

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

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF APRIL 19, 2017

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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:

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.)



DATE: April 3, 2017

TO: Hon. Mayor Bevilacqua and Members of City Council

FROM: Gus Michaels, Director, By-law & Compliance, Licensing & Permit Services

SUBJECT: Item. 13, April 4, 2017 – Committee of the Whole – Request for Construction Noise Exemption – Ministry of Transportation (“MTO”) widening of Highway 400 – Wards 1 & 3

Recommendation:

The Director of By-law & Compliance, Licensing & Permit Services recommends:

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.

Purpose:

The purpose of this memo is to bring forward an amendment to the recommendation contained in the staff report on the above-noted matter) to allow for construction work to take place on a Sunday from midnight to 8:00 am on an identified non-holiday weekend in 2018 for completion of the demolish of the King- Vaughan Road Bridge and to ensure minimal impact to traffic.

Background:

Further to the April 4, 2017 Committee of the Whole Report Item No. 13, the applicant (“MTO”) advised City staff on March 31, 2017 of a singular critical construction/demolition activity that will need to take place on a Sunday, to be identified at a later date in 2018. This work is required in order to facilitate completion of the demolition of King-Vaughan Road Bridge and to ensure minimal disruption to traffic.

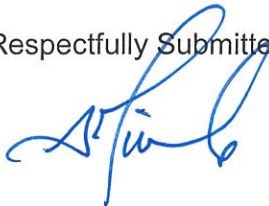
Conclusion:

City staff have reviewed the submission and believe that this amendment to recommendation No. 2, removing the word “*Sunday*” from the original recommendation, will still provide a reasonable condition to minimize and abate construction noise while facilitating the MTO’s need for work to take place on a Sunday in 2018.

Staff will continue to work with the MTO and ensure that the appropriate notifications are provided to all surrounding residents and business owners within a 60 meter radius as identified in recommendation No. 2. a).

Staff believe that the bridge work is necessary municipal work and that the request by the MTO to allow for demolition of King-Vaughan Road Bridge to take place on a Sunday in 2018, should be endorsed by City Council.

Respectfully Submitted,



Gus Michaels,
Director & Chief Licensing Officer
By-law & Compliance, Licensing & Permit Services
Community Services

CC: Mary Reali, Deputy City Manager, Community Services
Barbara McEwan, City Clerk

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

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.

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 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:

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

Respectfully submitted,

Mary Reali
Deputy City Manager
Community Services

Gus Michaels
Director, By-law & Compliance,
Licensing & Permit Services

CA Letter Head

<<Month/Day/Year>>

To Whom It May Concern:

**Re: Highway 400 Widening from Major Mackenzie Drive to King Road
Commencement of Construction Works
Ministry of Transportation (MTO) GWP # 2539-04-00**

The Ontario Ministry of Transportation (MTO) is undertaking widening and reconstruction of Highway 400 from Major Mackenzie Drive to King Road in the City of Vaughan and Township of King within the Regional Municipality of York. The work includes:

- Widening of highway from the existing 6 lanes to an interim 8 lane cross-section, and re-alignment of the on and off ramps at the northbound and southbound service centres and at the Teston Road Interchange.
- Construction of a new bridge structure at the King-Vaughan Road underpass to accommodate the future expansion of Highway 400 to its ultimate ten-(10) lane configuration.
- Widening and repair of the Kirby Road overpass on the east and west sides to accommodate the future expansion of Highway 400 to its ultimate ten-(10) lane configuration.
- Extension of the existing concrete arch culvert at the East Humber River as well as other existing non-structural culvert crossings under Highway 400.
- Installation of a new high mast lighting system on the median tall wall concrete barrier throughout the full length of the project.
- Replacement of the existing median tall wall barrier as well as median storm sewer and outlets and construction of two new stormwater management ponds.

The construction contract has been awarded to **XXXX**. The construction is expected to start in May 2017 and be completed by November 2019.

Note that during the construction period there may be periodic night time and possibly weekend construction work outside the permitted hours in the City of Vaughan Noise By-Law and Township of King Noise By-Law to avoid substantial traffic disruption if conducted solely during the hours specified in the by-laws. For construction work conducted outside the permitted hours, MTO will secure an exemption from the subject municipal by-laws, where required. Construction noise levels will be based upon a variety of factors such as time and location of operation, size and concurrent use of equipment and staging of construction. Standard noise mitigation measures pertaining to equipment maintenance and operation will be implemented as part of the contract.

Should you require further information on this project please contact Mr. **XXX** at **XXX -XXX-XXXX**, the Site Contract Administrator.

**SNC • LAVALIN**

SNC-LAVALIN INC.
195 The West Mall
Toronto, Ontario
Canada M9C 5K1

Telephone: +1.416.252.5311
Fax: +1.416.231.5356

November 1, 2016

Enforcement Services Department
City of Vaughan Civic Centre
2141 Major Mackenzie Drive
Vaughan, Ontario L6A 1T1

Attn: Ms. Maliha Shaikh, BSc. C.E.T
Clerical Assistant,
By-law & Compliance, Licensing & Permit Services

**RE WIDENING OF HIGHWAY 400 FROM MAJOR MACKENZIE DRIVE TO KING ROAD
 MINISTRY OF TRANSPORTATION G.W.P. 2539-04-00
 EXEMPTION FROM CITY OF VAUGHAN BY-LAW NUMBER 96-2006**

Dear Ms. Shaikh,

The Ministry of Transportation of Ontario ("MTO", "the Ministry") is currently finalizing the Detail Design for the widening of Highway 400 between Major Mackenzie Drive and King Road, including the replacement of the King-Vaughan Road bridge (please refer to the accompanying Key Plan). Within the City of Vaughan, the project limits are from Major Mackenzie Drive to the north city limit, just north of King-Vaughan Road. The MTO Central Region Highway Engineering Section (York-Simcoe) in Downsview is responsible for this undertaking, and has retained SNC-Lavalin Inc. (SLI) to prepare the Detail Design.

Construction of the project is planned to commence in May 2017 and is expected to be completed by November 2019. The need for periodic night time and possibly weekend construction work has been identified, with construction anticipated to result in substantial traffic disruption if conducted solely during the hours permitted in City of Vaughan By-Law Number 96-2006. Therefore, on behalf of MTO, SLI is seeking an exemption from the subject by-law requirements in accordance with the exemption provisions in the by-law to enable the Ministry to undertake construction activities outside of the hours permitted under the by-law. A completed noise exemption application and cheque in the amount of \$150.00 to cover the processing fee are enclosed. Please note that, due to the schedule and scope of the project, we are seeking a full exemption from the hours of operation specified in the by-law, with the flexibility for construction to be undertaken seven (7) days a week, including statutory holidays.

The proposed construction work that may be undertaken outside the hours permitted in By-Law Number 96-2006 includes: set-up for traffic staging/control; pavement grinding; pavement resurfacing; and equipment and material deliveries. For bridge structures within the contract limits, work may include: concrete removal (using saw-cutting, jack hammers, hoe ram and backhoe equipment), concrete pours, girder erection (using cranes), placement of reinforcing steel, excavation and backfill operations, and paving. Additionally, as part of the project, a construction noise assessment has been conducted which prescribes general noise mitigation measures (e.g., construction equipment to be in good repair, fitted with functioning mufflers) to be adhered to in the contract to ensure compliance with Ministry of the

Ms. Maliha Shaikh
City of Vaughan
November 1, 2016

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Environment and Climate Change (MOECC) sound emission standards (NPC-115 Publication "Construction Equipment").

While it is unlikely the Highway 400 construction activity will generate enough noise to raise complaints from residents in the affected area, the Ministry will be issuing a notification letter (refer to attachment) to nearby residents and businesses within a 60 metre radius of the project area to advise them of the proposed work. This letter will include a contact person who will address any noise complaints received.

Thank you in advance for your favourable consideration of this request. We understand that the request will be reviewed by Council and look forward to addressing the project needs with the City in a cooperative manner.

Yours very truly,
SNC-Lavalin Inc.

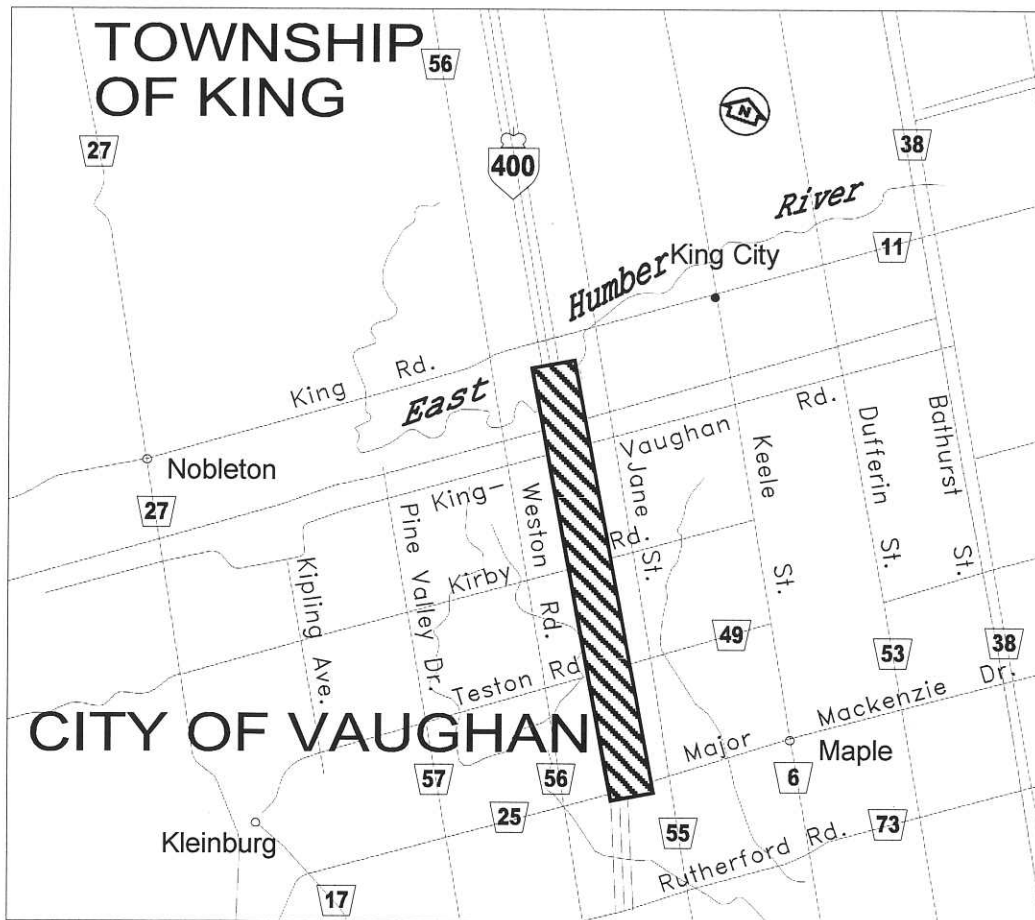
Craig Wallace, BES, EP
Principal Planner

cc: H. Glass/C. Barber, MTO
J. Mohacsi, SLI

Encl.

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KEY PLAN



Google Maps Major MacKenzie Dr W



Map data ©2016 Google 1 km