legs” with a steel lattice frame to provide additional strength and support. The antenna equipment is to be flush mounted to the top of the support structure to maintain a low visual profile. An at-grade compound area of 6.05 metres (19.84 feet) by 6.81 metres (22.34 feet) is to house the tower base and radio equipment cabinet on a reinforced concrete slab. Concrete filled steel bollards will be installed around the base of the concrete pad.

Public Consultation Analysis:

Industry Canada and City of Richmond Hill Exemptions

The City’s Protocol for undertaking consultation on land use matters relating to antenna systems identifies certain kinds of radio-communication and broadcasting antenna systems that are exempt. In this regard, staff confirms the proposed antenna system does not qualify under either of the exemption conditions that are set out by Industry Canada or the City-specific exemptions as the proposed antenna system is ground-based and is to have a height of 27 metre (88.58 feet).

Pre-Consultation Meeting

A Pre-Consultation meeting with City staff was held on January 13, 2022, prior to submission of the subject application for public consultation. At the meeting, staff was apprised of the proposed design of the tower and the requirements of the City’s Protocol for Radio-Communication and Broadcasting Antenna Systems.

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Public Notification

In accordance with the City's protocol, the City provided the applicant with mailing addresses for properties located 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 advertises the details of 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 virtually on Thursday March 30, 2023, between 5:00pm – 6:30pm. City staff and representatives for the applicant were in attendance at the meeting. Staff confirms that 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 received written comments from the public regarding the proposed telecommunications tower and concerns from a health and safety perspective. Planning staff has advised that the City is unable to assess the application from a health and safety perspective as this is within the ISED's jurisdiction. Planning staff have reviewed the comments provided and have determined that the City will only be assessing the application from a land use planning perspective and act as a commenting body to the Federal agency.

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 with respect 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.

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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). 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.

Zoning

The subject lands currently support an industrial building which is a permitted use within the **High Performance Industrial (M-1) Zone** as per Zoning By-law 150-80, as amended applicable to the subject property. 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”***.

Based on the preceding, staff are satisfied that the proposed telecommunications tower is consistent with the applicable zoning of the property and does not create any land use planning conflicts with the current use of the subject lands or adjacent land uses. Further, the proposed tower is located at an acceptable distance from the existing residential area to the west and is separated by a significant woodlot that is approximately 130 metres (426.50 feet) in width that immediately abuts the western limit of the property serving as a buffer. As such, there are no outstanding land use planning 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 proposed telecommunication tower.

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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
Financial Services	No objections.
Zoning Section	No objections.
Rogers Communications	No objections.
Urban Design and Heritage	No objections.
Regional Municipality of York	No objections.
Building Division	No objections.
Alectra Utilities	No objections.
Parks and Natural Heritage Planning	No objections.
Development Engineering Division	No objections.

Requirements for Building Permits and/or Agreements

The City's Building Services Division has confirmed that a Building Permit will be required for the equipment structure at the base of the proposed tower. Further, based on the scale of the proposal, no agreements are necessary in order to facilitate the construction of 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. Accordingly, Staff advises that:

- i) the City's Designated Municipal Contact has received, reviewed, and provided all comments to the applicant and has overseen the public consultation process;
- ii) the applicant has fully complied with the City's submission and public consultation requirements as required by the City's Protocol;
- iii) the location of the proposed antenna system does not impact the existing

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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 an acceptable distance 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 City's 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 Implications:

The recommendations of this report do not have any financial implications.

Relationship to Strategic Plan 2024-2027:

This report has no specific link to the 2024 – 2027 Strategic Plan.

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
- Map 1 - Aerial Photograph
- Map 2 - Neighbourhood Context
- Map 3 - Official Plan Designation
- Map 4 - Existing Zoning
- Map 5 - Proposed Site Survey

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Report Approval Details

Document Title:	SRPBS.24.089 – Request for Comments - Radio-Communication Application - 120 West Beaver Creek Road - TELE-22-0001.docx
Attachments:	<ul style="list-style-type: none">- Appendix A.docx- Map 1 Aerial Photograph - AODA.docx- Map 2 Neighbourhood Context - AODA.docx- Map 3 Official Plan Designation - AODA.docx- Map 4 Existing Zoning - AODA.docx- Map 5 Proposed Site Survey - AODA.docx
Final Approval Date:	Sep 2, 2024

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

Deborah Giannetta - Aug 28, 2024 - 4:37 PM

Gus Galanis - Aug 28, 2024 - 4:45 PM

Darlene Joslin - Sep 2, 2024 - 11:12 AM