

To: Development Services Committee

From: Warren Munro, HBA, RPP, Commissioner,
Development Services Department

Report Number: DS-19-209

Date of Report: November 13, 2019

Date of Meeting: November 18, 2019

Subject: Proposed New Telecommunication Tower and Related
Equipment, 902 and 908 Simcoe Street North, SpectraSite Inc.
on behalf of Rogers Communications Inc.

File: SPA-2019-19

1.0 Purpose

The purpose of this report is to provide background information for the public meeting on a proposed telecommunication tower by SpectraSite Inc. on behalf of Rogers Communications Inc. (Rogers) at 902 and 908 Simcoe Street North.

Rogers proposes to erect a grey 20 metre (66 ft.) high shrouded monopole telecommunication tower with related at-grade equipment and fencing on the subject site.

Rogers proposes to lease the area for the telecommunication tower from the owner of the site: Long Holdings Inc.

The public meeting is being held in accordance with Council's Telecommunication Policy.

A notice advertising the public meeting and an information package prepared by Rogers was mailed to all assessed property owners and tenants within 120 metres (400 ft.) of the subject site based on the requirements of the City's Telecommunication Policy. In addition, the notice was also posted on the City's website and communicated through its Corporate Twitter and Facebook social media accounts. As per the City's Telecommunication Policy, notice of the proposal was not published in the Oshawa This Week and Oshawa Express newspapers. The Telecommunication Policy does not require notice of the public meeting to be published in the local newspapers for telecommunication towers having a proposed height of less than 30 metres (98 ft.).

In accordance with Council policy, SpectraSite Inc. will make a presentation at the public meeting on its proposal.

Attachment 1 is a map showing the location of 902 and 908 Simcoe Street North, the location of the proposed telecommunication tower and the existing zoning in the area.

Attachment 2 is a copy of the Site Selection Report submitted by SpectraSite Inc. on behalf of Rogers.

Attachment 3 is a copy of the City's Telecommunication Policy as approved by Council.

2.0 Recommendation

That the Development Services Committee select an appropriate option as set out in Section 5.3 of Report DS-19-209 dated November 13, 2019.

3.0 Executive Summary

Not applicable.

4.0 Input from Other Sources

4.1 Other Departments and Agencies

No department or agency that provided comments on the telecommunication tower proposal has any objection.

The Airport Manager has no objections. However, an application to NAV CANADA is required to ensure that the proposed tower will not impact any current flight procedures and will be listed and identified in all aviation publications and maps.

5.0 Analysis

5.1 General

5.1.1 Background

Rogers originally proposed to install a 20 metre (66 ft.) high monopole telecommunication tower at 902 and 908 Simcoe Street North in 2015. A public meeting concerning the original proposal was held on September 14, 2015 (DS-15-155). There were a number of concerns raised by area residents related to the proposed tower design with visible outboard antennas, the colour of the proposed tower and the feasibility of re-locating the proposed tower to a more northerly location on the subject site farther away from the rear yards of the single detached dwellings fronting onto Switzer Drive.

Following the September 14, 2015 public meeting, Rogers provided photo simulations showing how the tower would look from the neighbouring properties fronting onto Switzer Drive and images from different points in the area. The photo simulations provided included two different options: a standard monopole design with outboard antennas considered at the public meeting; or, a shrouded monopole design. The photo simulations showing a shrouded monopole design were also provided with two colour options for the tower: grey and brown.

In addition, Rogers advised that moving the tower farther north on the site is not acceptable to the property owner as it may restrict options for future development on the site (i.e. a parking lot expansion).

On December 14, 2015, City staff met with the area residents who attended the September 14, 2015 public meeting to review the photo simulations provided by Rogers and to discuss the tower design and colour options. The neighbouring property owners advised that they had no objection to a shrouded monopole tower design and preferred the tower be grey in colour.

As a result of the comments received from the area residents, Rogers revised the design of the tower to a grey shrouded monopole design but retained the more southerly location. The revised proposal for a grey shrouded monopole telecommunication tower was approved by Council on February 1, 2016 (DS-16-05).

On October 3, 2016, SpectraSite Inc. on behalf of Rogers submitted a letter to Planning Services withdrawing the application for a new telecommunication tower at 902 and 908 Simcoe Street North. As a result, on November 7, 2016, City Council passed a resolution rescinding the City's approval for the proposed telecommunication tower and closing the related site plan file (SPA-2015-19).

Council also directed Planning Services staff to notify those neighbouring property owners that requested to be notified that Rogers had withdrawn the application and that the file is closed. The required follow-up letter was sent to the affected property owners on November 17, 2016.

Rogers now wishes to proceed with the previously approved telecommunication tower at this location and has submitted a new application for site plan approval to install a 20 metre (66 ft.) high shrouded monopole telecommunication tower at 902 and 908 Simcoe Street North. The proposed tower is to be painted grey in accordance with the previous City Council approval for this site.

5.1.2 Oshawa Official Plan and Zoning By-law Provisions for Telecommunication Facilities

Telecommunication facilities are permitted in any land use designation in the Oshawa Official Plan subject to any regulatory requirements. Telecommunication facilities are also permitted in any zone in Zoning By-law 60-94 under the Public Use section provided the proposal conforms to the Oshawa Official Plan.

5.1.3 Innovation, Science and Economic Development Canada

Innovation, Science and Economic Development Canada approves licences for radio and telecommunication companies to operate and ultimately authorizes and approves the locations of telecommunication antennas and towers.

A goal of Innovation, Science and Economic Development Canada is to find mutually acceptable locations for new antennas or towers. As such, it has defined roles for the City,

the telecommunication company and Innovation, Science and Economic Development Canada.

For telecommunication tower proposals on private property the City has an opportunity to influence the location of new antennas and towers, not only from a land use compatibility perspective but from the community's perspective.

However, the City cannot prohibit the installation of a tower or an antenna on private property. It is Innovation, Science and Economic Development Canada's position that telecommunication facilities licensed by the authority of the Federal Government are not subject to municipal planning regulations such as the Oshawa Official Plan, Zoning By-law 60-94 or site plan control.

Telecommunication companies wishing to establish new towers or antennas must do the following:

- For certain proposed installations, telecommunication providers are required to consult with the City and follow any reasonable land use consultation process established by the City, including public consultation.
- Consult with Transport Canada where applicable to ensure antennas and tower structures comply with painting and lighting requirements for aeronautical safety.
- Ensure that telecommunications facilities operate in a manner that complies with Health Canada's limits of exposure to radio-frequency field emissions.
- If necessary, undertake an environmental assessment to comply with the Canadian Environmental Assessment Act.

Consultation between the City and telecommunication providers is intended to:

- (a) Discuss site options;
- (b) Ensure that local processes related to telecommunication systems are respected;
- (c) Address reasonable and relevant concerns; and
- (d) Obtain City concurrence in writing.

A telecommunication provider is prohibited from starting the installation of a telecommunication system until any required consultation process with the City has been completed or Innovation, Science and Economic Development Canada confirms concurrence with the consultation process undertaken. Consultation responsibilities will normally be considered complete when a telecommunication provider has:

- (a) Concluded consultation requirements with the City;
- (b) Carried out public consultation through the process established by the City; and
- (c) Addressed all reasonable and relevant concerns.

All consultation is to be completed within 120 days of a telecommunication provider's initial formal contact with the City. Where unavoidable delays are encountered, the City is expected to indicate to the telecommunication provider when a response can be expected

to the proposal. If the City is not responsive, the telecommunication provider may contact Innovation, Science and Economic Development Canada. Depending on the individual circumstances, Innovation, Science and Economic Development Canada may support additional time or consider the City's consultation process complete.

In the event a telecommunication provider and the City cannot reach an agreement on the location of the telecommunication facility, then Innovation, Science and Economic Development Canada can make a decision as to what is appropriate.

5.1.4 Council Policy for New Telecommunication Facilities

The City's policy for new telecommunication facilities was adopted by Council in June 2007 and amended in June 2008 and September 2014. A copy of the current Council policy forms Attachment 3 to this report. The applicant has submitted a site plan application pursuant to the Council Policy.

Specific matters regarding tower design and location previously agreed to will continue for this new site plan application.

5.2 902 and 908 Simcoe Street North

Rogers is proposing to construct a 20 metre (66 ft.) high shrouded grey monopole style telecommunication tower with at-grade equipment and fencing generally in the southwest corner of the parking lot to the rear of the existing building at 902 and 908 Simcoe Street North. This property is occupied by the Long and McQuade retail store and musical education centre.

The subject site is designated Planned Commercial Strip in the Oshawa Official Plan. The site is zoned PSC-A (Planned Strip Commercial) in Zoning By-law 60-94.

To the east of the subject site across Simcoe Street North are Robert Street, an automobile service station and fuel bar that is currently being redeveloped and commercial uses. To the west of the subject site are single detached dwellings fronting onto Hortop Court. To the north of the subject site are commercial uses fronting onto Simcoe Street North. To the south of the subject site are commercial uses fronting onto Simcoe Street North and single detached dwellings fronting onto Switzer Drive.

Rogers has advised that the proposed telecommunication facility is required to improve coverage for the area surrounding the subject site. The installation would also provide an opportunity to accommodate future technology services (i.e. 5G) as well as potential co-location with other licensed carriers, helping to reduce the number of future structures in the area. This principle is encouraged by both the City and Innovation, Science and Economic Development Canada.

Rogers advises that it investigated the potential to use other sites including other service providers' sites in the area but was unable to find any that met its locational needs in this area.

In accordance with City Council policy, Rogers has submitted a Site Selection Report including a site plan for the proposed telecommunication facility (see Attachment 2).

5.3 Options

At the conclusion of the public meeting, two options are available to the Development Services Committee to deal with the proposed telecommunication tower and related equipment.

5.3.1 Option 1: No Objection to the Telecommunication Tower and Related Equipment Proposal

At the conclusion of a public meeting, proposals are normally referred back to staff for further review and the preparation of a recommendation report.

The Development Services Committee may wish to pass the following motion for City Council's consideration in the event no significant issues are raised at the public meeting:

"That, pursuant to Report DS-19-209 dated November 13, 2019, Development Services staff be authorized to advise Innovation, Science and Economic Development Canada that the City has no objection to the proposal by SpectraSite Inc. on behalf of Rogers Communications Inc. to install a telecommunication tower and related equipment at 902 and 908 Simcoe Street North, subject to Rogers Communications Inc. addressing such matters as siting and tower design to the satisfaction of the Commissioner of Development Services (File: SPA-2019-19)."

5.3.2 Option 2: Refer the Telecommunication Tower and Related Equipment Proposal back to Staff

In the event significant issues are raised by the public and/or the Development Services Committee at the public meeting, then the telecommunication tower and equipment proposal should be referred back to staff for further review and the preparation of a recommendation report. In this case, the following motion should be passed by the Development Services Committee:

"That the proposed telecommunication tower and related equipment by SpectraSite Inc. on behalf of Rogers Communications Inc. at 902 and 908 Simcoe Street North as set out in Report DS-19-209 dated November 13, 2019 (File: SPA-2019-19) be referred back to the Development Services Department for further review and the preparation of a subsequent report and recommendation. This referral does not constitute or imply any form or degree of approval."

6.0 Financial Implications

There are no financial implications associated with the recommendation in this report.

7.0 Relationship to the Oshawa Strategic Plan

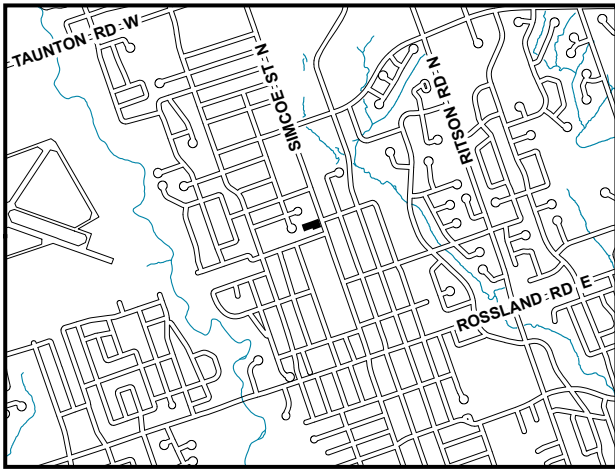
Holding a public meeting on proposed telecommunication towers advances the Accountable Leadership Goal of the Oshawa Strategic Plan.

A handwritten signature in blue ink, appearing to read "Tom Goodeve".

Tom Goodeve, M.SC.PI., MCIP, RPP, Director,
Planning Services

A handwritten signature in blue ink, appearing to read "Warren Munro".

Warren Munro, HBA, RPP, Commissioner,
Development Services Department



Development Services Department

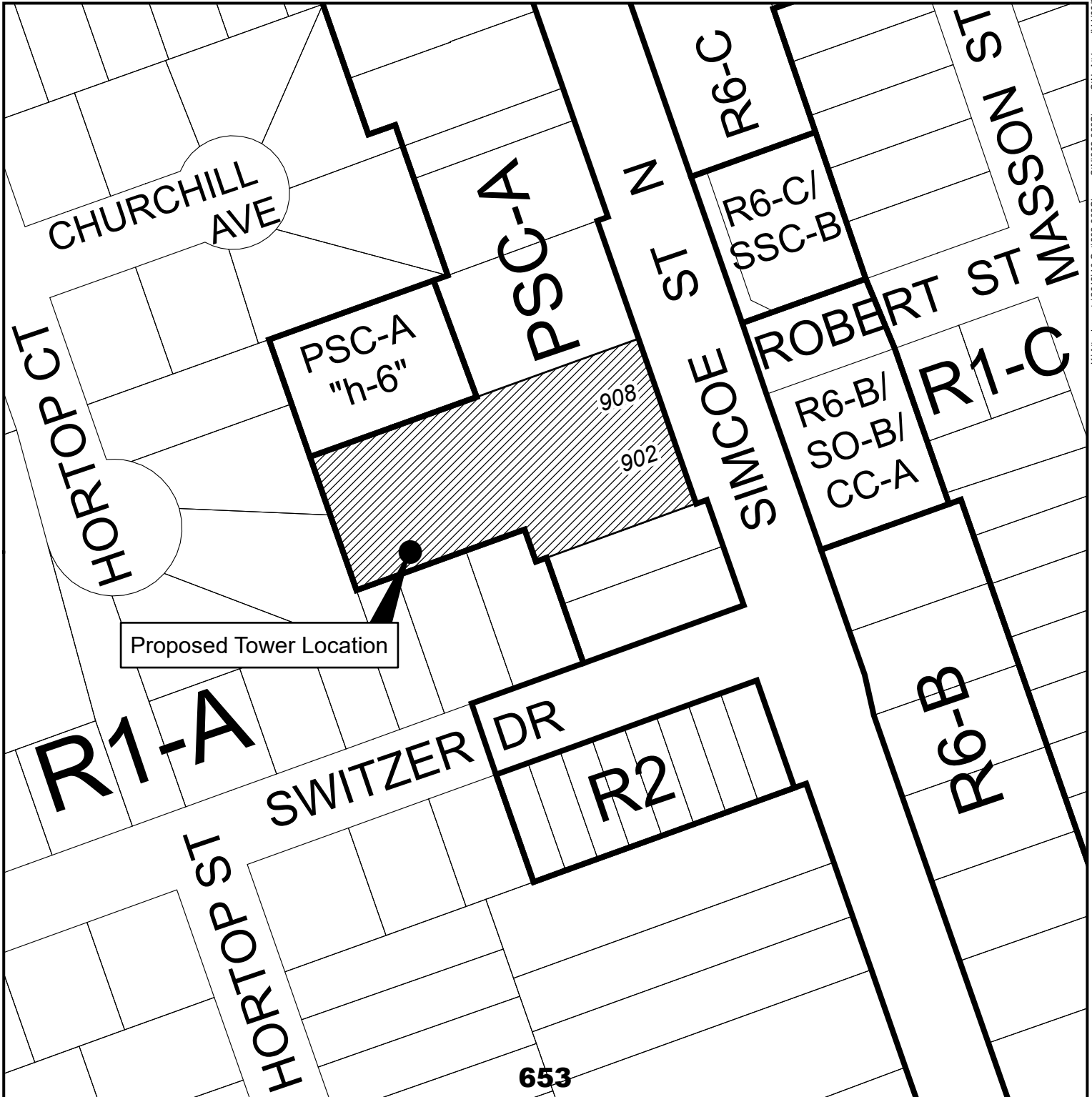
Subject: Proposed New Telecommunication Tower and
Related Equipment, SpectraSite Inc. on behalf
of Rogers Communications Inc.

Address: 902 and 908 Simcoe Street North

File: SPA-2019-19



Subject Site





Site Selection Report – Wireless Communications Site

Rogers Site Name: C7425

Proposed Location: 908 Simcoe St N, Oshawa ON

Wireless Communications Site

Introduction

The on-going increase in the use of personal cellular phones and other wireless devices such as Blackberry, I-Phone and broadband internet for personal, business and emergency purposes requires the development of new wireless communication infrastructure including new antennas and their support structures to meet the demands of increased capacity and broadening services areas. Canadians currently use more than 27.6 million wireless devices on a daily basis. More importantly, each year Canadians place more than 6 million calls to 911 or other emergency numbers from their mobile phones.

Rogers Communications Inc. "Rogers" constantly strives to improve coverage and network quality for the sake of their clients. In the recent past, due to subscriber feedback, our Network Planning and Engineering departments have become aware of coverage deficiencies within the general area of City of Oshawa, near Simcoe St N & Switzer Dr.

This document outlines the site selection process in accordance with the requirements of Innovation, Science and Economic Development Canada's Spectrum Management and Telecommunications Policy, CPC-2-0-03, Issue 5 (July 15, 2014) and provides a description of the system associated with the proposed wireless communication installation on property known as 908 Simcoe St N

Background & Coverage Requirement

The selection of a wireless communications site works similarly to fitting a piece into a puzzle. In this case, the puzzle is a complex radio network, situated in an urban setting. Client demand, radio frequency engineering principles, local topography and land use opportunities working in concert with one another to direct the geography of our sites.

In order to achieve a reliable wireless network, carriers must provide a seamless transmission signal to alleviate any gaps in coverage. Gaps in coverage are responsible for dropped calls, and unavailable service to clients. Rogers Communications Inc. would utilize the following proposed site location in order to provide high quality network signal for its high-speed wireless voice and data network.

Wireless communication carriers constantly strive to improve coverage and network quality for the sake of their clients. Our current coverage in the City of Oshawa, in the area of Simcoe St N & Switzer Dr is well below our acceptable standards and we need to respond to our customers' requests for improved coverage in these areas.

The site as proposed will achieve the necessary engineering coverage objectives for our network. The proposed location will enhance much relied upon communication services in the area such as EMS Response, Police and Fire; will significantly improve our wireless signal quality for the local residents; those traveling along the major roads as well provide local subscribers with Rogers' 4G wireless network

coverage and capacity for products and services such as BlackBerry, iPhone, cellular phone and wireless internet through the Rogers Rocket Stick technology in the surrounding area.

Proposed Site Location

The Subject Property, with an approximate area of 0.4 Hectares is known as 908 Simcoe St N, Ontario.

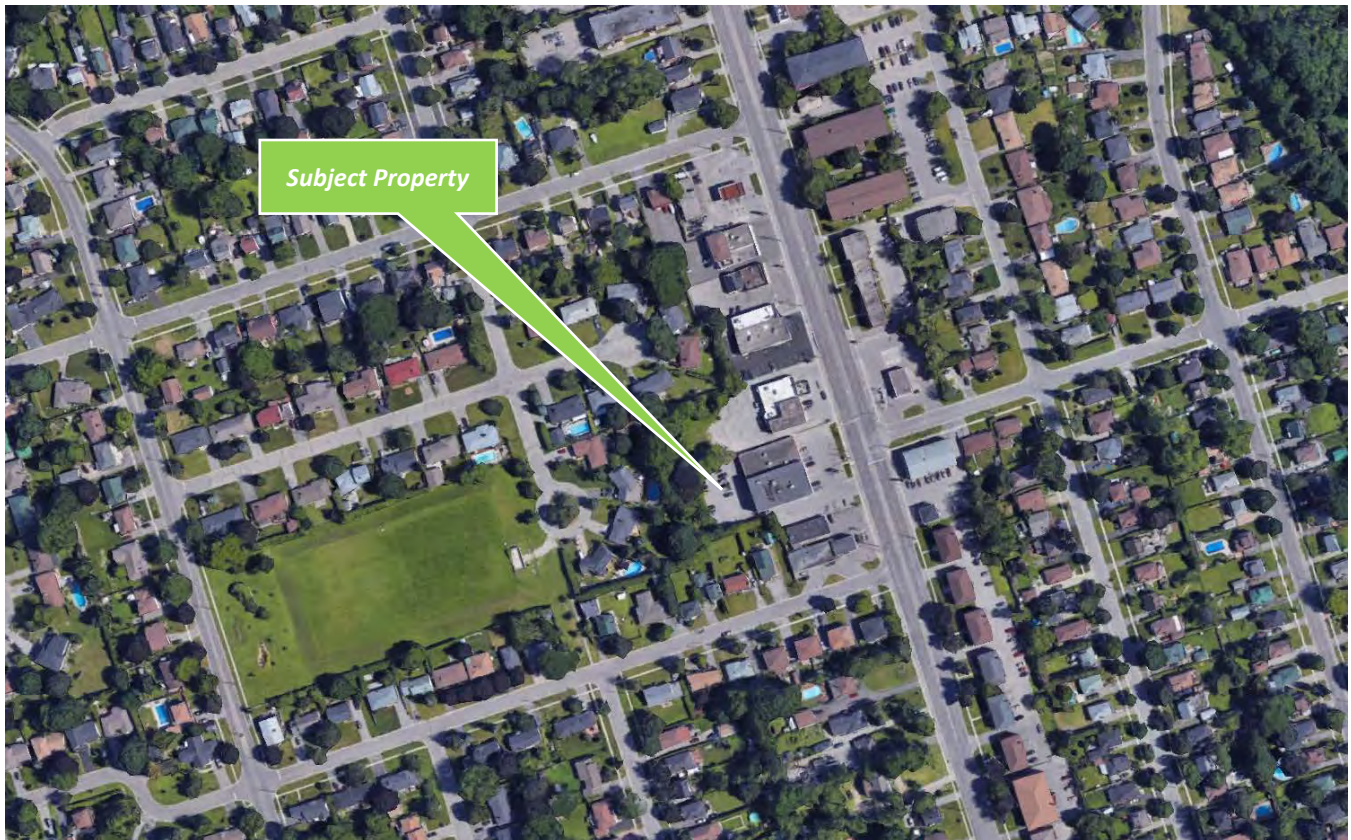
The geographic coordinates for the site are as follows:

Latitude (NAD83) N 43° 55' 16.5"

Longitude (NAD 83) W -78° 52' 30.0"

Figure 1 - Location Map

As shown on Figure 1, the Subject Property is located behind a retail store in a parking lot.

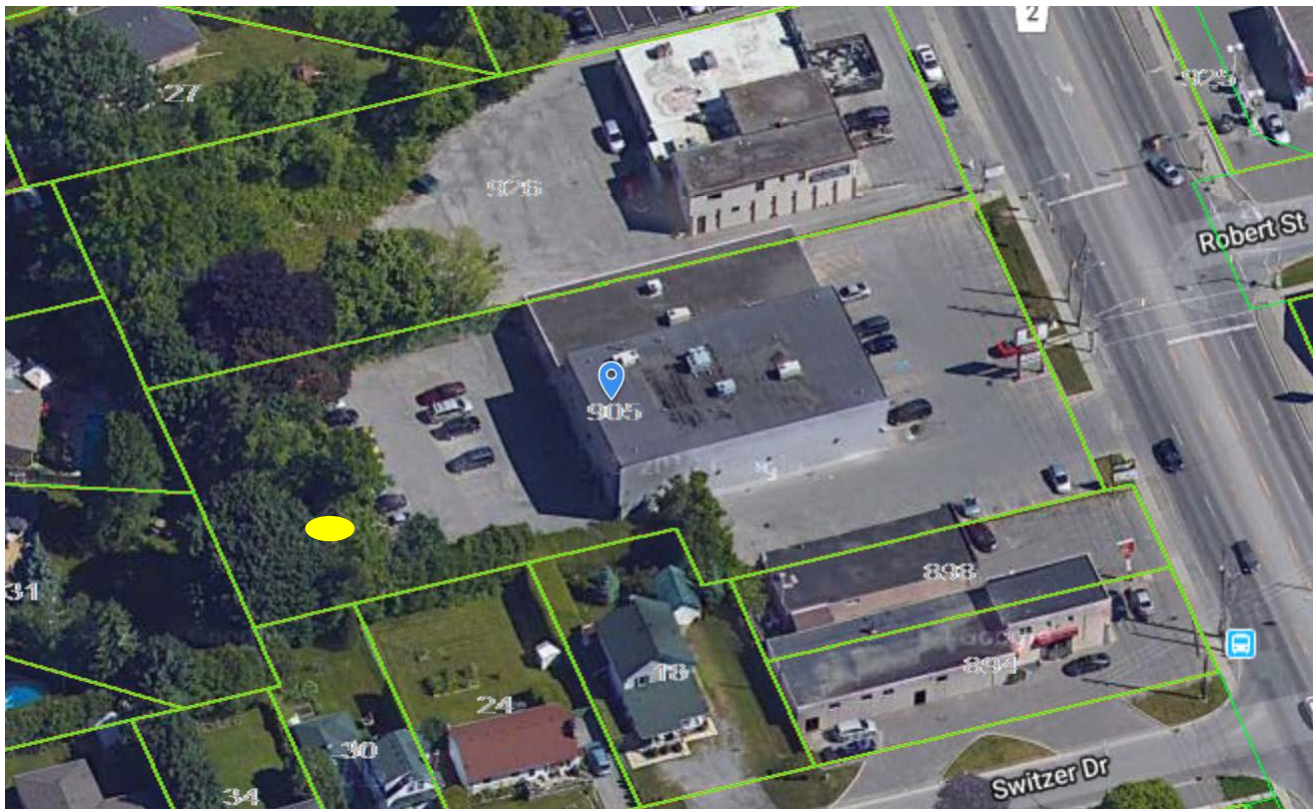


Proposed Facility Location

The proposed wireless communication installation will be located on a property known as 908 Simcoe St N, Ontario. The property is currently in a parking lot behind a retail store.

A copy of Rogers' surveyed site plan has been attached for your reference and information.

Figure 2 – Proposed tower location on subject property is shown with yellow circle in aerial photo below.



Description of Proposed System

As determined by Rogers' radio frequency engineers, Rogers is proposing to construct a 20-metre high (approximately 66 feet) Monopole (flagpole design), which will be able to meet our network requirements.

The Monopole (flagpole) design has been used throughout Southern Ontario and is appropriate for urban areas such as the City of Oshawa. The design, construction and installation of the facility will be consistent with required engineering practices including structural adequacy.

We have included, for your consideration, photo simulations at the end of this report which illustrate the proposed installation from nearby locations and along major roads.

Rogers's installation as proposed will not affect the existing drainage patterns servicing the property's current use.

Access to the installation during construction and for maintenance purposes will be via an existing driveway entrance to the proposed location on the subject property. The site would occupy a compound area of approximately 72 sq. meters, which will include both tower and equipment cabinet location as outlined on the site plan provided. The compound will also contain a walk-in equipment cabinet (WIC) containing radio equipment, backup battery power, maintenance tools, manuals and a first aid kit.

The installation would provide an opportunity to accommodate future technology services as well as potential co-location with other licensed carriers helping reduce the number of future structures in the area, which is encouraged by the City of Oshawa and Innovation, Science and Economic Development Canada.

Co-location Assessment

Rogers Communications Inc. makes every effort to locate cellular sites where they will be the least visually obtrusive and always makes an initial effort to co-locate on existing structures. Apart from being encouraged by Innovation, Science and Economic Development Canada, co-location is one of the cornerstones of Rogers' site development philosophy.

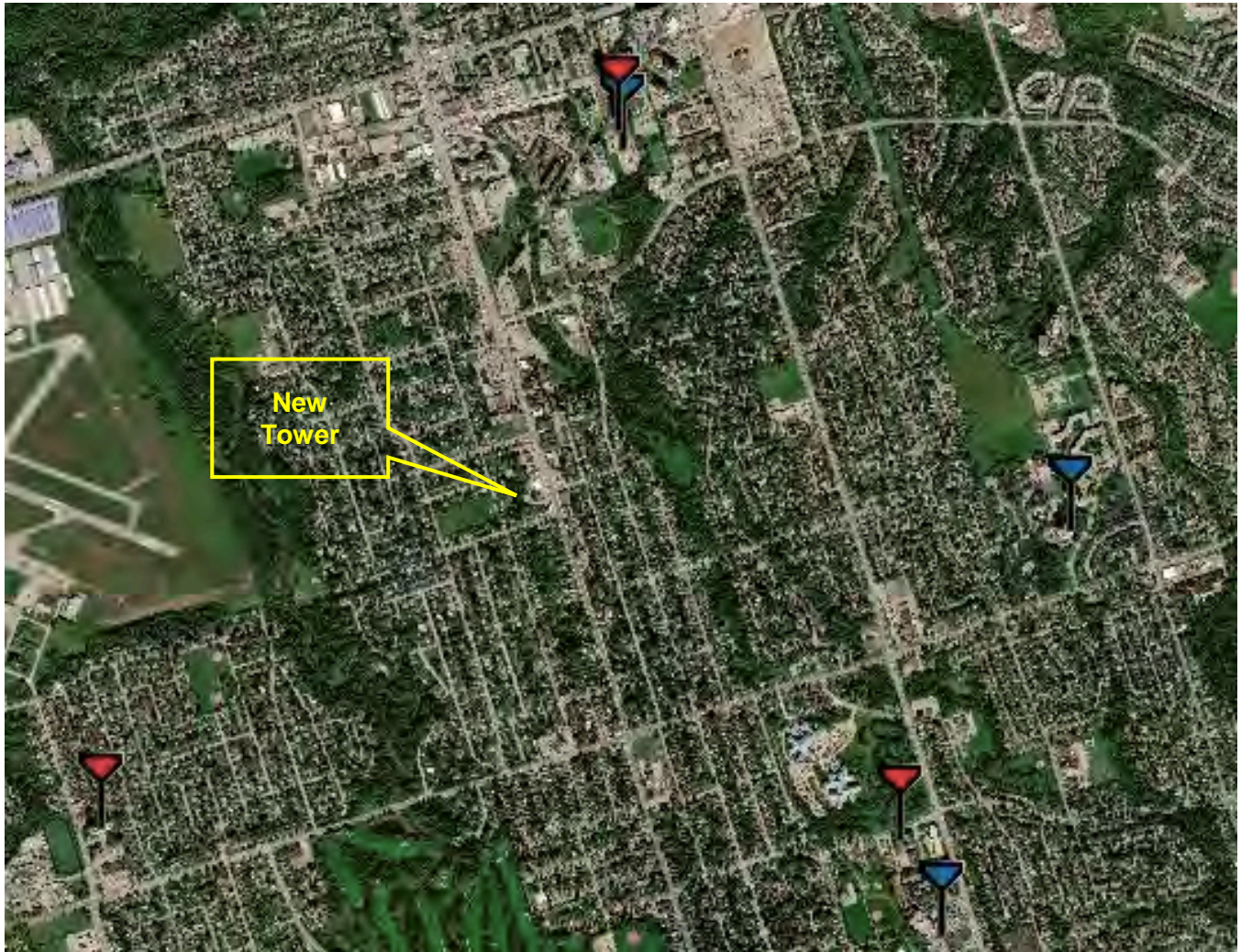
Other potential site locations were evaluated and opportunities to co-locate onto existing structures were investigated. However, the wireless communication structures in the surrounding area that were evaluated are all beyond the distance or below the height required in order to address the coverage deficiencies in the area; are not suitable for our network needs and would not improve our existing signal coverage to the expected quality levels.

As part of our initial site evaluation process Rogers looked for an existing structure in the area, which would be suitable to install antennas. Unfortunately, there are none.

Since there were no suitable structures readily available for co-location to accommodate our network coverage requirements, Rogers Communications Inc. had to consider the construction of its own installation.

A survey of installations in the surrounding area in relation to our proposed site location are illustrated on an aerial shown below - (Figure 3).

Figure 3 – Co-location Map



LEGEND:

Blue pin – Bell Mobility Installations
Red pin – Rogers Installations

All towers and building rooftops shown in photo are too far from desired coverage area to be useful.

Please refer below for a sample of the installation for your reference (Figure 4). The process of simulating the proposed facility into the existing conditions of each viewscape was done by superimposing an image of the proposed structure on a photograph taken for each viewscape.

Figure 4 – Sample image of proposed installation



Municipal and Public Consultation Process

Rogers Communications Inc. is regulated and licensed by Innovation, Science and Economic Development Canada to provide inter-provincial wireless voice and data services. As a federal undertaking, Rogers is required by Innovation Science and Economic Development Canada to consult with land-use authorities in siting antenna locations.

The consultation process established under Innovation, Science and Economic Development Canada's authority is intended to allow the local land-use authorities the opportunity to address land-use concerns while respecting the federal government's exclusive jurisdiction in the siting and operation of wireless voice and data systems.

As the provisions of the Ontario Planning Act and other municipal by-laws and regulations do not apply to federal undertakings, wireless communication facilities are not required to obtain municipal permits of any kind. Rogers is however required to follow established and documented wireless protocols or processes set forth by land-use authorities.

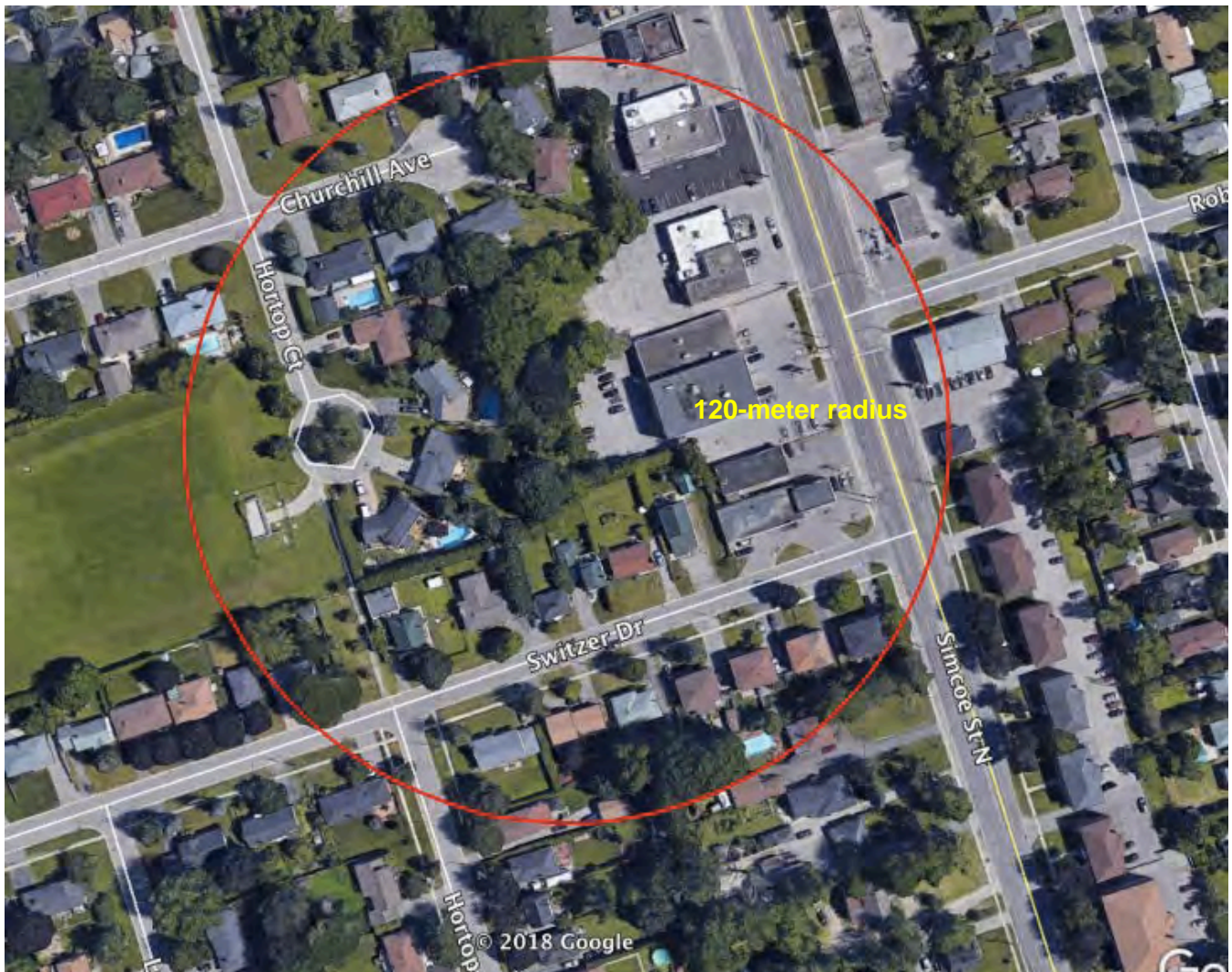
The City of Oshawa has developed a protocol for establishing telecommunication facilities in the City of Oshawa. In fulfillment of the City of Oshawa's request for public notification, the City will be providing a notice of the Public Meeting, including an information package prepared by Rogers to all those property owners located within a radius of 120 meters from the tower base. Concurrent to the mailing of this information package a notice will be published in the local community newspapers for the Public Meeting allowing the opportunity for the public, the City of Oshawa and Rogers to exchange information relevant to the proposal. A copy of this information package will be provided to the City of Oshawa Planning Department.

Location of surrounding residential uses

There are approximately 30 existing residential dwellings located within approximately 120 meters of the proposed installation, as shown in Figure 5.

Please refer to the following page providing an aerial which displays the surrounding residential dwellings. (Figure 5)

Figure 5 – Surrounding residential dwellings.



Federal Requirements

In addition to the requirements for consultation with municipal authorities and the public, Rogers must also fulfill other important obligations including the following:

Canadian Environmental Assessment Act

Innovation, Science and Economic Development Canada requires that the installation and modification of antenna systems be done in a manner that complies with appropriate environmental legislation. This includes the Canadian Environmental Assessment Act, 2012 (CEAA 2012), where the antenna system is incidental to a physical activity or project designated under CEAA 2012 or is located on federal lands.

Rogers attests that the radio antenna system as proposed for this site is not located within federal lands or forms part of or incidental to projects that are designated by the Regulations Designating Physical Activities or otherwise designated by the Minister of the Environment as requiring an environmental assessment. In accordance with the Canadian Environmental Assessment Act, 2012, this installation is excluded from assessment.

For additional detailed information, please consult the Canadian Environmental Assessment Act at:
<http://laws-lois.justice.gc.ca/eng/acts/C-15.21/>

Engineering Practices

Rogers attests that the radio antenna system as proposed for this site will be constructed in compliance with the National Building Code and The Canadian Standard Association, and respect good engineering practices including structural adequacy.

Transport Canada's Aeronautical Obstruction Marking Requirements

Rogers anticipates that the proposed installation will require markings or lighting and will submit the necessary applications to the appropriate parties to obtain required approvals.

In the instance where our structure requires lighting/markings, these requirements would be in compliance with CAR 621 Standards Obstruction Markings. The aforementioned standards provide for:

A combination of a medium intensity flashing white light during the day and steady burning aviation red light and/or flashing aviation red beacons at night

For additional detailed information, please consult Transport Canada ^[11] at:
<http://www.tc.gc.ca/eng/civilaviation/regserv/cars/part6-standards-standard621-3808.htm>

Health Canada's Safety Code 6 Compliance

Health Canada is responsible for research and investigation to determine and promulgate the health protection limits for Exposure to the RF electromagnetic energy. Accordingly, Health Canada has developed a guideline entitled "Limits of Human Exposure to Radiofrequency Electromagnetic Field in the Frequency Range from 3kHz to 300 GHz – Safety Code 6". The exposure limits specified in Safety Code 6 were established from the results of hundreds of studies over the past several decades where the effects of RF energy on biological organisms were examined.

Radio communication, including technical aspects related to broadcasting, is under responsibility of the Ministry of Industry (Innovation, Science and Economic Development Canada), which has the power to establish standards, rules, policies and procedures. Innovation, Science and Economic Development Canada, under this authority, has adopted Safety Code 6 for the protection of the general public. As such, Innovation, Science and Economic Development Canada requires all proponents and operators to ensure that their installations and apparatus comply with the Safety Code 6 at all times.

Rogers Communications Inc. attests that the radio antenna system described in this notification package will at all times comply with Health Canada's Safety Code 6 limits, as may be amended from time to time, for the protection of the general public including any combined effects of additional carrier co-locations and nearby installations within the local radio environment. In fact, emissions levels of Roger's wireless communication installations are far below the limits outlined in Safety Code 6.

More information in the area of RF exposure and health is available at the following web site: *Safety Code 6*: http://www.hc-sc.gc.ca/ewh-semt/pubs/radiation/radio_guide-lignes_direct-eng.php and <http://www.hc-sc.gc.ca/ewh-semt/radiation/cons/stations/index-eng.php>

Innovation, Science and Economic Development Canada's Spectrum Management

Please be advised that the approval of this site and its design is under the exclusive jurisdiction of the Government of Canada through Innovation, Science and Economic Development Canada. For more information on Innovation, Science and Economic Development Canada's public consultation guidelines including CPC-2-0-03 Issue 5 contact (<http://www.ic.gc.ca/epic/site/smt-gst.nsf/en/sf08777e.html>) or the local Innovation, Science and Economic Development Canada office at spectrum.toronto@ic.gc.ca:

Toronto District Office

Room 909, 9th Floor
55 St. Clair Ave. E.
Toronto, ON
M4T 1M2
Tel.: 416-973-8215
Fax: 416-954-3553
Email: spectrum.toronto@ic.gc.ca

General information relating to antenna systems is available on Innovation, Science and Economic Development Canada's Spectrum Management and Telecommunications website (<http://www.ic.gc.ca/epic/site/smt-gst.nsf/en/home>)

Public consultation obligations

Rogers Communications Inc. is committed to effective public consultation. The public will be invited to provide comments to Rogers about this proposal by mail, electronic mail, phone or fax.

Innovation, Science and Economic Development Canada's rules contain requirements for timely response to your questions, comments or concerns. We will acknowledge receipt of all communication within **14 days** and will provide a formal response to the Municipality and those members of the public who communicate to Rogers, within **60 days**. The members of the public who communicated with Rogers will then have **21 days** to review and reply to Rogers a final response.

Conclusion

Access to reliable wireless communications services is of great importance to residents' and travelers' safety and well-being in today's society. Wireless technology has fast become the preferred method of conducting business and personal communications among a large part of the population.

The trend of future telecom is to become truly "wireless", that is the delivery of the voice and data communications via conventional telephone lines, such as telephone poles along streets and roads, will be virtually obsolete. The current wireless infrastructure will be able to meet this trend and still provide a reliable system.

Rogers feels that the proposed site is well located to provide and improve wireless voice and data services in the targeted area. The proposed site is also situated and designed to have minimal impact on surrounding land uses.

Rogers looks forward to working with the City of Oshawa in providing improved wireless services to the community.

Rogers Communications Inc.
Network Implementation

Proponent's Contact Information - Rogers Communications Inc.

SpectraSite Inc. – Acting as Agent for Rogers Communications Inc.
3307-89 Dunfield Avenue
Toronto, ON M4S 0A4

Contact: Will Elder
Phone: 416-726-8555
welder@spectrasiteinc.com

Council Policy for New Telecommunication Facilities

1. Purpose

To establish policies and procedures for the installation of new telecommunication antennas, towers and related structures which emphasize the following:

- Selecting locations for telecommunication facilities which ultimately minimize the number of such facilities and their visual impact;
- Allowing input from the public; and
- Providing a clear process for the installation of new telecommunications facilities.

Innovation, Science and Economic Development Canada, the approval authority for regulating telecommunications facilities, ensures that municipalities are consulted prior to the construction of towers and antenna structures. The role of the City is to provide comments with respect to land use compatibility and community input. Innovation, Science and Economic Development Canada advises that the City has no constitutional authority to regulate or prohibit telecommunications facilities.

2. Source

City Council approval on June 11, 2007, as amended on June 2, 2008 and September 22, 2014.

3. Policy

3.1 Definitions

Antenna shall mean a device for transmitting and receiving electromagnetic waves, wireless communication signals or other communication signals.

Alternative tower structures shall mean man-made support structures that camouflage or conceal the presence of antennas or towers such as flagpoles, clock towers, church steeples, street lights, artificial trees and other everyday features.

Co-location shall mean the placement of one or more antenna on the same telecommunication tower or alternative tower structures.

Equipment Shelter shall mean a structure containing equipment necessary to transmit and receive signals.

Height shall mean the height of an antenna system measured from the lowest ground level at the base, including the foundation, to the tallest point of the antenna system. Depending on the particular installation, the tallest point may be an antenna, lightning rod, aviation obstruction lighting or some other appurtenance. Any attempt to artificially reduce the height (addition of soil, aggregate, etc.) will not be included in the calculation or measurement of the height of the antenna system.

Telecommunications Facilities shall mean telecommunication tower and/or antenna and an equipment shelter.

Telecommunications Towers shall mean structures designed and constructed to support one or more antennas, including lattice towers, monopoles and guyed towers.

3.2 Site Selection for New Telecommunication Towers

- (a) The installation of new telecommunications towers is discouraged unless all other options within the telecommunication company search area have been explored and are considered inappropriate. The preferred methods of achieving additional capacity are:
 - (i) Co-location on existing towers;
 - (ii) Location on hydro transmission towers;
 - (iii) Location of towers within or adjacent to hydro transmission corridors;
 - (iv) Use of alternative tower structures; and
 - (v) Clustering adjacent to existing telecommunication towers.
- (b) A telecommunication tower shall be located in a manner which minimizes its visual impact. When locating a new telecommunication tower the following shall be considered:
 - (i) Avoidance of natural features, significant vegetation, hazard lands (e.g. floodplains, steep slopes) and environmentally sensitive areas;
 - (ii) Locations shall be sensitive to residential areas, historic sites, environmentally sensitive areas and hazard lands;
 - (iii) Alternative tower structures are encouraged within the Major Urban Area and Hamlet boundaries as identified in the Oshawa Official Plan;
 - (iv) An appropriate setback shall be maintained from road right-of-ways;
 - (v) Avoiding areas of topographical prominence, where possible, to minimize long/short range views; and
 - (vi) Locations and heights that are in compliance with Transport Canada's requirements relative to the Oshawa Municipal Airport.

3.3 Site Design and Layout

(a) New Telecommunication Towers

The following shall be considered in the site design and layout of new telecommunications towers:

- (i) Planting of trees and shrubs around the perimeter fencing to mitigate the visual impact of the tower and equipment shelter,

- (ii) Small identification sign(s) of the telecommunication company may be permitted on the equipment shelter or perimeter fencing subject to the issuance of a sign permit as necessary; and
- (iii) Where alternative tower structures are not feasible, telecommunication towers and equipment shelters should blend in with the context (e.g. colour, etc.) of its surroundings. The architecture of an equipment shelter should reflect the area within which it is located (e.g. pitched roof, or brick if in a residential area).

(b) Installations on Roof Tops or Existing Structures

When locating a telecommunication antenna or equipment shelter on rooftops or existing structures, telecommunication companies shall endeavour to minimize the visual impacts of such uses by considering the following:

- (i) Wall mounted antenna on the side of a building are discouraged below the roof but may be permitted subject to appropriate design. Wall mounted antenna on penthouses and stairwells above the roof are preferred;
- (ii) Utilizing alternative tower structures;
- (iii) New antennas should have a maximum height of 6 metres above the highest point of the building or existing structure and it should be setback a minimum of 3 metres from the roof edge on a building;
- (iv) Equipment shelters on roof tops should be setback from the roof edge as appropriate with appropriate consideration of the structural design of the roof;
- (v) The colour and architectural style of the antenna and equipment shelter shall blend in with the building or structure;
- (vi) If an equipment shelter is aboveground and related to a roof-top antenna then the architecture of the equipment shelter must reflect appropriate urban design considerations related to the area within which it is located (e.g. pitched roof, brick if in a residential area); and
- (vii) Locations and heights that are in compliance with Transport Canada's requirements relative to the Oshawa Municipal Airport.

3.4 Other

- (a) The City will encourage buildings greater than 6 storeys to be pre-designed to accommodate antenna and equipment shelters.
- (b) Telecommunication companies shall be encouraged to remove facilities after their lease has expired.

4. Procedure

4.1 Pre-consultation

Prior to the installation of telecommunications facilities, telecommunication companies are encouraged to consult with the City's Planning Services Branch in the Development Services Department to discuss the site search area, site selection, including land use compatibility, sensitive visual areas and vistas, existing and proposed land uses and other potential impacts. Consultation with the Chief Building Official may also be required.

Telecommunications companies are requested to consult with the City on proposals that involve above ground equipment shelters even though they may be exempt according to Innovation, Science and Economic Development Canada's procedures to ensure the shelters are appropriately located, designed (e.g. architecture) and landscaped given the site context (e.g. in a residential area).

4.2 Submission Requirements

For the purposes of administration and processing, telecommunication companies will be required to complete an application for site plan approval. The application shall be submitted to the Planning Services Branch in the Development Services Department with the appropriate fee. Such applications are not processed under the Planning Act.

(a) New Telecommunication Towers

All proposals for new telecommunication towers, where consultation with the City is required by Innovation, Science and Economic Development Canada, will generally include the following information:

- (i) Written justification from the telecommunication company, as to the need for the telecommunication tower and that the proposed location for the new tower is the preferred alternative. Non-tower, co-location and alternative tower structures shall be addressed in the justification;
- (ii) A site plan showing such items as the subject property, including the existing property lines and the leased area (if applicable), existing and proposed buildings, fences, buffering, building elevations, access, parking and the type and height of the proposed tower structure. Additional plans such as a landscape plan, a site servicing/grading plan and erosion and sediment control plan may also be required later in the review process;
- (iii) Pictures of the location and the proposed tower and associated facilities superimposed on the picture from four directions, north, south, east and west;
- (iv) A plan showing the horizontal distance between the tower installation and the nearest residential zone and/or residential dwelling; and
- (v) A public notification package containing the information required by Appendix 1 – Innovation, Science and Economic Development Canada's Default Public Consultation Process – Public Notification Package in Innovation, Science

(b) Installations on Roof Top or Existing Structures

All proposals for telecommunication antenna or equipment shelters on roof tops or existing structures, where consultation with the City is required by Innovation, Science and Economic Development Canada, will generally include the following information:

- (i) A statement from the telecommunication company on the need for any increase in proposed tower height if the increased height is greater than 25% of the originally approved height;
- (ii) A plan showing the location and setbacks for the proposed antenna and associated facilities on the roof top or existing structure;
- (iii) A plan showing such items as building elevations and the location, type and height of the proposed antenna. A site plan showing such items as the subject property, the leased area, existing and proposed buildings, fences, buffers, access and parking is required for any aboveground equipment shelter. Additional plans such as a landscape plan, a site servicing/grading plan and erosion and sedimentation control plan may also be required at a later date for any aboveground equipment shelter/uses related to the antenna;
- (iv) Any relevant information as may be required by the Chief Building Official at a later date during the review process; and
- (v) Upon review of the site plan, the Development Services Department may require the telecommunication company to submit pictures of the building or structure with the proposed antenna and equipment shelter superimposed on the picture from four directions; north, south, east and west.

(c) Alterations to Existing Facilities

Where a modification to an existing site is proposed, which may include, but not be limited to, an increase in the height of the tower, additional equipment shelters or entrances, an amendment to an approved Site Plan may be required.

4.3 Public Consultation Process

(a) Exemptions from Public Consultation

Public consultation is not required in the following situations:

- (i) For installations of roof-top antenna, roof-top equipment shelters and wall mounted antenna that do not project more than 2 metres from the face of the building provided they are designed and are in a location on the roof acceptable to the Development Services Department; and

- (ii) Co-location of an antenna on an existing telecommunication tower or hydro tower.

City Council may also exempt other proposals from public consultation as appropriate. For example, City Council may consider exempting proposals from the public process where towers are proposed adjacent to 250 kv or 500 kv hydro towers or adjacent to other telecommunication towers or where equipment shelters related to a roof top antenna are located on sites which are occupied by non-residential uses or that about non-residential uses.

Notwithstanding any provisions of this policy to the contrary the City's policy does not apply to the following types of installations, based on Innovation, Science and Economic Development Canada's exemption criteria:

- (i) New Antenna Systems: where the height is less than 15 metres above ground level. This exclusion does not apply to antenna systems proposed by telecommunications carriers, broadcasting undertakings or third party tower owners;
- (ii) Existing Antenna Systems: where modifications are made, antennas added or the tower replaced, including to facilitate sharing, provided that the total cumulative height increase is not greater than 25% of the height of the initial antenna system installation. No increase in height may occur within one year of completion of the initial construction. This exclusion does not apply to antenna systems using purpose built antenna supporting structures with a height of less than 15 metres above ground level operated by telecommunications carriers, broadcasting undertakings or third party tower owners;
- (iii) Non-Tower Structures: antennas on buildings, water towers, lamp posts, etc. may be excluded from consultation provided that the height above ground of the non-tower structure, exclusive of appurtenances, is not increased by more than 25%;
- (iv) Temporary Antenna Systems: used for special events or emergency operations and must be removed within three months of the start of the emergency or special event; and
- (v) No consultation is required prior to performing maintenance on an existing antenna system.

(b) Required Public Consultation

- (i) Subject to the exemptions set out above, a public meeting is required for any new tower or any new aboveground equipment shelter.
- (ii) The Development Services Department shall give written notice, by regular mail, of the public meeting to the owners and tenants of the lands within the circulation area around the subject property, to all Members of City Council and to adjacent municipalities if the new tower is within 500 metres of the municipal boundary. The notice shall be sent at least 30 days before the public meeting date. A newspaper advertisement notifying the public of any

tower proposed to be 30 metres or more in height is required as part of the public consultation process. The newspaper advertisement will be paid for by the telecommunication company.

The circulation area for the notice is as follows:

- Within the Major Urban Area boundary - 120 metres or 4 times the height of the tower which ever is greater measured from the outside perimeter of the supporting structure. For the purpose of this requirement, the outside perimeter begins at the furthest point of the supporting mechanism, be it the outermost guy line, building edge, face of the self-supporting tower, etc.;
- In all other areas – 250 metres measured from the outside perimeter of the supporting structure. For the purpose of this requirement, the outside perimeter begins at the furthest point of the supporting mechanism, be it the outermost guy line, building edge, face of the self-supporting tower, etc.;

The notice shall include, at a minimum, the following information:

- The location of the proposed site;
- Date, time and location of Public Meeting; and
- The name and telephone number of a contact person employed by the telecommunication company, as well as a municipal contact person.

An information package provided by the telecommunication company will be included with the mailed notice.

The notice shall be clearly marked, making reference to the proposed antenna system, so that it is not misinterpreted as junk mail and that the face of the package must clearly reference that the recipient is within the prescribed notification radius of the proposed antenna system.

- (iii) The Public Meeting shall be held by the Development Services Committee.

At the Public Meeting, the telecommunication company shall be responsible for displaying all the necessary drawings and pictures and making a presentation. Subsequent to the Public Meeting, the telecommunication company shall provide to the Development Services Department a letter indicating how the telecommunication company will address the concerns raised at the public meeting.

4.4 Approvals

(a) **Letter of Recommendation with a Public Meeting**

- (i) After the public meeting, the Development Services Department will prepare a report for the consideration by the Development Services Committee. The telecommunication company and any person that attended the public meeting and left their names will be invited to the Development Services

Committee meeting to make any comments on the staff report, as appropriate. The Development Services Committee will then make a recommendation to Council. The telecommunication company or any person can request to speak to Council if they do not agree with the Development Services Committee recommendation. Council will then take a position on the proposal.

- (ii) The Development Services Department will issue to the telecommunication company (with a copy to Innovation, Science and Economic Development Canada) a Letter of Recommendation (Yes; No; Yes with conditions) stating that the company has consulted with the City and advising of Council's position on the proposal. Such letter will be provided within two weeks from the date of Council's decision or, in the case where a Letter of Undertaking is required, when a Letter of Undertaking has been completed to the City's satisfaction.

(b) **Letter of Recommendation without a Public Meeting**

- (i) City Council delegates the responsibility to provide the City's position on any proposal that does not require a public meeting to the Commissioner of Development Services;
- (ii) The Development Services Department will issue to the telecommunication company (with a copy to Innovation, Science and Economic Development Canada) a Letter of Recommendation (Yes; No; Yes with conditions) stating that the company has consulted with the City and advising of the City's position on the proposal. Such letter will be provided within two weeks of site plan approval including the execution of a Letter of Undertaking if required.

(c) **Letter of Undertaking**

- (i) A Letter of Undertaking is required only in situations where:
 - A new telecommunication tower is proposed;
 - A new aboveground equipment shelter is proposed; and
 - An upgrade to an existing facility is required by the City to improve the aesthetics or address grading issues.
- (ii) When the Development Services Department is satisfied with the site location, layout and design, the telecommunication company shall provide a Letter of Undertaking in the City's prescribed format. The Letter of Undertaking may address such matters as:
 - Site design, landscaping, grading and servicing and building elevations;
 - Approval for any new driveway entrances;
 - Signage;
 - Security deposits for site improvements;
 - The removal of all structures upon expiration of the lease;
 - A commitment to accommodate other telecommunication companies on site where feasible; and
 - Other conditions as required.

(d) Proposals on City Land

- (i) Any proposal from a telecommunication company to acquire or lease land from the City for a telecommunication facility shall be placed on the Development Services Committee agenda;
- (ii) If the proposal has merit then it should be referred to the Council for approval in principle to acquire or lease City land;
- (iii) In the event Council approves in principle the sale or lease of City land, the process for considering the merits of the proposed tower or proposed aboveground equipment shelter shall be coordinated by Planning Services including the scheduling of a public meeting in accordance with this policy;
- (iv) Once Council takes a formal position on a proposal on City land, after any required public meeting, then Development Services will report on the proposed terms of the lease; and
- (v) The process for any proposal that does not require a public meeting shall be coordinated by Development Services.

4.5 Time Limit for Construction

Any antenna system that has followed a consultation process with the City shall be constructed within three (3) years of the conclusion of the consultation process. Extensions to the time limit are permitted for a specified time period if a proponent secures the agreement of the City in writing and provides a copy of the agreement to the local Innovation, Science and Economic Development Canada office.

Note: Minor changes to or deviations from this policy and procedure may be made by the Commissioner of Development Services. Any significant changes must be approved by City Council.

Appendix 1 – Industry Canada’s Default Public Consultation Process - Public Notification Package

The proponent must ensure that at least **30 days** are provided for public comment. Notification must provide all information on how to submit comments to the proponent in writing. Notices must be clearly marked, making reference to the proposed antenna system, so that it is not misinterpreted as junk mail. The notice must be sent by mail or be hand delivered. The face of the package must clearly indicate that the recipient is within the prescribed notification radius of the proposed antenna system. The proponent must also provide a copy of the notification package to the land-use authority and the local Industry Canada office at the same time as the package is provided to the public.

Notification must include, but need not be limited to:

- 1) the proposed antenna system’s purpose, the reasons why existing antenna systems or other infrastructure cannot be used, a list of other structures that were considered unsuitable and future sharing possibilities for the proposal;
- 2) the proposed location within the community, the geographic coordinates and the specific property or rooftop;
- 3) an attestation¹⁹ that the general public will be protected in compliance with Health Canada’s Safety Code 6 including combined effects within the local radio environment at all times;
- 4) identification of areas accessible to the general public and the access/demarcation measures to control public access;
- 5) information on the environmental status of the project, including any requirements under the *Canadian Environmental Assessment Act, 2012*;
- 6) a description of the proposed antenna system including its height and dimensions, a description of any antenna that may be mounted on the supporting structure and simulated images of the proposal;
- 7) Transport Canada’s aeronautical obstruction marking requirements (whether painting, lighting or both) if available; if not available, the proponent’s expectation of Transport Canada’s requirements together with an undertaking to provide Transport Canada’s requirements once they become available;
- 8) an attestation that the installation will respect good engineering practices including structural adequacy;
- 9) reference to any applicable local land-use requirements such as local processes, protocols, etc.;

¹⁹ Example: I, (*name of individual or representative of company*) attest that the radio installation described in this notification package will be installed and operated on an ongoing basis so as to comply with Health Canada’s Safety Code 6, as may be amended from time to time, for the protection of the general public, including any combined effects of nearby installations within the local radio environment.

- 10) notice that general information relating to antenna systems is available on Industry Canada's Spectrum Management and Telecommunications website (<http://www.ic.gc.ca/towers>);
- 11) contact information for the proponent, land-use authorities and the local Industry Canada office; and
- 12) closing date for submission of written public comments (not less than **30 days** from receipt of notification).