

Chair and Members, Planning and Growth Management Committee

Re: Downtown Secondary Plan

The **Wellington Place Neighbourhood Association (WPNA)** is submitting the following letter created by the Toronto Noise Coalition. We strongly support the positions stated within and recommend that the Committee carefully reconsider the referenced texts that suggest an allowance for existing venues to be excused from noise mitigation action in areas where residential development continues to occur.

Furthermore, proposing that advisories be included in the Site Plan Agreements or the inclusion of clauses in Condominium Declarations which reference exemptions for potential ongoing noise disturbances emanating from existing music venues is both unfair and a potential violation of equality under the law. In effect, the proposal suggests that the city's noise bylaw provisions would be applied in an unequal fashion to residents depending on their proximity to such venues.

In effect, this kind of an approach puts the operation of a music venue business ahead of the basic legal rights and well-being of residents. Moreover, it also suggests a questionable incursion into provincial regulations regarding the creation of condominium documentation. It should also be clear that Condominium Declarations are not carved in stone; they can be amended by a majority of owners so long as the amendments meet provincial requirements and the statutes of the Condominium Act. In short, no condominium corporation would be required to maintain a clause exempting itself from the protection of a city bylaw.

We urge you to carefully reconsider these issues and the points discussed below.

The submitted letter from the Toronto Noise Coalition is as follows:

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) and it is growing quickly. The Toronto Noise Coalition (TNC) wants to stress the importance of ensuring the Downtown remains liveable, as stressed in the Downtown Plan's Section 3 "Complete Communities" regarding 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 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 and provides the New York City Noise Code as an example.

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 – objectives regarding health issues, such as air quality and safety as well as protection from unwanted and unnecessary noise. But excessive noise is already driving residents from the Downtown. 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 TNC supports live music in the Downtown but notes that the proposals in this draft Plan will not help with displacement of venues and complaints about unwanted noise will continue.

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.

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 being 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.” There are fairer and more effective ways to help existing music venues that have noise problems. We recognise 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 improvements. Others must be required to make

improvements in order to continue operations and that the City can assist them. 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. Perhaps Section 37 funds can be used. Of course, the provisions in the City Noise Bylaw must contain appropriate provisions and enforcement programs that protect citizens from unwanted noise. 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. For example, Waterfront residents now must endure egregious disruption 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 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. Commercial and unofficial events must not be permitted and noise regulation must be enforced.

In summary, the Toronto Noise Coalition recommends 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 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 live 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 included “in consultation with the affected 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”.

Regards,

Dieter Riedel – Wellington Place Neighbourhood Association

cc.: Scott James – Secretary, Wellington Place Neighbourhood Association