



## STAFF REPORT ACTION REQUIRED

### Airport Zoning Regulation to Protect Hospital Helicopter Flight Paths- Final Report

<b>Date:</b>	October 18, 2017
<b>To:</b>	Planning and Growth Management Committee
<b>From:</b>	Acting Chief Planner and Executive Director, City Planning Division
<b>Wards:</b>	20,27,28
<b>Reference Number:</b>	P:\2017\Cluster B\PLN\PG17021 (16-190063 SPS 00 OZ)

### SUMMARY

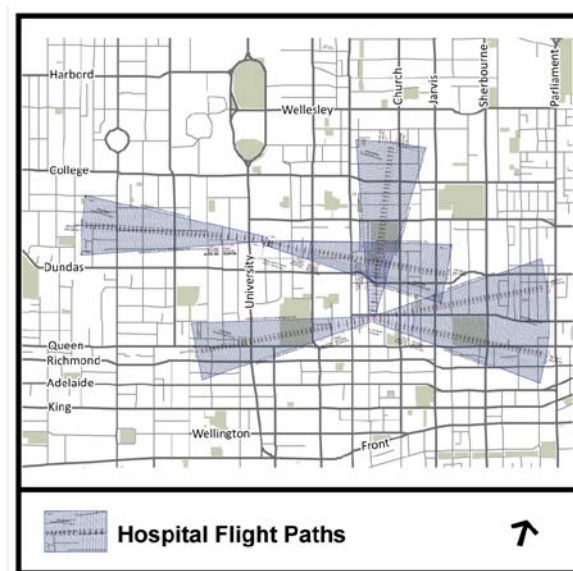
The St. Michael's Hospital and the Hospital for Sick Children, (Sick Kids) each have helipads that provide vital critical and trauma care service to the entire City of Toronto and surrounding areas. The protection of the flight paths for these helipads from intrusions caused by development is necessary to ensure their continued and effective operation. Aeronautics falls within the federal government's jurisdiction. Transport Canada delegated the power to the City of Toronto to regulate the use of lands in the vicinity of hospital helipads on August 21, 2017, pursuant to City Council approval on July 12-15, 2016 (EX16.25).

This report reviews and recommends the adoption of an airport zoning regulation to protect the hospitals' helicopter flight paths.

### RECOMMENDATIONS

**The City Planning Division recommends that:**

1. City Council adopt an airport zoning regulation for the hospital helicopter flight paths for the Hospital for Sick Children and the St. Michael's Hospital substantially in accordance with the draft Airport



Zoning Regulation attached as Attachment No. 4 to the report dated October 18, 2017 from the Acting Chief Planner and Executive Director of Planning.

2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Airport Zoning Regulation as may be required.

### **Financial Impact**

The recommendations in this report have no financial impact.

### **DECISION HISTORY**

On September 7, 2017, the Planning and Growth Management Committee (PGM) considered a Preliminary Report on the proposed Airport Zoning Regulation. PGM directed staff to hold a community consultation meeting with interested parties notified by way of newspaper notice. The Preliminary Report can be accessed at: <http://www.toronto.ca/legdocs/mmis/2017/pg/bgrd/backgroundfile-106156.pdf>

### **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 was executed on August 21, 2017.

#### **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 March 31, 2018.

## **TOcore: Planning Downtown**

TOcore: Planning Downtown is an inter-divisional study, led by City Planning, which is updating the planning framework for Downtown and developing a series of infrastructure strategies to support implementation. TOcore is a response to the rapid intensification of Downtown that is placing pressure on physical and social infrastructure assets and occurring in a pattern and at an intensity that threatens to jeopardize the quality of life in the city centre and the economic role that the Downtown plays for the entire city.

TOcore's purpose is to ensure growth positively contributes to Toronto’s Downtown as a great place to live, work, learn, play and invest by determining: a) how future growth will be accommodated and shaped, and b) what physical and social infrastructure will be needed, where it will go and how it will be secured. The study area is bounded by Lake Ontario to the south, Bathurst Street to the west, the mid-town rail corridor and Rosedale Valley Road to the north, and the Don River the east.

Building on Downtown's existing planning framework and drawing on best practices within City Planning Division, the Downtown Plan is being developed to serve as a blueprint for future growth and infrastructure in the heart of Toronto over the next 25 years. It will provide detailed direction on the appropriate scale and location of future growth. It will also link this growth with infrastructure provision to ensure the creation of ‘Complete Communities’, addressing the requirements under the Provincial Policy Statement (2014) and the Growth Plan for the Greater Golden Horseshoe (2017). A series of infrastructure strategies for transportation, parks and public realm, community services and facilities, water and energy are in development as part of this review.

On October 5-7, 2016, City Council adopted Official Plan Amendment (OPA) 352 – Downtown Tall Building Setback Area (currently under appeal). The purpose of OPA 352 is to establish the policy context for tall building setbacks and separation distances between tower portions of tall buildings Downtown. At the same meeting, City Council adopted area-specific Zoning By-laws 1106-2016 and 1107-2016 (also under appeal), which provide the detailed performance standards for portions of buildings above 24 metres in height.

At its meeting on October 2-4, 2017, City Council considered the Proposed Downtown Plan and directed Staff to undertake stakeholder and public consultation on that document and its proposed policies, leading to a recommendations report and an amendment to Toronto's Official Plan in the second quarter of 2018. Additionally, Council directed Staff to consider the policies contained with the Proposed Downtown Plan in the review of all development applications within the Downtown going forward:

6. City Council request City Planning staff to consider the Proposed Downtown Plan policies, in Attachment 1 to the report (August 18, 2017) from the Chief Planner and Executive Director, City Planning, during the evaluation of current and future development applications in the Downtown Plan area and continue to refine the policies in consultation with stakeholders and the community.

Section 6.31 of the proposed Downtown Plan states, “Development will be sited and massed to protect the flight paths to hospital heliports”.

More information on Council direction pertaining to TOcore can be found here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.PG22.1>. Further background information can be found at [www.toronto.ca/tocore](http://www.toronto.ca/tocore).

## **Community Consultation**

A Community Consultation Meeting on the proposed Airport Zoning Regulation was held on September 26, 2017. Other than hospital representatives, three people were in attendance. The majority of questions raised were technical issues about the application of the MZR. In general, if adopted, the MZR would be administered in a similar manner to the way that the existing Minister's Zoning Order is currently being administered.

## **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. In 2014, there were 357 landings at St. Michael's and 195 at Sick Kids (233 in 2016). 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, 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 are 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 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 and implements City’s Official Plan.

### **Effect of Proposed Airport Zoning Regulation**

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.

### **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 AZR also implements the Official Plan which requires new buildings be sited and massed to protect flight paths to hospital heliports.

## **CONTACT**

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## **SIGNATURE**

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Gregg Lintern, MCIP, RPP  
Acting Chief Planner and Executive Director  
City Planning Division

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## **ATTACHMENTS**

Attachment 1: St. Michael's Hospital Flight Path

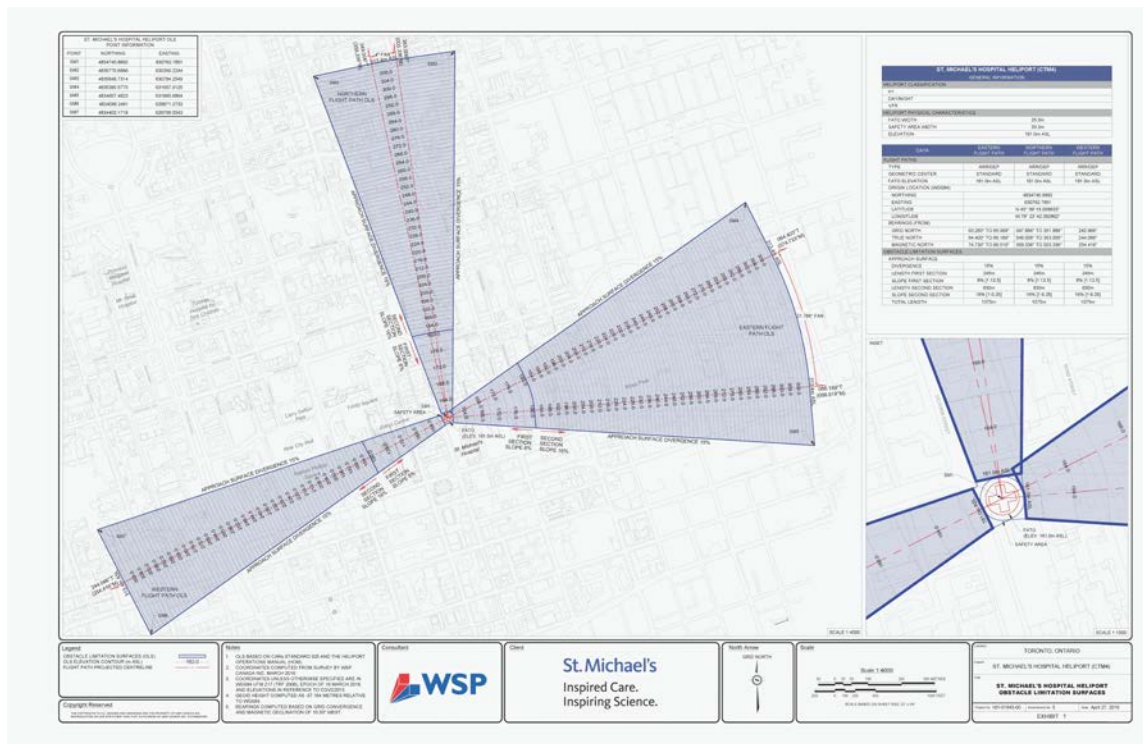
Attachment 2: Sick Kids Hospital Flight Path

Attachment 3: Minister's Zoning Order O.Reg. 114/16 and O.Reg 336/17

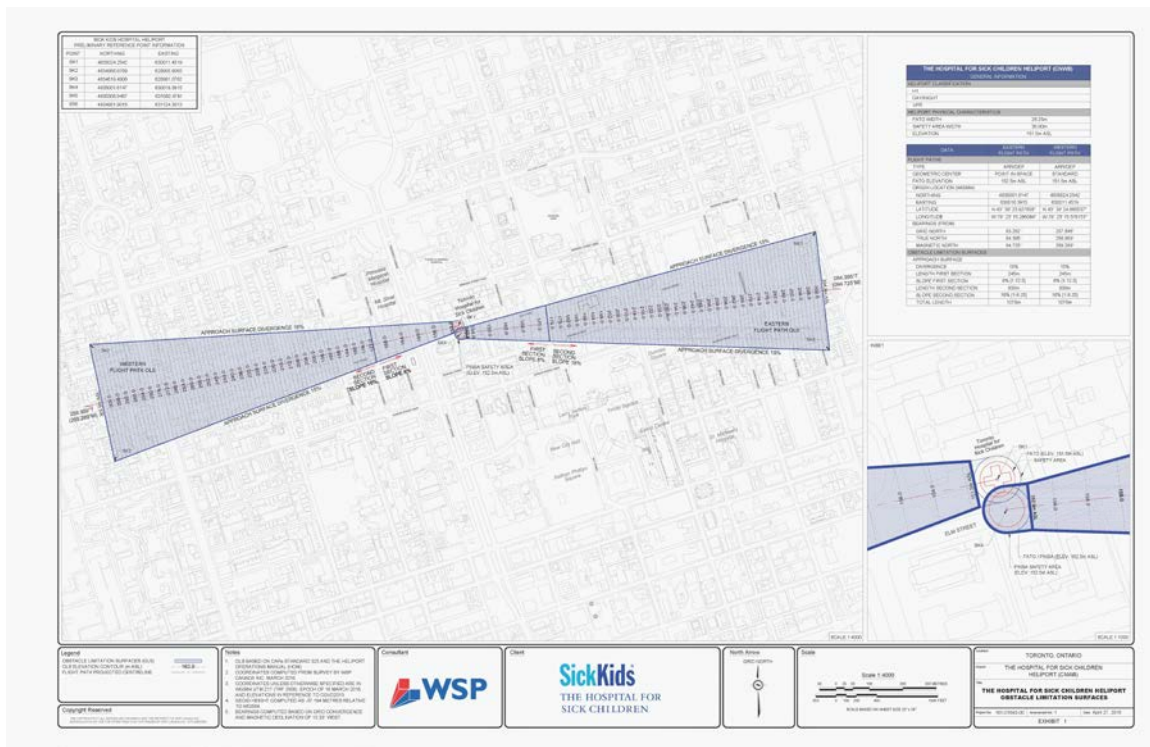
Attachment 4: Draft Airport Zoning Regulation



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## Attachment 2: Sick Kids Hospital Flight Path



### Attachment 3: Minister's Zoning Order O.Reg. 114/16 and O.Reg 336/17

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 O.Reg. 114/16 and O.Reg 336/17

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### 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 3c: Minister's Zoning Order O.Reg. 114/16 and O.Reg 336/17**

Filed with the Registrar of Regulations Déposé auprès du registraire des règlements
AUG 31 2017
Number (O. Reg.) Numéro (Règl. de l'Ont.) 336/17

**ONTARIO REGULATION**

made under the

**PLANNING ACT**

Amending O. Reg. 114/16

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

1. Section 5 of Ontario Regulation 114/16 is revoked and the following substituted:
5. This Regulation is revoked on March 31, 2018.

**Commencement**

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

Made by:

  
Signature (in blue ink)

*Marcia Wallace  
Regional Director  
Municipal Services Office-Central  
Ministry of Municipal Affairs*

AUG 30 2017

Date made: .....

## **Attachment 4: Draft Airport Zoning Regulation**

Authority: Planning and Growth Management Committee 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 August 21, 2017 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 the 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;

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

#### **Definitions**

**1. In this Regulation:**

"Air Ambulance Services" has the same definition as set out in the *Ambulance Act*;

"Building Permit" means a permit issued by the chief building official pursuant to section 8(1) of the *Building Code Act*;

"Existing Building or Structure" means a building or Structure that existed or for which a Building Permit had issued as of the date of this By-law;

"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;

"Obstacle Limitation Surfaces" means a series of surfaces that set the height limits of objects around an aerodrome;

"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, including but not limited to 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, if the use of the land or if 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 use of an Existing Building or Structure,
  - b) the reconstruction of any Existing Building or Structure, if the building or Structure is damaged or destroyed by causes beyond the control of the owner provided the dimensions of the Existing Building or Structure are not increased or its original use altered; and
  - c) the strengthening or restoration to a safe condition of any Existing Building or Structure provided the dimensions of the Existing Building or Structure are not increased or its original use altered.

### **Effective Date**

4. This by-law will come into force on the day that it is made.

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

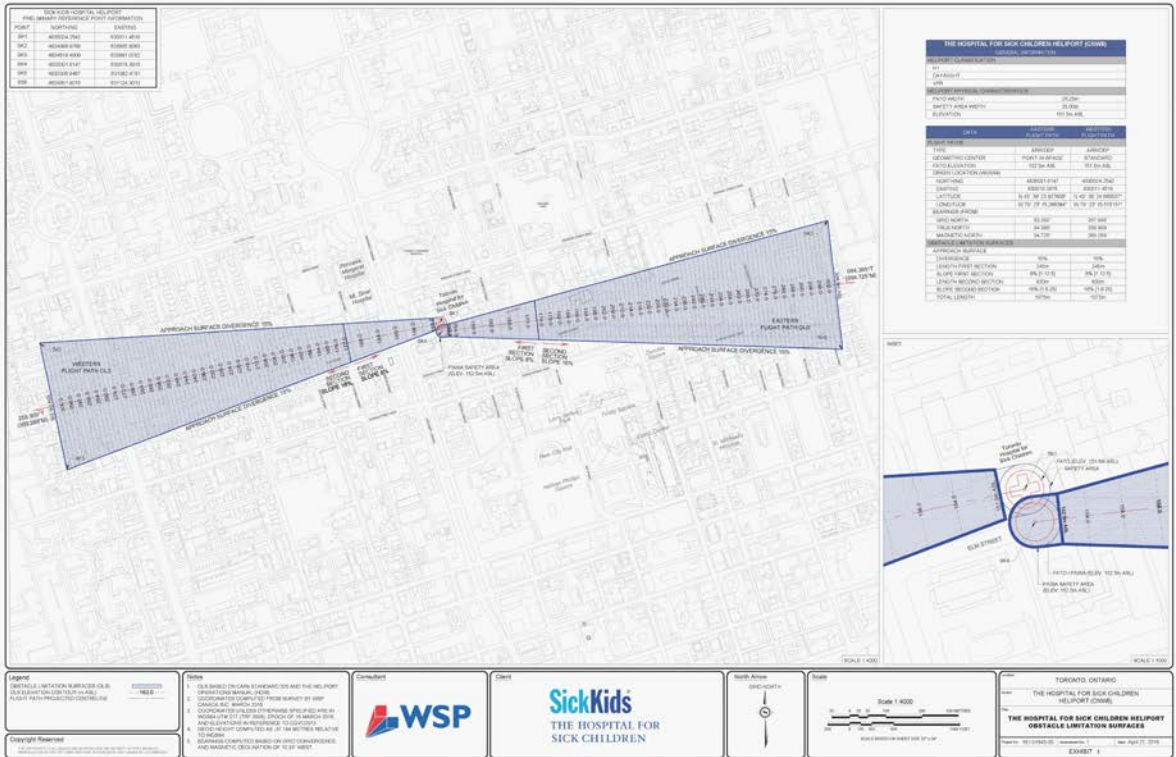
JOHN TORY,  
Mayor

ULLI S. WATKISS,  
City Clerk

(Corporate Seal)



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



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

