

# Committee of the Whole (1) Report

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**DATE:** Tuesday, February 7, 2023

**WARD:** 5

**TITLE:** REQUEST FOR CONSTRUCTION NOISE EXEMPTION (GILLAM COMMUNITIES 8188 YONGE ST LP) FOR CONSTRUCTION OF A 10-STOREY RESIDENTIAL AND MIXED-USE RETAIL / COMMERCIAL DEVELOPMENT

**FROM:**

Gus Michaels, Deputy City Manager, Community Services

**ACTION:** DECISION

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**Purpose**

To seek Council approval for a noise exemption to By-law 121-2021, for work required for the construction of a 10-storey, mixed-use residential and retail/commercial tower by Gillam Communities, 8188 Yonge St. LP (the Applicant), located at 8188 Yonge Street, Vaughan from February 8, 2023, to December 31, 2024, between the hours of 6:00 am and 11:59 pm, Monday to Friday.

**Report Highlights**

- A noise exemption from By-law 121-2021, is being requested for a variety of work related to the construction of a mixed use residential and retail/commercial 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, Gillam Communities, 8188 Yonge St. LP, be granted a noise exemption, in accordance with the City's Noise Control By-Law 121-2021, for the purposes of construction of a 10-storey, mixed-use residential and retail / commercial tower located at 8188 Yonge Street, for the period from February 8,

- 2023, to December 31, 2024, between the hours of 6:00 am and 11:59 pm, Monday to Friday, except on Saturdays, Sundays and statutory holidays; and
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 p.m.;
  - 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 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
  - f) That no construction outside of hours permitted by the by-law take place on Saturdays.

## **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 February 8, 2023, through December 31, 2024, to work between the hours of 6:00 am and 11:59 pm, Monday to Friday, excluding Saturdays, Sundays and statutory holidays, at the site located at 8188 Yonge Street.

The intent of the work is to complete construction of a 10-storey building 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 Concrete pumps, cranes, compressors, trucks, moving equipment, drills, concrete vibrators, and power trowels, 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. Additionally, the colder weather lengthens the amount of time needed to complete the slab. As a result, concrete finishing machines such as power trowels must be used after hours to complete the process.

### ***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. Additional notices will be sent to residents and businesses 24 hours in advance of any work that will take place past 9:00pm.

### **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 tower in the area of Yonge 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 24hrs 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. Staff are also recommending that construction noise on Saturdays be limited to the times outlined in the by-law (7:00am to 7:00pm).

### **Financial Impact**

Adoption of this noise exemption has no economic impact for the City.

### **Broader Regional Impacts/Considerations**

This project supports the development of new residential units, and retail and commercial spaces, resulting in a highly desirable building 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, Extension 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