

TO:	CHAIR AND MEMBERS STRATEGIC PRIORITIES AND POLICY COMMITTEE
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	POTENTIAL CULTURE DISTRICTS IN THE CITY OF LONDON STUDY TERMS OF REFERENCE MEETING ON Monday , October 26, 2015

RECOMMENDATION

That, on the recommendation of the Managing Director, Planning and City Planner, with respect to the Council resolution of March 10, 2015 relating to the possible establishment of culture districts in the City of London, the Terms of Reference attached as Appendix 1 be used as a basis for preparation of a study which defines the purpose and potential locations of such districts in the City of London which may involve possible changes to the Official Plan, Zoning By-law, other City By-laws and City processes.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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1. Planning Entertainment Uses for Downtown Revitalization (April 9, 1996, August 26, 1996 and September 30, 1996)
2. Regulation of Noise from Outdoor Patios and/or Restaurants/Taverns (June 2001)
3. Residential-Entertainment Interface Study –Preliminary Report (June 21,2004)
4. London’s Cultural Prosperity Plan (March 5, 2013).
5. London Music Strategy (September 2, 2014)
6. “Our Move Forward” – London’s Downtown Plan (Council adopted April 14, 2015)

BACKGROUND

Municipal Council at its session held on March 10, 2015 resolved:

*That the Civic Administration **BE REQUESTED** to report back to the Strategic Priorities and Policy Committee on the feasibility of establishing Culture Districts, that may include music and entertainment, within the City of London, as well as what supporting actions would need to be taken to enable the success of a Culture District (e.g. possible amendments to the Sign and Canopy By-law, Noise By-law, Zoning By-law, Business Licensing By-law, etc.). (8/14/SPPC)*

The prelude to that direction stated that:

The establishment of Culture Districts, that may include music and entertainment, is an effective tool for municipalities to use to draw performers and tourists to specific areas of the City. It

seems logical for London to have such Districts, given the various venues that are already in place that support these activities including Budweiser Gardens, the Grand Theatre, Harris Park, Fanshawe Centre for Digital and Performance Arts, the Palace Theatre, numerous bars and eateries, various streets and squares that host many festivals and celebrations during summer months, among others. A vibrant Culture District can also make a significant contribution to a healthy economy.

A subsequent Council resolution on April 28, 2015 also referenced the completion of a report in clauses a) and b). Council resolved:

14. That the following actions be taken with respect to the “Rock the Park 12 – July 2015” event:
 - a) *the attached proposed by-law **BE INTRODUCED** at the at the Municipal Council meeting to be held on April 28, 2015, to amend the City of London’s 2015 Special Events Policies and Procedures Manual to provide for the “Rock the Park 12- July 2015” event use of Harris Park for 5 consecutive days, commencing on July 14, 2015 and ending on July 18, 2015; it being noted that the Civic Administration is currently undertaking a review of the feasibility of establishing Culture Districts in the City, which will include consideration as to how best to address special events in the future; and,*
 - b) *the Civic Administration **BE REQUESTED** to evaluate the impact on the community as a result of permitting the request noted in a), above, and to include their findings in the report back on the feasibility of establishing Culture Districts in the City;*

The above Council resolution also builds upon recommendations arising out of the London Music Strategy, submitted by the London’s Music Industry Development Task Force to the Investment and Prosperity Committee on August 27, 2014. Council established the Task Force on February 11, 2014 as a result of previous Canadian studies which “ *concluded emphatically that music is good for business – a thriving cultural scene driven by music not only generates revenue through music tourism, but perhaps more importantly serves to create ideal conditions to retain and attract a young, highly skilled work force. This in turn creates an attractive climate for job creation, specifically in the high tech industry...*”

These resolutions suggest that one issue that needs to be addressed is how to achieve a balance between noise-sensitive residents living near outdoor music and entertainment venues (either outdoors in a park or on a patio) and those who believe more live outdoor concerts enrich the city, both economically and culturally. In addition, City policy and some incentive programs encourage more residential development particularly in Downtown and Old East Village which results in even more residents exposed to amplified music.

The proposed Cultural Districts Study will not focus solely on noise but will primarily focus on identifying cultural districts and comprehensively review the entire process for establishing cultural, including music and entertainment, districts and holding events. Culture was dealt with extensively in the Cultural Prosperity Plan which was approved by Council in 2013. Culture, music and entertainment are interrelated because there are cultural venues and events which may present music and entertainment events. Music and entertainment are part of culture (eg. Grand Theatre, Aeolian Hall, SUNFEST etc).

Proponents of more music and entertainment note London may be missing out on a great opportunity to create a more vibrant active City, grow the City and create more jobs. It was estimated in 2011 that cultural events, which can include music and entertainment, contributes \$540 million per annum to the City of London, approximately \$1,475 per capita, and has created a total of 1300 cultural enterprises.

ANALYSIS OF CURRENT CONTEXT

What is a Culture District?

A culture district, which includes music and entertainment, is a place with a concentration of venues offering culture, music and entertainment, amusements, hospitality businesses and dining. These venues can include theatres, arenas, outdoor parks, enclosed buildings, performances spaces, museums, galleries, music or media production studios or any other places where culture, music and entertainment occurs. These spaces include both public and private space.

Larger metropolitan areas typically have identified culture/music/entertainment districts (eg. the Theatre District in New York City). The City of Toronto has an identified entertainment district just west of the Financial District and bounded by Queens Avenue, Spadina Avenue and the Gardiner Expressway.

Recently in the United States many municipalities are trying to establish such districts to include areas which are not subject to open-containers laws for consumption of alcoholic beverages. Under U.S. laws this is possible but may not be possible under Ontario law.

Purpose of the Districts

Creating cultural districts may provide the City a way to focus policies, regulations etc. such that all citizens and business may share a set of expectations for these areas. A working definition and label for these areas will be proposed with the intent to identify what their characteristics are, what their proposed boundaries are and what can be done within them.

Geographical Distribution

There are two significant concentrations of culture, including music and entertainment uses, in the City now. One is in the Downtown and the other centred on Old East Village and the Western Fair to the east. Budweiser Gardens, Centennial Hall and the Grand Theatre are larger venues that anchor the Downtown concentration. The Palace Theatre, Aeolian Hall and Western Fair complex anchor the Old East Village concentration. These are complemented by Victoria and Harris Parks and Western Fair outdoor venues. Outside of these concentrations culture, music and entertainment are generally confined to smaller scale neighbourhood gathering places like libraries, churches and parks; bars, taverns and restaurants.

Policy and Regulatory Framework

Currently policy direction and regulation of culture, music and entertainment by the City is administered through a number of processes which include the involvement of Parks and Recreation, By-law Enforcement, Planning, Zoning, Business Licensing, Corporate Investments and Partnerships, London Police, the Culture Office and Council. Other organizations such as Tourism London, the London Arts Council, Downtown London and the Old East Village BIA are also involved. Provincial organizations such as the Alcohol and Gaming Commission (AGCO) are also involved.

Briefly, here are some of the policies, by-laws and processes involved. The Background Study will discuss and evaluate these in greater detail.

1. Official Plan/Zoning By-law

The Official Plan includes policies for culture and entertainment uses which originally focused all major uses in the Downtown. Entertainment uses were seen as another important building block of a strong Downtown and include arenas, live theatres, movie theatres and bars and taverns. Cultural uses such as public art galleries and private art galleries were also considered a form of

entertainment. They serve as attractors for large numbers of people and provide spin-off benefits for restaurants, bars, parking and retail uses during weekdays, evenings and weekends.

The three primary entertainment facilities in the Downtown (Budweiser Gardens, Centennial Hall and the Grand Theatre) are spread apart in it. Each venue draws a significant number of people to the Downtown. For instance, Budweiser Gardens has attracted between 460,000 and 775,000 people annually to the Downtown since it opened in 2003. The impact on Downtown businesses is significant. There are also a number of smaller theatres (Wolfe Performance Hall, the Arts Project and Original Kids), the London Music Hall, Laser Quest and Rainbow Cinemas which draw more people to the Downtown.

On October 21, 1996 Council approved a number of Official Plan and zoning by-law amendments which were intended to strengthen the existing policies and regulations to require major entertainment uses to locate in the Downtown. Specifically, the policy changes;

- Identified the Downtown as the primary location for major entertainment uses;
- Encouraged the grouping of entertainment uses in the Downtown; and,
- Placed size and location limits on entertainment uses outside of Downtown in the zoning by-law.

These policies and regulations apply to enclosed cultural, music and entertainment facilities not outdoor uses. Major entertainment facilities are encouraged to locate in Downtown with smaller entertainment facilities permitted in Main Street Commercial Corridors and Enclosed and New Format Regional Commercial Nodes. The zoning by-law (Section 4.18) contains regulations for outdoor patios associated with a restaurant or tavern with regards to capacity, location next to residential zones, lighting, loading, parking and the playing of amplified music.

2. “Our Move Forward, London’s Downtown Plan” (Council adopted April 14, 2015)

The recently adopted Downtown Plan serves as a guideline document under the Official Plan and is intended to guide development, in conjunction with the Downtown Heritage Conservation District Plan, within the boundaries of the Downtown over the next 20 years. This Plan continues the revitalization of Downtown London which started in the 1990’s. Two of the Strategic Directions in the Plan most applicable to this report include;

1. “Making Dundas Street the most exciting place in London”
2. “Creating the Buzz”

Both of these Strategic Directions involve the use of cultural, music and entertainment uses to create activity and act as a draw for the City’s residents. Successful Downtown’s draw people from all portions of City at all times of the year.

3. Special Events Policies and Procedures Manual

These policies are applied to all events held in City Parks and properties and are reviewed yearly. The manual assists the event holders by defining rules and regulations to guide the organizers in a way that allows them to do what they want to do while making sure folks are safe and the community and corporation are protected. There are specific policies for Springbank, Victoria and Harris Park related to noise and the number of events that can be held per year at each. Section 13 has very specific Noise Policies which covers all City Parks.

4. London’s Cultural Prosperity Plan (adopted by Council March 2013)

The Cultural Prosperity Plan serves as a strategic document that provides a collective vision and direction for culture in the future. It is a framework for the implementation of cultural events.

Although the focus of that document is culture, music and entertainment are part of the overall cultural experience. Downtown London, Richmond Row and Old East Village (Potential Action 3.9.1) were recognized in it as important cultural districts. The identification of the cultural corridor through London's Cultural Prosperity Plan (Downtown London and Old East Village along Dundas Street and Richmond Row) has led to increased focus in these areas for asset development, investment and programming opportunities.

In addition, "cultural nodes"; such as Springbank Park and Wortley Village; were identified in which smaller cultural events could be held. No changes will be made to the document; however, it may be useful in identifying whether changes to other documents and processes are advisable.

5. Old East Village – Community Improvement Plan (amended November 2005)

Culture uses were identified as part of the vision for the community improvement plan; "... offer a range of entertainment, arts and culture uses;...". Four districts within Old East Village were identified; one being the Entertainment and Recreation District encompassing the Western Fair Grounds and Queens Park.

"It is the Vision of the Community Improvement Plan that the Western Fair Entertainment Complex will play a lead role in supporting an entertainment and recreation "flavour" on the corridor. It is envisioned that those who attend events at the fairgrounds will link to the other attractions in the Village. Blended with the strong sense of culture on the corridor, the entertainment and recreational functions offered in this district will play a large role in creating a fun, active and exciting atmosphere on the corridor"

Policies are included, consistent with Section 6.2.2 (ii) of the Official Plan, in the Community Improvement Plan which encourage linkages between the Western Fair and corridor.

6. Noise By-law (consolidated July 25, 2011) and Noise Policies of the Special Events Policies and Procedures Manual

The Noise By-law regulates noise emanating from all properties, in particular **private property**, and does not set out qualitative (ie. type of noise), quantitative (ie. amount of noise) noise or the time and duration of any permissible type of disturbance. The noise bylaw has provisions for the issuance of temporary noise permits subject to conditions established by the Manager of By-law Enforcement. The Special Events Policy and Procedures Manual, updated annually, contains provisions/policies regarding noise emanating from **public property** (public parks and City owned roads and parking lots) associated with permitted special events. Section 13 of the Manual provides policies regarding noise (music and amplified sound) as to the type (music), amount (maximum decibels) and day/ time of day permitted.

7. Other Municipal By-laws

There are other City Bylaws such as the Sign and Canopy By-law (consolidated November 7, 2011), Business Licensing By-law (consolidated February 24, 2015) and Traffic and Parking By-law which can impact culture, music and entertainment events and venues. Each of these will be reviewed in the Background Study.

8. Provincial Regulations

The Municipal Act has a greater impact on the regulation of culture, music and entertainment events than the Planning Act. Most of the above By-laws are provided for in the Municipal Act. Land use is controlled by the latter.

The Alcohol and Gaming Commission is involved in the regulation of events at which beer, wine and liquor are sold.

Economic Considerations

In 2011 the culture sector contributed an estimated \$540 million (see chart below) to the City of London’s Gross Domestic Product (GDP) and employed an estimated 7,703 cultural workers. The City of London had a significantly higher concentration of cultural workers (4.2% of all workers were employed in cultural occupations) than the Canadian average (3.3%) in 2006, ranking reasonably well against some of Canada’s large cities such as Calgary (3.6% of all workers were employed in cultural occupations). The City has a significant cultural employment base that should continue to be strengthened. A total of 1,298 cultural enterprises (many of which are small businesses) were located in the City of London as of 2011. The direct contribution of the cultural sector (based on GDP) in the City is \$1,475 Per Capita. By means of comparison, direct (GDP) contribution of the cultural sector in Toronto is \$3,595 Per Capita and \$1,751 Per Capita in Ottawa. A variety of locational and socio-economic factors contribute to a vibrant cultural economy. Continued investment in job development, education, cultural programming such as festivals and creative industry attraction can be expected to impact the health and prosperity of the City of London’s Cultural Sector.

Comparison of Economic Contributions of Culture

City of London (2011)	London CMA (2011)	City of Toronto (2006)	Ottawa (2006)	Hamilton CMA (2001)
\$540 Million (Direct contribution)	\$580 Million (Direct contribution)	\$9 Billion (GDP estimate)	\$1.98 Billion (GDP estimate)	--
\$1,475 Per Capita	\$1,222 Per Capita	\$3,595 Per Capita	\$1,751 Per Capita	--
7,703 jobs in the cultural sector	8,345 jobs in cultural sector (as of 2006)	83,000 jobs in the cultural sector	22,500 jobs in the cultural sector	11,600 jobs in cultural sector
4.2% of total workforce (as of 2006)	3.8% of total workforce (as of 2006)	6% of total workforce	4.7% of total workforce	3.4% of total workforce

Source : London’s Cultural Prosperity Plan and Profile (2013)

Culture, music and entertainment are big business. Extensive research has concluded that arts and culture tourists outspend typical tourists two to one and stay longer. Some examples of impacts;

- 2016 Country Music Week taking place in London. It is estimated it will generate \$10 million in economic impact and will be the largest non-sporting event the city will have ever hosted. Approximately 1200 industry leaders representing 30 different sectors of the commercial music industry will be in London. The event will have two nationally televised shows.
- Kitchener’s *Big Music Fest* held in July 2014 had a \$7 million economic impact to their local economy. Original projections estimated \$3 million. Of the 60,000 attendees 65% were from within 50 km and the remaining 35% from further distances including out of province and country.

- Durham’s 2014 Boots & Hearts festival generated approximately \$17 million in economic impact and is expected to expand and move to a larger location in 2015.

Economic impact can be measured in both direct (eg. ticket sales) and indirect (eg. restaurants, hotels) impacts with the latter getting the greatest benefit. Benefits include increased tourism, Downtown and commercial area development, economic development and increased business opportunities. Some facts;

- Rock the Park brings 40,000 to 50,000 people Downtown every year;
- In 2015 , to date, over 200 special permits/contracts have been issued and have attracted in excess of 900,000 people from the City, surrounding municipalities and beyond;
- 8000-10,000 people for one night brings 1.5 to 2 million in economic growth (hotels, restaurants)

Another important consideration for economic development is the effect culture, music and entertainment have on the attraction of younger demographic groups. The digital sector, a highly desirable employment target, is dominated by younger workers. Austin Texas’s warehouse district is a good example of the impact this sector can have on a City’s economy.

The Background Study will also look at “best practices” and economic impacts of culture, music and entertainment in other Canadian cities. The Yonge Street Business Improvement Area (BIA) in Toronto and St. James Street in Hamilton will be reviewed in particular.

New Initiatives

Other than the studies mentioned above there are two additional studies which have been recently adopted but not implemented and/or are currently in process. In September 2014 the London Music Strategy was adopted by Council which recommended the hiring of a Music Officer and the formation of a London Music Committee.

Secondly, a report entitled “Music Cities” prepared by Music Canada was released in June 2015 which evaluated the economic impact of culture, music and entertainment on Cities using current data. This study will be reviewed as part of the background study.

CONCLUSION

Recent Council resolutions have provided administration with direction to study potential Culture Districts. The analysis of current context provided a point of departure and foundation for administrations understanding of this task. The attached Terms of Reference will form the content of the study.

This report was prepared with the assistance of Chris Campbell (Director of Culture & Entertainment Tourism – Tourism London), Robin Armstead (Manager of Culture – City of London Culture Office), Andrea Halwa (Executive Director – London Arts Council) and Bill Coxhead (Managing Director – City of London Parks and Recreation).

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October 13, 2015

APPENDIX 1 – PROPOSED TERMS OF REFERENCE

Culture District Study

Purpose - The purpose of study is to;

- a) comprehensively review existing policies, regulations and processes that impact the provision of culture, music and entertainment at venues and events;
- b) establish the role, contribution and potential of culture districts to increase tourism and economic development; and,
- c) report on consultation with key industry interest and residents groups.

The goal of the above is to recommend a more efficient process for holding culture, musical and other entertainment events in the City while addressing community concerns.

Identify what a Culture District is? – The study will define what a culture district is and isn't and illustrate how music and entertainment form part of a culture district. Characteristics defining the boundaries of these proposed administrative districts will be reviewed. It is intended that both indoor and outdoor, public and private, permanent and temporary venues and events will be reviewed.

Issues to be Reviewed in the Study

Based on information and direction provided in the City's Cultural Prosperity Plan and "Our Move Forward- London's Downtown Plan", the economic development strategy of Old East Village BIA, the London Music Strategy, recent and past discussions regarding past issues with larger amplified music events and noise complaints, successes in other Ontario municipalities such as Toronto and Hamilton, and other the review of other culture, music and entertainment studies, a list of issues will be identified. The main issues to be reviewed include;

- a) Do we need to establish music and entertainment districts?
- b) What uses/activities do they include?
- c) Does there need to be a boundary for these districts?
- d) How many music and entertainment districts should there be?
- e) What are the barriers to holding events?
- f) Do we need changes to the Official Plan and Zoning By-law to accommodate them?
- g) What changes also may be needed to our existing by-laws?
- h) Do we accommodate recommended policy and regulatory changes on a pilot or permanent basis?
- i) Are there emergent matters to address arising from stakeholder and residents consultations?

What will be reviewed

The City's Official Plan, the "Our Move Forward, London's Downtown Plan", the Cultural Prosperity Plan, Zoning By-law, other City By-laws such as the Noise By-law, Sign By-law and Business Licensing By-law, Special Events Policies and Procedures Manual, London Music Strategy and other relevant documents will be reviewed.

It is also intended that other municipalities' approaches to culture, music and entertainment will be reviewed. Ontario municipalities such as Toronto and Hamilton and Austin, Texas in the U.S. will be included but the Background Study may broaden that review.

Consultation with Key Stakeholders

Parks and Recreation, By-law Enforcement, Planning, Zoning, Business Licensing, Corporate Investments and Partnerships, London Police, the Culture Office and City Council are all currently involved in administration of culture, music and entertainment events and/or venues. Other organizations such as London Arts Council, Tourism London, London Economic Development Corporation (LEDC), Western Fair Association, Downtown London and the Old East Village are also involved. Provincial organizations such as the Alcohol and Gaming Commission of Ontario (AGCO) are also involved. All of these groups will be consulted in the Study.

In addition, community associations and community groups surrounding these proposed culture, music and entertainment districts (such as Woodfield, Old South and Talbot) will also be consulted. There will be at least two opportunities for the public to contribute; an initial meeting and the final formal public meeting.

Project Schedule

Following Council direction, the study would then be initiated; existing policies, regulations and processes would be reviewed; meetings held with interest groups and a draft background report would be prepared with draft recommendations and amendments. A public meeting would be held on the draft background study. Again comments would be reviewed and a final background report prepared. The final public meeting would then be held at SPPC where any amendments to policies, regulations and/or processes would be considered.

May 19, 2015	Draft Terms of Reference Circulated to Stakeholders
August 11, 2015	Draft Terms of Reference Circulated to Stakeholders
September 2015	Proposed Terms of Reference Finalized
October 26, 2015	SPPC Meeting to Review Terms of Reference
November 10, 2015	Council adopts Terms of Reference
November 2015	Initiate Study
April 2016	Circulate Draft Study
April 2016	Hold Public Information Meeting
May 2016	Finalize Background Study based on Comments Received
June 2016	Public Meeting at SPPC
June 2016	Council adopts Study with recommendations/amendments