

VIA EMAIL

May 5, 2025

Mayor and Members of Council
City of Cambridge
Cambridge, Ontario
N1R 8S1

Attention: Jennifer Shaw, Deputy City Clerk

**Re: May 6, 2025 Planning – Statutory Public Meeting Committee
Item 5.1: 2525-052-CD Public Meeting – Comprehensive Zoning By-law and Companion Official Plan Amendment
Preliminary Comments on Behalf of CP REIT Ontario Properties Limited
Cambridge, ON**
Our File: CHO/CAM/25-01

We are the planning consultants for CP REIT Ontario Properties Limited (“CP REIT”) for the City of Cambridge Zoning By-law Review. CP REIT is the owner of the following lands within the City of Cambridge:

- The Loblaw Distribution Centre lands located at 1105 Fountain St. N., which are currently zoned M3 s.4.1.70 and are proposed to be zoned M3 1.70;
- The Zehrs Market lands located at 180 Holiday Inn Dr., which are currently zoned CS3 s.4.1.123.2 and are proposed to be zoned CC2; and
- The Zehrs Market lands located at 400 Conestoga Blvd., which are currently zoned CS1 s.4.1.1 and the proposed zoning for the lands is to be deferred and remain subject to By-law 150-85, as amended.

We have been monitoring the Zoning By-law Review process on behalf of CP REIT, and we provided preliminary comments dated October 6, 2015, May 25, 2018 and July 17, 2019.

On April 16, 2025, we received Notice of a Public Meeting where a revised Draft Zoning By-law dated April 2025 (the “Draft By-law”) and companion Draft Official Plan Amendment (the “Draft OPA”) will be considered at a May 6, 2025 Public Meeting. According to the Staff Report No. 25-052-CD dated May 6, 2025, it is our understanding that Staff recommend that Report 25-052-CD be received. It is also our understanding that the purpose of holding a statutory public meeting under the *Planning Act* is to explain the Draft By-law and companion Draft OPA as well as to obtain public and committee comments. Staff anticipate upcoming consultation in May and June with advisory committees and anticipate bringing the final Zoning By-law and companion Official Plan Amendment to Council for a decision in Fall 2025.

On behalf of CP REIT, we have the preliminary comments below for the Draft By-law and may provide further comments as required.

Preliminary Comments for the Draft By-law:

- In general, CP REIT wants to ensure that the development potential and existing zoning permissions for their lands will not be compromised by the Draft By-law. In addition, CP REIT want wants to ensure that the permissions previously secured through approved minor variances affecting their stores remain intact.
- Section 3.0 Definitions, includes the following relevant definitions:
 - Commercial motor vehicle: has the same meaning as in the Highway Traffic Act, as amended (according to the Highway Traffic Act, as amended, commercial vehicle “means a commercial motor vehicle, a motor vehicle towing a trailer or a vehicle used to transport passengers for compensation”);
 - Drive-through service use: the use of land, buildings or structures, or parts thereof including stacking lanes, to provide or dispense products or services, either wholly or in part, through an attendant at a window or an automated machine, to customers remaining in motorized vehicles;
 - Logistics Distribution Centre: an industrial facility used for, but not limited to, the assembly, storing, sorting, processing and distribution of goods, the management of inventory and the temporary on-site storage of commercial motor vehicles or trailers for freight handling;
 - Outdoor display and sales area: an outdoor open space area, used in conjunction with the principal building or structure on the same lot, for the accessory display and/or sales of produce, merchandise or the supply of services in association with the primary use of the lot. Such a display and/or sales area may be wholly or partially contained within a temporary tent structure;
 - Outdoor Storage: an area of land that is accessory to the principal use on the same lot, for the storage of goods and materials in the open air or in portable objects such as shipping containers;
 - Retail store: an establishment in which goods, wares, merchandise, substances, articles or things are displayed, rented or sold directly to the public but does not include any use otherwise defined by this By-law;
 - Shopping centre: a commercial development, containing at least three individual business establishments, designed as a single, comprehensively planned development project with relationships between the shopping centre buildings, activities, open spaces, parking areas, loading areas, driveways, other shared facilities, public areas and adjoining streets, and held in single ownership or by participants in a condominium corporation or commercial cooperative; and
 - Warehouse: a building or part thereof, which is used primarily for the housing, storage, adapting for sale, packaging or wholesale distribution of goods, wares, merchandise, food stuff substances and articles.

As references to a "Supermarket" use have been removed from the Draft Zoning By-law, we request confirmation that a supermarket or food store will be interpreted as a Retail Store; and

For the existing distribution centre at 1105 Fountain St. N, we request clarification as to whether the parking of trailers and tractor staging would be interpreted as "outdoor storage". In addition, we request clarification as to whether the existing distribution facility would be interpreted as a "logistics distribution centre" or "warehouse" since they are separately defined. We note that site specific Section 14.1.70 refers to permissions for "warehousing and storage";

- Section 4.6.3 relates to Rooftop Mechanical Equipment and Mechanical Penthouses. In our submission, the regulation (c) that "Rooftop mechanical equipment shall be set back a minimum of 5.0 metres from all edges of a roof if it is not fully enclosed within a mechanical penthouse or screened by an architectural feature" should recognize that existing buildings may be non-compliant and may remain legal conforming. It would be appropriate to include (c) within the draft regulation "Notwithstanding the above, rooftop mechanical equipment and mechanical penthouses that existed on the effective date of this By-law are exempt from sub-section (a)" by changing to "sub-sections (a) and (c)" from "sub-section (a)".
- Section 4.12 states "Where an outdoor display and sales area is located on a lot, the following provisions apply: (a) The outdoor display and sales area shall be set back a minimum of 12 metres from a Residential Zone boundary; (b) The outdoor display and sales area shall be located outside of any required parking spaces, loading areas, sidewalks and required planting strips; and (c) Notwithstanding subsection (b), if the outdoor sales and display area is temporary (meaning a period of time not exceeding 120 days in a calendar year), it may occupy up to 10% of the parking spaces required by this By-law for the uses that exist on the same lot." The existing Loblaw garden centres associated with commercial uses are expected to require Minor Variances for compliance. In our submission, the requirements should be the subject of further review and consideration by Staff;
- Section 4.14 for Outdoor Storage states "Where accessory outdoor storage is located in an Employment Zone, the following provisions apply: (a) Outdoor storage is permitted only in a rear yard and shall not be located any closer than 9.0 metres to any lot line abutting a street. (b) The height of stored materials shall not exceed the height of the principal building on the lot, or 12 metres, whichever is the lesser. (c) The outdoor storage shall be screened by opaque fencing with a minimum height of 2.1 metres or a berm with a minimum height of 3.0 metres; and (d) Outdoor storage is not permitted within any yard abutting a Residential Zone. As noted above, for the existing distribution centre at 1105 Fountain St. N, we request clarification as to whether the parking of trailers and tractor staging would be interpreted as "outdoor storage". In our submission, the requirements should be the subject of further review and consideration by Staff as to implications for warehouse distribution centres;
- Section 4.17 relates to Planting Strips. Section 4.17(a) requires a 3.0 m wide planting strip that is a minimum of 1.5 m in height. It is not clear as to how the minimum of 1.5 m in height is to be achieved with a planting strip. For example,

under the corresponding existing Zoning regulations under Section 2.4.2.3 of Zoning By-law 150-85, as amended, options for planting strips include: (a) a minimum 3.0 m wide planting strip with plant materials forming a visual screen of not less than 1.5 m in height and fencing of 1.5 m in height; or (b) a minimum 3.0 m wide planting strip with an earth berm/fence of 1.5 m in height; or (c) a combination of (a) and (b); or a minimum 1.5 m wide sodded or planted strip with a 1.5 m high solid fence." In our submission, there should be similar options under the Draft By-law to achieve visual screening. In addition, in order to avoid rendering existing Planting Strips non-conforming, it would be appropriate to include a provision that planting strips that legally existed on the effective date of the By-law are exempt from the new requirement;

- Section 4.27 states that Waste Storage areas states "(a) All waste generated by the occupants of 6 or more dwelling units on a lot or from any commercial, industrial or institutional use must be stored inside a building or waste receptacle on the same lot provided the waste storage building or deep well storage receptacle is: ..." In our submission, the regulations should continue to permit waste and recycling compactors, which are typically utilized for commercial uses such as food stores.

Section 4.27(a)(i) states that Waste Storage areas shall be "Located within the interior side or rear yard", which may render existing waste storage areas as non-compliant with an impact on the Zehrs Market located at 400 Conestoga Blvd., resulting in the need for site specific exceptions, and does not conform with Official Plan policy 5.7.8 that states "*Where possible* [emphasis added], servicing, loading, waste storage areas and building utilities/mechanical equipment will be located internal to the building or to the rear of the building and will be screened from view from adjacent streets", where there is flexibility as to the location of Waste Storage areas.

We request clarification as to whether metal compactors for supermarket and retail uses would under (b) need to be "surrounded on three sides by masonry, concrete, or wooden walls in order to provide screening". A provision excluding supermarket and retail compactors from screening may be required.

Lastly, in our submission, it would be appropriate to include a provision that Waste Storage areas that legally existed on the effective date of the By-law are exempt from the new requirement;

- Section 5.5 relates to Landscaping in Parking Areas, where Parking Area means "an open area of land not located within a public road or lane that is intended for the use of parking of electric and/or motor vehicles in marked parking spaces, but does not include a driveway or any area where electric and/or motor vehicles for sale, rent or repair are kept or stored." For (a) that states "Parking areas in all zones except the Core Area Zones that have 20 parking spaces or more shall contain a minimum of five percent (5%) of their area as landscaped open space", we suggest that additional clarity should be provided in order to understand how the required "minimum of five percent (5%) of their area as landscaped open space" will be calculated, including whether the landscaped open space is on a total site basis or if the requirement is for each parking area on site with over 20 spaces. In addition, for employment uses such as warehouse distribution centres,

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- providing a minimum of five percent (5%) of Parking Areas as landscaped open space may lead to implications for their operation;
- Section 5.9 and Table 5.9.1 relate to Non-Residential Parking Requirements. We request clarification as to what is intended by the "Retail Commercial Establishment" reference under Table 5.9.1.71 as it is not defined and it is not clear how the use is differentiated from a Retail Store under Table 5.9.1.72, which is defined;
 - For Section 5.14 for Loading Spaces, we request clarification as to any minimum requirements. Section c) states: "a loading space is not permitted ... in an exterior side yard; and/or, in any front yard". This provision may have an impact on the Zehrs Market located at 400 Conestoga Blvd., resulting in the need for site specific exceptions, and does not conform with Official Plan policy 5.7.8 that states "*Where possible* [emphasis added], servicing, loading, waste storage areas and building utilities/mechanical equipment will be located internal to the building or to the rear of the building and will be screened from view from adjacent streets", where there is flexibility as to the location of loading spaces. Lastly, we suggest that a regulation be added that Loading Spaces that legally existed on the effective date of the By-law are exempt from the new requirements;
 - Section 5.16.1 for Drive-throughs states "Stacking spaces are required and shall be exclusive of any other parking space and aisle requirements contained within this By-law and shall be provided in accordance with Table 5.16." For lands such as 180 Holiday Inn Dr. where existing Drive-throughs are located, we suggest that a regulation be added that this section does not apply to existing drive-through service uses in order to avoid rendering existing drive-throughs as non-compliant;
 - Section 5.16.4 for Drive-throughs states "No stacking spaces, order boxes, or wall openings associated with a drive-through service use can be located in any required yard, or in front of a wall facing the front or exterior side lot line unless all of the components of a drive-through service use are located a minimum of 10 metres from the front and exterior lot lines." For lands such as 180 Holiday Inn Dr. where existing Drive-throughs are located, we suggest that a regulation be added that this section does not apply to existing drive-through service uses in order to avoid rendering existing drive-throughs as non-compliant;
 - Under Table 8.2.2. Standards the Commercial Zones, the Minimum required landscaped open space is "20%". In our submission, 20 percent landscaped open space is considerably in excess of the requirements in other municipalities and may result in less intensive development. In order to avoid rendering existing developments as non-complying, Special Provision (2) "As legally existing on the effective date of this By-law" should be applicable, whereby the Standard would be "20% or (2)";
 - For 1105 Fountain Street North:
 - Under Table 5.9.1 of the Draft Zoning By-law, the proposed parking requirement for a "logistics distribution centre" is 1 per 100 sq. m of net floor area, while a "warehouse" use is 1 space per 150 sq. m of net floor area. As noted above, we request clarification as to whether the existing

distribution facility would be interpreted as a “logistics distribution centre” or “warehouse”. In order to carry-over the existing parking requirement under Zoning By-law No.150-85, as amended, we request that a site specific exemption to be added to s.14.1.70, that "Notwithstanding the parking requirements under Table 5.9.1 - Non-residential Parking Requirements, an area equivalent to 20% of the lot area shall be provided as a parking lot and shall be provided in addition to any parking spaces or parking lot used or reserved for the purpose of storing heavy vehicles, equipment, machinery, stock or the fleet vehicles of a courier or delivery service"; and

- In Table 9.3 Standards for Employment Zones, there is a proposed maximum building height under 9.3.8, which is not regulated under the current Zoning By-law. In order to provide flexibility for future intensification of the lands, we request that a site specific exemption be added to s.14.1.70, to notwithstand the proposed maximum height of 21 m under Table 9.3.8.

We would welcome the opportunity to meet with Staff to discuss our comments.

In addition, please kindly ensure that the undersigned is notified of any further meetings with respect to this matter as well as notice of approval of the Zoning By-law.

Should you have any questions, or require further information, please do not hesitate to call.

Sincerely,

ZELINKA PRIAMO LTD.



Jonathan Rodger, MScPI, MCIP, RPP
Principal Planner

cc. CP REIT Ontario Properties Limited (via email)