

## 2309 Regent Street, Sudbury

Presented To:	Planning Committee
Meeting Date:	October 13, 2021
Type:	Routine Management Reports
Prepared by:	Glen Ferguson Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	705/21-1

## Report Summary

This report provides a recommendation regarding a position of concurrence with respect to the antenna system at 2309 Regent Street, Sudbury.

## Resolution

THAT the City of Greater Sudbury directs the City's Designated Municipal Officer to indicate a position of concurrence to Innovation, Science and Economic Development Canada with respect to the proposed radio-communication and broadcasting antenna system that is to be located on those lands known and described as Parcel 44969A, Parts 4 to 11, Plan 53R-15892, Concession 6, Lot 5, Township of Broder, as outlined in the report entitled "2309 Regent Street, Sudbury", from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on October 13, 2021.

## Relationship to the Strategic Plan, Health Impact Assessment and Community Energy & Emissions Plan (CEEP)

The City's Strategic Plan under Section 4 states Council's desire to "prepare the ground" for economic growth throughout the community. This is to be achieved in part through investment in resources and collaboration with other public sector agencies and senior levels of government. This enables the City to advance initiatives and sustain a great quality of life and increase capacities to respond to new opportunities. Section 4.4 specifically notes that the City intends to invest in transformative facilities, spaces and infrastructure initiatives that support economic activity. In particular, the proponent has advised that there is an identified gap in their wireless service coverage and that they seek to improve said wireless service coverage for the mixed use commercial and industrial corridor along Regent Street, as well as those existing residential neighbourhoods that are located between the Paris Street and Regent Street intersection and the Highway #17 and Regent Street interchange.

This application for public consultation on a proposed radio-communication and broadcasting antenna system is otherwise an operational matter under the federal *Radio-communication Act* to which the City is responding.

## **Financial Implications**

There are no financial implications associated with this report.

## **Report Overview**

This report reviews an application for public consultation for a proposed antenna system to be located at 2309 Regent Street in the community of Sudbury. The proposed freestanding antenna system would have a maximum height of 22 m (72.18 ft) and would be located on a south-easterly portion of the subject lands. The proponent has indicated that the proposed antenna system will utilize MESO technology which in general allows for a smaller and more compact antenna system design or “footprint,” while at the same time not compromising or trading-off the desired level of wireless coverage and service. The proposed antenna system would be accessed via the existing driveway entrance onto Regent Street.

The application for public consultation was circulated for review and comment to relevant agencies and departments, as well as to the local councilor and no major areas of concern were provided to the Planning Services Division. Staff is satisfied that in general the proposed freestanding antenna system meets the City’s development guidelines requirements and there are no areas of concern with respect to the proposed antenna system from a good land use planning perspective.

The Planning Services Division is therefore recommending that the City’s Designated Municipal Officer indicate a position of concurrence to Innovation, Science and Economic Development Canada with respect to the proposed radio-communication and broadcasting antenna system that is described in this report.

## **Staff Report**

### **Proponent:**

Bell Mobility

### **Agent:**

D.A. Williamson & Associates Inc. (c/o Deborah Williamson)

### **Location:**

Parcel 44969A, Parts 4 to 11, Plan 53R-15892, Concession 6, Lot 5, Township of Broder (2309 Regent Street, Sudbury)

### **Application:**

To engage in public consultation and obtain a position of concurrence or non-concurrence from the City of Greater Sudbury that is to be provided to Innovation, Science and Economic Development Canada (ISED) with respect to a proposed ground-based and self-supporting antenna system.

### **Proposal:**

The proposed freestanding antenna system would have a maximum height of 22 m (72.18 ft) and would be located on a south-easterly portion of the subject lands. The antenna system would be accessed via the existing driveway entrance onto Regent Street.

## **Jurisdiction and Roles:**

Under the [Radiocommunication Act](#), the Minister of ISED has sole jurisdiction over inter-provincial and international communication facilities. The final decision to approve and license the location of an antenna system is made only by ISED.

The role of the City of Greater Sudbury is to issue a statement of concurrence or non-concurrence to ISED. This statement is to consider only the land use compatibility of the proposed antenna system, the responses of affected residents and adherence by the proponent to public consultation protocol requirements.

Proponents themselves are tasked with strategically locating antenna systems to satisfy technical criteria and operational requirements in response to public demand. Throughout the siting process, proponents are expected to adhere to the antenna siting guidelines set out by both ISED and the City of Greater Sudbury. It is also noted that a proponent must additionally comply with all related federal legislation and regulations such as Health Canada's [Safety Code 6](#), the [Canadian Environmental Assessment Act](#) and any [NAV Canada](#) and [Transport Canada](#) painting and lighting requirements for aeronautical safety.

## **Site Description & Surrounding Uses:**

The subject lands are located on the south side of Regent Street and to the east of Algonquin Road in the community of Sudbury. The lands have a total lot area of approximately 0.39 ha (0.97 acres) along with approximately 40 m (131.23 ft) of lot frontage on Regent Street. The lands contain an existing restaurant (ie. Swiss Chalet). The proposed antenna system would be located to the rear of the existing restaurant and behind an existing refuse storage area on a south-easterly portion of the lands and would be accessed from the existing driveway entrance onto Regent Street.

Surrounding uses are predominantly commercial and light industrial in nature along Regent Street. There are two schools located to the north (ie. R.L. Beattie Public School) and to the north-east (ie. Lo-Ellen Park Secondary School). There is also an established urban residential neighbourhood containing predominantly single-detached dwellings further to the north and to the east of the subject lands along with a tract of vacant future development lands to the immediate south of Lo-Ellen Park Secondary School.

## **Departmental/Agency Circulation:**

The application for public consultation was circulated to all relevant agencies and departments. Comments received at the time of writing this report are as follows:

1. Active Transportation, City's Drainage Section, Roads, Site Plan Control, Transit Services, Transportation and Innovation have each advised that they have no concerns with the proposed antenna system from the respective areas of interest and responsibilities;
2. Building Services has advised that ground-based antenna systems are permitted in all zones as per Section 4.40.1 b) of the City's Zoning By-law and further that such antenna systems are not subject to [Ontario Building Code](#) requirements. It is however noted by Building Services that any accessory building having a floor area greater than 10.03 m<sup>2</sup> (108 ft<sup>2</sup>) are subject to the Ontario Building Code and would require a building permit;
3. Conservation Sudbury has advised that the proposed antenna system is not located within an area regulated by [Ontario Regulation 156/06](#) and that an application under Section 28 of the [Conservation Authorities Act, R.S.O. 1990, c. C.27](#) therefore does not appear to be required; and,
4. Development Engineering has advised that the subject lands are serviced with municipal water and sanitary sewer infrastructure.

Staff advises the proponent of the above comments and would encourage that communication where

necessary take place between the proponent and the agencies and departments that have provided comment. Staff would further note at this time that none of the comments received have direct impact or raise concern with respect to the viability of the proposed antenna system from a good land use planning perspective.

## **Public Consultation:**

### Pre-Consultation

Pre-consultation for the proposed antenna system was commenced by D.A. Williamson and Associates Inc. with City staff on March 25, 2021. The City's Development Approvals Section confirmed to the proponent on March 29, 2021, that the proposed antenna system was subject to "Area B" under the City's [Radio-communication and Broadcasting Antenna Systems Public Consultation Protocol](#). The letter of confirmation dated March 29, 2021, to the proponent also included an information package confirming the City's preferences and requirements for an application for public consultation should the proponent choose to proceed. The owner of the subject lands was also copied on this correspondence for information purposes.

The proponent has advised staff that the proposed freestanding antenna system is anticipated to improve wireless services to nearby urban residents and businesses situated along or in close proximity to the Regent Street corridor. In the general area, the proponent currently has a rooftop installation at the Four Corners (ie. Regent Street and Paris Street/Long Lake Road) and is also co-located on a freestanding antenna system to the east generally located at the interchange of Regent Street and Highway #17. The proponent has advised then that there is an identified gap in their wireless service coverage and they seek to improve said wireless service coverage for businesses and residential neighbourhoods that are located along or in close proximity to Regent Street between Highway #17 and the Four Corners intersection.

### "Area B" – Public Consultation Requirements

Those antenna systems which are subject to the City's Protocol and located within "Area B" as identified in Schedule "A" – Modified Review Process to Encourage Locations Away From Residential Areas do not meet any of the modified review process parameters set out in Section 4.2 of the City's Protocol. The proponent must provide written public notice of the proposed antenna system, initiate and guide their own written public consultation process, and the proponent may be required to hold a Public Information Session in the local community. The proponent is required to then report back to staff prior to proceeding to the City's Planning Committee and Council to obtain a position of concurrence or non-concurrence that is in turn forwarded to ISEDC. Staff also completes an internal review of the proposed antenna system from a land use perspective and circulates the application for public consultation to relevant agencies and departments for their review and comment. Antenna systems located within "Area B" are greater than 15 m (50 ft) in height and located between 0 m (0 ft) and 150 m (492.13 ft) from the closest Residential Area.

### Further Exemption Provided

Staff notes that the DMO provided an exemption from certain public consultation requirements (ie. written notice and the holding of a Public Information Session) as permitted under Section 4.3 of the City's Protocol and determined that only an internal staff review and a position of concurrence or non-concurrence being provided by Council to ISEDC would be required. The exemption was provided on the basis that there was a limited number of residential properties located within the prescribed notification distance. The prescribed notification distance in this instance being four times the antenna system height as measured horizontally from the base of the proposed antenna system would amount to a written notification radius of 88 m (288.71 ft). In particular, the DMO noted in providing a further exemption that the nearest Residential Area are those lands to the north known municipally as 2260-2280 Regent Street. These lands are designated Living Area 1 in the City's Official Plan but contain a cluster of existing general commercial uses. The next closest Residential Area is to the east of the above noted lands and were estimated to be beyond 150 m (492.13 ft) from the proposed antenna system, which would reduce the amount and type of public consultation that would be required had this location been determined to be the closest Residential Area (ie. Areas "C" and "D" in the City's Protocol).

## Internal Review

Staff has completed an internal circulation and review of the application for public consultation from a land use planning perspective and is now bringing forward this report for Planning Committee's consideration. The City's Protocol in this instance requires that Planning Committee and Council provide a position of concurrence or non-concurrence with respect to the proposed antenna system to ISEDC.

## **Land Use Planning Analysis:**

### Proposed Antenna System

The proposed freestanding antenna system would have a maximum height of 22 m (72.18 ft) and would be located on a south-easterly portion of the subject lands. The proponent has indicated that the proposed antenna system will utilize MESO technology which in general allows for a smaller and more compact antenna system design or "footprint," while at the same time not compromising or trading-off the desired level of wireless coverage and service. The proposed MESO antenna system does not as a result have the capacity to facilitate co-location. The proposed antenna system would have a painted, white matte finish. At the base of the antenna system, a lockable equipment cabinet having a footprint of 1.38 m<sup>2</sup> (14.85 ft<sup>2</sup>) is to be provided immediately adjacent to the MESO antenna system. The entire footprint of the proposed antenna system tower and ground-based equipment cabinet would maintain an area of approximately 18 m<sup>2</sup> (193.75 ft<sup>2</sup>). As a result of the small footprint and the use of MESO technology, there is no fencing or other forms of enclosures proposed.

The proponent has noted that the proposed antenna system would provide network capacity relief to two existing antenna systems that are currently providing wireless services to the area. The two existing antenna systems are generally located at Highway #17 and Regent Street being a freestanding, co-located antenna system, as well as a rooftop antenna system located generally at the intersection of Paris Street and Regent Street. The proposed antenna system would be accessed via the existing driveway entrance onto Regent Street.

The proponent has submitted a site plan which includes an elevation plan inset along with aerial photography and digital renderings which together depict the location and design of the proposed freestanding antenna system. The site plan which includes the elevation plan, aerial photography and the digital renderings are attached to this report for reference purposes.

### Closest Residential Area

The City's Protocol defines a Residential Area as, "... the location on a lot occupied by an existing residential dwelling or lands within a Residential Zone or lands designated Living Area 1 or 2 in the Official Plan for the City of Greater Sudbury." The proponent has indicated in their application that the closest residential area is located approximately 130 m (426.51 ft) from the proposed antenna system. Staff has reviewed this measurement and would agree that the abutting lands to the north across Regent Street are in closest vicinity to the proposed antenna system and are satisfied that the measurement is correct. These lands to the north are designated Living Area 1 in the City's Official Plan and therefore meet the definition of a Residential Area in the City's Protocol despite being zoned "C2", General Commercial in the City's Zoning By-law. It is further noted that the above referenced lands are known municipally as 2260, 2270 and 2280 Regent Street and presently contain two hotels and a restaurant.

This calculation was utilized by the DMO to determine the extent of public consultation necessary for the proposed antenna system installation, but is also important in terms of assessing the proposed antenna system from a development guidelines perspective as reviewed in the next section of this report.

### Development Guidelines

Section 6.0 of the City's Protocol outlines development guidelines for proponents to consider with respect to

location and design preferences for a proposed antenna system. Section 6.0 is intended to encourage designs that integrate with surrounding land uses and the public realm. Through public consultation on a proposed antenna system, it is acknowledged by ISEDC that a local municipality is well situated to contribute local knowledge to a proponent that is helpful in terms of influencing the appropriateness of a siting-location, as well as the development and design (including aesthetics) of a proposed antenna system.

With respect to the City's location and design preferences, staff has the following comments:

1. With respect to Section 6.1 a) of the City's Protocol, co-location was considered by the proponent and they have advised that no existing antenna system locations (ie. ground or roof top) are located within the targeted service area of the proposed new antenna system that could accommodate the physical infrastructure required to provide the intended access to improved wireless services. Staff would also note that the proponent has already co-located on a nearby ground-based antenna system at the Regent Street and Highway #17 interchange. In this regard, the closest antenna system structure having sufficient height that could accommodate more antennae is already being utilized and other possible co-location opportunities are therefore at a distance that would not accomplish the coverage objective of improving wireless service along the

Regent Street corridor. Staff is satisfied that co-location has been sufficiently explored and are of the opinion that the use of a freestanding MESO antenna system in this location would represent a good approach to improving wireless coverage from a good land use planning perspective;

2. With respect to preferred locations for antenna systems under Section 6.1 b) of the City's Protocol, staff notes that the proposed antenna system would be situated on lands within an identified mixed use commercial corridor. The subject lands also contain an existing restaurant. The lands are zoned to permit a range of mixed light industrial and service commercial land uses. Staff also note that immediately surrounding properties are zoned to permit general commercial and a mix of light industrial and service commercial land uses (ie. "C2", "M1" and "M2" Zones) apart from Lo-Ellen Park Secondary School, which is zoned to permit a range of institutional land uses (ie. "I" Zone). The proposed antenna system would also be located in the rear yard on a south-easterly portion of the subject lands and therefore as far away as possible from the closest existing urban residential land use to the north, which has frontage on Loach's Road (ie. 199 Loach's Road). Staff is satisfied that the proposed antenna system balances the desire to achieve the greatest possible distance between a proposed antenna system and nearby residences, while at the same time keeping in mind those residents and businesses for which a proposed antenna system is intended to service;
3. With respect to discouraged locations under Section 6.1 c) of the City's Protocol, staff are satisfied that the proposed freestanding antenna system is not proposed to be located directly in front of any doors, windows, balconies or residential frontages. The proposed antenna system is also not proposed to be situated on any ecologically significant natural land nor would it be located inappropriately within a park or open space area. There are no concerns with respect to any negative impacts on any nearby heritage or designated structures. The proposed antenna system is ground-based and therefore would not be situated atop a pitched roof of any kind; and,
4. With respect to Section 6.2 of the City's Protocol, staff is generally satisfied with the style and structure, colour, availability of adequate buffering and screening, appropriateness of proposed yards and access areas and equipment shelters that would be associated with the proposed antenna system. Staff advises the proponent that signage and lighting on the proposed antenna system are to be provided only if required by Transport Canada and/or NAV Canada. It is noted in this regard that the proponent has indicated in their submission package to the City that they do not anticipate that the proposed antenna system installation will require marking or lighting. The submission package received as part of this public consultation application also indicated that a land use proposal submission form was provided to NAV Canada for their assessment and a response letter confirming that NAV Canada has no concerns with the proposed antenna system was subsequently issued to the proponent. Staff would advise however that marking and lighting requirements are areas of federal jurisdiction and the proponent will be responsible for obtaining any and all necessary approvals for such. For informational purposes, the following web-link from Transport Canada's website provides details with respect to marking and lighting:

<https://www.tc.gc.ca/eng/civilaviation/regserv/cars/part6-standard-standard621-3868.htm>. The proponent has not indicated that any security lighting is required however staff would advise and strongly recommend to the proponent that any such ground level lighting be kept to a minimum. Advertising signage has also not been proposed.

Staff is therefore satisfied that in general the proposed freestanding antenna system meets the City's development guidelines requirements and there are no areas of concern with respect to the proposed antenna system from a good land use planning perspective.

#### Position of Concurrence or Non-Concurrence

Staff advises that no areas of concern have been identified with respect to the development guidelines set out in the City's Protocol. The application was also circulated to relevant agencies and departments and no concerns with respect to the proposed antenna system were identified. It is therefore recommended that the DMO be directed to provide ISEDC with a position of concurrence on the proposed antenna system.

Staff notes that any position of concurrence may be rescinded, if following said issuance, it is determined that a misrepresentation or a failure to disclose all pertinent information has occurred. The duration of concurrence is a maximum of three years from the date that the City's DMO notifies ISEDC of said concurrence.

The City's Protocol also allows for a one-time extension to a position of concurrence for a period not exceeding one year in length provided the proponent demonstrates to the City's DMO that no substantial change in land use planning circumstances within the vicinity of the proposed antenna system has occurred since initial concurrence was given.

#### **Summary:**

Staff advises that Bell Mobility has completed the public consultation requirements as set out in the City's *Radio-communication and Broadcasting Antenna Systems Public Consultation Protocol* to the satisfaction of the City's DMO.

Staff has also completed an internal review of the proposed antenna system from a land use planning perspective and has no concerns. The application for public consultation was also circulated for review and comment to relevant agencies and departments, as well as to the local councilor and no major areas of concern were provided to the Planning Services Division. Staff is therefore satisfied that the proposed antenna system raises no areas of concern with respect to those development guidelines that are identified in the City's Protocol.

Staff would therefore recommend that ISEDC be advised by the DMO of a position of concurrence from the City as it pertains to the subject lands referenced in this report and specifically the antenna system that was considered during this specific public consultation process.