



AGENDA

PLANNING & DEVELOPMENT COMMITTEE

THE CORPORATION OF THE CITY OF MISSISSAUGA

MONDAY, APRIL 29, 2013 - 7:00 P.M.

COUNCIL CHAMBER, 2ND FLOOR - CIVIC CENTRE
300 CITY CENTRE DRIVE, MISSISSAUGA, ONTARIO L5B 3C1
<http://www.mississauga.ca>

Members

Mayor Hazel McCallion	
Councillor Jim Tovey	Ward 1
Councillor Pat Mullin	Ward 2
Councillor Chris Fonseca	Ward 3 (Chair)
Councillor Frank Dale	Ward 4
Councillor Bonnie Crombie	Ward 5
Councillor Ron Starr	Ward 6
Councillor Nando Iannicca	Ward 7
Councillor Katie Mahoney	Ward 8
Councillor Pat Saito	Ward 9
Councillor Sue McFadden	Ward 10
Councillor George Carlson	Ward 11

Mumtaz Alikhan, Legislative Coordinator, Office of the City Clerk
905-615-3200 ext. 5425 / Fax 905-615-4181
email: mumtaz.alikhan@mississauga.ca



Please note that starting April 29, 2013, Planning and Development Committee meetings will be streamed live and archived at <http://www.mississauga.ca/videos>

PLANNING & DEVELOPMENT COMMITTEE – APRIL 29, 2013

CALL TO ORDER

DECLARATIONS OF (DIRECT OR INDIRECT) PECUNIARY INTEREST

MATTERS TO BE CONSIDERED

1. Proposed Amendments to the City of Mississauga Telecommunication Tower/Antenna Facilities Protocol
File: EC.19-TEL

2. Removal of the “H” Holding Symbol from Zoning By-law 5500, 2021-2041 Cliff Road, Northeast corner of North Service Road and Cliff Road, Part of Block 13, Registered Plan B-27
Owner: Gemini Urban Design (Cliff) Corp.
Applicant: Weston Consulting Group Inc. (Ward 7)
File: H-OZ 12/002 W7

3. Appeal to the Ontario Municipal Board – Committee of Adjustment Decision on Minor Variance Application ‘A’ 050/13 W11, Anjuman-E-Fakhri, 1605 Argentia Road and 0 Campobello Road, South of Derry Road West and west of Mississauga Road
File: ‘A’ 050/13 W11

ADJOURNMENT



Corporate Report

PLANNING & DEVELOPMENT COMMITTEE

APR 29 2013

Clerk's Files

Originator's

Files EC.19-TEL

DATE: April 9, 2013

TO: Chair and Members of Planning and Development Committee
Meeting Date: April 29, 2013

FROM: Edward R. Sajecki
Commissioner of Planning and Building

SUBJECT: **Proposed Amendments to the City of Mississauga
Telecommunication Tower/Antenna Facilities Protocol**

- RECOMMENDATION:**
1. That the Report dated April 9, 2013 from the Commissioner of Planning and Building entitled "Proposed Amendments to the City of Mississauga Telecommunication Tower/Antenna Facilities Protocol", be received for information.
 2. That the revised "City of Mississauga Telecommunication Tower/Antenna Facilities Protocol" dated April 2, 2013, attached as Appendix 2 to the Report dated April 9, 2013, from the Commissioner of Planning and Building entitled "Proposed Amendments to the City of Mississauga Telecommunication Tower/Antenna Facilities Protocol", be adopted to replace the "City of Mississauga Telecommunication Tower/Antenna Facilities Protocol" dated November 13, 2012.
 3. That the City of Mississauga advise Industry Canada that the City has considered the Federation of Canadian Municipalities and Canadian Wireless Telecommunications Association joint protocol template and request Industry Canada to amend their Client Procedures Circular 2-0-03, Issue 4, Radiocommunication and Broadcasting Antenna Systems, to reflect local consultation requirements contained in the joint protocol template, including consultation for tower proposals less than 15 m (49.2 ft.) in height.

**REPORT
HIGHLIGHTS:**

- Industry Canada's local consultation process is summarized;
- The purpose of the Federation of Canadian Municipalities and Canadian Wireless Telecommunications Association joint protocol template is outlined;
- Comparison of the FCM template with the City's existing protocol; and
- Proposed amendments to the City's existing protocol are outlined.

BACKGROUND:

In June 2012, the Federation of Canadian Municipalities (FCM) established an antenna tower working group consisting of FCM staff and municipal staff from across Canada, including a representative from the City of Mississauga Planning and Building Department. The purpose of this working group was to discuss current challenges related to tower siting, share best practices and provide technical input into the development of a FCM protocol template.

On December 12, 2012, Council adopted a revised Telecommunication Tower/Antenna Facilities Protocol, setting out the notification and consultation process for proposed telecommunication towers, where the tower is not excluded from consultation.

On February 28, 2013, FCM announced a new protocol template that was developed in partnership with the Canadian Wireless Telecommunications Association (CWTA). With the release of the FCM and CWTA joint protocol template ("template"), Planning and Building Department staff evaluated and compared the template with the City's recently adopted protocol.

COMMENTS:**Industry Canada**

Industry Canada, a federal government agency, regulates towers under the federal *Radiocommunication Act* and makes all final decisions to approve their location. Industry Canada's document titled "Client Procedures Circular 2-0-03, Issue 4, Radiocommunication and Broadcasting Antenna Systems" (CPC) outlines the process that must be followed by proponents seeking to

install or modify towers. As part of this process, proponents are required to consult with the municipality and public, where applicable, by following local consultation protocols established by the municipality. Industry Canada has a guide to assist municipalities in developing protocols. Any protocols established by municipalities should be harmonized with Industry Canada's rules and standards that are outlined in their documents.

FCM and CWTA Joint Protocol Template

The purpose of the template is to provide municipalities across Canada with a tool to develop customized protocols for the siting of towers within their municipality, while taking into account the jurisdiction of the federal government. The template is intended to be a resource mainly for municipalities that do not have an established protocol and that are seeking to develop a protocol, or municipalities that are planning to update an established protocol. The template is attached as Appendix 1.

Contrary to media reports, the template is not a national protocol released by Industry Canada. It should be noted that Industry Canada has not amended their regulating CPC document to reflect the consultation requirements contained in the template to date, and have indicated that at this time, they do not intend on making any amendments.

The template establishes a more intensive consultation process than Industry Canada's default consultation process by addressing the need for increased communication, including notification, public consultation and collaboration between municipalities and wireless carriers regarding the location and visual aesthetics of proposed tower facilities. Furthermore, the template is intended to address the limitations of existing federal regulations, which do not require notification or consultation for tower proposals less than 15 m (49.2 ft.) in height.

Location, design and procedural examples are provided in the template that should be carefully examined by municipalities, as some examples are better suited to urban, suburban or rural

municipalities. As such, a protocol should reflect local circumstances and preferences. Some of the examples are best practices that were shared through the FCM antenna tower working group, which include provisions from the City's protocol, such as:

- a) Redundant tower facilities;
- b) Preferred locations that maximize the distance from residential areas; and
- c) Requesting the proponent to carry out supplementary public consultation in some cases.

Comparison of Template and City's Protocol

The template is comparable to the City's existing protocol with respect to the overall notification and consultation process, and location and design preferences. However, the City's existing protocol has more rigorous public notification and consultation requirements, including the involvement of the local Member of Parliament in the process.

Key Differences

Proposed Towers less than 15 m (49.2 ft.) in height

FCM:

The municipality *may* request the proponent to undertake all or part of the preliminary consultation, formal submission and/or public consultation for proposed towers less than 15 m (49.2 ft.) in height. The municipality and proponent must mutually agree on a possible consultation process.

Mississauga:

The proponent must notify the City of proposed towers less than 15 m (49.2 ft.) in height through the Confirmation of Exclusion process. The protocol does not request proponents to undertake formal submission and/or public consultation for proposed towers less than 15 m (49.2 ft.) in height. It should be noted that proposed

towers less than 15 m (49.2 ft.) in height are still excluded from municipal and public consultation by Industry Canada. Therefore, the municipality can only request the proponent to undertake the applicable consultation requirements.

Statement of Concurrence or Non-Concurrence

FCM:

The template concludes with a statement of concurrence or non-concurrence to be issued by the municipality at the end of the consultation process.

Mississauga:

The protocol concludes with a letter of comment that may indicate that the consultation process has been concluded or that there are objections to the proposal. The purpose of the City's letter of comment is to accurately reflect the City's role as a commenting agency and not a regulating and deciding body.

Proposed Amendments to the City's Protocol

There have not yet been any formal tower requests processed under the existing protocol, including the Confirmation of Exclusion process for excluded towers. As such, staff recommend only minor changes to the protocol in order to further address concerns with proposed towers less than 15 m (49.2 ft.) in height and redundant towers. The minor changes will also provide greater predictability and transparency for proponents. The recommendations are reflected and shaded grey in the Proposed Revised Protocol attached as Appendix 2.

The minor changes are:

1. New definition for "residential areas" in order to clarify that it includes mixed land uses (i.e. commercial use at-grade with a residential dwelling unit(s) above).
2. Clarification that any additional increase in height to an existing tower that was previously excluded from the

consultation process, will be subject to the consultation process.

3. New provision that the City may request proponents to undertake some or all consultation requirements for both tower proposals less than 15 m (49.2 ft.) in height and any additions to existing towers which are located in a residential area or within 120 m (393.7 ft.) of a residential area.
4. Clarification that during or after a preliminary consultation meeting, the City will provide the proponent with an information package outlining the City's preferences and requirements before submitting a formal tower request.
5. Clarification that the City will determine a complete or incomplete tower request within five working days of receipt of the request.
6. Clarification that the City may request the operator of a specific tower to confirm whether the tower is still required to support their telecommunication network.

Fees and Staff Resources

No changes to the City's General Fees and Charges By-law will be necessary resulting from the proposed revised protocol. Staff will monitor the implications on staff resources resulting from the proposed revised protocol and the volume of tower requests and exclusions.

FINANCIAL IMPACT:

It is estimated that approximately 4 to 6 tower requests and 6 tower exclusions will be submitted each year. The estimated yearly cost recovery revenue would be approximately \$16,000.00 to \$26,000.00 and \$1,800.00, respectively.

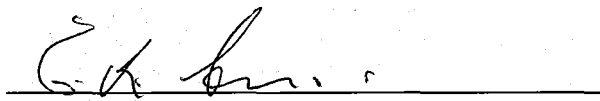
CONCLUSION:

The proposed revised protocol is in line with the template. The minor changes in the proposed revised protocol will provide greater clarity and incorporate additional best practices that will further address local circumstances, including land use preferences and residents' concerns.

ATTACHMENTS:

Appendix 1: FCM and CWTA Joint Protocol Template

Appendix 2: Proposed Revised Protocol dated April 2, 2013



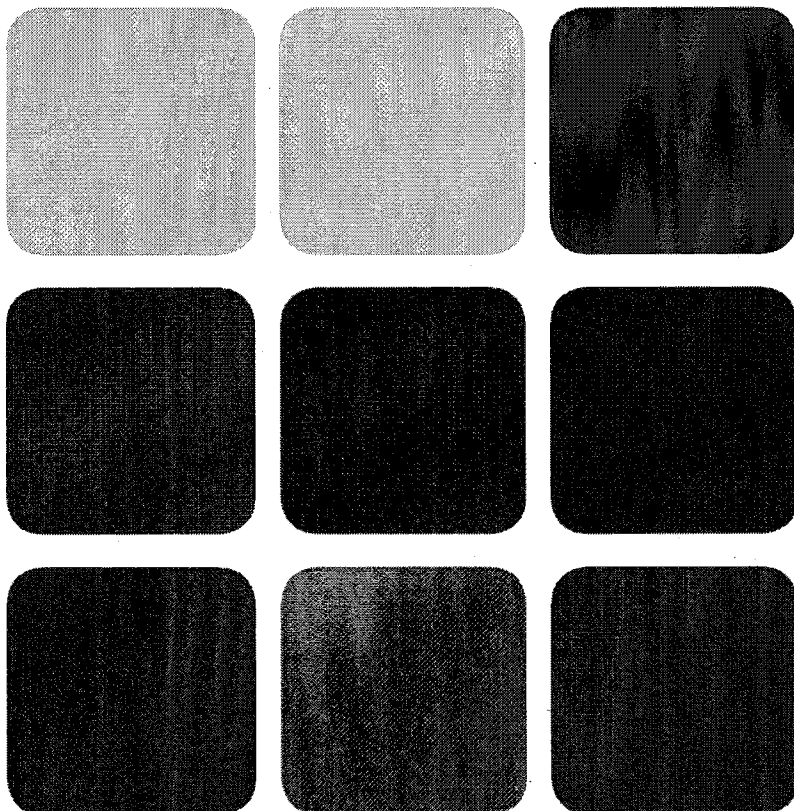
Edward R. Sajecki

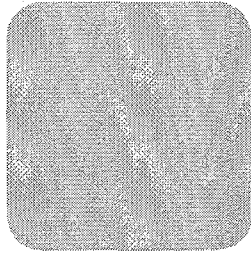
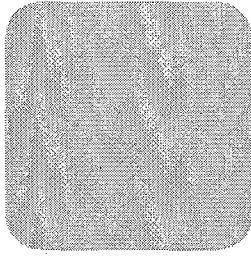
Commissioner of Planning and Building

Prepared By: Timothy Lee, Planner, Planning Services Centre

MB

ANTENNA SYSTEM SITING PROTOCOL TEMPLATE





PURPOSE:

(TO BE REMOVED FROM FINAL PROTOCOL)

The purpose of this protocol template is to provide Municipalities with a tool to develop customized protocols for the siting of Antenna Systems within their Municipality.

As the template was developed jointly by the FCM and the CWTa, and is consistent with Industry Canada rules on Antenna System consultations, its use should result in consistent and predictable Antenna System siting protocols. This template encourages the development of local protocol guidelines that fully express the Municipality's location and design preferences. It is desirable for protocols to highlight local knowledge and expertise by suggesting preferred sites in all zoning designations and community development plans, including in Residential Areas, as well as design and screening preferences.

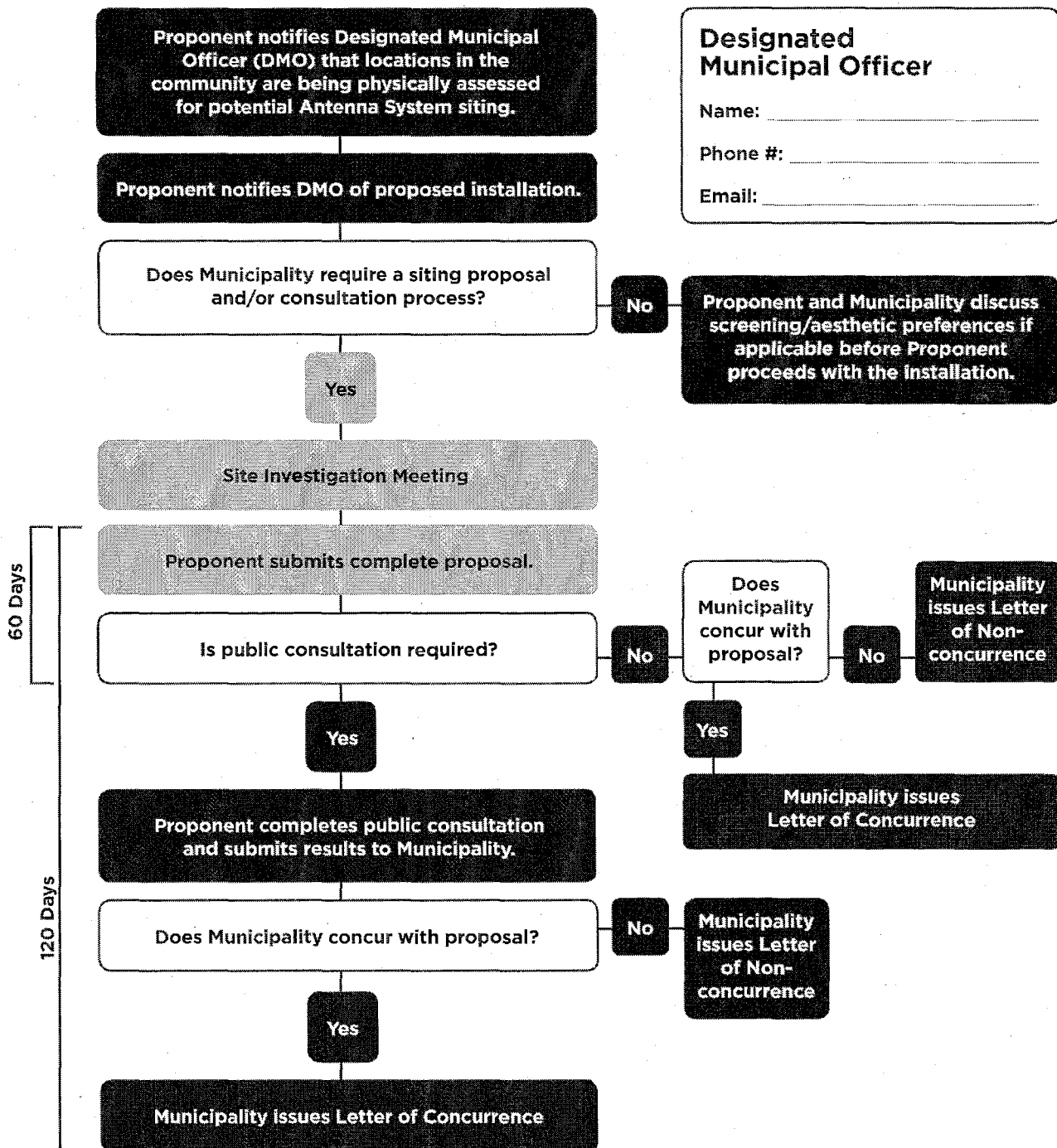
Additionally, all examples of local customization provided in the Appendix are endorsed by the wireless industry as being reasonable and practical components of an antenna siting protocol. Some of these examples are better suited to urban, suburban or rural Municipalities, depending on the Municipality from which they derive, but they serve as 'best practices' and should be considered by Municipalities as they examine options for developing their own local protocols. Municipalities should remove all items from this template that are not relevant considering its municipal policies and preferences before finalizing its protocol.

The following sections set out recommended language that may be adopted or adapted by Municipalities wishing to develop a customized protocol in a manner that reflects local circumstances.

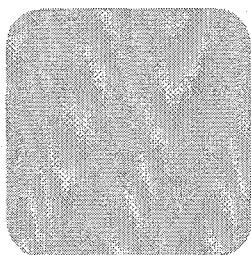
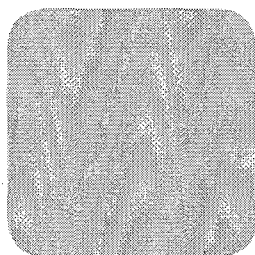
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Antenna System Siting Process Flowchart



Section 1



OBJECTIVES

The objectives of this Protocol 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 Protocols* 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 Municipality 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 Municipality and members of the public contribute local knowledge that facilitates and influences the siting – location, development and design (including aesthetics) – of Antenna Systems within municipal boundaries;
- (5) To contribute to the orderly development and efficient operation of a reliable, strong radiocommunication network in the Municipality; and
- (6) To provide the Municipality 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 Municipality to Industry Canada at the end of the process.

Section 2



JURISDICTION AND ROLES

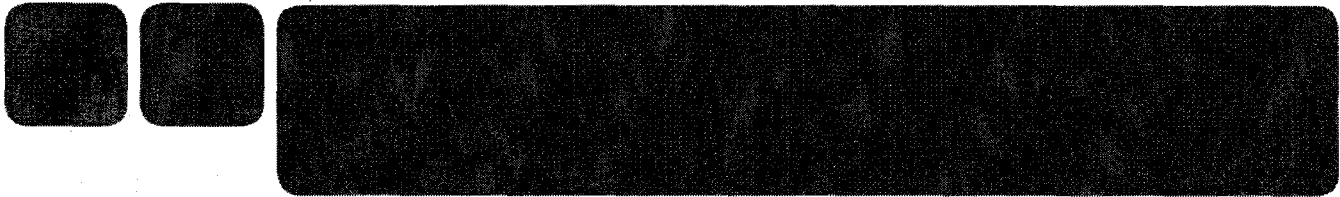
INDUSTRY CANADA: Under the *Radiocommunication Act*, the Minister of Industry has sole jurisdiction over inter-provincial and international communication facilities. The final decision to approve and licence the location of Antenna Systems is made only by Industry Canada. In June 2007, Industry Canada 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 January 1, 2008.¹

Industry Canada also requires that Proponents intending to install or modify an Antenna System notify and consult with Municipality (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 also establishes a dispute resolution process to be used where the Proponent and Municipality have reached an impasse.

ROLE OF THE MUNICIPALITY: The ultimate role of the Municipality 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 Protocol. The Municipality 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 Protocol; and
- **Establishing** a community consultation process, where warranted.

¹ 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>.



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

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, including:

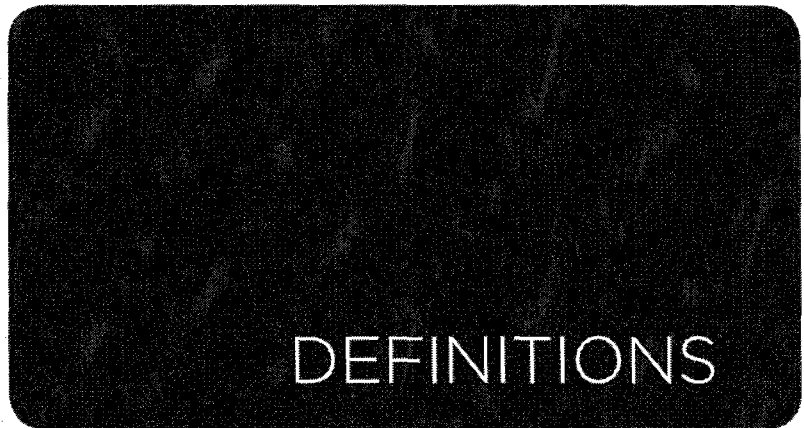
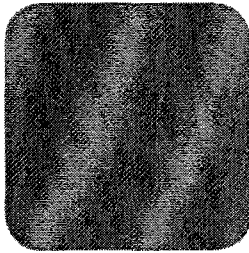
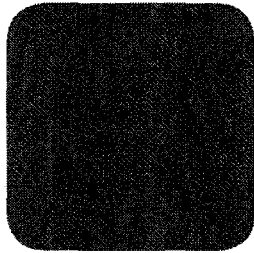
- Investigating sharing or using existing infrastructure before proposing new antenna-supporting structures (consistent with CPC-2-0-17 *Conditions of Licence for Mandatory Roaming and Antenna Tower and Site Sharing and to Prohibit Exclusive Site Arrangements*);
- Contacting the Municipality to determine local requirements regarding Antenna Systems; and
- Undertaking public notification and addressing relevant concerns as is required and appropriate.

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)²
- The *Canadian Environmental Assessment Act*; and
- NAV Canada and Transport Canada's painting and lighting requirements for aeronautical safety.

² The Municipality 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 healthcanada.gc.ca and to the Proponent's representative.

Section 3



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 protocol most commonly refers to the following two types of Antenna Systems:

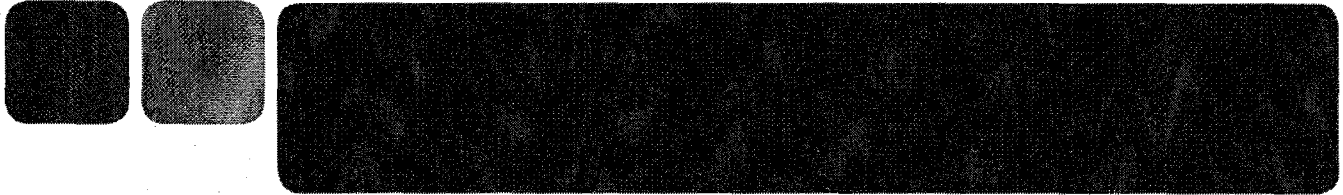
1. **Freestanding Antenna System:** a structure (e.g. tower or mast) built from the ground for the expressed purpose of hosting an Antenna System or Antenna Systems;
2. **Building/Structure-Mounted Antenna System:** an Antenna System mounted on an existing structure, which could include a building wall 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.

COMMUNITY SENSITIVE LOCATIONS: land on which the siting of new Antenna Systems is discouraged, or requested to be subject to greater consultation than otherwise dictated by the standard protocol. Such locations may be defined in local zoning bylaws, community plans, or statutory plans.

DESIGNATED COMMUNITY ASSOCIATION: area- or neighbourhood-specific group that is recognized by the Municipality.

DESIGNATED MUNICIPAL OFFICER (AND HIS OR HER DESIGNATE): the municipal 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 protocol.



ELECTED MUNICIPAL OFFICIAL: the political leader of the demarcated area of the Municipality (e.g. ward) in which the Antenna System is proposed.

HERITAGE STRUCTURES/AREAS: buildings and structures (e.g. monuments) or areas/ neighbourhoods receiving a heritage designation by the Municipality.

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 Municipality.

PRESCRIBED DISTANCE: [TO BE DETERMINED BY THE MUNICIPALITY³], measured horizontally from the base of the proposed Freestanding or Building/Structure-Mounted Antenna System.

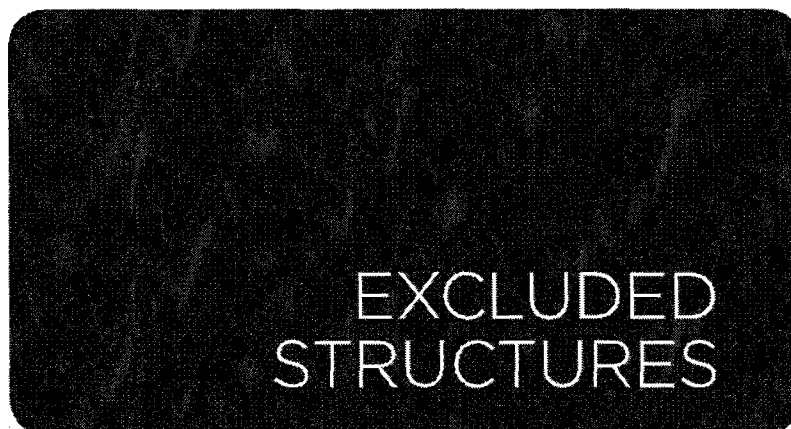
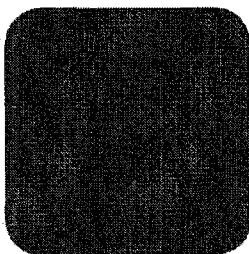
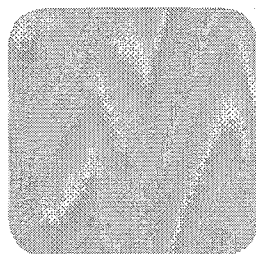
PROPONENT: a company or organization proposing to site an Antenna System (including contractors undertaking work for telecommunications carriers) for the purpose of providing commercial or private telecommunications services, exclusive of personal or household users.⁴

RESIDENTIAL AREA: lands used or zoned to permit residential uses, including mixed uses (i.e. where commercial use is permitted at-grade with residential apartments/ condominiums above).

³ Industry Canada recommends in the CPC a distance of three times the height of the proposed tower. Other existing municipal protocols have adopted a range of prescribed distances, e.g. six times the height of the proposed tower, a minimum of 100 metres, a minimum of 120 metres.

⁴ The Municipality may wish to apply this Protocol to amateur radio operators or, alternatively, introduce a separate review process for amateur radio installations.

Section 4



This section outlines the criteria for identifying Antenna Systems excluded from the consultation process by Industry Canada, the need to consider local circumstances for all exempt structures, and the process for Proponents to notify and discuss proposed exempt structures with the Municipality. Depending on the type of Antenna System proposed and the proposed system's proximity to discouraged locations (i.e. within the Prescribed Distance from the nearest Residential Area), structures typically excluded by Industry Canada may be required to follow all or part of the pre-consultation, proposal submission and public consultation identified in this protocol.⁵

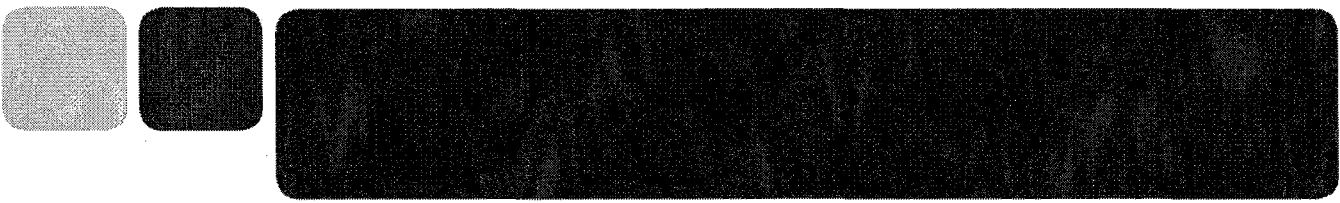
4.1 EXEMPTIONS FROM ANTENNA SYSTEM SITING PROPOSAL REVIEW AND PUBLIC CONSULTATION

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

- (1) New Antenna Systems, including masts, towers or other antenna-supporting structure, with a height of less than **15 metres** above ground level **except where required by the Municipality as per Section 4.2.2;**
- (2) Maintenance of existing radio apparatus including the Antenna System, transmission line, mast, tower or other antenna-supporting structure;
- (3) Addition or modification of an Antenna System (including improving the structural integrity of its integral mast to facilitate sharing), the transmission line, antenna-supporting structure or other radio apparatus to existing infrastructure, a building, water tower, etc., including additions to rooftops or support pillars, provided:
 - a) the addition or modification does not result in an overall height increase above the existing structure of 25% of the original structure's height;
 - b) the existing Antenna System is at least 15 metres in height⁶; and
 - c) the existing Antenna System has not previously been modified to increase its original height by 25%;⁷

⁶ Any modifications or additions to existing Antenna Systems 15 metres or less in height that would extend the height of the existing antenna above 15 metres will be subject to the consultation process as applicable.

⁷ The exemption for modifications or additions that increase the height of the existing system by 25% or less applies only once. Subsequent modifications or additions to the same structure will be subject to the consultation process as applicable.

- 
- (4) Maintenance of an Antenna System's painting or lighting in order to comply with Transport Canada's requirements; and
 - (5) Installation, for a limited duration (typically not more than 3 months), of an Antenna System that is used for a special event, or one that is used to support local, provincial, territorial or national emergency operations during an emergency, and is removed within 3 months after the emergency or special event.⁸

The CPC also states that: 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 Municipality 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;
- the likelihood of an area being a Community-Sensitive Location; and
- Transport Canada marking and lighting requirements for the proposed structure.

4.2 NOTIFICATION AND MUNICIPAL REVIEW OF EXEMPT ANTENNA SYSTEMS

Notwithstanding Industry Canada's exemption criteria for certain Antenna Systems, Municipalities should be informed of all new Antenna System installations within their boundaries so they can:

- Be prepared to respond to public inquiries once construction/installation has begun;
- Be aware of site Co-location within the Municipality;
- 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 investing in full design.

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

⁸ The Municipality may grant, upon request, additional time for the removal of Antenna Systems used for a special event or emergency operation.



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 to existing Antenna Systems that are mounted to an existing structure, including (but not limited to) a building/rooftop, water tower, utility pole or light standard:

- (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 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 systems.

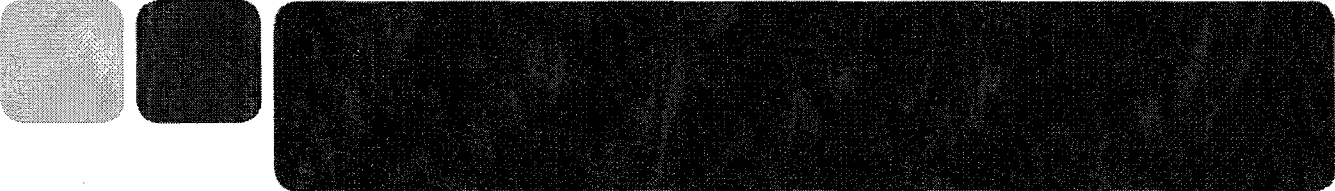
The Municipality may notify the Proponent of any inconsistency with the preferences and sensitivities expressed in Section 6 and the parties will work towards a mutually agreeable solution.

4.2.2 Freestanding Antenna Systems and additions to Freestanding Antenna Systems:

The Proponent will confirm to the Municipality that the Freestanding Antenna System to be erected, or an addition to an existing Freestanding Antenna System as defined in Section 4.1(3), meets the exclusion criteria in Section 4.1 by providing the following:

- (1) The proposed location, including its address and location on the lot or structure;
- (2) A short summary of the proposed Antenna System including a preliminary set of drawings or visual rendering of the proposed system; and
- (3) A description of how the proposal meets one of the Section 4.1 exclusion criteria.

The Municipality 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 Protocol. In such cases, the Municipality and the Proponent will work toward a mutually agreeable solution, which may include the Municipality 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 protocol, as applicable, concluding with a letter of concurrence or non-concurrence.



Proponents should anticipate that the Municipality will request that all proposals for new Freestanding Antenna Systems and additions to existing Freestanding Antenna Systems that are proposed within the Prescribed Distance from the nearest Residential Area be subject to the pre-consultation, proposal submission and public consultation process. For this reason, Proponents are strongly encouraged to initiate this process before investing in a final design or site.

4.3 EXEMPTIONS FROM PUBLIC CONSULTATION ONLY

In addition to Industry Canada's basic exemptions listed in subsection 4.1, the following types of Antenna Systems are exempt from the public consultation requirement by the Municipality:

- (1) New Antenna Systems which will be located outside the Prescribed Distance (as identified in Section 3) from the nearest Residential Area.
- (2) Notwithstanding subsection (1) above, the Municipality may, on a case-by-case basis, exempt a Proponent from all or part of the consultation requirements under Section 8 of this Protocol.⁹ For example, exemptions may be granted where the proposed location is separated from a Residential or Heritage area or structure by an arterial roadway, and/or is buffered by substantial tree cover, topography, or buildings.

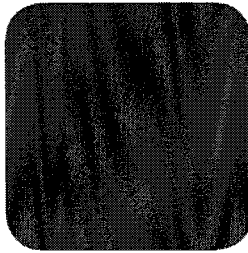
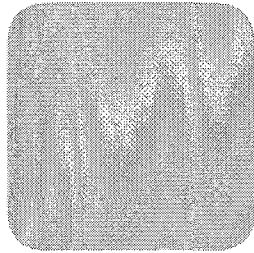
4.4 SITING ON MUNICIPAL-OWNED PROPERTIES

Any request to install an Antenna System on lands owned by the Municipality shall be made to the appropriate official dealing with municipal properties, in accordance with Municipal policy.¹⁰

⁹ For example, a Municipality 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.

¹⁰ Existing municipal 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 Protocol.

Section 5



PRE-CONSULTATION WITH THE MUNICIPALITY

Pre-consultation is one of the most important elements in the antenna 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 siting process for exempt and non-exempt structures.

Prior to submitting an Antenna System proposal, including for Freestanding Antenna Systems or additions to Freestanding Antenna Systems as may be required under Section 4.2.2, the Proponent will undertake the following preliminary consultations with the Municipality.

5.1 NOTIFICATION

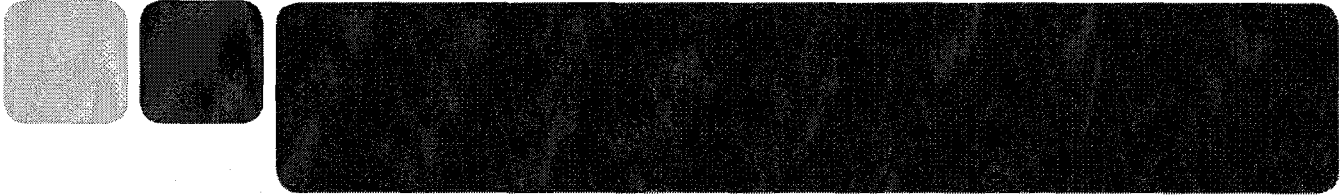
Proponents will notify the Designated Municipal Officer that locations in the community are being physically assessed for potential Antenna System siting.

5.2 SITE INVESTIGATION MEETING WITH MUNICIPALITY

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

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 Municipality has an initial concern with the proposed siting of the proposal they will make known to the Proponent alternative locations within the Proponent's search area for consideration.

The Proponent will bring the following information to the site investigation meeting¹¹:

- (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 Municipality, multiple Antenna System siting proposals may be reviewed at a site investigation meeting.

5.3 CONFIRMATION OF MUNICIPAL PREFERENCES AND REQUIREMENTS

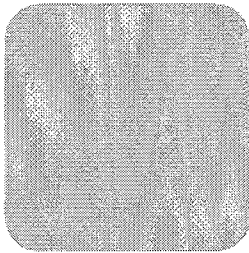
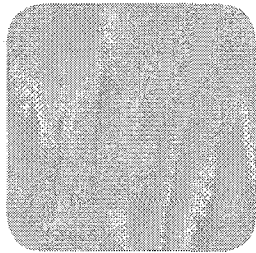
Following the site investigation meeting, municipal staff will provide the Proponent with an information package that includes:

- (1) This Protocol, 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 (i.e. environmental impact statements);
- (4) A list of Municipal Departments and Other Agencies to be consulted; and
- (5) An indication of the Municipality's preferences regarding Co-location for the site(s) under discussion.

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 before submitting the proposal.

¹¹ Proponents may prefer to attend the site investigation meeting without some of the required documents - particularly preliminary drawings - if it is waiting on Municipality feedback before settling on a final location, structure height or design. This should be confirmed with the Municipality. Such documents will be required to be provided following the meeting and prior to the Municipality providing the Proponent with the information package.

Section 6



DEVELOPMENT GUIDELINES

BACKGROUND (TO BE REMOVED FROM FINAL PROTOCOL):

Municipalities are advised to provide as much detail as possible in this section in order to guide the development of Antenna Systems in their community in a manner that respects local sensitivities and land-use compatibility while providing transparency and predictability to Proponents. Various common criteria for development guidelines are included below. Suggestions for specific guidelines that have been identified as best practices from other Municipal protocols are provided in the Appendix as a reference point. Municipalities are encouraged to populate this guidelines section (or remove any inapplicable categories) as is appropriate to identify their local sensitivities.

Municipalities should ensure that all relevant Zoning By-law regulations are cited in this section as deemed necessary.

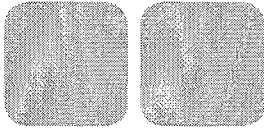
Antenna Systems should be sited and designed to respect local sensitivities and preferences as identified by the Municipality.

The Municipality 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 Municipality. Because expressed preferences may be location- or site-specific, the Proponent is encouraged to discuss the guidelines fully with the Municipality at the site investigation meeting.

Proponents are also required to obtain all applicable building permits for additions and/or modifications to existing buildings.



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 Municipality's preference.

The Municipality recognizes that the objective of promoting Co-location and the objective of making Antenna Systems less noticeable may sometimes come into conflict. Nevertheless, the Municipality 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 Municipality's site-specific design preferences during the pre-submission consultation process before investing in a final design or site.

Preferred Locations:

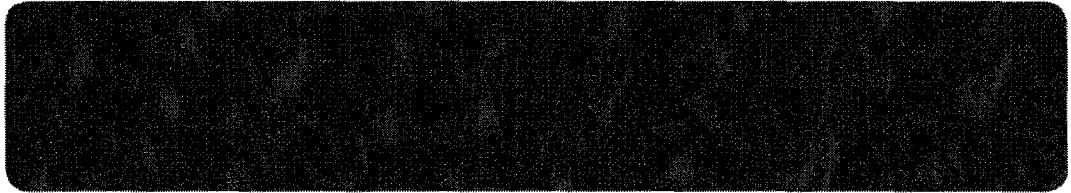
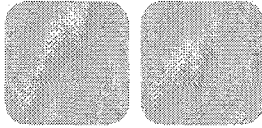
When new Antenna Systems must be constructed, **where technically feasible**, the following locations are preferred:

-

Discouraged Locations

New Antenna Systems should avoid the following areas:

-



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, parkland, Heritage district, etc.), including being unobtrusive and inconspicuous, minimizing visual impact, avoiding disturbance to natural features, and reduce the need for future facilities in the same area, where appropriate. The Municipality's preferred design and development preferences are described below.

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

Style and Colour:

-

Buffering and Screening:

-

Structure:

-

Height:

-

Yards, Parking and Access:

-

Equipment Cabinets in Public Spaces:

-

Signage and Lighting:

-

Rooftop Equipment:

-

Section 7



For a proposed Antenna System, except for cases in which consultation is not required as per Section 4.2.1 or the Municipality has not requested consultation as per Section 4.2.2, the Proponent will submit to the Municipality 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;¹²
- (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 Municipality following the site investigation meeting.¹³

¹² The Proponent may request to use the Municipality's mapping system.

¹³ For example, in cases where the Proponent commits to a design that includes Co-location capacity, the Municipality 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 within **five working days** of receipt of the proposal.

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

- (1) Affected Municipal Departments;
- (2) Any adjacent Municipalities within the Prescribed Distance;¹⁴ and
- (3) The local Elected Municipal Official.

7.2 FEES

Remove reference to fees if not applicable to your Municipality.

The Proponent must pay any applicable application fee to the Municipality.

The Proponent is responsible for securing applicable applications or permissions from all relevant municipal departments and paying any applicable application fees or charges as required to the Municipality.

¹⁴ As part of inter-municipal processes, the Municipality may also request that the Proponent notify adjacent Municipalities at greater distances, subject to review by the Municipality or at the request of the adjacent Municipality.

Section 8



PUBLIC CONSULTATION PROCESS

BACKGROUND (TO BE REMOVED FROM FINAL PROTOCOL):

Industry Canada believes that nearby residents should be consulted regarding non-excluded antenna proposals. Consultation allows the community to be involved and ultimately influences the proposal's siting. Discussions allow stakeholders to work towards a consensus.

While Industry Canada provides a default public consultation process in the CPC, Municipalities are free to structure their public consultation process to meet their needs. Most often, Municipalities customize their public consultation process in two ways:


- By prescribing which information must be included in the public notification; and
- Requiring that either a face-to-face public consultation (i.e. open-house, drop-in or public meeting) process or a written (or other) consultation process take place.

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 Municipality.

8.1 NOTICE RECIPIENTS

After the Proponent has submitted an Antenna Systems 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.
- (3) Any adjacent municipalities within the Prescribed Distance;
- (4) The local Elected Municipal Official;
- (5) The Designated Municipal Officer; and
- (6) The Industry Canada regional office.



The Municipality will assist the Proponent in compiling a mailing list of addresses of the affected residences within the Prescribed Distance from the proposed Antenna System.¹⁵ The Municipality 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) Information on the location, height, type, design and colour of the proposed Antenna System; including a 21 cm x 28 cm (8 1/2" x 11") size copy of the site plan submitted with the application;
- (2) The rationale, including height and location requirements, of the proposed Antenna System;
- (3) The name and contact information of a contact person for the Proponent;
- (4) The name and contact information of the Designated Municipal Officer;
- (5) An attestation that the Antenna System will respect Health Canada's Safety Code 6 which sets safe radiofrequency emission levels for these devices;
- (6) The date, time and location of the public information session where required; and
- (7) 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 RESIDENTS WITHIN [INSERT PRESCRIBED DISTANCE] OF A NEW PROPOSED CELL TOWER. INFORMATION IS ENCLOSED."

¹⁵ Notices may be delivered to a condo/strata corporation instead of to each unit owner.



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

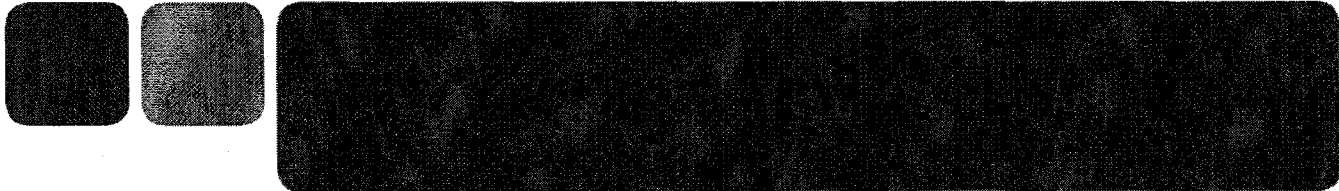
- A large format notice board sign or signs, posted on the site of the proposed Antenna System, that is clearly visible from any roadway abutting the site;
- Publication of the notice in a local newspaper(s); and/or,
- Hand delivery of notices to specified buildings.

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).
- (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 Municipality and the regional Industry Canada office.



8.4 PUBLIC INFORMATION SESSION

The municipality may request the Proponent chair a public information session in cases where there is significant public interest in the proposed Antenna System. The type of public meeting to be conducted (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.

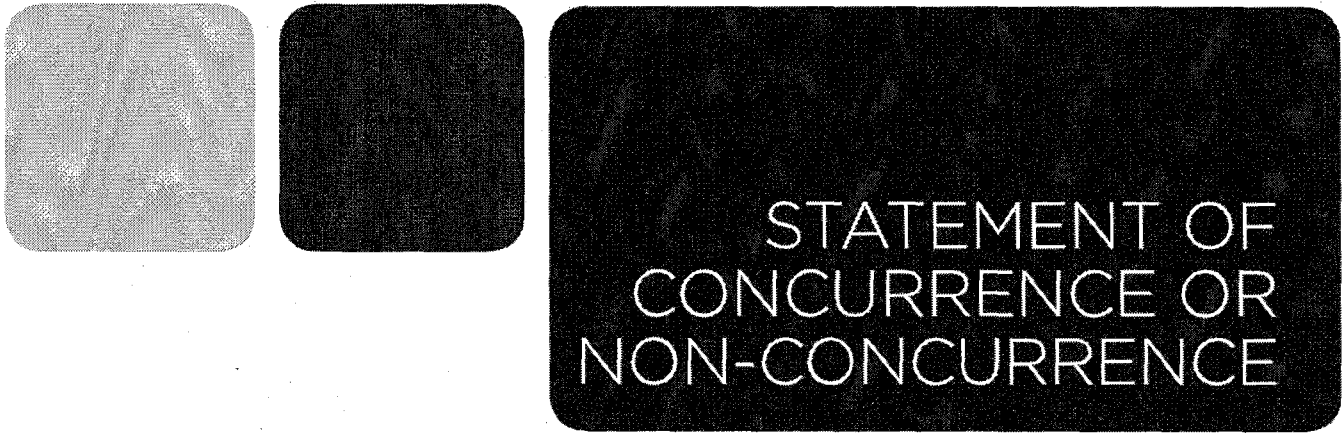
The Proponent will provide the Municipality with a package summarizing the results of the public information session containing at a minimum, the following:

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

Section 9



STATEMENT OF CONCURRENCE OR NON-CONCURRENCE

9.1 CONCURRENCE AND CONCURRENCE WITH CONDITIONS

The Municipality will provide a letter of concurrence to Industry Canada (copying the Proponent) where the proposal addresses, to the satisfaction of the Municipality, the requirements as set out within this Protocol and the Municipality's technical requirements, and will include conditions of concurrence, if required.¹⁶

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

9.2 NON-CONCURRENCE

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

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

9.3 RESCINDING A CONCURRENCE

The Municipality may rescind its concurrence if following the issuance of a concurrence, it is determined by the Municipality 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 Municipality will provide notification in writing to the Proponent and to Industry Canada and will include the reason(s) for the rescinding of its concurrence.

¹⁶ The Municipality may, on case-by-case basis, include in writing specific conditions of concurrence such as design, screening or Co-location commitments.



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 Municipality. If construction has not commenced within this time period the concurrence expires and a new submission and review process, including public consultation as applicable, is necessary prior to any construction occurring.¹⁷

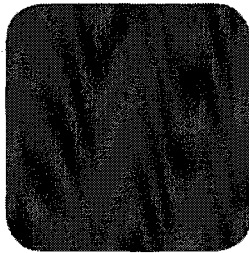
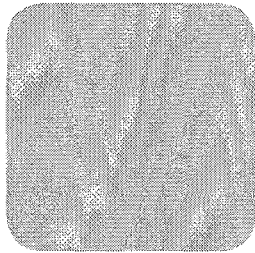
In addition, if construction has not commenced after two years from the date the concurrence was issued, the Municipality requests that the Proponent send a written notification of an intent to construct to the Designated Municipal Officer, the Elected Municipal Official and any Designated Community 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 Municipality 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.

¹⁷ For the purpose of this Protocol, construction will be deemed by the Municipality to have commenced when the preparation of a base for an antenna structure has been physically initiated or an existing structure is about to be altered in any way in preparation of an increase in height to that structure.

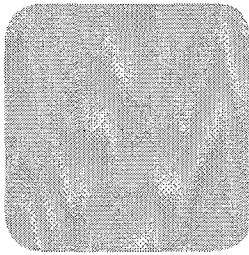
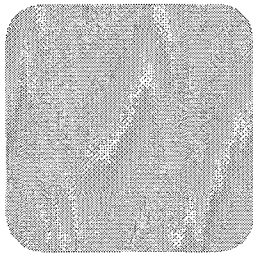
Section 10

Consultation with the Municipality is to be completed within 60 days of the proposal being accepted as complete by the Municipality as explained in Section 7 of this Protocol.

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

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

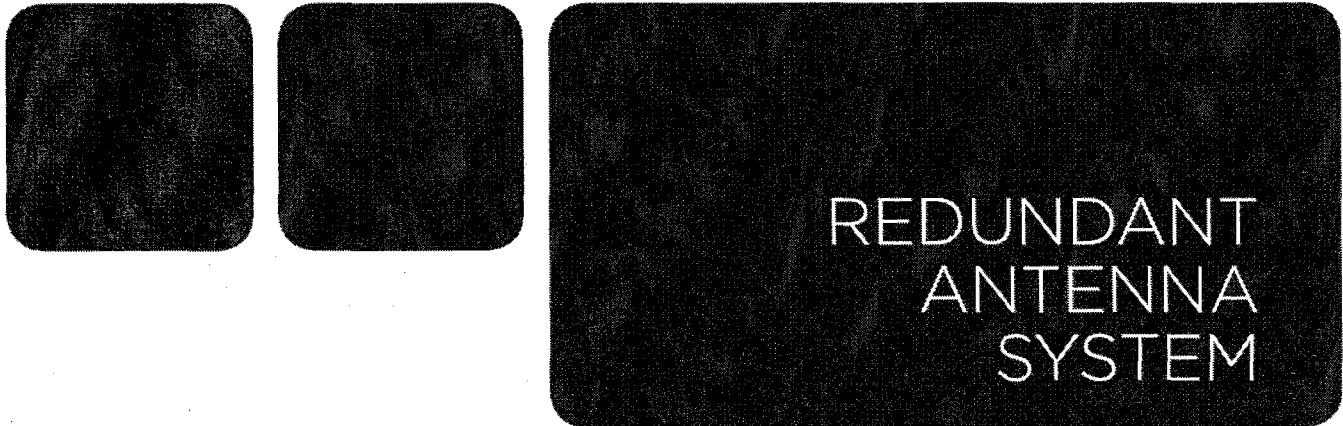
In the event that the consultation process is not completed in 270 days, the Proponent will be responsible for receiving an extension from the Municipality or reinitiating the consultation process to the extent requested by the Municipality.

Section 11

LETTER OF UNDERTAKING

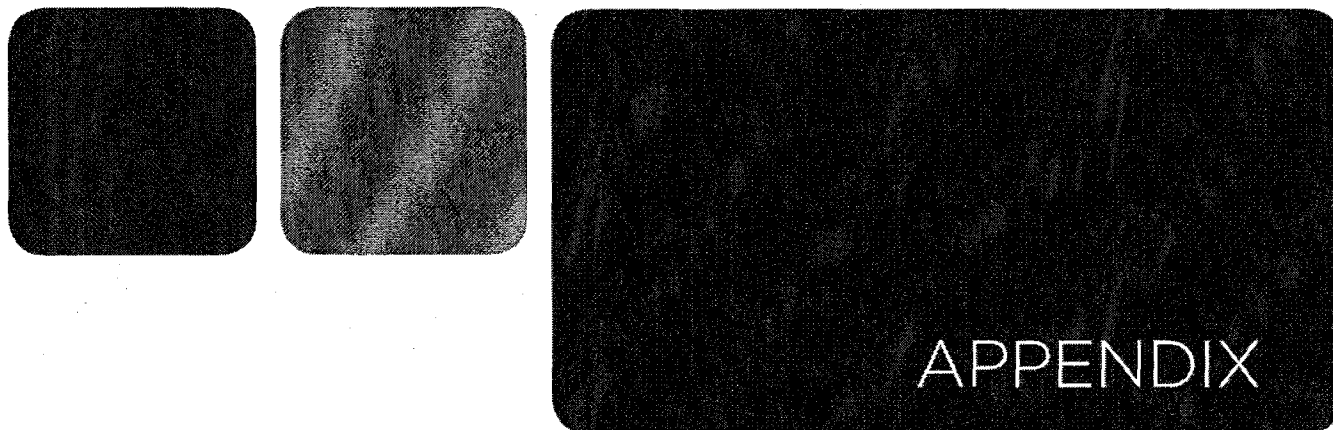
The Proponent may be required, if requested by the Municipality, to provide a Letter of Undertaking, which may include the following requirements:

- (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.

Section 12

Municipalities 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 Municipality will mutually agree on a timeframe to remove the 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.

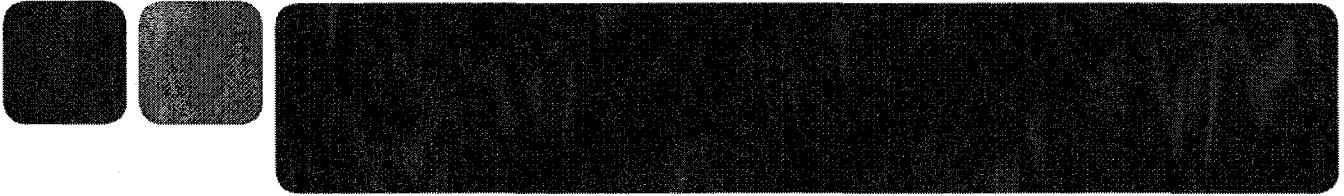


Industry Canada's *Guide to Assist Land-use Authorities in Developing Antenna Siting Protocols* suggests that protocols can include promoting the placement of antennas in optimal locations from a land-use point of view,¹⁸ or excluding certain lands and rooftops from protocol requirements.

The protocol should identify areas of historic, cultural or environmental importance to the community and the need to minimize the impact of the proposal on these areas, and identify local preferences for antenna siting. **In particular, the Municipality should define Community Sensitive Areas in which the siting of new Antenna Systems is discouraged, as may be defined in local zoning bylaws or community plans.** Industry Canada also requires Proponents to use existing antenna towers or infrastructure (such as rooftops, water towers, etc.) where possible, and the Municipality may wish to provide guidance as to its own preferences regarding Co-location.

Suggestions for specific location and design guidelines that have been identified as best practices from other Municipality protocols, and can be used to customize Section 6 of your protocol, are provided below as a reference point.

¹⁸ The land-use compatibility of Antenna Systems may be guided by municipal plans, design bylaws, relevant planning work (i.e. neighbourhood plans and antenna site pre-selection studies) and/or any other municipal guiding document or policy.



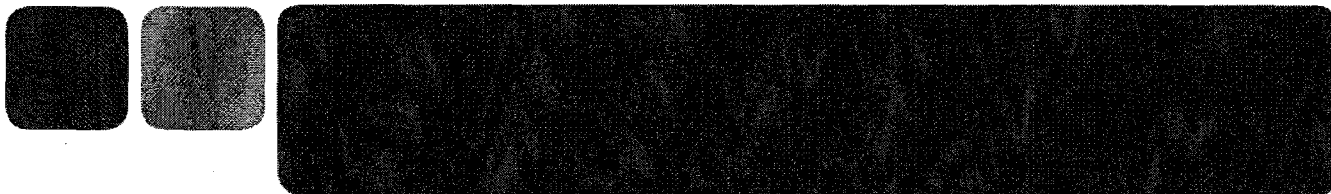
LOCATION

Preferred Locations:

- Areas that maximize the distance from Residential Areas.
- Industrial and commercial areas.
- Mounted on buildings or existing structures within the downtown area.
- Areas that respect public views and vistas of important natural or manmade features.
- Agricultural areas.
- Transportation and utility corridors.
- As near as possible to similarly-scaled structures.
- Institutional uses where appropriate, including, but not limited to, those institutions that require telecommunications technology: emergency services, hospitals, colleges and universities.
- Adjacent to parks, green spaces and golf courses.
- Located in a manner that does not adversely impact view corridors.
- Other non-Residential Areas where appropriate.

Discouraged Locations

- Locations directly in front of doors, windows, balconies or residential frontages.
- Ecologically significant natural lands.
- Riverbank lands.
- Inappropriate sites located within Parks and Open Space Areas (with the exception of sites zoned to permit utilities and/or unless designed to interact with the area's character).
- Sites of topographical prominence.
- Heritage areas (unless visibly unobtrusive) or on heritage structures unless it forms an integrated part of the structure's overall design (i.e. through the use of stealth structures).
- Pitched roofs.
- Community Sensitive Locations (as may be defined by the Municipality prior to being included in this Protocol).



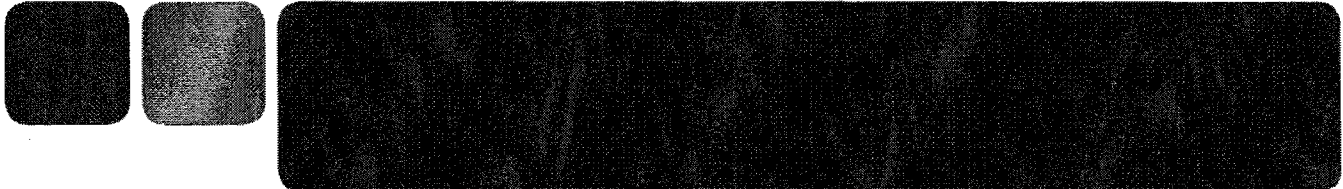
DEVELOPMENT AND DESIGN PREFERENCES

Style and Colour:

- 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, etc.
- An Antenna System may be designed or combined as a landmark feature to resemble features found in the area, such as a flagpole or clock tower, where appropriate, subject to any zoning approvals required for the landmark feature.
- In the downtown area, the design of Antenna Systems should generally be unobtrusive and consistent with Downtown 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 generally not be run up the exterior faces of buildings.
- 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.

Buffering and Screening:

- Antenna Systems and associated equipment shelters should be attractively designed or screened and concealed from ground level or other public views to mitigate visual impacts. Screening could include using existing vegetation, landscaping, fencing, or other means in order to blend with the built and natural environments.
- A mix of deciduous and coniferous trees is preferred to provide year-round coverage.
- Where adjacent to a principal building, equipment shelters should be constructed of a material similar in appearance to at least one of the materials used in the facades of the principal building and one of the same colours used in the principal building.



Structure:

- Single operator loaded towers (i.e., monopoles) are generally unobtrusive and of low impact and may therefore be located near living 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.).
- 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.
- Facilities located on rooftops should be not be visible (to the extent possible) from the street.
- The appropriate type of telecommunication 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 telecommunication antenna structure on the community.
- Pinwheel telecommunication antennas are discouraged (or encouraged).
- The use of guy wires and cables to steady, support or reinforce a tower is discouraged (or encouraged).

Height:

- The Municipality prefers that Freestanding Antenna Systems be a maximum of [TO BE DETERMINED BY THE Municipality] in height, except in industrial areas.¹⁹
- Height for a Freestanding Antenna System must be measured from grade to the highest point on the structure, including lighting and supporting structures.
- Where Building/Structure-Mounted Antenna Systems will exceed 25% of the height of the existing building, the Municipality prefers that the height not exceed [TO BE DETERMINED BY THE Municipality] measured from the top of the roof or [TO BE DETERMINED BY THE Municipality] above the highest point of the elevator penthouse, whichever is higher.

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.

¹⁹ The Municipality 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.



- Parking spaces, where provided at each new Antenna System site, should have direct access to a public right-of-way at a private approach that does not unduly interfere with traffic flow or create safety hazards.

Equipment Cabinets in Public Spaces²⁰:

- Cabinets shall be designed in a manner which integrates them into their surroundings, including use of decorative wraps that are graffiti-resistant.
- 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.²¹
- 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.
- 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, is provided by a motion detector or similar system.

Rooftop Equipment:

- Equipment shelters located on the roof of a building should be set back from the roof edge to the greatest extent possible, and painted to match the penthouse/building.

²⁰ This section is intended to apply to mechanical equipment cabinets that are located in public spaces (e.g. at the bottom of a utility pole) and do not apply to cabinets that are located inside fenced in areas (e.g. in industrial areas or on rooftops).

²¹ Municipality concurrence under this protocol does not include approval for associated signage. Proponents are required to obtain any necessary approvals for signage through the Municipality's development process or sign by-law as applicable.



CITY OF MISSISSAUGA TELECOMMUNICATION TOWER/ANTENNA FACILITIES PROTOCOL

Industry Canada Local Land Use Authority Consultation

**ADOPTED BY COUNCIL
(DATE TBD)**

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1 Definitions

The following definitions are to provide clarity in the protocol.

Co-location means the placement of an antenna system on an existing telecommunication tower/antenna facility.

Equipment shelter means a structure used to house the required equipment for the operation of a telecommunication tower/antenna facility.

Land Use Authority (LUA) means the City of Mississauga, Planning and Building Department, Development and Design Division which is responsible for land use planning and development within the geographic boundaries of the City of Mississauga.

Proponent/Applicant means any company, organization or person who puts forward a proposal to install or modify a telecommunication tower/antenna facility.

Radiocommunication Antenna System means an antenna required on site for amateur radio communication and may include a supporting structure such as a tower.

Residential Area means lands used or zoned to permit residential uses, including mixed uses (i.e. commercial use at-grade with a residential dwelling unit(s) above).

Telecommunication Tower/Antenna Facility ("tower facility(ies)") means all components and equipment required on site for the operation of a wireless telecommunication network or broadcasting equipment and may include an associated equipment shelter and compound area.

2 Objectives

The objectives of this protocol are to:

- Encourage proponents of telecommunication facilities (hereinafter referred to as "tower facility(ies)") to use existing tower facilities, structures and infrastructure, such as utility poles, street light poles, etc., to minimize the proliferation of new towers within the City of Mississauga;
- Provide a clear and concise outline of the Land Use Authority and public consultation processes when proponents intend to modify or install a tower facility within the City of Mississauga;
- Ensure effective local public notification and consultation when a tower facility is proposed within a community;
- Strongly discourage proponents from locating tower facilities on lands designated as Greenbelt which are generally associated with natural hazards lands and/or natural area systems in accordance with Mississauga Official Plan;
- Strongly discourage proponents from locating tower facilities on heritage listed or designated properties under the authority of Part IV or Part V of the *Ontario Heritage Act*;

- Encourage proponents to locate and design tower facilities which minimize visual impact in high profile and sensitive areas and to ensure land use compatibility with the surrounding area;
- Encourage proponents to respect the applicable zoning regulations when proposing a new tower facility; and
- Encourage proponents to locate tower facilities in areas which minimize the adverse impact on the community (e.g. utility, industrial and business employment areas).

3 Jurisdiction and Roles

3.1 Federal Jurisdiction

Tower facilities are exclusively regulated by Federal legislation under the *Radiocommunication Act* and administered by Industry Canada. Therefore, Provincial legislation such as the *Planning Act*, including zoning by-laws, does not apply to these facilities. It is important to understand that Industry Canada, while requiring proponents to follow this consultation protocol, makes the final decision on whether or not a tower facility can be constructed. The City of Mississauga can only provide comments to Industry Canada and does not have the authority to stop the construction of a tower facility.

3.2 Other Federal Legislation

As a Federal undertaking, tower facilities must adhere to all applicable Federal regulations and guidelines, including but not limited to:

- Industry Canada's Radiocommunication and Broadcasting Antenna Systems Client Procedures Circular (CPC-2-0-03);
- Industry Canada's Conditions of Licence for Mandatory Roaming and Antenna Tower and Site Sharing and to Prohibit Exclusive Site Arrangements (CPC-2-0-17);
- Health Canada's Safety Code 6 - Limits of Human Exposure to Radiofrequency Electromagnetic Fields in the Frequency Range from 3 KHZ to 300 GHZ;
- National Building Code of Canada;
- *Canadian Environmental Assessment Act*; and
- Transport Canada's painting and lighting requirements for aeronautical safety.

3.3 Role of the Land Use Authority

The ultimate role of the Land Use Authority (LUA) is to provide input and comments to the proponent and Industry Canada with respect to land use compatibility of a tower facility proposal and indicate how the proponent has complied with the public consultation requirements outlined in this protocol, where applicable. The LUA also communicates to proponents the particular amenities, sensitivities, planning priorities and other relevant characteristics of the area.

3.4 Land Use Authority's Designated Official

For the purpose of this protocol, the designated official for the City of Mississauga having the authority to administer this protocol is the Director, Development and Design Division, Planning and Building Department ("Director") or designate. All correspondence and materials submitted as part of this consultation process shall be directed to the attention of the Director or designate.

4 Exclusions

4.1 Excluded Structures

For the following types of tower facility installations or modifications, Industry Canada excludes proponents from the requirement to consult with the public and the requirement to submit a formal tower facility proposal to the LUA for review:

- a) Maintenance of existing radio apparatus including the antenna system, transmission line, mast, tower or other antenna-supporting structure;
- b) Addition or modification of an antenna system (including improving the structural integrity of its integral mast to facilitate sharing), the transmission line, antenna-supporting structure or other radio apparatus, to existing infrastructure, a building, water tower, etc., including additions to rooftops or support pillars, provided the:
 - i. addition or modification does not result in an overall height increase above the existing structure of 25% of the original structure's height;
 - ii. existing antenna system is 15 metres (49.2 feet) or greater in height¹; and
 - iii. existing antenna system has not previously been modified to increase its original height by 25%²;
- c) Maintenance of an antenna system's painting or lighting in order to comply with Transport Canada's requirements;
- d) Installation, for a limited duration (typically not more than 3 months), of an antenna system that is used for a special event, or one that is used to support local, provincial, territorial or national emergency operations during the emergency, and is removed within 3 months after the emergency or special event; and
- e) New antenna systems, including masts, towers or other antenna-supporting structure, with a height of less than 15 metres (49.2 feet) above ground level.

¹ Any modifications or additions to existing Antenna Systems 15 metres (49.2 feet) or less in height that would extend the height of the existing antenna above 15 metres (49.2 feet) will be subject to the consultation process as applicable.

² The exemption for modifications or additions that increase the height of the existing system by 25% or less applies only once. Subsequent modifications or additions to the same structure will be subject to the consultation process as applicable.

4.2 Confirmation of Exclusion

Individual circumstances vary with each tower facility installation and modification, and the exclusion criteria in Section 4.1 of this protocol should be applied in consideration of local circumstances. Consequently, it may be prudent for proponents to consult with the LUA even though the proposal meets an exclusion noted in Section 4.1 of this protocol. Therefore, when applying the criteria for exclusion, proponents should consider circumstances/factors such as:

- The tower facility's physical dimensions, including the antenna, mast and tower, compared to the local surroundings;
- The location of the proposed tower facility on the property and its proximity to neighbouring residents;
- The likelihood of an area being a community sensitive location; and
- Transport Canada marking and light requirements for the proposed structure.

4.2.1 Notwithstanding Industry Canada's exemption criteria for certain tower facilities, proponents should consult with the LUA to confirm that their proposed tower facility meets exclusion b) or e) identified in Section 4.1 of this protocol.

In cases where a proponent believes that a proposal meets exclusion b) or e) in Section 4.1 of this protocol, the proponent will provide the following materials to the attention of the Director (or designate):

- a) Applicable fees in accordance with the City's General Fees and Charges By-law, as amended;
- b) Cover letter describing the proposed tower facility including the location (i.e. address and/or legal description), height and dimensions and any antenna that may be mounted on the supporting structure. The letter should also identify all existing facilities within the vicinity of the proposed location and why co-location on an existing tower facility is not a viable alternative to the construction of a new tower facility;
- c) Description of how the proposal meets exclusion b) or e) identified in Section 4.1 of this protocol;
- d) Site plan or survey plan of the subject property showing the location of the proposed tower facility in relation to the site and/or building on the property; and
- e) Elevation plan and simulated images of the proposed tower facility.

Proponents are encouraged to consider and incorporate the Location and Design Guidelines identified in Section 6 of this Protocol.

4.2.2 Following receipt and review of the required materials and the proposal is deemed to meet the applicable exclusion criteria and the Location and Design Guidelines identified in Section 6 of this Protocol, the LUA will issue a Notice of Telecommunication Tower/Antenna Facility Exclusion to the proponent with a copy to the Ward Councillor and Industry Canada.

In the event that the proposed tower facility does not comply with the Location and Design Guidelines identified in Section 6 of this Protocol, the LUA will indicate the outstanding issues/concerns. In such cases, the proponent and LUA will then work toward a mutually agreeable alternative/solution, which may include the LUA requesting the proposal be subject to all or part of the preliminary consultation, formal submission and public consultation process outlined in this protocol, as applicable.

Proponents should anticipate that the LUA will request that all proposals for freestanding tower facilities and additions to existing freestanding tower facilities that are proposed in a residential area or within 120 metres (393.7 feet) from the nearest residential area will be subject to all or part of the preliminary consultation, formal submission and public consultation process outlined in this protocol, as applicable. For this reason, proponents are strongly encouraged to initiate this process before investing in a final design or site.

5 Siting on City Owned Properties

Any request to install a tower facility on lands owned by the City shall be made to the Director (or designate).

Proponents must still submit a formal request to the LUA in accordance with Section 8 of this protocol and follow the public consultation process in accordance with Section 9 of this protocol, unless the proposal meets the exclusion criteria under Section 4 of this protocol.

Notwithstanding the public consultation requirements outlined in Section 9 of this protocol, the Director (or designate) may identify the need to amend the content of the public notification requirements accordingly.

6 Location and Design Guidelines

6.1 Co-location

Co-location on an existing tower facility is the preferred option instead of constructing new tower facilities within the City.

Where co-location on existing facilities is not possible, proponents should investigate locating facilities on existing structures, such as, utility poles, street light poles, water towers, etc.

6.2 Preferred Locations

Where a new tower facility must be constructed, the following locations are preferred:

- a) Areas that maximize the distance from residential areas; and
- b) Business employment, industrial and utility areas;

6.3 Discouraged Locations

Where a new tower facility must be constructed, the new facility should not be located on:

- a) Lands designated as Greenbelt under Mississauga Official Plan which are generally associated with natural hazards lands and/or natural area systems;
- b) Heritage listed or designated properties under the authority of Part IV or Part V of the *Ontario Heritage Act*; and
- c) Downtown area.

6.4 Siting on a Property

Where a new tower facility must be constructed, the following location guidelines should be followed:

- a) Locate facilities away from street line to minimize visual impact of the tower from the streetscape;
- b) Associated equipment shelter(s) measuring greater than 5.0 square metres (53.8 square feet) should comply with the applicable zoning by-law regulations (e.g. minimum setbacks, minimum landscaped buffers, etc.); and
- c) Avoid locating facilities on parking and/or loading spaces as it may cause a non-compliance situation for a property with the zoning by-law and/or impact future development for the site.

6.5 Design

Where a new tower facility must be constructed, the following design guidelines should be followed:

- a) Allow for future co-location capacity;
- b) Associated equipment shelter(s) should be screened using landscape treatment, decorative fencing, etc., except in lands designated as Industrial under Mississauga Official Plan;
- c) Lattice style towers are strongly discouraged;
- d) Monopole towers with antennas shrouded or flush mounted are preferred; and
- e) Towers/antennas attached to an existing building, including rooftop installations, should not be visible from any public street abutting the subject property, as demonstrated in a visual plane analysis, or should be screened and complement the architecture of the building with respect to form, materials and colour in order to minimize the visual impact from the streetscape;

6.6 Design in High Profile and/or Sensitive Areas

When new tower facilities must be located in a high profile and/or sensitive area, such as, but not limited to, major nodes and community nodes, the facility should be designed and sited to minimize visual impact within the context of the surrounding area.

In addition to the guidelines in Sections 6.1 to 6.5 of this protocol, the following design guidelines should also be met:

- a) Stealth techniques, such as flagpoles, clock towers, trees, light poles, etc., should be used and reflect the context of the surrounding area; and
- b) Associated equipment shelter(s) greater than 5.0 square metres (53.8 square feet) should be constructed to reflect the context of the surrounding area. Particular attention should be focused on compatibility of roof slopes, materials, colours and architectural details.

6.7 Colour, Lighting, Signage and Other Graphics

Where a new tower facility must be constructed, the following design guidelines should be followed:

- a) Use non-reflective surfaces and neutral colours that blend with the surrounding landscape and public realm, unless Transport Canada has identified painting requirements for aeronautical safety for a tower facility;
- b) No illumination is permitted on a tower facility, except where Transport Canada requirements for illumination of a tower facility are identified;
- c) Identify the owner/operator, including the contact information, of a facility by providing a small sign with a maximum size of 0.5 square metres (5.4 square feet) placed at the base of the structure; and
- d) No third party advertising or promotion of the owner/operator is permitted on a tower facility.

6.8 Amateur Radio Operators in Residential Areas

Where amateur radio operators plan to install a radiocommunication antenna system in a residential area, the antenna system should be designed and sited to minimize visual impact from the surrounding properties. The following location and design criteria shall apply for amateur radio operators planning to install a radiocommunication antenna system in a residential area.

6.8.1 New radiocommunication antenna systems should not be located within:

- a) Lands designated Greenbelt under Mississauga Official Plan which are generally associated with natural hazards lands and/or natural area systems;
- b) Lands heritage listed or designated properties under the authority of Part IV or Part V of the *Ontario Heritage Act*; and
- c) Front or exterior side yard of the property, as defined in the City's zoning by-law.

6.8.2 The following location and design guidelines should be followed:

- a) Height of the radiocommunication antenna system should not exceed 15 metres (49.2 feet) above ground level, whether located on the ground or attached to a building or structure;
- b) Width of the radiocommunication antenna system should not exceed 3 metres (9.8 feet) at any point;
- c) Location of the radiocommunication antenna system should be in the rear yard of the property, but excluding the extension of the exterior side yard into the rear yard, as defined in the City's zoning by-law;
- d) No part of the radiocommunication antenna system should be located within 1.2 metres (3.9 feet) of any lot line;
- e) When located on a roof of a building or structure, the radiocommunication antenna system should only be located on that half of the roof closest to the rear yard;
- f) Non-reflective surfaces and neutral colours that blend with the surrounding area should be used; and
- g) Graphics, signage, flags or lighting on a radiocommunication antenna system is not permitted.

6.8.3 Where amateur radio operators plan to install a radiocommunication antenna system in areas other than a residential area, Sections 6.2 to 6.7 of this protocol shall apply.

7 Preliminary Land Use Authority Consultation

7.1 Preliminary Meeting

Proponents are required to have a preliminary consultation with the LUA prior to submitting a formal request to install or modify a tower facility. This initial contact will allow the proponent to meet with the LUA to discuss the proposal, including the rationalization behind the site selection.

During this meeting, the LUA will provide preliminary input and comments regarding the proposal, such as, but not limited to, land use compatibility, potential impacts on high profile and sensitive areas, alternative sites, aesthetic or landscaping preferences, other agencies to be consulted, and whether a peer review by a consultant will be required. This meeting will also provide an opportunity to inform the proponent of the consultation process outlined herein.

7.2 Preliminary Meeting Requirements

The following information must be provided to the Development and Design Division of the Planning and Building Department to the attention of the Director (or designate) in order to schedule a preliminary consultation meeting:

- a) Cover letter describing the proposed tower facility including its height and dimensions and any antenna that may be mounted on the supporting structure;
- b) Site Selection/Justification Report prepared by a qualified professional, such as a land use planner or engineer. The report should identify all tower facilities within the vicinity of the proposed location. It should also include details with respect to the coverage and capacity of the existing tower facilities in the surrounding area and provide detailed documentary evidence as to why co-location on an existing tower facility is not a viable alternative to the construction of a new tower facility;
- c) Draft site plan or survey plan of the subject property showing the location of the proposed tower facility in relation to the site and/or building on the property; and
- d) Elevation plan or simulated images of the proposed tower facility.

7.3 Notification of Preliminary Meeting

After the preliminary consultation meeting, the Director (or designate) will notify the Ward Councillor of the meeting.

7.4 Confirmation of Land Use Authority Preferences and Requirements

During or after the preliminary consultation meeting, the Director (or designate) will provide the proponent with an information package that includes:

- a) Formal submission requirements;
- b) A list of plans and studies that may be required;
- c) A list of municipal departments and other agencies to be consulted; and
- d) An indication of the LUA's preferences regarding co-location for the site(s) under discussion.

To expedite the review of the proposal, the proponent is encouraged to consult with the applicable municipal departments and agencies, and obtain applicable written comments/clearances before making a formal submission.

8 Formal Land Use Authority Consultation

8.1 Land Use Authority Consultation Requirements

Where a proposed tower facility does not meet the exclusion criteria identified in Section 4.1 of this protocol, the proponent must submit a formal tower facility proposal to the LUA for review.

8.2 Formal Submission Requirements

The proponent must submit the following materials to the Development and Design Division of the Planning and Building Department to the attention of the Director (or designate):

- a) A tower facility request form and fees in accordance with the City's General Fees and Charges By-law, as amended;
- b) A Site Selection/Justification Report prepared by a qualified professional, such as a land use planner or engineer. The report should identify all tower facilities within the vicinity of the proposed location. It should also include details with respect to the coverage and capacity of the existing tower facilities in the surrounding area and provide detailed documentary evidence as to why co-location on an existing tower facility is not a viable alternative to the construction of a new tower facility;
- c) A public notification package;
- d) A site plan or survey plan which shall include a compound layout, an elevation and parking/loading statistics if the proposal is located on parking/loading areas;
- e) A copy of the draft newspaper notice and the proposed date on which it will be published (no sooner than 14 days from the date of request being submitted), if applicable;
- f) A copy of the draft notice sign; and
- g) Any other required information listed in the information package provided to the proponent during or after the preliminary meeting.

8.3 Determination of Complete or Incomplete Request

The Director (or designate) will determine whether the tower facility request is deemed complete or incomplete within five working days of receipt of the request.

8.3 Incomplete Request

If the required materials listed in Section 8.2 of this protocol are not complete or provided to the satisfaction of the Director (or designate), the request will be deemed incomplete and will not mark the official commencement of the 120 day consultation process. The Director (or designate) will notify the proponent of the outstanding items to be addressed.

8.4 Complete Request

When the request is deemed complete by the Director (or designate), the Director (or designate) will notify the proponent and Ward Councillor of the complete request, and circulate the proposal to the applicable municipal departments for review and comment.

9 Public Consultation

9.1 Public Consultation Requirements

Where a proposed tower facility does not meet the exclusion criteria identified in Section 4.1 of this protocol, the proponent must carry out public consultation in accordance with this protocol.

The proponent must not initiate public notification or consultation for a tower facility proposal until a formal submission has been made to the LUA and written confirmation from the Director (or designate) to proceed with public notification and consultation has been provided.

The proponent shall be responsible for all costs associated with public consultation.

9.2 Notification

The proponent is to distribute the public notification packages by mail to the following recipients:

- a) All property owners and resident associations within a radius of the greater of 120 metres (393.7 feet) or three times the tower height measured from the furthest point of the tower facility;
- b) Applicable Ward Councillor and applicable Member of Parliament in which the proposed tower facility is located; and
- c) Adjacent municipalities within 120 metres (393.7 feet) of the proposed tower facility.

Proponents are also required to mail a copy of the public notification package to the Director (or designate).

- 9.2.1 The LUA will provide the proponent with a mailing list of all addresses of property owners and resident associations within a radius of the greater of 120 metres (393.7 feet) or three times the tower height measured from the furthest point of the tower facility. The LUA may charge a fee for this service in accordance with the City's General Fees and Charges By-law, as amended.

The envelope for the public notification package should have the following statement in red ink: "IMPORTANT NOTICE REGARDING PROPOSED CELL TOWER IN YOUR NEIGHBOURHOOD".

When a public information session is required, the proponent is to distribute the public notification packages by mail at least 30 days prior to the date of the public information session.

9.3 Public Notification Package Requirements

The public notification package must include the following information:

- a) A location map, including the address, clearly indicating the exact location of the proposed tower facility in relation to the surrounding properties and streets;
- b) A physical description of the proposed tower facility including the height, dimensions, tower type/design, any antenna(s) that may be mounted on the tower, colour and lighting;
- c) An elevation plan of the proposed tower facility;
- d) Colour simulated images of the proposed tower facility;

- e) The proposed tower facility's purpose, the reasons why existing towers or other infrastructure cannot be used, a list of other structures that were considered unsuitable, and future sharing possibilities for the proposal;
- f) An attestation 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;
- g) Notice that general information relating to health concerns and Safety Code 6 is available on Health Canada's website;
- h) An attestation that the installation will respect good engineering practices including structural adequacy;
- i) Address, location (including a map) and timing of public information session (if applicable);
- j) Information on how to submit written public comments to the Applicant and the closing date for submission of written public comments;
- k) Applicant's contact information;
- l) Reference to the City of Mississauga Telecommunication Tower/Antenna Facilities Protocol and where it can be viewed;
- m) The following sentences regarding jurisdiction: "Telecommunication tower/antenna facilities are exclusively regulated by Federal legislation under the *Radiocommunication Act* and administered by Industry Canada. Therefore, Provincial legislation such as the *Planning Act*, including zoning by-laws, does not apply to these facilities. It is important to understand that Industry Canada, while requiring proponents to follow the City of Mississauga's Telecommunication Tower/Antenna Facilities Protocol, makes the final decision on whether or not a tower facility can be constructed. The City of Mississauga can only provide comments to Industry Canada and does not have the authority to stop the construction of a telecommunication tower/antenna facility.";
- n) Notice that general information relating to antenna systems is available on Industry Canada's Spectrum Management and Telecommunications website; and
- o) Municipal, MP and Industry Canada contact information.

9.4 Closing Date for Written Public Comments

The closing date for submission of written public comments shall not be less than:

- a) 14 days after the public information session, where a public information session is required; or
- b) 30 days where a public information session is not required.

9.5 Notice Sign

The proponent shall erect a sign on the property notifying the public of the proposal to establish a tower facility on the subject property. The sign shall be erected on the property so that it is clearly visible and legible from the street.

The sign shall be professionally prepared and its size shall be a minimum of 1.2 metres x 1.2 metres (3.9 feet x 3.9 feet) (width x height) and located a minimum of 0.61 metres (2.0 feet) and a maximum of 1.2 metres (3.9 feet) from the ground. However, the size of the sign shall not exceed 2.4 metres x 1.2 metres (7.9 feet x 3.9 feet) (width x height).

The erection of the notice sign should be coordinated with the distribution of the public notification packages.

Photographs showing the sign posted and the date on which it was erected on the subject property shall be submitted to the Director (or designate) within 10 days after the sign has been erected.

The sign shall remain on the subject property for the duration of the public consultation process.

The proponent shall be responsible for removing the sign no later than 21 days after the completion of the consultation process.

9.5.1 The notice sign shall contain the following wording:

PUBLIC NOTICE

[Name of Proponent] is proposing to locate a telecommunication tower/antenna facility, being [#] metres ([#] feet) in height, on this property.

(If applicable) A public information session is scheduled on [date of meeting] from [start time] to [end time] at [location of meeting].

Public comment is invited.

The closing date for submission of written comments is [applicable closing date].

For further information, contact [Applicant's name, phone number and e-mail address].

Telecommunication tower/antenna facilities are exclusively regulated by Federal legislation under the *Radiocommunication Act* and administered by Industry Canada. Therefore, Provincial legislation such as the *Planning Act*, including zoning by-laws, does not apply to these facilities.

The City of Mississauga can only provide comments to Industry Canada and does not have the authority to stop the construction of a telecommunication tower/antenna facility.

[Municipal, MP and Industry Canada contact information]

9.6 Newspaper Notice

Where a tower facility is 30 metres (98.4 feet) or greater in height, the proponent shall place a newspaper notice in the Mississauga News (i.e. the community's newspaper). The notice shall be placed in a Wednesday's edition.

The newspaper notice shall be a minimum size of 10 centimetres x 10 centimetres (3.9 inches x 3.9 inches).

A copy of the actual newspaper notice appearing in the Mississauga News, including the newspaper date, shall be forwarded to the Director (or designate) within 10 days of the newspaper notice being published.

- 9.6.1 Where a public information session is required, the newspaper notice shall be published at least 21 days before the date of the public information session.

The date on which the newspaper notice is published should be coordinated with the distribution of the public notification packages.

- 9.6.2 Where a public information session is not required, the date on which the newspaper notice is being published should be coordinated with the distribution of the public notification packages.

- 9.6.3 The newspaper notice shall contain the following information:

- a) Description of the proposed tower facility, including the height;
- b) Address of the proposed tower facility;
- c) Location map (key plan) of the proposed site;
- d) Invitation for public comment and the closing date for submission of written comments;
- e) *(If applicable)* Invitation to the public information session, and location and time of the session;
- f) Applicant's contact information;
- g) Inclusion of the following "Telecommunication tower/antenna facilities are exclusively regulated by Federal legislation under the *Radiocommunication Act* and administered by Industry Canada. Therefore, Provincial legislation such as the *Planning Act*, including zoning by-laws, does not apply to these facilities. The City of Mississauga can only provide comments to Industry Canada and does not have the authority to stop the construction of a telecommunication tower/antenna facility."; and
- h) Municipal, MP and Industry Canada contact information.

9.7 Public Information Session

A public information session is required where the proposed tower facility is located:

- a) In a residential area; or

- b) Within the greater of either, three times the tower height or 120 metres (393.7 feet) from a residential area.

9.7.1 The applicable Member of Parliament, in consultation with the proponent, shall be responsible for convening a public information session, if applicable, at the proponent's cost.

Should the applicable Member of Parliament not convene a public information session, the proponent shall be responsible for convening a public information session, if applicable, at the proponent's cost.

9.7.2 The applicable Member of Parliament and/or proponent, as the case may be, shall adhere to the following requirements when organizing and convening a public information session:

- a) Public information session shall be open and accessible to all members of the public and local stakeholders;
- b) Public information session shall occur on a weekday evening, no sooner than 21 days and no later than 28 days, from the date that the public notification packages are mailed and the sign posted;
- c) Duration of the public information session shall be a minimum of 2 hours;
- d) Two display panels, at a minimum, containing a site plan drawing and colour photographs of the subject property with superimposed images of the proposed tower facility shall be displayed at the public information session;
- e) The proponent shall conduct a presentation regarding the tower proposal, including the purpose of the tower, general information relating to health concerns and Safety Code 6 and clear statement indicating that telecommunication tower/antenna facilities are exclusively regulated by Federal legislation under the *Radiocommunication Act* and administered by Industry Canada. Provincial legislation such as the *Planning Act*, including zoning by-laws, does not apply to these facilities and the City of Mississauga can only provide comments to Industry Canada as the City does not have the authority to stop the construction of a telecommunication tower/antenna facility;
- f) Public notification packages including a public comment sheet shall be made available for attendees;
- g) Closing date for written public comments shall be clearly announced at the public information session; and
- h) Obtain a record of all names, addresses, email addresses and phone numbers of the attendees, subject to applicable privacy laws in respect of personal information.

9.8 Responding to the Public

The proponent is to address all reasonable and relevant concerns, make all efforts to resolve them in a mutually acceptable manner and must keep a record of all associated communications. If the public or Director (or designate) raises a question, comment or concern relating to the tower facility, as a result of the public consultation process, then the proponent is required to:

- a) Respond to the party in writing within 14 days by acknowledging receipt of the question, comment or concern and keep a record of the communication;
- b) Address in writing all reasonable and relevant concerns within 30 days of receipt or explain why the question, comment or concern is not, in the view of the proponent, reasonable or relevant and clearly indicate that the party has 21 days from the date of the correspondence to reply to the proponent's response; and
- c) In the case where the party responds within the 21 day reply period, the proponent shall address all reasonable and relevant concerns within 21 days, either in writing, by contacting the party by telephone or engaging the party in an informal meeting.

10 Concluding Consultation

10.1 Consultation Summary Package

The proponent shall provide to the Director (or designate) a package summarizing the results of the public consultation process which shall include the following information:

- a) Attendance list and contact information from the public information session (if applicable);
- b) All written public comments and/or concerns received regarding the proposal;
- c) Proponent's responses to the public comments and/or concerns outlining how the concerns were or will be addressed, or alternatively, by clearly indicating why such concerns are not reasonable or relevant; and
- d) If any modifications to the proposal are agreed to, then further details will be required, including revised plans.

10.2 Public Conclusion Package

The proponent may be required, if requested by the Director (or designate), to provide a public conclusion package.

Where a public conclusion package is required, the proponent shall provide to the Director (or designate) a draft public conclusion package summarizing the conclusion of the public consultation process.

10.2.1 The public conclusion package must include the following information:

- a) Notice that the public consultation process is concluded;
- b) The following sentences regarding jurisdiction: "Telecommunication tower/antenna facilities are exclusively regulated by Federal legislation under the *Radiocommunication Act* and administered by Industry Canada. Therefore, Provincial legislation such as the *Planning Act*, including zoning by-laws, does not apply to these facilities. It is important to understand that Industry Canada, while requiring proponents to follow the City of

Mississauga's Telecommunication Tower/Antenna Facilities Protocol, makes the final decision on whether or not a tower facility can be constructed. The City of Mississauga can only provide comments to Industry Canada and does not have the authority to stop the construction of a telecommunication tower/antenna facility.”; and

- c) Contact information for the proponent, local Industry Canada office and applicable Member of Parliament.

10.2.2 Upon written confirmation from the Director (or designate) to proceed, the proponent shall be responsible for distributing the public conclusion packages by mail to the following recipients:

- a) Attendees of the public information session, as indicated on the attendance list from the public information session, if applicable;
- b) Public that provided written comments regarding the proposal;
- c) List of property owners and applicable resident association provided by the Director (or designate);
- d) Applicable Ward Councillor and applicable Member of Parliament in which the proposed tower facility is located; and
- e) Adjacent municipalities within 120 metres (393.7 feet) of the proposed tower facility.

Proponents are also required to mail a copy of the public conclusion package to the Director (or designate).

10.3 Letter of Undertaking

The proponent may be required, if requested by the Director (or designate), to provide a letter of undertaking, which may include the following requirements:

- a) Posting of a security for the construction of any proposed fencing, screening and landscaping;
- b) A commitment to accommodate other telecommunication providers on a tower facility, 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
- c) Other conditions identified in the Letter of Comment.

10.4 Letter of Comment

The LUA will review all pertinent information regarding the proposal and prepare comments to the proponent with a copy to Industry Canada. The focus of the comments will be on how the proponent complied with the consultation requirements of this protocol, how the proposal met the location and design objectives of this protocol, whether the proposal has any adverse impact on the community, and communicate any particular amenities, sensitivities, planning priorities and other relevant characteristics of the area.

The LUA will also indicate that the consultation process has been concluded (with or without conditions), where appropriate. If the proposal is deemed inappropriate by the LUA, the LUA will indicate objections to the proposal and may include outstanding concerns/issues.

11 Timeframes

11.1 Consultation Timeframes

The LUA and public consultation processes should be completed within 120 days from the date of a complete submission to the date where the LUA responds to the proponent with or without objections regarding the proposal.

Appendix A of this protocol contains a flow chart of the LUA and public consultation processes.

11.2 Supplementary Public Consultation

Where the LUA consultation process has not been concluded and 270 days have elapsed from the time of the public notification packages being sent, the proponent may be required to carry out a supplementary public consultation process, if requested by the Director (or designate).

12 Post Construction Requirements

12.1 Notice of Non Conformity

Where the consultation process has been concluded and the LUA has determined that the as-built tower facility is not in accordance with the plan or condition(s) set out in the Letter of Comments, the LUA will provide notification in writing to the owner/operator advising of the situation.

In the event the owner/operator does not respond to the matter within 30 days of receiving the notification, or a resolution between the owner/operator and LUA cannot be reached to correct the issue, the LUA will advise Industry Canada of the situation and request assistance.

12.2 Verifying Height

Where necessary, the LUA may request that measurements be provided to demonstrate the tower facility's overall height. This may include the owner/operator engaging the services of a qualified third party to verify that the tower facility's height is less than 15 metres (49.2 feet) or 30 metres (98.4 feet) above ground level, as appropriate.

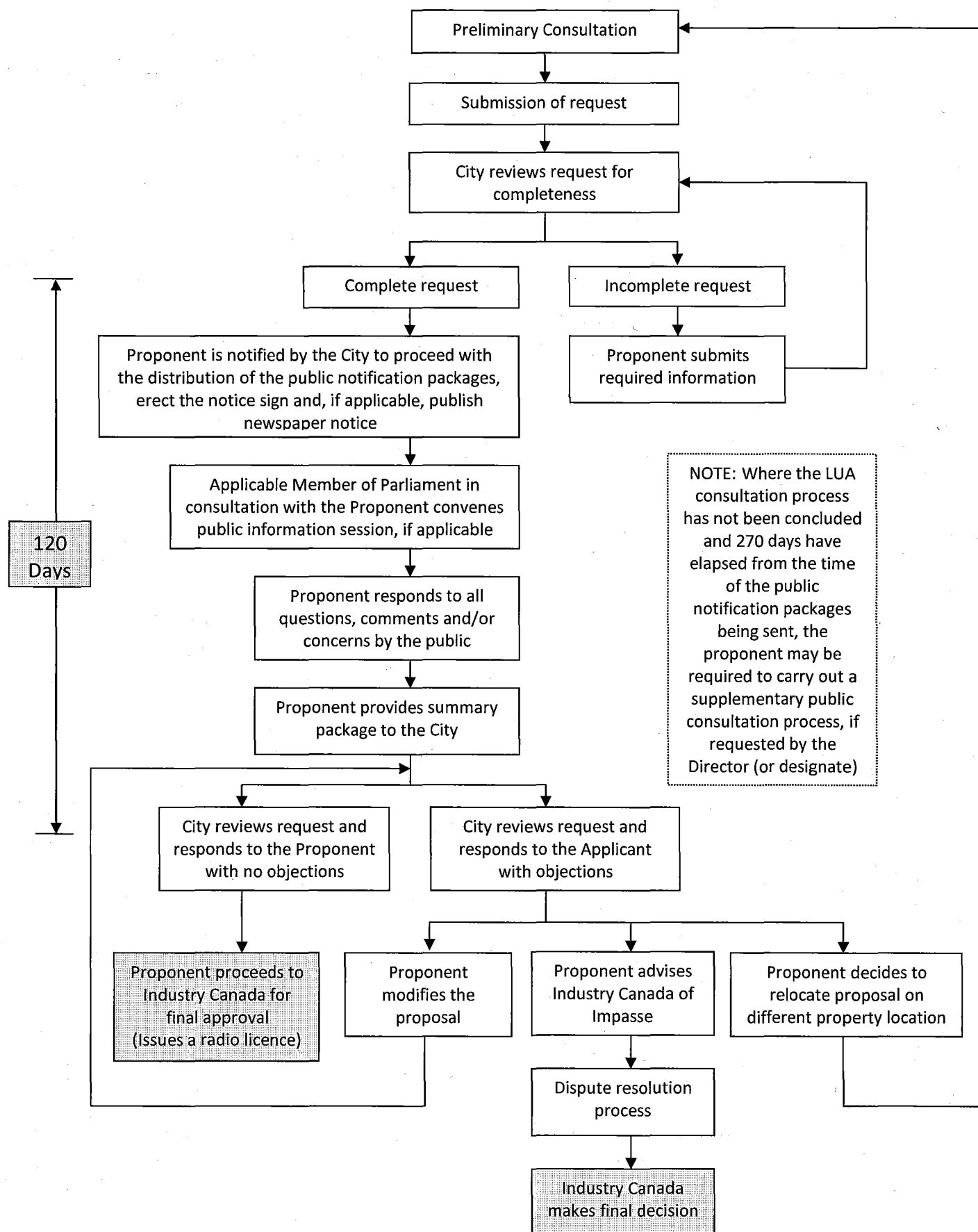
13 Redundant Facilities

The LUA can issue a request to the owner/operator to clarify that a specific tower facility is still required to support telecommunication network activity. The owner/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 tower facility.

Where the owner/operator concur that a tower facility is redundant, the owner/operator and LUA will mutually agree on a timeframe to remove the facility including all associated equipment and remediate the site to its original condition. However, the removal shall occur no later than 2 years from when the tower facility was deemed redundant.

~~When a tower facility becomes redundant to the operation of the owner/operator's telecommunication network, the LUA shall request that the proponent remove the tower facility and remediate the site to its original condition, if the facility is deactivated and left unused (abandoned) for a continuous period of more than 2 years.~~

Appendix A – Consultation Flow Chart





Corporate Report

Clerk's Files

Originator's
Files H-OZ 12/002 W7

DATE: April 9, 2013

TO: Chair and Members of Planning and Development Committee
Meeting Date: April 29, 2013

FROM: Edward R. Sajecki
Commissioner of Planning and Building

SUBJECT: **Removal of the "H" Holding Symbol
from Zoning By-law 0225-2007
2021-2041 Cliff Road
Northeast corner of North Service Road and Cliff Road
Part of Block 13, Registered Plan B-27
Owner: Gemini Urban Design (Cliff) Corp.
Applicant: Weston Consulting Group Inc. Ward 7**

RECOMMENDATION: That the Report dated April 9, 2013, from the Commissioner of Planning and Building recommending approval of the removal of the "H" Holding Symbol, under file H-OZ 12/002 W7, Gemini Urban Design (Cliff) Corp., 2021-2041 Cliff Road, be adopted and that the Planning and Building Department be authorized to prepare the necessary by-law for Council's passage.

BACKGROUND: On April 11, 2012, City Council enacted and passed By-law 0063-2012 which zoned the property "H-RA4-28" (Residential Apartments - Exception), "H-C1-24" (Convenience Commercial), and "H-C2-21" (Neighbourhood Commercial). The subject application is for the removal of the lands on the south side of the property zoned "H-C1-24" (Convenience Commercial), and "H-C2-21" (Neighbourhood Commercial) only. The applicant will

be required to submit a separate application for the removal of the "H" holding symbol on the north side of the property zoned "H-RA4-28" (Residential Apartments - Exception).

Upon fulfilling all technical and financial matters pertaining to the removal of the subject "H" Holding Symbols, Gemini Urban Design (Cliff) Corp. will be proceeding with the severance of the property in order to facilitate the sale of the fitness/medical building and associated parking area.

The "H" Holding Symbol is to remain in effect until the conditions listed in Appendix 3 are completed.

Appendix 1 illustrates an aerial view of the subject lands, while Appendix 2 illustrates the existing land uses and the underlying zoning.

COMMENTS:

Section 36 of the *Planning Act* provides the legislative framework for the removal of the "H" holding symbol and allows municipalities to amend a by-law to remove the "H" holding symbol. A formal public meeting is not required; however notice of Council's intention to pass the amending by-law must be given to all land owners within 120 m (400 ft.) to which the proposed amending by-law would apply. Notice was given to all affected land owners by pre-paid first class mail.

The conditions for removing the "H" holding provision have been largely fulfilled as Gemini Urban Design (Cliff) Corp. have submitted the appropriate technical studies, received clearance from the Ministry of Transportation, addressed the submission of securities with the Transportation and Works Department, and dedicated the right-out-way widening along North Service Road.

Any remediation and submission of a Record of Site Condition and Final Clean Up Report associated with the plaza on the north side of the site, as well as securities related to the air conditioning units for the proposed townhouse development, will be required to be addressed through a separate application for the removal of the "H" holding symbol for those lands.


Once the Development and Servicing Agreements are approved, the by-law can be enacted to remove the "H" Holding provision from the subject lands.

FINANCIAL IMPACT: Not applicable.

CONCLUSION: The majority of the conditions to remove the "H" Holding Symbol have been fulfilled. The required Development Agreement, Servicing Agreement and Acknowledgement agreement will be executed by City Council prior to the By-law to remove the "H" Holding Symbol being removed

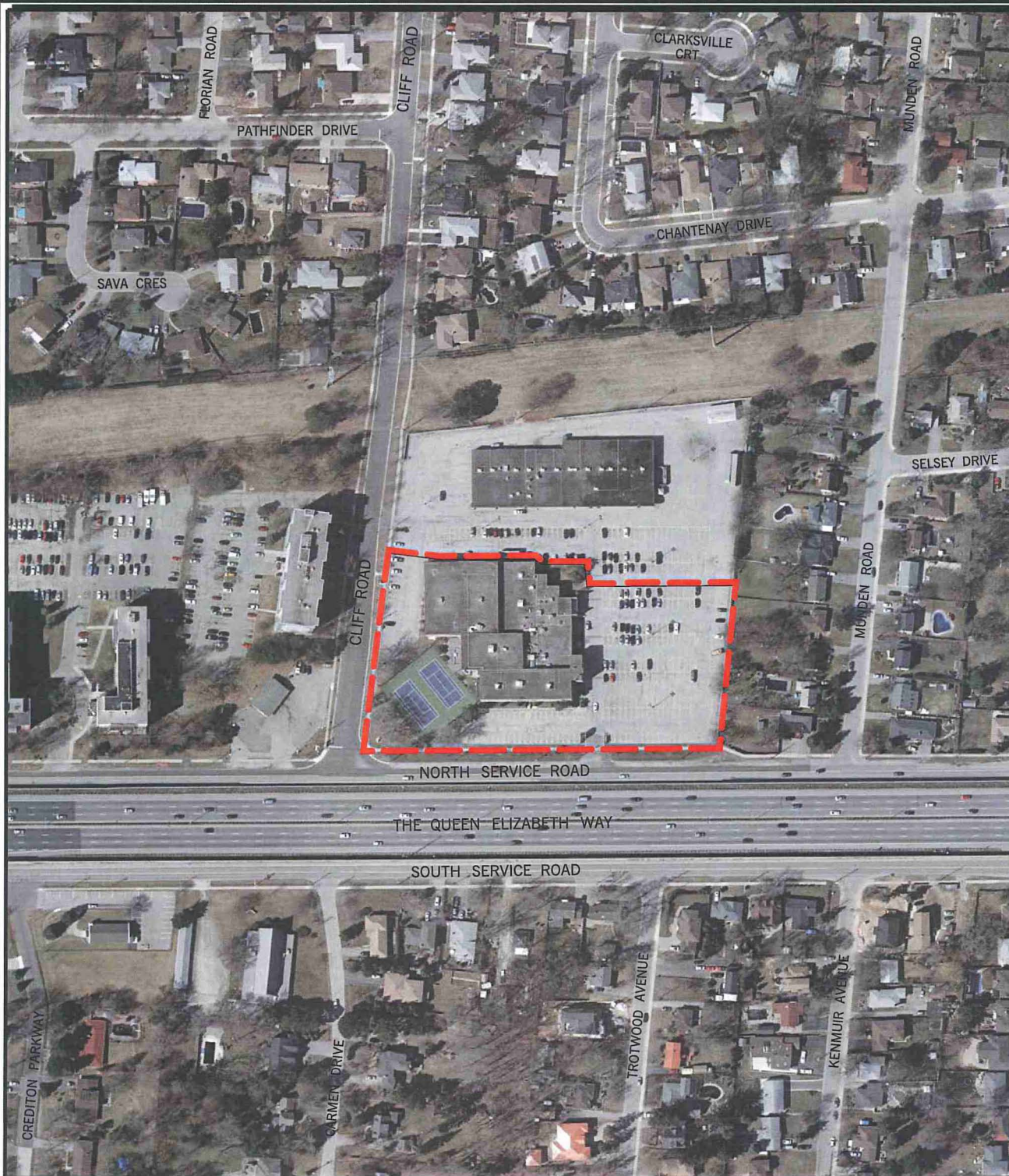
ATTACHMENTS:

- Appendix 1: Aerial Photograph
- Appendix 2: Excerpt of Existing Land Use Map
- Appendix 3: Removal of "H" Holding Symbol conditions

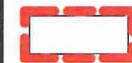


Edward R. Sajecki
Commissioner of Planning and Building

Prepared By: David Breveglieri, Development Planner



LEGEND:



SUBJECT LANDS



SUBJECT:

GEMINI URBAN DESIGN (CLIFF) CORP.



FILE NO:
HOZ 12002 W7

DWG. NO:
H12002R

SCALE:
1:3000

PDC DATE:
2013 04 29

DRAWN BY:
B. KRUGER

APPENDIX
1

MISSISSAUGA
Planning and Building

Produced by
T&W, Geomatics



LEGEND:



SUBJECT LANDS



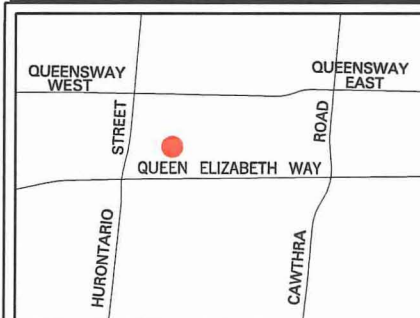
PROPOSED REMOVAL OF THE 'H' HOLDING PROVISION FROM 'H-C1-24' AND 'H-C2-21'

NOTE: EXISTING ZONING DELINEATED ON THE PLAN
PROPOSED ZONING INDICATED BY SHADING WITHIN
THE APPLICATION AREA.



SUBJECT:

GEMINI URBAN DESIGN (CLIFF) CORP.



FILE NO:
HOZ 12002 W7

DWG. NO:
H12002R

SCALE:
1:3000

PDC DATE:
2013 04 29

DRAWN BY:
B. KRUGER

APPENDIX 2

MISSISSAUGA
Planning and Building

Produced by
T&W, Geomatics

Removal of "H" Holding Symbol Conditions

That the "H" Holding provision is to be removed from the whole or any part of the lands zoned "H-C2-21" (Convenience Commercial) and "H-C2-22" (Neighbourhood Commercial), by further amendment, upon satisfaction of the following requirements:

- (1) Provision of any outstanding technical studies and reports including a composite utilities plan, a functional servicing, drainage and grading plan, and a plan recommending specific stormwater management and low impact development techniques to the satisfaction of the City of Mississauga and the Region of Peel;
- (2) Delivery of correspondence from the Ministry of Transportation (MTO) indicating that satisfactory arrangements have been made with respect to MTO's *Building and Land Use Policy* (2009) and any other regulatory matters;
- (3) Payment of all outstanding Transportation and Works Department securities to guarantee the installation of air conditioning units in accordance with the approved noise report;
- (4) Gratuitous dedication to the City of Mississauga of a right-of-way widening along the north side of the North Service Road;
- (5) Delivery of an executed Servicing Agreement for Municipal Works Only in a form and on terms satisfactory to the City, addressing and agreeing to the installation or placement of all required municipal works, including watermain, storm and sanitary sewer, traffic modifications, PUCC approval, the provision of land dedications, all required easements, including the provision of required securities, fees and related provisions;
- (6) Delivery of an executed Development Agreement in a form and on terms satisfactory to the City addressing and agreeing to the installation or placement of all required municipal boulevard works, including the provision of required securities and to the implementation of requirements/conditions prior to Site Plan approval, warning clauses, phasing and development provisions and such other provisions the City may require in relation to the proposed development;

- (7) (i) Submission of a Record of Site Condition and Final Clean-up report and Letter of Reliance for review and approval. Any associated remediation recommended by the consultant must be completed, and
 - (ii) for those lands where no residential uses are permitted, condition 7(i) may be satisfied by receipt by the City of Mississauga of written confirmation from a Qualified Person (QP) as defined by Ont. Reg. 153/04, as amended, that the site complies with all applicable Ministry of Environment standards, to the satisfaction of the City. Should such written confirmation not be provided to the City's sole satisfaction, 7(i) shall apply;
- (8) The City of Mississauga shall be advised by the School Boards that satisfactory arrangements regarding the adequate provision and distribution of educational facilities have been made between the developer/applicant and the School Boards for the subject development.



Corporate Report

PLANNING & DEVELOPMENT COMMITTEE
APR 29 2013 Clerk's Files

Originator's
Files

'A' 050/13 W11

DATE: April 9, 2013

TO: Chair and Members of Planning and Development Committee
Meeting Date: April 29, 2013

FROM: Edward R. Sajecki
Commissioner of Planning and Building

SUBJECT: Appeal to the Ontario Municipal Board
Committee of Adjustment Decision
Minor Variance Application 'A' 050/13 W11
Anjuman-E-Fakhri
1605 Argentia Road & 0 Campobello Road
South of Derry Road West and
west of Mississauga Road

Ward 11

RECOMMENDATION: That the Report dated April 9, 2013 from the Commissioner of Planning and Building regarding the appeal filed by Legal Services by letter be adopted, and that Legal Services, together with other appropriate City staff attend the Ontario Municipal Board hearing in support of the appeal of the decision of the Committee of Adjustment under file 'A' 050/13 W11.

**REPORT
HIGHLIGHTS:**

- Minor variance application ('A' 050/13 W11) was approved by the Committee of Adjustment on February 21, 2013.
- The Planning and Building Department recommended that the application be refused since it did not maintain the intent of both the Official Plan and the Zoning By-law and was not minor in nature.
- A "Placeholder" appeal has been filed by Legal Services as this

decision would set an undesirable precedent with respect to the interpretation of the Official Plan and the Zoning By-law in the context of other Committee of Adjustment matters being considered by the City.

BACKGROUND:

On February 21, 2013, the Committee of Adjustment considered minor variance application 'A' 050/13 W11, to permit a residential dwelling unit within a proposed Place of Religious Assembly and to provide parking for the dwelling unit in accordance with the Condominium Apartment provisions, whereas By-law 0225-2007 contains no provisions in this instance.

The minor variance was amended by the authorized agent at the Committee of Adjustment hearing to permit a residential dwelling unit associated with a proposed Place of Religious Assembly, whereas Zoning By-law 0225-2007, makes no provisions for residential dwelling units in an 'E2' zone. In addition, the Committee approved the residential dwelling unit to provide parking in accordance with the Condominium Apartment parking provisions.

The application was approved, as amended by the Committee, on February 21, 2013.

A "Placeholder" appeal was submitted on March 4, 2013 by Legal Services. The purpose of this report is to seek direction on this matter.

Background information is provided in Appendices 1 to 7.

COMMENTS:

The applicant's authorized agent attended the Committee of Adjustment meeting on February 21, 2013 to present the application. He indicated that the purpose of the proposal was to permit a residential dwelling unit for the priest and his family on the third floor of the proposed Place of Religious Assembly on

lands zoned 'E2' and designated Business Employment. Based on the application submitted, the proposed gross floor area of the dwelling unit is 307.90 m² (3,314.31 sq. ft.).

The Planning and Building Department has two significant concerns with the proposal:

1. The proposed residential use is not appropriate in lands zoned 'E2' and designated Business Employment, as these lands are reserved for higher-order employment functions and uses; and
2. The introduction of a residential use in an employment area, with active employment uses, could impact the ability of permitted Business Employment uses to expand or for new permitted uses to locate in the vicinity.

The Planning and Building Department recommended that the minor variance application be refused on the basis that it does not maintain the general intent and purpose of the Official Plan and the Zoning By-law, is not minor in nature, and is not desirable for the appropriate development of the land.

Official Plan

The subject property is designated "Business Employment" in the Meadowvale Business Park Corporate Centre in the Mississauga Official Plan, which allows for the development of a mix of employment uses with a focus on office development and uses with high employment densities. The applicable general Corporate Centres policy states as follows:

Section 15.1.2.1 - Residential uses will not be permitted.

Zoning By-law

The subject property is zoned 'E2-1' (Employment), which allows for a variety of uses, such as business activities, office, commercial, motor vehicle service, hospitality, places of religious assembly and other uses.

The zone provisions do not allow for residential uses. The general intent of the Zoning By-law is to ensure that the lands are maintained for higher order industry and business employment uses.

Although Planning staff recognizes that a Place of Religious Assembly is a permitted use under the Zoning By-law, a residential use is not permitted. Therefore, the requested use on the subject property does not maintain the general intent and purpose of the Zoning By-law.

Four Tests of a Minor Variance

An application for a minor variance from a Zoning By-law must meet all four tests established under the *Planning Act*, namely, the application must; maintain the general intent and purpose of the Official Plan; maintain the general intent and purpose of the Zoning By-law; be desirable for the appropriate development or use of the land; and be minor in nature. Failure to satisfy just one of these tests is fatal to the application.

As a residential land use is not permitted in the City's applicable Official Plan policies and Zoning By-law provisions, these tests cannot be met. The proposed use fails all four of the tests and by virtue of this cannot be considered minor or desirable, and therefore, fails the *Planning Act* requirements.

Parking Variance

In addition to the land use related concerns raised by Planning staff, the applicant was also granted a parking rate that is applied to the proposed dwelling unit. The granted variance allowed the residential dwelling unit to be developed in accordance with the parking rate used under the Condominium Apartment definition. Although this variance only speaks to the proposed residential dwelling unit, and not the overall site parking rate, this Department recommended that this variance be deferred, as more information was required to be submitted to the associated Site Plan SP 12/156 W11 in process.

Committee of Adjustment Decision

The Committee of Adjustment considered the submissions put forward and was satisfied that the amended request met the general intent and purpose of the Official Plan and Zoning By-law in this instance, and was of the opinion that the amended request was minor in nature. The Committee approved a dwelling unit for the priest of the Religious Place of Assembly and to permit a parking rate for the dwelling unit in accordance with the Condominium Apartment provisions.

Ontario Municipal Board

The Committee of Adjustment's decision to approve the minor variance was final and binding on March 20, 2013. Based on Council endorsed protocol, the Planning and Building Department prepares a Corporate Report to the Planning and Development Committee recommending that the City appeal a decision of the Committee of Adjustment when, in the Department's opinion, the decision does not maintain the general intent and purpose of the Official Plan. Accordingly, the Planning and Building Department requested that Legal Services prepare the appropriate Notice of

Appeal to the Ontario Municipal Board (OMB) and file a "Placeholder" appeal prior to the appeal period expiring pending further instruction from Council.

CONCLUSION:

The minor variance approved by the Committee of Adjustment under file 'A' 050/13 W11, does not maintain the general intent of the Official Plan or the Zoning By-law, is not minor in nature and is not desirable for the appropriate use of the land.

ATTACHMENTS:

Appendix 1: Committee of Adjustment Decision 'A' 050/13 W11
Appendix 2: Land Use Map
Appendix 3: Zoning Map
Appendix 4: General Context Map
Appendix 5: Aerial Photograph
Appendix 6: Site Plan
Appendix 7: Dwelling Unit Floor Plan



Edward R. Sajecki
Commissioner of Planning and Building

Prepared By: David Ferro, Committee of Adjustment Planner



COMMITTEE OF ADJUSTMENT

IN THE MATTER OF SECTION 45(1) OR (2)
of The Planning Act R.S.O. 1990, c.P.13, as amended
- and -

IN THE MATTER OF ZONING BY-LAW 0225-2007
as amended
- and -

IN THE MATTER OF AN APPLICATION BY

ANJUMAN-E-FAKHRI (MISSISSAUGA)

on Thursday February 21, 2013

Anjuman-E-Fakhri (Mississauga) is the owner of Part of Block V, Registered Plan M-8, located and known as 1605 Argelia Road & 0 Campobello Road, zoned E2-1, Employment. The applicant requests the Committee to authorize a minor variance to permit the construction of a new place of religious assembly proposing:

1. a dwelling unit for the priest; whereas Article 2.1.9.3 of By-law 0225-2007, as amended, contains no provisions in this instance,
2. to provide parking for the dwelling unit in accordance with the Condominium Apartment provisions; whereas Article 3.1.2.1 of By-law 0225-2007, as amended, contains no provisions in this instance; and,
3. to permit the existing building to remain temporarily during the construction of a new building on the lot without providing sufficient parking on site; whereas By-law 0225-2007, as amended, requires parking to be provided for both the existing and proposed buildings.

On February 7, 2013, Mr. D. Kennedy declared a pecuniary interest in the application. He left the hearing room and did not participate in the proceedings in any manner.

Mr. S. Burns, the authorized agent, attended and requested a deferral of the subject application. Mr. Burns indicated that his client needed additional time to reasons to the concerns raised by the Planning department and the local councillor.

The Committee reviewed the information and plans submitted with the application.

The City of Mississauga Planning and Building Department commented as follows (February 5, 2013):

"1.0 RECOMMENDATION

The Planning and Building Department recommends that variance #1 be refused and that variance #2 and #3 be deferred to allow the applicant an opportunity to submit the requested information to the Site Plan application.

2.0 BACKGROUND

Mississauga Official Plan

Character Area:
Designation:

Meadowvale Business Park Corporate Centre
Business Employment

File: "A" 050/13
WARD 11

Discussion

The Meadowvale Business Park is governed by the City's Corporate Centre policies which allow the development of a mix of employment uses with a focus on office development and uses with high employment densities. Section 15.1.1 of the Corporate Centre policies state that residential land-uses will not be permitted within Business Employment lands in order to preserve these designated lands for higher-order employment uses. The requested variance is seeking permission to construct a dwelling unit in the proposed place of religious assembly on lands designated Business Employment.

The Mississauga Official Plan Corporate Centre policies do not contemplate residential land uses within Business Employment lands and therefore, the requested use does not maintain the general intent and purpose of the Official Plan.

Zoning By-law 0225-2007

Zoning: "E2-1", Employment

Discussion

The 'E2-1' zone allows for a variety of uses, such as business activities, office, commercial, motor vehicle service, hospitality, places of religious assembly and other uses. The zone provisions do not allow for residential uses. The general intent of the Zoning By-law is to ensure that the lands are maintained for higher order industry and business employment uses. We note that the GFA of the single dwelling unit is 307.90 m² (3, 3124 sq. ft.). The Zoning By-law contains provisions that speak to accessory dwelling units for employment uses in instances that require accommodation for a caretaker, to a maximum of 70.00 m² (753.49 sq. ft.). This Department believes that the proposed dwelling unit is excessive in nature and does not meet the intent of the Zoning By-law.

3.0 OTHER APPLICATIONS

☒ ***Site Plan***

File: SP 12/156 W5 - Not Satisfactory

4.0 COMMENTS

This application proposes a dwelling unit on the subject property that is designated Business Employment. Residential land-uses are prohibited within this designation and it is our understanding, through discussions with the authorized agent, that a priest and family members will reside in the proposed dwelling. The introduction of a dwelling unit does not meet the general intent of the Official Plan.

Introducing a permanent family residence that could create conflict with the permitted Business Employment uses is not desirable. The proposed residential use is being interpreted as a dwelling unit and not an accessory dwelling unit, and given that, this Department is concerned that the introduction of residential uses in employment areas could impact the ability for existing employment uses to expand or new uses to locate in the vicinity.

This Department does not support residential uses in areas that are intended for business employment uses. Taking into account the existing policy and Zoning By-law framework upon which the application is evaluated, the proposal does not maintain the general intent and purpose of either the Official Plan or the Zoning By-law. The requested variance is neither minor in nature, nor desirable for the appropriate development of the subject property and as such, we recommend that the variance for the dwelling unit be refused.

We advise that based on the Parking Justification Letter submitted to the Committee of Adjustment application, the authorized agent has provided numbers for the amount of parking spaces that are required and the amount that will be provided temporarily. Although this Department has reviewed the Parking Justification Letter, Zoning staff cannot confirm the accuracy of the requested variances or determine whether additional variances are required without the submission of a revised site plan confirming the Gross Floor Area - Residential (GFA) and the parking numbers and configuration. Furthermore, the Condominium Apartment parking rate, which is being applied for in variance #2, will have to

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be included in the calculation of the required parking. Once Zoning staff confirm the parking spaces provided and required, a variance amendment will be required for variance #3, that speaks to the amount of parking being provided on-site and off-site, as well as the number of parking spaces required, as the current wording of the variance is incorrect. This Department recommends that the variances regarding the Condominium Apartment parking rate and insufficient parking, be deferred to allow the applicant an opportunity to submit a revised site plan. Should the Committee see merit in variances #2 and #3, and should variance #3 be amended based on the numbers identified in the Parking Justification Letter, this Department recommends that the following conditions be imposed by the Committee; that approval be granted on a temporary basis and that the applicant submit the required information to the Site Plan application which confirms the GFA and parking spaces provided and required."

The City of Mississauga Transportation and Works Department commented as follows (January 31, 2013):

"We note for Committee's information that the City is currently processing a Site Plan Application for this property, Reference SP 12/156. Transportation and Works Department concerns/requirements for this property will be addressed through the Site Plan Process."

A letter was received from S. Burns, the authorized agent, indicating that a public consultation was held and attended by various stakeholders. Attached were two letters from interested parties indicating that they had no objection to the subject application.

No other persons expressed any interest in the application.

The Committee consented to the request and deferred the application to the February 21, 2013 hearing.

On February 21, 2013, Mr. D. Kennedy declared a pecuniary interest in the application. He left the hearing room and did not participate in the proceedings in any manner.

Mr. S. Burns, authorized agent, attended and presented the application to permit the construction of a masjid containing a residential dwelling unit for the worship leader and immediate family. Mr. Burns advised the Committee that a resident worship leader was an integral component of a masjid and confirmed that an associated masjid in Richmond Hill had functioned in a similar fashion without problems. He explained that a leadership presence on site was required to facilitate the frequent worship service and private consultation between congregation members and the worship leader.

Mr. Burns confirmed that the *Official Plan* did not permit residential uses within employment areas but noted that accessory uses to a dominant use on a property were permitted. Mr. Burns suggested that the residential unit would function as an accessory use to the place of religious assembly use and that the residential unit would not function independently of the masjid. He confirmed that the relationship between the residential dwelling unit and the masjid would be similar to a church and a manse. Mr. Burns advised the Committee that the subject property was adjacent to residential land uses and not isolated within employment lands. He noted that several other places of religious assembly were located on nearby properties and suggested that the proposed use was compatible and appropriate development for the neighbourhood.

Mr. Burns suggested that the parking requirement for the residential dwelling unit would be minimal and would not adversely affect the parking supply on the subject property.

Mr. S. Salim, a trustee of the proposed masjid, attended and provided additional information with respect to the operational requirements of the masjid. Mr. Salim advised the Committee that several worship services were conducted throughout the day and that having an offsite worship leader would be inconvenient and would inhibit the abilities of the worship leader. He noted that it was tradition for the worship leader to live within the masjid. It was Mr. Salim's opinion that the proposed use would enhance the functioning of the

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masjid and that the resident worship leader would provide benefits such as additional security, maintenance and site presence on the subject property.

The Committee reviewed the information and plans submitted with the application.

The City of Mississauga Planning and Building Department commented as follows (February 15, 2013):

1.0 RECOMMENDATION

The Planning and Building Department recommends that variance #1 be refused and that variance #2 and #3 be deferred to allow the applicant an opportunity to submit the requested information to the Site Plan application.

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Meadowvale Business Park Corporate Centre
Designation: Business Employment

Discussion

The Meadowvale Business Park is governed by the City's Corporate Centre policies which allow the development of a mix of employment uses with a focus on office development and uses with high employment densities. Section 15.1.1 of the Corporate Centre policies state that residential land-uses will not be permitted within Business Employment lands in order to preserve these designated lands for higher-order employment uses. The requested variance is seeking permission to construct a dwelling unit in the proposed place of religious assembly on lands designated Business Employment.

The Mississauga Official Plan Corporate Centre policies do not contemplate residential land uses within Business Employment lands and therefore, the requested use does not maintain the general intent and purpose of the Official Plan.

Zoning By-law 0225-2007

Zoning: "E2-1", Employment

Discussion

The 'E2-1' zone allows for a variety of uses, such as business activities, office, commercial, motor vehicle service, hospitality, places of religious assembly and other uses. The zone provisions do not allow for residential uses. The general intent of the Zoning By-law is to ensure that the lands are maintained for higher order industry and business employment uses. We note that the Gross Floor Area (GFA) of the dwelling unit is 307.90m² (3,3124 sq. ft.). This Department believes that the proposed dwelling unit does not meet the intent of the Zoning By-law and is excessive in size.

3.0 OTHER APPLICATIONS

☒ *Site Plan*

File: SP 12/156 W5 -Not Satisfactory

4.0 COMMENTS

This application proposes a dwelling unit on the subject property that is designated Business Employment. Residential uses are prohibited within this designation and it is our understanding, through discussions with the authorized agent, that a priest and family members will reside in the proposed dwelling. This Department does not support residential uses in areas that are intended for Business Employment uses.

This Department is also concerned that the introduction of residential uses in employment areas could impact the ability for permitted existing employment uses to expand or for new permitted uses to locate in the vicinity.

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Taking into account the existing policy and Zoning By-law framework upon which the application is evaluated, the proposal does not maintain the general intent and purpose of either the Official Plan or the Zoning By-law. The requested variance is not minor in nature, nor desirable for the appropriate development of the subject property and as such, we recommend that the variance for the dwelling unit be refused.

We advise that based on the Parking Justification Letter submitted to the Committee of Adjustment application, the authorized agent has provided numbers for the amount of parking spaces that are required and the amount that will be provided temporarily. Although this Department has reviewed the Parking Justification Letter, Zoning staff cannot confirm the accuracy of the requested variances or determine whether additional variances are required without the submission of a revised site plan confirming the Gross Floor Area - Residential (GFA) and the parking numbers and configuration. Furthermore, the Condominium Apartment parking rate, which is being applied for in variance #2, will have to be included in the calculation of the required parking. Once Zoning staff confirm the parking spaces provided and required, a variance amendment may be required for variance #3, that speaks to the amount of parking being provided on-site and off-site, as well as the number of parking spaces required. This Department recommends that the variances regarding the Condominium Apartment parking rate and insufficient parking, be deferred to allow the applicant an opportunity to submit a revised updated site plan. Should the Committee see merit in variances #2 and #3, and should variance #3 be amended based on the numbers identified in the Parking Justification Letter, this Department recommends that the following conditions be imposed by the Committee; that approval be granted on a temporary basis and that the applicant submit the required information to the Site Plan application which confirms the GFA and parking spaces provided and required."

The City of Mississauga Transportation and Works Department commented as follows (February 14, 2013):

"Please refer to our comments submitted for the February 7, 2012 hearing of this application as those comments are still applicable."

A letter was received from T. Heard, the Senior Pastor of Spirit of Pentecost located at 6699 Campobello Road, expressing concerns with the subject application. He noted concerns with respect to introducing residential uses within employment land, parking, and traffic circulation.

Mr. T. Heard, the Senior Pastor of Spirit of Pentecost located at 6699 Campobello Road, attended and spoke in concern with the subject application. Mr. Heard expressed his concerns with a family living within an employment area. He explained that employment lands lacked the necessary services for a family such as schools and recreation areas. Mr. Heard indicated concerns with the increased parking demand and parking arrangements that would be provided for the proposed uses on the subject property. He noted that several other places of religious assembly were located within the immediate area and that traffic circulation complications occurred during popular hours of religious service. Mr. Heard expressed his desire to see the architectural plans of the proposed masjid.

No other persons expressed any interest in the application.

Mr. Burns upon hearing the comments of the Committee and the Planning and Building Department, requested that the application be amended in accordance with their recommendations. He requested that the variance pertaining to the parking arrangements for the existing and proposed buildings to be deleted from the application. He noted that additional research would be required to determine the correct calculations and that his client would reapply in the future for relief to the Zoning By-law if necessary.

The Committee consented to the request and, after considering the submissions put forward by Mr. Burns, Mr. Salim & Mr. Heard and having reviewed the plans and comments received, is satisfied that the amended request is desirable for the appropriate temporary use of the subject property. The Committee confirmed that a place of religious assembly was a permitted use within an Employment zone and opined that a residential dwelling unit for the worship leader of the masjid would be an appropriate and desirable accessory use

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to the predominant land use. The Committee suggested that the residential dwelling unit would innocuously coexist with the surrounding land uses and that the subject property was located adjacent to residentially zoned lands and therefore residential services would be accessible to any family that would reside on the property. The Committee was of the opinion that the residential dwelling unit would not undermine the planned function of the surrounding Employment lands.

The Committee is satisfied that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained in this instance.

The Committee is of the opinion that the requested variance is minor in nature in this instance.

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WARD 11

Accordingly, the Committee resolves to authorize and grant the amended request to permit the construction of a new place of religious assembly proposing:

1. a dwelling unit for the priest; whereas Article 2.1.9.3 of By-law 0225-2007, as amended, contains no provisions for such a use in this instance, and;
2. to provide parking for the dwelling unit in accordance with the Condominium Apartment provisions; whereas Article 3.1.2.1 of By-law 0225-2007, as amended, contains no provisions for parking for such a use in this instance.

This decision is valid for a temporary period of seven (7) years and shall expire and terminate on or before March 31, 2020 and is subject to the following condition:

1. The residential dwelling unit shall operate accessory to the place of religious assembly located on the subject property and shall be inhabited by the worship leader and immediate family only. The residential dwelling unit shall not be leased and/or occupied by any other individual(s).

MOVED BY: D. George SECONDED BY: S. Patrizio CARRIED

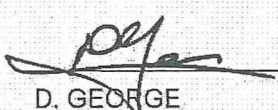
Application Approved, as amended, on condition as stated.

Dated at the City of Mississauga on February 28, 2013.

THIS DECISION IS SUBJECT TO APPEAL TO THE ONTARIO MUNICIPAL BOARD BY FILING WITH THE SECRETARY-TREASURER OF THE COMMITTEE OF ADJUSTMENT A WRITTEN NOTIFICATION, GIVING REASONS FOR THE APPEAL, ACCOMPANIED WITH THE PRESCRIBED FEE ON OR BEFORE MARCH 20, 2013.

Date of mailing is March 4, 2013.


S. PATRIZIO



D. GEORGE


R. BENNETT (CHAIR)


J. THOMAS

ABSENT
D. KENNEDY

ABSENT
L. DAHONICK


J. ROBINSON

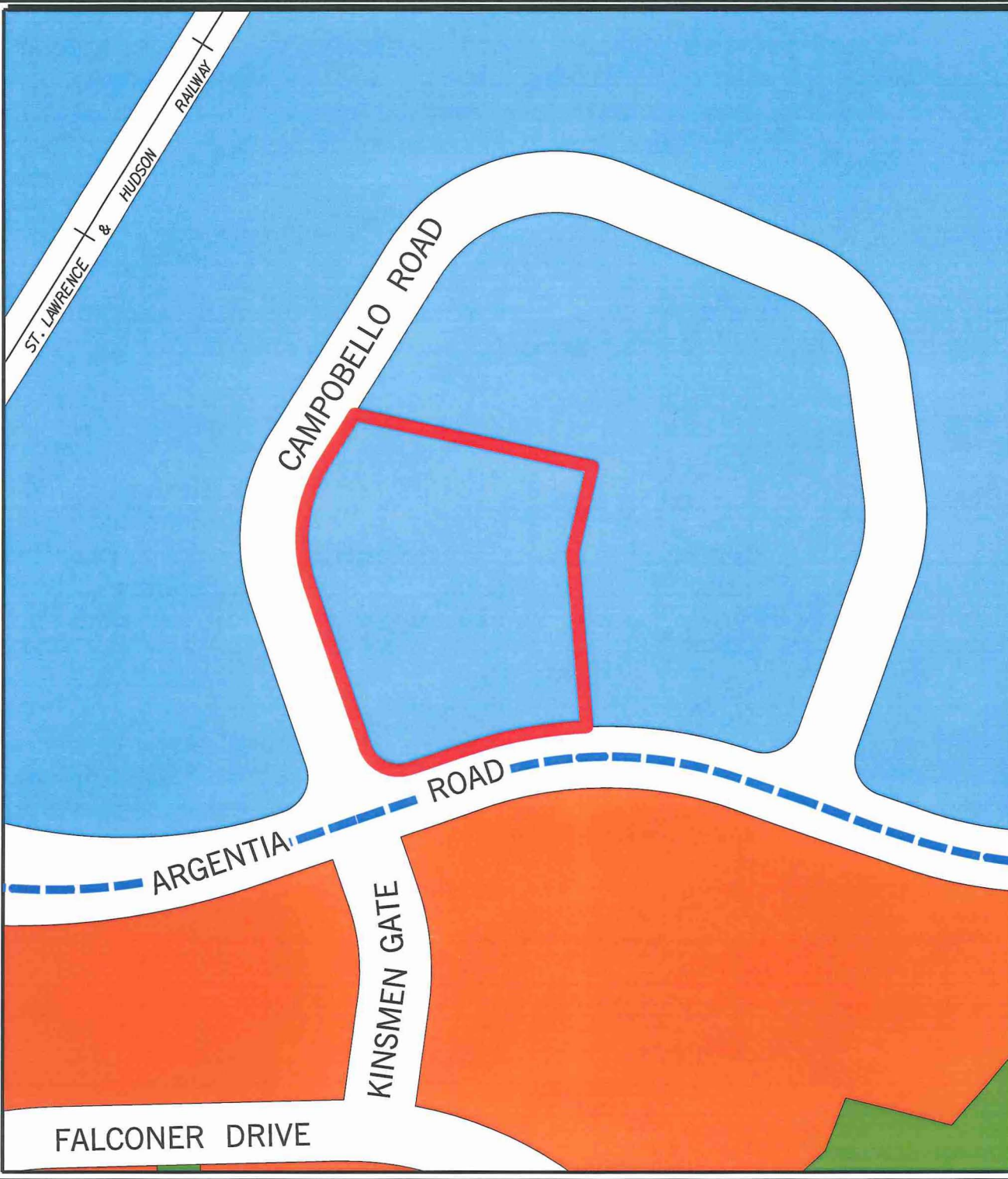
I certify this to be a true copy of the Committee's decision given on February 28, 2013.


DAVID L. MARTIN, SECRETARY-TREASURER

A copy of Section 45 of the Planning Act, as amended, is attached.

NOTES:

- A Development Charge may be payable prior to the issuance of a Building Permit.
- Further approvals from the City of Mississauga may be required i.e. a Building Permit, a Zoning Certificate, a License, etc.



PART OF SCHEDULE 10 LAND USE DESIGNATIONS OF MISSISSAUGA OFFICIAL PLAN

LAND USE DESIGNATIONS

Residential Low Density I	Business Employment
Residential Low Density II	Industrial
Residential Medium Density	Airport
Residential High Density	Institutional
Downtown Mixed Use	Public Open Space
Downtown Core Commercial	Private Open Space
Mixed Use	Greenbelt
Convenience Commercial	Parkway Belt West
Motor Vehicle Commercial	Utility
Office	To Be Determined

LAND USE LEGEND

Heritage Conservation District	Civic Centre (City Hall)
1996 NEP/2000 NEF Composite Noise Contours	City Centre Transit Terminal
LBPIA Operating Area Boundary See Aircraft Noise Policies	GO Rail Transit Station
Area Exempt from LBPIA Operating Area	Public School
Natural Hazards	Catholic School
	Hospital
	Community Facilities

CITY STRUCTURE

Elements

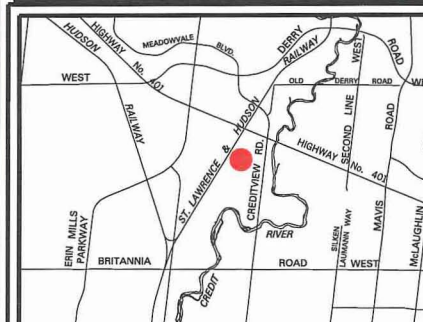
Downtown	Corporate Centre
Major Node	Employment Area
Community Node	Special Purpose Area
Neighbourhood	

SUBJECT LANDS



SUBJECT:

ANJUMAN-E-FAKHRI



FILE NO:

A 50/13

DWG. NO:

A 50 13L

SCALE:

1:2500

DATE:

2013 04 15

DRAWN BY:

K. PROKOP

APPENDIX 2

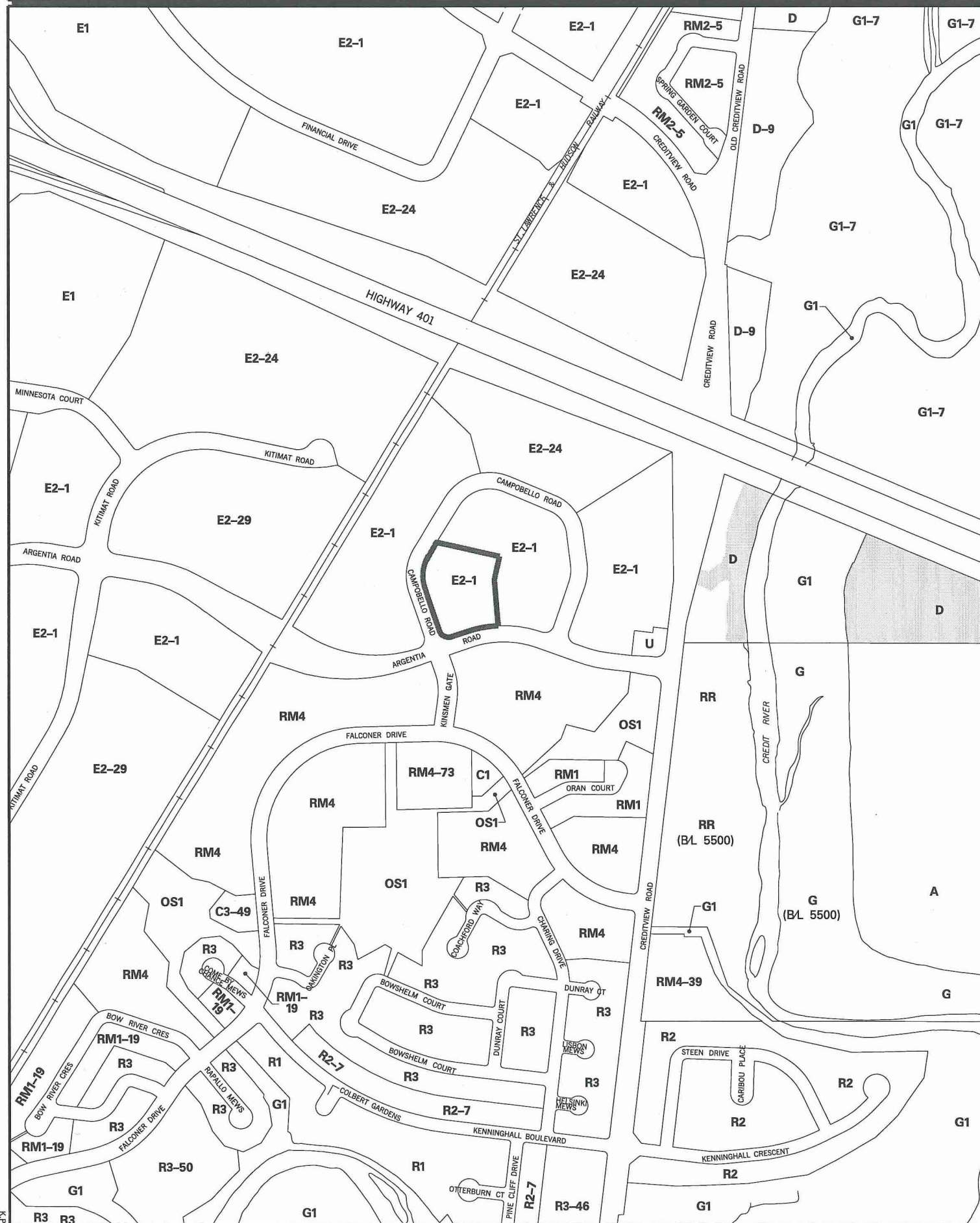
MISSISSAUGA
Planning and Building

Produced by
T&W, Geomatics

GENERAL CONTEXT MAP

A 50/13

APPENDIX 4





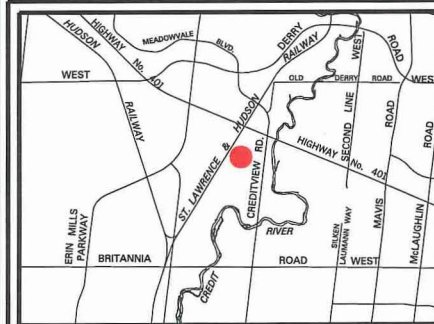
LEGEND:

 **SUBJECT LANDS**



SUBJECT:

ANJUMAN-E-FAKHRI




FILE NO:
A 50/13
DWG. NO:
A 50 13A
SCALE:
1:2500
DATE:
2013 04 15
DRAWN BY:
K. PROKOP


APPENDIX 5

 **MISSISSAUGA**
Planning and Building


Produced by
T&W, Geomatics




TRICONE
 OFFICE AND TRAIL HEADQUARTERS
 14500 104th Avenue, Suite 100
 Richmond, BC V6V 2G9, Canada
 Tel: (604) 273-1111
 Telex: 250000 TRICONE
 Cable: TRICONE




BERTIN ENGINEERING
 1000 West Beaver Creek Road
 Richmond, BC V6X 3V7, Canada
 Tel: (604) 273-1111
 Telex: 250000 BERTIN
 Cable: BERTIN




BURNSIDE
 1000 West Beaver Creek Road
 Richmond, BC V6X 3V7, Canada
 Tel: (604) 273-1111
 Telex: 250000 BURNSIDE
 Cable: BURNSIDE




HCR
 1000 West Beaver Creek Road
 Richmond, BC V6X 3V7, Canada
 Tel: (604) 273-1111
 Telex: 250000 HCR
 Cable: HCR




MASLUD
 1000 West Beaver Creek Road
 Richmond, BC V6X 3V7, Canada
 Tel: (604) 273-1111
 Telex: 250000 MASLUD
 Cable: MASLUD




SITE PLAN
 1000 West Beaver Creek Road
 Richmond, BC V6X 3V7, Canada
 Tel: (604) 273-1111
 Telex: 250000 SITE PLAN
 Cable: SITE PLAN




ANULOMAH-TANKHRI
 1000 West Beaver Creek Road
 Richmond, BC V6X 3V7, Canada
 Tel: (604) 273-1111
 Telex: 250000 ANULOMAH-TANKHRI
 Cable: ANULOMAH-TANKHRI




MASLUD
 1000 West Beaver Creek Road
 Richmond, BC V6X 3V7, Canada
 Tel: (604) 273-1111
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 Cable: MASLUD




BURNSIDE
 1000 West Beaver Creek Road
 Richmond, BC V6X 3V7, Canada
 Tel: (604) 273-1111
 Telex: 250000 BURNSIDE
 Cable: BURNSIDE




HCR
 1000 West Beaver Creek Road
 Richmond, BC V6X 3V7, Canada
 Tel: (604) 273-1111
 Telex: 250000 HCR
 Cable: HCR




MASLUD
 1000 West Beaver Creek Road
 Richmond, BC V6X 3V7, Canada
 Tel: (604) 273-1111
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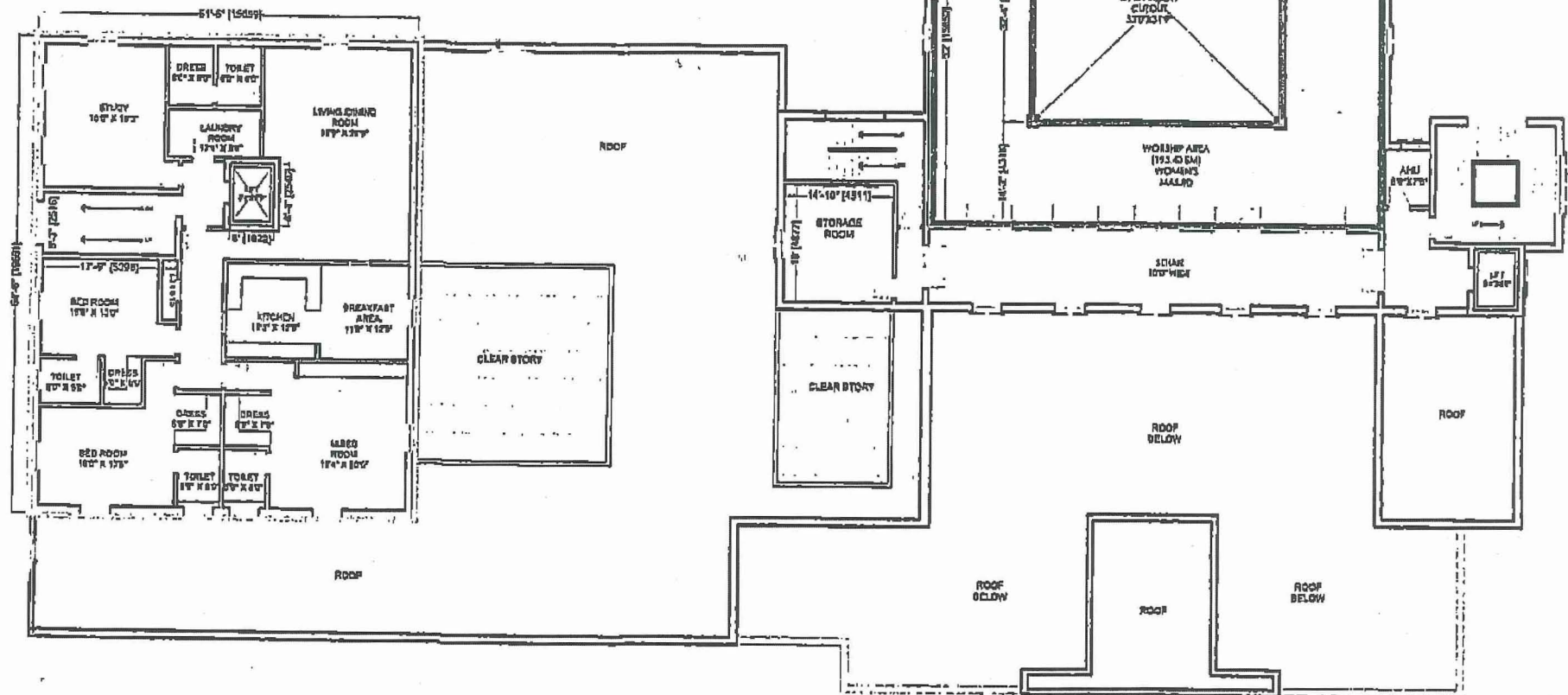


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 1000 West Beaver Creek Road
 Richmond, BC V6X 3V7, Canada
 Tel: (604) 273-1111
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 Tel: (604) 273-1111
 Telex: 250000 MASLUD
 Cable: MASLUD

TOTAL AREA W/O DEDUCTIONS =	8,487.14	788.48
TOTAL AREA WITH DEDUCTIONS =	5,607.61	520.96



THIRD FLOOR PLAN