

December, 2011

To the Residents of West Hillhurst and Area;

Re: Cell Phone Towers

The City of Calgary recently approached the West Hillhurst Community Association (“WHCA”) to inform us that a cellular phone operator has expressed interest in the installation of a cellular phone tower in our area. The proponent has not yet brought forth an application for any particular location but is reviewing options for installations on both private or City-owned lands. As a result of receiving this notification, the Board of Directors of the WHCA has attempted to bring ourselves up to speed on this controversial issue so that we may pass along information to area residents. This letter is intended to provide the information that has been gathered to date as well as outline our plans to provide a forum for the general public to discuss this critical issue.

Over the past several years, the use of cellular phones and other wireless technologies has boomed; resulting in the installation of large numbers of communication towers in growing cities like Calgary. The online map referenced below shows that there are already hundreds of towers within Calgary including some in West Hillhurst and surrounding areas.

Link to interactive Canadian cell tower map:

http://www.ertyu.org/steven_nikkel/cancellsites.html

Cellular and other communications towers are under federal jurisdiction and approval is required from Industry Canada. Industry Canada looks to the local Land Use Administrator (LUA) for policy on placement of towers and public consultation requirements. The City of Calgary is the LUA for any towers located within city limits and they have developed a policy to guide the tower proponents on placement and consultation requirements. The City will also contact Community Associations with respect to applications within that community’s boundaries. Although the City and Community Associations are consulted in the process; the power of approval or denial lies with Industry Canada. The links below provide information on the Industry Canada application process and the City of Calgary policy documentation.

Industry Canada Cell Tower Application Policy:

<http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf08777.html>

City of Calgary – Cell Tower Policies:

http://www.calgary.ca/PDA/DBA/Documents/development/telecommunication_antenna_structures_siting_protocols.pdf

<http://www.calgary.ca/PDA/DBA/Documents/development/Telecommunications-Antenna-Structures-Procedures-Manual.pdf>

<http://www.calgary.ca/CS/CPB/Pages/Real-Estate/Licensing-for-Telecommunication-Structure.aspx>

WHCA are only aware of one prior tower application in April 2011 at 2540 - 5th Ave – an application which was withdrawn later that month when the proponent (Shaw) opted to delay its entry into the wireless market.

Some of the salient points from the **Industry Canada Policy** documents are outlined below:

- the proponent (cellular operator) is to investigate sharing or using existing structures
- City of Calgary policy for consultation shall be followed. The consultation and notification period is normally to be completed within 120 days after the site is chosen or the application is filed.
- Proponents are to discuss site options and address reasonable and relevant concerns with affected parties.
- Examples of what Industry Canada consider reasonable and relevant concerns include:
 - Why is the use of an existing antenna system or structure not possible?
 - Why is an alternate site not possible?
 - What is the proponent doing to ensure that the antenna system is not accessible to the general public?
 - How is the proponent trying to integrate the antenna into the local surroundings?
 - What options are available to satisfy aeronautical obstruction marking requirements at this site?
 - What are the steps the proponent took to ensure compliance with the general requirements of this document including the *Canadian Environmental Assessment Act* (CEAA), Safety Code 6, etc.?
- Concerns that they **do not** consider relevant include:
 - disputes with members of the public relating to the proponent's service, but unrelated to antenna installations;
 - potential effects that a proposed antenna system will have on property values or municipal taxes;
 - questions whether the *Radiocommunication Act*, this document, Safety Code 6, locally established by-laws, other legislation, procedures or processes are valid or should be reformed in some manner

- The proponent is to respond to all concerns, after which the questioner has 21 days to provide further comment.

The City of Calgary's role regarding cell towers and other telecommunication devices is summarized below:

The City of Calgary is NOT the Approving Authority for these structures and devices. The federal Minister of Industry is the approving authority for telecommunication antenna structures and devices under the Radiocommunication Act, and Industry Canada is tasked with ensuring the orderly development and operation of telecommunication structures and devices throughout Canada.

In this regard, Industry Canada requires that, in certain cases, the local land use authority and the public must be consulted for input regarding the proposed placement of a telecommunication antenna structure. The City of Calgary's Development & Building Approvals business unit is responsible for reviewing these submissions on the City's behalf and, depending on the nature of the proposal, a letter of support or non-support is sent to the wireless service provider upon completion of its review of the proposal.

The Development & Building Approvals business unit reviews each proposed submission for a telecommunication antenna structure or device based on *land use planning criteria*. This includes reviewing and evaluating such things as the proposed location of a cell tower and aspects of its design, including height, colour, type, number of antennae to be placed on the structure, screening of any equipment compound, the design and materials to be used for any equipment storage shed, the potential for co-location of other proponents on the structure, and compliance with the City's telecommunication antenna structures policy. Based on this review, a letter of support (concurrence) or non-support (non-concurrence) is issued.

Note that in cases where the City does not support a proposal, it cannot prevent a wireless service provider from ultimately gaining permission from Industry Canada for a tower to be erected, even if it contravenes the City's policy.

Important points on the **City of Calgary Policy** are:

- City of Calgary is not an approving authority and in cases where they do not support an application, it may still be approved
- The City encourages a "pre-submission" consultation by the proponent to discuss location options and public consultation. This is the stage at which the West Hillhurst area process is presently.

- There are three types of submissions (A, B or C) based on location and size of the proposed structure. Consultation and application requirements may be different for each type.
- Standard notification radius for installation of a cell tower is 300 meters. Residents living within 300 meters should receive a written notice of the application. Some exemptions to this notification may be given, particularly if there are no residents within 100m of the proposed tower.
- A public consultation meeting is required for Type A applications but is discretionary for Type B and not required for Type C.
- Before applying to place a tower on any City-owned lands, a proponent must first show that there are no opportunities to either share an existing structure as well as investigate any options to site the tower on private land.

The WHCA has already written the City of Calgary to request that any cellular tower proposals within our community, regardless of whether they are Type A, B or C, be afforded with the opportunity for a public consultation. We have offered our facilities as a venue to hold said forum(s).

The Board of Directors of the WHCA believes strongly in holding transparent and thorough public discussion regarding issues that affect the broader community, such as the installation of cellular communications towers. Although the majority of us utilize wireless communications, the placement of towers is a very controversial subject and we are intent on understanding the issues and hearing from our area residents. We have requested a public forum regarding cellular towers in our area and hope that it will be held sometime in the first quarter of 2012; regardless of whether any particular application proceeds forward or not.

Based on the input we have already received from residents, the main concerns regarding cellular towers revolve around two distinct themes – health issues and the effect on property values. Unfortunately, based upon the current Industry Canada consultation process, neither of these issues are considered reasonable concerns.

If any resident has concerns or questions regarding the Industry Canada process, we would encourage you to contact either Industry Canada or your MP's office as listed below. Questions or comments regarding City of Calgary siting protocol for cell towers may be directed to the City or Aldermanic contacts indicated. If you have specific questions for the West Hillhurst Community Association, that contact information is included as well.

On Behalf of the Board of Directors,

Mike Keohane

President, WHCA

Industry Canada
Radiocommunications and Broadcasting Regulatory Branch
300 Slater Street Ottawa, Ontario K1A 0C8
Attention: DOSP

Via [email](mailto:spectrum_pubs@ic.gc.ca): spectrum_pubs@ic.gc.ca

All [Spectrum Management and Telecommunications publications](http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/home) are available on the following website at: <http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/home>.

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