




MEMOMRANDUM

TO: Chair and Members of Development Services Committee

FROM: Jim Baird, M.C.I.P., R.P.P.,
Commissioner of Development Services 

PREPARED BY: Rick Cefaratti, M.C.I.P., R.P.P.,
Planner II, West District, ext. 3675

REVIEWED BY: Ron Blake, M.C.I.P., R.P.P.,
Manager, West District, ext. 2600

DATE: June 17, 2014

SUBJECT: Application by Fontur International Inc. to permit a Bell Canada Monopole Telecommunication Tower and associated equipment compound at 9255 Woodbine Avenue
File No. SC 13 110509

RECOMMENDATION:

- 1) That the Staff memorandum dated June 17, 2014, regarding an application by Fontur International Inc. to permit a Bell Canada Monopole Telecommunication Tower and associated equipment compound at 9255 Woodbine Avenue", be received;
- 2) That the Site Plan application be endorsed subject to the conditions of endorsement (concurrence) as identified in Appendix '1' to this report;
- 3) That Industry Canada be advised in writing of this endorsement (concurrence), and that this endorsement is with respect to this location only;
- 4) And that Staff be authorized and directed to do all things necessary to give effect to this resolution.

BACKGROUND:

The purpose of this memorandum is to provide an update on the 20 metre (65.6 feet.) high Bell Canada Monopole Telecommunication Tower and associated equipment compound proposed to be located at 9255 Woodbine Avenue. The November 5, 2013 Staff report attached to this memorandum as Appendix '2' provides details with respect to the location, surrounding uses, tower description, public consultation, jurisdiction and the municipality's role. The previous Staff report also recommended endorsement of the Site Plan application, subject to conditions. Industry Canada has final approval authority on telecommunications tower proposals. The applicant has requested that this proposal be brought back to Development Services Committee (DSC) for a decision (concurrence or non- concurrence).

Letters of objection, petitions, and requests for notification received

Several letters of objections and petitions were received from area residents after the original staff report of November 5, 2013 was prepared. Initially, there had been no comments on the proposal submitted within the two week commenting period following July 31, 2013 Public Consultation Meeting, as required by Markham's current Policy for Establishing Telecommunication Facilities. To date, ten members of the public have requested to be notified on any future meetings to be held by the City relating to this application.

November 5, 2013 Development Services Committee Meeting

The Committee deferred this matter until the Ward Councillor was in attendance.

January 14, 2014 Development Services Committee Meeting

The applicant made a presentation regarding the proposed 20 metre (65.6 feet) high flagpole installation including the area of network coverage. The presentation included a discussion on health and safety issues and the Safety Code 6 standards and output measurements, visual impacts, and landscape screening.

The Committee recognized the growing need for cell service and the few locations available for towers. A Public Work Session was suggested, including members of the public and other stakeholders, local MPs, and representatives of Industry Canada and Health Canada, to review and determine policies for the location of cell towers. A resolution was passed to defer consideration of the subject application and the City's existing Policy For the Establishment of Telecommunication Facilities to a Public Work Session with local members of parliament, stakeholders and staff.

March 2014, Proposed amendments to Industry Canada's Client Procedures Circular (CPC)

Key proposed amendments to the CPC include the requirement for increased municipal and public consultation, clearly marked envelopes for public consultation notices and a 3 year time limit on concurrence (construction of antenna system must be complete within 3 years of issuance of concurrence). Industry Canada is currently reviewing comments received on the proposed amendments prior to finalizing them.

May 20, 2014 Public Work Session

The Public Work Session on May 20, 2014 included participation by MP Calandra, MP McCallum, as well as, representatives from Industry Canada, Public Health Ontario and service providers Bell, Rogers and Telus. The session included presentations to educate those present on key issues respecting the establishment of telecommunication facilities, including but not limited to, jurisdiction, the City's existing Policy, service provider requirements and challenges, and scientific data relating to health concerns associated with radiofrequency exposure. Following the presentations there was an opportunity for members of the public to provide feedback. The information and feedback received that evening will be reviewed by Staff and considered for possible amendments to the City's existing Policy. A staff report, with proposed amendments to the City's existing Policy, if required, is targeted for Fall 2014, pending the approval of amendments to Industry Canada's Client Procedures Circular (CPC).

CONCLUSION:

Staff has reviewed the matters raised at the Public Work Session on May 20, 2014 as well as the draft amendments to Industry Canada's Client Procedures Circular (CPC). The proposed amendments to Industry Canada's CPC have no direct impact on the proposed tower. If the proposed amendments, as released in March 2014, are finalized by industry Canada, additional public consultation would not be required as public consultation has already taken place, in accordance with the City's existing Policy. To address the proposed Industry Canada amendment placing a time limit on concurrence, staff has included a condition of concurrence that requires the construction of the proposed tower within 3 years of issuance of concurrence.

It remains the opinion of Staff that the proposed location is an appropriate separation and buffering distance from the nearest sensitive land use (Sanatan Mandir Cultural Centre on the property to the north), and the nearest residential uses to be found approximately 210 metres (690 feet) to the east. It is noted that no comments or objections were received from Sanatan Mandir Cultural Centre regarding the proposal. Further, Bell Canada was originally in negotiations to locate the telecommunication tower on the Sanatan Mandir Cultural site.

The proposed monopole tower is appropriate in size and shape for the chosen location and its design and height is compatible with its surroundings and adheres to Council's endorsed Telecommunications Policy. It is noted that staff is not intending to bring forward any Policy changes related to sensitive land uses. The current policy is to give consideration to "*maximizing the distance from sensitive land uses such as residential, schools and daycares, where possible, and minimizing any negative visual impacts*". Staff therefore recommends endorsement (concurrence) of the Site Plan application for the proposed 20 metres (65.6 feet) high telecommunications tower and associated equipment compound at 9255 Woodbine Avenue, subject to conditions attached as Appendix '1'. Staff further recommends that Industry Canada be advised in writing of this endorsement (concurrence), and that this approval is with respect to this location only.

ATTACHMENTS:

Appendix '1' – Conditions of Endorsement (Concurrence)

Appendix '2' – Recommendation Report: Application for Site Plan Approval by Fontur International Inc. to permit a Bell Canada Monopole Telecommunication Tower and associated equipment compound at 9255 Woodbine Avenue, File SC 13 110509

File path: Amanda\File 13 110509\Documents\Recommendation Report

Appendix '1'

Conditions of Site Plan Endorsement (Concurrence)

1. THAT the owner enter into a development agreement with the City;
2. THAT prior to execution of the development agreement, the owner submit final drawings, and comply with all requirements of the City and authorized public agencies, to the satisfaction of the Commissioner of Development Services;
3. THAT the owner confirm responsibility for all matters relating to grading, utility location, external approvals, engineering, structural design, etc.;
4. AND FURTHER THAT construction of the Telecommunication Tower and installment of associated equipment on the property shall be completed within a period of three years commencing June 17, 2014.

SUBJECT: RECOMMENDATION REPORT
Application for Site Plan Approval by Fontur International Inc. for a Bell Canada Monopole Telecommunication Tower and associated equipment compound at 9255 Woodbine Avenue
File No. SC 13 110509

PREPARED BY: Rick Cefaratti, M.C.I.P., R.P.P., ext. 3675,
Planner II, East District

REVIEWED BY: Ron Blake, MCIP, RPP, ext. 3675
Manager – West District

RECOMMENDATION:

- 1) That the report dated November 5, 2013, entitled “Application for Site Plan Approval by Fontur International Inc. for a Bell Canada Monopole Telecommunication Tower and associated equipment compound at 9255 Woodbine Avenue, File SC 13 110509”, be received;
- 2) That the presentation by Shehyar Khan of Fontur International Inc. on behalf of Bell Canada, 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 endorsement (concurrence), and that this 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 Canada. The report recommends endorsement of the Site Plan application, subject to conditions. Industry Canada has final approval authority on telecommunications tower proposals.

BACKGROUND:

The subject property is located on the east side of Woodbine Avenue, north of 16th Avenue (Figure 1). The site is referred to as ‘Cachet Centre’ and contains a multi-unit retail commercial building. ‘Sanatan Mandir Cultural Centre’ abuts the property to the north. A financial institution (Royal Bank) is located to the south, across 16th Avenue. Residential dwellings are located to the east of the retail site, across an open space buffer. Vacant Employment lands are located to the west across Woodbine Avenue.

DISCUSSION:**Description of Proposed Telecommunication Tower**

On May 7, 2013, Fontur International Inc. submitted an application for Site Plan Approval on behalf of Bell Canada to permit a monopole telecommunications tower on the subject property. The proposed 20 m (65.6 ft.) high tower and associated equipment will be located on a 282 m² concrete slab base at the northwest corner of the subject property. This area of the site is currently used as a landscaped strip for the above-noted commercial plaza.

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. Therefore, proponents are encouraged to consult with the local municipality to obtain their input and comments.

City's new Telecommunication Policy 2012 and Public Consultation

On January 24, 2012, Council adopted a new Policy entitled "Policy for Establishing Telecommunication Towers 2012". Section (ii) of the City's new policy is as follows:

- "ii. *Telecommunication Towers are exempt from Public Consultation within industrial, institutional and commercial zoned areas, where the Telecommunication Tower base is located a minimum of 120 metres or a distance of 3 times the height of the proposed Telecommunication Tower, whichever is greater, away from lands that contain known sensitive land uses such as residential, schools and daycares.*"

The proposed telecommunications tower is located within 120 m of 'Sanatan Mandir Cultural Centre' which contains classrooms for religious and educational purposes. Staff considered Sanatan Mandir a sensitive land use and instructed the applicant to coordinate public consultation as the location of the tower did not qualify for exemption from public consultation noted above.

Public Consultation Meeting Held

On July 31, 2013, the Public Consultation Meeting on the proposal was held at the Angus Glen Community Centre. The Ward Councillor and Staff attended the meeting. The applicant was in attendance to provide information on the proposal as well as to answer any technical questions. Three members of the public attended this information session to seek clarification of the proposal. No formal comments have been received from the public in relation to the proposal to date.

Municipal Concurrence

As per 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 are of the opinion that the proposed telecommunications tower is located an appropriate distance from the nearest sensitive land use (Sanatan Mandir Cultural Centre), and greater than 210 m (690 ft.) away from the closest residential uses to the east. The proposed monopole tower is appropriate in size and shape for the chosen location as staff considers its design and height to be compatible with its surroundings. The installation of this telecommunication tower will also improve wireless services in the area. The service level upgrade will help to accommodate the rising demand in wireless data transmission.

RECOMMENDED BY:



Rino Mostacci, MCIP, RPP
Director, Planning & Urban Design



James Baird, MCIP, RPP
Commissioner, Development Services

ATTACHMENTS:

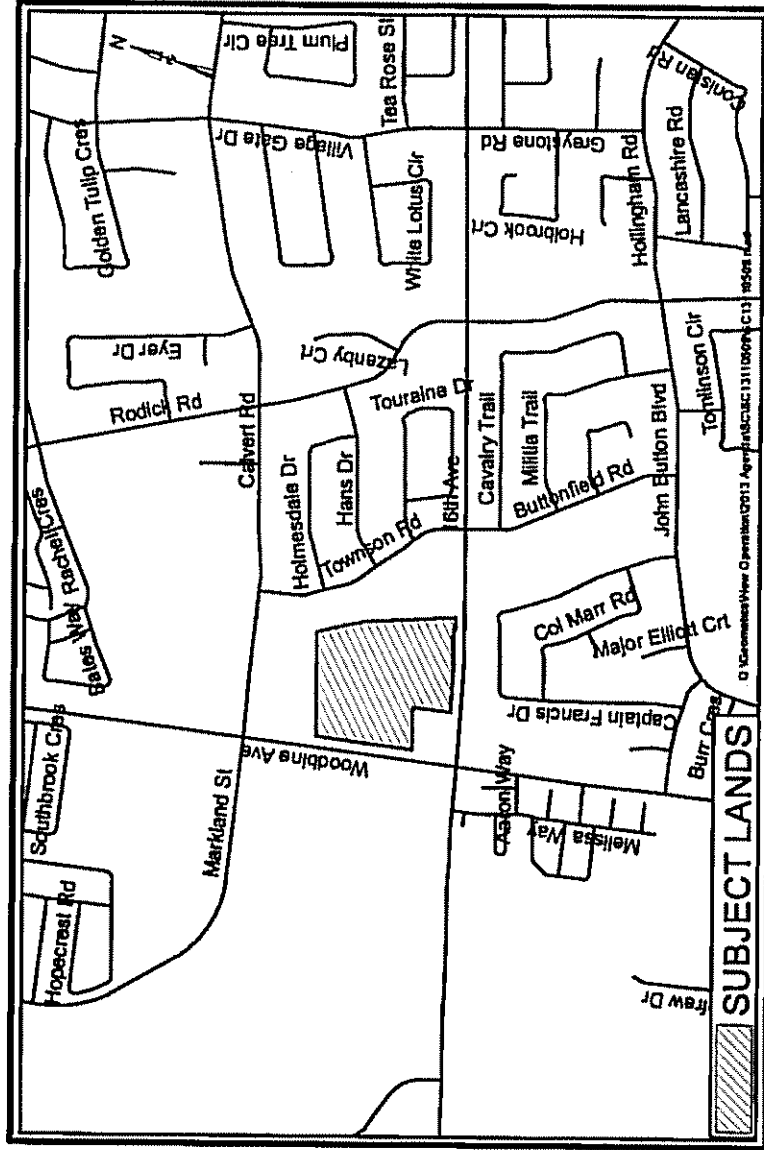
Figure 1 : Location Map

Figure 2 : Air Photo

Figure 3 : Site Layout for Proposed Telecommunications Facility

Figure 4 : Photo Simulation

Figure 5 : Photo Simulation





AIR PHOTO

APPLICANT: FONTUR INTERNATIONAL INC.
9255 WOODBINE AVENUE

FILE No. SC. 13110509 (RC)

 SUBJECT LANDS

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 MARKHAM DEVELOPMENT SERVICES COMMISSION

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DATE: 10/10/2013

FIGURE No. 2

NOTIFICATION: RADARS PLATE
0-03 1000

PROPOSED
TELECOMMUNICATION
TOWER LOCATION

LOT 18
CONCESSION 4

WOODBINE AVENUE

16TH AVENUE

SITE PLAN

APPLICANT: FONTUR INTERNATIONAL INC.
9255 WOODBINE AVENUE

FILE No. SC. 13110509 (RC)

 SUBJECT LANDS

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FIGURE No. 3

BEFORE



AFTER

PHOTO SIMULATION 'A'

APPLICANT: FONTUR INTERNATIONAL INC.
9255 WOODBINE AVENUE

FILE No. SC. 13110509 (RC)

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FIGURE No. 4

BEFORE



AFTER

PHOTO SIMULATION 'B'

APPLICANT: FONTUR INTERNATIONAL INC.
9255 WOODBINE AVENUE



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FIGURE No. 5