

To: Development Services Committee

From: Warren Munro, HBA, RPP, Commissioner,
Development Services Department

Report Number: DS-22-174

Date of Report: September 7, 2022

Date of Meeting: September 12, 2022

Subject: Public Comments on Council Decision to Declare as Potentially Surplus: Portion of the Grassed Area in the Northwest Corner of the Delpark Homes Centre Lands at 1661 Harmony Road North

Ward: Ward 1

File: 12-10

1.0 Purpose

The purpose of this Report is to present public comments in response to Council's decision of June 20, 2022 to declare a portion of the grassed area in the northwest corner of the Delpark Homes Centre lands at 1661 Harmony Road North as potentially surplus, and to obtain a Council position on whether the lands should be declared conditionally surplus to municipal requirements for the purposes of a lot addition to the property at 1709 Harmony Road North.

For clarity, the following term is defined as follows for the purposes of this Report:

- "Subject Site" means City-owned lands comprising a portion of the grassed area in the northwest corner of the Delpark Homes Centre lands at 1661 Harmony Road North, as illustrated on Attachments 2 and 3.

By way of a letter dated August 31, 2020, the City received a request from Mohamed Bakkaoui, the President of the Al-Arqam Islamic Centre located at 1709 Harmony Road North, to acquire the Subject Site for parking purposes (see Confidential Attachment 1).

On June 6, 2022, the Development Services Committee considered [Report DS-22-125](#) concerning the declaration of the Subject Site as potentially surplus and made the following recommendation to City Council:

"That, pursuant to Report DS-22-125 dated June 1, 2022, the portion of the grassed area in the northwest corner of the Delpark Homes Centre lands at 1661 Harmony Road North, and identified as the site on Attachment 2 to said

Report, be declared potentially surplus to municipal requirements for the purposes of obtaining public input and that Development Services staff report back to the Development Services Committee.”

On June 20, 2022, City Council endorsed the above recommendation of the Development Services Committee.

Confidential Attachment 1 is a copy of the letter dated August 31, 2020 from Mohamed Bakkaoui, the President of the Al-Arqam Islamic Centre, requesting that the City dispose of the Subject Site to enable it to be used by the Islamic Centre for parking purposes.

Attachment 2 is a map showing the location of the Subject Site and the zoning in the area.

Attachment 3 is an air photo showing the location of the Subject Site and surrounding features.

Attachment 4 is a copy of the notice seeking public comments on the declaration of the Subject Site as potentially surplus to municipal requirements that was published in the Oshawa This Week newspaper on July 7, 2022 and was mailed to all property owners within 120 metres (394 ft.) of the Subject Site.

Attachment 5 is a copy of the site plan for the Al-Arqam Islamic Centre at 1709 Harmony Road North that was approved on August 4, 2021.

2.0 Recommendation

That the Development Services Committee recommend to City Council that, pursuant to Report DS-22-174 dated September 7, 2022, the portion of the grassed area in the northwest corner of the Delpark Homes Centre lands at 1661 Harmony Road North as generally shown on Attachments 2 and 3 to said Report be declared conditionally surplus to municipal requirements, as outlined in Section 5.4.1 of said Report.

3.0 Executive Summary

Not applicable.

4.0 Input From Other Sources

The following have been consulted in the preparation of this Report:

- Commissioner, Community Services
- Commissioner, Finance Services
- City Solicitor

4.1 Public Comments

All property owners located within 120 metres (400 ft.) of the Subject Site were notified by direct mail and invited to provide comments on Council’s June 20, 2022 decision to declare the Subject Site as potentially surplus. In addition, a notice was placed in the Oshawa

This Week newspaper on July 7, 2022 inviting the public to provide comments on Council's declaration (see Attachment 4). Staff received a total of 505 submissions in response to the above notification. The deadline to submit comments to staff on this matter was August 18, 2022.

Of the total submissions received, five (5) were emails expressing opposition to the City declaration of the Subject Site as potentially surplus to municipal requirements (Correspondence DS-22-176). The comments contained in these emails and letters can generally be summarized as follows:

- The City could better utilize the Subject Site for future projects.
- There is a lack of open green spaces within the City as a result of new construction and housing.
- The anticipated light and noise disturbance that would result from the expansion of the Al-Arqam Islamic Centre could negatively affect those who live nearby.
- There will be a lot of crowding outside of the Al-Arqam Islamic Centre. The City should implement more open space areas that can be better used by crowds.
- The Subject Site should be used to build low-income housing instead.
- The expansion of the Al-Arqam Islamic Centre will increase traffic in the area and may impact parking patterns as a result of an expanded mosque.
- The expansion of the Al-Arqam Islamic Centre would increase traffic into or out of the Site as it is not controlled by traffic lights or road markings.
- Having a place of worship next to a future Catholic Secondary School could be distracting to the students due to constant traffic and noise.

City staff also received 500 letters from members of a faith-based community group in Oshawa, all in support of the City declaring the Subject Site surplus to municipal requirements (Correspondence DS-22-167). The comments contained in these letters can generally be summarized as follows:

- The members of the faith-based community have expressed an interest to the City in obtaining the Subject Site to facilitate the development of a new mosque associated with the lands at 1709 Harmony Road North.
- The Subject Site is needed to support the anticipated parking requirements for the new mosque.
- There is support for the purchase of the Subject Site by the Al-Arqam Islamic Centre to help facilitate the needs of this growing faith-based community.

5.0 Analysis

5.1 Subject Site Characteristics

The Subject Site, forming a portion of 1661 Harmony Road North (Delpark Homes Centre), is located on the east side of Harmony Road North, generally between Conlin Road East and Coldstream Drive.

The following are key details about the Subject Site:

- **Lot Frontage:** The Subject Site has approximately 24.55 meters (80.54 ft.) of frontage on Harmony Road North.
- **Lot Area:** Approximately 0.13 hectares (0.32 ac.).
- **Official Plan Designation:** For the purposes of this exercise, the Subject Site is interpreted to be designated Residential on Schedule 'A', Land Use, of Part 1 of the Oshawa Official Plan ("O.O.P.") and is interpreted to be designated Community Use on Schedule "A", Taunton Land Use and Road Plan, of the Part II Plan for the Taunton Planning Area.

Policy 8.5.9.1 of the Part II Plan for the Taunton Planning Area states:

"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."

Policy 8.5.9.2 of the Part II Plan for the Taunton Planning Area 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."

- **Zoning:** The Subject Site is zoned OSU (Urban Open Space). Permitted uses in the OSU Zone include agricultural uses without buildings or structures, campgrounds, golf courses existing as of January 1, 2005, and park and recreational uses. A rezoning is required for the Subject Site in order that it can be used for a place of worship.
- **Servicing:** Services are available on Harmony Road North.
- **Current Use:** Landscaped open space associated with the City-owned Delpark Homes Centre site.

▪ **Adjacent Uses:**

- North:** Vacant land and two single detached dwellings which will ultimately be developed with a Catholic Secondary school.
- 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 telecommunication towers owned by Bell Mobility Inc. and Rogers Communications Inc.
- West:** 1709 Harmony Road North (Al-Arqam Islamic Centre) and Harmony Road North, beyond which are single detached dwellings.

Staff have confirmed that the request by the Al-Arqam Islamic Centre to acquire the Subject Site would not result in any conflicts with the current lease agreement for the telecommunication towers between the City, Bell Mobility Inc., and Rogers Communications Inc., respectively.

5.2 The Interest

The City is in receipt of a letter dated August 31, 2020 from Mohamed Bakkaoui, the President of the Al-Arqam Islamic Centre located at 1709 Harmony Road North, requesting to acquire the Subject Site for parking purposes (see Confidential Attachment 1).

Specifically, the Al-Arqam Islamic Centre is requesting that the Subject Site be declared surplus to municipal needs and requirements and sold to the Al-Arqam Islamic Centre for the development of a new place of worship and parking lot.

The approved site plan for 1709 Harmony Road North was registered on August 4, 2021 (see Attachment 5). The site plan will result in a new driveway and parking area. They now wish to acquire the Subject Site to build a new place of worship with the appropriate amount of parking.

5.3 Declaring City Land Surplus

5.3.1 General Procedure

Before the City can dispose of any land, Council must declare the land surplus to municipal requirements.

The City's Real Estate Disposition By-law 97-2000 ("By-law 97-2000") and best practices set out the following process for declaring any City holdings surplus to municipal requirements:

- Interested parties may approach the City from time to time with a request to purchase City land that has not been declared surplus to municipal requirements or the City may initiate the process itself;

- Requests are typically presented to the Development Services Committee for direction;
- In most cases, the Development Services Committee refers the requests to staff for a report;
- The Development Services Department prepares an open session staff report to the Development Services Committee that includes a recommendation on whether the City land should be declared potentially surplus;
- If Council determines that the City land might not be required for municipal purposes it deems the City land potentially surplus in open session;
- Staff place an ad in the local newspaper inviting the public to provide comments on the fact that the City land has been declared potentially surplus;
- The Development Services Department prepares an open session staff report outlining any public comments received in response to the newspaper ad and providing a recommendation on whether the City land should be formally declared surplus to municipal requirements and disposed of; and,
- Council makes a decision on whether to declare the City lands surplus and initiate a disposal process.

If Council deems it appropriate, based on site-specific circumstances or the localized nature of an issue, to adjust the procedures set out above and included by By-law 97-2000, it may do so by resolution.

The disposal of City land, however, cannot occur unless the land has been formally declared surplus by Council resolution in open session.

5.4 Potential Options

5.4.1 Recommended Option 1: Declare the Subject Site Surplus to Municipal Requirements

On June 20, 2022, City Council declared the Subject Site as potentially surplus to municipal requirements for the following key reasons:

- It will facilitate the development of a new place of worship.
- It will advance urban design objectives by facilitating a new place of worship compared to an existing dwelling converted to a place of worship.
- It will reduce maintenance costs for the City.
- It is not required for any identified core City purpose.
- It will remove risk and liability from the City.
- It may result in revenue to the City.

In conjunction with the above noted declaration, City Council directed staff to undertake an appropriate mail notification [i.e. within 120 metres (400 ft.) of the Subject Site] of the declaration for public input as well as place an ad in the local newspaper inviting public comments on the declaration.

Accordingly, an ad was placed in the Oshawa This Week newspaper on July 7, 2022 and notices were mailed out within the prescribed area. The deadline for submitting comments with respect to the declaration was August 18, 2022. As outlined in Section 4.0 of this Report, staff received numerous responses, with 500 of 505 (99%) of responses being in favour of the City declaring the Subject Site surplus to municipal requirements.

In view of the foregoing, it is recommended that the Subject Site be declared conditionally surplus to municipal requirements for the purposes of a lot addition to the property at 1709 Harmony Road North. Staff will report back to the Development Services Committee with a disposal strategy for the Subject Site for City Council's consideration, including monetary considerations (e.g. determining value) and addressing zoning by-law compliance.

Specific matters that will be further investigated and reported to the Development Services Committee and Council in a disposal strategy include, but are not necessarily limited to, the following:

- The monetary considerations for the Subject Site;
- The need for rezoning of the Subject Site and 1709 Harmony Road North as a condition of the sale;
- Clauses to protect the interests of the City, in the event development of the Subject Site is not advanced within a specified timeframe; and,
- The potential to use the funds to support acquiring the Neighbourhood Park in the Planned Development Area identified in the Taunton Part II Plan, north of Greenhill Avenue.

In the event the Development Services Committee chooses to recommend Option 1 to City Council, i.e. to declare the Subject Site as surplus to municipal requirements, Section 2.0 of this Report contains the appropriate language.

5.4.2 Option 2: Do not Declare the Subject Site Surplus to Municipal Requirements

Under this Option at Council's direction, the Subject Site would not be declared surplus to municipal requirements. City staff would respectfully decline the request by Mohamed Bakkaoui, the President of the Al-Arqam Islamic Centre, to acquire the Subject Site, and the Subject Site would remain in the City's ownership and continue in its current use as a grassed area.

In the event the Development Services Committee chooses to recommend Option 2 to City Council, i.e. to not declare the Subject Site as surplus to municipal requirements, the following motion should be adopted:

"That the Development Services Committee recommend to City Council:

That pursuant to Report DS-22-174 dated September 7, 2022, the portion of the grassed area in the northwest corner of the Delpark Homes Centre lands at 1661 Harmony Road North, as generally shown on Attachments 2 and 3 of said Report, not be declared surplus to municipal requirements and the request by Mohamed Bakkaoui, President of the Al-Arqam Islamic Centre, to acquire the subject lands be respectfully declined."

6.0 Financial Implications

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

The Subject Site will remain in City ownership and will continue to be used by the City as a grassed area until otherwise directed by City Council, such as following the implementation of a Council-approved disposal strategy.

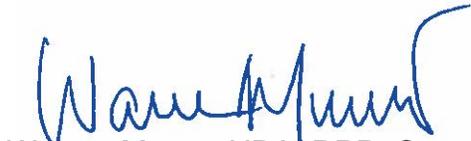
The cost to place an ad in the Oshawa This Week newspaper was \$1,133.05 and was paid for using the 2022 Operating Budget for Planning Services.

7.0 Relationship to the Oshawa Strategic Plan

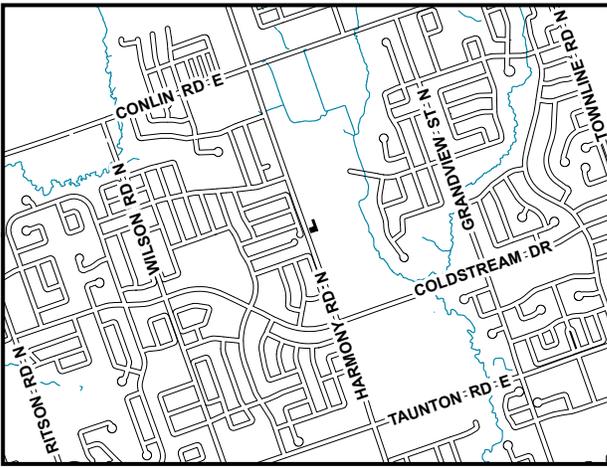
The Recommendation advances the Accountable Leadership, Social Equity and Economic Prosperity and Financial Stewardship goals of the Oshawa Strategic Plan.



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



Warren Munro, HBA, RPP, Commissioner,
Development Services Department



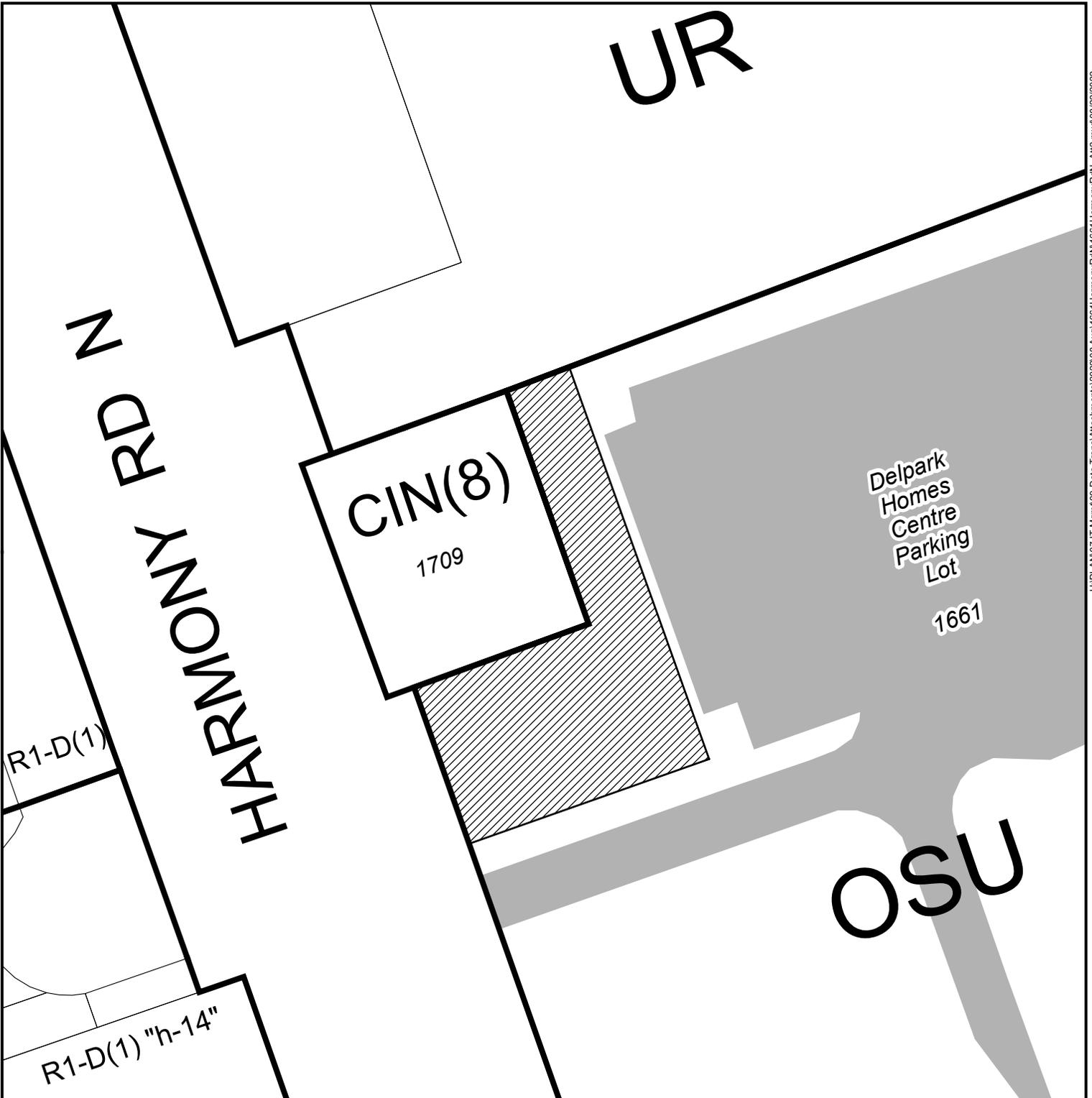
Item: DS-22-174
Attachment 2

Development Services Department

Subject: Public Comments on Council Decision to Declare as Potentially Surplus: Portion of the Grassed Area in the Northwest Corner of the Delpark Homes Centre Lands at 1661 Harmony Road North

Ward: Ward 1
File: 12-10

 Subject Site



Subject: Public Comments on Council Decision to Declare as Potentially Surplus:
Portion of the Grassed Area in the Northwest Corner of the Delpark Homes
Centre Lands at 1661 Harmony Road North

Item: DS-22-174
Attachment 3

Ward: Ward 1
File: 12-10



 Subject Site

City of Oshawa
Development Services Department 



HiPLAN07-IT Mgmt\09-Data Trans\Attachments\2022\08_Aug\1661 Harmony Rd N\1661 Harmony Rd N_A10.mxd/08/22/2022

Notice of Declaration of Certain Lands as Potentially Surplus

On June 20, 2022, pursuant to Report DS-22-125 dated June 1, 2022, City Council declared a portion of the grassed area in the northwest corner of the Delpark Homes Centre lands at 1661 Harmony Road North (the "Site" - see outlined area on attached map), as potentially surplus to municipal requirements.

In this regard, the City would retain ownership of all other lands associated with the Delpark Homes Centre lands at 1661 Harmony Road North.

As noted in Report DS-22-125 dated June 1, 2022, Al-Arqam Islamic Centre has submitted a request to acquire the Site to facilitate the construction of a new place of worship with associated parking at 1709 Harmony Road North.



Accordingly, the City is seeking comments on the declaration of the Site as potentially surplus to municipal requirements.

Some key details about the Site are as follows:

Lot Area: Approximately 0.13 hectares (0.32 ac.)

Lot Frontage: Harmony Road North: ±24.55 meters (80.53 ft.)

Official Plan: Residential on Schedule 'A', Land Use, of Part 1 of the Oshawa Official Plan and Community Use on Schedule 'A', Taunton Land Use and Road Plan, of the Part II Plan for the Taunton Planning Area.

Zoning: OSU (Urban Open Space).

Existing Use: Landscaped open space associated with the City-owned Delpark Homes Centre.

Surrounding Land Uses:

- North: Vacant land and two single detached dwellings which will ultimately be developed with a Catholic Secondary school.
- 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 telecommunication towers owned by Bell Mobility Inc. and Rogers Communications Inc.
- West: 1709 Harmony Road North (Al-Arqam Islamic Centre) and Harmony Road North, beyond which are single detached dwellings.

Deadline for Submission of Comments: August 18, 2022

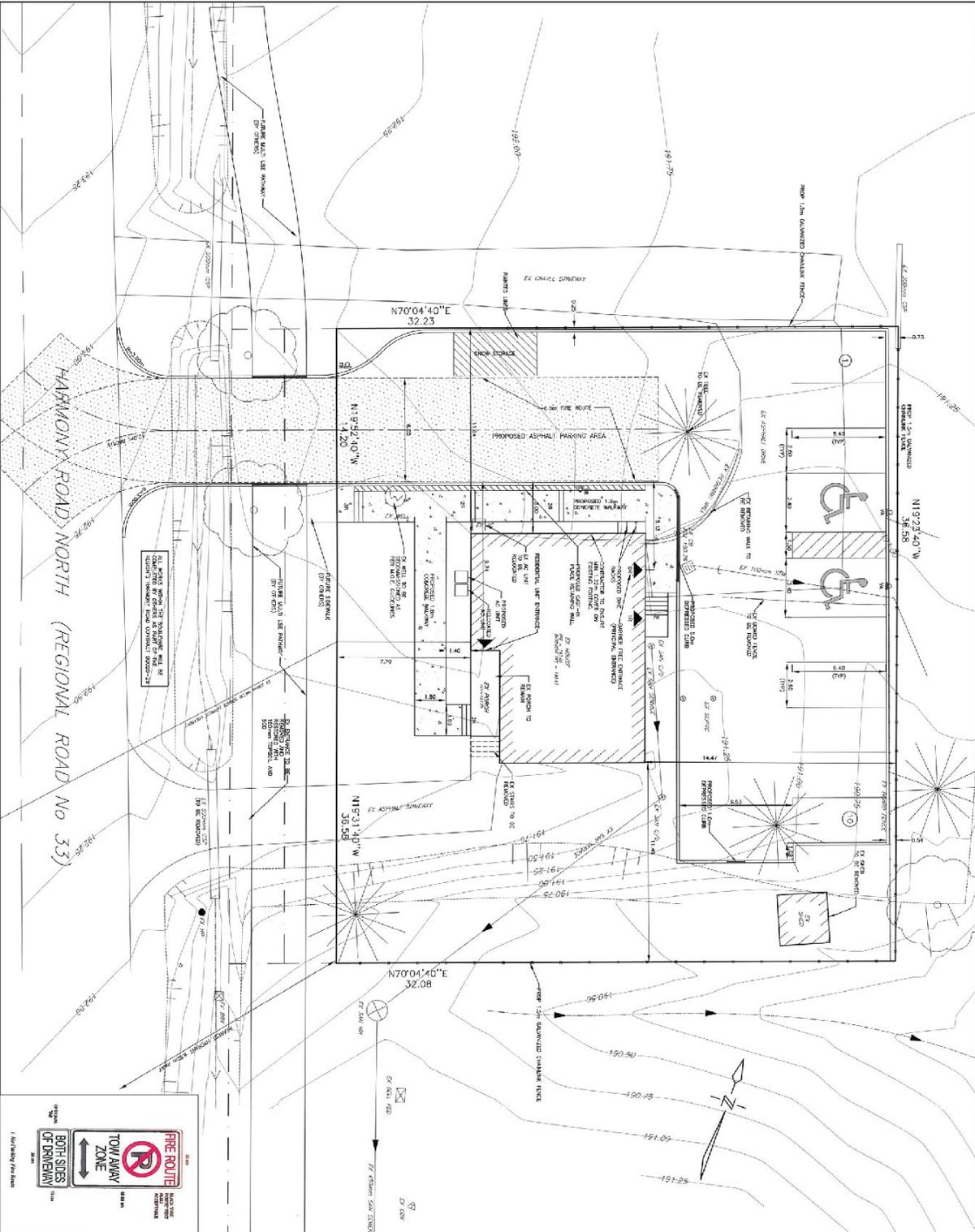
City Contact: If you have questions or wish to submit comments please contact Laura Brown, Oshawa City Hall, 50 Centre Street South, Oshawa, Ontario L1H 3Z7 or by telephone at 905-436-3311, extension 2125 or by email to labrown@oshawa.ca.

Freedom of Information and Protection of Privacy Act: Information will be collected in accordance with the Freedom of Information and Protection of Privacy Act. With the exception of personal information, all comments will become part of the public record.

Accessibility: The City of Oshawa is committed to providing services as set out in the Accessibility for Ontarians with Disabilities Act, 2005. If you have accessibility needs and require alternate formats or other accommodations, please contact City Clerk Services by telephone at 905-436-3311 or by email at clerks@oshawa.ca.

Title: Site Plan for 1709 Harmony Road North Approved on August 4, 2021
 Subject: Public Comments on Council Decision to Declare as Potentially Surplus: Portion of the Grassed Area in the Northwest
 Corner of the Delpark Homes Centre Lands at 1661 Harmony Road North
 Ward: Ward 1
 File: 12-10

City of Oshawa
 Development Services Department



1709 HARMONY ROAD NORTH (REG. NO. 33) OSHAWA

SITE PLAN

PROPOSED TO: 119013

SCALE: 1:100

DESIGNED BY: E.S.H.

CHECKED BY: E.S.H.

DATE: MAY 2019

SP-1

Legend:

- FREE ROUTE
- TOW/AMBY ZONE
- BOTH SIDES OF DRIVEWAY

Legend:

- FREE ROUTE
- TOW/AMBY ZONE
- BOTH SIDES OF DRIVEWAY