



**CITY OF RICHMOND**

**REPORT TO COMMITTEE**

**TO:** General Purposes Committee

**DATE:** January 9, 2001

**FROM:** Lauren Melville  
Manager, Policy & Research  
and  
Paul Kendrick  
City Solicitor

**FILE:** 8060-20-7202

**RE:** Late Night Event (Rave) Bylaw Changes

**STAFF RECOMMENDATION**

1. That staff prepare an amendment to the Zoning and Development Bylaw 5300 excluding banquet halls as a permitted use in all Industrial Zoning Districts.
2. That Bylaw No. 7202 which replaces the Late Night Events (Rave) Bylaw 7141 be introduced and be given first, second and third readings.
3. That staff be directed to report back through General Purposes Committee with a policy regarding the application process for a new rave party site including public consultation requirements.

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Manager, Policy & Research

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City Solicitor

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## STAFF REPORT

### ORIGIN

On November 20<sup>th</sup>, 2000, after reviewing a report which outlined some of the concerns that the RCMP are currently experiencing with rave events, the General Purposes Committee directed staff to report on possible amendments to the Late Night Events (Rave) Bylaw to address the following issues:

- ◆ Inclusion of insurance requirements;
- ◆ Limiting the number of rave parties permitted each month, and
- ◆ Extending the application processing time period.

In addition to the above three amendments, Committee also directed staff to report on the following:

- ◆ The feasibility of removing banquet halls as an outright use in all industrial Zoning Districts;
- ◆ The feasibility of using City facilities for rave events;
- ◆ The feasibility of requiring public surveys as part of the application process for new rave event locations, and
- ◆ The status of the Gujarati Society of British Columbia (GSBC) Hall new rave event site application.

This report responds to all of the above issues, as well as identifying further financial issues that have been raised recently by the RCMP.

A companion report which discusses the scheduling of rave events in February, March and April 2001 in light of the moratorium deadlines, accompanies this report.

### ANALYSIS

#### **1. Bylaw Amendments**

The issues responded to in this section of the report all require amendments to the Late Night Events (Raves) Bylaw, as well as the rave event permit application form. Given the extent of these amendments, a new bylaw (No. 7202) has been created, and is attached, which if adopted, would replace the existing Late Night Events (Rave) Bylaw No. 7141.

##### ***(a) Limitations on the number of raves***

As discussed in the previous report, the RCMP are finding it increasingly difficult to provide the resources to cover the growing number of rave events, particularly when there are two such events scheduled for one weekend, or on special occasions such as Halloween. As suggested in the previous report, one possible solution to this problem is to approve no more than 3 rave events per month.

In accordance with this direction, the new bylaw limits rave events to the first 3 Saturdays of each month, except if a particular weekend includes a statutory holiday, then the rave event would need to be scheduled on the next available Saturday of the month.

**(b) Insurance Requirements**

Again, as discussed in two previous reports, staff have added a requirement that rave event promoters must show proof of current liability insurance for a minimum of \$1 Million, and banquet hall owners hosting rave events must show proof of liability insurance for \$5 Million. These requirements are consistent with those in the Business Licence Bylaw which enables the Chief License Inspector to ask for insurance if, in his opinion, there is a possible liability to the City. As part of the late night event permit process, the rave event promoter and banquet hall operator would be required to submit an insurance certificate that indicates the City is one of the named insured on the policy.

**(c) Application Processing Time**

Currently, the application processing time stipulated in the bylaw is 10 days. In the new bylaw this time has been extended to 6 weeks, which is similar to the City of Vancouver. After listening to the comments of rave event promoters at two meetings in November 2000, staff are also proposing the following additional improvements to the application process:

- ◆ All applicants will be contacted by the City within 4 weeks of receipt of the application to advise them whether or not they have received preliminary approval for the event. During the 4-week period, all necessary consultations will be undertaken, and the applications will be reviewed by Zoning and RCMP staff.
- ◆ In order to improve communication with late night event promoters, the new provisions in the Late Night Event (Rave) Regulation Bylaw will be attached to the event application form.
- ◆ Criteria have been included in the new bylaw to establish the grounds on which a rave event application may be refused. These criteria include: (a) an incomplete or inaccurate application; (b) lack of police resources to service the event; (c) previous association with problem rave events, and an undesirable criminal history on the part of the event promoter.
- ◆ The new bylaw requires event promoters to submit a copy of the hall rental agreement for their proposed rave event. This requirement arose from discussions with the promoters about how the City planned to select which promoters would be able to hold the 3 rave events per month stipulated in the bylaw. Several options were discussed such as: approval on a "first come, first served" basis; a City lottery system, and the formation of a rave event promoters association with an assigned staff resource. This group would meet monthly to discuss ongoing issues associated with rave events, and determine which promoters would hold any upcoming events. All of these options were problematic because of the time and resources which would be required to develop and operate the systems. Since at this point there are only two approved rave event sites, it was felt that the most efficient way would be to give approval to an applicant who actually had booked the rave event hall. If further sites are approved by Council through bylaw amendments, or this system leads to unreasonable hardship, this approach could be reviewed.

**(d) Public Notification Requirements**

At a previous General Purposes Committee meeting, it was suggested that the bylaw be amended to add a requirement for a public consultation process for new rave event sites, similar to what is done with neighbourhood pub applications. As part of the process, an applicant will be required to retain an independent market research company to conduct a neighbourhood survey. After reviewing this request, staff suggest that rather than putting the public consultation requirement in the bylaw, that a Council policy be developed which outlines the overall process for considering a new rave event site application, including the public consultation process.

**2. Additional Referrals****(a) Review of the Industrial Zoning Districts**

It is a policy in the Official Community Plan to reinforce Richmond as one of the Lower Mainland's major industrial and high-tech centres by protecting and augmenting the City's supply of zoned industrial and encouraging amenities within these areas. Presently, the Zoning and Development Bylaw permits a variety of non-industrial uses in the City's industrial districts, without for the most part, placing any limits on the amount, location or circumstances under which those uses are developed. Based on the policies contained within the OCP and the City's Industrial Strategy, and their emphasis on the use of zoning as the means to secure lands for industrial use, it can be inferred that:

- ◆ Although the City's industrial districts permit non-industrial uses, the primary intent is that lands designated under these districts be put to industrial use; and
- ◆ Non-industrial uses developed on lands designated under the City's industrial districts are primarily intended as amenities (e.g. restaurants) that strengthened the viability of their industrial neighbours. Amenities such as restaurants are extremely important to the high-tech market. This interest in employee amenities was confirmed in a recent meeting with representatives of a high-tech company who indicated that some of their key criteria for choosing a location, in addition to accessibility, is the proximity to parks, restaurants, and the physical attractiveness of the area.

Currently, the Zoning & Development Bylaw includes restaurants, together with other uses including banquet halls in the Industrial Zoning Districts. Unlike restaurants, however, banquet halls do not satisfy the objective of enhancing the viability of their industrial neighbours. Further conflicts with industrial neighbours occur if a particular banquet hall does not have sufficient on-site parking. It is difficult to deny a building permit or business license application based only on parking, when the zoning already permits the land use.

Thus, the operation of banquet halls in industrial areas is now inconsistent with the objectives set out in the OCP and the City's Industrial Strategy. As a result, staff are recommending that banquet hall use be excluded from the City's industrial zones.

Existing banquet halls which are located in industrial areas would become "legally non-conforming" uses. If Council supports this concept, any future banquet hall applications in industrial areas could be dealt with on an individual basis through a Comprehensive Development District rezoning process. As part of the rezoning process, parking requirements could be addressed, and neighbours could have input at the Public Hearing. Banquet halls would still remain as an outright use in commercial zones.

**(b) Use of City facilities for Rave Events**

Given the possible liability issues, noise insulation requirements, the perceived competition with the private hall owners, and the potential conflicts with other users, staff do not believe that it is prudent to use City-owned facilities for rave events.

**(c) Status of the GSBC Banquet Hall**

Although they have not cancelled their rave event site application, the owners of the GSBC Banquet Hall still have not scheduled a public information meeting with their neighbours. In the meantime, staff from Fire, RCMP, Zoning, Transportation, Public Health, Business Development and Law have met to develop an enforcement strategy for neighbourhood disturbances associated with that facility. As a result of the discussions and inspections, the GSBC Hall owners were required to complete several fire related upgrades to their facility. On New Year's Eve, a small private function was held at the Hall. A report will be submitted to an upcoming General Purposes Committee meeting on the recent legal opinion received regarding business licenses and non-profit societies.

**3. Additional Issues:**

Two issues have recently arisen in connection with the price structure for police services at rave events. Firstly, under the current system, event promoters are charged a fee based on a sliding scale, which is based on how many tickets they sell for their event. That is, if they sell tickets to the full capacity of the facility (e.g. Riverside's maximum capacity is 1,354 people) then they are required to pay for the services of 5 RCMP officers at a cost of \$2,600. If they sell fewer tickets, then they do not require as many officers, and thus the cost is less. Originally, a more substantial flat fee was proposed for police services. As a result of hardship concerns expressed by the promoters, the fee was reduced and the sliding scale approach was accepted. Problems with this approach are now occurring with the assigning of police resources because the numbers of tickets sold often changes the day before the event. As a result, the number of police required changes with extremely short notice to the officers. In order to deal with this issue, staff are recommending that the flat fee charge be revisited. This would eliminate the need for last minute changes, and help the RCMP assign their resources.

The second issue has arisen with the fee charged for police services at the rave events. As a result of the heavy caseloads that have arisen with the last 27 rave events, the RCMP have expended \$80,557 on overtime costs. A total of \$57,200 has been collected from the rave event promoters to cover the cost of police services for the last 27 rave events. Staff have identified two options for dealing with this issue.

The first option is to charge a flat fee of \$5,400 per rave event, as proposed by the RCMP. Based on overall past expenditures, this would enable the RCMP to break even on overtime policing costs.

This increased fee does not cover overtime court costs or non-overtime costs expended on rave events. The second option would be to charge a flat fee of \$3,000, which would result in a \$400 increase in the existing system's maximum policing fee. Staff feel that by charging a flat fee of \$3,000 for each of the rave events, as opposed to a reduced fee for the smaller rave events, as is the case with the existing system, will help average out the overtime costs. Although the RCMP would prefer an increased fee of \$5,400, they can support the proposed \$3,000 fee.

If the proposed flat fee proposal is supported by Council, staff also recommend that all fees for police services be paid in full within 4 weeks of submitting an application, rather than a couple of days before the rave event, when the permit is issued.

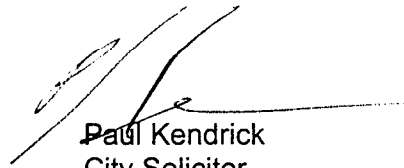
FINANCIAL IMPACT

The proposed fee increase for police services will help better cover overtime costs.



Lauren Melville  
Manager, Policy & Research

LMM:Imm



Paul Kendrick  
City Solicitor

CITY OF RICHMOND

**LATE NIGHT EVENTS (RAVES) BYLAW NO. 7202**

The Council of the City of Richmond enacts as follows:

**PART ONE – GENERAL PROHIBITION**

- 1.1 A person must not hold a **late night event** without first obtaining an event permit issued in accordance with the provisions of Part Two.
- 1.2 Notwithstanding the provisions of section 1.1, a **late night event** which is:
- (a) of a non-commercial nature; and
  - (b) held as part of a graduation ceremony of an educational facility as evidenced by a letter signed by a school official, and filed with the **Manager, Zoning**,
- will not be required to meet the requirements of this bylaw.

**PART TWO – EVENT PERMITS**

**2.1 Event Permit Application Procedure**

- 2.1.1 A **promoter** wishing to organise or hold a **late night event** must complete an event application provided for that purpose, by the **City**.
- 2.1.2 The event application specified in subsection 2.1.1, must:
- (a) be signed by the **promoter**;
  - (b) be presented to the **Manager, Zoning** not more than 12 weeks and not less than six weeks at least 40 days prior to the event;
  - (c) be accompanied by a non-refundable application fee of \$100; and,
  - (d) be accompanied by a copy of the rental agreement with the proposed location for a late night event.
- 2.1.3 A promoter will be informed by the Manager, Zoning, at least two weeks before the date of the proposed event, whether or not the permit will be issued.

**2.2 Event Permit Requirements**

- 2.2.1 The **Manager, Zoning** will only issue a permit for a **late night event** which is held at a location specified in section 2.3, and on an approved date specified in section 2.4, provided:

- (a) the premises continue to meet all relevant fire and health regulations; and remain adequately sound-proofed to ensure that no persons other than those in attendance will be impacted by the event;
- (b) a payment in the amount of \$3,000 is made for additional ~~policing~~ police and safety services, ~~prior to the issuance of the event permit, within 4 weeks of applying for a late night event permit, provided that this payment will be refunded if the late night event permit is not issued; on the basis of:~~
  - ~~(i) a minimum of 1 officer for the first 500 persons; and~~
  - ~~(ii) a further officer for each additional 250 persons, or portion thereof,~~

~~up to the maximum capacity of the facility, and as stated in the event application;~~
- (c) there is an adequate security plan in place for the **late night event** which includes provisions for:
  - (i) first aid;
  - (ii) entrance control to ensure that alcohol or illicit drugs are not brought in the premises during a **late night event**;
  - (iii) outside inspection and clean up in the vicinity of the premises during and after the event;
  - (iv) line control including ensuring that patrons are not permitted to re-enter the event after they have left; and
  - (v) the employment of a security firm licensed by the Government of British Columbia;
- (d) there is provision for an adequate supply of potable water at no cost to those in attendance;
- (e) there is on file with the Manager, Zoning a certificate indicating that:
  - (i) the promoter of the proposed late night event has liability insurance in the amount of \$1 Million which names the City as an additional insured; and.
  - (ii) the location of the proposed late night event has liability insurance in the amount of \$5 Million which names the City as an additional insured.

2.2.2 A permit for a **late night event** will not be issued to any **promoter**:

- (a) who does not have a valid business licence to hold such **late night event**, nor
- (b) whose application indicates the employment or hiring of any person or company connected with a previous **late night event**, which was operated in contravention of any **City** bylaw or Provincial statutes or regulations.



2.2.3 A permit for a late night event will not be issued if:

- (a) the application is incomplete or inaccurate;
- (b) if there are insufficient police or safety services available; or
- (c) the promoter as a criminal record which makes the promoter unsuitable to promote such an event.

**2.3 Late Night Event – Approved Locations**

2.3.1 Only the following locations are approved for **late night events**:

- (a) 14500 River Road; and
- (b) 14431 Knox Way.

**2.4 Late Night Events – Approved Dates**

2.4.1 In order to ensure that police and safety services are available, late night events are restricted to a maximum of three per month, and may only be held on the first three Saturdays of each month, provided that if there is a statutory holiday during the weekend or on the Friday preceding the weekend, or the Monday following, the late night event may be held on the next available Saturday of that month.

**PART THREE - INTERPRETATION**

3.1 In this Bylaw, unless the context otherwise requires:

**CITY** means the City of Richmond.

**LATE NIGHT EVENT** means a dance or other entertainment performance, or other event where 50 or more persons are assembled at any time between 2:00 a.m. and 6:00 a.m. and where music, noise or sound of any kind or source, including but not limited to amplified recorded or computer generated music, amplified recorded or computer generated sounds, live music, sound or band music is performed or played.

**MANAGER, ZONING** means the Manager, Zoning in the Urban Development Division of the **City**.

**PROMOTER** means the person who has the financial responsibility for the **late night event** including contracting with entertainers, security firm, renting the facility, advertising the **late night event** and collecting gate receipts.

**PART FOUR – PREVIOUS BYLAW REPEAL**

4.1. Event Regulation (Raves) Bylaw No. 7141 is repealed.

**PART FIVE - VIOLATIONS AND PENALTIES**

5.1 Any person who:

- (a) violates or who causes or allows any of the provisions of this bylaw to be violated; or
- (b) fails to comply with any of the provisions of this, or any other applicable bylaw or statute; or
- (c) neglects or refrains from doing anything required by this bylaw; or
- (d) makes any false or misleading statement,

is deemed to have committed an infraction of, or 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.

5.2 An operator, manager or owner of any premises in which a **late night event** is responsible to ensure that such **late night event** is held in compliance with all City bylaws and regulations.

**PART SIX - SEVERABILITY AND CITATION**

6.1 If any part, section, subsection, clause, or sub clause of this bylaw is, for any reason, held to be invalid by the decision of a court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this bylaw.

6.2 This bylaw is cited as "**Event Regulation (Raves) Bylaw No. 7202**".

FIRST READING

SECOND READING

THIRD READING

ADOPTED

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CITY OF RICHMOND
APPROVED for content by originating dept.
APPROVED for legality by Solicitor

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK