

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

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

Subject: RE: Noise Bylaw - Shark Club

To: Ms. Halsey-Brandt, Mayor and Council

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

Sincerely
 Cindy Olsen

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

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

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

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

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

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

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

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

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

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

> Phone / Fax: 604-277-0523

>

>

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

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

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

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

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

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

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

> Subject: Noise Bylaw - Shark Club

>

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

>

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

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

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

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

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

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

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

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

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

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

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

> asking us)!!!

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

> input, and that's simply not acceptable!

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

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

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

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

>

> Ron & Rose

> Caithcart Residents Association

>

Halsey-Brandt

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

Hi Evelina,

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

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

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

The questions I keep asking:**LCBC**

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

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

CITY

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

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

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

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

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

Craig

Halsey-Brandt

From:
Sent:
To:

Cc:
Subject: RE: Noise Bylaw - Shark Club

Importance: High

Hello Evelina, Mayor and Council:

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

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

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Trish Langston
Western Regional Manager Cuisinart Canada

Phone / Fax: 604-277-0523

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

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Ron & Rose
Caithcart Residents Association

Halsey-Brandt

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

Subject:
Importance

Evelina,

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

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

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

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

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

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

Regards,
Lisa Robinson

cc: Martin Van Den Hemel (Richmond Review)

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

2/5/2011

Halsey-Brandt

From:
Sent:
To:

& Karen
marie;

Subject:

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