

City of
Peterborough

TO: Members of the Planning Committee

FROM: Ken Hetherington, Manager, Planning Division

MEETING DATE: October 11, 2011

SUBJECT: Report PLPD11-068
1535 Water Street
Proposed Telecommunication Structure

PURPOSE

A report to inform Council of the conclusion of the consultation with the City for a proposed telecommunications structure under the City's Telecommunications Structures Policy and Procedure, for a proposed structure at 1535 Water Street.

RECOMMENDATIONS

That Council approve the recommendations outlined in Report PLPD11-068 dated October 11, 2011, of the Manager, Planning Division, as follows:

- a) That Industry Canada be advised that the proposal for a telecommunication structure by SBA Canada, ULC, at 1535 Water Street, has been subject to the City of Peterborough's Draft Telecommunications Structures Policy and Procedure.
- b) That Industry Canada be further advised that the proposal for a telecommunications structure at 1535 Water Street has generated concern from the public as documented by The Biglieri Group and summarized in Exhibits C, D and E of Report PLPD11-068.

BUDGET AND FINANCIAL IMPLICATIONS

There are no direct budget or financial implications arising from the recommendations of this report. The City's Policy and Procedure related to proposed Telecommunication Structures requires all costs associated with notice and information to the public and agencies/departments, are borne by the applicant.

BACKGROUND

SBA Canada, ULC proposes to erect a new communications tower by way of a monopole with a height of 53.4m (175 ft.) on the property known as 1535 Water Street. The Biglieri Group is acting as the agent for SBA Canada, ULC with regard to this proposal.

The application has been processed in accordance with the Draft Policy and Procedure for proposed Telecommunications Structure, detailing consultation requirements for proposed communications towers, as part of the Land Use Authority consultation anticipated by Industry Canada prior to federal approval. The subject proposal was received in May, 2011, prior to the approval of the City's Policy and Procedure, and as such, was processed in accordance with the requirements of the Draft Procedure which the applicant agreed to follow with regard to the municipal consultation process, and requires Council consideration. The Policy and Procedure was formally adopted by Council with some amendments on June 6, 2011. The consultation process under the City's recently approved Telecommunication Structure Procedure is the same as that undertaken by the applicants in this instance, save and except an expanded circulation area for mailed public notification under the recently approved procedure to 400m from the subject property because this process was carried out before the City Procedure was approved. In this instance, the notice was mailed to all owners of land within a 165m radius (3 times the tower height) and advertised in the Peterborough Examiner.

Due to its proposed height of 53.4m, and the proximity of the land on which it is proposed to other lands zoned for residential purposes, the proposal is required by the Procedure (both Draft and Final versions) to be circulated to the Public as well as to agencies and departments. The Public Consultation process requires a Public Information Session, which was held by the applicants on June 7, 2011 at Thomas A Stewart Secondary School. A total of 10 people attended. Concerns regarding the location and height of the proposed tower were expressed at the session, as well as health and safety and property value impacts.

A summary of the session, is included in minutes, attached as Exhibit 'C' to this report (PLPD11-068). Subsequent to the public information session, The Biglieri Group

provided opportunity for written comments, summarized by way of letters dated July 15, 2011 and August 22, 2011 and attached as Exhibits 'D' and 'E' to this report (PLPD11-068).

The proposal was also circulated to agencies and departments for comment. As a result of the circulation, Planning Staff provided a letter to the applicant outlining technical requirements, dated September 9, 2011, attached as Exhibit 'F' to this report (PLPD11-068). In addition, a copy of a report to validate compliance with Safety Code 6 has been submitted, concluding that the expected radio frequency emission level at 2m above ground was found to be 1% (100 times lower) of the Safety Code 6 limits for the general public and is therefore, in full compliance with the limits.

As a requirement of the City's Procedure (Draft and Final Version), the applicants have submitted a Site Selection and Justification Report with the submission, attached as Exhibit 'G' to this report (PLPD11-068). The report reviews the City's Site Selection Guidelines as included in the Draft Procedure and provides a response in Figure 1, Pages 5, 6 and 7 of the Site Selection and Justification Report, dated February, 2011. The summary comments on how the proposed location addresses each site selection guideline, providing rationale for how each is met. SBA confirms that there are no appropriate tall structures within the identified search area appropriate for an alternative tower structure, and that the site maximizes the distance from residential dwellings (nearest dwelling approximately 90 metres from the tower). The summary confirms that the proposed site meets with all other guidelines including minimizing visual impact with the proposed tubular design.

The City's Procedure outlines a priority order for site selection. The subject proposal for a monopole is located on lands that are within 120m of lands zoned to permit residential use (adjacent to the property to the west), and while the procedure places new tower installations within 120 metres of residential lands lower on the priority list, they are not prohibited. The closest residential dwelling is approximately 80m from the base of the tower as proposed for the site. This site is located on lands zoned C.4 – 1 (Commercial District – Service Commercial). The site currently supports a commercial building (car wash and restaurant – currently being redeveloped) and the proposed tower is to be located within a compound measuring 160 sq. m at the northwest corner of the site, to be accessed by way of an existing driveway on the north side of the building from Water Street.

SUMMARY

The applicant has complied with the City's Policy and Procedure for the proposed telecommunication structure, including Public Consultation, with the exception of the 400 metre radius for notification. The proposed tower is located on a site adjacent to

lands zoned to permit residential use. The principles for site selection, as identified in the approved procedure, strongly discourages new telecommunication structures within 120 metres of any land zoned to permit residential or where an elementary or secondary school is located.

Submitted by,

Ken Hetherington,
Manager, Planning Division

Prepared by,

Concurred with,

Caroline Kimble,
Land Use Planner

Malcolm Hunt, Director
Planning and Development Services

Contact Name:

Caroline Kimble
Planner, Land Use
Planning & Development Services
Phone: 705-742-7777 Ext. 1735
Fax: 705-742-5218
E-Mail: ckimble@peterborough.ca

Attachments:

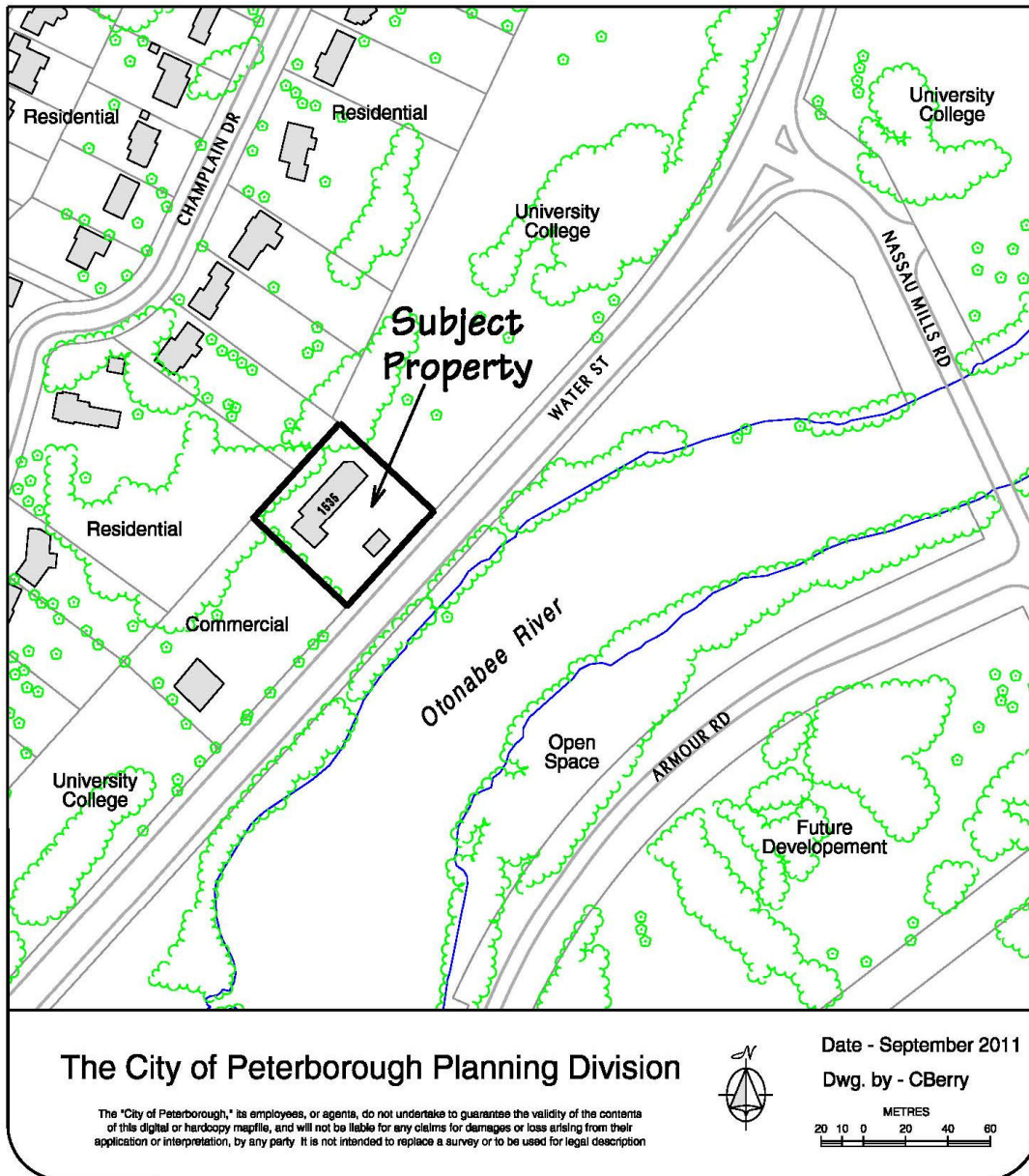
Exhibit A - Land Use Map
Exhibit B - Concept Plan
Exhibit C - Minutes of Public Information Session, June 7, 2011
Exhibit D – Response Letter from Applicant, dated July 15, 2011
Exhibit E – Follow Up Response Letter from Applicant, dated August 22, 2011
Exhibit F – City Letter to Applicant Re: Agency Comments
Exhibit G – Site Selection and Justification Report, May 2011

Exhibit A
Page 1 of 1

Land Use Map

File # CT-03-11

Property Location: 1535 Water St



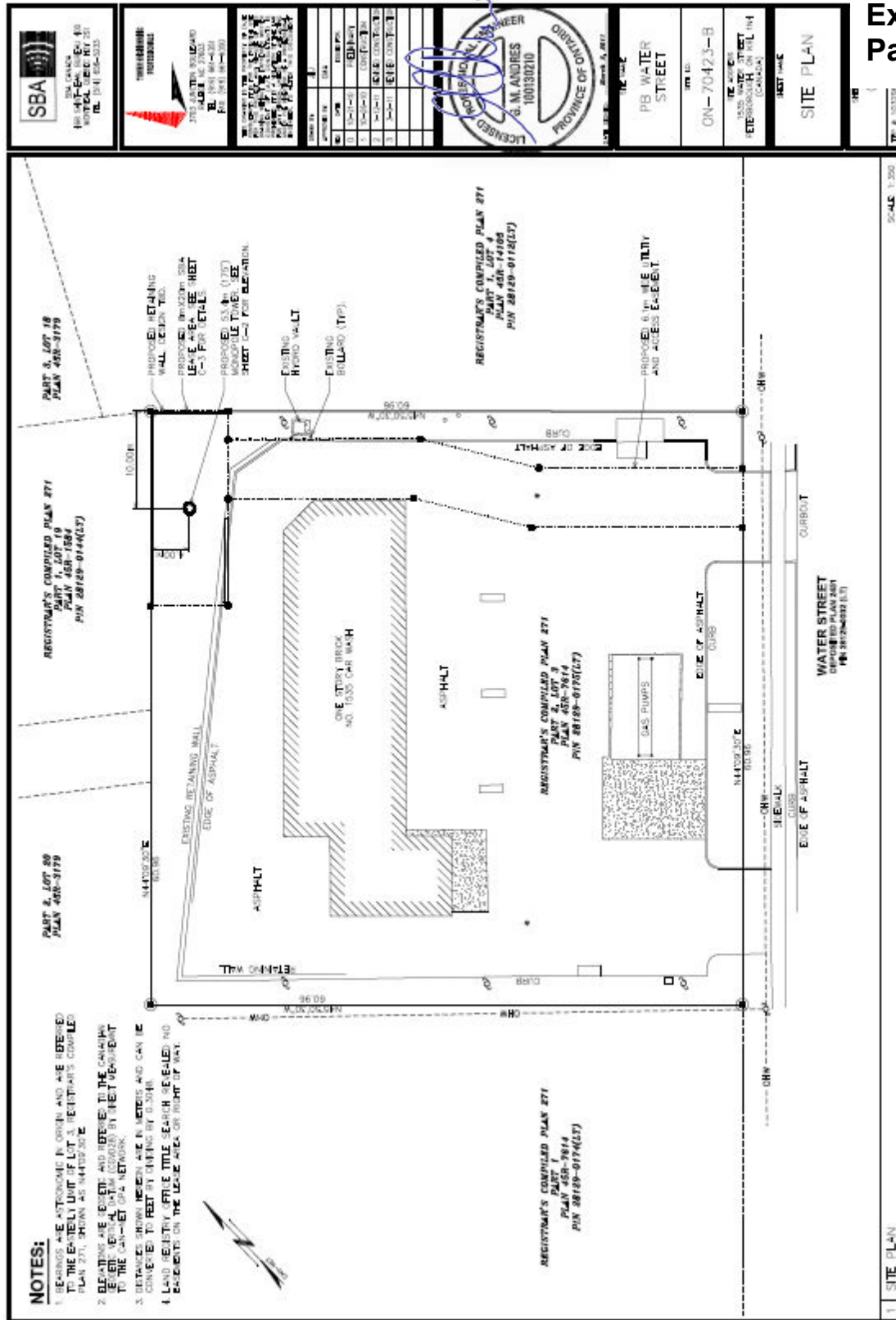


Exhibit 'B'
Page 1 of 1