

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF APRIL 19, 2017

Item 11, Report No. 13, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on April 19, 2017.

**11 REQUEST FOR CONSTRUCTION NOISE EXEMPTION - YORK REGION
PAVEMENT IMPROVEMENTS - RUTHERFORD ROAD/ISLINGTON AVENUE INTERSECTION
WARD 2**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Deputy City Manager, Community Services and the Director of By-law & Compliance, Licensing & Permit Services, dated April 4, 2017:

Recommendation

The Deputy City Manager, Community Services and the Director of By-law & Compliance, Licensing & Permit Services recommend:

1. That the Regional Municipality of York and its appointed agents/contractors, be granted a noise exemption, in accordance with the City's Noise Control By-law 96-2006, as amended, for the purposes of pavement improvements to the intersection of Rutherford Road and Islington Avenue for the period of May 15, 2017 through to September 1, 2017; and
2. That this request for extension be granted with the following conditions:
 - a) That construction communication notices be sent to surrounding residents and business owners within a 60-metre radius, in keeping with City standards, advising them of the impending work;
 - b) That the construction communication notices to residents and business owners include contact information for York Region and its appointed agents;
 - c) That the Contract Administrator monitor and investigate any complaints regarding construction noise;
 - d) That the Applicant take measures to minimize any unnecessary noise, including but not limited to idling of construction vehicles, unnecessary revving of engines, use of airbrakes, and to maintain equipment in good working order (including muffling devices) to minimize noise impacts; and
 - e) That no construction takes place on Sundays or Statutory Holidays.

Contribution to Sustainability

The initiatives outlined in the request for noise exemption for the purposes of pavement improvements contribute to the City's Community Sustainability Plan by supporting transportation infrastructure.

Economic Impact

Adoption of this report has no adverse economic impact for the City.

Communications Plan

The Applicant has been instructed by the City to provide notification of the commencement of construction in local Vaughan newspapers and in letter form to surrounding residents and

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businesses within a 60-metre radius that may be affected by the construction activities of this project. Further, the Applicant has provided a draft of such notice (Attachment No. 1).

Purpose

This report is to request Council approval of a request from the Regional Municipality of York (York Region) for a noise exemption to By-law 96-2006, as amended.

Background - Analysis and Options

The City of Vaughan Noise Control By-law #96-2006, as amended, prohibits noise created from the use of “construction equipment” as defined, between the hours of 7:00pm of one day to 7:00am the following day and on Sundays and statutory holidays.

Any noise created by construction activity during these prescribed hours requires an exemption to the provisions of the By-law. Exemption requests for construction noise are governed by the provisions of Section 19, Exemption – Construction.

York Region has written to City of Vaughan By-law & Compliance, Licensing & Permit Services (Attachment No. 2) requesting an exemption to the City's Noise Control By-law from July 1, 2017 through September 1, 2017. The construction is in connection with York Region's Road Rehabilitation and Pavement Preservation Management Program, specifically Contract No. 17-151 – Improvements to Rutherford Road/Islington Avenue Intersection.

Construction activities are in relation to pavement rehabilitation and intersection improvements and will include, but are not limited to:

- Removal of existing asphalt and repaving with new asphalt
- Repairs to curbs, catchbasins and maintenance holes
- Upgrading cross-walks at the intersection to meet the new Access for Ontarians with Disabilities Act (AODA) requirements;

The types of equipment used will include:

- Pavement grinding machines
- Paving and asphalt compaction machines
- Dump trucks
- Miscellaneous other smaller construction related equipment

The after-hours construction activities are expected to be completed during the night period due to the complexity of traffic management during pavement removal and paving operations and will mitigate potential substantial traffic disruption and road/lane closures during the day.

Noise Mitigation

A condition of the noise exemption will include the requirement to minimize idling of construction vehicles, avoid unnecessary revving of engines, use of airbrakes, as well as the requirement to maintain equipment in good working order (including the use of muffling devices) to minimize noise impacts.

Relationship to Term of Council Service Excellence Strategy Map (2014-2018)

This noise exemption is directly related to the Term of Council Priority and Service Excellence Strategy Map by investing, renewing and managing infrastructure and assets; improving the municipal road network; and, continuing to ensure the safety and well-being of citizens.

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Regional Implications

The proposed work is being carried out by York Region and its appointed agents/contractors.

Conclusion

This request for a noise exemption, pursuant to the City of Vaughan Noise Control By-law #96-2006, as amended, exceeds the delegated authority of the Director of By-law & Compliance, Licensing & Permit Services. Therefore, Council authorization for the exemption to the By-law is required to permit the Applicant to proceed with the required work as planned.

Staff believes that the pavement improvement project is necessary municipal work and the request received for a noise exemption should be endorsed by Council pursuant to the recommendations set out in this report.

Attachments

1. Draft – Notice to Residents/Businesses
2. York Region Application Letter
3. Project Map

Report prepared by:

Janice Heron,
Supervisor, Client Services & Business Administration
By-law & Compliance, Licensing & Permit Services

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)