

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 Canadian Tire Properties Inc. and Canadian Tire Real Estate Limited
Cambridge, ON**

Our File: CAT/CAM/13-01

We are the planning consultants for Canadian Tire Corporation Limited, Canadian Tire Properties Inc. and Canadian Tire Real Estate Limited (“Canadian Tire”), which are the registered owner and/or lease holder of lands in the City of Cambridge, including:

- The Canadian Tire Store and commercial uses (lands owned by Canadian Tire Corporation) located at 75 Dundas Street North (Highland Shopping Centre);
- The Canadian Tire Gas Bar (leased by Canadian Tire Corporation) located at 11 Dundas Street North;
- Canadian Tire Store located at 65 Pinebush Road on lands owned by Canadian Tire Properties Inc.; and
- Canadian Tire Gas Bar and Car Wash located at 239 Fountain Street South on lands owned by Suncor Energy Inc.

On behalf of Canadian Tire, we have been monitoring the City of Cambridge Zoning By-law Review. On September 8, 2015 we provided comments for the Draft Zoning By-law (Draft No. 1) and on May 31, 2018, we provided comments for the Draft Zoning By-law (Draft No. 2).

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 Canadian Tire, we have the preliminary comments below for the Draft By-law and may provide further comments as required.

A summary of the Official Plan context, as well as the existing and proposed zoning for the Canadian Tire lands under the Draft By-law is as follows:

- 11 and 75 Dundas Street North:
 - The lands are within the Main and Dundas Secondary Plan, where according to Schedule B Land Use Plan, the lands are designated Mixed Use Mid-Rise High Density (75 Dundas Street North) and Mixed-Use Medium Density (11 Dundas Street North). According to Policy 20.3.2.2, “Lands designated with a Mixed-Use designation are intended to be the centre of the Community Node and generally provide the greatest mix of uses and highest densities within the Plan Area. *These areas are intended to continue to provide retail and service commercial uses* [emphasis added], while integrating residential housing, office, institutional, and community uses through infill and/or redevelopment. Lands designated with a Mixed-Use designation are intended to intensify and *transition* [emphasis added] to a compact urban form including medium to high density development and a reduction of surface parking.” Permitted uses in the Mixed-Use designation include “Commercial uses including retail, service commercial, and places of amusement uses, except any commercial uses prohibited in Section 20.3.1.2”. According to Policy 20.3.1.2, the following uses will be prohibited in all designations of the Secondary Plan: a) *New* [emphasis added] drive-through facilities subject to Section 20.3.1.4; b) *New* [emphasis added] auto-related uses subject to Section 20.3.1.4; c) *New* [emphasis added] large-format commercial uses subject to Section 20.3.1.5;
 - The lands at 75 Dundas Street North are zoned Neighbourhood Shopping Centre (CS4), S4.1.191 and the lands at 11 Dundas Street North are zoned Commercial 5 (C5) under By-law 150-85, as amended; and
 - The lands at 75 Dundas Street North are proposed to be zoned R2 1.190 and 1.469 and the lands at 11 Dundas Street North are proposed to be zoned R2 1.468.
- 65 Pinebush Road:
 - The lands are zoned Commercial 4 and General Industrial (C4/M1) under By-law 150-85, as amended; and
 - The proposed zoning for the lands is to be deferred and remain subject to By-law 150-85, as amended.
- 239 Fountain Street South:
 - The lands are zoned are Commercial 1 and Commercial 5 (C1/C5) under By-law 150-85, as amended; and
 - The proposed zoning for the lands is to be deferred and remain subject to By-law 150-85, as amended.

- In general, Canadian Tire wants to ensure that the development potential and existing zoning permissions for their stores and lands will not be compromised by the Draft By-law. In addition, Canadian Tire wants to ensure that the permissions previously secured through approved minor variances affecting their lands 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;
 - Motor vehicle repair garage: an establishment where services performed or executed on motor vehicles for compensation and may include the installation of exhaust systems, repair of the electrical systems, transmission repair, brake repair, radiator repair, tire repair and installation, rustproofing, motor vehicle diagnostic centre, major and minor mechanical repairs or similar use, but does not include a motor vehicle body shop;
 - 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;
 - 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.

We request clarification whether Canadian Tire stores would be interpreted as a “Retail store”, with an “Outdoor display and sales area” for the permanent garden centre component and “Motor vehicle repair garage” for the vehicle service component of the store; and

For the permanent Canadian Tire outdoor garden centre component, we request clarification that under the definition for “Outdoor display and sales area”, which states “Such a display and/or sales area may be wholly or partially contained within

- a temporary tent structure”, that the permanent frost structure would continue to be permitted;
- 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". For the existing Canadian Tire Store at 75 Dundas Street North, we request clarification as to permissions for the Garden Centre Component and for an outdoor display and sales area where the lands are zoned R2;
 - Section 4.13 states "Where an outdoor commercial patio is located in conjunction with any restaurant on the same lot, the following provisions apply: (d) The patio shall be set back a minimum of 12 metres from a Residential Zone boundary". For the existing shopping centre at 75 Dundas Street North, we request clarification as to permissions for outdoor commercial patios where the lands are zoned R2. In addition, we suggest that a regulation be added that Section 4.13 does not apply to existing outdoor commercial patios;
 - 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 for 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 Canadian Tire and food stores. 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. Accordingly, 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 5.2.12(a) states "Unless otherwise permitted by this By-law, no more than one driveway is permitted to access a lot from a street or highway in the R1 and R2 Zones unless the lot has a lot frontage of 19 metres or greater and the driveways are set back from each other a minimum of 7.0 metres, measured along the streetline." We request confirmation that as the lands at 75 Dundas Street North have a lot frontage greater than 19 m, the multiple existing driveways will continue to be permitted;
- 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;
- Section 5.6 states "The following provisions apply to the parking of commercial motor vehicles in Residential Zones: (a) The commercial motor vehicle shall be set back a minimum of 1.0 metre from any interior side lot line, exterior side lot line or rear lot line; (b) The commercial motor vehicle shall be on a driveway if parked in the open in the front yard or exterior side yard of a lot; (c) The commercial motor vehicle shall be no more than 7.0 metres in length (exclusive of hitch/tongue); (d) The commercial motor vehicle shall be no more than 2.7 metres in height, measured from the ground to the highest point of the commercial motor vehicle; and (e) No more than one commercial motor vehicle is permitted to park on a lot at one time." As the existing commercial uses on lands at 75 Dundas Street North require loading by commercial motor vehicles and the gas bar at 11 Dundas Street North requires gas delivery by commercial motor vehicles, we request clarification as to the implications of Section 5.6 for existing commercial uses in residential zones;
- 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;

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- Based on the Parking Requirements in Section 5.9.1, we request clarification that the applicable rate for 75 Dundas Street North will be the Shopping Centre rate, including for the Canadian Tire store, according to Section 5.9.2.a) whereby “the minimum number of required parking spaces in a shopping centre is 1 parking space per 20 square metres of net floor area in the first storey and 1 space per 40 square metres of net floor area in any storey above the first storey” and the gas bar rate will be 1 per 35 square metres for office and retail components. We request clarification as to the intent for references to both office and retail components for the gas bar rate;
 - For Section 5.14 for Loading Spaces, we request clarification as to any minimum requirements. In addition, 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 75 Dundas Street North 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 5.16.3 for Drive-throughs states “Stacking spaces and all order boxes using voice communication to order shall be located no closer than 15.0 metres from any Residential or Institutional Zone boundary.” For lands such as 75 Dundas Street North 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 75 Dundas Street North 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 7.1.3 states “The R2 zone applies to serviced areas with smaller lot frontages. Like the R1 Zone, the full range of dwelling types would be permitted; however, regulations are more permissive and based on contemporary development regulations such as reduced front and side yard setbacks. Maximum building heights are limited to 4 storeys (14.0 m).” We request clarification as to the intent for the R2 zone for lands within the Mixed-Use designation under the Main and Dundas Secondary Plan where retail and service commercial uses are intended to continue and in particular for existing commercial uses in the form of a Shopping Centre and gas bar with larger lot frontages such as the lands at 11 and 75 Dundas Street North;
 - According to Table 7.1 – Permitted Uses in Residential Zones, there are no commercial uses permitted in the proposed R2 zone. For the lands at 11 and 75

Dundas Street North for the existing gas bar and Shopping Centre, we request clarification as to the permitted commercial uses within the context of the Mixed-Use designation and associated policies as noted above under the Main and Dundas Secondary Plan;

- For Section 7.3 Zone Standards for the R2 Zone, as there are no regulations that would be applicable to the existing gas bar and Shopping Centre at 11 and 75 Dundas Street North, we request clarification as to the applicable zone regulations for commercial uses;
- Site Specific Regulation 14.1.190 for 75 Dundas Street North references the “(R3 1.190 and R3 1.469 Zone)”. As the lands at 75 Dundas Street North are proposed to be zoned R2, we request clarification as to the intent of the Draft By-law. Site Specific Regulation 14.1.190 states that the following provisions shall apply: “The lands shall be deemed to form part of the Highland Plaza at 75 Dundas Street North and the calculation of all or any of the aforementioned requirements shall be based on the whole shopping centre; The provisions of this by-law requiring single ownership of a shopping centre as defined shall not apply to the aforementioned site; Required off-street parking areas may be provided on the same lot or on an abutting lot, in the same zone as the use, building or structure for which such parking is required, where a registered agreement with the owner of such abutting lot provides for such parking areas and the required number of parking spaces for the combination of both sites is compiled with; The minimum rear yard for the building existing on the day of passing of this by-law shall be 0.0 m; The maximum lot coverage shall be 58% of the lot area.” In our submission, it would be appropriate to add site specific permitted uses and regulations to reflect the existing shopping centre and permit expansions and infill commercial development until such time that the lands are redeveloped with mixed use mid-rise high density development in accordance with the Mixed-Use designation under the Main and Dundas Secondary Plan;
- Site Specific Regulation 14.1.469 references the “Main/Dundas Mixed-Use Mid-Rise High Density (R3 Zone)”. As the lands at 75 Dundas Street North are proposed to be zoned R2, we request clarification as to the intent of the Draft By-law, particularly as the Permitted uses reference the R3 and CV zones, where a “shopping centre” is not a permitted use and a standalone commercial building is only permitted up to a maximum of 2,000 m² ground floor area. The Development Requirements including a minimum building height of 5 storeys/17.5 m as well as the requirements for main pedestrian access and minimum windows would render the existing shopping centre and Canadian Tire store as non-compliant; and
- Site Specific Regulation 14.1.468 references the “Main/Dundas Mixed-Use Medium Density (R3 Zone)” and “14.1.465”. As the gas bar lands at 11 Dundas Street North are proposed to be zoned R2 1.468, we request clarification as to the intent of the Draft By-law. Site Specific Regulation 14.1.468 states “On the lands which reference 14.1.465 on Zoning Maps K12 and L12, the following shall also apply: Permitted Uses: Uses permitted in Table 7.1, R3 Zone; Uses permitted in the CV Zone, within a standalone commercial building or a permitted residential building, up to a maximum of 2,000 m² ground floor area. Development Requirements: 1. Minimum Density: 60 units per hectare 2. Minimum Building

Height: 3 storeys/10.5m. 3. Maximum Building Height: 8 storeys/28 m 4. Dwelling units are not permitted in the portion of the first storey of a building which faces a street in land identified as "Active Frontage" in Chapter 20, Schedule D, of the Official Plan. 5. Location of main pedestrian access into building: Facing the street or highway 6. Minimum percentage of wall of first storey facing the street or highway that is to be the site of openings: 70%. Prohibited Uses: New drive-through service use". We request clarification as to the applicability for the existing one storey gas bar at 11 Dundas Street North and the implications for the existing building and use. In our submission, it would be appropriate to add site specific permitted uses and regulations to reflect the gas bar and permit expansions and infill commercial development until such time that the lands are redeveloped with medium density development in accordance with the Mixed-Use designation under the Main and Dundas Secondary Plan.

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, MScPl, MCIP, RPP
Principal Planner

cc. Canadian Tire Real Estate Limited (via email)