

## PUBLIC PARTICIPATION MEETING COMMENTS

### 19. Downtown Business Improvement Area and Old East Village Community Improvement Area (Z-8625)

- Dave Nuttall, 500 Talbot Street – indicating that they are located on the corner of Talbot and Dufferin, a condo project and all of the residents own it; noting that they are kitty corner to the new project that Tricar has under construction right now which will be homeowners; advising that they received a notice a week or two ago and a lot of residents came up to him to ask about it because they did not understand the notice or appreciate the gravity of acoustic music and amplified music; pointing out that there is a big difference between the two of them and once he sat down and explained it to them a lot of people said, “well is this going to be the same problem we had with that little bar which was just north of us on Talbot?”, along the west side; noting that Tricar has bought it now and the bar is gone, but every year they opened up that bar, they would put amplified music out there and the problem with the amplified music is that generally you have one musician and he has got that electric drummer and the other electric things there and it is far too noisy; outlining that a lot of the people that lived on the west side of the building, which he does, from 4:00 PM to 11:00 PM, sometimes pushing midnight, they had to keep their windows closed in the summertime for the Thursday, Friday and Saturday nights because they only had music for three nights a week; pointing out that this is exactly what is going to happen if this, as you are calling it, temporary, by-law; noting that years ago income tax was temporary but it is still here now, so this is what is going to happen with this if you take the amplified music into the residential areas; realizing that the Committee calls it the BIA area; suggesting that if you stayed over on Richmond Row where the bars are, that may be a different situation, but he hopes somebody is here to speak on behalf of that who lives closer to Richmond Row Right now; indicating that the last two years they had the acoustic music out in front of that bar and everybody could live with it; noting that you could still have your windows open, it was not too noisy, you do not have to close them down on a Friday night and turn on your air-conditioning, that is not a problem; realizing that we have that amplified music in Rock the Park, and they just finished that, everybody is aware of that, but Rock the Park only runs for three days and now we have cowboy amplified music that runs for a couple more days, but everybody knows it is coming to an end; stating that, if it bothers them that much, when the summertime comes up they can always go away for a week and come back; indicating that this by-law that you are trying to propose right now, which you say the City of London is promoting, he questions that, he thinks maybe it is being promoted by the bar owners because it is cheaper for them to have the electronic type music on their patios; questioning why this amplified music has to be into residential areas; advising that they have two types of people living in these new condos being built, they are either younger people that work Downtown, or they are empty nesters, retirees that are living there; indicating that, if the music is too loud, and he knows the by-law says until 11:00 PM but he knows another by-law is coming up to be promoted that goes to 2:00 AM and these young kids have got to go to sleep; suggesting that if you allow the bars to do it, they'll have music on Monday, Tuesday, Wednesday, Thursday, Friday and Saturday, possibly they will lay off on a Sunday, but it is too much music to have in a residential area, areas where the City is promoting developers to come in and build multimillion dollar projects so people can come down and buy these units and live there; suggesting that if you want to move it and focus over into the Richmond Row area, where all the commercial and the bar activity is, that may be another issue but the way these lines are drawn right now, as you said, Councillor Squire, it goes all the way up to Oxford Street; noting that there may not be a bar up there now, but there could be, very easily; indicating that a lot of guys are buying these older houses and converting them and they are going to have this type of music out there and it is just going to be too loud and too noisy; reiterating that a lot of people in their building, they have got a lot of retirees, older people, they would have come here but they're a little gun-shy to come and speak in a public forum like this and so they asked him to speak on their behalf; advising that amplified music is too much to push into these newly created residential areas where

people are buying their homes; pointing out that one thing about real estate in Canada is that you get an inherent right, it is called quiet enjoyment of your house and having amplified music right across the street in a bar is not quiet enjoyment of your condo; indicating that the Committee needs to decide what they want; do they want more people moving Downtown, buying these condos, living there or do we just want to turn this into a big circus and have music on seven days a week; talking about amplified music where someone could be at the corner of Talbot and Dufferin with amplified music, it goes well down south, past the railroad tracks; indicating that the problem with amplified music is that once it gets travelling a certain distance it is not music anymore, it is just garble coming in the air, it is just loud noise; reiterating that a lot of the people that live in the building truly, once they understand what this amplified music is, they can live with acoustic, that is not a problem, but the amplified is just too much for people that have bought their units and live Downtown.

- AnnaMaria Valasto, 1-133 John Street – advising that she is associated with the North Talbot Neighbourhood Association and she was at the community meeting held at St. Peter's; indicating that it was clear who was pushing this as the lobbyists outnumbered the community because the community did not get any notices about the meeting; reiterating that Downtown London and all the bar owners, they are the ones pushing for this; advising that she submitted two letters and two considerations that she would like the Committee to address tonight; outlining that one is that they want to be exempt from this test because they already have amplified music in their neighbourhood, legally and illegally; noting that it is usually illegal and it is not tolerable; pointing out that they have lost their fair share of permanent residents in their neighbourhood because people cannot live there because it is very intrusive; advising that another problem is all the people that traverse up and down the residential streets after we go to sleep at night; noting that she got woken up last night by firecrackers which is common in our neighbourhood; outlining that Mr. C. Parker, Senior Planner, did not count the patios that are on the backside of our neighbourhood, which is on Anne Street as there is a big patio there; pointing out that there is another one on Talbot Street and there are two on Albert Street; indicating that what happens is that people traverse these neighbourhoods late at night, going from bar to bar and it becomes very unlivable; knowing that Councillor Helmer went down there on Saturday night at 12:30 PM to check out the Barking Frog, which has numerous licensing violations according to the police; telling the Committee that Saturday night it was very quiet at that corner because the police were there earlier and they had taken off their patio music; noting that it is not normally like that; advising that two weeks ago we talked to the police and they have been very good to us and keeping a check on illegal amplified music and so it has been pretty good; believing that September is a good time to do the test because our neighbourhood is almost empty in the summer as there is a lot of students who leave the city and come back in September; noting that is when things get really crazy; reiterating that they want to be exempt from the test because they already have amplified and illegal amplified music in their neighbourhood and she is asking the Committee to consider that request; advising that her second request is that she would like to know how this test is going to be monitored, what kind of things they want to monitor and she wants that made publicly available so that the public understands it is not ad hoc, that there is an intelligent thought process behind this test and she just wants to clarify once again about the Noise by-law; enquiring what sort of authority will the police have to shut down amplified music on a patio if there are noise complaints, if the decibel levels are 90, which are way too high, if you are living next door or living down the street and did you say it goes until 11:00 PM; confirming the Noise by-law is until 11:00, yes or no; Councillor Squire responds yes; commenting that if someone needs to get up in the morning and go to work, they want to be asleep by 11:00 PM and if there's patio music at 90 decibels, they call the police, the police are busy, they may not get around until the next day, which is common in our neighbourhood, what sort of authority do the police have to shut something down if they do not have a decibel reader, but there are complaints, if this is legal; summarizing that she feels that this is very disingenuous, to say that this is a temporary test; believing that that is not true; believing that this is a test to make it permanent, maybe yes or no; recommending that the Committee needs to say that to the public, that this is a test to consider a permanent amplified dancing music on patios and that is what you need to tell the public so they fully understand what the intent is here;

clarifying that her question is that they need to be released publicly, so we want to see how you're going to monitor it; Mr. O. Katolyk, Manager Licensing and Municipal Law Enforcement, responding that the Noise by-law, in this situation, is qualitative and that means clearly audible at a point of reception in a residential area at any time; advising that you can lay a noise charge at 10:30 PM, it does not have to be 90 decibels; reiterating that if it is disturbing at the point of reception in a residential area then if the Officer feels that there is enough evidence to lay a charge then either the By-law Officer or Police Officer can lay that charge; responding that in terms of shutting down the noise, that is possible once a few charges are laid and if it goes to court, if it gets to the level of a probation or prohibition order where the courts indicate that the noise violation cannot continue then further charges can be laid in contempt of court in relation to the probation or prohibition order; advising that they are going to have By-law Enforcement Officers with decibel readers taking periodic testing, mainly on the peak periods so that is the Friday and Saturday nights; indicating that they are going to monitor that and they will use that information when they report back; noting that they will not be reporting this publicly after each night that they are out their monitoring; Ms. Valastro advising that she put her concerns in writing and hoping that the Committee has read her concerns; requesting that their area be exempt from the test; enquiring as to what is the criteria for which the By-law Enforcement Staff and Police Officers will be measuring; enquiring if it is just that they will be there on Friday and Saturday nights with a decibel reader or are you going to be measuring the impact to the neighbourhood; *(Councillor Turner responding that it is publicly reported in the staff report for this matter that it includes a number of noise complaints, the number of parking infractions, the number of road closure complaints, the number of garbage complaints, the number of liquor infractions, downtown pedestrian counts, the number of people attending the event and economic impacts, increase in downtown business at stores, restaurants and hotels.)*

- Paul Woodford, 606 Waterloo Street – indicating that he is just outside the district, but the border is just across the street; advising that he has lived in this area for about fifteen years now; pointing out that he was glad to see that staff included some of the history of the moves to try to allow loud music at night and so on, in the past; indicating that he has been involved in protesting that and resisting moves to do that because we fought vociferously to protect our right to peace and quiet; advising that he gets so tired when the music is always thumping and some music is toxic; pointing out that if any of you have ever been to a student party or lived next door to a student party, you know what he means by toxic; noting that if you do not like that music, and it is that bass beat that goes right through walls and from blocks away; expressing concern that, in theory, it sounds great but the reality, again, is that we are the ones that will be policing it; indicating that the data that you want to collect will mostly be coming from their complaints; pointing out that they are guinea pigs that have to go through this trial, this summer, and it is up to them to complain; reiterating that the onus is on us to complain, instead of you getting out there and actually patrolling regularly and also following up with asking us about it; indicating that three hundred people surveyed is just not enough, we need to actually look at all of the several thousand people, at least, in this area, probably many more, he does not know; expressing concern about the volume of noise, the amplified aspect of it and how it gets out of control; suggesting that they are in an arms race with speakers nowadays and they are getting louder and louder and louder and there is no peace; asking that the Committee not do this.
- Dr. Stephen Boshema, 460 Wellington Street – indicating that is right across the street; advising that, currently, where they live, which includes 460 Wellington, 280 Queens Avenue and 7 Picton Street, they have a lot of senior residents who are not here tonight because of mobility issues; speaking on their behalf; pointing out that these people are in need of tranquility and where they are located, close to Victoria Park and close to some privately owned patios, they can definitely hear the noise and it has been affecting them for years; believing that it will have a negative impact on their house values as he believes that a number of them or a significant number of them will have to sell and move and this is not good for their investment that they have been making downtown; pointing out that, in the long run, if this is going to become permanent, this will affect the demographics of downtown most likely in a negative way and may transform downtown into a circus which would be most regrettable; pointing out that it is true that every citizen has the right to quiet

enjoyment of his or her own property and private interests should not be put ahead of that; advising that colleagues and himself will appeal this motion, if it is passed, to the Ontario Municipal Board.

- John Huston, 460 Wellington Street – hearing a lot that the existing noise by-laws are going to continue to be enforced which is nice to hear; pointing out that, as it stands now, they are not being enforced; indicating that a lot of patios, naming Crabby Joes and the Ale House consistently exceed the 90 decibel levels; advising that they live approximately 200 yards away and they can hear their music up to 3:00 AM, they phone the police and they are told that there is nothing that they can do; noting that the Police go, they ticket and the courts do nothing; further noting that there have been numerous infractions; indicating that one of the worst offenders and he hates to say it is Sunfest; pointing out that they live less than a block and a half away from where the stage is put up and when that happens, where there is music on that stage, their unit actually reverberates with the bass sound from that; advising that all of the bass speakers form backwards and the noise goes forward; stating that this year, on the Sunday night, the music went until 11:30 PM when it is supposed to shut down at 11:00 PM; stating that no one enforces that so there is a lack of enforcement despite people saying that they are going to enforce it; reiterating that the enforcement is not there; advising that 90 decibels on an outside patio it carries extremely loud and if you look at the speakers, they do not face down into the patio, they face upwards to project the music so the most people hear it; indicating that as soon as you start projecting the music it is going to carry; advising that that has to be cognizant that if you are going to look at putting speakers in that the speakers are placed at the leading edge and face inwards so the noise goes inwards and not outwards; commenting on the statement that they are only going to be monitored on Friday and Saturday nights, one of the worst offending nights with the students, when they come back, is Thursday night; outlining that that is a big party night with the students; noting that they have a student below them, who has actually been charged by the courts, and Thursday night is one of their leading party nights and they all leave at 11:00 PM and go out partying; saying that the patios are going to be good at 11:00 PM clocked to close down and you are going to bring all these young people in; reiterating that the young people start partying at 11:00 PM and leave at 11:00 PM to go look for the parties that extend beyond; hearing the students as they crawl home from the various downtown assorted venues at 3:00 AM; advising that they know when the bars close because they can hear their noise, can hear their singing as they walk up the street; encouraging their behaviour of the public out there to break the law and that is not what they want.
- Jim Harcourt, 7 Picton Street – indicating that he belongs to a large group of individuals, several of whom are in the audience and 91 of whom have signed to support the comments that he is going to make; advising that he is a member of the Downtown London Homeowners and Taxpayers group; underlining that both as individuals and as a group they believe that, on this issue, they are substantially under represented, in particular they believe that the proposed by-law suspension will certainly have a substantive, immediate and a potentially irreversible impact on London homeowners and taxpayers; stating that from prior history and multiple past experiences they are convinced that this proposal will almost certainly have three major areas of impact; outlining that first, they believe that the suspension of the by-law will interrupt and prelude the reasonable use and enjoyment of their personal property including, as examples that all of them have experienced in the past and continue to experience, precluding their ability to sit out and enjoy their own patios, their own dining rooms and their own living rooms effectively interrupting and indeed precluding sleep and relaxation; indicating that the Committee does not recognize, he believes that downtown tall buildings and corridors actually direct and amplify noise, in particular, bass noise; advising that a week ago Sunday at 11:30PM at Victoria Park the noise from Victoria Park, the bass was so loud that it set off two car alarms in their parking lot; providing a personal example, there have been multiple times that they have been forced to sleep in their living room when they are home during certain special events in Victoria Park or Dundas Street restaurants; indicating that, secondly, as homeowners and tax payers, they have major concerns that the proposed by-law law suspension will have an unquestioned negative impact on the value of their homes which also gives them reluctance to further invest in their dwellings; advising that they have lived in their home for twenty-six years right now and they have put almost twice the amount of money that

they used to purchase it into their home and they would like to continue to do that; finally, in the medium and longer term, they believe that this by-law suspension will have negative impact on the economic and social infrastructure of downtown, in particular, and this is what astounds him, he believes that it will encourage downtown homeowners and tax payers to leave the downtown and these are the very demographics that you want to have downtown to ensure the success of this city; providing another example, he and his wife over the last three years every year have spent five long weekends, an additional month out of town to escape the noise from special events as it is unbearable; looking at their financials last year, they realized that they spent over \$15,000 escaping noise; noting that that was last year; indicating that if that noise had not been there, they would have spent that money in downtown London and nobody seems to take that into account; thinking that this type of noise is changing the demographic of their city; stating that if you took a walk around Dundas Street at 5:00 PM ten years ago, you would have seen fine jewelry stores, clothing stores and furniture stores; noting that if you do it today, if you dare and what you will see is hooker shops, sex shops and public aid offices; asking everyone who can possibly support him on this to make sure that this by-law suspension does not get passed.

- Mae Johnston, 22 Picton Street – indicating that she has lived there for fourteen years and for the last six years she has lived facing north; advising that, up until this year, she has always been able to go away on weekends to escape the noise that is generated by Victoria Park; noting that this year it has not been possible; stating that now the Committee is telling her that they are going to allow music coming from the patios until 1:00 AM or 2:00 AM; indicating that she will be completely surrounded by noise, half of it from Victoria Park and half of it from Dundas Street from Crabby Joe's and from the Ale House; advising that when Sunfest was on, she closed all of her windows and she still had to crank her television way up to hear the 11:00 PM news; stating that that is not right; advising that the music did go on until 11:30 PM most of the time and it is every weekend in the summer; reiterating that it is every weekend and it is not right; pointing out that this is a residential area with over one hundred apartments in the building that she lives in; noting that there is 7 Picton Street, Queens Court and Centennial House; pointing out that this is a large residential area that you are affecting, it is not a business area, it is not just corporations, it is people's homes and they do not get to enjoy them in the summer and she thinks that you should think about that.
- Sherry Garcia, 285 Queens Avenue – advising that she recently moved to London and enjoys all of the activities that happen in Victoria Park; appreciating that it brings vibrancy to the city because she finds the city quite quiet most of the time and she is excited to be able to go to the events that happen in Victoria Park; understanding the complaints that other people have and she respects that; enquiring what is changing, is she understanding that the Noise by-law goes to 11:00 PM and currently people are allowed to play their music at places like Crabby Joe's and wondering if something is changing to that; *(Councillor Squire responding that they will be able to play amplified music which they currently are not supposed to be doing.);* clarifying that amplified music is just a sound system playing canned music; *(Councillor Squire responding that it is the noise level, amplified music up to 90 decibels up until 11:00 PM);* *(Councillor Helmer requesting that Mr. O. Katolyk, Manager Licensing and Municipal Law Enforcement, could clarify the difference between what they do under a temporary use permit, the restrictions on those and what is generally allowed under amplified music around the Noise by-law as Mr. Katolyk mentioned earlier that the time of day does not matter, it is about interference into a residential neighbourhood, there is no decibel level limit and that is different from what is under a temporary use permit where we do have specific restrictions about the music can be so loud and has to be turned off at a certain time.);* Mr. O. Katolyk, Manager, Licensing and Municipal Law Enforcement, responding that tonight they have heard complaints about a variety of different events; clarifying and putting into three different types of categories; starting with special events on City property; using Sunfest as an example; indicating that it is monitored by the City's Parks and Recreation Department and they have regulations that they have to shut down at 11:00 PM and be 90 decibels 100 feet from the stage; noting that there are some variations on the 11:00 PM, where they can go to 11:15 and have certain crescendos but those are the regulations; reiterating that that is monitored by Parks and Recreation, not by the Police and not by By-law

Enforcement; addressing Temporary Noise Permits, such as a block party, using the example that across from the Convention Centre last year in September; outlining that that regulation is shut down at 11:00 PM and 90 decibels 100 feet from the stage; advising that if there are complaints both By-law Enforcement and the Police field the complaints; and, identifying that lastly is the patio noise, right now they allow acoustic music only on patios; however, there are some patios that are legal non-conforming from a zoning perspective that do have electronic music; indicating that there is no decibel level from these patios and there is no time limit at which they need to be shut down; advising that the complaints that come in, the way that the Police look at them is audible at a point of reception in a residential area; identifying that it has to impact the resident at the residential area, you cannot just say that you are faintly hearing this noise from your house, it has to impact you and if the evidence is high enough then the Police will lay a charge; pointing out that City Council, at budget time, By-law Enforcement staff was increased by two additional full-time and three additional part-time officers; indicating that one of the reasons behind that was the transfer of noise during peak times from Police to By-law Enforcement; advising that the five officers have been hired and that shift will be implemented shortly as they are currently training for this; indicating that by mid-August, By-law Enforcement officers will be doing noise enforcement only during Friday and Saturday nights between the hours of 7:00 PM and 3:00 AM.

- Mohammed Moussa, 155 Thornton Avenue – expressing that he does not want to be a kill joy or a prude or the guy who tells his kids to get off the front lawn as he is not old enough for that yet; advising that, as many of the Committee is aware, he has a building in the downtown and at the other end of the block he has two restaurant bars with patios; advising that in the past thirty months there have been six different businesses in those two places; noting that both have fairly large patios; indicating that he has between forty and fifty different tenants at any time of the year; pointing out that he wants to be a good landlord to them and he feels he needs to be here to speak to this matter; stating that the suspension of this by-law is a little bit short-sighted; understanding that it is a test, but at the same time it has not been looked at well enough; advising that his tenants are down a lane way where the sound reverberates; indicating that it is an old building and does not have the sound attenuation windows that newer buildings do; advising that over the last few years it has been a little bit ridiculous with the noise; noting that he is not here to complain about that, he is here to discuss moving forward; advising that they are told in the staff report that no other part of the by-law changes, 4.1.8. i) and ii) are not changing; pointing out that the difficulty is that anyone who has come to the Committee of Adjustment and asked for a minor variance to get a higher capacity on their patio, sometimes quadruple and quintuple what is allowed by the by-law no one has considered up to this point that there may be amplified music on these patios; pointing out that they are getting two and three times the amount of capacity that they are allowed by the by-law; stating that if the Committee passes this by-law, whether on a temporary basis or on a permanent basis, he would ask that those property owners around be able to revisit these minor variances because they attach to the property; advising that, with this revolving door of businesses, bars and such, that come through here, they come in and they have a capacity of 200 or 250 people on something that really they should only have about 80, 90 or maybe 100; having said all of this, he is not in support of this on a permanent basis; understanding that what they are discussing tonight is on a temporary basis; advising that he has had some of his tenants, and if he may say, he has tenants with three children under the age of four years old; advising that, with all due respect to the Chief By-law Enforcement Officer, Fridays and Saturdays are not going to be good enough for having someone out looking at the noise levels; asking the By-law Enforcement Officer if tenants and residents downtown are going to be able to contact By-law Enforcement or are they at the whim or where the By-law Enforcement Officers are going to be; thinking that they will spend more time at Richmond Row than they will at the south end of the BIA; enquiring how many By-law Enforcement Officers are going to be out there, how many of them are going to be trained in the use of a decibel meter; indicating that, in his opinion, they may not be prepared for this, whether it is the preparation, the education, the implementation of this by-law because it seems that there are no decibel levels already in place; pointing out that he has heard from other people that charges are laid and charges are dropped; summarizing that he is a little skeptical about even the temporary and he is totally

objecting to a permanent suspension of the by-law; Mr. O. Katolyk, Manager Licensing and Municipal Law Enforcement, responding that they are planning on having two teams of two By-law Enforcement Officers on Friday night and Saturday night working between the hours of 7:00 PM and 3:00 AM; advising that, in terms of using the decibel readers, as he mentioned previously, if the noise is audible at a point of reception a decibel read is not required to lay a charge; Mr. M. Moussa requesting a response to whether he or tenants or residents in the downtown will be able to contact By-law Enforcement staff rather than having to get in touch with Police if something has happened; Mr. O. Katolyk, Manager Licensing and Municipal Law Enforcement, responding that yes, the plan is that the public will have direct contact with the By-law Enforcement Officers who will be picking the calls up from the car.

- Michael Clarke, Research and Programs Co-ordinator, Old East Village BIA – see attached presentation.