COUNCIL REPORT

Date: June 16, 2014
From: Manjit S. Sohi, Manager of Permits and Inspections
Subject: Collingwood School (70 Morven Dr.) Request for Order of Non-Enforcement of Noise Control Bylaw

RECOMMENDED THAT:

1. The request from Platinum Projects Ltd. on behalf of Collingwood School (70 Morven Dr.) for an Order on Non-Enforcement of the Noise Control Bylaw No. 4404, 2005 Section 6.1.2. (a) from July 9, 2014, to August 31, 2014, to allow for evening-time construction between the hours of 5:30 p.m. to 8:00 p.m. on any other day that is not a Saturday, Sunday or holiday with the conditions contained in the report June 16, 2014, be approved.

Purpose

The purpose of this report is to present for Council consideration a request from Platinum Projects Ltd. on behalf of Collingwood School (70 Morven Dr.) to allow evening time interior finishing works to the new addition to the school.

1.0 Background

1.1 Prior Resolutions

N/A

1.2 History

On September 2, 2012 the District of West Vancouver issued a building permit for interior renovations and a two storey addition of 5240m² to the existing Collingwood School.

2.0 Policy

2.1 Policy

N/A
2.2 Bylaw

Noise Control Bylaw No. 4404, 2005 regulates, prohibits and imposes requirements in relation to the protection and enhancement of the well-being of its community in relation to nuisance, disturbance and other objectionable situations, including noise that is liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public.

As per the Noise Control Bylaw, construction noise is allowed:

1. Monday through Friday (that are not holidays) from 7:30 a.m. to 5:30 p.m.
2. Saturday (that are not holidays) 7:30 a.m. to 5:00 p.m.
3. No construction allowed on Sundays and holidays

Construction noise during the aforementioned allowable hours must not exceed 80 decibels.

3.0 Analysis

3.1 Discussion

There are three major incomplete components of the project. These components are:

1. demolition of existing structures
2. onsite civil works
3. interior finishes

It is anticipated that the project will be completed by the end of September 2014. Components (1) and (2) are not critical for the reopening of the new school year in September for the 2014-15 school year. However, Collingwood School would like to have component (3) completed before the start of school year.

The initial request from the applicant included a request to allow for extended hours of operation for the demolition of the old school buildings. Staff was not supportive of that request and it was withdrawn.

Platinum Projects Ltd., Collingwood School’s agent, has submitted a Letter of Request (Appendix A) requesting a variance to the construction noise regulations of the Noise Control Bylaw beyond 5:30 p.m. Monday through Friday and 5:00 p.m. on Saturday. The applicant has proposed the following conditions:

1. No Deliveries to be made to the site.
2. Mitigate interior noise from inside to outside.
3. Mitigate interior light from inside to outside.
4. All trades to park onsite or in the underground parking to minimize disturbance.
5. All trades will not be allowed to loiter outside.
6. All trades to leave the site slowly and quietly.
7. Collingwood School to provide a monitor onsite during the variance hours to ensure the contractor is adhering to the above condition and will be the primary contact with District staff and the public.

Staff has reviewed the request and notes that an outright exemption would allow up to 80 decibels; however, this was considered by staff and is not being recommended. Staff's recommendation would restrict construction noise during the extended hours to 65 decibels. The 65 decibel limit is relevant because 65 decibels is the limit for non-continuous sound during the night as per the existing Noise Control Bylaw.

Staff reviewed the conditions proposed by the applicant, and recommends that Council approve the request on the following terms:

1. Hours of work to be limited to Monday through Friday until 8:00 p.m. No extended hours will be allowed on Saturdays. No construction noise will be allowed on Sundays.
2. Noise levels be limited to 65 decibels from 5:30 p.m. to 8:00 p.m. on Monday through Friday. Noise levels on Saturday and Sunday and holidays will be as per the Noise Control Bylaw.
3. No heavy vehicles permitted after 5:30 p.m. on Monday through Friday. Restriction for Saturday, Sunday and holidays will be as per the Noise Control Bylaw.
4. No movement or operation of any machines, engines or construction equipment outside after 5:30 p.m. Restriction for Saturday, Sunday and holidays will be as per the Noise Control Bylaw.
5. Mitigate interior noise from inside to outside.
6. Mitigate interior light from inside to outside.
7. Trades to park only in the underground parking.
8. Trades will not be allowed to loiter outside.
9. All trades to leave the site slowly and quietly.
10. Collingwood School to provide a monitor onsite during the extended hours to ensure the contractor is adhering to the above conditions and will be the primary contact with District staff and public.
11. All power tools to be limited to interior use only.
12. The applicant to deliver “Notice of Construction” (Appendix B), to residences identified in the notification area (Appendix C).
13. If any of the terms mentioned immediately above are breached, District Staff will have authority to revoke the Order of Non-Enforcement of the Noise Control Bylaw (if approved by Council).

3.2 Sustainability

N/A

3.3 Consultation

Staff from Planning, Land Development and Permits; Legislative Services; and Bylaws and Licences were consulted.

3.4 Communications Process

“Notice of Construction” will be delivered to area residences (Appendix C).

4.0 Options

4.1 Council may:

- Approve the Order of Non-Enforcement as proposed by Staff; or
- Approve as requested by the applicant; or
- Approve with additional conditions; or
- Not approve the Order of Non-Enforcement.

Author: 
Manjit S. Sohi
Manager of Permits & Inspection

Concurrence: Sarah Almas,
Manager of Bylaw and Licensing Services

Appendix A: Letter from Platinum Projects Ltd
Appendix B: Notice of Construction
Appendix C: Notification Area Map
Mr. Manjit S. Sohi, Manager Permits & Inspections

District of West Vancouver

750 17th Street

West Vancouver, BC

V7V 3T3

June 12th, 2014

Dear Sir,

Re: Variance to Noise Bylaw, Collingwood School, 70 Morven Drive

Collingwood School (CWS) is requesting a variance to the District of West Vancouver (DWV) noise bylaw. The purpose of this request is to allow construction activity to occur beyond 5.30pm from Monday through Friday and beyond 4.30pm on Saturdays at 70 Morven Drive. We are requesting this variance to commence immediately and until August 30th, 2014.

As discussed, the extended hours would allow the contractor (Heatherbrae Builders) to complete majority of the Collingwood School redevelopment project in time for the 2014 – 2015 school opening on September 3rd 2014. Should this variance not be allowed, we have a serious risk that the project will not be completed in time for the school opening. Without this variance, we will continue to have trades onsite into September/October and until the project is completed.

The original request made by CWS was to allow a variance for all work onsite (indoors and outdoors). In reviewing our request further, CWS is now requesting the variance to the noise bylaw for all work taking place indoors only. This is in keeping with the friendly neighbour approach. We are not asking for a variance for work that is taking place outside of the building (i.e. demolition, civil works, etc.).

Please note that the school will not be in session from June 20th to September 3rd (summer break). During this time, the contractor will have unfettered access to the school grounds and in turn allow the project to gain some momentum during the finishing phase. As you are aware, the finishing phase can be a coordination challenge in the best of times and given the complexity of this project, we are anticipating that some trades will need to work extended hours to ensure the subsequent trades are not held up.
As noted, this variance request is for the all work taking place indoors only for activities such as but not limited to, painting, flooring, dry walling, installing T-bar ceilings, installing furniture, fixtures and equipment, etc.

We would be prepared to apply the following during the variance hours:

1. No deliveries to be made to the site
2. Mitigate interior noise from inside to outside
3. Mitigate interior light from inside to outside
4. All trades to park onsite or in the underground parking to minimize disturbance
5. All trades will not be allowed to loiter outside
6. All trades to leave the site slowly and quietly
7. CWS to provide a monitor onsite during the variance hours to ensure the contractor is adhering to above and will be the primary contact with DWV and public.

We believe this meets with your expectations.

Kindly advise the process you intend on following for this variance request from here in. We are hoping that this request can be dealt with at the earliest and/or next Council meeting. We very much appreciate your time and support in this request.

Please do not hesitate to contact me at any time should require any further information and/or clarifications.

Yours Sincerely,

Platinum Projects Ltd.

Harp S. Hoonjan

Cc: Collingwood School Construction Committee
NOTICE OF CONSTRUCTION

Dear Neighbour:

In order to complete the renovations before the start of new school year in September 2014, the Collinwood School applied for a variance to Noise Control Bylaw. On Monday July 7, The District of West Vancouver approved a variance to the District’s Noise Control Bylaw. The purpose of the request was to allow the construction team to work inside the building until 8 pm at night, Monday to Friday commencing immediately until August 30th, 2014.

The current by-law allows work from 7:30 am to 5:30 pm on Monday to Friday, and 8:00 am to 5:00 pm on Saturday. Our specific request will allow us to work an additional 2.5 hrs. until 8 pm inside the building from Monday to Friday.

The type of work done indoors would include all finishing work, but is not limited to: Flooring, dry walling, painting, installing lights and fixtures, installing audio and visual equipment, installing furniture and mechanical finishes.

The extended hours will allow us to finish the inside of the building in time to open the school on September 3rd. Without the variance, we would continue to have over 100 trades people working daily at the school until the work is completed, likely until October 2014. With the extended hours we are able to finish much more quickly.

The underground parking will be finished soon, and it will be open for all parking needs of the school for September 3rd. During the summer holidays, the school has also opened up almost all of the existing parking to the construction company in the hopes that we can eliminate any issues with parking as we complete the project.

Should you have any questions do not hesitate to contact Jim Packer from 8am to 4:30pm at the following:

e mail jim.packer@collingwood.org
land line 604-925-3331 ext. 2298
cell: 604-240-7563

The site monitor can be contacted from 4.30pm to 8.30pm:

Name and number of the site monitor to be added prior to mailing/delivering the notice, specifics unknown at this time.
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