

Memo



Date: November 17, 2009
File: 6240-20
To: City Manager
From: Andrew Gibbs, Park & Public Space Projects Manager
Subject: Stuart Park - Noise Bylaw Exemption

Recommendation:

THAT Council receive for information the report of the Park & Public Space Projects Manager dated November 13, 2009;

AND THAT Council designate the concrete pouring and finishing for the plaza/rink, promenade, stairs, ramps and stages at Stuart Park a special event in the public interest;

AND THAT for this special event, construction noise may be permitted between the hours of 6:00pm and 7:00am, from November 25, 2009 to January 22, 2010.

Background:

Stuart Park is located across from City Hall, on Water Street, between Queensway Avenue and Doyle Avenue.

In order to facilitate construction of the park several concrete pour and finishing tasks are required to construct the plaza/rink, promenade, stairs, ramps and stages in the park. Specifically . . .

1. The plaza/rink is a monolithic concrete surface, requiring all of its concrete to be placed in one continuous pour in late November. This task may take more time to complete than the hours allowed under the bylaw. The power trowelling of this surface needs to follow immediately after the poured concrete is firm enough to accept the equipment and is expected to continue until approximately 2:00am.
2. The concrete for the promenade, sidewalks, stairs, ramps and stages will be poured in multiple phases between late November and early January and in some instances may require evening work to complete a pour and power trowel the surface.
3. The pedestrian surfaces of the structures mentioned above all receive a saw-cut and sand-blasted finish. The saw-cutting and sand-blasting is undertaken 7 days after each concrete pour. These are time-consuming tasks and, while they will be undertaken during daytime hours, it will be necessary to saw-cut and sand-blast during evening hours in order to minimize impacts on other daytime work and ensure the project schedule stays on track.

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The long time frame for which this exemption is requested is dictated by the multiple tasks required and by the fact that at this time of year the work is subject to shortened daylight conditions and extremes of weather and temperature, none of which are under control of the contractor. On evenings when the contractor does work late it is expected that most of that work will be completed by the 10:00 limit set in the bylaw.

The area of the park requiring the bylaw waiver is 400m (2½ blocks) from the nearest residential land use, 100m from the Royal Ann Hotel property and 180m from the Grand Hotel property. A letter has been sent to each of these businesses advising them of the prospect of late work at the Stuart Park site.

Legal/Statutory Authority:

The Kelowna Noise and Disturbances Control Bylaw No. 6647 regulates or prohibits construction on any day between the hours of 10:00pm and 7:00am. Section 3.8 of this bylaw allows Council to waive these requirements if, in the opinion of Council, the reason for the requested waiver is a special event in the public interest.

Communications Considerations:

The Community and Media Relations Department will advertise the bylaw exemption on the City In Action page in local print media.

Considerations not applicable to this report:

Internal Circulation:

Legal/statutory Procedural Requirements:

Existing Policy:

Financial/Budgetary Considerations:

Personnel Implications:

Technical Requirements:

External Agency/Public Comments:

Alternate Recommendation:

Submitted by:



Andrew Gibbs, Park & Public Space Projects Manager



Approved for inclusion:

W.J. Berry, P.Eng.

Director, Design & Construction Services

cc: City Clerk
Bylaw Enforcement Supervisor
Community & Media Relations Director