



## Public Works Committee

### REPORT 11-012

9:30 a.m.

Monday, October 17, 2011

Council Chambers

Hamilton City Hall

71 Main Street West

**Present:** Councillor R. Powers (Chair), B. McHattie (Vice-Chair)  
Councillors C. Collins, S. Merulla, L. Ferguson, T. Jackson,  
S. Duvall, R. Pasuta

**Absent with  
Regrets:** T. Whitehead – City Business

**Also Present:** Councillors, B. Johnson, M. Pearson, J. Farr  
J. Mater, Acting General Manager, Public Works  
B. Goodger, Senior Director of Operations & Waste Management  
D. McKinnon, Director of Water and Wastewater Operations  
G. Moore, Director of Engineering Services  
A. Kirkpatrick, Manager, Transportation Planning  
M. Fazio, Project Manager, Environmental Planning  
P. Topalovic, Acting Project Manager of Transportation  
Demand Management  
A. Grozelle, Legislative Assistant, City Clerk's Office

### PUBLIC WORKS COMMITTEE PRESENTS REPORT 11-012 AND RESPECTFULLY RECOMMENDS:

#### 1. Intersection Control List (PW11001e) (Wards 9, 11 & 12) (Item 5.3)

Intersection		Stop Direction		Class	Location / Comments / Petition	Ward
Street 1	Street 2	Existing	Requested			
(a) Highgate Dr.	Highbury Dr.	NC	WB	B	W. of Upper Centennial Pkwy., N. of Rymal Rd.	9
(b) Springwood Dr.	Candlewood Dr.	NC	EB	A	W. of Upper Centennial Pkwy., N. of Rymal Rd.	9
(c) Pelech Cres. (W. Leg)	Pinehill Dr.	NC	NB	B	E. of Trinity Church Rd., S. of Rymal Rd.	11
(d) Pelech Cres. (E. Leg)	Pinehill Dr.	NC	NB	B	E. of Trinity Church Rd., S. of Rymal Rd.	11
(e) Whitworth Terrace	Pinehill Dr.	NC	NB	B	E. of Trinity Church Rd., S. of Rymal Rd.	11
(f) Whitworth Terrace	Pelech Cres.	NC	SB	B	E. of Trinity Church Rd., S. of Rymal Rd.	11

Intersection			Stop Direction		Class	Location/Comments/Petition	Ward
Street 1		Street 2	Existing	Requested			
(g)	Hyslop Ave.	Pelech Cres.	NC	SB	A	E. of Trinity Church Rd., S. of Rymal Rd.	11
(h)	Hyslop Ave.	Pinehill Dr.	NC	NB	B	E. of Trinity Church Rd., S. of Rymal Rd.	11
(i)	Raymond Rd.	Garner Rd.	NC	SB	C	E. of Southcote Rd., N. of Garner Rd.	12
(j)	Grandell Dr.	Robertson Rd.	NC	SB	B	E. of Southcote Rd., N. of Garner Rd.	12
(k)	Curran Rd.	Grandell Dr.	NC	WB	B	E. of Southcote Rd., N. of Garner Rd.	12
(l)	Woodhouse St.	Grandell Dr.	NC	WB	B	E. of Southcote Rd., N. of Garner Rd.	12
(m)	Woodhouse St.	Grandell Dr.	NC	EB	B	E. of Southcote Rd., N. of Garner Rd.	12
(n)	Woodhouse St.	Sutherland Cres.	NC	WB	A	E. of Southcote Rd., N. of Garner Rd.	12
(o)	Henderson St.	Sutherland Cres.	NC	EB	A	E. of Southcote Rd., N. of Garner Rd.	12
(p)	Henderson St.	Sutherland Cres.	NC	WB	A	E. of Southcote Rd., N. of Garner Rd.	12
(q)	Sutherland Cres.	Raymond Rd.	NC	SB	B	E. of Southcote Rd., N. of Garner Rd.	12
(r)	Donaldson St.	Raymond Rd.	NC	NB	B	E. of Southcote Rd., N. of Garner Rd.	12
(s)	Donaldson St.	Vinton Rd.	NC	SB	A	E. of Southcote Rd., N. of Garner Rd.	12
(t)	Vinton Rd.	Whittington Rd.	NC	SB	A	E. of Southcote Rd., N. of Garner Rd.	12
(u)	Whittington Rd.	Vinton Rd.	NC	NB	A	E. of Southcote Rd., N. of Garner Rd.	12
(v)	Lampman Dr.	Irwin Ave.	NC	EB	B	E. of Southcote Rd., N. of Garner Rd.	12
(w)	House Lane	Irwin Ave.	NC	WB	B	E. of Southcote Rd., N. of Garner Rd.	12
(x)	House Lane	Vinton Rd.	NC	EB	B	E. of Southcote Rd., N. of Garner Rd.	12
(y)	Guest St.	Irwin Ave.	NC	WB	B	E. of Southcote Rd., N. of Garner Rd.	12
(z)	Guest St.	Vinton Rd.	NC	EB	B	E. of Southcote Rd., N. of Garner Rd.	12
(aa)	Weaver Dr.	Vinton Rd.	NC	WB	B	E. of Southcote Rd., N. of Garner Rd.	12

## 2. One Day Rain Barrel Sale (PW11078) (City Wide) (Item 5.2)

That Report PW11078 respecting, One Day Rain Barrel Sale, be received.

## 3. Smart Commute Hamilton Annual Report 2010 (PW11069)(City Wide) (Item 7.1)

That Report PW11069 respecting, Smart Commute Hamilton Annual Report 2010, be received.

## 4. Fruitland Road Gateway Features and Enhanced Pedestrian Crossings (PW11072) (Revised) (Wards 10 & 11)(item 8.1)

- (a) That the General Manager, Public Works, include a Capital Budget submission during the 2012 Capital Budget deliberations for the design of gateway features and enhanced pedestrian crosswalks at the intersection of Fruitland Road and Barton Street and Fruitland Road at Highway 8, as identified in the Fruitland Road from Barton Street to Highway 8 Municipal Class Environmental Assessment EA Study (August 2010), and that the design phase be included in staff's 2012 work plan;

- (b) That subject to approval of (a) above in the 2012 Capital Budget, that the General Manager, Public Works, include a Capital Budget submission during the 2013 Capital Budget deliberations for the forecast implementation of gateway features and enhanced pedestrian crosswalks at the intersection of Fruitland Road and Barton Street and Fruitland Road at Highway 8, as identified in the Fruitland Road from Barton Street to Highway 8 Municipal Class Environmental Assessment EA Study (August 2010);
- (c) That the Public Works, Operations & Waste Management's, Hamilton in Blooms Program staff undertakes to investigate sponsorship opportunities related to the provision of gateway features or enhanced pedestrian crossing facilities at these two locations that would offset or subsidize the construction and/or operating and maintenance costs to provide these features; and, that Business Development staff in the Planning Department also promotes the sponsorship opportunity to its local business contacts.

**5. Correspondence from Teresa DiFalco President of the Fruitland Road Association for Safe and Healthy Neighbourhoods respecting Report PW11072, Fruitland Road Gateway Features and Enhanced Pedestrian Crossings (Item 8.1(i))**

That the correspondence from Teresa DiFalco President of the Fruitland Road Association for Safe and Healthy Neighbourhoods respecting Report PW11072, attached hereto as Appendix "A", be received.

**6. Telecommunication Tower and Antenna Protocol (PW11033a) (City Wide) (Item 8.2)**

- (a) That the amended Telecommunication Tower and Antenna Protocol attached hereto as Appendix "B" (previously Appendix A to Report PED09206) be approved allowing for the installation of telecommunications towers and antennas on City of Hamilton water towers.
- (b) That the pump station located at Stone Church Road east and Turnbridge Road be exempted from the installation of Telecommunication Towers and Antennas

**FOR THE INFORMATION OF COUNCIL:**

**(a) CHANGES TO THE AGENDA (Item 1)**

The Committee Clerk advised of the following changes to the agenda:

## CONSENT ITEMS

- (i) That due to an error in numbering Items 5.3 and 5.4 be renumbered 5.2 and 5.3 respectively.

## DISCUSSION ITEMS

- (i) That the added correspondence from Teresa DiFalco President of the Fruitland Road Association for Safe and Healthy Neighbourhoods be respecting agenda item 8.1 be added as item 8.1 (i)

The October 17, 2011 Public Works Committee Agenda was approved, as amended.

**(b) DECLARATIONS OF INTEREST (Item 2)**

None

**(c) APPROVAL OF MINUTES (Item 3)****(i) October 3, 2011 (Item 3.1)**

The Minutes of the October 3, 2011 Public Works Committee were approved, as presented.

**(d) CONSENT ITEMS (Item 5)****(i) Minutes of Various Sub-Committees (Item 5.1)**

The following Sub-committee Minutes be received:

Minutes of Various Sub-Committees (FOR INFORMATION PURPOSES ONLY)

**5.1.1 Glanbrook Landfill Coordinating Committee**

- (a) May 30, 2011
- (b) August 29, 2011

**5.1.2 Waste Reduction Task Force – May 18, 2011**

**(e) PRESENTATIONS (Item 7)****(i) Smart Commute Hamilton Annual Report 2010 (PW11069)(City Wide) (Item 7.1)**

Peter Topalovic, Acting Project Manager of Transportation Demand Management, addressed the Committee with the aid of a Power Point Presentation. A copy of this presentation has been included in the official record.

Staff provided an overview of the Smart Commute plan discussing the programs expansion as well as the awards recently won by the City of Hamilton. Staff indicated that they would be bringing another report forward to General Issues Committee respecting the Car Share program in November.

The staff presentation respecting Report PW11069 Smart Commute Hamilton Annual Report 2010, was received.

For disposition on this item refer to Item 3.

**(f) DISCUSSION ITEMS (Item 8)****(i) Telecommunication Tower and Antenna Protocol (PW11033a) (City Wide) (Item 8.2)**

That the following be added as sub-section (b):

- (b) That pump station HDO6B located at Stone Church Road east and Turnbridge Road be exempted from the installation of Telecommunication Towers and Antennas

Amendment CARRIED

The Main Motion as Amended CARRIED on the following Recorded Vote:

Yeas:	R. Powers, B. McHattie, C. Collins, S. Merulla, L. Ferguson, T. Jackson, R. Pasuta
Total:	7
Nays:	S. Duvall
Total:	1
Absent:	T. Whitehead
Total:	1

**(g) MOTIONS (Item 9)****(i) Extension of Transit Services, Glanbrook Business Park (Added Item 9.1)**

On a Motion staff were directed to report to the Public Works Committee respecting the feasibility of extending transit services on Nebo Road South of Rymal Road into the Glanbrook Business Park.

**(h) NOTICES OF MOTION (Item 10)**

Councillor Merulla introduced the following Notice of Motion

**(i) Extension of Transit Services, Glanbrook Business Park (Added item 10.1)**

That staff be directed to report to the Public Works Committee respecting the feasibility of extending transit services on Nebo Road South of Rymal Road into the Glanbrook Business Park.

On a Motion the rules of order were waived to allow the consideration of this motion. See Information Item (g) for disposition of this item.

**(i) GENERAL INFORMATION/OTHER BUSINESS (Item 11)****(i) Outstanding Business List (Item 11.1)**

(a) The following revised Due Dates were approved.

(i) Item B Control measures to stop dust fall outs resulting from unpaved parking lots and roads on industrial properties

Due Date: October 3, 2011

Proposed New Due Date: November 21, 2011

(ii) Item E Litter, Illegal Dumping and Security Issues affecting Municipal Properties abutting Railways

Due Date: November 7, 2011

Proposed New Due Date: November 21, 2011

(b) The following Items were Removed of Items from the Outstanding Business List

(i) Item C: Smart Commute Hamilton Program

(ii) Item F: Rain Barrel RFP Process

**(j) ADJOURNMENT**

There being no further business, the Public Works Committee adjourned at 10:14 a.m.

Respectfully submitted,

Councillor R. Powers, Chair  
Public Works Committee

Andy Grozelle  
Legislative Assistant  
October 17, 2011

Statement submitted by the Fruitland Road Community Association for Safe and Healthy Neighborhoods  
**Public Works Committee October, 17, 2011**

Dear Councillors and Members of the Public Works Committee:

Due to a serious family medical situation I am unable to attend this meeting in person and represent the voice of the Fruitland Road Community Association for Safe and Healthy Neighborhoods.

The Fruitland Road Community Association for Safe and Healthy Neighbourhoods would ask that this committee take into consideration the long outstanding health and safety issues pertaining to our residential street (Fruitland Road), and ask that any monies approved for a gateway or any other project is used to address the issues on Fruitland Road in accordance to the Fruitland-Winona Secondary Plan that the Community Advisory Committee endorsed and was created collaboratively with city planners, and not the final plan that was changed at the last minute, unilaterally and without any notice or input from the community.

Fruitland Road was to be made into a cul-de-sac as part of the Sherwood Meadows Development and a construction date was provided to the community. People purchased and built their homes facing onto Fruitland Road in accordance with an approved plan and assurances made by the city that Fruitland Road would be re-aligned to the east and that Fruitland Road would be closed off at Barton Street and made into a cul-de-sac. Monies were spent to conduct an EA, taking into consideration the Stoney Creek Secondary Plans for expansion. The EA fully supported the re-alignment of Fruitland Road and making Fruitland Road into a cul-de-sac, taking into account that Fruitland Road is 100% residential between Barton and Hwy #8. The EA also recognized that Fruitland Road had direct access to the on and off ramps of the QEW, which was all the more reason to protect this residential community from excessive and dangerous traffic. This further supported the need for the realignment and cul-de-sac, as without it, it would not be conducive to a healthy or safe residential community.

Despite the supportive EA, it was allowed to expire and the project was allowed to fall to the wayside. The monies allocated for the project were captured in the capital budget, however we have recently learned that those monies were spent elsewhere. More money was spent on another EA and the residents of Fruitland Road were promised that that they would be included in that process. They were also told the reason for the 2nd EA was to help resolve the long outstanding issues on this residential road, which included inappropriate traffic and volume, air/noise pollution, speeding and other safety concerns, as well as health concerns



and damage to residential properties. This was not the case. Despite the Fruitland Road community's various attempts to be included in the process, they were left out. Instead, the new EA was married to the Fruitland-Winona Secondary Plan (formally known as SCUBE). The end outcome was a proposed gateway, which would keep Fruitland Road open to traffic. It is noteworthy to mention that the Community Advisory Committee (CAC) for the Fruitland-Winona Secondary Plan voted against these plans, as they were not what the committee had worked on for many years with the city. They were changed at the last minute, unilaterally and without any notice or input from the community.

The community was lead to believe that the "gateway" and re-alignment was to eliminate traffic from their residential road and act as a diversion and calming mechanism. However as broadcast in the media, a local developer has a vision which is being endorsed by one city councillor. This vision is a complete contradiction to what this community was led to believe.

The Fruitland Road Community Association for Safe and Healthy Neighbourhoods is concerned with comments made to the media by the local developer and city Councillor, that they envision Fruitland and Barton will become next "Yonge and Eglinton or Yonge and Dundas in Toronto, or Clifton Hill in Niagara Falls, or Portage and Main in Winnipeg. They want to "welcome the world" via Fruitland Road, and construct two gateways at either end of our 100% residential road. One at the corner of Fruitland and Barton, and the other at the end of Fruitland and Hwy #8, in the hopes of encouraging more traffic, according to an article in the Stoney Creek News on October 13, 2011, entitled "Fruitland and Barton to welcome the world".

This developer is currently in the process of developing a commercial plaza with a drive through Tim Horton's across the street from his current Tim Horton's plaza at corners of Fruitland and Barton. Such a "gateway" feature would certainly tie in nicely with this developers vision and only benefit the developer, while making the current plight of our residents much worse. All the more reason why conscientious consideration needs to be given to the design and construction of the Fruitland Road Re-alignment (also known as the By-Pass), while putting people first and ensuring that the community in which they reside is safe and healthy. With thousands new homes being built east of Fruitland Road, as part of the Fruitland-Winona Secondary Plan, keeping the road open to traffic will turn this residential road into a dangerous speedway, which is not far from what it has become to date.

According to the city's own stats, over 13 thousand vehicles travel daily on what was once a peaceful family community patiently waiting for their road to be re-aligned and made into a cul-de-sac. The police cannot keep up to the violators.-

Statement submitted by the Fruitland Road Community Association for Safe and Healthy Neighborhoods  
**Public Works Committee October, 17, 2011**

The Community Advisory Committee (CAC) for the Fruitland-Winona Secondary Plan worked diligently for years to arrive at a set of plans that were supported by city planners and that which resulted in a community and city endorsed preferred plan. That plan envisioned a solution to Fruitland Road and other design features throughout the planning area study, that were different than the current version of this plan. The preferred plan that was developed by the CAC with the support of city planners, was significantly revised at the last minute, outside of the input from the community advisory committee. This resulted in the CAC resoundly rejecting the revised version, and questioning why it had been changed in spite of the hard work the community devoted to arriving at a preferred plan.

The Fruitland Road Community Association for Safe and Healthy Neighbourhoods supports the need to use the plans developed by the CAC, in conjunction with city planners, as the preferred plan. The Association requests that funding be reserved for this purpose. This would be respectful of the hard work of the community and the city planners who were involved. This would also be aligned with the many assurances made by the city, including approved official plans to re-align Fruitland Road and resolve decades of serious issues for this community. The design needs to put people first and benefit the residents residing along Fruitland Road and its community, and not add any further burden of health and safety concerns, such as increased traffic, air/noise pollution, speeding, damage to our properties, and safety concerns etc... Our community has suffered long enough - decades, in fact.

The Fruitland Road Community Association for Safe and Healthy Neighbourhoods is also requesting that the Fruitland Road By-Pass be built prior to any construction as part of the Fruitland-Winona Secondary Plan, as a measure to alleviate the use of the their residential road for moving red mud and construction equipment, which in retrospect will also increase the traffic volume, noise, pollution and safety concerns.

As President of the Fruitland Road Community Association for Safe and Healthy Neighborhoods, I thank you for your time and understanding.

Respectfully,

Teresa DiFalco

# **City of Hamilton**

## **Telecommunication Tower and Antenna Protocol**

### **Section 1 - Goals and Guidelines**

#### **1.1 - Protocol Goals**

1. To provide a consistent and timely process for the review of telecommunication facilities and installations within the City of Hamilton;
2. To encourage consultation by telecommunication providers with the municipality as early in the location process as practical and feasible;
3. To encourage the location and siting of telecommunication facilities in a manner which minimizes the effects on residents, lessens visual impact, and respects natural and human heritage features and sensitive land uses to the greatest extent possible;
4. To afford an appropriate and effective opportunity for public consultation with respect to mitigating concerns over the siting of wireless telecommunication facilities; and,
5. To recognize the jurisdiction of Industry Canada with respect to the implementation of appropriate health, safety, and environmental standards in exercising its authority to approve the location of telecommunications facilities.

#### **1.2 - Guidelines**

##### **1.2.1 - Site Selection**

In determining an appropriate site for a new tower or antenna, the Proponent shall adhere to the following principles:

1. Sites should be selected to minimize the total number of telecommunication tower sites required. Locations on existing structures or buildings or co-locations on existing tower sites are strongly encouraged. Opportunities to incorporate an antenna into the design of a new building or structure should be explored by the Proponent. The construction of a new telecommunication tower is discouraged, and will be accepted only when all other options to accommodate the telecommunication antenna are not viable.
2. New telecommunication towers are strongly discouraged within 120 metres of any Residential Zone or elementary or secondary school, unless required for reasons of engineering or network objectives. If a new tower is proposed to be located within 120 metres of a Residential Zone or a school, a detailed rationale for the necessity of this location must be provided in the Site Selection/Justification Report (see Section 3.3.1).
3. The Proponent shall make every effort to locate new telecommunication towers within lands zoned for primarily Industrial, Commercial, or Utility uses, whenever possible, where technically feasible.

4. When selecting sites for telecommunication towers, the following shall be considered:
  - a) Maximizing distance from residential uses, schools, and active park space;
  - b) Maximizing distance from properties designated under Parts IV or V of the Ontario Heritage Act;
  - c) Maximizing distance from natural features, Environmentally Sensitive Areas, Hazard Lands, and Key Natural Heritage Features and Key Hydrologic Features, as defined by the Urban and Rural Hamilton Official Plans (completion of an Environmental Impact Statement may be required should the telecommunication tower be located on lands adjacent to a Key Natural Heritage Feature);
  - d) Avoiding sites that would obscure public views, vistas, and significant Cultural Heritage Landscapes; and,
  - e) Compatibility with adjacent uses.
5. Proponents shall be encouraged to locate telecommunication towers with a minimum setback to all property lines and to all existing buildings of a distance equivalent to the height of the tower (measured from grade), whenever possible.
6. New telecommunication facilities should comply with all Zoning By-law regulations.
7. Any request to install a telecommunication facility on City-owned lands shall be reviewed in accordance with the Procedure for the Installation of Broadcasting Communication Facilities on City of Hamilton Properties (2001), attached as Appendix "A" to this Protocol.
8. Any proposed telecommunication facility located within the Development Control Area of the Niagara Escarpment Plan (NEP) shall be in accordance with the current Niagara Escarpment Commission (NEC) Radio and Telecommunications Protocol. Any proposed telecommunication facility that is located within the NEP, but outside of the Development Control Area, shall be in accordance with this Protocol. The City of Hamilton will circulate the NEC on any proposals for new telecommunication facilities that are within the NEP but outside of Development Control, in accordance with Section 3.2, Minor Site Plan Application Process.

### **1.2.2 - Design and Landscaping**

The use of design features, colour, and landscaping can be used to screen telecommunication facilities from view and should be encouraged, whenever possible. The following design guidelines should be taken into consideration when designing a new tower or antenna:

1. New telecommunication towers which are located greater than 120 metres from a Residential Zone or elementary or secondary school shall be designed with co-location capacity.

2. A new telecommunication tower, which must be located within 120 metres of a Residential Zone or elementary or secondary school for reasons of engineering or network objectives, is not required to be designed for future co-location capacity. In this situation, a monopole design or other stealth design technique, as described in 1.2.2.3 below, may be considered.
3. Where appropriate, stealth design techniques, including, but not limited to, camouflaging towers within church steeples, clock towers, or flagpoles, should be used in the design of a new telecommunication tower. If stealth design techniques are employed in the design of a new tower, co-location capacity will not be required in accordance with Section 1.2.2.2 above.
4. The design of the tower or antenna should be sympathetic to the surrounding architecture and built form.
5. Efforts should be made to decrease the size and visibility of telecommunication towers so that they blend in with the surroundings to the greatest extent possible. To reduce the scale and visual impact of towers, mitigation measures should include consideration of design features, structure type, colour, materials, landscaping, screening, and decorative fencing. Neutral colours that blend the structure with its surroundings are encouraged (though it is recognized that new towers must comply with the requirements of Transport Canada and NAV Canada). Where equipment shelters are located on the ground, the visual impact of the built form shall be mitigated through the use of colour, decorative fencing, screening, and/or landscaping.
6. Where appropriate, the planting of trees and shrubs at the tower site is encouraged to enhance the character of the surroundings.
7. Telecommunication towers will only accommodate telecommunication antennas. Only signage directly related to the equipment or required by Industry Canada shall be permitted on the site. A small plaque must be placed at the base of the structure identifying the owner/operator and contact information. No third party advertising or promotion shall be permitted. All signage shall comply with the City of Hamilton Sign By-law 06-243.
8. Lighting of telecommunication antenna and towers is prohibited unless required by Transport Canada. Proof of this requirement should be provided by the Proponent to the City of Hamilton with the Minor Site Plan application.

## **Section 2 - Exemptions from Requirement for Municipal Review**

Proposed telecommunication towers and antennas which are exempted from the requirement to consult with the City of Hamilton under the provision of Industry Canada's CPC-2-0-03 ("Radiocommunication and Broadcasting Antenna Systems", June 2007) will be exempt from the requirement to submit a Minor Site Plan application. The exemptions are listed as follows:

1. Maintenance of existing radio apparatus including the antenna system, transmission line, mast, tower or other antenna-supporting structure.

2. 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, etc., provided the addition or modification does not result in an overall height increase above the existing structure of 25% of the original structure's height.
3. Maintenance of an antenna system's painting or lighting in order to comply with Transport Canada's requirements.
4. 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.
5. New antenna systems, including masts, towers, or other antenna-supporting structure, with a height of less than 15 metres above ground level.

In addition to the above exemptions mandated by Industry Canada, the City of Hamilton will also exempt the following installations from the requirement to submit a Minor Site Plan application:

6. Any new telecommunication tower or antenna proposed within an Industrial Zone, provided that the following criteria are met:
  - (a) The proposed tower is located a minimum of three times the tower height away from a road that forms the boundary to an Industrial Area or an Industrial Business Park, as defined by the Urban and Rural Hamilton Official Plans, measured from the tower base or the outside perimeter of the supporting structure, whichever is greater;
  - (b) The proposed tower is not located within the Airport Employment Growth District, or any other such designation for these lands as amended from time to time, and as defined in the Rural Hamilton Official Plan; and,
  - (c) The proposed tower is located a minimum of three times the tower height away from a Residential Zone, elementary or secondary school, or existing dwelling, measured from the tower base or the outside perimeter of the supporting structure, whichever is greater.
7. Any new telecommunication tower or antenna proposed within a Rural or Agricultural Zone, provided that the following criteria are met.
  - (a) The proposed tower is located a minimum of three times the tower height away from a Residential Zone, elementary or secondary school, or existing dwelling, measured from the tower base or the outside perimeter of the supporting structure, whichever is greater; and,

- (b) The proposed tower is not located within or adjacent to an Environmentally Sensitive Area or a Key Natural Heritage Feature or Key Hydrologic Feature, as defined in the Urban and Rural Hamilton Official Plans.

If a new telecommunication tower is exempt from municipal review, the City of Hamilton requests that the Proponent still provide the City with information on their proposed installation for information purposes. This information will be provided to the local Ward Councillor so that they may respond to any questions from constituents, should they arise.

### **Section 3 - Minor Site Plan Review**

All proposals for a new telecommunication tower which are not exempt from the requirement for municipal consultation, as specified in Section 2, are required to submit a Minor Site Plan application to the City of Hamilton for review. Applications are to be submitted to the attention of the Director of Planning. While the City of Hamilton recognizes that Industry Canada is the final approval authority for telecommunication facilities, it is also recognized that Industry Canada directs telecommunication providers to consult with the local municipality prior to erecting any non-exempt telecommunication towers. Although new telecommunication facilities are not required to obtain site plan approval under The Planning Act, the City's Minor Site Plan application process is an existing process which affords the City an opportunity to review and comment on new telecommunication towers. There will be no requirement for the Proponent to enter into a Site Plan Agreement as part of this process.

#### **3.1 - Formal Consultation**

Prior to submitting a Minor Site Plan application, the Proponent is required to attend a Formal Consultation meeting with City staff for any proposed telecommunication towers which are not exempt from the requirement for municipal consultation, as specified in Section 2. Proponents may obtain a Formal Consultation Request Form from the Planning and Economic Development Department or at [www.hamilton.ca/planning](http://www.hamilton.ca/planning). The purpose of a Formal Consultation meeting is to:

- Determine if the proposal meets any of the criteria specified in Section 2 for exemption from local municipality consultation;
- Determine if the proposal will require public consultation, as per Section 4;
- Provide an opportunity for discussion of site selection and design guidelines to ensure that all siting options are considered prior to a Minor Site Plan application being submitted;
- Identify any preliminary concerns or constraints on potential telecommunication tower sites; and,
- Review submission requirements for the Minor Site Plan application and identify any additional studies that may be required to be submitted with the application (including, for example, an archaeological assessment or an Environmental Impact Statement).

Following the Formal Consultation meeting, the applicant will be provided with a Formal Consultation Document which must be included when the Minor Site Plan application is submitted.

### **3.2 - Minor Site Plan Application Process**

Following the Formal Consultation meeting, and upon submission of a completed Minor Site Plan application and fee, the following process shall be undertaken:

1. City of Hamilton Planning staff shall circulate the application to the Ward Councillor, the Hamilton Utility Co-ordinating Committee, and relevant departments/agencies for information and comment.
2. All comments received as a result of the internal circulation of the Minor Site Plan application shall be provided to the Proponent.
3. If public consultation is required, as per Section 4.1, the City can forward to the Proponent a list of all property owners within a radius of three times the tower height. An additional fee is required for this service. The Proponent is responsible for providing the required public notice and following the public consultation process, as outlined in Section 4.2.
4. The Proponent shall respond to the comments received, make the required modifications to the plans, and submit revised plans and drawings, where required.
5. The City of Hamilton shall provide a formal letter to Industry Canada and the Proponent with comments on the proposed tower, indicating concurrence or non-concurrence with the proposal, as outlined in Section 5.
6. The entire process shall take no more than 120 days to complete, as outlined in Industry Canada's publication CPC-2-0-03 ("Radiocommunication and Broadcasting Antenna Systems", June 2007). Proposals that do not require public consultation are expected to take less than 60 days to complete.

### **3.3 - Submission Requirements**

The following information shall be submitted with the Minor Site Plan application:

1. Site Selection/Justification Report - this report shall outline the steps taken by the Proponent to investigate all non-tower and co-location options, and why a new tower option is the preferred alternative. The report shall identify the location of all existing telecommunication towers within the proponent's search area, and identify the reasons why these towers are not suitable for co-location. The location of these towers shall be illustrated on a map to be included in the Report. In addition, the report shall also identify any alternate sites for the location of the new tower that were investigated by the proponent, and the rationale for eliminating these sites as the preferred alternative. The report shall confirm the need for a new tower at the proposed location, and will also confirm the need for the proposed height of the tower. Future sharing possibilities



with other providers shall also be reviewed. Finally, the report shall outline the design elements proposed in order to minimize the visual impact of the proposed structure, and address any lighting requirements that may be required by Transport Canada;

2. Site Plan with Key Map - the Site Plan shall be for the entire property and not only the leased portion, showing the relationship between the proposed telecommunication facility and existing features on the property such as buildings, parking, pedestrian and vehicular movement, natural features, site grading, property lines, fencing, and landscaping;
3. Elevation Drawings;
4. Minor Site Plan Application Form and Fee (available at [www.hamilton.ca/planning](http://www.hamilton.ca/planning));
5. A map indicating the horizontal distance between the proposed tower installation and the nearest residentially zoned property, dwelling, and/or elementary or secondary school;
6. A colour photograph of the subject property with a superimposed image of the proposed tower; and,
7. Any other information or studies identified in the Formal Consultation Meeting (see Section 3.1).

## **Section 4 - Public Consultation**

### **4.1 - Exclusions from Requirement for Public Consultation**

Where a proposed telecommunication tower is located a distance of three times the tower height or greater from a Residential Zone or elementary or secondary school, measured from the tower base or the outside perimeter of the supporting structure, no public consultation is required. In addition, all telecommunication towers that are exempt from the requirement for municipal review, as per Section 2, are also exempt from the requirement for public consultation.

### **4.2 - Notice Requirements**

1. For all applications that are not exempt from the requirement for public consultation, the Proponent will be required to send notice of the proposal by regular mail to all property owners within a radius of three times the tower height, measured from the tower base or the outside perimeter of the supporting structure, whichever is greater. The City of Hamilton can provide the Proponent with the list of property owners, for an additional fee.
2. The notification shall include the following information in plain language:
  - a) The address of the proposed tower site;
  - b) A Location Map identifying the site of the proposed tower;
  - c) A plan indicating the proposed location of the tower on the subject site;

- d) Physical details of the tower including height, colour, type, and design;
- e) Colour photograph of the property with a picture of the tower superimposed;
- f) The last day of the 21 day comment period; and,
- g) Contact information (name and telephone number) for both the Proponent and the City of Hamilton.

The City of Hamilton (Planning staff and the Ward Councillor) must be provided with a complete notification package.

- 3. The public shall have a minimum 21 day comment period to provide comments in writing to the Proponent.
- 4. The Proponent shall provide a copy of all written comments received from the public to the City of Hamilton.
- 5. Upon receiving comments from the public, the Proponent shall respond, in writing, to all reasonable and relevant concerns, or explain why the question, comment, or concern is not, in the view of the Proponent, reasonable or relevant. The Proponent shall copy the City of Hamilton (Planning staff and the Ward Councillor) on all responses provided.
- 6. If any modifications to the proposal are agreed upon as a result of the public comments, revised drawings and plans must be submitted to the City of Hamilton.

## **Section 5 - Concluding Consultation**

- 1. The City of Hamilton's response to the Proponent and Industry Canada will take into consideration all division and agency responses from the Minor Site Plan review and from the public consultation.
- 2. The Director of Planning, or his or her designate, on behalf of the City of Hamilton, will provide the Proponent and Industry Canada with a letter stating whether the local land-use consultation process has been completed in accordance with the City's Protocol, and will include recommendations regarding the proposal as follows:
  - a) Concurrence, if the proposal conforms with the City's requirements, as set out within this Protocol, and will include conditions of concurrence, if required; or,
  - b) Non-concurrence, if the proposal does not conform with the City's requirements, as set out in this Protocol.
- 3. The City will provide a copy of this letter to all interested parties and the Ward Councillor.

## **Definitions**

**Adjacent Lands** - those lands contiguous to a specific natural heritage feature or area where it is likely that development or site alteration would have a negative impact on the feature or area. The extent of the adjacent lands may be recommended by the Province or based on municipal approaches which achieve the same objectives. (PPS, 2005)

**Antenna** - an exterior transmitting device used in telecommunications designed for various uses such as telephonic, radio, or television communications by sending and/or receiving radio signals.

**Areas of Archaeological Potential** - a defined geographical area with the potential to contain archaeological resources. Criteria for determining archaeological potential are established by the Province and the City's Archaeological Management Plan. Archaeological potential is confirmed through archaeological fieldwork undertaken in accordance with the Ontario Heritage Act. (PPS, 2005, amended)

**Co-location** - the installation of multiple telecommunication antenna systems on a building or tower structure by two or more Proponents.

**Cultural Heritage Landscape** - a defined geographical area of heritage significance, which has been modified by human activities and is valued by a community. It involves a grouping(s) of individual heritage features such as structures, spaces, archaeological sites, and natural elements, which together form a significant type of heritage form, distinctive from that of its constituent elements or parts. Examples may include, but are not limited to, heritage conservation districts designated under the Ontario Heritage Act; and villages, parks, gardens, battlefields, mainstreets and neighbourhoods, cemeteries, railways, and industrial complexes of cultural heritage value. (PPS, 2005)

**Industry Canada** - the Federal Department which is responsible for radio frequency spectrum management. Information detailing federal procedures relating to the siting of radiocommunication and broadcasting antenna systems is available at: [www.ic.gc.ca/antenna](http://www.ic.gc.ca/antenna)

**Proponent** - shall include the following: AM, FM, TV Broadcast Undertakings; Cable Television Distribution Undertakings; Radiocommunication Service Providers; and Radiocommunication Users (business or government use only).

**Radiocommunication Carrier** - a person who operates an interconnected radio-based transmission facility used by that person or another person to provide Radiocommunication services for compensation. (Radiocommunication Regulations, 1996)

**Radiocommunication Service Provider** - a person, including a Radiocommunication Carrier, who operates radio apparatus used by that person or another person to provide radiocommunication services for compensation. (Radiocommunication Regulations, 1996)

**Radiocommunication User** - a person who operates radio apparatus for government use or for a business other than the business of a Radio Communication Service Provider. (Radiocommunication Regulations, 1996)

**Significant** - in regard to cultural heritage and archaeology, means cultural heritage resources that are valued for the important contribution they make to our understanding of the history of a place, an event, or a people. (PPS, 2005)

**Telecommunication Facility** - the components required for the operation of a wireless communication network, which includes cell sites, transmitters, receivers (antennae), and an unoccupied equipment shelter.

**Telecommunication Tower** - a structure used to support one or more antenna systems for the purpose of radio telecommunications, and which may include, but is not limited to, a guyed tower, a self-support tower or monopole tower, and which may be located at ground level or on the roof of a building.

## **Procedure for the installation of Broadcasting Communication Facilities on City of Hamilton Properties**

1. That all requests for permission by a telecommunications company to locate its electronic wireless broadcast, receiving equipment and accessory structure on City property, shall be submitted to the Corporate Buildings and Real Estate Division of the Community Services Department. A generalized description and site location of the proponent's plans will be submitted at this stage. **Note: The City will not accept requests for the installation of telecommunication facilities on its Tunbridge Drive Pumping Station.**
2. The Corporate Buildings and Real Estate Division will circulate the proposal to the City Councillor for the Ward in question for information, the department under who's jurisdiction the site falls under (the 'Host' department), along with the System Administrator of Trunking Radio, the Fire and Emergency Services Department, the Police Department and the Planning and Building Departments for comments.
3. If the proposed installation is acceptable in principle, to the 'Host' department and System Administration of Trunking Radio Corporate Buildings and Real Estate will contact the proponent to request detailed plans and specifications of the proposal for review. These detailed plans once received will be forwarded to the 'Host' department with copies also to be submitted to the System Administrator, Trunking Radio. The 'Host' department's staff or its consultants will subsequently undertake a technical review to determine the acceptability of the proposal. Additional information and more detailed documentation may be requested to complete the technical review. The 'Host' department would communicate to the proponent any required adjustments to its proposed installation to meet City requirements and conditions (Conditions would include reserving space that may be required in the future by the City on the given structure for its own communications equipment; annual inspections and the requirement for the proponent to provide a survey of the subject location, if it is to be a free standing tower).
4. Once the technical review is complete, the results including the plans and specifications, as amended, would be reported to Corporate Buildings and Real Estate by the 'Host' department. Upon receipt of the departmental acceptance Corporate Buildings and Real Estate will prepare a report to obtain approval of a Licence Agreement. Once approval is received Real Estate in conjunction with Legal Services will then prepare the Licence Agreement to be forwarded to the proponent for their review and execution. The Licence Agreement to include all specific conditions set out by the 'Host' department, an annual fee to be based on a value established by Real Estate and a one time administration fee of \$750.00 (the annual fee and administrative fee to be credited to the 'Host' department).
5. Once the executed Licence Agreement is returned the 'Host' department will coordinate with the proponent the supervision of the equipment installation.