

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MAY 6, 2014

Item 14, Report No. 18, of the Committee of the Whole, which was adopted, as amended, by the Council of the City of Vaughan on May 6, 2014, as follows:

By striking out Committee recommendation 1) and approving the following:

That Site Development File DA.12.086 (Mr. Dario Di Giannantonio), to permit the installation of a 40 m high monopole telecommunication tower and associated radio equipment cabinet for Bell Mobility Inc., be refused;

That the City request that Bell and Rogers work together to facilitate co-location on a telecommunication tower; and

That the following Communications be received:

- C1. Mr. Danny Brzakovski, dated April 29, 2014;***
- C9. Map from Regional Councillor Schulte; and***
- C10. Map from Regional Councillor Schulte.***

Councillor Carella declared an interest with respect to the foregoing matter as he is an officer of the corporation that is the subject of the site adjacent to this property that could foresee co-location of a telecommunication tower, and did not take part in the discussion or vote on the matter.

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SITE DEVELOPMENT FILE DA.12.086
MR. DARIO DI GIANNANTONIO
WARD 2 - VICINITY OF RUTHERFORD ROAD AND REGIONAL ROAD 27

The Committee of the Whole recommends:

- 1) That the recommendation contained in the following report of the Commissioner of Planning, Interim Director of Planning/Director of Development Planning, and Manager of Development Planning, dated April 29, 2014, be approved, subject to the following:**
 - 1. That the pole accommodate co-locating;**
 - 2. That the pole be grey in colour;**
 - 3. That the antennas be flush mounted;**
- 2) That the following deputations be received:**
 - 1. Mr. Spaso Brzakovski, Rutherford Road, Woodbridge;**
 - 2. Mr. Kim Blackwell, Rutherford Road, Woodbridge; and**
- 3) That the coloured elevation drawings submitted by the applicant be received.**

Recommendation

The Commissioner of Planning, Interim Director of Planning/Director of Development Planning, and Manager of Development Planning recommend:

- 1. THAT Site Development File DA.12.086 (Mr. Dario Di Giannantonio) BE APPROVED, to permit the installation of a 40 m high monopole telecommunication tower and associated radio equipment cabinet for Bell Mobility Inc. (Attachments #3 to #6) on the subject lands shown on Attachments #1 and #2.**

Contribution to Sustainability

N/A

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Economic Impact

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

Communications Plan

Pursuant to the City's current telecommunication tower/antenna facilities protocol, the Proponent (Bell Mobility Inc.) held a Public Consultation Meeting on November 19, 2012, which is discussed in the Protocol section of this report.

Purpose

To seek approval from the Committee of the Whole for Site Development File DA.12.086 on the subject lands shown on Attachments #1 and #2, to permit the installation of a 40 m high monopole telecommunication tower with flush-mounted antennas and associated radio equipment cabinet, as shown on Attachments #3 to #6.

Background - Analysis and Options

Location

The subject lands shown on Attachments #1 and #2 are located on the northwest corner of Rutherford Road and Regional Road 27, municipally known as 5970 Rutherford Road, in the City of Vaughan.

City of Vaughan's Telecommunication Tower/Antenna Protocol

On June 23, 2003, Vaughan Council adopted a protocol for establishing telecommunication tower/antenna facilities. In accordance with the City's Protocol, all new tower/antenna systems greater than 16.6 m in height (now 15 m as superseded by Industry Canada's Protocol, January 2008) require consideration by Vaughan Council. The proposed 40 m high telecommunication tower exceeds the 15 m maximum tower exemption height and is subject to site plan approval.

In accordance with the Protocol, the Proponent attended a Pre-Application Consultation meeting with the Vaughan Planning Department prior to submitting the subject application. The Proponent conducted a survey of the surrounding area and determined that there were no existing facilities suitable for co-location within the vicinity network coverage.

On June 7, 2011, Vaughan Council resolved to appoint a Telecommunication Facility Task Force comprised of residents, industry representatives, and two Vaughan Council Members to review the City of Vaughan's existing Protocol for establishing Telecommunication Tower/Antenna Facilities.

On June 7, 2011, Vaughan Council also resolved:

"THAT Site Development Applications for new telecommunication facilities submitted prior to approval of a new City protocol be reviewed under the current City of Vaughan Protocol for Establishing Telecommunication Tower/Antenna Facilities."

The subject Site Development application is proceeding to the Committee of the Whole meeting on April 29, 2014, in light of the above resolution.

The Task Force developed a comprehensive work plan to formulate a Findings Report with assistance from City staff. The Task Force also consulted with and heard presentations from a variety of sources such as Industry Canada, Public Health Ontario, Bell Mobility, and

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telecommunication industry professionals. The Task Force approved the final Findings Report at its last meeting on December 17, 2013, and forwarded the Findings Report and the following recommendation to the Committee of the Whole meeting on January 14, 2014, which Vaughan Council adopted on January 28, 2014:

“That the Findings Report be referred to staff for review, and that a report be provided to a future Committee of the Whole meeting; and,

That the Findings report form the basis for developing the City of Vaughan’s Telecommunication Facility Siting Protocol.”

The City’s in-effect Protocol states that applications for telecommunication towers located within the urban area require the Proponent to provide notice of a Community Information Meeting by regular mail to all landowners within a radius of 120 m from the tower base, or within a distance of three times the height of the proposed tower, whichever is greater.

On November 19, 2012, the Proponent held a Community Information Meeting at the Al Palladini Community Centre from 6:00 pm to 8:00 pm. At that time, the proposed telecommunication tower was located closer to the intersection of Rutherford Road and Regional Road 27, as shown on Attachment #2, and with a proposed height of 55 m. In accordance with the City’s Protocol, notice for this meeting was provided by regular mail within a 165 m radius (3 times the height of the original tower in accordance with the City’s Protocol) to all notified residents a minimum of 20 days in advance of the Community Information Meeting. Two residents attended the Community Information Meeting and indicated they had concerns with the health effects related to telecommunication towers, and requested that the telecommunication tower be relocated farther north on the subject lands. The Planning Department also received email correspondence from two residents after the Community Information Meeting, that expressed concerns related to the health effects and the visual obstruction as a result of the proposed telecommunication tower.

Health Canada has established safety guidelines for exposure to radio frequency fields, in its Safety Code 6 publication entitled “Limits of Human Exposure to Radiofrequency Electromagnetic fields in the Frequency Range from 3 kHz to 300 GHz”. Industry Canada has adopted this guideline for the purpose of protecting the general public, which concludes that there is no scientific or medical evidence that a person will experience adverse health effects from exposure to radio frequency fields, provided that the installation complies with Safety Code 6. The proponent (Bell Mobility Inc.) attests that the proposed telecommunication tower will at all times comply with the requirements of Safety Code 6 for the overall protection of the general public.

Since the Community Information Meeting of November 19, 2012, the Proponent has relocated the telecommunication tower approximately 100 m north from its original location, as shown on Attachment #2, and has reduced the height of the tower from 55 m to 40 m. In addition, through consultation with York Region, the Proponent has relocated the proposed access driveway for installation and maintenance purposes from Rutherford Road to Regional Road 27.

Official Plan and Zoning

The subject lands are designated “Natural Areas” by City of Vaughan Official Plan 2010 (VOP 2010). VOP 2010 encourages the development of comprehensive high-speed telecommunications and data networks throughout Vaughan to contribute to economic competitiveness and support widespread access to such services.

The subject lands are zoned A Agricultural Zone and OS1 Open Space Conservation Zone, and are subject to site-specific Exception 9(574). The proposed telecommunication tower is located on the portion of the subject lands zoned A Agricultural Zone.

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The *Radiocommunication Act* designates Industry Canada as the approval authority for all matters respecting telecommunication towers and antenna facilities. Federal regulations are not subject to Provincial policies, which include the *Planning Act* and *Building Code Act*. As such, telecommunication towers and antenna facilities are exempt from municipal official plan policies and zoning by-law requirements and site plan control (i.e. no implementing Site Plan Agreement or Letter of Undertaking).

Planning Considerations

The Proponent originally proposed to construct the telecommunication tower along the east property line in proximity to the Rutherford Road and Regional Road 27 intersection, as shown on Attachment #2. However, through the Public Consultation and circulation process, the Proponent relocated the proposed telecommunication tower approximately 100 m north of its original location and approximately 200 m away from the Rutherford Road/Regional Road 27 intersection. In addition, through consultation with York Region, the Proponent agreed to relocate the proposed access driveway from Rutherford Road to Regional Road 27, as shown on Attachment #3.

The proposed 100 m² equipment compound is enclosed by a 2.4 m high chain link fence with barbed wire along the top. The compound includes a 40 m high monopole tower with flush-mounted antennas and one radio equipment cabinet, as shown on Attachments #3 to #6. The accessory radio cabinet is constructed of galvanized steel and measures approximately 2.0 m x 2.4 m in area and 2.4 m in height, as shown on Attachments #5 and #6. All hydro requirements to service the equipment cabinets for the telecommunication tower must be to the satisfaction of PowerStream Inc.

The Planning Department is also recommending approval of another Site Development File DA.13.058 (Vitanova Shelter Corporation), located in close proximity at 6299 Rutherford Road, on the south side of Rutherford Road and approximately 1 km west of the subject lands as shown on Attachment #2. Site Development File DA.13.058 was submitted by Rogers Communications Inc. to facilitate the installation of a 40 m high monopole telecommunication tower with flush-mounted antennas.

The Proponent (Bell) for the subject application (File DA.12.086) has advised that the proposed tower at 5970 Rutherford Road is required to improve network coverage and capacity to the area east of Regional Road 27, and that co-locating on the Rogers tower proposed at 6299 Rutherford Road (File DA.13.058 as shown on Attachments #1 and #2) would limit Bell's coverage and network objectives. In addition, the Proponent for File DA.13.058, Rogers Communications Inc., has advised that the location at 6299 Rutherford Road is required, and co-locating upon the proposed Bell tower at 5970 Rutherford Road would not permit Rogers Communications Inc. to meet their network coverage and capacity objectives.

The Planning Department accepts the rationale provided by the Proponents for both Site Development Files DA.12.086 and DA.13.058. However, the Proponents have advised the Planning Department that the telecommunication towers proposed to be located at 5970 Rutherford Road (Bell) and 6299 Rutherford Road (Rogers) will allow for future co-location by other licensed carriers.

Vaughan Development/Transportation Engineering Department

The Vaughan Development/Transportation Engineering Department has reviewed the following environmental documents submitted in support of the application:

- Site Screening Questionnaire and Certificate;

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- More Than Engineering (MTE) report entitled “Proposed Telecommunication Tower Bell Site W4221, Phase I Environmental Site Assessment” dated August 3, 2012; and,
- More Than Engineering (MTE) letter entitled “Results of the Phase I Environmental Site Assessment for the Proposed Bell Mobility Tower” dated January 30, 2013.

Based on the Development/Transportation Engineering Department's review of these documents, the City is satisfied with the assessed environmental condition of the subject lands and no further environmental items are required by the City.

Toronto and Region Conservation Authority

The Toronto and Region Conservation Authority (TRCA) has no objections to the proposal. Prior to construction, the Proponent must provide an effective erosion and sediment control plan to prevent construction impacts to any natural heritage features located on the subject lands, to the satisfaction of the TRCA.

Relationship to Vaughan Vision 2020/Strategic Plan

This report is consistent with the following initiative set forth in the Vaughan Vision 20/20 Strategic Plan:

i. Plan and Manage Growth & Economic Vitality

The proposal will support the development of a high-speed telecommunications and data network throughout Vaughan to contribute to economic competitiveness and support widespread access to such services.

Regional Implications

On April 23, 2009, York Region adopted Industry Canada's Protocol (CPC-2-0-03) to reduce redundancies and permit a more efficient and consistent approach for regulating telecommunication facilities, while providing an opportunity for local municipalities to determine individual procedures and protocols. The proposed compound area and telecommunication tower conforms to York Region's adopted Protocol.

The York Region Transportation and Community Planning Department has reviewed the proposed driveway access from Regional Road 27 and has no objections to its location. The Proponent is required to obtain a Road Occupancy Permit from the Region of York prior to commencing any work on Regional Road 27.

Conclusion

The Vaughan Planning Department has reviewed the proposal for a 40 m high monopole telecommunication tower and associated radio equipment cabinet in accordance with the Official Plan, Zoning By-law 1-88, the City of Vaughan's Protocol for Establishing Telecommunication Tower/Antenna Facilities, Industry Canada's Protocol for Radiocommunication and Broadcasting Antenna Systems, comments from area residents, and the requirements of City Departments and external public agencies. The installation of the tower and accessory radio equipment is considered acceptable. Accordingly, the Planning Department can support the approval of Site Development File DA.12.086.

Attachments

1. Context Location Map
2. Location Map
3. Site Plan

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4. Compound Layout Plan & Tower Elevation
5. Cabinet Details - North Elevation
6. Cabinet Details - East Elevation

Report prepared by:

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(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)