

**SEPTEMBER 2023**



# PLANNING RATIONALE

**AGA KHAN FOUNDATION CANADA**  
991 CARLING AVENUE  
OTTAWA, ONTARIO

Report Date:  
**SEPTEMBER, 2023**

Report Prepared for:  
**Aga Khan Foundation  
Canada, 199 Sussex Drive,  
Ottawa, ON, K1N 1K6**

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**Prepared by :**



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This Planning Rationale is prepared in support of a Zoning By-law Amendment for the extension of a temporary use of a parking lot at 991 Carling Avenue.

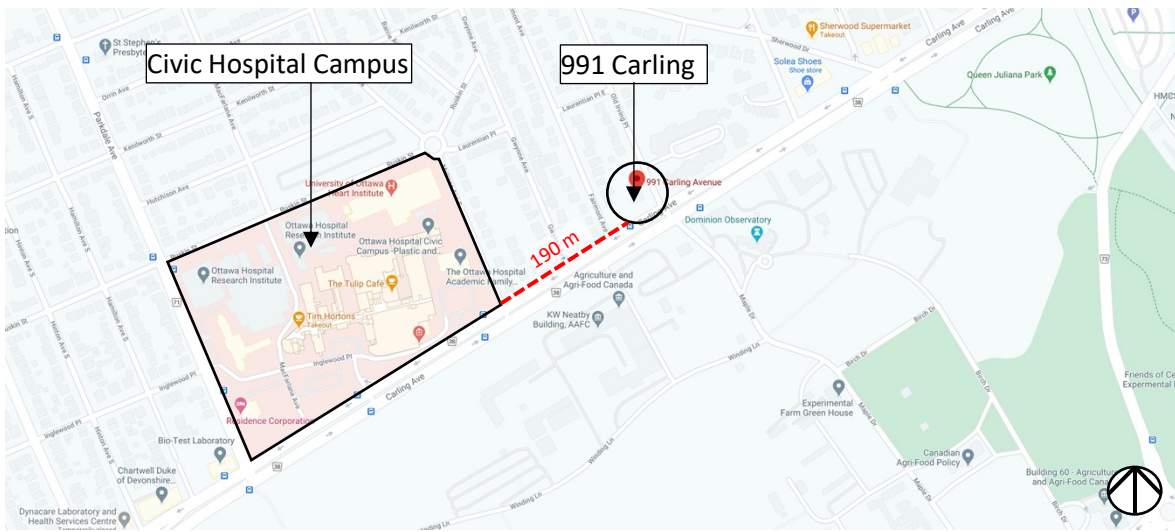
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## 1.0 OVERVIEW

The subject site at 991 Carling Avenue, owned by the Aga Khan Foundation of Canada (“AKFC”), is currently used for the Jamatkhana, a community centre and place of worship, that is not currently a permitted use in the zoning but is considered legally non-conforming.

The Ottawa Hospital - Civic Campus is located approximately ~190 metres west on Carling Avenue. The Jamatkhana is used in the evenings and on the weekends. The associated on-site parking remains unused during the weekday period.



When on-going construction and over-capacity circumstances for the existing Civic Hospital Campus resulted in significant staff parking challenges, an application for a temporary zoning permission to allow Civic Hospital staff to park at #991 Carling Avenue was approved in 2017.

In 2020, when the temporary zoning permission was set to expire, the COVID-19 pandemic and uncertainty of the future Civic Hospital Campus project schedule necessitated the continued use of the surface parking at #991 Carling for use by Civic Hospital staff. At that time a second application was made and granted. As temporary zoning approvals expire after three years, an application is required if the temporary use is still needed. In this case, it is.

The existing Civic Hospital campus is and will continue to require temporary parking on the #991 Carling site until such time that the new Civic Hospital Campus is constructed

and parking demands are adequately addressed within their new site facilities.

It is the intent and direction for the AKFC that when surface parking on their site is no longer required to support the Civic Hospital Campus staff, the property is planned to be redeveloped in accordance with the planned context for the Mainstreet Corridor of Carling Avenue.

The following details the rationale for the proposed extension of the temporary use zoning of a parking lot.

## 2.0 SITE & CONTEXT

### 2.1 SITE

As noted, the site is the current location of the Jamatkhana, a community centre and place of worship. There are currently 77 parking spaces on this site that are not used during day time hours, allowing a vacant parking lot available for use during the day by the Civic Hospital staff.

The following presents the site statistics.

- [ Site Area: 485.62 m<sup>2</sup>
- [ Site Frontage: 62.88 m (Carling Avenue), 76.0 m (Irving Place), 31.0 m (Fairmont Avenue)
- [ Legal Description: CON 1 PT LOT 37 PLAN 224 LOT;2 IRVING W PT LOT 1 FAIRMONT;E. PIN: 041010018



Figure 1: Aerial of Subject Lot Showing Approved Pavement Markings



Figure 2: Subject Lot Showing Dimensions and Building Location



Figure 3: View of blocked entrance on Fairmont Avenue Frontage



Figure 4: View of Carling Avenue Entrance



Figure 5: View of Irving Place Access and Egress as Approved

## 2.2 CONTEXT

The subject site is located on the north side of Carling Avenue, facing the Experimental Farm, and notably the Federal Research Building at 930 Carling Avenue. The nearby uses are commercial in nature, generally, along Carling Avenue which is a major arterial east-west route. North of the site is mostly low-rise residential neighbourhood that is characterized by its location around the Civic Hospital, and bounded by Highway 417 to the north, Preston Street on the east, Parkdale Avenue on the west, and Carling Avenue to the south.

This neighbourhood has a long history of parking complications due to the presence of the Civic Hospital campus and insufficient on-site parking for the hospital. In the past, hospital staff have had to park on local residential streets and deal with car shuffling throughout the day by the Hospital to respect parking time limitations.

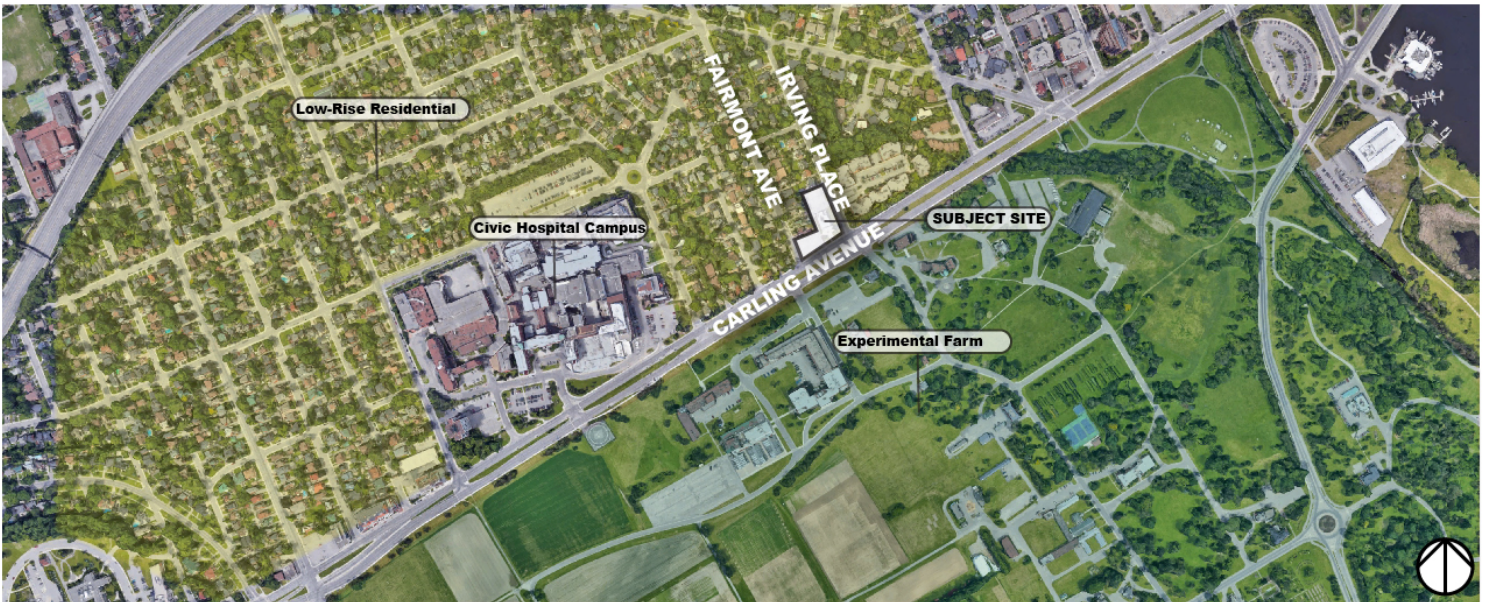


Figure 6: Context Map



### 3.0 PROPOSED EXTENSION OF ZONING

The proposed extension of the temporary use zoning of the parking lot, with restrictions, will expire in November 2023. The purpose of this application is to extend the existing temporary use another three years with the same provisions and details as the existing approved permission granted in 2020. A full copy of the approved by-law is included as Appendix A, the exception provision [2427] is provided below. By-law 2021-100 was passed on March 10<sup>th</sup>, 2021 and the exception provision specifically states that the temporary zoning ends on November 8<sup>th</sup>, 2023.

As there are no application processes to extend a temporary use by-law, a new Minor Zoning Amendment is required in order to effectively extend the temporary use as previously approved, for another three years.

I Exception number	II Applicable zones	III Exception Provisions - Additional land uses permitted	IV Exception Provisions - Land uses prohibited	V Exception Provisions - Provisions
2427 (By-law 2021- 100) (By-law 2017- 349)	Multiple	<ul style="list-style-type: none"> <li>• Temporary parking lot</li> </ul>		<p>A parking lot is permitted for a temporary period of three years, ending on November 8, 2023.</p> <p>The following applies to a temporary parking lot:</p> <ol style="list-style-type: none"> <li>1. Despite Section 100(1)(a) and 100(1)(c) non-accessory parking in temporary parking lot is limited to that associated with the Ottawa Hospital Civic Campus.</li> <li>2. Despite any provisions to the contrary, all but three required parking spaces for uses on 991 Carling may also be used for the temporary parking lot.</li> </ol>

## 4.0 RATIONALE FOR EXTENSION

The subject site, as noted, has been used as a Community Centre and Place of Worship in the evenings and weekends with the associated parking on site for those uses. During the day, the on-site parking lot when not in use has been secured through previous Temporary Zoning Amendments for use by the Civic Hospital.

The previous approval was meant to continue for three years while the Civic Hospital was under construction and parking was in demand due to on-going construction. In 2020, the COVID-19 pandemic further exacerbated this situation.

Although the pandemic is no longer a major factor, the capacity issues at the Civic Hospital Campus will continue to exist and worsen until the new Civic Campus is constructed.

It is acknowledged that this proposal for continued parking by Civic Hospital staff is not meant to be a long-term situation and that the intents and purposes of the Planning policies in place for this area will be maintained for the long term.

The Civic Hospital Campus has outgrown the current location and as a result, there is insufficient parking to accommodate required staff. As the new Civic Hospital Campus has been approved and construction is planned, the need for off-site parking accommodations for hospital staff is a confirmed short-term situation for the duration of the construction for the new hospital campus.

This temporary use of parking by the Hospital at the Jamatkhana site is to ensure that hospital staff are not forced to park on residential streets causing conflict in the community, operational issues for staff, and major operational issues with regards to ambulance offloading.

Lastly, the temporary demands of the hospital and need for parking do not detract from AKFC's intentions for the site to be redeveloped towards a mixed-use affordable housing project, with a design in conformity with the Mainstreet Corridor Official Plan designation. The future development of this site will be aligned with Mainstreet Corridor goals of Carling Avenue. The current situation is short-term, necessitating the continuation of this temporary parking situation.

## 5.0 POLICY AND REGULATORY CONTEXT

### 5.1 PLANNING ACT, R.S.O. 1990, CHAPTER 13

In the Planning Act, Section 39 authorizes the passing of temporary use by-laws for any purpose that is otherwise prohibited by the By-law. This section was utilized to establish the existing approval. Section 34 of the Planning Act, policy (3) says that despite the three-year limit for a temporary use by-law identified in policy (2), Council may grant further periods of not more three years at a time.

The policies above in the Planning Act allow temporary use by-laws to be further extended for additional three-year periods without an identified limit of those periods at the discretion of the approving authority.

**Comment** | The three-year period identified in the Planning Act is identified simply to provide some aspect of a time limit, given that the policies are for a temporary use or situation. The policies are not intended to exclusively restrict any temporary use to three years, which is why Policy (3) enables further approvals of three-year periods to recognize varied situations that may require a temporary use to continue beyond three years.

### 5.2 PROVINCIAL POLICY STATEMENT

The Provincial Policy Statement, 2020 (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, and to enable, establish, and encourage healthy living and environments.

**Comment** | The proposal to utilize a surface parking area that is not used during the day for a neighbouring major community use (e.g. Ottawa Civic Hospital) instead of resulting in an influx of on-street parking in a neighbourhood 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. In this situation, it is simply not feasible nor economically viable to find somewhere to build or allot lands for parking for a short-term situation.

This temporary solution ensures that there is no new development, and therefore the proposal minimizes land consumption, and promotes cost-effective development patterns. This is especially important when considering the transient nature of the use being requested for continuation.

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, 2020. As well, the temporary use does not conflict with the long term intent of enabling a mixed-use affordable housing development at this location, on a proposed mainstreet, and thereby is consistent with Section 1.7.1 (c) “Long-term economic prosperity should be supported by: (c) maintaining, and where possible, enhancing the vitality and viability of downtowns and mainstreets;”

In addition to the review above, Section 1.1.1 of the PPS also places emphasis on maintaining healthy and liveable communities. The temporary permission to accommodate off-site parking for staff allows the hospital to better meet the demands of care for their patients without disruption to the existing community. While the type of care referenced is not directly related to a healthy community in terms of offering green space or environmentally friendly design, it is nonetheless clear that the demands for the Hospital need to be met in order to ensure members of the community and their health are being prioritized. By allowing the Civic hospital staff to park on a nearby lot that otherwise would be underutilized during the day is a good land use planning decision to recognize a temporary need in the community and a temporary need for a major community facility.

### **5.3 CITY OF OTTAWA OFFICIAL PLAN, 2022**

The City of Ottawa Official Plan designates the site at 991 Carling Avenue as Mainstreet Corridor (MC). The MC designation is intended to support higher density of development, greater degree of mixed uses, and a higher level of street transit service compared to abutting Neighbourhood designations, but generally lower densities than nearby Hubs.

The MC designation permits residential, commercial, retail, institutional, and other uses. The designation prohibits functions or uses causing or likely to cause nuisance due to noise, odour, dust, fumes, vibration, etc. The proposed temporary zoning does not result in any adverse environmental impacts as described and as such the uses are permitted.

In this specific situation, the underutilized site is being used, temporarily, for staff parking for the Ottawa Civic Hospital. No new development itself is occurring as a result. Further, no physical changes are required to the site in order to permit this temporary use.

Section 2.2.2 (2) in the Official Plan discusses Economic Development as a Cross Cutting Issue and Strategic Direction. Policy (2) is intended to support the growth of hospitals to support Ottawa’s knowledge-based economy and health needs.

The Ottawa Civic Campus has outgrown the current site but supporting existing staff is

still an important priority for the operation of the hospital. The temporary zoning supports Section 2.2.2(2).

Section 11.6 (2)(e) notes that the City will prioritize applications to permit temporary uses. Further, in 11.6(9) provides the authority in the Official Plan for the City to authorize, through a by-law, the temporary use of lands, buildings, or structures for any purpose set out therein that would otherwise be prohibited by the City's Zoning By-law.

#### 5.4 CITY OF OTTAWA ZONING BY-LAW

The site at 991 Carling Avenue 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, with the temporary use zoning identified as an exception.

For the area of the site north of the building, facing Irving Place, the site is zoned R1QQ – Residential First Density, subzone QQ, with the temporary use identified as an exception for this zone as well.

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 legal non-conforming.

The exception zone identified on both sites contains the permissions for the temporary use of the parking lot, which is scheduled to expire November 8<sup>th</sup> 2023.

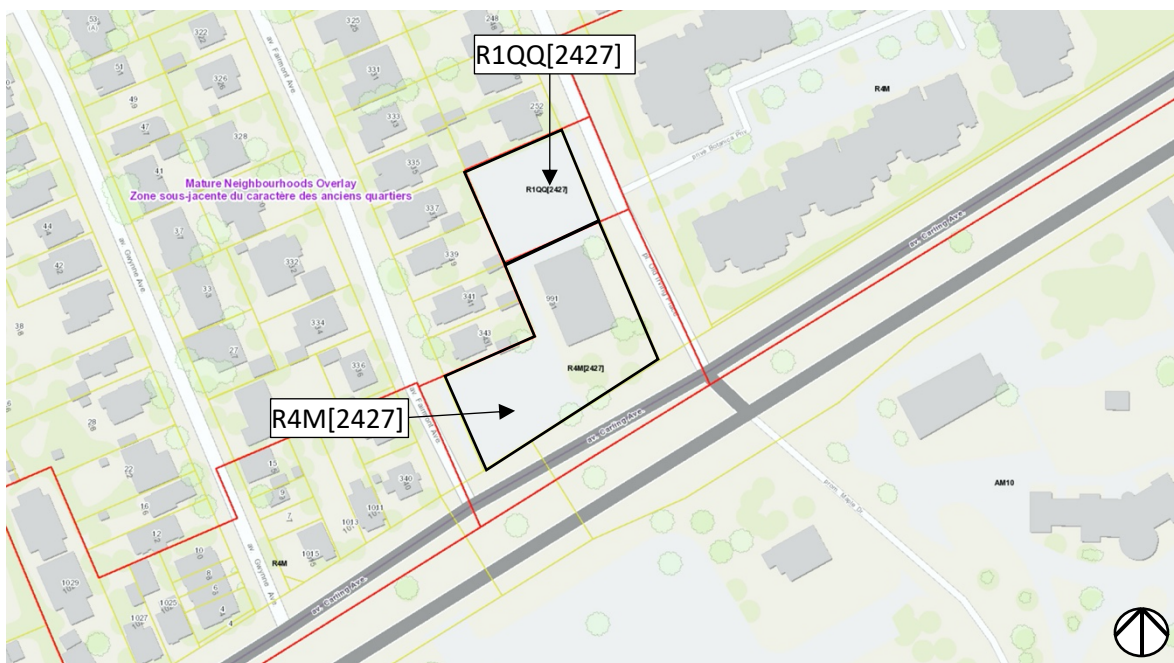


Figure 7: Existing Zoning Map

## 6.0 CONCLUSION

The proposed extension of the temporary use parking is being requested for an additional period of three years, as permitted by the Planning Act and the City of Ottawa Official Plan, in order to recognize continued pressures experienced by the hospital and their staff for available parking. These pressures are expected to continue until the new Ottawa Civic Campus is constructed.

It is noted that AKFC and the Ottawa Hospital acknowledge and agree that the permissions are temporary in nature.

The temporary use for parking by the Civic Hospital utilizes an existing nearby parking lot (~190 metres away) that is not used during day time hours by the on-site facility of the Jamatkhana and therefore can serve a dual purpose during these existing circumstances that have necessitated the continued use for off-site parking for hospital staff until the new Civic Campus is constructed.

The temporary use does not detract from or prohibit the long-term viability of the site to be redeveloped in a Mainstreet Corridor policy-supportive direction.

The continuation of this temporary use ensures that parking for staff does not spill out into the residential streets causing conflict or operational issues.

This proposal is a logical solution to a temporary issue and is considered to be good land use planning, and good planning for the overall community, acknowledging its temporary nature.

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A handwritten signature in black ink, appearing to be 'CM', is positioned below the contact information.



## 7.0 APPENDIX A





File No. D02-02-20-0110

April 7, 2021

Christine McCuaig  
Q9 Planning + Design  
24 Kirkstall Avenue  
Ottawa, Ontario  
K2G 3M5

Dear Ms. McCuaig:

**Subject: By-law 2021-100  
991 Carling Avenue**

This is to advise that no appeals have been received in respect of By-law 2021-100. Accordingly, the amendment is in full force and effect as of its date of enactment, March 10, 2021.

Attached for your information is a copy of By-law 2021-100 along with the related declaration that no appeals have been received.

Please feel free to contact Kimberley Baldwin at 613-580-2424, extension 23032 or e-mail [Kimberley.Baldwin@ottawa.ca](mailto:Kimberley.Baldwin@ottawa.ca), if you require further information on this matter.

Yours truly

Lorna Dagg  
Planning Operations Branch  
Planning Services  
Planning, Infrastructure and Economic Development Department

c.c. Kimberley Baldwin, File Lead, Development Review, Urban Services  
MPAC, Municipal and Stakeholder Relations, (email to [MR03Enquiry@mpac.ca](mailto:MR03Enquiry@mpac.ca))  
Lindsay Keck, Coordinator, Billing & Assessment, Billing, Assessment & Tax  
Policy Branch, Revenue Service  
Salim Ferozali, Aga Khan Foundation Canada, 199 Sussex Drive, Ottawa,  
Ontario K1N 1K6

Enclosures (2)

THE CITY OF OTTAWA

IN THE MATTER OF Zoning By-law 2021-100  
enacted pursuant to Section 34 of the *Planning Act*, R.S.O. 1990

AFFIDAVIT OF Kimberley Baldwin

I, Kimberley Baldwin, MAKE OATH AND SAY:

1. I am an employee of the City of Ottawa and as such have knowledge of the facts to which I hereinafter depose.
2. Zoning By-law 2021-100 was enacted, pursuant to Section 34 of the *Planning Act*, by the Council of the City of Ottawa on March 10, 2021.
3. Written notice of the passing of the by-law was given pursuant to Section 34(18) of the *Planning Act* on March 17, 2021 in the manner and in the form and to the persons and agencies prescribed by Section 6 of Ontario Regulation 545/06.
4. The twenty-day period prescribed under Section 34(19) of the *Planning Act* for filing a notice of appeal setting out the objection to the by-law and the reasons in support of the objection expired on April 6, 2021.
5. To this date, no such notice of appeal under said Section 34(19) has been filed with me by any person or agency and to the best of my knowledge and belief; none was filed with any other official or employee of the City of Ottawa.

**SWORN (or Declared)** remotely by Kimberley Baldwin stated as being located in the City of Ottawa, **BEFORE ME** in the City of Ottawa, on this 07 day of April, 2021, in accordance with Ontario Regulation 431/20 Administering Oath or Declaration Remotely.



\_\_\_\_\_  
Kimberley Baldwin



\_\_\_\_\_  
A Commissioner, etc.

Loma Ann Dagg, a Commissioner, etc.,  
Province of Ontario, for the City of Ottawa.  
Expires June 12, 2021.

BY-LAW NO. 2021 - 100

A by-law of the City of Ottawa to amend By-law No. 2008-250 to temporarily change the zoning of the lands known municipally as 991 Carling Avenue.

The Council of the City of Ottawa, pursuant to Section 34 of the *Planning Act*, R.S.O.1990, enacts as follows:

1. Exception [2427] of Section 239– Urban Exceptions of the By-law No. 2008-250, entitled the “City of Ottawa Zoning By-law” is amended by:

- (1) In Column V, replace the text “A parking lot is permitted for a temporary period of three years beginning on the date of passing of this by-law” with the text “A parking lot is permitted for a temporary period of three years, ending on November 8, 2023.”

ENACTED AND PASSED this 10th day of March, 2021.

DEPUTY CITY CLERK

MAYOR

BY - LAW NO. 2021 - 100

-o

A by-law of the City of Ottawa to amend By-law No. 2008-250 to temporarily change the zoning of the lands known municipally as 991 Carling Avenue.

-o

Enacted by City Council at its meeting of March 10, 2021.

-o

LEGAL SERVICES  
GS/MB

COUNCIL AUTHORITY:  
City Council Month  
Bulk Consent Agenda Item G  
(PC Report No. 38)