

## **COMMITTEE OF THE WHOLE - JUNE 23, 2009**

### **REQUEST FOR NOISE EXEMPTION – HIGHWAY 7 – WARD 4**

#### **Recommendation**

The Commissioner of Legal and Administrative Services and City Solicitor and the Director of Enforcement Services recommend:

1. That the request for a Noise Exemption be granted to York Region for road work on Highway #7, between Jane Street and Bowes Road until August 31, 2009.

#### **Contribution to Sustainability**

N/A

#### **Economic Impact**

N/A

#### **Purpose**

This report is to provide information related to a request for a long term noise exemption to By-law 96-2006.

#### **Background - Analysis and Options**

The City of Vaughan passed a new Noise Control By-law (96-2006) in April 2006. The Noise Control By-law delegated authority to grant noise exemptions for construction purposes up to eleven days, to the Department Head of Enforcement Services.

York Region has requested an exemption to the Noise Bylaw for a length of time that exceeds the delegated authority

The information for Contract 08-161 for Highway 7 resurfacing is as follows:

Contract Location - Highway 7 from east of Creditstone Road to 50 metres east of Bowes Road. The work zone between Creditstone Road and Keele Street is adjacent to industrial/commercial uses, while the section east of Keele Street to east of Bowes Road has industrial commercial use on the north side and residential properties on the south side.

Scope of work includes repair of damaged catch basins, curb and gutter, partial depth removal of existing asphalt and placing new hot mix asphalt paving.

The Region is requesting permission to conduct the work on Monday to Friday nights, from 10pm to 6am. The Average Annual Daily Traffic (AADT) on Highway 7 is 53,000 vehicles, of which 9,000 (14%) are commercial vehicles and heavy trucks. Traffic flows do not drop until almost 10pm.

The contractor anticipates completing this work in 20 working days. The work in the section adjacent to the residential area will be undertaken over 6 nights. Due to the nature of the operation, this work will not be undertaken on six consecutive nights.

The Region has provided the following rationale for working after hours:

1. Avoid wide spread traffic woes.
2. Lengthen the duration of construction.

3. Inefficient construction operations.
4. Potentially endanger the safety of construction workers and traveling public.

The Region has advised that these homes will receive notification of the project and the scope of the work one to two weeks prior to the work commencing. The Region has also indicated that the Concord West Ratepayers Association has made inquiries about when this work is to commence.

The noise impact to the residents on the south side of Highway 7, east of Keele Street will be significant. There are 25 residences that either front directly onto Highway 7, or have backyards very close to Highway 7 from residences on Hillside Drive.

#### **Relationship to Vaughan Vision 2007**

This report is consistent with the priorities previously set by Council.

The necessary resources have been allocated and assigned.

#### **Conclusion**

This request for a Noise Exemption under the Noise Control By-law, 96-2006, exceeds the delegated authority. Council authority is required to permit this construction project to proceed as planned.

#### **Attachments**

N/A

#### **Report prepared by:**

Tony Thompson  
Director, Enforcement Services

Respectfully submitted,

Tony Thompson  
Director, Enforcement Services

Janice Atwood-Petkovski  
Commissioner of Legal & Administrative Services  
and City Solicitor