

Committee of the Whole (2) Report

DATE: Monday, December 12, 2022 **WARD(S):** 4

TITLE: NOISE EXEMPTION REQUEST FOR CONSTRUCTION OF
MIXED-USE RESIDENTIAL BUILDING AT 2851 HIGHWAY 7,
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 two mixed-use residential condominium towers by GB (Vaughan 7) Inc. (the Applicant), located at 2851 Highway 7, Vaughan from December 14, 2022, to October 30, 2025.

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 mixed-use development.
- The noise exemption will minimize traffic impact to residents and businesses during regular business hours.
- This project supports the development of the Vaughan Metropolitan Centre in the City's new downtown.

Recommendations

1. THAT the applicant, GB (Vaughan 7) Inc., be granted a noise exemption, in accordance with the City's Noise Control By-Law 121-2021, for the purposes of construction of two mixed-use, residential buildings located at 2851 Highway 7, December 14, 2022, to December 14, 2023, 6:00 a.m. to 7:00 p.m., Monday through Friday, except on statutory holidays.

2. THAT the applicant be able to renew the noise exemption through an administrative renewal for two additional one-year, and one six-month exemptions; and
3. 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 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;
 - c) That the Applicant monitor, investigate and respond to any complaints received 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 air brakes, and to maintain equipment in good working order (including muffling devices) to minimize noise impacts; and
 - e) That no construction outside of hours permitted by the by-law take place on 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 7:00 p.m. of one day to 7:00 a.m. 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 14, 2022, to October 30, 2025, 6:00 am to 7:00 pm, Monday through Saturday, to work between the hours of 6:00 a.m. and 7:00 p.m., daily, excluding Sundays and statutory holidays, at the site located at 2851 Hwy 7.

The intent of the work is to complete construction of two residential mixed-use buildings in the Vaughan Metropolitan Centre (VMC).

The applicant is requesting the ability to perform a variety of construction work, including soil removal, excavating, placement of steel, concrete pours and forming. If the Applicant is granted the requested exemption, residents and businesses will be less inconvenienced by traffic disruptions as deliveries can be scheduled for off-peak travel times.

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 development in 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. This new development is within the Vaughan Metropolitan Centre, Vaughan's emerging downtown. 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 request from the Applicant was to be able to create noise in excess of the permissible times as defined in the by-law by one hour to start work at 6am, Monday through Saturday for a period of approximately 3.5 years, to lessen traffic disruptions in the VMC area as it becomes more populated with residents and businesses. Staff have received two complaints regarding construction noise from this project. The complaints were investigated, and the Applicant was found to be in compliance with the conditions of the 90-day noise-exemption permit that was previously granted. However,

staff are understanding of the fact that residential units in the area are seeing growing occupancy rates and are sensitive to the fact that residents are entitled to reasonable enjoyment of their homes, which includes a reprieve from disruptions caused by construction noise. Therefore, staff are recommending that the exemption not be granted for earlier noise on Saturdays as the rationale for the 1-hour earlier start is to mitigate traffic disruption, and traffic is not as busy on Saturdays as it is on weekdays.

Additionally, as the length of the exemption is very long, staff are recommending a 1-year exemption be granted with the possibility to renew annually via administrative renewal, which will take into consideration any complaints received during the previous year and the status of the project. At the time of the renewal, if the applicant wishes to change the scope of the request they may do so, however any such changes will require Council approval and a report shall be prepared accordingly.

Financial Impact

None.

Broader Regional Impacts/Considerations

This project supports the development of new residential mixed-use development, providing a vibrant new work and commercial building in the Vaughan Metropolitan Centre.

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
3. Construction Schedule Tower A
4. Construction Schedule Tower B

Prepared by

Alexandra Scarr, Policy Implementation Specialist, ext. 8448

Approved by

A handwritten signature in blue ink, appearing to read "Gus Michaels".

Gus Michaels. Deputy City Manager
Community Services

Reviewed by

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

Nick Spensieri, City Manager