

Committee of the Whole (2) Report

DATE: Monday, December 12, 2022 **WARD(S):** 5

TITLE: NOISE EXEMPTION REQUEST FOR CONSTRUCTION OF MIXED-USE RESIDENTIAL AND RETAIL BUILDINGS AT 7950 BATHURST STREET AND 8 BEVERLY GLEN BOULEVARD, VAUGHAN

FROM:

Gus Michaels, Deputy City Manager, Community Services

ACTION: DECISION

Purpose

This report is to seek Council approval for a noise exemption to By-law 121-2021, for work required for the construction of four mixed-use residential and retail towers by Daniels Baif Thornhill Inc. (the Applicant), located at 7950 Bathurst Street and 8 Beverly Glen Boulevard, Vaughan from December 12, 2022, to April 30, 2023

Report Highlights

- A noise exemption from By-law 121-2021, is being requested for a variety of work related to the construction of a residential and retail development
- The exemption is being requested to ensure construction is completed in a manner to ensure the structural integrity of the building
- The request aligns with other exemptions previously granted for similar projects in Vaughan

Recommendations

1. THAT the Applicant, Daniels Baif Thornhill Inc., be granted a noise exemption, in accordance with the City's Noise Control By-Law 121-2021, for the purposes of construction of four mixed-use residential and retail towers located at 7950 Bathurst Street and 8 Beverly Glen Boulevard, for the period of December 12, 2022, through April 30, 2023, except on Sundays and statutory holidays.

2. THAT this request for exemption be granted with the following conditions for the Applicant:
- a) That construction communication notices be sent to surrounding residents and business owners within a 60-metre radius, in a manner approved by the City;
 - b) That construction communication notices be sent to surrounding residents and business owners within 60-metre radius 24 hours prior to the start of any work which will go past 9:00 pm;
 - c) That the construction communication notices to residents and businesses include 24-hour contact information for the Applicants, including the construction supervisor and/or any person having care, control and oversight over all construction activity taking place on the subject property;
 - d) That the Applicant monitor, investigate, and respond to any complaints received regarding construction noise;
 - e) That the applicant takes measures to minimize any unnecessary noise, including but not limited to idling of construction vehicles, unnecessary revving of engines, use of air brakes, and to maintain equipment in good working order (including muffling devices) to minimize noise impacts; and
 - f) That no construction outside of hours permitted by the by-law take place on Fridays, Saturdays, Sundays, or Statutory Holidays.

Background

Legislation

The City of Vaughan's Noise Control By-law No. 121-2021, prohibits noise created from the use of "construction equipment" as defined, between the hours of 7:00pm of one day to 7:00 am 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 By-law provisions of Section 20, Exemption for Construction Equipment.

Requested Work Period

The Applicant is requesting a work period of December 12, 2022, through April 30, 2023, to work between the hours of 6:00 am and 12:00 am, Monday to Thursday, excluding Sundays and statutory holidays, at the site located at 7950 Bathurst Street and 8 Beverly Glen Boulevard. On Fridays, Saturdays, and Sundays construction activities will only occur during the hours permitted by the by-law.

The intent of the work is to complete construction of Phase 1 of 4 building development which will be primarily comprised of residential units but will also have retail and commercial units.

The applicant is requesting the ability to perform a variety of construction work related to concrete finishing, including the use of power trowels and portable low-lying lighting which is necessary for proper finishing while the concrete solidifies. Once a concrete pour is started, it must continue to ensure the structural integrity of the slab. As a result, concrete finishing machines such as power trowels may occasionally be used on the roof at night. For worker safety at night, portable low-lying lighting will also be used.

Stakeholder Engagement

If the noise exemption is approved, the Applicant will distribute communication notices with details of the project to all residents and businesses within 60 metres of the project site which will include contact information for the Applicant, as well as the on-site supervisor.

Previous Reports/Authority

[City of Vaughan Noise Control By-law](#)

Analysis and Options

Supporting New Development

This project supports the construction of a Council approved mixed-use residential and retail/commercial development in the area of Bathurst and Highways 7 and 407 that is compatible with the existing and planned uses of the surrounding area, represents good planning, and achieves the desired vision for the growth of the City by providing housing options in the area. Staff have confirmed that, as of the time of the preparation of this report, the applicant has obtained all necessary building permits.

Noise mitigation

The construction supervisor will comply with standard noise exemption mitigation measures, including that they 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.

Minimizing Disruption to Residents

The exemption is being requested so that concrete pours and finishing work can be completed in a manner to ensure safe construction and structural integrity of the building. Staff understand that this is necessary, however also take disruption to residents in the area into account when determining conditions for noise exemptions.

Therefore, staff are recommending that notices be sent to all residents within a 60-metre radius 24 hours prior to any work that will take place past 9 p.m. in hopes that by receiving additional notice, residents will be able to prepare and take any steps necessary to mitigate any inconvenience caused by the late night/early morning noise.

Financial Impact

None.

Broader Regional Impacts/Considerations

This project supports the development of new residential units and retail spaces, providing a vibrant new live-work area in the Thornhill neighbourhood.

Conclusion

Staff believe that the noise exemption for this project should be endorsed by Council pursuant to the recommendations set out in this report.

For more information, please contact: Susan Kelly, Director and Chief Licensing Officer, By-law & Compliance, Licensing & Permit Services, ext. 8952

Attachments

1. Notice to Residents and Businesses
2. Site Map

Prepared by

Alexandra Scarr, Policy Implementation Specialist, ext. 8448

Approved by



Gus Michaels, Deputy City Manager
Community Services

Reviewed by



Nick Spensieri, City Manager