

**EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 24, 2014**

**38 NOISE EXEMPTION REQUEST - REGIONAL MUNICIPALITY OF YORK  
HIGHWAY 427 ROAD RECONSTRUCTION / PAVING  
WARD 2**

1) That the recommendation contained in the following report of the Commissioner of Legal & Administrative Services/City Solicitor and the Director of By-law & Compliance, dated June 17, 2014, be approved subject to replacing “7:00 pm” in recommendation 2) d) with “7:00 am”.

- 1) That the Regional Municipality of York (and their agents) be granted a noise exemption, in accordance with the City's Noise By-law 96-2006, for the purposes of road reconstruction (including traffic staging; mobilization and demobilization; equipment and material delivery; relocation of temporary concrete barriers; pavement marking/painting; pavement removal; and paving of Highway 427 from 0.5 km south of Highway 7 to Zenway Boulevard) for the period of August 5, 2014 through October 1, 2014.

d) That no construction take place on Sundays prior to 7:00pm.

The Applicant has been instructed by the City to provide notification of the use of construction equipment to businesses within a 60 metre radius of the proposed work and have provided a draft of such notice as part of their application.

## **CITY OF VAUGHAN**

### **EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 24, 2014**

Item 38, CW Report No. 30 – Page 2

#### **Purpose**

The purpose of this report is to seek Council's approval in support of an Application for Exemption to the City's Noise By-law 96-2006 from the Regional Municipality of York – TCP Department-Roads ("Applicant"), in support of the necessary municipal/regional work, proposed to take place from August 5, 2014 through October 1, 2014. As this request for granting an exemption to the provisions 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 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 or 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.

On April 24, 2014, the Applicant submitted a written request (Attachment No. 1) to the City of Vaughan, By-law & Compliance Department, requesting an exemption to the Noise By-law for the purposes of Highway 427 road reconstruction, between Highway 7 and Zenway Boulevard, Contract No. 14-185. The proposed road reconstruction includes traffic staging; mobilization and demobilization; equipment and material delivery; relocation of temporary concrete barriers; pavement marking/painting; pavement removal; and paving.

The construction is primarily located in areas zoned commercial and industrial and is scheduled to take place in two phases.

#### **Phase 1**

The first phase of the project will include the closure of northbound Highway 427, between Highway 7 and Zenway Boulevard. During this closure, the contractor will complete the removal of existing pavement and resurfacing the area. This phase of the project should be completed before August 31, 2014.

#### **Phase 2**

The latter half of the project (Phase 2) will include the closure of southbound Highway 427 between Zenway Boulevard and Highway 7. During this portion of the closure, the contractor will be removing pavement and resurfacing the area. The 2<sup>nd</sup> phase of the project should be completed before September 30, 2014.

As described within the Application documents, construction activity is required during prohibited evening hours to accelerate construction for the following purposes:

- Layout traffic staging;
- Mobilization and demobilization;
- Material and equipment delivery;
- Relocation of temporary concrete barriers;

**CITY OF VAUGHAN**

**EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 24, 2014**

Item 38, CW Report No. 30 – Page 3

- Pavement marking painting;
- Pavement removal; and
- Paving.

The work being conducted after hours (i.e. between 7:00pm - 7:00am) will only be executed Sunday evening through Friday (and will not include Saturdays or statutory holidays). Commencement of work on Sundays will occur in the evening only with a start time of 7:00pm or later.

A written Notification of Road Construction will be provided to surrounding residents and businesses prior to commencement of construction (Attachment No. 2).

**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 as well as supporting transportation infrastructure.

**Regional Implications**

The work proposed to be carried out is required as necessary municipal work, and will be carried on as part of a tendered contract with the Region of York.

**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 Regional Municipality of York to proceed with the required work as planned.

Staff believe that this request, if approved with the recommended conditions, is necessary municipal work. Construction will be carried out during a time that will minimize disruptions to traffic and should be supported accordingly. Staff believe this request for an exemption is reasonable as proposed.

**Attachments**

Attachment 1: Written Request by Stantec (Consultant for the Regional Municipality of York)

Attachment 2: Draft Letter to Businesses

Attachment 3: Contract & Construction Area Map(s)

**Report prepared by:**

Janice Heron, Office Coordinator

(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.)