

# **REPORT**

## ***Climate Action, Planning and Development***

**To:** Mayor Johnstone and Members of Council  
**Date:** January 22, 2024

**From:** Jackie Teed  
Director, Climate Action, Planning and Development  
**File:** Doc#2429973

**Item #:** 2024-31

**Subject:** **Construction Noise Bylaw Exemption: 651 Carnarvon Street (Provincial Courthouse)**

---

### **RECOMMENDATION**

**THAT** Council grant a noise exemption to Signia Construction Ltd from Construction Noise Bylaw No. 6063, 1992 from 8:00 PM to 11:00 PM Monday through Friday and alternate Sundays from 9:00 AM to 6:00 PM from Thursday February 1, 2024 to Friday January 31, 2025 at the Provincial Courthouse located at 651 Carnarvon Street for the purposes of re-roofing, adding insulation and cladding, upgrading mechanical and electrical systems, glazing, and landscaping.

---

### **PURPOSE**

The purpose of this report is to request an exemption from the Construction Noise Bylaw No. 6063, 1992 from Thursday February 1, 2024 to Friday January 31, 2025 to enable Signia Construction Ltd to make repairs, renovations, and upgrades to the Provincial Courthouse. Granting an exemption will allow Signia Construction to complete work already started in this regard.

### **BACKGROUND**

The Provincial Courthouse is located at 651 Carnarvon Street in downtown New Westminster and provides Criminal, Family and Small Claims cases to be heard on a daily basis.

On July 10, 2023 Council received a staff report requesting an exemption to the Construction Noise Bylaw for an 18 month period to permit the Province’s contractor, Signia Construction, to perform upgrades at the Courthouse. At the meeting, Council members voiced concerns about the potential negative impact the length of the requested exemption would have on neighboring residents and chose instead to grant a six month exemption. The rationale behind Council’s decision was to require the contractor to return part way through the project to ensure a review of the impact of the construction on the neighborhood would occur and, if appropriate, to enable the imposition of any mitigating requirements. The resolution passed was:

*THAT a noise exemption from Construction Noise Bylaw No. 6063, 1992, to Signia Construction Ltd. from 8:00 PM. to 11:00 PM, Monday through Friday, excluding Saturday nights and Statutory Holidays, but including alternating Sundays from 9:00 AM to 6:00 PM, for the purposes of re-roofing and adding insulation and cladding to the exterior of the Provincial Courthouse at 651 Carnarvon Street from August 1, 2023, to January 31, 2024.*

Signia Construction is now requesting an extension of the above-noted exemption to continue the work to completion.

**ANALYSIS**

The Provincial Courthouse is aging and in need of repair. The work has been, and will continue to occur, in both interior and exterior spaces but predominantly exterior. The work will include installing a new roof, installing exterior insulation and cladding, upgrading electrical and mechanical systems, glazing and landscaping. Much of the work is intended to increase the energy efficiency of the envelope.

Noise disruption is expected due to high noise activities such as jack hammering, drilling, and cutting activities. The Province has been clear it will not permit noise during court proceedings and that any closure of the Courthouse during business hours would result in a backlog of hearings. For these reasons, most of the work must be performed at night.

While some of the work is weather dependent, the contractor expects that, if granted, the 12 month exemption would accommodate any delays occurring due to inclement weather.

**DISCUSSION**

Signia Construction is requesting an exemption from 08:00 PM to 11:00 PM Monday through Friday, excluding Saturday nights and Statutory Holidays, but including alternating Sundays from 09:00 AM to 06:00 PM from Thursday February 1, 2024 to Friday January 31, 2025 in order to repair, renovate, and upgrade the Provincial Courthouse.

Signia Construction has committed to limiting high noise activities to the hours before 10 PM and after 10 PM activities to cleaning up construction areas in preparation for the next day's court business.

They have advised that work will be well planned in advance so tasks can be carried out in a timely and efficient manner. They have advised noisy work will be scheduled to occur with other noisy work to reduce the duration of noise.

In addition to the above-mentioned mitigation measures, Signia has committed to implementing the following measures to further limit disruption to neighboring residents.

- Ensure all equipment is in good operating order.
- Operate equipment at minimum engine speeds consistent with effective operation.
- Educate and supervise construction personnel to ensure potential noises are minimized.
- Turn off equipment when not in use.
- Schedule construction activities and limit equipment usage times to minimize noise, especially during nighttime hours and near sensitive receivers.
- Locate stationary noise generating equipment as far away as possible from noise sensitive receivers.
- Have a night time contact person available to respond to any calls from affected residents

Area residents and businesses potentially impacted by the noise will be notified in advance via hand delivery. Appendix A contains a map showing the location of the Courthouse and the area that will receive notification. Appendix B contains a sample notification letter to the immediate neighborhood residents.

For work occurring at night, task lighting will be utilized in the areas where work is being performed and will not be aimed towards residential units. As daylight hours get longer in duration, the reliance on artificial light will lessen.

There are no traffic implications associated with this exemption request.

City staff consider an exemption of the Construction Noise Bylaw to be reasonable as:

- The Courthouse is aging and requires repair.
- Court proceedings cannot occur during noise disruptions and it is not in the public interest to close the Courthouse during business hours creating a backlog of court cases.
- The applicant has indicated an understanding of the proximity of residences and businesses and of respectful work practices and has committed to implement mitigating measures.
- While some inquiries were received regarding construction noise, no complaints were received during the exemption from August 1, 2023, to January 31, 2024.

## **FINANCIAL IMPLICATIONS**

No financial impact to the City is anticipated by granting the exemption. If the exemption is not granted, the project will likely be delayed which may result in financial impacts for the applicant.

## **OPTIONS**

There are two options to consider:

1. That Council grant a noise exemption to Signia Construction Ltd from Construction Noise Bylaw No. 6063, 1992 from 8:00 PM to 11:00 PM Monday through Friday and alternate Sundays from 9:00 AM to 6:00 PM from Thursday February 1, 2024 to Friday January 31, 2025 at the Provincial Courthouse located at 651 Carnaron Street for the purposes of re-roofing, adding insulation and cladding, upgrading mechanical and electrical systems, glazing, and landscaping
2. That Council provide staff with alternative direction.

Staff recommend Option 1.

## **ATTACHMENTS**

Appendix A: Map Showing Location of Courthouse and Notification Area

Appendix B: Sample of Notification Letter to Immediate Neighbourhood

## **APPROVALS**

This report has been prepared by:

Ameet Dhanoa, Property Use Coordinator, Integrated Services

This report was reviewed by:

Kim Deighton, Manager of Integrated Services

This report was approved by:

Jackie Teed, Director of Climate Action Planning and Development

Lisa Leblanc Acting Chief Administrative Office