



**City of Kingston
Report to Council
Report Number 24-225**

To: Mayor and Members of Council
From: Paige Agnew, Commissioner, Growth & Development Services
Resource Staff: Kyle Compeau, Manager, Licensing & Enforcement
Date of Meeting: August 13, 2024
Subject: Request for Noise Exemption The Frontenac Club –
Supplementary Report

Council Strategic Plan Alignment:

Theme: Policies & by-laws

Goal: See above

Executive Summary:

This supplemental report provides an update regarding additional public submissions received concerning the Frontenac Club's request for a Noise Exemption as detailed in [Report Number 24-201](#). Staff reviewed the additional correspondence received, however the recommendation from staff remains unchanged. The recommendation in Report Number 24-201 from staff remains unchanged.

Recommendation:

This report is for information only.

August 13, 2024

Page 2 of 4

Authorizing Signatures:

ORIGINAL SIGNED BY COMMISSIONER

Paige Agnew, Commissioner,
Growth & Development Services

ORIGINAL SIGNED BY CHIEF

ADMINISTRATIVE OFFICER

Lanie Hurdle, Chief
Administrative Officer

Consultation with the following Members of the Corporate Management Team:

Jennifer Campbell, Commissioner, Community Services	Not required
Neil Carbone, Commissioner, Corporate Services	Not required
David Fell, President & CEO, Utilities Kingston	Not required
Peter Huigenbos, Commissioner, Major Projects & Strategic Initiatives	Not required
Brad Joyce, Commissioner, Infrastructure, Transportation & Emergency Services	Not required
Desirée Kennedy, Chief Financial Officer & City Treasurer	Not required

August 13, 2024

Page 3 of 4

Options/Discussion:

Total Number of Additional Submissions Received: 6

Summary of Concerns Raised by the Public:

Altered Request: Concerns were raised regarding the Frontenac Club's revised request, which now includes amplified music for five days a week instead of seven, and a two-year extension until November 2026. The comments expressed dissatisfaction with the slight reduction of the request.

Residential Impact: The additional comments voiced strong opposition to the noise exemption due to the impact on the residential neighbourhood, emphasizing that the amplified noise would significantly disturb the peace and quiet of the area.

Engagement Issues: Several residents highlighted the lack of communication from the Frontenac Club with its immediate neighbours. They expressed disappointment that the Club did not engage with the local community more thoroughly before submitting the request.

Amplified Concerns: Submissions questioned the need for amplified music on the Club's patio, particularly given the residential setting and the belief that the Club's patio is not large enough to justify such a request.

Noise Levels and Hours: Residents expressed concerns about the proposed hours for amplified music, specifically 12 PM to 10 PM Thursday, Friday and Saturday nights, noting that this would be disruptive, especially for those working from home. Some suggested that the music should only be allowed after 5:00 PM and limited to weekends.

General Opposition: The overarching theme in the submissions was a strong opposition to the noise exemption request. Some residents recommend denying the request unless significant amendments are made to protect the neighbourhood's character.

Notice Provisions

The City of Kingston informed residents that an extended consultation period was provided to gather additional public feedback on the revised Noise Exemption submitted by the Frontenac Club. This extension was implemented to ensure that all community members had ample opportunity to voice their concerns and provide input for the proposed changes.

Duration: The consultation period was extended from Friday, August 2, 2024, until Friday, August 9, 2024, concluding at 4 PM.

Purpose of Extension: The City recognizes the importance of community input in decisions that impact residential neighbourhoods. The extension was provided to accommodate the revised request submitted by the Frontenac Club, which includes changes to timing and

August 13, 2024

Page 4 of 4

frequency of amplified music on their premises. The extension allowed residents sufficient time to review the new proposal and submit their feedback.

The City of Kingston remains committed to transparent and inclusive public consultation processes. We thank all residents who participated and shared their perspectives during this extended period.

Contacts:

Kyle Compeau, Manager, Licensing & Enforcement 613-546-4291 extension 1343

Exhibits Attached:

Exhibit A Additional Correspondence

From: whitega60 [REDACTED]
Sent: August 5, 2024 7:20 PM
To: Compeau, Kyle <kcompeau@cityofkingston.ca>
Subject: Noise exemption Frontenac Club

Caution: This email is from an external source. Please exercise caution when opening attachments or clicking links, especially from unknown senders.

No. The times requested are too long. In the event they actually had amplified music from 12 pm till 10 pm in one day that is way too much. This notification still doesn't say whether this is indoor or outdoor or if it varies. Sound carries a lot in this area. I would say *maybe* if it was indoor and lasted for a couple hours in the afternoon *or* a couple hours at night.

Gail White

Johnson St

Sent from my Galaxy

From: Suzanne Hamilton [REDACTED]
Sent: August 6, 2024 8:45 PM
To: Compeau, Kyle <kcompeau@cityofkingston.ca>
Subject: Noise Exemption Request for Frontenac Club

Caution: This email is from an external source. Please exercise caution when opening attachments or clicking links, especially from unknown senders.

Thank you for the opportunity to comment on the noise exemption requested for the Frontenac Club.

I have reviewed the By Law and related information on the City website and it seems to me that the proposal from the Frontenac Club is not in keeping with the intent of the Noise By Law to protect residential communities from excessive noise.

It is my understanding that the Frontenac Club is in a location that is designated as residential in the By Laws and that granting the exemption would permit the Club to exceed noise restrictions up to 7 days a week for a good part of the year for 2 years.

It seems me that the intent in permitting exemptions to the Noise By Law is to allow for occasional exceptional events or construction activities. I don't believe it was intended to give blanket permission for a business to exceed noise restrictions as part of its regular activities.

My concern is that granting such an extensive exemption would undermine the intent of the Noise

By Law and set a precedent that could affect other residential communities and make it difficult to enforce the By Law in other situations.

Thank you again for the opportunity to comment.

Suzanne Hamilton

From: Bill P <[REDACTED]>
Sent: August 9, 2024 5:49 PM
To: Compeau, Kyle <kcompeau@cityofkingston.ca>
Subject: Re: Proposed Frontenac Club Hotel Amplified Music/Voice Exemption

Caution: This email is from an external source. Please exercise caution when opening attachments or clicking links, especially from unknown senders.

Good afternoon Mr. Compeau,

I just now read the revised noise exemption request, and see a submission deadline if 4:00 today.

I received it from a neighbour.

My initial concerns still extend to this revision, so I expect my prior concerns to be applied to this revision.

If the FC hoped to erase all prior concern communications by reissuing a slight revision, I hope you do not extend them that privilege, and hold those prior communications as valid to the revision.

I look forward to the hearing. Please remind me of the schedule for that (in the event that it too has changed), and copy me here on all further City communications in this regard.

With thanks

Bill Pollock

On Jul 25, 2024, at 7:34 AM, B. Pollock <[REDACTED]> wrote:

Good morning Mr. Compeau,

I live on the corner of King and Earl Streets. My wife and I enjoy the location for it's historic beauty, and peaceful neighborhood ambience.

I was one of the complainants about the music emanating from the Frontenac last year, so I think you can predict what my opinion of the exemption.

The Frontenac Club knew what they were getting in to when they undertook the venture. There are other boutique hotels and Inns in the area, and as far as I have heard, none of them feel the need to broadcast music throughout the neighborhood to stay in business. Frankly, I am a little angered by the FC's woe-is-me attitude to their business, and attempting to lay blame on the community for a poor business decision.

It is no wonder local consultation did not reveal any objections to rezoning, since that would not carry with it an automatic exemption to the city's sound by-laws, so what's to complain about. Perhaps the FC group didn't understand that when they applied for the rezoning, but that notwithstanding, it is no reason to change it now.

It is not necessary to amplify the entertainment as much as they do - if at all - to be heard within the confines of the courtyard. Had the FC made a real effort to contain it's outdoor entertainment within the walls, they never would have had any complaints. It is difficult to contain bass sounds. Since they travel like a lion's roar, it can disturb the peace, and sleep, many blocks away.

Allowing anyone, no matter who, to bend the sound by-law to their will would be the proverbial camel's nose under the tent. The next applicant would cite the former exemption to justify and prosecute their request, and so on, and so on.

I have attached a copy of the Frontenac Club's hand delivered solicitation for support on their behalf, (if you not yet had a chance to read it). Please enter this in the record for the meeting.

I truly hope the City decides in favour of maintaining the by-law standard for the citizens of Kingston, without exception.

Sincerely,

Bill Pollock

[REDACTED]

[REDACTED]

<FC Solicitation Letter.pdf>

From: Daniel Chippier [REDACTED] >
Sent: August 8, 2024 1:10 PM
To: Compeau, Kyle <kcompeau@cityofkingston.ca>; Glenn, Conny <cglenn@cityofkingston.ca>
Subject: Re: The Frontenac Club

Caution: This email is from an external source. Please exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Kyle - Further to my letter of July 28th, I remain opposed to the Frontenac Club's revised request for a Temporary Noise Exemption, especially considering they've revised their request by just one hour until 10 pm on Thursday, Friday, and Saturday. I'm also disappointed in the fact they have also altered their request to offer amplified music five days per week rather than seven days per week. And I'm shocked they have now requested the exemption be granted for two years until November 2026.

Why do they even need amplified music on their patio in the first place when their patio is not overly large? And again, note this is the ONLY business in a residential neighbourhood. Do we as residents not have a say in our neighbourhood?

I remain disappointed that the Frontenac Club has still not sent me an email, made a phone call, rapped on my front door, or put a letter in my mailbox when I live directly across the street from their establishment. They are not acting as responsible members of the community. I respectfully ask their request be denied until there is further engagement with their immediate neighbours.

Dan Chippier

226 King Street East

From: Helen Finley [REDACTED]
Sent: August 9, 2024 3:20 PM
To: Compeau, Kyle <kcompeau@cityofkingston.ca>
Subject: Frontenac Club revised noise bylaw exemption request

Caution: This email is from an external source. Please exercise caution when opening attachments or clicking links, especially from unknown senders.

Good afternoon Kyle,

This request slightly reduces the number of opportunities for amplified noise. It ignores the fundamental problem of how much noise and how often a commercial enterprise located in a residential area should be permitted to inflict this noise on the residents of the neighbourhood. (This was not an issue with the previous owners.)

It seems to me there are several options relating to sound and noise level.

Sound:

- no music
- music without amplification
- music with limited and specified amplification (decibels)
- music with unlimited and unspecified amplification (decibels).

Time of day and frequency:

- Morning is not an issue.
- Afternoon between 1200 and 6:00 7 days a week is an issue.
- Evening between 6:00 and 8:00 7 days a week is an issue.
- Evening between 8:00 and 10:00 3 days a week is an issue.

Precedent:

The separate issue of granting a “blanket” type exemption is that it opens up the door to large concert groups (think Orientation etc.) to make the same request which is then problematic for the City to refuse.

The Frontenac Club owners are asking for pre-approval of time slots during which they can choose to program amplified music. That most frequently relates to “loudness” which also relates to the distance between the origin of the music and the location of the residents. Does any of their programming involve unamplified music? If so, does unamplified music require a permit?

It is reasonable to assume that the noise level should be such as to provide entertainment for the guests who have chosen to come. It is also reasonable to assume that it should

Caution: This email is from an external source. Please exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Kyle,

I would like to respond to the amended request for noise exemption for the Frontenac Club Inn. Since City Staff's report and (positive) recommendation have already been added to the Agenda package for the Aug 13 Council meeting, I am copying this to Council members to ensure that they are aware of my concerns, and those of my immediate neighbours who are most affected by amplified sound emanating from the hotel (we live on the north side of King St, directly across from the hotel). I am also attaching the letter to you from my next door neighbour, Scott Henderson, in case it does not reach Council members. In it, he proposes a compromise position that balances competing interests in a way that recognizes the public utility of the Frontenac Club Inn, but also recognizes the legitimate concerns of their residential neighbours.

The amended request does little to mitigate my (and others) concerns of the very broad nature of the requested exemption (a potential maximum of 46 hours of amplified sound for up to 5 days a week for 7 months of the year until November 2026). This seems to be contrary to the spirit of past noise exemption requests which have been exclusively made for specific events and occasions (a good example being the requests by Queen's for noise exemptions for specific events during Orientation Week, and that Council will be considering at the August Council Meeting as well). I think a carte blanche exemption, the application of which is entirely up to the discretion of the exempted party, is a dangerous precedent to set and could very well lead to similar requests from others.

The Staff report to Council goes to some lengths to outline the economic benefits to the hotel and to tourism in general, but does not address at all the legitimate concerns of affected residents in close proximity to the hotel. A Noise Management Strategy that the hotel has apparently implemented is delineated, but frankly, it is inadequate. For example: '**Volume Control:** Ensuring the amplification system is maintained at reasonable levels.' What is a reasonable level? If the volume had been reasonable in the past, why did the hotel receive so many noise complaints? It should not be up to the hotel's discretion to decide what level is 'reasonable'. Rather, there needs to be some kind of quantitative analysis or noise study that sets a permitted level of amplification that the hotel must

adhere to. Perhaps something akin to that found in section 5.21 of the City's Official Plan, which states: The City of Kingston recognizes the importance of noise management. Any proposed development that has a sensitive use within the potential influence area as described in the Province's D-6 Guideline or between the 25 to 30 NEF contours requires a detailed noise study to the satisfaction of the City. The study must be conducted by a qualified person in accordance with Ministry of the Environment and Climate Change guidelines or any such further guidance or requirement implemented by the City, as applicable, address all sources of noise affecting the site, and include recommendations for mitigation to meet the applicable noise criteria. Also: '**Noise Level Monitoring:** Monitoring noise levels during events and taking immediate action to address any concerns.' I guess this means that the onus is on my neighbours or myself to tell them the music is too loud?? Not how I want to spend my Saturday night thanks.

With respect to community engagement, the Staff report to Council states that the hotel actively engaged with the surrounding community to address any noise concerns. It is more correct to say 'surrounding community except those in closest proximity to the hotel who would be most negatively impacted'. Except for the 'request for support' flyer put through our mail slot, hotel management has not contacted us nor any of the other households on King St in the block between William and Earl. I suspect you can guess why. Apparently, there were meetings with community members to discuss concerns and potential solutions. Not sure where and when these meetings occurred; we were never notified. As for potential solutions? Reducing amplified sound from 7 to 5 days of the week and one hour less per day can only be viewed as a marginal improvement. And allowing the hotel to dictate scheduling and noise levels amounts to an abdication of the City's responsibility for noise management.

One final point. As a landlord with two residential units on my property, I have legitimate business interests that will be compromised should the noise exemption be granted as per the request. My tenant upstairs, who is adversely affected the most by amplified sound from the hotel, will end her tenancy with me if this noise exemption is granted. I will then be faced with trying to find another tenant, which will be difficult to do once proposed tenants find out about the noise from across the street. Furthermore, I have just finished the expensive process of rezoning our carriage house for residential use, and will now face the same problem to rent that unit. And that is to say nothing about the reduction in the value of our property and those of our immediate neighbours.

I urge Council to carefully consider the implications of such a broad noise exemption, and believe that a suitable compromise can be reached that respects the valid concerns of residents and also allows the hotel a reasonable degree of commercial activity involving amplified sound.

Sincerely,

Brian Bennett

Dr. Brian M Bennett, Professor Emeritus
Dept Biomedical and Molecular Sciences and
Centre for Neuroscience Studies
Faculty of Health Sciences
Queen's University
Kingston ON Canada K7L 3N6

[REDACTED]

[REDACTED]

Queen's University is situated on traditional Anishinaabe and Haudenosaunee Territory.

8 August, 2024

Kyle Compeau
Manager, Enforcement Services
City of Kingston

CC: Conny Glenn, Councillor

District 10 – Sydenham

City of Kingston

VIA EMAIL: KCompeau@CityofKingston.ca; CGlenn@CityofKingston.ca

Dear Mr. Compeau –

Further to my letter dated 28 July, 2024, I write to you again to state my strong opposition to the Frontenac Club’s revised request for a Temporary Noise Exemption. The Request remains absolutely excessive, amounting to what could total 46 hours of amplified music each week for 30 weeks of the year.

I suspect the Club is not planning to amplify music for that duration and is simply seeking maximum flexibility in their exemption. Unfortunately, the Club has still not engaged in any dialogue with its residential neighbours to explain or provide any context for their Request, so it is hard to know exactly what is planned.

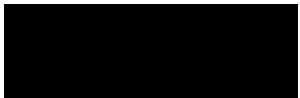
I strongly believe the Request should be denied until a neighbourhood meeting is held and residents are able to have a discussion with the management of the Frontenac Club.

Regardless, the Request should **not** be granted in its current form without serious amendments that protect the character of the neighbourhood, provide a standard of respect for its residents and, as a result, position the Club as a good neighbour. Namely:

1. The Request **should only be granted for one year**, instead of the currently stated Nov. 30, 2026. This will allow a probationary period for review to assess the impact of the Request.
2. The Request **should provide a more clearly defined limit** to the number of hours of amplified music permitted each week or month. As previously mentioned, the current proposal for 8-10 hours per day for up to five days each week is outrageous. Based on the Club's current use of amplified music, a reasonable consideration would be 8-10 hours *per week*.
3. The Request **should only allow amplified music after business hours** (post 5 p.m.). Amplified music beginning at 12 noon on weekdays is unreasonable for the many individuals that work from home.
4. The Request **should only allow amplified music until 10 p.m. on weekends only** (i.e. Friday and Saturday night, not Thursday as well).

Mr. Compeau, thank you for your consideration once again.

Scott Henderson

 t