

Staff Report



Community Services Department

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REPORT TO: Finance and Corporate Services Committee

DATE OF MEETING: September 16, 2024

SUBMITTED BY: Gloria MacNeil, Director of Enforcement, 519-741-2200 ext. 7952

PREPARED BY: Gloria MacNeil, Director of Enforcement, 519-741-2200 ext. 7952

WARD(S) INVOLVED: 9

DATE OF REPORT: September 3, 2024

REPORT NO.: CSD-2024-408

SUBJECT: NOISE EXEMPTION -VANMAR CONSTRUCTORS ON INC 641 KING ST W

RECOMMENDATION:

That the noise exemption requested by VanMar Constructors for construction work at 641 King St W to commence at 6am from October 1, 2024 to April 30th, 2025 be denied.

REPORT HIGHLIGHTS:

- VanMar Constructors ON Inc. is requesting a noise exemption for phase two of the Station Park development to allow them to begin construction at 6am beginning October 1, 2024 until April 30, 2025 (7 months).
- Staff are not supportive of the exemption request based on the duration of time being requested.
- Based on staff's experience during the pandemic when construction times were expanded, the limited number of exemptions provided to date for extended construction hours on a short-term basis, and the lack of community engagement related to this exemption request for a seven-month period, staff are unable to support the noise exemption put forward by VanMar Constructors ON Inc for a 6AM start.
- There are currently a number of condo developments throughout the city and in particular the downtown, staff have concerns that allowing an early start time for one development may result in a precedent being set which will encourage others to also apply and expect the same consideration.

BACKGROUND:

VanMar Constructors ON Inc. is currently constructing a multi-residential housing development project at 641 King St W as part of phase two of the Station Park development and have requested an exemption to Chapter 450 to allow them to begin work one hour earlier at 6am for a seven-month period, instead of the permitted 7am start time in the by-law.

REPORT:

*** This information is available in accessible formats upon request. ***
Please call 519-741-2345 or TTY 1-866-969-9994 for assistance.

VanMar Constructors ON Inc. have provided information outlining several reasons why they believe their request for an exemption should be considered – see Schedule A as attached to this report.

Staff have summarized some of the key points included in Schedule A below, which form VanMar Constructors rationale for consideration:

1. VanMar Constructors request for an early start time will assist with accelerating the housing development which they believe aligns with the City of Kitchener's strategic priority. By starting construction at 6:00 AM, their goal is to advance their project timeline.
2. The trades and workforce working on this project travel from various locations across the Greater Toronto Area (GTA), it is believed that an earlier start time will help their tradespeople avoid peak-hour traffic, reducing commute.
3. Union regulations typically limit work hours to 3:00 PM, making an earlier start crucial for maximizing productivity and ensuring a full workday. A 6:00 AM start also allow for a staggered arrival of workers, facilitating a smoother transition into the site and avoiding congestion at 7:00 AM.
4. To mitigate potential noise impacts, they are proposing the following measures:
 - **Restricted Hoist Operations:** Limit hoist operations to a specific number of runs between 6:00 AM and 7:00 AM.
 - **Noise Minimization Activities:** they are committed to restricting certain high noise activities to later in the day. They are open to collaborating with City officials to define specific activities that can be undertaken early in the morning with minimal noise.
 - **Noise Reduction with Construction Progress:** As construction progresses, and the building becomes enclosed with the façade materials including windows and doors, the noise levels on site will be significantly reduced. Trades people will be working within an enclosed structure which should decrease the noise levels identified within the initial noise monitoring report.
5. They also engaged Englobe, an Acoustic Engineer, to monitor noise levels on-site from May 3 to May 12, 2024 the details of the report and findings are provided as part of the package in Schedule A.
6. VanMar Constructors would issue personalized notifications to residents, especially those in Station Park Building B facing the construction site. The notice will detail the adjusted construction hours and their efforts to minimize disturbances, ensuring transparency and fostering positive community relations.

Staff have reviewed the entirety of Schedule A and appreciate the level of commitment and research that has been put forth by VanMar Constructors ON Inc. and their efforts to reduce the impact of noise on the surrounding residents as part of their request. However, staff have not had an opportunity to speak with nearby residents to determine if the current construction noise

has had a negative impact, or if residents would support an exemption for a 6AM start time over the next seven months.

When staff have supported early start times for previous construction projects, they have typically been for concrete pours that must be completed within the same day, these have typically been infrequent over a couple of days at most, never for this length of time.

During the pandemic, the provincial government paused any existing municipal noise by-laws allowing construction to take place between 6AM and 10PM daily, staff can advise that during that period we consistently received complaints from residents regarding the disturbances and impacts they experienced, including being woken up by construction noise at 6AM.

Based on our experience during the pandemic, the limited number of exemptions provided for extended construction hours on a short-term basis, and the lack of community engagement related to this exemption request for a seven-month period, staff are unable to support the noise exemption request put forward by VanMar Constructors ON Inc. for a 6AM start.

Lastly, there are currently a number of condo developments throughout the city and in particular the downtown, staff have concerns that allowing an early start time for one development may result in a precedent being set which will encourage others to also apply and expect the same consideration.

STRATEGIC PLAN ALIGNMENT:

This report supports the delivery of core services.

FINANCIAL IMPLICATIONS: N/A

COMMUNITY ENGAGEMENT:

APPROVED BY: Michael May, DCAO

ATTACHMENTS:

Attachment A – Station Park C – Noise Exemption Justification