

RE: City of Vancouver Council Meeting April 23 Agenda Item #4. Noise Control By-law Review—Phase One (Proposed City of Vancouver Noise By-Law Revision)

22-April-2024

Dear Mayor & Council,

I am writing this as a Director with the Vancouver-based Right to Quiet Society (RTQS) for Soundscape Awareness and Protection. I also wish to identify that our Society is based on the unceded territories, lands, and waters of the Coast Salish Peoples.

Our organization's mission statement (stated on our website) aptly sums up our purpose:

<< The Right to Quiet Society for Soundscape Awareness and Protection was founded in Vancouver, British Columbia in 1982 as a charitable organization with the mission of raising public awareness of the detrimental effects of noise on health; promoting awareness of noise pollution and the dangers of noise to our physical, emotional, and spiritual wellbeing; working for noise reduction through better regulation and enforcement; encouraging responsible behaviour regarding noise; advocating for manufacturing quieter products; and fostering recognition of the right to quiet as a basic human right, rather than as an amenity for the affluent >> (Source: [hxxps://quiet\[.\]org/about-right-to-quiet/](https://quiet[.]org/about-right-to-quiet/)).

Our group has been engaged with previous City of Vancouver by-law and policy development around soundscapes and noise (i.e. unwanted sound) for the past four+ decades, and we also helped establish the City's original Urban Noise Task Force. We are very much supportive of lively and diverse urban soundscapes at the same time recognizing that quieter cities enable us to hear each other, nature, music, foot traffic and the voices of youth and people of all ages both in and outside of homes. We also acknowledge that tourists and residents alike know Vancouver as a city that actively strives to be liveable and enhancing of its quality of life — including its diverse soundscapes. This attracts tourist and socio-economic interest in our approach to a healthy quality of life.

We recognize that cities, the world over are often delightful places for a diversity of sound signatures and soundscapes, but that increasingly mechanical noise from road traffic, air and boat/shipping traffic and rail traffic are impacting the quality of life and sonic justice in our cities, particularly impacting the mental and physical health of residents, and growing young persons. Research, including by our own RTQS directors such as Prof. Dr. Arline Bronzaft (also a board member of GrowNYC), has clearly identified the health impacts that systematic noise exposure has had on the public in general, and on growing children (e.g. educational test scores) in particular. We believe this strong body of evidence—identifying noise as a human psychological and biological health hazard needs to be clearly articulated in a preamble to the proposed bylaw. This is one of many gaps that we identify.

As a trained urban planner and geographer (including previous consulting work in the City of Vancouver with Moodie Consultants), some of my own concerns are about systemic exposure to growing road traffic volumes, and the impacts of noise on home-based workers from construction sites and novel noise sources in designated quiet areas such as parks (e.g. marine traffic/party boats; mobile boom boxes; drones; etc.). In Singapore I worked at Nanyang Technological University (NTU) with a team of urban engineers, psychologists, and sociologists to study the noise and quality of life impacts of construction in a high-density neighbourhood. I am interested in urban sonic and acoustical research and best practices from cities around the world (such as Stockholm's 'designing soundscapes for sustainable urban development' planning approach and the current City of Toronto's engagement on its noise bylaw review) that actively engage with diverse publics to democratically consider innovative approaches to enabling sonic delight while limiting or regulating deleterious sonic impacts, particularly systematic, unhealthy impacts on residents (especially minority communities and

less affluent residents) as well as urban wildlife (whether birds, marine life, or other natural life).

In my view the proposed by-laws, while containing some interesting ideas (i.e. the hiring of an acoustical engineer) does not exhibit an openness for engagement with wider groups or neighbourhood groups. Nor has this process employed an openness for discussion of best practices employed in other cities for enhancing our soundscapes (and controlling for systemic noise pollutants). The bylaws do not appear to couple good soundscape design with urban planning and design, particularly in rapidly changing construction-scape. Nor does the proposed bylaw appear to address the growing challenges of increased noise along higher and higher traffic arterial roadways -- instead it seems to 'pass the buck' to road-based bylaws or to other jurisdictions (i.e. BC). The Vancouver Charter enables the City to change the scope of its bylaws and regulations beyond the capacity of many cities in Canada or North America for instance, so imagining a creative approach to democratizing our shared soundscapes could be entirely possible if there was a will.

There are also important economic, business, and legal implications for long term exposure to unhealthy soundscapes. Workplace exposure to noise, in high traffic zones, on/near construction sites, and even in commercial and public venues can impact workers and neighbours alike—and certainly increase the culpability and liability of business owners. For example, several of our directors have been involved with devising an app for customers who prefer quieter restaurants/venues to encourage self-regulation and attracting customers who prefer quieter spaces. However, workplace occupational safety and city bylaws also ought to be designed to protect staff from such exposures.

Finally, I am writing this comment on the proposed noise by-law changes on Earth Day, keeping in mind that the City of Vancouver, historically recognized as a leader in thinking (and sometimes acting) on quality-of-life issues. In my view this by-law does not come near to that respected Vancouver tradition of open engagement and dialogue towards 'hearing' public concerns. To recapitulate, in my view the current proposed bylaw change(s) appears to be problematic for the following reasons:

1. While UNDRIP is newly identified in this bylaw, one wonders if local First Nations Indigenous knowledge keepers have been engaged in the consultation process for this bylaw? If not, can the respectfully seek the advice of the Indigenous Advisory Committee or with local First Nations elders and its longest residents please?
2. It seems to be unclear how the previous limited engagement process informed changes in the current bylaw (vis. survey, comments, etc.). Even the short window for introducing proposed changed bylaw severely limits the time for meaningful internal and external public, expert or media discussion, feedback, or changes.
3. Our RTQS Director Prof. Dr. Arline Bronzaft clearly identifies the need to include a pre-amble (i.e. mission statement or *raison d'être*) for the bylaw clearly identifying links between unwanted sound (i.e. noise) and public physical and mental health hazard. With reference to this bylaw, she stated: "Bylaws require preambles acknowledging noise as a harmful to health pollutant." And with regards to enforcement, she adds: "Bylaws require enforcement [mechanisms] and unless enforcement is spelled out, bylaws are not worth the paper they are written on. How will these bylaws be enforced? Need to spell this out."
4. Lack of clarity and simplified explanation (i.e. transparency) about the core changes, particularly related to 'flexibility' in interpreting daytime/nighttime ambient noise level readings is of great concern and seems ignorant of the fact that noise limits are globally recognized as impacting human health by the WHO/World Health Organization, European Noise Directive (EU-END) and cities concerned with their residents' public health around the globe. Daytime/nighttime noise level regulations cannot be changed simply because cities are getting noisier, given that the human threshold impacts are well known. This would be tantamount to suggesting that air pollution tolerance levels ought to be amended because there is more air pollution. It is

logically, scientifically, and socio-economically unacceptable and would be tantamount to negligence and fiduciary irresponsibility on the part of City Council (let alone abrogating intergenerational equity and precautionary principles).

5. There seems to be an acute lack of references in this bylaw (i.e. no preamble/background/context) to scientific, scholarly, urban planning or engineering sonic/soundscape/acoustical urban best practices from other cities, jurisdictions, or engagement by long-time experts such as our RTQS resident expert-director Dr. Arline Bronzaft. In fact, the City of Vancouver and Metro Vancouver is home to myriad urban sustainability and soundscape, acoustic and urban planning experts and liveable community advocates. Please talk to us or engage with us!

6. With the draft bylaw there appears to be an undue focus on enabling special events, which incorrectly assumes noise restrictions have limited, without acknowledging that Vancouver residents have long supported street festivals, music festivals, farmers markets, street closures, runs, etc. but at the same time many have questioned large scale mega-events that require widespread closures and sonic impacts (e.g. Indy car race, fireworks, etc.) on humans and domestic animals/pets and wildlife. Moreover, the research indicates that a lack of consultation or an imposition of events on citizens is a sure way to invoke noisy protestations, let alone invoking bad memories in the minds of voters!

7. There remains a lack of clarity on previously designated 'quiet parks' which to date, have been under the auspices of the Vancouver Parks Board. This is important since open spaces, parks, beaches, and natural places are an important place for residents to find peace of mind. In a growing city, how such parks are managed and how sonic conflicts are avoided are important to residents and those concerned about biodiversity protection (i.e. sonic impacts on fauna).

8. There seems to be a lack of specification or scenarios or forecasts in identifying the growing level of construction potential across the city considering plans such as the Broadway Plan and housing policies recently proposed by the Province of B.C. Given the large numbers of home-based employees, and elders residing in home, such daytime construction will require some foresight vis this proposed by-law on these issues. While cities are always becoming/changing—we believe that they can become less noisy and more delightful with foresight informed by insightful research and strategic planning. This ought to include a soundscape planning team.

9. Moreover, a lack of recognition of increasing home-based work (akin to the pandemic where lock down made residents more aware of their urban soundscapes) requires greater discussion in terms of crafting a bylaw that meets the needs of current and future resident workers, self-employed, students and home-based businesses. The current bylaw appears overly narrow in this respect.

10. By handing off responsibility of road traffic noise — a key and growing public health and planning concern in Metro Vancouver — there seems to be an ignorance and a lack of recognition of the inequitable distribution of impacts of air and noise pollution along roadways where vehicular traffic is increasing. Arguably the same could be said for non-city jurisdictional traffic in the ports, harbour, airport, along SkyTrain (in East Vancouver) railroads and so forth. An innovative by-law would deploy the Charter to advocate for greater protection of Vancouver citizens' right to quiet and consultation on these matters. Instead, residents concerned about such matters will remain frustrated.

11. The lack of awareness of vehicle modifications ICEs designed to create noise impacts and how this has become an issue in Europe and North American cities which is being address using either vehicle inspections (like our previous AirCare) and/or noise cameras. Here again, the City of Vancouver, claims to not be responsible for regulating this issue along its busier and busier roadways. Previously the public health officer of

Vancouver for example required triple glazed windows along busy arterial roads (e.g. Fraser Lands, SE Marine Drive) to protect the hearing of residents including growing children. Other jurisdictions such as Singapore go so far as to restrict construction and noise during crucial public-school examinations, highlighting the importance the city places on education. Will this bylaw enable such progressive protection of the City of Vancouver's present and future residents?

Rather than being a leader in sustainability this proposed bylaw appear to maintain the status quo and even loosen up or weaken previous sound restrictions or limitations such as possibly now enabling the potential for special mega-events like on street IndyCar races, etc. While RTQ is not against public or community-based events, we feel ignoring the realities of increasing home-based work, increased construction across the city and noisier trends such as leaf blowers, boomboxes on public beaches, on bikes or parks and modified vehicular exhaust systems and increasing roadside air, light and noise pollutants alongside the busiest, metro-wide road corridors indicate that the current draft bylaw proposal is actually out of date even before it is approved and it is potentially ignorant of best practices in global cities that rank near the top of livability and quality of life indexes for considering the health of long-term residents, youth, mobile workers and tourists from around the globe.

Finally, I feel with changes in this bylaw, like engaging First Nations knowledge keepers, like consulting local quality of life and soundscape experts, like engaging with citizen science and publics (i.e. residents can download dosimeter apps and discuss wanted and unwanted noise in the city), and by including a bylaw preamble and enforcement mechanisms could kick-off the next round of discussions about making this regulation enabling and enhancing of public health and quality of life in the City of Vancouver.

As a member of RTQS, I would commend the Council for seeking to update its noise bylaws and seeking to employ an acoustical engineer, however, as my concerns identified above indicate, the proposed changes in many ways appear to generally lack in innovation, best practices, and possibilities for engaging publics in enabling a healthy soundscape for all.

Sincerely,  
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