



General Purposes Committee

Date: Monday, February 7, 2011

Place: Anderson Room
Richmond City Hall

Present: Mayor Malcolm D. Brodie, Chair
Councillor Linda Barnes
Councillor Derek Dang
Councillor Evelina Halsey-Brandt
Councillor Greg Halsey-Brandt
Councillor Sue Halsey-Brandt
Councillor Bill McNulty
Councillor Harold Steves

Absent: Councillor Ken Johnston

Call to Order: The Chair called the meeting to order at 4:02 p.m.

MINUTES

It was moved and seconded

That the minutes of the meeting of the General Purposes Committee held on Monday, January 17, 2011, be adopted as circulated.

CARRIED

1. **2011 CITY GRANT PROGRAM**
(File Ref. No.:) (REDMS No. 3121142)

Lesley Sherlock, Social Planner was available to answer questions. Members of Committee commended all City staff who assisted in reviewing the applications for the 2011 City Grant Program for the excellent job they had done.

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A discussion then took place about various applicants and the rationale for the level of funding that had been proposed for each applicant. Ms. Sherlock mentioned that St. Albans Church was the only applicant that had received a grant increase for 2011.

Discussion also took place about:

- the feasibility of adjusting the grants to incorporate a cost of living allowance increase;
- concerns related to the application process. It was noted that the applications were generally well received and completed, however some groups had expressed concerns and encountered difficulties completing the applications and providing the required information; and
- whether Richmond Addiction Services Society (RAS) was assisting those with addictions to gambling. It was noted that RAS was currently developing a five year strategy.

De Whalen, Richmond Women's Resource Centre Association, advised that City Grant funding is used to pay for the lease for the Caring Place Office and the Hot Ink Program, a teen writing program for girls. Ms. Whalen also spoke about the Grandmother's Support Program and advised that the Women's Centre is just short of receiving 5000 visits a year.

De Whalen, speaking for the Richmond Poverty Response Committee, addressed the issue of affordable housing and advised that the Poverty Response Committee was interested in starting a housing rental stock inventory program in Richmond, and were seeking assistance to conduct a workshop for landlords and tenants regarding secondary suites and affordable housing.

Alan Lau, Canadian Low Income Affordable Seniors Housing Society, advised that the Society had over 5000 members, and did not receive any government funding except for a \$1000 grant from the City of Richmond in 2010. He noted that the Society charged a one time entry fee of twenty dollars for a lifetime membership. He further noted that members enjoyed benefits that included cash savings from merchants of up to 30%. He concluded by stating that all members of this Society were low income, and requested Council to give consideration to granting funding for the Society.

Christine Dixon, Coordinator, Super Saturday Program, Canadian Mental Health Association, Vancouver - Burnaby Branch, and Susan Rechel, Program Manager, Richmond Mental Health and Addiction Services spoke about the Super Saturday Club Kids Program, which is a recreation based program for children of parents with serious mental illness.

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In answer to queries, the delegation provided the following advice: (i) in addition to the 12 kids who are currently in the program, there are 13 kids on the waiting list; (ii) the program has been running for 10 years and the service is provided in Richmond; (iii) the program is committed to kids between the ages of 8 and 17; (iv) the Association is seeking one time funding in order to continue the program; and (v) the Association has applied for other grants as well.

Esther Ho, Integration Youth Services Society, expressed concern that the Society had not received City Grant funding for the previous two years. She advised that the Society provided services for new immigrant youth and their families. Ms. Ho spoke about the programs offered by the Society including the Mustard Seed Theatre for Young Actors, Youth Drug Fee Project, and the Personal Growth Program. Ms. Ho also advised that the services offered by the Society were different than those offered by Richmond Youth Services.

Suzanne Haines, General Manager, Gateway Theatre, spoke about the production "*Forbidden Phoenix*" and advised that the Theatre had been working on this production for eight years and had received City funding previously. Ms. Haines also spoke about the funding cuts to gaming and the BC Arts Council.

Gina McIntyre, Richmond Hospice Association, advised that the Association's funding from Vancouver Coastal Health had been cut and the Society was facing a \$50,000 shortfall. She stated that the Association would have to reduce office and volunteer hours at the hospice.

Wong Yee, Cinevolution Media Arts Society, thanked the Committee for its support and extended an invitation to a multi-media performance to take place at the Richmond Olympic Oval on February 12, 2011.

Upon the conclusion of presentations by delegations, a discussion ensued about the following:

- the need to investigate the treatment of the cost of living allowance prior to next year's grant application process;
- having RAS submit an updated report related to their activities. Staff advised that RAS submitted a report with every grant application, and that the report that was attached to RAS' 2011 Grant Application would be made available to members of Council prior to the next Regular Council meeting, scheduled to be held on Monday, February 14, 2011; and
- the feasibility of adding \$1850 to the remaining amount of \$5,150 of the proposed 2011 Grant Budget for a total of \$7,000, which would be equally split up between the following seven applicants:

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- Canadian Low Income Affordable Seniors Housing Society;
- Filipinos in Richmond Support Team;
- Steveston Community Society;
- Richmond Chinese Community Society;
- Richmond City Centre Community Association;
- Integration Youth Services Society; and
- KidSport Richmond.

It was moved and seconded

That as per the staff report from the Deputy Chief Administrative Officer, dated January 14, 2011, the 2011 City Grants be allocated as follows (see Attachment 2):

- (1) *The organizations in the Health, Social and Safety Services category be awarded the recommended grant amounts and cheques disbursed for a total of \$440,850;*
- (2) *The organizations in the Cultural and Community Events category be awarded the recommended grant amounts and cheques disbursed for a total of \$86,500;*
- (3) *The following seven organizations each be awarded an additional grant amount of \$1000: (i) Canadian Low Income Affordable Seniors Housing Society; (ii) Filipinos in Richmond Support Team; (iii) Steveston Community Society; (iv) Richmond Chinese Community Society; (v) Richmond City Centre Community Association; (vi) Integration Youth Services Society; and (vii) KidSport Richmond, and that staff advise Council regarding a funding source for the additional \$1850 that would be required in addition to award the additional grants; and*
- (4) *Staff report back on treatment of the cost of living allowance prior to next year's grant application process.*

The question on the motion was not called as the following **amendment** was introduced:

It was moved and seconded

That Part (3) of the motion be amended such that the Council Contingency Fund be the source of funding for the \$1850 required to award the additional grants.

CARRIED

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The question on the main motion was not called as an additional **amendment** was introduced:

It was moved and seconded

That all 2011 grant recipients be awarded a cost of living allowance adjustment funded from the Council Contingency Fund.

The question on the amendment motion was not called as the following was introduced as an addition to the amendment:

It was moved and seconded

That a general review of the City Grant Program be undertaken including a review of the funding sources and application.

The question on the amendment motion was not called as discussion continued about the sources of funding, the Consumer Price Index (CPI), and about having staff report back on details related to casino funding. Concerns were also expressed regarding the provincial and federal funding cuts and the impact on the City and community organizations. It was noted that many programs should be supported by the provincial and federal governments and not the City.

The question on the amendment motion was then called, and it was **CARRIED**.

The question on the main motion was not called as the following additional **amendment** was introduced:

It was moved and seconded

That Part (3) of the motion be amended to add the Gateway Theatre Society and the Richmond Hospice Association to the list of organizations to be awarded an additional grant amount of \$1000, plus a cost of living allowance adjustment funded from the Council Contingency Fund.

CARRIED

The question on the main motion, which now read as follows:

That as per the staff report from the Deputy Chief Administrative Officer, dated January 14, 2011, the 2011 City Grants be allocated as follows (see Attachment 2):

- (1) The organizations in the Health, Social and Safety Services category be awarded the recommended grant amounts and cheques disbursed for a total of \$440,850;*
- (2) The organizations in the Cultural and Community Events category be awarded the recommended grant amounts and cheques disbursed for a total of \$86,500;*

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- (3) *The following nine organizations each be awarded an additional grant amount of \$1000 from the Council Contingency Fund: (i) Canadian Low Income Affordable Seniors Housing Society; (ii) Filipinos in Richmond Support Team; (iii) Steveston Community Society; (iv) Richmond Chinese Community Society; (v) Richmond City Centre Community Association; (vi) Integration Youth Services Society; (vii) KidSport Richmond; (viii) Gateway Theatre Society; and (ix) Richmond Hospice Association;*
- (4) *Staff report back on treatment of the cost of living allowance prior to next year's grant application process;*
- (5) *All 2011 grant recipients be awarded a cost of living allowance adjustment funded from the Council Contingency Fund; and*
- (6) *A general review of the City Grant Program be undertaken including a review of the funding sources and application.*

Prior to the question on the main motion being called, staff were requested to provide information on the following prior to the next Regular Council meeting scheduled to be held on Monday, February 14, 2011:

- the Richmond Gateway Theatre Society Endowment Fund; and
- the most updated report related to Richmond Addiction Services (RAS) and its activities.

The question on the main motion was then called, and it was **CARRIED**.

There was agreement to vary the agenda to consider Agenda Item No. 3 prior to Item No. 2.

BUSINESS AND FINANCIAL SERVICES DEPARTMENT

3. SOCIAL FINANCIAL HARDSHIP ASSISTANCE FUND

(File Ref. No.: 03-0900-01) (REDMS No. 3135382)

In answer to queries by members of Committee, Andrew Nazareth, General Manager, Business and Financial Services accompanied by Venus Ngan, Manager, Treasury Services, advised that a review of the cash flow projections for the Richmond Centre for Disability (RCD) indicated that staff's recommendation to deduct the amount of \$25,000 from Richmond Centre for Disability's 2011 annual operating funding from the City to repay the outstanding Social Financial Hardship Assistance Fund loan balance would not be a hardship for the RCD. It was also noted that the Executive Director for the RCD advised City staff that the RCD was prepared deal with the staff recommendation.

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Ella Huang, Executive Director, RCD, accompanied by Vince Miele, Board Chair, advised that the RCD held an emergency Board meeting to discuss repayment of the Social Financial Hardship Assistance Fund, and that although the RCD was prepared to deal with the staff recommendation to retain \$25,000 from the RCD's 2011 Operating Funding from the City, the Board was in favour of a deferral of repayment of the loan for up to six months.

A discussion took place about:

- the RCD revenues and the anticipated increase of overhead expenses due to factors such as the HST;
- the inconsistent timing, and delays in receiving funding from the federal government, and the related impact on the RCD;
- how the RCD would address its cash-flow challenges, including seeking new ways to generate revenues; and
- the feasibility of deferring the repayment of the loan.

It was moved and seconded

That the Richmond Centre for Disability's loan repayment be addressed in accordance with Option 2 as outlined in the staff report dated January 31, 2011 from the General Manager, Business and Financial Services, that is that the due date for the outstanding Social Financial Hardship Assistance Fund loan balance in the amount of \$25,000 be extended with 3% interest compounded monthly, from January 29, 2011 to the earlier of (i) the time at which the outstanding grant amount from the federal government is received, or (ii) six months from the original due date of January 29, 2011.

The question on the motion was not called as discussion took place about the precedent that deferring the re-payment of RCD's loan may set for other organizations who may find themselves in similar position as the RCD in the future. Comments were made about the costs associated with advertising requirements (as set out in the Community Charter) for the deferral of repayment of the loan. It was noted that staff would try to reduce the advertising costs.

The question on the motion was then called, and it was **CARRIED**.

LAW AND COMMUNITY SAFETY DEPARTMENT

2. NOISE AND SOUND REGULATION

(File Ref. No.:) (REDMS No. 3138850)

Councillor Evelina Halsey-Brandt submitted a series of letters (attached to and forming part of these Minutes as Schedule 1) that were circulated to all members of Committee.

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Wayne G. Mercer, Manager, Community Bylaws introduced Don Howieson of Young Anderson Barristers and Solicitors and Mark Bliss, Acoustics Consultant, BKL Consultants Ltd. Mr. Mercer added that both Mr. Howieson and Mr. Bliss had assisted City staff in addressing the complex legal and technical issues in preparing a draft bylaw that would (i) address the issues stressed by council; and (ii) ensure that a fair and consistent approach was undertaken.

Mr. Bliss then provided a sound demonstration of various decibel levels, showing the difference between dBA and dBC noise frequencies in zone limits ranging from 45 to 55 and then to 65. He highlighted (i) the difference in sound levels between measurements if taken indoors versus outdoors, noting that indoor sound levels are up to 15 decibels louder than outdoors; and (ii) the difference between dBA and dBC measurements, noting that dBA was the most commonly used measurement of sound, and that dBC measured sound at lower frequencies such as bass sounds.

A discussion then took place about the following:

- different ways to quantify sound levels. It was noted that humans are less sensitive to low frequency sounds;
- the feasibility of including a dBC rating in the *'Summary of Permitted Sound Levels by Zone'* (Schedule B to the report) and elsewhere in the bylaw. It was noted that the ratings shown in Schedule B were modelled after those found in the City of Vancouver's noise bylaw;
- grandfathering of the current bylaw. It was noted that since there are health issues related to noise, and the Noise Regulation Bylaw is a Public Health Protection Bylaw, there would not be any grandfathering upon a new bylaw coming into effect, and everyone would be required to comply with the new bylaw;
- exemptions to the Noise Regulation Bylaw that are permitted by the General Manager, Engineering and Public Works, and the related appeal process;
- the feasibility of introducing an appeal process for those who are not in support of an exemption that has been granted under the proposed Noise Regulation Bylaw;
- the importance of taking outdoor measurements away from building facades and other sound reflecting surfaces;
- the difference in taking outdoor and indoor measurements. It was noted that outdoor measurements are more precise and are preferred even if the point of reception is indoors;
- giving consideration to changing the current time of 2:00 a.m. for a prohibition of amplified noise to an earlier time;

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- the feasibility of changing the map attached to the proposed Noise Regulation Bylaw as Schedule “A” - Noise Zone Map, to a different format. It was noted that a chart rather than a map would be simpler to follow and to maintain from an administrative viewpoint;
- how the City of Vancouver addresses entertainment noise;
- how sounds of barking and howling dogs are dealt with. It was noted that complainants are requested to keep a log regarding the disturbances, and that information on how to manage a barking dog is provided to dog owners;
- Section 4.1.1 (e) of the proposed Noise Regulation Bylaw as it pertains to works and activities of the School Board. It was noted that exemptions for School Board activities would only be permissible if the activities are taking place on school property. The suggestion was made this should be clarified in more detail in the proposed bylaw; and
- the concept of forming a task force of residents from both the Caithcart and Andrews Road areas.

Prior to inviting public delegations to speak to the matter, the Chair provided the following summary highlighting key points raised by members of Committee during the discussion:

- the addition of a right of appeal to allow a grieved party to appeal to Council regarding an exemption that has been granted under the Noise Regulation Bylaw;
- the feasibility of changing the hours that prohibit amplified noise from 2:00 a.m. to an earlier time;
- changing the map attached to the proposed Noise Regulation Bylaw as Schedule “A” – Noise Zone Map, to a chart;
- adding dBC measurements in the activity zone in the ‘Summary of Permitted Sound Levels by Zone’ attached as Schedule B to the proposed Noise Regulation Bylaw and throughout the bylaw and City of Richmond;
- clarifying the School Board exemptions listed under Section 4.1.1 of the proposed Noise Regulation Bylaw; and
- having consultation take place with residents in the Caithcart and Andrews Road areas.

Discussion also took place about the point of reception and the rationale for measuring noise from the point of where the recipient/complainant of the noise is rather than the point at which the noise is being generated.

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Lisa Robinson, Andrews Road Resident, shared her views on the proposed Noise Regulation Bylaw and expressed the following concerns:

- the 'daytime' hours had been extended from 8:00 p.m. to 10:00 p.m. in Section 1.1.2;
- the point of reception as referenced in the proposed bylaw was vague and open to an inspector's interpretation and needs to be clearly defined.;
- the dBA levels in the Noise Bylaw for the City of Victoria have been copied without taking into consideration that Victoria has a different point of reception definition than Richmond. It was also noted that the City of Victoria does not have any Activity Zones adjacent to Quiet Zones as Richmond does;
- dBA limits have increased for night time allowable levels for an Activity Zone from 45 dBA to 55 dBA;
- the definition for 'continuous sound' has been removed in the proposed bylaw; and
- there isn't any differentiation between industrial and light industrial Activity Zones and both are permitted the same levels of noise.

Johnathon Fung, Caithcart Resident, expressed concerns about being provided with adequate information throughout the consultation process to ensure that the finalized bylaw would address the concerns of affected residents.

Mr. Fung then read from a letter written by Cindy Olsen, Caithcart Road Resident regarding the noise level generated by the Shark Club. Ms. Olsen's letter forms part of the series of letters attached to these minutes as Schedule 1.

Mr. Davies, a Caithcart Road Resident, expressed concerns about the proposed Noise Regulation Bylaw and the acceptable noise levels when an Intermediate Zone is adjacent to a Quiet Zone. He spoke about the noise level that is generated by the Shark Club and the associated impact on the adjacent neighbourhood residents. He noted that the Shark Club is not designed to absorb sound and queried why revisions have not been made to the City's building regulations to address such issues. He also made comments about the public consultation process and requested that affected residents be given an opportunity to provide direct input regarding the Noise Regulation Bylaw. A detailed submission of Mr. Davies presentation is attached as Schedule 2 and forms part of these minutes.

A discussion then took place about:

- the feasibility of having a bylaw that varies hours of business according to zones which would result in businesses that generate noise and are located adjacent to a Quiet Zone having to close earlier;

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- the City not being required to identify in the proposed Noise Regulation Bylaw which organization would be enforcing the City's Noise Regulation Bylaw in the future;
- the feasibility of having the Shark Club construct a barrier such as a wall to absorb the noise; and
- addressing adjacency issues for example, when a Quiet Zone is adjacent to an Intermediate zone versus a Quiet Zone adjacent to an Active Zone.

It was moved and seconded

That the proposed Noise Regulation Bylaw public participation program described in the staff report entitled "Noise and Sound Regulation", dated February 2, 2011, from the General Manager, Law & Community Safety, be referred back to staff to address and provide further information on:

- (1) the possibility of adding a right of appeal to allow a grieved party to appeal to Council regarding an exemption that has been granted under the Noise Regulation Bylaw;*
- (2) the rationale for establishing a 2:00 a.m. prohibition for amplified music and options for an earlier time limit;*
- (3) changing the map attached to the proposed Noise Regulation Bylaw as Schedule "A" - Noise Zone Map, to a chart;*
- (4) including dBC measurements for Activity Zones;*
- (5) the exemptions for the School Board and the City listed under Section 4.1.1 of the proposed Noise Regulation Bylaw be clarified;*
- (6) consultation with residents in the Caithcart and Andrews Road areas;*
- (7) the definitions of "point of reception" when measuring sound;*
- (8) the rationale as to why the daytime hours were extended from the current bylaw;*
- (9) the rationale for the sound levels of continuous sounds and generally for dBA and dBC; and*
- (10) a review of the zones as specified and their interaction.*

Prior to the question on the motion being called, the Chair clarified that staff would be reporting back to Committee on the referral prior to undertaking the public participation process, which would include consultation with the residents in both the Caithcart and Andrews Road areas.

The question on the motion was then called, and it was **CARRIED**.

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4. **MANAGER'S REPORT**

None.

ADJOURNMENT

It was moved and seconded
That the meeting adjourn (7:03 p.m.).

CARRIED

Certified a true and correct copy of the
Minutes of the meeting of the General
Purposes Committee of the Council of the
City of Richmond held on Monday,
February 7, 2011.

Mayor Malcolm D. Brodie
Chair

Shanan Dhaliwal
Executive Assistant
City Clerk's Office

Halsey-Brandt**Schedule 1** to the Minutes of the
General Purposes Committee
meeting held on Monday, February
7, 2011.

From: cindy olsen
Sent: Monday, February 07, 2011 12:04 PM
To:

Subject: RE: Noise Bylaw - Shark Club

To: Ms. Halsey-Brandt, Mayor and Council

My name is Cindy Olsen. I unfortunately cannot come to today's meeting but I would like to voice my concerns about the noise by-law. I moved onto Caithcart Road when I was seventeen, moved away for a couple of years when I first got married and then moved back with my husband and have lived on Caithcart for the last twenty five years. This is where we have raised our family. We had large block Halloween parties and summer block parties. We had parades with our kids, we've even Christmas carolled together. We barbecue together. Caithcart is my home and even though my yard does not face the Shark club I can hear the pounding base of their music. If I have not fallen asleep before the music starts, it prevents me from falling asleep. Visitors have been shocked when they hear the pounding music. "It comes from the Shark Club", they ask incredulously? I am asking that as you make decisions that will effect my home, my quality of life and probably the financial value of my home that you remember the golden rule - treat others as you would like to be treated. Decide as if you are deciding on your neighbourhood, your home, and your financial status. I am sure you will do the right thing and decide to lower the acceptable level of noise that businesses can inflict on residential neighbours.

Sincerely
 Cindy Olsen

> Subject: RE: Noise Bylaw - Shark Club
 > Date: Mon, 7 Feb 2011 11:16:30 -0800
 >
 > Hello Evelina, Mayor and Council:
 >
 > I am not able to attend this meeting today, as I am doing my duty to our
 > community and volunteering my time to the youth of our community. I am a
 > leader in Scouts Canada and my "beaver" section are doing Pizza in Dutch
 > ovens and start our meeting at 5:30pm today.
 >
 > Not meaning to insult and with all due respect to our Mayor and Council who
 > are already aware and know that I am not one to mince words - this new bylaw
 > in reference to neighbourhoods bordering business establishments, is quite
 > simply put, ridiculous and ludicrous ! This is completely not acceptable.
 > We have an unusual situation here, we border all three proposed zones.
 >
 > What is most upsetting to me is that this neighbourhood has been here and
 > lived very well with the commercial space and the old "Delta" hotel for
 > many, many years. The Shark Club has been here just a year, and this one
 > business establishment has done nothing but cause havoc and disturb not only
 > the residents of Caithcart Road, but has also effected all citizens of
 > Richmond, as it's our tax dollars at work that are being drained
 > additionally by the utilization of city resources - police, gang task force,
 > etc with this establishment to resolve issues within this establishment. The

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> establishment themselves refuse to work with their neighbours and know they
 > can and will disregard whatever happens to better serve their interests,
 > which is big business making money. They feel the City supports them and
 > simply is and has blown off this issue.

>
 > I cannot fathom how they can continue to operate and disturb residents whose
 > homes are also being devalued. We are entitled to not only a quality of
 > life, but enjoyment of the homes that we have worked so hard to have. I was
 > astounded when I read on page 8 I believe, "The sound made by amplified
 > music whether pre-recorded or live after 2:00 AM and before 8:00 AM any day"
 > - so does this mean we sleep only 6 hours a night, according to Shark Club
 > hours of operation ? This is absolutely ludicrous. What about hot Summer
 > nights with open windows and a lovely little breeze to cool us - we have to
 > listen to their patio, and as a result cannot enjoy our own backyards, let
 > alone sleep in our homes ? When we purchased our properties, we did not
 > sign up for this. Had this hotel even consulted or cared about its
 > neighbours, they would have built this patio on the parking lot side of the
 > building which in turn would bounce some of the noise and sound of to their
 > own parking lot and commercial business. This chain has already proven how
 > they operate when we successfully took them on with their request for zoning
 > and their liquor license and subsequently they did not get either. For that
 > do we the residents continue to have "payback" with the City enabling the
 > Shark Club to do as they please, when they please at our expense ?

>
 > My biggest question, why were the people who are affected by this the most
 > not even consulted ? Perhaps these experts would like to purchase our homes
 > and then perhaps when they "live" the experience, they would perhaps visit
 > this issue differently ? My home is approximately 6 or 7 houses down the
 > street and on the opposite side of the street and yet if I happen to go
 > outside for a cigarette for example at midnight or later on a weekend, I
 > can hear their music clearly - in fact, I can hum along to the song and
 > dance. I cannot even fathom how I would live with my young son, adult
 > children that work shifts, and my husband and I working daytime hours and
 > get by on less than 6 hours of sleep a night. The boom boom and noise would
 > have me over the edge!

>
 > I therefore implore the Mayor and Council in this particular case to end
 > this nightmare once and for all and am requesting that we stop wasting time
 > and money and simply issue a new bylaw that states:

>
 > "noise from a commercial sound system shall not be audible in adjacent
 > residential areas" - PERIOD !

>
 > Perhaps then the Shark Club would take seriously this issue and revisit it
 > to benefit not only themselves, but their neighbours. Perhaps they should
 > have left the best Japanese restaurant in Richmond the way it was -
 > Suehiro's was a wonderful restaurant, quiet and non-disturbing to anyone.
 > Placement of this nightclub has been and is a huge mistake.

>
 > With this precedent, when businesses wish to open these type of
 > establishments, perhaps they would revisit the drawing board on their choice
 > of location.

>
 > This issue has gone on long enough ! Thank you for your assistance.

>
 >
 >
 > Trish Langston
 > Western Regional Manager Cuisinart Canada
 > Email:

> Phone / Fax: 604-277-0523

>

>

> -----Original Message-----

> From: Rose & Ron [mailto:worden@telus.net]

> Sent: February-05-11 9:58 AM

> To: Halsey-Brandt; Jonathan Fung; dkbrkich@shaw.ca; kobetitch@shaw.ca;

> Patrick; Tim & Karen Arnold; Craig Nicol; Sherry Sidhu; Jim Males;

> lindakohar@hotmail.com; Bjorn & Rosemarie; paula1@shaw.ca; fbroz@shaw.ca;

> Barb Jackson; Cindy & Dan; hathi@shaw.ca; Lisa Robinson

> Subject: Noise Bylaw - Shark Club

>

> Evelina, Caithcart Residents, and The Concerned Richmond Residents,

>

> The new City of Richmond draft Noise Bylaw divides the city into zones.

> In checking we find the Shark Club is in an intermediate noise zone, and

> we the neighbours are in a quiet noise zone. For this limit the

> consultant says we can tolerate 65Dbc outside and 55 Dbc inside. It's

> interesting to note, that both the quiet zone and the intermediate zone

> have exactly the same 65 Dbc noise level, which makes no sense. Make

> no mistake we've definitely been disturbed at 65 Dbc, from the Shark

> Club, we know this because we've measured it. Please keep in mind this

> new bylaw does not take into account the summer season when we have

> windows open, and 65 Dbc will keep us awake. A level of 55 Dbc

> "outside" would be an acceptable limit. (if they'd had the courtesy of

> asking us)!!!

>

> The whole document is very disappointing. Other cities have gone with

> the Kiss principle (keep it simple) for their noise bylaws. A statement

> from another city would simply say, noise from a commercial sound

> system shall not be audible in adjacent residential areas "period".

>

> The bottom line is - the Caithcart residences go back to the 1950's.

> The Shark Club came on the scene just over a year ago. Why at this

> juncture should the quality of our family homes be downgraded by noise

> from a nightclub. When in reality it's a person cranking a volume

> control knob! We the Caithcart residents have experienced 65 Dbc and

> find that level to be quite audible and annoying. In reading the report

> we find that numerous city departments, the RCMP, Richmond Health, and

> the prosecutor were all consulted on this matter. However the most

> important people in this whole affair are the residential tax payers who

> live in the noise affected zones, the very people who requested a new

> noise bylaw. For whatever reason the city chose not to ask for our

> input, and that's simply not acceptable!

>

> I would ask Richmond City Council to return the draft to the

> originators, and have those affected residents provide direct input into

> the report and the bylaw, as promised by the city Bylaw Manager.

>

> Here is the link: If this link does not work please copy and paste

> it into your browser.

> http://www.richmond.ca/___shared/assets/Noise_Sound_GP_02071129666.pdf

>

> Ron & Rose

> Caithcart Residents Association

>

Halsey-Brandt**From:****Sent:** Monday, February 07, 2011 3:05 PM**To:** halsey@telus.net**Subject:** Noise Bylaw - Shark Club

Hi Evelina,

I previously lived right behind the Shark Club (I sold my home almost a year ago after it was in my family for 50+years). For me the writing was on the wall as to how this was going to play out, and to be perfectly honest I am not at all surprised this has been held up in red tape and bureaucracy. I could see the City of Richmond, Provincial Government, and LCBC pointing the fingers at each other while Northern Properties has jumped through all the common loop holes... This comes as no surprise from a company run by Tom Gaglardi (him and Ryan Beedie were the two involved in the Canucks ownership scandal against the Aquilini's... not a group that I would consider very trust worthy or honest).

Even with the sound by-laws in place , this is likely not going to protect or change anything for the residence on Caithcart road,. These new noise bylaws are being proposed to protect the people of Stevenson VS. True World Foods (Ambient hum's from a compressor fan is no comparison to the constant pounding of the bass being produced by the shark club). As we all know changes have only been considered because of the Media's involvement. Similar things have happened in the past with JP Malone's, Buck'n'Ear, and it appears unless you have Global TV, Richmond review and The Province barking down peoples neck nothing gets done. To be perfectly frank this makes for a wonderful story as the Shark Club has not had a good public image, with gang violence in Burnaby (shootings), Bacon brothers in Langley and all the other wrong doings by this company. It would be even worse for the City of Richmond to appear to have been bullied by Northern Properties allowing them to operate without consideration for its long time residents.

How both the City of Richmond and LCLB can stand back and allow Shark Club to continuously harass these people is disgusting. (don't get me wrong I truly do appreciate everything you have done!!!, but this is very frustrating to see this still dragging on, it has been over a year and a half and if anything things have gone backwards). I feel they will be strung along until it is finally said "Sorry nothing can be done"...then the media gets involved... then things will change, it should not take that path for change to occur. I feel bad as these are fabulous, hard working, taxpaying people who have had the enjoyment of their homes wrecked because the City and the LCBC cannot and will not do anything about it. Many of these people have lived on Caithcart before the Delta Hotel was even built. I chose to move, for others, based on where they are employed do not have that option so easy (not to mention the \$30,000+ it costs to move these days). These people should not be forced to move to get peace, or deal with the hoopla of the Media!

The questions I keep asking:**LCBC**

How can a dormant liquor license be re-activated without community involvement.

How can an establishment transfer its liquor license from one building (different addresses) to another without any community involvement.

CITY

How did a restaurant change its status into a night club without any community involvement.

How did their "renovation" permits even get approved when they practically re-built the entire building (not to mention without sound considerations)

How could a patio facing residential properties be approved by the city

At the end of the day this all comes down to how the property was zoned by the City back in the 60's, if the restaurant was zoned as a separate property (as it should have been as it is unattached to the main building), the residence would not be in this mess (they should not be suffering because of the cities mistakes), they would have had to apply for the liquor license, and why I 100% blame the City (the City of Richmond's blanket zoning of this property allowed the loop-hole to move the licenses without any community involvement). The least the City can do is clean up its mess for its zoning mistake by making

2/7/2011

the bylaw more in tune and specific for a "Night Club" / Bar (and at a reasonable threshold)... if it can be heard in a house it is too loud (with windows opened or closed), what is currently being proposed will not allow for any action by the LCBC, making all these efforts only beneficial for the residence of Stevenson.

Craig

Halsey-Brandt

From:
Sent:
To:

Cc:
Subject: RE: Noise Bylaw - Shark Club

Importance: High

Hello Evelina, Mayor and Council:

I am not able to attend this meeting today, as I am doing my duty to our community and volunteering my time to the youth of our community. I am a leader in Scouts Canada and my "beaver" section are doing Pizza in Dutch ovens and start our meeting at 5:30pm today.

Not meaning to insult and with all due respect to our Mayor and Council who are already aware and know that I am not one to mince words - this new bylaw in reference to neighbourhoods bordering business establishments, is quite simply put, ridiculous and ludicrous ! This is completely not acceptable. We have an unusual situation here, we border all three proposed zones.

What is most upsetting to me is that this neighbourhood has been here and lived very well with the commercial space and the old "Delta" hotel for many, many years. The Shark Club has been here just a year, and this one business establishment has done nothing but cause havoc and disturb not only the residents of Caithcart Road, but has also effected all citizens of Richmond, as it's our tax dollars at work that are being drained additionally by the utilization of city resources - police, gang task force, etc with this establishment to resolve issues within this establishment. The establishment themselves refuse to work with their neighbours and know they can and will disregard whatever happens to better serve their interests, which is big business making money. They feel the City supports them and simply is and has blown off this issue.

I cannot fathom how they can continue to operate and disturb residents whose homes are also being devalued. We are entitled to not only a quality of life, but enjoyment of the homes that we have worked so hard to have. I was astounded when I read on page 8 I believe, "The sound made by amplified music whether pre-recorded or live after 2:00 AM and before 8:00 AM any day" - so does this mean we sleep only 6 hours a night, according to Shark Club hours of operation ? This is absolutely ludicrous. What about hot Summer nights with open windows and a lovely little breeze to cool us - we have to listen to their patio, and as a result cannot enjoy our own backyards, let alone sleep in our homes ? When we purchased our properties, we did not sign up for this. Had this hotel even consulted or cared about its neighbours, they would have built this patio on the parking lot side of the building which in turn would bounce some of the noise and sound of to their own parking lot and commercial business. This chain has already proven how they operate when we successfully took them on with their request for zoning and their liquor license and subsequently they did not get either. For that do we the residents continue to have "payback" with the City enabling the Shark Club to do as they please, when they please at our expense ?

My biggest question, why were the people who are affected by this the most not even consulted ? Perhaps these experts would like to purchase our homes and then

perhaps when they "live" the experience, they would perhaps visit this issue differently? My home is approximately 6 or 7 houses down the street and on the opposite side of the street and yet if I happen to go outside for a cigarette for example at midnight or later on a weekend, I can hear their music clearly - in fact, I can hum along to the song and dance. I cannot even fathom how I would live with my young son, adult children that work shifts, and my husband and I working daytime hours and get by on less than 6 hours of sleep a night. The boom boom and noise would have me over the edge!

I therefore implore the Mayor and Council in this particular case to end this nightmare once and for all and am requesting that we stop wasting time and money and simply issue a new bylaw that states:

"noise from a commercial sound system shall not be audible in adjacent residential areas" - PERIOD !

Perhaps then the Shark Club would take seriously this issue and revisit it to benefit not only themselves, but their neighbours. Perhaps they should have left the best Japanese restaurant in Richmond the way it was - Suehiro's was a wonderful restaurant, quiet and non-disturbing to anyone. Placement of this nightclub has been and is a huge mistake.

With this precedent, when businesses wish to open these type of establishments, perhaps they would revisit the drawing board on their choice of location.

This issue has gone on long enough ! Thank you for your assistance.

Trish Langston
Western Regional Manager Cuisinart Canada

Phone / Fax: 604-277-0523

-----Original Message-----

SUBJECT: NOISE BYLAW - SHARK CLUB

Evelina, Caithcart Residents, and The Concerned Richmond Residents,

The new City of Richmond draft Noise Bylaw divides the city into zones. In checking we find the Shark Club is in an intermediate noise zone, and we the neighbours are in a quiet noise zone. For this limit the consultant says we can tolerate 65Dbc outside and 55 Dbc inside. It's interesting to note, that both the quiet zone and the intermediate zone have exactly the same 65 Dbc noise level, which makes no sense. Make no mistake we've definitely been disturbed at 65 Dbc, from the Shark Club, we know this because we've measured it. Please keep in mind this new bylaw does not take into account the summer season when we have windows open, and 65 Dbc will keep us awake. A level of 55 Dbc "outside" would be an acceptable limit. (if they'd had the courtesy of asking us)!!!

The whole document is very disappointing. Other cities have gone with the Kiss principle (keep it simple) for their noise bylaws. A statement from another city would simply say, noise from a commercial sound system shall not be audible in adjacent residential areas "period".

The bottom line is - the Caithcart residences go back to the 1950's. The Shark Club came on the scene just over a year ago. Why at this juncture should the quality of our family homes be downgraded by noise from a nightclub. When in reality it's a person cranking a volume control knob! We the Caithcart residents have experienced 65 DBC and find that level to be quite audible and annoying. In reading the report we find that numerous city departments, the RCMP, Richmond Health, and the prosecutor were all consulted on this matter. However the most important people in this whole affair are the residential tax payers who live in the noise affected zones, the very people who requested a new noise bylaw. For whatever reason the city chose not to ask for our input, and that's simply not acceptable!

I would ask Richmond City Council to return the draft to the originators, and have those affected residents provide direct input into the report and the bylaw, as promised by the city Bylaw Manager.

Here is the link: If this link does not work please copy and paste it into your browser.

http://www.richmond.ca/__shared/assets/Noise_Sound_GP_02071129666.pdf

Ron & Rose
Caithcart Residents Association

Halsey-Brandt

From: Lisa Robinson [lisarobinson@me.com]
Sent: Saturday, February 05, 2011 11:59 AM
To: Halsey-Brandt
Cc:

Subject:
Importance

Evelina,

Thank you for your promptness and in relaying this information to us. I've read through the proposed new bylaw, and let me say that the word 'disappointment' doesn't even BEGIN to describe how my family and I feel about it. In the more than year and half that has transpired since the rooftop compressor noise began, this has got to be the biggest disappointment we've experienced yet. My son, who will be 5 in April continues to sleep a stone's throw for these compressors every single night and has done since he was just 3 years old. It kills me as a Mother to be forced to subject him to this. It is completely unfair.

After all this time, the City has decided that it would be appropriate to propose RAISING the decibel level that is allowed to be emitted from our neighbouring warehouse. UNBELIEVABLE!! According to this new bylaw, True World Foods (deemed an 'Activity Zone') will now be allowed to emit 55DBA of sound at night into our homes, which are deemed a 'Quiet Zone'. So now they are allowed to get LOUDER if they want to! They can emit 10 more decibels of sound at night according to this new bylaw. They've also changed the hours considered daytime from 7am to 8pm to 7am to 10pm. Not sure about you but I don't know anyone that considers 10pm to be DAYTIME. Ridiculous as well.

The other disappointment in this new proposed bylaw is that the point of reception definition hasn't changed much. Other than being outside 'in most cases' it is now up to the 'inspector' to test the sound levels from an area where they deem appropriate. It still doesn't specify that the point of reception is the property line as it is in the majority of cities in B.C.

It seems that businesses are also going to be allowed to apply for 'exemptions' from the bylaw. Another disappointment. Nowhere do I see how this proposed bylaw will help us or improve this situation which is extremely detrimental to our health. Hopefully we get a chance to say a few things at Monday's meeting, however I know that the Caithcart Residents will have a lot to say about this proposed bylaw as well.

Lastly, I fail to understand how our almost TWENTY letters submitted last MAY have successfully been ignored, yet again. Myself and 18 other residents took the time (as per Steve Chong with Richmond Health and Wayne Mercer's request) to put our concerns regarding our health into letters and submitted them under the Objectionable Noise Bylaw. This issue STILL HAS NOT BEEN ADDRESSED.

I'm sending the above concerns and thoughts to you in hopes that you may help our case in Monday's meeting, given that we may not have an opportunity to voice them. (I recall in the last meeting the Mayor limiting the number of residential speakers that were given an opportunity to voice their concerns).

Regards,
Lisa Robinson

cc: Martin Van Den Hemel (Richmond Review)

On 3-Feb-11, at 4:01 PM, Halsey-Brandt wrote:

2/5/2011

Halsey-Brandt

From:
Sent:
To:

& Karen
marie;

Subject:

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The bottom line is - the Caithcart residences go back to the 1950's. The Shark Club came on the scene just over a year ago. Why at this juncture should the quality of our family homes be downgraded by noise from a nightclub. When in reality it's a person cranking a volume control knob! We the Caithcart residents have experienced 65 Dbc and find that level to be quite audible and annoying. In reading the report we find that numerous city departments, the RCMP, Richmond Health, and the prosecutor were all consulted on this matter. However the most important people in this whole affair are the residential tax payers who live in the noise affected zones, the very people who requested a new noise bylaw. For whatever reason the city chose not to ask for our input, and that's simply not acceptable!

I would ask Richmond City Council to return the draft to the originators, and have those affected residents provide direct input into the report and the bylaw, as promised by the city Bylaw Manager.

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Ron & Rose
Caithcart Residents Association

NEW NOISE BYLAW, DEFICIENCIES

The reason we're here today discussing this proposed new noise bylaw, is because of 2 groups. The concerned Richmond Residents, and the Caithcart Residents Association. Because of noise problems in their residential areas, both of these groups are well know to city staff and the council.

As a member of the Caithcart Residents Association, I can attest to the literally hundreds of emails, and telephone calls that have been sent by this group to, the Manager of City Bylaws, The Mayor and Councilors, the City legal department, the local MLA, B.C. liquor inspectors, RCMP, B.C. liquor branch in Victoria, Vancouver Coastal Health, and city building inspectors. All of this is a result of our new noisy neighbour a Night Club.

The proposed bylaw outlines 3 different noise zones in the city. The Caithcart Residents live in a quiet zone. The Night Club which is our noise source, is in an intermediate zone. Now I ask the authors of the new bylaw, why is the Night Club allowed to make more noise than any of my neighbours???. Neighbours - 45 dBA, 65 dBC outside, and 55 dBC inside. Where the Night Club in the Intermediate zone can produce 50 dBA, and 65 dBC. Obviously the authors have not taken into account summer season with open bedroom windows.

Lets talk Noise levels:

When our noise problem started 13 ½ months ago we quickly realized we needed a noise meter. Thus the Caithcart Residents purchased the same model the B,C, liquor inspectors use. **Our meter picks up the night club bass noise at 57 dBC. According to the new bylaw, the night club is allowed to produce 65 DBc. Obviously 65 DBc is 8 units too high.**

Here is another interesting section of the new bylaw.

On page 7 continuing to page 8 section 3.2 e I quote the statement:

Prohibited Types of Noise: The sound made by amplified music, whether pre-recorded or live after 2:00 AM and before 8:00 AM, on any day.

So what happens before 2:00 AM? From the statement it's apparent the city wants the Caithcart residents to hear noise, otherwise why is it only quiet from 2AM til 8 AM? I'm sorry, but we go to bed before 2 AM, and we have the right to quiet!

It should also be noted that our noise source, the Night Club still has some single pane windows, swinging glass doors, and fire doors with no sound traps, all of these face the Caithcart residents. **Why aren't there revisions to the city building codes to cover these items?**

The new bylaw is very vague as to who will measure noise at night time, and which city department will pay the overtime for an inspector to come out and measure noise. Our Association had a difficult time getting the city to send a qualified individual in the evening. It should be ascertained at this time who will attend evening call outs.

When a multitude of residents complain about noise from a night club they are using a highly sophisticated sound measuring system – the human ear. Last summer our Association provided Vancouver Coastal Health, and the city Bylaw Manager with a random sample of noise bylaws in cities across Canada. Of the 9 sample cities on the list - not one used expensive sound meters. By eliminating meters and keeping it simple it allows any on duty official to handle noise complaints. By keeping their bylaw wording simple and to the point, noise issues are easily handled.

I would like to talk about public input into the new bylaw. Documents that came out Friday show that numerous city departments, the RCMP, Richmond Health, and the prosecutor were all consulted on the new bylaw.

However the most important people in this whole affair are the residential tax payers who live in the noise affected zones, the very people who requested a new noise bylaw in the first place. For whatever reason the city chose not to ask for our input, and that's simply not acceptable!

In December of last year I was personally promised by the City bylaw manager that our group would have input into the formation of the new noise bylaw – and that has not happened.

The family homes on Caithcart road go back to the 1950's. The Night Club came on the scene just over a year ago. Why at this juncture should the quality of our family homes be downgraded by noise from a nightclub. When in reality it's just a young person cranking a volume control knob! Proper noise containment at the source would prevent noise from drifting over their property lines. We the Caithcart residents have experienced 65 DBc and find that level to be quite audible and annoying and demand lower levels be implemented.

I ask Richmond City Council to return the draft to the originators, and have the affected residents provide direct input into the report and the bylaw, as promised by the city Bylaw Manager.

Cities with noise Bylaws that incorporate amplified sound.

It should be noted that none of these cities use noise meters, in fact approximately 80% of the cities searched did not use meters!

Coquitlam, B.C. Population, 121,425

<http://e-civic.coquitlam.ca/cybercedms/getdoc.asp?doc=129425>

see B 3c

3. No person shall play or operate any radio, stereophonic equipment or other instrument or any apparatus for the production or amplification of sound either in or on private premises or in any public place in such a manner as to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity.

London, Ontario Population 489,274

http://www.london.ca/By-laws/PDFs/noise_new.pdf

see 2.4 b

Amplified Sound – television – stereo – speakers – amplifiers – any time

(b) the sound created by any electronic device or group of connected electronic devices incorporating one or more loudspeakers or other electro-mechanical transducers intended for the production, reproduction or amplification of sound, including but not limited to a radio, television, amplifier, loud speaker, public address system, sound equipment, that is clearly audible at a Point of Reception in a Residential Area at any time;

Prohibited

Saskatoon, Saskatchewan Population 265, 259

<http://www.saskatoon.ca/DEPARTMENTS/City%20Clerks%20Office/Documents/bylaws/8244.pdf>

see 6 b

(b) Radios, Televisions, Stereos, Compact Disc Players, Musical Instruments and Similar Devices: The use or operation of a radio, television, compact disc player, stereo, "boombox", "ghetto blaster", musical instrument or similar device that produces or reproduces sound in a manner that is plainly audible to any person other than the player or operator of the device, and those who are voluntarily listening to the sound, and unreasonably disturbs the peace, quiet and comfort of persons residing in the vicinity, including persons residing in separate dwelling units within the building from which the sound emanates.

Surrey, B.C. Population 395,000

<http://a100.gov.bc.ca/appsdata/epic/documents/p196/d15012/105007910249467d1f7d51789472399a4cb32e00f167a.pdf>

See b 3

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Guelph, Ontario Population 115,000

<http://guelph.ca/uploads/PDF/By-laws/noise.pdf>

See Schedule A

"NOISE" CREATED FROM THE FOLLOWING ACTIVITIES IS PROHIBITED

The operation of a radio, television, stereo or other electronic device including any amplification device, or any musical or other sound producing instrument

PROHIBITED TIME OF DAY

At all times

PROHIBITED AREA - Residential

Kingston, Ontario Population 152,358

http://www.cityofkingston.ca/pdf/bylaws/bl_2004-52.pdf

See page 7 #4

NOISE PROHIBITIONS BY TIME AND PLACE

4. Operation of any device or group of connected devices intended for the production, reproduction, or amplification of voices or sound.	A	E
--	---	---

Prohibited

A = residential area – any time

E = other areas

2300 hours (11:00pm) of one day to 0700 hours of next day (0900 Sundays)

PRINCE GEORGE, B.C. Population 83,225

<http://www.city.pg.bc.ca/cityhall/bylaws/bylaw3848.pdf>

see page 3 iii

No **Person** shall play or operate or allow or **Permit** or cause to be played or operated any radio, tape recorder, audio playback machine, stereophonic equipment or other instrument or any apparatus for the production or amplification of sound in or on private premises, or in or on any public place in such a manner as to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any **Person** or **Persons** on the same piece of **Property** or in the neighbourhood or vicinity.

Barrie, Ontario Population 177,061

<http://www.barrie.ca/docs/By-law2006-140.pdf>

See Schedule 1

The operation of any electronic device or group of connected electronic devices incorporating one or more loud speakers, or other electro mechanical transducers, and intended for the production and reproduction or amplification of sound except with the geographic boundaries of the Downtown Business Improvement Area.

Prohibited in quiet zones and residential areas

Kelowna, B.C. Population 184,411

<http://www.kelowna.ca/CityPage/Docs/PDFs/%5CBylaws/Kelowna%20Noise%20and%20Disturbances%20Control%20Bylaw%20No.%206647.pdf>

See 3.3

No person shall play or operate any radio, stereophonic equipment or other instrument or any apparatus for the production or amplification of sound either in or on private premises or in any public place in such a manner as to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of the neighbourhood, or any person in the vicinity.

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Email:

Phone / Fax: 604-277-0523