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Our File No.: 062771

**Via Email**

Richmond Hill City Council  
225 East Beaver Creek Road  
Richmond Hill, ON  
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**Attention: City Clerk**

Dear Sirs/Mesdames:

**Re: 1577-1621 Major Mackenzie Drive East – Draft Plan of Subdivision Application  
Council Public Meeting - October 20, 2021 - Item 3.1  
Report SRPI.21.097 - File Nos. D03-21002 / D03-11004**

We are the solicitors for Baif Developments Ltd., the owner of a 9.42 ha property (the “**Baif Property**”) in the northeast quadrant of Richmond Hill’s Headford Business Park (“**Headford**”).

The Baif Property lies immediately south of the lands previously owned by the Rice Commercial Group at the southwest corner of Highway 404 and Major Mackenzie Drive East, which we understand were recently acquired by Montagna Capital (BT) Inc. (the “**Montagna Property**”).

The Montagna Property is subject to draft approved Plan of Subdivision 19T-11004, which was intended to facilitate the creation of two large development blocks for high performance industrial-commercial uses, in addition to an open space block and the southerly extension of Vogell Road from Major Mackenzie Drive East. The new draft plan of subdivision application for the Montagna Property seeks to instead create a new low-density residential community west of the Vogell Road extension consisting of 124 single-detached dwelling lots and a small park block (the “**Montagna Subdivision Application**”). The proposed park block and 18 of the new housing lots would directly abut the Baif lands along the southern edge of the Montagna Property. Based on Staff Report SRPI.21.097 (the “**Staff Report**”), Montagna is also apparently seeking to modify the previously approved draft plan and to obtain site plan approval for additional townhouse developments to the north and east of the proposed single detached neighbourhood.

The Baif Property remains subject to draft approved Plan of Subdivision 19T-88001, which was similarly intended to facilitate the creation of development blocks for industrial uses, in addition



to open space blocks and the further southerly extension of Vogell Road through the Baif Property and across the Rouge Valley (to complete the north-south Headford collector road connection).

Together, the Montagna Property and the Baif Property form an isolated triangle at the northeast corner of Headford, separated from the balance of Headford by a tributary of the Rouge Valley. The previous planning approvals for the Baif Property and the Rice Property have recognized their distinct characteristics arising from their isolation from the balance of Headford. The current draft approved subdivision plans and land use designations for these two properties, which were established through a number of OMB decisions, provide for a broader range of employment and commercial uses than those permitted in the balance of the business park.

While it is acknowledged that a wide range of residential uses are now permitted on the Montagna Property pursuant to Ontario Regulation 698/20 (the “**Montagna MZO**”), the interrelated physical constraints and land use compatibility issues affecting the properties remain significant factors. It is critical that the properties be planned and developed in a coordinated and harmonious manner.

### **Lack of Clarity Regarding the Montagna Subdivision Application**

Based on the information provided in the Staff Report, the Montagna Subdivision Application does not appear to properly identify the development that is planned (or likely) to occur on the adjacent lands. Not only does the proposed new draft plan (Map 6) fail to show the adjacent draft approved plans on either the Montagna Property or the Baif Property (instead labelling only the existing agricultural uses), the proposed revised draft plan (Map 5) continues to show only one large development block east of Vogell Road. This is surprising given that the long term care home was represented to be an essential component of the proposed development and the primary justification for the issuance of the Montagna MZO. If the long term care home is indeed going to be built first, as the public was led to believe, it seems odd that the revised draft plan (Map 5) would not assign it to a separate development block, especially when the limits of the adjacent townhouse development appear to be well-defined on the conceptual master plan (Map 7).

It is also not clear what purpose is served by layering a new draft plan (Map 6) onto an existing draft plan (Map 4) that has not yet been registered and is now proposed to be revised (Map 5). With two separate overlapping plans, the proposed staging and timing for the dedication of the public roads, servicing infrastructure and park and open space blocks is impossible to decipher.

### **Baif Concerns with the Montagna Subdivision Application**

Notwithstanding the land use permissions granted pursuant to the Montagna MZO, the Montagna Subdivision Application constitutes a separate planning application. Consequently, when evaluating the application, the City must have regard to, *inter alia*, the following criteria enumerated in subsection 51(24) of the *Planning Act*:

- b) whether the proposed subdivision is premature or in the public interest;



- c) whether the plan conforms to the official plan and adjacent plans of subdivision; and
- d) the suitability of the land for the purposes for which it is to be subdivided.

As noted in the Staff Report, the Richmond Hill Official Plan currently designates the Montagna Property as Employment Corridor, Employment Lands and Natural Core, none of which permit residential uses. Although Regional Council has indicated it will support the conversion of the Montagna Property to residential uses through the ongoing York Region municipal comprehensive review, that support was informed by a concept plan submitted to the Region in October 2020 which showed a wide mix of land uses, including office buildings and a hotel along the southerly portion of the lands adjacent to the Baif Property (not single-detached residential lots). In fact, there was no low-density ground-related housing shown on the concept plan used to obtain Regional Council support for the conversion.

In any event, the conversion of the Montagna Property has not yet occurred and the employment designations remain in effect. Therefore, the Montagna Subdivision Application does not currently conform to the applicable official plans, notwithstanding the residential use permissions granted through the Montagna MZO.

More importantly, the Montagna Subdivision Application, as currently designed, does not have appropriate regard for the adjacent land use permissions and draft approved subdivision on the Baif Property. Of particular concern are the park block and row of residential lots along the southern limit of the plan. Under its existing zoning, the Baif Property could be developed with manufacturing, assembling, processing, fabricating and/or wholesaling uses immediately adjacent to the Montagna Property. This could potentially result in noxious, heavy industrial facilities being constructed in very close proximity to the single detached houses proposed to be built along the southern limit of the Montagna Property, which would clearly not be a desirable or appropriate planning outcome, and contrary to the minimum separation distances between industrial and sensitive land uses set out in provincial land use compatibility guideline D-6-3. If the Montagna residential subdivision is developed first, it will become very difficult if not impossible to develop the Baif Property with the uses for which it has been planned, thereby frustrating the achievement of the City's employment land objectives and the overall planned function of Headford.

We also note that the traffic impact assessment submitted in support of the Montagna Subdivision Application fails to address the vehicular traffic attributable to the employment uses planned for the Baif Property, which would include not only employee trips but also a significant amount of large and heavy truck traffic which would need to traverse the Montagna Property to access Major Mackenzie Drive and the Highway 404 interchange. The compatibility of industrial-related traffic with the residential communities proposed for the Montagna Property is something that must be carefully studied and evaluated.

It is also unclear whether the Montagna Subdivision Application, as currently designed, would appropriately integrate with the Baif Property in respect of the proposed grading along the lot



boundary and the alignment and right-of-way width of Vogell Road. The grades shown along the southern limit of the Montagna Property are now up to 2.5 metres higher than the existing grades on the Baif Property. This causes Baif concern since it would be forced to fill its lands to match the grades proposed by Montagna.

Finally, the Montagna Subdivision Application does not conform to the longstanding Headford Master Servicing Plan, which has always contemplated shared servicing arrangements for the Montagna Property and Baif Property. Based on the topography, a single sanitary sewer connection is planned near the south end of the Baif Property to discharge all flows from both properties into the existing YDSS trunk sewer which flows in a north to south direction through the adjacent valleyland. Similarly, a stormwater management pond is planned to be accommodated adjacent to the south end of the Baif Property, which would be designed to accept and treat all stormwater flows from both properties and provide an outlet into the adjacent watercourse. The pipes required to convey such flows would be installed within the Vogell Road extension along with a watermain to serve both properties.

To the extent that the Montagna Subdivision Application seeks to bypass the Baif Property and provide its own independent servicing solutions, this would represent a significant departure from the servicing scheme established decades ago, which is still sound and would provide the most efficient and cost-effective servicing solution. The Region typically seeks to minimize connections into the YDSS trunk sewer, and if it will only permit one connection from the lands east of the Rouge Valley, this would leave the Baif Property with no viable servicing solution. Given the significant drop in elevation from north to south, Baif would not be able to direct its sanitary flows to the Montagna Property without constructing a sanitary sewage pumping station.

Accordingly, the City and Region should continue to insist on a comprehensive and efficient servicing solution for this part of Headford. The Montagna MZO does not alleviate the responsibility of both municipalities to ensure appropriate infrastructure is provided through the processing of subdivision applications in accordance with the applicable policies of the Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe.

### **Potential Resolution of Subdivision Compatibility Issues**

Unless and until the land use permissions on the Baif Property are modified to allow for compatible residential and community-oriented uses, the proposed residential subdivision and lotting pattern on the Montagna Property are premature, unsuitable and contrary to the public interest.

Baif has attempted to address these compatibility issues by requesting a conversion of the Baif Property, but to date the City and Region have been unwilling to support such a conversion (at either a staff or council level). However, the City's and Region's previous consideration of Baif's conversion request predated the issuance of the Montagna MZO, which is a game-changer that now requires a full reassessment of how this isolated corner of Headford is planned to function.



We respectfully request that Baif's concerns be given serious consideration as the City reviews and processes the Montagna Subdivision Application. We will be making a deputation at the Council Public Meeting and would be happy to answer any questions you may have.

Yours truly,

**Goodmans LLP**

A handwritten signature in blue ink, appearing to read "Ian Andres", with a long, sweeping horizontal line extending to the right.

Ian Andres  
IDA/vw

cc: Paul Minz and Lynn Barkey, Baif Developments  
Roslyn Houser, Goodmans  
Emma West, Bousfields

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