



Region of Waterloo  
150 Frederick Street, Kitchener  
Ontario N2G 4J3 Canada  
Telephone: 519-575-4400  
Fax: 519-575-4449  
[www.regionofwaterloo.ca](http://www.regionofwaterloo.ca)

April 14, 2025

Amanda Fusco  
City Clerk  
City of Kitchener  
[amanda.fusco@kitchener.ca](mailto:amanda.fusco@kitchener.ca)

Dan Chapman  
Chief Administrative Officer  
City of Kitchener  
[dan.chapman@kitchener.ca](mailto:dan.chapman@kitchener.ca)

**Subject: Growing Together East – Land Use and Zoning Framework – DSD-2025-083**

The Region of Waterloo and the City of Kitchener share the important goals of building more homes, creating safe and connected communities, and protecting long-term economic prosperity.

As the City of Kitchener advances the *Growing Together East – Land Use and Zoning Framework*, Regional staff continue to support directing growth and intensification toward the Urban Growth Centre (UGC) and Major Transit Station Areas (MTSAs). However, we are writing to express continued and significant concerns with elements of the proposed zoning by-law amendment, as outlined in Appendix B of Report DSD-2025-083. These concerns relate specifically to the ongoing and future operations of two critical Regional assets: the Region of Waterloo International Airport (YKF) and Grand River Transit (GRT).

**Region of Waterloo International Airport (YKF)**

As the owner and operator of YKF, the Region emphasizes that aviation safety and long-term viability of the airport are paramount. Regional staff have previously raised concerns regarding the lack of height restrictions to ensure aircraft flight path reliability, passenger safety, and the airport's continued contribution to the region's economic development. Unfortunately, these recommendations have not been reflected in the latest draft of the zoning by-law. Implementing appropriate height limits is essential to preserving safe flight operations. YKF plays a vital economic role in our community. In 2023 alone, the airport generated \$390 million in total economic output, supported 1,360 jobs, \$100 million in wages, and \$28 million in tax revenue. The airport is a strategic economic driver for both local and international connectivity, and it has been clearly demonstrated that intensification and flight path protection can co-exist with appropriate provisions in the planning framework.

### **Grand River Transit (GRT) and ION Light Rail Transit**

As the operator of GRT, the Region is also concerned about the planning and integration of the three existing MTSAs affected by the *Growing Together East* framework—Block Line, Fairway, and Sportsworld. Coordinating transit considerations with development in these areas is critical to the success of the ION light rail expansion (Stage 1 and Stage 2) and conventional bus service integration.

Regional staff have recommended the inclusion of a holding provision to ensure development around these MTSAs proceeds in alignment with transit planning. Unfortunately, this recommendation has not been incorporated. A proactive approach to transit-oriented development is essential, especially as we prepare for Stage 2 of ION, which is foundational to our region's future growth and sustainability.

Stage 1 of ION has already demonstrated the value of thoughtful, integrated planning, spurring nearly \$5 billion in development along the corridor and expanding housing options. With over 24 million transit trips delivered in 2024, ensuring seamless integration of Stage 2 and future transit growth is more important than ever.

### **Summary of Requested Changes**

To support continued collaboration and ensure the viability of these critical services, the Region respectfully requests the following revisions be made prior to approval of the proposed zoning by-law amendment:

1. Remove Holding Provision 111 and instead include maximum building heights as part of the zoning category for lands zoned SGA-4, as previously requested.
2. Include temporary cranes and structures within the defined maximum height for lands zoned SGA-3 in the Fairway Road Station Area.
3. Add a holding provision on all properties within 40 metres of the Stage 1 and Stage 2 ION alignment, requiring a Transit Assessment to the satisfaction of the Region of Waterloo's Commissioner of Transportation Services.

We also reiterate our request to receive any Notice of Decision related to both the Official Plan Amendment and the Zoning By-law Amendment.

We remain committed to working collaboratively with the City to build a vibrant, connected community that supports both regional transit and aviation operations and are confident that the *Growing Together East* framework can achieve its intensification goals while protecting the critical infrastructure our community and economy depend on. More detailed comments are provided in Appendix A and B, attached to this letter.

Would you please ensure that this letter is placed before the Mayor and City Councillors for their consideration during discussion of this matter.

Thank you for your consideration.

Yours sincerely,



Mathieu Goetzke  
Acting Chief Administrative Officer

Appendix A: Growing Together East – Land Use and Zoning Framework – DSD-2025-083  
Appendix B: Letter Regarding Protected Major Transit Station Area Land Use and Zoning  
Framework – Implications for Aircraft Safety and Region of Waterloo International Airport  
dated March 15, 2024

cc:

Justin Readman, City of Kitchener, General Manager, Development Services

Rosa Bustamante, City of Kitchener, Director, Planning and Housing Policy

Garett Stevenson, City of Kitchener, Director, Development and Housing Approvals

Rod Regier, Region of Waterloo, Commissioner, Planning, Development and Legislative Services

Danielle De Fields, Region of Waterloo, Director, Regional Growth, Development and  
Sustainability Services

Amanda Kutler, Associate Director, Development Services, Planning, Development and  
Legislative Services

## **Appendix A:**

### **Subject: Growing Together East – Land Use and Zoning Framework – DSD-2025-083**

The Region continues to support 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). However, as owner and operator of the Region of Waterloo International Airport (YKF) and Grand River Transit (GRT) we are writing to express concerns with specific aspects of the proposed zoning by-law amendment included as Appendix B of Report DSD-2025-083 as it relates to these responsibilities. Protection of GRT and YKF services is critical to support the objectives of Growing Together East. Not incorporating the Region's comments as requested in the amendment has the potential to undermine the City's ability to achieve the objectives in Growing Together East.

#### **Implications for Aircraft Safety and Region of Waterloo International Airport**

The Region objects to the use of a holding provision to regulate height in the SGA-4 zoning category as it relates to the Region of Waterloo International Airport. The holding provision approach creates unnecessary risk that could result in incompatible land uses and development and potential aviation safety hazards impacting the long-term operation and economic role of YKF.

It is the Region's position that including a maximum height regulation in the zoning by-law itself and not as part of a holding provision, is the most effective, efficient and transparent mechanism for ensuring the continued safety of residents and operation of Waterloo Region's airport. A maximum height regulation contained in a holding provision does not have the same effect. Detailed comments on the concerns as they relate to the use of a holding provision were submitted to the City through Growing Together West and are attached to this letter. These issues continue to be of concern to the Region as it relates to Growing Together East. As such, the Region requests that prior to approval of the proposed zoning by-law amendment that holding provision 111 be removed and a maximum height regulation be included within the MTSAs (specifically on lands zoned SGA-3 within the Fairway Road MTSA and all lands zoned SGA-4) as requested by Region staff through the Growing Together East consultation process.

When Regional comments were provided on Growing Together West height maximums were based on a June 2024 Aeronautical Assessment prepared by IDS. Since that time the Region has advanced work on new Airport Zoning Regulations (AZR) that will ultimately impose new or updated Federal regulations for the Region, including the lands subject to the Growing Together East amendments. As a result of this work maximum heights that the Region can support are now available. This information was provided to City staff through the consultation process in response to the City's circulations of draft technical materials and communicated through several meetings with City staff. As the maximum heights are known, it is not

anticipated the Region would be able to support any additional height beyond these maximums through an aeronautical assessment.

The holding provision, as proposed, requires an applicant to complete an aeronautical assessment to the satisfaction of Nav Canada in consultation with the Region in order to increase the base maximum height imposed in the by-law, which will be secured in a site plan agreement. As maximum heights are known through the work to support the new AZR, the use of a holding provision that includes a requirement to complete an aeronautical assessment creates unnecessary process and a lack of transparency for developers. As well, there is a serious risk relating to the ability to regulate building heights through the site plan approval process.

The Region also identified a concern with the maximum height of 25 storeys on lands zoned SGA-3 within the Fairway Road Station Area, as cranes above 25 storeys could interfere with airport operations. This maximum height regulation must account for cranes and/or temporary structures.

As a result, and in addition to the above comments, the proposed zoning by-law included in Appendix B may not conform with the Official Plan or contain the necessary provisions relating to the use of the holding symbol as required by the Planning Act.

### **Grand River Transit – Stage 1 and 2 ION**

The Growing Together East project applies to three MTSAs in the City of Kitchener: Block Line, Fairway and Sportsworld. Planning for these MTSAs is critical to ensuring smooth integration of Stage 1 and Stage 2 ION from the existing light rail terminus at Fairway Station into southeast Kitchener and Cambridge and the integration of conventional bus service with this system. Throughout the Growing Together East initiative, through written correspondence and in meetings with City staff, Regional staff advised of the importance of integrating transit considerations in the land use planning framework for this area.

Specifically, to ensure that future development in these MTSAs integrates seamlessly with transit infrastructure, the Region requested the imposition of a holding provision on all properties within 40 meters of the Stage 1 and Stage 2 ION alignment requiring a Transit Assessment to the satisfaction of the Region of Waterloo Commissioner of Transportation Services. The intent of the holding provision was not to preclude development but as a transparent way to identify required studies for developments in a limited area abutting existing and future transit infrastructure.

Similar to the requirement for a Transportation Impact Study, a Transit Assessment will identify any impacts (i.e. operational delays, infrastructure/signal adjustments, etc.) of a proposed development on the existing ION LRT operations/stations and on the Regional Council Approved S2ION Rapid transit alignment, and if impacts are anticipated the assessment would recommend mitigation measures, including functional designs for potential infrastructure

improvements. The Terms of Reference for the Transit Assessment are to be approved by the Region of Waterloo prior to the study being undertaken.

The Transit Assessment is intended to obtain additional, application-specific information, to ensure future development is integrated with, and does not negatively impact, existing transit operations and planned expansion to rapid transit services and infrastructure. Further should the Transit Assessment identify negative impacts, it would make recommendations to mitigate the impacts.

The proposed Growing Together ZBA included as Appendix B of Report DSD-2025-083 does not contain the requested transit related holding provision. Addressing the transit impact assessment earlier in the process through a holding provision creates clear expectations on the requirements to coordinate and integrate transit operation with the site before proceeding to the more detailed site plan process. Regional staff request that prior to approval, the City of Kitchener revise the proposed zoning by-law amendment to reflect the transit holding provision as requested by the Region.

In summary, the Region requests that prior to the approval of the proposed zoning by-law amendment included as Appendix B the City:

- 1) Remove holding provision 111 and include maximum heights as part of the zoning by-law itself for lands zoned SGA-4 as requested by Region staff through the Growing Together East consultation process;
- 2) Include temporary cranes or structures within the maximum height for lands zoned SGA-3 within the Fairway Road Station Area; and
- 3) Add a holding provision on all properties within 40 meters of the Stage 1 and Stage 2 ION alignment requiring a Transit Assessment to the satisfaction of the Region of Waterloo Commissioner of Transportation Services.

As previously requested, we anticipate receiving a copy of any Notice of Decision for both the Official Plan Amendment and Zoning By-law Amendments.

## Appendix B:



PLANNING, DEVELOPMENT AND  
LEGISLATIVE SERVICES  
150 Frederick Street, 8<sup>th</sup> floor  
Kitchener Ontario N2G 4J3 Canada  
Telephone: 519-575-4400  
Fax: 519-575-4449  
[www.regionofwaterloo.ca](http://www.regionofwaterloo.ca)

March 15, 2024

Mayor Berry Urbanovic  
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.

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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, 6<sup>th</sup> busiest airport by aircraft movements and 20<sup>th</sup> 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