Winnipeg

CITY OF WINNIPEG POLICY NO. PD-008

POLICY TITLE	**ADOPTED BY**	**EFFECTIVE DATE**
Winnipeg Antenna Systems Policy	City Council	May 27, 2015
ORIGIN / AUTHORITY	**CITY POLICY NO**	**MOST RECENT CONSOLIDATION**
Standing Policy Committee on Property and Development	PD-008	

1. Purpose

The purpose of the Winnipeg Antenna Systems Policy (the "Policy") is to outline the local land use consultation process and guidelines to be followed in evaluating Antenna System proposals within the City of Winnipeg, providing guidance to the telecommunication industry, Industry Canada, City Council, City staff and members of the public. The Policy will assist in defining the nature and type of implementation tools required to manage the introduction of Antenna Systems in the city, for example: by-laws, procedures and programs.

1.1 Objectives

The objectives of the Policy are:

1. To establish a siting and consultation process that is harmonized with Industry Canada's *Radiocommunication and Broadcasting Antenna Systems Client Procedures Circular* (CPC-2-0-03) and *Guide to Assist Land-use Authorities in Developing Antenna Siting Protocol*s for reviewing land use issues associated with Antenna System siting proposals;

2. To set out an objective process, criteria and guidelines that are transparent, consistent and predictable for the evaluation of Antenna System siting proposals that:

    A. Minimize the number of new antenna sites by encouraging Co-location;

    B. Encourage designs that integrate with the surrounding land use and public realm;

    C. Establish when local public consultation is required; and

    D. Allow Industry Canada and the communications industry to identify and resolve any potential land use, siting or design

concerns with the City of Winnipeg (the “City”) at an early stage in the process.

3. To provide an expeditious review process for Antenna System siting proposals;

4. To establish a local land use consultation framework that ensures the City and members of the public contribute local knowledge that facilitates and influences the siting – location, development and design (including aesthetics) – of Antenna Systems within City boundaries;

5. To contribute to the orderly development and efficient operation of a reliable, strong radiocommunication network in the City; and

6. To provide the City with the information required to satisfy the requirements of Industry Canada regarding local land use consultation, resulting in an informed statement of concurrence, concurrence with conditions, or non-concurrence from the City to Industry Canada at the end of the process.

2. Definitions

Antenna System: an exterior transmitting device – or group of devices – used to receive and/or to transmit radio-frequency (RF) signals, microwave signals, or other federally-licensed communications energy transmitted from, or to be received by, other antennas. Antenna Systems include the antenna, and may include a supporting tower, mast or other supporting structure, and an equipment shelter. This Policy most commonly refers to the following two types of Antenna Systems:

1. **Freestanding Antenna System:** a structure (e.g. tower or mast) built from the ground for the expressed purpose of hosting an Antenna System or Antenna Systems;

2. **Building/Structure-Mounted Antenna System:** an Antenna System mounted on an existing non-tower structure, which could include a building wall or rooftop, a light standard, water tower, utility pole or other.

Co-location: the placement of antennas and equipment operated by one or more Proponents on a telecommunication Antenna System operated by a different Proponent, thereby creating a shared facility.

Designated Community Association: area- or neighborhood-specific group that is recognized by the City.

Designated Municipal Officer (and his or her designate): the City staff member(s) tasked with receiving, evaluating and processing submissions for telecommunication Antenna Systems. The Designated Municipal Officer's name and contact information is provided in the Antenna System Siting Flowchart provided in this Policy.

Elected Municipal Official: the political leader of the demarcated area of the City (e.g., Ward) in which the Antenna System is proposed.

Heritage structures/areas: buildings and structures (e.g., monuments) or areas/neighborhoods receiving a heritage designation by the City.

Industrial and Commercial Area: any and all lands used or zoned to permit industrial and commercial uses. Industrial and Commercial Areas include those areas zoned as Manufacturing and Commercial Zoning Districts pursuant to the Winnipeg Zoning By-law, as amended from time to time.

Municipal Departments: branches of municipal government that administer public services and are operated by City staff.

Other Agencies: bodies (e.g., boards or commissions) that administer public services but are not operated or staffed by the City.

Prescribed Distance: three times the height of the proposed Antenna System measured horizontally from the outside perimeter of the supporting structure of the proposed Freestanding or Building/Structure-Mounted Antenna System. 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.

Proponent: a company or organization proposing to site an Antenna System (including contractors undertaking work for telecommunications carriers and third-party tower owners) for the purpose of providing commercial or private telecommunications services, exclusive of personal or household users.

Residential Area: any and all lands used or zoned to permit residential uses. Residential Areas include those areas zoned as Residential Zoning Districts pursuant to the Winnipeg Zoning By-law and the Downtown Winnipeg Zoning By-law, as amended from time to time, as well as any Mixed-Use zoning districts which permit residential uses (e.g., where commercial use is permitted at-grade with residential units above).

3. Other Federal Legislation

Proponents additionally must comply with the following federal legislation and/or regulations, where warranted:

- Health Canada's Safety Code 6 – Limits of Human Exposure to Radiofrequency Electromagnetic Fields in the Frequency Range from 3 KHZ to 300 GHZ - Safety Code 6 (2009);[1]
- The *Canadian Environmental Assessment Act* (CEAA);
- NAV Canada and Transport Canada's painting and lighting requirements for aeronautical safety;
- Canada Occupational Health and Safety Regulation; and
- National Building Code of Canada and CAN/CSA-S37-94.

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4. Excluded Structures

4.1 Exemptions from Antenna System Siting Proposal Review and Public Consultation

For the following types of installations, Proponents are generally excluded by Industry Canada from the requirement to consult with the City and the public, but must still fulfill the General Requirements outlined in Section 7 of CPC-2-0-03:

1. **New Freestanding Antenna Systems**: where the height is less than 15 metres above ground level. <u>This exclusion does not apply to Antenna Systems proposed by telecommunications carriers, broadcasting undertakings or third-party tower owners;</u>

2. **Existing Freestanding Antenna Systems**: where modifications are made, antennas added or the tower replaced[2], including to facilitate sharing, provided that the total cumulative height increase is no greater than 25% of the height of the initial Antenna System installation[3]. No increase in height may occur within one year of completion of the initial construction. <u>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;</u>

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[1] The City does not assess any submission for an Antenna System with respect to health and radiofrequency exposure issues or any other non-placement or non-design related issues. Any questions or comments the public may wish to make regarding health issues related to cell phones, cell towers and radiofrequency exposure guidelines (Safety Code 6) should be directed to Health Canada on-line at http://www.hc-sc.gc.ca/index-eng.php and to the Proponent's representative.

[2] The exclusion for the replacement of existing Freestanding Antenna Systems applies to replacements that are similar to the original design and location.

[3] Initial Antenna System installation refers to the system as it was first consulted on, or installed.

3. **Building/Structure-Mounted Antenna System**: 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%; and

4. **Temporary Antenna Systems**: used for special events or emergency operations and must be removed within three months after the start of the emergency or special event.

5. No consultation is required prior to performing **maintenance**, replacing the antenna type or modifying the orientation of an existing Antenna System.

Individual circumstances vary with each Antenna System installation and modification, and the exclusion criteria above should be applied in consideration of local circumstances. Consequently, it may be prudent for the Proponents to consult the City and the public even though the proposal meets an exclusion noted above. Therefore, when applying the criteria for exclusion, Proponents should consider such things as:

- the Antenna System's physical dimensions, including the antenna, mast, and tower, compared to the local surroundings;

- the location of the proposed Antenna System on the property and its proximity to neighbouring residents; and

- Transport Canada marking and lighting requirements for the proposed structure.

4.2 Notification and Review of Exempt Antenna Systems

Notwithstanding Industry Canada's exemption criteria for certain Antenna Systems, the City should be informed of all such installations within its boundaries so it can:

- Be prepared to respond to public inquiries once construction/installation has begun;

- Be aware of site Co-location within the city;

- Maintain records to refer to in the event of future modifications and additions; and

- Engage in meaningful dialogue with the Proponent with respect to the appearance of the Antenna System and structure prior to the Proponent confirming a final design.

Therefore, Proponents are required to undertake the following steps for all exempt Antenna System installations before commencing construction.

4.2.1 Building/Structure-Mounted Antenna System:

The Proponent will in all cases provide the following information for all new Antenna Systems or modifications[4] to existing Antenna Systems that are mounted to an existing structure, including (but not limited to) a building wall, rooftop, water tower, utility pole or light standard, and which are exempted from public consultation in Section 4.1(3):

1. The location of the Antenna System (address, name of building, rooftop or wall mounted, etc.);

2. Description of proposed screening or stealth design measures with respect to the measures used by existing Antenna Systems on that site and/or the preferences expressed in Section 6;

3. The height of the Antenna System;

4. The height of any modifications to existing Antenna Systems.

The City may notify the Proponent of any inconsistency with the preferences and sensitivities expressed in Section 6 and the parties will work towards a mutually agreeable solution.

4.2.2 Additions that Increase the Height of Freestanding Antenna Systems:

The Proponent will confirm to the City that an addition that extends the height of an existing Freestanding Antenna System as defined in Section 4.1(2), meets the exclusion criteria in Section 4.1 by providing the following:

1. The location, including its address and location on the lot or structure;

2. A short summary of the proposed addition including a preliminary set of drawings or visual rendering of the proposed Antenna System; and

[4] Notification is required for modifications that materially or noticeably change the appearance of the Antenna System. Maintenance works that do not result in such changes are excluded from the notification requirement.

3. A description of how the proposal meets one of the Section 4.1 exclusion criteria.

The City will review the documentation and will contact the Proponent where there is a site-specific basis for modifying the exemption criteria based on the preferences and sensitivities expressed in Section 6 of this Policy. In such cases, the City and the Proponent will work toward a mutually agreeable solution, which may include the City requesting the proposal be subject to all or part of the pre-consultation, proposal submission and public consultation process defined in Sections 5, 7 and 8 of this Policy, as applicable, concluding with a letter of concurrence or non-concurrence.

4.3 Additional Exemptions

The City recognizes the following exemptions in addition to Industry Canada's basic exemptions listed in subsection 4.1:

1. New Antenna Systems which will be located outside the Prescribed Distance (as identified in Section 2) from the nearest Residential Area are exempt from the public consultation requirement.

2. Notwithstanding subsection (1) above, the City may additionally, on a case-by-case basis, exempt a Proponent from all or part of the consultation requirements under Section 8 of this Policy.[5]

3. New antenna systems on top of a building more than 23m (75.5 feet) in height or having more than 6 stories are exempt from the public consultation requirements.

4.4 Siting on Municipal-Owned Properties

Any request to install an Antenna System on lands owned by the City shall be made to the Zoning and Permits Branch who will circulate it to the Municipal Accommodations Division where it will be reviewed in accordance with adopted City policy.[6]

[5] For example, the City may decide to exclude certain proposals from the requirement to hold a public meeting, but not from issuing a public notification to affected property owners/tenants within the Prescribed Distance.
[6] Existing City procedures related to the leasing/selling of municipal-owned land to third parties may necessitate a consultation process irrespective of whether an exemption is provided under this Policy.

5. Pre-Consultation

Pre-consultation is one of the most important elements in the Antenna System siting process as it generally occurs at a point before the Proponent is committed to a site or design. As a result, it represents the best opportunity to influence the siting decision since the Proponent will more likely become committed to a site once the detailed engineering has been completed. While a discussion of submission requirements is appropriate the proposal will benefit most from early direction on matters of siting and design. Proponents are strongly encouraged to initiate pre-consultation as early as possible in the Antenna System siting process for exempt and non-exempt structures.

Prior to submitting an Antenna System proposal that does not meet any of the exemptions listed in Section 4.1, the Proponent will undertake the following preliminary consultations with the City.

5.1 Notification

Proponents will notify the Designated Municipal Officer and Elected Municipal Official that locations in the community are being physically assessed for potential Antenna System siting.

5.2 Site Investigation Meeting

Prior to submitting an Antenna System siting proposal, the Proponent will initiate a site investigation meeting with the City.

The purpose of the site investigation meeting is to:

- Identify preliminary issues of concern;
- Identify requirements for public consultation (including the need for additional forms of notice and a public information session);
- Guide the content of the proposal submission; and
- Identify the need for discussions with any Municipal Departments and Other Agencies as deemed necessary by the Designated Municipal Officer.

Where the City has an initial concern with the siting of the proposed Antenna System, the City may suggest alternative locations for consideration within the Proponent’s search area.

The Proponent will bring the following information to the site investigation meeting[7]:

1. The proposed location;

2. Potential alternative locations;

3. The type and height of the proposed Antenna System; and

4. Preliminary drawings or visual renderings of the proposed Antenna System superimposed to scale; and

5. Documentation regarding the investigation of Co-location potentials on existing or proposed Antenna Systems within 500 metres of the subject proposal.

If desired by both the Proponent and the City, multiple Antenna System siting proposals may be reviewed at a site investigation meeting.

5.3 Confirmation of City Preferences and Requirements

Following the site investigation meeting, City staff will provide the Proponent with an information package that includes:

1. This Policy, which outlines the approval process, excluded structures, requirements for public consultation and guidelines regarding site selection, Co-location, installation, design and landscaping;

2. Proposal submission requirements;

3. A list of plans and studies that may be required (e.g., environmental impact statements);

4. A list of Municipal Departments and Other Agencies to be consulted; and

5. An indication of the City's preferences regarding Co-location for the site(s) under discussion.

[7] Proponents may prefer to attend the site investigation meeting without some of the required documents – particularly preliminary drawings – if it is waiting on City feedback before settling on a final location, structure height or design. This should be confirmed with the City. Such documents will be required to be provided following the meeting and prior to the City providing the Proponent with the information package.

To expedite the review of the proposal, the Proponent will review this information package before the proposal is submitted so that the interests of Municipal Departments are taken into account. The Proponent is encouraged to consult with affected Departments as well as the local Elected Municipal Official and/or Designated Municipal Officer, and adjacent Municipalities within a Prescribed Distance[8], before submitting the proposal.

6. Development Guidelines

Antenna Systems should be sited and designed to respect local sensitivities and preferences as identified by the City. The City has set out a number of guidelines under the following criteria for the selection of sites and/or construction of new Antenna Systems:

- Location, including Co-location; and
- Development and Design Preferences

The Proponent should review the guidelines identified below as early as possible, and should attempt to resolve any outstanding issues prior to submitting its Antenna System siting proposal and undertaking the public consultation, where required by the City. As expressed preferences may be location- or site-specific, the Proponent is encouraged to discuss the guidelines fully with the City at the site investigation meeting.

Proponents are also required to obtain all applicable building permits and approvals for additions and/or modifications to existing buildings or other supporting structures (e.g., signs, etc.) and private access approaches. Where no modifications to an existing building or structure are required (e.g., to rooftop, etc.), the City would accept an Engineer's Certificate confirming that the proposed installation adheres to the National Building Code Standards and satisfies applicable loads.

[8] The CPC states that "there may be more than one land-use authority with an interest in the proposal. Where no established agreement exists between such land-use authorities, proponents must, as a minimum, contact the land-use authority(ies) and/or neighboring land-use authorities located within a radius of three times the tower height, measured from the tower base or the outside perimeter of the supporting structure, whichever is greater."

6.1 Location

Co-location:

Before submitting a proposal for an Antenna System on a new site, the Proponent must explore the following options:

- Consider sharing an existing Antenna System, modifying or replacing a structure if necessary;

- Locate, analyze and attempt to use any feasible existing infrastructure, including (but not limited to) rooftops, water towers, utility poles or light standards.

Where Co-location on an existing Antenna System or structure is not possible, a new Antenna System should be designed with Co-location capacity, including in Residential Areas when identified as the City's preference.

The City recognizes that the objective of promoting Co-location and the objective of making Antenna Systems less noticeable may sometimes come into conflict. Nevertheless, the City intends to review each submission on its merits with a view to promoting both objectives and, where necessary, will determine the appropriate balance between them. The Proponent should, in all cases, verify the City's site-specific design preferences during the pre-submission consultation process before investing in a final design or site.

Preferred Locations:

The City prefers that new antenna systems be:

- Located in areas that maximize the distance from Residential Areas. Proposals should be a minimum of the Prescribed Distance from Residential Areas.

- Located in Industrial and Commercial Areas, especially for obtrusive facilities.

- Integrated within the architecture of, or mounted on buildings or existing structures without detracting from the city skyline.

- Located in areas designated 'Rural Agricultural' in *OurWinnipeg* and *Complete Communities Direction Strategy*.

- Located along transportation corridors, where they will not interfere with existing or proposed pedestrian and cycling facilities, except overhead on a heavy truck route or over dimensional truck corridor.

- Located along utility corridors.

- Located as near as possible to similarly-scaled structures.

- Associated with Institutional uses where appropriate, including, but not limited to, those institutions that require telecommunications technology (e.g., emergency services, hospitals, colleges and universities).

- Located near City-owned maintenance/operations/works yards, provided they are adequately buffered from play areas.

- Located in a manner that does not adversely impact or detract from view corridors or from public views and vistas of important natural or manmade features.

- Located in other non-Residential Areas, as appropriate.

Discouraged Locations

The City discourages locating new antenna systems:

- On sites within the Prescribed Distance from Residential Areas.

- At locations directly in front of doors, windows, balconies or residential frontages.

- Within City defined “natural areas”, designated “ecologically significant natural lands”, or where it would disturb existing natural features. If trees will be impacted on public property, the City’s *Tree Removal Guidelines* apply.

- On riverbank lands.

- Within all neighbourhood, and most community or regional scale Parks and Open Space Areas. If, after consultation with the City, support is received for placement within a community or regional park or open space then special design treatments should be applied to make the facility less obtrusive.

- Within designated character sectors (i.e., The Forks, Legislature, Warehouse) and significant character areas and streets (e.g., Exchange District National Historic Site, The Forks National Historic Site, Chinatown, Broadway, Waterfront Drive) within the downtown area.

- Within significant character areas outside the downtown area (e.g., Armstrong's Point), unless visibly unobtrusive, or on heritage resources (e.g., lands, bridges, elements of buildings, buildings, structures) unless it forms an integrated part of the structure's overall design (i.e., through the use of stealth structures).

- Within Neighbourhood Main Street business areas (e.g., Academy, Corydon, Provencher, Osborne, Selkirk, Main, Ellice, Sargent, West Broadway)

- At locations that would obstruct lighting (e.g., street lights or public area lighting).

6.2 Development and Design Preferences

Antenna Systems should be designed in terms of appearance and aesthetics to respect their immediate surroundings (e.g., Residential Areas, parkland, Heritage district, etc.), including being unobtrusive and inconspicuous, minimizing visual impact, and avoiding disturbance to natural features, and should reduce the need for future facilities in the same area, where appropriate. The City's design and development preferences are described below.

The City will identify to the Proponent which of the following design and development preferences are encouraged in the proposed location.

Style and Color:

- The architectural style of the Antenna System should be compatible with the surrounding neighbourhood and adjacent uses (Example: monopole near Residential Area or lattice-style in Industrial areas).

- In all instances the Proponent should mitigate negative visual impacts through the use of appropriate landscaping, screening, stealth design techniques, colour, materials, etc.

- An Antenna System may be designed or combined with a new or existing sign supporting structure or as a landmark to resemble features found in the area, such as a flagpole, spire or clock tower, where appropriate, subject to any zoning approvals required for the landmark feature or sign. Zoning approval would only be required where there is no existing structure in place (e.g., landmark or sign).

- In the downtown area, the design of Antenna Systems should be unobtrusive and consistent with the *Downtown Winnipeg Urban Design Guidelines*.

- Towers and communication equipment should have a non-reflective surface.

- Special design treatments should be applied to Antenna Systems proposed to be located within parks and open space areas or on listed Heritage buildings and/or sites to make the system unobtrusive.

- Cable trays should run up the rear facades of buildings.

Buffering and Screening:

- Antenna Systems and associated equipment shelters/cabinets should be screened and concealed from ground level to mitigate visual impacts.

- Screening should be attractive, robust and utilize high quality materials. Screening could include using existing vegetation, landscaping, fencing, or other means in order to blend unobtrusively and compatibly with the surrounding built and natural environments.

- A mix of deciduous and coniferous vegetation is preferred to provide year-round coverage.

- Where adjacent to a principal building, equipment shelters/cabinets should be constructed of a material similar in appearance and colour to the primary façade.

Structure:

- Single operator loaded towers (i.e., monopoles) are generally unobtrusive and of low impact and are preferred near Residential Areas.

- New structures in residential or high-traffic areas should consider multi-use design (street lighting, electric vehicle charging, parking payment terminals, signage, Wi-Fi etc.).

- The appropriate type of antenna structure for each situation should be selected based upon the goal of making best efforts to blend with the nearby surroundings and minimize the visual aesthetic impacts of the structure on the community.

- Guy wires shall not be used in any area which is intended for use by the general public, clients, customers or employees.

Height:

- The City prefers that freestanding Antenna Systems be a maximum of 30 metres in height, except in industrial areas.[9]

- The City will consider height bonuses over 30 metres where communication facilities are co-located up to a maximum of 76 metres. A new facility may exceed the maximum height of 30 metres only if designed to accommodate one additional user's equipment for every 7.6 metres of height above 30 metres.

- Applicants seeking to erect an Antenna System greater than 30 metres in height, and proposed to be located within 914 metres of any facility greater than 30 metres in height, must provide evidence that reasonable efforts have been made to lease space on an existing planned or constructed facility or that no existing facility will technically satisfy the applicant's needs (see Section 7).

- Height of a freestanding Antenna System is measured from grade level to the highest point on the structure, including but not limited to lighting and supporting structures.

- Where building/structure-mounted Antenna Systems will exceed 25% of the height of the existing building, the City prefers that the height not exceed 5.5 metres measured from the top of the roof or 1.2 metres above the highest point of the elevator penthouse, whichever is higher.

[9] The City may require Proponents to take out a newspaper notice for Freestanding Antenna Systems that are more than 30 metres in height, in addition to the public notification requirements listed in Section 8.

Yards, Parking and Access:

- Adequate yards, to be determined on a site-by-site basis, should separate Antenna Systems from adjacent development without unduly affecting the development potential of the lot over the lease period.

- Parking spaces, where provided at each new Antenna System site, should have direct access to a public right-of-way at a private approach location acceptable to the City approved by permit in accordance with the City's Private Access By-law.

Equipment Shelters/Cabinets:

- Cabinets shall be designed in a manner which integrates them into their surroundings, including use of decorative wraps that are graffiti-resistant (see also Buffering and Screening).

- Cabinet dimensions shall be as minimal as possible.

- Cables and wires must be concealed or covered.

Signage and Lighting:

- Small owner identification signs up to a maximum of 0.19 square metres may be posted on Antenna Systems and associated equipment shelters or perimeter fencing.

- No advertising sign or logo is permitted.

- Appropriate signage may also be used as part of screening or disguise.[10]

- Unless specifically required by Transport Canada and/or NAV Canada, the display of any lighting is discouraged.

- Where Transport Canada and/or NAV Canada requires a structure to be lit, the lighting should be limited to the minimum number of lights and the lowest illumination allowable, and any required strobe lightning should be set to the maximum strobe interval allowed by Transport Canada.

[10] City concurrence under this Policy does not include approval for associated signage. Proponents are required to obtain any necessary approvals for signage through the City's standard development application process.

- The lighting of Antenna Systems and associated equipment shelters for security purposes is supportable provided it is shielded from adjacent residential properties, is kept to a minimum number of lights and illumination intensity, where possible and is provided by a motion detector or similar system.

Rooftop Equipment:

- Equipment shelters/cabinets located on the roof of a building should be set back from the roof edge to the greatest extent possible, and painted or treated to blend with the primary colour and/or materials of the host building or penthouse.

- Any rooftop equipment generating noise that can be heard outside the boundaries of the lot should be buffered or otherwise attenuated to direct unavoidable noise upward.

Amateur Radio (Residential Use) Antenna Systems

- No antenna boom or other appurtenance attached to the Antenna System support structure shall project within 0.3 metres of any property line.

- Structures should not be illuminated or carry advertising, flags, graphics or other such devices unrelated to the function of an amateur radio Antenna System support structure, except for warning markings and lights required by any federal or provincial authority.

- Amateur radio Antenna System support structures should not be placed in any front yard.

- Amateur radio Antenna System support structures should not exceed 21 metres in height measured from the ground.

Building or Structure Mounted (microcell) Antenna Systems

- Antennas that extend above the top of a supporting utility pole or light standard should appear (e.g., in colour, shape and size) to be a natural extension of the pole.

- Individual wall-mounted antennas should be fixed as close to the wall as possible and should not project above the height of the wall face they are mounted on, in order to avoid visual clutter, and should be painted to match the wall colour for stealth.

7. Proposal Submission

For a proposed Antenna System, except for cases in which consultation is not required as per Sections 4.2 or 4.3, the Proponent will submit to the City an Antenna System siting proposal and the applicable fee.

7.1 Proposal Submission Requirements

The Proponent must include the following information when submitting an Antenna System siting proposal:

1. A letter or report from the Proponent indicating the need for the proposal, the proposed site, the rationale for site selection, coverage and capacity of existing Antenna Systems in the general area and a summary of opportunities for Co-location potentials on existing or proposed Antenna Systems within 500 metres of the subject proposal;

2. Visual rendering(s) of the proposed Antenna System superimposed to scale;

3. A site plan showing the proposed development situated on the site;

4. A map showing the horizontal distance between the property boundary of the proposed site and the nearest property in residential use;

5. For Antenna Systems requiring public consultation, a map showing all properties located within the Prescribed Distance from the proposed Antenna System;[11]

6. Confirmation of legal ownership of the lands subject to the proposal, or a signed letter of authorization from the registered property owner of the land, their agent, or other person(s) having legal or equitable interest in the land;

7. An attestation that the Antenna System will respect Health Canada's Safety Code 6 which sets safe radiofrequency emission levels for these devices; and

8. Any other documentation as identified by the City following the site investigation meeting.[12]

[11] The Proponent may request to use the City's mapping system.

[12] For example, in cases where the Proponent commits to a design that includes Co-location capacity, the City may require the Proponent to verify that other Proponents in the area have been notified of the potential Co-location opportunities.

A determination on the completeness of an application or request for additional information will be provided by the City within **five working days** of receipt of the proposal.

Upon receipt of a complete proposal submission, the City will circulate the proposal for review and comment to:

1. Affected Municipal Departments;

2. Any adjacent Municipalities within the Prescribed Distance;[13] and

3. The local Elected Municipal Official.

7.2 Fees

The Proponent must pay any applicable proposal or application fee to the City.

The Proponent is responsible for securing applicable approvals or permissions from all relevant Municipal Departments and paying any applicable proposal or application fees or charges as required to the City.

8. Public Consultation Process

If the proposed Antenna System is not exempt from the public consultation process as per the requirements in Section 4, the Proponent will initiate the following public consultation process, including issuing notice, undertaking written consultation, hosting a public information session where required and reviewing the consultation results with the City.

8.1 Notice Recipients

After the Proponent has submitted an Antenna System siting proposal, the Proponent will give notice to:

1. All affected residential properties within the Prescribed Distance;

2. All Designated Community Associations within the Prescribed Distance, as applicable;

3. Any adjacent municipalities within the Prescribed Distance;

4. The local Elected Municipal Official;

[13] As part of inter-municipal processes, the City may also request that the Proponent notify adjacent Municipalities at greater distances, subject to review by the City or at the request of the adjacent Municipality.

5. The Designated Municipal Officer;

6. The Industry Canada regional office;

7. Local Member of Parliament; and

8. Local Member of the Legislative Assembly.

The City will assist the Proponent in compiling a mailing list of addresses of the affected properties and tenants within the Prescribed Distance from the proposed Antenna System.[14] The City may charge a fee for this service.

8.2 Notice Requirements

The notice will be sent by regular mail or hand delivered, a minimum of 30 days before the public information session (where a public information session is required), and include:

1. The proposed Antenna System's purpose, including height and location requirements, 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, including a 21 cm x 28 cm (8½" x 11") size copy of the site plan submitted with the proposal;

3. An attestation[15] 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*;

[14] Notices may be delivered to a condo/strata corporation instead of to each unit owner.

[15] 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.

6. A description of the proposed Antenna System including its height, dimensions, type, design and color, 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, Policies, etc.;

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, the Designated Municipal Officer and the local Industry Canada office;

12. The date, time and location of the public information session (where required); and

13. A deadline date for receipt by the Proponent of public responses to the proposal:

    A. Where a public information session is required, the deadline date must be no more than five days before the date of the session.

    B. Where a public information session is not required, the deadline date must be at least 30 days after the notices are mailed.

The notification shall be sent out in an envelope addressed to the "Occupant" and shall clearly show in bold type on the face of the envelope the statement:

"NOTICE FOR PROPERTY OWNERS AND TENANTS WITHIN [INSERT PRESCRIBED DISTANCE] OF A NEW PROPOSED CELL TOWER. INFORMATION IS ENCLOSED."

The City may also require the Proponent, based on local conditions such as a high proportion of rental accommodation within the Prescribed Distance from the proposed site, to provide such additional forms of notice as deemed necessary. Additional notification requirements will be identified by the City during or following the site investigation meeting. Other forms of notification may include, but are not limited to:

- A large format notice board sign or signs, posted on the site of the proposed Antenna System, that is clearly visible from any roadway abutting the site;
- Publication of the notice in a local newspaper(s); and/or,
- Hand delivery of notices to specified buildings.

In addition to the public notification requirements noted above, Proponents of an Antenna System proposed to be 30 metres or more in height must place a notice in a local community newspaper circulating in the proposed area.[16] Height is 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.

8.3 Written Consultation Process

Following the delivery of the notification, the Proponent will allow the public to submit written comments or concerns about the proposal.

The Proponent will:

1. Provide the public at least 30 days to submit questions, comments or concerns about the proposal;
2. Respond to all questions, comments and concerns in a timely manner (no more than 60 days from the date of receipt); and
3. Allow the party to reply to the Proponent's response (providing at least 21 days for public reply comments).

[16] The notice must be synchronized with the distribution of the public notification package. It must be legible and placed in the public notice section of the newspaper. The notice must include: a description of the proposed installation, its location and street address, Proponent contact information and mailing address, and an invitation to provide public comments to the Proponent within ***30 days*** of the notice. Municipalities may choose to provide a standardized template for newspaper advertisements in their local, customized Policies (see Appendix B).

4. Keep a record of all correspondence that occurred during the written consultation process. This includes records of any agreements that may have been reached and/or any concerns that remain outstanding.

5. Provide a copy of all written correspondence to the City and the regional Industry Canada office.

8.4 Public Information Session

The City may request the Proponent chair a public information session in cases where there is expected to be significant public interest in the proposed Antenna System. The type of public meeting to be conducted (e.g., open house, drop-in or town hall format) is up to the discretion of the Proponent, however:

- An appropriate date, time and location for the public information session will be determined in consultation with the Designated Municipal Officer.

- The Proponent will make available at the public information session an appropriate visual display of the proposal, including a copy of the site plan submitted with the application and an aerial photograph of the proposed site.

The Proponent will provide the City with a package summarizing the results of the public information session containing at a minimum, the following:

1. List of attendees, including names, addresses and phone numbers (where provided voluntarily);

2. Copies of all letters and other written communications received; and

3. A letter of response from the Proponent outlining how all the concerns and issues raised by the public were addressed.

8.5 Post Consultation Review

The City and the Proponent will communicate following completion of the public consultation process (and arrange a meeting at the City's request) to discuss the results and next steps in the process.

9. Statement of Concurrence or Non-concurrence

9.1 Concurrence and Concurrence with Conditions

The City will provide a letter of concurrence to Industry Canada (copying the Proponent) where the proposal addresses, to the satisfaction of the City, the requirements as set out within this Policy and the City's technical requirements, and will include conditions of concurrence, if required.[17]

The City will issue the letter of concurrence within the timeframe established in Section 10.

9.2 Non-concurrence

The City will provide a letter of non-concurrence to Industry Canada (copying the Proponent) if the proposal does not conform to City requirements as set out within this Policy. The City will also forward to Industry Canada any comments on outstanding issues, including those raised during the public consultation process.

The City will issue the letter of non-concurrence within the timeframe established in Section 10.

9.3 Rescinding a Concurrence

The City may rescind its concurrence if following the issuance of a concurrence, it is determined by the City that the proposal contains a misrepresentation or a failure to disclose all the pertinent information regarding the proposal, or the plans and conditions upon which the concurrence was issued in writing have not been complied with, and a resolution cannot be reached to correct the issue.

In such cases, the City will provide notification in writing to the Proponent and to Industry Canada and will include the reason(s) for rescinding concurrence.

9.4 Duration of Concurrence

A concurrence remains in effect for a maximum period of three years from the date it was issued by the City. If construction is not completed within this time period, the concurrence expires except in the case where a Proponent secures the agreement of the City to an extension for a specified time period in writing.[18]

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[17] The City may, on case-by-case basis, include in writing specific conditions of concurrence such as design, screening or Co-location commitments.

[18] A copy of the agreement must be provided to the local Industry Canada office.

Once a concurrence expires, a new submission and review process, including public consultation as applicable, is necessary prior to any construction occurring.

In addition, if construction has not commenced after two years from the date the concurrence was issued, the City requests that the Proponent send a written notification of an intent to construct to the Designated Municipal Officer, the Elected Municipal Official and any Designated Community Association once the work to erect the structure is about to start. This notification should be sent 60 days prior to any construction commencing. No further consultation or notification by the Proponent is required.

9.5 Transfer of Concurrence

Once concurrence has been issued, that concurrence may be transferred from the original Proponent to another Proponent (the current Proponent) without the need for further consultation provided that:

1. All information gathered by the original Proponent in support of obtaining the concurrence from the City is transferred to the current Proponent;

2. The structure for which concurrence was issued to the original Proponent is what the current Proponent builds; and

3. Construction of the structure is commenced within the Duration of Concurrence period as per Section 9.4.

10. Consultation Process Timeframe (see Figure 1 in Appendix A)

The City will make a decision within 30 days with respect to an exemption from all or part of the public consultation requirements under Section 8 and notify the Proponent in writing.

Consultation with the City is to be completed within 60 days of the proposal being accepted as complete[19] by the City as explained in Section 7 of this Policy.

Where public consultation is required, consultation with the City and public consultation are both to be completed within 120 days of the proposal being accepted as complete by the City.

[19] According to CPC-2-0-03, "The 120-day consultation period commences only once proponents have formally submitted, in writing, all plans required by the land use authority, and does not include preliminary discussions with land use authority representatives."

The City or Proponent may request an extension to the consultation process timeline. This extension must be mutually agreed on by both parties.

In the event that the consultation process is not completed in 270 days, the Proponent will be responsible for receiving an extension from the City or reinitiating the consultation process to the extent requested by the City.

11. Letter of Undertaking

The Proponent may be required, if requested by the City, to provide a Letter of Undertaking, which may include the following requirements:

1. The posting of a security for the construction of any proposed fencing, screening and landscaping;

2. A commitment to accommodate other communication providers on the Antenna System, where feasible, subject to the usual commercial terms and Industry Canada *Conditions of Licence for Mandatory Roaming and Antenna Tower and Site Sharing and to Prohibit Exclusive Site Arrangements* (CPC-2-0-17); and

3. All conditions identified in the letter of concurrence.

12. Redundant Antenna System

The City can issue a request to network operators to clarify that a specific Antenna System is still required to support communication network activity. The network operator will respond within 30 days of receiving the request, and will provide any available information on the future status or planned decommissioning of the Antenna System.

Where the network operators concur that an Antenna System is redundant, the network operator and City will mutually agree on a timeframe to remove the Antenna System and all associated buildings and equipment from the site. Removal will occur no later than 2 years from when the Antenna System was deemed redundant.

13. Responsibilities

13.1 Role of Industry Canada

Under *The Radiocommunication Act*, the Minister of Industry has sole jurisdiction over inter-provincial and international communication facilities. Any decision to approve and license the location of Antenna Systems is made only by Industry Canada.

In June 2014, Industry Canada issued an update to its *Radiocommunication and Broadcasting Antenna Systems Client Procedures Circular* (CPC-2-0-03) which outlines the process that must be followed by Proponents seeking to install or modify Antenna Systems, effective July 15, 2014.[20]

Industry Canada also requires that Proponents intending to install or modify an Antenna System notify and consult with the City (Land Use Authority), and the local community within a Prescribed Distance from the proposed structure. Industry Canada also published a *Guide to Assist Land-use Authorities in Developing Antenna Siting Protocols* in January 2008, stating that it "considers that the Municipality's and local residents' questions, comments and concerns are important elements to be considered by a Proponent seeking to install, or make modifications to, an Antenna System." The CPC-2-0-03 also establishes a dispute resolution process to be used where the Proponent and Municipality have reached an impasse.

13.2 Role of the City

The ultimate role of the City is to issue a statement of concurrence or non-concurrence to the Proponent and to Industry Canada. The statement considers the land use compatibility of the Antenna System, the responses of the affected residents and the Proponent's adherence to this Policy. The City also guides and facilitates the siting process by:

- **Communicating** to Proponents the particular amenities, sensitivities, planning priorities and other relevant characteristics of the area;

- **Developing the design guidelines** for Antenna Systems contained in Section 6 of this Policy; and

- **Establishing** a community consultation process, where warranted.

By working with Proponents throughout the siting process, beginning with preliminary notification and the site investigation meeting, the City seeks to facilitate Antenna System installations that are sensitive to the needs of the local community.

[20] For additional information regarding Industry Canada's mandate and the application of its authority in the wireless telecommunications process, please consult Industry Canada's Spectrum Management and Telecommunications Sector at http://ic.gc.ca/spectrum.

Designated Municipal Officer (DMO), for the purposes of this Policy, is the Director, Planning Property and Development. The DMO is responsible for receiving, evaluating and processing submissions for telecommunication Antenna Systems and issuing a Letter of Concurrence or Non-Concurrence to Industry Canada.

13.3 Role of the Proponent

Proponents need to strategically locate Antenna Systems to satisfy technical criteria and operational requirements in response to public demand. Throughout the siting process, Proponents must adhere to the antenna siting guidelines in the CPC-2-0-03, including:

- Investigating sharing or using existing infrastructure before proposing new antenna-supporting structures (consistent with CPC-2-0-17 *Conditions of Licence for Mandatory Roaming and Antenna Tower and Site Sharing and to Prohibit Exclusive Site Arrangements*);

- Contacting the City to determine local requirements regarding Antenna Systems; and

- Undertaking public notification and addressing relevant concerns as is required and appropriate.

14. Appendices

14.1 Appendix A: Antenna System Siting Process Flowchart (Figure 1)

14.2 Appendix B: Sample Newspaper Notice

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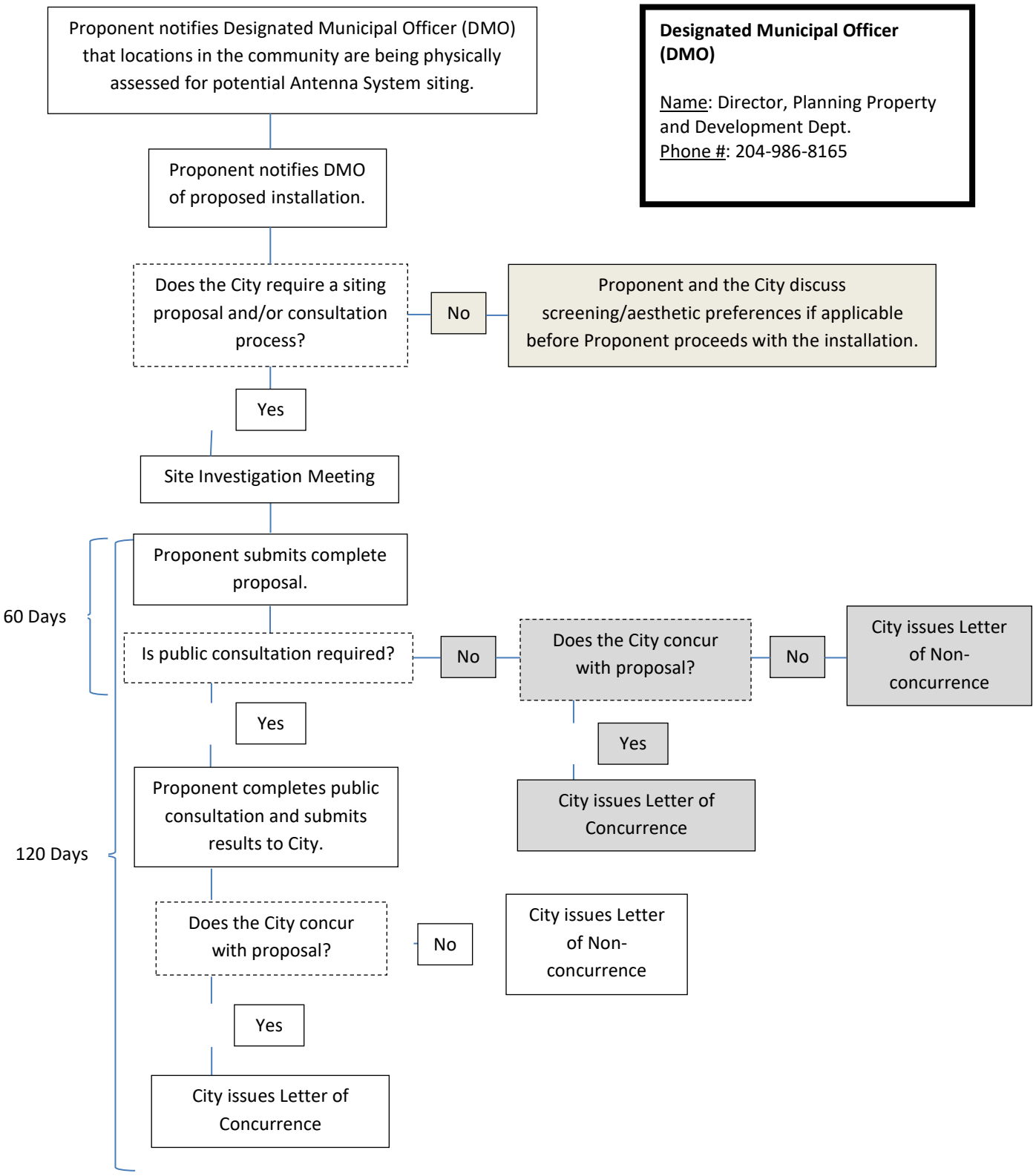
Date Prepared: September 24, 2015

APPENDIX A
Figure 1: Antenna System Siting Process Flowchart



Appendix B: Sample Newspaper Notice

(Required for all proposals over 30m)

Note: French translation will be required for sites located within the Riel Community Committee area boundaries.

<Corporate Logo>

PUBLIC NOTICE
Proposed Antenna System

Proposal Description: (Describe in detail what is being installed: style and type of structure, height, site size, attachments, associated equipment shelter and complementary amenities, landscaping and stealth treatments, etc. Indicate if Antenna System is new or replacement, the reason for the facility, area(s) served by the facility and whether there is opportunity/capacity/ intent for co-located services in the future. *Example: The scope of the project is as a replacement for 2 existing smaller cell towers to consolidate the existing infrastructure on a 200' metal lattice structure with six directional antennas mounted in an array at the top of the tower. XXX Corporation will be the only commercial user of the tower at this time, but capacity is being accommodated for additional users in the future.)*

Site Location: (Provide street address / location description and property ownership/ authorization/use agreement. *Example: ## XXX Street, or SW corner of XXX Street and XXX Avenue in the City of Winnipeg, on privately owned land, or, on land leased from the City of Winnipeg*) . See aerial photo below.

Inquiries and public comments may be submitted within 30 days to (the Proponent's/our agent, Proponent/Agent contact person, Proponent/Agent company) by mail to (Proponent/Agent Address), Winnipeg, MB, Postal Code, or by email to (Proponent/Agent email address) or by fax to 204-(Fax #). Background information on the proposal is available at the following link: (web site address) or in-person between (8:30 AM – 4:30 PM) at (address/location to view information), in Winnipeg.

A follow-up public information session will be held on (Month ##, Year) at (Location, Address) from (0:00 – 0:00 PM).