

PUBLIC PARTICIPATION MEETING COMMENTS

5. Noise By-law Amendment - Temporary Noise Permits - Outdoor Patios

- J. McCormick, 26 St. Clair Place - indicating that he has lived in London all of his life and he has been a musician since the 1970s; stating that in the 1970's, London had three things going for it: jobs, a vibrant music community and a downtown London core that had many people of different ages around, even at night; noting that in the 1980's and afterwards, things spiraled downwards; indicating that bringing music to London patios is a win on so many levels, there will be patrons coming in to see musicians, musicians are going to be hired more frequently, the money they will earn from playing will be spent on goods and services in London, the servers are going to make more money and there will be a need for more of them, they will also spend their money on goods and services in London, venues will have an opportunity to make more money and also employ lots of people; stating that the city is known for festivals like Bluesfest, Jazzfest and Rock the Park and it is a huge tourist attraction, people want to come see live music; indicating that music patrons in the city are the many, not the few; stating that there will be the odd incident but there will also be the odd incident with a backyard party or a loud truck on the road; noting that there will be a lot of musicians that will be able to showcase their talent and you never know who may see you or hear you that could change your life and take you to the next level; stating that the talent in the city is unbelievable; noting that if he were to buy a residence in London and didn't want to hear live music he would not buy downtown, that it is just common sense; indicating that we have to take the next step to get people to come to the city; stating that people will embrace this, not only people who pay taxes; indicating that we do not need any more empty buildings in this city; noting that he is passionate about this and that many people are as well and that the Music Office has done a great deal of work on this and we cannot shut this down; indicating that this can be controlled and contained so that everyone is happy; stating that we want London to vibrant like it was in the 1970s.
- P. Rumsey, 7-308 Princess Avenue – stating that he is the sole proprietor of a disc jockey company and a resident of the area; indicating that he is in full support of the proposal; noting that London is blessed with an enormous amount of reputable, honest, hardworking people who own establishments and those owners know that people vote with their feet, that if they aren't happy with something they will leave; indicating that his biggest concern is the noise by-law and how it is enforced in this city; stating that if there are health, safety, labour violations or if you have criminal activity on the property, you will be shut down, but that if you violate the noise by-law in this community, nobody comes; noting that in his neighbourhood there is an apartment building that has a patio and they have bands and charge people to come and then when someone calls the police they are told that no officers will be coming out; stating that he wants something in the by-law that says to all of the reputable businesses that if they violate it someone is going to contact them and tell them that it is not acceptable; indicating that his only concern is that there are no teeth in the by-law.
- R. Stoetzer, 33 Metamora Crescent – stating that he has been a composer of music for television and film for twenty years and that he lives in London; noting that his career would not have started if he had not been able to play music live in many venues through the years; indicated that he supports the proposal; stating that he is part of a Musicians Task Force and has looked into other cities to see what is working and what is not working with respect to live music and see if they can implement new ideas in London; stating that one issue that continues to come up is not being able to play live music with amplified sources on patios; indicating that we are living in modern times and that every cell phone has the ability to download an app that will measure sound pressure so every person in the community has the ability to measure ambient and focused sound; stating that he can say, as a sound engineer, that ambient noise is very high in this city and that a truck going by can be up to 100 decibels; noting that sound pressure decreases as you move away from the source so measuring sound pressure from the property line is scientific and straight-forward; stating that this can be easily identified, measured and dealt with; agreeing that the people who want this proposal, for the most part will go forward in a reasonable and respectful manner and they want a vibrant city; noting that there is a hole in the music ecosystem in London and that there is an opportunity for artists to be able to perform but that they haven't been able to do so; stating that being able to perform live can provide a steady income for many musicians and not being able to perform on a patio in a controlled

- environment is ridiculous; stating that it is essential to have live music for a vibrant city; noting that he can understand the concerns of people living around venues but points out that the proposal allows for each situation to be measured on a case-by-case basis so that there is a proper fit for everyone in the community; indicating that he would like a change of wording from “noise by-law” to “sound by-law” because not all sound is noise; noting that he has been a recording engineer for thirty years; stating that the human ear is designed to be more sensitive to certain frequencies than others and that the human ear is more biased to the frequency of the human voice; noting that sound tapers off dramatically over a period of distance; indicating that if we measure at ninety feet or at a property line you have to take into account that there is an inverse square rule involved with distance, it is not linear it is an exponential tapering of sound over a distance; noting that what is measured at a property line and what is measured at a window are very different; noting that if we look at a venue by venue situation, having speakers that point towards the venue rather than out to the neighbourhood would solve a lot of problems; indicating that bass sounds will travel further and with greater energy than treble sounds, so having an attenuation of bass sounds after 11:00 PM could be a possible technical solution to having sound carried further out; stating that the ambient noise in most cities is between 40 and 70 decibels anyways and will increase as populations grow so downtown residents will be experiencing higher levels of ambient noise; noting that he believes there is a solution here and it is possible to solve all of the problems put forward.
- C. Stewart, President, London Musician Association – stating that he has made a living as a musician since 1980 and that he lives in London; noting that he can make a living as a musician because he can play gigs; indicating that his concern with the proposal is that everything has been lumped into one category but that there is live music that is recorded and intended to get people dancing and there is live music that is acoustic and would not get higher than 70 decibels; noting that there needs to be a noted difference between recorded music and live music and that there are many different types of music.
 - J. Jacobs, 384 William Street – noting that he just moved back to London in January because of an opportunity to start a business; stating that he is taking over a music school at William Street and King Street; indicating that he moved back to London because he heard it was turning into a music city and then when he moved back he heard that all the patios were closing down and music not being able to be played here; noting that he wants to make a difference in London and he will but that music not being played, or being played at a low volume goes against the idea of a music city; stating that, from what he understands, London and Toronto actually have Music Officers and he is proud that London took the initiative to make that happen; stating that he is supporting the music sector and has been in touch with many people; noting that he is an entrepreneur and he will be employing seven people; stating that Council needs to support the development of artists and allow amplified music on patios.
 - D. Grant, London – stating that he was born and raised in London, Ontario and is a professional musician; indicating that he teaches and one of the courses is artist development; noting that one of his jobs is to listen to his students and they are musicians; stating that there are many struggles for live musicians; stating that he has lived in many countries and worked as a professional musician and when he moved back to London he was shocked by the decimation of the music industry in the city; indicating that anything the city can do to encourage live music is extremely welcome; agreeing with Mr. Stoetzer that the word noise should not be associated with the word music because music comes in all forms; noting that musicians often face struggles in finding venues and making money from performing and that this by-law, which will allow live music, is only the first step; stating that the next step is to encourage the culture of live music in the city; indicating that he understands that this Council has a vested interest in reviving the culture in the city and this would just be the first step in showing that commitment.
 - S. Clement, 2 Carrothers Avenue - See attached communication.
 - B. Nellis, 937 Dalhousie Drive – stating that he and his wife are entrepreneurs in the city and employ 27 people, a number of whom are from Western University; noting that a problem they are having as young business people is attracting the best talent; indicating that London does have a lot of great things to offer like culture and the attraction to stay in London is driven largely by culture; stating that himself and many young business owners think this proposal is fantastic and is a way to draw in the best quality people for the jobs in the city.

- B. Whitney, London and St. Thomas Association of Realtors – stating that in the last three months there has been a huge push on the city and home sales are crazy; noting that she gets asked a lot by out-of-town buyers what London’s downtown is like and about patios in the summer; indicating that these buyers are coming from Toronto, Hamilton, Kitchener and all of those cities have music on patios; stating that she would like to be able to tell people that London does have music on patios but she cannot say that yet; stating that she supports the proposal and that she does understand residents in the downtown area are against it to a point but that it is only for a few months out of the year; indicating that this city needs to bring up what the downtown used to be.
- P. Clarke, 116 Woodward Avenue – indicating that he is a music student at Western University and a working musician and has played a number of shows at restaurants and bars in the London area; stating that in the musician industry it is really difficult to find enough work; noting that he and many musicians feel that many opportunities are lost by not being able to play on patios; stating that more to that point is the dichotomy of downtown where people want to go out and hear music but the musicians have to be inside while patrons want to be outside on patios so they play to empty rooms; indicating that there needs to be a more cohesive energy that people expect when they go to see live music in the fall and winter; noting that there is also a problem with blanket statements and that it is easy to think that if there is music on a patio it will definitely affect people around it but what is being proposed is as much of a case by case basis as anyone could really hope for and nobody is claiming that it is going to be everywhere all the time, rather it is going to be tailored to what each venue can accommodate.
- A.M. Valastro, 1-133 John Street - See [attached](#) communication.
- M. Lerner, 333 Green Acres Avenue – indicating that to put things in perspective, the last two speakers were speaking at 63 to 66 decibels and he hopes that gives some insight into the degree of sound that we are talking about and that is what is being talked about at the point of reception; stating that he has lived within two miles of Western University and the Elsie Perrin Williams Estate for his entire life; noting that what he hears from the University in the fall and winter may be noise to some but is sound to him and recognizing that there are 35,000 people on campus who are contributing to the support of business and other organizations in the city; indicating that some of his neighbours may consider it noise but he considers it sound and is prepared to deal with it; noting that in the summer when there are events at the Elsie Perrin Williams Estate there is sound that is significantly higher than the decibels that are being proposed and he accepts that; stating that he accepts that he lives near a place where people come together to celebrate events; noting that he thinks the proposal is a balanced one but that it seems to be a bit of a contradiction to him that the city wants to have better transit to get people around but wants to stifle patios which could be considered the lifeblood of those communities.
- C. DePietro, 500 Talbot Street – stating that by the time music from venues reaches her unit it is no longer music, it has been bouncing off other buildings and it is noise; indicating that in the past she had a problem with a bar downtown and it took months to resolve it because the police had to be involved and they are busy doing other things; indicating that just because you are not in favour of the by-law does not mean you are against music; noting that she likes live music but if Council wants people to live downtown they need to be given the opportunity to enjoy their properties and they pay taxes too; stating that she understands that there are noises everywhere but that she does not want to hear noise from venues seven nights a week until midnight, that is unacceptable; indicating that she has to work for a living and get up in the mornings and there needs to be a balance; stating that it is ridiculous to say that if you are against this by-law you are against musicians; noting that nobody can handle noise all the time and that music does not have to be on patios, it can be indoors.
- W. Flintoff, 152 Albert Street – stating that Albert Street currently has four patios and if you look at the surrounding blocks it is actually eight to ten; indicating that what is not being addressed in the report is what happens if you do testing in an area with multiple patios in close proximity and what is the impact on properties in those areas; stating that multiple patios will have their own events going on at the same time and what does it mean if noise at each patio is at the acceptable level but cumulatively it is more than that, how is the by-law officer going to adjudicate that and that needs to be addressed; inquiring as to how the level of 70 decibels was decided as the standard; noting that according to information he has the standard level for a residential area with human activity is 55 decibels and so this is 27% above what the recommended level is; stating that he has been to all of the

- establishments in his area and he is not against them and he is not against music but that the city needs to look critically at multiple sites at the same time and at the 70 decibel level; noting that he wants more people to be drawn downtown but more people means more voices and the higher the voices, the higher the sound level and with alcohol the levels increase more; stating that when people are leaving events the neighbours have to deal with increased garbage, public destruction and people using gardens as public latrines; noting that as a resident he should be able to enjoy his property, whether he be inside or outside and he fears that the by-law, in its present form will devalue his property and affect his quality of life and therefore he cannot support the proposal in its present form; indicating that he thinks there needs to be more studies on the effect of multiple events occurring at the same time in close proximity.
- C. Charlton, 7 Picton Street - See attached communication.
 - V. Grant, 22 Picton Street – stating that she has lived in London most of her life and at one point she lived in North London and was aware of the events going on and she attended many of them; indicating that she is not at all opposed to music and dancing on patios; noting that she grew up in the 1960s and 1970s and has a great appreciation for music and she also comes from a family of musicians; noting that she is very impressed with the Music and Entertainment Districts Feasibility Study and that she supports the music industry up to the point of excessive amplified music; stating that her opposition is to the loud volume of amplified music, particularly the heavy bass for the extended hours beyond 11:00 PM; wondering if a study has been done with respect to music and dancing on patios that shows that it improves economic value in cities; stating that she is not aware of such a study and could not find one; asking what happened to the plans for the Celebration Performing Arts Centre that she last heard of in June 2014; noting that she fully supports the idea of such a centre as it would showcase local talent and it would be a venue to invite performers from other cities to; stating that as a resident of downtown London she wants to do everything she can to preserve the beauty of the area, including the trees the birds and other wildlife and to make it a welcoming draw to those who may want to live and work in London; indicating that her concern is that residents may be repelled or driven out of her neighbourhood if a balance is not struck with the music and culture districts; noting that many young people who may be drawn to live in this area would still need to get up in the mornings for work or school; recognizing that music needs to be amplified above the ambient noise but has any thought been given to noise mitigation so residents can sleep, such as speaker positioning; indicating that many residents are concerned with hearing loss and that doctors are required to report noise-induced hearing loss to the WSIB.
 - B. Georgini, 547 Ambelside Drive – noting that he has lived in London his whole life; indicating that he wants to recognize the work that Council has been doing along with the music office on this subject; stating that he used to work for the London Convention Centre and traveled around North America to draw conventions to London; noting that it is not the building that draws people it is the city; stating that there are pros and cons to everything but that he is there to talk about the outside perspective; stating that people come to the city of London to see what is going on; indicating that he thinks that Mr. Katolyk has done good work and that 70 decibels is fair; stating that from traveling around North America he has seen how good it is for a community to support musicians; indicating that the work that has been done allows for different patios to have different restrictions; noting that we have to be aware that this not only affects Londoners, but people who come to London as well.
 - J. Winston, Tourism London – stating that he thinks that the recommendations are very well balanced and bring great perspective to the idea of music on patios and he recommends quite strongly that the committee support the recommendation; indicating that the City has embarked on a music strategy and have dove-tailed their work to make London a culture destination by hosting the Canadian Country Music Awards and by working to host the Juno Awards and they work very closely with the music sector in the city because it is important in terms of the vibrancy it creates for the community; noting that they just completed an Economic Impact Study with the Conference Board of Canada and the study indicates that the tourism sector generates in excess of \$730 million of economic impact; stating that we also host over 2.1 million overnight visitors and host approximately 4 million day visitors that come to the City of London; stating that when people come to the city, the information centre or the website, the thing they are most looking for is what to do in the city; indicating that being able to have music on patios and some vibrancy added to the core and supporting venues that have live music is a right first step and it will be started and monitored and examined and hopefully a policy

can be created that will benefit all of the citizens in the community and create something very special.

- R. Shrines, 197 Starlight Avenue – stating that his family runs a business in London and that he is very proud of this city and he has travelled all over the world and toured with many acts; indicating that when he runs into people from London in other parts of the world they get excited because London has been known as an exciting place; noting that he understands that a lot of residents in the area are concerned but that these concerns could go away if someone would just listen to them when things happen; indicating that he fully supports this proposal because he thinks it is reasonable that sound is measured from the property line or from the complaint location but that it is also critically important that when people call, someone cares; noting that everyone here is equal and the city needs to care about the complaints; stating that he works in a business where he supplies and installs sound systems and a lot of people think that you can get better sound systems in Toronto; noting that he visited Nashville and the culture and environment that the music has created there is incredible; stating that if that is what we want for London we have to make sure to listen to people and have action when it is needed and reasonable but not stop anyone who is trying to do great things for London and bring in business; indicating that we have to find something reasonable that will work for everyone; noting that he thanks Council for creating the music officer position and for the work that they are doing on this.
- R. Brierly, 1201-22 Picton Street – indicating that his apartment is on the west side of his building so he does hear music from across town; noting that he and his wife are fans of live music and go to many venues around the city; stating that he does have a couple of concerns, one is the venues that are in close proximity of each other and the fact that music starts at both venues and arrives at his window as noise; noting he wants to make sure there is a way to deal with these venues that are so close to each other and that the policing be divided up in such a manner that they can both be satisfied; stating that he would like it if downtown residents could have a phone number where they could get a response when they do have a complaint.
- M. Moussa, 155 Thornton Avenue – stating that he cannot believe we are here again; expressing that the residents of downtown are not happy with this; stating that he keeps hearing that vibrancy and patio music are synonymous; noting that he has no problem with music and he likes it loud but he does not disturb other people; indicating that he keeps hearing that this will bring more people to London and create jobs and more spending; noting that he worked in the restaurant and bar business for eight years and ran a successful business and had live entertainment 5 to 6 nights a week and did not need outside music; stating that musicians are kidding themselves if they think that amplified music will apply to live music, that will actually apply to electronically amplified, pre-recorded music; noting that he has a building downtown with residents and he heard tonight what do you expect if you live downtown; indicating it has been multi-family residential for thirty years and there are bars opening up down the laneway in the last three or four years; noting that he receives attitude from employees of these establishments; stating that he is in support of live music but he does not think it needs to be out on patios, no amplified music does; indicating that some of the Councillors are looking at leveling the playing field but we do not need this for downtown; stating that there are not going to be many people who want to move downtown if they have to deal with reverberations; noting that if a business thinks it needs amplified music to help business they have more problems than that; indicating that the enforcement of by-laws especially noise by-laws are less than ideal in this city; giving the example from few months ago when there was amplified music on a patio before it was allowed and a call was made to the by-law enforcement number and he was told to call London Police Services because by-law enforcement is not available at that time; stating that he does not want to call the police over a noise issue because they are busy enough; asking how can they guarantee that the by-law will be enforced when noise issues are not dealt with now.
- K. Rapson, Woodfield Community Association – noting that she is speaking on behalf of a few people she has heard from about this issue; stating that she has heard comments from people in her community for both sides, some for and some against; indicating the need for a balance so that it is a livable place where you can have small children living downtown and people that want to go to bed early; noting that it was interesting to think of the difference between live music and amplified, recorded music and maybe that could be addressed in further studies; noting that she wants to support the music industry.

- D. Nuttall, 500 Talbot Street – indicating that he was asked to come and speak on behalf of a number of the residents in that building; providing an example of the effect on his building at Talbot and Dufferin only; stating that a new condominium project is being built now but one of the buildings that was torn down had a bar in it with a patio; noting that in the summer months it was full of people talking and drinking and then they would bring on some acoustic music and he could hear it from his balcony and everything was fine; indicating that after that there was a trio playing on the patio and it started off fine but as the night went on they turned the volume up louder and louder and people couldn't talk anymore, they were just forced to sit and watch the performers; noting that the worst, though, is when there is a solo artist with an electric drummer and it was so loud that nobody talked, they were just forced to sit and listen to the performer; stating that by the time that type of music reaches their building it is not music anymore and people cannot have their windows open because of that type of music; indicating that nobody in the building is complaining about the special events, they know about the Rock the Park and nobody minds it because it is a limited time event and it closes at a certain time; stating again that acoustic music on patios, even if slightly amplified, doesn't bother people, it is the solely amplified music that is the problem; noting that the by-law says the patios will close down at midnight but they will not and there is not the manpower to go out and enforce it.
- J. MacDonald, Downtown London – indicating that back in the 1990s, Council invested a great deal of money into the downtown to make it more vibrant; noting that Downtown London represents a large number of businesses in the downtown and most of them hospitality industry, which is the most successful sector; stating that a lot of businesses count on the local residents to be their customers or regulars and so they want to strike a balance as well; indicating that she trusts the city to judiciously enforce the by-law as they have described and that the music office is looking for a good neighbour program; noting that a number of cities that count on a nightlife have a good neighbour program and through land use and planning, new buildings that are going up are asked to have sound-proofing; stating that she agrees that everyone should be listened to but there needs to be a balance and she applauds Council and by-law enforcement staff for looking into this issue.
- H. Chapman, 152 Albert Street – stating that everyone she knows loves music and moved downtown because they wanted to enjoy all of the different venues, concerts, festivals and entertainment; indicating that no matter what the technology is or how the human ear processes music, the fact is that the downtown is full of many tall buildings and hard surfaces and good music, bad music or voices talking on patios ricochets off those surfaces; indicating that in her community she can often hear things happening in other communities; noting that there are more tall buildings being built downtown and that causes more ricocheting of sound and it just ends up being noise, no longer music and it is unbearable to those who are trying to sleep at night or just trying to enjoy their own properties; noting that she would appreciate it if the Committee would take that into consideration.