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Mayor Berry Vrbanovic
Members of the City Council
Kitchener City Hall
200 King St., W., 2nd floor
Kitchener, ON N2G 4G7

Subject: Protected Major Transit Station Area Land Use and Zoning Framework – Implications for Aircraft Safety and Region of Waterloo International Airport

The Region is generally supportive of the City's Growing Together work and shares common goals with respect to directing growth and intensification to the Urban Growth Centre (UGC) and Major Transit Station Areas (MTSAs).

I am writing to highlight the importance of ensuring the safety and viability of aircraft operations at Region of Waterloo International Airport ("YKF") to support the needs of our growing community. YKF continues to see increased use by Waterloo Region residents and those from neighbouring communities, with more than 445,000 passengers travelling through the airport in 2023. YKF is an important gateway for residents, visitors and businesses of Waterloo Region.

To ensure the safety of aircraft operations, the public health and safety of the community and the future service of YKF to meet local demand, the Region of Waterloo is concerned that the proposed approach to regulating height through a holding provision poses a significant risk to YKF. It is the Region's position that including a maximum height regulation in the zoning by-law is the most effective, efficient and transparent mechanism for ensuring the continued safety of residents and operation of Waterloo Region's airport.

As our community grows to 1 million residents, it is imperative that more people live and work along the ION corridor, and as the operator of the transit system, the Region has a vested interest in this growth.

This objective must be balanced with the need to protect airport operations. Creating an unsafe flight path, where a pilot may be required to navigate tall buildings in adverse conditions (such as poor visibility, engine-out missed approaches) would result in airport approaches being closed by Nav Canada. Together, we must ensure that development does not pose a potential aviation safety hazard which would lead to a reduction of aviation service in Waterloo Region.

We have outlined the more technical details of this issue in the remainder of this letter.

With respect to potential aviation safety hazards, there are geographical areas in the City where the height of buildings and structures is currently not specifically regulated in the zoning by-law. These areas overlap with areas in the City over which aircraft operate under Instrument Flight Procedures (IFPs) when there are aircraft visibility issues, and which are not otherwise subject to the building and structure height limits in the Airport Zoning Regulations (AZRs). The lack of a specific height regulation is problematic as we are now seeing development proposals with building heights that would interfere with the IFPs, decreasing the overall safety and usability for larger aircraft operations at YKF and in the surrounding area.

Region and City staff have been working collaboratively over the last year to address site specific development applications that would interfere with the safe operation of the airport. As a result of this work, Nav Canada has resolved concerns for numerous applications by agreeing to redesign the Instrument Flight Procedures (IFPs) around downtown Kitchener. These redesigned IFPs go to the limit of what Nav Canada will accept for a safe and efficient easterly approach to YKF. No further redesign would be possible without a significant reduction in access to the airport. While Region and City staff have collaborated on development applications, a potential exists that presently, a building of a height that interferes with safe aircraft operation could be permitted as of right without the opportunity to address it through the planning process.

The Region will be working closely with the Area Municipalities on upcoming zoning by-laws to ensure the on-going protection of the airport. In Kitchener, the Growing Together work provides an opportunity to address the lack of a height regulation on a comprehensive basis, providing clear transparent direction to developers. Region staff have provided input throughout this process with respect to including a maximum height directly in the zoning by-law in accordance with policy direction established in the Region's Official Plan (ROP) and City Official Plan policy.

Chapter 5 of the ROP provides a high level policy framework to protect the airport by providing direction to the Area Municipalities to establish policies to do this in their Official Plans. This framework recognizes that the Area Municipalities are responsible for the detailed level of planning that would implement the location and building height specifics that could conflict with airport safety. Specifically, Policy 5.A.20 directs Area Municipalities to establish policies in their Official Plans to... *"(c) protect the Airport from development that would preclude or hinder the expansion or continued use, or which would be incompatible for reasons of public health, public safety or environmental concerns"; and "e) prohibit any land use that may cause a potential aviation safety hazard"*.

Policy 6.C.3.17 of the City's Official Plan implements this ROP policy direction and requires that the City will ensure conformity with the Regional Official Plan and prohibit any land use or structure which could affect the operation of the Airport, cause a potential aviation safety hazard, or be incompatible for reasons of public health, safety or environmental concerns.

Regulation of height is most appropriately implemented in the zoning by-law and the Region relies on the Area Municipalities to implement these policies through their Zoning By-law. Kitchener staff report DSD-2024-005 proposes to address maximum building heights through the use of a Holding Provision (H) in the zoning by-law. Our primary concern is that once the H is lifted, the zoning by-law would not have a specific maximum height regulation.

The proposed approach also has the potential to exclude the Region of Waterloo International Airport entirely from the decision making process as the decision to lift a Holding is delegated to Kitchener staff, does not require consultation with the Region and is not appealable by the Region. As the owner and operator impacted by these decisions, it is critical that the Region be involved in any decisions relating to height impacting the airport as it would be the Region who is responsible for mitigation to ensure safe operations and any associated costs.

In 2023, the Region of Waterloo International Airport retained IDS North America (IDS), an instrument flight procedure design company, to evaluate the impact of potential obstacles located in the vicinity of YKF and provide possible solutions for mitigation. As per the results of this study, it remains our preference that the Zoning By-law Amendment contain specific maximum building heights (including antennas, cranes, etc.).

Transport Canada is currently in the early stages of considering an expansion to the Aeronautical Zoning Regulations to protect YKF operations. However, this is a process that will take numerous years to complete. A height regulation that is secured in the zoning by-law is required until such time as Federal regulations provide the necessary protection for YKF.

Alternatively, we have proposed a Special Regulation that, through the zoning process, would provide for consideration of additional height, beyond that specified in the IDS work as detailed in italics below. This would eliminate the need for additional process, such as removal of the H or a new by-law to re-impose the holding. Our suggested language is as follows:

Notwithstanding Section XX of this by-law for the lands zoned XX on Schedule XX the maximum height of any buildings or structures (including any cranes, antennas, or any on-roof attachments) is XXX metres above sea level, or such maximum height demonstrated through a Land Use assessment by Nav Canada or through an Aeronautical Assessment prepared by a qualified consultant to the satisfaction of the Commissioner of Planning, Development and Legislative Services for the Region of Waterloo.*

Based on maximum heights recommended by the Region, and the ability to consider increased height on a site specific basis, this would permit significant height (approx. 40 plus storeys) and density in the Growing Together areas to support the City's achievement of Provincial Housing Targets while balancing matters of public health and safety.

The Region of Waterloo International Airport, Canada's fastest growing airport, 6th busiest airport by aircraft movements and 20th busiest airport by passenger volume, is a significant employer and economic contributor providing vital transportation services to our community. Its continued safe operation is vital to the citizens of the City of Kitchener and the Waterloo Region as a whole.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Mathieu Goetzke', with a stylized flourish at the end.

Mathieu Goetzke
Acting Chief Administrative Officer

cc:

City of Kitchener, Chief Administrative Officer

City of Kitchener, General Manager, Development Services

City of Kitchener, Director, Planning and Housing Policy

City of Kitchener, Director, Development and Housing Approvals

Regional Chair Karen Redman

Region of Waterloo Councillors

Region of Waterloo, Commissioner, Planning Development and Legislative Services

Region of Waterloo, Director, Community Planning

*The corresponding height limit has been provided to City staff based on geography