

First Adopted by City Council: March 3, 4 and 5, 2008
Amended by City Council: January 27 and 28, 2009

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) **Height** – for notification purposes in Section 11B, the height of a Tower or Antenna is defined as the distance between the tip of the highest point and the crown of the adjacent road.
- (e) **Neighbourhoods** – means all lands designated as *Neighbourhoods* in the Official Plan for the City of Toronto.
- (f) **Parks and Open Space Areas** – means all lands designated as *Parks and Open Space Areas* in the Official Plan for the City of Toronto.
- (g) **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.
- (h) **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.**
- (i) **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.

- (j) **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 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.
- (d) All City Agencies, Boards and Commissions and City Divisions are advised that they should not lease space for the erection of a cellular tower without consultation with the local Ward Councillor and specific authorization from City Council.
- (e) Agencies, Boards and Commissions and City Divisions are advised of this protocol and their requirement to observe it.

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 shall be required, if requested by the City, to enter into an agreement, which shall 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 thereto. 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 permits 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.

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 the 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 Local Ward Councillor or the staff of the Local Ward Councillor will be invited to attend the required preliminary consultation meeting and may attend if they so wish.
- (d) Notice to be provided to all property owners and tenants located within 120 metres of a proposed Telecommunication Tower or three times the height of the tower (whichever is greater), and within 25 metres of a proposed antenna, such Notice to be prepared and sent by the City Clerk's Office as pre paid first-class mail, with all costs to be borne by the Applicant.*
- (e) Upon receipt of an application for a permit and prior to notification, City staff will consult with the Local Ward Councillor to determine if it is necessary to expand the notification area.
- (f) City Staff, in consultation with the Local Ward Councillor are authorized to extend the notification area of a Tower or Antenna, and the costs associated with extending the notification area are to be paid by the applicant.
- (g) Notification will be sent to both property owners and tenants within the notification area.
- (h) The proponent will provide City Planning with a copy of this mailing list for our records.*
- (i) 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.*
- (j) 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.

*** In March 2008, Council amended the Protocol to provide that the City Clerk will give notice with all costs to be borne by the applicant.**

- (k) The proponent will also make available at the 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.
- (l) To clarify the application process and jurisdictional matters, Industry Canada will be requested to attend open community information meetings for complex or sensitive applications.
- (m) 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.