

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF OCTOBER 20, 2015

Item 28, Report No. 35, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on October 20, 2015.

28 NOISE EXEMPTION REQUEST – D.M. WILLIS ASSOCIATES LIMITED HIGHWAY 400 PAVEMENT REHABILITATION WARDS 3 & 4

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Interim Commissioner of Legal & Administrative Services/City Solicitor and the Director of By-law & Compliance, dated October 7, 2015:

Recommendation

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

- 1) That the D.M. Willis Associates Limited, on behalf of the Ministry of Transportation be granted a noise exemption, in accordance with the City's Noise By-law #96-2006, for the purposes of pavement rehabilitation on Highway 400 between Steeles Avenue and just north of Highway 7 for the period of January 2, 2016 through January 31, 2017.
- 2) That this request for noise exemption be granted with the following conditions:
 - a) That notice of the impending work be provided to surrounding residents and business owners within a minimum 60 metre radius;
 - b) That public notification of the proposed work be placed in Vaughan local newspapers;
 - c) That the notice to residents and business owners include contact information for D.M. Willis Associates Limited and/or contractors conducting the work;
 - d) That no construction take place on Sundays or statutory holidays; and
 - e) That noise mitigation measures be implemented by ensuring that:
 - unnecessary noise related to equipment be minimized where possible;
 - there be no unnecessary idling of vehicles; and

Contribution to Sustainability

The initiatives outlined in the request for Noise Exemption for the purposes of pavement rehabilitation on Highway 400 contribute to the City's Community Sustainability Plan by supporting transportation infrastructure.

Economic Impact

Adoption of this Report has no adverse economic impact.

Communications Plan

The Applicant has published a Notice of Detail Design Commencement Notification in the North York Mirror on May 28, 2015 and L'Express newspaper in French on May 26, 2015 and additionally to surrounding businesses and potentially affected local services in letter form (Attachment 1).

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The Applicant has been instructed by the City to provide further public notification of the proposed work in Vaughan local newspapers and again in letter form to surrounding businesses/residents within Vaughan and to those local services that may be affected by the construction activities of this project.

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 D.M. Wills Associates Limited (the Applicant), on behalf of The Ministry of Transportation, in support of the necessary road works proposed to take place from January 2, 2016 through January 31, 2017. As this request exceeds staff's delegated authority of a maximum of 11 calendar days, authorization for this exemption 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.

The Applicant submitted a written request to the City of Vaughan By-law & Compliance Department requesting an exemption to the Noise By-law for the purposes of pavement rehabilitation on Highway 400.

The specific location and activities of the construction include:

- Pavement rehabilitation on Highway 400 northbound from Steeles Avenue West to Regional Road 7;
- Pavement rehabilitation on Highway 400 southbound from north of Steeles Avenue West south of Vaughan's border;
- Pavement rehabilitation on miscellaneous ramps and portions of Steeles Avenue West within the Ministry's right-of-way;
- Traffic signal improvements;
- Replacement of affected vehicle detection and counting loops.

The construction activities will include, but are not limited to, the use of the following equipment:

- Tandem and triaxle trucks;
- Asphalt pavers;
- Milling machines;
- Rubber tire rollers;
- Steel rollers;
- Excavators; and
- Other heavy equipment as required

As described within the Application documents, construction activity is required during prohibited evening hours to minimize traffic disruption and public inconvenience.

The Applicant will ensure that standard noise mitigation measures will be specified in the tender contract package, such as: the contractor will be required to keep idling of construction equipment to a minimum and maintain equipment in good working condition in order to reduce noise from construction activities.

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A written Notification of Road Construction will be provided to surrounding area residents and businesses within a minimum 60 metre radius prior to the commencement of construction in addition to being printed in Vaughan local newspapers.

Relationship to Vaughan Vision 2020/Strategic Plan

This Report is in keeping with the priorities previously established by Council to plan and manage growth and economic viability.

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 overseen by D.M. Wills Associates Limited, The Ministry of Transportation's consultant.

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 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

Attachment 1: Previous Notice of Detail Design Commencement

Attachment 2: Construction Area Map

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.)