

EXTRACT FROM COUNCIL MEETING MINUTES OF DECEMBER 10, 2013

**47 NOISE EXEMPTION REQUEST – WARD 1
TRIAxis CONSTRUCTION LIMITED
COURTYARDS OF MAPLE PROJECT - 2396 MAJOR MACKENZIE DRIVE**

- 1) That the recommendation contained in the following report of the Commissioner of Legal and Administrative Services and City Solicitor and the Director of By-law and Compliance be approved subject to recommendation 1) being replaced with the following:
 1. That TriAxis Construction Limited (“the Applicant”) be granted a noise exemption, in accordance with the City’s Noise By-law 96-2006, for the purposes of conducting concrete forming operations, including use of power trowels for curing and smoothing the floors of the condominium project located at 2396 Major Mackenzie Drive – Courtyards of Maple Project from:
 - i) December 10, 2013 to December 23, 2013; and
 - ii) January 3, 2014 to February 7, 2014;
- 2) That staff work with the contractor to ensure that neighbouring homes are not impacted by construction lighting on the site; and
- 3) That the deputation of Mr. Gerard Borean, Parente Borean, Hwy 7, Vaughan, be received.

- 1) That TriAxis Construction Limited (“the Applicant”) be granted a noise exemption, in accordance with the City’s Noise By-law 96-2006, for the purposes of conducting concrete forming operations, including use of power trowels for curing and smoothing the floors of the condominium project located at 2396 Major Mackenzie Drive – Courtyards of Maple Project; from December 10, 2013 to February 28, 2014, inclusive.
- 2) That this request for noise exemption be granted with the following conditions:
 - a. That Notices be sent to surrounding residents within a 60 metre radius, in keeping with City standards, advising them of the impending work;
 - b. That the Notice to Residents include contact information for TriAxis Construction Limited;
 - c. That no construction take place on Sundays or Statutory Holidays.

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

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Communications Plan

The Applicant has been instructed by the City to provide notification of the use of construction equipment to area residents and businesses within a 60 metre radius (Radius Map - Attachment No. 1) of the proposed work. Copy of the notification letter has been provided to City staff (Attachment No. 2).

Purpose

The purpose of this report is to seek Council's approval of the Application for Exemption, dated November 20, 2013 (Attachment No. 3) to the City's Noise By-law # 96-2006 from the Applicant, in support of necessary construction work proposed to take place between December 10, 2013 and February 28, 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 11 calendar days, authorization for exemption of the time proposed requires the approval of City Council.

This report required submission as an addendum item due to the application having been received in November and the request for noise exemption requiring the consideration of City Council in order for the required construction activity to continue accordingly.

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 7:00 pm of one day to 7:00 am the following day and on Sundays or statutory holidays. Noise created by construction equipment during these prohibited hours requires an exemption to the provisions of the By-law. Related exemption requests are governed by the provisions of Section 19 Exemptions – Construction Equipment. The by-law prescribes that requests for exemptions be received 60 days prior to commencement of the work.

Following receipt of a public complaint relating to construction noise, staff from the By-law & Compliance Department issued a Notice of Violation dated November 6, 2013 directing the Applicant to cease related activity and seek relief through the exemption process as prescribed within the By-law.

On November 8, 2013, the Applicant submitted a written request to the City of Vaughan, By-law and Compliance Department requesting an exemption to the Noise By-law for the purposes of installing concrete floors (including curing and finishing) through the use of power trowels, in keeping with the condominium development located at 2396 Major Mackenzie Drive – Courtyards of Maple. The Applicant has confirmed the activity of curing and finishing the concrete floors will only occur every two to three days; as floors are poured.

Upon review of the submission, an eleven day Noise Exemption, between November 8, 2013 and November 22, 2013 was granted subject to notification being provided to area residents and that no work take place on Sundays and Statutory Holidays; in accordance with the delegated authority as prescribed within Section 19 (1). On November 21, 2013, the Applicant re-submitted a further request for exemption to facilitate completion of the work. Given the time frame requested by the applicant exceeds the By-law's delegated authority provision, a second eleven day exemption was granted, between November 26, 2013 and December 9, 2013; in order to allow for staff to prepare and submit a report to City Council for further consideration.

By-law & Compliance staff confirmed with Building Standards staff that the curing and finishing processes cannot be interrupted once begun, must be finished within a limited time following pouring of the floors and that the process of finishing can take in excess of 12 hours. This type of work is not uncommon when constructing concrete floors. The exact dates of when the curing

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and finishing processes may occur are unknown to the Applicant and are reliant on several factors, such as weather, equipment, material availability and completion of other required construction activities. Although the expected completion date for the floors is anticipated to be January 31, 2014, the Applicant is requesting the exemption be granted to February 28, 2014, in the event inclement weather conditions delay the process.

Noise Mitigation Plan:

In order to mitigate evening and overnight noise, the Applicant scheduled the sequencing of work to expedite the northern portion of the building, which will assist as a buffer to mitigate noise impact on residents to the north of the construction site. In addition, to ensure nearby residents are not adversely impacted by mobile light stands required throughout the night, they have been and will continue to be positioned in a manner to direct light away from neighbouring homes.

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

There are no Regional implications.

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 and Compliance. Therefore, Council authorization for the exemption to the By-law is required to permit TriAxis Construction Limited to proceed with the required work. Although the Application was not received prior to the 60 day application period as prescribed by the By-law, the proposed work is necessary due to the continual process required to construct and finish the concrete floors. Staff believe that this request, if approved with the recommended conditions, is reasonable in nature, and should be supported accordingly.

Attachments

1. Radius Map Notification Area
2. Draft Letter to area Residents/Businesses
3. TriAxis Construction Limited Letter of Intent

Report prepared by:

Janice Heron, Office Coordinator
Gus Michaels, Director, By-law and 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.)

COMMITTEE OF THE WHOLE – NOVEMBER 26, 2013

NOISE EXEMPTION REQUEST – WARD 1 **TRIAxis CONSTRUCTION LIMITED** **COURTYARDS OF MAPLE PROJECT - 2396 MAJOR MACKENZIE DRIVE**

Recommendation

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

- 1) That TriAxis Construction Limited (“the Applicant”) be granted a noise exemption, in accordance with the City’s Noise By-law 96-2006, for the purposes of conducting concrete forming operations, including use of power trowels for curing and smoothing the floors of the condominium project located at 2396 Major Mackenzie Drive – Courtyards of Maple Project; from December 10, 2013 to February 28, 2014, inclusive.
- 2) That this request for noise exemption be granted with the following conditions:
 - a. That Notices be sent to surrounding residents within a 60 metre radius, in keeping with City standards, advising them of the impending work;
 - b. That the Notice to Residents include contact information for TriAxis Construction Limited;
 - c. That no construction take place on Sundays or Statutory Holidays.

Contribution to Sustainability

Contributes to sustainability by supporting community development.

Economic Impact

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

Communications Plan

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Following receipt of a public complaint relating to construction noise, staff from the By-law & Compliance Department issued a Notice of Violation dated November 6, 2013 directing the Applicant to cease related activity and seek relief through the exemption process as prescribed within the By-law.

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By-law & Compliance staff confirmed with Building Standards staff that the curing and finishing processes cannot be interrupted once begun, must be finished within a limited time following pouring of the floors and that the process of finishing can take in excess of 12 hours. This type of work is not uncommon when constructing concrete floors. The exact dates of when the curing and finishing processes may occur are unknown to the Applicant and are reliant on several factors, such as weather, equipment, material availability and completion of other required construction activities. Although the expected completion date for the floors is anticipated to be January 31, 2014, the Applicant is requesting the exemption be granted to February 28, 2014, in the event inclement weather conditions delay the process.

Noise Mitigation Plan:

In order to mitigate evening and overnight noise, the Applicant scheduled the sequencing of work to expedite the northern portion of the building, which will assist as a buffer to mitigate noise impact on residents to the north of the construction site. In addition, to ensure nearby residents are not adversely impacted by mobile light stands required throughout the night, they have been and will continue to be positioned in a manner to direct light away from neighbouring homes.

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

There are no Regional implications.

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 and Compliance. Therefore, Council authorization for the exemption to the By-law is required to permit TriAxis Construction Limited to proceed with the required work. Although the Application was not received prior to the 60 day application period as prescribed by the By-law, the proposed work is necessary due to the continual process required to construct and finish the concrete floors. Staff believe that this request, if approved with the recommended conditions, is reasonable in nature, and should be supported accordingly.

Attachments

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Report prepared by:

Janice Heron, Office Coordinator
Gus Michaels, Director, By-law and Compliance

Respectfully submitted,

Gus Michaels
Director, By-law & Compliance

MaryLee Farrugia
Commissioner of Legal & Administrative Services
/ City Solicitor

Attachment No. 1

Notification Area

TriAxis Construction Limited – Courtyards of Maple Project

Noise Exemption Request



Properties Within 60 Metre Radius

Gardner Place: 60, 64, 70, 74, 78, 82, 86, 88, 90

Lamar Street: 78, 80, 82, 84, 85, 88, 91, 92, 96, 97, 101, 104, 105, 108, 112, 116, 120, 128, 132, 136

Armour Street: 5

Major Mackenzie Drive: 2354, 2355, 2365, 2377, 2401, 2414

Gram Street: 1, 2

Attachment No. 2



November 8, 2013

To The Resident

Dear Resident:

RE: COURTYARDS OF MAPLE
2396 MAJOR MACKENZIE DRIVE, VAUGHAN

We are construction managers for the development currently under construction at 2396 Major Mackenzie Drive.

We are currently in the concrete forming operation of the project which involves the placing of concrete during the hours of 7:00 am to 3:00 pm.

The curing and finishing process of the concrete which follows the placing requires approximately 12 hours, depending on conditions such as weather, and 3 to 4 concrete finishers. The finishers will work periodically throughout this curing period to apply the smooth finish to the concrete floor. The process will occur every 2 to 3 days as the floors are poured; and is not required for the pouring of the concrete walls. Due to the inherent nature of the concrete curing process the finish must be applied in this manner. We expect to complete this operation in the next couple of months.

In addition, any lighting which will be used during these hours will be positioned in a manner to direct the light in a direction away from your property.

If you have any questions regarding this matter, please do not hesitate to contact me.

Yours Truly,

TRIAxis CONSTRUCTION LIMITED

A handwritten signature in black ink, appearing to read "A. Palazzo".

Alessandro Palazzo

Cc: 2177419 Ontario Ltd.
City of Vaughan Enforcement Services Department

Attachment No. 3



November 20, 2013

Ms. Janice Heron
By-Law and Compliance Department
City of Vaughan
2141 Major Mackenzie Drive
Vaughan, ON
L6A 1T1

Dear Ms. Heron:

**RE: COURTYARDS OF MAPLE
2396 MAJOR MACKENZIE DRIVE, VAUGHAN**

We are construction managers for the development currently under construction at 2396 Major Mackenzie Drive and are writing to request an exemption from the City of Vaughan Noise By-law for our construction site at 2396 Major Mackenzie Drive.

We are currently in the concrete forming operation of the project which involves the placing of concrete during the hours of 7:00 am to 4:00 pm Monday to Friday. The curing and finishing process of the concrete which follows the placing requires 3 to 4 concrete finishers and approximately 12 hours, depending on conditions such as weather. The finishers will work periodically throughout this curing period to apply the smooth finish to the concrete floor with the use of power trowels. Any mobile light stands required throughout the night will be positioned in a manner to direct light away from the neighboring residents. At no time will work occur during Sundays or holidays.

The process will occur every 2 to 3 days as the floors are poured; and is not required for the pouring of the concrete walls. Due to the inherent nature of the concrete curing process the finish must be applied in this manner. We expect to complete this operation by January 31, 2014 but would ask for exemption to the February 28, 2014 in the event that we encounter an extended period of poor weather conditions.

We have provided and provide further written notice of our construction activities to the following Property Owners:

- 78, 80, 82, 88, 92, 96, 100, 104, 108, 112, 116, 120, and 124 Lamar Street.
- 2365, 2377, 2389, and 2401 Major Mackenzie Drive.

In addition, we have scheduled the sequencing of our work to expedite the northern portion of the building which will act as a buffer and mitigate any impacts on the residents to the north. In our next notice to the residents include contact information for our Site Manager and Site Foreman should the residents need to speak to them.



If you have any questions regarding this matter, please do not hesitate to contact me.

Yours Truly,

TRIAXIS CONSTRUCTION LIMITED

A handwritten signature in black ink that reads 'A. Palazzo'.

Alessandro Palazzo

Cc: 2177419 Ontario Ltd.