

Date: September 17, 2024

To: The City of Richmond Hill Council

From: Doncrest Community

Subject: Concerns and Questions regarding Staff Report SRPBS.24.089; Rogers Communications cell tower proposed site 120 West Beaver Creek Rd.

Having reviewed the Staff Report SRPBS.24.089, we believe clarification is necessary as to the transparency and intent of this Staff Report.

If Council votes to receive this Staff Report, it appears Council will effectively be voting to approve the proposed cell tower at 120 West Beaver Creek Rd. The Council should vote not to receive this Staff Report until concerns and questions have been adequately addressed.

(yellow highlighting added for emphasis)

Areas that need clarification, transparency and adequate responses:

Section 1: Recommendation(s) AND Key Messages

Section 2: Background AND Public Notification

Section 3: Understanding Government Jurisdiction AND Concluding Public Consultation

Section 4: Relationship to Protocol Objectives

Section 1. Recommendation(s) AND Key Messages:

a) **Asks** that the Staff Report “**be received**”. The implication of “be received” needs is not completely transparent. If Council votes to “receive” this Staff Report it appears Council is giving approval (concurrence) for the proposed cell tower application.

This is made clear when we look at the **Key Messages**

- *Planning staff recommend that Council **support** the Radio-Communication and Broadcasting Antenna Systems Public Consultation Application*

b) The Staff Report fails to attest that the Public Consultation process fully complies with the City’s Protocol. In fact, there remain unanswered questions and unresolved concerns.

c) Staff be directed to inform Industry Canada that no land use planning issues remain outstanding. It is clear that there are outstanding issues as outlined in this letter.

Section 2: Background AND Public Notification

A Municipal Freedom of Information Request revealed a number of shortcomings including no signatures on the application, missing authorization letter, and acceptance that the proponent didn’t want to provide all information requested by the City Protocol.

Staff Report Public Notification quote “the City provided the applicant with mailing addresses for **properties located within 100 metres** (328.08 feet) of the proposed tower base.” The **Richmond Hill Protocol** requires

notification at 4xheight of tower which would be 108 meters and some residents reported not receiving any information package at all. The proponent did not use the **Richmond Protocol Notification Letter to Circulated Residents Template** which is a Protocol requirement.

We note that the Staff Report indicates the Community Information Session was March 30, 2023. ISED and Richmond Hill Protocols timeframe for public consultation is 120 days. This public consultation has been allowed to go on for 538 days before being brought to Council.

Section 3: Understanding Government Jurisdiction AND Concluding Public Consultation

Quote From Staff Report: "It is for this reason that municipal governments facilitate consultation between the public and proponents albeit strictly from a land use planning perspective."

Quoting email from Adam Blais, Spectrum Management Officer / Spectrum Management and Operations Branch Innovation, Science and Economic Development Canada / Government of Canada, request confirmation of notes taken during conversation with him.

RE: Follow up to our conversation August 8, 2024 - re Rogers proposed cell tower in [REDACTED]
Blais, Adam (he, him | il, le) (ISED/ISDE) Fri, 30 Aug, 11:02

"I just read through them more thoroughly and they are fundamentally correct, there are some small additions below in blue to clarify the statements.

-ISED does not issue a formal authorization letter, a license or any kind of permit, to a proponent to build a cell tower installation. A letter of concurrence from each LUA involved is considered to be the Approval to proceed with putting up a cell tower, but only after all the necessary consultation steps are complete per the relevant protocol.

-It is the responsibility of the duly elected officials at the local government level ("Council") to provide a letter of concurrence or non-concurrence to the proponent/ISED for a proposed cell tower application. ISED generally respects the Council's decision as it is up to the Council to determine that the protocol in place has been fully complied with and both the Land Use Authority ("LUA") and the public consultation aspects have been satisfactorily completed. If a Council submits a letter of concurrence that includes comments about concerns, ISED would have no role in trying to remediate those concerns nor question the Council's ultimate decision which was to give concurrence/approve to a cell tower application. If the Council has relevant concerns relating to the satisfactory completion of the protocol process whether relating to LUA and/or the public consultation, the council has the option to submit a letter of non-concurrence, or request the initiation of the ISED dispute resolution process.

-CPC-2-0-03 uses the term "Stakeholder" to mean the proponent or the Council; not the general public or individuals who may disagree with a Council's decision. The general public or individuals may send their concerns to ISED, but are encouraged to remain engaged with the proponent and Council before and after a Council has submitted their decision (i.e. concurrence). Only a Stakeholder may request CPC-2-0-03 Dispute resolution process.

I hope this information helps to clarify the process."

Kind Regards,
Adam Blais

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Section 4: Relationship to Protocol Objectives

Quote from Staff Report “(iii) the location of the proposed antenna system does not impact the existing streetscape and any significant sight lines that are present both on the subject lands and the immediately surrounding area.”

A resident’s rendering of the proposed tower shows **significant** sight lines impacted. Comparison of three photographs of the proposed cell tower. **This is not a desirable street landscape:**

Figure 1. – Undated photo provided in the Forbes Bros INFORMATION PACKAGE FOR A ROGERS COMMUNICATIONS TELECOMMUNICATIONS FACILITY PROPOSAL at 120 WEST BEAVER CREEK ROAD, RICHMOND HILL ON does not indicate at what distance the photo was taken. Forbes Bros notes below the photo “Above: simulated steel lattice tri-pole tower as it would appear from West Beaver Creek Road looking west. Please note that although considered to be accurate, this is an artist’s rendering only.”

**From undated letter to those within 3x height of the proposed cell tower:
INFORMATION PACKAGE FOR A ROGERS COMMUNICATIONS TELECOMMUNICATIONS
FACILITY PROPOSAL at 120 WEST BEAVER CREEK ROAD, RICHMOND HILL ON**



Above: simulated steel lattice tri-pole tower as it would appear from West Beaver Creek Road looking west. Please note that although considered to be accurate, this is an artist’s rendering only.

Figure 2. Photo dated Jan 24, 2024 “resident’s rendering” of the proposed tower (tower design as specified in proponent’s information package), taken at a distance of 100 meters*, looking east from Red Oak Drive, facing the proposed cell tower site, showing visual disruption to residents at a tower height of 27m. The “resident’s rendering” depicts approximately 8 antennas not 42 transmitters noted in the Proponents’ attachment labelled “4 C8136 Location Frequencies 2023”.



Figure 3. Photo dated Jan 24, 2024 “resident’s rendering” of the proposed tower (tower design as specified in proponent’s information package), taken at a distance of 100 meters*, looking east from Red Oak Drive, facing the proposed cell tower site, showing visual disruption to residents at a tower height of 33.75m (cell tower height could be increased by 25% after one year - without consultation). The “resident’s rendering” depicts approximately 16 antennas. Proponent did not provide information on how many additional transmitters – over and above the 42 proposed transmitters at a tower height of 27m – could be added to the tower at the increased height.



*Elevation and distance measurements provided by Google Earth Pro.