Report to: Development Services Committee Report Date: October 31, 2023

SUBJECT: RECOMMENDATION REPORT
Rogers Communications, 9249 Kennedy Road, Site Plan Approval Application to facilitate a 14.9 m telecommunication tower (Ward 3)

File No. SPC 20 131031

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Senior Planner, Central District, Ext. 2157

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RECOMMENDATION:

1) That the report dated October 31, 2023, titled "RECOMMENDATION REPORT, Rogers Communications, 9249 Kennedy Road, Site Plan Approval Application to facilitate a 14.9 m telecommunication tower (Ward 3), File No. SPC 20 131031", be received;

2) That the Site Plan Approval application be approved, subject to conditions identified in Appendix "A" of this report;

3) That the Site Plan Approval shall lapse after a period of three years commencing October 31, 2023, should the Proposed Development not proceed in a timely manner;

4) That Innovation, Science and Economic Development Canada ("ISED Canada") (formerly known as Industry Canada) be advised in writing, of this approval (concurrence), and that this approval is with respect to this location only; and,

5) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

This report recommends approval (concurrence), subject to conditions, of the Site Plan Approval Application (the "Application") submitted by Fontur International, on behalf of Rogers Communications (the "Applicant"), to facilitate the installation of a 14.9 m (48.88 ft) telecommunication tower (the "Proposed Development").

BACKGROUND:

Location and Area Context

The 0.39 ha (0.96 ac) lands, municipally known as 9249 Kennedy Road (the "Subject Lands") are located on the east side of Kennedy Road and south of 16th Avenue, as shown on Figures 1 to 3. An existing two-storey medical office building and a telecommunication tower currently occupies the Subject Lands. Public Mobile originally built the existing telecommunication tower in 2013, and is now owned and maintained by Bell Mobility.

Process to date

- Staff received the Application (along with the required fees) on February 10, 2023
- A Community Information Meeting was held on June 29, 2023
- The Applicant submitted a revision, to address Staff and public comments, on August 30, 2023

Next Steps

- Following Council decision on this Application, Staff will advise ISED Canada of the decision

Description of the Proposed Development

The Applicant proposes to install a 14.9 m (48.88 ft) telecommunication tower on the Subject Lands to meet their network coverage goal for the immediate area (refer to Figures 4 and 5).

PLANNING POLICY AND REGULATORY CONTEXT:

Federal Jurisdiction

The Federal Government maintains exclusive jurisdiction over telecommunication facilities. The *Radiocommunication Act* appoints ISED Canada as the approval authority for the location and operation of telecommunication facilities in Canada. ISED 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 "Mixed Use Low Rise", which is characterized by localized multi-use, multi-purpose areas that offer a diverse range of small-scale mix of uses that provide nearby residents with access to goods and services. Zoning By-law 134-79, as amended, designates the Subject Lands "Local Commercial (LC)", which permits financial institutions, personal service shops, offices, retail stores, and taxi stands.

Staff note that Federal regulations regarding telecommunication infrastructure supersede 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, titled "Policy for Establishing Telecommunication Facilities" (the Telecommunication Policy"), which does not exempt the Proposed Development from the public consultation process.

PUBLIC CONSULTATION:

A Community Information Meeting ("CIM") was held on June 29, 2023

The Telecommunication Policy requires public consultation for proposed towers located within 120m away from lands that contain known sensitive land uses, such as residential, schools, and daycares. A CIM was required for the Proposed Development given the location of the Subject Lands to the existing established residential area to the south.

A notification package regarding the Proposed Development was prepared and mailed by the Applicant to the property owners and residents within a 120 m radius (measured from the base of the tower, as shown in Figure 6) and 32 property owners and residents were invited to attend the public

consultation meeting on June 29, 2023. Additionally, the Applicant shared the notification package with the Association of Central Markham Residents, the Unionville Residents Association, Chairman of the City's Development Services Committee ("DSC"), Local Ward Councilors for Ward 3 and Ward 6, the Director of Planning and Urban Design, and the City Clerk. The CIM was also advertised in the Local Ward 3 Councilor's newsletter.

The CIM was attended by the Applicant and Staff. Seven members of the public were in attendance with one resident supporting the project for increased cell service in the area. Three written correspondences in opposition to the Proposed Development were also received. The following summarizes the key matters raised at the CIM and through the written correspondences:

- Health concerns with respect to having two telecommunication towers in the immediate area and the towers' proximity to the existing residential neighbourhood to the south
- Co-location or alternate locations for the Proposed Development
- Visual impacts of the Proposed Development

DISCUSSION:
The following identifies how the comments from the CIM and review process have been resolved or considered:

a) Health concerns with respect to having two towers located in proximity to the existing residential neighbourhood to the south
ISED Canada requires that the Proposed Development comply with Health Canada's "Limits to Exposure to Radiofrequency Electromagnetic Energy in the Frequency Range from 3 kHz to 300 GHz - Safety Code 6 (2015)" (the "Safety Code 6") guidelines for the protection of the general public. The Applicant provided written attestation as part of their public notification package that the Proposed Development is fully compliant with Safety Code 6. The Applicant also indicated that the limits set out by Safety Code 6 are 50 times lower than any adverse health effects, and Rogers' output is exponentially lower than the safety limits. Therefore, a second tower on the Subject Lands will not affect the safety of the general populace. Staff note that ongoing compliance with Safety Code 6 is monitored by ISED Canada.

b) Opportunities for co-location or alternate locations for the Proposed Development
Members of the public inquired about possible alternatives to the siting of the tower and opportunities to locate the tower on the north side of 16th Avenue or on the rooftop of the existing building on the Subject Lands. The Applicant confirmed that Rogers Communications approached several properties in the area to site the proposed tower, but were denied by the landowners. As such, the Subject Lands were chosen as the ideal site to meet the service coverage objectives for the area. The Applicant also confirmed that placing the tower on existing rooftops was explored, but the existing medical building on the Subject Lands is not high enough for the antennas nor was it designed to support such infrastructure.

c) Visual impacts of the Proposed Development
Rogers Communications is proposing a slimline monopole tower design with black paint to absorb light and to maintain similar appearance with other nearby structures, including the

existing Bell tower, streetlamps, and hydro poles (refer to Figure 4). The proposed tower will blend in with the current urban realm along Kennedy Road and 16th Avenue.

CONCLUSION:
In accordance with the Telecommunication Policy, the Applicant made a request for Municipal Concurrence, which requires that the Applicant 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 ISED Canada for final approval.

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.

RECOMMENDED BY:

Giulio Cescato, RPP, MCIP Director of Planning and Urban Design	Stephanie DiPerna Acting Commissioner of Development Services

ATTACHMENTS:
Figure 1: Location Map
Figure 2: Area Context/Zoning
Figure 3: Air Photo (2022)
Figure 4: Site Plan
Figure 5: Photographic Elevation Rendering
Figure 6: Public Notification Circulation Boundary

APPENDICES:
Appendix ‘A’: Conditions of Approval

Appendix "A"
Conditions of Site Plan Approval
Rogers Communications, 9249 Kennedy Road
File No. SPC 20 131031

1. Rogers Communications 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 Site Plan approval and municipal concurrence shall lapse after a period of three years commencing October 31, 2023, should the development not proceed in a timely manner; and,

3. That a letter of concurrence be sent to ISED Canada for their final approval.