



Report to: Development Services Committee

Meeting Date: February 22, 2022

SUBJECT: RECOMMENDATION REPORT
Alectra Utilities, 7932 Kennedy Road, Site Plan Approval
Application to facilitate a height increase of an existing
communication tower and antenna system from 38.1 m
(125ft) to 54.86 m (180 ft.) (Ward 8)
File No. SPC 20 126772

PREPARED BY: Dimitri Pagratis, MCIP, RPP
Senior Planner, Central District, Ext. 2960

REVIEWED BY: Stephen Lue, MCIP, RPP
Acting Senior Development Manager, Ext. 2520

RECOMMENDATION:

1. That the report dated February 22, 2022, entitled “RECOMMENDATION REPORT, Alectra Utilities, 7932 Kennedy Road, Site Plan Approval Application to facilitate a height increase of an existing communication tower and antenna system from 38.1 m (125 ft.) to 54.86 m (180 ft.) (Ward 8)”, File No. SPC 20 126772 be received;
2. That the presentation by Novanet Communications Limited, regarding the proposed height increase of an existing communication tower and antenna system, be received;
3. That the Site Plan Approval application be approved, subject to the conditions identified in Appendix “A” of this report;
4. That Site Plan Approval shall lapse after a period of three years from the date of approval, should the Proposed Development not proceed in a timely manner;
5. That Industry Canada be advised in writing of this approval (concurrence), and be advised that this approval is with respect to this location only; and
6. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

The purpose of this report is to provide an overview and evaluation of Site Plan Approval Application (the “Application”) submitted by Alectra Utilities (“Alectra”) to facilitate a height increase of an existing communication tower and antenna system from 38.1 m (125 ft.) to 54.86 m (180 ft.) (the “Proposed Development”), as shown in Figures 3 and 4. This report recommends approval (concurrence) of the Application, subject to conditions.

BACKGROUND:**Site and Area Context**

The 0.96 ha (2.41 ac) lands, municipally known as 7932 Kennedy Road (the “Subject Lands”) are located on the west side of Kennedy Road and south of Highway 407, as shown on Figure 1. Alectra currently owns the Subject Lands. The existing Markham Transformer Station #3 (the D.H Cockburn Transformer Station) currently occupies the Subject Lands and includes a control building and radio communication tower and antenna system. Figure 2 shows the surrounding land uses and a private vehicular access from Kennedy Road, owned by Infrastructure Ontario, which currently provides access to the Subject Lands.

Process to date

- The Site Plan application was submitted on September 10, 2020
- A Public Consultation Meeting was held on December 15, 2020

Next Steps

- Staff will advise Industry Canada of Council’s decision on this Application.

Description of Proposed Communication Tower and Antenna System

On September 10, 2020, Alectra submitted the Application to facilitate the Proposed Development. The current tower design is an all-weld tower, as Alectra proposes to reconstruct portions of it to extend the tower height from 38.1 m (125 ft.) to 54.86 m (180 ft.). Figures 4 and 5 show the proposed tower construction elevation and photographic elevation renderings.

The proposed tower and antenna system will deliver communications across Alectra’s infrastructure network in order to respond to critical maintenance and power outages for commercial and residential customers in Markham. Alectra indicated that the tower extension will mitigate the requirement for an additional tower site in Markham, while utilizing their existing power facilities on the Subject Lands to achieve connectivity to their existing licensed infrastructure and customer base.

OPTIONS/ DISCUSSION:**Jurisdiction**

The Federal Government maintains exclusive jurisdiction over telecommunication facilities. The *Radiocommunication Act* appoints Industry Canada as the approval authority for the location and operation of telecommunication facilities in Canada. Industry Canada recognizes the importance of municipal consultation as part of the approval process and as such, encourages proponents to consult with the local municipality to obtain their input and comments.

Official Plan and Zoning

The 2014 Official Plan designates the Subject Lands “Transportation and Utilities” and “Parkway Belt West.” By-law 304-87 zones the Subject Lands “Agricultural (A1).”

The Parkway Belt West designation is established by Minister’s Zoning Order. This supersedes Markham’s zoning, and decisions relating the use of these lands continue to be

made by the Province. The Application has been circulated to the Ministry of Municipal Affairs and Housing (“MMAH”) for comment, as discussed further in this report.

Federal regulations regarding telecommunication infrastructure supercede the policies and by-laws of local land use authorities. The Proposed Development and related infrastructure is not subject to conformity or compliance with the City’s Official Plan and Zoning By-laws.

City of Markham Telecommunication Policy 2012

On January 24, 2012, Council adopted a policy regarding telecommunication infrastructure entitled “Policy for Establishing Telecommunication Facilities” (the Telecommunication Policy). Under the Telecommunication Policy, the Proposed Development is not exempt from the public consultation process.

Public Consultation Meeting

The Telecommunication Policy requires circulation of proposed towers exceeding 15 m heights to owners of all properties within a 120 m radius or 3 times the height of the proposed tower, measured from the base of the tower or the outside of a supporting structure, whichever is greater. In this instance, the circulation boundary is 165 m. Given the location within the hydroelectric corridor, the Ward Councillor requested an expanded circulation to include properties shown in Figure 6.

A notification package regarding the Proposed Development was mailed to the property owners and residents within this boundary by Alectra with 42 invitations to attend the virtual public consultation meeting on December 15, 2020. Additionally, the notification package was shared by Alectra to the Downtown Markham Ratepayers Association, Chairman of the City’s Development Services Committee (“DSC”), Local Ward Councillors for Ward 8 and Ward 3, the Director of Planning and Urban Design, and the City Clerk. A newspaper advertisement was placed in the Markham Economist & Sun that also invited participation at the public consultation meeting, which was attended by Novanet Communications Limited, acting on behalf of Alectra Utilities and Staff. No members of the public were in attendance and no written correspondence were received.

Municipal Concurrence

In accordance with the Telecommunication Policy, Alectra made a request for Municipal Concurrence, which requires that Alectra make a deputation to the DSC to seek approval of the Application. If approved, a copy of the resolution and the approved plan will be forwarded to Industry Canada for final approval.

YORK REGION COMMENTS

York Region indicated no objection to the approval of the Application.

MTO AND 407 ETR

MTO expressed concern with the initial proposed height of the tower at 60.96 m (200 ft.), which must be set back a distance equal to or greater than the height of the tower from MTO’s property line to mitigate risk and impact onto MTO/407ETR property. The

proposed tower height was subsequently reduced to address these concerns, which reflects the current proposed tower height of 54.86 m (180 ft.).

MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING (“MMAH”)

The Ministry indicated that the Subject Lands are located within the Parkway Belt West Plan’s (PBWP) “Public Use Area” land use category and designated “Electric Power Facility”. The Public Use Area comprises areas presently used or to be predominantly used in the future for public uses. Permitted uses within the PBWP’s Public Use Area are outlined in section 5.4.1 of the PBWP.

The Ministry noted the section 5.4.1(b) of the PBWP for the City’s consideration, which permits linear facilities in the PBWP. These linear facilities include linear transportation, communication, and utility facilities and that based on their review of the proposal, an amendment to the PBWP is not required. The Ministry has no further comments on the Proposed Development.

CONCLUSION

Staff opine that the Proposed Development is located in a suitable location on the Subject Lands with sufficient distance from the nearest residential dwelling, which is approximately 473 m (1,552 ft.) to the southeast. The tower would provide critical utility communication and emergency infrastructure to Alectra customers in the City and the surrounding area. For the reasons identified in this report, Staff recommend approval of the Application, subject to conditions attached in Appendix “A”. Staff also recommend that Industry Canada be advised in writing, of this approval (concurrence), and that this approval be with respect to this location only.

FINANCIAL CONSIDERATIONS

Not Applicable.

HUMAN RESOURCES CONSIDERATIONS

Not Applicable

ALIGNMENT WITH STRATEGIC PRIORITIES:

The Application has been reviewed in the context of municipal services.

BUSINESS UNITS CONSULTED AND AFFECTED:

The Application was circulated to internal City departments and external agencies, including York Region for review and comment. All comments/requirements of these departments and agencies are reflected in the final project plans or will be secured in the Site Plan undertaking.

RECOMMENDED BY:

Biju Karumanchery, M.C.I.P, R.P.P
Director, Planning and Urban Design

Arvin Prasad, M.C.I.P, R.P.P
Commissioner of Development Services

ATTACHMENTS:

- Figure 1 Location Map
- Figure 2 Air Photo
- Figure 3 Site Plan
- Figure 4 Elevation
- Figure 5 Photographic Elevation Renderings
- Figure 6 Public Notification Circulation Boundary

APPENDICES:

Appendix "A" – Conditions of Site Plan Approval

File path: Amanda\File 20 126772\Documents\Recommendation Report

Appendix “A”
Conditions of Site Plan Approval
Alectra Utilities, 7932 Kennedy Road
File No. SPC 20 126772

1. Alectra shall submit final drawings, and comply with all requirements of the City and authorized public agencies, to the satisfaction of the Commissioner of Development Services;
2. That a letter of concurrence be sent to Industry Canada for their final approval;
and
3. That a Building Permit be obtained from the City for any associated mechanical equipment compound, building, and/or structure that would require a permit.