



**City of Kingston
Report to Council
Report Number 21-177**

To: Mayor and Members of Council
From: Paige Agnew, Commissioner, Community Services
Resource Staff: Lisa Capener-Hunt, Director, Building & Enforcement
Date of Meeting: July 13, 2021
Subject: Request for Extension of Noise Exemption – Queen’s University, Richardson Stadium

Council Strategic Plan Alignment:

Theme: Policies & by-laws

Goal: See above

Executive Summary:

Queen’s University has applied for an extension to its existing temporary exemption to By-Law Number 2004-52, A By-Law to Regulate Noise (the Noise By-Law) to allow for amplified music at Richardson Stadium between 9:00 a.m. and 9:00 p.m. for the remainder of the 2021 calendar year and for the period of January 1, 2022 to December 31, 2022. The applicant has requested a specific number of occurrences related to varsity games, community sporting events and special multiday sports tournaments;

- For varsity games, the applicant is requesting up to 10 occurrences for the remainder of the 2021 calendar year, and for up to 12 occurrences for the period of January 1, 2022 to December 31, 2022; as well as a maximum of two occurrences per year that would permit the playing of amplified music until 9:30 p.m. for any potential varsity playoff games, which would only be used if necessary;
- For community sporting events, the applicant is requesting up to 10 occurrences for the remainder of the 2021 calendar year, and up to 20 occurrences for the period of January 1, 2022 to December 31, 2022; and
- For special, multi-day sports tournaments the applicant is requesting a total maximum of 8 days for the remainder of the 2021 calendar year and 15 days for the 2022 calendar

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year. A minimum of three days must be provided between any two-multi day sports tournaments.

An exemption to Schedule B Activity 4 of City of Kingston By-Law Number 2004-52 (A By-Law to Regulate Noise) is required to allow the playing of amplified music in a Designated Residential Area at any time. Queen's University has requested and received temporary noise exemptions for Richardson Stadium since July 2014.

The most recent extension for the temporary noise exemption was granted by Council via [Report Number 19-128](#) on June 18, 2019 for 2019 & 2020. Due to public health regulations related to the COVID-19 pandemic, no occurrences were used in 2020. The number of occurrences requested for 2022 is the same number approved by Council in 2019; requested occurrences for the remainder of 2021 are less than the amount approved in 2019.

An advertisement for this exemption request was placed in the Kingston Whig-Standard on June 15, 2021 (Exhibit B) and on the City of Kingston website. The notices are published in order to give the public an opportunity to comment on the proposed request for exemption. No public comments have been received as of the time of writing this report.

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 10 event occurrences for Queen's Varsity games, plus any playoff games (as necessary) between 9:00 a.m. and 9:00 p.m., Monday to Sunday, including statutory holidays, between July 14, 2021 and December 31, 2021; and that two of these occurrences be permitted until 9:30 p.m. to allow for evening games; and

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 12 event occurrences for Queen's Varsity games, plus any playoff games (as necessary) between 9:00 a.m. and 9:00 p.m., Monday to Sunday, including statutory holidays, between January 1, 2022 and December 31, 2022, and that two of these occurrences be permitted until 9:30 p.m. to allow for evening games; and

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 10 event occurrences for non-Queen's University, community sporting events, between 9:00 a.m. and 9:00 p.m., Monday to Sunday, including statutory holidays, between July 14, 2021 and December 31, 2021; and

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

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Regulate Noise', to allow for amplified music to be played at Richardson Stadium to a maximum of 20 event occurrences for non-Queen's University, community sporting events, between 9:00 a.m. and 9:00 p.m., Monday to Sunday, including statutory holidays, between January 1, 2022 and December 31, 2022; and

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 8 days per calendar year during special, multi-day sports tournaments, between 9:00 a.m. and 9:00 p.m., Monday to Sunday, including statutory holidays, between July 14, 2021 and December 31, 2021, with a required minimum of three days between any two multi-day sports tournaments; and

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 days per calendar year during special, multi-day sports tournaments, between 9:00 a.m. and 9:00 p.m., Monday to Sunday, including statutory holidays, between January 1, 2022 and December 31, 2022, with a required minimum of three days between any two multi-day sports tournaments; and

That Queen's University provide the tournament schedule for special, multi-day sports tournaments to the Manager of Licensing & Enforcement as soon as a tournament is confirmed; and

That Queen's University report their game occurrence usage for Richardson Stadium, in which amplified music is played, to the Manager of Licensing & Enforcement at the end of each month between July 14, 2021 and December 31, 2022.

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Authorizing Signatures:

ORIGINAL SIGNED BY COMMISSIONER

**Paige Agnew, Commissioner,
Community Services**

ORIGINAL SIGNED BY CHIEF
ADMINISTRATIVE OFFICER

**Lanie Hurdle, Chief
Administrative Officer**

Consultation with the following Members of the Corporate Management Team:

Peter Huigenbos, Commissioner, Business, Environment & Projects	Not required
Brad Joyce, Commissioner, Corporate Services	Not required
Jim Keech, President & CEO, Utilities Kingston	Not required
Desirée Kennedy, Chief Financial Officer & City Treasurer	Not required
Sheila Kidd, Commissioner, Transportation & Public Works	Not required

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Options/Discussion:

Queen's University has applied for an extension of its existing temporary exemption to the City's Noise By-Law (By-Law Number 2004-52, A By-Law to Regulate Noise) to permit the playing of amplified music at Richardson Stadium from 9:00 a.m. to 9:00 p.m. for the remainder of the 2021 calendar year, and from January 1, 2022 to December 31, 2022, for Queen's varsity games. Richardson Stadium is located in Portsmouth District in a Designated Residential Area as defined by the Noise By-Law. The operation of devices for the amplification of sound (Schedule B Activity 4 of the Noise By-Law) in residential areas is prohibited at any time.

For Queen's varsity games, the applicant is requesting up to 10 occurrences for the remainder of the 2021 calendar year, and for 12 occurrences for the period of January 1, 2022 to December 31, 2022. The applicant has additionally requested a maximum of two occurrences per year (as part of the above requested occurrences) that would permit the playing of amplified music until 9:30 p.m. for any potential varsity playoff games, only to be used if necessary.

The applicant has also requested an extension of the existing temporary exemption to permit playing of amplified music at Richardson Stadium from 9:00 a.m. to 9:00 p.m. for the remainder of the 2021 calendar year, and from January 1, 2022 to December 31, 2022, for non-Queen's community sporting events. Beginning with the exemption extension granted in 2019, Queen's has filed these requests on behalf of community sporting organizations that prior to 2019 would have filed for the exemption requests individually.

For community sporting events, the applicant is requesting up to 10 occurrences for the remainder of the 2021 calendar year, and up to 20 occurrences for the period of January 1, 2022 to December 31, 2022.

Finally, the applicant has requested an extension of the existing temporary exemption to permit playing of amplified music at Richardson Stadium from 9:00 a.m. to 9:00 p.m. for the remainder of the 2021 calendar year, and from January 1, 2022 to December 31, 2022 for special, multi-day sports tournaments. The applicant is requesting a total maximum of 8 days for the remainder of the 2021 calendar year and 15 days for the 2022 calendar year.

As part of the multi-day sports tournaments exemption request, a minimum of three days must be provided between any two-multi day sports tournaments. Additionally, the applicant will provide the Manager of Licensing & Enforcement with tournament schedules as soon as they are confirmed.

As consistent with previous requests, the applicant has requested that an 'occurrence' be understood to be a block of time not exceeding six hours. This definition would allow for non-Queen's University, community sporting events to play amplified music for the duration of potentially two games, with time for music pre-game or at intermission. If amplified music is not played, then the use of an 'occurrence' would not be required. Additionally, unused occurrences cannot be transferred between requested categories.

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Queen's University has requested and received temporary noise exemptions for Richardson Stadium since July 2014. The most recent extension was granted by Council via [Report Number 19-128](#) on June 18, 2019 for 2019 & 2020. Due to public health regulations related to the COVID-19 pandemic, no occurrences were used in 2020. The number of occurrences requested for 2022 is the same amount as approved by Council in 2019; requested occurrences for the remainder of 2021 are less than the amount approved in 2019.

In ordinary practice the applicant would have applied for a noise exemption for the 2021 calendar year in mid-2020, but due to the uncertainty caused by the COVID-19 pandemic the exemption request has been delayed to this current time. In the interest of efficiency, the applicant has requested exemptions for the 2022 calendar year. Moving forward, requests will be made on an annual basis.

The number of occurrences requested for the balance of the 2021 calendar year is less than requested for 2020, with the number of occurrences requested for 2022 the same as requested and granted in 2020.

This request is based on the cautious optimism surrounding the potential resumption of athletic activities and sporting events. All sporting activities at Richardson Stadium will conform to public health or government regulations related to these activities and the granting of the extension of the noise exemption does not supersede any public health regulations.

A public notice of the noise exemption request (Exhibit B) was published in the Kingston Whig-Standard on June 15, 2021 and posted on the City's website and social media channels. No public comments have been received as of the writing of this report. Any comments received after the reporting deadline will be forwarded to Council as part of the agenda or addendum Communications.

The applicant has conducted their own public outreach regarding the exemption application, including:

- Delivering a letter to households in the neighbouring community to Richardson Stadium advising of the application.
- Posting the above-mentioned letter, as well as the application letter submitted to the City (Exhibit A), to the West Campus Fields [website](#).
- Including information regarding the exemption request in Queen's University's Community Update email newsletter.

In their request, the applicant has advised that the future construction of a new pavilion at the north end of the Richardson Stadium bowl would provide for further sound mitigation for properties to the north of the stadium. This is in addition to community engagement and consultation effort undertaken by the applicant in recent years, including a field response hotline, a dedicated website with a [sports field usage map](#) and public consultation efforts with adjoining communities.

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Given the applicant's work in previous years to engage with neighbouring communities and physical sound mitigation efforts that have been undertaken at Richardson Stadium, staff are recommending an extension of the temporary noise exemption.

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 (b) of the *Municipal Act*.

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 for consideration of these requests. An advertisement of this request for exemption was placed in The Kingston Whig-Standard on June 15, 2021 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 to the Licensing & Enforcement Division by 4:30 p.m. on June 25, 2021. A copy of the advertisement is attached to this report as Exhibit B.

Accessibility Considerations:

None

Financial Considerations:

The applicant for a noise exemption is required to pay a fee of \$318.25 to help cover the cost of processing the noise exemption request. The applicant is also required to pay the cost of the public notice published in The Kingston Whig-Standard.

Contacts:

Kyle Compeau, Manager, Licensing & Enforcement 613-546-4291 extension 3222

Derek Ochej, Licensing & Enforcement Coordinator 613-546-4291 extension 1385

Other City of Kingston Staff Consulted:

None

Exhibits Attached:

Exhibit A Correspondence from Applicant

Exhibit B Public Notice of Application for Noise Exemption



June 1, 2021

Mr. Kyle Compeau
Manager, Licensing & Enforcement
City of Kingston
1211 John Counter Boulevard Kingston, ON K7K 6C7

OFFICE OF THE VICE-PRINCIPAL,
UNIVERSITY RELATIONS

Richardson Hall, Room 151
74 University Avenue
Queen's University
Kingston, Ontario
Canada K7L 3N6

Dear Mr. Compeau,

I am writing with respect to Queen's University's exemption to the noise control bylaw to permit amplified music at Richardson Stadium. City Council most recently approved this exemption at its meeting on June 18, 2019, for an 18-month period ending on December 31, 2020. This exemption covered two seasons of play. The 2019 season saw a successful implementation of this noise bylaw exemption, with no complaints received about the use of amplified music. This result was aided by the noise mitigation elements of the stadium's design as well as the practices and policies used to guide event scheduling and the operation of the stadium's sound system. Further information regarding these mitigation measures are attached to this letter.

As you are aware, the 2020 season of play covered by the above noise bylaw exemption was cancelled due to the COVID-19 pandemic. Under normal circumstances, Queen's University would have made an application to renew this noise bylaw exemption for the 2021 season in the fall of 2020; however, the significant uncertainty caused by the COVID-19 pandemic meant that such an application was not appropriate at that time.

Given the current rollout of vaccines across the country, there is a growing degree of cautious optimism about what things will look like in the fall. Queen's University, like governments, organizations, and individuals across the country, is looking forward to an eventual re-opening of our society in a safe and cautious way. While we do not yet know exactly what the fall 2021 term will look like, we are working in partnership with Ontario University Athletics and other sport governing bodies that organize varsity sports at Ontario's universities—to plan for the potential resumption of athletics activities.

With the potential for outdoor sports leagues to be permitted to operate in phases two and three of Ontario's re-opening plan, Ontario's universities are planning for the potential for the return of league play, likely with a number of COVID-19 restrictions. While we do not yet know whether in-person spectator attendance would be permitted, in order to plan for that eventuality, Queen's University respectfully submits the following request for a noise bylaw exemption to permit the playing of amplified music at Richardson Stadium.

Similar to the exemption granted in 2019, the following request covers both the 2021 and 2022 playing seasons. The number of maximum allowed occurrences of amplified music requested for the 2021 season represents a decrease from what was granted in 2019, while the occurrences and terms of the request for the 2022 season is identical to the exemption granted in 2019. While Queen's would normally bring forward a noise bylaw exemption request for only one year at a time, our normal timeline for bringing the 2022 request would be in the fall, and we felt that it made more sense to present both years to Council at the same time, rather than returning to Council with the 2022 request in September or October.

Queen's is therefore requesting that City Council renew the noise bylaw exemption for Richardson Stadium in order to permit amplified music during sports events, according to the same terms and conditions as the exemption that was approved by City Council on June 18, 2019, but with a reduced number of occurrences for the 2021 playing season. Specifically:

Queen's is requesting an 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 during sports events at Richardson Stadium between 9 am and 9 pm with the following conditions:

1. The use of amplified music be permitted on up to 10 occurrences for Queen's Varsity games, plus any playoff games (only as necessary), in the 2021 calendar year, and that two of these occurrences be permitted until 9:30 pm to allow for evening games.
2. The use of amplified music be permitted on up to 12 occurrences for Queen's Varsity games, plus any playoff games (only as necessary), in the 2022 calendar year, and that two of these occurrences be permitted until 9:30 pm to allow for evening games.
3. The use of amplified music be permitted on up to 10 occurrences during the 2021 calendar year to allow for non-Queen's sporting events, including community sports organizations.
4. The use of amplified music be permitted on up to 20 occurrences during the 2022 calendar year to allow for non-Queen's sporting events, including community sports organizations.
5. An "occurrence" be understood to be a block of time not exceeding six hours.
6. In the 2021 calendar year, the use of amplified music be permitted during special, multi-day sports tournaments, to a total maximum of 8 days per calendar year. There must be a minimum of three days between any two multi-day sports tournaments. Queen's University shall provide the tournament schedule to the Manager of Licensing and Enforcement as soon as confirmed.
7. In the 2022 calendar year, the use of amplified music be permitted during special, multi-day sports tournaments, to a total maximum of 15 days per calendar year. There must be a minimum of three days between any two multi-day sports tournaments. Queen's University shall provide the tournament schedule to the Manager of Licensing and Enforcement as soon as confirmed.
8. Queen's University will 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.

For clarity, each of the above numbered terms are intended as separate categories of occurrences, and unused occurrences cannot be transferred from one category to another, nor from one year to another.

I would also like to highlight that Queen's is currently planning for the construction of a new pavilion project that would close off the bowl-shaped Richardson Stadium at its north end, provide a new facility for the use of athletes as well as the community. It is expected that this new facility will have further

sound mitigation properties for neighbours by closing off the stadium's north end. More information about the pavilion project is [available here](#), and more information about sound mitigation at the stadium can be found below.

On behalf of Queen's University, please accept my appreciation for your consideration of this request. Queen's is committed to continuing to be a partner for the City of Kingston as it plans for a safe and cautious re-opening of our community, and we hope that the eventual return of sporting events – either in 2021 or 2022 – will be part of our community's reopening and recovery.

Sincerely,



Michael Fraser
Vice-Principal (University Relations)

Appendix: Richardson Stadium Noise Mitigation

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 farther 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
- ✓ Prohibition of air horns and other noisemakers by spectators
- ✓ 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 and fields 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 and field activities on the community, while also providing a better game experience for fans. The university received no noise complaints during the last season of play (2019) related to activity at Richardson Stadium, and we remain committed to continuing to consult with the city and our neighbours to address any concerns.

Request for Extension to Temporary Noise Exemption

Queen's University, Richardson Stadium

Requested Noise By-law exemption would allow amplified music at Richardson Stadium during Queen's varsity sporting events and non-Queen's sporting events between the hours of 9:00 a.m. and 9:00 p.m. for the remainder of the 2021 calendar year; and between the hours of 9:00 a.m. to 9:00 p.m., from January 1, 2022 until December 31, 2022.

This matter will be considered during the regular Council meeting that commences at 7:00 p.m. on Tuesday July 13, 2021.

For details, go to cityofkingston.ca/news or call 613-546-4291 ext. 1385.

Deadline to submit comment to this exemption request is 4:30 p.m. June 25, 2021.