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VivaNext Bus Rapid Transit Y3.2 Yonge Street Noise By-law Exemption Staff Report

Report Number: 2019-129

Department(s): Legislative Services

Author(s): Geoff McIntosh, Senior Municipal Enforcement & Property Standards Officer

Meeting Date: November 25, 2019

Recommendations

1. That the report entitled VivaNext Bus Rapid Transit Y3.2 Yonge Street Noise By-law Exemption dated November 25, 2019 be received; and,
2. That the request from RapidLINK for a noise exemption to perform necessary works for the vivaNext Bus Rapid Transit Y3.2 project between the hours of 8:00 PM to 7:00 AM on weekdays, and between the hours of 5:00 PM to 9:00 AM on weekends from January 1, 2020 until December 31, 2020 (7 days a week), be approved; excluding December 25, 2020 (Christmas Day) and December 26, 2020 (Boxing Day); and,
3. That this approval is subject to ongoing staff supervision and community impact assessment and revocation if community impact is deemed excessive by staff or Council; and,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Purpose

The purpose to this report is to seek Council's approval of a request for an exemption from the Noise By-law (2017-76) from RapidLINK for the vivaNext Bus Rapid Transit Y3.2 project.

Background

VivaNext Bus Rapid Transit Y3.2 is continuing work the corridor on Yonge Street from Sawmill Valley Drive to Davis Drive. However, RapidLINK has proposed to carry out several civil activities work, conduct any plantings, and repair any deficiencies, during the evening and overnight hours, and as such, RapidLINK will require an exemption from the Town's Noise By-law.

Work activities in the evening and overnight will:

- Minimize traffic congestion at the Yonge Street and Davis Drive intersections;
- Be less disruptive to the local businesses along Yonge Street;
- Reduce interaction with the public (questions from passer byers) and disruption to pedestrian traffic;
- Reduce user delays; and,
- Results in fewer complaints from the public and businesses along this section of Yonge Street.

The work carried out by RapidLINK will include routine civil work activities, plantings and repairing any deficiencies related to the work already completed along the roadway and boulevards of Yonge Street. In addition to the Plantings, the routine civil work activities and deficiency repairs may include the following;

- Mainline Paving
- Reinstatement of driveways
- Concrete curb installation
- Watermain shutdowns and maintenance
- Storm and Sanitary sewer work
- Hydrovac and utility installations
- Drilling and caisson installation
- Private property works
- Construction deficiency rectification
- Transformer relocations
- Excavation and mucking of materials
- Traffic closures
- Sidewalk Closures

This request is time sensitive as the previous exemption expires on December 31, 2019.

Discussion

The Noise By-law restricts the operation of construction equipment or the conduct of any alteration or repair of any building between 8:00 PM and 7:00 AM Monday through Friday and 9:00 AM to 5:00 PM on Saturdays, Sundays and holidays

Similar noise exemption requests have been granted by Council since January 2013.

The Region of York will be responsible for communicating and notify the surrounding residents and business owners.

As we have only had a couple minor complaints, that after investigation were not conclusive if the noise was as a result the works under the current noise exemption, staff recommends approval of the exemption request to the Noise By-law during the hours requested. Council approval is required for this request because of the length of the exemption request.

Conclusion

Should Council approve of the Noise Exemption, staff will:

1. Ensure the Region of York notifies the residents and business owners of the noise exemption;
2. Notify York Regional Police;
3. Post the exemption of the Town's website; and,
4. Monitor any complaints.

Business Plan and Strategic Plan Linkages

This report aligns with Council's Strategic Pillar regarding Safe Transportation (Streets): Providing exceptional transportation experiences across all modes through continuous improvement of accessibility, safety and speed reduction.

Consultation

Customer service and Municipal enforcement officers have been consulted with regarding complaints filed. Staff will work closely with the York Region Liaison Specialists regarding any concern with respect to excessive noise.

Human Resource Considerations

There are no human resources considerations related to this report.

Budget Impact

There is no budget related to this report.

Attachments

Attachment A – RapidLINK exemption request

Approval

Lisa Lyons, Director Legislative Services

Contact

For information on this report, contact Geoff McIntosh, Senior Municipal Enforcement & Property Standards Officer at 905-953-5300 extension 2227 or via email at gmcintosh@newmarket.ca.