

June 13, 2005

To: Planning and Transportation Committee

From: Chief Planner and Executive Director, City Planning Division

Subject: Installation of Telecommunication Towers

Purpose:

To present a draft protocol that includes guidelines and criteria for the siting of telecommunication towers and telecommunication facilities within the City; to report on the study prepared for Industry Canada entitled “Report on: The National Antenna Tower Policy Review”; and to report on the location of existing telecommunication facilities within the City.

Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that:

- (1) a copy of this report and the attached draft protocol be circulated to Industry Canada and representatives of the telecommunication industry for review and comment.
- (2) staff be directed to report to the October 6, 2005 meeting of Planning and Transportation Committee evaluating the responses received from Industry Canada and representatives of the telecommunication industry on the draft protocol and with recommendations on a finalized protocol.

Background:

The increased use of wireless telecommunications has resulted in the proliferation of telecommunication facilities and telecommunication towers. Municipalities across Canada, especially in urban areas such as the City of Toronto, have experienced an increased demand to accommodate such structures.

Telecommunication towers and telecommunication facilities have location requirements based on network coverage. When siting telecommunication towers and telecommunication facilities, the aesthetic and visual impacts upon surrounding areas need to be mitigated.

At its Special Meeting on May 4, 2005, City Council approved actions that:

- (1) adopted the staff recommendations in the Recommendations Section of the report (February 21, 2005) from the Commissioner of Urban Development Services;
- (2) the installation of Telecommunication Towers be subject to Site Plan Control and that the City Solicitor bring forward a by-law respecting this matter;
- (3) the Commissioner of Urban Development Services be requested to report to the Planning and Transportation Committee on the location of existing telecommunication towers within the City of Toronto;
- (4) the proposed protocol strongly encourage new telecommunication towers to be located on top of existing buildings wherever possible so as to minimize their height, and express that the City of Toronto does not consider the placement of these towers in residential neighbourhoods acceptable at all;
- (5) referred the study between Industry Canada and the University of New Brunswick, entitled "Report on: The National Antenna Tower Policy Review" to the Commissioner of Urban Development Services for report to the Planning and Transportation Committee; and
- (6) the Commissioner of Urban Development Services be requested to submit a report to the May 25, 2005 meeting of the Planning and Transportation Committee, in view of the proliferation of stand alone towers from the industry;

Comments:

(1) Regulation of Telecommunication Facilities

Federal Jurisdiction

Industry Canada is the federal department responsible for approving and licensing telecommunication towers and telecommunication facilities in Canada. Under the *Radiocommunications Act*, Industry Canada has the final authority to approve the location of telecommunication towers and telecommunication facilities. Local by-laws, including zoning by-laws, cannot prohibit a telecommunication tower or telecommunication facility, licensed by the federal government.

Industry Canada's procedure circular "Environmental Process, Radio-frequency Fields and Land-Use Consultation" (CPC 2-0-03) details Industry Canada's areas of interest and the process to be followed by users of the radio frequency spectrum and telecommunication towers during the siting process. Local land-use consultation is one of the matters addressed in this procedure.

(i) Local Land Use Consultation

Applicants for telecommunication authorizations involving significant antenna structures are required by Industry Canada to disclose their plans to the municipality. If the applicant believes that the proposed installation is not a significant antenna structure, they are not required to consult with the municipality.

Industry Canada does not play a direct role in local land use consultation. The responsibility remains with the applicant and the municipality to work toward a mutually acceptable agreement. Industry Canada encourages all parties to consider each other's requirements and work toward solutions that minimize the impact on the surroundings, including considering existing sites, while not unduly prohibiting the development of significant antennas.

The applicant must submit to Industry Canada confirmation that they have consulted with the municipality for significant antenna structures. The application process does not require direct consultation with the public by the applicant.

If the municipality opposes an application, Industry Canada will ensure that both parties have had sufficient opportunity to negotiate before entertaining a petition to issue the authorization. If the municipality and the applicant are unable to come to an agreement, it is the responsibility of the applicant to provide Industry Canada with a written submission detailing all actions taken to address the concerns of the municipality.

Industry Canada is within its jurisdiction to process the application despite any municipal opposition and has the final authority to approve the location of telecommunication towers and telecommunication facilities.

(ii) Protocols

In response to public concern about the proliferation of telecommunications towers and telecommunication facilities and their potential impacts, several Canadian municipalities have developed protocols for siting structures. These protocols have been developed so that the guidelines for establishing telecommunication facilities and telecommunication towers in each municipality are known in advance by the telecommunication industry and Industry Canada.

It is expected that telecommunication applicants will work cooperatively with the municipality to complete the processing of proposals in accordance with its protocol. While a protocol can encourage consultation between telecommunications applicants and the municipality, it does not transfer any federal decision-making authority to the municipality, nor confer a right of veto in the location of the telecommunication tower or telecommunication facility.

(2) Site Plan Control

With the enactment of By-law 340-2005 at the City Council Meeting on May 4, 2005, site plan control applies to the installation of telecommunication towers throughout the City.

(3) Ontario Building Code

The Ontario Building Code (OBC) has limited application to telecommunication towers and facilities. OBC Clause 2.1.1.(1)(c) provides that a “communication tower exceeding 16.6 meters above ground level” is a designated structure and is required to be designed in accordance with Part 4 of the Code. The application of this Clause, however, is restricted. The current opinion from the Ministry of Municipal Affairs and Housing, Building and Development Branch states that the application of the clause “would not apply in respect of the design and construction of communication towers utilized for federally regulated broadcasting and telecommunication undertakings”.

Buildings that are associated with telecommunication towers (including buildings at the base of the tower) and the installation of towers on the roofs of buildings are still regulated by the Code and subject to municipal enforcement, including building permits.

Some antenna proponents regard the requirement to obtain a building permit as confirmation of what constitutes a “significant” installation, pursuant to Industry Canada’s procedure circular CPC 2-0-03. If an installation does not require a building permit, some antenna proponents deem it not to be a “significant” installation.

The draft protocol states that the requirement for a building permit under the *Ontario Building Code* does not define what constitutes a “significant” installation, pursuant to Industry Canada’s procedure circular CPC 2-0-03.

(4) Location of Existing Telecommunication Towers

City Council requested staff to report on the location of existing telecommunication towers within the City.

Industry Canada has confirmed that their database does not distinguish telecommunication facilities on free-standing towers from those on buildings. Industry Canada has provided City staff with a list and a map of all existing telecommunication facilities within the City, which includes both free-standing towers and antennas on existing buildings.

There is a total of approximately 5000 telecommunication facilities within the City. The map of existing telecommunication facilities is included as Attachment 1.

(5) National Antenna Tower Policy Review Report – The “Townsend Report”

In March 2003, the Federal Minister of Industry announced the establishment of a National Antenna Policy Review. Professor David A. Townsend of the Faculty of Law at the University of New Brunswick, was selected to head a policy review team and a national advisory panel of experts. The review team was mandated to consult with citizens, communities and relevant

companies regarding improvements to the Federal policy and siting procedures for antenna tower placement. The “Townsend Report” was submitted to Industry Canada in December 2004.

The report contains general policy recommendations for improvement to Canada’s antenna authorization processes including:

- ways to improve the local consultation process regarding the siting of specific towers, including specific recommendations as follows:
 - applicants proposing significant antenna structures should be required to consult directly with affected citizens;
 - Industry Canada should provide more policy guidance to land-use authorities and the public as to the policy criteria that will make a land-use consultation mandatory for applicants;
 - a protocol for concurrence / approval by land-use authorities should be developed, which provides more certainty for land-use authorities, applicants and Industry Canada;
 - land-use consultation polices should provide a framework for a dispute resolution;
 - Industry Canada should take a more active role in local consultations;
 - land-use authorities and the public should be fully informed about the site and tower sharing obligations set by Industry Canada establishing protocols between local land-use authorities and antenna proponents regarding the planning and siting of antenna structures, visual guidelines and dispute resolution mechanisms, including specific recommendations as follows:
 - the negotiation of siting protocols between carriers and land-use authorities should be endorsed by Industry Canada;
 - federal policies should be supplemented with an industry code of conduct;
 - most appropriate time frames for the processes of approving and resolving debates surrounding specific tower placements;
 - ways tower sharing can be utilized in order to reduce the total number of towers;
 - what information would most benefit concerned members of the public and how it should be provided; and
 - what evidence exists that property values are impacted by the placement of antenna towers.

Industry Canada is currently evaluating the “Townsend Report” and will be amending its existing procedure circular (CPC-2-0-03) to consider the policy recommendations contained within the report. Planning Staff will report back to Council on any amendments to Industry’s Canada procedure circular that would necessitate revisions to the City’s protocol. The executive summary of this report is included as Attachment 2.

The draft protocol, outlined below and included as Attachment 3, is generally consistent with the policy recommendations contained in the “Townsend Report”.

(6) Protocol

Staff have developed a draft protocol regarding the process of establishing telecommunication towers and telecommunication facilities in Toronto.

Telecommunication proposals, in accordance with the protocol can be evaluated as part of the site plan control application process or as part of a separate process, such as a telecommunication tower review application.

The protocol states that building permits are required in certain circumstances such as where telecommunication facilities or telecommunication towers will be located on existing buildings and for buildings associated with stand-alone telecommunication facilities or telecommunication towers.

It is proposed that this protocol will be applied to all new proposals for telecommunication towers established within the City. It is expected that telecommunication applicants will work cooperatively with the City to complete the processing of telecommunication tower review applications in accordance with this protocol.

(a) Purpose

The purpose of the draft protocol is to outline the local land-use consultation process and guidelines to be followed in evaluating telecommunication tower and telecommunication facility proposals within the City of Toronto, providing guidance to the telecommunication industry, Industry Canada, City Council, City staff and members of the public.

(b) Objectives

The objectives of the draft protocol are:

1. To establish a harmonized City-wide practice for reviewing telecommunication tower and telecommunication facility proposals;
2. To set out a straightforward, objective process and guidelines for the evaluation of telecommunication tower and telecommunication facility proposals;
3. To provide an expeditious review process for telecommunication tower proposals that are established in accordance with this protocol; and
4. To establish a local land-use consultation framework that allows the City to provide input on all telecommunication tower proposals to telecommunication applicants and Industry Canada in order that the provider can satisfy the requirements of Industry Canada regarding local land-use consultation.

(c) Highlights of the Draft Protocol

The draft protocol includes guidelines regarding preliminary consultation, site selection, co-location, siting, design & landscaping, exemptions to municipal review, public consultation, exemptions to public consultation, confirmation of land-use authority consultation and approval process timeframes.

The following is a summary of the key areas of the protocol:

Site Selection

- applicants encouraged to use existing telecommunication towers
- telecommunication towers encouraged within non-residential areas
- towers strongly discouraged within areas zoned to permit low-density residential uses and on listed and/or designated heritage buildings and sites

Co-Location

- applicants encouraged to share telecommunication towers in order to minimize impact on urban environment
- applicants for new towers required to submit Site Selection / Justification Report providing evidence why co-location of an existing tower is not a viable alternative to a new tower

Siting

- encourages telecommunication facilities mounted on roofs of high-rise buildings, existing telecommunication towers, hydro towers, utility poles or water towers
- design to minimize visual impact and avoid disturbance of natural features

Design and Landscaping

- where a tower must be located within or in close proximity to a residential area, encourage use of monopoles
- encourage tower designs to mimic other features such as flagpoles
- all efforts will be made to decrease the size and visibility of all telecommunication towers and telecommunication facilities and blend in with the surroundings utilizing mitigation measures such as consistent design features, structure type, design, colour, materials, landscaping, screening and decorative fencing

Exemptions to Telecommunication Tower Review Application

The following types of proposals are exempt from a Telecommunication Tower Review Application:

- existing telecommunication towers and telecommunication facilities, licensed by the federal government

- new telecommunication facilities, including proposals to co-locate telecommunication facilities on existing telecommunication towers and modifications to existing telecommunication facilities
- new telecommunication towers constructed on the roof of existing buildings, where the tower is less than 10% of the height of the building
- replacement of and/or modification to existing telecommunication towers, where the proposed height does not exceed the originally approved height by 10% and the facility replacement is within the originally-approved development envelope.

Exemptions to Public Consultation

The following types of proposals are exempt from the public consultation process outlined in the next section:

- all proposals exempt from municipal review outlined above in the “Exemptions to Telecommunication Tower Review Application” section
- telecommunication towers within non-residential areas and Zones that do not permit low-density residential uses, where the tower lease area boundaries are located a minimum of 120 metres from a Zone that permits low-density residential uses
- replacement of and/or modification to existing telecommunication towers, where the proposed height does not exceed the originally approved height by 25% and the tower replacement is within the originally-approved development envelope

Public Consultation

- applicant will be responsible for organizing and chairing an open house community meeting
- notice to be given by regular mail to all property owners and tenants within 120 metres of the lease area boundaries and the Local Ward Councillor, the Director of Community Planning and Industry Canada
- notice to be accompanied by information on the location, height, type, design and colour of the proposed structure, including a letter-sized site plan, the rationale for the selection of the designated site and an agenda
- applicant will be required to pay for all costs associated with public consultation, including notice mail-outs and the open house community meeting
- applicant will provide the City with a follow-up letter of response outlining how the concerns and issues raised at the meeting and in any letters will be addressed

Confirmation of Local Land-Use Authority Consultation

- City response to the applicant and Industry Canada will take into consideration all department and agency responses from the telecommunication tower review application process and comments raised during the public consultation process

- The City will inform the applicant and Industry Canada in a letter stating whether the local land-use consultation process has been completed in accordance with the City's protocol and will include recommendations regarding the proposal as follows:
 - concurrence, if the proposal conforms with the City requirements as set out within this protocol; or
 - non-concurrence, if the proposal does not conform with City requirements as set out within this protocol.
- the City will provide a copy of this letter to all interested parties and the Local Ward Councillor

Approval Process Timeframe

- the City will endeavour to expedite the local land-use authority consultation within 60 days
- for proposals that require public consultation, a time period of up to 120 days may be required.

A copy of the draft protocol is included as Attachment 3.

(7) Next Steps

It is recommended that a copy of this report be circulated to Industry Canada and representatives of the telecommunication industry for review and comment. It is proposed that a meeting be scheduled between these stakeholders to obtain their feedback on the draft protocol. It is also recommended that staff submit a report to the October 17, 2005 meeting of Planning and Transportation Committee evaluating the responses received from these stakeholders and with recommendations on a finalized protocol.

The Legal Services Division and Building Division were consulted in the preparation of this report.

Conclusions:

Under the *Radiocommunications Act*, Industry Canada has the final authority to approve the location of telecommunication towers and telecommunication facilities. While other Canadian municipalities have developed protocols for reviewing telecommunication proposals, no such policy has been developed in the City of Toronto. These protocols have been developed so that the guidelines for establishing telecommunication towers and telecommunication facilities in each municipality is known in advance by Industry Canada and the telecommunication industry.

The draft protocol outlines the local land-use consultation process and guidelines to be followed in evaluating telecommunication tower and telecommunication facility proposals within the City of Toronto, providing guidance to the telecommunication industry, Industry Canada, City Council, City staff and members of the public.

The draft protocol is consistent with the policy recommendations contained in the National Antenna Tower Policy Review Report recently submitted to Industry Canada for evaluation.

It is recommended that the draft protocol be circulated for review and comment to Industry Canada and representatives of the telecommunication industry and that staff submit a report to the October 17, 2005 meeting of Planning and Transportation Committee evaluating the responses received from these stakeholders and with recommendations on a finalized protocol.

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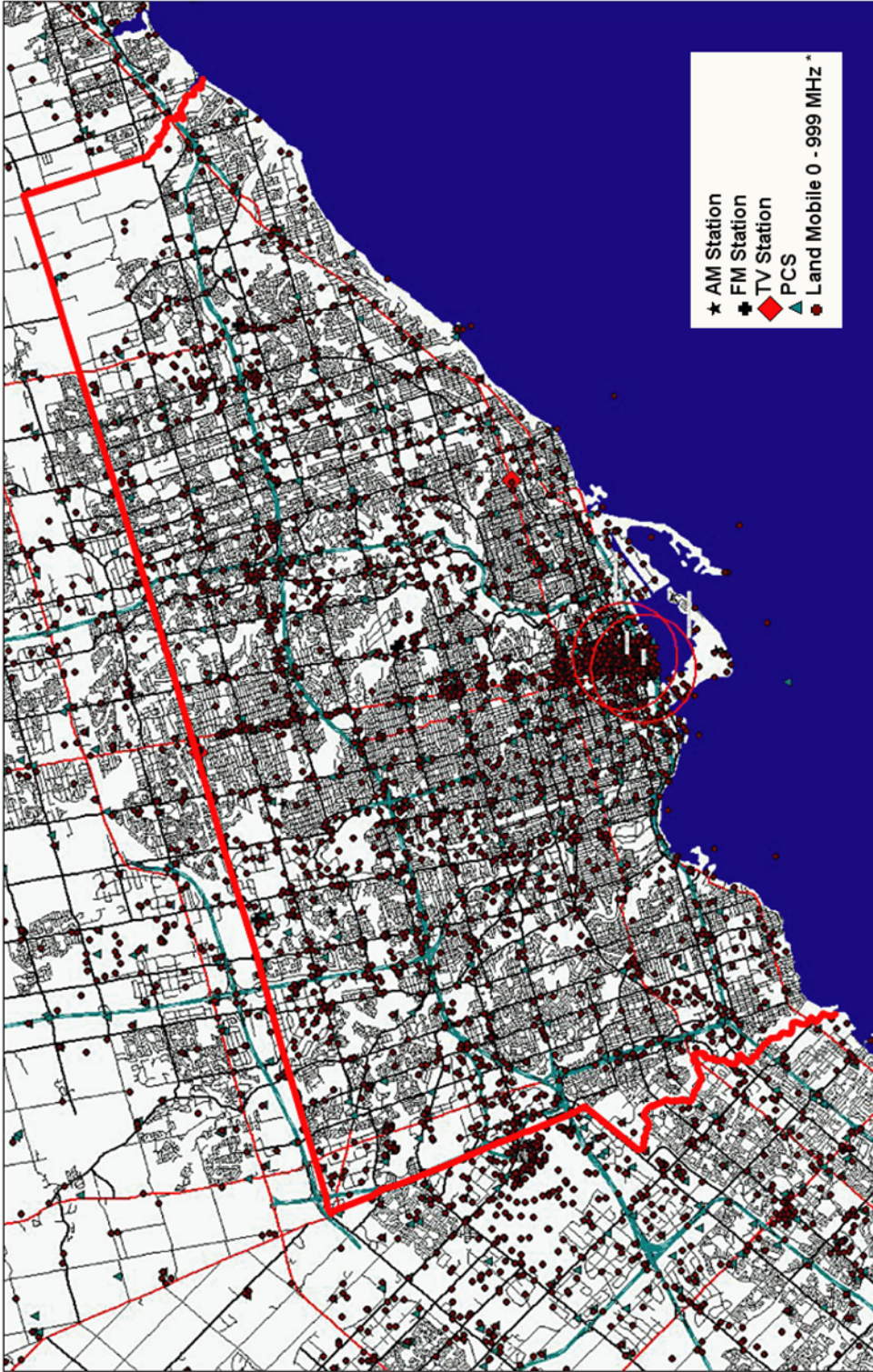
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List of Attachments:

Attachment 1: Map – Existing Telecommunication Facilities in the City
Attachment 2: National Antenna Tower Policy Review Report - Executive Summary
Attachment 3: Draft Telecommunication Facilities Protocol

Attachment 1



**CITY OF TORONTO
TELECOMMUNICATION TOWER AND TELECOMMUNICATION
FACILITIES PROTOCOL**

DRAFT

1. BACKGROUND

A. Purpose

The purpose of this protocol is to outline the local land-use consultation process and guidelines to be followed in evaluating telecommunication tower and telecommunication facility proposals within the City of Toronto, providing guidance to the telecommunication industry, Industry Canada, City Council, City staff and members of the public.

B. Objectives

The objectives of this protocol are:

1. To establish a harmonized City-wide practice for reviewing telecommunication tower and telecommunication facility proposals;
2. To set out a straightforward, objective process and guidelines for the evaluation of telecommunication tower and telecommunication facility proposals that:
 - (a) minimizes the number of new telecommunication towers within or adjacent to neighbourhoods containing low density residential uses and other sensitive land uses;
 - (b) provides an opportunity for meaningful local public consultation with affected property owners;
 - (c) allows Industry Canada and the telecommunications industry to identify and resolve any potential land use, siting or design conflicts with the City at an early stage in the process;
3. To provide an expeditious review process for telecommunication tower and telecommunication facility proposals that are established in accordance with this protocol; and
4. To establish a local land-use consultation framework that allows the City to provide input on all telecommunication tower and telecommunication facility proposals to telecommunication applicants and Industry Canada in order that the provider can satisfy the requirements of Industry Canada regarding local land-use consultation.

2. DEFINITIONS

- (a) **Carrier** – means a company, organization or person which offers, provides or operates wireless communication services to the general public and includes, but is not limited to companies which have a radio authorization from Industry Canada.
- (b) **Co-location** - means the placement of multiple antenna systems or other platforms on a building, structure or tower by two or more carriers.
- (c) **Low Density Residential Uses** – means single detached or semi-detached dwelling; a detached or semi-detached duplex dwelling; or a tri-plex or four-plex dwelling;
- (d) **Natural Heritage System** – means all lands shown on Map 5 - Metropolitan Green Space System of the Official Plan of the Municipality of Metropolitan Toronto.
- (e) **Telecommunication Facility** - means the components, either individually or in combination, needed to operate a wireless communication network for the purpose of radio telecommunications, including but not limited to: cell sites; transmitters; receivers (antennae); signaling and control equipment; and an equipment shelter containing electronic equipment and which is not staffed on a permanent basis and only requires periodic maintenance but does not include a telecommunication tower.
- (f) **Telecommunication Tower** - means all types of towers including but not limited to: a monopole; lattice tower; guyed tower; self-support tower; pole; mast; or other structure, which are used to support one or more antenna systems or other platforms for the purpose of radio telecommunications and which may be located at ground level or on the roof of a building.

3. PRELIMINARY CONSULTATION

- (a) A preliminary consultation meeting between the applicant and the District Planning Consultant and/or City Planning Staff and Building Division staff is required for all telecommunication tower and telecommunication facility proposals, before a Telecommunication Tower Review Application and/or Building Permit application is submitted. The purpose of this meeting is to determine if the proposal is exempt from a Telecommunication Tower Application Review in accordance with Section 9 of this protocol, determine if a Building Permit is required and if applicable, explore preferred site locations and siting, design & co-location considerations in accordance with this protocol.
- (b) This meeting may involve staff from other City departments and will identify issues of concern and concurrence and identify requirements for public consultation, will guide the content of the application submission and will identify the need for any other applications or approvals.
- (c) At the preliminary consultation meeting, City staff will provide the applicant with

an information package that includes:

- (i) This protocol, which outlines the approval process, requirements for public consultation and guidelines regarding siting, land use compatibility & design;
 - (ii) Site Plan Control Application, including submission requirements included in Section 6; and
 - (iii) List of City department and agencies to be consulted.
- (d) To expedite the review of the application, the applicant will review this information package before the submission is made so that the interests of the City and agencies are taken into account. The applicant is encouraged to consult with affected departments and agencies, as well as the Local Ward Councillor before submitting the application.

4. GUIDELINES

A. Site Selection

- (a) The applicant will select a site location to minimize the total number of telecommunication tower sites required, wherever possible.
- (b) The applicant will be encouraged to use existing telecommunication towers wherever possible.
- (c) Telecommunication towers are encouraged within non-residential areas, preferably areas zoned to permit industrial uses or utilities.
- (d) Telecommunication towers are strongly discouraged within areas zoned to permit low density residential uses and on listed and/or designated heritage buildings and sites.
- (e) When selecting a site for a new telecommunication tower, the following will be considered:
 - maximizing distance from low density residential uses;
 - maximizing distance from listed heritage buildings and sites;
 - avoiding sites containing sites located within the Natural Heritage System;
 - avoiding sites of topographical prominence, where possible;
 - compatibility with adjacent uses; and
 - access.

B. Co-Location

- (a) The City strongly encourages carriers to share telecommunication towers in order to minimize the impact on our urban environment.
- (b) Telecommunication providers will be encouraged to work co-operatively in reaching agreements which allow for sharing of telecommunication towers so

as to minimize the total number of these structures in the City. This practice is known as "co-location".

- (c) Applicants for new telecommunication towers will be required to submit a Site Selection / Justification Report, prepared by a certified engineer or planner. The report should identify all telecommunication towers within a radius of 500 metres of the proposed location. It should also include details with respect to the coverage and capacity of the existing telecommunication towers in the surrounding area and provide documentary evidence as to why co-location of an existing telecommunication tower is not a viable alternative to a new tower.

The report should also document the site selection process followed by the applicant for selecting this site in accordance with this protocol. City staff in recognition of the sensitive nature of such information will provide confidentiality assurances.

- (d) Any exclusivity agreement which limits access to other carriers is discouraged. A signed agreement is to be submitted to the City stating that the applicant will allow co-location with other carriers, provided all safety, structural and technological requirements are met.

C. Siting

- (a) Telecommunication facilities mounted on roofs of high-rise buildings or structures such as existing telecommunication towers, hydro transmission towers, utility poles and water towers, is preferred over the construction of new telecommunication towers.
- (b) The construction of new telecommunication towers to accommodate telecommunication facilities is discouraged and will be accepted when all other options to accommodate the telecommunication facilities are not viable. Such telecommunication towers will be designed with co-location capacity.
- (c) Where co-location is not possible, telecommunication towers will be designed to minimize visual impact and to avoid disturbance to natural features.

D. Design and Landscaping

- (a) Where co-location is not possible, telecommunication towers located in non-residential areas will be built to accommodate a minimum of two additional users.
- (b) The style of telecommunication tower will be chosen to be most compatible with the surrounding neighbourhood.
- (c) Where a telecommunication tower must be located within or in close proximity to low density residential uses, the use of monopoles is encouraged, where technically feasible. Where a telecommunication tower is being constructed to accommodate a single user, a monopole design or a tower design that mimics other features customarily found in an area context, such as flagpoles, is preferred to minimize the visual impact upon the City

- (d) Wherever feasible, the minimum setback of a telecommunication tower to a road right-of-way will be the height of the tower.
- (e) One parking space will be provided at each telecommunication tower site with access from a public right-of-way at a location acceptable to the City. Where parking is provided for another use on the site and this parking is within 20 metres of the telecommunication tower, the parking space for the tower is not required.
- (d) All efforts will be made to decrease the size and visibility of all telecommunication facilities and telecommunication towers, so that they will blend in with the surroundings. Mitigation measures include consistent design features, structure type, design, colour, materials, landscaping, screening and decorative fencing.
- (e) Lighting of telecommunication facilities and telecommunication towers is discouraged. Applicants are encouraged to propose tower locations and heights so that Transport Canada requirements will not necessitate the lighting of the structure. Where required, the lighting will be the lowest intensity possible and will be shielded from abutting properties.
- (f) Telecommunication towers will accommodate only telecommunication facilities and only signs or other material directly related to this equipment will be permitted on the tower. A small plaque will be placed at the base of the structure, identifying the owner/operator of the structure and a contact number.

5. APPLICATION SUBMISSION

- (a) Once a site has been selected for establishing a telecommunication tower, the applicant will complete a **Telecommunication Tower Application Review Form** for each proposal.
- (b) Upon receipt of a complete application, the City will begin its review of the proposal.
- (c) The application will be circulated to affected City departments and agencies, abutting municipalities and the Local Ward Councillor for review and comment.

6. APPLICATION SUBMISSION REQUIREMENTS

- (a) In addition to the City's Site Plan Control Approval Application Requirements, all proposals for telecommunication towers that are not exempt from this protocol will be supported by the following information:
 - (i) Site Selection / Justification Report, as outlined in Section 4B(c) of this protocol;
 - (ii) colour photograph(s) with proposed telecommunication tower superimposed;
 - (iii) Site Plan in accordance with Site Plan Control Application Submission Requirements, showing proposed leased area;

- (iv) map showing the horizontal distance between the proposed leased area boundary and the nearest property zoned for low density residential uses; and
- (v) for telecommunication towers requiring public consultation, a map showing all properties within a 120-metre radius of the leased area boundaries and a mailing list of all affected property owners and tenants.

7. APPLICATION FEES

- (a) The applicant will be subject to the City's Site Plan Control Application fee.
- (b) Other fees may apply if additional applications from other City departments and agencies are required.

8. AGREEMENT

- (a) The applicant may be required to enter into an agreement, registered on title, which may include the following requirements:
 - (i) The removal of the telecommunication tower upon expiration of the lease or if the telecommunication tower is deactivated and unused (abandoned) continuously for more than six months;
 - (ii) The posting of securities for the construction of the telecommunication tower and proposed landscaping and;
 - (iii) A commitment to accommodate other telecommunication providers on site or on their telecommunication tower, where feasible.

9. EXEMPTIONS TO TELECOMMUNICATION TOWER APPLICATION REVIEW

The following types of proposals are exempt from a Telecommunication Tower Review Application:

- (a) Existing telecommunication towers and telecommunication facilities, licensed by the federal government, which existed in the City prior to _____, 2005 except for specific policies related to existing telecommunication towers where noted in this policy.
- (b) New telecommunication facilities, including co-location of new telecommunication facilities on existing telecommunication towers and modifications to existing telecommunication facilities.
- (c) New telecommunication towers constructed on the roof of existing buildings, where the telecommunication tower is less than 10% of the height of the building.
- (e) Replacement of and/or modification to existing telecommunication towers, provided that the proposed height does not exceed the originally approved height by 10% and the telecommunication tower replacement is within the originally-approved development envelope.

10. BUILDING PERMITS

- a) Notwithstanding Section 9, all telecommunications facility and telecommunication tower proposals are subject to the provisions of the *Ontario Building Code*. For instance, a building permit is required:
- (i) When a telecommunications facility or telecommunication tower is to be located on the roof of an existing building;
 - (ii) For all buildings associated with either a telecommunication facility or telecommunication tower.
- b) The requirement for a building permit under the *Ontario Building Code* does not define what constitutes a “significant” installation, pursuant to Industry Canada’s procedure circular “Environmental Process, Radio-frequency Fields and Land-Use Consultation” (CPC 2-0-03).

11. PUBLIC CONSULTATION

A. Exemptions to Public Consultation

Public consultation under Section 11B is not required for the following:

- (a) Telecommunication towers within non-residential areas and Zones that do not permit low density residential uses, where the tower lease area boundaries are located a minimum of 120 metres from a Zone that permits low density residential uses;
- (b) Replacement of and/or modification to existing telecommunication towers, where the proposed height does not exceed the originally approved height by 25% and the telecommunication tower replacement is within the originally-approved development envelope;
- (c) All proposals exempt from Local Land-Use Review included in Section 9.

B. Procedure for Public Consultation

- (a) For proposals that do not meet the exemption criteria in Section 9A, the applicant will be responsible for organizing and chairing an open house community meeting.
- (b) The applicant, in consultation with City Planning and the Local Ward Councillor, will schedule an appropriate date, time and location for the meeting.
- (c) The applicant will give notice to all property owners and tenants within 120 metres of the lease area boundaries of the telecommunication tower.
- (d) The applicant will provide City Planning with a copy of this mailing list for their records.
- (e) The applicant will give notice to these property owners and tenants, the Local Ward Councillor, the Director of Community Planning and Industry Canada. This notice will be sent by regular mail, a minimum of 14 days before the meeting. The applicant will provide an affidavit to the City in this regard.
- (f) The notice will include:
 - (i) the date, time and location of the meeting;
 - (ii) information on the location, height, type, design and colour of the proposed structure, including a letter-sized site plan;
 - (iii) the rationale for the selection of the designated site;
 - (iv) an agenda; and
 - (v) the name and telephone number of a contact person for the applicant
- (g) The applicant will also make available at the open house community meeting a display-size (24" x 36") colour photograph of the subject property with a superimposed image of the proposed telecommunication tower.
- (h) To clarify the application process and jurisdictional matters, Industry Canada will be encouraged to attend community open community information meetings for complex or sensitive applications, as requested.
- (i) The applicant will provide the City with a record containing the following:
 - (i) List of attendees, including names, addresses and phone numbers;
 - (ii) Minutes indicating the topics discussed and concerns and issues raised, resolutions and any outstanding issues;
 - (iii) Letters received from the public; and
 - (iv) A follow-up letter of response outlining how the concerns and issues raised at the meeting and in any letters will be addressed.
- (j) The applicant will be required to pay for all costs associated with public consultation, including notice mail-outs and the open house community meeting.

12. RESOLVING CONCERNS

- (a) The City will provide the applicant with department and agency responses from the Telecommunication Tower Review Application process.
- (b) If any revisions are agreed to, the applicant will be encouraged to resubmit drawings and documents to address to concerns identified during the Telecommunication Tower Review Application and public consultation processes.
- (c) Any revised plans will be submitted to the City for review, circulation and comment.

13. CONFIRMATION OF LOCAL LAND-USE AUTHORITY CONSULTATION

- (a) The City response to the applicant and Industry Canada will take into consideration all department and agency responses from the Telecommunication Tower Review Application process and comments raised during the public consultation process.
- (b) The City will inform the applicant and Industry Canada in a letter stating whether the local land-use consultation process has been completed in accordance with the City's protocol and will include recommendations regarding the proposal as follows:
 - (i) Concurrence, if the proposal conforms with the City requirements as set out within this protocol; or
 - (ii) non-concurrence, if the proposal does not conform with City requirements as set out within this protocol.
- (c) The City will provide a copy of this letter to all interested parties and the Local Ward Councillor.

14. APPROVAL PROCESS TIMEFRAME

- (a) The City will endeavour to expedite the local land-use authority consultation within 60 days.
- (b) For proposals that require public consultation, a time period of up to 120 days may be required.