



City of Richmond

To General Purposes - Dec 3, 01  
Report to Committee

To: General Purposes Committee

Date: November 26, 2001

From: Alan Clark  
Manager, Zoning

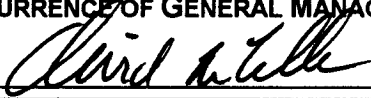
File: 5350-06

Re: Proposed Late Night (Rave) Party Location.  
8811 River Road. (Bridgepoint Market).

**Staff Recommendation**

- 1). That the application to have 8811 River Road considered as an approved location to hold Late Night Dance (Rave) Events be denied.
- 2). When, satisfactory resolution to the problems are resolved, the applicant be advised to make a new application to the City.

Alan Clark  
Manager, Zoning

<p><b>FOR ORIGINATING DIVISION USE ONLY</b></p> <p>CONCURRENCE OF GENERAL MANAGER</p> 
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## **Staff Report**

### **Origin**

Riel Roussopoulos of Undernet Services Ltd has made application for 8811 River Road, (Bridgepoint Market), to be an approved location to hold late night dance (Rave) events.

Rave events are currently restricted to two locations specified in Late Night Event (Rave) Regulation Bylaw No. 7202.

This proposal is for a site not identified in the Bylaw.

The main focus and timing of the application is the applicants desire to hold a rave party on New Years Eve at this location.

### **Analysis**

#### **Site Issues.**

The Late Night Event (Rave) Regulation Bylaw 7202 permit a commercial dance or other event where 20 or more persons are assembled, to operate past 2:00 am, with the City requiring that they close at 8:00 am.

There are at present only two locations. The Riverside Banquet Hall at 14500 River Road, and The Palace, 14431 Knox Way, (both owned by the same company), that are permitted to hold functions that run past 2:00 am.

Since the Bylaw was adopted by Council and came into effect May 1<sup>st</sup>. 2000, forty three (43) permitted, licenced rave parties have been held.

8811 River Road is a stand alone 6665.6 square meter (71,750.3 sq. ft.) existing building which was built and developed as a Public market. It has stood empty for over eight (8) years now.

The property is currently zoned Automobile – Oriented Commercial District (C6), and banquet facilities are a permitted use in this zone.

While the Bylaw restricts rave events that go past 2:00 am to two locations, City Council indicated that they would consider additional sites if deemed appropriate.

The applicants submission for consideration had to include:

- (1) A Building Code Analysis prepared by a Certified Professional Architect or Engineer to show that the building meets code requirements for assembly use.

This building was built as a Retail complex (Public Market), and code requirements, including exits and washroom facilities are much less onerous than for Assembly use, and the Code Analysis has confirmed this. For example, the number of exit doors provided would allow for a maximum occupant load of 5,311 people, while the main floor area available to use, 4860 square meters, (52,314 sq. ft.) can accommodate 12,150 people, a major problem area. Washrooms to accommodate 5311 people is 18 men and 36 women. The actual available count is 15 men and 14 women. A discrepancy of 25 units. The applicants proposal to provide portable toilets are not acceptable to the City. To limit the occupant load to reflect the existing washroom count would fix the load to 2,900 maximum, which is not in line with applicants proposal, and would be difficult, or impossible to regulate. To further compound the issue is the wish to use a fenced, fully secure outdoor event area off the North side of the building of 4373.53 square meters, which could accommodate a further 10,933 people, and would negate the effective use of the exit facilities along the north face of building, and would require a further 32 men and 36 women washroom facilities, bringing the total additional washroom count to 93 units. An outdoor component to Late night events would be in contravention of the Bylaw and sound regulations.

While the applicant has indicated that portable washrooms would be a temporary solution, for a one off event, and that they would work with Bridgepoint Developments Ltd. to increase the number of permanent washrooms in the venue if the Approved Location application is successful staff believe that the required number of washrooms should be in place before any such approval is granted.

(2) An Acoustical and Sound Measurements Review.

An Acoustical Consultant was engaged and carried out sound measurements both inside the building and around all the property lines outside the building, on Charles Street and 77<sup>th</sup> Avenue in Vancouver, where the report indicated music was inaudible, using a sound system which is considered "typical" for these types of events, and the recordings were conducted between 7 and 10pm in the evening. Without the benefit of an actual event, the report is acceptable.

(3) Parking Plan.

The floor area of the building to be used for event is 4860 square meters, (52,314 sq. ft.), and based on 10 parking stalls per 100 square meters, which is the requirement for assembly occupancy, would require 486 stalls. There are 1077 stalls at this development.

**Bylaw Limitations.**

In addition to the issues related to the designation of the site, Bylaw 7202 has the following provisions which would have to be altered to accommodate a New Year's Eve Event:

The approved locations to hold **late night events** is restricted to two sites

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

Approved dates to hold **late night events** are restricted to a maximum of three a month and may be only held on the first three Saturdays of each month provided 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.

This regulation was to ensure that police and safety services are available.

New Year's Eve falls on a Monday and is outside of the Bylaw restrictions.

**RCMP Comments.**

The Richmond RCMP does not support a large function (rave or otherwise ) at Bridgepoint Market on New Year's Eve. The policing schedule for New Year's Eve is already complete and they are not in a position to add the extra resources this kind of function would require.

Richmond has a very good Bylaw that deals with late night parties, and the RCMP support the Bylaw as it is. Considerable time, effort and consultation with promoters was put into this Bylaw. A rave party at Bridgeport on New Year's Eve does not fall within the guidelines of the Bylaw.

**Financial Impact**

Nil.

**Conclusion**

While the location is a good one in regard to lack of residential in the area, easy access in and out, and ample parking to accommodate patrons, staff believe that there are sufficient problem areas that must be addressed and resolved, i.e. Occupant load, washroom facilities and exits, before any approval for this location should be granted.

1). Staff are recommending that application to have 8811 River Road an approved location for Late Night (Rave) Events be denied.

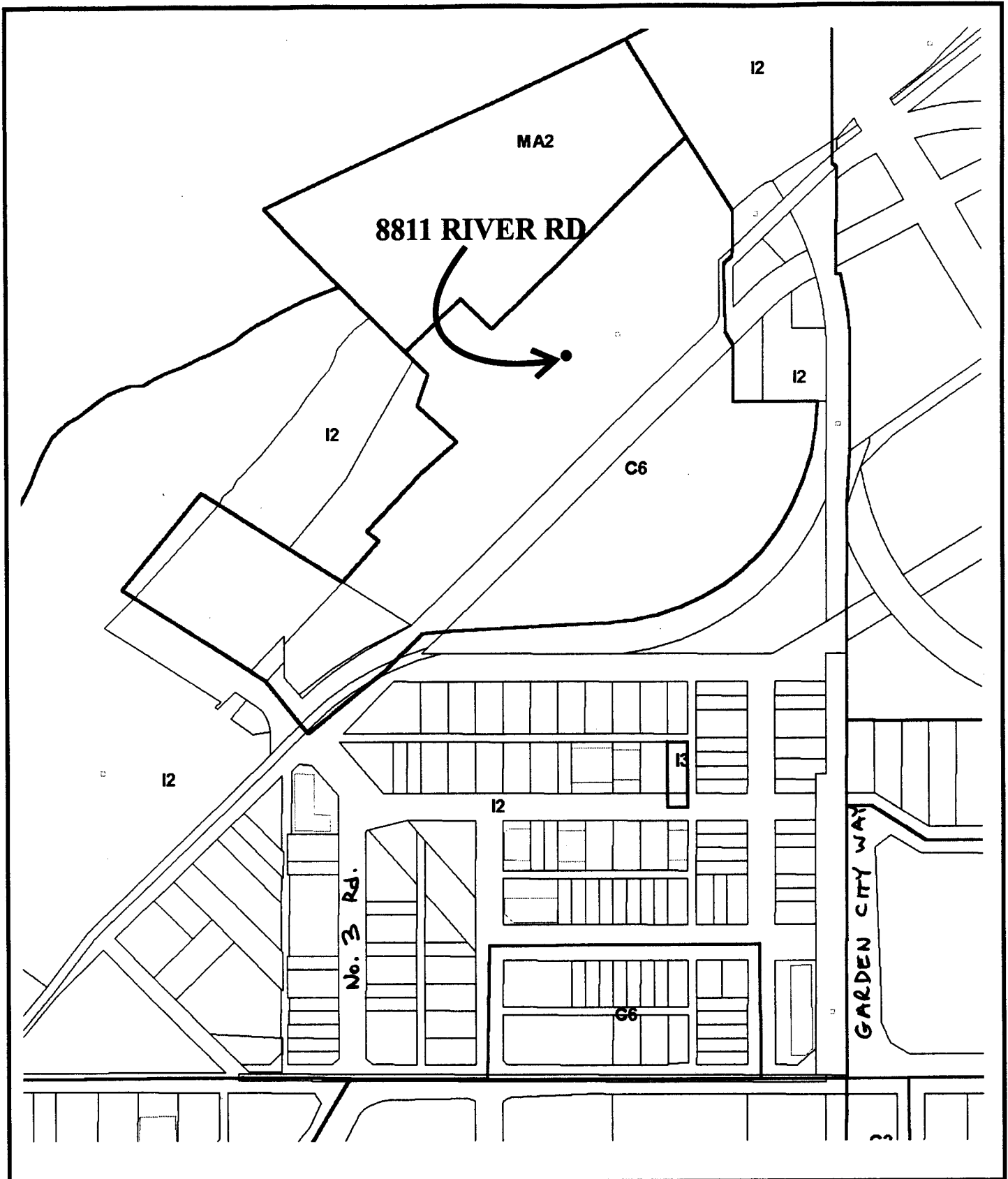
2). When, satisfactory resolution to the problems are resolved, the applicant be advised to make a new application to City Council.



Alan Clark

Manager, Zoning

AJC:ajc



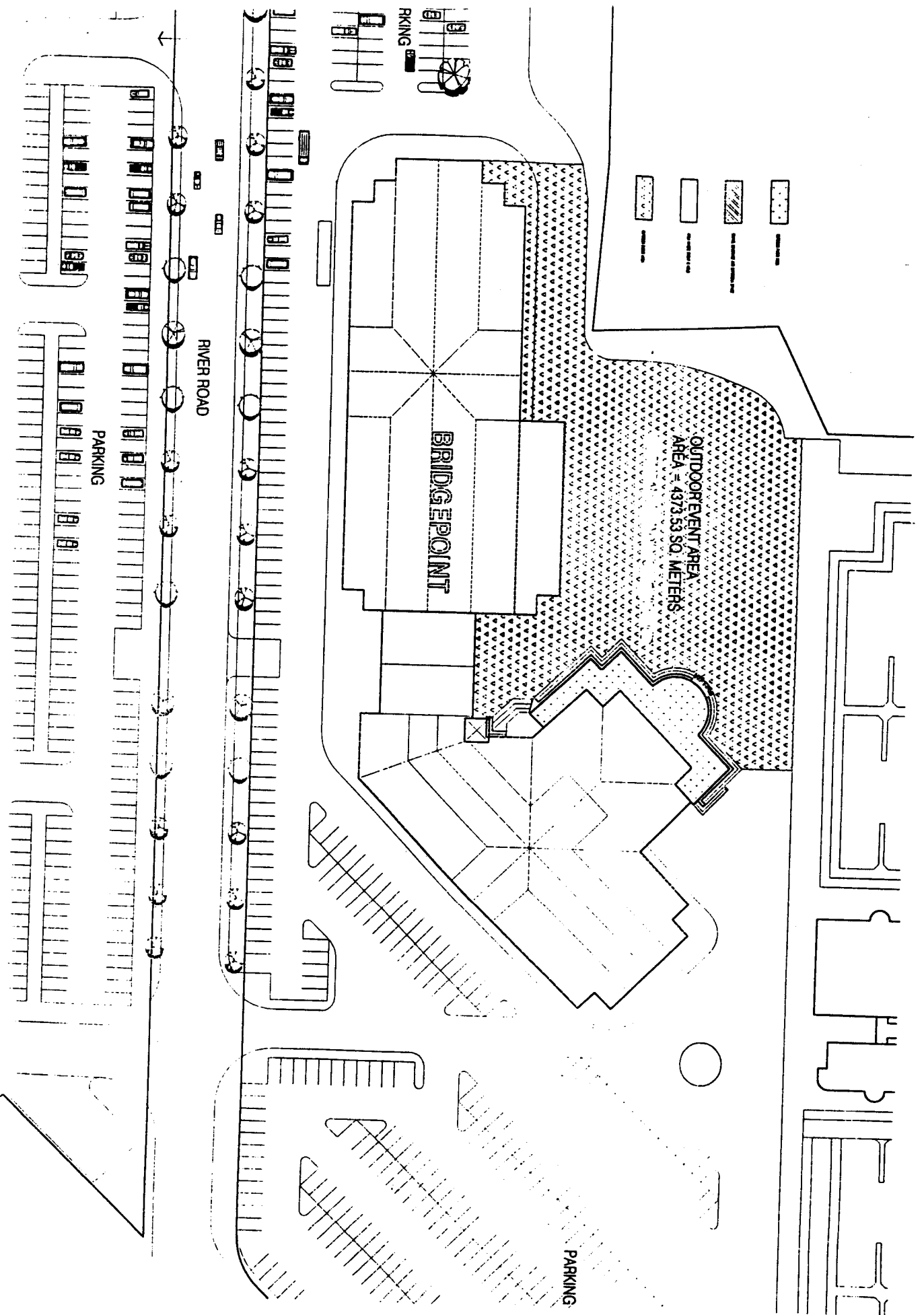
# 8811 River Road

19

Original Date: 11/27/01

Revision Date:

Note: Dimensions are in METRES



CITY OF RICHMOND

**LATE NIGHT EVENT (RAVE) REGULATION  
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 6 weeks 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**, within 14 days of the date of application for the proposed **late night 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 \$5,400 is made at the time of application for a **late night event permit**, for additional police and safety services, provided that this payment will be refunded if the **late night event permit** is not issued;
- (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 a cost to those in attendance; and
- (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 has 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) 4500 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 a month and may be only held on the first three Saturdays of each month provided 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.

2.4.2 Where more than one application for a late night event for the same date is received, such applications will be considered in the order in which they were received.

**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 "Late Night Event (Rave) Regulation Bylaw No. 7202".

FIRST READING

SECOND READING

THIRD READING

ADOPTED

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\_\_\_\_\_

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

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MAYOR

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

Re: General Purposes Committee  
December 3, 2001  
Item 2

**Mayor and Councillors**

**Subject:** FW: BridgePoint / New Years Eve  
**From:** Riel Roussopoulos [mailto:riel@undernet.ca]  
**Sent:** November 29, 2001 2:30 PM  
**To:** mayorandcouncillors@city.richmond.bc.ca  
**Subject:** BridgePoint / New Years Eve Party.

File = 5350-06

The following letter was also sent by fax to city hall

November 29, 2001

City of Richmond

6911 No 3 Road

Richmond, British Columbia

V6Y 2C1

**Attention: Community Services Committee of Council**

Dear Committee Members,

**Bridgepoint**

As you are aware, we have made the following applications to the City of Richmond:

1. application to add Bridgepoint Market to the list of "Approved Locations" under By-Law 7202 Late Night Event (Rave) Regulation (the "By-Law"); and
2. application to hold a New Years Eve event at Bridgepoint Market.

We are writing this letter to the Community Services Committee of Council (the "Committee") as we are unclear on two points. First, what is the position of the City of Richmond with respect to

allowing “raves” to occur in Richmond? Second, who has final approval of our applications – City Council, the City staff or the RCMP. Our request for clarification on both of these points arises primarily as a result of the change in attitude that we have experienced as we have proceeded with our applications. The “open for business” attitude that we first encountered at meetings with Councillor McNulty and with Alan Clark has been followed up with a negative letter from Alan Clark to us dated November 13, 2001 and an unequivocally “no” to the New Years Eve event from the RCMP at our meeting with them on November 23, 2001.

This letter sets out the meeting with the RCMP and ties in the letter from Alan Clark dated November 23, 2001. This will allow us to illustrate why we have these concerns as well as allow us to provide a response to each of the issues raised by the RCMP. Also, we understand that as part of the processing of our applications, amendments to the By-Law are being considered, we would like to take this opportunity to make some suggestions as to the scope of these amendments.

Our goal at the end of the day remains the same, to have both applications approved and to be able to develop a long-term business in the City of Richmond.

A. Meeting with the RCMP

As we stated above, we met with OIC Ward Chapman, Inspector Tanya Enger and Constable Peter Thiessen on the morning of Friday, November 23, 2001. This meeting was the result of David McLellan on Thursday, November 22, 2001 recommending to us that we should meet with the RCMP. This was contrary to advise we have received from Alan Clark at our meeting with him on October 31, 2001. At this meeting, Mr. Clark assured us that we did not need to meet with RCMP as the City of Richmond would contact them directly. Furthermore, we were advised that the City dictated the actions of the RCMP as the “RCMP work for the City”. At the time, we were somewhat surprised by Mr. Clark’s position due to our experience in Vancouver. Prior to the implementation of the Rave Guidelines in Vancouver and the required meeting of the promoter, the necessary City officials and the police, we would contact the Vancouver Police directly to answer any questions they had.

At this meeting we were told that the RCMP would not support our application for a New Years Eve event at Bridgepoint Market. They advised us that they ultimately decide whether an event of this nature would take place. They set out the following reasons for their lack of support:

1. Bridgepoint Market is not an “Approved Location” under the By-Law;
2. Under the By-Law, “raves” are only allowed to occur on the first three Saturdays of each month and not on the weekend of a statutory holiday; and

3. The RCMP did not have the manpower to police such an event.

B. Response to the Concerns of the RCMP and Requests regarding Amending the By-Law

In response to the first issue, we have made a complete application to add Bridgepoint Market as an "Approved Location" under the By-Law. Paragraph 2 of the guidelines "Information for Applicants for New Venues for holding Rave Parties" states that "assuming all the information submitted by the applicant is complete and correct, the process should take less than six weeks" to have a new location approved. The final part of the application submitted on November 16, 2001 made the application complete. As to the application being "correct", we assume that it is correct but, due to the ambiguity of this word, we are not sure how you or we would determine this.

Furthermore both the application to have Bridgepoint Market added as an "Approved Location" and the application to hold a New Years Eve event at Bridgepoint Market should be considered and processed simultaneously. Mr. Clark in his letter to us of November 13, 2001, stated that the application to hold the New Years Eve event at Bridgepoint Market is "premature" and that the application "cannot be processed or considered" "unless and until the venue is acceptable and approved by City Council". Paragraph 7 of the guidelines "Information for Applicants for New Venues for holding Rave Parties" specifically states that both applications can proceed concurrently. Therefore we are puzzled by Mr. Clark's remark and trust that both applications are proceeding concurrently.

In response to the second issue, we pressed Alan Clark on this issue at our meeting on October 31, 2001. We asked him directly whether he foresaw any problems with the restrictions on the nights on which "raves" can be held. He responded that there should be a way around this restriction, particularly in light of the fact that it was New Years Eve. This was not the tone in his letter to us of November 13, 2001 in which he set out three reasons why the New Years Eve event could not proceed under the existing By-law and concluded "New Years Eve does not fit the Bylaw criteria and would require review by the City and the RCMP to see if there are any extenuating circumstances to consider".

We understand that the Committee and City Council will be considering amendments to the By-law as part of our application. We are requesting that the provisions restricting the number and nights that "raves" can be held on be amended. We understand that the limitation to three raves a month was put in place based on two "Approved Locations" both of which are owned by the same entity. We believe that the number of nights should be increased in order to ensure that there is an equitable distribution of nights and the City is not continuing to promote a monopoly.

We are also concerned with the prohibition of raves on the weekends in which there is a statutory holiday. We have a very difficult time understanding how the City of Richmond can claim that they are "open for business" and have a progressive rave by-law, when the by-law prohibits raves on the weekends of the biggest events of the year being New Years Eve, May long weekend, July 1<sup>st</sup>, Labour Day and Halloween (which does not fall on the first three Saturdays of the month). Such a limitation unfairly limits the development of business, which in turn hinders our ability to develop Bridgepoint into an Expo Centre. At our meeting with the RCMP, they made it clear that they did not

want us making a healthy profit from holding raves at BridgePoint. We have difficulty understanding why a legitimate business should be chastised and prohibited from making a profit. We therefore request that the restriction on dates on which raves can be held as set out in the By-law be removed in its entirety or at least remove the restriction as the restriction to the dates on which these events can be held. We understand that the City does not want "raves" every weekend and suggest that an alternative may be to limit the number of raves held each month, but that there be no restriction on the dates on which these events can be held.

In response to the third issue, we are fully aware of the increase demand on the RCMP due to September 11<sup>th</sup> and the gang violence in the City of Richmond. In order to address the concern of the drain on manpower, we have offered both to the City and to the RCMP to pay for any additional RCMP officers that are required to be on duty on New Years Eve due to our event. The RCMP told us that they just do not have the resources to put additional officers on duty. Our frustration arises because the Richmond RCMP told us that they will be providing manpower to the City of Whistler for New Years Eve due to the 107 arrests last year with 7,000 patrons. Our concern is that the City of Richmond is depleting its resources in order to assist another municipality and therefore stifling the operation of business in Richmond. Additionally, while last years New Years Eve event at Whistler generated over 100 arrests, there were no arrests at last years New Years Eve event at the Plaza of Nations where there were over 4,000 patrons. We question why our application to host a New Years Eve event at Bridgepoint market is being sited as a threat to public safety and not Whistlers event.

The issue of insufficient police or safety services is specifically set out in the By-law as a reason for not issuing a permit for a "rave". We would like to raise two issues regarding this. First, as we have stated, we believe that this should not be considered if the promoter is willing to pay for the additional policing services that are required for the event in question. Second, we question the need for an "armed" presence (which is the phrase that was used by the RCMP at our meeting on November 23, 2001) at an event. To our knowledge, the police have never been called out to a situation that security was not able to handle at any of the "legal" events in Richmond or the rest of the lower mainland. The RCMP said themselves that they are not "security guards", we submit that they shouldn't need to be as long as the security company that has been hired by the promoter is bonded and has a good reputation and history with the police and there is a sufficient guard to patron ratio. We therefore would like this section of the By-law amended to provide that if the promoter engages sufficient safety services, the ability of the City to not issue a permit because of insufficient police or safety services cannot be relied upon.

#### C. Additional Concerns of the RCMP and Lack of Communication

One of the biggest issues that was discussed at our meeting with the RCMP is the fact that we did not meet with the RCMP initially when we were in discussions with the City and Mr. Clark about holding a New Years Eve event. Furthermore, the RCMP claimed that they had no information on who we were or the event application. We explained that we had been told by Mr. Clark that we did not need to meet with the RCMP. Also, the letter from Mr. Clark to us dated November 13, 2001 stated that "in anticipation that the outstanding information will be received by the City within the next couple of days, I have forwarded the necessary information to the RCMP so that the background check process can commence". This had still not been done at the time of our meeting.

Inspector Enger advised us that she had told Alan Clark at least 10 days prior to our meeting with the RCMP that the RCMP would not be supporting this application. Alan Clark did not inform us of the RCMP's position in his letter of November 13, 2001 and has to date not followed up with us to advise us of the RCMP's position. Since the date that Mr. Clark was aware of this position, the Company has incurred over \$40,000 in pre-production costs. If Mr. Clark had advised us of the RCMP's position when he first became aware of it, which we would expect he would do, the amount of costs incurred may have been greatly reduced as we considered our ability to overcome this obstacle.

In closing, we hope that these issues can be clarified. We would be please to assist the Committee and Staff of the City of Richmond in any way possible to ensure that these applications are processed in an expedient and positive manner.

Yours truly,

Foraver Entertainment

Lewis Neilson

Riel Roussopoulos

cc: Mayor and City Councillors

Mr. David McLellan