



**City of Kingston
Report to Council
Report Number 16-146**

To: Mayor and Members of Council
From: Cynthia Beach, Commissioner, Corporate & Strategic Initiatives
Resource Staff: Peter Huigenbos, Manager, Real Estate & Land Development
Date of Meeting: May 3, 2016
Subject: Proposed Cell Tower Land Lease – Bell Mobility Inc. – 1303 John Marks Avenue

Executive Summary:

The City has been approached by Bell Mobility Inc. (Bell) to construct a 25 meter cell tower on the new Public Works site on 1303 John Marks Avenue at Innovation Drive in the St. Lawrence Business Park. Bell first approached City staff in the fall of 2014 and followed up with an integrated design for the site plan. Further consideration of the site was deferred until the Public Works site was approved to determine compatibility with any operational concerns. In addition, staff deferred presentation of this new leasing opportunity until an updated public consultation process for cell towers, as requested by Council, was approved. Bell would like to proceed with the upgrade of services in this area and has requested permission to proceed with an application on the City-owned site. Bell has participated in the pre-application process as part of the City's Development Review Process to identify any servicing or technical issues. No significant issues were identified. The full technical proposal will be reviewed in accordance with the revised public consultation process to be considered by Council concurrent with the date of this report or the existing process if no change is made to the process.

This is an opportunity for the City to realize new, annual non-tax revenue. Bell has two existing towers on City land with total annual lease revenue soon to increase to approximately \$45,000. The addition of a third tower location would increase the annual lease revenue to over \$60,000.

Recommendation:

That Council grant approval for Bell Mobility Inc. to submit a formal application to Planning, Building & Licencing to initiate a public consultation for a proposed cell tower on City owned property at 1303 John Marks Avenue; and

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That the Manager of Real Estate & Land Development be delegated authority to provide land owner's written consent for the purposes of the application; and

That subject to the application receiving no objections from the Planning Committee in accordance with the requirements of Innovation, Science and Economic Development Canada and the City's public consultation process, Council direct staff to negotiate a lease with Bell Mobility Inc. at fair market value for a period of five (5) years with three (3) successive five (5) year options to renew, in a form satisfactory to the Director, Legal Services; and

That Council authorize the Mayor and Clerk to execute all necessary agreements as may be required to finalize a lease with Bell Mobility Inc.

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Authorizing Signatures:

ORIGINAL SIGNED BY COMMISSIONER
**Cynthia Beach, Commissioner,
Corporate & Strategic Initiatives**

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER
Gerard Hunt, Chief Administrative Officer

Consultation with the following Members of the Corporate Management Team:

Lanie Hurdle, Community Services

Denis Leger, Transportation, Facilities & Emergency Services Not required

Jim Keech, President and CEO, Utilities Kingston

Desiree Kennedy, Chief Financial Officer & City Treasurer Not required

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Options/Discussion:

The City has been presented with an opportunity to lease land for a cell tower on the site of the new Public Works Road Sand & Salt Storage Facility in the St. Lawrence Business Park. This is an opportunity for the City to realize new, non-tax revenues while accommodating a new cell tower in an employment land area.

Bell Mobility Inc. (Bell) approached the City in September of 2014 to initiate discussions regarding the potential location of a cell tower on the proposed Public Works Site at 1303 John Marks Avenue (the Site). Public Works shared site plan drawings to allow Bell to demonstrate how the tower could be integrated with the Site. Further consideration of the Site was deferred until the site plan was approved and Public Works could determine compatibility with any operational concerns.

In addition, Bell was advised that the City was in the process of developing a new cell tower public consultation process and that the request to Council to consider the land lease would be deferred until the new process was in place. Bell would like to proceed with the upgrade of services in this area and has requested that they be granted approval to submit an application for the cell tower. It is anticipated that Planning, Building & Licensing will be presenting a revised public consultation process for Council consideration on the same date as this report. Should Council approve the recommendations in this report, Bell's application will be subject to the public consultation process in place subsequent to the date of this report.

Exhibit "A" illustrates the proposed location on the southwest corner of 1303 John Marks Avenue at the intersection of Innovation Drive in the St. Lawrence Business Park. Research presented by Planning, Building & Licensing in their concurrent report and earlier in a report to Planning Committee [PC-15-007](#) indicates that most municipalities encourage towers to locate in industrial, commercial and rural areas and discourage their proximity to residential areas, heritage districts, downtowns, hazard lands and environmentally sensitive areas. The closest residential property to the Site is approximately 305 meters to the south. The Site is adjacent to the John Machin Sports Fields as part of a large open space area which buffers the residential area from the business park.

Bell has provided graphic illustrations to demonstrate how the Site will be integrated within the site lines of the City's water tower (Exhibit "B") to limit visual impact in the community. Further details including site selection analysis and justification reports, detailed building elevations, and matters regarding compliance with public safety requirements, will be presented during the public consultation process.

In advance of this report, Bell participated in the City's pre-application process to identify any servicing or technical issues that would present challenges for its location on the Site before presenting the project to Council for consideration of a land lease. Public Works has identified potential alternate electrical servicing from that which had been initially proposed but otherwise, the proposal does not present any localized operational issues for Public Works that cannot be addressed. Bell will still be required to make formal application and comply with the City's public consultation process as would any other applicant. In addition, the City can include site specific

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conditions as the land owner that it otherwise could not require other applicants to do on privately owned lands.

Cell towers offer municipalities the opportunity to realize new, annual non-tax revenues. The City currently receives lease payments from Bell for two existing tower locations – 692 Dalton Avenue (accessed from St. Remy Place) and 100 Days Road at Centre 70. The latter is currently in the process of co-locating two additional antennae for Rogers and Wind Mobile. Once the co-locations are complete, the total annual revenue is projected to be \$45,000 per year for the two current locations. This site on John Marks Avenue could add at least another \$15,000 per year plus any co-locates.

In addition to non-tax revenue from the land leases, the ground shelters at the base of towers are taxable, generating approximately \$1200 annually per tower in new tax revenue.

Existing Policy/By-Law:

The lease of the cell tower will be negotiated at fair market value in compliance with the City's Revenue Leasing and Licensing Policy. Real Estate & Land Development staff will negotiate the terms of the lease subject to the outcome of the public consultation process managed separately by Planning, Building & Licensing.

Notice Provisions:

None

Accessibility Considerations:

None

Financial Considerations:

The annual lease revenue will be directed to the operating budget for the Road Sand & Salt Storage Facility.

Contacts:

Peter Huigenbos, Manager, Real Estate & Land Development 613-546-4291 x 3148

Other City of Kingston Staff Consulted

Greg Newman, Manager Policy Planning, Planning, Building & Licensing

Tyler Lasko, Supervising Engineer, Engineering

Damon Wells, Director of Public Works Services

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Exhibits Attached:

Exhibit A – Location of Proposed Cell Tower

Exhibit B – Photomontage of Proposed Cell Tower Location



Exhibit "B" Report 16-146

Photomontage of Proposed Cell Tower

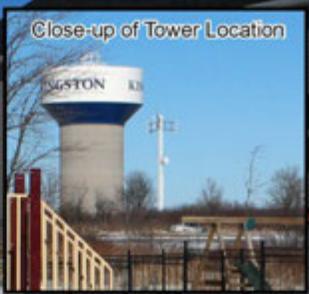
<p>Photomontage</p> 	<p>Bell</p> <p>Innovation Drive (E1296)</p> <p>PHOTOMONTAGE OF PROPOSED 25M MONOPOLE TOWER FROM INNOVATION DRIVE SOUTHWEST OF SITE</p> <p>Index Map</p>  <p>Photograph and Tower Location</p>  <p>CanACRE</p> <p>Map 13-0289 - E1296 - 1</p>
<p>Original Photograph</p> 	

Photomontage of Proposed Cell Tower



Photomontage

Tower Location



Close-up of Tower Location



Bell

Innovation Drive
(E1296)

PHOTOMONTAGE OF
PROPOSED 25M
MONOPOLE TOWER
FROM BLUFFWOOD AVE
SOUTHWEST OF SITE

Index Map



Photograph and Tower Location



Legend

- Cellular Location
- Tower Location
- Photograph Location
- Road
- Municipality
- Water Body

Note: This photomontage is a general visual simulation of the proposed tower and the final equipment configuration is subject to change. The tower will be marked and lighted in accordance with Transport Canada and ICA/Canada requirements.

Date: February 6, 2015
Prepared: SAC 1883 UTM Zone 18N
Source: Ontario Ministry of Natural Resources and Forestry, Queen's Printer for Ontario, 2015



Map 12-6288 - E1296 - 2