July 4, 2024

Ms. Alicia West
City of Burlington
426 Brant Street
Burlington, ON
L7R 3Z6

Dear Ms. West:

Re: 720-740 Oval Court and 5135 and 5155 Fairview Street
City of Burlington
Proposed Draft Plan of Subdivision

In support of the Official Plan and Zoning By-Law Amendments (OPA and ZBLA), previously submitted for the above noted properties, a number of technical reports were reviewed and approved by the City of Burlington (City), Region of Halton (Region) and Conservation Halton (CH). These reports included:

- Environmental Impact Assessment (EIA) (Beacon, January 2024)
- Functional Servicing Study (FSR) (Urbantech, April 2023)
- Geomorphic Assessment (Beacon, March 2023)
- Arborist Report (Beacon, March 2023) and Supplemental Memo regarding the Cedar Hedge (Beacon, September 2023)
- Supplementary Slope Stability Study (DS Consultants, August 2023)

Subsequent to the OLT Decision and Minutes of Settlement associated with the OPA and ZBLA, the applicant has worked with the City of Burlington and Conservation Halton to advance the Appleby Creek Flood Mitigation Environmental Assessment (EA) Addendum. The purpose of this EA Addendum is to reflect the revised Appleby Creek crossing, which is intended to convey the Regional Storm as compared to the preferred option in the original EA which only conveyed the 100 year storm.

Within the Minutes of Settlement, Clause 31 includes the following statement:

> *Branthaven shall resubmit the materials filed in support of the Official Plan amendment and Zoning By-law amendment applications, and any amendments thereto as part of the draft plan of subdivision application. In addition, Branthaven may be required to submit any other reports as may be reasonably required by the City needed to review the draft plan of subdivision application, and to provide an updated Environmental Impact Assessment.*

To address the first component of the above clause, a link to the approved EIA, FSR, Geomorphic Study, Arborist Report and Supplementary Slope Stability Report has been provided to the City through Branthaven's draft plan of subdivision submission.

In addition to those previous reports, the FSR, Arborist Report and Slope Stability Report have been updated to reflect the detailed design of the Appleby Creek crossing and associated grading, now that the design of the crossing has advanced in parallel with the EA Addendum. As it relates to the watercourse corridor, updates to these reports incorporate the detailed grading plans, watercourse crossing design and associated tree removals, all of which has been refined subsequent to the OPA/ZBLA process. The draft EA Addendum (R.J. Burnside, 2024), currently under review by the City and CH, has evaluated the impacts of the modified crossing on the natural heritage features/functions and has concluded that potential impacts are anticipated to be low and short-term provided all proposed mitigation measures are implemented. The report also concludes that the new crossing will lead to an improvement in fish habitat and fish passage. These findings are consistent with those in the EIA (2024). In addition to the EA Addendum findings, the extent of works, and associated impacts, within the watercourse corridor, as assessed in the EIA (2024) has not changed and, as such, the conclusions and mitigation measures as detailed in the EIA (2024) remain valid and there is no need to update the report. Details such as restoration / planting plans will be reviewed and approved through CH's permit process.

In parallel with the draft plan process, CH is currently undertaking a technical review of the submission materials related to the watercourse and flood plain alterations, which will be subject to obtaining Permits from CH pursuant to Ontario Regulation 41/24. CH's Permit process includes review and approval of detailed modelling, design drawings and restoration plans all of which are guided by the findings and recommendations of the EA Addendum (draft April 2024), updated FSR (June 2024) and EIA (January 2024).

I trust the above provides a summary of those materials that require updates, as contemplated in the Minutes of Settlement and that have been submitted as part of Branthaven's draft plan of subdivision application. If you require any further information, please do not hesitate to contact the undersigned.

Yours truly,



Jennifer Lawrence, MCIP, RPP
President
encl.