

Report to Council



Date: May 6, 2024
To: Council
From: City Manager
Subject: Options to Address Construction Noise
Department: Office of the City Clerk

Recommendation:

THAT Council receives, for information, the report from the Office of the City Clerk dated May 6, 2024, with respect to options for addressing construction noise;

AND THAT Council directs staff to prepare the necessary bylaw amendments in accordance with Option 1 as described in the report from the Office of the City Clerk dated May 6, 2024.

Purpose:

To consider options to amend construction noise times and the noise variance procedure.

Background:

At its meeting of February 12, 2024 Council directed staff to review construction noise restrictions and associated procedures for granting variances in other communities, and to propose options for amending Kelowna’s own bylaws and procedures to mitigate the impact of construction noise on residents.

Previous Council Resolution

Resolution	Date
THAT Council direct staff to review construction noise restrictions in other communities, and the current noise variance procedure, AND THAT Council direct staff to bring forward for Council consideration options for amending current construction noise times and the noise variance procedure.	February 12, 2024

Discussion:

Section 8 – Construction Noise of the [Good Neighbour Bylaw](#) provides the following regulations for construction noise within the city:

- Construction noise is permitted between 7:00 am and 9:00 pm (the “Construction Noise Window”).
- Construction noise is permitted seven days a week, year-round, including statutory holidays.
- An individual may apply to vary the Construction Noise Window. Variances may be granted by the Public Works Manager (for construction noise on public spaces or streets), or by the Development Engineering Manager (for construction noise on private property).

Variances to the regulations may be granted when one of the following criteria is met:

- public safety or traffic considerations make it necessary or expedient that the work commence or continue beyond the Construction Noise Window; or
- it is impossible or impractical to carry out, within the Construction Noise Window, the following works:
 - excavation;
 - concrete pouring or finishing;
 - major structural or mechanical component delivery or placement; or
 - relocation of a building.

Staff may additionally impose terms and restrictions to mitigate the impact of construction noise on residents of the neighbourhood and may also require that impacted residents are notified.

Between Jan 1, 2023 and April 3, 2024, a total of approximately 132 variances were granted in relation to construction activity on private property. Over 80% of variances in this period were related to concrete pouring or finishing activities which are impractical to carry out within the hours of the Construction Noise Window. In recent years staff have also begun to grant variances in the summer months when extreme heat is anticipated to create potentially unsafe working conditions. Heat-related variances typically allow work to begin earlier in the day when temperatures are lower.

Variances have been geographically concentrated in areas of the city with large ongoing developments such as downtown and the South Pandosy/Lakeshore Road corridor. Over 80% of variances granted in the period referenced above were associated with developments in these neighbourhoods. A further 13% were associated with developments in the Rutland area, with the remainder scattered throughout other areas of the city.

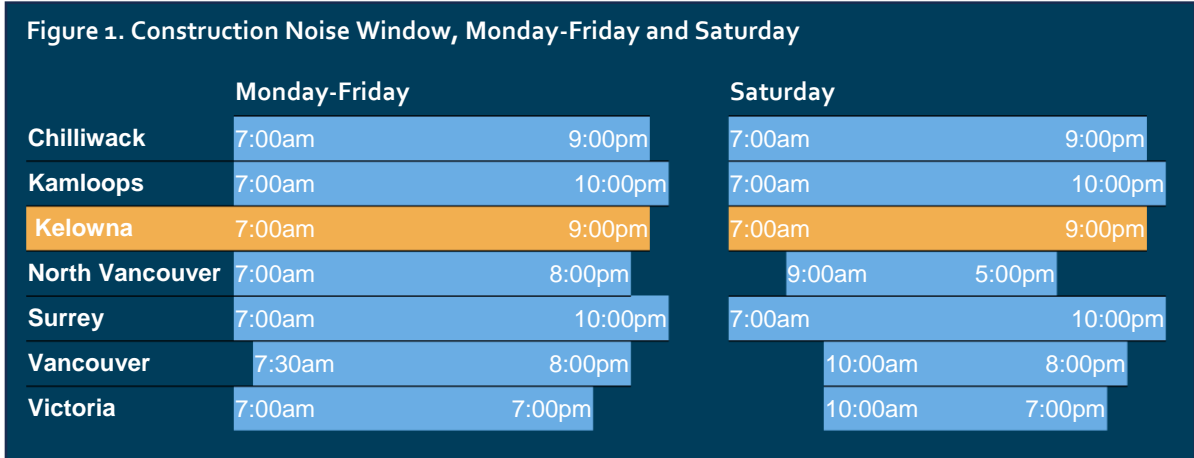
Comparison with Peer Municipalities

As directed by Council, staff conducted a comparative review of relevant bylaws and procedures from a sample of municipalities across British Columbia. In addition to Kelowna, the review included Chilliwack, Kamloops, North Vancouver, Surrey, Vancouver, and Victoria.

Key findings of this review include the following:

- a) Kelowna’s approach of permitting construction noise within a uniform window for all days of the week, 365 days per year is a partial outlier among this sample. Only one other municipality (Kamloops) has adopted this approach.

- b) For non-holiday weekdays, Kelowna’s Construction Noise Window is broadly in line with those of the other municipalities in the sample (Figure 1).
- c) While all municipalities in the sample allow construction noise on Saturdays, three of them (North Vancouver, Vancouver and Victoria) have adopted a narrower Construction Noise Window applying to Saturdays only (Figure 1).



- d) Apart from Kelowna, only one other municipality in the sample (Kamloops) permits construction noise on Sundays in the absence of an approved variance.
- e) Four of the sampled municipalities allow construction noise on statutory holidays (Kelowna, Chilliwack, Kamloops and Surrey), while the other three (North Vancouver, Vancouver and Victoria) do not.
- f) Every municipality in the sample empowers one or more municipal officials to grant variances which authorize construction noise outside the regular Construction Noise Window. Kelowna’s Good Neighbour Bylaw goes further in limiting the discretion of the delegate by providing a list of specific criteria under which a variance is appropriate. The relevant bylaws of other municipalities typically provide more open-ended discretionary power to grant variances where the delegate determines that one is necessary.

Summary of Options

The table below summarizes the options for amending the Good Neighbour Bylaw based on the considerations outlined above.

	Daily Window	Statutory Holidays	Variance Procedure
Current Bylaw	Monday-Sunday: 7:00am-9:00pm	Allowed on all statutory holidays	As described above
Option 1: Recommended Option	Monday-Friday: No change Saturday and Sunday: 9:00 am-8:00 pm on both days	Prohibit	-Add unsafe heat conditions as a variance criterion -Clarify scope of required mitigations
Option 2	Monday-Friday: No change Saturday: 10:00 am-5:00 pm	Prohibit	-Adopt narrower grounds for granting of variances

	Sunday: Prohibit		-Add unsafe heat conditions as a variance criterion -Clarify scope of required mitigations
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Staff recommend proceeding with Option 1, allowing construction noise during a reduced window on weekends and prohibiting construction noise on statutory holidays except as authorized by the granting of a variance. A 9:00 am start on Saturday and Sunday will provide flexibility in circumstances where unavailability of materials or trades requires construction work to be shifted into the weekend. It is also recommended that potentially unsafe heat conditions be added to the bylaw as a basis for granting a variance.

Conclusion:

Through a modest set of amendments to the Good Neighbour Bylaw, the impact of construction noise on residents can be mitigated without compromising the development industry’s ability to complete much-needed housing and other construction projects in a timely manner.

Internal Circulation:

Development Engineering
 Development Planning
 Infrastructure Operations

Considerations applicable to this report:

Existing Policy: [Good Neighbour Bylaw No. 11500](#)

Considerations not applicable to this report:

Financial/Budgetary Considerations:

Legal/Statutory Authority:

Legal/Statutory Procedural Requirements:

External Agency/Public Comments:

Communications Comments:

Submitted by:

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Approved for inclusion: L. Bentley, City Clerk

cc:

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