

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 24, 2014

Item 37, Report No. 30, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on June 24, 2014.

**37 REQUEST FOR NOISE EXEMPTION - KIEWIT ELLISDON (KED)
 VIVANEXT / H2VMC PROJECT
 WARD 4**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Commissioner of Legal and Administrative Services/City Solicitor and the Director of By-law & Compliance, dated June 17, 2014:

Recommendation

The Commissioner of Legal and Administrative Services/City Solicitor and the Director of By-law & Compliance recommend:

1. That Kiewit-EllisDon (KED) be granted a noise exemption, in accordance with the City's Noise By-law 96-2006, for the purposes of road widening construction activities related to the installation of dedicated bus lanes associated with the Viva Rapid Transit routes on Highway 7 (from Hwy 400 east to 100 m east of Bowes Road) for the period of June 24, 2014 through December 21, 2014;
2. That this request for noise exemption 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 Rapid Transit Corporation; and
 - c) That no construction take place on Sundays or Statutory Holidays.

Contribution to Sustainability

This noise exemption is directly related to the vivaNext/H2VMC Project, contributing to accessible and frequent local transit service, supporting alternative modes of transportation.

Economic Impact

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

Communications Plan

York Region Rapid Transit Corporation employs a comprehensive communications program to keep residents and businesses informed of the work schedule in advance by means of newsletter mailings, e-mail bulletins, face-to-face meetings, social media posts, electronic variable message signs, as well as providing a dedicated liaison that works closely with the community and those within the construction zone. York Region Rapid Transit Corporation has provided sample notices used for other projects.

Purpose

This report is to request Council approval of a request from Kiewit-EllisDon (KED), for a long term noise exemption to By-law 96-2006. As this request for granting an exemption to the provisions

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of the City of Vaughan Noise By-law exceeds staff's delegated authority of a maximum of eleven calendar days, authorization for exemption of the time proposed requires the approval of City Council.

Background - Analysis and Options

The City of Vaughan Noise By-law 96-2006 delegates authority to grant noise exemptions for construction purposes up to eleven days to the Department Head By-law & Compliance.

KED has written to the City of Vaughan By-law & Compliance Department requesting an exemption to the Noise By-law for the purposes of construction in connection with the vivaNext/H2-VMC Project.

The scope of the H2-VMC Project primarily consists of road widening to allow for the installation of dedicated bus lanes associated with Viva Rapid Transit Routes. The construction work will include:

- Drainage work;
- Grading and paving;
- Fencing/barriers;
- Culvert extensions;
- Retaining structures;
- Sidewalk and station platform construction;
- Hard and soft landscaping; and
- Widening of CN McMillian Bridge.

Construction work activities that will occur outside of the restrictions of the Noise By-law (i.e. after 7:00pm and before 7:00am) will include:

- Paving and sub-base construction;
- Electrical work; and
- Drainage/utility work.

Noise Mitigation

The Applicant will be required to minimize idling of construction vehicles, avoid unnecessary revving of engines/use of airbrakes and to maintain equipment in good working order (including muffling devices) to minimize noise impacts. The primary sources of noise during construction will include:

- Clearing and grubbing – Use of chain saws, dozers, excavators, etc.;
- Removal/demolition – Use of excavators, breakers, milling machines, etc.;
- Excavation/grading – Use of dozers, excavators, trucks, etc.; and
- Paving/sub-base construction – Use of, excavators, rollers, compactors.

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KED has included a list of their “Best Management Practices”, which include:

- Focus maintenance on lubrication and replacement of worn parts and correction of deficient exhaust systems;
- Shut down heavy equipment that is not active to avoid idling, when practical;
- Avoid unnecessary revving of engines and use of airbrakes;
- Avoid banging of tailgates and loader buckets; and
- Select travel routes to avoid noise sensitive areas.

Relationship to Vaughan Vision 2020/Strategic Plan

This report is in keeping with the priorities previously established by Council to plan and manage growth, economic viability and support transportation infrastructure.

Regional Implications

The work is being carried out in partnership with the York Region Rapid Transit Corporation.

Conclusion

This request for a noise exemption pursuant to the City of Vaughan Noise By-law 96-2006 exceeds the delegated authority of the Director of By-law & Compliance. Therefore, Council authorization for the exemption to the By-law is required to permit the York Region Rapid Transit Corporation and their agent KED to proceed with the required work as planned.

Staff believe that this request, if approved with the recommended conditions, is necessary municipal work. Staff believe this request for exemption is reasonable as proposed and should be supported accordingly.

Attachments

Attachment 1: Letter of Intent Kiewit-Ellisdon (KED)
Attachment 2: Communication Program Information Samples
Attachment 3: Construction Area Map

Report prepared by:

Janice Heron, Office Coordinator, By-law & Compliance

(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.)