



Staff Report to Sustainable Development Advisory Committee

DATE: Monday, June 10, 2024

DEPARTMENT: Engineering

SUBJECT: Construction Impact Management Strategy

EXECUTIVE SUMMARY:

The purpose of this report is to present to Committee the proposed next steps for developing a comprehensive Construction Impact Management Strategy for Langford. A Construction Impact Management Strategy is a key component of a 'Good Neighbour' policy which provides direction and requires a commitment from all developers and businesses at the earliest stage of permitting on how to effectively mitigate potential impacts, inform residents, and address issues throughout development and operations. The overall objective of both the strategy and policy, as stated in the Strategic Plan, is to accommodate growth, development, and business operations in such a way that is reasonably livable for neighbouring residents. Its success will require an additional Bylaw Officer dedicated to liaising with the community during construction (residents, developers, and businesses).

A potential 8-step Construction Impact Management Strategy, for inclusion in Langford's future 'Good Neighbour' policy, is proposed as follows:

1. Enhance Bylaws and Increase Bylaw Enforcement Capacity
2. Educate and Ensure All Bylaw/Policy Requirements are Satisfied
3. Implement Proactive Construction Site Compliance Inspections and Enforce All Plans/Permits
4. Emphasize Holding Site Security and Public/Worker Safety as Paramount
5. Encourage Upfront Communication and Common Courtesies
6. Mitigate and Regulate Legitimate Construction Impacts
7. Discourage Poor Construction Practices and Promote Best Practices
8. Include Considerations for Beautification and Property Lines

To support the development of a Construction Impact Management Strategy, staff conducted a gaps analysis of the City's existing bylaws against current complaints and a literature review of established 'Good Neighbour' policies in BC. Staff now recommend engaging with the public through Let's Chat Langford (online) with the intent to better understand the impacts of construction on the wider community, to determine what the community's priorities are for change, and to also use this as an opportunity to hear about 'Good Neighbour' practices already occurring in the community.

If Committee and Council agree to proceed, staff would proactively communicate the opportunity for public engagement. To ensure equal access to participate, advertisements would be made through newspaper ads and social media posts, and in addition to Let's Chat Langford online survey, paper copies of the survey will be available at the front counter of City Hall. Staff believe this collaborative and accessible approach will result in a comprehensive Construction Impact Management Strategy that will achieve the overall objective, for inclusion in the future 'Good Neighbour' policy.

BACKGROUND:

The concept of a Construction Impact Management Strategy for Langford was first discussed as part of the [Strategic Planning Progress Update to Council](#) on May 18th, 2023.

Additionally, on May 18th, 2023, Council passed a resolution that supported, in principle, interim measures to provide [Early Guidance for Development Applications](#); later referred to as "the Early Guidance Document for Developers". The second objective in the Early Guidance Document for Developers states:

"Less Impactful, More Livable Construction"

To mitigate the construction impacts of medium and high-density growth on existing neighbours and neighbourhoods in a rapidly and continuously changing city, applications should propose and implement a well-considered "good neighbour commitment" that reflects established high-quality practice in maintaining urban livability during construction.

On June 5th, 2023, staff provided a Staff Report which gave a detailed review of a proposed [Construction Nuisance Dust Control Bylaw](#) and recommended the following resolution subsequently passed by Council:

THAT Council direct Staff to draft guidelines for review by the Sustainable Development Advisory Committee that will form, in whole or in part, the Construction Impact Management Strategy;

AND

THAT Council direct Staff to broaden the existing dust control plan requirements and incorporate the standard additional penalty clauses (from the draft Bylaw No. 1666) into Bylaw No. 1000 and/or 1800 with the omnibus amendments for review by the Sustainable Development Advisory Committee.

This report addresses to the first paragraph of the June 5th, 2023 resolution above. On July 17th, 2023, Council [adopted Bylaw No. 2103](#) to amend Subdivision and Development Servicing Bylaw No. 1000 (Amendment No. 24) which addresses the second paragraph of the June 5th, 2023 resolution above.

On November 20th, 2023, Council approved their [2023-2027 Strategic Plan](#). Under Strategic Priority One: Sustainable Development, objective 1f is "DEVELOP A CONSTRUCTION IMPACT MANAGEMENT STRATEGY AND 'GOOD NEIGHBOUR' POLICY" with the following description:

This strategy and policy will result in a written commitment from each developer and business at the earliest stage of permitting on how they intend to be a “good neighbour”. It is in everyone’s best interest to accommodate growth, development, and business operations in such a way that is reasonably livable for neighbouring residents. Its success will require an additional Bylaw officer dedicated to site inspections and enforcement of these commitments.

Finally, on November 20th, 2023, Council authorized the Mayor and CAO to execute licence agreement CON23-0162 ([Request for Construction Licence – Application for Lane Closure at 2826 Jacklin Rd](#)) with the context of this being “in advance of a Construction Impact Management Strategy and ‘Good Neighbour’ Policy” anticipating the need for street occupancy permits with daily fee rates. While this work is ongoing, staff have been requiring developers to submit a request for a construction licence to occupy the road right-of-way with the following daily fee rates of:

- \$0.85 per square metre per day to occupy existing public sidewalks or parking stalls; and
- \$1.15 per square metre per day to occupy existing public bike lanes or vehicular lanes.

COMMENTARY:

A potential 8-step Construction Impact Management Strategy, for inclusion in Langford’s future ‘Good Neighbour’ policy, is proposed as follows:

1. Enhance Bylaws and Increase Bylaw Enforcement Capacity
2. Educate and Ensure All Bylaw/Policy Requirements are Satisfied
3. Implement Proactive Construction Site Compliance Inspections and Enforce All Plans/Permits
4. Emphasize Holding Site Security and Public/Worker Safety Paramount
5. Encourage Upfront Communication and Common Courtesies
6. Mitigate and Regulate Legitimate Construction Impacts
7. Discourage Poor Construction Practices and Promote Best Practices
8. Considerations for Beautification and Property Lines

An internal working group, with senior representation from the Engineering, Bylaw, Planning, Building and Parks departments was formed to complete three tasks:

1. Review established ‘Good Neighbour’ policies in BC and Langford’s existing bylaws;
2. Compile a list of common construction-related complaints; and
3. Undertake a gaps analysis of existing bylaws in relation to those complaints.

Review of Established ‘Good Neighbour’ Policies in BC

Established ‘Good Neighbour’ policies in other BC municipalities are focused exclusively on minimizing the impacts of infill development in residential neighbourhoods; therefore, they are a good comparison for Langford’s Construction Impact Management Strategy. For comparison, the City of North Vancouver’s ‘Good Neighbour’ policy is captured in these six basic rules for infill builders:

1. *Get all required permits and approvals;*
2. *Tell all neighbours what you are doing;*
3. *Protect the neighbourhood, including private property, fences and shrubs;*
4. *Clean up;*
5. *Keep noisy work to allowable times;*
6. *Do not block driveways (public or private).*

While the City of North Vancouver’s “Good Neighbour Policy” is concise, this approach may be too basic to satisfy Langford’s needs and it lacks the commitment piece which is a key part of the objective. The City of Coquitlam’s “Good Neighbour Development Policy” is a more comprehensive solution and requires the commitment in the form of an Acknowledgment and Declaration. It is staff’s understanding that Council would prefer a more robust strategy and policy that is tailored to Langford’s unique needs.

Further, the City of Coquitlam determined that the negative impacts of construction generally fall into only two categories:

- *Legitimate Disruption:*
 - *This includes activities that are necessary to facilitate construction and include material deliveries, additional on-street parking need, noise and dust, increased movement of workers, crane setup/take-down, extra-long concrete pours, and planned street and sidewalk closures.*
- *Poor Construction Practices:*
 - *These are often behavioral in nature and include activities that are not permitted or outside reasonable working practices. Examples are construction noise outside of permitted hours, onstreet parking violations, insufficient fencing and securing of sites, improper storage of materials and unkempt sites, environmental spills, unscheduled and unsafe street and sidewalk blockages, and poor worker conduct.*

For consistency and in recognition of how concisely these two terms divide the nuisances into what is generally acceptable and what is not acceptable, staff recommend using this terminology and similar definitions in the proposed Construction Impact Management Strategy, as is reflected above.

Review of Langford’s Existing Bylaws

A ‘Good Neighbour’ policy is only as good as the bylaws that support it and the City’s ability to work with developers and businesses to mitigate construction impacts for the community. It is for this reason that the City of Coquitlam highlights all relevant bylaws in their “Good Neighbour Development Policy” and staff recommend that Langford do that as well. The City of Langford’s current bylaws related to construction include but are not limited to (bylaw titles abbreviated for reference convenience only):

- Bylaw No. 33 – Traffic (Highway Use) Bylaw
- Bylaw No. 177 – Municipal Parks Bylaw
- Bylaw No. 216 – Business Licence & Regulation Bylaw
- Bylaw No. 300 – Zoning Bylaw
- Bylaw No. 497 – Frontage Improvement Delegation Bylaw

- Bylaw No. 550 – Pollution and Obstruction of Watercourses Bylaw
- Bylaw No. 1000 – Subdivision & Development Servicing Bylaw
- Bylaw No. 1009 – Nuisance (Controlled Substance) Bylaw
- Bylaw No. 1160 – Building Bylaw
- Bylaw No. 1175 – Speed Limit Bylaw
- Bylaw No. 1200 – Official Community Plan Bylaw
- Bylaw No. 1201 – Design Guidelines & Development Permit Areas
- Bylaw No. 1250 – Sign Bylaw
- Bylaw No. 1291 – Multi Utility Bylaw
- Bylaw No. 1413 – Board of Variance Bylaw
- Bylaw No. 1477 – Truck Route Bylaw
- Bylaw No. 1501 – Nuisance (Abatement) Bylaw
- Bylaw No. 1532 – Burning Bylaw
- Bylaw No. 1600 – Sewer Utility Bylaw
- Bylaw No. 1800 – Soil Removal and Disposition Bylaw
- Bylaw No. 1887 – Unsightly Premises Bylaw
- Bylaw No. 2056 – Noise Regulation Bylaw
- Bylaw No. 2179 – Interim Tree Protection Bylaw

Common Construction-Related Complaints in Langford

Staff compiled a current list of common construction-related complaints which are as follows and have been grouped into five categories based on similarity:

- General Construction Nuisances:
 - Airborne Dust Particles, Smoke & Odors, Erosion & Sediment Control, Portable Bathrooms, Untidy Premises, Waste & Materials Control, Etc.
- Disruptive Noise and Vibrations:
 - Rock Crushing, Rock Drilling, Shaking, Ground Anchoring, Vibrations, Property Damage, Soldier Pile Driving, Blasting, Power Generator, Loud Music, Power Tools & Equipment, Offensive Language, Etc.
- Unpermitted Street Occupancy and Traffic Obstructions:
 - Inconsistent or Lack of Construction Signs, Notifications, Inadequate Traffic Management, Rude Traffic Control Personnel, Unsecured Trenches/Plates, Exclusive and Extended Use of Sidewalk, Bike Lanes, Public Parking, Etc.
- Property Line Issues:
 - Encroachment or Zero Lot-Line Cuts, Fills, Walls, Shoring, Stabilization, Trees, Fence, Driveway, Retaining Walls, Construction Privacy Fence/Screens & Marketing Signs, Trespassing, Stealing Power/Water, Dumping, Etc.
- Building Construction Sites:
 - Inadequate Site Safety & Security, Construction Debris, Rodents, Tracking of Mud & Gravel, Cranes, Continuous Concrete Pours, Laydown Areas, Construction Lighting,

Excessive Construction Trades Parking, Commercial Delivery Trucks Blocking Sightlines, Etc.

Further, Langford residents have also generally expressed concerns about public health, environmental stewardship, property maintenance, and transportation/parking impacts related to other kinds of construction or ongoing business operations in other neighbourhoods where they may work, play, or travel through. While business operations, property maintenance, and reviewing City contracts are considered beyond the scope of the Construction Impact Management Strategy, there is commentary on additional considerations for the development of the 'Good Neighbour' policy in the Gaps Analysis section of in this report. For this reason, staff recommend not limiting the scope of valid complaints in the future 'Good Neighbour' policy to neighbours that are directly adjacent to building construction sites but rather to all those affected by all types of construction and operations.

Staff recommend, as a next step, confirming through public engagement if this list of common complaints is complete and what the wider community's priorities are around mitigation measures. The results would be reported back to Council with additional commentary on staff workload and resources required to advance the community's priorities.

Gaps Analysis – Initial Recommendations for Consideration and Comment

Staff undertook a gaps analysis of existing bylaws against the identified common complaints, recognizing that some of the City's bylaws and permitting requirements simply require a more proactive approach to receive a satisfactory result (instead of relying on multiple complaints). Staff also recognize that some complaints are unable to be addressed by the City, as they are regulated by other bodies, such as blasting or mining. However, staff did identify several recommendations, for consideration and comment, as a result of this initial gaps analysis based on the current information available. Some of these recommendations are simpler than others to achieve in the current timelines for the overall initiative and some of these recommendations could require additional resources to complete.

The initial recommendations to close existing gaps in Langford's bylaws are as follows:

1. Amend Bylaw No. 1000 to require broader mitigation planning and approval prior to land alteration with Bylaw enforcement and penalty clauses. (COMPLETED)
2. Amend Bylaw No. 1000 to clarify blasting duration and notification requirements with Bylaw enforcement and penalty clauses. (COMPLETED)
3. Amend Bylaw No. 33 to include standard Street Occupancy Permits with scaled daily fee rates and approvals delegated to staff.
4. Amend Bylaw No. 1800 to regulate rock, aggregate, gravel and soil crushers, grinders, shredders, screeners, etc. within a reasonably audible radius (based on average decibel level – to be determined by consultant) of occupied residences and businesses.
5. Amend Bylaw No. 1800 to require the application for a soil permit (when required) to be accompanied by the approved Geotechnical Plan as per Schedule 3 of Bylaw No. 1000.

6. Amend Bylaw No. 1160/1201 to require approved artistic screening of unoccupied lots and active construction sites, to standardize posting of site contact information for emergencies, and to restrict advertising in development permit areas.
7. Draft a Comprehensive Nuisance Bylaw (consolidating and enhancing existing nuisance bylaws).
8. Draft a Standards of Maintenance Bylaw to address poor building maintenance and abandoned or derelict structures (that are a rodent or vandalism nuisance, for example).
9. Draft supplemental conditions for all City construction contracts that would introduce tender evaluation criteria (points-based matrix) and bid form site occupancy / lane closure days (bonus/penalty clauses) based on long-established models from other jurisdictions, concurrent with the review and update of the City's Purchasing Policy.
10. Concurrent with the review and update of the City's Business Licence & Regulation Bylaw, consideration for suspension of a business licence based on multiple confirmed ongoing bylaw contraventions.

Please note, each amending bylaw or new bylaw will be accompanied by a separate staff report that will explain why it is necessary and how it relates to the overall objective, if it is something that is brought forward. However, these initial recommendations are just a starting point for consideration and comment. Staff recommend, as a next step, confirming through public engagement what the wider community's priorities are, and report back to Council.

Conclusion

While the City recognizes that some developers/contractors in Langford are already exemplary 'Good Neighbours', staff believe that the numerous ongoing complaints and staff time associated with responding to those complaints warrants the need for a Construction Impact Management Strategy. Also, as the City continues to densify at a rapid pace, with more infill development expected to occur in the City Centre, along Sooke Road, in Transit Oriented Areas, and in land assemblies in established residential neighbourhoods, having an efficient strategy will become increasingly important. Staff believe the next phase to receive feedback and guidance from the community and key partners will be fundamental in achieving the overall objective, and will ultimately result in less impactful, more livable construction, for an overall positive benefit to the community.

FINANCIAL IMPLICATIONS:

As stated, the success of the implementation of the Construction Impact Management Strategy and 'Good Neighbour' policy will require an additional Bylaw Officer; funds are allocated for this additional position in this year's budget. Further, some of the potential actions may require additional supports (e.g. consultants); to be determined.

LEGAL IMPLICATIONS:

All substantive bylaw amendments and new bylaws should undergo a legal review.

STRATEGIC PLAN INITIATIVES:

1f | DEVELOP A CONSTRUCTION IMPACT MANAGEMENT STRATEGY AND ‘GOOD NEIGHBOUR’ POLICY

OPTIONS:

Option 1

THAT Committee recommend that Council direct staff to proceed with community engagement with respect to concerns and priorities around the Construction Impact Management Strategy, and report back to Council once complete.

OR Option 2

THAT Committee recommend that Council direct staff as follows:

1. _____;
2. _____;
3. _____.

SUBMITTED BY: Katelyn Balzer, P.Eng., Director of Engineering and Public Works

Concurrence: Lorne Fletcher, Manager Community Safety and Municipal Enforcement

Concurrence: Donna Petrie, Senior Manager of Communications & Economic Development

Concurrence: Yari Nielsen, Director of Parks, Recreation and Facilities

Concurrence: Matthew Baldwin, RPP, MCIP, Director of Development Services

Concurrence: Leah Stohmann, RPP, MCIP, Director of Community Planning and Climate Change

Concurrence: Michael Dillabaugh, CPA, CA, Director of Finance

Concurrence: Marie Watmough, Director of Legislative and Protective Services

Concurrence: Braden Hutchins, Deputy Chief Administrative Officer

Concurrence: Darren Kiedyk, Chief Administrative Officer