Presented To:	Planning Committee
Presented:	Monday, Dec 09, 2019
Report Date	Monday, Nov 18, 2019
Type:	Referred and Deferred Matters
File Number:	705/19-008

Request for Decision

Rogers Communications Inc. – Application for public consultation on a proposed ground-based radio-communication and broadcasting antenna system, 1887 Bancroft Drive, 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 PIN 73578-0041, Part of Lot 12, Concession 3, Township of McKim, as outlined in the report entitled "Rogers Communications Inc." from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on September 9, 2019.

Relationship to the Strategic Plan / Health Impact Assessment

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

Report Summary

This report reviews an application for public consultation for a proposed antenna system located at 1887 Bancroft Drive in the community of Minnow Lake. The proposed mono-pole antenna system would have a maximum height of 30 m (100 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 Bancroft Drive. The proponent has conducted public consultation in the local community and reported back to staff that no letters or emails in opposition to the proposed antenna system were received. The application for public consultation was circulated for review and comment to relevant agencies and departments, as well as to the local councillor and no concerns were provided to the Planning Services Division. The Planning Services Division is therefore recommending that the City's Designated Municipal Officer indicate a position of concurrence to

Signed By

Report Prepared By
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Senior Planner
Digitally Signed Nov 18, 19

Manager Review
Alex Singbush
Manager of Development Approvals
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Recommended by the Division
Jason Ferrigan
Director of Planning Services
Digitally Signed Nov 18, 19

Financial Implications
Apryl Lukezic
Co-ordinator of Budgets
Digitally Signed Nov 21, 19

Recommended by the Department
Tony Cecutti
General Manager of Growth and Infrastructure
Digitally Signed Nov 25, 19

Recommended by the C.A.O.
Ed Archer
Chief Administrative Officer
Digitally Signed Nov 27, 19

Innovation, Science and Economic Development Canada with respect to the proposed radio-communication and broadcasting antenna system as described in this report.

Financial Implications

There are no financial implications associated with this report.

Title: Rogers Communications Inc.

Date: August 9, 2019

STAFF REPORT

Proponent:

Rogers Communications Inc.

Agent:

Forbes Bros Ltd.

Location:

PIN 73578-0041, Part of Lot 12, Concession 3, Township of McKim (1887 Bancroft Drive, 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 with respect to a proposed ground-based antenna system.

Proposal:

The proposed mono-pole antenna system would have a maximum height of 30 m (100 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 Bancroft Drive.

Jurisdiction and Roles:

Under the *Radiocommunication Act*, the Minister of ISEDC 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 ISEDC.

The role of the City of Greater Sudbury is to issue a statement of concurrence or non-concurrence to ISEDC. 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 at the south-west corner of Bancroft Drive and Second Avenue in the community of Minnow Lake. The lands have a total lot area of approximately 2.41 ha (5.95 acres) and approximately 188 m (617 ft) of lot frontage on Bancroft Drive. The lands contain an existing place of worship having a driveway access onto Bancroft Drive. The proposed antenna system would be located in the rear of the existing place of worship.

Surrounding uses are predominantly urban residential in nature with a mix of built forms, tenures and densities being located along Howey Drive and at the intersection of Second Avenue and Howey Drive. There is also a cluster of commercial uses at the intersection of Second Avenue and Howey Drive. The immediately surrounding area is well buffered with mature vegetation.

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. 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^2 (108 ft^2) are subject to the Ontario Building Code and would require a building permit; and,

2. Water/Wastewater Treatment and Compliance Services in general have no concerns with the proposed ground-based antenna system. The agent and owner are advised however that the storage of fuels or chemicals on the construction site, especially near storm-water collection systems should be limited. Any spills that do occur within the construction site must be reported directly by telephone to the City. It is further advised a spill kit be provided and readily available on the construction 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 that at this time none of the comments received have direct impact or raise concern with respect to the proposed antenna system from a land use planning perspective.

Public Consultation:

Pre-Consultation

Pre-consultation for the proposed antenna system was commenced by Forbes Bros Ltd. on behalf of Rogers Communications Inc. with City staff on April 15, 2019. The City's Development Approvals Section confirmed to the proponent on May 6, 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 May 6, 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.

Further Exemption Provided

Staff notes that the Designated Municipal Officer provided an exemption at this time 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 Industry, Science and Economic Development Canada (ISEDC). The exemption was provided for on the basis that the properties in the immediate area are large and as a result the prescribed notification distance at 90 m (300 ft) would only reach those properties for which the proponent had already conducted public consultation with positive outcome prior to submitting the application for formal public consultation to the City. The DMO further noted that the lands are well buffered by mature vegetation from abutting properties.

Title: Rogers Communications Inc.

Date: August 9, 2019

Comments Received

The proponent was not required to hold a Public Information Session under the City's Protocol given the public consultation that was conducted with abutting landowners ahead of filing the application with the City. The proponent provided the City with an email summary of the discussions that took place and the concerns that were addressed by included property values, health effects, lighting, minor corrections to the sketch to properly show the location of the antenna system and interference with other audible devices (eg. hearing aids). Staff understands from the proponent these concerns have been addressed and would note that no land use planning concerns were raised through the proponent's public consultation process.

Internal Review

Staff has since 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 mono-pole antenna system would have a maximum height of 30 m (100 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 Bancroft Drive. The proponent has advised that nine antennae would be installed internally within the mono-pole antenna system and it will be painted white. The mono-pole antenna system would also have an equipment shelter on the ground and a wooden fence is to be constructed around said equipment shelter in order to prevent unauthorized access. The proposed location of the mono-pole antenna system requires no removal of vegetation as it will be located on the existing asphalt surface in the rear of the subject lands.

The proponent has submitted a concept plan along with aerial photography and digital renderings which together depict the location and design of the mono-pole antenna system. The concept plan 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 29.96 m (100 ft) from the proposed antenna system. Staff has reviewed this measurement and would agree that the abutting lands to the south-east are in closest vicinity to the proposed antenna system and are satisfied that the measurement is correct.

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.

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

1. Co-location was considered by the proponent and they have advised that no existing antenna locations (ie. ground or roof top) within 500 m (1,640.42 ft) are available that could accommodate additional physical antennas needed to provide the coverage improvements being sought. Staff is supportive of the mono-pole design despite limitations around future co-location abilities on this particular installation given the urban location that is required. The enclosed design and the height proposed are appropriate given the site context;
2. The subject lands are located within a cluster of institutional uses and are well vegetated and would not negatively detract from public views and vistas in the immediate area;
3. The proposed antenna system would not be located in any discourage locations as identified in Section 6.1 b) of the City's Protocol; and,
4. 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. Signage and lighting on the proposed antenna system are to be provided only if required by Transport Canada and/or NAV Canada. The proponent has not indicated any security lighting is required however staff would advise that any such ground level lighting be kept to a minimum. Advertising signage has also not been proposed.

Staff is satisfied that in general the proposed 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 land use planning perspective.

<u>Position of Concurrence or Non-Concurrence</u>

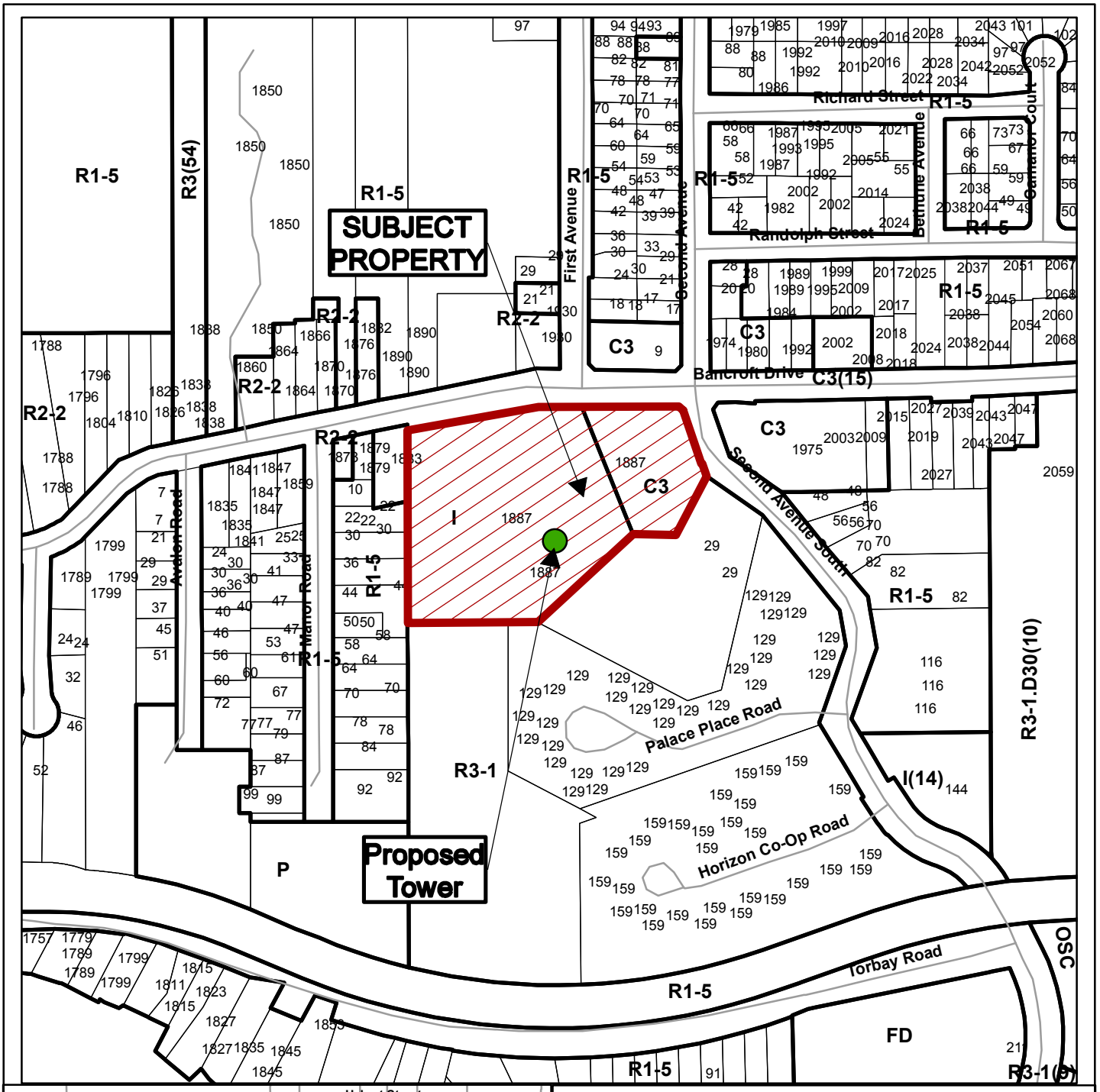
Staff advises that no areas of concern have been identified with respect to the development guidelines set out in the City' Protocol. The application was also circulated to relevant agencies and departments and no concerns were identified. It is recommended that the Designated Municipal Officer be directed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

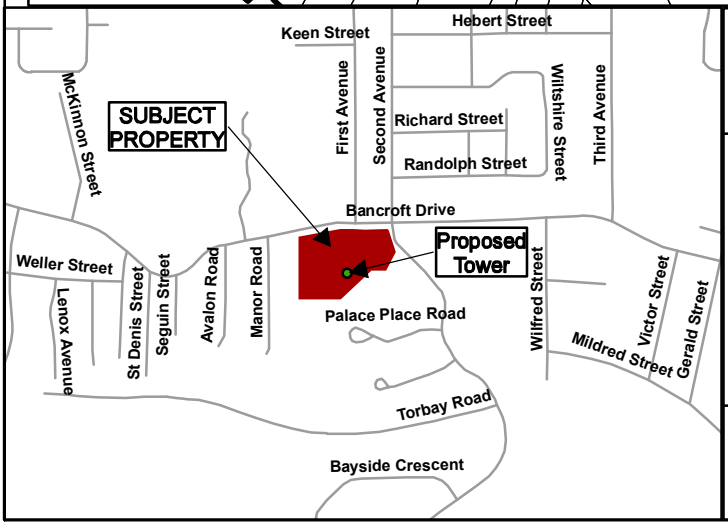
Staff notes that a position of concurrence may be rescinded if following said issuance it is determined that a misrepresentation or a failure to disclose all pertinent information has occurred. It should be further noted that there are no recommended conditions of concurrence with respect to this particular antenna system that is being proposed. The duration of concurrence is a maximum of three years from the date that the City's Designated Municipal Officer notifies ISEDC of said concurrence.

The City's Protocol 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 Designated Municipal Officer 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 Forbes Bros Ltd. on-behalf of 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 Designated Municipal Officer. Staff has completed an internal review of the proposed antenna system from a land use planning perspective and has no concerns. Staff is also 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 particular public consultation process.





Growth and Development Department

N

Subject Property being Parcels 46352, 38906, 27906, & 35871
Parts 3 to 13, & 15 to 20 and 25, Plan 53R-15930
Con 3, Pt Lot 12,
Township of Neelon,
1887 Bancroft Drive, Sudbury
City of Greater Sudbury

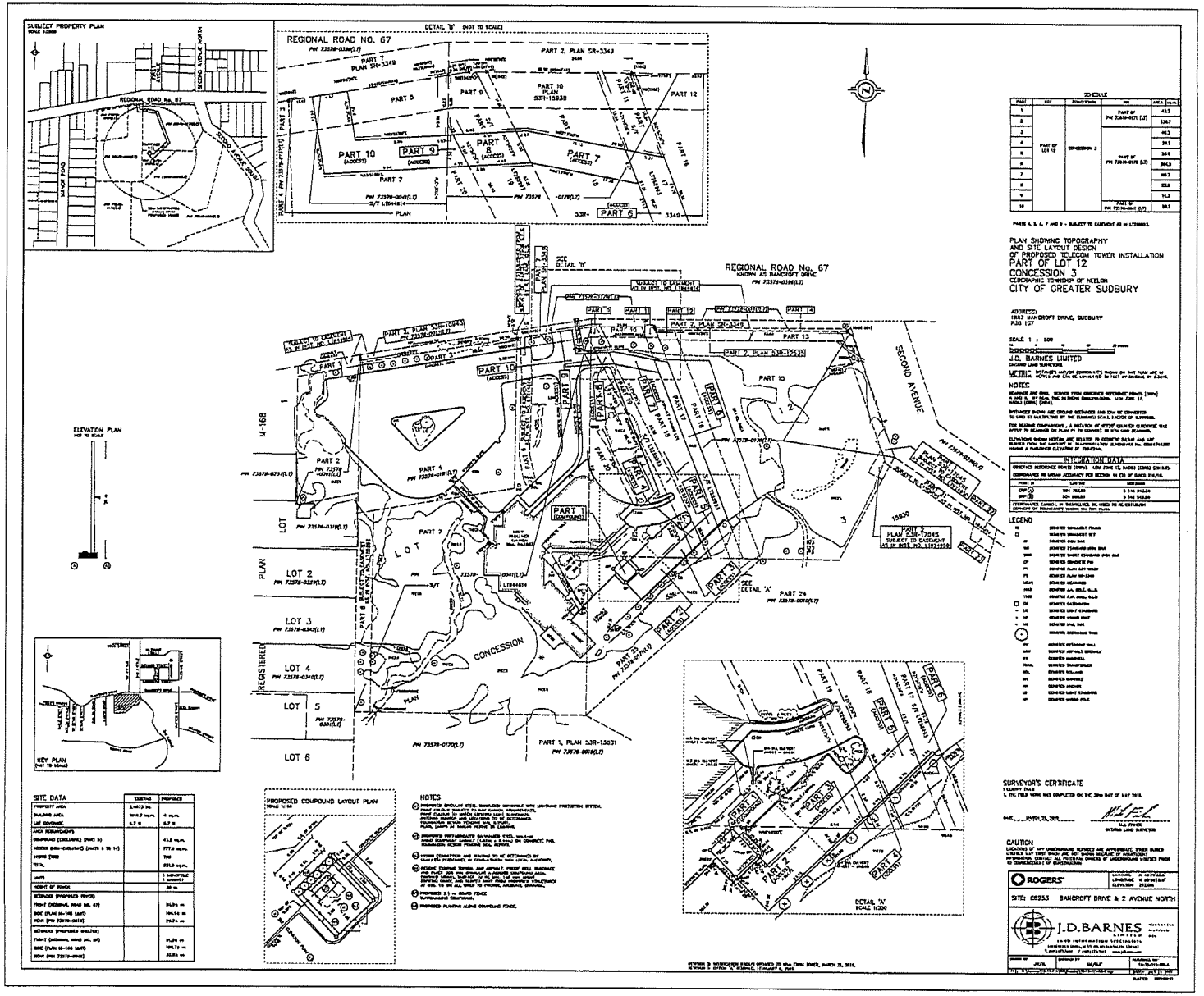
Sketch 1

NTS

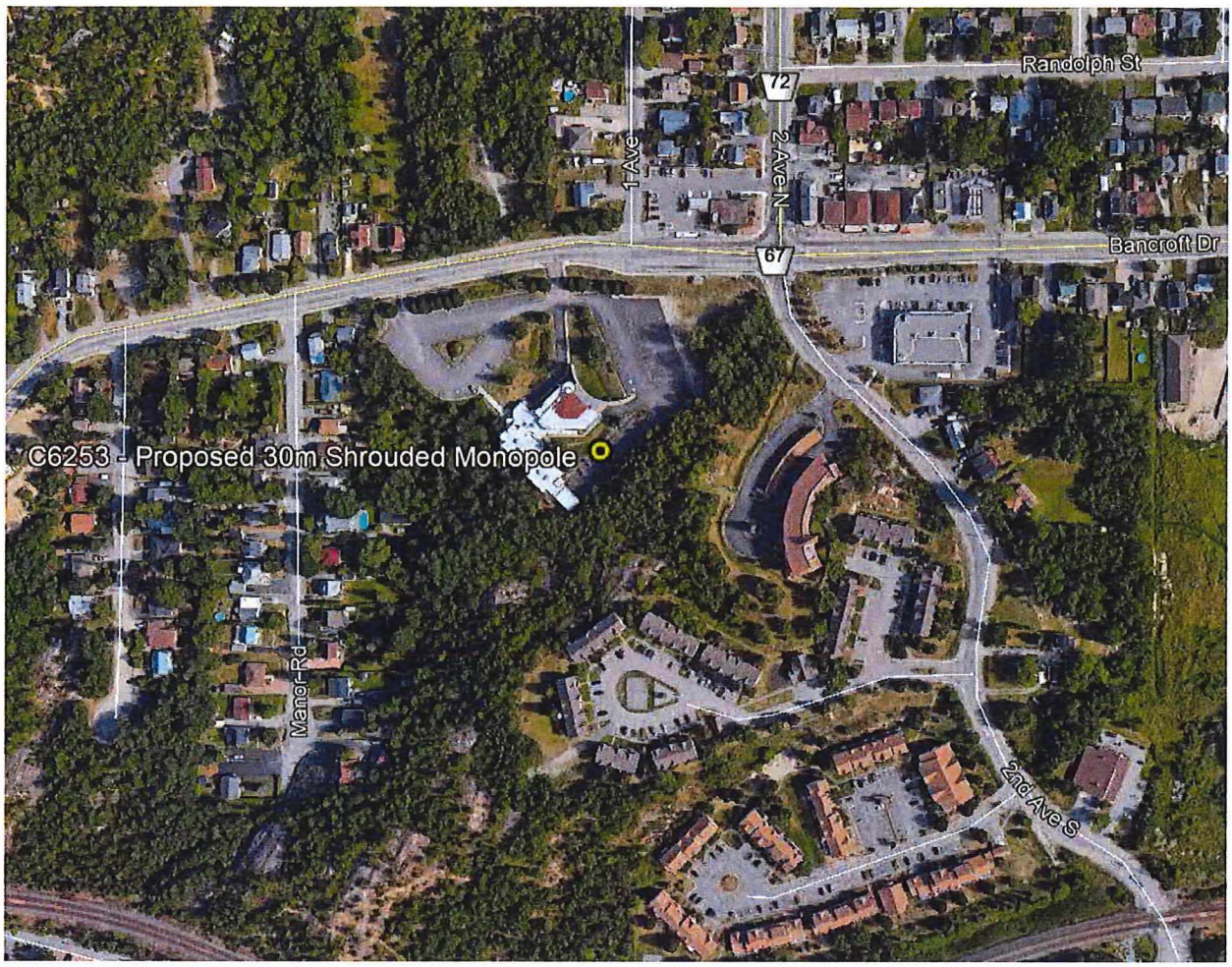
Rogers Proposed Telecommunications Tower

Date: 2019 08 14

APPENDIX "A" – SITE PLAN



APPENDIX "B" – AERIAL PHOTOGRAPHY



APPENDIX "C" – VISUAL RENDERINGS

ROGERS™