



To: Planning Committee *To Planning - Apr 20, 2004*
From: Raul Allueva **Date:** April 7, 2004
 Director of Development **File:** TU 04-264071
RE: APPLICATION BY TARGET EVENT PRODUCTION LTD. FOR A TEMPORARY COMMERCIAL USE PERMIT AT 12631 VULCAN WAY

Staff Recommendation

1. That the application of Target Event Production Ltd. for a Temporary Commercial Use Permit for property at 12631 Vulcan Way be considered at the Regular Council Meeting for Public Hearing to be held May 17, 2004 at 7:00 p.m. in the Council Chambers of Richmond City Hall, and that the following resolution be forwarded to that meeting for consideration.

“That a Temporary Commercial Use Permit be approved to Target Event Production Ltd. for property at 12631 Vulcan Way to permit the operation of a summer night market during the months of June to September, 2004 and June to September, 2005, upon fulfillment of the following conditions:

- a. Submission of a Traffic and Parking Management Plan to the satisfaction of the Director of Transportation;
 - b. Submission of a Fire Safety Plan to the satisfaction of the Fire Chief;
 - c. Payment of \$30,000 for policing costs associated with last year’s market; and
 - d. Deposit of a Letter of Credit for \$50,000 as security for terms outlined in the Undertaking attached to the Permit as Schedule B.”
2. That the Public Hearing notification area be expanded to include all 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.

Raul Allueva
 Raul Allueva
 Director of Development

RA:jl
Att. 3

FOR ORIGINATING DIVISION USE ONLY		
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Fire Rescue.....	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	<i>De Erceg</i>
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Staff Report

Origin

Target Event Productions Ltd. has applied for a Temporary Commercial Use Permit to operate a night market during the months of June to September, 2004 and June to September, 2005 at 12631 Vulcan Way (**Attachment 1**). The property is currently zoned “Light Industrial District (I2)” and is designated in the Official Community Plan (OCP) for “Business and Industry”.

Findings Of Fact

Item	Existing	Proposed
Owner	3547 Holdings Ltd. and Ko Ming Chong	No change
Applicant	Target Event Productions 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 Designation	Business and Industry	No change
Zoning	Light Industrial (I2)	No change
ESA Designation	Portions of the property adjacent to the river are designated ESA	No change

Project Description

The applicant proposes to use the outdoor yard and parking area of property at 12631 Vulcan Way for a night market during the months from June to September. The property is currently occupied by a vacant warehouse building. The building will not be used for night market activities.

The night market proposes to operate on Friday, Saturday, Sunday nights and statutory holidays during the summer from 7:00 p.m. to 12 midnight. The applicant anticipates approximately 150 to 180 retail merchants and 50 to 60 food court merchants. The merchants are located under tents during the night market. After each weekend, the tents are taken down and set up again on the following weekend in order to allow any regular business activities on the site to carry on during the week.

At the subject property, the night market merchants and food court would be located to the north of the existing warehouse building that occupies the site. Parking is located to the east and south of the warehouse building.

Entrance to the night market would be located at the south end of the site, from Vulcan Way. A one-way vehicular main route is proposed through the site from one end to the other in order to provide access to approximately 617 parking spaces. All vehicular traffic would exit at the north end of the site onto River Road. A site plan of the proposed night market and parking layout is in **Attachment 2**.

In order to prevent traffic and people from entering the warehouse building or disturbing its operations, a chain-link fence is proposed to be erected around the warehouse. An existing 1.8 m (6 ft.) high fence separates the subject site from a smaller neighbouring site to the southwest (12591 Vulcan Way).

Site Context

The site context is as follows:

North:	Fraser River
East:	Industrial use (zoned I2)
South:	Railway right-of-way and industrial properties
West:	Industrial uses (zoned I2)

Related Policies & Studies

The City's Official Community Plan (OCP) has a policy to:

“Permit Temporary Commercial Use Permits in those areas designated “Commercial”, “Neighbourhood Service Centre”, “Local Commercial”, “Business and Industry”, “Limited Mixed Use”, “Mixed Use”, and “Airport” where deemed appropriate by Council and subject to conditions suitable to the proposed use and surrounding area.”

As the subject property is designated for “Business and Industry”, the above policy would enable a Temporary Commercial Use Permit to be considered for an interim use that is deemed suitable for the area.

A Temporary Commercial Use Permit may be issued for a use for up to two years. After the first two years, the applicant may re-apply to extend the Temporary Commercial Use Permit for a further two years. A Permit may only be extended once.

Staff Comments

Detailed Staff comments are contained in **Attachment 3**.

Analysis

Location

This is the fifth year of operation of a night market by the applicant. Past locations include Confederation Plaza, Lansdowne Mall and Bridgepoint Market parking lot. This year, the applicant was unable to secure a location within or close to the City Centre. The proposed location is in an industrial part of the Bridgeport Area, just west of the Knight Street Bridge. It is close to the Home Depot and Ikea.

The proposed location poses some challenges. The site is remote and not close to public transit. Therefore, it is anticipated that most visitors will arrive by car. The applicant is encouraged to implement a shuttle service to help alleviate area traffic congestion and to promote alternative modes of transportation.

While the site location may be isolated, there are positive features. The night market operates after hours, so there is less conflict with its industrial neighbours. There are no residential uses nearby that may be disturbed by the activities of a night market.

There are some nearby retailers such as Home Depot or Ikea that may have overlapping business hours with the night market. The applicant will have to ensure that there is adequate traffic management in place to minimize any conflicts with other area retailers.

If this proposed night market goes ahead, the City may receive requests for other seasonal markets and festivals to occur in the industrial areas. This particular night market is being considered for this site as the operator has a track record and history with the City. It should not be considered as precedent-setting. As the City is working towards a Special Events Policy, Council may wish to consider a policy on these types of events due to past experiences with these events.

Area Traffic Management and Parking Issues

In the past, the night market has attracted visitors from all over the Lower Mainland. The applicant indicates that peak times are typically on Friday and Saturday nights from 8 to 10 p.m., and on Sunday nights from 8 to 9 p.m. While there are no total attendance figures available, the applicant estimates that there are approximately 3,500 to 5,000 visitors during peak times and 2,000 to 3,000 visitors during non-peak times.

The high volume of visitors to the night market means that traffic management and parking are key issues. As a condition of issuance of this Permit, the applicant will be required to submit a Traffic and Parking Management Plan for review and approval by the Transportation Department.

In the past, traffic management has been undertaken by private traffic management companies as well as the RCMP. The Transportation Department has identified a number of intersections in the vicinity that will require traffic control and management. The applicant will be required to hire a professional traffic management company to ensure smooth flow of traffic to and from the night market site.

The applicant indicates that approximately 617 off-street parking spaces can be accommodated on-site. While an additional 240 on-street parking spaces are available on Vulcan Way (between No. 5 Road and No. 6 Road), the applicant must consider additional parking and implementing a shuttle service to relieve congestion in the area. These issues must be addressed in the Traffic and Parking Management Plan.

During last year's night market at the Bridgepoint Market parking lot, policing costs to manage traffic and crowd control amounted to approximately \$40,000. The applicant, who is responsible for the costs, has paid \$10,000. There is an outstanding balance of approximately \$30,000 for policing costs associated with last year's night market. The applicant has been disputing this outstanding amount. It is recommended that if this Temporary Commercial Use Permit is approved, it should not be issued until the applicant pays the remaining \$30,000 owing from last year's market, among other conditions.

Fire Department Issues

The Fire Department has reviewed the proposed site layout and circulation. It supports the one-way vehicular movement through the site because it facilitates emergency access. The existing warehouse building is not permitted to be used for any night market activities. The applicant proposes erecting a chain-link fence around the warehouse building to keep people out of the building during the market.

Prior to issuance of the Temporary Commercial Use Permit, should it be approved, the applicant will need to submit a Fire Safety Plan to demonstrate that all Fire Code and safety issues can be met.

RCMP Issues

In past years, the RCMP has been on-site performing crowd control and traffic control. RCMP recommend that the applicant consider hiring a professional security company to help with crowd control and on-site security. Any RCMP officers deployed to night market functions will be at the cost of the applicant. Officers will also require at least 48 hours' notice of cancellation if the night market does not go ahead on certain nights.

Other Issues

In addition to meeting Transportation and Fire Department issues, the applicant will be required to comply with all applicable Building Codes, Health regulations and Business Licence provisions.

At this time, it is not known whether there will be requirements for extra policing, traffic management, parking and bylaw enforcement. As part of the Temporary Commercial Use Permit, the applicant will be required to post a bond for \$50,000 (based on last year's costs plus extra to cover other types of enforcement) to cover any additional costs to the community incurred as a result of the market's operation.

Public Hearing Notification Area

As this application is of interest to area businesses that may be impacted by traffic and other impacts, Staff advise that the Public Hearing notification area be expanded. Currently, Public Hearing notices are sent out to neighbouring properties within 50 m of the subject site, which would cover immediate neighbours.

As traffic volumes in the area are anticipated to be high and traffic control measures will be in place over a larger area, it is recommended that the Public Hearing notification area be expanded to include all 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.

Options

Option 1: Approve the application (Recommended)

Approval of the application would allow the night market to operate at 12631 Vulcan Way for two years (the summer of 2004 and the summer of 2005). While the site is isolated from the City Centre, the operation of the night market is after hours and unlikely to conflict with neighbouring industrial businesses.

There will be some overlap in operating hours with other retail businesses such as Home Depot or Ikea. The applicant will have to ensure that traffic management is in place to minimize conflicts with other retailers.

Staff have reviewed the operations of the night market and are confident that the site is workable with respect to emergency access, permits and licensing.

It is recognized that the applicant has made leasing arrangements and invested in this operation on the basis that he could operate for two years at this location. Staff recommend approval of the application as the applicant has indicated willingness to work with the City to address any issues associated with the night market.

After the first year (2004), Staff will review the operation of the night market to determine whether the applicant met the City's expectations in addressing issues of concern (e.g. parking, traffic management, etc.). Any outstanding issues could then be remedied prior to issuance of a Business Licence for the 2005 Night Market.

Option 2: Deny the application

Should there be concerns that the site and area road network are less than ideal to accommodate the volumes of people and cars associated with a night market, the application could be denied.

Financial Benefits and Impact

The summer night market has, in past years, drawn large numbers of visitors to Richmond from all over the Lower Mainland. This attraction helps to promote the City and in turn, generates other spin-off economic benefits. It also creates opportunities for the many vendors who participate in the event.

While the event is successful, there are potential costs associated with extra policing, traffic management, parking and bylaw enforcement. The applicant will be required to post a bond for \$50,000 to cover any costs incurred for additional services as a result of the night market.

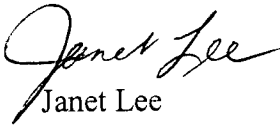
Conclusion

The night market has been a successful seasonal summer event that has attracted visitors from all over the region. If the Temporary Commercial Use Permit application is approved, the night market could operate at this location for two years (2004 and 2005). After that time, the applicant would have the opportunity to renew the Temporary Commercial Use Permit for another two years to operate at this location during 2006 and 2007.

Staff identified a number of potential challenges and requirements that the applicant has undertaken to address. It appears that the challenges can be overcome and the site is workable.

It is recommended that the Temporary Commercial Use Permit proceed to a Public Hearing for further public input. Should Council support the application, approval and issuance of the Permit should be held pending fulfilment of conditions identified in this report.

It is further recommended that the Public Hearing notification area be expanded to ensure that a larger number of properties that have an interest in this application are aware of it.



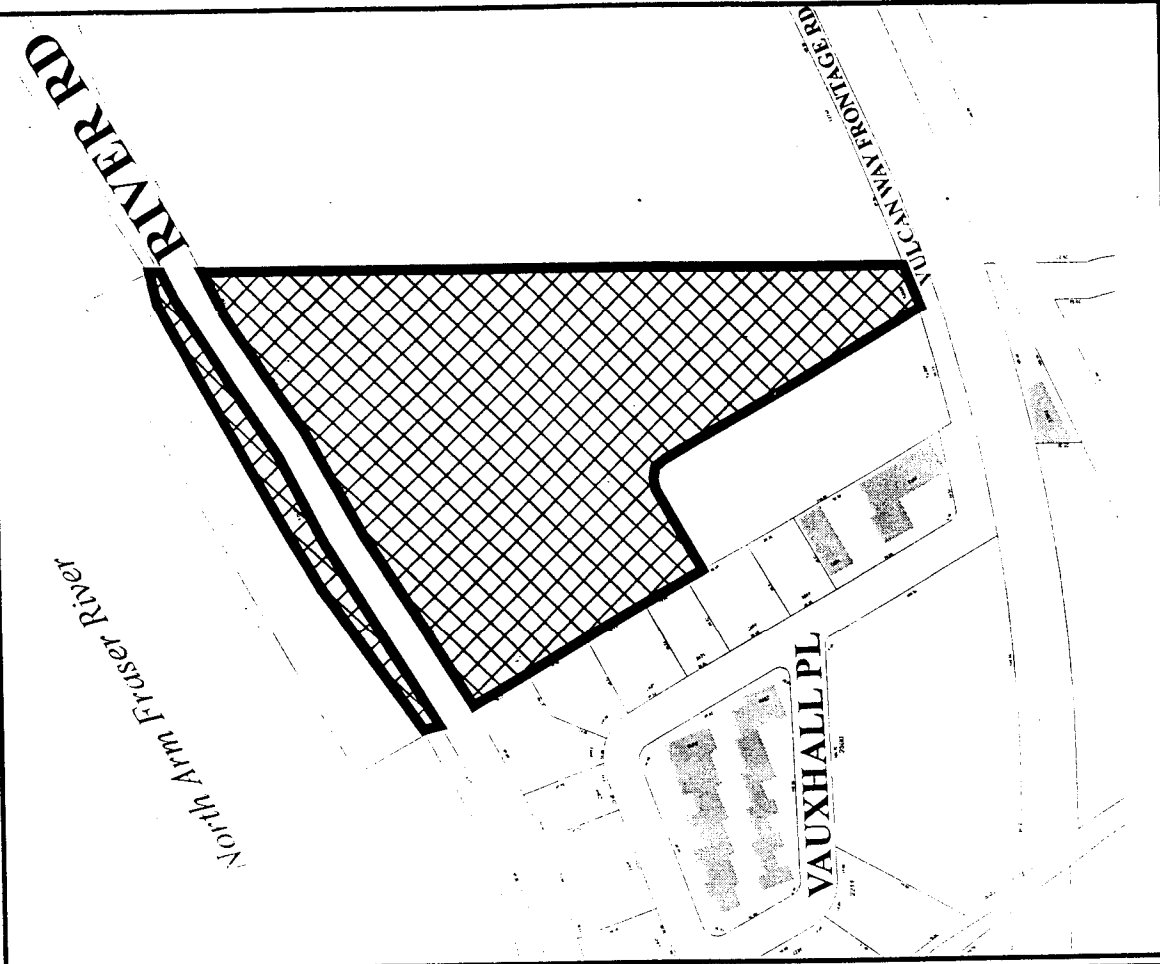
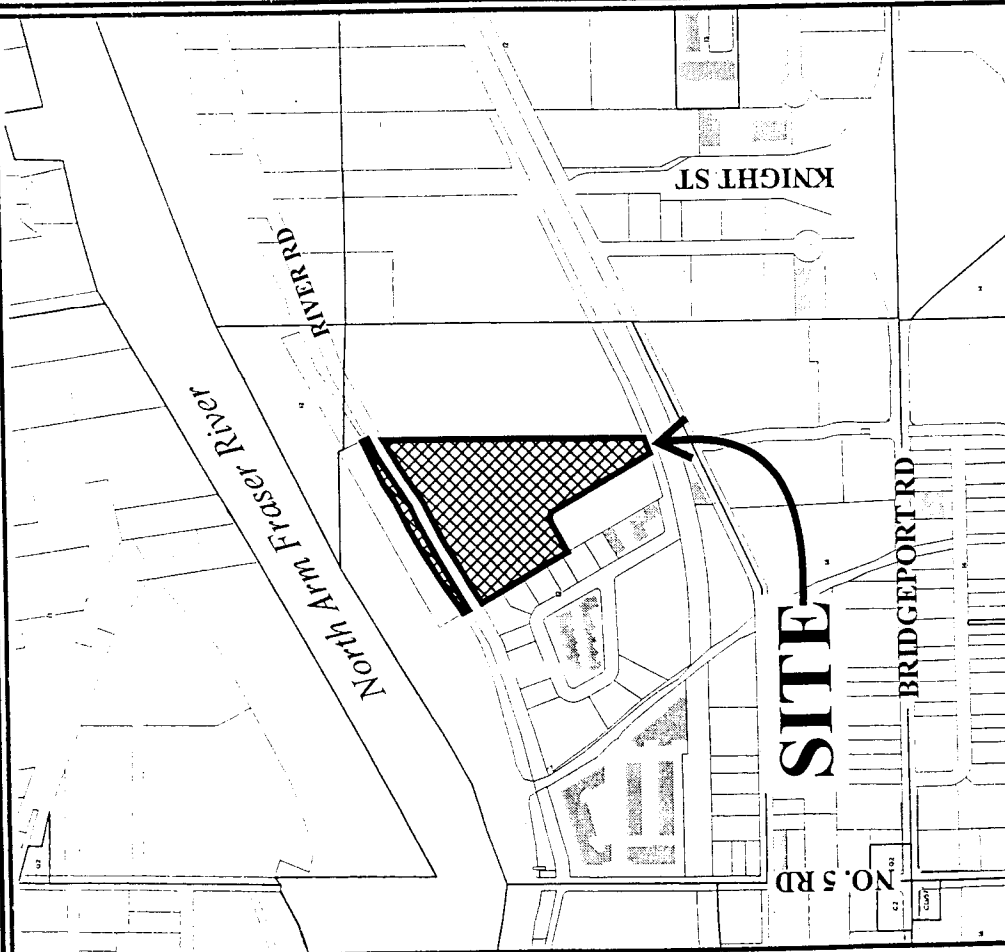
Janet Lee
Planner 2
(4108)

JL:cas

Prior to issuance of the Temporary Commercial Use Permit, the following requirements apply:

1. Submission of a Traffic and Parking Management Plan to the satisfaction of the Director of Transportation;
2. Submission of a Fire Safety Plan to the satisfaction of the Fire Chief;
3. Payment of \$30,000 for policing costs associated with last year's market; and
4. Deposit of a Letter of Credit for \$50,000 as security for terms outlined in the Undertaking attached to the Permit as Schedule B.

City of Richmond

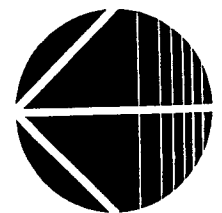


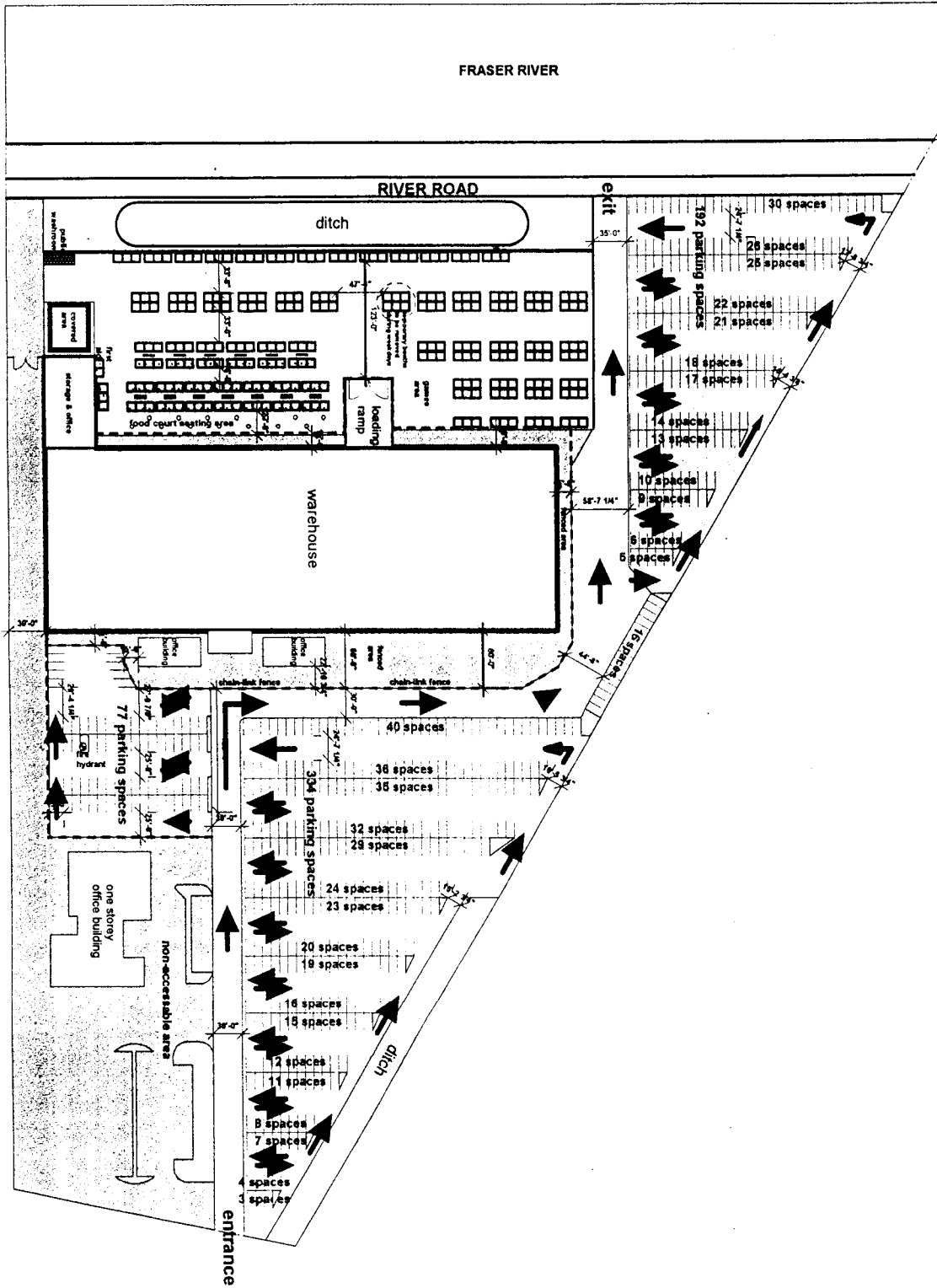
Original Date: 03/10/04

Revision Date:

Note: Dimensions are in METRES

TU 04-264071








- event area: 88,334 sf
- parking: 618 spaces
- restricted area

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No.	Date	Details	By
1	5/22/03	final court layout	RC

REVISIONS


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RICHMOND NIGHT MARKET SUMMER 2004
 Drawing Title
 Drawing No.

Project No.	5184	Drawing No.	
Date	February 2004		
Scale	1" = 30'		
Author	RC		
Checker			

STAFF COMMENTS ON THE APPLICATION

Policy Planning Department

1. Ensure that pedestrians can safely move through the parking area to the market site.
2. Ensure that the ditch at the southeast corner of the site is secured so that cars and people cannot accidentally fall into it.
3. There is an Environmentally Sensitive Area (ESA) along the north parts of the property on both sides of River Road.
4. There are no implications to the ESA as long as there are no additional driveway and ditch crossings to River Road.
5. Ensure that there is litter pick-up in the neighbourhood after each night of the market.

Transportation Department

1. A Traffic and Parking Management Plan is required as a condition of the permit.
2. Parking is a concern as this site can accommodate 617 vehicles and approximately 240 more vehicles can park on Vulcan Way (between No. 5 Road and No. 6 Road). Applicant should obtain a total of approximately 1,000 to 1,200 parking spaces.
3. Applicant should examine other means of access, including access to an additional parking lot and implementing a shuttle bus and Park and Ride, coordination with TransLink and Coast Mountain Bus Company.
4. The City of Richmond will ensure adequate no-parking signs on Vauxhall Place, Vulcan Way frontage road, and River Road for the duration of this event (at applicant's cost).
5. The portion of property north of River Road is not to be accessed or utilized in any fashion.
6. The applicant will be required to hire a Traffic Management company to be present at least 30 minutes before opening time and at least 30 minutes after closing time.
7. The following intersections require traffic control:
 - a. No. 6 Road/Vulcan Way
 - b. Viking Way/Vulcan Way
 - c. Sweden Way/Vulcan Way
 - d. No. 5 Road/Vulcan Way
 - e. No. 5 Road/River Road
 - f. the access road between Vulcan Way and Vulcan Way frontage road
 - g. the site entrance at Vulcan Way frontage road
 - h. the site exit at River Road.
8. Additional traffic management may be required at the cost of the applicant at the following intersections:
 - a. No. 6 Road/Bridgeport Road
 - b. Viking Way/Bridgeport Road
 - c. Knight Street Bridge/Bridgeport Road interchange
 - d. Sweden Way/Bridgeport Road
 - e. No. 5 Road/Bridgeport Road
9. The requirement of additional traffic management will be at the discretion of the City and RCMP.
10. The applicant is required to consult with the adjacent businesses, CN Rail, and CP Rail about their operations.

11. With regards to on-site traffic management, the applicant must identify what methods will be used to re-direct patrons away but still allow non-Night Market vehicles to access the local businesses.
12. Promotional materials must include a map and encourage transit use.

Fire Department

1. The applicant will need to provide a complete Fire Safety Plan, showing designated site access.
2. There must be one-way traffic through the site (in off Vulcan Way, out onto River Road) in order to maintain traffic flow and facilitate emergency access.
3. Congestion may be an issue if River Road access is used for public exit.
4. On-site traffic corridors must be wide enough to allow fire engines and other emergency vehicles to manoeuvre safely.
5. No deep frying is permitted in the food court.
6. All barbecues in the food court must be open grilled.
7. If cooking is done under cover, the enclosures must be open-sided.
8. No public access to the cooking areas is permitted.
9. Buildings on the site are not to be used for night market activities.
10. If on-site buildings are to be fenced off, there must be adequate emergency exits provided for building occupants.
11. Adequate provision for on-site first aid and security must be provided.
12. The chain gate separating Frontage Road and Vulcan Way should be opened wide enough for emergency access during times of the night market.

Building Approvals Department

1. Permits are required for any on-site structural additions or alterations, including changes to sewer and water services.
2. Electrical and/or gas services must be Provincially-approved. Copies of the Electrical and/or Gas Permits must be submitted.
3. Plumbing fixtures (i.e. pot sinks, washrooms, etc.) must be approved by both the Health Department and the City.
4. A water meter is to be installed on the site for billing of water use.

Business Licences Department

1. Every vendor must have a Business Licence.
2. The operator must provide weekly updates on vendors who will be present at the market and their stall locations.
3. Stall locations must be marked clearly and vendors clearly identified.

RCMP

1. Traffic management is the primary concern of this application.
2. RCMP prefer if traffic management is handled by a professional traffic management company.
3. At least two police officers are required on-site during operation hours for crowd control.
4. A professional security company should be hired to provide on-site security.
5. Operator must provide a minimum of 48 hours notice if the night market is cancelled on particular nights.

6. Operator would be charged for the costs of policing services during the night market and if less than 48 hours notice of cancellation is given.

Health

1. Each Food Service Establishment (FSE) serving ready to eat foods and operating in excess of 14 days per year must have their own two-compartment sink with hot and cold potable water under pressure. Soap and towels in dispensers are to be provided at the sinks. At least 1 staff person must be Food Safe certified prior to an operating permit being issued and the permit must be displayed at all times.
(NOTE - the two-compartment sink requirement has been in place since 2003 but an exemption was permitted last year to the Night Market as we had met to review our conditions of approval prior to changing this requirement. The agreement last year with Raymond Cheung (the applicant) was that the exemption would not be granted in 2004.)
2. Sewage disposal facilities approved by the Health and Permits & Licensing Departments must be provided for the sinks.
3. Depending on the location of the FSE's in the parking lot, the floor area may require cleaning and sanitizing.
4. If any food booths are not ready for inspection prior to the opening of the event, they will not be permitted to open until the following week.
5. If overtime is required due to complaints, re-inspections to follow-up on infractions and/or inspections for re-applications for new or existing operators, these costs are to be borne by the applicant.
6. If noise complaints are received, found to be justified and in contravention with the Public Health Protection Bylaw, the source of the noise complaints must be addressed. For example in the case of amplified music, restrictions to the volume and/or hours of operation will be required.
7. Washroom requirements are specified in the Building Code and WCB Regulations but we would like to comment on the location and numbers prior to approval.
8. Adequate number of garbage disposal bins to be provided. If bins are found to be overflowing, additional bins are to be provided prior to the following week. Clean-up of the property and surrounding areas is to be carried out after closing and the next morning if darkness prevents clean-up from being completed.
9. We would also recommend that a first aid tent with a qualified first aid attendant be required on the property at all times when the Night Market is in operation.



No. TU 04-264071

To the Holder: Target Event Productions Ltd.
Property Address: 12631 Vulcan Way
Address: 3063 - 8700 McKim Way, Richmond, BC V6X 4A5

1. This Temporary Commercial Use Permit is issued subject to compliance with all of the Bylaws of the City applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Temporary Commercial Use Permit applies to and only to those lands shown cross-hatched on the attached Schedule "A" and any and all buildings, structures and other development thereon.
3. The subject property may be used for the following temporary Commercial uses:

Summer Night Market on Fridays, Saturdays, Sundays and statutory holidays from June 1, 2004 to September 30, 2004 inclusive and from June 1, 2005 to September 30, 2005 inclusive. Hours of operation shall be between 7:00 p.m. and 12 midnight.
4. Any temporary buildings, structures and signs shall be demolished or removed and the site and adjacent roads shall be maintained and restored to a condition satisfactory to the City of Richmond, upon the expiration of this permit or cessation of the use, whichever is sooner.
5. As a condition of the issuance of this Permit, Council is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit. Should any interest be earned upon the security, it shall accrue to the Holder if the security is returned. The condition of the posting of the security is that should the Holder fail to carry out the development hereby authorized, according to the terms and conditions of this Permit within the time provided, the City may use the security to carry out the work by its servants, agents or contractors, and any surplus shall be paid over to the Holder, or should the Holder carry out the development permitted by this permit within the time set out herein and comply with all the undertakings given in Schedule "B" attached hereto, the security shall be returned to the Holder.

There is filed accordingly:

An Irrevocable Letter of Credit in the amount of \$50,000.00.

6. The land described herein shall be developed generally in accordance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit which shall form a part hereof.
7. If the Holder does not commence the construction permitted by this Permit within 24 months of the date of this Permit, this Permit shall lapse and the security shall be returned in full.

This Permit is not a Building Permit.

AUTHORIZING RESOLUTION NO.
DAY OF

ISSUED BY THE COUNCIL THE

DELIVERED THIS DAY OF

MAYOR

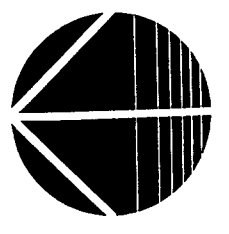
CITY CLERK

Original Date: 03/10/04

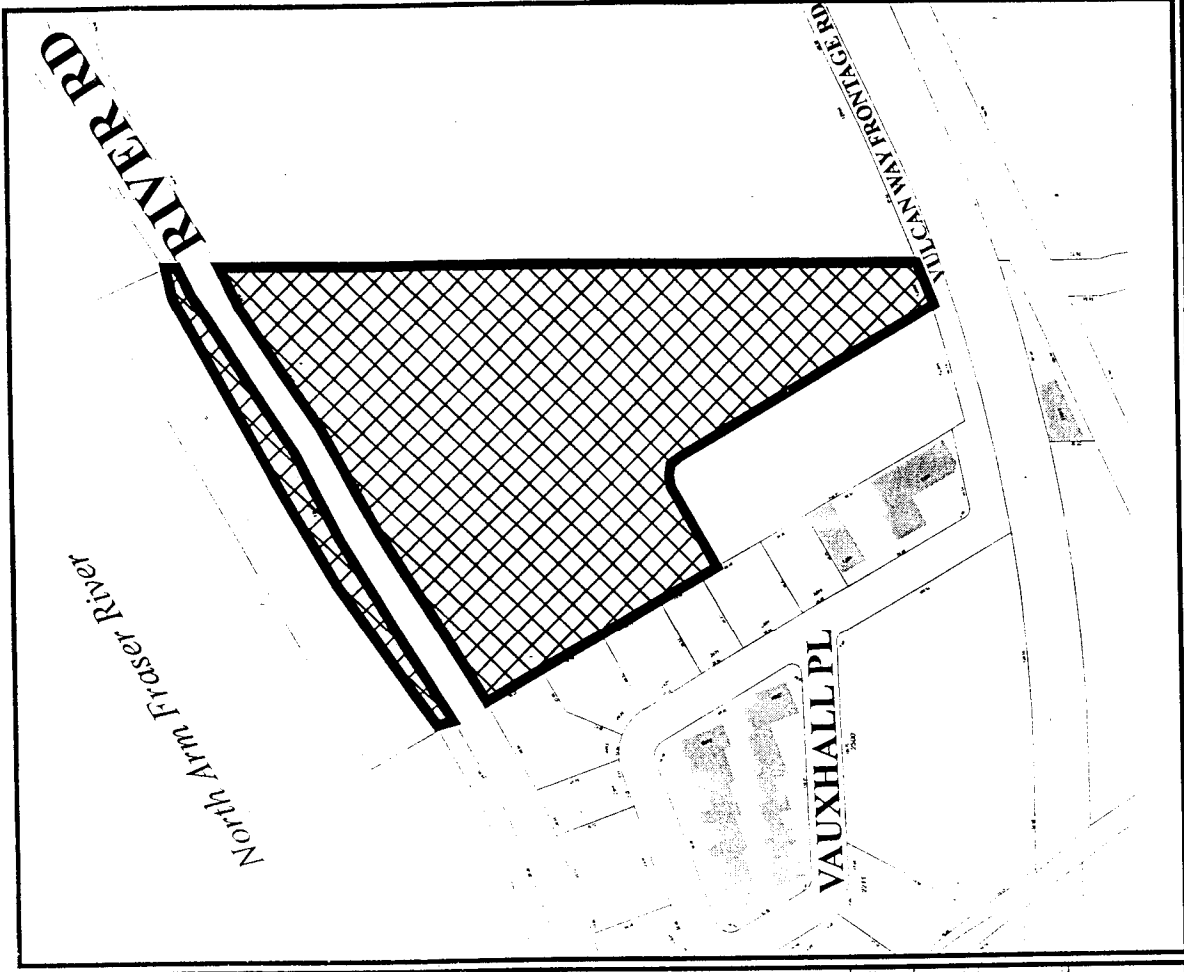
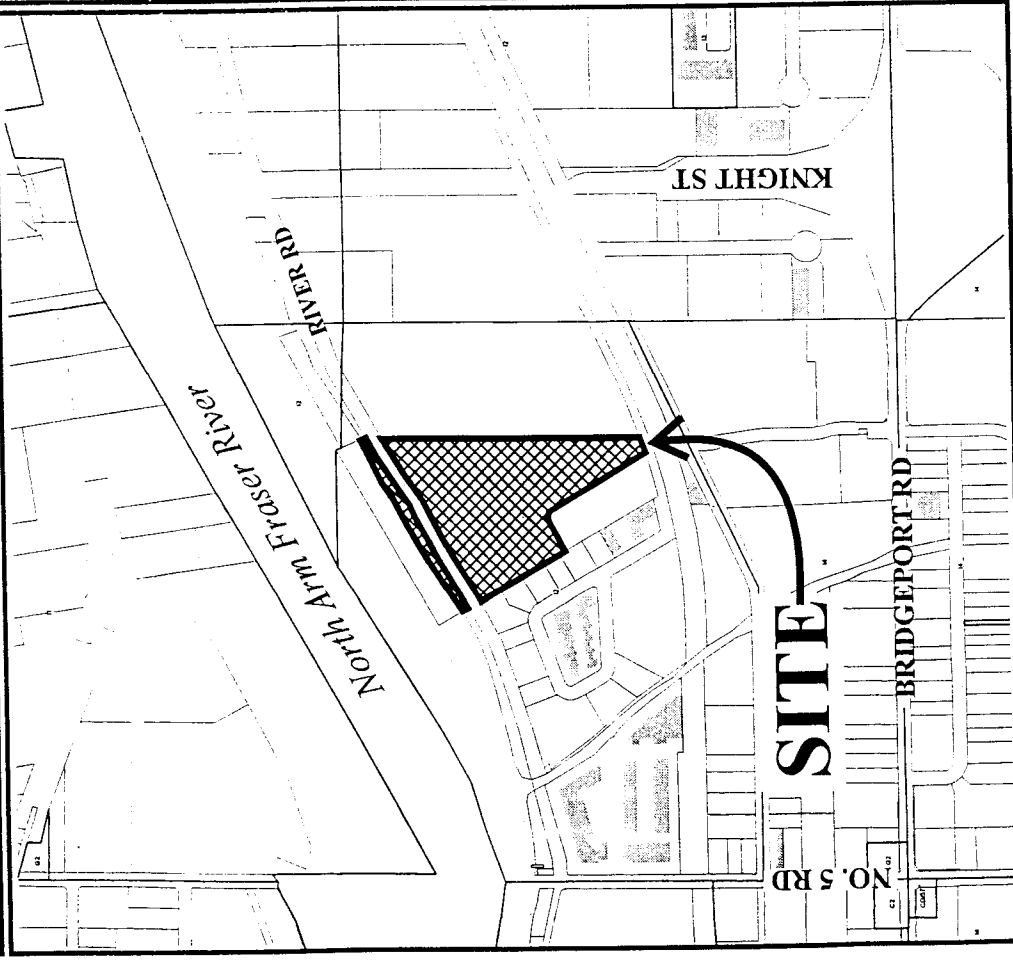
Revision Date:

Note: Dimensions are in METRES

TU 04-264071



City of Richmond



Schedule "B"

Undertaking

In consideration of the City of Richmond issuing the Temporary Commercial Use Permit, we the undersigned hereby agree to the following:

- a. Demolish or remove any temporary buildings, structures and signs;
- b. Restore the land described in Schedule A;
- c. Maintain and restore adjacent roads, to a condition satisfactory to the City of Richmond upon the expiration of this Permit or cessation of the permitted use, whichever is sooner;
- d. Erect a chain-link fence around the existing warehouse building;
- e. Ensure that no night market activities take place in the existing warehouse building;
- f. Ensure that no parking, access or night market activities will occur on the portion of the property north of River Road;
- g. Ensure that pedestrians will be able to move safely through the parking area to the market site;
- h. Ensure that any ditches on the property are secured from public access;
- i. Assume the costs of hiring a traffic management company to manage traffic flow and parking in accordance with a Traffic and Parking Management Plan;
- j. Assume any policing costs that are incurred;
- k. Assume any parking and bylaw enforcement costs that are incurred;
- l. Assume the costs of litter pick-up on the site and surrounding neighbourhood after each evening of the night market;
- m. Assume overtime costs of Health inspections due to complaints, re-inspections and inspections for re-applications for new or existing vendors;
- n. Install a water meter for billing of water use;
- o. Ensure that there is adequate first aid and security on-site;
- p. Comply with Fire Code requirements, Building Code requirements, Business Licence regulations, Health regulations and any other relevant regulations.

Target Event Productions Ltd.
by its authorized signatory

Raymond Cheung