

Committee of the Whole (2) Report

DATE: Tuesday, November 9, 2021 **WARD(S):** 4

TITLE: **NOISE EXEMPTION FOR RESIDENTIAL TOWNHOUSE
CONSTRUCTION AT 898 PORTAGE PARKWAY**

FROM:

Gus Michaels, Acting Deputy City Manager, Community Services

ACTION: DECISION

Purpose

To seek Council approval for an exemption to By-law 121-2021 for work to complete the construction of 22 residential townhouse units by Multiplex Construction Canada (the Applicant), located at 898 Portage Parkway, from December 1st, 2021 until March 15th, 2022.

Report Highlights

- A noise exemption from By-law 121-2021, is being requested for a variety of work related to the construction of 22 residential townhouse units.
- This project has been underway since early 2021.
- Temporary limits imposed by the Province on municipal authority to regulate noise from construction ended on **October 7th, 2021**.
- No complaints pertaining to this project have been received by BCLPS to date.
- An exemption is required so that construction activities can continue as scheduled to ensure target completion dates are met for residential occupancy.

Recommendations

1. That the Applicant, Multiplex Construction Canada, be granted a noise exemption, in accordance with the City's Noise Control By-Law 121-2021, for the purposes of construction of 22 residential townhouse units located at 898 Portage Parkway, for the period of December 1st, 2021 through March 15th, 2022, 6:00 am to 10:00pm.
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 two weeks prior to the start of each portion of the project and/or at any reasonable time as identified 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 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;
 - e) That no construction take place on Statutory Holidays and that any significant and substantiated complaints from residents or businesses may result in the revocation of the exemption to perform work on Sundays;
 - f) That where the City believes that a violation of the conditions of the noise exemption have or are taking place, in accordance with the City's Noise By-law provisions, the City reserves the right to revoke the exemption in its entirety or any condition of the exemption and/or impose additional conditions to mitigate unnecessary noise or require revised noise exemption applications to be submitted accordingly; and
 - g) That the Applicant advises the Chief Licensing Officer and/or designate of any public complaints received regarding noise within 72 hours of having received them.

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.

Provincial Limits on Municipal Noise Exemptions and Current Exemption

As part of the Province's measures to respond to COVID-19, in April 2020, the provincial government introduced temporary limits on municipal authority to regulate noise from construction to help support expedited construction of healthcare facilities, vital infrastructure and other projects, including residential construction. Accordingly, construction activities 898 Portage Parkway have been occurring outside of the hours permitted by the noise by-law, between the hours of 6:00am until 10:00pm, Monday through Sunday, including statutory holidays, since early 2021. On September 27th, 2021, the province informed the City that the provincial limits would expire October 7th, 2021. To lessen the impact on construction activities and allow for adequate time for a report to be prepared for Council consideration, BCLPS staff have granted the Applicants a temporary noise exemption to continue construction activities between the hours of 6:00 am and 10:00 pm, Monday through Sunday, including statutory holidays, until December 1st, 2021. The decision to grant this temporary exemption as an interim measure until a council decision is made was based on the premise that no complaints pertaining to the project have been received to date by BCLPS and that the project timelines, ultimately affecting occupancy dates, should not be negatively impacted due to the short notice received that the provincial limits would be ending.

Requested Work Period

The Applicant, Multiplex Construction Canada, is requesting a work period of December 1st, 2021 through March 15th, 2022, to work between the hours of 6:00 am and 10:00pm, daily, including on statutory holidays, at the site located at 898 Portage Parkway, 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 twenty-two (22) residential townhouse units, located within the Vaughan Metropolitan Centre (VMC), 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 structural works, exterior façade, interior finishes and external landscaping. The work will require the use of bobcats, telescopic lifting, excavators, loaders, powered and non-powered hand tools and delivery trucks. The site is located at a busy area of the VCM development. If the Applicant is granted the requested exemption, residents and businesses will be less inconvenienced as deliveries can be scheduled for off-peak travel times. Additionally, the ability to commence and end construction activities during

extended hours may allow for the project to be completed 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.

Alignment with Other Noise Exemptions in the Area

At the January 21, 2020 Committee of the Whole meeting, Council approved a multi-year noise exemption request for project located at 175 Millway Avenue, which is in the vicinity of the location that is the subject of this request. In order to ensure all projects of similar scope and nature in the area are managed and administered with uniform conditions, staff are recommending that similar Council approved conditions attached to the noise exemption permit at 175 Millway Avenue be applied to the noise exemption request for 898 Portage Parkway. The proposed conditions are outlined in the Recommendations section of this report.

Previous Reports/Authority

[Extract from the Council meeting of January 28, 2020 \(Item 16, Report No. 1 of the Committee of the Whole, January 21, 2020\).](#)

Noise Control By-Law [121-2021](#)

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.

Impact on completion

As discussed above, construction activities related to this project have been occurring outside of the hours permitted by the noise by-law since early 2021. Not granting the exemption would negatively impact construction timelines, thereby delaying occupancy of the units.

Financial Impact

The approval of this noise exemption request will have no financial impact on 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 Maps
2. Letter to Residents and Businesses

Prepared by

Alexandra Scarr, Policy Implementation Specialist, Extension 8448

Approved by



Gus Michaels, Acting Deputy City
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Reviewed by



Nick Spensieri, City Manager