



City of Richmond

Report to Committee

To: General Purposes Committee
From: Doug Long
City Solicitor
Re: Noise and Sound Regulation

Date: January 30, 2012

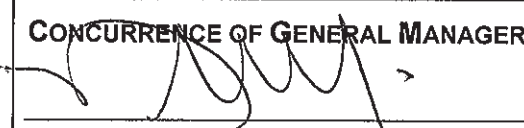
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Staff Recommendation

1. THAT Public Health Protection Bylaw No. 6989, Amendment Bylaw No. 8855 (Attachment 1) be introduced and given first, second and third reading;
2. THAT Noise Regulation Bylaw No 8856 (Attachment 2) be introduced and given first, second and third reading;
3. THAT Municipal Ticket Information Authorization Bylaw No. 7321, Amendment Bylaw No. 8857 (Attachment 3) be introduced and given first, second and third reading; and
4. THAT Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122, Amendment Bylaw No. 8858 (Attachment 4) be introduced and given first, second and third reading.

Doug Long
City Solicitor
(604-276-4339)

Att. 8

FOR ORIGINATING DEPARTMENT USE ONLY			
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER	
Budgets	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>		
Enterprise Services	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>		
Communications	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>		
Engineering	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>		
Roads & Construction	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>		
Public Works	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>		
Fire Rescue	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>		
Law	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>		
RCMP	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>		
Parks and Recreation	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>		
Building Approvals	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>		
Development Applications	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>		
Policy Planning	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>		
Transportation	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>		
REVIEWED BY TAG	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	REVIEWED BY CAO ^{Acting} YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>

Staff Report

Origin

At the open General Purposes Committee meeting of April 4, 2011, it was moved and carried that:

- 1. The public participation program described in the staff report dated March 21, 2011 from the General Manager, Law & Community Safety be endorsed; and*
- 2. The draft proposed Noise Regulation Bylaw attached to the staff report dated March 21, 2011 from the General Manager, Law & Community Safety be used as the basis for the public participation program described in this report.*

The very complex issue of noise regulation has been the subject of numerous staff reports to General Purposes Committee and Council beginning in the Fall of 2009. In response to specific neighbourhood complaints and delegations, Council had been very clear in its direction to overhaul the existing section of the Public Health protection Bylaw No 6989 in order to address the juxtaposition of properties of varying zoning designation and to update the regulatory framework in light of changing technology in the measurement of sound and noise. Council then enhanced this approach in May 2010 by approving the retention of the outside expertise required to assist staff and then in February 2011, endorsing a proposed bylaw and approving the conduct of a comprehensive public participation program.

Analysis

Public Participation Program

Staff undertook the following components of the public participation program to review the concerns and proposals of residents and businesses:

1. A media release as well as newspaper ads to promote and encourage public input into the process.
2. A dedicated web page on the City's web site outlining:
 - a. the public participation program in general terms;
 - b. a chronology of the noise review by staff and Council;
 - c. the contents of the Council reports to date;
 - d. a draft copy of the proposed Noise Regulation bylaw;
 - e. a comparative chart showing the major improvements included in the proposed bylaw from the existing Noise section of the Public Health Protection Bylaw; and
 - f. comparable regulations from the neighbouring cities of Vancouver and Victoria.
3. An on-line survey on the City's web site facilitating public participation on a structured basis. Residents were also encouraged, at every opportunity, to submit their thoughts on-line or in writing using the feedback form supplied at all workshops and open houses. A general recap of the survey results is shown in Attachment 5 to this report.
4. Five open houses and workshops as follows:

- a. No 2 Road & Andrews Road neighbourhood – October 26, 2011
 - Based on a targeted mailing to 900 residents, there were 10 resident attendees and no business attendees;
 - City staff joined by enforcement staff from Richmond Health and acoustic expert from BKL Consultants;
 - Demonstration field sound measurements for one hour in the River Wind development averaged approximately 41 dBA and 51 dBC at ground level with expert analysis provided based on the limited point-of-reception access provided by residents and sound levels in the proposed bylaw; and
 - Educational workshop for the attendees over two hours at Steveston Community Centre to explain the science and technology used to measure sound, to highlight the major enhancements in the proposed bylaw and to answer any questions regarding the enforcement of the proposed bylaw.
- b. City Hall Meeting House – October 27, 2011
 - Based on media releases and newspaper ads, this was attended by approximately 30 residents and business owners on a drop-in basis;
 - City staff joined by enforcement staff from Richmond Health and acoustic expert from BKL Consultants; and
 - General educational one-on-one workshop for four hours to explain the science and technology used to measure sound, to highlight the major enhancements in the proposed bylaw and to answer any questions regarding the enforcement of the proposed bylaw.
- c. Caithcart Road & St. Edwards Drive neighbourhood – October 29, 2011
 - Based on a targeted mailing to 200 residents, there were 10 resident attendees, a senior manager from the Shark Club and a City Council candidate for pending election;
 - City staff joined by enforcement staff from Richmond Health and acoustic expert from BKL Consultants;
 - Educational workshop for the attendees over two hours at Cambie Community Centre to explain the science and technology used to measure sound, to highlight the major enhancements in the proposed bylaw and to answer any questions regarding the enforcement of the proposed bylaw; and
 - Demonstration field sound measurements for one hour in Caithcart neighbourhood, with constructive cooperation between residents and Shark Club management to replicate typical operations, averaged approximately 43 dBA and 53 dBC; analysis provided based on the point-of-reception access to private properties and sound levels in the proposed bylaw.
- d. Business Association Workshop – November 1, 2011

- Based on a staff invitation there were a total of 9 representatives from Council's Economic Advisory Committee, Steveston Merchants Association and Tourism Richmond;
- City staff joined by enforcement staff from Richmond Health and acoustic expert from BKL Consultants; and
- Educational workshop for attendees over two hours at City Hall to explain the science and technology used to measure sound, to highlight the major enhancements in the proposed bylaw and to answer any questions regarding the enforcement of the proposed bylaw (minutes included in Attachment 6).

e. Individual Business Workshop – November 10, 2011

- Based on a targeted mailing to over 700 businesses that could potentially be impacted, there were a total of 34 representatives from individual businesses;
- City staff joined by enforcement staff from Richmond Health and acoustic expert from BKL Consultants; and
- Educational workshop for attendees over two hours in Council Chambers to explain the science and technology used to measure sound, to highlight the major enhancements in the proposed bylaw and to answer any questions regarding the enforcement of the proposed bylaw (minutes and written submissions included in Attachment 7 and Attachment 8).

The Public Participation Program was a very worthwhile process and the workshops provided staff with a significant amount of constructive feedback regarding the impact and scope of noise on the City's increasing densified population.

Conclusions from Public Participation Program

From our research with neighbouring municipalities, the public participation program, as directed by Council and conducted by City staff, was unprecedented in attempting to measure and address the impact of noise on both personal and business residents in an atmosphere of increasing development and density.

The major conclusions gathered by staff from this program based on the various regulations in the proposed bylaw approved by Council, are as follows:

- The establishment and refinement of the Quiet, Intermediate and Activity zones to replace the two zones in the current bylaw has provided a more effective and representative mapping of the various property uses in the City and their interaction;
- The shift to a more objective and expanded measurement of the various permitted noise levels, including dBA and dBC levels and using up-to-date technology, has provided a more predictable and reliable regime for personal and business residents to coexist as well as for those responsible for the enforcement of the bylaw;
- The transition to sound and noise measurement based on the internationally recognized L_{eq} standard and taking into account tonal adjustments has not, based on expert advice

and the use of objective technology, created any known situations where noise generators are now in a non-compliance position under the proposed Noise Regulation Bylaw when compared to the existing Public Health Protection Bylaw;

- Analysis of the 164 on-line and written responses to the survey, as outlined in Attachment 5 of this report, provided the following insights:
 - the respondents were almost evenly split between male and female, fairly evenly representative of all age groups and the majority had lived in Richmond for 1 to 10 years;
 - the majority of the respondents live either:
 - in the north-central area (33.5%), which is impacted by the flight activity at YVR and includes 11% of the respondents from the Caithcart Road neighbourhood; or
 - in the area southwest of Francis & Gilbert (30.5%), which includes Steveston and 11.6% of the total respondents from the Andrews Road neighbourhood; and
 - there were no respondents from anywhere east of No 5 Road.
 - the majority of the respondents go to bed after 10 pm and awake prior to 8 am including weekends; and
 - of the sources of noise and priorities identified, the major concerns centre around air traffic, neighbours, construction, business and public transit, in that order, with the leading number one priorities going to air traffic and public transit which are not under the City's jurisdiction.

Resulting Bylaw Amendments

Specific Sound Zones: Staff has added sections 2.5.1 and 4.3.1 and a complementary Schedule C to the proposed bylaw. The purpose of these amendments is to permit Council, on a case-by-case basis and by subsequent bylaw amendment, to create specific sound zones. This option in the proposed bylaw will permit Council a mechanism to create specific sound zones in situations where none of the prescribed zones ("Quiet", "Intermediate" or "Activity") with their particular limitations are, in Council's determination, appropriate for the particular situation.

While Council has the discretion to consider future bylaw amendments to permit the creation of specific sound zones, staff suggests that a possible situation is one in which a residential rezoning (thereby creating a "Quiet Zone") has occurred in what was previously an Intermediate or Activity zone and otherwise, the adjacent area remains, for the most part an Intermediate Zone or Activity Zone (thereby creating an interface between a Quiet Zone and an Intermediate or Activity Zone). Given that prescribed sound limits in the bylaw are in respect to the amount of sound that is permitted to be received and given that the amount of sound that is permitted to be received in a Quiet Zone is less than the amount of sound that can be received in an Intermediate or Activity Zone, without any change of use or operation of an Intermediate or Activity Zone property, the effect of the residential rezoning is to reduce the amount of sound that is permitted to be generated from the Intermediate or Activity Zone property and such reduction may place the Intermediate or Activity Zone property in breach of the bylaw.

Staff will work to determine a process by which such site specific sound zones may be tailored and recommended by Staff to Council. Presently, staff anticipates that such a process would include:

- a prescribed fee to cover administration costs;
- an application that includes specific proposed variations to sound limits;
- a detailed application explaining the background and rationale supported by a professional acoustic report;
- steps taken by the applicant to mitigate sound levels and adhere to the bylaw; and
- a public consultation process.

As properties are rezoned they may move from one of the prescribed zones to another more restrictive zone and thereby require an amendment to the bylaw's Schedule A and/or Schedule C. This being the case, changes to the Sound Regulation Bylaw may be considered at the time of future rezoning applications and, if amendment to the Sound Regulation Bylaw is required, such amendment process could proceed concurrently with the rezoning process and augment the City's present practice regarding the registration of covenants.

Other Significant Amendments and Concerns Staff has added or considered a number of other amendments to address specific issues raised during consultation with the public, other departments and further input from our consultants:

- added 'music' to the definition of 'tonal sound' to clarify that it is included;
- revised the definition of 'tonal sound adjustment' to ensure that the resulting adjustment is an objective measurement rather than an automatic penalty in the case of a potential tonal sound;
- added section 2.6.1 to address the influence of residual sound on the measurement of a specific sound;
- amended section 4.1.1(q) to clarify that the granted exception in a multi-use building only applies to the units legally used for residential occupancy;
- clarifying the temporary nature of the exemption by the General Manager in section 4.2.1 by limiting the period to 48 hours;
- adding 'railway rights-of-way' to Schedule A under 'Additional Designations' as an Activity Zone;
- there was a considerable amount of negative feedback from the business community regarding the more restrictive daytime hours in the proposed bylaw versus those in the existing bylaw; the daytime hours on weekends and holidays in the proposed bylaw begin at 10 am rather than 7 am in the existing bylaw; this amendment was made to be consistent with the regulations in Vancouver and Victoria;
- businesses suggested that section 3.1.1(b) is overly punitive to the business owner/tenant despite their best efforts to mitigate noise created by their customers; this clause would only be in play when an objective measurement cannot be made and we would expect that progressive enforcement would normally begin with a warning; and

- some concerns were expressed that if sound measurements are taken in areas of higher levels of aircraft or highway noise, they would be over-inflated and quickly rise above the permitted levels; under the Noise Regulation Bylaw, measurements will be taken, where possible, independent of ambient noise.

Staff has also included bylaw amendments to move the violations and fines related to noise regulation from the Municipal Ticket Information Authorization Bylaw and Provincial Court jurisdiction to the Notice of Bylaw Violation Dispute Adjudication Bylaw under the jurisdiction of the City's successful and efficient adjudication program.

Richmond Health is contracted to conduct enforcement of the City's noise regulations and will be responsible for enforcing the limitations and sound levels as outlined in the Noise Regulation Bylaw No 8856 (Attachment 2). Under the terms of this agreement, the existing annual contract cost of \$65,000 for noise regulations will remain for 2012. However, Richmond Health advises a significant increase of 60% over the past 2 years in noise complaints including a 70% increase in construction noise complaints for the first 6 months of 2011 when compared to the same period in 2010. A portion of the funds approved by Council will be used to purchase the necessary equipment for Richmond Health to effectively measure the revised sound levels and to train their enforcement staff.

Financial Impact

On April 11, 2011, Council approved a one-time expenditure of \$100,000 to cover the costs associated with the development of the recommended Noise Regulation Bylaw, the purchase of required equipment, training of enforcement staff and development of procedural documentation. As a result, there is no additional financial impact arising from this report.

Conclusion

Staff is recommending the introduction and required readings of the attached bylaws to establish an updated, technically sound, fair and consistent approach to the regulation of noise in the City.



Wayne G. Mercer
Manager, Community Bylaws
(604.247.4601)

WGM:wgm



City of Richmond

Bylaw 8855

Public Health Protection Bylaw No. 6989 Amendment Bylaw No. 8855

The Council of the City of Richmond enacts as follows:

1. The Public Health Protection Bylaw No. 6989, as amended, is further amended by deleting SUBDIVISION THREE – NOISE REGULATION entirely and substituting the following:

SUBDIVISION THREE – Intentionally Deleted

2. The Public Health Protection Bylaw No. 6989, as amended, is further amended at SUBDIVISION EIGHT – INTERPRETATION by deleting the following definitions:

CONSTRUCTION

CONSTRUCTION EQUIPMENT

CONTINUOUS SOUND

DAYTIME

DECIBEL

NIGHTTIME

NON-CONTINUOUS SOUND

NOISE

POINT OF RECEPTION

POWER EQUIPMENT

SOUND

SOUND LEVEL

SOUND LEVEL METER

3. This Bylaw is cited as “**Public Health Protection Bylaw No. 6989, Amendment Bylaw No. 8855**”.

FIRST READING

SECOND READING

THIRD READING

ADOPTED

MAYOR

CITY OF RICHMOND
APPROVED for content by originating Division 
APPROVED for legality by Solicitor 

CORPORATE OFFICER



Noise Regulation Bylaw No. 8856

The Council of the City of Richmond enacts as follows:

PART ONE: INTRODUCTION

1.1 Title

1.1.1 This Bylaw may be cited as the “Noise Regulation Bylaw No. 8856”.

1.1.2 Definitions

In this Bylaw,

“**Activity Zone**” means those areas so described in this Bylaw and so indicated in Schedule A, attached to and forming part of this Bylaw;

“**approved sound meter**” means an acoustic instrumentation system which:

- (a) is comprised of a microphone, wind screen and recorder which conforms to class 1 or class 2 requirements for an integrating sound level meter as defined by IEC 61672-1 [2002];
- (b) has been field calibrated before and after each sound measurement using a class 1 or class 2 field calibrator as defined by IEC 60942 [2003]; and
- (c) has been calibrated, along with the field calibrator, within the past two years by an accredited lab to a traceable national institute standard;

“**City**” means the City of Richmond;

“**construction**” includes

- (a) the erection, alteration, repair, relocation, dismantling, demolition and removal of a building or structure;
- (b) structural maintenance, power-washing, painting, land clearing, earth moving, grading, excavating, the laying of pipe and conduit (whether above or below ground), street or road building and repair, concrete placement, and the installation, or removal of **construction** equipment, components and materials in any form or for any purpose; or

- (c) any work or activities being done or conducted in connection with any of the work listed in paragraphs (a) or (b);

"Council" means the City Council of Richmond;

"daytime" means

- (a) from 7:00 a.m. to 8:00 p.m. Monday through Saturday;
- (b) from 10:00 a.m. to 8:00 p.m. on a Sunday or **holiday**;

"dBA", or **A-weighted decibel**, means the unit used to measure the sound pressure level using the "A" weighting network setting on an **approved sound meter**;

"dBC", or **C-weighted decibel**, means the unit used to measure the sound pressure level using the "C" weighting network setting on an **approved sound meter**;

"General Manager" means the General Manager of Engineering and Public Works for the City of Richmond or his or her designate;

"holiday" means

- (a) New Years Day, Good Friday, Easter Monday, Victoria Day, Canada Day, British Columbia Day, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day and Boxing Day or any other statutory holiday that may be declared by the Province of British Columbia; and
- (b) the day named in lieu of a day that is named in paragraph (a) and that falls on a Saturday, Sunday or the following Monday;

"IEC" means the International Electro-Technical Commission;

"impulsive sound" means **specific sound** that is characterized by brief bursts of sound pressure, with the duration of each impulse usually less than 1 second, including without limitation specific sound containing "bangs", "clicks", "clatters" or "thumps" from hammering, banging of doors and metal impacts;

"impulsive sound adjustment" means a 5 dBA increase applied to **specific sound** classified as **impulsive sound** and a 0 dBA increase applied to **specific sound** that is not classified as **impulsive sound**;

"inspector" includes the **Medical Health Officer**, the Chief Public Health Inspector, the General Manager, a Bylaw Enforcement Officer employed by the **City**, a Peace Officer, and any employee acting under the supervision of any of them;

"Intermediate Zone" means those areas so described in this Bylaw and so indicated in schedule A, attached to and forming part of this Bylaw;

"ISO" means the International Organization for Standardization;

" L_{eq} ", or equivalent continuous sound pressure level, means that constant or steady **sound** level, rounded to the nearest decibel, which, in a specified time period, conveys the same **sound** energy as does the actual time-varying sound level;

"lawn and garden power equipment" means any equipment or machinery used in lawn and garden care, including leaf blowers, edge trimmers, rototillers and lawn mowers;

"measurement time interval" means the total time over which **sound** measurements are taken, and:

- (a) is chosen to best represent the situation causing disturbance;
- (b) is between 1 minute and 30 minutes;
- (c) is chosen to avoid influence from the **residual sound** where possible; and
- (d) may consist of a number of non-contiguous, short term measurement time intervals that add up to 1 to 30 minutes;

"Medical Health Officer" means the Medical Health Officer appointed under the *Health Authorities Act*, RSBC 1996, c. 180 or his/her designate, to act within the limits of the jurisdiction of any local board, or within any health district;

"nighttime" means any period of any day not specifically defined as **daytime**;

"point of reception" means a position within the property line of the real property occupied by the recipient of a **sound** that best represents the location at which that **specific sound**, emanating from another property, is received and the resulting disturbance experienced and is:

- (a) at least 1.2 m from the surface of the ground and any other **sound** reflecting surface; and
- (b) outdoors, unless there is no **point of reception** outdoors because the **specific sound** is within the same building or the wall of one **premises** is flush against another, in which case the **point of reception** shall be within the building where the **specific sound** is received and the resulting disturbance experienced;

"premises" means

- (a) the area contained within the boundaries of a legal parcel of land and any building situated within those boundaries; and
- (b) each unit, the common areas of the building, and the land within the apparent boundaries of the legal parcel of land are each separate **premises** where a building contains more than one unit of commercial, industrial or **residential occupancy**;

“Quiet Zone” means those areas so described in this Bylaw and so indicated in Schedule A, attached to and forming part of this Bylaw;

“rating level” means the **specific sound level** plus the **impulsive sound adjustment** and **tonal sound adjustment**;

“residential occupancy” in respect of **premises**, means a dwelling unit located within a building, and includes a room for rent in a hotel or motel;

“residual sound” means the sound remaining at a given location in a given situation when the **specific sound** source is suppressed to a degree such that it does not contribute to the **total sound**;

“sound” means an oscillation in pressure in air which can produce the sensation of hearing when incident upon the ear;

“specific sound” means the **sound** under investigation;

“specific sound level” means the equivalent continuous **sound** pressure level or L_{eq} at the point of reception produced by the **specific sound** over the **measurement time interval**;

“tonal sound” means **specific sound** which contains one or more distinguishable, discrete, continuous tones or notes including, without limitation:

- (a) **specific sound** characterized by a “whine”, “hiss”, “screech” or “hum”;
and
- (b) music;

“tonal sound adjustment” means a 0 – 6 dBA increase applied to **specific sound** classified as **tonal sound** as determined using the approach described in ISO 1996-2 [2007] Annex C and a 0 dBA increase applied to **specific sound** that is not classified as **tonal sound**;

“total sound” means the totally encompassing **sound** in a given situation at a given time, usually composed of **sound** from many sources near and far;

“total sound level” means the equivalent continuous **sound** pressure level or L_{eq} at the point of reception produced by the **total sound** over the **measurement time interval**; and

“vehicle” means a device in, on or by which a person or thing is or may be transported or drawn along a highway, but does not include a device designed to be moved by human power or device used exclusively on stationary rails or tracks.

PART TWO: SOUND LEVELS

2.1 Quiet Zone Permitted Sound Levels

2.1.1 In a **Quiet Zone** a person must not make, cause or permit to be made or caused, any **sound** that has a **rating level** which:

- (a) during the **daytime** exceeds:
 - (i) **55 dBA or 65 dBC** when received at a **point of reception** in a **Quiet Zone**;
 - (ii) **60 dBA or 70 dBC** when received at a **point of reception** in an **Intermediate Zone**;
 - (iii) **70 dBA or 80 dBC** when received at a **point of reception** in an **Activity Zone**; or
- (b) during the **nighttime** exceeds:
 - (i) **45 dBA or 55 dBC** when received at a point of reception in a **Quiet Zone**;
 - (ii) **50 dBA or 60 dBC** when received at a **point of reception** in an **Intermediate Zone**;
 - (iii) **70 dBA or 80 dBC** when received at a **point of reception** in an **Activity Zone**.

2.2 Intermediate Zone Permitted Sound Levels

2.2.1 In an **Intermediate Zone** a person must not make, cause or permit to be made or caused, any **sound** that has a **rating level** which:

- (a) during the **daytime** exceeds:
 - (i) **60 dBA or 70 dBC** when received at a **point of reception** in a **Quiet Zone**;
 - (ii) **60 dBA or 70 dBC** when received at a **point of reception** in an **Intermediate Zone**;
 - (iii) **70 dBA or 80 dBC** when received at a **point of reception** in an **Activity Zone**; or

- (b) during the **nighttime** exceeds:
 - (i) 50 **dB**A or 60 **dB**C when received at a **point of reception** in a **Quiet Zone**;
 - (ii) 50 **dB**A or 60 **dB**C when the prescribed **point of reception** is outdoors or 55 **dB**C when the prescribed **point of reception** is indoors in an **Intermediate Zone**;
 - (iii) 70 **dB**A or 80 **dB**C when received at a **point of reception** in an **Activity Zone**.

2.3 Activity Zone Permitted Sound levels

2.3.1 In an **Activity Zone** a person must not make, cause or permit to be made or caused, any **sound** that has a **rating level** which:

- (a) during the **daytime** exceeds:
 - (i) 60 **dB**A or 70 **dB**C when received at a **point of reception** in a **Quiet Zone**;
 - (ii) 65 **dB**A or 75 **dB**C when received at a **point of reception** in an **Intermediate Zone**;
 - (iii) 70 **dB**A or 80 **dB**C when received at a **point of reception** in an **Activity Zone**; or
- (b) during the **nighttime** exceeds:
 - (i) 50 **dB**A or 60 **dB**C when received at a **point of reception** in a **Quiet Zone**;
 - (ii) 55 **dB**A or 65 **dB**C when received at a **point of reception** in an **Intermediate Zone**;
 - (iii) 70 **dB**A or 80 **dB**C when received at a **point of reception** in an **Activity Zone**.

2.4 Summary of Permitted Sound Levels by Zone

2.4.1 For convenience, the outdoor **sound** level limits set out in sections 2.1 to 2.3 are summarized in the table in Schedule B, attached to and forming part of this Bylaw.

2.5 Properties Where Specific Modifications or Exceptions to Rating Levels Apply

- 2.5.1 Properties listed in Schedule C of this Bylaw are subject to the rating levels set-out in Schedule C. Except as modified or excepted in Schedule C, the rating levels in sections 2.1 – 2.3 of this Bylaw apply to such properties.

2.6 Assessment at Locations Affected by Residual Sound

- 2.6.1 Where the **total sound level** exceeds all of the prescribed **sound** limits identified in sections 2.1 to 2.3 and is influenced by the **residual sound** at the **point of reception** such that the **specific sound** cannot be accurately measured, the **specific sound** should be measured at distances close to the source and then predicted at the **point of reception** using an internationally accepted calculation standard such as ISO 9613-2.

2.7 Role of Inspector

- 2.7.1 Any **inspector** may measure **sound** levels with an **approved sound meter**, and may enter at all reasonable times upon any real property, to determine compliance with the provisions of Part Two of this Bylaw.

PART THREE: PROHIBITED TYPES OF NOISE

3.1 Noise Disturbing Neighbourhood

- 3.1.1 Subject to other provisions of this Bylaw:

- (a) a person must not make or cause a **sound** in a street, park, plaza or similar public place which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of persons in the neighbourhood or vicinity;
- (b) a person who is the owner or occupier of, or is in possession or control of, real property must not make, suffer, or permit any other person to make, a **sound**, on that real property, which can be easily heard by a person not on the same **premises** and which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of persons in the neighbourhood or vicinity.

- 3.1.2 Subsection 3.1.1 does not apply if a **sound** level may practically be measured and the **sound** level is in compliance with Part Two of this Bylaw.

3.2 Prohibited Types of Noise

- 3.2.1 The following sounds are prohibited because they are objectionable, or liable to disturb the quiet, peace, rest, enjoyment and comfort of individuals or the public notwithstanding that such sounds may not constitute a violation of any other provision of this Bylaw:

- (a) the **sound** made by a dog barking, howling or creating any kind of **sound** continually or sporadically or erratically for any period in excess of one-half hour of time;
- (b) the **sound** made by a combustion engine that is operated without using an effective exhaust muffling system in good working order;
- (c) the **sound** made by a **vehicle** or a **vehicle** with a trailer resulting in banging, clanking, squealing or other like **sounds** due to an improperly secured load or improperly secured equipment, or due to inadequate maintenance;
- (d) the **sound** made by a **vehicle** horn or other warning device used except under circumstances required or authorized by law;
- (e) the **sound** made by amplified music, whether pre-recorded or live, after 2:00 a.m. and before 8:00 a.m. on any day; and
- (f) **sound** produced by audio advertising which:
 - (i) is directed at pedestrians or motorists on any street or sidewalk; or
 - (ii) can be heard on any street or sidewalk.

PART FOUR: EXEMPTIONS

4.1 Specific Exemptions

4.1.1 This Bylaw does not apply to **sound made:**

- (a) by a police, fire, ambulance or other emergency vehicle;
- (b) by a horn or other signalling device on any **vehicle**, boat or train where such sounding is properly and necessarily used as a danger or warning signal;
- (c) by the use, in a reasonable manner, of an apparatus or mechanism for the amplification of the human voice or music in a public park, public facility or square in connection with a public meeting, public celebration, athletic or sports event or other public gathering, if:
 - (i) that gathering is held under a City issued permit or license or similar agreement; or
 - (ii) that gathering has received prior approval under section 4.2.1;
- (d) by bells, gongs or chimes by religious institutions, or the use of carillons, where such bells, gongs, chimes or carillons have been lawfully erected;
- (e) by works and activities authorized by the British Columbia School Board 38 (Richmond) and conducted by its employees, agents and contractors on

property owned or operated by British Columbia School Board 38 (Richmond);

- (f) by a parade, procession, performance, concert, ceremony, event, gathering or meeting in or on a street or public space, provided that a permit, licence or similar agreement has been granted by the City for the event;
- (g) by outdoor athletic activity that takes place between 8:00 a.m. and 10:30 p.m.;
- (h) by the use, in a reasonable manner, of the **premises** of a Community Care Facility duly licensed under the *Community Care and Assisted Living Act*, SBC, 2002, Chapter. 75, or from the use of a similar institution;
- (i) by works and activities authorized by the City and conducted by its employees, agents and contractors on property owned (including, without limitation dedicated roads, parks and other public spaces) or operated by the City;
- (j) by a garbage collection service:
 - (i) between 7:00 a.m. and 8:00 p.m. Monday through Saturday; and
 - (ii) between 9:00 a.m. and 6:00 p.m. on a Sunday or **holiday**;
- (k) by municipal works including, but not limited to, the construction and repair of streets, sewers lighting and other municipal services, whether carried out during the daytime or during the nighttime by, or on behalf of the City or the Greater Vancouver Regional District or any other public authority, but, unless the General Manager approves otherwise, does not include **construction** carried out under and agreement to install City works as described in section 940 of the *Local Government Act*;
- (l) by **lawn and garden power equipment**, provided that the use of the **lawn and garden power equipment** takes place:
 - (i) between 7:00 a.m. and 8:00 p.m. Monday through Friday; or
 - (ii) between 10:00 a.m. and 8:00 p.m. on a Saturday, Sunday and **holiday**;
- (m) by **construction**, provided that it has a **rating level** which does not exceed 85 dBA when measured at a distance of 15.2m (50 feet) from that source of **sound**, and only:
 - (i) between 7:00 a.m. and 7:00 p.m. Monday through Friday that is not a **holiday**; and

- (ii) between 10:00 a.m. and 6:00 p.m. on a Saturday that is not a **holiday**;
- (n) by the nightly cleaning of streets and sidewalks and the collection of garbage from sidewalk refuse bins by or on behalf of the City;
- (o) by public transit or aeronautics;
- (p) by normal farm practices on a farm operation as defined by and protected by the *Farm Practices Protection (Right to Farm) Act*; or
- (q) by an occupant of a strata lot or rental unit used for **residential occupancy** where the source of the sound and the **point of reception** is within the same building.

4.2 Exemptions and Relaxations by Approval

- 4.2.1 A person may submit an application for an exemption or relaxation from the provisions of this Bylaw to the **General Manager**, in a form and with content satisfactory to the **General Manager** who may allow the exemption or relaxation with or without terms and conditions or refuse the exemption or relaxation provided that the exemption or relaxation is limited to a period of not more than forty-eight (48) hours.
- 4.2.2 With respect to exemptions or relaxations from the limitations imposed by section 4.1.1(m) of this Bylaw for construction projects, the **General Manager** may grant the exemption if satisfied that:
 - (a) the volume of traffic in the area of the proposed construction is such as to cause danger to the workers on the job, or to cause traffic congestion;
 - (b) the impact and inconvenience to residents in the area of the proposed construction can be minimized;
 - (c) the construction cannot be undertaken efficiently or safely during the normal working day; or
 - (d) interruption of any service during normal working day would cause any person undue hardship.
- 4.2.3 If an exemption or relaxation is granted by the **General Manager** the applicant must, at least forty-eight (48) hours before the start of the exemption period, distribute a notice, in a form and with content satisfactory to the **General Manager**, to all residences within a one hundred (100) metre radius. Such a notice is to include, but will not be limited to, all times and dates, the specific location and general description of the activity.

4.2.4 An applicant who has been refused an exemption or relaxation by a decision of the **General Manager** may apply to have Council reconsider that decision in accordance with the following procedures:

- (a) the applicant may apply by notice to the City Clerk within 14 days of any refusal by the **General Manager** to grant an exemption or relaxation;
- (b) the applicant may address Council in writing or in person concerning the specific exemption or any future exemptions; and
- (c) Council may allow or revise the exemption or relaxation with or without terms and conditions or refuse the exemption or relaxation.

4.3 Modification of Exception of Rating Levels by Bylaw Amendment

4.3.1 A person may, in respect to a specific property or specific properties, submit an application for a modification of this Bylaw in respect to a rating level set out in section 2.1 – 2.3 of this Bylaw to the **General Manager** in a form and with a content satisfactory to the **General Manager** who shall refer the application to Council for consideration with recommendations.

PART FIVE: GENERAL

5.1 Severability

5.1.1 No provision of this Bylaw depends for its validity on the validity of any other provision.

5.2 Offences and Penalties

- 5.2.1 (a) a violation of any of the provisions identified in this Bylaw shall result in liability for penalties and late payment amounts established in Schedule A of the Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122; and
- (b) a violation of any of the provisions identified in this Bylaw shall be subject to the procedures, restrictions, limits, obligations and rights established in the *Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122* in accordance with the *Local Government Bylaw Notice Enforcement Act, SBC 2003, c.60*.
- 5.2.2 Every person who contravenes any provision of this Bylaw is considered to have committed an offence against this bylaw and is liable on summary conviction, to the penalties provided for in the *Offence Act*, and each day that such violation is caused, or allowed to continue, constitutes a separate offence.

FIRST READING

SECOND READING

THIRD READING

ADOPTED

MAYOR

CITY CLERK

CITY OF RICHMOND
APPROVED for content by originating Division 
APPROVED for legality by Solicitor 

SCHEDULE A TO BYLAW 8856
NOISE ZONES

Category	Quiet Zone	Intermediate Zone	Activity Zone
1. Standard Zoning (subject to Category 4)	<ul style="list-style-type: none"> Residential Zones commencing with RS, RC, RD, RI, RT, RA Residential / Limited Commercial Zones commencing with RCL Institutional Zones commencing with ASY, HC Mixed Use Zones commencing with CN, CS 	<ul style="list-style-type: none"> Mixed Use Zones commencing with CDT Commercial Zones commencing with CL, CC, CA, CEA, CG, CP, CV, CR Marina Zones commencing with MA1, MA2 Institutional Zones commencing with AIR, SI Agriculture & Golf Zones commencing with AG, GC 	<ul style="list-style-type: none"> Industrial Zones commencing with I, IL, IB, IR, IS
2. Site Specific Zoning (subject to Category 4)	<ul style="list-style-type: none"> Residential Zones commencing with ZS, ZD, ZT, ZLR, ZHR Residential (Other) Zones commencing with ZR 	<ul style="list-style-type: none"> Mixed Use Zones commencing with ZMU Commercial Zones commencing with ZC Public Zones commencing with ZIS Agricultural Zones commencing with ZA 	<ul style="list-style-type: none"> Industrial Zones commencing with ZI

Category	Quiet Zone	Intermediate Zone	Activity Zone
3. Land Use Contracts (subject to Category 4)	<ul style="list-style-type: none"> 001-009, 011-021, 023-027, 029-037, 040-050, 052-061, 063, 065-069, 071-077, 081-086, 088-090, 093-102, 104-117, 120-121, 123-125, 129-138, 140-165 	<ul style="list-style-type: none"> 010, 022, 028, 051, 062, 064, 070, 078, 079, 087, 092, 119, 122, 126, 128 	<ul style="list-style-type: none"> 039, 091, 127, 139
4. Additional Designations		<ul style="list-style-type: none"> All parcels that would otherwise be classified as a Quiet District that are in Areas 1A or 2 as outlined in the OCP Aircraft Noise Sensitive Development Table contained in Section 5.4 - Noise Management in the Richmond Official Community Plan Bylaw No 7100 All parcels bordering a municipal 4-lane roadway, Highway 91 or Highway 99 	<ul style="list-style-type: none"> All roadways All railroad rights-of-way

SCHEDULE B TO BYLAW 8856**SUMMARY OF PERMITTED OUTDOOR SOUND LEVELS BY ZONE**

		Sound Receiver Zone					
		Quiet		Intermediate		Activity	
		Day	Night	Day	Night	Day	Night
Sound Source Zone	Quiet	55 dBA	45 dBA	60 dBA	50 dBA	70 dBA	70 dBA
		65 dBC	55 dBC	70 dBC	60 dBC	80 dBC	80 dBC
	Intermediate	60 dBA	50 dBA	60 dBA	50 dBA	70 dBA	70 dBA
		70 dBC	60 dBC	70dBC	60 dBC	80 dBC	80 dBC
	Activity	60 dBA	50 dBA	65 dBA	55 dBA	70 dBA	70 dBA
		70dBC	60 dBC	75 dBC	65 dBC	80 dBC	80 dBC

Note: the permitted outdoor **dBC** sound level is 10 dB higher than the permitted **dBA** sound level.

SCHEDULE C TO BYLAW 8856**SPECIFIC MODIFICATIONS/EXCEPTIONS TO PART TWO: SOUND LEVELS**

Property specific modifications / exceptions to the rating levels in Part Two: "Sound Levels" of the Bylaw are set-out below. Except as modified or excepted below, the rating levels in Part Two: "Sound Levels" apply.

Civic Address of Sound Source	Civic Address of Point of Reception	Permitted Sound Level



**Municipal Ticket Information Authorization Bylaw No. 7321,
Amendment Bylaw No. 8857**

The Council of the City of Richmond enacts as follows:

1. Municipal Ticket Information Authorization Bylaw No. 7321, as amended, is further amended at Schedule 9 by deleting the following:

Subdivision Three – Noise Regulation

Making noise which disturbs	31.1.1(a)	\$100
Permitting noise which disturbs	3.1.1.1(a)	\$100
Equipment noise which disturbs	3.1.1.1(b)	\$100
Animal noise which disturbs	3.1.1.1(b)	\$250
Vehicle noise which disturbs	3.1.1.1(b)	\$100
Machinery noise which disturbs	3.1.1.1(b)	\$100

2. This Bylaw is cited as “**Municipal Ticket Information Authorization Bylaw No. 7321, Amendment Bylaw No. 8857**”.

FIRST READING

SECOND READING

THIRD READING

ADOPTED

MAYOR

CORPORATE OFFICER





**City of
Richmond**

Bylaw 8858

**Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122,
Amendment Bylaw No. 8858**

The Council of the City of Richmond enacts as follows:

1. Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122, as amended, is further amended at Part One – Application by adding the following after section 1.1(j):

“(k) Noise Regulation Bylaw No. 8856, as amended,”
2. Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122, as amended, is further amended by adding to the end of the table in Schedule A of Bylaw No. 8122 the content of the table in Schedule A attached to and forming part of this bylaw.
3. This Bylaw is cited as **“Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122, Amendment Bylaw No. 8858”**.

FIRST READING

SECOND READING

THIRD READING

ADOPTED

MAYOR

CORPORATE OFFICER

CITY OF RICHMOND
APPROVED for content by originating Division

APPROVED for legality by Solicitor


SCHEDULE A to BYLAW NO. 8858**SCHEDULE A to BYLAW NO. 8122****Designated Bylaw Contraventions and Corresponding Penalties**

A1 Bylaw	A2 Description of Contravention	A3 Section	A4 Compliance Agreement Available	A5 Penalty	A6 Early Payment Option	A7 Late Payment Amount	A8 Compliance Agreement Discount
	Period of Time from Receipt (inclusive)		n/a	29 to 60 days	1 to 28 days	61 days or more	n/a
Noise Regulation Bylaw No. 8856 (2012)	Making or causing noise in a quiet zone which exceeds permitted limits	2.1.1	No	\$ 200.00	\$ 175.00	\$ 225.00	n/a
	Making or causing noise in an intermediate zone which exceeds permitted limits	2.2.1	No	\$ 200.00	\$ 175.00	\$ 225.00	n/a
	Making or causing noise in an activity zone which exceeds permitted limits	2.3.1	No	\$ 200.00	\$ 175.00	\$ 225.00	n/a
	Making or causing a noise which disturbs the quiet, peace and enjoyment of a neighbourhood	3.1.1	No	\$ 200.00	\$ 175.00	\$ 225.00	n/a
	Making or causing a prohibited type of noise which disturbs the quiet, peace and enjoyment	3.2.1	No	\$ 200.00	\$ 175.00	\$ 225.00	n/a

Proposed Noise Regulation Bylaw

City of Richmond Website / On-Line Survey

Number of Respondents: 164

Male: 48.8%

Female: 51.2%

Age in Years:

0 to 18	2.4%
19 to 25	10.4%
26 to 35	18.9%
36 to 45	20.1%
46 to 55	19.5%
56 to 65	18.3%
Over 65	10.4%

Location:

Centre (Gilbert to No 5)		
North of Westminster	V6X	33.5%
(includes 11.0% of respondents from Caithcart Road)		
Westminster to Francis	V6Y	9.1%
Francis to Fraser River	V7A	8.5%
Northwest of Francis & Gilbert	V7C	12.8%
Southwest of Francis & Gilbert	V7E	30.5%
(includes 11.6% of respondents from Andrews Road)		
Vancouver		4.9%
Delta		0.7%

Length of Residency:

0 to 6	months	7.3%
7 to 11	months	4.3%
1 to 5	years	42.7%
6 to 10	years	22.0%
Over 10	years	23.8%

Time to Bed:

10 pm to midnight	73.8%
Midnight or later	10.4%

Time Awake:

Prior to 6 am	16.5%
6 am to 8 am	48.8%

Proposed Noise Regulation Bylaw

City of Richmond Website / On-Line Survey

Windows Open:	All the Time	33.5%
	Daytime Only	11.6%
	Never	10.4%
	Occasionally	44.5%

Sensitivity to Noise:	Very Low	3.1%
	Low	6.7%
	Average	59.1%
	High	20.7%
	Very High	10.4%

Impact of Noise on Property:	Not at All	7.3%
	Not Significant	13.4%
	Moderately	30.5%
	Significant	48.8%

Location of Impact:	Nowhere	14.6%
	Indoors	16.5%
	Outdoors	26.8%
	Both Equally	42.1%

Sources of Noise Identified & Priority:

	First	Second	Third
Air Traffic	19.0%	8.0%	5.0%
Business	7.3%	5.0%	
Construction	5.0%	4.0%	3.7%
Garbage Collection	1.3%	1.3%	
Neighbours	6.0%	3.3%	12.3%
Public Transit	10.7%		
Road Traffic	1.3%		
None Identified	4.0%		

Quality of Life Impacted:	Occasionally	22.0%
	Often in Past Month	8.5%
	Often in Past Year	47.6%
	For More Than 5 Years	22.0%

Proposed Noise Regulation Bylaw**City of Richmond Website / On-Line Survey**

Knowledge of City's Bylaw:	Poor	22.0%
	Fair	28.0%
	Good	22.6%
	Excellent	15.2%
	Did Not Know It Existed	12.2%

Satisfied with Current Bylaw:	Strongly Disagree	39.0%
	Disagree	29.3%
	Neutral	23.2%
	Agree	5.5%
	Strongly Agree	3.0%



Noise Regulation Bylaw Consultation Meeting

Held November 1, 2011, 6:00 pm

M.2.002

Richmond City Hall

In Attendance:

Wayne Mercer, Manager, Community Bylaws
Magda Laljee, Supervisor, Community Bylaws
Amarjeet Rattan, Director, Intergovernmental
Relations & Protocol Unit
Neonila Lilova, Manager, Economic Development
Don Howardson, Young Anderson, Lawyers
Mark Bliss, P. Eng, BKL Consultants
Steve Chong, Vancouver Coastal Health
Nigel Hedley, Vancouver Coastal Health

Jim Van der Tas, Steveston Merchants Association
Howard Jampolsky, Economic Advisory Committee
Richard Harker, Qué Pasa Foods
Ed Gavsie, Tourism Richmond
Sheila Luft, Economic Advisory Committee
Jerome Dickey, Economic Advisory Committee
Shelby So, Richmond Chamber of Commerce
Tom Corsie, Economic Advisory Committee
Bob Laurie, Economic Advisory Committee

Minutes:

1. The meeting opened with a PowerPoint presentation given by Mark Bliss.
2. Wayne Mercer provided analysis of the proposed bylaw.
3. Questions (Q) and Answers (A):

Q: Under the proposed bylaw, what category a garbage truck or a snowplough in day to day operations would fall?

A: The current and proposed bylaw has exemptions as long as it's within a certain time in the day; also depends where you are situated ie. If you are in a condo and the truck picks up right in front of your place the noise level would be higher, but over a period of time would be lower; likely a garbage truck would still exceed if operating during the night.

Q: If you're a business, today you're okay, but has the proposed bylaw dropped the level of sound allowed?

A:

- It's a different measure, non continuous versus continuous sound
- The residents may think it's allowing more noise but by removing the subjective part of the bylaw it would meet the objective

- Trying not to make any substantial changes to the levels but rather introducing a different way of measuring noise levels

Q: With the different method are they [businesses] still complying?

A: Yes. From an enforcement perspective the continuous sounds are the more common complaints; if a business has been consistent they will be consistent with the new bylaw.

Q: I understand that subjective not objective is the problem, but what has motivated the change in the bylaw?

A:
➤ General perceptions based on a couple of isolated incidents in the city to cause this change, but we see this as part of City's regular routine review of a bylaw.
➤ When we were asked to look at options we looked at Vancouver, which is a very confusing bylaw; Victoria enacted a similar bylaw and this is an evolution not reactive.

Q: What is the financial impact of the proposed changes?

A: The budget is approved for the process of going through these consultations and for new equipment and training in cooperation with Richmond Health, is budgeted at \$100,000 this year; further costs will be discussed in the future.

Q: Pleasantly surprised that no collision sites are not on the map ~ the works yard is in the red zone. Residences across in relations to the works yard may be affected. Great Northern Way in Vancouver an example: no inclusion of an MR2 zone, industrial is not compatible, they are safe; note nothing in the works yard. Does the covenant on properties registered on Gilbert supersede the bylaw? Tired of people buying beside the airport and complain about noise ~ is there any recourse to default?; Will this bylaw supersede such covenants? Will this covenant be modified or trumped by the bylaw? Are we giving respite to the folks that have been after the airport for years? The airport is a fundamental and viable employer.

A: Wayne to follow-up on clarity of the covenant.

Q: As Steveston grows and more people come into the area (including residents), we want to make sure businesses in the area do not need to change their business practices dramatically as this could be a for loss of business.

A:
➤ Have talked to development people and any areas they feel will be impacted will be putting together a strong covenant on the property titles
➤ We have been assured that the development permit process and the covenant in the future will be stricter

Q: Regarding the map between No 7 Road and Nelson, south of Granville is agriculture activity, why is this not red zone?

A: This is not part of the bylaw, just present zoning, and will be looking at that specific area and other areas. Not to say zoning will change, but will be looking at that.

Q: The map shows all streets marked red, does this mean all streets are in the activity zone.

A: Yes.

Q: Based on the Victoria model, have you received any feedback?

A:

- Yes, it's been positive.
- The first draft had to be amended by purely objective limits, made amendments for police officers to carry testing equipment.
- If something comes to our attention outside of work hours at a high level we will address that.

Q: Why will sound only be measured at the exterior of a property?

A: Mainly because standards and guidelines around the world assess this kind of environmental noise outside. If I move a microphone in a room the sound builds up in certain spots. Outdoors is easier to improve precision for enforcement.

Q: Has the Agricultural Advisory Committee seen the proposed bylaw? In the agriculture area a new cranberry processing plant is going in. Why is agricultural business in the intermediate zoning? What would happen if I start mining the dump and generating power with turbines that will generate far more noise?

A:

- No, this has not gone to AG committee; but will ensure they are included, if needed
- It is complaint driven
- Property could get rezoned; however zoning is a whole other topic.

Q: Any major farm operators invited in the consultations?

A: Farms are exempt from the proposed bylaw.

Q: With the new decibel levels – what about trucks going through blue zones?

A:

- Moving vehicle noise is not in jurisdiction, but a parked truck with reefer would be.
- Would like to reiterate that if they complied with the old bylaw they will comply with new bylaw.

Q: Who are we really trying to catch ~ what type of offender? A car with loud music or motorcycle?

A: General scope of complaint types we get have been construction noise and neighbour on neighbour perhaps complaining about an air conditioning unit. The matters in the press are the exceptions and difficult to mitigate.

Q: What is the ticketing and/or warning process? How many in a year?

A: Very small percent of noise complaints go to ticketing. We have been very successful at mitigating. Less than 5 a year get a ticket. Typically we get great results with more mediation taking place. There isn't a trend to prosecutions; ends with education; in most cases both sides feel badly.

Q: What are the staffing / labour costs of enforcement of the proposed bylaw?

A:

- Costs have increased because of a larger volume of complaints. Over the past 5 years the volume of complaints has increased with construction. We do track those numbers; will make it easier removing subjectivity making objective levels; construction is granted some leeway; only Sundays and holidays construction is not exempt from proposed bylaw
- With proper planning there are exemptions issued.

Q: There is a misperception that these two isolated incidents made the changes to the bylaw – now the new bylaw will it do anything to address these two disputes?

A: Going back to the certainty issue, and the clear definition; not sure where its going to end up. We have had workshops with the residential groups with very limited turnout. Seems to be driven by a small number of people. Businesses are doing everything that can be done to accommodate the residents.

Q: In reference to setting new standards and how they will be measured; was there noise measurements in the current bylaw?

A: Yes it stated that you could take measurements indoors and outdoor in dBA levels as opposed to dBC levels.

Q: Having been in construction, what is the definition of construction activity? If a complaint of a contractor putting tools in work van at 11:00 pm – is there clarification on what is construction activity?

A: In definitions that would be defined as average banging.

Q: The River Rock Hotel with jets flying close overhead ~ is there a covenant on the hotel? Is that an issue?

A: That will not be an issue. Airport noise is exempt.

Q: Restrictions about penalties refers to another bylaw?

A: That would be adjudication. Since 2007 we can issue tickets that go to adjudication process instead of court. No fines have been set at this time.

Q: Do you have any jurisdiction on Sea Island?

A: We deal with barking dogs in that area, not air noise; as for airport activity on the ground – not sure.

Q: Do I have to own the property I'm complaining from or can I be in a park and make a complaint while in the park?

A: The point of reception requires a source of another property not the same property.

Meeting ended 7:34pm.

Recording Secretary: Christina Arneson, EA Corporate & Community Services



City of
Richmond

Minutes

Noise Regulation Bylaw Consultation Meeting

Held November 10, 2011, 6:00 pm

Council Chambers
Richmond City Hall

In Attendance:

Wayne Mercer, Manager, Community Bylaws
Magda Laljee, Supervisor, Community Bylaws
Neonila Lilova, Manager, Economic Development
Amarjeet Rattan, Director, Intergovernmental
Relations & Protocol Unit
Don Howardson, Young Anderson, Lawyers
Mark Bliss, P. Eng., BKL Consultants
Dalton Cross, Vancouver Coastal Health

Thirty-Four (34) Business Representatives

Minutes:

1. The meeting opened with a PowerPoint presentation given by Mark Bliss.
2. Wayne Mercer provided analysis of the proposed bylaw.
3. Questions (Q) and Answers (A):

- Q:** If a business is rendered non-compliant under the proposed bylaw, is the onus on businesses to move or on residents to shut their windows? Would a grandfathering exemption for businesses exist?
- A:** Part of our next report to Council is to bring forward mitigating measures for businesses that would be rendered non-compliant under the proposed bylaw. These options will be investigated as part of that work.
- Q:** It is clear that World Health Organization (WHO) and other municipal standards were considered. Where did the dBC measurement come from?
- A:** The City of Vancouver Noise Bylaw, which deals mostly with entertainment noise, is the source
- Q:** Was there any alternative methodology considered? There are other methodologies out there, e.g. establish a level of ambient noise and then add on measurements of specific noise associated with the complaint. Which approach is more accurate?

- A: Other methodologies have been considered. The one mentioned is very complex to enforce. However, there are international jurisdictions (such as London, England) that utilize similar methodologies.
- Q: It is a concern that the City is trading off accuracy for ease of enforcement. Is this fair in terms of special circumstances, such as a property subject to elevated ambient noise (e.g. surrounded by flight paths on both sides and abutting a major thoroughfare). In light of this, would staff and Council reconsider the methodology in the proposed bylaw?
- A: The proposed dBA/dBC scale accounts for eliminating ambient noise. Ambient noise is captured and subtracted from the total reading to obtain an accurate dBA/dBC measurement.
- Q: The map of proposed noise zones is an ever-changing piece, as it is based on City zoning. The noise map changes as properties are re-zoned. There are now residences where there were none before. Residents and businesses should be equally responsible.
- A: The City makes efforts to build safeguards as part of the development application and building permit process
- Q: A short-term source (e.g. loading a truck) and a continuous source – are they measured differently?
- A: Not necessarily. A one-time truck loading incident is not of concern. Multiple and repeating truck loading incidents is a different story. The same principles as in the dBA/dBC scale chart would apply.
- Q: How is Activity Zone defined? A property that is in an Activity Zone today is turning into a Quiet Zone due to a residential development tomorrow. Whose responsibility is it going to be to mitigate, not only for new developments but also for existing situations?
- A: Municipalities need to think of accommodating through the permitting process. Requirements for new developments are becoming more stringent. The intent of the noise bylaw is not to make noise inaudible. Staff will be looking at mitigation strategies as a next step.
- Q: At the No.2 Road industrial park, the Riverwind residential developer is not compliant with requirements – they are supposed to install an 8-foot barrier but the current barrier in place is 3 feet.
- A: Thank you for the comment.
- Q: The proposed bylaw includes a daytime change from 7 am to 8 pm every day to 10 am to 8 pm on Sundays and holidays. This will be restrictive to business activities, especially shift work and 24-hour operations.
- A: Thank you for the comment.

Q: The proposed bylaw includes a daytime change from 7 am to 8 pm every day to 10 am to 8 pm on Sundays and holidays. This will be restrictive to business activities, especially shift work and 24-hour operations.

A: Thank you for the suggestion. Please put it in writing.

Q: Is the City going to assist businesses to gain understanding how much dBA/dBC their operations generate? Are such resources planned available to business?

A: Not at this time.

Q: Roads are all listed as Activity Zone. How does that influence properties that are immediately adjacent each other but right across the road?

A: This does not influence. The properties and noise zones associated with the point of noise source and the point of noise reception is all that matters.

Q: There was a covenant signed by the Riverwind residential property owners. Who is responsible in this case?

A: Yes, this is a "buyer beware".

Q: There was a covenant signed by the Riverwind residential property owners. Who is responsible in this case? How does the City enforce the covenant? The City needs to deal with this issue, someone 'dropped the ball'. This creates a long-term problem of that specific location. If one business is chased out, there are lost jobs and empty spaces which forces other businesses to move out until all are gone.

A: Yes, this is a "buyer beware".

Q: How did the noise zones get determined?

A: The current zoning map was used but it is constantly changing. Exception are areas under the flight path and next to highways where properties are designated as Intermediate Zone, regardless of zoning.

Q: Section 3.1.1.b of the proposed bylaw is highly subjective.

A: Section 3.1.2 underneath addresses that.

Q: There is a difference between a 'party house' and a business and Section 3.1.1.b exposes the business. Consider language to be more objective and specific, e.g. introduce designated use and owner reasonableness in addressing the noise created by patrons leaving the premises. The way it is now is punitive to the owner/business. Will the new bylaw reflect that?

A: This is a one-off situation. A ticket would be warranted only if it is a constant and continuous problem. But few municipalities take that action. We cannot place safeguards

in the bylaw. The discretion rests with the bylaw officer and the breach is registered in 1 out of 900 cases. In most cases, people try to resolve.

Q: How do *Leq* measurements work? Over what period?

A: *Leq* takes a representative sample on readings over a 1 to 30 minute period.

Q: What if we have changing noise levels over the course of the day?

A: Over the day, the loudest 30 minutes needs to be in compliance with the allowable noise levels. We get to the core issue prior to measurement, as measuring over 8 hours is unreasonable.

Q: Any thought to extending the hours rather than reducing them, to accommodate shift work? It is a 24-hour business world.

A: Thank you for the suggestion. Please put it in writing.

Q: At No.2.Road, why not extend the Activity Zone to include residential developments immediately adjacent to the industrial park? That way residents will know they are living in a noisy area?

A: [None]

Q: What is the difference of 10dB?

A: Twice as loud.

Q: Can this bylaw accommodate variances?

A: In bylaws, there are exceptions. We have had preliminary discussions.

Meeting ended at 8:15 pm.

Recorder: Neonila Lilova -- Manager, Economic Development

From: Shelby So [mailto:shelbys@richmondchamber.ca]
Sent: November 7, 2011 8:40 AM
To: EconomicDev
Cc: Lilova, Neonila; Craig Jones
Subject: Re: Proposed Noise Regulation Bylaw - Business Consultations Comment Form

On behalf of one of the members of the Richmond Chamber of Commerce, please see the following comments regarding the Proposed Noise Regulation Bylaw:

- 1) In section 3.1.1 (b) of the proposed by law it reads *"a person who is the owner of occupier of, or is in possession or control of, real property must not make, suffer, or permit any other person to make, a sound, on that real property, which can be easily heard by a person not on the same premises and which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of persons in the neighbourhood or vicinity."*
 - This paragraph is extremely subjective and as a result will create a great deal of confusion and frustration as it is subject to a great deal of subjective interpretation.
 - We believe the paragraph should aim to be less subjective in nature, include an **eye to the intended use of the area making the noise**, and should include a **reasonable effort** exerted by the owner of the property in question rather than an absolute result of sound being created. For example if this law came into place the True Foods company would likely always be deemed in violation of the by law.
- 2) The by-law currently reads a maximum level of 60 DBCs emitted in the evening from an intermediate zone to point of reception in a quiet zone. If this level were to drop at all it would make most business owners in many intermediate zones in violation most of the time. The current ambient noise in many intermediate zones in Richmond is already hovering at approximately 58 DBCs. To consider lowering the level outlined in the by law would be extremely unfair to businesses in this zone and would threaten their existence. We believe the recommendation from the Sound Engineering company reflects a balance approach to sound levels in the intermediate zones.

Regards,
Shelby

Shelby So, MBA (蘇子永)
Manager, Membership Development
Richmond Chamber of Commerce
Phone: 604-278-2822 ext. 110
Cell: 778-288-0208
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Email: shelbys@richmondchamber.ca
Website: www.richmondchamber.ca

From: Store317 [mailto:store317@MMMS.ca]
Sent: Thursday, November 10, 2011 06:23 PM
To: Davies, Marie-Therese
Cc: Mercer, Wayne
Subject: RE: Noise Bylaw Consultation

I had the best of intentions of being in attendance at the business consultation session this evening regarding the Noise By-law amendments. Unfortunately, I am unable to attend at this time, but I'd like to convey my comments as a business owner in Richmond and as someone who once worked in the noise by-law field (in Vancouver) and had a significant role in drafting the current Vancouver by-law and managing its enforcement. First some general observations:

1. Managing and administering a noise by-law fairly and equitably involves a balancing of expectations. My read of the general public's views (primarily through the media) of the proposed new by-law is that it doesn't go far enough in restricting noise generated at the interface between residential and commercial/industrial uses. To that I must say that, in moving in next to an industrially-zoned or commercial zoned land-use (whether or not it currently has commercial or industrial uses operating on it) must come with an expectation for ambient noise levels somewhat higher than one might properly expect in a residential zone (set back from major arterials). Instead we get residents of new condos built near a commercial use with rooftop refrigeration units clamoring for WHO-like sound levels (< 30 Leq dBA).

First of all, I believe I'm correct in stating that the WHO Guidelines for night-time noise in this type of situation are based on windows being closed. Therefore the estimated outdoor sound level at the outside of the window (or the building envelope) would normally be in the 45 to 50 decibels Leq, based on about 15 to 20 decibels of attenuation provided by the window. This happens to be in line with what staff are recommending for night-time sound levels at the commercial/industrial interface with residentially zoned land. PLEASE NOTE: the vocal residential opponents to the proposed changes continue to misinterpret or wilfully misrepresent the WHO Night Time objective of 30 decibels, forgetting to note that this is INSIDE the bedroom. Honestly, in my 20+ years in Noise By-law measurement, I can't think of a single place in Greater Vancouver that could achieve a night-time sound level (Leq) of 30 decibels. The "urban hum" associated with City Noises (cars, rapid transit, machinery including the ubiquitous RESIDENTIAL "heat pump") renders such an objective (for outdoor night time sound levels) unattainable.

Secondly, I believe that, just as the residential property owner might expect some certainty in terms of protection from excessive noise, businesses require some certainty in regards to the extent they must go to attenuate noise at the source. Again, I believe the proposed amendments provide a higher level of certainty than the current by-law does, and certainly provide more certainty than a blind adoption of "WHO Guidelines" without any reference to the current regulatory and land-use approval environment in Richmond.

Thirdly, I must applaud Councillor Dang for hitting the nail on the head when he opined that perhaps the City (staff and councillors) were "to blame" for the interface challenges that have come before Council over the past year or two, since this is fundamentally a zoning and land use issue, where decisions have been made without reference to the noise implications of having high density condos cheek to jowl with legally operating businesses.

Fourthly, my situation as a small business operator (M & M Meat Shops, Coppersmith Plaza) is not far different from the Food facility in Steveston, since we too have rooftop refrigeration units to keep our frozen food frozen. Imagine if Council rezoned the Coast Mountain Bus yard behind our store and a develop built condos right up to the property line just west of us. Without a Noise By-law that strives to balance the expectations of the two "conflicting" uses, I'm quite certain that our small business would have to bear the costs of modifying, moving or shielding our roof-top units.

Finally, the matrix of sound level limits (for daytime and night-time) based on Source land uses and Receiver Land Uses is what I recommended to Vancouver City Council some time back. While not perfect, they have worked well to find that balance between the need of businesses to operate (as noiselessly as possible) and the need for sleep and peaceful contentment in the use of their residential property. The once exception I will make is the totally un-necessary bass beat that comes along with many club and bar situations, especially if these are not confined to commercial zones, well away from residential uses. What I would suggest with these (and perhaps only applicable to new licenses) is that they be required to install sound level monitoring devices (based on dBC) with an upper limit locked in to these devices, established with the professional advice of an acoustical consultant and based on the acoustic attenuation qualities of structure within which the bass beat is being emitted.

2. I have a few suggestions to make and a few concerns to raise:

I am assuming that the inclusion of "residual noise" in the definitions is based on the need to differentiate between the sound level generated by a discrete source (the perpetrator) and the "urban hum" or background noise generated by other sources such as traffic, airplanes, and undistinguishable sources. I'm concerned about how the enforcement agency will make that distinction. As you may know, two point sources of noise of equivalent sound level added together (say 42 and 42) normally result in a 3 dB increase (e.g. 45 not 84). Or a background(residual) noise level of 45 coupled with a noise point source of 45 will yield an overall noise reading of 48. In this scenario, the landowner of the point source might be issued a ticket because the "overall noise" at the receiving property now exceeded the night time noise level under the by-law. How will this be dealt with.

I realize that these amendments have not tried to deal with one of the most pervasive, annoying and disruptive noises in our modern society - the under-muffled or un-muffled motorbike (and some cars). Current by-law wording is largely unenforceable (as was my experience in Vancouver). What we need is UBCM to pressure the provincial government to change the Motor Vehicle Act to make it an offence to operate motor vehicles (mainly motorbikes) with anything but intact, OEM exhaust pipes and mufflers (i.e. not straight pipes or custom pipes), as well as an offence to sell or install straight pipes or non-OEM pipes. We made efforts in Vancouver to get this on the Province's radar, so perhaps UBCM can entertain a resolution to this effect.

I'm not sure if this is an issue or not, but we were once advised by Crown Counsel and City Legal, that noise measurements needed to be taken primarily on public land, since there is a legal principle that supports the need for the accused to be able to defend themselves, including the need to take measurements and readings to refute the readings taken by law enforcement. If the by-law contains wording that requires readings to be taken on "private property", then the argument is that the defendant might be refused entry onto or into private property by the accuser, therefore trampling on that right of defence.

Again, I wish I was able to attend in person, but I hope I have expressed my concerns as a business owner in Richmond and also perhaps made some suggestions for improvement.

Respectfully submitted,

Domenic Losito, Owner
M & M Meat Shops
145 - 11380 Steveston Hwy, Richmond

From: Lauren Walker [mailto:lwalker@layfieldgroup.com]
Sent: November 14, 2011 11:28 AM
To: Lilóva, Neonila
Cc: Tom Rose; Harvey Daviduk
Subject: Proposed Richmond Noise Bylaw Ammendment - Feedback from Layfield Group Limited

Dear Ms. Lilova:

I attended the Noise Regulation Workshop at City Hall last Thursday evening representing the Layfield Group Limited. We have been a part of the Richmond business community since 1986 and we currently employ over 95 people in our three Richmond locations (11120 Silversmith Place, #150-6211 Westminster Hwy, 11131 Coppersmith Way).

We have a number of concerns related to the proposed changes to noise regulations, which I have detailed as follows:

1. **Classification of Railway as Intermediate Zone** - In the map of Noise Zones in the Proposed Noise Bylaw, posted at http://www.richmond.ca/shared/assets/Map_of_Noise_Zones31532.PDF, CN's Railway Right-of-Way running parallel to Shell Road south of Steveston Hwy is shown as an Intermediate Zone, with Shell Road an Activity Zone to the Immediate West, and Riverside Business Park an Activity Zone immediately to the East. If this were to be implemented as proposed, it would be unreasonably restrictive to Layfield's operations at 11120 Silversmith Place, where our manufacturing plant is located adjacent to the rail line and where we receive and unload raw materials from rail cars. Based on the use of the railway, we would request that this be classified as an Activity Zone based on the nature of its use, which includes rail traffic, shunting rail cars, and loading/unloading materials.
2. **Increasing Evening Hours** - Layfield's 11120 Silversmith Place is a plastics extrusion and conversion facility which operates 24x7. The proposal to extend the end of evening hours from 7:00am to 10:00am on Sundays and Holidays would severely constrain our ability to operate cost-effectively. We would request that the current Daytime hours be maintained as current, or at minimum, that Activity Zones be exempted from the extended evening hours.
3. **Reduced Noise limits from Activity Zones** - The proposal would have the evening noise limit reduced from 60 dBA to 55dBA as measured in an Intermediate Zone for noise originating from an Activity Zone. Given the 24x7 nature of our operations and in light of the City of Vancouver's much less restrictive noise limit of 65dBA, we would request that the current noise limit as generated in Activity Zones and received by Intermediate Zones be maintained at 60dBA.
4. **Grandfathering** - Layfield located its operations within Richmond over 25 years ago and we have made investments in Real Property and manufacturing infrastructure with a long term economic outlook. We located our 11120 Silversmith Place facility at the boundary of the Riverside Industrial Park in order to gain access to raw materials delivered by rail car. The proposed bylaw ammendments will have little impact on businesses who are located well within the boundaries of Activity Zones as there will be sufficient distance for natural noise attenuation before it reaches Intermediate or Quiet zones, where noise limits are more restrictive. However, businesses that are located on the boundary of Activity Zones are at risk of being severely impacted, either immediately upon implementation of the new bylaw, or in the future due to rezoning of adjacent lands. In our view, this is inequitable and places an unreasonable burden on businesses who find or will find themselves, often to no actions of their own, on the boundary of Zones. We would request that, if the Bylaw ammendments are to be implemented as

proposed, that a Grandfathering scheme be implemented based on current noise bylaws and current zoning.

5. **Transition Services** - Implementation of new noise regulations as proposed will undoubtedly result in a number of residents and businesses finding themselves out of compliance with the new bylaws. We would like to suggest that the City of Richmond consider providing, at its expense, resources to its residents in order to facilitate the transition to the new bylaws. This might include access to acoustics expertise, test equipment, and engineering services.

Should you wish to discuss any of this input in more detail, please do not hesitate to contact me at 604.448.2742.

Best regards,

Lauren Walker, P.Eng, CMA
Director of Corporate Engineering & IT
Layfield Group Limited

From: Corsie, Tom [mailto:Tom.Corsie@portmetrovanancouver.com]
Sent: November 2, 2011 10:40 AM
To: EconomicDev
Subject: Noise Bylaw

Neonila – good meeting last night – I thought you had the right experts in the room and was actually quite encouraged by the outcome and content of the proposed bylaw. I suppose my comments as requested are as follows:

- I would recommend the City consult with the Independent Contractors Association specifically to the change proposed for Saturday morning. Good contact there is Phil Hochstein.
- I would recommend the area between No. 7 Road and Nelson Road south of Granville be included as an activity area regardless of whether there is a conflict with the OCP.
- I would suggest that Schedule A of the Notice of Bylaw Violation Dispute Adjudication Bylaw no. 8122 be attached as a schedule to the Noise Bylaw so that readers can see directly the level of fines the City is considering.
- I would like the comments from the EAC as per their minutes of May 19, 2011 to be included as part of the municipal consultation process.

Hope this is helpful.

Tom Corsie, PPM
Vice President, Real Estate

Port Metro Vancouver
100 The Pointe, 999 Canada Place
Vancouver, BC Canada V6C 3T4
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portmetrovanancouver.com

From: Marcel Blais [mailto:mblais@chop.ca]
Sent: November 15, 2011 8:10 AM
To: Lilova, Neonila
Cc: Laljee, Magda; Mercer, Wayne; Jim Weidinger; Marcel Blais
Subject: Important Feedback on Proposed Noise Bylaw

Hello Neonila,

As discussed, I have spent a great deal of time becoming educated on sound readings and noise in general and over the last number of weeks have also become intimately aware of the details contained within the proposed noise by-law for Richmond.

Before providing my detailed feedback, please allow me to thank the City of Richmond for undertaking such a detailed process and working hard to hear from all potentially affected parties. I also applaud the way the working committee used various municipalities and standards set from the World Health Organization to come up with the details for this proposed by-law. With the exception of a few minor details, I think the by-law is extremely reasonable and has achieved its' goal of reducing unnecessary ambiguity and improved enforcement opportunities.

I would like to make the following comments however:

- 1) I believe that there may be some third parties arguing to reduce the level of allowable DBAs or DBCs from the levels laid out in the current proposal. Based on our research we know that the ambient noise in the area of the quiet zone near our business is consistently well over 55 DBCs during late night with our business activities not happening. If the level were to decrease from the proposed amount it would be virtually impossible for a business in our area to hit the standard with any incremental noise from ambient noise and it would also be almost impossible to measure the source. We agree that the proposed levels based on World Health Organizational standards has hit the right balance.
- 2) In section 3.1.1 b of the by-law we are concerned as we believe this is the most ambiguous and subjective clause in the entire by-law. We also feel that it is unfairly punitive on a business owner rather than the specific person causing the disturbance. We are looking for council to consider revising this section to include an eye to use of the designated area as well as the acknowledgement that reasonable efforts have been made to mitigate loud noises (ie. Patrons leaving the bar cheering after the Canucks have won a hockey game). I have taken the liberty of drafting a potential revision below as an example of what we are looking for:
Subject to the normal activities of what would reasonably be expected from the approved use of the occupier/owner, a person who is the owner or occupier of, or is in possession or control of, real property must not make, and must make reasonable efforts to not suffer, or permit any other person to make, a sound . . .
(I have bolded and italicized the proposed new phrases).
- 3) If you look at the zoning map where the distinction is made between quiet zones, intermediate zones and activity zones, you will note that in the area of the Caithcart residences directly behind our business it is zoned as a quiet zone. This small pocket in blue is truly a small dot surrounded by intermediate and activity zones. Further there are two air paths for airplanes that flank this zone. Given all of this "activity" around this area I would like to ask council to

reconsider labelling this zone as a intermediate zone similar to the other residential zones immediately below the flight path. Although this will have no material difference to the application of the by-law for either the residents or us, I believe it will more correctly depict the activity level for that neighbourhood.

If you or anyone else requires further clarity or elaboration on the above points, please don't hesitate to contact me directly. I look forward to seeing you at the next meeting regarding this by-law.

Best regards,

Marcel Blais | Vice President of Operations

chop

steakhouse | bar

31 hopewell way ne | Calgary, AB | t3j 4v7 | 403.543.2644 | fax.403.543.2646 | chop.ca

From: Johnson [mailto:johnson@alican.com]

Sent: November 14, 2011 4:59 PM

To: EconomicDev

Subject: Proposed Noise Regulation Bylaw Business Consultations Comment Form

Name: Johnson Ling
Company Name: Alican Enterprise Inc.
Address: 220-245, 12417, No 2 Road Richmond
Phone: (604)241-2886
Email: Johnson@alican.com
Postal Code: V7E2G3

Comments.

Being the tenant in the same location for 19 years, we have expended from 1 unit to 7 units. When we first started, all our neighbors were of different industries. In the last few years all the surrounding industrial building has been torn down and residential building were built. Due to those changes, the neighbors start to complain about the noise. All that cause us a lot of trouble.

As the residents around our area knew that they are living next to the industrial site. They should expect to have some kind of activities in that area. The developer should figure out some ways to stop the noise from the industrial site and the people living next to the industrial site should bear some of the noise. Of cause it doesn't mean that the tenants in the Industrial will make unnecessary noise.

Base on that it is not fair to color ONLY our site red (activity Zone) which is surrounded by Quite Zone. I suggest that the Activity Zone should be enlarged (say from Moncton to the river (just like – from BridgePort to the river. OR at lease 10 Meter away from our site. By then there will be no more unnecessary arguments between the tenants in our site and the neighbor residents.

I can be contacted at 604-241-2886 ext 228

Yours truly
Johnson Ling – GM/Director
Alican Enterprise Inc.

From: Patrick Chiu [mailto:patrick.c@pacificsupportltd.com]
Sent: November 14, 2011 2:26 PM
To: EconomicDev
Cc: ddriscoll@porterealty.com; 'Brian Green'
Subject: Noise Bylaw comments

Dear Noise Bylaw Committee,

I had attended the Noise Bylaw meeting on November 10, 2011. The points of concern during the Q & A portion I hope has brought to your attention the business concerns of the bylaw. As I have been told during my questions that I should email my comments for you as well.

- 1) By the industrial complex of No. 2 Road near Andrews, there has been through the years residential developments right beside the complex. In those rezoning meetings, the developers made a very nice presentation of how there will be noise barriers 8 - 10 ft tall shielding residences from the industrial complex. When the townhouse complexes were built, the noise barrier was 3 ft tall and in 6 years has developed to about 4 ft tall now. It will take another 10 - 15 years before this noise barrier will even come close to the proposal during the rezoning application. How is this permitted as it is clearly not allowing the residences who move in to have the noise deflection that was suppose to be in place and proposed at the time of rezoning?

Now the industrial complex tenants are being forced to face the complaints of residences even though the industrial complex existed first. Furthermore when I brought this comment of the height of the noise barrier not being in place the city councilor said that even if it was 8 ft it wouldn't make a difference. As a Professional Engineer, I disagree. Sound and Noise barriers are designed for a reason and purpose. It is not placed on a development proposal because it looks good. It should also not be permitted to take 20 years for the barrier to be in grown in place. The industrial complex has concrete walls that extend from the ground to the ceiling. The only openings of the walls are in the exit doorways. Sound from inside the industrial units will mainly be heard through transmission through the doorways. Therefore if a proper sound barrier was in place residences would have significant noise reduction.

In addition, a good point was raised as to why the industrial complex tenants should be forced to change or pay for noise reduction when it should be the developers responsibility to build a complex that is able to coexist with an industrial complex's sounds that is already in place.

- 2) The area around this industrial complex is zoned as a Quiet zone while the industrial complex itself is zoned as a Activity zone. This does not make sense as the noise measurement is made at the point of reception. Therefore the residences can be allowed to complain about noise from the industrial complex as they are in the quiet zone reception point. There must be a buffer zone or an enlargement of the activity zone to allow reasonable reception points away from an activity zone area unless you have proper sound barriers in place.

A very good recommendation was made near the end of the Q & A and that is to expand the area around the industrial areas to include them in the activity zone therefore residences will know that they are moving into an possible activity zoned area and not just a quiet zone. Also the point of reception of sound will be permitted to be further

away from the industrial complex's activity zone without interfering with existing businesses. This is similar to the area around Bridgeport road where the activity area is all along the flight path and residences there are aware they are in a activity zone area too.

- 3) Finally the last point of comment is that the sound level DbA is measured and averaged for L_{eq} sound level measurement. The averaging was stated by the acoustical engineer as to be averaged over a 1 to 30 minute time frame. Why is the sound level not average over a longer period of time? Is this the standard for noise detection or is this a determined time length by the noise bylaw proposal? Why can this averaging vary from 1 minute to 30 minutes? Sound or someone's irritation to some sounds should be permitted through a better averaging for business to perform their business duties through the day. It is understandable for non-business loud sounds to be very annoying and has no purpose. However some businesses require the use of machines that produce louder sounds for periods of time but on average will not be an annoyance over a longer period of time. Can this be considered to be revised for purposes of business?

I hope my comments can be made useful in the determination of the final bylaw. Businesses must be able to co-exist with residences as long as reasonable actions are taken to allow residences to decide for themselves if the sound levels will be acceptable to them or not. Also developers must stand up or be enforced to uphold their development proposals from the rezoning permit process. Otherwise, everyone will be forced to react to the inadequacies of the development long after the developer has walked away from the site.

Regards,

Patrick Chiu, P.Eng.
President

Pacific Support Equipment Ltd
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City of Richmond
Proposed Noise Regulation Bylaw
Business Consultations
Comment Form



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Postal Code: V6J 1X1

As the owner of Steveston Industrial Park (12417-12491 No. 2 Road), we have the following concerns and suggestions for the proposed noise bylaw

Concerns:

- Over 200 people are employees in the businesses at Steveston Industrial Park
- Some businesses have been here over 15 years with major investments in equipment and infrastructure.
- The noise bylaw may drive existing tenants out.
- The noise bylaw will limit our ability to lease space (both due to the reality of the bylaw and perception of the bylaw).

Our suggestions:

- All existing uses should be grandfathered as approved uses.
- The City of Richmond should provide noise measurements for all existing tenants to set baseline measurements.
- The City should require mitigation measures to be taken first by the residential users and provide a list of options (i.e. concrete fencing and/or window upgrades) that homeowners or strata corporations can undertake to reduce noise.
- The City should enforce the covenants on title of all adjacent residential uses.
- The City should set the area adjacent to Steveston Industrial Park as an Activity Zone until such time as Industrial uses transition out

As an industrial landlord for over 25 years at this location, I strongly believe that the City of Richmond should take the steps necessary to protect Richmond jobs, protect industrial businesses and put the responsibility for this issue upon the residential homeowners who moved into an industrial location adjacent to an operating industrial park.

Sincerely,
Porte Realty Ltd.



David Porte
President

DP: ol

From: Steve Pecarsky [mailto:pecarsky@trueworldfoods.com]

Sent: November 15, 2011 2:17 PM

To: EconomicDev

Subject: noise bylaw response

To Whom It May Concern,

As you probably know we at True World Foods have been in the eye of the storm regarding the noise issues in Richmond for quite awhile now. Immediately we are in total agreement with the gentleman that spoke up (from Alacan) at the Nov. 10th meeting in terms of the industrial complex that we are in and all properties in the immediate vicinity being designated as "Activity zone". The reasoning being quite simple in that the industrial area was there preceding the residential. Also, the folks in the residential properties (at least the folks at RiverWind) all signed covenants acknowledging that they were fully aware that they were moving juxtaposed to industrial as well as farm land with all of the noises and smells that accompany that type of area. As expressed by many of the folks at the meeting it does not seem at all fair that the industrial properties would have to suddenly change and conform to a "quiet zone" noise bylaw.

With all of that said we at True World Foods (as acknowledged in conversation with Mr. Wayne Mercer following the Nov. 10th meeting) have gone down the road as far as possible in making extra effort, at our expense, to not only conform with the present residential noise bylaw, but to appease our most vocal neighbors at RiverWind, specifically Mrs. Lisa Robinson, whom keeps making front page news.

After meeting the bylaw, Mrs. Robinson asked us if we would be willing to meet an acoustical engineer that she knew to see if any additional modifications could be made to bring the level of noise down further. We obliged her, and when the engineer did an "ambient" reading with all of our compressors completely shut off (again, all at her request) the reading was still 40 dba (only 5 dba less then the 45 we met to meet the bylaw). She did not get back to us after this but when we confronted the issue, her husband told us that they were going to seek "another way".

In the course of the whole process Lisa approached us to see if we would want to contract her web making services for our business. To further appease her we actually contracted her to do so and paid her the full \$1,000.00 fee up front (usually 1/2 up front).

Honestly, we did our best to make friends with the neighbors and try to live together in peace.

Furthermore, when we approached Lisa about the covenant issue she denied any knowledge of it. It seems to us that she has her own "agenda" and we need not in this context conjecture about that.

Our motivation at TWF, as well as I'm sure the other businesses in the "Steveston Industrial complex", and other businesses represented at the Nov. 10th meeting, and countless others who could not show up that night, simply want to expand business in tough economic times, provide employment for the general population, and help to grow the economic foundation of the city we all live in and love.

Finally, and in full acknowledgement with Mr. Mercer's comments, it is a good idea to do strict scientific studies about noise issues before giving permission to developers to build residential juxtaposed to industrial. Of course we learn sometimes the hard way as in the No. 2 Rd situation, but again, we feel that any changes/expenses that might need to be made, beyond what the prior bylaws call for, should be the responsibility of the residents/developers.

Thank you.

Steve Pecarsky
V.P. True World Foods

From: Linda Shirley [mailto:linda@theartsconnection.org]

Sent: November 15, 2011 5:25 PM

To: EconomicDev

Subject: Proposed Noise Regulation Bylaw

After attending the meeting on Nov. 10th, I would like to submit the following comments:

I am the owner of Renaissance Kids Early Learning Centre located at Steveston Industrial Park (#1 - 12491 No 2 Rd). I occupy 2 units at the front of this complex and have been a tenant there for approx 15 years. We provide high quality childcare for approximately 125 families. The administration/dance/music components of our business are currently located at Minato Village (#1 Rd and Steveston Hwy). When our leases expire mid 2012, our plan is to move this part of our operation to the No 2 Rd site as well. We will likely be leasing an additional 2-3 units at No 2 Rd within the next few months.

Over the years, Porte Realty has been an outstanding landlord. They have supported us as a small business wanting to do business in Steveston. They have assisted with financing renovations and have gone above and beyond the line of duty to accommodate our needs as we worked to provide very high quality and affordable childcare for the City of Richmond. David Porte has always made it clear to me, as my business grew, that he felt it was important for his company to provide an industrial park space in Steveston where small businesses that serve the community could work and serve the community needs. Obviously, though, as a property owner, it is important to him that he be able to lease his units and be profitable.

As someone who has conducted business with families in Steveston since 1975, I have often had dealings with Steveston residents who feel the rules don't apply to them! Sad to say, I guess this applies in this situation too! The land developers and property owners were clearly aware of the existence of the industrial park when they developed and bought their properties. My understanding is that it was even put in writing, and therefore, does it not become their responsibility to deal with the decision they made? To now complain that they are bothered by the way in which pre-existing businesses conduct business and to demand a bylaw change that will prove to be punitive to those businesses is really not fair.

As a property owner living in Steveston and as a business owner conducting business out of this location, I would suggest that the pre-existing businesses in this complex be 'grandfathered' under this bylaw so that they may continue to work and serve the community. The long term ramifications of businesses moving out of the complex because of new restrictions could result in vacancy rates that force the landlord into a position that would not be pleasant for any of us....and would certainly make it difficult for my 125 families who may have to look for childcare somewhere else.

Thank you.

Linda Shirley, Director

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