

Report to Council



Date: July 8, 2024
To: Council
From: City Manager
Subject: Updated 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 July 8, 2024, regarding updated options to address construction noise;

AND THAT Council directs staff to prepare the necessary bylaw amendments in accordance with Option B as described in the report from the Office of the City Clerk dated July 8, 2024.

Purpose:

To mitigate the impact of construction noise on Kelowna residents by amending the construction noise provisions of the Good Neighbour Bylaw.

Background:

On May 13, 2024, at the direction of Council, staff presented options for amending the Good Neighbour Bylaw to address the impact of construction noise on Kelowna residents. Staff presented two options for consideration by Council: a recommended option (Option 1) and an alternative option. Council directed staff to prepare the necessary bylaw amendments to implement Option 1.

Previous Council Resolution

| Resolution | Date |
|--|--------------|
| THAT Council receives, for information, the report from the Office of the City Clerk dated May 13, 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 13, 2024. | May 13, 2024 |

Discussion:

The basic parameters of Option 1 are summarized in the table below:

| | Daily Window | Statutory Holidays | Variance Procedure |
|------------------------------|---|-----------------------------------|---|
| Current Bylaw | Monday-Sunday: 7:00 am-9:00 pm | 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 |

Industry Feedback

Following the May 13 report to Council, staff continued engagement with organizations representing the local development industry, including the Canadian Home Builders Association (CHBA) and the Urban Development Institute (UDI). Both the CHBA and UDI, as well as many of their individual members, have expressed concerns about the effects of restricting construction hours on weekends and prohibiting construction noise entirely on statutory holidays. Concerns raised by the industry are summarized as follows:

- The proposed 9 am start on Saturdays and Sundays is at odds with industry preferences to get an early start, particularly in the summer months. This change will make Kelowna a less appealing market for construction labour and will increase the difficulty of attracting workers.
- Prohibiting construction noise on statutory holidays will interfere with construction schedules and deprive workers of opportunities to earn additional income on these days. It will also create challenges for the employment of out-of-town trades, who typically work a compressed schedule to reduce costs.
- The overall impact of these changes will be increased length of time to complete construction and therefore higher costs for builders. These increased costs will translate into higher housing prices, further diminishing affordability.

In view of both the volume of industry feedback received and the impact of the concerns raised, staff are presenting Council with an updated set of options for consideration, giving Council an opportunity to provide further direction on the preferred approach to addressing the issue of construction noise.

The updated list of options, detailed below, includes one recommended option and two alternative options for Council to consider. Two important items to note:

- The original staff recommended option (Option 1 from the May 13 report) has been reevaluated in light of industry feedback and is no longer recommended. The May 13 report's "Option 1" has been relabeled as "Option A" and now appears as one of the two alternative options.
- The updated options are concerned with only two variables: the daily construction noise window and the arrangement for statutory holidays. Changes to the construction noise variance procedure are uncontroversial and will be incorporated into whichever option Council determines should proceed.

Updated Options for Council Consideration

| | Daily Window | Statutory Holidays |
|--|--|---|
| Current Bylaw | Monday-Sunday: 7:00 am-9:00 pm | Allowed on all statutory holidays |
| Option A: Original Staff Recommendation | Monday-Friday: No change Saturday and Sunday: 9:00 am-8:00 pm | Prohibit |
| Option B: Modified Staff Recommendation | Monday-Friday: No change Saturday and Sunday: 8:00 am-4:00 pm | 8:00 am-4:00 pm on all provincial statutory holidays |
| Option C: Industry Proposal | Monday-Friday: No change Saturday: 7:00 am-4:00 pm Sunday: 8:00 am-4:00 pm | 7:00 am-4:00 pm on all provincial statutory holidays |

To summarize, **Option A** reflects Council’s direction based on the May 13 report to Council. Staff have since reevaluated this option in the light of industry feedback and have concluded that it risks creating new obstacles to the delivery of much-needed housing development in the City. It is therefore no longer the staff recommended option.

Staff are recommending **Option B** as the preferred basis on which to proceed with amending the bylaw. Compared to Option A, this option is intended to soften likely impacts on the development industry by allowing an 8 am start on weekends and by allowing construction noise on statutory holidays within reduced hours. Option B also responds to resident concerns by balancing the earlier weekend start time with an additional four hours of noise-free time on weekend evenings.

Option C reflects an adjustment from the current bylaw that is the consensus recommendation of the development industry. Compared to Option A, this option provides an earlier 7 am start on Saturday and statutory holidays in exchange for an earlier 4 pm end time. Staff are not recommending this option given the impact of the 7 am start time on residents and the original intent to reduce impacts of construction noise.

Conclusion:

Staff recommend proceeding with Option B to respond to industry concerns with the more restrictive hours in Option A while providing some relief from construction noise for residents on weekends and statutory holidays when compared to the current bylaw. Staff will continue to ensure that construction noise variances are granted where appropriate and that builders strictly comply with the terms and conditions of any variances granted.

Internal Circulation:

Development Engineering
Development Planning
Infrastructure Operations

Considerations applicable to this report:

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

Consultation and Engagement:

Staff have been in contact with the local representatives of the Canadian Home Builders Association (CHBA) and Urban Development Institute (UDI) to solicit feedback from the development industry on potential impacts of the proposed bylaw amendments. Both the CHBA and UDI, as well as many of their individual members, have written to staff to express concerns about the effects of restricting construction hours on weekends and prohibiting construction noise on statutory holidays.

Considerations not applicable to this report:

Legal/Statutory Authority:

Legal/Statutory Procedural Requirements:

Existing Policy:

Financial/Budgetary Considerations:

Submitted by:

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Approved for inclusion: L. Bentley, City Clerk

cc:

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