



P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Information Item No. 1
Transportation Standing Committee
June 25, 2015

TO: Chair and Members of Transportation Standing Committee

Original Signed

SUBMITTED BY:

Bob Bjerke, Chief Planner and Director, Planning and Development

DATE: June 8, 2015

SUBJECT: Mitigation of Development and Construction Impacts

INFORMATION REPORT

ORIGIN

January 22, 2015 motion of the Transportation Standing Committee:

"MOVED by Councillor Mason, seconded McCluskey that the Transportation Standing Committee request a staff report regarding the mitigation of development and construction impacts on neighbouring businesses, residents, and pedestrians, no later than May 1, 2015, including and not limited to consideration of:

- 1. Establishing requirements for covering, scaffolding or hoardings around construction sites;*
- 2. Ensuring continued sidewalk accessibility and access for pedestrians and those with mobility issues around construction;*
- 3. Possible elimination or reduce encroachment fees for temporary encroachments licenced under Section 4 (a) (iv) of By-law E-200 Respecting Encroachments;*
- 4. Establish standards for street cleaning resulting from construction dirt and debris to support Section 43 of By-Law S-300 Respecting Streets;*
- 5. Establish a standard process for notification of abutting property owners and other stakeholders for construction related street closures;*
- 6. Review of regulations for obtaining and usage of parking meter bags by contractors and recommendations for establishing penalties for misuse;*
- 7. Requirement to display information regarding development details. MOTION PUT AND PASSED"*

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter, Part VII:

- clause 188 (2) (e) – Council may, in any by-law, provide for a system of licences, permits or approvals including any or all of...
 - (iii) providing that terms and conditions may be imposed on a licence, permit or approval, the nature of the terms and conditions and who may impose them...
- clauses 332 (a) and (b) – The Engineer may
 - (a) permit a person to use a portion of a street for construction or other temporary purpose;

- (b) temporarily close a street, or part thereof, for the protection of the public, to allow work to be done on the street or on lands and buildings adjacent to the street...

HRM By-law E-200, the Encroachment By-law: section 6, Rental Fees; in addition to the license fee, the owner of an encroachment shall pay rental fees as prescribed by Administrative Order Number 15.

HRM By-law S-300, the Streets By-law:

- section 23, Permit Required; (1) no person shall...
 - (c) make use of the street... first obtaining a Street and Services Permit from the Engineer.
- section 28, Permit Conditions; in addition to any other conditions imposed by the Engineer for the granting of a street and services permit, all permits shall be subject to the following conditions...
 - (e) the applicant shall ensure that the street is kept free from nuisance, dirt, and dust...
- section 30, Obstructions; (3) The Engineer may permit any person to use any portion of a street for construction or other temporary purpose subject to any conditions that he may reasonably impose.
- section 43, Dirt and Other Nuisances; no person shall place, permit to be placed, or permit to escape from an abutting property dirt, dust, or other nuisance onto the street surface.

Nova Scotia Building Code Regulations:

- Sentence 1.1.2.1. (1) These regulations adopt the National Building Code of Canada, 2010, including all revisions, errata and corrections to errata made by that body on or before December 31, 2013, which together with these regulations shall be known as the "Nova Scotia Building Code" and may be referred to as the "Code".
- Article 2.1.1.4. Plans at Site

BACKGROUND

This report has been prepared in response to recent queries from members of Council and the local business community as a result of increased development and construction activity in Halifax. Construction activity within HRM falls into three broad categories:

- 1) construction by private contractors in association with individual site development projects;
- 2) construction by contractors within the public street right-of-way pursuant to the Municipality's capital works program;
- 3) infrastructure maintenance of utilities operating within the right of way. The intent of this report is to provide background information and clarify HRM's current policies and practices for managing construction activities immediately adjacent to, or within the public street right-of-way.

All work sites are required to be supervised by the responsible contractor to ensure security of the site and any associated traffic control measures are maintained. Work sites affecting public streets are subject to the Nova Scotia Temporary Workplace Traffic Control Manual (TCM), latest edition. This is a provincial document that is meant to provide the minimum requirements for work sites on all public roads in Nova Scotia in order to maintain a safe work place for construction workers while minimizing the impact to motorists and pedestrians.

Work sites on streets within HRM are also subject to the Halifax Regional Municipality Traffic Control Manual Supplement¹ (TCM Supplement) which is administered by the HRM Engineer. The provisions of the TCM Supplement are applied in addition to the provincial requirements. The provisions of the TCM Supplement either define a higher minimum standard than items already covered by the TCM, or add additional requirements which are not covered by the TCM.

¹ The TCM Supplement is available online at <http://www.halifax.ca/procurement/documents/TrafficControlManualSupplement.pdf>

DISCUSSION

In an effort to provide further background information and additional clarity, the following discussion will address each of the TSC motion items individually:

1. Establishing requirements for covering, scaffolding or hoardings around construction

Work sites are required to be adequately secured to protect the public from hazards associated with construction activity. In particular, Part 8 of the National Building Code of Canada (NBC) outlines the minimum requirements for Safety Measures at Construction and Demolition Sites. This section of the Code specifies minimum standards for Protection of the Public, including requirements for covered ways, fencing, boarding, and barricades when construction or demolition may present a hazard to the public. It also outlines minimum requirements for the temporary use of streets and public property, which include mechanisms for safe public passage and direction of vehicular traffic.

The form of fencing, boarding and barricades depend on the nature and location of the construction site and where construction or demolition is located 2m or less from a public way, a strongly constructed fence, boarding or barricade not less than 1.8m in height must be erected between the site and the public way or open sides of a construction site. In addition to this, covered ways may also be required to protect the public where the work site is less than 2m from a sidewalk or other public pedestrian route. HRM's Building Officials are responsible for ensuring construction sites meet the requirements of these safety measures.

Staff advises that these requirements and practices are consistent with industry standards and that they provide an effective means of separating and protecting site construction activities from the abutting public realm.

2. Ensuring continued sidewalk accessibility and access

Section 12 of the TCM Supplement contains provisions for the closure of sidewalks in association with construction projects. Such closures must be approved by the Engineer and include requirements for use of alternate sidewalks, advanced notification in the form of signage, and temporary sidewalks. Any temporary sidewalk must be safe for all users and be wheelchair accessible. Where a temporary sidewalk is part of the travelled way of a street, this space must be adequately delineated and separated with continuous F-shape (Jersey type) barriers.

These measures are intended to ensure that safe and accessible sidewalks are provided during construction for pedestrians and wheelchair users. Measures to ensure that temporary sidewalks accommodate the needs of those who are visually disabled are not as well defined. Staff will undertake to address this on an interim basis in anticipation of a standard to be adopted in the Accessibility Framework for HRM currently underway.

3. Possible elimination or reduce encroachment fees for temporary encroachments

Development application fees are currently under review as part of the Planning and Development Renewal Program. The Renewal Program is a strategic initiative intended to improve departmental service delivery and will include a review of current development related fees. Initiatives will be implemented in a phased approach and recommendations on fees and charges are anticipated to be provided for Council's consideration by winter 2016.

4. Establish standards for street cleaning resulting from construction dirt and debris

Maintaining the public streets clear of construction dirt and debris is a requirement of the Streets By-law, S-300, and is often stipulated directly on the Streets and Services permit document. HRM Inspectors actively monitor construction sites to ensure streets are kept clean and work within the HRM right-of-way is undertaken as approved and in compliance with Streets By-law.

It is also standard practice for a contractor or a designer to submit a Sedimentation and Erosion Control Plan in accordance with Nova Scotia Environment (NSE) guidelines. NSE publishes a Sediment and Erosion Control Handbook for Construction Sites that is often used as the basis for the design of sediment control measures. These control measures are monitored and adjusted on a regular basis to prevent dirt and debris from leaving the site. HRM inspectors work closely with contractors to monitor the condition of the streets in active construction areas on a regular basis and direct street cleaning to occur as required.

Due to the on-going nature of the work there will always be times when a street needs to be cleaned, and minimizing the impact of construction can also involve allowing the contractor to carry out the work in a timely fashion to minimize the duration of the work.

5. Establish a standard process for notification related to street closures

For planned street closures, the contractor is responsible to distribute notification to all affected property owners regarding the planned disruption. Until now, staff provided little to no oversight of this notification process.

Effective immediately, staff are imposing additional notification requirements for street closures. The new notification process is as follows:

- The contractor must provide a sample of the letter (see Attachment A) which they will distribute to the affected residents when applying for the street closure permit.
- When a closure permit is issued, it will include a condition that notices must be hand delivered to all property owners or businesses within the closed area.
 - Notices must be delivered at least 24 hours in advance in the case of closures with an expected duration of 2 days or less, or 5 business days in advance of closures with an expected duration of more than two days.
 - Notices shall contain:
 - The name of the person or company responsible for the closure, including a contact person and telephone number;
 - The intended date and time when the closure shall commence and its expected duration period, and;
 - The location of the closure and affected area.
- The contractor must provide confirmation (see Attachment B) that the notices were delivered, including a list of all the civic addresses included in the distribution.

This new process will be implemented in addition to our existing notification process; which involves HRM staff circulating notification of all planned closures to other internal and external groups such as HR Police, HR Fire & Emergency, Emergency Health Services (EHS), 3-1-1, Halifax Transit, and the offices of any affected business within established Business Improvement Districts, as well as issuing Public Service Announcements as required.

These notification processes will not apply to any closures required by HRM crews for snow removal operations. Any closures for snow removal are typically in effect overnight (between the hours of 9PM and 6AM).

6. Review of regulations for obtaining and usage of parking meter bags

It has been practice for plastic parking meter bags to be issued by HRM Traffic Management in response to requests from multiple groups including contractors, special events staff, film crews, and moving

companies. A contractor who requests parking meter bags may be working for a property owner/developer, a utility, or for the municipality itself and may be requesting meter bags either so they can “reserve” the parking space for service vehicles or to assist them in restricting parking to facilitate on street traffic flow or a safe work site. Contractors may be requesting parking meter bags for periods of time ranging from a few hours to several months.

Upon review, staff advise that no formal authority exists to manage on street parking through the use of parking meter bags. Initially, these bags were used by HRM to close metered parking areas to accommodate special events but their use has grown over the years such that they are supplied to and used by the other groups noted above. As there is no formal program to authorize the use of the bags, there is no charge for them and they have been the subject of misuse as they are sometimes removed from the work site and used to cover parking meters elsewhere. Parking Enforcement staff and the Halifax Regional Police can issue parking tickets to individuals who have misused the parking meter bags in this fashion by removing them and issuing parking tickets to vehicles for contravening the HRM Parking Meter By-law, P-500. However, tickets are rarely issued as the current program does not provide the necessary details to prove misuse of bags for all situations.

Staff advise that licensing the use of parking meters may be appropriate in certain situations but that these should be considered within the scope of the larger HRM Parking Strategy exercise which is presently under development. Through this process, a proper program with full authority and oversight could be considered and established. In the meantime, staff will:

- a) discontinue the use of the ad hoc parking meter bag program except in situations where the management of metered parking is required for events under the control of HRM; and
- b) investigate other means of accommodating requests from contractors, film crews and moving companies for the longer term use of metered parking areas.

7. Requirement to display information regarding development details

Current Building Code requirements stipulate that the construction permit applicant shall post the permit document in a location visible to authority having jurisdiction:

- Article 2.1.1.4 of the Nova Scotia Building Code Regulations states:
 - “Every *owner* shall ensure that the plans, specifications and related documents on which the issuance of the *building permit* was based are available at the site of the work for inspection during working hours by the *authority having jurisdiction*, and that the *permit*, or true copy thereof, is posted conspicuously on the site during the entire execution of the work.”

In an effort to provide better communication to the public on large scale development projects, HRM has allowed the use of temporary signs to be erected at construction sites. Information typically included on such signs includes an illustration of the completed project, a brief description of project, permit number, as well as contact information for the Developer and Construction Project Manager.

Public response to these signs has been generally positive as they provide basic information on the overall project. As such, HRM has been encouraging the use of information signs on all multi-unit residential, commercial, industrial, and institutional construction projects.

Although the installation of such temporary signs is not required, nor is it specifically regulated under current HRM by-laws, HRM staff are considering including requirements for these types of signs through future by-law amendment processes. Any sign standards will be prepared in consultation with the development industry as part of the ongoing HRM Renewal Program.

Conclusion

Although construction work by its very nature is disruptive, staff acknowledges that opportunities exist for HRM to better manage construction activities to mitigate against its impacts for all citizen groups including pedestrians and those with mobility challenges, vehicle users, businesses and established neighbourhoods. Through our ongoing efforts to improve service delivery and support businesses and citizens, staff will work with the various stakeholders to identify and implement effective improvements in this regard. To this end, staff will return to the Transportation Standing Committee with a report outlining improvements to be undertaken in advance of the start of the '16/'17 capital works program. In the meantime, staff will continue to work with contractors to ensure that work sites are suitably managed to reduce and mitigate the effects of construction activity on their surroundings.

FINANCIAL IMPLICATIONS

No financial implications have been identified directly in the preparation of this report. However, during the review of current fee structures as part of the ongoing Planning and Development Renewal Program, there will be further discussion regarding the financial implications of altering development-related fees.

COMMUNITY ENGAGEMENT

No community engagement has been conducted in the preparation of this report. However, as part of the ongoing HRM Planning and Development Renewal Program and the general by-law rationalization exercise, staff will continue to discuss the implications that the above noted regulations impose upon the construction and development communities.

ENVIRONMENTAL IMPLICATIONS

Implications not identified.

ATTACHMENTS

Attachment A – Sample temporary street closure notification letter

Attachment B – Sample confirmation of notification letter

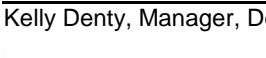
A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/index.php> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

Report Prepared by: Christopher Davis, P.Eng., Supervisor, Right of Way Services, 902.490.7462
Evan Teasdale, P.Eng., Development Engineer, Development Approvals, 902.490.1206
Kelly Denty, Manager, Development Approvals, 902.490.4800

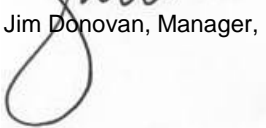
Original Signed

Report Approved by:  Bruce Zvaniga, P.Eng., Director, Transportation & Public Works, 902.490.4855

Original Signed

Report Approved by:  Kelly Denty, Manager, Development Approvals, 902.490.4800

Original Signed

Report Approved by:  Jim Donovan, Manager, Municipal Compliance, 902.476.8211

Attachment A – Sample temporary street closure notification letter

ABC Construction Limited

153 Starfield Drive
Halifax, Nova Scotia
A1B 2C4

Bus: 902-123-4567
Fax: 902-891-2345
Email: frank.master@abcconstruction.com

2-March-2015

NOTIFICATION OF STREET CLOSURE – SMITH STREET

This is to inform you that to facilitate construction operations in your area Smith Street will be closed on or about 25-March-2015 with an anticipated duration of approximately 2 weeks. The street will be open during the evenings in weekend. During the street closure process local traffic will be permitted to enter underground parking garages as needed.

Should you have any questions or concerns please feel free to contact the below.

CONTACT INFORMATION:

Contractor: Frank Master - ABC Construction Limited

902-123-4567

Our company has been retained by the developer XYZ Holdings Limited to complete work and the associated street closure. Should any questions arise throughout construction please feel free to contact the undersigned.

Thank you.

Yours Truly,

ABC Construction Limited

Frank Master
Project Manager

Attachment B – Sample confirmation of notification letter

ABC Construction Limited

153 Starfield Drive
Halifax, Nova Scotia
A1B 2C4

Bus: 902-123-4567
Fax: 902-891-2345
Email: frank.master@abcconstruction.com

2-March-2015

CONFIRMATION

This letter is to confirm that ABC Construction Limited has hand delivered notices to all residents and or businesses within a 500m radius in all directions of the Smith Street closure.

The following addresses have received notification letters on 2-March-2015:

- 58-355 Stanley Street, Inclusive
- 22-50 Juniper Street, Inclusive
- 64-551 Sample Street, Inclusive

CONTACT INFORMATION:

Contractor: Frank Master - ABC Construction Limited

902-123-4567

Our company has been retained by the developer XYZ Holdings Limited to complete work and the associated street closure. Should any questions arise throughout construction please feel free to contact the undersigned.

Thank you.

Yours Truly,

ABC Construction Limited

Frank Master
Project Manager