

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee
From: John M. Fleming
Managing Director, Planning and City Planner
Subject: Music, Entertainment and Culture District Strategy
Amendments and Implementation Status Update
Meeting on: November 12, 2018

Recommendation

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the Music, Entertainment and Culture Districts:

- a) the revised Music, Entertainment and Culture District Strategy attached hereto as Appendix "A" **BE APPROVED**, it being noted that the Strategy has been amended as directed by Municipal Council on March 21, 2017 and on June 13, 2017 and contains replacement pages 63 to 65, revisions to pages 66 to 67, and document-wide changes redefining and renaming the former "Downtown District"; and,
- b) the Music, Entertainment and Culture District Implementation Status Update attached hereto as Appendix "B" **BE ADOPTED**.

Executive Summary

The *Music, Entertainment and Culture District Feasibility Study* was adopted in part on March 20, 2017. Since its partial adoption, City staff have been working to both update the study as directed by Municipal Council and to implement the adopted portions of the study. This report make these necessary changes to the *Music, Entertainment and Culture District Strategy* and provides a status update on the strategy's implementation to date.

Analysis

Previous Reports Pertinent to this Matter

- March 20, 2017 – Music, Entertainment and Culture District Feasibility Study and Strategy – Strategic Priorities and Planning Committee
- June 5, 2017 – Noise By-law Amendment – Temporary Noise Permits; Outdoor Patios Associated with Restaurants and Taverns – Community and Protective Services Committee
- June 6, 2017 – Zoning By-law Amendment to Remove Prohibitions of Amplified Music and Dancing on Outdoor Patios – Planning and Environment Committee

1.0 Background

London's Cultural Prosperity Plan was adopted by Municipal Council in March 2013. A key concept of this plan was the identification and recognition of important "culture districts" already existing within the city, including the downtown, Richmond Row and Old East Village. The *Music, Entertainment and Culture District Feasibility Study* further refined this direction and identified ways to help strengthen these districts.

On March 21, 2017, Municipal Council resolved:

That the following actions be taken with respect to Music, Entertainment and Culture Districts:

- a) the staff report dated March 20, 2017 BE RECEIVED; and
- b) the recommended Strategy contained in the staff report noted in a), above, BE APPROVED subject to the following:
 - i) Operating Hours of Festivals and Events and Volume of Noise (Pages 63 to 65 of the Strategy contained in the Feasibility Study) being excluded from the approval and being reported upon separately to the Strategic Priorities and Policy Committee within two meeting cycles; it being noted that staff will work to implement the Strategy over time and within existing budgets or in association with the next 4-Year Multi-Year Budget;
 - ii) the documentation being updated to redefine and rename the references to the "Downtown District" to the "Downtown & Old East Village Districts"; it being understood that these two Districts would not necessarily fall within one single boundary.

On June 13, 2017

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the application of the City of London, relating to entertainment permitted on outdoor patios associated with a restaurant or tavern in the City of London:

- a) the proposed by-law appended to the staff report dated June 6, 2017, as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on June 13, 2017 to delete Section 4.18 5) and renumber the following subsections of the General Provisions Section of Zoning By-law Z-1, (in conformity with the Official Plan), to permit amplified music, dancing or other forms of entertainment; it being noted that Noise By-law (PW-12) regulates noise levels and hours of operation and can provide regulations therein to address specific locations and situations; and,
- b) replacement pages 66 and 67, together with the other edits the Municipal Council requested to the Music, Entertainment and Culture District Feasibility Study, BE PRESENTED at a future meeting of the Strategic Priorities and Policy Committee (SPPC), to document comprehensively the City's Music, Entertainment and Culture District strategy; it being noted that pages 63 to 65 have already been referred by the SPPC.

2.0 Amendments to the Study

As directed by Municipal Council, the following amendments were made to the *Music, Entertainment and Culture District Feasibility Study*. In addition, the title of the document has been updated, from *Music, Entertainment and Culture District Feasibility Study* to *Music, Entertainment and Culture District Strategy*, to acknowledge the progress made to date and future implementation of the strategy.

2.1 Operating Hours of Festivals and Events

Operating Hours of Festivals and Events (page 63) was re-written to add clarity to the current situation and the proposed actions in terms of public and private property. All areas of the city, including those within and outside of the defined districts, will be afforded the same opportunities with the only distinction made between that of public and private property. The proposed actions would allow a temporary noise permit to be granted by the Manager of By-law Enforcement to a maximum of 12 a.m. on private property. The 11 p.m. curfew would remain, with any exceptions requiring Council approval.

2.2 Volume of Noise

Volume of Noise (page 64-65) was re-written to indicate that the proposed actions apply to all of the districts in the same manner. The proposed actions were revised to specifically address the location of measurement in terms of sound readings and to recommend similar consideration for the *Special Events Policies and Procedures Manual* during reviews. Reference to possible actions with respect to sound on outdoor patios was removed and addressed under the topic “Permitted Activities on Private Patios” on the following page for clarity.

2.3 Permitted Activities on Private Patios

Revisions to the previous section (Volume of Noise) created a need for the “Permitted Activities on Private Patios” section (page 66-67) to be amended as well. The revised proposed actions now address all districts in the same manner, retaining the action to permit amplified sound on patios by way of an application for a temporary noise permit with the recommendation for a maximum volume of 70 decibels that shall not extend past 12 a.m.

2.4 Downtown/Old East Village District

As directed by Municipal Council, Old East Village was removed from the Main Street District category and merged with the “Downtown District” category. The Strategy was revised to reflect this direction, which required minor edits to pages 57 through 61.

3.0 Implementation of the Strategy

Since the *Music, Entertainment and Culture District Feasibility Study* (now *Music, Entertainment and Culture District Strategy*) was adopted in part in 2017, City staff have been working to implement the tasks identified in Table 2 on page 83 of the strategy. It should be noted that while some tasks can be completed in full, many are ongoing overarching goals that are meant to continually be implemented and improved upon. Below is a summary of the progress that has been made to date.

3.1 Zoning By-law Amendments

Shortly after the adoption of the strategy, the City initiated a Zoning By-law amendment to remove regulations which prohibited amplified music, dancing and other forms of entertainment on outdoor patios associated with a restaurant or tavern. This Zoning By-law amendment was presented to the Planning and Environment Committee on June 6, 2017 and subsequently approved by Municipal Council on June 13, 2017.

This decision was appealed to the Ontario Municipal Board, which delayed the implementation of temporary sound permits for outdoor patios. However, the appeal was later withdrawn on April 27, 2018 bringing the amendment into full force and effect.

3.2 Sound By-law Amendments

On June 5, 2017, staff came forward with amendments to the Sound By-law (formerly the Noise By-law) pertaining to the temporary sound permit provisions. These amendments addressed the location of sound measurement with a focus on sensitive locations as well as the time and sound limits permitted through a temporary sound permit for community events and outdoor patios.

Approved temporary sound permits for community events and outdoor patios are listed publicly on the City of London website. Sound enforcement is undertaken during peak periods on Friday and Saturday night by Municipal By-law Enforcement Officers and patio-related sound issues are addressed at that time.

As the past framework permitted amplified music and dancing on “grandfathered” outdoor patios, the Sound By-law amendments and the previously discussed Zoning By-law amendments now regulate sound on outdoor patios on a consistent basis. These amendments successfully implemented the proposed actions identified under “permitted activities on private patios”, “operating hours of festivals and events”, and “volume of noise”.

3.4 Outdoor Patio Information Sessions

The previously discussed amendments to the Zoning By-law and the Sound By-law facilitated the ability for business owners to apply for temporary sound permits to allow for outdoor entertainment. To be proactive in the approach to these permits, City staff held an information session at Central Library on May 9, 2018 to inform downtown and Old East Village business owners of the opportunity, process and requirements of these permits. Staff from the London Music Office and the Chief Municipal Law Enforcement Officer were available to answer questions. This helped to implement the proposed actions under “accessibility of policies, regulations, and procedures”.

At the time this report was being prepared, ten amplified sound permits were applied for and approved for outdoor patios. Several additional applications were under review.

3.5 Special Events and Procedure Manual Updates

Through the annual review of the *Special Events and Procedure Manual*, policy changes were made which allowed for more flexibility in size, number and placement of areas where alcohol can be served and consumed within Victoria Park; the maximum total area permitted remained unchanged. This implemented the proposed actions under “fenced events”.

3.6 Active Programming and Local Talent

The Culture Office has been actively working to help enhance programming and host local talent in London. Between the adoption of the strategy in March 2017 and July 25 of this year, over 30 events and more than 160 performers were hosted or supported by the London Music Office. Such events included SequiFest, Soundcheck for Success, and Takover Fest in Old East Village. Staff will be coming forward shortly with an update to the *Cultural Prosperity Plan*, which includes a more detailed report on the past five years of programming and events in London.

3.7 Sound Mitigation

City of London Staff undertook tests of sound mitigation techniques during the 2018 summer festival season using physical barriers to reduce sound levels. Sound readings were taken and citizens commented that the sound was reduced with the mitigation devices. This background will help to feed into the proposed actions under “sound mitigation”.

The London Music Officer has been added to the circulation list for planning applications and now will have the opportunity to provide comments on Zoning By-law amendments and Official Plan amendments which are in proximity to existing music venues. It is the intention to inform applicants at this stage in development of potential conflicts between sensitive uses and music venues and to encourage applicants to incorporate sound mitigation measures in the building design.

3.8 District Collaboration

Staff from the Culture Office have been working closely with Downtown London and the Old East Village Business Improvement Area, groups located in the city’s major culture district. The focus is to share and leverage investments that have been made to promote activity within the downtown and Old East Village. The work done will help to implement a more formal process and the proposed actions under “district collaboration”.

3.9 Information Guides

The London Music Office has recently produced a Live Music Venue 101 Guide, available at londonmusicoffice.com. This guide provides information and advice to those looking to open a live music venue or add music to existing sites. The guide includes links to the related information, such as the Service London Starter Guides for restaurant, night clubs and bars.

A Good Neighbour Guide was also recently created by the London Music Office. This guide is intended for owners of bars, restaurants and entertainment venues and

provides suggestions to reduce potential conflicts and complaints. This was identified as a proposed action under “advanced notice and information access” and helps to implement this task.

3.10 Traffic Congestion

Staff are currently working to address traffic congestion, specifically within the downtown that results from a large number of patrons leaving when an event ends or bars close. Staff in By-law Enforcement have consulted with the taxi industry early in 2018 to work towards finding options to reduce the impact of vehicles queuing to pick up patrons. Implementation of this work is ongoing and these discussions will feed into a more comprehensive plan in the future to implement the proposed actions under “traffic congestion”.

4.0 Planned and Future Projects

Implementation of the *Music, Entertainment and Culture District Strategy* will continue. The implementation of some items can be completed within existing budgets; other items requiring additional resources may be considered by Council, alongside other funding requests, through the 2019-2023 Strategic Plan process and 2020-2023 Multi-Year Budget process.

4.1 Dundas Place Policy

Dundas Place construction will be wrapping up for the first phase by the end of the year. As this space is designed to be active and programmed, how this is facilitated is important and a review of the current policies and procedures will be undertaken by staff and likely result in proposed amendments. As a part of this, a stream-lined approach to obtaining a permit to close Dundas Place to traffic will be considered.

4.2 Sound Mitigation Research

Research is currently underway by the Culture Office (Parks and Recreation) relating to policies for managing the impacts of change as they occur. Staff in the Culture Office are leading this conversation, as they meet with staff in the Building Division and Planning Services to understand how concepts implemented in other locations could be adapted within a London context.

4.3 Centralized Website

Planning Services staff will be working with other City departments to create and maintain a website with centralized and simplified information, with links to relevant policies for easy navigation as well as links to other websites to help the public stay informed on the events planned in their neighbourhoods that may result in disruptions. Creation of this website may require additional resources through the 2020-2023 Multi-Year Budget process.

4.4 Wayfinding Signage

The *Music, Entertainment and Culture District Strategy* identifies the need to provide a strategic wayfinding system to direct people to key destinations within the city and to help promote and brand districts. The cost of signage, installation and maintenance should be assessed in further detail and possibly considered through the 2020-2023 Multi-Year Budget process.

4.5 District Branding

Permanent labelled gateway markers to signify entry into a district and to establish the district identity are recommended through the *Music, Entertainment and Culture District Strategy*. The cost of such elements as signage, banners, lighting and ongoing maintenance would need to be assessed and considered in future budget processes. A Business Case would likely need to be prepared.

4.6 Signage Pilot Program

The *Music, Entertainment and Culture District Strategy* identifies that there is a financial hurdle to local and start-up events when it comes to advertising and promotion. The study recommends a pilot program which would provide financial assistance to local

and start-up organizations for signage to market the events. This concept would need to be assessed in further detail and its implementation would require dedicated funding. This could be considered by Council, alongside other funding requests, through the 2020-2023 Multi-Year Budget process.

5.0 Conclusion

Implementation of the *Music, Entertainment and Culture District Strategy* is underway. Several future projects necessary for the complete implementation of the study will require consideration in future budget cycles.

Acknowledgements

This report was prepared with the assistance of City staff from Parks and Recreation, the Culture Office, Development and Compliance, Licensing and Municipal Law Enforcement, and Development Services.

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November 5, 2018

Appendix A – Music, Entertainment and Culture District Strategy

**Appendix B – Music, Entertainment and Culture District
Implementation Status Update**