

Committee of the Whole (2) Report

DATE: Tuesday, May 14, 2024

WARD(S): 4

TITLE: NOISE EXEMPTION REQUEST – 2851 HWY 7

FROM:

Gus Michaels, Deputy City Manager, Community Services

ACTION: DECISION

Purpose

GB (Vaughan Seven) Limited Partnership is requesting to relinquish an existing exemption from the Noise Control by-law and obtain a new exemption to make construction related noise at the site located at 2851 Highway 7 from 6 a.m. – 11:59 p.m. Monday to Saturday, from May 14, 2024 to October 30, 2025, except statutory holidays. Staff are recommending that this request be approved with amendments and conditions as prescribed within this report.

Report Highlights

- A noise exemption from By-law 121-2021, is being requested to complete concrete setting work, namely the use of a concrete polisher.
- The noise exemption will substantially aid the developer in completing construction earlier than scheduled.
- Three construction-noise related complaints have been received about this development.
- This project supports the development of the Vaughan Metropolitan Centre in the City's new downtown.

Recommendations

1. THAT the previous exemption granted to the Applicant, GB (Vaughan Seven) Limited Partnership, also known as GB (Vaughan 7) Inc., be revoked, in alignment with the request from the Applicant;

2. THAT the Applicant be granted a noise exemption, in accordance with the City's Noise Control By-Law 121-2021, for the purposes of completing concrete setting work, namely the use of a concrete polisher, to complete the construction of two mixed-use, residential buildings located at 2851 Highway 7, from May 14, 2024, to May 14, 2025, 6:00 a.m. to 9:00 p.m., Monday through Friday, and 7:00 a.m. to 9 p.m. on Saturday, except on Sundays and statutory holidays;
3. THAT the applicant be able to renew the noise exemption through an administrative renewal for one additional five and a half-month exemption, until October 30, 2025; and
4. THAT this request for exemption be granted with the following conditions for the Applicant:
 - a) That the noise generated from 6:00 a.m. to 7:00 a.m. and 7:00 p.m. to 9:00 p.m. be maintained at a level as described in the Construction Noise Assessment Technical Memorandum completed by SLR Consulting (Canada) Ltd., dated March 21, 2024, as supplied to the City;
 - b) That construction communication notices be sent to surrounding residents and business owners within a 60-metre radius, in a manner approved by the City;
 - 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, 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 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.

Prior Exemptions

At the Monday December 12, 2022 meeting of the Committee of the Whole, the Applicant, was granted an exemption from the Noise Control By-law commencing on December 14, 2022, to December 14, 2023, 6:00 a.m. to 7:00 p.m., Monday through Friday, except on Sundays and statutory holidays, with the ability to renew the noise exemption through an administrative renewal for two additional one-year, and one six-month exemptions.

Requested Work Period – New Exemption

The Applicant is requesting a work period of May 14, 2024, to October 30, 2025, 6:00 a.m. to 11:59 p.m., Monday through Saturday, excluding Sundays and statutory holidays, at the site located at 2851 Hwy 7, in the Vaughan Metropolitan Centre (VMC). The intent of the exemption is to expedite work to complete two residential mixed-use buildings that are presently under development. The applicant is requesting the ability to perform a variety of concrete setting work, namely concrete polishing. The Applicant purports that the exemption will enable construction to be completed earlier than scheduled, thus expediting occupancy.

Complaints

Three complaints have been received regarding construction noise activity at this location. However, the resulting investigations found that the noise was in compliance with the provisions of the previously granted exemption. Additionally, staff have been contacted by three residents in the area who have expressed that they have been inconvenienced by the construction related noise in the area.

Stakeholder Engagement

If the noise exemption is approved, the Applicant will distribute communication notices with details of the project to all residences 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

[Noise Exemption Request for Construction of Mixed-Use Residential Building at 2851 Highway 7, Vaughan](#)

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

Analysis and Options

Noise mitigation

On their own volition, the Applicant contracted SLR Consulting (Canada) Ltd. to complete a Construction Noise Assessment to evaluate the noise resulting from the concrete setting and polishing activities. The study found that the noise resulting from the concrete setting work does not exceed normal traffic volumes. The Construction Noise Assessment Technical Memorandum is attached as Attachment 1 to this report.

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

Staff are understanding of the fact that residential units in the area are seeing growing occupancy rates and that residents are entitled to reasonable enjoyment of their homes, which includes a reprieve from disruptions caused by construction noise. Given that complaints have been received regarding the project, staff were not supportive of the exemption period requested. However, the findings of the Construction Noise Assessment report provided are satisfactory to staff and demonstrate that if the activities carried out outside of permitted times is limited to those assessed in the report, residences and businesses will not face any undue hardship if construction activity take place until 9:00 p.m.

Moreover, in alignment with the initial exemption granted to the Applicant, staff are recommending a 1- year exemption until May 14, 2025 be granted, with the possibility to renew for the remaining 5 months, 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.

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.

Financial Impact

None.

Operational 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 is reasonable and 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. Construction Noise Assessment Technical Memorandum, 2851 Hwy. 7
2. Notice to Residents and Businesses
3. Site Map

Prepared by

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