



December 15, 2009

Mr. John Waller, MCIP, RPP
Director of Long Range and Strategic Planning Branch
Regional Municipality of York
17250 Yonge Street
Newmarket, ON
L3Y 6Z1

**Re: York Region Official Plan Review
December 2009 Draft**

Dear Mr. Waller,

Further to our preliminary letter of April 7, 2009, our follow-up letter of September 21, 2009, and our meeting with Regional staff, we offer the following detailed comments in response to our review of the December 2009 draft Official Plan document and the Region's response to our previous requests.

Definitions

Bell is of the opinion that definitions for the terms infrastructure and utilities are required to provide greater clarity to the policies in the Official Plan and can be general enough to include existing and future technology, as outlined in our September 2009 letter.

We appreciate the fact that the Region has identified utilities and communications as services that are "vital to maintaining and improving quality of life and economic competitiveness" in the introduction to Chapter 7 and in Section 7.5. However, to provide consistency with respect to the terminology used in these two sections we would as that the following change be made to the introduction of Chapter 7:

"Services include transit, streets, water, wastewater, waste management, energy, rail, airport, utilities, and communications/*telecommunications* operated by a variety of public and private sector agencies".

Section 5.4 – Regional Centres and Corridors

We appreciate the Region's incorporation of wording in the revised document to address our concern that discussions need to be undertaken with utility providers to ensure that aesthetics can be balanced with the provisioning of essential public services. As stated in our previous letter, we are willing to work with municipalities to ensure compatibility

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between our larger infrastructure and the surrounding area however, it is important to recognize that not all of Bell's infrastructure can be buried. Telecommunications infrastructure includes sensitive technological and electrical equipment, which for safety, access and technological reasons cannot be located underground. As a result, to recognize the different provisioning requirements of the various types of utility infrastructure and provide greater flexibility we would ask that the following be added to Section 5.4.14.a:

- a. working with utility providers to ensure appropriate utility design and placement, including burying cables and structures, *where feasible*, consistent with Transit-Oriented Design Guidelines for Regional Centres and Corridors;

This is similar to the addition of "where feasible" in Section 7.5.4, which was incorporated based on our previous request.

Section 7.5 – Energy and Utilities

We appreciate that Section 7.5.5 builds upon the understanding that discussions with wireless telecommunications providers are necessary to ensure that the needs of businesses and residents in the Region are met. However, we would reiterate the fact that not all cellular transmission facilities can be incorporated with buildings, depending on their size and function, and that these facilities are exclusively regulated by the Federal Government, through Industry Canada.

Bell Canada recognizes the public interest in providing a more functional and attractive public realm, however there is a risk with viewing the technical and feasibility considerations of providing telecommunications infrastructure as secondary to issues of aesthetics. This can result in greater costs to service providers, inappropriate locations for infrastructure and a reduced quality of service to customers. Therefore, we would ask that the following minor modification be made:

- 7.5.4 "To require local municipalities to engage cellular service providers early in the development process, to facilitate the integration of cellular transmission facilities with new buildings, *where feasible*."

In reviewing Section 7.5.6, we would note that the intent of the policy seems to be related exclusively to cellular transmission facilities and the desire to encourage a specific form of infrastructure over another. This objective is made unclear by including wording related to other forms of major utilities. As a result, we would recommend that the following be removed from this policy for greater clarification:

"7.5.6 To encourage the use of steel poles instead of lattice towers when it is not feasible to ~~install major utilities underground or~~ integrate cellular transmission facilities within buildings."

We would also note that although the objective of Section 7.5 is to provide policies to "encourage the co-ordinated, efficient and safe integration of utilities to better serve residents and businesses" that the focus with respect to the provisioning of necessary larger utility infrastructure seems to be on cellular facilities. To provide greater depth and include the broader scope of utility infrastructure we would also request that the following policy be added to Section 7.5:

7.5.X To encourage innovative methods of containing larger utility infrastructure, on or within streetscape features such as gateways, lamp posts, transit shelters etc., and determine appropriate locations or cluster sites through discussions with utility providers. "

In our September 2009 letter, Bell had also asked that a policy be added to Section 7.5 with respect to utility infrastructure, such as communications/telecommunications being permitted in all land use designations. We note that it was not added as the Region felt that "this would not provide any additional strength to this issue, as this is a Federal approvals process and beyond the control of the Region". Although we agree that the approval of cellular mobility infrastructure is a Federal issue through Industry Canada's standards, we would like to clarify that other communications/telecommunications infrastructure, such as linear cables, outside plant interfaces and walk-in-cabinets, is not regulated in the same manner. As a result, we continue to request that the following policy be added to ensure that all forms of utility infrastructure is covered under Section 7.5, not just cellular facilities:

7.5.X To encourage municipalities to permit utility infrastructure in all land use designations, except Environmentally Sensitive Areas, where exceptions will only be permitted in limited circumstances where deemed necessary by the approval authority and subject to detailed design.

Bell would like to thank the Region for the continued opportunity to participate in the Official Plan review process and would be happy to undertake further discussions on any of the above noted items with staff.

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We would also ask that all documents and information related to any further meetings, reports, decisions, etc. concerning this initiative be forwarded to our Development and Municipal Services Control Centre:

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Manager – Municipal Relations
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If you have any questions, please feel free to contact the undersigned.

Yours truly,

A handwritten signature in black ink, appearing to read 'J. La Chapelle', with a long horizontal stroke extending to the right.

John La Chapelle, MCIP, RPP
Manager – Municipal Relations
Access Network Provisioning, Ontario

cc: Barbara Jeffrey - Region of York
Wayne Corrigan - Associate Director - Access Network - Bell Canada
Scott Moon - Associate Director - Access Implementation - Bell Canada
Chris Tyrrell - MMM Group Ltd.