



City of
Peterborough

TO: Members of the Planning Committee

FROM: Ken Hetherington, Manager, Planning Division

MEETING DATE: March 19, 2012

SUBJECT: Report PLPD12-009
1421 Lansdowne Street West
Proposed Telecommunication Structure

PURPOSE

A report to inform Council of the conclusion of the consultation process for a proposed telecommunications structure under the City's Telecommunications Structures Policy and Procedure, for a proposed structure at 1421 Lansdowne Street West.

RECOMMENDATIONS

That Council approve the recommendations outlined in Report PLPD12-009 dated March 19, 2012, 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 1421 Lansdowne Street West, has been processed in accordance with the City of Peterborough's Telecommunications Structures Policy and Procedure.
- b) That Industry Canada be further advised that the proposal for a telecommunications structure at 1421 Lansdowne Street West has generated concern from the public as documented by The Biglieri Group and summarized in Exhibits C, D and E of Report PLPD12-009.

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 tripole with a height of 40m (131 ft.) on the property known as 1421 Lansdowne Street West. The Biglieri Group is acting as the agent for SBA Canada, ULC with regard to this proposal.

The proposal is subject to the City's Policy and Procedure for the proposed Telecommunications Structure. The City's Procedure details consultation requirements for proposed communications towers, as part of the Land Use Authority consultation process anticipated by Industry Canada prior to federal approval. The Policy and Procedure was formally adopted by Council on June 6, 2011 and amended by Council on October 24, 2011.

The subject proposal was received in August, 2011, has proceeded through the consultation process in accordance with the June, 2011 version of the City's Procedure, and now requires Council consideration. The original proposed site, on lands located within 120 metres of lands zoned for residential uses and within 120 metres of lands supporting a secondary school, was subject to full public consultation under the June, 2011 Procedure. The applicant has since (February, 2012) relocated the proposed location of the tower further north on the subject lands. Under the revised Procedure (October, 2011), the 120 metre distance criteria for requiring public notice is now measured from the tower location and not the property line. Since the proposed tower is still within 120 metres or 3 times the tower height of lands supporting a school, the consultation process under the City's revised (October, 2011) Telecommunication Structure Procedure also requires full public consultation. The public consultation process under both versions of the Procedure is the same as that undertaken by the applicants, save and except the extent of the mailed notification. In this instance, the notice was advertised in the Peterborough Examiner and mailed to all owners of land within a 400m radius (versus 120 metres or 3 times the tower height in the revised version of the procedure).

The mailed Public Notification indicated that the proposed tower would be a monopole with a height of 53.4m (175 ft.) while the supporting documentation referred to a tripole with a height of 40m (131 ft.). The applicant held a Public Open House on Wednesday, August 31, 2011. During the course of the Open House, the applicant clarified the proposal for a 40m high tripole. Due to its proposed height, and the proximity of the

proposed site to other lands zoned for residential purposes, and to lands that support an elementary or secondary school, the proposal is required by the Procedure 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 August 31, 2011 at Calvary Pentecostal Church. The Information Session was well attended by area residents. In excess of 100 people attended (104 signed the attendance sheet). The applicant's received a significant number of questions, concerns and objections to the proposal at the Information Session. Concerns regarding the location, height and appearance of the proposed tower were some of the many concerns expressed at the session, as well as health and safety and property value impacts.

A summary of the session and written comments received within the commenting period immediately following the session, is included in the Response Letter, dated November 14, 2011 (attached as Exhibit 'E' to this report (PLPD-12-009)). Subsequent to the initial commenting period, The Biglieri Group provided opportunity for additional written comments and provided responses, summarized by way of letters dated January 20, 2011 and February 21, 2012 (attached as Exhibits 'F' and 'G' to this report (PLPD-12-009)). Planning Staff has also received correspondence from the area residents and have met with several residents regarding the outstanding concerns with regard to the replies received from The Biglieri Group.

The proposed location of the tower on the subject lands was recently (February, 2012) amended by the applicant to attempt to increase the distance between the tower and the adjacent residential lands. The Revised Concept Plan is attached as Exhibit 'B' to this report (Report PLPD12-009) illustrates that the centre point of the proposed tripole to be set back a distance of 123 metres from lands zoned to permit residential use (adjacent to the property to the west), and 89 metres from lands supporting a secondary school. The relocation of the tower on the site better reflects the Principles for Site Selection of the City's procedure as it relates to the lands zoned residential. The relocated site remains within 120 metres of land where a secondary school is located, however, there has been no objection expressed by the Peterborough Victoria Northumberland Clarington Catholic School Board or by the owner of the property immediately to the east.

A petition has been received with more than 300 signatures opposing the proposed Cell Tower at 1421 Lansdowne Street West. The petition expresses objection to the proposed tower based on incompatibility with the character of the neighbourhood, due to the height of the tower and the grading of the site, negative impacts on property value, location within proximity to residential areas and schools, health and environmental impacts of radiofrequency radiation, and potential interference with radio and non-radio household and medical devices. The petition requests that the landowners (Calvary Pentecostal Church) retract its agreement; that the City of Peterborough express its strong opposition to this tower to Industry Canada; and that SBA Canada ULC withdraw its application; and further that Industry Canada deny the application for this location.

The proposal was also circulated to agencies and departments for comment. As a result of the circulation of both the original and revised location, Planning Staff has received no concerns/comments from the circulated agencies and departments. 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, the applicants have submitted a Site Selection and Justification Report with the submission, attached as Exhibit 'D' to this report (PLPD12-009). The report reviews the City's Site Selection Guidelines as included in the Draft Procedure and provides a response in Figure 1, Pages 6 and 7 of the Site Selection and Justification Report, dated July, 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. The summary confirms that the proposed site meets with all other guidelines and suggests that with the proposed cross near the top, will create a religious monument and minimize its visual impact.

A variance from the City's Sign By-Law, to be approved by the Committee of Adjustment will be required to support the introduction of the proposed cross near the top of the tower.

The City's Procedure outlines a priority order for site selection. Based on the revised site plan submitted by the proponent, the centre point of the proposed tripole will be set back a distance of 123 metres from lands zoned to permit residential use (adjacent to the property to the west), and 89m from lands supporting a secondary school. The procedure strongly discourages placement of new towers within 120 metres of residential lands and within 120 metres of lands supporting elementary or secondary schools, to be measured from the base of the tower or outside perimeter of the supporting structure, whichever is greater, unless required for reasons of engineering or network objectives. This site is located on lands zoned SP.305 (Public Service District) permitting a church, a school and a day nursery. The site currently supports two buildings used by Calvary Pentecostal Church in addition to driveways and parking areas.

SUMMARY

The applicant has complied with the City's Policy and Procedure for the proposed telecommunication structure, including Public Consultation. The proposed tower is located on a site adjacent to lands supporting a secondary school and 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 lands where an elementary or secondary school is located, unless required for engineering or network objectives.

Submitted by,

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Attachments:

Exhibit A - Land Use Map
Exhibit B – Original and Revised Concept Plan
Exhibit C – Superimposed Image of Proposed Tripole in Revised Location
Exhibit D - Site Selection and Justification Report, July 2011
Exhibit E – Response Letter from Applicant, dated November 14, 2011
Exhibit F – Follow Up Response Letter from Applicant, dated January 20, 2012
Exhibit G – Follow Up Response Letter from Applicant, dated February 21, 2012

Exhibit A
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Land Use Map

File # CT-04-11

Property Location: 1421 Lansdowne St W

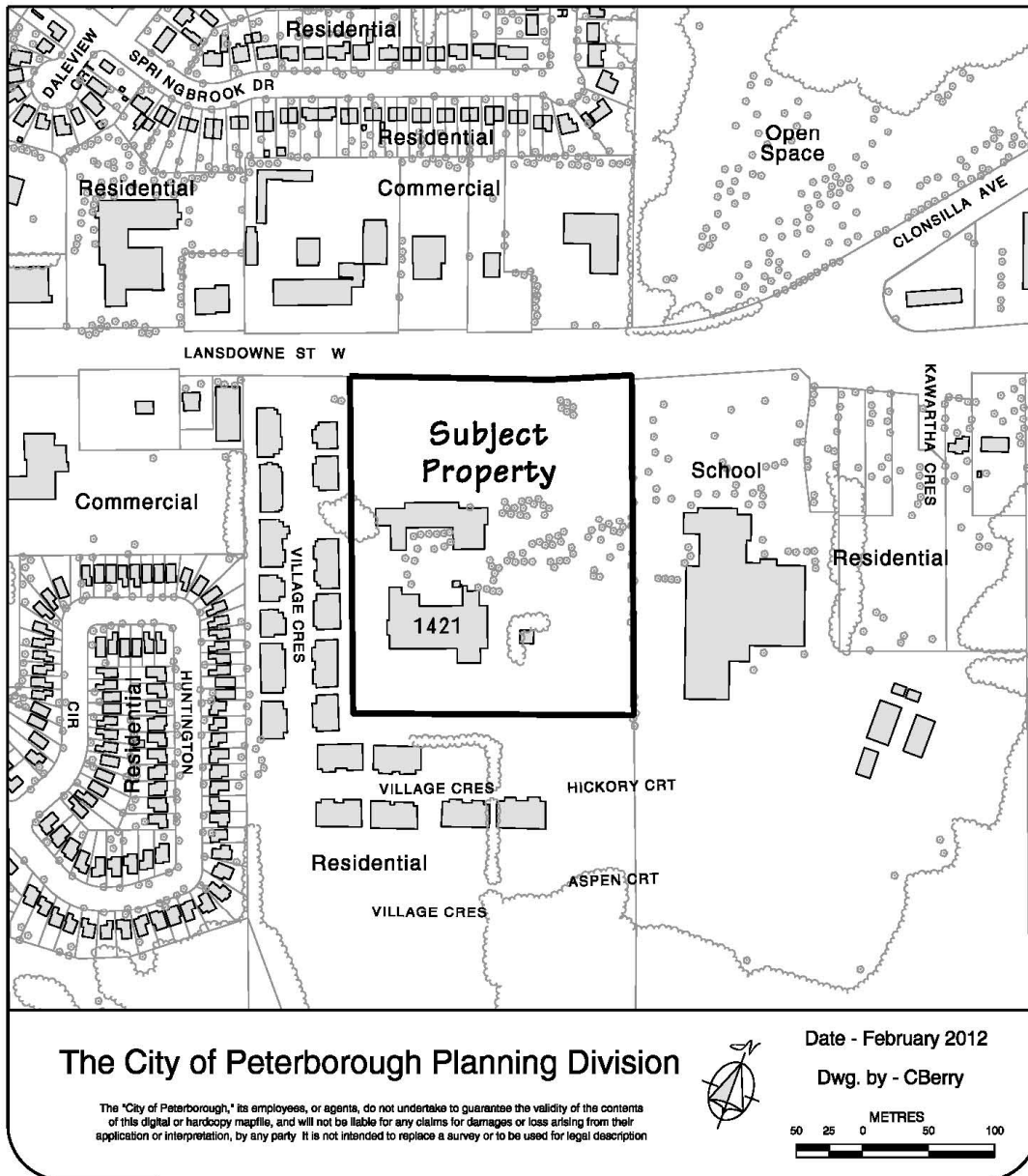


Exhibit B
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Exhibit 'B'
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Exhibit 'C'
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