

## Temporary Use By-law Amendment PLANNING RATIONALE



991 Carling Avenue



**Prepared for:**

Aga Khan Foundation Canada  
The Delegation of the Ismaili Imamat  
199 Sussex Drive  
Ottawa, Canada, K1N 1K6

**Prepared by:**

Lloyd Phillips & Associates Ltd.  
1827 Woodward Drive, Suite 109  
Ottawa, ON, K2C 0P9

File: 1538

November 12, 2015



# Table of Contents

1. INTRODUCTION.....	3
2. SITE AND CONTEXT .....	4
3. PROPOSED TEMPORARY ZONING AMENDMENT.....	6
4. PLANNING POLICY REVIEW .....	7
4.1. Planning Act, R.S.O. 1990, Chapter P. 13 .....	7
4.2. Provincial Policy Statement, 2014 (PPS) .....	7
4.3. City of Ottawa Official Plan .....	8
4.4. City of Ottawa Zoning By-law.....	9
5. CONCLUSION.....	10

# 1. INTRODUCTION

The Aga Khan Foundation Canada (AKFC), Owners of 991 Carling Avenue, are seeking a Zoning By-law Amendment to permit a temporary use of a parking lot for the use of the Ottawa General Hospital.

The use of the site is for the Jamatkhana, a community centre and place of worship that is not currently a permitted use in the current zoning, but it has a non-conforming or “grandfathered” use.

The City of Ottawa has informed AKFC that the use of the property for parking by Ottawa Civic Hospital staff does not conform to the zoning that currently applies to the property. The Civic Hospital is located ~290 m to the west on Carling Avenue, and parking shortages are a constant problem. The AKFC has an agreement with the Ottawa Hospital for allowing hospital staff to park there.

It is noted that there are two separate zoning designations that apply to the property: R4M – Residential Fourth Density, subzone M, and R1QQ – Residential First Density, subzone QQ. Both of these zones allow for residential use but do not permit parking that is not associated with the residential use. Therefore, a temporary Zoning Amendment is required to allow the proposed parking for the Ottawa Hospital staff.

It is understood that a temporary Zoning By-law is permitted for three years. At the end of the three years, the zoning is either extended for another three years or it expires.



## 2. SITE AND CONTEXT

The site of the proposed temporary rezoning, 991 Carling Avenue, has a total land area of 485.62 m<sup>2</sup>. The site has frontage on Carling Avenue (62.88 m), Irving Place (76.0 m), and Fairmont Avenue (31.0 m).

The legal description of the site is: CON 1 PT LOT 37 PLAN 224 LOT;2 IRVING W PT LOT 1 FAIRMONT;E. PIN: 041010018



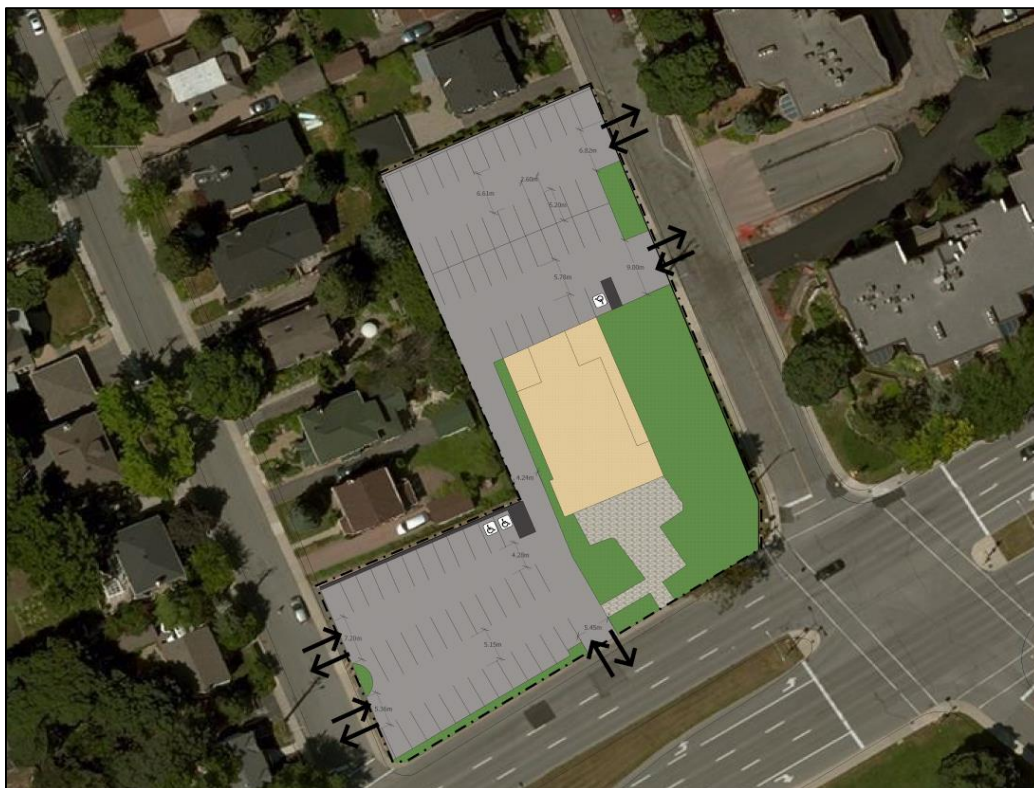
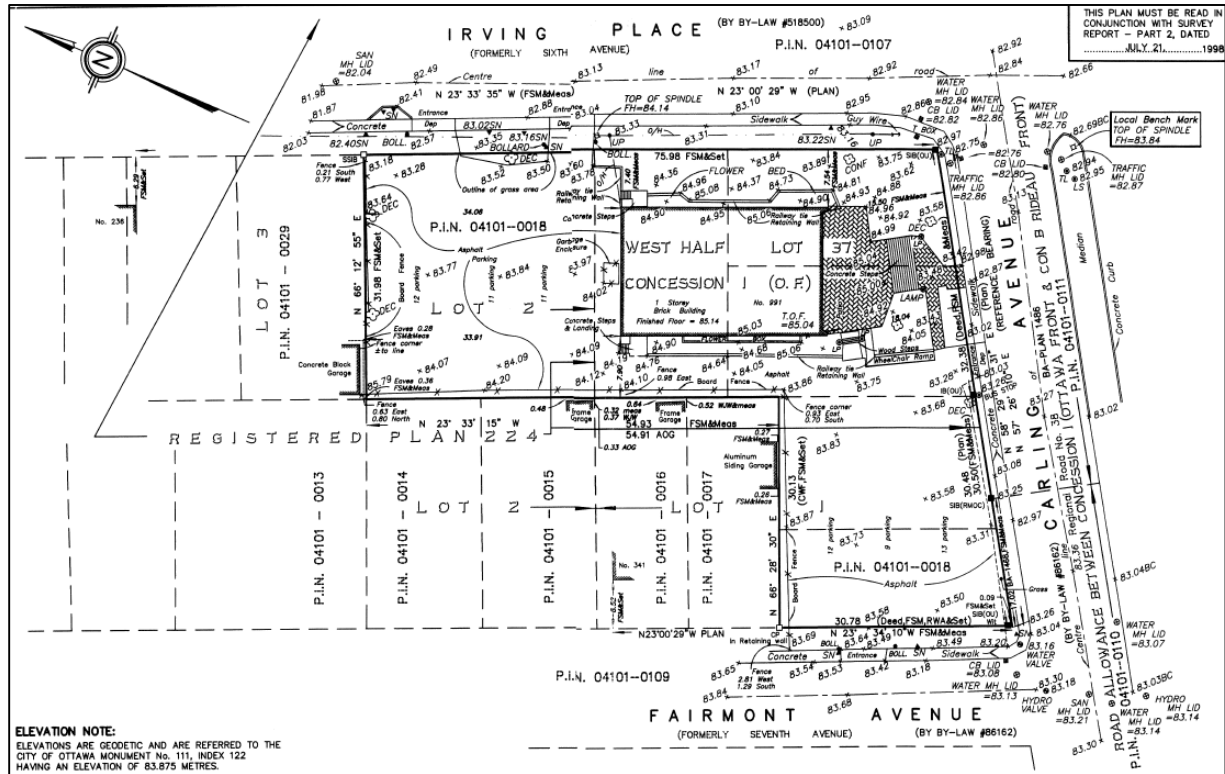
There are 77 parking spaces on the site, of which 3 are barrier-free, though it appears they do not meet the required standard width for a barrier-free parking space. About half of the spaces are located north of the existing building and accessible from Irving Place, and the other half are located west of the existing building and accessible from Fairmont Avenue.

The site of the temporary use parking is located ~290 m from the Ottawa Hospital and therefore a suitable location for additional parking needs.

Fronting onto Carling Avenue, an arterial mainstreet, and having vehicle access from Irving Place, Fairmont Avenue, and Carling Avenue ensures that the traffic impacts will be dispersed.

The surrounding context is a mix of residential, and commercial, with the strongest presence along Carling Avenue in this location being the Ottawa Hospital.

The following presents a copy of the Survey and a drawing prepared by Lloyd Phillips & Associates Ltd, which identifies the existing site conditions.



### 3. PROPOSED TEMPORARY ZONING AMENDMENT

The proposed temporary zoning would be to permit the additional use of ‘Parking Lot’ at 991 Carling Avenue.

Please see the proposed exception details below.

#### Temporary Exception

I Exception Number	II Applicable Zones	Exception Provisions		
		III Additional Land Uses Permitted	IV Land Uses Prohibited	V Provisions
XXXX	R4M[XXXX]  R1QQ[XXXX]	- Parking Lot		- To permit a Parking Lot for use only by the Ottawa Hospital for a maximum of 3 years - The parking lot shall be permitted in its form as it exists on the date of the enactment of the zoning amendment

The temporary zoning would be permitted for a period of three years, as per the Planning Act, Section 39 (1) through (4). At the end of three years, the temporary zoning can be renewed for another three years or it will expire. The intent of the Parking Lot is to permit it only for staff of the Ottawa Hospital, Civic Campus, and the Parking Lot is restricted to its form as it exists on the date of the enactment of the Temporary Use Zone.

All other permitted uses for these zones (R4M and R1QQ) are maintained.



## 4. PLANNING POLICY REVIEW

### 4.1. Planning Act, R.S.O. 1990, Chapter P. 13

As per Section 39(1) – (4), a temporary use by-law may be passed under Section 34, to authorize the temporary use of land or structure for any purpose set out therein that is otherwise prohibited by the By-law.

Section 34(2) indicates that the temporary use shall not exceed three years from the day of the passing of the By-law, however, Section (3) says that despite (2), the council may by by-law grant further periods of not more than three years during which the temporary use is authorized.

As per the Planning Act, the temporary use zoning amendment is permitted.

### 4.2. Provincial Policy Statement, 2014 (PPS)

The Provincial Policy Statement, 2014 (PPS), contains a set of policies that are the criteria by which healthy, liveable and safe communities are to be sustained.

The overarching theme of these policies is that development be efficient, in terms of both economically, and through use of existing infrastructure.

The proposal to utilize an underutilized available parking area for a neighbouring use instead of providing new parking elsewhere is a notable method by which the needs of a use (in this case, the Hospital) are able to be met in an efficient and affordable manner.

This ensures that there is no new development, and therefore the proposal minimizes land consumption, and promotes cost-effective development patterns.

The proposed temporary use of a parking lot for the sole user of staff of the Ottawa Hospital is consistent with the the Provincial Policy Statement, 2014. As well, the temporary use does not conflict with the long term intent of enabling mixed-use development on a proposed mainstreet, and thereby is consistent with Section 1.7.1 (c) “Long-term economic prosperity should be support by: (c) maintaining, and where possible, enhancing the vitality and viability of downtowns and mainstreets;”



### 4.3. City of Ottawa Official Plan

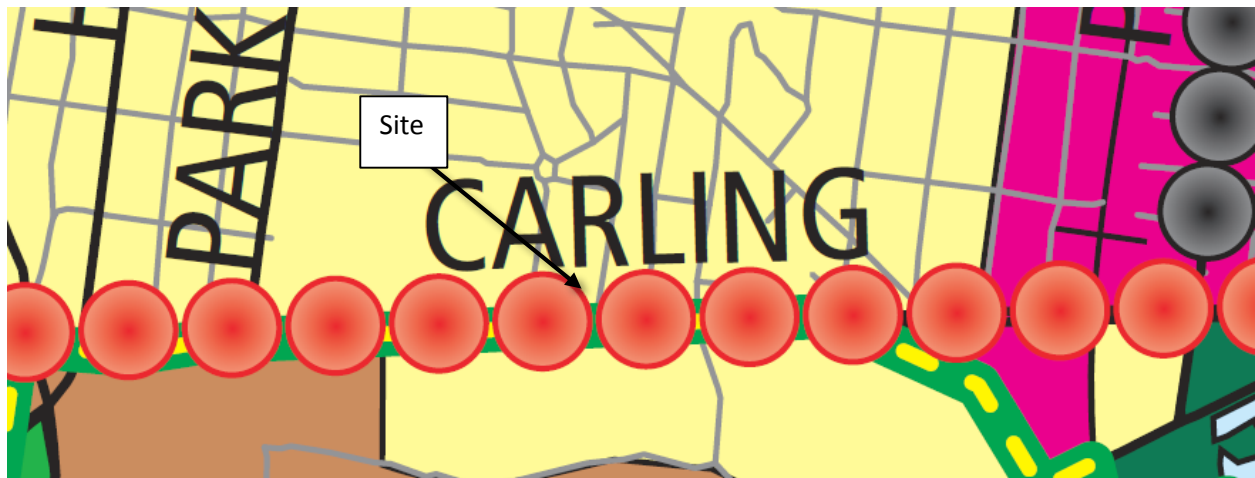
The City of Ottawa Official Plan designates the site at 991 Carling Avenue as Arterial Mainstreet, as shown in the map on the following page.

The Arterial Mainstreet (AM) designation is intended to recognize areas that have developed, generally, after 1945. They are intended to have a variety of lively uses and are encouraged to redevelop over time in a denser urban fabric with a high focus on the pedestrian environment.

The Arterial Mainstreet permits residential, commercial, retail, institutional, and other uses. It is noted that many Arterial Mainstreet within the City of Ottawa do have a different expression of development than Traditional Mainstreets. The AM areas tends to have larger sites, wider roads, and types of uses that draw people in by vehicle as opposed to the more tight-knit fabric of a Traditional Mainstreet.

In this specific situation, the underutilized site is being used, temporarily, for staff parking for the Ottawa Hospital. No new development itself is occurring as a result.

The proposed use of a parking lot is permitted, and is it is temporary, and no new development is occurring, the proposal is in keeping with the policies and directions of the Arterial Mainstreet zone.



Section 5.2, Policy 12, provides the authority in the Official Plan to enact Temporary Use Zones. The proposed Temporary Use Zone conforms to the policies of the City of Ottawa Official Plan.



## 4.4. City of Ottawa Zoning By-law

The site at 991 Carling Avenue is unusual in that it contains two different zones. As per the map below, the south portion of the site, facing Carling Avenue, is zoned R4M – Residential Fourth Density, subzone M.

For the area of the site north of the building, facing Irving Place, the site is zoned R1QQ – Residential First Density, subzone QQ.

While both of these zones permit a variety of residential uses, they do not permit the use of the Jamatkhana, identified as a Community Centre use. This use is considered to be “grandfathered”.

However, the proposed parking lot is not permitted by either of the existing zones on the site. Therefore, a temporary use rezoning is required.



## 5. CONCLUSION

The AKFC and the Ottawa Hospital are providing an important benefit to recognize the current needs of the Ottawa Hospital by making use of the underutilized AKFC site at 991 Carling Avenue.

The Ottawa Hospital requires additional parking for its staff. This need is accentuated with the construction of the new Heart Institution on the Civic Campus. The proposed site for this parking is the former Jamatkhana located approximately 290 metres from the Ottawa Hospital. No site alterations are required, and no new development is occurring.

The 73 spaces available on the site would be made available for staff parking for the Ottawa Hospital by way of a temporary use zoning by-law to permit a '*parking lot*' in the R4M and R1QQ zones that apply to the property currently.

The Planning Act permits temporary use by-laws, limiting each approval to three years, but allowing further three-year extensions to be approved by Council. The Provincial Policy Statement, 2014, supports efficient development and use of land. This is achieved by meeting the needs of a major institution without developing new infrastructure or seeking inefficient development of land.

Furthermore, the Official Plan designation of Arterial Mainstreet permits a variety of uses, and while it is intended to encourage redevelopment to a more compact urban form, there is no new development proposed. There will be the same on-going use of the property by the AKFC as a Jamatkhana to serve the Ismaili Muslim Community. The use of the parking by hospital staff will not conflict with the Jamatkhana because of the different times that each would use the parking.

Lastly, the proposed parking lot to be used by the Ottawa Hospital is temporary and is noted as being an efficient and effective way to meet their current needs.

The proposed temporary use by-law is considered to be good land use planning and is recommended for approval by the City of Ottawa.

Lloyd Phillips & Associates Ltd.



Christine Cholette, MCIP RPP | LEED GA

Lloyd Phillips & Associates Ltd.



Lloyd Phillips MCIP RPP

