

COMMITTEE OF THE WHOLE NOVEMBER 19, 2007

SITE DEVELOPMENT FILE DA.07.002
SHIPLAKE INVESTMENTS (RUTHERFORD) LIMITED - BELL MOBILITY INC.

Recommendation

The Commissioner of Planning recommends:

1. THAT Site Development File DA.07.002 (Shiplake Investments (Rutherford) Ltd. - Bell Mobility Inc.) BE APPROVED, to permit the construction of a 37m high Bell Mobility flagpole telecommunications tower and associated equipment cabinet, as shown on Attachment #3, subject to the following conditions:
 - a) that prior to the issuance of a Building Permit:
 - i) the final site plan, landscape treatment and elevation plan shall be approved to the satisfaction of the Development Planning Department;
 - ii) the requirements of the Building Standards Department shall be satisfied;
 - iii) all hydro requirements of PowerStream Inc. shall be satisfied.

Economic Impact

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

Communications Plan

N/A

Purpose

Bell Mobility has submitted a Site Development Application on the subject lands shown on Attachment #1 to permit the construction of a 37m high flagpole telecommunications tower and associated equipment cabinet (1.32 m x 0.76 m x 1.39 m) on lands to be leased from Shiplake Investments (Rutherford) Ltd., on approximately a 15 m² compound, as shown on Attachment #2.

Background - Analysis and Options

On June 25, 2007, Council considered the subject site plan application and resolved:

“That this matter be deferred to allow an opportunity for the applicant to undertake further public consultation on the matter;

The subject lands are located at the southwest corner of Rutherford Road and Bathurst Street, specifically, at the southwest corner of the property at the rear of the Sobey's grocery store.

The surrounding land uses are:

- North - Rutherford Road; existing industrial use (M1 Restricted Industrial Zone) and large vacant parcel (C4 Neighbourhood Commercial Zone)
- South - existing agricultural and residence (A Agricultural Zone)
- East - Bathurst Street; townhouses and residences (Town of Richmond Hill)
- West - the East Don River (OS1 Open Space Conservation Zone), church (A Agricultural Zone)

The City has adopted a Protocol for the Establishment of Telecommunication Tower and Antenna Facilities, and as a result of this protocol, any facility which is not exempt from municipal approval must make an application to the City to have their proposal reviewed and assessed in light of this protocol.

The protocol requires those antenna facilities that are located within 120m of a residential area to undergo a Public Information Meeting process, and to report back to the City with the name of the attendees and the outcome of the meeting.

First Public Information Meeting

On May 10, 2007, Bell Mobility held a Public Information Meeting, by notifying residents within 120m of the proposed development and the Town of Richmond Hill. By letter dated May 14, 2007, Bell Mobility indicated that no persons attended the Public Information Meeting, which was held at the Vellore Village Community Centre. The applicant (Bell Mobility Inc.) has informed that no objections were received in regard to the proposal. The notice circulated by Bell Mobility Inc. inadvertently identified the subject land as City-owned. The subject lands are leased from Shiplake Investments (Rutherford) Limited by Bell Mobility Inc. and are privately-owned.

A letter dated May 17, 2007 from The Christian Community Movement for Religious Renewal, located at 901 Rutherford Road is objecting to the proposal based on the following reasons:

1. The church has no record of being notified of the meeting.
2. They wish to voice their concern with respect to radiation dangers posed by the specific location of the transmission towers, as one already exists further west of the church on Rutherford Road. They do not wish to be in the middle of two towers as there are children and seniors in the area and wish all precautions to be taken to ensure their safety from potentially harmful effects of microwave transmission.
3. Request that the Council request Industry Canada make a closer examination of this proposal and report back its findings.

Bell Mobility has provided, as per the requirements of the City's Telecommunication Tower/Antenna Protocol, a list of all persons notified. The Church of the Christian Community of Canada (901 Rutherford Road) appears on the mailing list.

Second Public Information Meeting

On September 19, 2007, Bell Mobility Inc. held a second Public Information Meeting, for further consultation, as per Council's resolution of June 25, 2007, by notifying residents within 120 m of the proposed development, the Mayor and Members of Vaughan Council, the Town of Richmond Hill, and Councillor Nick Papa of the Town of Richmond Hill.

By letter dated October 5, 2007, Bell Mobility Inc. has provided, as per the requirements of the City's Telecommunication Tower/Antenna Protocol, a list of all persons notified along with comments made. Bell Mobility Inc. indicates that a total of fourteen individuals attended the meeting including Vaughan Councillor Sandra Yeung Racco, along with representatives from the Hesperus Fellowship, the Toronto Waldorf School, and the Church of the Christian Community of Canada.

Comments provided by some attendees relate to health and safety effects and radiation dangers posed by the specific location of the telecommunication towers, as one already exists further west of the church on Rutherford Road. Three comments were from those who were part of the Waldorf School community, who have concerns relating to the health and safety effects of

telecommunication facilities. They feel that these facilities should not be at this location until they have been shown to be harmless to human health.

A letter dated September 19, 2007, from a resident in Richmond Hill, and addressed to the Minister of Industry Canada and to the Public and Telecom Industry Representatives proposes that until a thorough cumulative effects assessment such as the guidelines for the Federal Environmental Assessment Act have been completed and recommended for assessing environmental impacts, to show that there will be no harmful cumulative impact of proposed microwave or other wireless communication facility taking into account its actual and developing environment, there should be a moratorium on new tower placements, in particular adding and installing near schools and homes ie. Toronto Waldorf School, Hesperus Fellowship Community and the Church of the Christian Community and the employees of Sobeys Plaza.

Official Plan

The subject lands are designated "Medium Density Residential/Commercial" by OPA #600. The proposed flagpole telecommunications tower use conforms to the Official Plan.

Zoning

The subject lands are zoned C4 Neighbourhood Commercial Zone by By-law 1-88, subject to site-specific Exception 9(1076). The Building Standards Department advises that the proposal complies with all requirements of the Zoning By-law.

The Building Standards Department also advises that a Building Permit is required for the proposed telecommunications structure.

Site Design

The proposed 37 m high flagpole telecommunication antenna structure (Attachment #3) and associated equipment cabinet (Attachment #4) are proposed to be located at the southwest corner of the Sobeys grocery store, within a landscaped island comprising a 15 m² compound, which is to be surrounded by 10 circular steel concrete-filled bollards to protect the proposed structures. The applicant is proposing to relocate the existing tree in the vicinity of the telecommunications tower. If this tree cannot be transplanted, alternatively, a tree of a 60 mm caliper should be planted to compensate, in a location satisfactory to the Development Planning Department. The Development Planning Department is satisfied with the proposed site layout.

Elevations

The Development Planning Department has reviewed the proposed flagpole telecommunication and cabinet enclosure and are satisfied with the proposed elevations.

Development Planning Staff is working with the applicant to finalize the landscape treatment as noted previously in the site design component of this report. Accordingly the applicant shall demonstrate to the satisfaction of the Development Planning Department that appropriate alternate trees have been planted in suitable locations on the site.

PowerStream Inc.

All hydro requirements to service the telecommunication tower and cabinet must be to the satisfaction of PowerStream Inc.

Region of York Transportation and Works Department

The Region of York Transportation and Works Department has reviewed the application and has advised that it has no comments.

Town of Richmond Hill Planning Department.

The Richmond Hill Planning Department has reviewed the application and has advised that it has no comments.

Industry Canada

In a letter dated May 22, 2007, addressed to The Christian Community Movement for Religious Renewal, Industry Canada advises "that Bell Mobility professional engineers have conducted calculations to ensure that the proposed site complies with Health Canada guidelines for radiofrequency electromagnetic fields. The Department has also conducted an independent simulation to assess compliance with Health Canada guidelines. It has been determined that the proposed Bell Mobility site does comply with Health Canada guidelines".

Relationship to Vaughan Vision 2007

This report is consistent with the priorities set forth in Vaughan Vision 2007, particularly 'A-5', "Plan and Manage Growth".

Regional Implications

N/A

Conclusion

The Development Planning Department has reviewed the proposed Site Development Application in accordance with the Official Plan and Zoning By-law, and the area context. The location and development of the 37 m high flagpole antenna structure and associated equipment cabinet is considered to be acceptable. Accordingly, the Development Planning Department can support the approval of the Site Development Application, subject to the recommendations in this report.

Attachments

1. Location Map
2. Site Plan & Details
3. Flag Pole Antenna Details
4. Cabinet Details

Report prepared by:

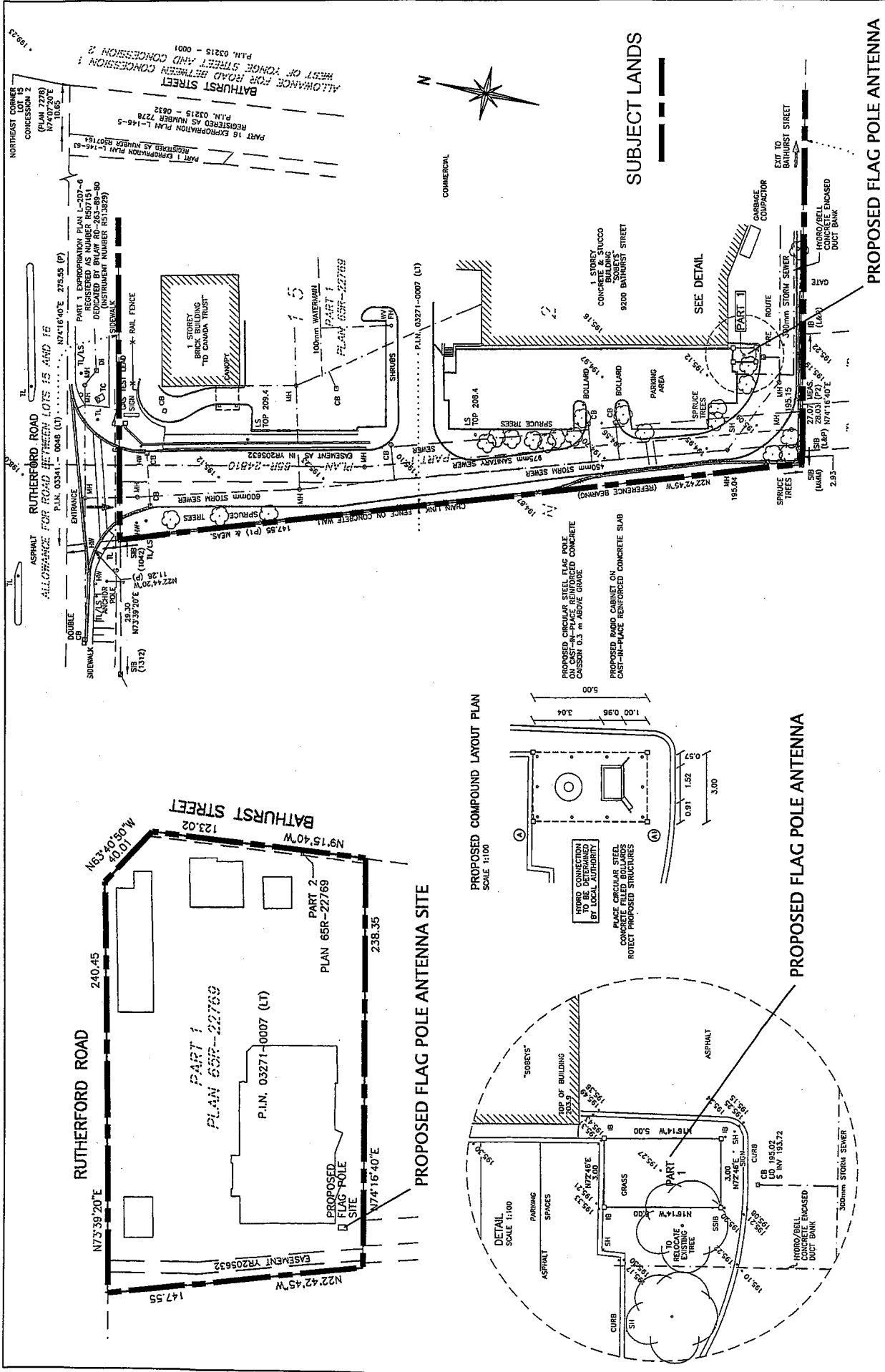
Arto Tikiryan, Senior Planner, ext. 8212
Grant Uyeyama, Manager of Development Planning, ext. 8635

Respectfully submitted,

JOHN ZIPAY
Commissioner of Planning

MARCO RAMUNNO
Director of Development Planning

/LG



Site Plan & Details

Part of Lot 15,
Concession 2

APPLICANT: SHIPLAKE INVESTMENTS
(RUTHERFORD LIMITED (BELL MOBILITY INC.))

NA:\PFT\1 - ATTACHMENTS\PA\06-07.002



The City Above Toronto

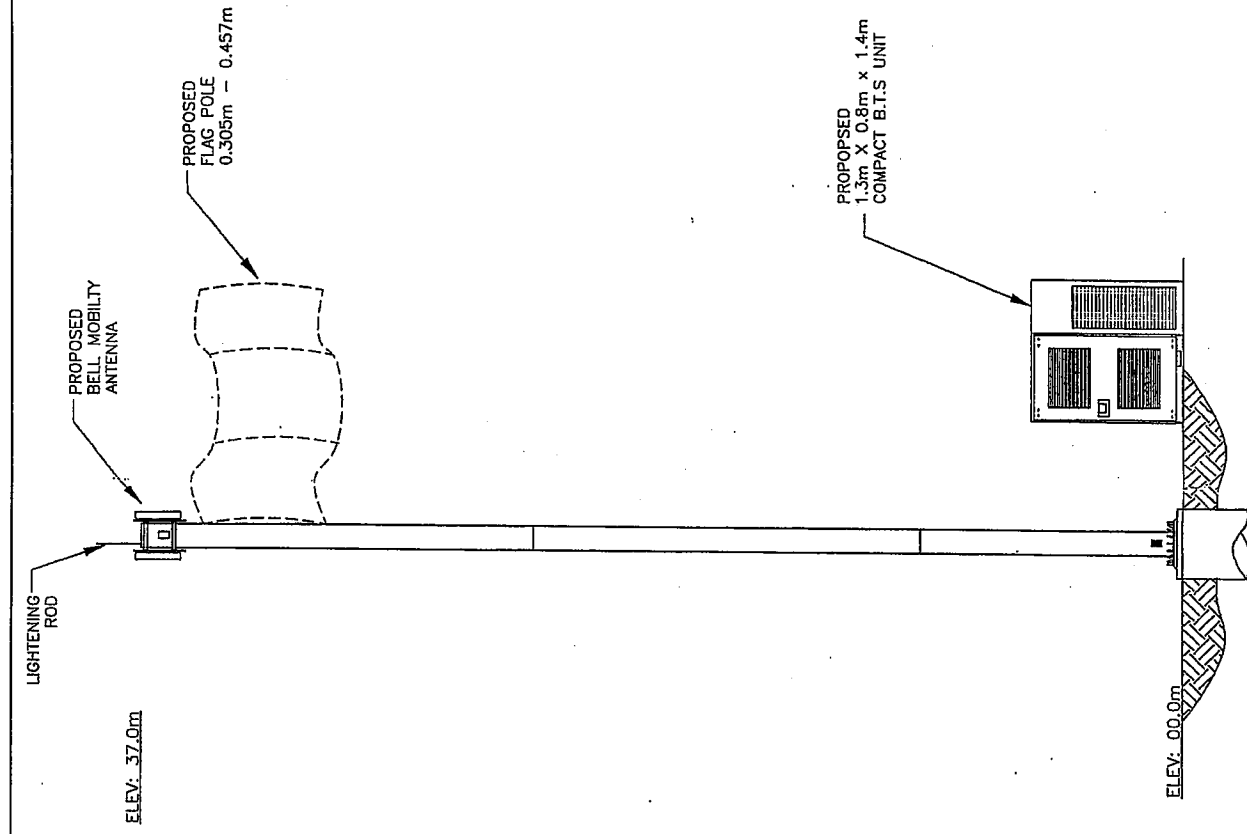
Development Planning Department

Attachment 2

FILE No.:
DA.07.002

Not to Scale

October 24, 2007



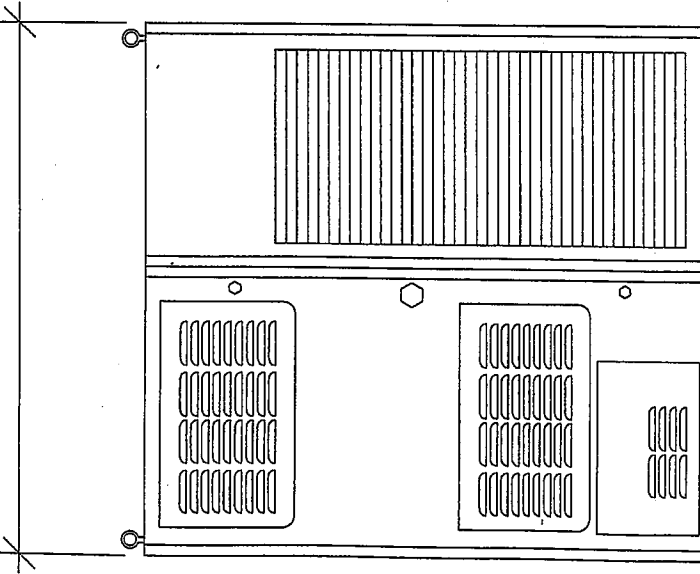
Flag Pole Antenna Details

Part of Lot 15,
Concession 2
 APPLICANT: SHIPLAKE INVESTMENTS
 (RUTHERFORD LIMITED (BELL MOBILITY INC.))
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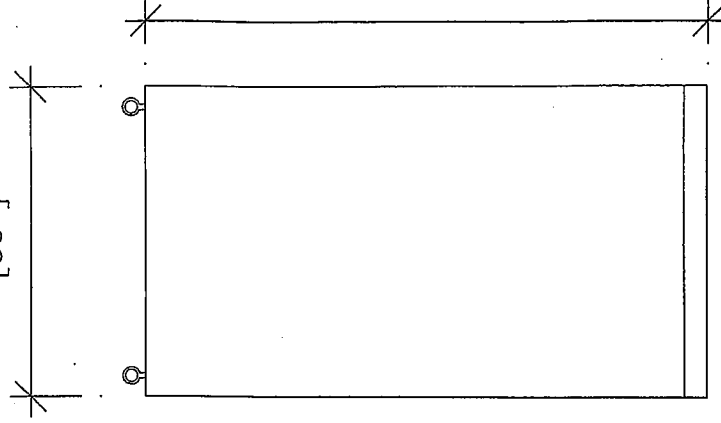
Development Planning Department

1320mm
[52"]



FRONT VIEW

765mm
[30"]



1393mm
[54.84"]

SIDE VIEW

NOTE: MAX WEIGHT OF NT CMO APPROX. 2200LBS

Cabinet Details

Part of Lot 15,
Concession 2

APPLICANT: SHIPLAKE INVESTMENTS
(RUTHERFORD LIMITED (BELL MOBILITY INC.))

N:\DPT\1 ATTACHMENTS\DA\da.07.002



Development Planning Department

Attachment 4

FILE No.:
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Not to Scale

October 24, 2007