

# REPORT

## Planning and Development

**To:** Mayor Johnstone and Members of Council  
**Date:** January 27, 2025

**From:** Jackie Teed  
Director, Planning and Development  
**File:** Doc#2626858

**Item #:** 2025-24

**Subject:** **Construction Noise Bylaw Exemption Request: 651 Carnarvon Street (Provincial Courthouse) – Signia Construction Ltd.**

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### **RECOMMENDATION**

*THAT an exemption be granted 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 Saturday, February 1, 2025 to Saturday, January 31, 2026 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.*

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### **PURPOSE**

To request an exemption be granted from the Construction Noise Bylaw No. 6063, 1992 from Saturday, February 1, 2025 to Saturday, January 31, 2026 to enable Signia Construction Ltd. to continue ongoing repairs, renovations, and upgrades to the Provincial Courthouse.

### **BACKGROUND**

The Provincial Courthouse is located at 651 Carnarvon Street in downtown New Westminister and provides Criminal, Family and Small Claims cases to be heard on a daily basis from Monday to Friday 8:00 AM to 4:00 PM.

On July 10, 2023 Council passed the following resolution:

*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.*

On January 22, 2024 Council passed the following resolution:

*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 February 2024, to January 31, 2025.*

Since the first extension of the project in February 2024 the City has received five complaints from residents neighbouring 651 Carnarvon Street. All complaints were regarding noise levels during the permitted noise exemption hours. Upon recommendation from City Staff, Signia Construction Ltd. sent out a second notification to the neighbourhood. City records indicate no further noise-related complaints have been received since the second notification was issued.

Signia Construction Ltd. is requesting a second extension of the above-noted exemption to continue the work to completion. The project has experienced work delays due to unforeseen design challenges.

**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 includes the continuation of 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 of British Columbia has been adamant that it will not permit noise during court proceedings and that any closure of the Courthouse during business hours would result in lengthy backlog of court proceedings and/or hearings. For these reasons, most of the work must be performed at night when courthouse proceedings are not in session.

While some of the work is weather dependent, the contractor expects that, if granted, the twelve month exemption would accommodate any delays occurring due to inclement weather, staffing or delays in equipment or supply.

## **DISCUSSION**

Signia Construction Ltd. is requesting an exemption from 8:00 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 Saturday February 1, 2025 to Saturday January 31, 2026 in order to repair, renovate, and upgrade the Provincial Courthouse.

Signia Construction Ltd. has committed to ensure that work will be organized in advance, so that tasks can be carried out in a timely and efficient manner. This includes limiting high noise activities to the hours before 10:00 PM. While activities after 10:00 PM will be focused on cleaning up construction areas in preparation for the next day's court business. 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.

In addition to the above-mentioned mitigation measures, Signia Construction Ltd. 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.

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.

## **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 an exemption be granted 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 Saturday, February 1, 2025 to Saturday, January 31, 2026 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
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.

## **APPROVALS**

This report has been prepared by:

Jason Khoo, Property Use Coordinator, Integrated Services

This report was reviewed by:

Bal Varn, Acting Manager, Integrated Services

Rupinder Basi, Deputy Director, Planning

This report was approved by:

Jackie Teed, Director, Planning and Development

Lisa Spitale, Chief Administrative Officer