

**Communication : C 2  
Committee of the Whole (2)  
September 20, 2022  
Agenda Item # 6**

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**From:** Houser, Roslyn <rhouser@goodmans.ca>  
**Sent:** Monday, September 19, 2022 10:19 AM  
**To:** Clerks@vaughan.ca  
**Cc:** Kayly Robbins <krobbins@westonconsulting.com>; Effie Lidakis <Effie.Lidakis@vaughan.ca>; David Harding <David.Harding@vaughan.ca>; Mark Antoine <Mark.Antoine@vaughan.ca>; mmcculla@costco.com; Mark Levkoe (Mark@valcoustics.com) <Mark@valcoustics.com>  
**Subject:** [External] Committee of the Whole (2) Report-- Agenda item 6.6--Meeting on Sept. 20, 2022

Please see attached our letter for the Committee of the Whole in respect of the above-noted item on the agenda for the meeting on Sept, 20, 2022.

We would appreciate if you could provide this letter to the Committee members as soon as possible in advance of the meeting.

We would also be grateful for your confirmation of receipt of this email.

Regards,

Roslyn

**Roslyn Houser**  
Goodmans LLP

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\*\*\*\*\* Attention \*\*\*\*\*

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September 19, 2022

Our File No. 211341

Committee of the Whole  
Vaughan City Hall  
Level 100  
2141 Major Mackenzie Dr.  
Vaughan, ON L6A 1T1

Dear Sirs/Mesdames:

**Re: Committee of the Whole (2) Meeting on September 20, 2022  
Agenda Item 6.6**

We are the solicitors for Costco Wholesale Canada Ltd. ("Costco") which owns and operates a major distribution centre to the north of the property owned by 27 Developments Inc. ("27 Developments") at 8440 Highway 27 which is the subject of this rezoning application.

The staff report notes the productive discussions between City staff, 27 Developments and Costco to address questions raised by Costco respecting the implementation of noise mitigation measures by 27 Developments to ensure compatibility of the proposed hotel with Costco's operations at its distribution centre. The key measures that were agreed upon are a Class 4 designation for the property at 8440 Hwy 27 (through amendment to Schedule 4 of the City's Noise by-law) and the execution and registration on title of an agreement between 27 Developments and Costco securing the applicant's commitment to install inoperable windows for the hotel suites and central air conditioning for as long as the Costco operations remain active (as recommended by the applicant's noise consultant).

However, on behalf of Costco, we find it necessary to raise a process issue. The staff report recommends that the above-noted noise measures be satisfied prior to approval of the site plan. The challenge for Costco is that third parties have no status to appeal a site plan if they are not satisfied with the site plan or the conditions. In the circumstances, we are requesting that Committee modify recommendation #3 in the staff report to provide that the amendment to the City's noise by-law shall occur in conjunction with the approval of the zoning amendment by Vaughan Council. We note that this request has been discussed with staff and we understand they intend to provide the Committee with a supplementary communication.

As noted above, the applicant has confirmed with Costco its willingness to enter into an agreement to be registered on title securing the commitment to the installation of inoperable windows and air conditioning so we trust this can occur prior to Council's adoption of the zoning amendment.

We trust this is satisfactory. In the meantime, we wish to thank City staff and 27 Developments for their cooperation with Costco throughout this process to facilitate an appropriate resolution of the concerns identified by Costco.

Yours truly,

**Goodmans LLP**

A handwritten signature in black ink, appearing to read "R. Houser", is written over the printed name.

Roslyn Houser  
RH/lr

cc: Costco Wholesale Canada Ltd.

27 Developments Inc.  
Attention: Kayly Robbins