



City of Richmond
Urban Development Division

Report to Committee
to Planning - Mar 21, 2006

To: Planning Committee **Date:** March 5, 2006
From: Jean Lamontagne **File:** TU 04-264071
 Director of Development
Re: **Application by Target Event Production Ltd. to renew a Temporary Commercial Use Permit at 12631 Vulcan Way**

Staff Recommendation

1. That the application by Target Event Production Ltd. to renew the existing Temporary Commercial Use Permit for the property at 12631 Vulcan Way be considered at the April 18, 2006 Public Hearing at 7:00 p.m. in the Council Chambers of Richmond City Hall, and that the following recommendation be forwarded to that meeting for consideration:

“That the Temporary Commercial Use Permit be renewed for a two year period for the property at 12631 Vulcan Way to permit a night market between May 19, 2006 to October 15, 2006 and May 18, 2007 to October 14, 2007 be approved upon fulfillment of the following conditions:

- a. Submission of a Traffic Control and Parking Management Plan to the Acting Director of Transportation for approval;
- b. Payment of \$5,497.79 for monies owed to the City from the 2005 night market event.
- c. Deposit a cash security or acceptable letter of credit in the amount of \$90,000 as a security for the services required for the event as per the terms outlined in the attached Temporary Commercial Use Permit.”

2. That the Public Hearing notification area be expanded to include all the properties within the area bounded by River Road to the north, No. 5 Road to the west, Bridgeport Road to the south and Highway 99 to the east.

FOR ORIGINATING DIVISION USE ONLY					
ROUTED TO:	CONCURRENCE		CONCURRENCE OF GENERAL MANAGER		
Business Liaison.....	Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>	<i>De Erceg</i>		
REVIEWED BY TAG	YES	NO	REVIEWED BY CAO	YES	NO
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Jean Lamontagne
 Jean Lamontagne
 Director of Development

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 Att.

Staff Report

Origin

Target Event Production Ltd. has applied to the City of Richmond for permission to renew an existing Temporary Commercial Use Permit at 12631 Vulcan Way (**Attachment 1**) for the purpose of operating a night market in 2006 and 2007.

The proposed dates of validity for the Temporary Commercial Use Permit is May 19, 2006 to October 15, 2006 and May 18, 2007 to October 14, 2007. The night market is permitted to operate on Friday, Saturday, Sunday and Statutory Holidays during these dates from 7:00 pm to 12:00 midnight. 2006 and 2007 represent the final two years the night market can operate on the subject property under the current permit as outlined in the legislation on Temporary Commercial Use Permits contained in the Local Government Act.

The dates, days and hours of operation remain unchanged from the 2005 night market.

Findings Of Fact

Item	Existing	Proposed
Owner	3547 Holdings Ltd. Ko Ming Chong	No change
Applicant	Target Event Production Ltd.	No change
Site Size	5.2 ha (12.8 acres)	No change
Land Uses	Industrial Warehouse	Industrial Warehouse and seasonal night market within the outdoor yard and parking areas
OCP General Land Use Designation	Business and Industry	No change – Temporary commercial uses can be considered under this designation
Bridgeport Sub-Area Plan Designation	Industrial	No change
Zoning	Light Industrial District (I2)	No change

Related Policies & Studies

Official Community Plan (OCP)

The City of Richmond’s OCP allows for the consideration of Temporary Commercial Use Permits in areas designated for “Business and Industry” subject to various conditions and approval by Council. The subject site is zoned Light Industrial (I2) and is designated for “Business and Industry” in the General and Specific Land Use Maps contained in the OCP.

Local Government Act (LGA)

The LGA specifically identifies that Temporary Commercial Use Permits are valid for a period no greater than 2 years from the date of issuance of the permit. It also identifies that Temporary Commercial Use Permits can only be renewed once with the same 2-year time limit applying. This application represents the one time renewal permitted under the LGA for the Temporary Commercial Use Permit at 12631 Vulcan Way.

Surrounding Development

To the north	River Road, the dyke and North Arm of the Fraser River.
To the east	A former lumberyard that is being redeveloped into light industrial/warehouse type buildings.
To the south	Vulcan Way and the rail right-of-way. Light industrial/commercial buildings (i.e., Home Depot) are positioned further south close to Bridgeport Road.
To the west	Light industrial buildings accessed by Vauxhall Place.

Project Description

This is the third year the night market will be operating on the subject site. The proposed renewal to the Temporary Commercial Use Permit is valid for 2006 and 2007. Running of the night market will be permitted on Friday, Saturday, Sunday and Statutory Holidays from 7:00 pm to 12:00 midnight during the dates specific in the permit.

The site layout for the night market is contained in **Attachment 2**. Vendors are located on the north portion of the site fronting Road. Vehicle parking and drive aisles will be located on remaining portions of the property. The subject site contains an existing warehouse building, which will not be utilized for any night market or related activities and will be fenced off to restrict access.

The night market continues to be a successful and popular event in Richmond. Attendance figures support this as counts indicated crowds ranging from 12,000 – 14,000 people per night in 2005 during peak season.

Analysis

Dates and Hours of Operation

The dates and hours of operation proposed for the night market remain unchanged from 2005. For 2006 & 2007, the Temporary Use Permit will be valid from the Friday of the May long weekend to Mid-October. Please refer to “Schedule B” to the permit for a list of dates of operation.

Based on the proposed dates of operation, the night market will potentially be able to operate a total of 71 days for each year. Based on previous years, the night market operated 60 days in 2005 and 57 days in 2004. The organizers have indicated that they typically will not operate every day that the temporary use permit allows, as additional days are necessary to account for cancellations of the night market due to inclement weather. Organizers have indicated that they plan to operate 64 days in the season for each year.

Policing and Bylaw Enforcement

Two RCMP members are required to be present during the full hours of operation of the night market. The cost of deployment is required to be paid by the event organizers. The function of RCMP members is to provide a visible police presence and to oversee crowds and traffic/parking management and intervene in situations where needed. RCMP members are not directly involved in the operation of the Traffic Control and Parking Management Plan or implementation of security measures for the event. Night market organizers are required to hire certified professionals and staff to implement and monitor the Traffic Control and Parking Management Plan as well as have a separate private company to handle on-site security and safety. RCMP members primary role is to provide an on-site police presence in order to intervene as quickly as possible should a situation arise.

One Community Bylaws officer is also assigned to the night market each night the event is operating for the purpose of parking enforcement as well as to monitor other traffic and parking safety issues on the public roads surrounding the night market site. The organizers must pay staffing costs associated with the Community Bylaws officer.

Traffic Control and Parking Management Plan

A Traffic Control and Parking Management Plan must be approved by the City's Transportation department prior to Council issuance of the Temporary Commercial Use Permit. Generally, the plan remains unchanged from 2005. General provisions of the plan are as follows (detailed provisions of the plan are contained in **Attachment 3**):

- ❑ One-way vehicle flow through the site is to be established. The entrance is to be established off River-Road and exit will only be permitted from Vulcan Way.
- ❑ The routing and direction of traffic is generally to be in accordance with the functioning of the 2005 event.
- ❑ The implementation and supervision of the routing of traffic on and off-site in accordance with the traffic and parking management plan must be staffed by certified individuals and supervised by a qualified Traffic Control Supervisor.
- ❑ The provision of at least 1,000 total off-street parking stalls secured by the applicant. The existing subject site can accommodate approximately 600 off-street parking stalls. Arrangements for at least 400 additional stalls on nearby sites must be secured.
- ❑ As in previous years, the applicant must make arrangements for a shuttle service and use of the Sexsmith park and ride facility. Translink bus service also has a number of routes that service areas around the night market site. Overall efforts for a dedicated shuttle service and promotion of existing Translink bus service is to alleviate the volume of individual vehicles travelling to and from the night market.

Emergency Access/Egress

The access and exit to the night market must remain open and unobstructed to ensure that emergency vehicles can gain quick access to the site. The one-way traffic flow (entrance from River Road – exit from Vulcan Way) is also designed to facilitate improved emergency access. The drive-aisle providing access through the site and to the parking areas must also remain open and unobstructed.

Consultation with Neighbouring Businesses

In previous years, concerns had been raised by some businesses in the surrounding area in relation to the negative impact that the night market has on these businesses. The dates (weekends and holidays) and time (7:00 pm to 12:00 midnight) of the night market does help to minimize the impact of traffic and crowds on surrounding businesses. However, staff and the event organizers recognize that some of the surrounding businesses do operate in conjunction with the dates and time of the night market. To deal with this concern, event organizers have worked to:

- Inform the on-site traffic control persons assigned to implement the Traffic Control and Parking Management Plan to ensure that clients and employees of these surrounding businesses are allowed unimpeded access to and from the business.
- Consult with surrounding businesses to engage in feedback and comments on how to minimize any negative impacts.

Staff are also recommending that the Public Hearing notification area be expanded to include all properties bounded by River Road, No. 5 Road, Bridgeport Road and Highway 99. This is the identical area that was notified for the Public Hearings held in 2004 and 2005.

Financial Impact

Cost Recovery Rationale

The City's rationale for requiring a cash security for the night market is that the event draws upon a significant amount of RCMP policing and City staff resources. Policing and Parking enforcement must be provided in addition to the existing service levels, which must be maintained throughout the City.

The amount of the cash security requested is based upon recovering all City and RCMP related expenditures to the night market. If a surplus remains at the conclusion of the night market season, monies can either be returned to the organizers or contributed to the bond amount for the following year.

Monies Outstanding

A review of the outstanding invoices for the 2005 operation of the night market indicates an outstanding balance of just under \$5,500. It is recommended that event organizers pay this outstanding balance prior to Council issuance of the renewed Temporary Commercial Use Permit.

Bond Amount for 2006 & 2007

Staff conducted a thorough review of previous night market events to determine the most accurate figure to base the bond amount for the forthcoming 2006 & 2007 event. This bond amount is based on the following:

- 64 total nights of operation. This number is based on the event organizers indication of how many nights they had hoped to operate each season. Based on the dates proposed, the Temporary Use Permit allows the event to operate a total of 71 nights. The organizers have requested that this degree of flexibility be allotted for in the Temporary Use Permit to account for situations where the event may have to be cancelled due to

poor weather. Event organizers can then 'make-up' these days by extending the season as needed.

- 2 RCMP members being present during all hours of operation of the night market.
- 1 Bylaw Parking Enforcement Officer assigned each night the event is in operation for a maximum of 4 hours.
- Installation of night market directional signage.

As a result, a bond amount of \$90,000 is being requested from the applicant for 2006. In 2007, an identical amount will be secured. Staff require submission of the full amount for 2006 prior to Council consideration of the Temporary Commercial Use Permit as outlined in *Bylaw 7273 (Temporary Commercial and Industrial Use Permit Procedure)*.

Conclusion

The application to renew the Temporary Commercial Use Permit for an additional 2 years (2006 and 2007) has been reviewed to ensure that:

- The dates and hours of operation remain similar to previous years events.
- All traffic and parking issues have been dealt with.
- Adequate staffing by RCMP members and Bylaw Officers.
- A cash security is based upon the estimated costs of the upcoming night market to ensure that the City recovers all costs attributed to the operation of the night market.

All of these issues have been adequately addressed. On this basis, staff recommend that the application to renew the Temporary Commercial Use Permit at 12631 Vulcan Way be renewed for 2006 and 2007 in order to allow the operation of an annual night market.



Kevin Eng
Planner 1

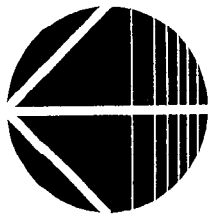
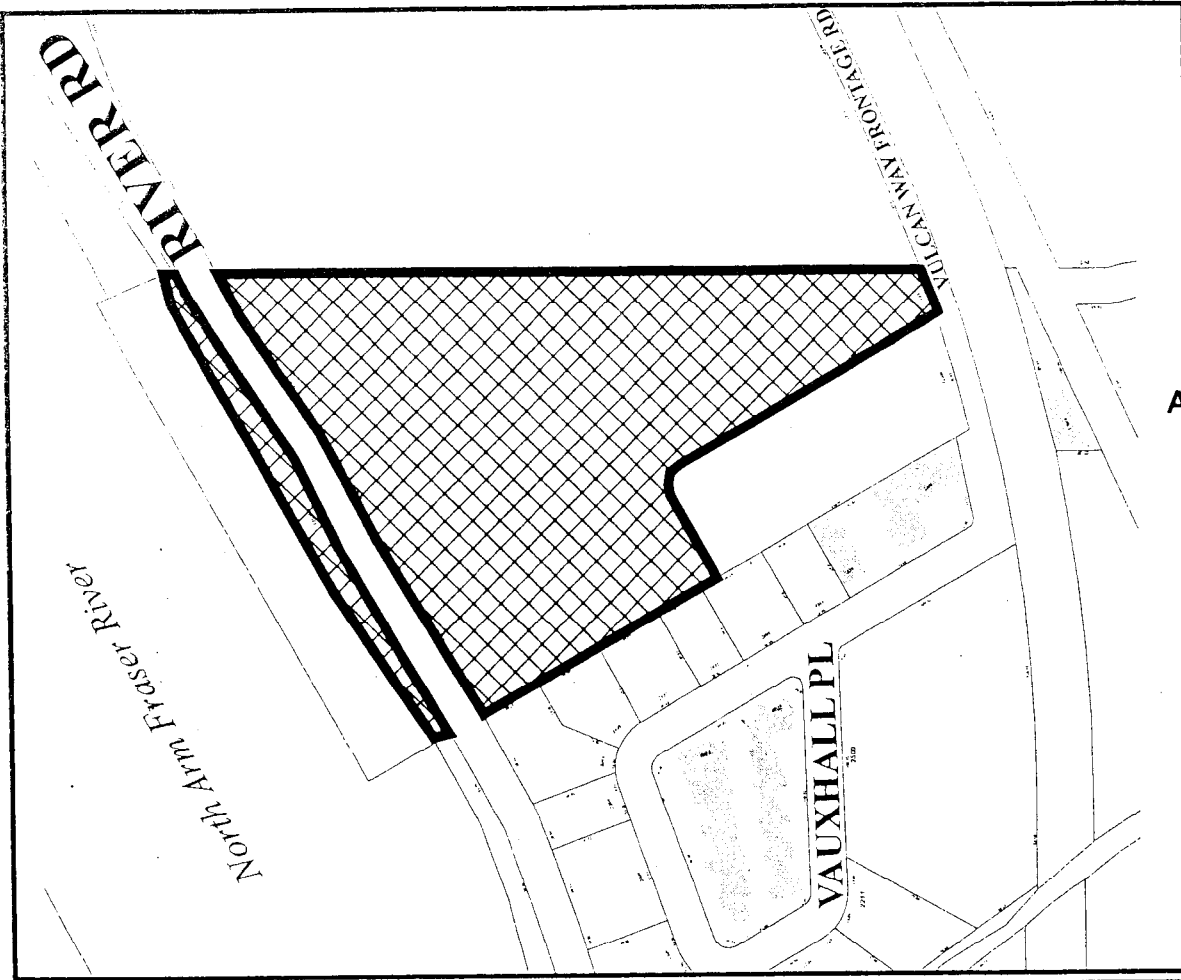
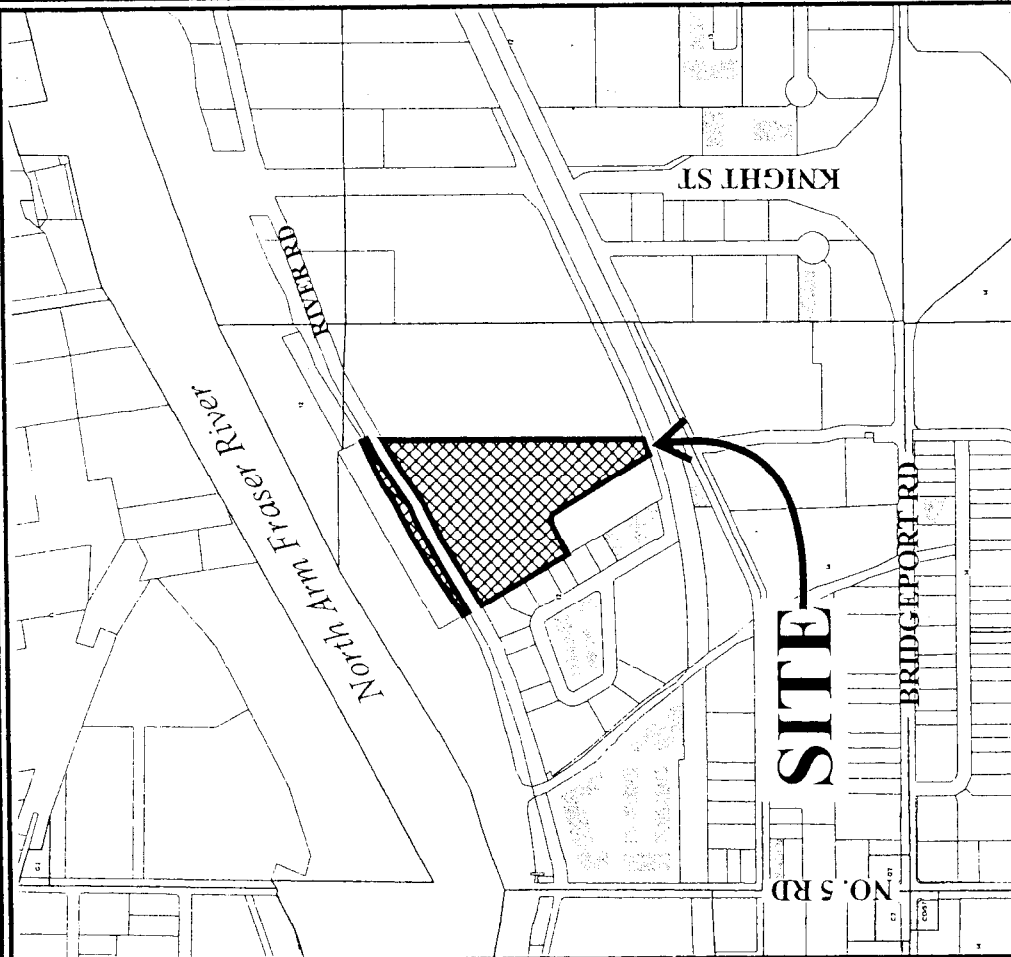
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Prior to Council issuance of the Temporary Commercial Use Permit, the following requirements must be completed:

1. Submission of a cash security (or acceptable letter of credit) in the amount of \$90,000 on or before April 18, 2006.
2. Payment of \$5497.79 for monies outstanding to the City from the 2005 night market.
3. Review and approval of the Traffic Control and Parking Management Plan by the Acting Director of Transportation.



City of Richmond



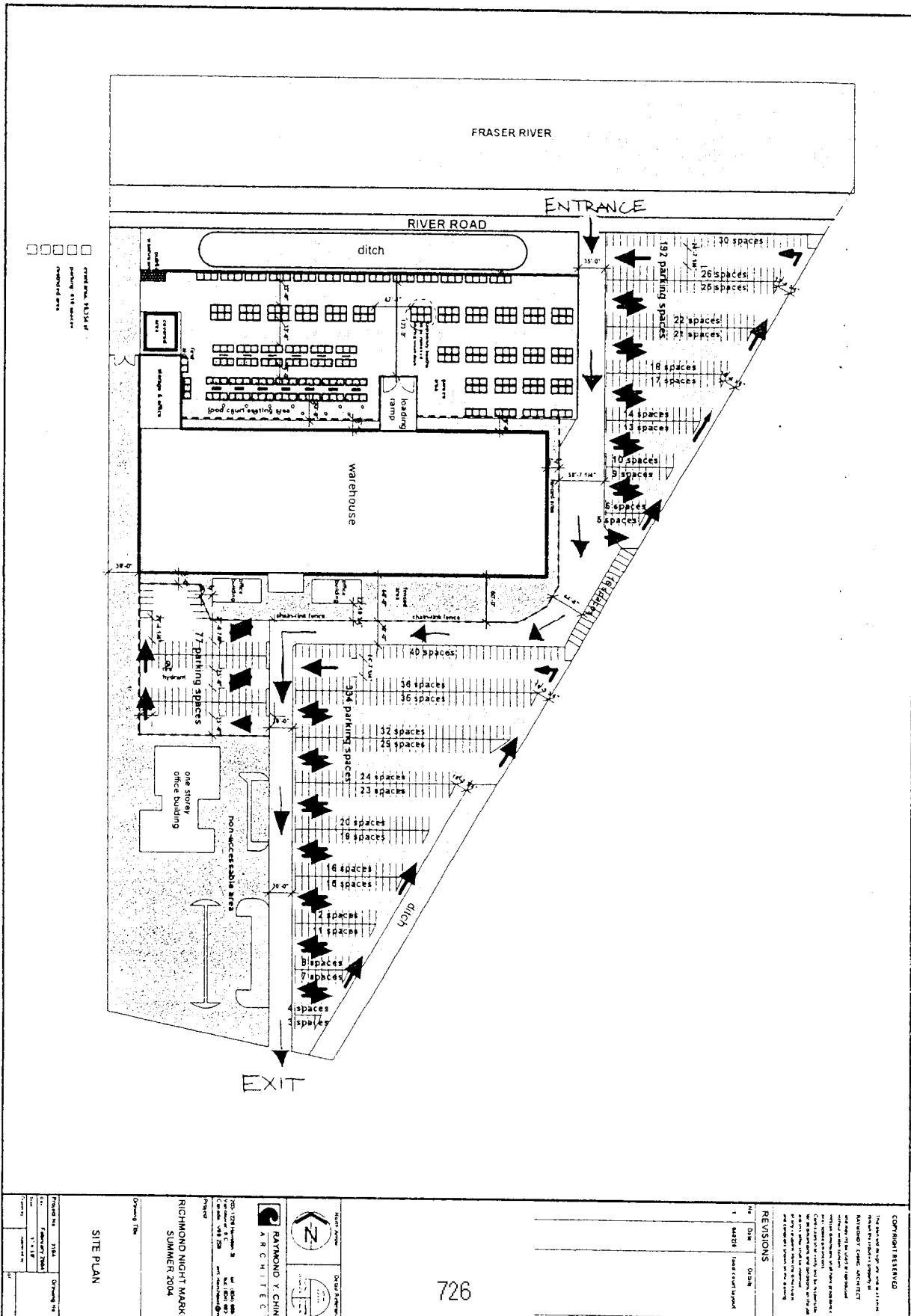
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ATTACHMENT 1

Original Date: 03/10/04

Revision Date:

Note: Dimensions are in METRES



The following terms were discussed with the Applicant and he agreed to submit a *Traffic Control and Parking Management Plan* based on these terms for approval by the Acting Director of Transportation.

General Conditions:

1. Parking Supply - Attendance counts from 2005 found that the Night Market continues to be extremely popular and resulted in attendance counts in excess of 12,000 to 14,000 people per night. This caused considerable parking and traffic congestion particularly in and around Sweden Way and Vulcan Way and occasionally backing traffic up to the Knight St Bridge. The Applicant is required to provide a minimum off street parking supply of 1,000 stalls. This figure is based on the expected attendance which has been high over previous years and on the past undesirable impacts on nearby businesses parking facilities.
2. Parking Agreements - The Applicant presently can accommodate 600 vehicles on his site, he must be able to make arrangements for at least 400 more stalls off street near by, such as additional parking at Domans Lumber and/or other nearby sites to provide the additional parking stalls. The City will require letters from the landowner(s) of the agreements along with drawings of the area being provided for parking.
3. Shuttle Bus Service - The Applicant must re-new the agreement with Translink for use of the Sexsmith Park and Ride and to provide a shuttle service to the Night Market site.
4. Liaison with Area Businesses - The Applicant must meet with and make arrangements with nearby business owners and operators to ensure that the Night Market addresses their concerns from previous years such as patrons of the night market parking in other businesses lots, litter and access. These businesses must include Sears, Home Depot, Scan Design, Coca-cola, Foreign Stone, Future Shop and McDonalds, who had contacted the City in the past with concerns of parking and traffic. Actions taken by the applicant to address these concerns must be included in the Traffic Control and Parking Management Plan.
5. Traffic Control - The Applicant may use Target Event employees for traffic control as long as they are fully qualified and certified by either the BC Safety Council or by the Work Safe BC (formerly WCB) as a Traffic Control Person. The Applicant must supply the City with copies of all the certified employees certificates with photo ID, the TC personnel must have their certification in their possession while conducting traffic control. Additionally the Applicant must hire a Traffic Control Supervisor with extensive traffic control supervisory experience (3 or more years, resume required) that will be present at all times while traffic control is being conducted. The TC staff must comply with the MOT Traffic Control Manual for Work on Roadways and operate within Work Safe BC regulations for the duties of a Traffic Control Person and a Traffic Control Supervisor.
6. Contingency Traffic Control - The RCMP and the City have the right to require the Applicant to hire a professional traffic control company to conduct TC for the event if the Target Event staff is not able to handle the traffic situation or they do not provide the minimum number of qualified staff to conduct the TC plan.
7. Signage - Directional signage (saved from previous year) will be installed by the City at the Applicants expense as per the TC Plan on approval by the City Engineer or his/her designate.

8. City Resources - The Applicant shall agree to fund a minimum of two RCMP constables and one Bylaw Enforcement Officer for each night the event is open as well as provide the staff to conduct TC during the event and any City staff that maybe required to monitor the event from time to time.
9. On-Site Communications - The Applicant must supply Target Event radios to the RCMP and Bylaws (1 – RCMP and 1 – Bylaws) and be prepared to provide one to a traffic control company should it be deemed necessary by the City or RCMP at a later date during the event.
10. Closure of Event - The Applicant shall provide the procedure for the closing down of the event in the event of inclement weather, etc... A contact list with primary contacts and alternate contacts will be provided from the RCMP and City Bylaws. If the event is closed for whatever reason a minimum of 24-hour notice must be given otherwise a minimum callout fee will be applied. (5 hours each for RCMP, 4 hours for Bylaw / City personnel)
11. Railway Safety - The Applicant shall meet the requirements, if any, from the CN / CP Police. The City will advise them of the event dates and operating times.
12. Transit Requirements - The Applicant shall incorporate the requirements, if any, from Coast Mountain Bus Company (CMBC) and Translink. The City will advise CMBC and Translink of the event dates and operating times.
13. Promotion - Any promotional advertising must include a map showing the route to the entrance and encourage the use of the Sexsmith Park and Ride shuttle once an agreement has been secured with Translink.
14. Pedestrian Safety - The Applicant must construct a portable fence (Moduloc) parallel to the rail tracks from the Vulcan Way rail crossing to the building located at 12611 Vulcan Way to prevent uncontrolled pedestrian traffic during the event. A section of the fence may be left open during the weekdays for local access to prevent damage to the fence but closed off during event times.

City Transportation Requirement Checklist

Refer to details listed above regarding the items below to ensure complete compliance.

Applicant to:

1. Provide a minimum of 1000 off street parking stalls,
2. Supply copies of shuttle service lot use agreements with Translink and Casino,
3. Supply copies of agreements for off street parking ie: Domans, Home Depot, etc,
4. Meet with nearby local businesses to address concerns from last year,
5. Provide documentation of staff employed to conduct traffic control,
6. Prepared to provide additional professional TC staff on request,
7. Fund directional signage installation for event,
8. Fund 2 RCMP Constables, 1 Bylaw Officer and any City Staff as required,
9. Provide Target Event radios to RCMP and Bylaws for coordination,
10. Provide the RCMP and City with the foul weather close down procedure,
11. Coordinate with the CN/CP Police as required (City to advise CN/CP Police),
12. Coordinate with CMBC (Transit) as required (City to advise CMBC),
13. Ensure promotional material includes a map and directions,
14. Construct a fence along rail line for pedestrian control.