

To: Economic and Development Services Committee

From: Anthony Ambra, P.Eng., Commissioner,
Economic and Development Services Department

Report Number: ED-25-06

Date of Report: January 8, 2025

Date of Meeting: January 13, 2025

Subject: Revised Application to Amend Zoning By-law 60-94,
D.G. Biddle and Associates on behalf of Al Arqam Islamic
Centre, 1709 Harmony Road North and adjacent surplus lands
being purchased from the City

Ward: Ward 1

File: Z-2024-03

1.0 Purpose

The purpose of this Report is to provide a recommendation on the revised application submitted by D.G. Biddle and Associates on behalf of Al Arqam Islamic Centre (the “Applicant”) to amend Zoning By-law 60-94 (File: Z-2024-03) to permit a new mosque building on the lands municipally known as 1709 Harmony Road North together with adjacent surplus lands being purchased from the City of Oshawa (the “Surplus Lands”), collectively referred to as the “Subject Site” (see Attachment 1).

The City is currently the owner of the Surplus Lands. On September 25, 2022, Council declared the Surplus Lands conditionally surplus to municipal requirements. On October 2, 2023, Council authorized City staff to enter into a purchase and sale agreement with the Applicant for the sale of the Surplus Lands. On October 17, 2023, the owners of 1709 Harmony Road North entered into a purchase and sale agreement with the City to purchase the Surplus Lands. As a part of the purchase and sale agreement the Applicant is responsible for submitting a complete zoning by-law amendment application and having the lands rezoned to permit the proposed new mosque.

While the Applicant was authorized to submit the zoning by-law amendment application, the City does not guarantee approval of the application. The Applicant must submit a complete site plan application within six (6) months of the lands being rezoned and undertake the lawful commencement of the pouring of a foundation for the proposed development within one (1) year of the issuance of site plan approval. Staff note that the Applicant has submitted an application for site plan approval for the proposed development (File: SPA-2024-09).

Attachment 1 is a map showing the location of 1709 Harmony Road North and the Surplus Lands and the existing zoning in the area.

Attachment 2 is a copy of the original site plan submitted by the Applicant and presented at the November 4, 2024 public meeting.

Attachment 3 is a copy of the revised site plan submitted by the Applicant to address certain technical comments.

Attachment 4 is an aerial image showing the location of 1709 Harmony Road North and the Surplus lands.

A public meeting was held on November 4, 2024 concerning the subject application. At the conclusion of the meeting, the Economic and Development Services Committee adopted a recommendation to direct staff to further review the application and prepare a subsequent report and recommendation. The minutes of the November 4, 2024 public meeting form Attachment 5 to this Report.

Subsequent to the November 4, 2024 public meeting, the Region of Durham advised that a road widening of approximately 4.53 metres (14.9 ft.) will be required across the Harmony Road North frontage of 1709 Harmony Road North to provide the Region with a 45 metre (147.6 ft.) road allowance width for Harmony Road North. The Applicant has submitted a revised site plan which removes features such as parking spaces and the hydro transformer from the road widening lands. The road widening has already been obtained by the Region from the Surplus Lands. The key differences between the original proposal considered at the public meeting (see Attachment 2) and the revised proposal (see Attachment 3) recommended for approval are as follows:

- The gross lot area has been reduced from 2,480.44 square metres (0.61 ac.) to 2,314.25 square metres (0.57 ac.) as a result of the required road widening; and,
- Twelve (12) parking spaces have been removed as a result of the road widening. The development is expected to provide 38 parking spaces which still exceeds the minimum requirement of at least 37 spaces.
- The hydro transformer has been relocated on the Subject Site such that it is no longer situated in the area required for the road widening.

2.0 Recommendation

That the Economic and Development Services Committee recommend to City Council:

1. That, pursuant to Report ED-25-06 dated January 8, 2025, the revised application submitted by Al Arqam Islamic Centre to amend Zoning By-law 60-94 to permit a new mosque building on the lands municipally known as 1709 Harmony Road North together with adjacent surplus lands being purchased from the City of Oshawa be approved generally in accordance with the comments contained in said Report, and the necessary by-law be passed in a form and content acceptable to the Commissioner, Economic and Development Services Department, and the City Solicitor.

2. That, in accordance with Section 34(17) of the Planning Act and notwithstanding that the details of the site plan design proposed in Report ED-24-122 dated October 30, 2024 and presented at the public meeting of November 4, 2024 differ to some degree from the site plan design recommended to be approved by City Council pursuant to Part 1 of this Recommendation, such differences are not substantial enough to require further notice and another public meeting.

3.0 Input From Other Sources

3.1 Other Departments and Agencies

No department or agency that provided comments has any objection to the approval of the subject application. Certain technical issues and requirements related to the proposed development have been identified and can be resolved during the site plan approval and building permit processes, if the application is approved.

3.2 Public Comments

The minutes of the public meeting concerning the subject application form Attachment 5 to this Report.

No oral comments were received from the public at the public meeting. A letter was received from a member of the public containing comments and expressing objections to the application. The key concerns raised in this written correspondence are set out below together with a staff response.

3.2.1 Potential for overflow parking at the Delpark Homes Centre

Comment:

There was a concern that visitors to the mosque will use the parking lot at the Delpark Homes Centre.

Staff Response:

The mosque will have a driveway onto Harmony Road North that will be separate from the driveways serving the Delpark Homes Centre. The proposed development will provide at least 38 parking spaces whereas 37 parking spaces are required based on the size of the proposed mosque. The Applicant intends to erect fencing along the perimeter of the Subject Site where it abuts the Delpark Homes Centre site to the south and east as well as along the northerly property line where it abuts the site of a future secondary school proposed to be developed by the Durham Catholic District School Board. Given the fence barrier, visitors of the mosque are not expected to use the parking lot at the Delpark Homes Centre.

3.2.2 Land use compatibility with the Delpark Homes Centre

Comment:

A concern was raised with respect to the proximity of the proposed mosque to the Delpark Community Centre.

Staff Response:

The use of the Subject Site as a mosque conforms to the policies of the Oshawa Official Plan and Taunton Part II Plan. The Taunton Part II Plan permits community uses including places of worship. Community centres and places of worship are not incompatible land uses. The location of the proposed mosque is not anticipated to have an adverse effect on the Delpark Homes Centre and its operations.

3.2.3 Lighting impacts on existing residential neighbourhood

Comment:

A concern was raised with respect to lights being on continuously throughout the night.

Staff Response:

The Subject Site is separated from the existing residential neighbourhood to the west by a 45 metre (147.6 ft.) wide arterial road (Harmony Road North) and a 16 metre (52.5 ft.) wide local road (Wrenwood Road). The Applicant has submitted a lighting photometric plan demonstrating that lighting from the proposed development will not impact neighbouring properties.

4.0 Analysis

4.1 Background

The Subject Site is generally located on the east side of Harmony Road North, north of Coldstream Drive (see Attachment 1).

The following is background information concerning the subject zoning by-law amendment application:

Item	Existing	Requested/Proposed
Oshawa Official Plan Designation	1709 Harmony Road North and Surplus Lands: Residential within the Taunton Community Central Area	No Change

Item	Existing	Requested/Proposed
Taunton Part II Plan Designation	1709 Harmony Road North and Surplus Lands: Community Use within the Taunton Community Central Area	No Change
Zoning By-law 60-94	1709 Harmony Road North: CIN(8) (Community Institutional) Surplus Lands: OSU (Urban Open Space)	Rezone 1709 Harmony Road North and the Surplus Lands to an appropriate CIN (Community Institutional) Zone to permit a new mosque building with site specific regulations to permit certain performance standards related to such matters as, but not necessarily limited to, reduced front yard, rear yard and side yard depths and reduced setback of parking to a street line
Use	1709 Harmony Road North: A mosque within a converted single detached dwelling Surplus Lands: Landscaped open space associated with the City-owned Delpark Homes Centre site	A new mosque building

The following land uses are adjacent to the Subject Site:

- **North** Vacant land which will ultimately be developed for a secondary school by the Durham Catholic District School Board
- **South** A grassed area to the south of which is a driveway and parking lot associated with the City-owned Delpark Homes Centre
- **East** City-owned parking lot for the Delpark Homes Centre and two (2) communication towers owned by Bell Mobility Inc. and Rogers Communications Inc.
- **West** Harmony Road North, beyond which are single detached dwellings

The following are the proposed development details for the Subject Site:

Site Statistics Item	Measurement
Lot Frontage on Harmony Road North	61.38m (201.4 ft.)

Site Statistics Item	Measurement
Net Lot Area	2,314.25 sq. m. (0.57 ac.)
Proposed Gross Floor Area of Mosque	1,078.82 sq. m. (11,612.70 sq. ft.)
Proposed Assembly Floor Area of the Mosque	223.90 sq. m. (2,410 sq. ft.)
Proposed Building Height	11.42m (37.5 ft.) to the top of the parapet wall 16.8m (55.1 ft.) to the top of the dome 22.86m (75 ft.) to the top of the minaret
Parking Spaces Required	37 (1 parking space per 6 sq. m. of assembly floor area)
Parking Spaces Provided	38 (Note: In addition to the 38 regulation-size parking spaces, 3 small non-regulation parking spaces are also proposed. These can be resized to create 2 additional regulation-size parking spaces, which will bring the total number of parking spaces to 40.)

4.2 Oshawa Official Plan and Taunton Part II Plan

The Subject Site is designated as Residential within the Taunton Community Central Area in the Oshawa Official Plan (the “O.O.P.”).

The O.O.P. specifies, in part, that areas designated as Residential shall be predominantly used for residential dwellings. In addition, subject to the relevant polices of the Official Plan and the inclusion of appropriate provisions in the zoning by-law, other land uses may be permitted in areas designated as Residential as follows: community uses such as schools, places of worship, nursing homes, homes for the aged, day care centres and libraries, that by nature of their activity, scale and design, are compatible with residential uses; community gardens, allotment gardens, parks, open space and recreational uses having a community or neighbourhood level service area; Convenience Commercial Centres; limited office, retail and personal service uses; convenience stores; home occupation uses; bed and breakfast establishments and group homes.

Central Areas are intended to be focal points for development in the City and shall provide an integrated array of shopping (including opportunities for food stores and convenient access to healthy food), personal and business service, office, institutional, community, cultural and recreational uses and transportation facilities, mixed with a range of higher density residential housing types, including opportunities for affordable housing and assisted housing.

The Community Central Areas shall serve primarily their surrounding residential communities and shall be planned and developed similar to, but generally smaller in scale than, Sub-Central Areas. Community Central Areas shall be planned to support an overall long-term density target of at least 24 residential units per gross hectare (9.71 residential units/gross ac.) and a Floor Space Index of 1.5.

In the Taunton Part II Plan, the Subject Site is designated as Community Use within the Taunton Community Central Area. Areas designated as Community Use may be used for social, educational, cultural and religious land uses such as schools, places of worship, day care centres, libraries, and nursery schools that, by nature of their activity, scale and design, are compatible with surrounding land uses.

The Taunton Community Central Area, located on the east side of Harmony Road North, north of Taunton Road East, is intended to serve as a major community focal area, in accordance with the City's hierarchy of Central Areas.

Section 8.5.3.3 of the Taunton Part II Plan states:

- “8.5.3.3 The Community Central Area shall contain a broad range of uses including:
- (a) A department store with a maximum gross floor area of 19,974 square metres (215,005 sq. ft.) within which a maximum gross floor area of 5,110 square metres (55,000 sq. ft.) devoted to food store space is permitted;
 - (b) A building containing a supermarket and other retail, personal service and office uses with a maximum gross floor area of 13,075 square metres (140,745 sq. ft.) of which a maximum gross floor area of 6,968 square metres (75,000 sq. ft.) may be used for supermarket floor space;
 - (c) A community park;
 - (d) One or two secondary schools; and
 - (e) Residential uses.”

Policy 8.5.9.2 of the Taunton Part II Plan states:

“The anticipated uses for certain areas designated as Community Use are indicated on Schedule “A” – Taunton Land Use and Road Plan and include public elementary and separate elementary schools, public secondary schools and separate secondary schools. However, other community uses may be permitted in such areas without requiring an amendment to the Taunton Part II Plan, provided that such uses are compatible with the surrounding land uses and subject to the inclusion of appropriate provisions in the zoning by-law.”

Schedule ‘A-2’, Corridors and Intensification Areas, of the O.O.P. designates Harmony Road North as a Regional Corridor. Schedule ‘B’, Road Network, designates Harmony Road North as a Type ‘A’ Arterial Road, while Schedule ‘B-1’, Transit Priority Network, designates Harmony Road North as a Transit Spine.

The subject application conforms to the O.O.P. and Taunton Part II Plan.

4.3 Zoning By-law

1709 Harmony Road North is currently zoned CIN(8) (Community Institutional) in Zoning By-law 60-94. The CIN(8) Zone only permits a church within the building existing as of June 24, 2019 (i.e. a converted single detached dwelling).

The definition of church in Zoning By-law 60-94 reads as follows:

““CHURCH” means a building or part of a building owned or occupied by a religious congregation or religious organization and dedicated to worship and related religious, social or charitable activities, and may include an assembly hall, convent, monastery, office of a clergyman, day care centre or a rectory or parsonage, as accessory uses.”

The definition of church includes places of worship for all faiths.

The Surplus Lands are zoned OSU (Urban Open Space) in Zoning By-law 60-94. The OSU Zone permits the following:

- (a) Agricultural uses without buildings or structures
- (b) Campground
- (c) Golf course, existing as of January 1, 2005
- (d) Park
- (e) Outdoor Recreational use

The Applicant proposes to amend Zoning By-law 60-94 to rezone both 1709 Harmony Road North and the Surplus Lands to an appropriate site specific CIN (Community Institutional) Zone to permit a new mosque building and to implement the proposed site design with site specific regulations to permit certain performance standards such as, but not necessarily limited to, reduced front yard, rear yard and interior side yard depths and reduced setback of parking to the street line.

This Department has no objection to an amendment to Zoning By-law 60-94 which would:

- Amend the CIN(8) (Community Institutional) Zone to permit a mosque in a new building and implement special zoning regulations to permit reduced minimum front yard, rear yard and interior side yard depths and reduced setback of a parking area to a street line. The amendment to the CIN(8) Zone will also maintain permission for a mosque in the existing building for the interim period; and,
- Rezone the Surplus Lands from OSU (Urban Open Space) to CIN(8) (Community Institutional).

This Department recommends that an “h” holding symbol be applied to the zoning of the Subject Site. The purpose of the “h” holding symbol would be to restrict development of a new mosque building until site plan approval has been granted by the City and a traffic study has been submitted to the satisfaction of the Region of Durham.

This Department has no objection to the approval of the revised application to amend Zoning By-law 60-94. Section 4.5 of this Report sets out the planning rationale for this position.

As part of the application, the Applicant has requested that the City replace the term “church” in Zoning By-law 60-94 with the term “place of worship” in order to be inclusive of all religions. This Department does not recommend approval of this portion of the application since it is City-wide in its application, as opposed to a site-specific matter. However, staff intend to consider such an amendment in a future City-wide City-initiated amendment to Zoning By-law 60-94 at an appropriate time.

4.4 Site Design/Land Use Considerations

The Applicant proposes to demolish the existing building at 1709 Harmony Road North and construct a new mosque building with an expanded parking area on the Subject Site (see Attachment 3). The new building is proposed to be located on the southern portion of the Subject Site, utilizing the existing driveway access to the north.

In the event the subject application is approved, the Applicant will be required to obtain site plan approval. Staff note that the Applicant has already submitted an application for site plan approval (File: SPA-2024-09) for the proposed development.

The revised site design provides 38 parking spaces. The revised site plan includes three (3) smaller parking spaces that do not comply with the City’s Zoning By-law 60-94, in addition to the 38 parking spaces that do comply. Two (2) of these spaces can be widened to comply with the minimum size required by Zoning By-law 60-94 without substantively affecting the site design; however, one (1) of these spaces will need to be removed. With this change, the site will actually accommodate 40 parking spaces.

The Applicant intends to install fencing along the north, east and south property lines.

In support of the proposed development, the Applicant has submitted a variety of plans and documents including a site plan, floor plans, elevation plans, a survey, a geotechnical investigation report, a hydrogeological assessment, a site screening questionnaire, a noise study, an archaeological assessment, a grading plan, a servicing plan, an erosion and sediment control plan, a lighting plan, a landscape plan, a stormwater management and functional servicing report, and a planning justification report.

Detailed design matters will be reviewed during the further processing the application for site plan approval to ensure compliance with the City’s Landscaping Design Policies, engineering standards and other policies if the subject rezoning application is approved.

Some of the specific matters this Department will be reviewing during the further processing of the site plan application, in the event the subject revised application is approved, include:

- (a) Site design matters including access, parking configuration, fencing and landscaping;
- (b) Transportation matters;
- (c) Servicing, grading and stormwater management matters; and,

(d) Lighting impacts.

4.5 Basis for Recommendation

This Department has no objection to the revised application to amend Zoning By-law 60-94 for the following reasons:

- (a) Redeveloping the property to a community institutional use that is permitted by the Official Plan and the Part II Plan at this location is consistent with the Provincial Planning Statement, 2024.
- (b) The proposed development can be designed to be compatible with surrounding land uses.
- (c) The proposal has good access to transit given the proximity to the bus loop at the Delpark Homes Centre and transit service on Harmony Road North.
- (d) The proposed development conforms to the Durham Regional Official Plan as handed over to the City.
- (e) The proposed development conforms to the O.O.P. and Taunton Part II Plan.
- (f) The proposed development represents good planning.

5.0 Financial Implications

There are no financial implications associated with the recommendation in this Report.

6.0 Relationship to the Oshawa Strategic Plan

This Report responds to the Oshawa Strategic Plan Priority Area:

“Innovate: Vibrant Culture and Economy” with the goal to attract new businesses and support existing businesses and industry.



Tom Goodeve, M.Sc.Pl., MCIP, RPP, Director,
Planning Services



Anthony Ambra, P.Eng., Commissioner,
Economic and Development Services Department

Item: ED-25-06
Attachment 1

Economic and Development Services

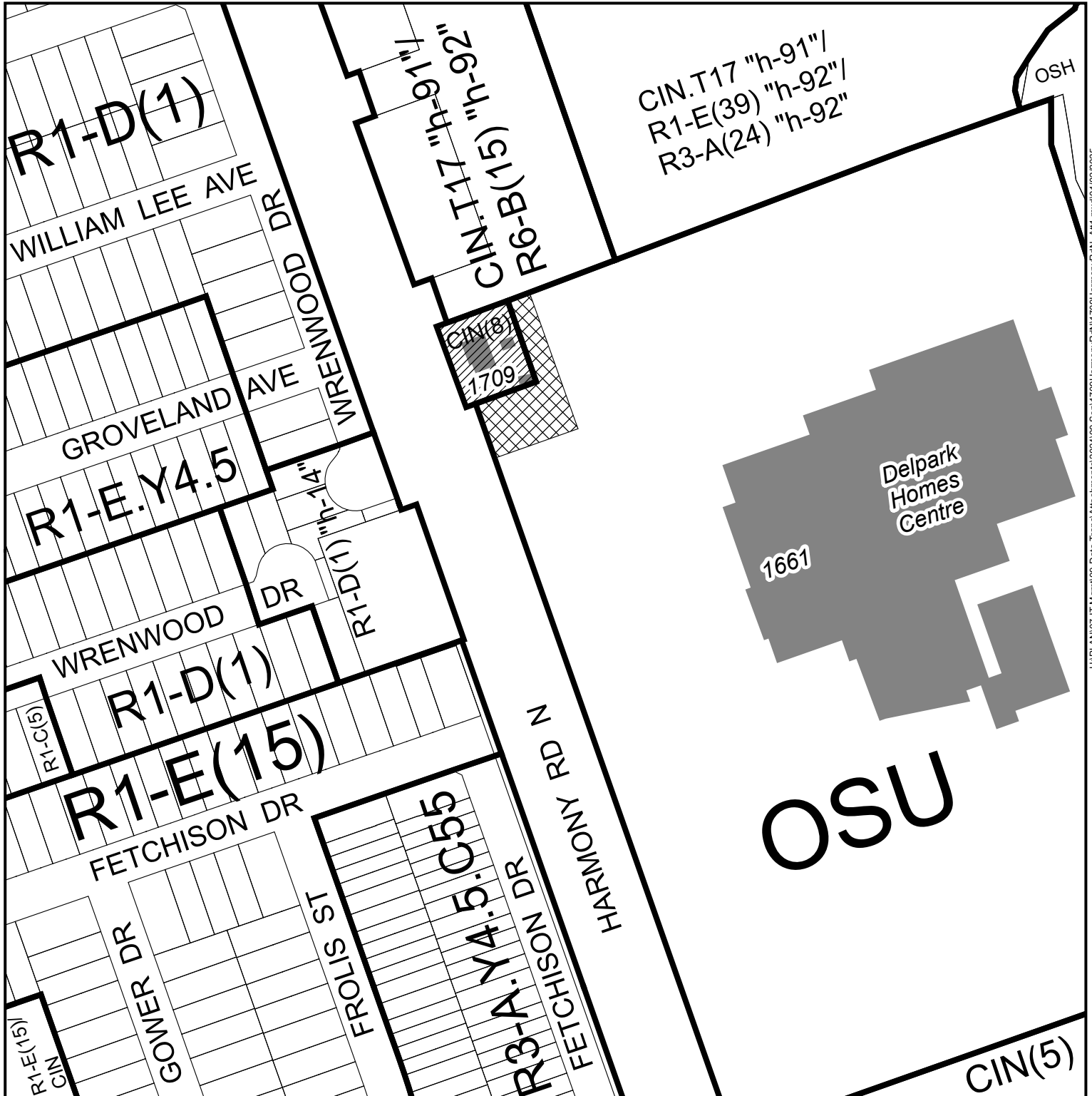
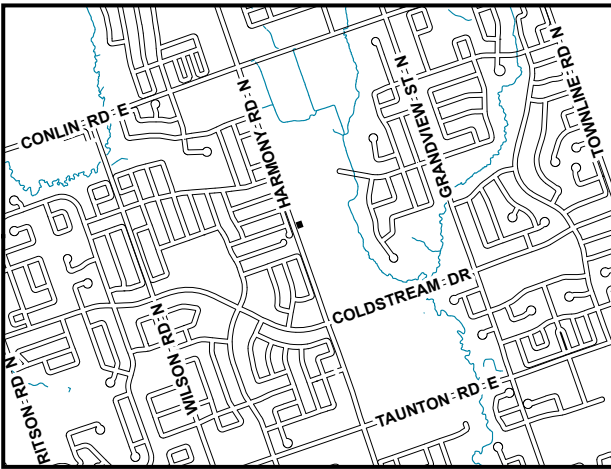
Subject: Revised Application to Amend Zoning By-law 60-94,
D.G. Biddle and Associates on behalf of Al Arqam
Islamic Centre, 1709 Harmony Road North and
adjacent surplus lands being purchased from the
City

Ward: Ward 1

File: Z-2024-03

1709 Harmony Road North 

Surplus Lands Being Purchased from City 



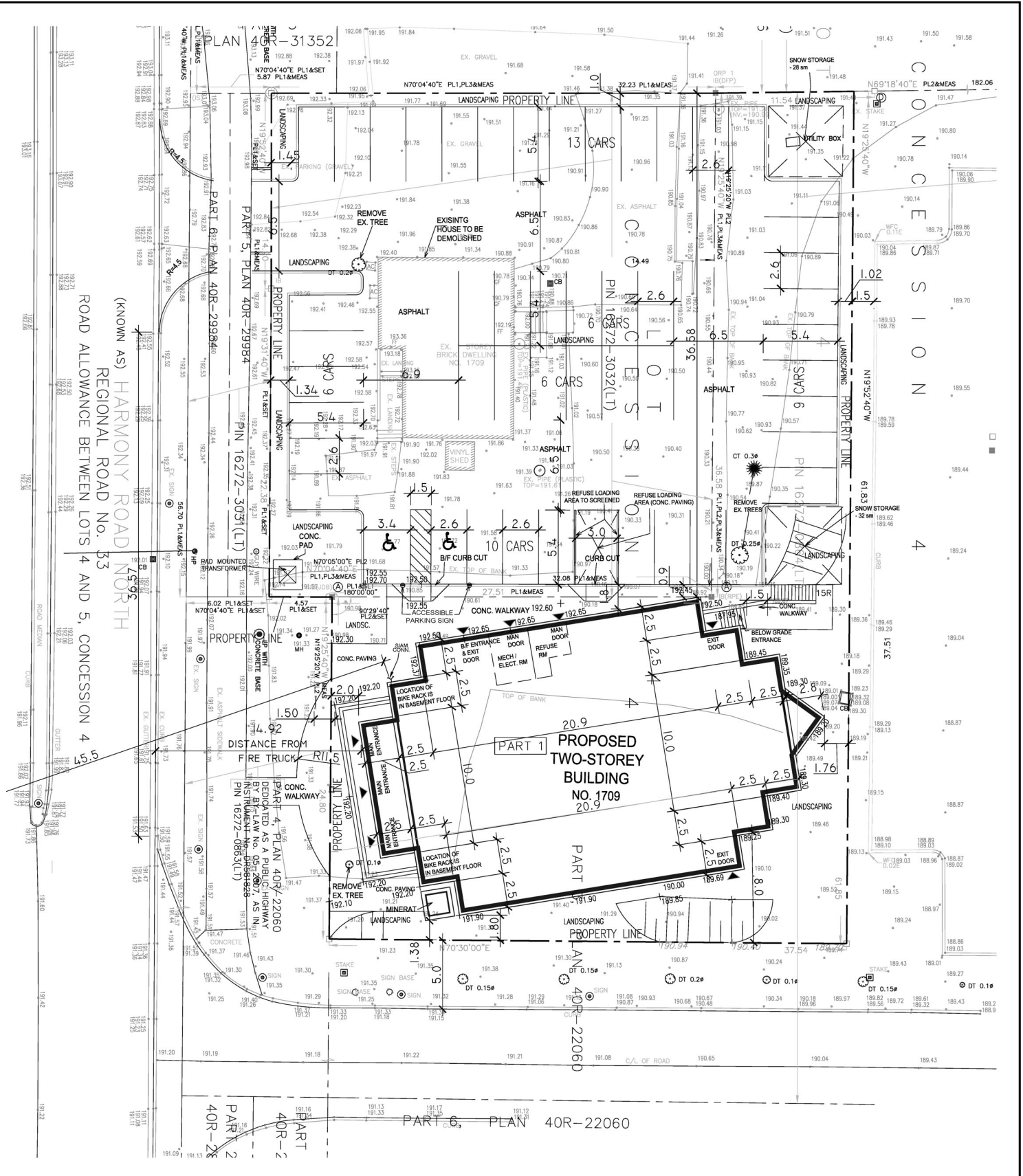
Title: Original Site Plan Submitted by the Applicant and Presented at the November 4, 2024 Public Meeting

Item: ED-25-06 Attachment 2

Subject: Revised Application to Amend Zoning By-law 60-94, D.G. Bidle and Associates on behalf of Al Arqam Islamic Centre, 1709 Harmony Road North and adjacent surplus lands being purchased from the City

Ward: Ward 1
File: Z-2024-03

City of Oshawa Economic and Development Services



Title: Revised Site Plan Submitted by the Applicant to Address Certain Technical Comments

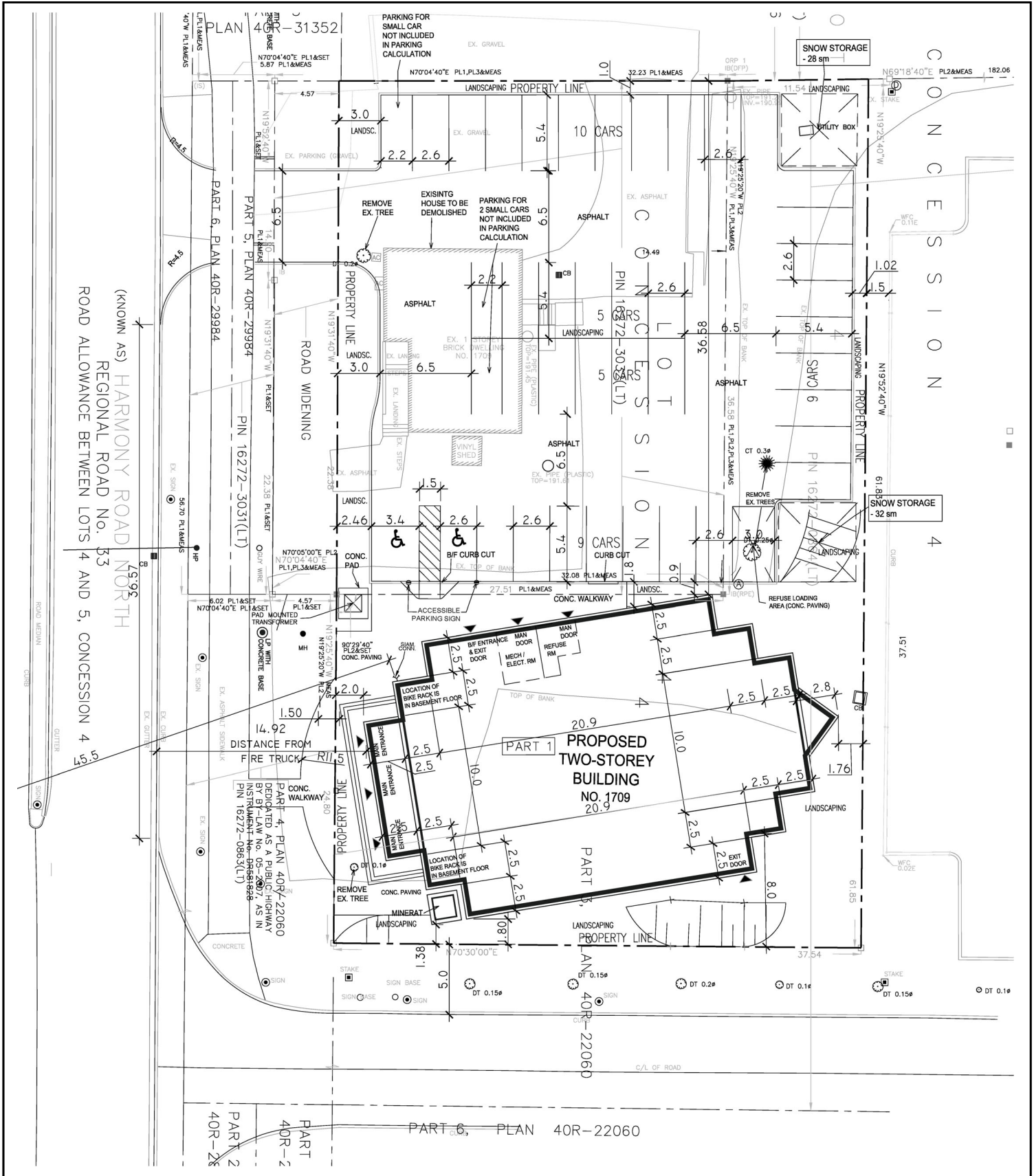
Item: ED-25-06
Attachment 3

Subject: Revised Application to Amend Zoning By-law 60-94, D.G. Biddle and Associates on behalf of Al Arqam Islamic Centre, 1709 Harmony Road North and adjacent surplus lands being purchased from the City

Ward: Ward 1

File: Z-2024-03

City of Oshawa
Economic and Development Services





Subject: Revised Application to Amend Zoning By-law 60-94, D.G. Biddle and Associates on behalf of Al Arqam Islamic Centre, 1709 Harmony Road North and adjacent surplus lands being purchased from the City

Item: ED-25-06
Attachment 4

Ward: Ward 1
File: Z-2024-03



-  1709 Harmony Road North
-  Surplus Lands Being Purchased from City

City of Oshawa
Economic and Development Services 



H:\PLAN\07-IT Mgmt\08-Data Trans\Attachments\2024\09 Sep\1709 Harmony Rd\N1709 Harmony Rd\N_Atl4.mxd\01/02/2025

Excerpts from the Minutes of the Economic and Development Services Committee Meeting held on November 4, 2024

Additional Agenda Items

Moved by Councillor Chapman

That Correspondence ED-24-130 from various residents submitting comments concerning Report ED-24-121 and Correspondence ED-24-131 from Antony Kizhakkeden submitting comments in opposition to Report ED-24-122 be added to the agenda for the Planning Act Public meeting of November 4, 2024 and be referred to the respective reports.

Motion Carried

Application ED-24-122

Presentation

D.G. Biddle and Associates - Application to Amend Zoning By-law 60-94, D.G Biddle and Associates on behalf of Al Arqam Islamic Centre, 1709 Harmony Road North and adjacent surplus lands being purchased from the City (Ward 1)

Michael Fry, D.G. Biddle and Associates provided a presentation concerning an Application to Amend Zoning By-law 60-94 at 1709 Harmony Road North and adjacent surplus lands being purchased from the City.

The Committee questioned Michael Fry, D.G. Biddle and Associates.

Delegations

None

Correspondence

None

Reports

ED-24-122 - Application to Amend Zoning By-law 60-94, D.G Biddle and Associates on behalf of Al Arqam Islamic Centre, 1709 Harmony Road North and adjacent surplus lands being purchased from the City (Ward 1)

Moved by Councillor Chapman

That pursuant to Report ED-24-122 dated October 30, 2024, concerning the application submitted by D.G Biddle and Associates on behalf of Al Arqam Islamic Centre to amend Zoning By-law 60-94 (File: Z-2024-03) to permit the development of a new mosque building at 1709 Harmony Road North and the adjacent lands being purchased from the

City of Oshawa, staff be directed to further review and prepare a subsequent report and recommendation back to the Economic and Development Services Committee. This direction does not constitute or imply any form or degree of approval.

Motion Carried