

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 Loblaw Companies Limited
Cambridge, ON
Our File: LPL/CAM/11-01**

We are the planning consultants for Loblaw Companies Limited ("Loblaw") for the City of Cambridge Zoning By-law Review. Loblaw is the lease holder of the following lands within the City of Cambridge:

- The Loblaw Distribution Centre lands located at 1105 Fountain St. N. owned by CP REIT Ontario Properties Limited, 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. owned by CP REIT Ontario Properties Limited, which are currently zoned CS3 s.4.1.123.2 and are proposed to be zoned CC2;
- The Zehrs Market lands located at 400 Conestoga Blvd. owned by CP REIT Ontario Properties Limited, 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;
- The Zehrs Market lands located at 200 Franklin Blvd. owned by RioCan Holdings Inc., which are currently zoned CS3 s.4.1.82 and are proposed to be zoned R2 1.469;
- The No Frills lands located at 980 Franklin Blvd. owned by Nuelgin Investments Limited, which are currently zoned RM3 s.4.1.192 and are proposed to be zoned R3 1.192 (residential) and NC 1.192 (No Frills and Shopping Centre); and
- The Zehrs Market lands located at 1565 King St. E. owned by Sitzer Group Holdings No. 2 Limited, which are currently zoned CS5 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 Loblaw, 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 Loblaw, 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, Loblaw wants to ensure that the development potential and existing zoning permissions for their stores will not be compromised by the Draft By-law. In addition, Loblaw 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”);
 - 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 No Frills located at 980 Franklin Blvd., the Zehrs located at 200 Franklin Blvd. and 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 5.2.12(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 200 Franklin Blvd. 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. In addition, for employment uses such as warehouse distribution centres, providing a minimum of five percent (5%) of Parking Areas as landscaped open space may lead to implications for their operation;
- 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 supermarket on lands at 200 Franklin Blvd. requires loading deliveries 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;
 - 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 No Frills located at 980 Franklin Blvd., the Zehrs located at 200 Franklin Blvd. and 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;
 - 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 200 Franklin Blvd.:
 - 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. 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: c) *New* [emphasis added] large-format commercial uses subject to Section 20.3.1.5;
 - 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 with larger lot frontages such as the lands 200 Franklin Blvd.;
 - 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 200 Franklin Blvd. and the existing Shopping Centre, which includes the Zehrs food store, 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 Shopping Centre at 200 Franklin Blvd., we request clarification as to the applicable zone regulations for commercial uses; and
 - Site Specific Regulation 14.1.469 references the “Main/Dundas Mixed-Use Mid-Rise High Density (R3 Zone)”. As the lands at 200 Franklin

Blvd. 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 Zehrs store as non-compliant.

- 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 notwithstanding 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. Loblaw Companies Limited (via email)