



April 23, 2018

To the Chair and Members, Planning and Growth Committee

Att: Committee Secretary Nancy Martins

**Re: Downtown Secondary Plan**

York Quay Neighbourhood Association has dealt with exciting urban developments on the Central Waterfront for 15 years. We have participated in the ML&S Working Group for a new Noise Bylaw and are a member of the Toronto Noise Coalition (TNC) as well as Waterfront for All. We are sharing this document with TNC and have added a few unique concerns for the Waterfront.

The Downtown Plan is a 25-year vision that sets the direction for the city centre as the cultural, civic, retail and economic heart of Toronto and as a great place to live. Toronto's Official Plan has been successfully encouraging residential development in mixed use areas, and the Downtown now has a very sizeable residential population (240,000), which is growing quickly. The Downtown Plan's Section 3 "Complete Communities" stresses the importance of maintaining and improving **"liveability for residents, workers and visitors"** and through keeping the **"heart of the city strong, liveable and healthy"**.

The Toronto Noise Coalition was formed in 2016 in response to proposed changes to the Noise Bylaw that would weaken protection of those who live, work and play in the City. We believe that weak protection and enforcement threatens quality of life. It has been a major source of complaints in the Downtown area, with its high density residential development and many entertainment uses that can create excessive unwanted and unnecessary noise. We therefore have concerns about ensuring a liveable Downtown with respect to noise impacts, and about the Live Music proposals as they now stand. This is not Austin Texas. A future "dream" of an industry should not be imposed by ignoring the rights of the citizens to ensure their living space is LIVEABLE! The TNC believes that acceptable results for all can be achieved through cooperative dialogue.

As well as encouraging adequate physical infrastructure, the Plan must specifically include broader objectives to protect the health and safety of people living in the Downtown to ensure we will have a liveable City with clean air and water, safety and protection from unwanted and

unnecessary noise. But excessive noise is already driving residents from the Downtown, especially from the Waterfront, which has a dozen outdoor performance venues, festivals, airplanes, tour boats, traffic and millions of visitors every year. Noise travels fast and unimpeded across the water and up into condo towers, which creates challenges that are different from other parts of Downtown and need special research to mitigate. YQNA is asking for this special consideration.

The Plan's objectives regarding Complete Communities in Section 3 are to ensure liveability for residents, workers and visitors must be strengthened in the proposed policies to ensure, among other things, protection from unwanted excessive noise. This is particularly important as the City explores options for a night economy.

The preamble of Live Music in Section 12, notes that "As the city intensifies, there is a concern that live music venues, especially those that are directly related to the city's cultural history, will be displaced due to rising land values and competition from other sectors for space. The retention of live music venues must be pursued as *Downtown* grows." The YQNA and TNC support live music in the Downtown, but Toronto should do what Vancouver has done and make sure that any music entertainment uses are only permitted and controlled with proper soundproofing and other noise mitigation measures. Unwanted noise from music venues and particularly amplified sound, is a major source of complaints.

#### **New venues:**

We therefore strongly support proposed Section 12.11.1. that states that "**NEW** live music venues located within Mixed Use Areas 1, Mixed Use Areas 2, Mixed Use Areas 3, Mixed Use Areas 4 and Regeneration Areas will be designed and constructed to minimize noise from the premises and provide acoustic attenuation measures that would protect residential uses."

#### **Existing venues:**

New strategies must be put in place recognizing the different types of venues, but they must be based on the principles that the onus is on the venue to ensure reasonable protection of others nearby. We reject the "Agent of Change" concept as proposed in Sections 12.11.2. and 12.12. While the residents of new developments will have some protection from noisy neighbours, this approach is unfair and costly for new developments and does nothing to reduce excessive noise from existing entertainment facilities that will continue to affect the numerous existing neighbours. 12.11.2 requires new development to include noise mitigation measures, and 12.12 requires nearby projects "to include an advisory within the Site Plan Agreement and/or Condominium Declaration that notifies purchasers, leasees and tenants of possible noise that may arise from its proximity to a live music venue."

YQNA is forwarding this "agent of change" information to the many developers with projects on the Waterfront, since it could seriously affect their building costs.

There are fairer and more effective ways to help existing music venues that have noise problems. We recognize that some venues already operate to protect surrounding communities and that some are small and have little or no impact. Some larger venues are able to fund needed noise mitigation, and some should be required to do so in order to continue operations. We note that cities such as Boston provide loans and other assistance such as reduced taxes and rents. New funding options to improve noise protection from existing problematic venues must be developed. And as well, the City Noise Bylaw must contain appropriate provisions and enforcement programs. New initiatives, such as for a “night economy” must comply.

**Outdoor venues:**

“Accommodation of community and special events, as appropriate” in parks and public realm, is promoted in Section 7.3.12. “As appropriate” must be further clarified to ensure that approval of events be undertaken in consultation with the affected community so that local impacts can be considered. YQNA opposes commercial use of our popular and crowded parks and public spaces, with very few exceptions. Waterfront residents now must endure egregious disruptions from an excessive number of outdoor events. The Plan must protect nearby residents, workers and visitors from excessive noise from outdoor events in parks and private open space. Section 8.4.5. states the objective is to “create vibrant public spaces that encourage public life”. While this is a great general objective, it must be limited to “as appropriate”, so that the impacts of the vibrancy can be suitable for the particular location, and not used as a rationale for activities that will be disruptive to nearby residents, workers and visitors. Noise regulation have been poorly enforced in the past and must be improved.

In summary, YQNA and the Toronto Noise Coalition recommend strengthening the proposed Downtown policies to help ensure a more liveable environment for residents, workers and visitors, and in particular that live music will be a good neighbour. (We note that the new Noise Bylaw to be completed by the end of 2019 must be an essential part of achieving such as liveable City.) The YQNA and TNC therefore recommends:

1. that subsection 3.5. under Complete Communities (which states “Downtown will be inclusive and affordable, with a range of housing that meets the requirements of a diverse population with varied needs, including supportive services for vulnerable populations.”) be expanded to add “liveable” (before “inclusive” and following “populations”) and that residents, workers and visitors are assured a safe and healthy environment including protection from excessive noise;”
2. that Sections 12.1.1 be adopted but that 12.1.2 and 12.2 be referred back for further consideration of effective options that place the onus on the venue to protect people living nearby from excessive unwanted noise, and to explore options to improve venues that require assistance;

3. that Section 7.3.12 (“Accommodation of community and special events, as appropriate”) regarding parks and public realm, be amended to include “in consultation with the nearby community where it will be affected by the events” and to clarify that commercial events not be permitted; and
4. that Section 8.4.5. which states the objective to “create vibrant public spaces that encourage public life” be amended to add “as appropriate for the applicable location”.

YQNA noticed that public surveys and opinion polls are planned to determine to what extent amplified sound and other noises can be accepted downtown. We object to that, because noise is a health and pollution issue, not a matter of opinion. Besides, with almost all the growing entertainment areas being placed downtown Toronto, a general survey would show lopsided results. The majority of residents and workers are fortunately NOT affected by noise and would likely allow more of it, while the minority in high noise areas would suffer and not be heard in a survey format.

YQNA looks forward to working further on the Downtown Secondary Plan. We are always available with local information.

Greetings

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