

## Committee of the Whole (2) Report

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**DATE:** Tuesday, January 21, 2020

**WARD(S):** 4

**TITLE: REQUEST FOR CONSTRUCTION NOISE EXEMPTION –  
CENTRECOURT CONSTRUCTION (EB) INC. CONSTRUCTION  
OF RESIDENTIAL CONDOMINIUM TOWER AT 175 MILLWAY  
AVENUE, VAUGHAN.**

**FROM:**

Mary Reali, Deputy City Manager, Community Services

**ACTION:** DECISION

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**Purpose**

This report is to seek Council approval for a noise exemption to By-law 062-2018, as amended, for work required for the construction of two residential condominium towers by CentreCourt Construction (EB) Inc. (the Applicant), located at 175 Millway Avenue, beginning January 14, 2020 to August 31, 2023.

**Report Highlights**

- A noise exemption from By-law 062-2018, as amended, is being requested for a variety of work related to the construction of a residential condominium tower.
- The noise exemption will enable the project to be completed in a shorter period of time and minimize traffic impact to local residents and businesses during regular business hours. This project supports the development of the Vaughan Metropolitan Centre in the City's new downtown.
- No residents currently reside within the required notification area, anticipated 5,174 residents will occupy the area over the next 3 years

## **Recommendations**

1. That the Applicant, CentreCourt Construction (EB) Inc., be granted a noise exemption, in accordance with the City's Noise Control By-Law 62-2018, as amended, for the purposes of construction of a residential condominium tower located at 175 Millway Avenue, for the period of January 14, 2020 through August 31, 2023, 12:00 am to 11:59pm.
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, once annually on the anniversary of the initial exemption approval date, that provides an update on construction progress to date and outlines expected construction activities for the year;
  - b) That construction communication notices be sent to surrounding residents and business owners within a 60 metre radius two weeks prior to the start of each portion of the project;
  - 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 take place on Statutory Holidays.

## **Background**

### ***Legislation***

The City of Vaughan's Noise Control By-law No. 062-2018, as amended, 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 – Construction Equipment.

***Requested work period***

The Applicant, CentreCourt Construction (EB) Inc., is requesting a work period of January 14, 2020 through August 31, 2023, to work up to and including 24 hours per day, except on statutory holidays, at the site located at 175 Millway Avenue, at the south-west corner of Portage Parkway and Jane Street, directly east of the York Regional Transit Bus Terminal.

The intent of the work is to construct two of three residential condominium buildings located within the Vaughan Metropolitan Centre (VMC) SmartCentres Place development located in close proximity to the TTC Vaughan Metropolitan Centre station.

The applicant is requesting the ability to perform a variety of construction work, including excavation, dewatering, concrete manufacturing, fill and refuse removal, concrete pumps, form work, rebar work, window and elevator work, up to 24 hours per day, with the exception of statutory holidays, for the duration of the exemption period in order to accommodate the complex nature of the development and in order to achieve the project completion date. If the Applicant is granted the requested exemption, the end date for the project may be sooner than indicated on the application.

***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 at least two weeks prior to the start of each portion of the project that will entail work outside of regular hours in line with the Noise Control By-law.

**Previous Reports/Authority**

Noise Control By-law: [062-2018, as amended](#)

**Analysis and Options*****Supporting Vaughan Metropolitan Centre development***

This project supports the construction of a Council approved mixed-used development in the Vaughan Metropolitan Centre that is compatible with the existing and planned uses of the surrounding area, represents good planning and achieves the desired vision for the VMC,. The VMC is an unprecedented city-building initiative for the City of Vaughan. Located on a 179-hectare (442 acre) site, Vaughan's emerging downtown will include more than 1.5 million square feet of commercial office space and 750,000 square feet of new retail space.

Staff continue to support the required construction to achieve this vision. When complete, these new developments will create a world-class skyline that stands tall, proud and embodies Vaughan's promising future. This evolving skyline is reaching heights beyond those contemplated in the Secondary Plan, reflecting the momentum of transit-oriented redevelopment and capitalizing on the significant infrastructure investments.

These projects are guided by a robust planning, infrastructure and policy framework. Over the past several years, a number of plans and studies have been completed that provide a vision for transformation of the downtown into a vibrant, transit-oriented and sustainable centre. These plans build on each other to provide a framework for growth, implementation and activation of the VMC to achieve the desired vision.

### ***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 project length and community disruption***

If the Applicant is granted the noise exemption to perform work outside of times normally permitted by the Noise Control By-law, this is expected to shorten the project length, and to minimize impacts on residents and businesses, both in terms of impact to traffic during regular business hours and prolonged disturbance to the community.

Staff have confirmed that within the required notification area, there are no residential units that are currently occupied. Anticipated residential occupancy within the required notification area is outlined in the chart below. In order to provide a reasonable assurance of notification to new residents, staff have proposed an annual notification of works being undertaken and expected for the year.

<b>DATE OF COMPLETION</b>	<b>PROJECT</b>	<b>ADDRESS</b>	<b>UNITS</b>	<b>RESIDENTS</b>
2020	The Met	7895 Jane Street	510	1,010
2021	Transit City 3	950 Portage Parkway	631	1,249
2023	SmartCentres East Block (Transit City 4 & 5 + Rental Building)	175 Millway Avenue	1,472	2,915
<b>TOTAL</b>			<b>2,613</b>	<b>5,174</b>

## **Financial Impact**

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

## **Broader Regional Impacts/Considerations**

This project supports the development of the Vaughan Metropolitan Centre, the City's new downtown, a vibrant, modern urban centre for residents and businesses that encompasses all amenities of urban lifestyle: inspiring multi-use office towers, residences, subway access, open green space, urban squares, pedestrian shopping areas and restaurants and walking and cycling paths.

## **Conclusion**

Staff believe that the noise exemption for this project should be endorsed by Council pursuant to the recommendations set out in this report. This recommendation is being brought forth in consultation with the Vaughan Metropolitan Centre Program.

**For more information**, please contact: Gus Michaels, Director and Chief Licensing Officer, By-law & Compliance, Licensing & Permit Services, ext. 8735.

## **Attachments**

1. Site Map
2. Letter to residents and businesses

## **Prepared by**

Alexandra Scarr, Policy Implementation Specialist, By-law & Compliance, Licensing & Permit Services, ext. 8448.