



EMSHIH DEVELOPMENTS INC.

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Friday, June 5, 2020

Via E-mail

City of Burlington
426 Brant Street
Burlington, ON L7R 2G2

Dear Mayor Meed-Ward and Members of Council,

Subject: Staff Report No. PL-31-20 - Garden Trail Phase II – Request for Extension of Draft Plan Approval (24T-99005/B)

Emshih Developments Inc. (Emshih) submitted a request for extension of Draft Plan approval for Garden Trail Developments, File No. 24T-99005/B on November 18, 2019 to provide our team with adequate time to resolve ongoing technical matters and clearance of conditions presented in part by updates to Conservation Authorities Act O.Reg. 150/09 being replaced by O.Reg. 162/06 since initial approval by Ontario Municipal Board (OMB) in 2001.

The overall subdivision site (Garden Trail Phase 1 & 2) was a 100-acre parcel of land which operated as a brick factory owned by Halton Ceramics. The development itself is situated within approximately 25 acres of land. Phase 1 includes 186 single and semi-detached houses and Phase 2 of the development consists of 20 lots proposed for single dwellings on approximately 7 acres. The remainder of the land was conveyed to the Royal Botanical Gardens, and to the City as parkland and open space area.

The subject site, Phase 2, is an integral part of the original subdivision application. The assumption of the entire subdivision (Phase 1 and 2), which remains outstanding, is dependent on the completion of outstanding servicing works and storm water management connections through Phase 2 to the storm pond located at the west end of the site. These works cannot be completed until engineering permit applications for Phase 2 are approved, thus our request for extension of Draft Plan approval.

Upon review of Report No. PL-31-20, we understand that staff have recommended that further extension of our Draft Plan approval be refused. Emshih is disappointed and concerned with staff's recommendation for the following reasons:

- Significant efforts over the past year have been directed towards preparation of a full permit application in response to CH comments, resulting in a comprehensive submission to CH on April 24, 2020. To date, Emshih has not received any comments from Conservation Halton as it relates to our permit application.
- As it relates to our recent permit application to CH, agency comments with regard to our extension request received by City staff do not consider updated information contained within the permit application which addresses the bulk of Conservation Halton's concerns.
- Emshih did not receive a copy of agency comments as related to our extension request until May 29, 2020, despite agency comments being circulated to City staff more than 2 months earlier on March 24, 2020. Had our team received these comments in a timely manner, many of the agency concerns could have been resolved accordingly.
- As a result of Phase 2 remaining incomplete, the existing subdivision remains unassumed by the City of Burlington. The lack of assumption poses ongoing public safety risks associated with trespassing (i.e. dirt biking) and dumping on the vacant parcel of land.
- The City has adopted a "Customer-Centred" service approach with a focus on efficiency. The requirement to submit a new plan of subdivision for review would result in considerable process, massive costs and very significant delays. A council decision to approve staff's recommended refusal would be contrary to the City's service approach when a responsible alternative to the same outcome has been presented to complete the subdivision. The proposed modifications to the lot plan, street alignment and grading in Emshih's recent CH permit application are substantively the same as the draft approved plan.
- Our frustration with the inability to work with staff has only been escalated by the COVID pandemic, adding further complication to the processing of information and communication with staff.

Respectfully, while we acknowledge that a considerable amount of time has passed since the original date of draft plan approval, Emshih maintains that approval of the extension request is the most favourable path forward for all stakeholders involved. This will allow sufficient time for commenting agencies to review our permit application and prepare appropriate modifications to the existing draft plan conditions.

Once circulated, our team will work to address each updated condition in a timely manner. Further, this will avoid the need for years of unnecessary municipal process, maintaining efficient use of staff resources and providing a public benefit to existing members of the Garden Trails community through completion of its final phase.

We appreciate your review of this matter and trust that this summary will be helpful for Council and Committee members to consider our request.

Sincerely,
Emshih Developments Inc.



Dr. Michael Shih

Cc:
Melissa Morgan, Planner II, City of Burlington
Dana Anderson, MBHC Planning
Kristina Didiano, Emshih Developments Inc.

ATTACHMENT "A" - SITE CONTEXT

