

## **Construction Vehicle Management: Avondale Community**

<b>Date:</b>	September 18, 2008
<b>To:</b>	North York Community Council
<b>From:</b>	Director, Transportation Services Division, North York District
<b>Wards:</b>	<b>Ward 23 - Willowdale</b>
<b>Reference Number:</b>	ny080101

### **SUMMARY**

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This staff report is about a matter that the Community Council has delegated authority to make a final decision, provided that it is not amended so that it varies with City policy or by-laws.

This report describes the conditions typically associated with construction access permits in the North York District and also documents techniques that are being used to help manage construction vehicle activity within the Avondale community.

### **RECOMMENDATIONS**

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Transportation Services Division, North York District recommends that:

1. North York Community Council endorse the construction management strategy for the Avondale community, which is documented within this report.

## **ISSUE BACKGROUND**

Further to a motion moved by Councillor Filion, City Council, at its meeting of June 23 and 24, 2008 directed that the General Manager, Transportation Services be requested to report to the North York Community Council in 2008 on methods of managing construction vehicle activity associated with the construction of the approved condominium buildings in the Avondale Avenue community, which is located east of Yonge Street and south of Sheppard Avenue, north of Highway 401. This report is to include a description of the typical conditions associated with construction access permits in the North York District.

## **COMMENTS**

This report will describe the legislative constraints which govern the management of construction vehicle activity, the conditions typically associated with construction access permits in the North York District and the methods used to manage construction vehicle activity in the Avondale Community.

### *Legislative Constraints*

The legislation that applies to construction management in the City of Toronto includes the Occupational Health and Safety Act, Toronto Municipal Code and provincial labour legislation. Section 25, 2 (h) of the Occupational Health and Safety Act states that, ".....an employer shall take every precaution reasonable in the circumstances ... for the protection of a worker". It is our experience across the City that this often leads to builders requesting permission to expand their site onto the adjacent road allowance for the creation of long-term construction staging areas. This factor, in combination with Zoning and Planning requirements to excavate from lot-line to lot-line for the provision of below-grade parking, can result in requests for long-term on-street/boulevard construction staging areas.

Section 2 of Toronto Municipal Code Chapter 937 grants authority to the General Manager of Transportation Services to issue full or partial road closure permits for periods up to 30 days in connection with private construction. In the case of residential condominium construction, the construction period exceeds 30 days and approval for the requested road occupation is sought through Community Council.

Coordination and separation by both time and space is required in the case of multiple construction projects. This is particularly important when use of public road allowance is required to facilitate the delivery of these projects. Failure on the part of Transportation Services to ensure this separation by time and space can result in the City of Toronto being deemed the "constructor" by the Ministry of Labour. The impact would be that the City of Toronto would become responsible for all health and safety requirements for work being done from City-owned property and would be liable for any violations.

### *Typical Conditions*

The conditions typically associated with construction access permits in the North York District are similar to those used throughout the City of Toronto.

#### *Standard Working Hours*

The standard working hours for construction activity are 7:00 a.m. to 7:00 p.m. on weekdays, 9:00 a.m. to 7:00 p.m. on Saturdays with no work being permitted on Sundays or public holidays. The twelve-hour work day is essentially what is available to builders working in residential areas after the Noise By-Law (Toronto Municipal Code Chapter 591) is applied. Clause B. (1) of the Noise By-Law states that:

“No person shall emit or cause or permit the emission of sound resulting from any operation of construction equipment or any construction, if it is clearly audible at a point of reception:

- (a) In a quiet zone or residential area within the prohibited period of 7:00 p.m. one day to 7:00 a.m. the next day , 9:00 a.m. on Saturdays , and all day Sunday and statutory holidays.”

There are instances where exemptions to the Noise By-Law are granted in order to extend the work day. This is common in cases where a large concrete slab is being poured and the work must continue until the entire slab is poured to ensure the integrity of the concrete.

#### *Vehicle Routing*

Construction access permits also dictate which route that construction vehicles must use while travelling to and from the site. Typically, the route is the shortest route between the site and the arterial road network, while avoiding local roads where possible.

#### *Staging*

The permit also stipulates any staging conditions, and typically builders are instructed to do the staging of their construction vehicles on-site where feasible. This protects City roads from potential congestion as well as the surrounding residential areas from associated noise and dirt. As described earlier, there are conditions under which staging is done from the public road allowance.

### *Cleaning*

To further ensure the protection of the surrounding neighbourhood, conditions that stipulate that City roads must be clear of dirt and debris, and in some cases must be washed down at the end of the work day, are included. To protect pedestrian movements, a condition that states that sidewalks adjacent to the site must be clear and safe, is typically included on the permit.

### *Traffic Control*

Construction access permits will typically state the type of traffic control required. This can include a trained traffic control person provided by the builder or a paid duty officer provided at the builder's cost. Finally, in order to protect the City's infrastructure, a condition is typically included that makes the builder responsible for any damage occurring within the City-owned right-of-way as a result of their construction activity.

### *Additional Methods of Managing Construction Activity in Avondale*

Within the past five years, many condominiums have been built in Avondale and are fully occupied, one ( Oakburn Phase I) is currently under construction, several others are approved and will begin construction in 2009, while other major developments planned for this community are in the development review process. City staff are working with the ward councillor to minimize the impact of the construction vehicle activity associated with these condominium developments on the existing residents. In addition to the typical conditions described above, City staff have also considered the following methods of managing construction activity in the Avondale community:

### *Working Hours*

Earlier this year, in an attempt to minimize the impact of the construction vehicle activity associated with the Oakburn development, residents requested that the construction work day end at 4 p.m., as opposed to the typical 7 p.m. end time. The Oakburn developer ( Tridel ) was strongly opposed to this condition citing that the 12-hour work day was standard across the City of Toronto and that they would have difficulty finding construction trades that would be willing to work within those limits. City Legal staff were consulted and subsequently provided an opinion that stated that in the "...absence of any evidence of special circumstances...." a Court would likely find there is no reason to impose the suggested restrictions to the work day. It was concluded by staff that there are not special circumstances in Avondale that would differentiate it from other areas in the City that are undergoing intense development and the associated construction activity.

### *Routing by Time-of-Day*

One method being used to help manage construction activity in this community is to dictate the routing for construction vehicles by time-of-day. For example, with the Oakburn development, there was particular concern regarding the congestion on westbound Avondale Avenue during the morning peak period. As a result, the construction access permit specified that construction vehicles exiting the site could not use Avondale Avenue until after 10 a.m.. Between 7 a.m. and 10 a.m. they were directed to use Tradewind Avenue/Bonnington Place in order to access Sheppard Avenue.

### *Routing by Project*

A second technique used to manage construction activity in Avondale is to dictate the routing of vehicles by project. Following the start of the Oakburn work, Minto applied for a construction access permit for their development on the south side of Sheppard Avenue east of Yonge Street. Since we knew that the construction vehicles generated by Oakburn were using Tradewind Avenue and Avondale Avenue, we stipulated that the construction vehicles generated by the Minto project must use Glendora Avenue. As a number of projects will be under construction simultaneously over the next few years in Avondale we will distribute the construction activity equitably over the available road network.

### *Capital Work Coordination*

Another technique that has been successfully used is the coordination of the condominium construction with other Capital work in the area. For example, the extension of the southbound left turn lane on Yonge Street north of Highway 401 was done using overnight work in order to avoid overlap with the activity generated by the Oakburn project. Other less significant work, such as a Toronto Hydro crossing of Sheppard Avenue east of Yonge Street, has been conducted on the weekend, also to avoid overlap. The use of night work and weekend work will be employed when feasible. The main concerns with weekend work are the availability of materials ( asphalt, concrete ) and increased costs.

### *Monitoring/Enforcement*

Transportation Services staff will be closely monitoring construction vehicle activity in the Avondale community to ensure adherence to the permit conditions and to provide enforcement when necessary. Staff responsible for the monitoring/enforcement includes the Work Zone Coordinator of the Traffic Operations unit as well as the By-Law Officers of the Right-of-Way Management unit. These staff will also make the Construction Liaison Officer of the Toronto

Police Service aware of the activities and associated conditions in this community. Staff will be holding pre-construction meetings with the builders in order to establish working relationships with the construction site supervisors. Staff will be insisting on an early review of construction traffic management plans produced by the developer in order to resolve any conflicts and will be maintaining a regular field presence to ensure compliance.

## **CONTACT**

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## **SIGNATURE**

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Myles Currie, B.A.  
Director

## **ATTACHMENTS**

Attachment 1: Map – Avondale Community; Construction Vehicle Management  
(ny08101\_map)