



STAFF REPORT ACTION REQUIRED

Supplementary Report – Proposed Protocol for the Installation of Telecommunication Towers

Date:	January 28, 2008
To:	Planning and Growth Management Committee
From:	Chief Planner and Executive Director, City Planning
Wards:	All
Reference Number:	pg08007

SUMMARY

At its meeting of January 10, 2008, the Planning and Growth Management Committee referred a report on Telecommunication Towers and motions by Councillor Filion and Councillor Ainslie to staff for consultation with representatives of the telecommunications industry. The Committee directed staff to report back to the February 13, 2008 meeting of the Committee.

Staff have met with the telecommunications industry and recommend that some modifications be made to the City's draft protocol for the review of telecommunication towers. The modifications address the majority of the telecommunications industry's concerns, but maintain appropriate controls and public consultation requirements.

RECOMMENDATION

The Chief Planner and Executive Director, City Planning Division recommends that Council:

1. approve the amended City of Toronto Tower and Antenna Protocol attached to this report as Attachment 1.

Financial Impact

The financial impact of the telecommunication review protocol was discussed in the Staff Report dated, December 12, 2007.

DECISION HISTORY

On January 10, 2008, a staff report on Telecommunications Towers was before the Planning and Growth Management Committee.

<http://www.toronto.ca/legdocs/mmis/2008/pg/bgrd/backgroundfile-9431.pdf>

In addition, a letter from the Board of Health and a staff report from Toronto Public Health to the Board of Health, were also before the Committee.

<http://www.toronto.ca/legdocs/mmis/2008/pg/bgrd/backgroundfile-9406.pdf>

<http://www.toronto.ca/legdocs/mmis/2008/pg/bgrd/backgroundfile-9407.pdf>

The Committee received a letter and deputation from telecom industry representatives and referred the letter, the staff report and motions by Councillor Filion and Councillor Ainslie to staff for consultation with representatives of the telecommunications industry. The Committee directed staff to report back to the February 13, 2008 meeting of the Committee.

On April 23 and 24, 2007, Council directed that the Chief Planner and Executive Director, City Planning, be requested to develop a protocol or guidelines with respect to municipal and community consultation for the installation of telecommunication towers that adheres to Industry Canada's policy at the earliest possible time.

COMMENTS

Consultation with Industry Representatives

Staff met with industry representatives to discuss their concerns which they outlined in a letter dated January 9, 2008 addressed to the Chair and Members of the Planning and Growth Management Committee. The following is staff's response to the matters raised by the industry representatives in the order in which they were listed in the January 9, 2008 letter.

1. The City's Protocol requires preliminary consultation for installations that are exempted by Industry Canada.

Staff Response: Staff and the industry representatives have agreed that a preliminary consultation is not required for installations that are exempt from municipal involvement by Industry Canada. However, the industry representatives have agreed that they will inform the City of the location of new exempt installations and will provide the City with their estimated radio frequency emission levels. This will achieve the Board of Health's recommendations to Council about the collection of emission information through the City's new protocol. The draft protocol has been revised to reflect this.

2. The protocol is unclear as to when co-location is required versus “stealth” (disguised) designs.

Staff Response: Staff have agreed to amend the draft protocol to make the City’s Preferences clearer. The protocol has been amended to make it clearer that the following options be considered (in order) when a new telecommunications tower is proposed:

- A. Co-location on an existing facility (tower, building or structure)
- B. A new Location on an existing facility
- C. Siting a new tower in an industrial area (Employment Area) 120 m. away from Neighbourhoods, Apartment Neighbourhoods or Centres
- D. Monopoles with Co-location capability
- E. Disguised Installations

3. The protocol contemplates an agreement that fetters the jurisdiction of Industry Canada.

Staff Response: Staff and the industry representatives have agreed that the protocol should be amended so that the agreement requires the removal of abandoned towers within a two year period, rather than a 6 month period. This will allow the tower owner to approach other telecommunications companies about purchasing the tower or alternately, to provide time for the tower owner to obtain permission from Industry Canada for its removal. Staff have also agreed that any requirement for future co-location in an agreement should be subject to standard industry remuneration by the new antenna proponent to the tower owner. Staff have agreed to work with the industry on the wording and form of a standard agreement after the protocol is approved by Council.

4. Consultation should be based on the Industry Canada standard of 3 times the tower height and not 120 m. The City should provide a mailing list for the notice to proponents.

Staff Response: Staff do not agree with this proposal. The 120 m. distance is a standard that is well known in the City as the standard notification area for Planning type applications. Industry Canada has indicated to staff that the City’s proposed requirement for a 120 m. notification area is acceptable. Due to the Municipal Freedom of Information and Protection of Privacy Act, the City is unable to provide mailing lists to third parties. The Planning Division also does not have the resource capacity to undertake the mailing on a charge-back basis.

5. Building Permits are not required for Telecommunication Installations.

Staff Response: The draft protocol has been amended to clarify that the application of the Ontario Building Code is not aimed at regulating broadcasting or

telecommunications or an integral part thereto. Building Permits are not required for the design and construction of the telecommunication antennae or telecommunication towers.

Building permits, however, are required for the material alteration to a building that occurs when a telecommunication antenna or telecommunication tower is located on the roof of an existing building. The building permit plan review and inspection are the mechanisms to verify that the structural integrity of ordinary buildings or property account for the impact of the antenna and/or tower on the building. Permits are also required for the construction of, or material alteration to buildings associated with either a telecommunication antenna or telecommunication tower.

6. Exemptions to public consultation should be measured from the outermost point of development of the tower rather than from the edge of the leased area.

Staff Response: Staff and the Industry Representatives have agreed that the exemptions to public consultation should continue to be measured from the edge of the leased area, but that any access aisle way to the leased area be exempted from the measurement. Staff agree that access aisle ways do not have the same impact on residents as the actual tower sites. The draft protocol has been amended to exempt access aisle ways.

7. The City's proposed requirement of a public meeting/open house is onerous. There should be an opportunity to use the option of a mailed noticed and mailed comment sheet back to the proponent instead.

Staff Response: Staff do not agree with this proposal. The opportunity for the public to see what is being proposed and to speak to the proponent and ask questions is required in order for good public involvement. This is consistent with the City's approach for public input on Planning applications. Industry Canada has confirmed that the City can include the requirement for a public meeting/open house in the protocol.

Councillor Fillion's Motion

At the Planning and Growth Management Committee meeting of January 10, 2008, Councillor Fillion tabled a motion, which was forwarded to staff for comment in this report.

1. Planning and Growth Management Committee recommend that the City of Toronto adopt the recommendation of the Medical Officer of Health and Board of Health to Health Canada that public exposure limits for radiofrequency fields under Safety Code be made 100 times more stringent.

Staff Comment: Toronto Public Health Staff concur with this recommendation. If Health Canada amends Safety Code 6, staff will report back to Committee on a revised telecommunications protocol.

2. Section 4d be amended to read: 4d The City will oppose Telecommunications Towers within 120 metres.....

Staff Comment: According to Industry Canada, as cellular communications grow, there is a need for the installation of additional facilities. In order to provide adequate coverage for users within Neighbourhoods and to a lesser extent Apartment Neighbourhoods and Centres, there will be a need to install towers to service users. (Apartment Neighbourhoods and Centres often contain high buildings which can be used instead of towers to provide cellular coverage.) Some Neighbourhoods in the City are largely composed of low buildings which make it difficult to service without the installation of towers because there are fewer taller buildings to place antenna on.

A 1999 Toronto Public Health report on the “Health Effects of Wireless Telephone Transmission Towers”, addressed the issue of different policy approaches to minimizing exposure to radiofrequency (RF) emissions from cell phone towers. Some jurisdictions have limited cell phone transmission towers according to land use (e.g., prohibiting them near schools). Others have based restrictions on distance (e.g., 100 metres from residential properties). This 1999 report noted that, because of the many factors influencing emissions to the public, “it would be difficult to establish distance- or facility-based policies that would be protective in all situations, without unnecessarily limiting (cell phone) service in many areas of the City”.

A subsequent Toronto Public Health staff report from 2007 also notes that distance can be an inaccurate way to assess exposure to RFs. As a result, Toronto Public Health continues to recommend an exposure-based policy, where public exposures would be kept 100 times below those outlined in Safety Code 6 as the best option for providing “a greater level of protection in a consistent way to all residents in Toronto”.

3. Section 4e be amended to add a subsection (ix): 4e close proximity to existing towers

Staff Comment: According to Industry Canada, there is a finite number of calls that can be handled by a single telecommunication installation. If the existing telecommunication facilities are at capacity, the network will not be able to “hand off” calls to the next cell, resulting in “dropped calls”.

The City’s draft protocol requires co-location between carriers to ensure that the number of new towers is minimized. However, in areas where a high volume of calls is experienced, additional facilities may still be required to ensure adequate service.

Staff from Toronto Public Health feel that as long as the installations meet the Prudent Avoidance Policy that co-location should not be a concern. If TPH can assess

the Safety Code 6 verification numbers, it will be possible to determine whether exposure from co-located installations is likely to be a concern. We are asking proponents to provide RF emission information as a percentage of Safety Code 6. The Safety Code 6 verification process requires proponents to estimate cumulative emissions at a given site, not just emissions from their own proposed installation. This will account for emissions from existing towers.

4. Fees for the processing of applications for Telecommunications Towers be based on a full cost recovery.

Staff Comment: Staff estimate that the City's costs to process applications for Telecommunication Tower review will be similar to other Planning Act applications. Accordingly, the proposed fee for Telecommunications Tower review is similar to a base site plan application fee. Initial estimates suggest that the fee will cover the City's costs. Once the City has undertaken a number of telecommunication reviews, the cost of the service will be better known and the fee can be adjusted to ensure cost recovery.

Councillor Ainslie's Motion

At the Planning and Growth Management Committee meeting of January 10, 2008, Councillor Ainslie tabled a motion, which was forwarded to staff for comment in this report.

1. That the Toronto Environmental Office, together with the Director of Planning and Policy, Toronto Public Health, write Health Canada requesting that they report back to the City of Toronto regarding the City's concerns highlighted in the 1999 staff report on Radiofrequencies which states that the accepted level be 100 times lower than now accepted by Health Canada.

That Safety Code 6 not be recognized by the City of Toronto until the concerns in the Toronto Board of Health's 1999 report are addressed.

Staff Comment: On December 4th, 2007 the Board of Health recommended to Health Canada that public exposure limits for radiofrequency (RF) fields under Safety Code 6 be made 100 times stricter. The report of the Medical Officer of Health that prompted this motion has since been sent to the federal Minister of Health on behalf of the Board of Health with a letter drawing his attention to this recommendation. Toronto Public Health staff have not yet received a response from the Minister but can follow up if no response has been received in three months time.

These concerns about the adequacy of Safety Code 6 were previously raised with Health Canada when the Prudent Avoidance Policy was first considered by the Board of Health in November 1999. Health Canada did make some subsequent changes to

Safety Code 6 such that handsets are no longer exempted, but the RF exposure limits for the general public from cellular transmission towers were left unchanged.

Staff note that Industry Canada has stated in its Client Procedure Circular that, “Concerns that are not relevant include: ...questions about whether ...Safety Code 6..(is) valid or should be reformed in some manner.”

The final authority for cell phone tower siting decisions rests with Industry Canada. Therefore, staff recommend that the City should engage the cell phone providers and request that they meet the Prudent Avoidance Policy. To that end, the Board of Health has recently encouraged cell phone carrier proponents to voluntarily consider meeting the Prudent Avoidance Policy when proposing sites for new telecommunication towers and antennas, including considering proposed alternative sites when the City’s review identifies potential concerns. A letter to the cell phone carriers has been sent drawing their attention to this recommendation coming out of the December 4th 2007 meeting of the Board of Health.

2. That the Chief Planner and Executive Director of the City of Toronto’s Planning Division, together with the Medical Officer of Health, consult with Health Canada and Industry Canada to discuss and report back to Council within a 2 month period if a policy could be adopted prohibiting Cellular/telecommunication towers from being placed within densely populated areas of a community at a minimum distance of 500 meters.

Staff Comment: Industry Canada has set out the City’s role in the telecommunications tower process to be advisory only. The City does not have the power to prohibit telecommunications towers in particular locations as this falls under the authority of the Federal Government.

As noted previously, Toronto Public Health Staff recommend an exposure based policy, where public exposures would be kept 100 times below those outlined in Safety Code 6 rather than using distance criteria, which is not an accurate way of assessing RF exposure.

3. That all current proposals to install a cellular/telecommunication tower be blanketed under the City’s new protocol immediately after Council approval.

Staff Comment: Staff recommends that the protocol come into force 30 days after Council Approval. That time period is required to train staff in district offices, and to set up the appropriate supporting documentation and procedures (eg. accounts for application fees, application forms, training manual, tracking system).

The City’s ability to apply the proposed protocol arises by virtue of Industry Canada’s new consultation policy outlined in its CPC. The retroactive application of the protocol does not appear consistent with the Industry Canada policy. It provides a “default” process where a municipal protocol is not in place to prevent undue delays

to companies seeking to have locations approved. The application of the protocol on applications that have already been made would need to be reviewed with Industry Canada on a case-by-case basis to determine if they can be brought into the protocol process.

4. That the Toronto Board of Health report back to the Planning and Growth Management Committee in consultation with Health Canada within a two month period on the effects of radiofrequency exposure in circumstances where a number of cellular telecommunication towers are present in a community within a diameter of 5 square kilometres; and if the principles of Safety Code 6 are still being met.

Staff Comment: This work has in large part been addressed already with information presented in the 2007 report by the Medical Officer of Health. That report summarized what is known about RF exposure to Toronto residents based on work done by Industry Canada at the request of Toronto Public Health. Industry Canada monitored data gathered in 2000-2001 at 61 locations across Toronto. They found that overall, RF levels in residential areas, schools and parks were more than 5,000 thousand times below the Safety Code 6 guidelines. This monitoring study also indicated that the contribution from cell phone towers is typically from 9 to 24% of the total RF levels measured. The major contributors to RF emissions are from radio and television broadcast services (from 44 to 71% contribution to the total). Industry Canada data also indicated that at all but one site, the total exposure to RFs met the Prudent Avoidance Policy. [The one site with levels above the Prudent Avoidance benchmark (but below SC6) was in the area between Metro Hall and Roy Thompson Hall which is close to a cluster of television and radio transmitters in the city's core.]

These data provide some basis for concluding that RF levels in Toronto appear to generally meet the Prudent Avoidance Policy and that exposure in places where the public has access is most likely well below what the Board of Health has recommended. However, in order to continue to assess RF exposure in light of ongoing new sources of RFs in Toronto, at its December 4th, 2007 meeting, the Board of Health also encouraged Industry Canada to conduct regular monitoring for RFs in Toronto, and to make that information publicly available.

In addition, Industry Canada recently assessed and modeled the cumulative levels and distribution of RF waves outdoors from multiple sources in Toronto. This modeling work indicates that RFs generally decrease quickly with increasing distance away from a cell phone tower or antenna. Levels of RFs in areas accessible to people, that is in a building, on the rooftop, on the street, or in neighbouring high-rise buildings, are typically well below the benchmark of the Prudent Avoidance Policy.

Finally, the 2007 technical report includes summary information on exposure measures around base stations in other countries and in other circumstances. RF power densities inside buildings are typically much lower (about tenfold lower) than outside since the walls and ceilings absorb some of the energy. Even in buildings where there is a rooftop or side-mounted antenna, the RF values tend to be lower

indoors although they can vary according to the floors within a building, being higher in upper versus lower floors.

(http://www.toronto.ca/health/hphe/pdf/technical_report.pdf)

Conclusion

The revised draft Telecommunications Protocol, attached as Attachment 1 to this report, addresses the majority of the Telecommunications Industry's concerns, but maintains appropriate controls and public consultation requirements.

Toronto Building, Toronto Public Health and Legal Services were consulted in the preparation of this report.

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SIGNATURE

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ATTACHMENTS

Attachment 1: Revised Draft Telecommunication Tower and Antenna Protocol

Attachment 1: Revised Draft Telecommunications Protocol

CITY OF TORONTO TELECOMMUNICATION TOWER AND ANTENNA PROTOCOL (Industry Canada Local Land-use Authority Consultation)

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 antenna 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 process and criteria for reviewing telecommunication tower and telecommunication antenna proposals;
2. To set out a straightforward, objective process, criteria and guidelines for the evaluation of telecommunication tower and telecommunication antenna proposals that:
 - (a) minimizes the number of new telecommunication towers;
 - (b) discourages new towers within or adjacent to *Neighbourhoods, Apartment Neighbourhoods, Centres* and other sensitive land uses;
 - (c) provides an opportunity for meaningful local public consultation with affected property owners; and
 - (d) allows Industry Canada and the telecommunications industry to identify and resolve any potential land use, siting or design concerns with the City at an early stage in the process.
3. To provide an expeditious review process for telecommunication tower and telecommunication antenna 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 antenna proposals to proponents and Industry Canada in order that the proponent can satisfy the requirements of Industry Canada regarding local land-use consultation.

2. DEFINITIONS

- (a) **Apartment Neighbourhoods** – means all lands designated as Apartment Neighbourhoods in the Official Plan for the City of Toronto.
- (b) **Centres** – means all lands shown as *Centres* on Map 2 (Urban Structure) in the Official Plan for the City of Toronto.
- (c) **Co-location** - means the sharing of a telecommunication tower or placement of a telecommunication antenna on a building, structure or tower by more than one proponent.
- (d) **Neighbourhoods** – means all lands designated as *Neighbourhoods* in the Official Plan for the City of Toronto.
- (e) **Parks and Open Space Areas** – means all lands designated as *Parks and Open Space Areas* in the Official Plan for the City of Toronto.
- (f) **Proponent** – means a company, organization or person which offers, provides or operates wireless broadcasting or communication services to the general public and includes, but is not limited to companies which have a radio authorization from Industry Canada.
- (g) **Telecommunication Antenna** - 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; 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.**
- (h) **Telecommunication Tower** - means all types of towers including but not limited to: a monopole; tripole; lattice tower; guyed tower; self-support tower; pole; mast; or other structure, which are used to support one or more telecommunication antennae for the purpose of radio telecommunications and which may be located at ground level or on the roof of a building and may include an equipment shelter containing electronic equipment and which is not staffed on a permanent basis and only requires periodic maintenance.
- (i) **Tower Lease Area Boundary** – means the extent of the land leased by the proponent for a proposed Telecommunications Tower, but does not include and land required solely to access the site, such as an access aisle way or right-of-way.

3. PRELIMINARY CONSULTATION

- (a) A preliminary consultation meeting between the proponent and the District Planning Consultant and/or City Planning Staff and Toronto Building Division staff is required for all telecommunication tower and telecommunication antenna proposals not exempted from consultation by Industry Canada, 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; determine emission levels in compliance with Safety Code Six and if applicable, explore preferred site locations and siting, design & co-location considerations in accordance with this protocol.

For telecommunication tower and telecommunication antenna proposals exempted from consultation by Industry Canada, the proponents are requested to provide information to the City on: the nature of the proposal; the location of the proposal; and the emission levels of the proposal in compliance with Safety Code Six.

- (b) This meeting may involve staff from other City Divisions. It 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 proponent with an information package that includes:
- (i) This protocol, which outlines the approval process, requirements for public consultation and guidelines regarding site selection, co-location, siting, design and landscaping;
 - (ii) Telecommunication Tower Review Application, including submission requirements included in Section 6; and
 - (iii) List of City divisions and agencies to be consulted.
- (d) To expedite the review of the application, the proponent will review this information package before the submission is made so that the interests of the City and agencies are taken into account. The proponent is encouraged to consult with affected divisions and agencies, as well as the Local Ward Councillor before submitting the application.

4. GUIDELINES

In general the City prefers that the following options be considered (in order) when a new telecommunications tower is proposed:

- I. Co-location on an existing facility (tower, building or structure)
- II. New Locations on an existing facility
- III. Siting a new tower in an industrial area (Employment Area) 120 m. away from Neighbourhoods, Apartment Neighbourhoods or Centres
- IV. Monopoles with Co-location capability

V. Disguised Installations

Further details on the above are provided in the sections below.

A. Site Selection

- (a) The proponent will select a site location to minimize the total number of telecommunication tower sites required.
- (b) The proponent will be encouraged to use existing telecommunication towers.
- (c) It is preferred that Telecommunication towers be located outside of *Neighbourhoods*, *Apartment Neighbourhoods* or *Centres*, preferably in areas zoned to permit industrial uses or utilities.
- (d) Telecommunication towers will be strongly discouraged within or within 120 m. of *Neighbourhoods*, *Apartment Neighbourhoods*, *Centres* 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:
 - (i) maximizing distance from *Neighbourhoods* and *Apartment Neighbourhoods*;
 - (ii) maximizing distance from *Centres*;
 - (iii) maximizing distance from listed heritage buildings and sites;
 - (iv) avoiding sites containing sites located within *Parks and Open Space Areas* (with the exception of sites zoned to permit utilities);
 - (v) avoiding sites of topographical prominence, where possible;
 - (vi) avoiding sites that would obscure public views and vistas of important natural or human-made features;
 - (vii) ensuring compatibility with adjacent uses; and
 - (viii) access.

B. Co-Location

- (a) The City expects proponents to share telecommunication towers (co-locate) in order to minimize the impact on the City's urban environment.
- (b) Proponents will work co-operatively in reaching agreements which allow for co-location so as to minimize the total number of telecommunication towers in the City.
- (c) Proponents for new telecommunication towers will be required to submit a Site Selection / Justification Report, prepared by a certified engineer or land use 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 detailed documentary evidence as to why co-

location of an existing telecommunication tower is not a viable alternative to a new telecommunication tower.

The report should also document the site selection process followed by the applicant for selecting this site in accordance with this protocol. In recognition of the sensitive nature of such information, City staff will, subject to the requirements of this protocol in respect of public notice and public consultation and the Municipal Freedom of Information and Protection of Privacy Act, maintain confidentiality of information where requested by the proponent.

- (d) Any exclusivity agreement which limits access to a telecommunication tower by other proponents is unacceptable. A signed agreement is to be submitted to the City stating that the proponents will allow co-location with other proponents, provided all safety, structural and technological requirements are met, subject to standard industry financial compensation arrangements to the tower owner.

C. Siting

- (a) A telecommunication antenna mounted on a high-rise building or structure such as an existing telecommunication tower, hydro transmission tower, utility pole or water tower, is to be explored by the proponent before any proposal is made for the construction of a new telecommunication tower.
- (b) The construction of a new telecommunication tower to accommodate a telecommunication antenna is discouraged and will be accepted only when all other options to accommodate the telecommunication antenna are not viable. A new telecommunication tower shall be designed with co-location capacity.
- (c) Where co-location is not possible, a new telecommunication tower 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, a telecommunication tower located outside of *Neighbourhoods*, *Apartment Neighbourhoods* and *Centres* will be built to accommodate the proponent and a minimum of two additional users whenever possible.
- (b) The architectural style of telecommunication tower will be chosen which is most compatible with the surrounding neighbourhood.
- (c) Where a telecommunication tower must be located within or in close proximity (within 120 m.) to *Neighbourhoods*, *Apartment Neighbourhoods* and *Centres*, monopoles will be used.
- (d) Proponents will be encouraged to locate telecommunications towers with a minimum setback to all property lines of a distance equivalent to the height of the telecommunication tower (measured from grade) whenever possible.

- (e) One parking space will be provided at each new 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 (parking spaces need not be exclusively devoted to telecommunications tower usage.)
- (f) All efforts will be made to decrease the size and visibility of all telecommunication antennas and telecommunication towers, so that they will blend in with the surroundings. To ameliorate the scale and visual impact of telecommunication towers and telecommunication antennas, mitigation measures should include consideration of: design features, structure type, design, colour, materials, landscaping, screening and decorative fencing. In general, Towers and telecommunications equipment shall have a non-reflective surface and be of a neutral colour (e.g. light grey) which is compatible with the sky and the surroundings. Where appropriate, a telecommunication tower will be designed as a landmark feature to punctuate the urban landscape to resemble features found in the area, such as a flagpole or clock tower.
- (g) Lighting of telecommunication antennas and telecommunication towers is prohibited unless required by Navigation Canada. Proof of this requirement should be provided by the applicant.
- (h) Telecommunication towers will accommodate only telecommunication antennas. Only identification or information signs or other material directly related to the identification or safe operation of this equipment will be permitted on the tower. A small plaque must be placed at the base of the structure, (or at the main entrance to the site where the site is not accessible under normal circumstances), identifying the owner/operator of the structure and a contact telephone number. No third party advertising, or advertising or promotion of the proponent or the proponent's services shall be permitted.
- (i) Where equipment shelters are on roofs of buildings, they shall be encouraged to maintain a setback of a minimum of 3.0 metres to the roof edge and to a maximum height of 4.0 metres.
- (j) Where telecommunications towers are proposed to be located on roofs of buildings they will be encouraged to be a maximum of 5 m in height from roof-level and set-back a minimum of 5 m. from the roof edge.

5. APPLICATION SUBMISSION

- (a) Once a site has been selected for establishing a telecommunication tower, the proponent will complete a **Telecommunication Tower Application Review Form** and submit a fee 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 Divisions and agencies, abutting municipalities within 120 metres of the site and the Local Ward Councillor for review and comment.

6. APPLICATION SUBMISSION REQUIREMENTS

- (a) 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 showing the 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 proponent must pay an application fee to the City.
- (b) Other fees may apply if applications for other matters (curb cuts, tree removal etc.) from other City divisions and agencies are required.

8. AGREEMENT

- (a) The proponent may be required, if requested by the City, to enter into an agreement, which may include the following requirements:
 - (i) The removal of the telecommunication tower if the telecommunication tower is deactivated and left unused (abandoned) for a continuous period of more than 2 years;
 - (ii) The posting of a security for the construction of any proposed fencing, screening and landscaping;
 - (iii) A commitment to accommodate other telecommunication providers on site or on their telecommunication tower, where feasible, subject to standard industry financial compensation arrangements to the tower owner; and
 - (iv) Other conditions of concurrence.

9. EXEMPTIONS TO TELECOMMUNICATION TOWER APPLICATION REVIEW

Telecommunications antennas and towers, which are exempted from the requirement to consult with the City under the provision of Industry Canada's CPC-2-0-03 ("Radiocommunication and Broadcasting Antenna Systems", June 2007 (Effective January 1, 2008)) will be exempt from a Telecommunications Review Application.

10. BUILDING PERMITS

The application of the Ontario Building Code is not aimed at regulating broadcasting or telecommunications or an integral part thereof. The objective is to ensure the structural integrity of ordinary buildings or property and account for the impact of the antenna and/or tower on the building.

- (a) A building permit is required:
 - (i) For the material alteration to a building that occurs when a telecommunication antenna or telecommunication tower is to be located on the roof of an existing building; and/or
 - (ii) For the construction of or material alteration to buildings associated with either a telecommunication antenna or telecommunication tower structure.

- (b) A building permit is not required:
 - (i) For the design and construction of the telecommunication antennae or telecommunication tower structures.

11. PUBLIC CONSULTATION

A. Exemptions to Public Consultation

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

- (a) New Telecommunication towers located outside of *Neighbourhoods, Apartment Neighbourhoods* or *Centres*, where the *tower lease area boundaries* are located a minimum of 120 metres from *Neighbourhoods, Apartment Neighbourhoods* and *Centres*;

- (b) Replacement of and/or modification to existing telecommunication towers located outside of *Neighbourhoods, Apartment Neighbourhoods* and *Centres*, where the *tower lease area boundaries* are located a minimum of 120 metres from *Neighbourhoods, Apartment Neighbourhoods* and *Centres*, provided that any increase in height does not exceed 25% of the originally approved height and

any telecommunication tower replacement is located 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 11A, the proponent will be responsible for organizing and chairing an open house/community meeting.
- (b) The proponent, in consultation with the City Planning Division and the Local Ward Councillor, will schedule an appropriate date, time and location for the meeting.
- (c) The proponent will give notice to all property owners and tenants within 120 metres of the *tower lease area boundary*.
- (d) The proponent will provide City Planning with a copy of this mailing list for our records.
- (e) The proponent 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 30 days before the meeting. The proponent will provide an affidavit to the City in this regard.
- (f) The notice will be sent by regular mail, a minimum of 30 days before the meeting. The proponent will provide an affidavit to the City confirming that notice has been given as required under this section 11.

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 8½" x 11" size site plan;
 - (iv) the rationale for the selection of the designated site;
 - (v) an agenda; and
 - (vi) the name and telephone number of a contact person for the applicant.
- (g) The proponent will also make available at the open house/community meeting an appropriate visual display, including at a minimum, a display-size (24"x36") 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 requested to attend open community information meetings for complex or sensitive applications.
 - (i) The proponent 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) Copies of letters or other communications 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 within 20 days of the meeting, or alternatively, clearly setting out the reasons why such concerns cannot be addressed.

12. RESOLVING CONCERNS

- (a) The City will provide the proponent with division and agency comments from the Telecommunication Tower Review Application process.
- (b) If any revisions are agreed to, the proponent 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's response to the proponent and Industry Canada will take into consideration all division and agency responses from the Telecommunication Tower Review Application process and will forward the comments raised during the public consultation process.
- (b) The City will inform the proponent 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 and including recommendations regarding the proposal as follows:
 - (i) Concurrence, if the proposal conforms with: the City requirements as set out within this protocol; the City's technical requirements and will include conditions of concurrence if required. The City will also forward comments raised during the public consultation process for Industry Canada to resolve; or
 - (ii) non-concurrence, if the proposal does not conform with City requirements as set out within this protocol. The City will also forward comments raised during the public consultation process for Industry Canada to resolve.
- (c) The City will provide a copy of this letter to all interested parties and the Local Ward Councillor.

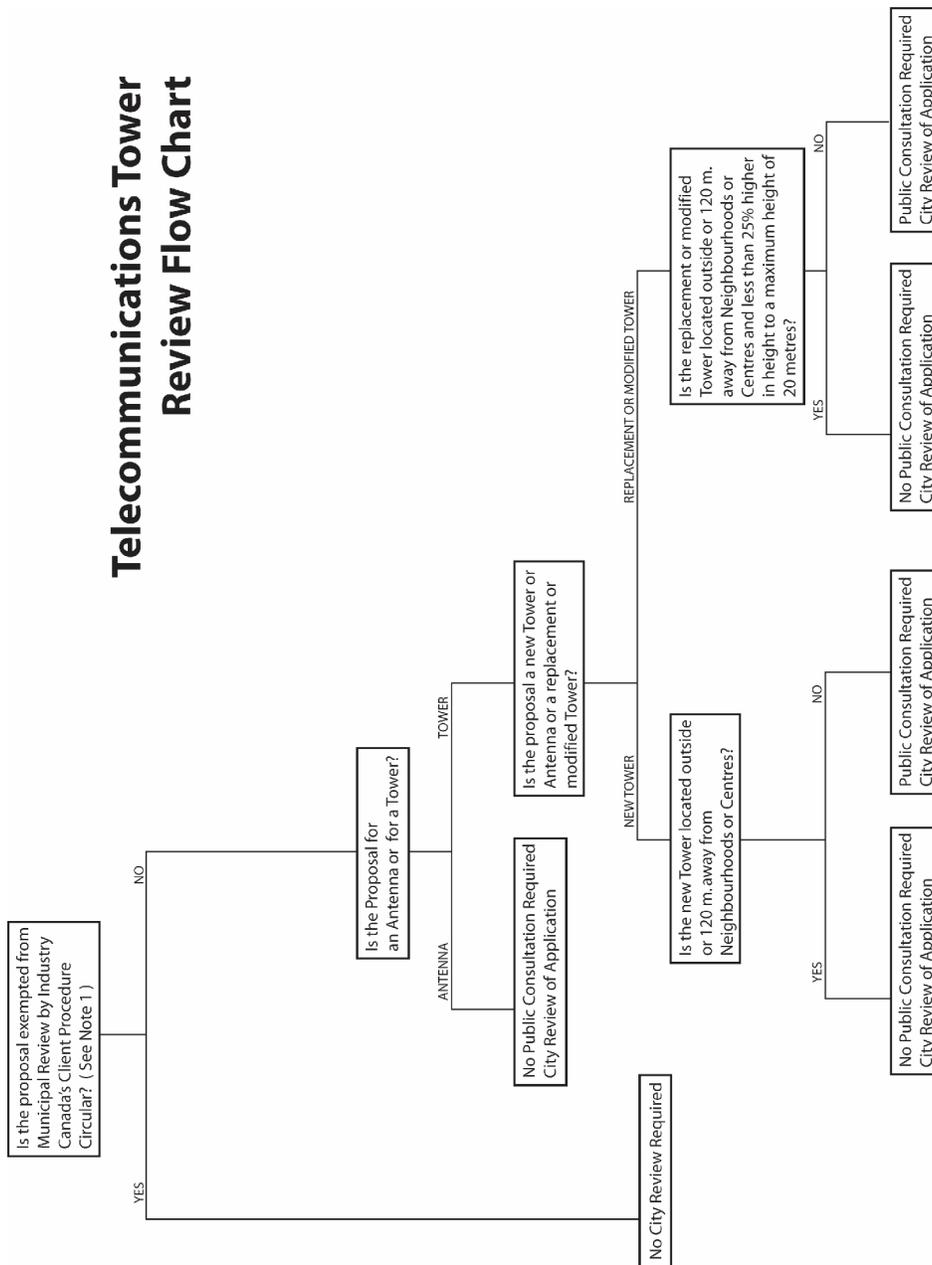
14. APPLICATION PROCESS TIMEFRAME

- (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.
- (c) In the event of unavoidable delays preventing the completion of the application process within the 120 days period, the City shall identify such delays to the proponent and indicate when the completion is expected to occur.

15. COMMENCEMENT

- (a) This protocol will come into effect 30 days after the date of its approval.

Attachment 2: Proposed Telecommunications Review Flow Chart



Note 1 - Proposals Exempt from Municipal Consultation by Industry Canada:

- maintenance of existing radio apparatus including the antenna system, transmission line, mast, tower or other antenna-supporting structure;
- new antennas and towers or modification of antennas or towers (including improving the structural integrity of its integral mast to facilitate sharing), the transmission line, antenna-supporting structure or other radio apparatus to existing infrastructure, a building, water tower, etc. provided the addition or modification does not result in an

- overall height increase above the existing structure of 25% of the original structure's height;
- maintenance of an antenna system's painting or lighting in order to comply with Transport Canada's requirements;
 - installation, for a limited duration (typically not more than 3 months), of an antenna system that is used for a special event, or one that is used to support local, provincial, territorial or national emergency operations during the emergency, and is removed within 3 months after the emergency or special event; and
 - new antenna systems, including masts, towers or other antenna-supporting structure, with a height of less than 15 metres above ground level.