

**CITY OF VAUGHAN**

**EXTRACT FROM COUNCIL MEETING MINUTES OF APRIL 19, 2017**

Item 13, 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.

**13 REQUEST FOR CONSTRUCTION NOISE EXEMPTION - MINISTRY OF TRANSPORTATION  
WIDENING OF HIGHWAY 400 – WARDS 1 AND 3**

**The Committee of the Whole recommends:**

- 1) That 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, be approved; and**
- 2) That the following be approved in accordance with Communication C35, Memorandum from the Director of By-law & Compliance, Licensing & Permit Services, dated April 3, 2017:**
  - 1. That recommendation 2. e) in the report of the Deputy City Manager, Community Services and the Director of By-law & Compliance, Licensing & Permit Services, dated April 4, 2017, be amended to read as follows:**
  - 2. e) That no construction takes place on Statutory Holidays.**

**Recommendation**

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

- 1. That the Ministry of Transportation and its appointed agents, be granted a noise exemption, in accordance with the City's Noise Control By-law 96-2006, as amended, for the purposes of widening Highway 400, from Major Mackenzie Drive to King Vaughan Road, for the period of May 1, 2017 through November 30, 2019; 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 the Ministry of Transportation;**
  - 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 widening on Highway 400 contribute to the City's Community Sustainability Plan by supporting transportation infrastructure.

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#### **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 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 Ministry of Transportation 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.

The Ministry of Transportation 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 May 1, 2017 through November 30, 2019 for the purposes of construction in connection with road widening project GWP # 2539-04-00, which includes the replacement of the King-Vaughan Road bridge, on Highway 400 between Major Mackenzie Drive to King Vaughan Road.

The after-hours construction activities are requested in order to address the need for periodic night time and possibly weekend construction work, excluding Sundays and Statutory Holidays, to mitigate potential substantial traffic disruption if conducted solely during the hours permitted in the By-law.

The construction activities will include, but are not limited to:

- Traffic staging/control set-up
- Pavement grinding;
- Pavement resurfacing;
- Equipment and material deliveries;
- Bridge work:
  - Concrete removal, using saw-cutting, jack hammers, hoe ram and backhoe equipment;
  - Concrete pours;
  - Girder erection, using cranes;
  - Reinforcing steel placement;
  - Excavation and backfill operations; and
  - Paving.

#### **Noise Mitigation**

The Applicant has advised that a construction noise assessment has been conducted which prescribes general noise mitigation measures that must be adhered to to ensure compliance with

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the Ministry of the Environment and Climate Change sound emission standards. In addition, 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.

#### **Regional Implications**

The proposed work is being carried out by the Ministry of Transportation and its 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 road rehabilitation 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. Ministry of Transportation Application Letter
3. Project Map

#### **Report prepared by:**

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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.)