

DECISION/DIRECTION NOTE

Title: 47 Blackmarsh Road – Cell Tower Replacement

Date Prepared: May 6, 2020

Report To: Regular Meeting of Council

Councillor and Role: Councillor Maggie Burton, Planning & Development

Ward: Ward 3

Decision/Direction Required:

A decision is required on the replacement of the cell tower at 47 Blackmarsh Road.

Discussion – Background and Current Status:

In February 2020 the cell tower at 49 Blackmarsh Road collapsed leaving many residents and businesses with substandard cellular coverage. The City was recently advised of Bell Mobility's intentions to replace the tower at 47 Blackmarsh Road. The previous tower was a monopole design which is being replaced with a 4-legged galvanized steel lattice structure. The City was also advised by the owner of 49 Blackmarsh Road that he is opposed to the replacement of the tower at 47 Blackmarsh Road as the previous tower damaged his building when it collapsed and he would like the City to engage the public on the application. Wireless facilities fall under the jurisdiction of the federal government's department of Innovation, Science and Economic Development Canada (ISED), formerly Industry Canada. Bell and ISED are aware of the concerns expressed by the owner of 49 Blackmarsh Road.

ISED requires wireless carriers such as Bell to meet the conditions outlined in CPC-2-0-03 — Radiocommunication and Broadcasting Antenna Systems (the CPC). The requirements include consulting the land-use authority (the City) and the public unless a proposal is specifically excluded. Bell have advised, and ISED seem satisfied, that this project meets the exclusion conditions under Section 6 of the CPC where this is the replacement of an existing tower of the same height. While not the approval authority, the City does have a Siting Protocol for Wireless Facilities in which the City advertises the application in order to get public feedback which it can then use to influence the location and type of wireless facility.

If Council does not support the proposed location, it may contact ISED with its concerns. ISED have advised staff that "ISED's role as a regulator, in this case, is to ensure that Bell continues to adhere to all applicable conditions of licence and any other regulatory requirements. After reviewing the facts with Bell, if Council is concerned that Bell is acting outside of the bounds of the CPC, then we would welcome your enquiries and would review your concerns at that time. That said, If Bell meets the specific exclusion requirements for a replacement structure as outlined CPC 2-0-03, and continues to be in compliance with its other requirements, ISED would not have a role to play in taking further regulatory action."

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Under normal circumstances, the City would support the replacement of the tower at 47 Blackmarsh Road. However, in this case, Council must also consider the points raised by the owner at 49 Blackmarsh Road. Given that the replacement tower meets the exclusion conditions of Section 6 of the CPC and the City and regulator (ISED) already received comments from the neighbouring property owner, it is recommended to exempt this application from public engagement under the City's Siting Protocol. Furthermore, given that Bell changed the design from a monopole to a 4-legged galvanized steel lattice structure and 47 Blackmarsh Road is in the CI zone which is a preferred zone for towers as per the City's Siting Protocol, it is recommended to support the proposed location.

Key Considerations/Implications:

1. Budget/Financial Implications: N/A
2. Partners or Other Stakeholders:
 - Bell Mobility and its customers
 - Adjacent property owners
3. Alignment with Strategic Directions/Adopted Plans:
 - Align with the strategic direction of having a connected city.
4. Legal or Policy Implications: N/A
5. Privacy Implications: N/A
6. Engagement and Communications Considerations:
 - Public advertisement and mailouts to properties within 150m of the subject property if Council chooses to not exempt from Siting Protocol
7. Human Resource Implications: N/A
8. Procurement Implications: N/A
9. Information Technology Implications: N/A
10. Other Implications: N/A

Recommendation:

That Council support the replacement of the tower at 47 Blackmarsh Road and exempt it from the City's Siting Protocol.

Prepared by: Jason Sinyard

Approved by: