MARKHAM

Report to: Development Services Committee Report Date: September 25, 2012

SUBJECT: RECOMMENDATION REPORT
Application for Site Plan Approval by Bell Mobility Inc. to permit a 40 metre high flushmount style telecommunications tower within a 48 m^2 fenced compound at 7 Harlech Court

FILE #: SC 11 129769

PREPARED BY: Geoff Day MCIP, RPP - Senior Planner - West Development District
REVIEWED BY: Ron Blake MCIP, RPP - Manager - West Development District

RECOMMENDATION:

That the report dated September 25, 2012, entitled "RECOMMENDATION REPORT Application for Site Plan Approval by Bell Mobility Inc. to permit a 40 metre high flushmount style telecommunications tower within a 48 m^2 fenced compound at 7 Harlech Court, File SC 11 129769", be received;

That the presentation by Morteza Alabaf, Municipal Relations Specialist with the Altus Group, regarding the proposed telecommunications tower, be received;

That the application for site plan approval be approved, subject to conditions of Site Plan Approval as identified in Appendix 'A' to this report;

That Industry Canada be advised in writing, of this approval (concurrence), and that this approval is with respect to this location only;

And that Staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

This report presents an overview and evaluation of the proposed site plan application submitted by Bell Mobility Inc. The report recommends approval of the site plan application, subject to conditions.

BACKGROUND:

Property and Area Context

The property at 7 Harlech Court is approximately 0.25 hectares (0.61 acres) and is located on the south side of Harlech Court (Figure 1) in the Thornhill Employment area, an older, yet stable industrial district. Surrounding uses include a mix of manufacturing, storage, auto repair and service employment uses. An existing 2 storey industrial building is located on the subject lands. Abutting the subject property to the south, east, west and north across Harlech Court are industrial buildings located within the Thornhill Industrial Area (Figure 2).

Description of Proposed Telecommunications Tower
On November 30, 2011, on behalf of Bell Mobility Inc., the Altus Group submitted an application for site plan approval to initially permit a pinwheel style (Figure 4) telecommunications tower at the rear (south end) of the subject property (Figure 3). The proposed 40 metre high tower would be situated within a 6.0 x 8.0 metre (20'x 26') fenced compound.

Revised Design
On May 7, 2012 City Staff received a revised design of the proposed tower from a pinwheel design to a flushmount design (Figure 5). This change was in response to several comments from the public and City Staff over the visually intrusive nature of the initial design.

DISCUSSION:
Jurisdiction
The Federal Government has 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 does recognize 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.

Interim Control By-law in effect
On March 20, 2012, Council enacted an Interim Control By-law (ICB) for the Thornhill Industrial Area. The purpose of an ICB is to temporarily restrict land uses while the City reviews land use policies and zoning standards in a given area. The establishment of the ICB was in response to inquiries from individuals about redeveloping or re-designating properties in the Thornhill Industrial Area for uses, including residential and mixed uses that are not presently contemplated in the City's Official or Secondary Plans. The Interim Control By-law prohibits redevelopment or changes in land use within the Thornhill Industrial Area while the City completes an employment area study and the Thornhill Area Revitalization Working Group investigates possible options for the evolution and enhancement of the area. The By-law is in effect for 1 year from the date of enactment with options for 2 – 1 year extensions.

As discussed above, the Federal Government (Industry Canada) has exclusive jurisdiction over telecommunication facilities within the Country. The final approval by Industry Canada of a telecommunications tower is not predicated on satisfying the requirements or restrictions of the City's Interim Control By-law.

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

ii. Public Consultation Exemptions

> *...Telecommunication Towers 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 tower is located within an industrial zone and is located approximately 140 metres (+/-460 feet) from the nearest residentially zoned lands to the north. The Rocking Horse Day Care Centre & Kindergarten is located at 21 Guardsman Road. The proposed tower is located approximately 150 metres (+/-500 feet) to the east. The proposed tower would qualify for exemption to the public consultation process.

However, in light of the employment area study that is presently underway; and, the Thornhill Area Revitalization Working Group's ongoing investigation of possible options for the evolution and enhancement of the area, the local Ward Councillor advised Staff that public consultation shall be required in this instance.

Public Consultation Meeting

On March 1, 2012, the public consultation meeting was held. Ten members of the public, two member of Council and two Staff members attended the meeting. The applicant was in attendance and provided information on the proposal and answered questions.

Internet Petition received

On March 15, 2012, Staff received an internet petition sponsored by the local Ward Councillor. The petition was in objection to the proposal and was worded as follows:

> *"I am a resident of the Aileen-Willowbrook-Green Lane area and am firmly opposed to a new tower being located at this location and urge Markham Council to issue a 'non-concurrence' (rejection) of this Application.*
> *I believe that we must make better use of existing infrastructure such as hydro poles, light and signal standards before allowing a proliferation of new cell towers. We must also have a clearer and impartial understanding of the health impacts of exposure to radio-frequency electromagnetic fields before proceeding with any new tower approvals and that community consultation is paramount in each instance."*

One hundred forty three (143) responses were attached to the petition. The responses have been categorized as follows:

Response	Number
Signed petition without comment	**73**
Health Concerns	**33**
General Objection	**24**
Too close to residential lands	**3**

Height Concerns	2
Negatively affect property values	2
Duplicate signature	2
Restrict future uses on the property	2
Should consider other infrastructure options	2
TOTAL:	**143**

Also on March 15th, Staff received an email package from constituents of the local Ward Councillor. Fifty six (56) emails were received. Health concerns and the timing of the proposal in light of the land use study presently underway in the area were the predominant comments/concerns cited from those who provided independent responses.

Municipal Concurrence

As per City policy, Bell Mobility has made a request for Municipal Concurrence. The proponent is required to make a deputation to the Development Services Committee to seek approval of the site plan application. If the application is approved by the Development Services Committee, a copy of the resolution and the approved plan will then be forwarded to Industry Canada for their final approval.

CONCLUSION:

Staff are of the opinion that the proposed telecommunications tower is located well within the boundaries of a stable and well established employment area and, is of sufficient distance (+\- 140 to 150 metres (460 to 500 feet)) from the nearest residentially zoned lands and daycare facility. The tower is compatible with the surrounding industrial district and provides improved wireless services to both the surrounding industrial and residential communities. Staff are satisfied with the revised flushmount design of the tower which is less visually intrusive than the initial pinwheel proposal.

For the reasons identified earlier in this report, Staff recommend approval of the 40 metre high telecommunications tower contained within a 6.0 x 8.0 metre (20'x 26') fenced compound at 7 Harlech Court, 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 is with respect to this location only;

RECOMMENDED BY:

R Mostacci

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

RM / for

Jim Baird, MCIP, RPP
Commissioner, Development Services

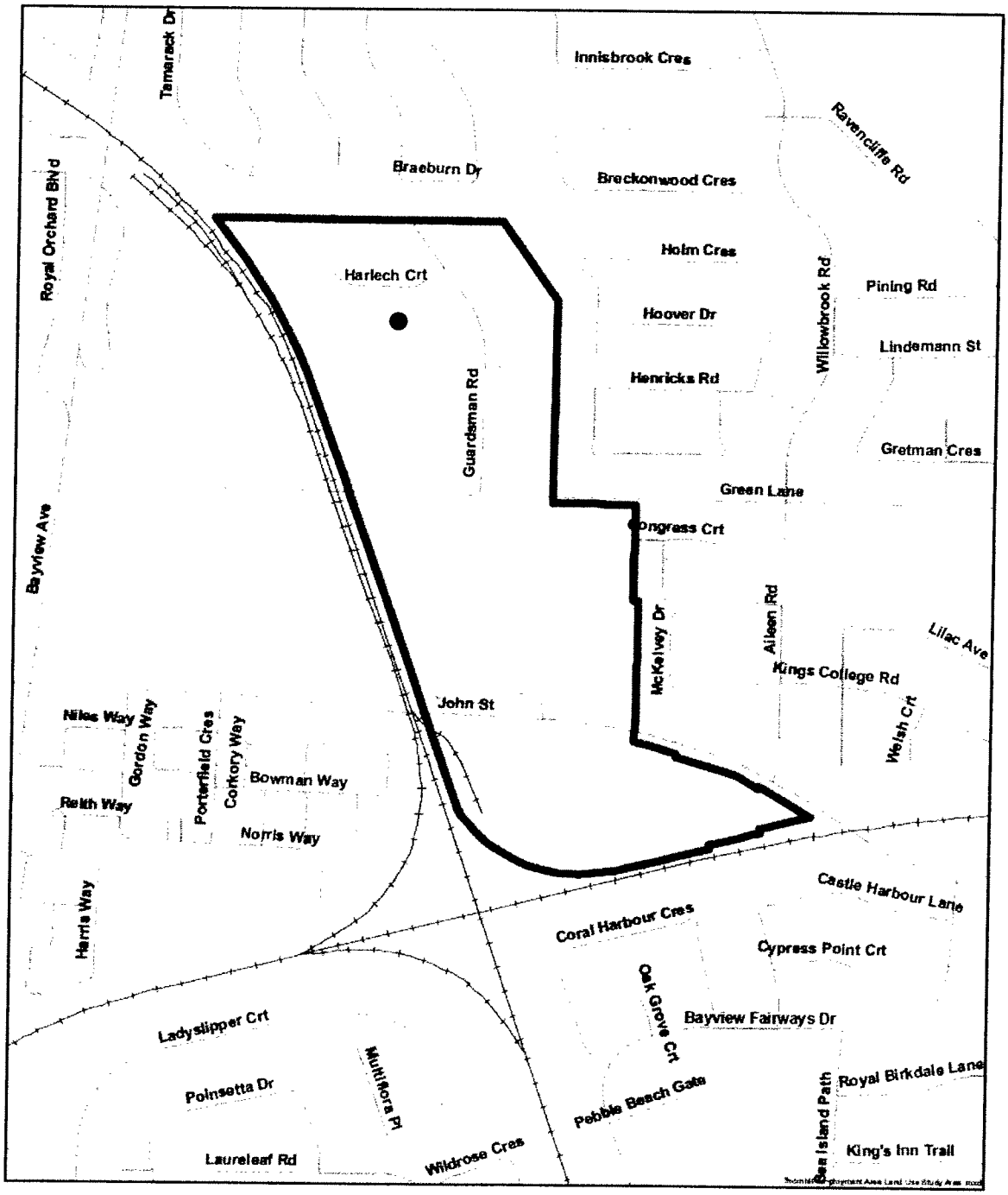
ATTACHMENTS:

Figure 1	Location Map
Figure 2	Air Photo
Figure 3	Site Layout for Proposed Telecommunications Facility
Figure 4	Initial Photo Simulation - Pinwheel Design
Figure 5	Revised Photo Simulation – Flushmount Design

Appendix 'A' Conditions of Site Plan Approval

File path: Amanda\File 11 129769\Documents\Recommendation Report

Figure 1 Location Map



Thornhill Industrial Area Boundary

Location of Proposed Tower

Figure 2 Air Photo

Figure 3 Site Layout for Proposed Telecommunications Facility

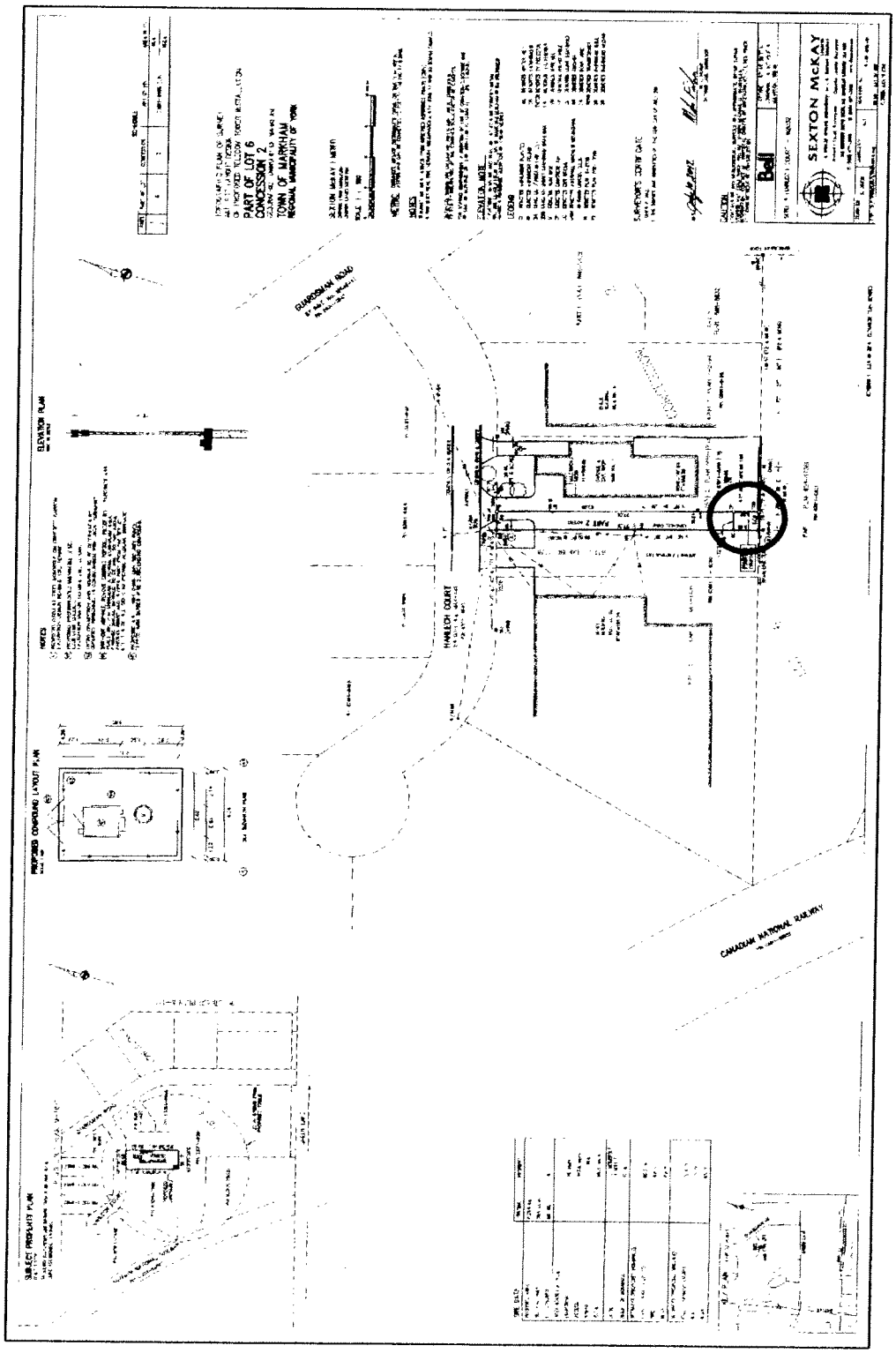


Figure 4 Initial Photo Simulation

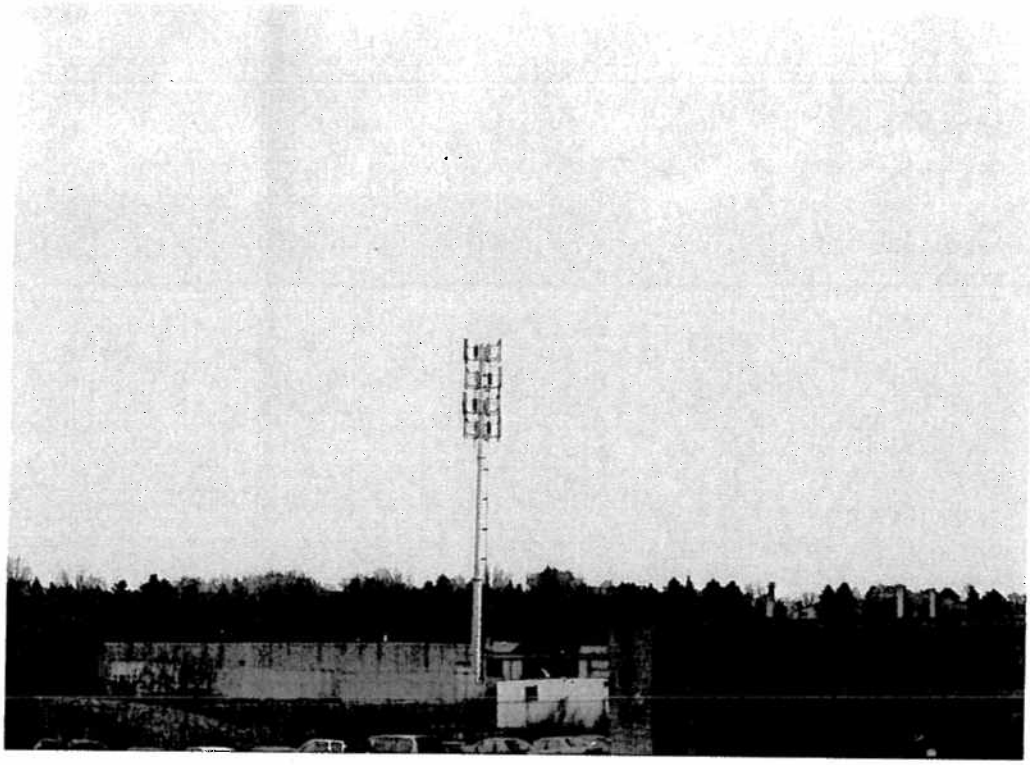


Figure 5 Revised Photo Simulation

Appendix 'A'

Conditions of Site Plan Approval

1. The owner shall submit final drawings, and comply with all requirements of the Town 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;

3. That a building permit be obtained from the Town; and,

4. That site plan approval shall lapse after a period of three years commencing September 25, 2012, should the development not proceed in a timely manner.