

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MAY 6, 2014

Item 15, 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 approving:

That if co-location on a telecommunication tower at this site is successful, Council is prepared to entertain a 50 m high monopole telecommunication tower with flush mounted antenna, painted in a monotone grey to ensure it is as unobtrusive as possible; and

That the following Communications be received:

- C7. Mr. Danny B, dated May 6, 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 this site development application, and did not take part in the discussion or vote on the matter.

**15 SITE DEVELOPMENT FILE DA.13.058
VITANOVA SHELTER CORPORATION
WARD 2 - VICINITY OF RUTHERFORD ROAD AND MCGILLIVRAY ROAD**

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; and**
- 2) 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.13.058 (Vitanova Shelter Corporation) BE APPROVED, to permit the installation of a 40 m high monopole telecommunication tower and associated radio equipment cabinet for Rogers Communications Inc. (Attachments #3 to #5) on the subject lands shown on Attachments #1 and #2.

Contribution to Sustainability

N/A

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 (Rogers Communications Inc.) held a public consultation meeting on November 6, 2013, which is discussed in the Protocol section of this report.

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Purpose

To seek approval from the Committee of the Whole for Site Development File DA.13.058 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 an associated radio equipment cabinet, as shown on Attachments #3 to #5.

Background - Analysis and Options

Location

The subject lands are located south of Rutherford Road, west of Regional Road 27, municipally known as 6299 Rutherford Road, in the City of Vaughan. The proposed telecommunication tower is located towards the rear of the subject lands, behind an existing 2-storey agricultural building, which partially screens the proposed telecommunication tower, as shown on Attachment #3.

The subject lands are located in close proximity to the proposed extension of Highway 427, as shown on Attachment #2. The Ministry of Transportation Ontario (MTO) has confirmed the location of the proposed telecommunication tower will not impact the proposed extension of Highway 427.

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 City of Vaughan Council. The proposed 40 m high telecommunications tower exceeds the 15 m maximum height and is subject to site plan approval.

In accordance with the City's Protocol, the Proponent attended a Pre-Application Consultation meeting with the Vaughan Planning Department on April 8, 2013, and submitted the subject application on July 16, 2013. 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 Establishment 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 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

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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 for telecommunication tower/antenna facilities proposed in rural areas, the proponent must notify all owners/ratepayer associations within a distance of 250 m measured from the tower base. As the proposed telecommunication tower is located within a rural area, this application is subject to the City of Vaughan's public consultation process.

On November 6, 2013, the Proponent held a Public Consultation meeting at the Al Palladini Community Centre. Notice for this meeting was provided by regular mail to all landowners and ratepayer associations (Kleinburg & Area Ratepayers' Association) within 250 m from the base of the proposed tower, as shown on Attachment #2, and by email to the City of Vaughan Mayor and Members of Council, a minimum of 20 days in advance of the meeting. The Proponent advised that no invited landowners and members of the Kleinburg & Area Ratepayers' Association attended the Public Consultation meeting. By conducting the Public Consultation meeting, with proper notification, the Proponent has satisfied the City of Vaughan's Protocol for Establishing Telecommunication Tower/Antenna Facilities with regard to Public Consultation/Notification requirements.

Official Plan and Zoning

The subject lands are designated “Prestige Employment” and “Natural Area” by City of Vaughan Official Plan 2010 (VOP 2010), and by the area specific West Vaughan Employment Area Secondary Plan (WVEA) of Volume 2 of 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 by Zoning By-law 1-88, subject to site-specific Exception 9(282). The proposed Telecommunication tower is located on the portion of the subject lands zoned A Agricultural Zone.

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

Planning Considerations

The Planning Department has conducted a review of the proposed telecommunication tower facility, and its site location and design, and is of the opinion that the proposed 40 m high monopole with flush-mounted antennas and an accessory radio equipment cabinet can be supported at this location.

The equipment compound is located within a grassed clearing, to the rear of a 2-storey agricultural building, and has an area of 74.4 m², as shown on Attachments #3 to #5. The compound is enclosed by a 1.8 m high black vinyl chain link security fence, topped with barbed

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wire, which can be accessed via lands leased to the Proponent for direct access to the compound from Rutherford Road. The compound houses a 40 m high circular steel monopole telecommunication tower and an accessory radio equipment cabinet, as shown on Attachment #4.

The 40 m high telecommunication tower is required to accommodate and address existing network coverage and capacity issues in the immediate vicinity surrounding the proposed tower, and to respond to increased demand for improved network coverage. The monopole design will maintain external antennas flush-mounted to the tower, as shown on Attachment #4. The tower will also facilitate future co-location by other licensed carriers.

The accessory radio equipment cabinet is constructed of galvanized steel and is situated above a cast-in-place reinforced concrete pad, as shown on Attachment #5. The cabinet is approximately 2.4 m x 1.6 m, with a height of 2.4 m. All hydro requirements to service the equipment shelter for the telecommunications tower must be to the satisfaction of PowerStream Inc.

The compound is screened from Rutherford Road by an existing 2-storey building. No trees will be removed during the construction process. The Planning Department has no objection to the proposed layout and location of the compound and telecommunication tower.

The Planning Department is also recommending approval of another Site Development File DA.12.086 (Dario Di Giannantonio), located in close proximity at 5970 Rutherford Road (northwest corner of Rutherford Road and Regional Road 27), and approximately 1 km to the east of the subject lands as shown on Attachment #1. Site Development File DA.12.086 was submitted by Bell Mobility Inc. to facilitate the installation of a 40 m high monopole high telecommunication tower with flush-mounted antennas.

The Proponent (Rogers) for the subject application (File DA.13.058) has advised that the proposed tower at 6299 Rutherford Road is required to improve network coverage and capacity in the immediate area, and that co-locating on the Bell tower proposed at 5970 Rutherford Road (File DA.12.086) would not permit the Proponent to improve upon the network coverage and capacity issues for Rogers Communications Inc. In addition, the Proponent for File DA.12.086, Bell Mobility Inc., has advised that the location at 5970 Rutherford Road is required to serve the area to the east of Regional Road 27, and co-locating on the proposed tower at 6299 Rutherford Road would not permit Bell Mobility 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.

Toronto and Region Conservation Authority

The location of the proposed tower and accessory radio equipment cabinet on the subject lands is located within the Toronto and Region Conservation Authority (TRCA) Regulated Area, as per Ontario Regulation 166/06. As such, the application was subject to review by the TRCA, and the following comments have been provided:

TRCA staff recommends approval of Site Development File DA.13.058, subject to the following conditions:

1. The Proponent provides an erosion and sediment control plan to prevent construction impacts. Please refer to the Erosion and Sediment Control Guidelines for Urban Construction, December 2006 (www.sustainabletechnologies.ca).

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2. The Proponent shall contact the Ministry of Natural Resources for permitting requirements under the Endangered Species Act (ESA) due to the possible presence of Redside Dace in the watercourse.

Relationship to Vaughan Vision 2020/Strategic Plan

This report is consistent with the following initiatives set forth in the Vaughan Vision 2020/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, the York Region adopted Industry Canada's Protocol (CPC-2-0-03) outright 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 application and has no objection to its approval.

Conclusion

The Vaughan Planning Department has reviewed the proposal for a 40 m high telecommunication tower and accessory 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, and Industry Canada's Protocol for Radiocommunication and Broadcasting Antenna Systems. The installation of the 40 m high circular steel monopole with flush-mounted antennas, and accessory radio equipment cabinet within a 74.4 m² compound area is considered acceptable. Accordingly, the Planning Department can support the approval of Site Development File DA.13.058.

Attachments

1. Context Location Map
2. Location Map
3. Site Plan
4. Compound Layout Plan & Tower Elevation
5. Cabinet Details

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.)

Councillor Carella declared an interest with respect to the foregoing matter as he is an officer of the corporation that is the subject of this site development application, and did not take part in the discussion or vote on the matter.