

COMMITTEE OF THE WHOLE MAY 1, 2006

FENCING LANGSTAFF ROAD

Recommendation:

Councillor Bernie Di Vona recommends:

1. That the petition from the residents with fencing that backs onto Langstaff Road be received.
2. That staff prepare a report for the next available Committee of the Whole meeting to address the concerns of residents as outlined within the petition to include the role, responsibility of the City of Vaughan, Regional Municipality of York and residents. Report to include a response to each of the six questions as outlined below and as contained within the petition.
3. That staff review and/or consult with the Regional Municipality of York with respect to noise attenuation fencing as per York Region Policy dated May 2005 or any other related policy as provided by the residents and attached.

Economic Impact

No economic impact.

Purpose

Residents that back onto Langstaff Road have submitted a petition accompanied with York Region Noise Policy (draft policy dated May 2005) to look at better understanding the role, responsibility and liability of either the Region of York or City of Vaughan with respect to the unsafe condition that exists with the severely deteriorated wall along Langstaff Road, a regional road.

Background - Analysis and Options

The residents have been advised that the noise attenuation wall was designed and approved based on the standards at the time their home was approved for construction.

The residents have been advised that noise attenuation walls and fencing that back onto regional roads and arterial roads are built on private property and it is the responsibility of the property owners to maintain and/or replace the fencing or walls.

In a very real sense, when a homeowner purchases a home they get one "free" fence as the fencing is constructed by the developer on their property based on the standards at the time. Other homeowners when they buy a home within the same subdivision are required to construct at their own cost their own fence. Further, these homes as with other homes, when they purchase a home on a regional road allowance often have a longer or deeper property to mitigate against noise levels. And, over the years every property owner is expected to replace their fencing. So some 20 years after the fencing has deteriorated, all property owners are expected to replace their own fencing on their own property.

However, the residents feel that there is a role to play with noise attenuation fencing and those fences on regional road allowances that have, they feel, prematurely aged or deteriorated. The residents that back onto Langstaff Road, as with other regional roads and arterial roads, have experienced severe deterioration of the noise attenuation walls on their property. Noise attenuation walls have been built on private property and abut municipal or regional road allowances or property.

The residents have conducted such review and consulted with the Region of York and feel there exists an opportunity for the municipality (City and/or Region of York) to have a direct role to mitigate the noise they experience. The residents further have six direct questions that they wish to be addressed as they feel that either the Region of York or the City of Vaughan have a role to play with the noise attenuation wall.

The questions that are expected to be addressed are:

1. What is the total cost?
2. What materials will be used?
3. How will new footings be poured?
4. What is the height? (They recommend 3 metres in height because of the excess or higher traffic and noise pollution they experience).
5. How will the contract be awarded?
6. How will old material be disposed?

The report is important as the fencing along Langstaff Road has caused a dangerous scenario to exist as portions have either collapsed, are leaning and will soon collapse. An emergency fence has been installed (since the Fall of 2005) to prevent residents from walking on the sidewalk for fear of the fence falling while walking.

Relationship to Vaughan Vision 2007

This report is consistent with the priorities previously set by Council and the necessary resources have been allocated and approved.

Conclusion

Petition to replace damaged fencing on Langstaff Road, as well as other regional roads, needs to be addressed as there is a safety issue.

Attachments

Petition dated Feb 24, 2006. and York Region Draft Noise Policy dated May 2005.

Report prepared by:

Councillor Bernie Di Vona

Respectfully submitted,

Councillor Bernie Di Vona

Petition to Replace Damage Fence on Langstaff

| Print Name | Signature | Date |
|------------------------------|------------------------------|----------------------|
| SILVIO D'NOVALLIS | <i>Silvio D'Novallis</i> | Feb 23-06 |
| ROBERTO Ricci | <i>Roberto Ricci</i> | FEB 23.06 |
| AMENDOLA JAC | <i>JAC Amendola</i> | FEB 24.06 |
| CRISTIANO G & G | <i>G. Crimmons</i> | FEB 24.06 |
| Rosa DEFRANDESCA | <i>Rosa DEFRANDESCA</i> | FEB 24/06 |
| Raffaele Dem | <i>Raffaele Dem</i> | Feb 24/06 |
| Damiano Jemi | <i>Damiano Jemi</i> | Feb. 24/2006 |
| Francesco Di Pomo | Francesco Di Pomo | FEB 24/06 |
| TONY AVOLA | <i>Tony Avola</i> | FEB 24/06 |
| Salvatore mandola | <i>Salvatore mandola</i> | Feb 24/06 |
| BRUCCELETTI PIETRO | <i>PIETRO FERRAIO</i> | FEB 24/06 |
| MARCO D'ERAMO | <i>Marco D'ErAMO</i> | FEB 24.06 |
| ANTONETTA COLLONE | <i>Antonetta Collone</i> | FEB 24.06 |
| GIANNI BECCHIONE | <i>Gianni Becchione</i> | Feb 24.06 |
| PENNA BENITO | <i>Benito Penna</i> | Feb. 24.06 |
| Harold APPALANI | <i>Harold Appalani</i> | FEB 24.06 |

J. 24/06

* questions need answered.

- 1) What is total cost?
- 2) What materials will be used?
- 3) How will new footings be poured? (pan cake footings)
president
- 4) What is height. Should be 3 meters because of
excess traffic & excess noise & more pollution.
- 5) How will contract be awarded?
- 6) How will old materials be disposed?

LOOKING GLASS CARS 64

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| AMENDOLA | JAL |
| CRISTIANO | BUS |
| PANNA | BENITO |
| BELMONTE | GIOVANNI |
| CAPUANI | ILARIO |
| RICCI | ROBERTO |
| DENOVELLIS | SILVIO |
| MENDOLIA | SALVATORE |
| DI ROMA | FRANCESCO |
| AVOLA | TONY |
| DEFRANCESCA | ROCCO |
| ROSSI | RAFFAELE |

LIME DRIVE

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| NACCARDO | DOMENICO |
| BRUCCOLERI | PIETRO |
| D'ERAMO | MARCO |
| COTICONE | ANTONIBETTA |
| FEMIA | DAMIANO |



York Region

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| STATUS | | |
| Council Approved | Y | N |
| CAO Approved: | Y | N |

| | |
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| TITLE: Draft Noise Policy -- May 2005 | NO.: Approval Date: Last Updated: |
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POLICY STATEMENT:

This policy provides a process for effectively mitigating noise on Regional roads.

APPLICATION:

This policy shall be used for noise assessment and mitigation during implementation of capital roads projects, review and approval of new development applications, consideration of retrofit noise mitigation and to address potentially unsafe situations of privately owned noise barriers adjacent of public areas on Regional roads.

PURPOSE:

This policy identifies York Region's requirements for conducting noise assessments, including when and under what conditions mitigation is to be implemented.

DEFINITIONS:

"Noise" - unwanted sound.

"dBA" - a unit of measure to quantify noise levels.

"Ambient" or "Background" sound level - the sound level that is present in the environment, produced by noise sources other than the source under impact assessment. Highly intrusive short duration noise caused by a source such as an aircraft fly-over or a train pass-by is excluded from the determination of the background sound level.

"Leq (T); Leq (16)" - the level of a steady sound carrying the same total energy in the time period T as the observed fluctuating sound. The time period T is given in hours. For the purpose of this policy, T is 16 hours (07:00 - 23:00).

"Outdoor Living Area" - the part of an outdoor area designated or commonly used for private, exclusive and common use that is easily accessible from the building and designed for the quiet enjoyment of the outdoor environment. For the purposes of this policy, Outdoor Living Areas (OLA's) include, but are not limited to, the following:

- Backyards - the area at grade directly behind the dwelling, measured up to 4 m from the back of the dwelling.
- A deck associated with a townhouse development may be considered as an OLA where it could be demonstrated that there are no other usable areas that could be used for outdoor recreational purposes that are exposed to noise from Regional roads.

- ◊ Balconies, provided they are the only OLA for the occupant and meet the following conditions:
 - a) Minimum depth of 4 m (or as set by the local municipality).
 - b) Outside the exterior building façade.
 - c) Unenclosed.
- ◊ Common OLA's associated with multi-storey apartment buildings or condominiums.
- ◊ Passive recreational areas such as parks if identified by York Region or the local municipality.
- ◊ Other noise sensitive applications such as residential developments, seasonal residential developments, hospitals, nursing/retirement homes, schools, day care centers or other non-residential land uses containing noise sensitive areas and spaces as approved by York Region.

"Capital Projects" - where capital road construction projects are being undertaken on Regional roads.

"Development" - development or redevelopment adjacent to Regional roads.

"Retrofit" - where no capital road projects are being undertaken adjacent to existing residential areas that may warrant noise mitigation.

"Mature State of Development" -- the future build-out of development to the ultimate population and traffic capacity forecasts as defined in York Region's Official Plan.

"Standard Operating Procedures (SOP's)" -- York Region's technical guidelines for the assessment and mitigation of noise on Regional roads.

DESCRIPTION:

TECHNICAL AND DESIGN CRITERIA

1. The following technical and design criteria shall be used in determining noise level predictions and modeling:
 - a) Future noise levels shall be based on the "Mature State of Development".
 - b) The significant noise impact or change in noise levels attributable to implementation of a road or development project shall be calculated as the difference in projected noise levels at the start of construction and the projected noise levels at the "Mature State of Development".
 - c) Alternative noise mitigation measures shall be considered prior to making the decision to use noise barriers, i.e. pavement types, alternate alignments, landscaped berms, service road concepts, etc. Noise barriers shall only be used as a last resort, where all other mitigation measures are not feasible. Where noise barriers are required, landscaping is also required. Additionally, policies pertaining to community planning and transit objectives must be fully considered during the evaluation of potential noise mitigation solutions.
 - d) Any mitigation deemed necessary shall attempt to achieve a minimum reduction of 6 dBA and either an $L_{eq16} \leq 55$ dBA or less, or the established ambient (existing noise levels) noise level.
 - e) The noise impacts from capital road projects and in retrofit areas, shall consider the OLA only.

- e) Where noise barriers are deemed appropriate they must be continuous across the adjacent residential properties without breaks or discontinuities and with returns along side lot lines where required to ensure effective noise attenuation.
- f) Noise mitigation must be constructed in accordance with York Region standards and SOP's.

CAPITAL ROAD PROJECTS

2. In connection with the implementation of capital road projects, the following shall be used as a guideline in considering mitigation of noise impacts:
 - a) For projected noise level increases from 0 - 5 dBA on adjacent residential properties, no mitigation be considered unless projected noise levels are greater than 60 dBA. (Either at the start of construction or at the mature state of development).
 - b) For projected sound levels at the start of construction greater than 55 dBA, and projected future noise level increases greater than 5 dBA, the feasibility of noise reduction measures shall be investigated where a minimum attenuation of 6 dBA can be achieved.
 - c) If it is deemed that noise mitigation is to be implemented, York Region shall assume the full cost of implementing the noise control measures.
 - d) York Region shall assume the ownership and maintenance of any noise control measures when constructed under the Capital Program.
 - e) Noise mitigation implemented as part of capital road projects will only be permitted along the extreme outer edge of the ultimate right-of-way.
 - f) When noise mitigation is warranted on the basis of projected noise levels exceeding 60 dBA, the mitigation may be deferred until noise levels exceed 60dBA.

DEVELOPMENT

3. In connection with the approval of development applications adjacent to Regional roads:
 - a) Noise attenuation reports in accordance with the York Region Noise Policy and SOP's, approved and recommended by the local municipalities must be provided to York Region during the submission of draft plan of subdivision, in order that noise attenuation measures can be evaluated during review of the draft plan.
 - b) Alternate methods of reducing the noise impact shall be considered prior to considering noise barriers.
 - c) No part of the noise attenuation measure shall be constructed on or within the Regional right-of-way.
 - d) Noise barriers adjacent to Regional roads may be constructed on the property line provided they are a minimum of 2.2 metres in height. However, the Commissioner of Transportation and Works can approve noise attenuation fences up to a maximum height of between 2.4 to 3.0 metres in situations where deemed appropriate and where recommended by the local municipality.
 - e) Noise barriers are only to be used as a last resort where no other options are feasible. Where noise barriers are to be implemented, developers must provide York Region with a reserve fund for future maintenance and/or replacement on a perpetual lifecycle basis.

RETROFIT

4. In connection with the retrofit of existing developed areas adjacent to Regional roads where no capital road projects are planned and no noise attenuation measures exist, but are requested by residents, the following shall be used as a guideline in considering mitigation of noise impacts.

To be eligible for retrofit, the requirements of the Municipal Act must be satisfied as per the following conditions:

1. Existing noise levels are greater than 60 dBA.
2. At least 5 continuous dwellings are affected.
3. The proposed improvement must achieve at least 6 dBA improvement.
4. Participating residents accept ownership and/or maintenance responsibility of the new walls.
5. At least 2/3 of affected residents support application (including the 50% of cost).

In cases where existing noise walls are ineffective due to design deficiencies, they can become candidates for the Retrofit Program if the new mitigation can achieve a benefit of at least 6 dBA over the existing noise barrier and all other existing retrofit conditions are satisfied.

Applications that satisfy retrofit criteria will be ranked, priced and submitted to Council for funding approval as part of the yearly capital budget cycle. Based on approved funding, improvements will be made based on highest ranking. If approved funding is limited, qualified applications not implemented shall be re-budgeted in the next year's budget cycle and implemented based on new rank and approved funding.

EXISTING PRIVATELY OWNED NOISE BARRIERS

5. In connection with severely deteriorated privately owned noise barriers that are located adjacent to the Regional roads, the following process shall be used in addressing potentially unsafe situations adjacent to public areas:
 - a) Potential hazards shall have owners directed to correct the problem within a fixed time period.
 - b) Failure to comply shall result in Regional staff working with local municipal staff to have unsafe sections dismantled and have removed materials either disposed of or stockpiled on or adjacent to the owner's property. All costs incurred will be back charged to the homeowner with the assistance of the governing local municipality via the Property Standards Act.

RESPONSIBILITIES:

All administrative and financial procedures shall conform to the regulations under the Municipal Act and the provisions of this policy.

REFERENCE:

Draft Approval (Transportation and Works Committee Report XX, Clause XX, May XX 2005).

CONTACT:

General Manager, Roads -- Transportation and Works Department.

APPROVAL INFORMATION

CAO Approval Date: TBD

Committee: TBD

Clause: TBD

Report No: TBD

Council Approval: TBD

Minute No.

Page:

Date: TBD

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