

**SUBJECT:** RECOMMENDATION REPORT  
Application for Site Plan Approval by Fontur International Inc. for a Bell Mobility Monopole Telecommunication Tower and associated equipment compound at 10 Bur Oak Avenue  
File No. SC 14 129195 (Ward 6)

**PREPARED BY:** Rick Cefaratti, MCIP, RPP, ext. 3675  
Planner II, West District

**REVIEWED BY:** Dave Miller, MCIP, RPP, ext. 4960  
Manager – West District

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**RECOMMENDATION:**

- 1) That the report dated March 19, 2018, entitled “Application for Site Plan Approval by Fontur International Inc. for a Bell Mobility Monopole Telecommunication Tower and associated equipment compound at 10 Bur Oak Avenue, File SC 14 129195 (Ward 6)”, be received;
- 2) That the presentation by Fontur International Inc., on behalf of Bell Mobility, regarding the proposed telecommunications tower, be received;
- 3) That the Site Plan application be endorsed, subject to the conditions of Site Plan Approval as identified in Appendix ‘A’ to this report;
- 4) That Industry Canada be advised in writing of this conditional endorsement (concurrence), and that this conditional endorsement is with respect to this location only;
- 5) And that Staff be authorized and directed to do all things necessary to give effect to this resolution.

**PURPOSE:**

This report provides an overview and evaluation of the proposed site plan application submitted by Fontur International Inc., on behalf of Bell Mobility, for a telecommunications tower to be located within the existing commercial plaza. The report recommends endorsement of the Site Plan application.

**BACKGROUND:**

The 14,174 m<sup>2</sup> (152,567 ft<sup>2</sup>) property is located at the northeast corner of Bur Oak Avenue and Kennedy Road (Figures 1, 2 and 3). The lands are developed with a commercial plaza comprised of three buildings. The current uses on the property include a range of uses, including restaurants, a dental office, medical offices, a pharmacy, and a hair salon. Located to the north is an industrial property maintenance yard, to the south across Bur Oak Avenue are lane based townhouses, to the east is Pierre Elliot Trudeau

High School, and to the west across Kennedy Road is the east limit of York Downs Golf and Country Club (Figure 2 – Area Context Map).

**DISCUSSION:****Description of Proposed Telecommunication Tower**

On December 10, 2014, Fontur International Inc. submitted an application for Site Plan Approval on behalf of Bell Canada to permit a 20.0 m (65.6 ft.) high monopole telecommunications tower on the subject property. The proposed tower and associated equipment will be located on a concrete slab base within the existing parking lot (Figure Nos. 4, 5 and 6). Bell Mobility is a wireless provider licensed by the Federal Government. The proposed tower will facilitate the expansion of their network and coverage in the Greater Toronto Area for existing and future customers.

**Jurisdiction**

Telecommunication facilities are regulated by the Federal Government. Industry Canada is the Federal Agency with the approval authority for the location and operation of telecommunication facilities in Canada. Industry Canada acknowledges the importance of municipal consultation as part of the approval process. Proponents are encouraged to consult with the local municipality to obtain their input and comments.

**Public Consultation**

The proposed telecommunication tower did not qualify for an exemption from public consultation. The applicant provided notification of the proposal in accordance with Industry Canada's Client Procedures Circular (CPC) regarding Radio communication and Broadcasting Antenna Systems, and the City's current Telecommunication Policy. Property owners within a 60.0 m (196.8 ft.) radius (a radius of three times the tower height) received a notification package regarding the proposed Telecommunication Tower in June of 2016. Comments were received from an adjacent property owner at 9693 Kennedy Road in objection to the proposal following the commenting period. The objection related to the proposed tower location as it relates to future redevelopment opportunities at 9693 Kennedy Road (see Attachment 1). The applicant has relocated the proposed telecommunication tower from its original location on a landscaped strip at the southeast corner of the property to an area within the parking lot to address the concerns raised by the adjacent property owner at 9693 Kennedy Road.

**York Region District School Board comments**

York Region District School Board provided comments on this application on July 14, 2016 (see Attachment 2), advising that the proposed tower should be located a minimum distance of 200 m from the adjacent high school (Pierre Elliott Trudeau HS) due to safety concerns. The telecommunication tower is proposed to be located is approximately 144 m (472 ft.) west of the high school building.

Staff is not in a position to formulate an opinion regarding the safety concerns identified in YRDSB's comments above, however, staff note that all infrastructure associated telecommunication providers must meet minimum safety codes established by Health Canada.

**Municipal Concurrence**

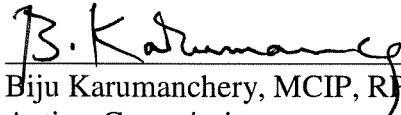
In accordance with City policy, the applicant has made a request for Municipal Concurrence, and is required to make a deputation to the Development Services Committee to seek endorsement of the Site Plan application. In the event that the application is endorsed by Development Services Committee, a copy of the resolution and the endorsed plan will then be forwarded to Industry Canada for their final approval. The endorsed plan will be accompanied by a letter of concurrence from the Director of Planning & Urban Design.

**CONCLUSION:**

Staff is of the opinion that the proposed 20.0 m (65.6 ft.) high monopole tower is appropriate in size and shape for the chosen location and considers its design and height to be compatible with its surroundings, subject to the conditions attached.

**RECOMMENDED BY:**

Ron Blake, MCIP, RPP  
Acting-Director,  
Planning & Urban Design



Biju Karumanchery, MCIP, RPP  
Acting-Commissioner,  
Development Services

**ATTACHMENTS:**

Appendix 'A' – Conditions of Site Plan Approval

Figure 1: Location Map

Figure 2: Area Context

Figure 3: Air Photo

Figure 4: Site Plan

Figure 5: Compound Layout Plan

Figure 6: Elevation

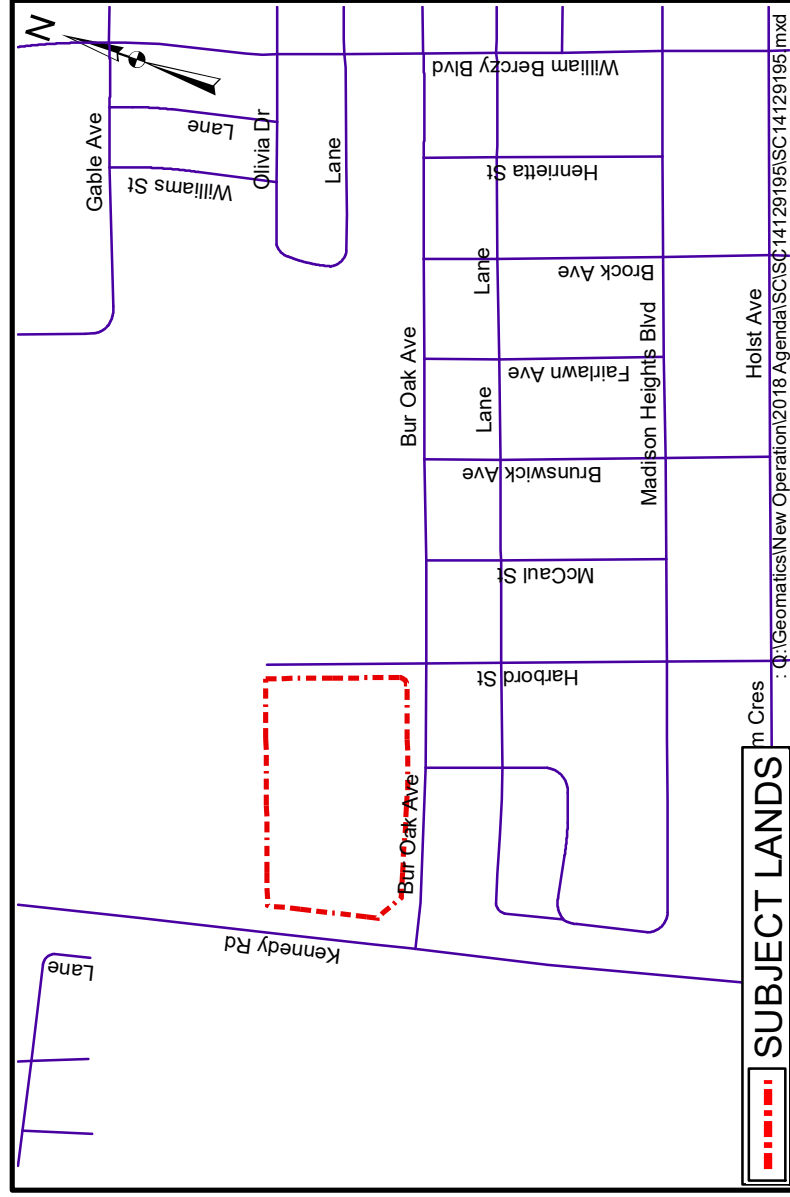
Attachment 1 – Written comments from Peter Young, 9693 Kennedy Road

Attachment 2 – Written comments from Gilbert Luk, York Region District School Board

### **Appendix 'A'**

#### **Staff Recommended Conditions of Site Plan Approval**

- 1) The owner shall submit final drawings with all requirements of the City and authorized public agencies, to the satisfaction of the Director of Planning and Urban Design;
- 2) That Site Plan endorsement and municipal concurrence shall lapse after a period of three years commencing March 19, 2018, should the development not proceed;
- 3) The owner shall satisfy the requirements of York Region financial or otherwise, as note in their comments on the application dated February 20, 2015, received by the Development Services Commission on February, 2015.






# AREA CONTEXT/ZONING

APPLICANT: BELL MOBILITY INC C/O FONTUR INTERNATIONAL

10 BUR OAK AVE

 SUBJECT LANDS

FILE No: SC14129195(RC)

DATE:03/01/18







# AIR PHOTO 2017

APPLICANT: BELL MOBILITY INC C/O FONTUR INTERNATIONAL  
10 BUR OAK AVE

FILE No: SC14129195(RC)

 SUBJECT LANDS

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DATE: 03/01/18

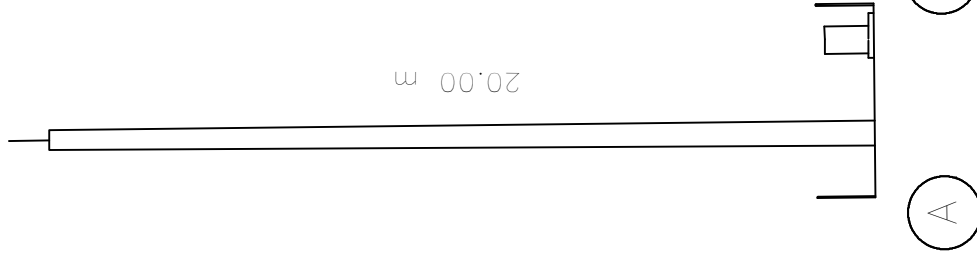








NOT TO SCALE



# ELEVATION

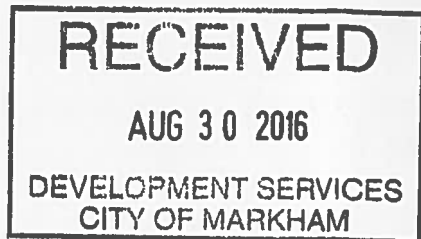
APPLICANT: BELL MOBILITY INC C/O FONTUR INTERNATIONAL  
10 BUR OAK AVE

FILE No: SC14129195(RC)



Attachment 1

*G. Peter Young*  
34 Pennock Cres.  
Unionville, Ontario  
L3R 3M4



August 18, 2016

FONTUR International Inc.  
30 East Beaver Creek Road  
Richmond Hill  
Ontario Canada  
L4B 1J2

Att. Shehryar Khan

CC: Rick Cefaratti, M.C.I.P., R.P.P.  
Planner II  
City of Markham

Re: Proposed communication tower at 10 Bur Oak Ave. Markham Ont. W4155

Dear Sir

I am the owner of the property that abuts this location on the north side. The address is 9693 Kennedy Road Markham Ont. L6C 1A4, legally known as Con 6 Pt Lt 18 RP 64R8533 Pt of Pt 1.

The location and height of the proposed tower will negatively effect the value of my property. This property is designated as community amenity and this designation allows for the construction of a building of up to six stories in height with ground floor commercial and residential above. It is my intention to submit an application for rezoning this property for such a structure some time in the near future.

The tower you propose will rise over sixty feet in height and would be approximately just eight feet from my property line. Your diagram did not show a width for the proposed tower but those that I have seen on other locations would be about four feet in diameter. Thus the tower would be quite an eye sore from anywhere on my property. This however is not the case for the owners and tenants at 10 Bur Oak as the tower would be well removed from their site lines.

The proposed location could well be a health hazard to both the current and future occupants of my property as noted in the last paragraph of your letter.

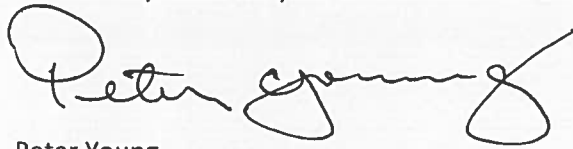
I find it ironic that the owners of 10 Bur Oak would benefit financially for an indefinite number of years and incur none of the detriments I have described.

I not only object to the location you have proposed for the tower but also question the need for same as we have enjoyed excellent wireless and cellular reception at 9693 Kennedy rd. for

many years now.

I would ask that you acknowledge receipt of this letter and advise me of the date of the next hearing on this matter with any of the interested parties.

Thanks very much for your consideration of the above.

A handwritten signature in black ink, appearing to read "Peter Young". The signature is fluid and cursive, with a large initial "P" and a long, sweeping underline.

Peter Young

905 477 5327

905 887 9122

peter@induspro.ca



**EDUCATION CENTRE – AURORA**

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**VIA EMAIL**

[W4155.bellinfo@fonturinternational.com](mailto:W4155.bellinfo@fonturinternational.com)

July 18, 2016

Shehryar Khan  
Fontur International Inc  
70 East Beaver Creek Rd, Richmond Hill  
Ontario, L4B 3B2

Dear Mr. Khan:

**Re: Tower Issue – 10 Bur Oak Avenue  
City of Markham**

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We have reviewed the proposed 20m Telecommunication Tower and accessory equipment at 10 Bur Oak Avenue, City of Markham which is adjacent to Pierre Elliott Trudeau High School. It is Board policy that school sites shall avoid neighbouring uses that may pose potential hazards to student safety such as exposure to radiofrequency electromagnetic radiation from a telecommunications tower and accessory buildings. It is Board practice to have a minimum distance of 200m from potential hazards for prudent avoidance.

The proposed telecommunication tower location is approximately 37m from Pierre Elliott Trudeau HS and does not meet Board standards for prudent avoidance between our school sites and potential hazards. We request that the proposed telecommunications tower be relocated to a minimum of 200m from Pierre Elliott Trudeau HS.

Yours truly,

A handwritten signature in black ink, appearing to read "Gilbert Luk".

Gilbert Luk  
Planner

Cc Rick Cefaratti [[rcefaratti@markham.ca](mailto:rcefaratti@markham.ca)]