

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 25, 2013

Item 7, Report No. 32, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on June 25, 2013.

7

**SITE DEVELOPMENT FILE DA.12.068
RITAJO DEVELOPMENTS LTD.
WARD 4 - VICINITY OF RUTHERFORD ROAD AND DUFFERIN STREET**

The Committee of the Whole recommends:

- 1) That recommendation 1. contained in the following report of the Commissioner of Planning and the Director of Development Planning, dated June 18, 2013, be approved contingent upon the initial fulfilment of recommendation 2. ; and**
- 2) That the deputation of Mr. Sean Galbraith, Proliferate Consulting Group, Price Street, Toronto, be received.**

Recommendation

The Commissioner of Planning and the Director of Development Planning recommend:

1. THAT Site Development File DA.12.068 (Ritajo Developments Ltd.) BE APPROVED, to permit the installation of a 25 m high monopole telecommunication tower (with Canadian flag and banners) and associated radio equipment cabinets (Attachments #3 to #5 inclusive) by the Proponent (Rogers Communications Inc.), consistent with Attachments #1 to #5.
2. THAT the Vaughan Development Planning Department work with the Owner (Ritajo Developments Ltd.) of the subject lands to install additional lighting in the form of coloured pot lights located at the top of the corner building fronting onto Rutherford Road, which is outstanding from the original approval of the development of the commercial plaza; and, that this matter be treated separate from the approval and installation of the proposed telecommunication tower.

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 December 3, 2012, the details of which are discussed in the Protocol section of this report.

Purpose

The Proponent (Rogers Communications Inc.) has submitted Site Development File DA.12.068 on the subject lands shown on Attachments #1 and #2 for the installation of a 25 m high monopole telecommunication tower and associated radio equipment cabinets, as shown on Attachments #3 to #5 inclusive. The tower will include a Canadian flag at the top and a place to hang banners at pedestrian level.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 25, 2013

Item 7, CW Report No. 32 – Page 2

Background - Analysis and Options

Location

The subject lands shown on Attachments #1 and #2 are located at 9200 Dufferin Street, situated at the southwest corner of Rutherford Road and Dufferin Street, in the City of Vaughan.

City of Vaughan's Telecommunication Tower/Antenna Protocol

On June 23, 2003, the City of Vaughan 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 25 m high telecommunication tower exceeds the 15 m maximum 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 Development 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 and industry representatives to review the City of Vaughan's existing protocol for establishing Telecommunication Tower/Antenna Facilities. The Telecommunication Task Force is currently conducting a background review and consulting key stakeholders, prior to preparing a Findings Report that will support the development of a new City of Vaughan Telecommunication Facility Siting Protocol. On June 7, 2011, 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 Towers/Antenna Facilities."

The City's Protocol states that applications for telecommunication towers less than 100 m away from residential areas require the Proponent to provide notice of a community meeting by regular mail to all landowners within a radius of 120 m from the tower base. As the subject lands are located adjacent to lands zoned for residential purposes, this application was subject to the City of Vaughan's public consultation process.

On December 3rd, 2012, the Proponent held a Public Consultation Meeting at the North Thornhill Community Centre. In accordance with the City's Protocol, notice for this meeting was provided by regular mail to all neighbouring residents a minimum of 20 days in advance of the Public Consultation meeting. Approximately fifteen (15) residents attended the Public Consultation Meeting, who had concerns with the initial location of the tower (i.e. internal to the commercial plaza and located within the parking lot as shown on Attachment #3), as well as its associated long-term health effects. The residents suggested other site options for the proposed telecommunications tower; however, due to a lack of network coverage within the surrounding area, the proponent has identified the subject lands as the most optimal non-residential property to install a telecommunications tower. As a result of the aforementioned concerns by area residents, the Proponent agreed to relocate the telecommunications tower farther from the residential area to the south, and closer to the corner of Dufferin Street and Rutherford Road, as shown on Attachment #3. The Development Planning Department has no objections to the revised location of the proposed tower.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 25, 2013

Item 7, CW Report No. 32 – Page 3

Official Plan and Zoning

The subject lands are designated “Mixed Use 1” by in-effect OPA #600, as amended by OPA #651 (Carrville District Centre Plan). The subject lands are also designated “High-Rise Mixed-Use” by the City of Vaughan Official Plan 2010 (VOP 2010), which was adopted by Vaughan Council on September 7, 2010 (as modified September 27, 2011, March 20, 2012, and April 17, 2012), and further modified and endorsed by Region of York Council on June 28, 2012, and is pending approval from the Ontario Municipal Board. VOP 2010 directs telecommunication towers to the rear of lots and away from streets. The proposal does not conform to VOP 2010.

The subject lands are zoned C4 Neighbourhood Commercial Zone by Zoning By-law 1-88, subject to site-specific Exception 9(1312). 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 plans and zoning by-law requirements and site plan control (i.e. no implementing Site Plan Agreement or Letter of Undertaking).

Planning Considerations

The original proposal included a telecommunication tower located internal to the existing commercial plaza and approximately 70 m away from the future residential area to the south, as shown on Attachment #3. Upon discussion with the Development Planning Department and in light of the concerns identified by area residents at the public consultation meeting, the Proponent has agreed to relocate the telecommunication tower approximately 30 m farther from the residential area (100 m away) as shown on Attachment #3.

The revised proposal consists of a compound that is enclosed by concrete-filled steel bollards and an existing 1.1 m high metal fence and concrete wall located north of the proposed compound. The compound includes a 1.62 m wide x 2.44 m long and 2 m high radio equipment cabinet located on a concrete slab. The proposed telecommunications tower is a 25 m high monopole (flag pole design with banners) located on the northeast corner of the subject lands approximately 100 m away from the nearest residential area, as shown on Attachment #3. The tower will be installed with two vertical banners at a pedestrian level and a Canadian Flag at the top end, and is equipped with internal antennas and semi-shrouded remote radio units (RRUs) as shown on Attachment #5. The Proponent has also agreed to provide additional landscaping in the form of boxwood shrubs around the base of the proposed enclosure behind the existing hedge, as shown on Attachment #4. Access to the proposed compound and tower will be via an existing driveway onto Dufferin Street, as shown on Attachment #3. All hydro requirements to service the equipment cabinets for the telecommunication tower must be met to the satisfaction of PowerStream Inc.

According to the Proponent, the proposed telecommunication tower is required to address existing network and coverage issues along Dufferin Street and Rutherford Road. The Proponent has indicated that the proposed tower has been designed to support co-location with additional carriers. The Development Planning Department has no objection to the proposed layout and location of the compound and telecommunication tower.

The existing commercial development located on the subject lands was endorsed by Vaughan Council on May 5, 2008 and approved by the Ontario Municipal Board on May 29, 2008. During the approval process, the Owner's planning consultant agreed to install additional lighting in the form of coloured pot lights located at the top of the corner building fronting onto Rutherford Road. However, the requested lighting was never installed. As a result, a recommendation to install

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 25, 2013

Item 7, CW Report No. 32 – Page 4

additional lighting is included in this report and is considered a separate matter from the approval and installation of the proposed telecommunication tower. The Development Planning Department will work with the landowner to facilitate the additional lighting, to the satisfaction of the Department.

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) Manage Growth and Economic Well-being

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 Region of York 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 the Region of York's adopted Protocol.

Conclusion

The Vaughan Development Planning Department has reviewed the proposal for a 25 m high slimline monopole telecommunication tower and associated radio equipment cabinets 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 tower and accessory radio equipment together with a Canadian flag and pedestrian level banners at the corner of Dufferin Street and Rutherford Road is considered acceptable. Accordingly, the Development Planning Department can support the approval of Site Development File DA.12.068.

Attachments

1. Context Location Map
2. Location Map
3. Existing Site Plan
4. Pole Compound Details
5. Cabinet Compound Details and Tower Elevation

Report prepared by:

Mark Antoine, Planner 1, ext. 8212
Christina Napoli, Senior Planner, ext. 8483
Mauro Peverini, Manager of Development Planning, ext. 8407

(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.)