

July 20, 2016

RE: Amendment to Section 4.18 (5) of the Zoning By-Law on a temporary basis to permit amplified music and dancing on patios.

Dear Council,

I am urging you to please take the time to read the minutes from the Planning and Environment Committee public meeting regarding the above issue. Several people spoke and many more wrote letters.

I would consider these people the wise ones on this issue because:

- 1) They have chosen to invest and live in the downtown;
- 2) They have first hand experience with the city's patios and associated noise and the police.

Not only was it clear that the issues they raised are chronic but have also been routinely ignored, and they were ignored again at committee.

The message I heard was: sometimes activities are not compatible – period – and should not be considered.

However if the city wants to conduct a 'test' to test the compatibility of amplified music against commerce and a person's right to the reasonable enjoyment of their home without intrusion, then the 'test' needs to be rigorous, especially if it is to inform a future decision.

This request to measure and quantify many of the concerns that persist regarding patios and noise was made at committee but was ignored.

I also asked both in writing and again at the public meeting that the North Talbot Neighbourhood be exempt from the test because of the high density of patios surrounding the neighbourhood both on Richmond Street and along the Thames River. The request was also ignored. I would appreciate a response.

It was clear that this 'test' is not about resolving issues and developing a good policy but rather about Country Music Week. It didn't matter what people said or wrote because it was clear from the comments made by committee that appeasing the organizers of Country Music Week was more important than people's well being.

Therefore, I am asking again that a 'test' to measure noise pollution and subsequent impacts on nearby communities be rigorous. It currently is not.

The City does not have the resources to measure impacts of the zoning amendment. It will dedicate two teams of four by-law officers to work between the hours of 7pm and 3am on Friday and Saturday nights only. The 'test' will run for five weeks – approx.. 37 days but by-law enforcement will only measure 10 days of those 37.

I was informed this morning that the City is now scrambling to develop a strategy with police to fill enforcement duties for the time by-law officers are off-duty.

Unless this strategy remains in place after the 'test' is completed, the special attention paid by police during the 'test' will skew the results and not reflect routine policing at any other given time.

Therefore, I am asking that this 'test' measure:

- whether 90 decibels is a reasonable level to avoid intrusion on neighbouring residents by measuring noise levels at the nearest resident;

- whether intensifying noise levels outside an establishment increases rowdy behavior of patrons;
- what is the response time of police once a complaint has been filed;
- what is the response rate for on duty by-law officers;
- what are the characteristics of amplified noise from patios at a distance such as base and echoes;
- develop a baseline so that the test can be compared to the status quo;
- make public any supporting research that even remotely suggests that amplified music increases commerce.
- measure any increases in commerce directly linked to amplified music on patios.

These need to be measured because residents have already spoken and their frustration is palatable from being dismissed. Therefore it is not enough to simply consult as the public meeting has already proven.

I would appreciate if these concerns could be addressed at council.

Thank you

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