



**City of Kingston
Report to Council
Report Number 17-141**

To:	Mayor and Members of Council
From:	Lanie Hurdle, Commissioner, Community Services
Resource Staff:	Paige Agnew, Director, Planning, Building & Licensing Services
Date of Meeting:	May 2, 2017
Subject:	Request for Noise Exemption – EllisDon Corporation, Providence Care Hospital Site, 752 King Street West

Executive Summary:

EllisDon Corporation has applied for an exemption to the City's Noise Control By-Law to permit construction activity at the Providence Care Hospital (PCH) site located at 752 King Street West. The applicant has requested the exemption to cover operations between the hours of 7:00 p.m. and 11:00 p.m., Mondays through Fridays inclusive, between May 3 and September 1, 2017. The construction work involves demolition of the old Providence Care Mental Health Services buildings. Demolition of these buildings will allow for the construction of additional surface parking lots.

The City's Noise Control By-Law only permits noise from this activity from Monday to Saturday between the hours of 7:00 a.m. and 7:00 p.m. and excludes Sundays and Statutory Holidays.

In response to a public notice of this noise exemption request, three objections were received on behalf of near-by residents.

Based on information contained in the application and additional input from PCH, city staff supports the granting of this noise exemption but is proposing that conditions be imposed on the applicant to restrict particular construction practices during the exempted hours.

Recommendation:

That EllisDon Corporation be granted an exemption from the normal 7:00 p.m. to 7:00 a.m. prohibition on noise from construction activity under Schedule "B" of By-Law Number 2004-52, 'A By-Law to Regulate Noise', to allow for noise from construction activity at the Providence Care Hospital site, located at 752 King Street West, between the hours of 7:00 p.m. and 11:00

May 2, 2017

Page 2 of 8

p.m., Mondays through Fridays inclusive, between May 3 and September 1, 2017, but not including any Statutory Holiday, subject to the following conditions:

1. No hydraulic hammering or truck loading permitted after 7:00 p.m.; and
2. Only inside work be permitted after 9:00 p.m., with no dropping in drop zones.

May 2, 2017

Page 3 of 8

Authorizing Signatures:

ORIGINAL SIGNED BY COMMISSIONER

Lanie Hurdle, Commissioner, Community Services

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER

Gerard Hunt, Chief Administrative Officer

Consultation with the following Members of the Corporate Management Team:

Denis Leger, Commissioner, Corporate & Emergency Services	Not required
Jim Keech, President and CEO, Utilities Kingston	Not required
Desiree Kennedy, Chief Financial Officer & City Treasurer	Not required

May 2, 2017

Page 4 of 8

Options/Discussion:

EllisDon Corporation (applicant) has applied for an exemption (Exhibit A) to the City's Noise Control By-Law to permit construction activity (demolition) at the PCH site located at 752 King Street West. The applicant has requested the exemption to cover operations between the hours of 7:00 p.m. and 11:00 p.m., Mondays through Fridays inclusive, between May 3 and September 1, 2017. The construction work involves demolition of the old Providence Care Mental Health Services site buildings. Demolition of these buildings will allow for the construction of additional surface parking lots to meet the projected demand for vehicle parking for patients, visitors, staff and volunteers.

The City's Noise Control By-Law only permits noise from this activity from Monday to Saturday between the hours of 7:00 a.m. and 7:00 p.m. and excludes Sundays and Statutory Holidays.

A public notice of the noise exemption request (Exhibit B) was published in The Kingston Whig-Standard and posted to the City's website on April 4, 2017. An addendum to the public notice containing a list of measures the contractor intends to implement to reduce the noise generated by this demolition activity was posted to the City's website on April 10, 2017.

Three objections (Exhibit C) were received in response to the public notice of the noise exemption request. One of the objections was from the Board of Directors of Frontenac Condominium Corporation Number 28, representing 90 units in a 17 storey building at 1000 King Street West, located on the waterfront just west of Lake Ontario Park; and two were from individual residents of the Commodore's Cove townhouse community, located at 1098 King Street West, also on the waterfront to the west of the condo tower. The distance from the closest point at the construction site at 752 King Street West to 1000 King Street West is approximately 430 metres, and to the Commodore's Cove townhouses is approximately 720 metres.

The objections may be generally summarized as follows:

Effect on health and enjoyment:

- Noise until 11 p.m. will adversely affect the health of residents and impact their ability to sleep. The noise will additionally impact residents' ability to enjoy their outdoor spaces and to leave their windows open to enjoy fresh air and breezes.
- Noise until 11 p.m. "every weeknight, all summer" is not reasonable; represents a "significant disruption to the life of residents within hearing distance".

Duration and extent of construction activity:

- If an exemption is granted, demolition work could be carried out for 102 hours of the 168 hours in a week.
- "...extent of the requested variation from the by-law - 4 additional hours/day for a total of 16 hours of permitted demolition work, 5 days a week from May 3 to September 1".

May 2, 2017

Page 5 of 8

- “No objections to plans to run machines indoors, or to run a generator that creates 67 decibels of noise until 11 p.m.,” but “schedule the noisy work before 7:00 p.m.”.

Improper process:

- Observations were made that if exemptions will be required, they should be part of the Building Permit conditions, and that “the contractor should have scheduled and bid the project assuming that they would be required to follow all the same rules that every other construction project in our community must follow”.

Setting precedent:

- “Would set a highly undesirable precedent for others to request similar exemptions in the future for other projects in the City”.
- “Without an excellent rationale, you’re opening the doors for every private construction company to request noise by-law exemptions”.

Lack of rationale for request:

- “The application material that I am aware of does not document what the urgency is, other than in a supporting letter from Providence Care there is a reference to the provision of additional parking for its uses and that after demolition part of the site might be used for that purpose. In the absence of detailed information supporting the request and its urgency, it is difficult to conclude that the requested exemption on behalf of I.O. (Infrastructure Ontario) should be granted given the negative impact it will have on nearby residents, on the enjoyment of Lake Ontario Park”.
- “The request for an exemption to the noise by-law is extreme in nature; there is little or no rationale for its request or approval...”.

Correspondence received from the applicant for the noise exemption includes a cover letter from EllisDon, two letters from Priestly Demolition, the sub-contractor responsible for conducting the demolition, and a letter of support for the noise exemption request from PCH.

In support of its noise exemption request, EllisDon, through its sub-contractor, Priestly Demolition, states that every attempt will be made to reduce the duration of the construction schedule, and it has provided the following information with its application:

- The contractor will conduct the demolition work with the following restrictions:
 - Regular operations will run until 7 p.m.;
 - No hydraulic hammering or truck loading will take place after 7 p.m.;
 - Large equipment will run until 9 p.m. (with grapple, shears and crusher attachments);
 - Material processing with excavators will run until 9 p.m.;
 - After 9 p.m., only indoor work will proceed (with no dropping in drop zones); and
 - Small equipment will be run in buildings until 11 p.m.

May 2, 2017

Page 6 of 8

- The contractor will follow these general practices to reduce noise:
 - Ensure equipment is well maintained and use late-model equipment with functioning exhaust/muffler systems;
 - Practice demolition techniques that will minimize noise, such as avoiding dropping/pounding and utilizing precision demolition with hydraulic attachments; and
 - Use generators to supply temporary power to the building which have a typical peak sound level of 67 decibels.

PCH advises that the project agreement it has with Integrated Team Solutions (of which EllisDon is a partner) includes the following language:

1.4.6 Construction Phasing

5.1 The following are requirements:

- 5.1.1 The plan for construction shall minimize disruption to ongoing operation including: consideration of hospital users, service and construction access; staging, effect of construction process (noise, dust, vibration) on hospital areas and function; code requirements; and OASIS objectives.

'OASIS' is a Ministry of Health and Long-Term Care acronym for 'Operational Efficiency, Accessibility, Safety & Security, Infection Prevention & Control, Sustainability'.

A PCH representative describes the conditions listed above as providing the hospital with the authority to restrict construction activity if/when it is deemed to adversely impact hospital patients, despite any noise exemption that may be in effect. The existence of this provision is somewhat unique in the context of a noise exemption request and can be considered an additional control measure over noise generated by construction activity.

Until the additional permanent parking lots are completed, PCH estimates it will be short in excess of 200 parking spaces for staff and volunteers. During the 7 month period between the hospital's opening and the projected completion date for construction of the additional parking supply in November, PCH advises that the following measures will be implemented:

- Persons will be shuttled in a golf cart to the main entrance of the hospital from:
 - The remote lots on site which have been reserved for outpatients and visitors (many of whom, according to PCH, are frail elderly); and
 - The bus stop at King Street West and Portsmouth Avenue (hospital staff have been provided the opportunity to continue parking at the St. Mary's of the Lake Hospital site and catch the express bus to PCH).

PCH advises that they began experiencing parking issues for their outpatient programs when the hospital opened on April 18, 2017. To address these issues, a security guard has been posted at the PCH lot entrance to triage access to the parking lots.

May 2, 2017

Page 7 of 8

PCH states that if construction of the additional parking supply is not completed by November 2017, it will be challenging to continue to maintain the temporary parking contingencies through the winter months. Additionally, their leasing of off-site parking at St. Mary's of the Lake Hospital expires on October 31, 2017.

A review of previous noise exemptions approved by Council for construction activity indicates that a number of noise exemptions have been granted allowing for noise from construction activity between 7 p.m. and 11 p.m. for the purpose of finishing work related to concrete pours (at a frequency of one occurrence per week).

Council has also granted the Ministry of Transportation (MTO) noise exemptions for overnight work on Highway 401 for multiple occurrences but spread out over long periods of time. For example, on November 1, 2016, Council granted a noise exemption to MTO to allow for construction activity from 10:00 p.m. on Sundays to 7:00 a.m. on Fridays, for a total of 111 nights spread over a three (3) year time period between spring 2017 and spring 2020.

In 2007, Council granted an exemption to allow for construction noise until 12:00 midnight to permit ramp heating replacement at the Hotel Dieu Hospital's Brock Street ramp entrance, six days a week from Monday to Saturday, excluding Statutory Holidays, for a one month period from April 4 to May 4, 2007.

The Noise Control By-Law, at Sections 3.4 and 3.5, states that Council may impose any conditions it considers appropriate on a noise exemption and a Council approved exemption shall be invalid if these conditions are contravened. Staff recommends that, should Council decide to grant a noise exemption request in this instance, the following two conditions be imposed as part of the exemption:

1. That no hydraulic hammering or truck loading permitted after 7 p.m.; and
2. That only inside work be permitted after 9:00 p.m., with no dropping in drop zones.

These conditions reflect measures that the contractor has committed to in its application for a noise exemption; incorporating them into the wording of the noise exemption itself makes adherence to these conditions a requirement in order to maintain the exemption.

Staff has confirmed that no events are currently scheduled in Lake Ontario Park between the hours of 7 p.m. to 11 p.m., Mondays to Fridays, in the date range for which the exemption has been requested.

In consideration of the objections received from residents to a noise exemption, the impact that a delay in the completion of the construction project will have on PCH's operations, the measures the contractor has committed to take to mitigate noise generated during the extended hours of construction, reinforced by the proposed conditions in the 'Recommendation' section of this report and by the control available to PCH through its contract provisions to address construction noise if it adversely impacts patients, city staff supports the granting of this noise exemption.

May 2, 2017

Page 8 of 8

Existing Policy/By-Law:

Council may grant exemptions to By-Law Number 2004-52 "A By-Law to Regulate Noise" to allow noise from construction activity. The authority to approve noise exemptions is specifically granted to Council under Subsection 129 (3) of the *Municipal Act*.

Notice Provisions:

The *Municipal Act* no longer requires public notification, but notice is given in order to provide Council with some community feedback before deciding on these requests. An advertisement of this request for exemption was placed on the City Page in The Kingston Whig-Standard on April 4, 2017 and was posted on the City's website. The advertisement stated that anyone wishing to object to the exemption should deliver their concerns in writing or by email by 4:30 p.m. on Friday, April 14, 2017, to the Licensing and Enforcement Division. An addendum to the public notice was posted to the City website on April 10, 2017.

Accessibility Considerations:

Not applicable

Financial Considerations:

EllisDon is required to pay a \$123.00 fee to help cover the cost of processing the noise exemption request as well as the full cost for publishing the notice in the newspaper.

Contacts:

Paige Agnew, Director, Planning, Building & Licensing Services 613-546-4291 extension 3252

Greg McLean, Policy and Program Coordinator 613-546-4291 extension 1336

Other City of Kingston Staff Consulted:

Luke Follwell, Director, Recreation & Leisure Services

Exhibits Attached:

- Exhibit A Correspondence from Applicant
- Exhibit B Public Notification of Application for Noise Exemption
- Exhibit C Responses to Public Notice



To Whom It May Concern:

Please be advised that EllisDon along with their subcontractors will be demolishing the old PCH located at 752 King Street West. We are applying for a variance in the noise bylaw to complete this project on time.

Please see attached correspondence and let us know if you require any further information. Thanks for your time in this matter.

Chuck Arnott

Superintendent
Providence Care Hospital Project
752 King Street West
K7L 4X3
C: 416-771-3177



**St. Mary's of the Lake
Hospital site**
Complex Continuing Care
Geriatric Medicine
Rehabilitation
Palliative Care
340 Union Street
Kingston, Ontario
K7L 5A2
Tel 613-544-5220
Fax 613-544-8558

Mental Health Services site
Adult Treatment & Rehabilitation
Geriatric Psychiatry
Forensic Psychiatry
752 King Street West
Postal Bag 603
Kingston, Ontario
K7L 4X3
Tel 613-546-1101
Fax 613-548-5588

Providence Manor site
Long-Term Care
275 Sydenham Street
Kingston, Ontario
K7K 1G7
Tel 613-549-4164
Fax 613-549-7472

One of the university hospitals of
Kingston

www.providencecare.ca

March 23, 2017

Mr. Hugh Kerr
Project Director
Integrated Team Solutions (PCH) Partnership
EllisDon Corporation
1004 Middlegate Road, Main Floor Suite 1000
Mississauga, Ontario
L4Y 1M4

**Re: Providence Care Hospital Project – Noise Exemption for Final
Completion**

Dear Hugh,

Providence Care is aware of the compressed schedule you are facing to complete the demolition and final phase of seasonal site work at Providence Care Hospital (PCH). This final phase includes the completion of all permanent parking lots at PCH; a milestone we will be very pleased to reach.

As you are aware, following our move to PCH on April 23rd we will be facing a serious shortage of parking spaces until your work is complete at the end of November. Although we have put several measures in place to mitigate the seven month shortage, it will be incredibly inconvenient for our patients, visitors and staff. In an effort to insure that your work is completed as expeditiously as possible, I'm writing to confirm my support for the noise exemption you have requested from the City of Kingston.

Sincerely,



Krista Wells Pearce
Vice-President, Planning & Support Services

3200 Lloydtown-Aurora Rd.
King, Ontario
L7B 0G3



tel. 905.841.3735
800.263.2076
fax. 905.841.6282
info@priestly.ca
www.priestly.ca

Demolition • Hazardous material abatement • Asset recovery & salvage • Brownfield remediation

March 24th, 2017

EllisDon Corporation
725 King St W Construction Site Trailer
Kingston, ON, K7L 2N8

Re: Providence Care Hospital - Noise Bylaw
752 King Street West, Kingston, ON

We are submitting / returning the following documents which are: (x) for approval
() for your records

Mr. Arnott:

Priestly Demolition is requesting approval of the following working hours for the above-mentioned project. In order to meet, or exceed the contract schedule, our proposed hours would run from May 1st, 2017 to September 1st, 2017. Every attempt would be made do reduce this duration.

Hours:

Monday – Friday: 7am – 11pm

Saturday: 7am – 7pm

Activity Restrictions:

No loading trucks after 7pm.

No dropping to drop zones after 9 pm.

Small equipment to run in buildings until 11 pm.

Large equipment to run until 9 pm with grapple, shears, and crusher attachments.

For additional reference to the above, please find attached supporting documentation enclosed herein.

We trust the submission meets with your requirements. Should you have any comments or questions, please do not hesitate to contact the undersigned.

Regards

Shane Marcotte
Priestly Demolition Inc.
3200 Lloydtown-Aurora Rd.
King, On
L7B 0G3

Office: (905) 841-3735 ext. 263 [REDACTED] Toll: 1-800-263-2076 Fax: (905) 841-6282

3200 Loydton-Aurora Rd.
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March 24, 2017

EllisDon Corporation
725 King St W Construction Site Trailer
Kingston, ON, K7L 2N8

Attn: Chuck Arnott

By Email: carriott@ellisdon.com

Re: 752 King St W, Kingston – Providence Care Hospital Demolition
Phase 2 – Noise Disturbance of Near-by Project Residence

Mr. Arnott,

Proposed working hours are 7:00AM to 11:00PM Monday – Friday and 7:00AM to 7:00PM on Saturdays with the following restrictions:

- Regular operation until 7:00PM
- After 7:00PM no hydraulic hammers or truck loading
- Demolition with shears and material processing with excavators until 9:00PM
- After 9:00PM indoor work only with no drop zones

General practices to reduce noise and vibration as follows:

- Equipment is well maintained late-model equipment with functioning exhaust/muffler systems
- Demolition techniques will be practiced that minimize noise such as avoiding dropping/pounding and utilizing precision demolition with hydraulic attachments
- Vibration levels that are perceivable by the human body are many times less than those which can cause damage to structures. This project will employ equipment that is not capable of generating vibrations that are of a frequency or amplitude that can cause structural damage to nearby buildings
- Monitoring of vibrations will verify that the above statement is being achieved

General practices for water and power:

- Water for dust control and asbestos removal would come from fire hydrants
- Generators will supply temporary power to the building which have a typical peak sound level of 67 db.

We trust that this satisfies your concerns at this time. If you require any further information or clarification please do not hesitate to contact the undersigned.

Regards,

Page 1 of 1

Jonathan Zuber
Priestly Demolition Inc.

14-100



Whig Standard Ad - April 4, 2017

Request for noise exemption:

EllisDon – Providence Care Hospital, 752 King Street West

Requested *Noise Bylaw* exemption would allow construction activity (demolition) between 7:00 p.m. and 11:00 p.m. at 752 King Street West.

Details: www.CityofKingston.ca/news or call 613-546-0000.

Deadline to submit objection: 4:30 p.m. April 14, 2017.

City of Kingston website Public Notice

Request for Noise Bylaw exemption – EllisDon

April 4, 2017

Providence Care Hospital, 752 King St. West

EllisDon Corporation has applied for an exemption to the City of Kingston's *Noise Control Bylaw* for the purpose of permitting noise from construction activities (demolition) at the Providence Care Hospital site located at 752 King St. West. The applicant has requested the exemption to cover work between 7 p.m. and 11 p.m., Mondays to Fridays, from May 3 to September 1, 2017.

About the Noise Control By-Law

The Noise Control Bylaw only permits this activity Monday to Saturday between the hours of 7 a.m. and 7 p.m., and excludes Sundays and statutory holidays.

Anyone wishing to object to this exemption should deliver their concerns in writing or by email by 4:30 p.m. on Friday, April 14, 2017 to:

City of Kingston
Greg McLean, licensing & enforcement
216 Ontario St.
Kingston, ON K7L 2Z3

Phone: 613-546-4291 ext 1336
Fax: 613-542-1332
Email: gmclean@cityofkingston.ca
Located at: 216 Ontario St.

This matter will be considered during the regular council meeting that commences at 7:30 p.m. on Tuesday, May 2, 2017.

Notice of Collection: Personal information collected is pursuant to the *Municipal Freedom of Information and Protection of Privacy Act* (and all other applicable privacy provincial and federal legislation). Such legislation is reviewed and applied for the collection, use, disclosure and destruction of the information. The personal information collected as a result of this public notice will be used to assist in making a decision on this matter. All names, addresses, opinions and comments collected will be made available for public disclosure. Questions regarding this collection should be forwarded to Greg McLean, licensing and enforcement, 216 Ontario St., Kingston, Ontario, K7L 2Z3 or by emailing gmclean@cityofkingston.ca.

Addendum to Request for Noise Bylaw exemption – EllisDon

April 10, 2017

See the [April 4 request for Noise Bylaw exemption](#).

Providence Care Hospital, 752 King St. West

EllisDon Corporation has applied for an exemption to the City of Kingston's *Noise Control Bylaw* for the purpose of permitting noise from construction activities (demolition) at the Providence Care Hospital site located at 752 King St. West. The applicant has requested the exemption to cover work between 7 p.m. and 11 p.m., Mondays to Fridays, from May 3 to Sept. 1, 2017. This is an addendum to the [April 4 notice](#).

In support of its noise exemption request, the contractor has provided the City with the following additional information:

Every attempt will be made to reduce the duration of the construction schedule.

The contractor will conduct the demolition work with the following restrictions:

- Regular operations will run until 7 p.m.
- No hydraulic hammering or truck loading will take place after 7 p.m.
- Large equipment will run until 9 p.m. (with grapple, shears and crusher attachments)
- Material processing with excavators will run until 9 p.m.
- After 9 p.m. only indoor work will proceed (with no dropping in drop zones)
- Small equipment will be run in buildings until 11 p.m.

The contractor will follow these general practices to reduce noise:

- Ensure equipment is well maintained and use late-model equipment with functioning exhaust/muffler systems.

- Practice demolition techniques that will minimize noise, such as avoiding dropping/pounding and utilizing precision demolition with hydraulic attachments.
- Use generators to supply temporary power to the building which have a typical peak sound level of 67 db.

Anyone wishing to object to this exemption should deliver their concerns in writing or by email by 4:30 p.m. on Friday, April 14, 2017 to:

City of Kingston
Greg McLean, licensing & enforcement
216 Ontario St.
Kingston, ON K7L 2Z3

Phone: 613-546-4291 ext. 1336
Fax: 613-542-1332
Email: gmclean@cityofkingston.ca
Located at: 216 Ontario St.

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Hoegi, LeighAnn

From: [REDACTED]
Sent: April-10-17 6:31 PM
To: McLean, Greg
Subject: RE: Objection to noise exemption request from EllisDon

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Greg:

Thanks for the update. I suspect that the hospital had concerns about their own contractor creating excessive noise in a patient care environment and this is what has prompted the addendum.

I have no objections to plans to run machines indoors, or to run a generator that creates 67db of until 11 p.m. .

I still object to non-compliant noisy work (excavation) being permitted after 7:00 p.m. for a period of 4 solid months.

EllisDon has known the scope and size of this job since the project was tendered. At every public meeting and in every media announcement, we've been told that the hospital was completed on time and on budget. So why does EllisDon need an exemption?

Their bid for this work should have anticipated that they would be required to comply with noise by-laws. Having a construction plan that complies with the law should be one of the basic requirements of every construction project given a building permit by the city. If exemptions will be required, they should be part of the building permit conditions.

How did a massive company like EllisDon get to this point in the project "on time and on budget" and then suddenly require special treatment to finish the project?

If you don't approve – which surely must have been one of the possibilities the company considered when they started - what's the consequence? Who will be affected?

If you do approve without an excellent rationale, you're opening the doors for every private construction company to request noise by-law exemptions.

The site is slated for residential development once the hospital is done. There may be literally years of construction taking place on this site. Will the city give all the service installation companies and all the homebuilders exemptions too? I fear we'll never have a quiet summer evening in Kingston again.

If there is a compelling reason for an exemption – such as the safety or wellbeing of hospital patients – then give them a permit for those specific days or weeks that they require an exemption in order to ensure patient wellbeing and require that they follow the by-law the rest of the time.

Thanks for your consideration of my comments.

Denise Cumming

From: [McLean, Greg](#)
Sent: April 10, 2017 5:38 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Objection to noise exemption request from EllisDon

Denise Cumming,

Thank you for providing us with your comments regarding the noise exemption request for demolition at the new Providence Care Hospital site. In response to questions posed by yourself and others, we have just posted to the City's website an addendum to the original public notice of this noise exemption. The addendum contains additional information regarding the measures the contractor is proposing to follow in an effort to reduce the noise generated by demolition activity, particularly during the time period of the noise exemption request. I've attached a copy of this addendum for your reference.

Greg McLean
Policy and Program Coordinator
Licensing and Enforcement
Corporation of the City of Kingston
216 Ontario Street
Kingston, ON K7L 2Z3
Phone: (613) 546-4291, ext.1336
Fax (613) 546-8347
gmclean@cityofkingston.ca
www.cityofkingston.ca

From: Denise Cumming [mailto:[REDACTED]]
Sent: Tuesday, April 04, 2017 1:12 PM
To: McLean, Greg
Cc: [REDACTED]
Subject: Objection to noise exemption request from EllisDon

Dear Mr. McLean:

I am writing to express my views as a private citizen with the proposed exemption to the noise by-law requested by Ellis Don regarding the demolition project planned for 725 King Street West.

To permit noisy demolition activity until 11 p.m. at night every weeknight is a significant disruption to the life of every resident who lives within hearing distance of the site and definitely should not be permitted by the city.

We purchased a home in this area (and pay very significant taxes for it) so that we would have the benefit of the **quiet** enjoyment of our waterfront property during the summer months. We understand that construction is necessary to maintain and improve infrastructure. We've made no complaints with the lane closure on King West in the years when bridge repairs have been underway. We don't utter a word when there are events at the park which cause minor inconvenience... because these are reasonable accommodations that neighbours make in a community.

But to expect that **every weeknight, all summer**, we have to listen to excessive noise is not reasonable. We and our neighbours in the community expect to be able to eat meals outside and to spend evenings on our deck - or in the park, without having to listen to demolition crews every night. I feel sure that most of our King Street West and Portsmouth neighbours share this sentiment.

Everyone in our household still works full time. We go to bed at 10 and get up at 6. I trust that the city is not deciding that residents of the area should now be expected to stay up until 11 p.m. nightly.

EllisDon is a for-profit corporation which is being very well paid by the provincial government to complete his project. As with every Infrastructure Ontario project, it's a flat fee contract, so there is no extra cost to the taxpayers if the demolition is not done at night.

Ellis Don should have scheduled and bid the project assuming that they would be required to follow all the same rules that every other construction project in our community must follow. There is lots of work to be completed as part of a demolition which does not require excessive noise. Do that work at night. Schedule the noisy work before 7:00 pm.

Thank you for your consideration of my concerns.

Denise Cumming
1098 King Street West, [REDACTED]



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Hoegi, LeighAnn

From: Helen MacLean [REDACTED]
Sent: April-13-17 3:49 PM
To: McLean, Greg
Subject: Providence Care noise exemption

Follow Up Flag: Follow Up
Due By: April-14-17 8:40 AM
Flag Status: Flagged

Dear Mr. McLean,

I live in close proximity to Providence Care and strongly object to allowing noise exemption from 7:00pm to 11:00 pm to them for the purpose of demolition. Such an exemption is unreasonable and will interfere significantly with my sleep schedule, and that of many others. Given that the exemption involves many months, this lengthy disruption to sleep and relaxation is likely to result in overall health problems for me and many others in my age group. The daytime noise throughout most of the summer will be a sufficient hardship without the disruption continuing throughout the evening and to this late hour.

Respectively submitted,

Helen MacLean,
1098 King Street West

Sent from my iPad Helen MacLean

Hoegi, LeighAnn

From: hallinscott [REDACTED]
Sent: April-14-17 3:06 PM
To: McLean, Greg
Subject: Ellis-Don (on behalf of Infrastructure Ontario) Request for Noise By-law Exemption - 752 King Street West

Follow Up Flag: Follow Up
Due By: April-14-17 4:54 PM
Flag Status: Flagged

Greg McLean
Policy and Program Coordinator
Licensing and Enforcement
Corporation of the City of Kingston

Dear Mr. McLean

I am writing to you to provide comments and concerns regarding the above noted request for an exemption from the City's Noise By-Law to allow demolition work to take place during the summer months from 7pm - 11pm, Monday's through Fridays.

While the request for exemption was submitted by Ellis-Don, it is my understanding, although it is not reflected in the materials filed with the City that I have seen, that Infrastructure Ontario is the owner of the land and buildings on which the old hospital building in which the Providence Care Mental Health Services was located, these services shortly to be relocated to the new Providence Care Hospital building. In other words, Infrastructure Ontario (I.O.) is the proponent of this application and Ellis-Don is the contractor and agent for I.O. If my information is incorrect, please advise.

I am providing my comments and concerns to the City regarding the request for a noise by-law exemption in my capacity as the President of the Board of Directors, Frontenac Condominium Corporation #28 (FCC#28), as well as in my personal capacity as a resident and owner. FCC#28 is a 17 storey, largely owner occupied 90 suite building located at 1000 King Street West, immediately adjacent to the west boundary of Lake Ontario Park. It is the equivalent of a subdivision of 90 single family homes, paying property taxes based on water view location assessments, meeting the City's desire for residential intensification with the added benefit that many of the services that the City would own and be responsible for in a horizontal subdivision are owned, operated and paid for by the residents of 1000 King Street West, not the taxpayers of the City of Kingston.

The old hospital building to be demolished is immediately adjacent to the east side of Lake Ontario Park, the City's recently renovated jewel of a public park, and is in relatively close proximity to 1000 King Street West. The summer demolition (May 3 - September 1) of the building will be both heard and seen by residents of FCC#28. To provide further context regarding who may be impacted by the demolition, the new Providence Care Hospital is immediately south of the building to be demolished, St. Lawrence College is on the other side of King Street West, and in addition to 1000 King Street West there are residential neighbourhoods to the east in Portsmouth Village and to the north and west. Also impacted will be the many members of the public throughout the City who use Lake Ontario Park, many of whom may not have other available or affordable alternatives for access to the amenities and waterfront that the park provides, as well as groups who use it for

booked events throughout the summer, a number of them philanthropic in nature. Summer users of the student residences at St. Lawrence College may also be negatively impacted by demolition during the evening hours.

FCC#28's comments and concerns are specific and focused, they are related to the extraordinary request on behalf of Infrastructure Ontario that during the summer months for the period May 3 - September 3, I.O. through its contractor and sub-contractors be allowed to continue demolition work beyond what is currently permitted in the Noise By-Law for an additional 4 hours in the evening and night, 7pm - 11 pm, Monday's through to and including Fridays. If the request for additional hours of evening/night time demolition are granted it will subject the residents of 1000 King Street West to the associated noise and construction lighting during summer evening hours when residents are enjoying the outdoors on the grounds or their patios and wanting to leave their windows open to enjoy the fresh air and breezes. This will be in addition to the noise created by the 12 hours a day, Monday to Saturday, demolition permitted by the by-law.

FCC#28 does not object to the demolition of the old hospital building and the repurposing of that site, provided that work takes place in a manner sensitive to the impact on its neighbours and in compliance with the requirements of the City's Noise By-law, including hours during which construction work is permitted. The Noise By-Law permits demolition work to take place Monday's through Saturdays from 7am to 7pm, 12 hours a day, six days a week. I.O.'s request would see demolition work take place 16 hours a day Monday through Friday, as well as from 7am - 7pm on Saturday. It is my understanding that should Council approve the request for an exemption the proposed Ellis-Don work schedule would continue to see demolition work take place on Saturday's. There are 168 hours in a week, the proposal is that demolition work could be carried out for 102 hours of that.

FCC#28 recognizes and supports the important functions carried out for the public by neighbouring institutions, as well as the appropriate redevelopment of the provincial lands to the east of 1000 King Street West. For example, while FCC#28 closely monitored the secondary planning process related to the redevelopment of the provincial lands, it did not make any objections. Nor did it object to the noise associated with the construction of the important new Providence Care Hospital, which work was seen and heard by its residents.

As noted earlier, the request for an exemption to carry out demolition 16 hours a day, Monday to Friday, and 12 hours on Saturday during the summer is extraordinary in nature and one would have thought the request would have documented in great detail the reasons why the owner thought such a request was appropriate. Unfortunately the application material that I am aware of does not document what the urgency is, other than in a supporting letter from Providence Care there is a reference to the provision of additional parking for its uses and that after demolition part of the site might be used for that purpose. In the absence of detailed information supporting the request and its urgency, it is difficult to conclude that the requested exemption on behalf of I.O. should be granted given the negative impact it will have on nearby residents, on the enjoyment of Lake Ontario Park and extent of the requested variation from the By-Law - 4 additional hours/day for a total of 16 hours of permitted demolition work, 5 days a week from May 3 to September 1.

While further information may be made available by the proponent to City staff and Council prior to or at the May 2nd Council meeting I would submit it would have to document a degree of extreme and unique importance of great urgency and benefit to the public interest to override the negative impacts it will cause. Many important and large infrastructure project undertaken by both the public and private sectors have and will successfully take place within the hours set out in the Noise By-Law. Proponent imposed contract deadlines, the nature of construction in cooler times of the year, convenience and cost savings do not justify an extension of the type requested.

In conclusion, the request for an exemption to the noise by-law is extreme in nature, there is little or no rationale for its request or approval and it would set a highly undesirable precedent for others to request similar exemptions in the future for other projects in the City. It is submitted that City staff in their report to

Council should recommend against approval of the request for an exemption and that City Council should refuse to approve the request.

Lastly, I would note in appreciation the efforts by City staff to respond to my inquiries about this application for an exemption and to local Ellis-Don staff who have agreed to meet with me next week.

Yours truly,

Hal Linscott
President, Board of Directors, FCC#28
Office, 1000 King Street West
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Sent from my Samsung Galaxy Tab® S