



**City of Kingston
Report to Council
Report Number 16-118**

To: Mayor and Members of Council
From: Lanie Hurdle, Commissioner, Community Services
Resource: Paige Agnew, Director, Planning, Building & Licensing Services
Date of Meeting: April 19, 2016
Subject: Queen's Request for Extension to Temporary Noise Exemption -
West Campus Sports Fields & Richardson Stadium

Executive Summary:

On May 19, 2015, Council approved an extension to a temporary noise exemption, originally approved by Council on July 15, 2014. This exemption permitted the use of game whistles and amplified sound for playing the national anthem and intermittent game-related PA announcements at Queen's West Campus grass and turf sports fields, located at the corner of Sir John A. Macdonald Boulevard and Johnson Street. The exemption also permitted the use of game whistles and amplified sound for playing the national anthem, intermittent game-related PA announcements and music at Queen's Richardson Stadium. The extension of the exemption was granted for activities between the hours of 9:00 a.m. and 9:00 p.m., Monday to Sunday, including Statutory Holidays, between July 1, 2015 and June 30, 2016.

The amplification of sound for the purposes of playing the national anthem and intermittent game-related PA announcements was permitted at the West Campus sports fields to a limit of a combined total of 93 occurrences. The amplification of sound for the use of game whistles and for the purpose of playing the national anthem and intermittent game-related PA announcements and music was permitted at Richardson Stadium to a limit of 15 games.

Approval of the exemptions included actions that would be taken by Queen's to help mitigate impacts on the neighbourhood and to address any concerns that may be raised as a result of the exemption.

Noise Control By-Law Number 2004-52, Schedule "A", Section 7, prohibits the operation of any outdoor auditory signalling device, including the use of whistles and the production, reproduction or amplification of any similar sounds by electronic means at all times anywhere, except where required or authorized by law or in accordance with good safety practice. Schedule "B", Activity

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4 of the by-law prohibits the operation of any device or group of connected devices intended for the production, reproduction, or amplification of voices or sound at all times in a residential area.

City staff have been conducting a review of Noise By-Law Number 2004-52 which includes consideration of changes to how noise generated by organized sporting activities on sports fields is regulated through the by-law. The review process was extended to facilitate additional stakeholder consultation and to obtain additional public input. Staff intend to submit a report with proposed changes to the Noise By-Law to the Administrative Policies Committee. Based on the timelines for the Committee and Council's consideration of this matter, Queen's has chosen to submit a request at this time for an additional extension to their existing noise exemption, which is attached to Report Number 16-118 as Exhibit A. This request to further extend the exemption mirrors the terms and conditions as originally approved by Council on July 15, 2014 and as was carried over in the extension to the temporary exemption approved by Council on May 19, 2015.

Queen's has received one complaint since the noise exemption extension was granted effective July 1, 2015. The complaint concerned a coach shouting loudly on a West Campus sports field at 7:00 p.m. Queen's staff responded and resolved the noise issue. This type of noise was not included in the exemption. However, at the time it occurred, it did not constitute a violation of the Noise By-Law, as yelling and shouting in a residential area is only prohibited between 9:00 p.m. and 7:00 a.m. (9:00 a.m. on Sundays).

Based on the absence of specific complaints received to-date by Queen's during the current exemption extension regarding noise from the exempted activities and based on Queen's continued compliance with the conditions attached to the original noise exemption, staff is recommending approval of the request for this further extension of the noise exemption.

Recommendation:

That the Noise Exemption and conditions as originally approved by Council on July 15, 2014, and as extended on May 19, 2015, for Queen's University West Campus grass and turf sports fields, and Richardson Stadium, located at the corner of Sir John A. Macdonald Boulevard and Johnson Street, be further extended to cover the period between July 1, 2016 and June 30, 2017; and

That Queen's University will report their game occurrence usage for the West Campus fields and Richardson Stadium to the Manager of Licensing & Enforcement at the end of each month between July 1, 2016 and June 30, 2017.

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Options/Discussion:

On July 15, 2014, Council resolved the following:

That Queen's University be granted a temporary exemption until June 30, 2015 to Noise Control By-Law 2004-52 Schedule "A" Section 7 to permit noise from game whistles and Schedule "B" Activity 4 to permit the use of amplified sound for the purposes of playing the national anthem and intermittent game-related PA announcements at their West Campus grass and turf sports fields located at the corner of Sir John A. Macdonald Boulevard and Johnson Street between the hours of 9:00 a.m. and 9:00 p.m., Monday to Sunday, including on Statutory Holidays; and

That the use of amplified sound for the purposes of playing the national anthem and intermittent game-related PA announcements at the West Campus sports fields shall not exceed a combined total of 93 games between July 15th and June 30, 2015; and

That Queen's University be granted a temporary exemption until June 30, 2015 to Noise Control By-Law 2004-52 Schedule "A" Section 7 to permit noise from game whistles and Schedule "B" Activity 4 to permit amplification of sound only for game announcements, music and the national anthem at Richardson Stadium located at the corner of Sir John A. Macdonald Boulevard and Johnson Street between the hours of 9:00 a.m. and 9:00 p.m., Monday to Sunday, including on Statutory Holidays for a maximum of 15 games between July 15th and June 30, 2015; and

That Queen's University will communicate in the following manner:

1. Annual communication to all user groups about the importance of keeping noise levels to a minimum.
2. Post signs to remind organizers, participants and spectators of the importance of keeping noise levels to a minimum.
3. Continue to communicate via website, and explore dedicating web pages exclusively to Richardson Stadium and West Campus sports fields; and

That Queen's University will proactively monitor their West Campus sports fields and Richardson Stadium in the following manner:

1. Establish a dedicated call-in number for residents to register any noise concerns.
2. The contact number will be posted prominently on the Queen's website and communicated directly to residents of neighbouring communities.
3. Any complaint received will initiate an immediate response by Athletics and Recreation facility staff, who will visit the field to investigate.
4. All complaints will be reported to the City Manager, Licensing & Enforcement within 24 hours of receipt of the complaint.

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5. Noise clauses will be inserted into all field-use agreements; and

That Queen's will provide a copy of the Noise study to the City along with proposed actions as a result of the study by the end of December 2014; and

That Queen's will report their occurrence and game usage for the West Campus fields and Richardson Stadium to the Manager of Licensing & Enforcement at the end of each month between July 15th and June 30, 2015."

On May 19, 2015, Council resolved the following:

"That the Noise Exemption and conditions as approved by Council on July 15, 2014 for Queen's University West Campus grass and turf sports fields and Richardson Stadium, located at the corner of Sir John A. Macdonald Boulevard and Johnson Street, be extended to cover the period between July 1, 2015 and June 30, 2016; and

That Queen's will report their occurrence and game usage for the West Campus fields and Richardson Stadium to the Manager of Licensing & Enforcement at the end of each month between July 1, 2015 and June 30, 2016."

City Staff have been conducting a review of Noise By-Law Number 2004-52 which includes consideration of changes to how noise generated by organized sporting activities on sports fields is regulated through the by-law. The review process was extended to facilitate additional stakeholder consultation and to obtain additional public input. Staff intend to submit a report with proposed changes to the Noise By-Law to the Administrative Policies Committee. Based on the timelines for the Committee and Council's consideration of this matter, Queen's has chosen to submit a request at this time for an additional extension to their existing noise exemption. This request to further extend the exemption mirrors the terms and conditions as originally approved by Council on July 15, 2014 and as was carried over in the extension to the temporary exemption approved by Council on May 19, 2015.

Queen's has confirmed that all of the conditions of the original noise exemption have been, and continue to be, met by the University. Queen's has received one complaint for the West Campus sports fields since the noise exemption extension was granted effective July 1, 2015. The complaint concerned a coach shouting loudly on a sports field at 7:00 p.m. Queen's staff responded and resolved the noise issue. This type of noise was not included in the exemption. However, at the time it occurred, it did not constitute a violation of the Noise By-Law, as yelling and shouting in a residential area is only prohibited between 9:00 p.m. and 7:00 a.m. (9:00 a.m. on Sundays). Queen's has not received any complaints regarding noise from Richardson Stadium during the exemption period granted by the City.

A public notice for the request of the extension to the noise exemption was advertised on March 15, 2016 (Exhibit B). Residents were given until March 25, 2016 to submit their objections or comments to the City. There were 2 letters of objection, one letter of support and one inquiry received in response to publication of the notice (Exhibit C). The inquiry related to what constituted an "occurrence" in the context of the exemption. An "occurrence" in this context

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means the entire duration of a game. Each game equals one occurrence. A summary of game use occurrences reported to the City monthly by Queen's for the portion of the current exemption from July 1, 2015 to the end of February, 2016, is attached as Exhibit D.

Staff asked Queen's to provide a response to the concerns expressed in the letters of objection received (Exhibit E).

Based on the absence of specific complaints received by Queen's to-date during the current exemption extension regarding noise from the exempted activities: whistles, playing of the national anthem and intermittent game-related PA announcements, and the playing of music during games at Richardson Stadium, and based on Queen's continued compliance with the conditions attached to the original noise exemption, staff is recommending approval of the request for this further extension of the noise exemption.

Existing Policy/By-Law:

By-Law Number 2004-52 "A By-Law to Regulate Noise" as authorized under the Municipal Act and which specifies that applications for exemptions from the by-law be made to Council.

There are no criteria imposed on a Council in deciding exemptions, so there is no precedent in that regard. There was a time when the Municipal Act limited the length of a Council exemption to just 6 months, but even that limitation has been removed from the Act.

Notice Provisions:

A public notice for the request of the extension to the noise exemption was advertised on March 15, 2016 (Exhibit B). Residents were given until March 25, 2016 to submit their comments or concerns to the City.

Accessibility Considerations:

Not applicable

Financial Considerations:

There are no financial considerations with this report as all advertisements were placed at the expense of Queen's University.

Contacts:

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

Greg McLean, Policy & Program Coordinator, Licensing & Enforcement 613-546-4291 extension 1336

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Other City of Kingston Staff Consulted:

Not applicable

Exhibits Attached:

- Exhibit A Application for Noise Exemption Extension
- Exhibit B Public Notice of Request for Noise Exemption Extension
- Exhibit C Responses to Public Notice
- Exhibit D Summary of Use Occurrences Report
- Exhibit E Queen's Response to Objection Letters



OFFICE OF THE VICE-PRINCIPAL,
UNIVERSITY RELATIONS

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

February 29, 2016

Ms. Kim Leonard
Manager, Licensing & Enforcement
City of Kingston
216 Ontario Street
Kingston, ON K7L 2Z3

Dear Ms. Leonard,

I am writing with respect to Queen's University's temporary exemption to the noise control bylaw for the West Campus sports fields and for Richardson Stadium. As you know, Kingston City Council approved this exemption, which is in effect until June 30, 2016, at its meeting on May 19, 2015.

It was our hope when we applied for our exemption last year that the process to review, and where applicable, update the existing bylaw would be completed prior to our exemption's expiration. However, it is now our understanding that this process has been delayed, and our exemption will likely expire prior to the bylaw revision and approval process being completed.

As such, we are requesting an extension of our existing exemption on the terms and conditions outlined in our letter of March 18, 2015 (attached).

In order for this matter to be resolved prior to the summer 2016 playing season, Queen's would kindly request consideration of Council at its April meeting.

Thank you for your assistance in this matter.

Sincerely,

Michael Fraser
Vice-Principal (University Relations)

Copy: Alan Harrison, Provost and Vice-Principal (Academic)
Ann Tierney, Vice-Provost and Dean of Student Affairs
Leslie Dal Cin, Executive Director, Athletics and Recreation



OFFICE OF THE VICE-PRINCIPAL,
UNIVERSITY RELATIONS

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

March 18, 2015

Ms. Kim Leonard
Manager, Licensing & Enforcement
City of Kingston
216 Ontario Street
Kingston, ON K7L 2Z3

Dear Ms. Leonard,

I am writing with respect to Queen's University's temporary exemption to the noise control bylaw for the West Campus sports fields and for Richardson Stadium. As you know, Kingston City Council approved this exemption, which is in effect until June 30, 2015, at its meeting on July 15, 2014.

Queen's University hopes to move forward on this matter in a way that builds on the progress we have made with our neighbours through our ongoing consultations and discussions, that continues to address the concerns they had previously shared with us, and that preserves our ability to operate the athletic facilities at West Campus for use by the Queen's and Kingston communities.

At the time of approval, Council placed a number of conditions on the exemption, including:

- Communicating with internal and external field users on the importance of keeping noise levels to a minimum, posting field signs with the same message, and ongoing communication with the community, including the creation of a dedicated web page, reporting line, and response plan.
- Limiting the volume, frequency, duration, and type of amplified sound permitted.
- Providing the city of Kingston with a copy of the noise impact assessment along with a proposed list of actions by December 31, 2014.
- Reporting field usage on a monthly basis to the city of Kingston for the duration of the exemption.

We have complied with each of these conditions.

Last year, HGC Engineering conducted a noise impact assessment that led to several recommendations for noise reduction in the area. The recommendations included:

- Utilizing an alternate, distributed sound system and directing the speakers in a particular fashion.
- Requiring field renters that want to play amplified sound to utilize the Queen's University sound system.
- Requiring the use of Fox 40 Pearl or equivalent whistles where officiating rules permit.
- Completing additional sound level testing after implementation of noise control measures to verify the sound level improvement.

We began making a number of adjustments to field usage prior to receiving our exemption last year, and have since implemented all of the consultant's recommendations.

We believe that, based on feedback received through our regular meetings with the community, the tools on our web site, and the reporting hotline, the measures we have implemented have responded to the concerns raised and improved the situation with respect to the level and frequency of sound emanating from the fields.

In recognition that the original pilot temporary exemption was successful, Queen's University requests that the terms of the exemption be extended, on a temporary basis, until June 30, 2016.

Specifically, Queen's requests:

- A temporary exemption, from July 1, 2015 until June 30, 2016, to the Noise Control By-Law 2004-52 Schedule "A" Section 7 to permit noise from game whistles and Schedule "B" Activity 4 to permit the use of amplified sound for the purposes of playing the national anthem and intermittent game-related PA announcements at the West Campus grass and turf sports fields located at the corner of Sir John A. Macdonald Boulevard and Johnson Street between the hours of 9:00 a.m. and 9:00 p.m., Monday to Sunday, including on statutory holidays, to a maximum of 93 occurrences.
- A temporary exemption, from July 1, 2015 until June 30, 2016, to the Noise Control By-Law 2004-52 Schedule "A" Section 7 to permit noise from game whistles and Schedule "B" Activity 4 to permit amplification of sound only for game announcements, music, and the national anthem at Richardson Stadium located at the corner of Sir John A. Macdonald Boulevard and Johnson Street between the hours of 9:00 a.m. and 9:00 p.m., Monday to Sunday, including on statutory holidays, to a maximum of 15 occurrences.

We believe that a temporary extension to the terms of our exemption is a reasonable next step, and will allow us to continue to work collaboratively with our neighbours toward a long-term solution, both for the fields and for the revitalized Richardson Stadium, scheduled for completion in the fall of 2016.

In order that this matter is resolved prior to the summer 2015 playing season, Queen's would request that this request be considered by Council no later than May 31, 2015.

Thank you for considering this request and for your ongoing involvement in this file.

Sincerely,

A handwritten signature in blue ink, appearing to read 'M. Fraser', followed by a long horizontal line extending to the right.

Michael Fraser
Vice-Principal (University Relations)

Copy: Alan Harrison, Provost and Vice-Principal (Academic)
Ann Tierney, Vice-Provost and Dean of Student Affairs
Leslie Dal Cin, Executive Director, Athletics & Recreation

Public Notice Section

Request for an Extension to a Temporary Noise Exemption

Request To Extend West Campus Sports Fields Noise Exemption

Queen's University has had a noise exemption since July 15, 2014 and has made application to extend their temporary exemption to Noise Control By-Law 2004-52 Schedule "A" Section 7 and Schedule "B" Activity 4 to permit noise from whistles and the operation of any device or group of connected devices intended for the production, reproduction, or amplification of voices or sounds at their West Campus grass and turf sports fields located at the corner of Sir John A. MacDonald Boulevard and Johnson Street between the hours of 9:00 a.m. and 9:00 p.m., Monday to Sunday and on Statutory Holidays. Queen's University is requesting that the proposed extension cover the period between July 1, 2016 and June 30, 2017 and that it only apply to sports whistles, and that the amplification of sound only apply for game-related announcements and the National Anthem to a maximum of 93 occurrences.

Request To Extend Richardson Stadium Noise Exemption

Queen's University has also had a noise exemption since July 15, 2014 and has made application to extend their temporary exemption to Noise Control By-Law 2004-52 Schedule "A" Section 7 and Schedule "B" Activity 4 to permit noise from whistles and the operation of any device or group of connected devices intended for the production, reproduction, or amplification of voices or sounds at Richardson Stadium between the hours of 9:00 a.m. and 9:00 p.m., Monday to Sunday and on statutory holidays.

Queen's University requests that the proposed extension cover the period between July 1, 2016 and June 30, 2017 and that it apply only to sports whistles, and amplified sound from game-related announcements, music, and the national anthem to a maximum of 15 occurrences.

About The Noise Bylaw

The current bylaw prohibits the use of whistles and the operation of any device or group of connected devices intended for the production, reproduction, or amplification of voices or sounds at all times.

Anyone wishing to object or to comment regarding this temporary exemption should deliver their concerns in writing or by e-mail before 4 p.m. on Friday, March 25, 2016 to:

City of Kingston
Greg McLean, licensing & enforcement
216 Ontario Street

Phone: 613-546-4291 ext 1336
Fax: 613-542-1332
Email: gmclean@cityofkingston.ca

Kingston, ON K7L 2Z3

Located at: 216 Ontario Street

This matter will be considered during the regular Council meeting that commences at 7:30 p.m. on Tuesday, April 19, 2016.

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 Street, Kingston, Ontario, K7L 2Z3 or by e-mailing gmclean@cityofkingston.ca.

From: Leonard, Kim
Sent: Friday, March 18, 2016 9:18 AM
To: McLean, Greg
Cc: Saunders, Holly
Subject: FW: Queen's Exemption Extension
Attachments: QueensLetterFeb262016.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Kim Leonard, CMMIII
Manager, Parking Operations
Department of Transportation Services
216 Ontario Street
Kingston, Ontario
K7L 2Z3

From: Donald Mitchell <[_____](#)>
Sent: Monday, February 29, 2016 2:10 PM
To: Leonard, Kim
Subject: FW: Queen's Exemption Extension

Hello, Ms. Leonard;

Thank you for the reply regarding the possible future meetings. In related business, below is a resident letter of support for Queen's upcoming exemption extension application (the attached Queen's letter was received by near-campus neighbours last week).

Thanks for your time and consideration, Don.

From: Donald Mitchell [<[_____](#)>]
Sent: February-26-16 9:27 PM
To: Peter Stroud <[_____](#)>
Cc: _____
Subject: Queen's Exemption Extension

Good evening, Councillors;

I'd like to pass along my support for Queen's exemption extension request (if you haven't received it, please see the attached letter from Executive Director Leslie Dal Cin as it was distributed to near west campus neighbours today).

My experience and understanding during the past two years is as stated in the attached letter. I am hopeful and confident that council and the city will approve the request.

Perhaps, other residents will also provide you with positive feedback. Still, I wanted to be sure to forward my appreciation of the strong public relations effort extended by Queen's Athletics & Recreation to near west campus neighbours.

Thanks for you time and consideration.

Cheers, Donald Mitchell (43 Gibson Avenue)

From: Don B Rogers
Sent: Tuesday, March 15, 2016 11:13 AM
To: McLean,Greg
Subject: Clarification

Follow Up Flag: Follow up
Flag Status: Flagged

Good morning Greg,

The Queen's noise bylaw exemption request, as stated in the Kingston Whig Standard, refers to: "a maximum of 93 occurrences".

Does this mean 93 occurrences during the one-year exemption period? Or 93 occurrences per day? Or 93 occurrences per game? Please advise.

Thanks and best regards

Don Rogers



This email has been checked for viruses by Avast antivirus software.
www.avast.com

From: Susan Reid
Sent: Friday, March 25, 2016 3:58 PM
To: McLean,Greg
Subject: Comment re Request for amplified noise exemption, Queen's University

Follow Up Flag: Follow Up
Due By: Saturday, March 26, 2016 12:17 PM
Flag Status: Flagged

Dear Mr. McLean,

I wish to register formal opposition to extension of the following aspects of a year long “temporary” amplified noise exemption sought by Queen’s University.

For the purposes of the noise bylaw, the property in question is zoned residential and is fully contained within established Class A and A1 residential neighbourhoods. It is salient to note that E zoning of Queen’s property is conferred on designated educational institutions in support of their educational purpose. In this case, excessive noise problems have arisen adjacent to Queen’s West campus outdoor sports fields due to demonstrable increases in the levels and occurrences of **both** acoustic and amplified noise emanating from this property. Simply comparing the number and dates of formal noise complaints about this property to the date of installation of the artificial field, and the increasing rental of West Campus fields to groups outside the institution will confirm this statement.

Queen’s grass and artificial turf fields:

Queen’s University requests exemption for 12 hours per day for every day of the week, including all statutory holidays. The number of exempted occurrences requested is 93.

Due to weather, potential occurrences will necessarily take place during just 7 months, i.e. May through early November. The request for 93 separate occurrence exemptions far outstrips any usage directly associated with the needs of the University student body.

- whereas the time frame of 9:00 am to 9:00 pm every day, and including all statutory holidays encompasses any and all reasonable opportunity for residents to enjoyment of their properties without excessive noise,
- whereas exemption for amplified sound will directly and negatively impact the quality of life in adjacent residential neighbourhoods, and
- whereas the request for 93 separate occurrences is not linked to a demonstrated need of the institution in direct support its educational charter.

Therefore: The number of permitted occurrences of exemption for amplified game announcements and national anthem be tied to occurrences demonstratively linked to the direct needs of the Queen’s student body. This number should be restricted to athletic matches or tournaments directly under the administration of the university and should not exceed 20 per year.

Richardson Field Amplified Exemptions:

Recent redevelopment of the Richardson Stadium grounds did not include any physical barriers, berms, walls or landscaping purposely designed to contain and limit the impact of amplified and acoustic noise on nearby residential housing.

Whereas:

- the impact of this exemption directly and negatively impacts the quality of life of the adjacent residential neighbourhoods,
- the request amplified music is not necessary for full appreciation of an athletic contest,
- the number of exemptions should be confined to a demonstrated usage of the Queen’s student body.

Exhibit C

Therefore: The exemption applied to Richardson Field must not be extended to amplified music, with the except for the national anthem. This number should be restricted to athletic matches or tournaments directly under the administration of the university and should not exceed 12 per year. (Gaels football home games + Gaels men's and women's soccer semi and finals)

Respectfully Yours,
Susan A. Reid

26 years a resident on Oakridge Avenue, Kingston, On.
Kingston City Municipal Taxes paid on this property: Over \$83,000 to date
Queen's '83, Queen's '86

From:
Ryszard Pietka
99 Churchill St.
Kingston, Ontario
K7M 2L1

To: City of Kingston

Re: Richardson Stadium Noise By-law exemption 2016

It is my understanding that City of Kingston is seeking residents input into proposed noise By-Law exemption for Richardson Stadium.

I believe that there is a good reason why we do have noise By-law in the city, especially in residential areas, it is protection of health, comfort of living and protection from noise pollution for residents while they trying to relax after day of work. Converting residential area into “entertainment” or “stadium district” should foremost take in consideration protection of residents. While granting exemption city should make sure that whoever creates the noise pollution would be motivated to take the noise and inconvenience to residents to minimum.

From my own experience I had to deal with amplified noise coming from sport field located nearby my home. This type of the noise and the fact that it is usually broadcast at the time when one wants to relax - after work or on a weekend, makes even more difficult to accept this application. The type of noise, coming from amplifiers for some reason has the ability to travel far and penetrate standard residential home walls and windows. Such noise making impossible to relax, work of or even watch television or listen to the radio inside one home, even with all the standard windows closed. For the above reason I suggest that the exemption not to be granted until all the affected residents will be protected and agree with the proposal.

I understand that there is already 2 years old temporary exemption in place. I also understand that nobody actually measured how much noise is entering / trespass inside people’s homes and backyards while sound amplification is involved, and sport events are taking place. Please note that the noise measurement uses logarithmic decibel scale. On that scale noise increase by 3 dB means, that the noise level doubles. Couple years ago there was some study done, but recorders were not placed in affected people's homes or backyards. Recorders were placed on the street. The conclusion of – I think- Queens paid study was that lowering a sound level would be expensive and better not to do anything, it is less expensive to grant exemption.

Until proper study are done this time around, than, we really not sure how to mitigate the effect of amplified sound / sports events.

If some solution would be found this time around to protect residents, than lowering noise level by just 3dB, this would means noise reduction by half - proposal worth exploring.

There are new technological developments all the time. Right now we have noise cancelling systems for inside the cars and for headphones. There might be some gadget available already on the market to protect people at homes and in their backyards from trespassing sport event noise - why not to ask experts in the field before granting a by-law exemption.

I believe that as ministry of transportation is creating sounds absorbing walls on the sides of 401, than similar solution should be consider here as well, if Queens really needs to have sports event with usage of sound amplification.

Grants could be consider to affected residents for installation of sound absorbing/ soundproof windows, as well as direct compensation to residents for their inconvenience on per event base - this is to encourage the event organizer to use amplified noise as seldom as practical.

The cost of renovation of the Richardson Stadium went in millions of dollars, and cost of installation of sound systems are typically counted in hundreds of thousands of dollars. All the above money were found, but for some strange reason, cost of mitigation of negative effect of noise pollution are placed on the very end, or even omitted in the budget - with seemingly the idea that Queens would simply be granted noise exemption. Such exemption - if granted- cost next to nothing.

Noise pollution affect relatively small number of residents. Severely affecting, but still relatively small number of residents. I hope that the city staff and councilors understand that they are the last line of defense against very serious element eroding the quality of life in the neighborhood. All the options should be considered, noise by-law exemption should not be granted as per current application.

If the by-law exemption need to be granted, it should include maximum protection elements for residents as possibly such as per event compensation, soundproofing grants, number of events restrictions during the year, time of usage and measured maximum limits of noise level permitted.

Thank you,
Ryszard Pietka

**West Campus Fields By-Law Exemption Report
Amplified Sound Occurrences**

Exhibit D

Monthly Occurrence and Game Tracking Summaries
(for the period July 1, 2015 to June 30, 2016)

Reporting on: February 1 to February 29, 2016

FOR THE PERIOD JULY 1 - 31, 2015					
Field	Date	Start Time	End Time	Event	Anthem / Announcements / Music
Miklas-McCarney Turf	NO ACTIVITY				
MIKLAS-MCCARNEY FIELD TOTAL OCCURANCES = 0		REMAINING = 93			
Richardson Stadium	NO ACTIVITY				
RICHARDSON STADIUM TOTAL OCCURANCES = 0		REMAINING = 15			
FOR THE PERIOD AUGUST 1-31, 2015					
Field	Date	Start Time	End Time	Event	Anthem / Announcements / Music
Miklas-McCarney Turf	8/26/2015	6:30 PM	8:00 PM	Queen's Varsity Men's Soccer game	anthem/announcements
Miklas-McCarney Turf	8/27/2015	6:30 PM	8:00 PM	Queen's Varsity Women's Soccer game	anthem/announcements
MIKLAS-MCCARNEY FIELD TOTAL OCCURANCES = 2		REMAINING = 91			
Richardson Stadium	8/30/2015	12:00 PM	3:00 PM	Queen's Football game	anthem/announcements/music
RICHARDSON STADIUM TOTAL OCCURANCES = 1		REMAINING = 14			

FOR THE PERIOD SEPTEMBER 1-30, 2015					
Field	Date	Start Time	End Time	Event	Anthem / Announcements / Music
Miklas-McCarney Turf	9/5/2015	1:00 PM	5:30 PM	Queen's Varsity Soccer games	anthem/announcements
Miklas-McCarney Turf	9/6/2015	1:00 PM	5:30 PM	Queen's Varsity Soccer games	anthem/announcements
Miklas-McCarney Turf	9/26/2015	1:00 PM	5:30 PM	Queen's Varsity Soccer games	anthem/announcements
Miklas-McCarney Turf	9/27/2015	1:00 PM	5:30 PM	Queen's Varsity Soccer games	anthem/announcements
MIKLAS-MCCARNEY FIELD TOTAL OCCURANCES = 4		REMAINING = 87			
Richardson Stadium	9/12/2015	1:00 PM	4:00 PM	Queen's Varsity Football game	anthem/announcements/music
RICHARDSON STADIUM TOTAL OCCURANCES = 1		REMAINING = 13			

FOR THE PERIOD OCTOBER 1-31, 2015					
Field	Date	Start Time	End Time	Event	Anthem / Announcements / Music
Miklas-McCarney Turf	10/2/2015	7:00 PM	9:00 PM	Queen's Varsity Soccer Game	anthem/announcements
Miklas-McCarney Turf	10/4/2015	1:00 PM	3:00 PM	Queen's Varsity Soccer Game	anthem/announcements
Miklas-McCarney Turf	10/14/2015	7:00 PM	9:00 PM	Queen's Varsity Soccer Game	anthem/announcements
Miklas-McCarney Turf	10/24/2015	12:00 PM	4:00 PM	Queen's Varsity Soccer Games	anthem/announcements
Miklas-McCarney Turf	10/25/2015	12:00 PM	4:00 PM	Queen's Varsity Soccer Games	anthem/announcements
MIKLAS-MCCARNEY FIELD TOTAL OCCURANCES = 5		REMAINING = 82			
Richardson Stadium	10/3/2015	1:00 PM	4:00 PM	Queen's Varsity Football Game	anthem/announcements/music
Richardson Stadium	10/24/2015	1:00 PM	4:00 PM	Queen's Varsity Football Game	anthem/announcements/music
Richardson Stadium	10/31/2015	1:00 PM	4:00 PM	Queen's Varsity Football Game	anthem/announcements/music
RICHARDSON STADIUM TOTAL OCCURANCES = 3		REMAINING = 10			

West Campus Fields By-Law Exemption Report
Amplified Sound Occurrences

Exhibit D

FOR THE PERIOD NOVEMBER 1-30, 2015						
Field	Date	Start Time	End Time	Event	Anthem / Announcements / Music	
Miklas-McCarney Turf	NO ACTIVITY					
MIKLAS-MCCARNEY FIELD TOTAL OCCURANCES =		0	REMAINING =		82	
Richardson Stadium	NO ACTIVITY					
RICHARDSON STADIUM TOTAL OCCURANCES =		0	REMAINING =		10	
FOR THE PERIOD DECEMBER 1-31, 2015						
Field	Date	Start Time	End Time	Event	Anthem / Announcements / Music	
Miklas-McCarney Turf	NO ACTIVITY					
MIKLAS-MCCARNEY FIELD TOTAL OCCURANCES =		0	REMAINING =		82	
Richardson Stadium	12/5/2015	1:30 PM	2:30 PM	Stadium Groundbreaking Ceremony	announcements/music	
RICHARDSON STADIUM TOTAL OCCURANCES =		1	REMAINING =		9	
FOR THE PERIOD JANUARY 1-31, 2016						
Field	Date	Start Time	End Time	Event	Anthem / Announcements / Music	
Miklas-McCarney Turf	NO ACTIVITY					
MIKLAS-MCCARNEY FIELD TOTAL OCCURANCES =		0	REMAINING =		82	
Richardson Stadium	NO ACTIVITY					
RICHARDSON STADIUM TOTAL OCCURANCES =		0	REMAINING =		9	
FOR THE PERIOD FEBRUARY 1-29, 2016						
Field	Date	Start Time	End Time	Event	Anthem / Announcements / Music	
Miklas-McCarney Turf	NO ACTIVITY					
MIKLAS-MCCARNEY FIELD TOTAL OCCURANCES =		0	REMAINING =		82	
Richardson Stadium	NO ACTIVITY					
RICHARDSON STADIUM TOTAL OCCURANCES =		0	REMAINING =		9	
FOR THE PERIOD MARCH 1-31, 2016						
Field	Date	Start Time	End Time	Event	Anthem / Announcements / Music	
Miklas-McCarney Turf						
MIKLAS-MCCARNEY FIELD TOTAL OCCURANCES =			REMAINING =			
Richardson Stadium						
RICHARDSON STADIUM TOTAL OCCURANCES =			REMAINING =			
FOR THE PERIOD APRIL 1-30, 2016						
Field	Date	Start Time	End Time	Event	Anthem / Announcements / Music	
Miklas-McCarney Turf						
MIKLAS-MCCARNEY FIELD TOTAL OCCURANCES =			REMAINING =			
Richardson Stadium						
RICHARDSON STADIUM TOTAL OCCURANCES =			REMAINING =			

West Campus Fields By-Law Exemption Report
Amplified Sound Occurrences

Exhibit D

FOR THE PERIOD MAY 1-31, 2016					
Field	Date	Start Time	End Time	Event	Anthem / Announcements / Music
Miklas-McCarney Turf					
MIKLAS-MCCARNEY FIELD TOTAL OCCURANCES =		REMAINING =			
Richardson Stadium					
RICHARDSON STADIUM TOTAL OCCURANCES =		REMAINING =			

FOR THE PERIOD JUNE 1-30, 2016					
Field	Date	Start Time	End Time	Event	Anthem / Announcements / Music
Miklas-McCarney Turf					
MIKLAS-MCCARNEY FIELD TOTAL OCCURANCES =		REMAINING =			
Richardson Stadium					
RICHARDSON STADIUM TOTAL OCCURANCES =		REMAINING =			

TOTAL AMPLIFIED SOUND OCCURANCES SEASON SUMMARY JULY 1, 2015 to June 30, 2016	
For the period July 1, 2015 to February 29, 2016	
RICHARDSON STADIUM TOTAL OCCURANCES = 15	REMAINING = 9
MIKLAS-MCCARNEY FIELD TOTAL OCCURANCES = 93	REMAINING = 82



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April 12, 2016

Greg McLean
Policy and Program Coordinator
Licensing and Enforcement
Corporation of the City of Kingston
216 Ontario Street
Kingston, ON K7L 2Z3

Dear Mr. McLean,

Thank you very much for providing the opportunity for Queen's University to respond to comments raised in response to the public notice regarding the university's request for a further one-year extension to its temporary exemption from the City's noise bylaw.

Athletics and recreation has been a valued component of student life at Queen's since 1847, when organized sport was first played on our campus. Participation in activities and on teams is complimentary to the learning environment and teaches skills such as leadership, team work, time management and resiliency, which are important life and professional skills. In addition, the Principal's Commission on Mental Health pointed to the well-established link between physical activity and good mental health.

I would like to indicate that, over the time period of the temporary exemption already granted, there have been no complaints received from our neighbours with respect to sound emanating from the fields covered in the exemption. Queen's has fully complied with the terms and conditions outlined in the approved exemption and has ensured proactive communication with our neighbours.

Regarding the number of occurrences requested in the temporary exemption, and the suggestion that the number of occurrences be reduced, I would note that:

- We originally started the process with a much higher number of occurrences and reduced these to 93.
- Each game is counted as an occurrence and the 93 requested is over two fields of play
- The number of occurrences requested reflect that Queen's sports use the west campus fields as their practice and competition fields, and take into account their annual season schedules and the possibilities with respect to hosting games in the playoffs.
- With respect to playoff scheduling, this is a dynamic process as it is based on the outcome of games and a team's order of finish in league play. Finishing higher means you receive home field advantage and that you may host championships events (tournaments), therefore requiring a sufficient buffer in the number of occurrences allotted under the temporary exemption.
- With respect to the number of occurrences at Richardson Stadium, we cannot use last year as an indicator of field use, given both limitations on natural grass and that we were in construction mode on the stadium from July onward, resulting in reduced play on this field.
- The number of occurrences also takes into consideration a limited number of activities for community groups, such as KASAA championships, OFSSA Champions, attracting



provincial/national championships and/or international events that contribute to the sport tourism industry in Kingston.

Queen's fields (and all athletic venues) are used by a significant number of community groups. They use our fields because they cannot always access the City's fields. The City's recreation master plan speaks to utilizing educational sports venues to compliment the overall level of physical activity in our city, and the availability of Queen's fields supports this. Further restricting use or allowing only Queen's activities would eliminate the opportunity for any community use and would seriously reduce activities available for school groups, youth and adult activities.

Queen's has demonstrated a judicious and courteous approach to the use of the 93 occurrences at all times and continually scrutinize requests for field use with regard to its impact to our neighbours. We have not automatically used all the occurrences and we have at times deliberately moved or turned down events.

Regarding the concern raised about amplified sound at Richardson Stadium, I would note that Queen's has not received any complaints with regard to sound (game, music, band, cheering) from Richardson Stadium.

A sound study was completed by an independent sound consultant which measured sound at the property line of neighbors not on the street, and the study indicated that building a wall/berm would not have a material effect and may increase sound from traffic bouncing of the wall/berm. The consultant's recommendation was to change speaker location, add more speakers to distribute sound, and to implement administrative controls regarding volume, use and application. Queen's has implemented all of these recommendations.

The physical layout and design of the revitalized stadium (bowl shape) and plan for the sound system all considered adjacencies to our neighbours. A sound consultant was engaged on the Richardson Stadium project and he was charged with designing a sound system that would limit sound emanating from the field as per the recommendations in the report. The sound system selected for the stadium will meet the requirements and be calibrated to the sound specifications outlined in the study and by the detailed design.

In conclusion, I would like to reiterate that when Queen's applied in 2015 for a one-year temporary exemption to the noise bylaw, the intent was for that extension to allow sufficient time for the city to complement its review of, and amendments to, the noise bylaw. As it appears that process may not be completed by the time that Queen's exemption expires on June 30, 2016, this further extension of Queen's temporary exemption is being requested.

Sincerely,



Leslie Dal Cin
Executive Director, Athletics & Recreation
Queen's University