



**City of Kingston
Report to Council
Report Number 18-140**

To: Mayor and Members of Council
From: Lanie Hurdle, Commissioner, Community Services
Resource Staff: Paige Agnew, Director, Planning, Building & Licensing Services
Date of Meeting: May 1, 2018
Subject: Request for Extension of Noise Exemption – Queen’s University, Richardson Stadium

Executive Summary:

Queen’s University has applied for an extension of its existing temporary exemption to the City’s Noise Control By-Law to permit the playing of amplified music at Richardson Stadium up to 15 occasions between 9:00 a.m. and 9:00 p.m., Monday to Sunday, including statutory holidays, between July 1, 2018 and June 30, 2019. One of these 15 occasions involves an evening Queen's Varsity football game, for which Queen's University is requesting that the exemption for the playing of amplified music be extended until 10:30 p.m. on Sunday, September 2, 2018 only.

On May 16, 2017, Council approved an extension to a temporary noise exemption for Queen’s University at Richardson Stadium, originally approved by Council on July 15, 2014. This exemption permitted the playing of amplified music up to 15 occasions at Richardson Stadium between the hours of 9:00 a.m. and 9:00 p.m., Monday to Sunday, including statutory holidays, from July 1, 2017 to June 30, 2018 and permitted amplified music on one of those occasions until 10:30 p.m. in conjunction with an evening varsity football game.

No responses were received to a public notice of this current noise exemption request.

Based on the absence of complaints received regarding noise from amplified music at Richardson Stadium during the current exemption extension, and that no objections have been received in response to the public notice of this exemption request, staff recommends approval of the request for this further extension of the noise exemption, and also recommends approval of Queen’s request to play amplified music at Richardson Stadium until 10:30 p.m. on Sunday, September 2, 2018, in conjunction with an evening varsity football game.

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Recommendation:

That Queen's University be granted a further extension of its exemption from the prohibition on noise under Schedule "B", Activity Number 4, of By-Law Number 2004-52, 'A By-Law to Regulate Noise', to allow for amplified music to be played at Richardson Stadium to a maximum of 15 event occurrences between 9:00 a.m. and 9:00 p.m., Monday to Sunday, including statutory holidays, between July 1, 2018 and June 30, 2019; and

That as one of the 15 occurrences at Richardson Stadium, amplified music be permitted until 10:30 p.m. on Sunday, September 2, 2018 in conjunction with a scheduled evening Queen's varsity football game; and

That Queen's University report their game occurrence usage for Richardson Stadium in which amplified music is played to the Manager of Licensing and Enforcement at the end of each month between July 1, 2018 and June 30, 2019.

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Authorizing Signatures:

ORIGINAL SIGNED BY COMMISSIONER

Lanie Hurdle, Commissioner, Community Services

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER

Gerard Hunt, Chief Administrative Officer

Consultation with the following Members of the Corporate Management Team:

Jim Keech, President & CEO, Utilities Kingston	Not required
Desirée Kennedy, Chief Financial Officer & City Treasurer	Not required
Denis Leger, Commissioner, Corporate & Emergency Services	Not required

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Options/Discussion:

Queen's University has applied for an extension of its existing exemption to the City's Noise Control By-Law to permit the playing of amplified music at Richardson Stadium up to 15 occasions between the hours of 9:00 a.m. and 9:00 p.m., Monday to Sunday, including statutory holidays, from July 1, 2018 to June 30, 2019 (Exhibit A). One of these 15 occasions involves an evening Queen's varsity football game, for which Queen's University is requesting that the exemption for the playing of amplified music be extended until 10:30 p.m. on Sunday, September 2, 2018 only. Queen's initially also requested an exemption until 10:30 p.m. on Saturday, September 29th for a second evening football game, but subsequently withdrew that request as the game is now scheduled to be played in the afternoon.

Under the Noise Control By-Law, the use of game whistles and the amplification of sound for the purpose of playing the national anthem and intermittent game-related PA announcements during organized sporting activities at sports fields are permitted between 8:00 a.m. and 10:30 p.m. The playing of amplified music during organized sporting activities at sports fields remains prohibited at any time in a residential area, without an exemption approved by Council.

On May 16, 2017, Council approved an extension to a temporary noise exemption at Richardson Stadium, originally approved by Council on July 15, 2014. This exemption permitted the playing of amplified music at Richardson Stadium between the hours of 9:00 a.m. and 9:00 p.m., Monday to Sunday, including statutory holidays, for up to 15 occurrences from July 1, 2017 to June 30, 2018, and on one of those occasions, permitted the playing of amplified music until 10:30 p.m. in conjunction with an evening varsity football game.

A public notice of the current noise exemption request (Exhibit B) was published in The Kingston Whig-Standard and posted to the City's website on April 3, 2018. No responses were received to the public notice.

Based on the absence of complaints received regarding noise from amplified music at Richardson Stadium during the current exemption extension, and that no objections have been received in response to the public notice of this exemption request, staff recommends approval of the request for this further extension of the noise exemption. Staff also recommends approval of the one-time request to play amplified music at Richardson Stadium until 10:30 p.m. on September 2, 2018, the Sunday preceding Labour Day, in conjunction with an evening varsity football game, as this time frame aligns with the time now permitted for other types of noise associated with a sporting event including whistles, the playing of the national anthem and intermittent P.A. announcements. The 10:30 p.m. extension request was specifically referenced in the public notice and no objections were received.

Existing Policy/By-Law:

Council may grant exemptions to By-Law Number 2004-52 "A By-Law to Regulate Noise". The authority to approve noise exemptions is specifically granted to Council under Subsection 129 (3) of the *Municipal Act*.

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Notice Provisions:

The *Municipal Act* no longer requires public notification of noise exemption requests, but notice is given in order to provide Council with some community feedback before deciding on these requests. An advertisement of this request for exemption was placed on the City Page in The Kingston Whig-Standard on April 3, 2018 and was posted on the City's website. The advertisement stated that anyone wishing to object to the exemption should deliver their concerns in writing or by email by 4:30 p.m. on April 13, 2018, to the Licensing and Enforcement Division.

Accessibility Considerations:

Not applicable

Financial Considerations:

Queen's University is required to pay a 're-application for noise exemption' fee of \$79.50 to help cover the cost of processing the noise exemption extension request as well as the full cost for publishing the notice in the newspaper.

Contacts:

Paige Agnew, Director, Planning, Building & Licensing Services 613-546-4291 extension 3252

Lacricia Turner, Manager, Licensing & Enforcement 613-546-4291 extension 3222

Greg McLean, Policy and Program Coordinator 613-546-4291 extension 1336

Other City of Kingston Staff Consulted:

Not applicable

Exhibits Attached:

Exhibit A Correspondence from Applicant

Exhibit B Public Notification of Application for Noise Exemption



PRINCIPAL AND
VICE-CHANCELLOR

Richardson Hall, Room 351
Queen's University
Kingston, Ontario, Canada K7L 3N6
Tel 613 533-2200
Fax 613 533-6838

March 28, 2018

Mr. Greg McLean
Policy and Program Coordinator, Licensing & Enforcement
City of Kingston
216 Ontario Street
Kingston, ON K7L 2Z3

Dear Mr. McLean,

I am writing with respect to Queen's University's temporary exemption to the noise control bylaw to permit amplified music at the Richardson Stadium. As you know, City Council most recently approved this exemption at its meeting on May 16, 2017, and it remains in effect until June 30, 2018.

The exemption currently permits amplified music to be played at the Richardson Stadium between 9:00 am and 9:00 pm on up to 15 occurrences. Last year, Council additionally approved that one of the 15 amplified music occurrences be permitted to extend until 10:30 pm, allowing Queen's to hold an evening football game on October 5, 2017.

Queen's would like to request a further one-year extension of its exemption, to June 30, 2019, under the same terms and conditions, but with the addition that Queen's be permitted to extend two of its 15 occurrences for amplified music until 10:30 pm in order to allow for two evening football games. We therefore request the following:

1. That Queen's University be granted a further extension of its exemption from the prohibition on noise under Schedule "B", Activity Number 4, of By-Law Number 2004-52, 'A By-Law to Regulate Noise', to allow for amplified music to be played at Richardson Stadium between 9:00 am and 9:00 pm to a maximum of 15 event occurrences between July 1, 2018 and June 30, 2019; and
2. That as two of the 15 occurrences at Richardson Stadium, amplified music be permitted until 10:30 pm on Sunday, September 2, 2018 and on Saturday, September 29, 2018, in conjunction with scheduled evening Queen's varsity football games.

This request follows a successful evening football game held on Oct. 5, 2017, which attracted many community members. The start times for both of this year's proposed evening games would be 6:30 pm, the same as last year. The expectation is that the field and parking areas would be completely cleared no later than 10:30 pm. I would note that last year's evening game concluded at approximately 9:20 pm, with most attendees clear of the facility by 9:45 pm. The requested evening game on September 2, 2018 would coincide with the first weekend of Orientation Week and would provide additional structured evening programming for incoming undergraduate students.

The revitalized Richardson Stadium includes a number of design features that help to mitigate the impact of noise on the surrounding neighbourhood. In addition, Queen's has instituted a number of practices to further mitigate the impact of noise from the stadium. These include:

- ✓ The revitalized stadium's footprint is roughly 40 feet further away from the houses on Yonge Street than the previous stadium, and its bowl-shaped design helps to contain sound
- ✓ The modern, distributed sound system at the stadium increases the number of speakers and reduces the overall sound volume required compared to the previous stadium
- ✓ All stadium users are required to use the installed sound system, which is optimized to contain sound, and the system may only be operated by Queen's trained and approved staff
- ✓ A predetermined approved range of acceptable sound levels at the stadium has been established, including a maximum that cannot be exceeded
- ✓ Staff actively monitor sound levels at events and adjust accordingly, including for factors such as attendance and weather
- ✓ Queen's requires the use of Fox 40 Pearl whistles or equivalent where officiating rules permit
- ✓ Use of air horns and other noisemakers by spectators is prohibited
- ✓ When scheduling activities at the stadium, Queen's is sensitive to the potential impact on the neighbourhood and takes into account the nature and overall intensity of activity at the stadium, including any amplified sound
- ✓ All groups using the stadium are informed of the importance of respecting the residential environment, and this requirement is outlined in all rental agreements
- ✓ Usage schedules are published online and Queen's maintains ongoing communication with the community, including the creation of a dedicated community web page and reporting line for concerns and complaints

The above factors have combined to reduce the impact of stadium activities on the community, while also providing a better game experience for fans. The university did not receive any noise complaints last year related to Richardson Stadium and we remain committed to continuing to consult with the city and our neighbours to address any concerns. Thank you for your consideration in this matter.

Sincerely,



Dr. Daniel R. Woolf, FRSC
Principal and Vice-Chancellor

Whig Standard Ad - April 3, 2018

**Request for extension to temporary noise exemption
Queen's University Richardson Stadium**

Requested *Noise Bylaw* exemption would allow amplified music at Richardson Stadium (up to 15 occurrences), from July 1, 2018 to June 30, 2019, between 9 a.m. and 9 p.m., and until 10:30 p.m. on Sept. 2 and 29, 2018.

For details, go to CityofKingston.ca/News or call 613-546-0000.

The deadline to submit an objection to this exemption request is 4:30 p.m., April 13.

Amended - Public Notice - Request to extend Richardson Stadium Noise Exemption

April 9, 2018 –

Please note: the following notice has been amended. Queen's University is no longer requesting an extension of the noise exemption until 10:30 p.m. on Sept. 29 for a night football game.

Public Notice - Request to extend Richardson Stadium Noise Exemption

April 3, 2018 -

Queen's University has had a noise exemption for Richardson Stadium since July 15, 2014 and has made application to extend their temporary exemption to Noise Control Bylaw 2004-52 Schedule "B" Activity 4 to permit the playing of amplified music during Queen's varsity sporting events at Richardson Stadium, to a maximum of 15 occurrences, between the hours of 9 a.m. and 9 p.m., Monday to Sunday including on statutory holidays between July 1, 2018 and June 30, 2019. Two of these 15 occurrences involve an evening Queen's Varsity football game, for which Queen's University is requesting that the exemption for amplified music be extended until 10:30 p.m. on Sunday, Sept. 2 and Saturday, Sept. 29, 2018.

About the Noise Bylaw

The bylaw prohibits the playing of amplified music at all times in residential areas, if the music is audible to a person in a residence and it is unwanted by or disturbing to that person(s).

Anyone wishing to object or to comment regarding this application for an extension of a temporary noise exemption should deliver their concerns in writing or by email before 4:30 p.m. on Friday, April 13, 2018 to:

City of Kingston
Greg McLean, licensing & enforcement

216 Ontario St.
Kingston, ON K7L 2Z3

Phone: 613-546-4291 ext. 1336
Fax: 613-546-8347
Email: gmclean@cityofkingston.ca
Located at: 216 Ontario St.

This matter will be considered during the regular council meeting that commences at 7:30 p.m. on Tuesday, May 1, 2018.

Notice of Collection: Personal Information collected is pursuant to the Municipal Freedom of Information and Protection of Privacy Act (and all other applicable privacy provincial and federal legislation). Such legislation is reviewed and applied for the collection, use, disclosure and destruction of the information. The personal information collected as a result of this public notice will be used to assist in making a decision on this matter. All names, addresses, opinions and comments collected will be made available for public disclosure. Questions regarding this collection should be forwarded to Greg McLean, licensing and enforcement, 216 Ontario St., Kingston, Ontario, K7L 2Z3 or by emailing gmclean@cityofkingston.ca