



CITY OF RICHMOND

REPORT TO COMMITTEE

TO: Community Services Committee

DATE: January 27, 2000

FROM: Dave Semple
Director, Parks

FILE: 7200-01

RE: Mobile Food Vendors and Food Sales In Garry Point Park and Mobile Food Vendor Enforcement

STAFF RECOMMENDATION

That Council:

1. Approve the addition of a concession stand to the Garry Point Park Washroom facility and direct staff to send out for proposal calls for its operation and report back.
2. Direct the Law Department to bring forward the necessary Bylaw changes in regards to ticketing and mobile food vendor operations as outlined in this report.

Dave Semple
Director, Parks
Att. 3

FOR ORIGINATING DIVISION USE ONLY		
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Business Liaison and Development.....	Y <input type="checkbox"/> N <input type="checkbox"/>	_____

STAFF REPORT

ORIGIN

On October 26, 1999 the Community Services Committee approved the following resolution:

“That the report (dated October 12, 1999, from the Director of Parks and the Manager, Property Use and Administration), regarding Mobile Food Vendors and Food Sales in Garry Point Park, be referred to staff for a report to the Community Services Committee on:

- a) whether it would be feasible to configure and redesign the Garry Point Park Washroom to accommodate a concession stand;***
- b) the cost of undertaking such work;***
- c) the products which could be made available ; and,***
- d) the advisability of issuing a proposal call to provide a vendor for the concession stand at the Garry Point Park washroom, if it was determined that the building could be redesigned for such a business.***

Staff were also asked to “review” (i) options relating to food vendor enforcement, (ii) whether it would be possible to restrict the number of vendors which would be permitted, and (iii) the areas where food vendors would be permitted”

Staff have reviewed the above mentioned items and their findings are presented in this report.

ANALYSIS

For the purpose of clarification, this report has been divided into two sections:

- A. Concession Stand at Garry Point Park
- B. Mobile Food Vendor Enforcement

A. Concession Stand at Garry Point Park

- i) Whether it Would be Feasible to Configure and Redesign the Garry Point Park Washroom to Accommodate a Concession Stand

Staff have looked into this subject and have found that it would be a fairly simple task to add a concession stand to the washroom building. The current storage area can be designed to fit the concession space as appropriate services such as water, vents, gas, and electrical are all available.

- ii) The Cost of Undertaking Such Work

The cost of such an undertaking would be dependent on the type of product to be sold. Staff recommend that any renovations done to the Garry Point Park Washroom to accommodate a concession be the sole financial responsibility of the chosen vendor. However in order to provide an idea of how much such a renovation might cost, staff consulted with Civic Buildings and they produced a rough estimate of approximately \$60,000 (Attachment 1) Staff have consulted

with Girl's Softball who run a seasonal concession stand in McNair Park. They have indicated that they see a profit of \$3,000 and \$5,000 per season. It might be expected that a concession stand at Garry Point Park could bring in a similar, if not greater profit.

iii) The Products Which Could be Made Available

Staff believe that the basic concession products should be available on this site: chocolate bars, ice cream, etc. However, it would appear that vendors feel the ability to provide hamburgers and fish and chips is important, as this is where they realize a profit. Without this ability vendors may have little interest in running such a concession and therefore staff recommend that any concession stand developed at this site have the ability to accommodate a deep fryer.

iv) The Advisability of Issuing a Proposal Call to Provide a Vendor for the Concession Stand at the Garry Point Park Washroom, if it was Determined that the Building Could be Redesigned for Such a Business

To date the City has received 2 letters of support and 1 of disapproval from local businesses in the Steveston area (Attachment 2) regarding this matter. Given the popularity of illegal vendors at the Park, it appears a concession stand could be successful at this site. Staff believe (via correspondence received) that the business community would prefer to see a legitimate business (won by proposal call) at Garry Point Park rather than the rash of illegal vendors who currently sell their wares. A legitimate business would contribute to the existing business community in a positive manner and indeed, the City has already received intents of interest from existing Steveston businesses.

B. Mobile Food Vendor Enforcement

In researching the various options, it was found that Council is *unable* to restrict:

- mobile vendors in their entirety in the community;
- the times that vendors can ply their wares; nor
- the locations that vendors can ply their wares (except in parks and proximity to other like businesses).

Given these findings, there appears to be only one option that would address local business concerns - which is to enforce the current business regulations for mobile food vendors.

Current Regulations:

The City has two Bylaws that regulate mobile food vendors (peddlers): Business Licensing Regulations Bylaw No. 6901 (for licencing) and Business Regulation Bylaw No 6902 (for regulating times and places where vendors cannot be located).

Approval from City Council is required in order for a mobile food vendor to operate in a public park – to date Council has not granted any such permission. In turn, the School Board must also grant permission for mobile vendors to operate on the school sites.

The bylaw also requires that mobile vendors not stand or locate either directly outside or in the normal flow of traffic to any premises which offer the same or similar items for sale as the peddler. A vendor may not ply his trade from a vehicle which has been stopped for more than 10 minutes within 100 metres of any location used by that peddler in the preceding two hours.

Previous Enforcement Program:

In the past, the City ran a summer program that dealt with both dog and vendor licensing enforcement through education. The program focussed in the Steveston area (including Gary Point Park) since this area generated multiple complaints. The program didn't prove as effective as it could as the Municipal Ticketing Information Bylaw failed to allow for offenders to be ticketed.

Illegal vendor activity usually occurs in the evenings and weekends (and on nice days) when the public flocks to the Steveston area. In addition, peak times can be seen when special events occur in this area such as the Steveston Salmon Festival.

The illegal vendor activities in the Steveston area have continued to grow and still create concern with local established businesses. The local businesses feel that these mobile vendors come in during the peak season taking their business away and fail to contribute in any positive way to the business community or community taxes.

Regulation Options

Given past experience in trying to enforce current regulations, staff are recommending a broad-based approach to mobile vending regulations. The City of Maple Ridge has addressed mobile vending by allowing mobile vendors to operate anywhere in the City providing they adhere to zoning regulations and have permission to operate on any given site by the property owner. This approach ensures that everyone is on a level playing field and makes it easier to enforce regulations. Staff believe that this type of approach would be appropriate for the City of Richmond and recommend that amendments be made to the Business Regulation Bylaw in this regard. Staff also suggest that further enforcement options be reviewed and brought back to Council in the near future.

Needed Enforcement Tools

In order to progressively and effectively enforce the current licensing bylaw regulation amendments to the Municipal Ticket Information Bylaw to allow infractions to be ticketed is required.

FINANCIAL IMPACT

A. Concession stand at Garry Point Park

Staff believes that the cost of renovating the Garry Point Washroom facility should be the responsibility of the vendor who wins the proposal call.

B. General Mobile Vending Issues

If a determination is made to allow mobile food vendors to operate in the City of Richmond and to begin an enforcement program, there will be costs associated with this program. Changes to allow ticketing infractions will provide revenue that can be put towards enforcement costs.

CONCLUSION

When looking at the issue of mobile food vendors in Garry Point Park two issues presented themselves: mobile food vending in Garry Point Parks itself, and the City as a whole.

In terms of Garry Point Park, staff believe that given the success of the illegal food vendors in the area and the requests from the business community in the area for a legal operation on the site, a concession stand in this area would be appropriate. It is proposed that operation of this concession stand would be won by proposal call and operated by a community-based business.

In terms of mobile food vendors in general, it appears that they are here to stay and the City has little power to restrict where and when they ply their wares. Past enforcement has proved difficult due to the inability to ticket offenders as well as the fact that offences tend to occur on weekends and evenings. Therefore, staff recommend that a bylaw allowing offenders to be ticketed be developed and brought forward for approval. As well, staff also recommend that changes be made to the Business Licence Bylaw that would allow mobile food vendors to operate anywhere in the City as long as they comply with existing zoning regulations and have the approval of the property owner to set up business on their site.

The success of the mobile food vendor indicates that there is a place for this type of business activity in the City of Richmond. However, in order to placate established business owners and ensure that legal activity is taking place, staff believe that enforcement of current regulations is critical. While the proposed changes to the Business Licence Bylaw will help ease enforcement, staff recommend that other enforcement options be reviewed and brought back to Committee at a later date.

Dave Semple
Director, Parks

Sandy Tokarczyk
Manager, Property Use and Administration

Project Title : Gary Point Concession
Project #

Fitting out Concession Space

Project Component list

Hard Costs			
Description	Unit Cost	Sq.Ft.	Total
Substructure		387	\$ -
Structure		387	\$ -
Exterior Enclosure		387	\$ -
Partitions & Doors	\$ 20.00	387	\$ 7,740
Interior Finishes	\$ 25.00	387	\$ 9,675
Fittings & Equipment	\$ 6.00	387	\$ 2,322
Mechanical, HVAC, Plumbing	\$ 12.00	387	\$ 4,644
Sprinkler System (Range Hood)	\$ 6.00	387	\$ 2,322
Electrical, Fire Protection	\$ 8.00	387	\$ 3,096
On Site development		387	\$ -
Landscaping		387	\$ -
Sub Total	\$ 77.00	387	\$ 29,799

Description	Area SF.	Rev'ns
Mens Washroom		
Female Washroom		
Concession	387	36m2
Storage		
Mechanical		
Caretaker Suite		

G.C. Mgmt Fee	5%		\$ 1,490
Div 1 General Conditions	10%		\$ 2,980
			\$ 4,470
Total	\$ 88.55	387	\$ 34,269

	387
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Consultant Fee Calculations from Construction Budget Total

Soft Costs			
Description	%		Total
Consultant Design Team	10.0%		\$ 3,427
Disbursements	2.5%		\$ 857
Design Construction Contingency	5%		\$ 1,713
Furnishing & Equipment (Range Ho	5%	C/A	\$ 15,000
Public Art Contribution	1%		\$ -
Off Site Development	5%		\$ -
Permits & Licenses	1.0%		\$ 343
Richmond DCC	\$2.36	387	\$ -
GVRD DCC	\$ 0.505	387	\$ -
Sub Total			\$ 21,340
Combined Total			\$ 55,609
Project Manager - Civic Buildings	2%		\$ 685
General Overhead Rate	4%		\$ 2,224
Federal G.S.T @ 3.5%	3.5%		\$ 1,946
Tax Total			\$ 4,171
Grand Total			\$ 59,779

Discipline	Est % fee	Estimated	Budget	Proposal	Agreed
Architect	5.0%	\$ 1,713			
Interior Designer	3%	\$ -			
Structural Engineer	10%	\$ -			
Mechanical Engineer	10%	\$ 697			
Electrical Engineer	10%	\$ 310			
Landscape Architect	10%	\$ -			
Quantity Surveyor	1%	\$ 343			
Geotech Engineer	1%	\$ 298			
Building Code Eng.	1%	\$ 298			
Enviromental Eng.	1%	\$ -			
Total		\$ 3,658	\$ 30,023	\$ -	\$ -

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Attachment-1

A Hochstadt 2.

104-3800 Bayview St.
Richmond, B.C.
V7E 6K7

November 30, 1999

RE: Mobile Food Vendors and Food Sales in Gary Point Park

Sandra Tokarczyk, Property Use and Administration
City of Richmond
7577 Elmbridge Way
Richmond, B.C.
V6X 2Z8

Dear Mrs. Tokarczyk:

Thank you for forwarding to me a copy of the staff report regarding mobile vendors and food concessions in Gary Point Park.

I agree with most of the observations in the report and with the Staff recommendations. I agree that there is a demand for food services in the park and that the concession in the community space should be utilized. Mobile vendors who operate free of charge add nothing to our community. A legitimate operator, who pays a fair rent, provides jobs and a service to the community is a welcome addition to any business community. If the concession space at Gary Point Park is put to tender, I would expect the process to be fair and transparent. Enforcement of the existing By-laws should not, however, be contingent on the future licensing of a food service operator for the park. Monitoring and enforcement should have started years ago.

I disagree somewhat with the conclusions presented in the report concerning mobile vendors who operate in the business core. The fact is, with over thirty food service operators in town, there is no place that a mobile vendor can operate that is not "directly outside or in the normal flow of traffic to any premises which offer the same or similar items for sale". To observe, educate and enforce the existing regulations would consume a great deal more time than simply excluding them from areas that they technically can not operate anyway.

As you are aware, I have been very vocal on these matters. Business must be conducted on a level playing field and cheaters should not prosper at the expense of legitimate businesses and the community. Your report addresses my concerns on these issues, thank you.

Sincerely,

Tim Culling

Timothy's Frozen Yogurt
cc: Dave Semple, Director Parks
The Mayor

Mayor Greg Halsey-Brandt,
City of Richmond,
7577 Elmbridge Way,
Richmond, B.C.
V6X2Z8

Re: Proposed Activation of Concession at Garry Point Park

Dear Mayor Halsey-Brandt:

I have had some discussion with Dave Semple regarding the concession, and I am writing to indicate to you my interest in this development.

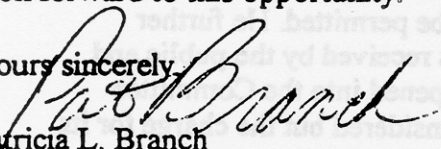
I understand that this item was referred to committee and is now waiting definite recommendations.

As a long time business in Steveston (Pajos's at the Wharf, for fourteen years), it is definitely my opinion that the mobile vendors do not belong in the park (or in the Steveston community). The new facilities were built to include a concession stand and it only stands to reason that it be put to use instead of sitting empty.

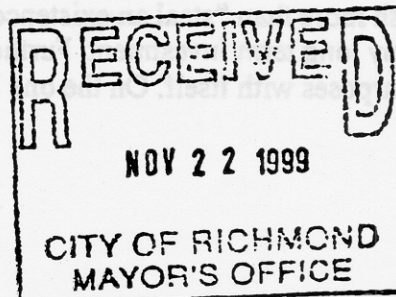
I am aware that there is divided opinion regarding a concession in the park, but it only makes sense that if a decision is going to be made between vendors and the concession, then the use of the new space operated by a reputable, reliable, responsible business is the only way to go. I would also urge that the concession offer a quality based refreshment supply, and not bagged potato chips etc, and ready made hot dogs!!!! Let's show some class, in a quiet, laid back manner that would be acceptable to all. It is obvious that I would be interested in providing this kind of service, but I also know that there are several reliable Steveston businesses that could provide a service of this kind rather than a rubber stamped "concession". I really think it would be possible to put together a plan that would satisfy all concerns and offer a very special facility.

I would appreciate a chance to present these views to interested parties at the City and look forward to this opportunity.

Yours sincerely,


Patricia L. Branch
Pajos's at the Wharf
C/o 3140 Williams Road,
Richmond, B.C. V7E 1J1
Tel/fax 275-0411

cc Dave Semple



12/17/99
R

TO: MAYOR & EACH COUNCILLOR
FROM: CITY CLERK

cells
12/17/99

cc: Gen Manager of [unclear] Div.

		INIT
<input checked="" type="checkbox"/>	JFM	[initials]
<input checked="" type="checkbox"/>	All	[initials]
	D/W	
	All	
	R	

2325-20-006

December 7, 1999

Mayor and Council
City of Richmond
7577 Elmbridge Way
Richmond, B.C.
V6X2Z8

Dear Mayor and Council,

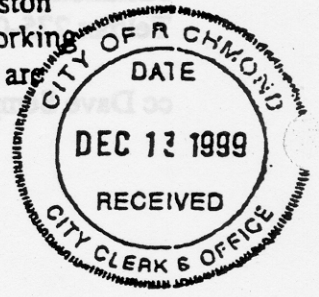
I wish to take issue with the current attempt to establish concession facilities in Garry Point Park and street vendors in Steveston at large.

I do not believe street vendors should be permitted in Steveston. As the Mayor stated at the Community Services Committee meeting Oct. 26, 1999, "many small businesses in Steveston are very weather sensitive". Small business owners in Steveston rely on good weather and tourist traffic for much of the annual revenue which sustains them through the leaner winter months. Mobile street vendors which parachute into Steveston on busy summer days and weekends cream off this business from the year round operators and make little or no long term contribution to the charm which is Steveston. I further believe that the argument against more regulation of these vendors already exists. The few vendors currently parachuting into the area do not abide by existing rules nor does the City have desire, teeth, manpower or budget to enforce the existing by-laws let alone new ones. The largest number of infractions occur on weekends and statutory holidays when by-law enforcement officers are not evident on the streets.

Being a life long resident of the Steveston area I remember the debates over Garry Point Park. I believe that the tremendous use the park enjoys is evidence of its success. The one thing the park needed for some time was washroom facilities. I applaud Council and City staff for the attractive new facilities.

When the washrooms were being constructed I observed the installation of additional rough in plumbing which prompted me to call Mr. Semple at the City regarding its use. Mr. Semple assured me that my suspicions regarding a concession stand were unfounded and that under no circumstances would a concession stand be permitted. He further refreshed my memory of how poorly such a suggestion was received by the public and Council in the recent past. Imagine my surprise when I happened into the Committee meeting where the concession idea was not only being reconsidered but the charge for its establishment is being lead by Mr. Semple.

As mentioned above, the marketplace is so fickle that it would not support a concession stand at Garry Point Park. In my opinion, an operator here would be hard pressed to accomplish more than "steal an existence" from the permanent businesses in Steveston without any long term investment. Furthermore, it appears to me that the City is working at cross purposes with itself. On the one hand, small businesses and service groups are



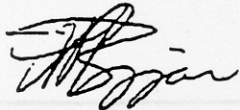
embracing the beautification and street adoption programs while the City entertains non-permanent businesses which it has already demonstrated an inability to hold accountable. On Oct. 26, 1999 Mr. Semple stated that there is a demand for concession service at Garry Point. His evidence is the number of street vendors currently parking at the Park. I maintain that nearly every product or service can be marketed if waved under the nose of the consumer and any business which is not obliged to follow the same rules as its competitors can be profitable.

Since I am both a business owner and a resident of Steveston I have looked at these issues from several different points of view. Do I endorse the concessions and compete for the contract to run them? Do I fight the idea because I believe neither concession at Garry Point nor street vendors are fair to the year round, community based, business operator. Do I organize businesses in Steveston to lease the concession space from the City to ensure that it never opens? The answer is obvious to me. Garry Point does not need concession stands any more than it needs palm trees. Steveston does not need street vendors who feed of its charm and contribute nothing to it.

If Mr. Semple and his staff really believe there is a need for these concessions then perhaps many of the Community groups who come to Council for grants would be willing to operate the concessions as a fund raising venue. It could conceivably function in a symbiotic fashion like casinos and charities.

I look forward to the next developments regarding these matters.

Respectfully,



Larry Biggar
10011 Swift Lane N7E 6M4
Richmond.