



**STAFF REPORT  
ACTION REQUIRED**

**Airport Zoning Regulation to Protect Hospital Helicopter Flight Paths – Preliminary Report**

<b>Date:</b>	August 1, 2017
<b>To:</b>	Planning and Growth Management Committee
<b>From:</b>	Chief Planner and Executive Director, City Planning Division
<b>Wards:</b>	Wards 20, 27, 28
<b>Reference Number:</b>	P:\2017\Cluster B\PLN\PG17021 (16-190063 SPS 00 OZ)

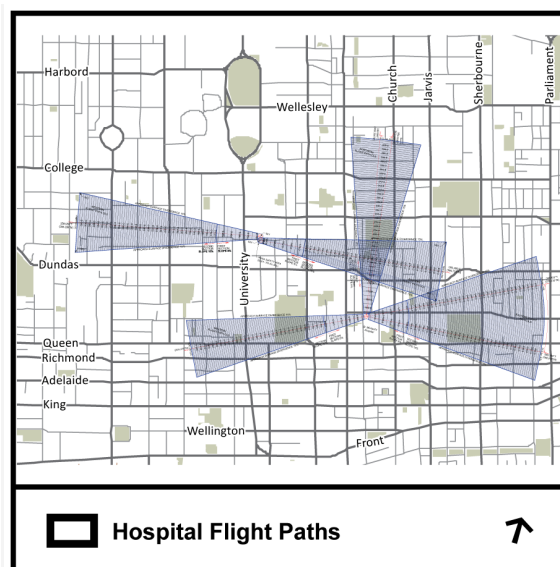
**SUMMARY**

The St. Michael’s Hospital and the Hospital for Sick Children (Sick Kids) each have helipads that provide vital critical and trauma care service to the entire City of Toronto and surrounding areas. The protection of the flight paths for these helipads from intrusions caused by development is necessary to ensure their continued and effective operation. Aeronautics falls within the federal government's jurisdiction. Transport Canada is in the process of delegating the power to the City to regulate the use of lands in the vicinity of hospital helipads, pursuant to City Council approval on July 12-15, 2016 (EX16.25).

**RECOMMENDATIONS**

**The City Planning Division recommends that:**

1. Staff be directed to schedule a community consultation meeting for the proposed airport zoning regulation for the St. Michael’s and Sick Kids Hospitals helicopter flight paths together with the Ward Councillors.
2. Notice for the community consultation meeting be given via newspaper notice.



## **Financial Impact**

The recommendations in this report have no financial impact.

## **DECISION HISTORY**

On July 12-15, 2016, Council adopted the following

(<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.EX16.25>):

1. City Council authorize the appropriate City officials to execute an agreement with the federal Minister of Transport, pursuant to section 5.81(1) of the *Aeronautics Act*, on terms and conditions satisfactory to the City Manager in consultation with the City Solicitor, to authorize the City to regulate the use of lands in the vicinity of hospital heliports for the purpose of ensuring that the use, structure, and related construction are not incompatible with the safe operation of the heliport or aircraft;
2. City Council direct City Planning staff to report back through the Planning and Growth Management Committee with a proposed bylaw, pursuant to section 5.81(1) of the *Aeronautics Act* to regulate the use of lands in the vicinity of the heliports associated with St. Michael's Hospital and The Hospital for Sick Children;
3. City Council direct that notice of a public meeting be given in the same manner and to the same extent as notice that would be provided for a zoning by-law in accordance with the regulations of the *Planning Act*; and
4. City Council request the Province to amend the *Building Code Act* to include a municipal bylaw passed under an agreement with the federal Minister of Transport pursuant to Section 5.81 of the *Aeronautics Act*, within the definition of "applicable law".

## **ISSUE BACKGROUND**

### **Proposal**

Both the Sick Kids and the St. Michael's Hospitals are increasingly experiencing development pressures for tall buildings in and around the areas of their helicopter flight paths. In response City staff have been meeting with representatives from the hospitals, the Province (the Ministry of Municipal Affairs and Housing and the Ministry of Health) and the Federal Government (Transport Canada) to determine the best way to protect the flight paths.

Discussions with all of the parties above have concluded that the best of way of protecting the hospital flightpaths is through an airport zoning regulation authorized by the *Aeronautics Act*.

An agreement with Transport Canada to allow the City to regulate the use of land in the vicinity of hospital helipads is imminent.

## **Provincial Policy Statement, Provincial Plans and Regulations**

The Provincial Policy Statement (2014) provides policy direction Province wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- Residential development promoting a mix of housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit; and
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

The City of Toronto uses the PPS to guide its Official Plan and to inform decisions on other planning and development matters. The PPS is issued under Section 3 of the *Planning Act* and all decisions of Council affecting land use planning matters "shall be consistent with" the Provincial Policy Statement.

The Growth Plan for the Greater Golden Horseshoe (2017) provides a strategic framework for managing growth in the Greater Golden Horseshoe region including:

- Setting minimum density targets within settlement areas and related policies directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, cultivate a culture of conservation and promote compact built form and better-designed communities with high quality built form and an attractive and vibrant public realm established through site design and urban design standards;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Building complete communities with a diverse range of housing options, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable employment lands and encouraging municipalities to develop employment strategies to attract and retain jobs;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

Like other provincial plans, the Growth Plan builds upon the policy foundation provided by the Provincial Policy Statement (2014) and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise. All decisions by Council affecting land use planning matters are required by the *Planning Act* to conform, or not conflict, as the case may be, with the Growth Plan.

On May 10, 2017, the Province made Ontario Regulation 139/17 under the Building Code Act which made “by-laws made by a municipality under an agreement entered into under section 5.8.1 of the Aeronautics Act (Canada)” applicable law for the purposes of not issuing a building permit.

### **Official Plan**

The Official Plan contains a provision for the protection of hospital helicopter flight paths. Policy 4.8.4 states that: “new buildings and structures in the vicinity of hospital heliports will be sited and massed to protect the continued use of flight paths to hospital heliports.”

### **Zoning**

On May, 3, 2016, the Minister of Municipal Affairs issued a Minister’s Zoning Order pursuant to the Planning Act to protect the flight paths for the St. Michael’s and Sick Kid’s hospitals helipads. This zoning order is to be revoked on September 30, 2017. The province is currently undertaking steps to extend the period of the Minister’s Zoning Order to March 31, 2018.

### **COMMENTS**

The air ambulance service using the Sick Kids and St. Michael’s hospitals’ helipads is a very important city and regional health resource. Over 60% of all air ambulance helicopter flights in Ontario utilize one of the two helipads. The helipads are extensively used. In 2014, there were 357 landings at St. Michael’s alone. The helipads provide landing facilities for other downtown hospitals as well. Of the 357 patients who were transferred by helicopter to St. Michael’s in 2014, 134 were transferred to another downtown hospital.

In the event the two helipads are not available, helicopters must land at the Billy Bishop Toronto City Airport (island airport), resulting in significant delays in patient care. Much of the air ambulance usage for the helipads are for critical patient care situations and trauma (emergencies) where time is of the essence. St. Michael’s hospital is one of 11 Level 1 adult trauma centres in Ontario. Studies have shown that patients who are seriously injured in a car accident are more than 30% more likely to survive at least 48 hours if they are taken directly to a trauma centre than to a non-trauma centre hospital.

Development that restricts the ability of helicopters to land at the hospital helipads risks the ability of helicopters to effectively service these hospitals.

## **Building Code Act**

In response to the City's request, on May 10, 2017, the Province issued Ontario Regulation 139/17 under the *Building Code Act* which made “by-laws made by a municipality under an agreement entered into under section 5.8.1 of the Aeronautics Act (Canada)” applicable law. This means that a building permit will not be issued for a development within lands affected by an airport zoning regulation unless the development complies with the airport zoning regulation (and other applicable law).

## **Provincial Policy Statement and Provincial Plans**

### **Provincial Policy Statement (PPS)**

The Provincial Policy Statement (PPS) contains a number of policies that are relevant to the protection of hospital helipad flight paths.

Policy 1.1.3.3 of the PPS refers to appropriate locations for intensification and redevelopment while Policy 1.1.3.4 refers to appropriate development standards to facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.

There are additional policies in the PPS which refer directly or indirectly to health and hospitals. More specifically, a Public Service Facility is a defined term which includes the provision of services for health programs. Policy 1.1.1 c) refers to avoiding development which may cause public health and safety concerns. Policy 1.1.1 g) refers to ensuring that Public Service Facilities are or would be available to meet current and projected needs and Policy 1.1.3.6 refers to development that allows for the efficient use of Public Service Facilities to meet current and projected needs which is also reflected in Policy 1.7.1 b) which refers to optimizing the long-term availability and use of Public Service Facilities.

The protection of the hospital helipad flightpaths is consistent with the PPS.

In a number of development applications before the Ontario Municipal Board, the Province has declared a “Provincial Interest” to ensure protection of the hospital flightpaths and the compatibility of board decisions with the Minister’s Zoning Order.

### **Growth Plan for the Greater Golden Horseshoe**

The Growth Plan contains policies that are relevant to the protection of hospital helipad flight paths.

Policy 3.2.8 refers to Public Service Facilities which is defined to include public services for health. Policy 3.2.8.1 refers to the need to co-ordinate land use planning and investment in public service facilities to implement the Growth Plan. Developments which intrude into the hospitals helicopter flight paths would reduce the efficiency and effectiveness of that health service. The protection of the hospital helipad flightpaths is conforms with the Growth Plan for the Greater Golden Horseshoe.

## **Official Plan**

Policy 4.8.4 of the Official Plan states that new buildings will be sited and massed to protect flight paths to hospital heliports. The protection of the hospital helipad flightpaths through an airport zoning regulation conforms to the City's Official Plan.

## **Conclusion**

New development in the vicinity of the St. Michael's and Sick Kids hospital helipads must not impinge with medical helicopter usage. Safeguarding the use of these helipads is consistent with and conforms to policies of the Provincial Policy Statement, Growth Plan for the Greater Golden Horseshoe, and the City of Toronto's Official Plan.

The proposed airport zoning regulations will not prevent new development from occurring, they only will control the height of developments within the defined and protected flight paths. Almost all sites in the vicinity of the hospital helipads have existing zoning with maximum heights that are lower than the hospital helipad flightpaths. The airport zoning regulations would still allow for considerable maximum building heights, (subject to other relevant Official Plan and planning policy) as the flightpaths extend vertically the further that they are from the hospitals. In fact, at their maximum distances, the flight paths still allow for building heights of over 200 metres tall.

The proposed airport zoning regulation is consistent with the Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe and conform to the City's Official Plan.

It is recommended that staff continue to process the airport zoning regulation by holding a community consultation meeting, following which the proposed final form of airport zoning regulation may be considered by the Planning and Growth Management Committee and Council.

**CONTACT**

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**SIGNATURE**

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Jennifer Keesmaat, M.E.S, MCIP, RPP

Chief Planner & Executive Director City Planning Division

**ATTACHMENTS**

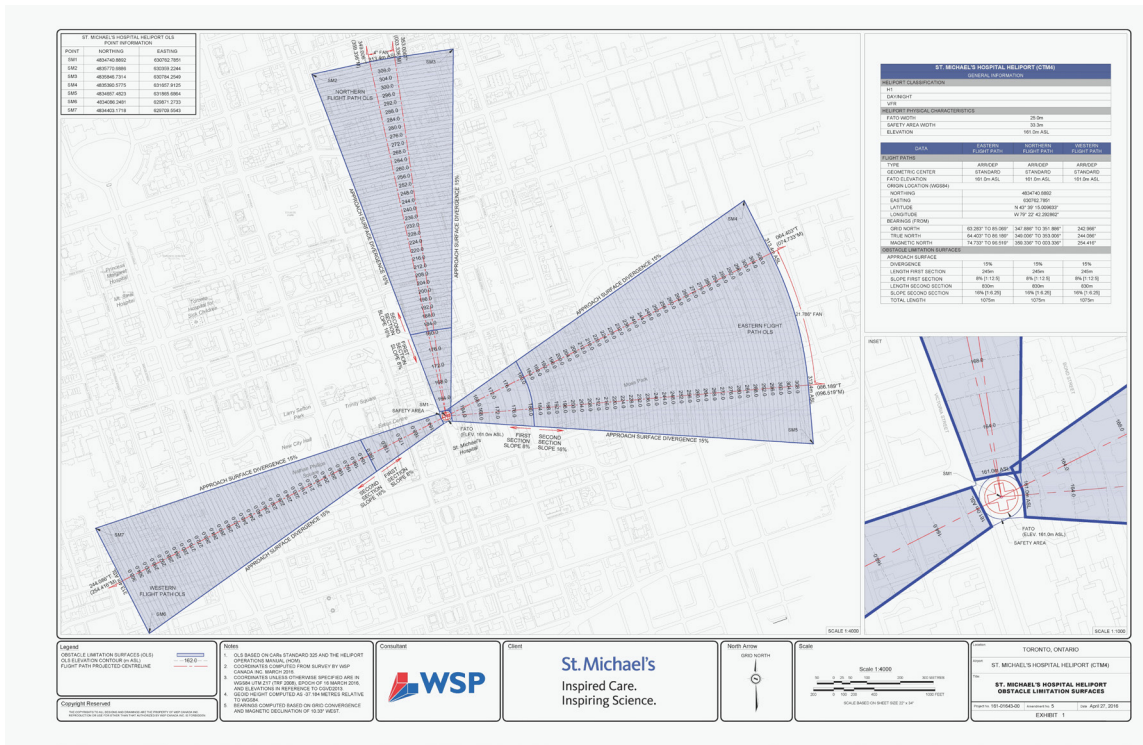
Attachment 1: St. Michael's Hospital Flight Path

Attachment 2: Sick Kids Hospital Flight Path

Attachment 3: Minister's Zoning Order O.Reg. 114/16

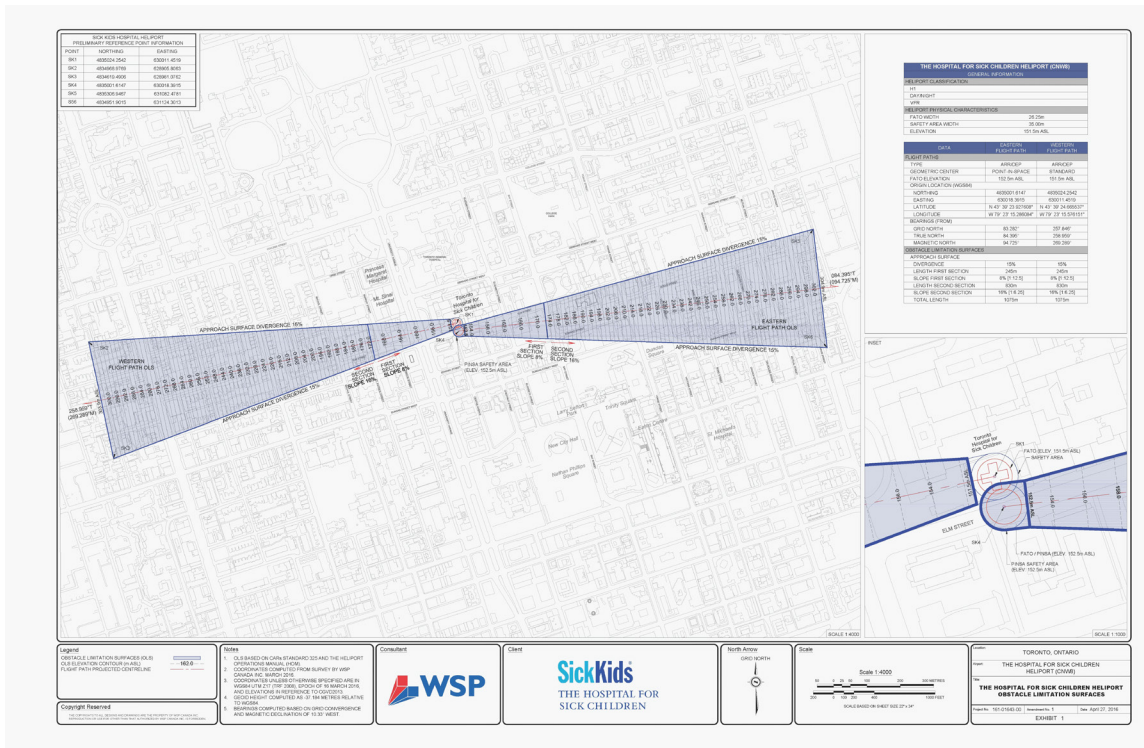
Attachment 4: Draft Airport Zoning Regulation

# Attachment 1: Saint Michael's Hospital Flight Path





## Attachment 2: Sick Kids Hospital Flight Path



## Attachment 3: Minister's Zoning Order

Filed with the Registrar of Regulations Déposé auprès du registrateur des règlements
MAY 03 2016
Number (O. Reg.) Numéro (Règl. de l'Ont.)
114/16

### ONTARIO REGULATION

made under the

### PLANNING ACT

### ZONING ORDER - PROTECTION OF PUBLIC HEALTH AND SAFETY - TORONTO HOSPITAL HELIPORTS

#### Definitions

1. In this Order,

“air ambulance services” has the same meaning as in the *Ambulance Act*;

“Hospital for Sick Children Air Ambulance Service Protection Corridor Map” means the map numbered 225, dated April 27, 2016 and filed at the Toronto office of the Ministry of Municipal Affairs and Housing located at 777 Bay Street;

“St. Michael’s Hospital Air Ambulance Service Protection Corridor Map” means the map numbered 226, dated April 27, 2016 and filed at the Toronto office of the Ministry of Municipal Affairs and Housing located at 777 Bay Street;

“structure” includes but is not limited to anything that is erected, built or constructed or parts joined together with a fixed location on the ground, or attached to something having a fixed location in or on the ground, whether permanent or temporary in nature, such as a wall, parapet, crane, flagpole, antenna or telecommunications equipment, lighting, signage, construction or maintenance equipment, or any other equipment or installation.

#### Purpose

2. The purpose of this Order is to protect public health and safety by ensuring the safe operation of air ambulance services provided in relation to St. Michael’s Hospital and The Hospital for Sick Children.

## Attachment 3b: Minister's Zoning Order

2

### Prohibition

3. No person shall erect, locate or permit a building, structure or naturally growing object, for any purpose, where any portion of such building, structure or naturally growing object penetrates into the obstacle limitation surfaces for the following lands in the City of Toronto:

1. Those lands subject to the obstacle limitation surfaces for the St. Michael's Hospital Heliport, as shown on the St. Michael's Hospital Air Ambulance Service Protection Corridor Map.
2. Those lands subject to the obstacle limitation surfaces for The Hospital for Sick Children Heliport, as shown on the Hospital for Sick Children Air Ambulance Service Protection Corridor Map.

### Conditions

4. (1) Every use of land and every erection, location and use of buildings, structures or naturally growing objects shall be in accordance with this Order.

(2) Subject to section 3, nothing in this Order prevents,

- (a) the reconstruction of any building or structure that is damaged or destroyed by causes beyond the control of the owner if the dimensions of the original building or structure are not increased or its original use altered; and
- (b) the strengthening or restoration to a safe condition of any building or structure.

### Revocation

5. This Regulation is revoked on September 30, 2017.

### Commencement

6. This Regulation comes into force on the day it is filed.

Made by:



Signature (in blue ink)

Minister of Municipal Affairs and Housing

Date made: May 3, 2016

Attachment 4: Draft Airport Zoning Regulation

Authority: Toronto and East York Community Council Item ~ as adopted by City of  
Toronto Council on ~, 20~  
Enacted by Council: ~, 20~

**CITY OF TORONTO**

**Bill No. ~**

**BY-LAW No. ~20~**

**To Regulate the Use of Lands in the Vicinity of St. Michaels Hospital and  
The Hospital for Sick Children**

WHEREAS the Minister of Transport on [date] entered into an agreement with the City of Toronto pursuant to section 5.81(1) of the *Aeronautics Act*, thereby authorizing the City to regulate the use of lands in the vicinity of hospital heliports, within the City of Toronto, for the purpose of ensuring that that use is not incompatible with the safe operation of a hospital heliport or aircraft;

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in the same manner and to the same extent as would be required for a zoning by-law adopted pursuant to the *Planning Act*;

The Council of the City of Toronto HEREBY ENACTS as follows:

**Definitions**

1. In this Regulation:

"Air Ambulance Services" has the same meaning as in the *Ambulance Act*;

"Hospital for Sick Children Air Ambulance Service Protection Corridor Map" means the map numbered 225, dated April 27, 2016 and attached to this by-law as Schedule 1;

"St. Michael's Hospital Air Ambulance Service Protection Corridor Map" means the map numbered 226, dated April 27, 2016 and attached to this by-law as Schedule 2;

"Structure" includes but is not limited to anything that is erected, built or constructed or parts joined together with a fixed location on the ground, or attached to something having a fixed location in or on the ground, whether permanent or temporary in nature, such as a wall, parapet, crane, flagpole, antenna or telecommunications equipment, lighting, signage, construction or maintenance equipment, or any other equipment or installation.

**Prohibition**

2. No person shall use land or use erect, locate or permit a building, structure or naturally growing object, for any purpose, whereby the use of the land or any portion of such building, Structure or naturally growing object penetrates into the obstacle limitation surfaces for the following lands in the City of Toronto:
- a) Those lands subject to the obstacle limitation surfaces for the St. Michael's Hospital Heliport, as shown on the St. Michael's Hospital Air Ambulance Service Protection Corridor Map.
  - b) Those lands subject to the obstacle limitation surfaces for The Hospital for Sick Children Heliport, as shown on the Hospital for Sick Children Air Ambulance Service Protection Corridor Map.

**Exception**

3. Nothing in this regulation prevents,
- a) the reconstruction of any building or Structure that is damaged or destroyed by causes beyond the control of the owner if the dimensions of the original building or Structure are not increased or its original use altered; and,
  - b) the strengthening or restoration to a safe condition of any building or Structure.

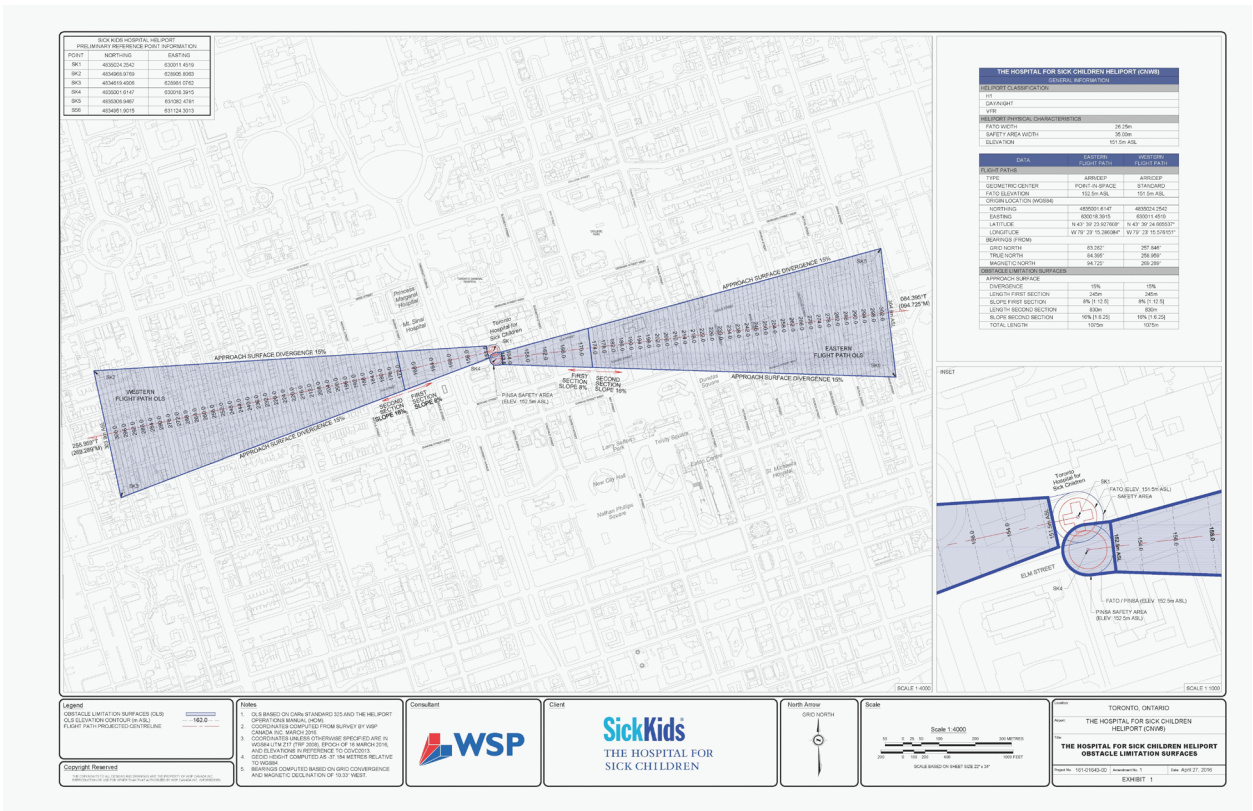
ENACTED AND PASSED this ~ day of ~, A.D. 20~.

JOHN TORY,  
Mayor

ULLI S. WATKISS,  
City Clerk

(Corporate Seal)

# Schedule 1 Hospital for Sick Children Air Ambulance Service Protection Corridor Map



## Schedule 2 St. Michael's Hospital Air Ambulance Service Protection Corridor Map

