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Our File No. 89530.1

December 6, 2021

VIA EMAIL (christine.vigneault@vaughan.ca)

Ms. Christine Vigneault
Manager, Development Services & Secretary Treasurer
Committee of Adjustment
Vaughan City Hall
2141 Major Mackenzie Drive
Vaughan Toronto ON L6A 1T1

Dear Ms. Vigneault

RE: Letter of Objection

Property Address: 167 National Drive, Vaughan

File Numbers: Consent Applications B006/21 – B009/21 (inclusive) and A117/21 – A121/21 (inclusive)

We are counsel to "The National Golf Club of Canada" ("**The National**"). The National ("**our client**") owns and operates the golf course located on the lands municipally known as 134 Clubhouse Road, Vaughan (the "**Property**"). The purpose of this letter to is provide Committee members with the background to The National's letter of objection to the proposed division of the existing lot known locally as 167 National Drive (the "**Rural Lot**") .

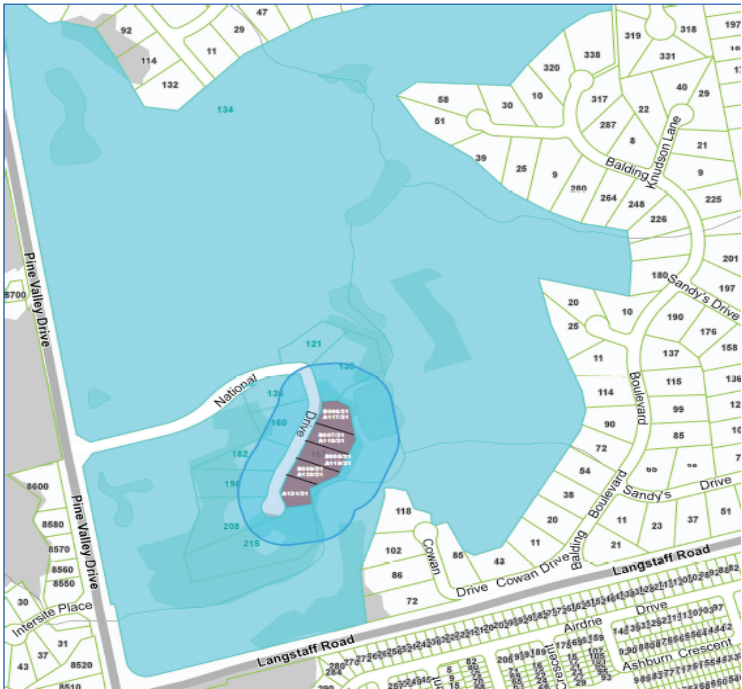
RELATIONSHIP BETWEEN THE NATIONAL AND THE RURAL LOT

Our client owns and operates The National golf course, rated by Golf Digest magazine as one of the Top 100 golf courses in the world. Since the course first opened in 1975, The National has perennially been rated as the best in Canada.

Our client is a proud and long term steward of the Property and the lands it abuts. This role dates back prior to the approval and construction of the subject subdivision that created the Rural Lot.

The sketch (below) shows the physical relationship of The National to the Rural Lot. We are the pale blue lands. As you can see, our client's lands surround and directly abut the subject Rural Lot (the grey "spot"). In fact, we share a common boundary of over 200 metres and because of the grade relationship (The National is located below the Rural Lot where it abuts), the Property is impacted from both a visual standpoint, as well as physically (overland water flow). It is the nature of this relationship that has caused our client to carefully examine the impact of the proposal.

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APPLICATIONS

As we understand it, the applicant is requesting approval from the Committee to significantly change/amend previous approvals (being the registered plan of subdivision). Namely, to subdivide the 1.1 ha. Rural Lot into five (5) parcels (in lieu of the already approved one (1)) and cut more or less a 1/3 off the City established minimum lot frontage and ½ the minimum lot area standards that have specifically been applied to the neighbourhood.

The Rural Lot is unique in comparison to others in the neighbourhood (see below). The lot area, configuration, and depth are the result of the historic subdivision approval. The brown/tan area that is highlighted below is from the Conservation Authority's website and delineates the Regulated Area by the Conservation Authority (meaning it has an interest because of the Valley Corridor of the Humber River). We understand that the Conservation Authority has walked the site with the applicant and has identified hazard constraints associated with the steep slope of the Rural Lot and subsequently delineated the on-site natural features, hazard limits and physical top of bank.

It is apparent when looking at this air photo that all of the other homes on National Drive are in the "green area" which is not regulated. In addition, as can clearly be seen, although the Rural Lot is one of the largest lots in its subdivision, there is very little developable area, with the result being that there is, in fact, only one centrally located area on the Rural Lot that is "green" and is suitable for one home on 167 National Drive.

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MINOR VARIANCES

It should first be noted that The National is not challenging the rights of the land owner to develop the Rural Lot for one residential parcel, as long as matters including, but not limited to; servicing, tree cutting, vegetation removal, ravine protection, view corridor, building placement and water run-off are addressed appropriately by the experts and the applicable approval authorities. Our client highlights the creation of this Rural Lot was specifically the result of how the original subdivision was reviewed, designed and approved.

The question becomes at what point does an additional, unplanned for residential development jeopardize the ecological integrity and role of the Rural Lot?

With respect to the street frontage variance, we note that it is a proxy for neighbourhood character and that establishing 5 narrow lots is inconsistent with the Official Plan designation of "Natural Areas" and the Zoning By-law minimum frontage standards.

In terms of the minimum lot size variance, we have a number of concerns. First, the sheer number of new lots should require a plan of subdivision type of review in order to appropriately deal with matters such as servicing and street character.

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Second, a reduction in the minimum lot area allows for significant intensification which it is our client's experience cannot be supported. This would mean a significant and unsupportable amount of hard surfacing (between roofs, driveways, walkways etc.) and as noted earlier, the significant slope down to our clients lands is substantial and the run off and slope stability have not been sufficiently considered by the proponent.

Third, any new residential building that is constructed will require a significant number of trees be removed and significant regrading takes place. This not only takes away from the character of the residential neighbourhood, but in this circumstance, negatively impacts the golf course as the abutting golf holes and stormwater pond could be harmed from increased runoff.



As a result, it is our opinion that the “minor variances” do not satisfy the four part test established in s. 45(1) of the *Planning Act*.

- a) They are not in keeping with the intent and purpose of the City's "Natural Areas" Official Plan designation and the *Rural Residential Zoning* since, amongst other reasons, they will permit an increase in intensity of uses which is not ecologically supportable and does not respect The National's neighbourhood (physical) character.
- b) The variances are not minor and will result in undisputed adverse impacts.

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- c) The variances are not appropriate "redevelopment" as they are not compatible with the general character of the surrounding area given their imposition on The National.
- d) The Rural Lot is unique and there are alternatives to a 5 lot subdivision of land, that could achieve the objective of its owner without having negative impacts on The National.

CONSENT

Considering the ecological role this Rural Lot presently plays it would be logical that this remnant parcel be transferred to the City or Conservation Authority.

If the Rural Lot remains passively used by any number of owners, the consent application should be refused for a number of reasons.

At a fundamental level, given the amount of conservation area and the potential impacts on The National, it is very concerning that the applications inexplicably does not provide any site plan or subdivision level of details for the homes that "demonstrate and consider" the impact of the requested variances and the subdivision of land.

We have taken an opportunity to review the expert's comments on the proposed subdivision and note from the Conservation Authority the following about 167 National Drive it is a:

"lot of record that is almost entirely located within a valley corridor (tributary of the Humber River). Based on available digital elevation information, the valley slope within the property ranges in height from 13 metres to 20 metres. The inclination (i.e., steepness) of the slope ranges from 2:1 (horizontal to vertical) on the northern portion to 3:1 (horizontal to vertical) on the southern portion. There is a small, flat, tableland area located at the central portion of the lot. The site is in a naturalized condition with mature trees and associated undergrowth. It has been brought to TRCA's attention that the owner has been clearing vegetation on portions of the site."

The Conservation Authority has identified space for one home with no further subdivision being supported. The applicant, on the other hand, has not provided anything to support its application that the Rural Lot can, in fact, support the five homes that would be the result of its consent application.

Further,

"TRCA staff recognize that (one) lot of record exists at 167 National Drive, on which there is currently no development. However, it should be noted, that amongst other matters, the agreement for the registered plan of subdivision as executed December 16, 1976, between 310218 Ontario Limited and the Corporation of the Town of Vaughan states within Section B Environmental Protection that: *The Owner shall not construct any buildings or structure of any kind, other than those necessary for erosion control, within the steeply sloping treed area*



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of lots numbered 28 to 30 and 63 to 69 inclusive, i.e., beyond the “no development line” referred to in paragraph A.#.1.(a). The Owner shall neither place nor remove fill of any kind, whether originating on the site or elsewhere, not alter any existing vegetation without the written consent of the Metropolitan Toronto and Region Conservation Authority. Given the above noted clause, it is evident at that during negotiation and registration of the subdivision that the Conservation Authority and the Municipality recognized the hazard presented by the steep slope within the subject property and saw fit to restrict the location of development on the constrained single lot. TRCA continues to support the restriction of development on the subject lands acknowledging the hazard that was recognized during the registration of the plan of subdivision and remains on site today.”

We note that it is the expert opinion of both Vaughan Development Engineering and Vaughan Development Planning that a five lot subdivision cannot be safely and ecologically developed for reasons including servicing questions, ecological reasons, slope stability, historical registered agreements, and compliance with the City's Official Plan.

It is our respectful opinion that not only is this "too many lots" with dramatically insufficient justification to support, these applications would at least be more appropriately reviewed through the more comprehensive plan of subdivision process. To that end, we note the City's Official Plan even notes:

"...pursuant to Section 51 of the *Planning Act*, shall be deemed necessary in the following cases:

- a. where the number of new lots created is greater than three; or
- b. where the extension or creation of a public road allowance is required; or
- c. where the extension or creation of municipal services is required; or
- d. where agreements or conditions are required by any municipality or other government with regard to any part of the remaining lands." (emphasis added).

It is also our client's opinion that the consents are premature as no specific details have been made available about the type of development contemplated. Namely, critical details respecting the houses, garages, driveways, (significant) lot grading, tree removal, retaining walls, conservation protection, etc.

In summary, the proposal represents an inefficient, out of character attempt to redevelop lands that were thoroughly reviewed at the time of initial subdivision that does not meet the intent of the registered agreements nor the requirements of the expert review and approval authorities. We respectfully submit that these Applications for Minor Variance and Consent should be refused without further consideration.

Attached please find our request to receive the Notices of Decision.




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Please contact the undersigned if you have any questions or require further information.

Yours truly,

BENNETT JONES LLP

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Andrew L. Jeanrie

Encls.
cc. Client