

775 Lasalle Boulevard, Sudbury

Presented To:	Planning Committee
Meeting Date:	January 9, 2023
Type:	Routine Management Reports
Prepared by:	Glen Ferguson Planning Services
Recommended by:	General Manager of Growth and Infrastructure
File Number:	705/19-6

Report Summary

This report provides a recommendation regarding public consultation for a proposed antenna system.

Resolution

THAT the City of Greater Sudbury direct 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 as described in this report that is to be located on those lands known and described as PIN 02123-0274, Parts 1 and 2, Plan 53R-6027, Parcels 12262 SES & 13432 SES, Part of Lot 3, Concession 5, Township of McKim.

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 residential, commercial and institutional uses that exist along both the Lasalle Boulevard and Notre Dame Avenue corridors.

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 775 Lasalle Boulevard in the community of Sudbury. The proposed freestanding antenna system would have a maximum height of 35 m (114.83 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 a monopole design. The monopole design is preferred within living areas as they are less obtrusive and of lower impact from a land use planning perspective, 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 Lasalle Boulevard.

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.

Proponent:

Rogers Communications Inc.

Agent:

Forbes Bros Ltd. (c/o Jay Lewis)

Location:

PIN 02123-0274, Parts 1 and 2, Plan 53R-6027, Parcels 12262 SES & 13432 SES, Part of Lot 3, Concession 5, Township of McKim (775 Lasalle Boulevard, 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 freestanding antenna system.

Proposal:

The proposed freestanding antenna system would have a maximum height of 35 m (114.83 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 Lasalle Boulevard.

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 ISEDC 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 Lasalle Boulevard between Notre Dame Avenue to the west and Attlee Avenue to the east in the community of Sudbury. The lands have a total lot area of approximately 1.2 ha (2.96 acres) along with approximately 49.24 m (161.54 ft) of lot frontage along Lasalle Boulevard. The lands contain an existing six-storey multiple dwelling. The proposed antenna system would be located to the rear of the multiple dwelling within the south-easterly corner of an existing parking area and accessed from the existing driveway entrance onto Lasalle Boulevard.

Surrounding uses are predominantly urban residential of various built-forms and densities and commercial in nature along Lasalle Boulevard. There is a school (ie. École Félix-Ricard) located to the west and a place of worship to the north-west of the lands along Northway Avenue (ie. Paroisse de L'Annonciation). There is also a cluster of existing institutional uses closer to the intersection of Lasalle Boulevard and Notre Dame Avenue (eg. Canada Revenue Agency, Pioneer Manor, etc.).

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, Operations, Roads, Transit Services, Transportation and Innovation have each advised that they have no comments and/or concerns with the proposed antenna system from the respective areas of interest and responsibilities;
2. Building Services has advised that freestanding 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 m² (108 ft²) are subject to the Ontario Building Code and would require a building permit;
3. Conservation Sudbury has advised that the proposed antenna system is 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](#) may be required;
4. Development Engineering has advised that the subject lands are serviced with municipal water and sanitary sewer infrastructure; and,
5. Site Plan Control have noted that there is no site plan control agreement applicable to the lands. The owner is encouraged however to ensure that the proposed freestanding antenna system does not impact any of the required parking or access routes through the site.

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 Forbes Bros Ltd. with City staff on April 15, 2019. The City's Development Approvals Section confirmed to the proponent on April 24, 2019, 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 April 24, 2019, 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 both the Lasalle Boulevard and Notre Dame Avenue corridors. In the surrounding area, the proponent currently has two freestanding antenna systems generally located to the immediate south of the lands closer to Kingsway Boulevard and to the north-west on Notre Dame Avenue. The proponent also co-locates on another freestanding antenna system situated to the east at the intersection of Lasalle Corridor and Barry Downe Road.

The proponent has advised staff that there is an identified gap in their wireless service coverage along the Lasalle Boulevard and Notre Dame Avenue corridors and they seek to improve said wireless service coverage for businesses, institutions and residential neighbourhoods that are located along or in close proximity to both the Lasalle Boulevard and Notre Dame Avenue corridors.

"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. Staff notes that the public consultation was also paused by the proponent during the peak of the global pandemic and once resumed the proponent repeated the written public notice and commenting period for the proposed antenna system in order to ensure that sufficient opportunity was provided for public input.

Further Exemption Provided

Staff notes that the DMO provided an exemption from holding a Public Information Session (PIS) as permitted under Section 4.3 of the City's Protocol and determined that only a mailed written notification with commenting period to nearby properties including tenants of the multiple dwelling itself, 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 the proposed antenna system would be situated on a south-easterly portion of the lands that are surrounded on three sides by mature vegetation and further to this there are a limited number of residential properties located within the prescribed notification distance. The lands immediately to the south are also vacant and situated within a Provincially Significant Wetland (PSW) that is designated Parks & Open Space in the City's Official Plan. The prescribed notification distance in this instance being three times the antenna system height as measured horizontally from the base of the proposed antenna system amounted to a written notification radius of 135 m (442.91 ft). Staff notes that the public consultation application was submitted prior to the City's Planning Committee and Council increasing the notification distance from three times the height of a proposed antenna system to four times the height measured horizontally from the base of an antenna system.

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 35 m (114.83 ft) and would be located on a south-easterly portion of the subject lands. The proponent originally proposed a maximum height of 45 m (147.64 ft) however this was later reduced to better suit operational requirements. The proposed freestanding antenna system will accommodate three levels of antennae installed flush to a white painted monopole. The proposed antenna system also includes a pre-fabricated walk-in equipment shelter having a gross floor area of 4.45 m² (47.90 ft²) at the base of the facility. Both the monopole and the equipment shelter are to be enclosed by a 12 m (39.37 ft) by 12 m (39.37 ft) perimeter metal chain-link fence having a height of 1.8 m (5.91 ft) in order to prevent unauthorized access to the facility. The proposed antenna system would be accessed via the existing driveway entrance onto Lasalle Boulevard.

The proponent has noted that the proposed antenna system would provide network capacity relief to three existing antenna systems that are currently providing wireless services to the larger surrounding area. Radio-frequency engineers for the proponent have also specifically identified the intersection of Lasalle Boulevard and Montrose Avenue as being a focal point for providing improved wireless services to businesses, institutions and residences in the immediate vicinity of this intersection.

The proponent has submitted a site plan which includes an elevation plan inset along with aerial photography and visual renderings which together depict the location and design of the proposed freestanding antenna system. The site plan with inset elevation plan, aerial photography and the visual 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 proposed freestanding antenna system would be situated on a residential lot that is zoned "R3-1(31)", Medium Density Residential Special in the City's Zoning By-law. The lands contain a multiple dwelling (ie. Northridge Apartments) that contains 79 residential dwelling units according to available MPAC data. The proposed antenna system is therefore considered to be entirely situated within a residential area which results in the proponent having to conduct the fullest extent of public consultation apart from the exemption provided by DMO from the holding of a PIS given the site context described earlier in this report.

This calculation was utilized by the DMO to determine the extent of public consultation necessary for the proposed antenna system installation, but it 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 roof-top antenna system owned by Bell Canada at the intersection of Lasalle Boulevard and Barry Downe Road. In this regard, the closest antenna system structures 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 Lasalle Boulevard corridor between Notre Dame Avenue and Barry Downe Road. The proponent has also advised staff that a roof-top antenna system was considered however the coverage objectives could not be met as the multiple dwelling on the lands has a building height of approximately 25 m (82.02 ft) whereas the minimum height required in order to satisfy wireless coverage objectives for the proposed antenna system is 35 m (114.83 ft). The proponent also approached a nearby landowner with respect to locating a roof-top antenna system on a multiple dwelling to the north-east having a building height of approximately 43 m (141.08 ft) however the landowner was not interested in accommodating a roof-top antenna system on their building. The proponent have further advised that in their search for roof-top antenna system options there are no other buildings that would meet the coverage parameters that need to be satisfied in order to deliver improved wireless coverage to the area. It is on this basis that staff are satisfied that co-location has been sufficiently explored and are of the opinion that the use of a monopole-style 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 that are designated Community Node within the City's Official Plan. Staff also note that immediately surrounding properties are zoned to permit a mix of general commercial, medium density residential and institutional land uses (eg. "C2(118)", "C2(120)", "R3-1" and "I" Zones). 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 is the existing multiple dwelling situated on the same lot as the proposed antenna system. The residential area to the west would be buffered by mature vegetation and the proposed antenna system would maintain a physical distance of approximately 120 m (393.70 ft) from existing row dwellings situated on those lands known as 735 Lasalle Boulevard (ie. Lasalle Park Manor). 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, businesses and institutions for which a proposed antenna system is intended to service. Staff would also note that the proposed antenna system location would abut a Parks and Open Space designation in the City's Official Plan to the south. The proposed antenna system is also at an appropriate scale in comparison to surrounding buildings and it would not appear imposing or out of place within this particular mixed use context along the Lasalle Boulevard corridor;
3. With respect to discouraged locations under Section 6.1 c) of the City's Protocol, staff are satisfied that the proposed antenna system is not proposed to be located directly in front of any doors, windows, balconies or residential frontages. The proposed antenna system would maintain a setback of approximately 100 m (328.08 ft) from the multiple dwelling on the lands to the north. 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 would also 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 would note in particular that structurally the proposed antenna system is a monopole, which is preferred within living areas as they are generally unobtrusive and of low impact compared to larger guyed tower structures. The proposed location on the lands is also not anticipated to adversely impact any future development potential. The proposed location is further not expected to negatively impact and on-site traffic flows and parking space availabilities;
5. With respect to signage and lighting under Section 6.2 f) of the City's Protocol, 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 initial submission package to the City that they do not anticipate that the proposed antenna system installation will require marking or lighting. The antenna system height has been reduced since this initial submission and staff expects that the same holds true with the reduced maximum antenna system height of 35 m (114.83 ft). The submission package received as part of this public consultation application also indicated that a land use proposal submission form will be provided to NAV Canada for their assessment and a response letter confirming that NAV Canada is expected to confirm the above. 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://tc.canada.ca/en/corporate-services/acts-regulations/list-regulations/canadian-aviation-regulations-sor-96-433/standards/standard-621-obstruction-marking-lighting-canadian-aviation-regulations-cars>. 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 and would not be encouraged or supported at this location.

Staff is therefore satisfied based on the above analysis that 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 Rogers Communications Inc. 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.