



To: Planning Committee **Date:** April 13, 2010
From: Brian J. Jackson **File:** TU 09-506137
 Director of Development
Re: **Application by Lions Communications Incorporated for a Temporary Commercial Use Permit Renewal at 12631 Vulcan Way for 2010 and 2011**

Staff Recommendation

1. That the application of Lions Communications Incorporated for a Temporary Commercial Use Permit renewal for the property at 12631 Vulcan Way be considered at the May 17, 2010 Public Hearing at 7:00 pm to be held in the Council Chambers of Richmond City Hall, and that the following recommendation be forwarded to that meeting for consideration:

“That a Temporary Commercial Use Permit renewal be issued to Lions Communications Incorporated for the property at 12631 Vulcan Way for the purposes of permitting an evening market event between May 21, 2010 to October 10, 2010 inclusive and May 13, 2011 to October 9, 2011 inclusive based on the conditions and requirements outlined in the Temporary Commercial Use Permit and attached Schedules.”

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 Knight Street to the east.

Brian Jackson
 Brian J. Jackson, MCIP
 Director of Development

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FOR ORIGINATING DEPARTMENT USE ONLY		
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Business Licences	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	<i>pe Enes</i>
Community Bylaws	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	
Law	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	
Building Approvals	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	
Transportation.....	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	
Richmond Fire Rescue	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	
RCMP	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	

Staff Report

Origin

Paul Cheung (on behalf of Lions Communications Incorporated) has applied to the City of Richmond for a Temporary Commercial Use Permit (TCUP) renewal at 12631 Vulcan Way (**Attachment 1**) for the purposes of operating an evening market event during specified periods for 2010 and 2011.

The subject TCUP proposal is to renew and enable the evening market event to operate for an additional two (2) year period for 2010 and 2011.

Event Dates & Hours of Operation

	Opening and Closing Dates	Days of Operation	Hours of Operation
2010	May 21 to October 10	<ul style="list-style-type: none"> • Friday, Saturday, Sunday and Statutory Holidays • 67 operation days proposed 	<ul style="list-style-type: none"> • May, September and October <ul style="list-style-type: none"> ○ 7pm-12am: Friday Saturday and Sunday (preceding Statutory Holiday). ○ 7pm-11pm: Sunday and Statutory Holidays. • June, July and August (Peak Season) <ul style="list-style-type: none"> ○ 7pm-1am: Friday, Saturday, Sunday (preceding a Statutory Holiday) and July 1, 2010 (Thursday). ○ 7pm-12am: Sunday and Statutory Holidays
2011	May 13 to October 9	<ul style="list-style-type: none"> • Friday, Saturday, Sunday and Statutory Holidays • June 30, 2011 (Canada Day Long Weekend) • 70 operation days proposed 	<ul style="list-style-type: none"> • May, September and October <ul style="list-style-type: none"> ○ 7pm-12am: Friday Saturday and Sunday (preceding Statutory Holiday). ○ 7pm-11pm: Sunday and Statutory Holidays. • June, July and August (Peak Season) <ul style="list-style-type: none"> ○ 7pm-1am: Friday, Saturday, Sunday (preceding a Statutory Holiday) and June 30, 2011 (Thursday). ○ 7pm-12am: Sunday and Statutory Holidays

Revisions from 2008 and 2009

There are some minor changes to the dates and hours of operation proposed for the 2010 and 2011 event when compared to the 2008 and 2009 event. Specifically, the changes are as follows:

- During the peak season months of June, July and August - Extend the hours of operation for the event by 1 hour from midnight to 1:00 am for event dates that fall on Friday, Saturday and Sunday (preceding a Statutory holiday). Regular event hours would resume

for the months of May, September and October (Friday and Saturday: 7:00 pm-12:00 am; Sunday and Statutory Holiday: 7:00 pm-11:00pm). A summary of the days and hours of operation for 2010 & 2011 is contained in **Schedule 'C'** attached to the permit.

- The event organizer proposes to allow the evening market event to operate into the second weekend in October in the event that bad weather forces cancellation of the event earlier in the season. If the organizer does not need to utilize bad weather contingency days, the event will likely close in mid to late September for 2010 and 2011. The TCUP renewal enables the operator to hold the event into October for both years should they encounter poor weather during the summer months.

Where appropriate, the terms and conditions (relating to required staffing and amount of bonding) of the Temporary Commercial Use Permit renewal application have been changed, with revisions communicated to the proponent. City staff have no objections to the extension of the evening market event hours as it does not pose any operational challenges and all related City issues and costs (RCMP and City staffing) have been addressed.

Event Configuration and Operations

The evening market event is proposed to be configured as follows:

- 194 retail vendor booths.
- 61 food vendor booths.
- The retail vendor booths are clustered into columns (oriented north-south) with the number of booths ranging from 6 to 14 per column. Space in between columns enables pedestrian movement through the retail area.
- Food vendor stalls are arranged into 3 rows (oriented east-west). The location of food vendor stalls corresponds with the location of existing sanitary and water services required by the vendors (water, wash basins and sinks, sanitary sewer drainage).
- Event entertainment and activities will also occur in the market area with a stage situated at the north edge of the site.
- Washroom facilities will be provided by a dedicated washroom trailer and portable toilets located on-site. A first aid tent is also located in the market area next to the proposed stage.
- The remaining paved areas of the subject site will be utilized for off-street parking and vehicle/pedestrian circulation.
- All existing warehouse buildings will not be permitted to be utilized for the market event and access will be restricted with fencing.
- Vehicle entrance to the event site is from the north along River Road. The exit is located at the south end of the site at Vulcan Way. One-way vehicle flow (enter from River Road, exit from Vulcan Way) is required to facilitate operation of the Traffic Control and Parking Management Plan.
- The main drive-aisle through the development site is also the main means to gain access to the site and event market area for emergency services vehicles. This drive-aisle must remain clear at all times.
- A market and event site plan is contained in **Attachment 2**.

Event organizers will have the following dedicated staff in a variety of positions to facilitate operation of the event:

- Event administration and marketing.
- Event coordination staff.
- Dedicated security staff.
- Janitorial staff.
- Parking lot attendants.
- Dedicated and certified Traffic Control Persons responsible for the operation of the Traffic Control and Parking Management Plan.
- Certified First Aid staff.

Subject Site Background

The subject property at 12631 Vulcan Way was the location of the evening market event operated by Lions Communications Incorporated in 2008 and 2009. Previously, a different event operator (Raymond Cheung – Target Event Productions) obtained the appropriate land use permits and operated an evening market event from 2004 to 2007 on the subject site.

Findings Of Fact

Item	Existing	Proposed
Owner	3547 Holdings Ltd. Ko Ming Chong	No change. Applicant has secured authorization from the property owner to apply for the temporary use.
Applicant	Lions Communications Incorporated (Paul Cheung)	No change
Site Size	5.2 ha (12.8 acres)	No change
Land Uses	Industrial Warehouse Paved area for off-street parking	Evening market within the outdoor industrial yard with accompanying off-street parking.
OCP Designation - General	Business & Industry	No change. Temporary Commercial uses can be considered under this designation.
Bridgeport Area Plan Designation	Industrial	No change.
Zoning	Light Industrial District (I2)	No change.

Surrounding Development

To the north	River Road, the dyke and North Arm of the Fraser River.
To the east	A recently constructed light industrial complex
To the south	Vulcan Way and the rail right-of-way. Light industrial/commercial buildings (i.e., Home Depot) are located further south, close to Bridgeport Road.
To the west	Light industrial buildings accessed by Vauxhall Place.

Related Policies & Studies

Local Government Act

The Local Government Act grants municipalities the ability to:

- Designate areas where temporary commercial or industrial uses may be considered through either an Official Community Plan or Zoning Bylaw;
- Issue temporary use permits through Council resolution; and
- Specify specific terms and conditions to be undertaken and/or satisfied through the temporary commercial and industrial permit.

Local Government Act provisions allows for municipalities to issue TCUP for up to two (2) years with the ability to renew the permit for an additional 2 years. The application to renew the TCUP at 12631 Vulcan Way for two (2) additional years complies with the provisions of the Local Government Act.

The City's Temporary Commercial and Industrial Use Permit Bylaw (7273) regulates the processing of renewal applications for temporary uses and requires review by City staff, consideration of the application by Committee and Council and referral of the application to a Public Hearing.

Official Community Plan (OCP)

Schedule 1 of the City's OCP states the following:

"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."

The subject site at 12631 Vulcan Way is designated for "Business and Industry" in the Generalized Land Use map of the OCP. Based on the regulations contained in the Local Government Act and the City's OCP, a Temporary Commercial Use Permit can be considered on the subject property to permit a seasonal, evening market event during specified times and under certain parameters and conditions.

Analysis

Traffic Management Plan

The Traffic Management Plan (TMP) contains requirements for off-street parking and provides a plan to address traffic control to and from the subject site when the event is in operation (**Attachment 3**). The TMP is similar to the plan implemented for the event in 2008 and 2009.

Based on feedback from Transportation Division staff, the TMP for 2008 and 2009 functioned well with minimal concerns or issues having to be addressed by staff. The TMP is divided into sections on off-street parking, a Traffic Management Plan and operations and logistics.

Off-Street Parking

To address the volume of people that will attend the event and based on experience with previous events at this location, a minimum of 1,000 off-street parking stalls are required to be dedicated solely for the evening market event. 1,126 of dedicated off-street parking stalls has been confirmed by the event organizer and is summarized as follows:

- 12631 Vulcan Way (Evening market event site) – 476 stalls
- 12591 Vulcan Way (Stolberg Engineering) – 50 stalls
- 2700 Sweden Way (Home Depot) – 200 stalls
- 2633 Sweden Way (Sears) – 200 stalls
- 12551 Bridgeport Road (former Linens N' Things) – 200 stalls

The proponent has submitted the appropriate letters/written agreements from the property owners of the off-street parking sites to confirm that the dates, time and arrangements for availability of parking that correspond with the event details. The letters and agreements have been reviewed by staff and are acceptable.

Traffic Management Plan

The Traffic Management Plan (TMP) addresses the routing of vehicles to and from the subject site, which was reviewed and approved by the City's Transportation Division (refer to **Attachment 3**). The TMP contains details on vehicle routing for entry to the subject property (via River Road) and exiting (via Vulcan Way). The TMP also contains details on the placement of certified Traffic Control Persons necessary for the implementation and operations of the plan. The TMP also includes information on event signage, entrance barricades and other items related to traffic operations for the event.

Operations and Logistics

Implementation of the TMP must be undertaken by a professional traffic control company with the appropriate trained and certified staff to operate the TMP. A requirement of the TMP is for the event organizers to hire the appropriate company to implement and operate the plan for all evenings the event is to be in operation. A minimum of five (5) certified Traffic Control Persons and 1 Traffic Control Supervisor are required to run and operate the plan as identified in **Attachment 3** attached to the Temporary Commercial Use Permit. The event organizers have indicated they have retained the services of a professional traffic control company to operate the TMP.

Emergency Services Access

To ensure direct access for emergency vehicles to the site and market event area, a drive aisle (to remain fully accessible and unencumbered) is required throughout the entire subject property linking the north access from River Road to the exit at Vulcan Way. This arrangement will facilitate direct access for emergency vehicles to gain entry to the site or market area should the need arise

RCMP and Community Bylaws Staffing

Based on the large number of people attending an event of this nature, RCMP members and Community Bylaws staff are dedicated resources required solely for the purposes of the evening market event. RCMP members and Community Bylaws staff will attend the event on a nightly basis in order to provide a police presence and ensure community safety. The proponents of the evening market event are responsible for the costs related to City and RCMP member staffing. A security bond (or acceptable letter of credit) must be provided and accepted by the City prior to the consideration of the Temporary Commercial Use Permit renewal application at Public Hearing (May 17, 2010) and prior to April 18, 2011 to cover City and policing related costs of the event.

RCMP

A minimum of two (2) RCMP members are required to be present at all times during the hours of operation of the evening market event. The role of the RCMP members will be to provide a continuous police presence at the event, oversee crowds/event attendees, monitor the operations of the TMP and intervene should the need arise. The event organizer is responsible for providing separate, dedicated on-site security personnel as part of the operations of the event. They have liaised with a professional security company to provide appropriately trained staff.

RCMP members are not responsible for the operation of the TMP, unless the RCMP members deem it necessary to do so. The event organizers are required to hire a professional traffic control company to implement the TMP, with RCMP members overseeing the general operations. The event organizers are responsible for the costs of the required two (2) RCMP members.

In recent years, issues of illegal product counterfeiting activities occurring at similar market events has been raised by a variety of groups involved in intellectual property rights protection and the RCMP commercial crimes unit. Based on these concerns, the proponent will be required to provide dedicated funding that can be drawn upon by the RCMP commercial crimes unit to undertake monitoring and enforcement at the event.

A summary of RCMP costs is contained in the "Financial Impact" section of this report.

Community Bylaws

Community Bylaw Enforcement Officers are required for the purposes of monitoring on-street parking and related City roadway regulations in and around the evening market event site and ensure that appropriate safety regulations are complied with and addressed immediately (i.e., blocking fire access routes; parking in front of hydrants; blocking access to properties in the surrounding area). Based on previous experience with Community Bylaw patrols in the area, it is recommended that for each day the event is in operation, six (6) hours of patrol by Community Bylaw Enforcement Officers dedicated to the evening market event be required. The event organizers are responsible for the costs of the required Community Bylaw Enforcement Officers.

A summary of the Community Bylaws costs is contained in the "Financial Impact" section of this report.

Public Correspondence Received as part of the TCUP Renewal Application

No written public correspondence has been received as part of the processing of the TCUP renewal application. However, in January 2009, a letter from Eagle Ridge Enterprises (Wayne Grafton) was submitted to Mayor and Council highlighting the expenses incurred (hiring security) for the site at the southeast corner of No. 5 Road and River Road. A copy of the letter is contained in **Attachment 4**. City staff responded to the written letter (copy of response is contained in **Attachment 5**). A map showing the location of the impacted property at No. 5 Road and River Road (2088 No. 5 Road) is contained in **Attachment 6**.

Based on the letter from Eagle Ridge Enterprises, a dispute has arisen between the event organizers and an impacted property owner. The dispute surrounding the payment of costs for expenses incurred (for private security) by a property owner is a civil matter, which cannot be resolved or dealt with directly through the processing of the TCUP renewal application. In addition to the specific initiatives proposed by the event organizer to help address concerns for the property at No. 5 Road and Bridgeport Road, staff have encourage the proponent to continue to communicate and work with the concerned property owner to find solutions that work for both parties.

Through the processing of the TCUP renewal application, the concerns raised by the above property owner at 2088 No. 5 Road were discussed with the applicant. As a result of these previous concerns, the event organizer has prepared a comprehensive strategy to address issues pertaining to:

- Traffic management provisions.
- Appropriate signage.
- Scheduled janitorial services (litter and garbage removal).
- Scheduled security patrols.
- **Attachment 7** contains the detailed strategy proposed by the event proponent.

Event Organizer Consultation with Surrounding Businesses

Consultation with surrounding business operators and property owners in the area bounded by Knight Street, Bridgeport Road, No. 5 Road and River Road was been undertaken by the proponent from May to December of 2009. The event organizer has indicated that they have responded to the common concerns noted by surrounding businesses as follows:

- Access to businesses: The proponent has implemented a parking/access pass program whereby passes are distributed to businesses in the surrounding area available to employees and customers of the business to facilitate ease of access during event operations. This parking/access pass program has been implemented in previous years with successful results. Posted signage to notify of business vehicle access and parking only for employees and customers will also be implemented around the market site.
- Garbage and Litter: The proponent has hired dedicated janitorial staff for the event to deal with garbage and litter removal in the area bounded by Knight Street bridge, Bridgeport Road, No. 5 Road and River Road. Litter removal will occur on a scheduled basis (every half hour) during the event operation with a final garbage sweep being conducted at the end of each night. The applicant also proposes to place large garbage cans in strategic areas within a 400 m radius of the market site. These bins will be distributed and collected at the beginning and end of each evening of operation.

- The event organizer has also committed to continued consultation with neighbouring properties to respond to specific issues or problems brought up by nearby businesses.

Product Counterfeiting

Previous concerns have been identified by the RCMP and other national and international groups (Canadian Anti-Counterfeiting Network; IPSA) about illegal commercial activities that have commonly been associated with similar retail market events across the Lower Mainland. The proponent has indicated that in 2008 and 2009, they have worked closely with the RCMP Commercial Crime Unit and representatives from anti-counterfeiting groups to prevent this illegal activity from occurring at their event. They have worked with RCMP and anti-counterfeiting groups to train their staff and vendors to spot illegal goods. Clauses and fines have been included in contracts between the event organizer and vendors to deter this illegal activity. The event organizer has noted that monitoring by staff and working with RCMP and anti-counterfeiting groups will continue for the market event proposed for 2010 and 2011. In addition, the proponent will be required to allocate a certain amount of funds in the required bond attached to the Temporary Commercial Use Permit renewal that can be drawn upon by the RCMP Commercial Crime Unit to dedicate resources, undertake inspections and investigate to deter and prevent illegal activities from occurring at the event.

Notification and Public Hearing

Statutory notification (through mail and local papers) is required for this Temporary Commercial Use Permit renewal application prior to Public Hearing. As in previous years, staff recommend that the mailed notification area be expanded to include all properties within the area bounded by Knight Street bridge, Bridgeport Road, No. 5 Road and River Road.

Additional Permit and License Requirements

Building Permit

In 2008, the proponent obtained appropriate building permits for any structures associated with the event (i.e., washroom trailer, stage). Appropriate plumbing permits were also required to adequately service the site with water and sanitary (for the purposes of the food vendor operations).

Currently, the existing servicing works remain installed on the subject site. For the upcoming market event in 2010 and 2011, the following permits will be required:

- Submission and issuance of the appropriate building permits to address all buildings and structures to be located on the site (i.e., portable trailers, new stage assembly).
- Submission and issuance of the appropriate plumbing permits to facilitate connection to existing water and sanitary works installed on the subject site.

Council approval of the application to renew the TCUP is required prior to the issuance of any building permits for the event. Completion and inspection of the works associated with the building and plumbing permits are required prior to issuance of any Business Licenses from the City or food vendor permits from Richmond Health Services.

Business Licensing

Each vendor to operate at the evening market event is required to apply for and obtain the appropriate Business License to operate at the event. All conditions, requirements and fee payment to be completed as part of the Business License application must be addressed as part of the processing of a Business License application. Event organizers are also required to obtain the appropriate Business License for the purpose of operating the evening market event. Based on the proposed renewal, approximately 260 business license applications will be required to be submitted and issued for the event operator and all retail and food vendor booths

Richmond Health Services

Any vendor involved in the selling and/or handling of food and beverages at the evening market event is required to obtain the appropriate permits from Richmond Health Services (RHS). As a result, in addition to a Business License application, each food/refreshment booth vendor is required to obtain the appropriate permits from RHS.

RHS has an application and inspection process to ensure compliance with food safety, sanitation and food handling requirements. RHS staff have noted that some of the requirements associated with permitting of the food vendors is reliant on issues to be addressed through the Building Permit (i.e., water services and approved plumbing and wash basins). As such, staff have directed the event organizers to liaise with RHS to identify requirements and expectations to vendors and work with Building Approvals staff throughout the processing of the Temporary Commercial Use Permit renewal application.

Proposed Evening Market Event in New Westminster

The City of New Westminster has notified the City of Richmond of a Temporary Commercial Use Permit they are processing for a similar evening market event proposed to be located in Queensborough (Starlight Casino Parking Lot). The event is proposed from mid-May to early October on Friday, Saturday, Sunday, and Statutory Holiday evenings for 2010 and 2011. The proposed operator of the event in New Westminster is Target Event Productions, which organized similar events in Richmond at multiple locations from the late 1990's up until 2007.

The TCUP for New Westminster is scheduled to proceed to a Council meeting on April 19, 2010, where New Westminster City Council will consider the proposal. If both New Westminster and Richmond approve and issue the appropriate TCUP, two evening market events in the Lower Mainland will be permitted to operate for 2010 and 2011.

Federal Court Ruling (Target Event Productions vs. Lions Communications)Federal Court Ruling – January 11, 2010

A Federal Court Ruling was made on January 11, 2010 in regards to a legal dispute between Target Event Productions Limited (referenced as ‘Target’) and Lions Communications Inc. (referenced as Lions). Of particular relevance to the TCUP renewal application was the judgement, an excerpt of which is follows:

“THIS COURT ALSO DECLARES that copyright subsists in Target’s Market Site Plan and that copyright was infringed in 2008 on the Vulcan Way Property with the construction of Lions’ Market.

THIS COURT HEREBY ENJOINS the Defendants from further infringing the Plaintiff’s copyright in Target’s Market Site Plan by operating a market which is a substantial reproduction of Target’s Market Site Plan. For greater clarity, I note that such infringement may be avoided in a variety of ways including but not limited to:

- Lions’ purchase of Target’s Market Site Plan;
- **Lions’ redesign of the Lions’ Market so that it is no longer a substantial reproduction** (emphasis ours);
- Lions closure of the Lions’ Market.”

Response by Lions Communications Inc. (Applicant for 2010 & 2011 TCUP Renewal)

In response to the Federal Court Ruling and requirement for a market event plan and overall site plan as part of the processing of the TCUP renewal, the applicant provided a revised market event plan (showing the location and configuration of vendor booths) and overall site layout (showing configuration parking stalls, drive aisles and other relevant components). A summary of the changes of the revised plan, in comparison to past market event site plans submitted by Target and Lions, is as follows (a copy of the revised market event and overall site plan is contained in **Attachment 2**):

- Retail vendor booths have moved into approximately 14 separate north-south running columns with 12 to 14 booths per column (the original layout consisted of approximately 5 rows running east-west along the entire length of the market event area).
- As a result of the reorganization of retail booths, aisles sizes and widths have changed throughout the site.
- The stage has been relocated from the west side of the market event area to the north side adjacent to the River Road property line. The first aid tent has also been relocated next to the stage.
- The revised market event site plan also adds:
 - A new seating area corresponding with a location close to the food vendor booths and within view of the stage.
 - An entry gate superstructure to the market event area.
 - Fence with appropriate screening between the food and retail vendor areas.

In conjunction with the number of revisions highlighted above, there are also a number of similarities when examined in conjunction with previous site plans. A summary explanation of similarities is as follows:

- Layout and configuration of food vendor booths. This is due to the location of existing water and sanitary services installed on the subject site, which each food vendor requires access to.
- The total number of overall vendors (retail and food) remains the same based on the event organizer's plans for the size of the market event.
- Location of washrooms and administration areas remain the same due to the peripheral location and close proximity to the market area.
- Fencing around the existing warehouse building and market area remains similar, as this is a requirement of the City.
- The surrounding off-street parking area and drive-aisles on the subject property are based on the existing layout of parking stalls and City requirements to have a one-way unencumbered drive-aisle through the site.
- The overall site plan that covers areas beyond the market event area (vehicle entrance/exit; off-street parking and drive-aisle configuration and fencing) remains similar to previous site plans submitted for events on this site due to:
 - Existing vehicle entrance/exit points to the property.
 - Configuration of off-street parking stalls and drive-aisles to yield the maximum number of stalls, while maintaining functional circulation.
 - City requirements to maintain an unencumbered, direct vehicle access through the site for emergency purposes.
 - City requirements to implement perimeter fencing around the site and existing warehouse building for safety purposes.

Staff Analysis of Revised Market Event and Overall Site Plan

Based on the review of the new submitted market event site plan, there are a number of significant changes to the plan, mostly in the layout of the retail booths, relocation of the stage and other minor supporting uses. Any similarities can be attributed to existing site constraints (location of services necessary for the food vendors), City requirements and the overall objective of designing a market event site plan that functionally addresses a variety of logistical challenges associated with events of this nature.

Potential Legal Issues

The principal legal question is whether the revised market site plan is considered to be enough of a redesign so that it is no longer a 'substantial reproduction' of Target's Market Site Plan and therefore not within the ambit of the injunction or protected by the Copyright. While the Court invited the Applicant to avoid further infringement by "redesign" of the market, what is not clear is the extent of the "redesign" required.

Legally, the most prudent course would be to wait for the Appeal, for the injunction to be lifted or direction from the court; however, the time-line for each Court application would likely not accommodate an evening market for this summer. This being the case, in addition to requiring a substantial change to the site plan, City staff have:

- Requested and received a legal opinion from legal counsel for Lions Communications confirming that the architect has revised the market site plan so that it would not be a substantial reproduction of Target’s Market Site Plan and that all reasonable efforts have been made to comply with the court injunction.
- Confirmed that a corporate and personal indemnification of the City by Lions Communications and its principal will be provided, including a letter of credit to cover potential City legal costs. The indemnity agreement(s) and letter of credit are required to be submitted and approved prior to the TCUP proceeding to Public Hearing on May 17, 2010.

Legal counsel for Target Event Productions has also submitted a letter to inform the City of the Federal Court ruling and injunction pertaining to Target’s Market Site Plan. Among other things, the letter asks the City to “ensure that it is not abetting any breach by Lions . . . of the terms of the injunction.”

As a result of the submission of the revised market event and overall site plan and additional legal materials submitted by the applicant, appropriate measures have been undertaken to comply with the Federal Court injunction. On this basis, staff are forwarding the TCUP renewal application to Council for consideration.

Financial Impact

Cost Recovery – RCMP and Community Bylaws Staffing

The evening market event is a privately operated event open to the general public. Due to the significant popularity of similar events from previous years, it was recognized that continued presence from RCMP members and various staff from other City Divisions was required. Costs of RCMP members and other City staff resources dedicated to the event would be paid by the event organizer. This enables existing service levels for policing and community bylaws enforcement to remain unchanged. Enforcement would be maintained throughout the City. As a result, a cost recovery approach is taken in regards to City staff and resources involved in the evening market event.

Bond Security Requirements

Based on the requirements of staffing identified by the RCMP and Community Bylaws as well as City related costs (generating and posting event directional signage and periodic attendance by Transportation Division staff to monitor implementation of the TMP), a detailed review of anticipated City costs has been undertaken for the event as proposed in 2010 and 2011. A breakdown of the cost is as follows:

- RCMP – 2 members assigned to the event during all hours of operation at the applicable overtime rate (commute time to and from the event is included).
- Community Bylaws – 6 hours (based on the applicable overtime rate) of dedicated patrol by Community Bylaw Enforcement Officers for each evening the event is in operation.
- Periodic attendance by Transportation Division staff to monitor implementation of the TMP by the hired professional traffic control company.
- Posting and take-down of event directional signage by City staff.
- 2010 - 67 days of operation.
- 2011 - 70 days of operation.

Based on this analysis, the required bond amount is as follows:

- 2010 - \$177,000
- 2011 - \$188,000

Reasons for the difference in the two requested bond amounts between 2010 & 2011 are:

- 3 additional days of operation for 2011.
- Anticipated increases in hourly wages for City staff and RCMP members based on existing collective agreements.

Bond Submission Requirements

The procedure bylaw for Council consideration of Temporary Commercial Use Permits, as outlined in Bylaw 7273 (Development Permit, Development Variance Permit and Temporary Commercial and Industrial Use Permit Procedure), requires that the bond/securities be submitted prior to Council consideration of the application at Public Hearing. As a result, the following bond/securities submission deadlines apply:

- For 2010 - \$177,000 must be submitted prior to May 14, 2010.
- For 2011 - \$188,000 must be submitted prior to April 18, 2011.

Conclusion

The application to renew Temporary Commercial Use Permit for the purposes of hosting an evening market event during specified dates between May and October for 2010 and 2011 has addressed all issues associated with the operation of such an event. If the operator is granted approval of the Temporary Commercial Use Permit renewal, additional City Building Permits, Business Licenses and Richmond Health Services Food Vendor Permits will be required from the event organizer and all individual vendors. Staff recommend that the Temporary Commercial Use Permit renewal application at 12631 Vulcan Way be approved.



Kevin Eng
Planner 1

KE:rg

Prior to the Temporary Commercial Use Permit proceeding to Public Hearing, the following conditions must be completed to the satisfaction of City staff:

- Submission of an appropriately formatted letter of credit in the amount of \$177,000 to cover City operational, staffing and resource costs associated with the proposed evening market event.
- Completion of the appropriate corporate and personal indemnification of the City to be provided by Lions Communication Inc. (and its principal).
- Submission of an appropriately formatted letter of credit to cover potential legal costs incurred by the City.

Attachment 1 – Location Map

Attachment 2 – Market Event and Overall Site Plan

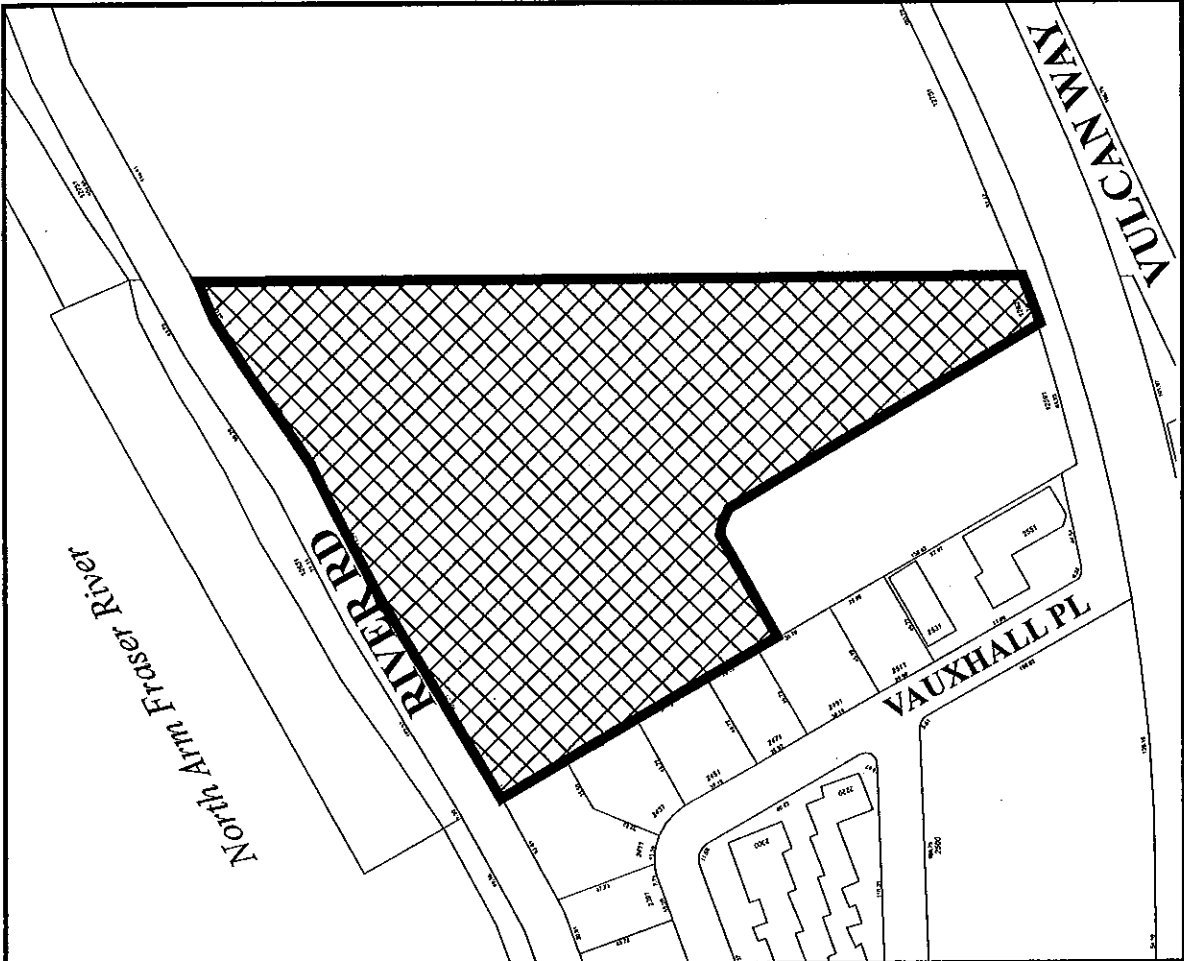
Attachment 3 – Traffic Management Plan

Attachment 4 – Letter from Eagle Ridge Enterprises (Wayne Grafton)

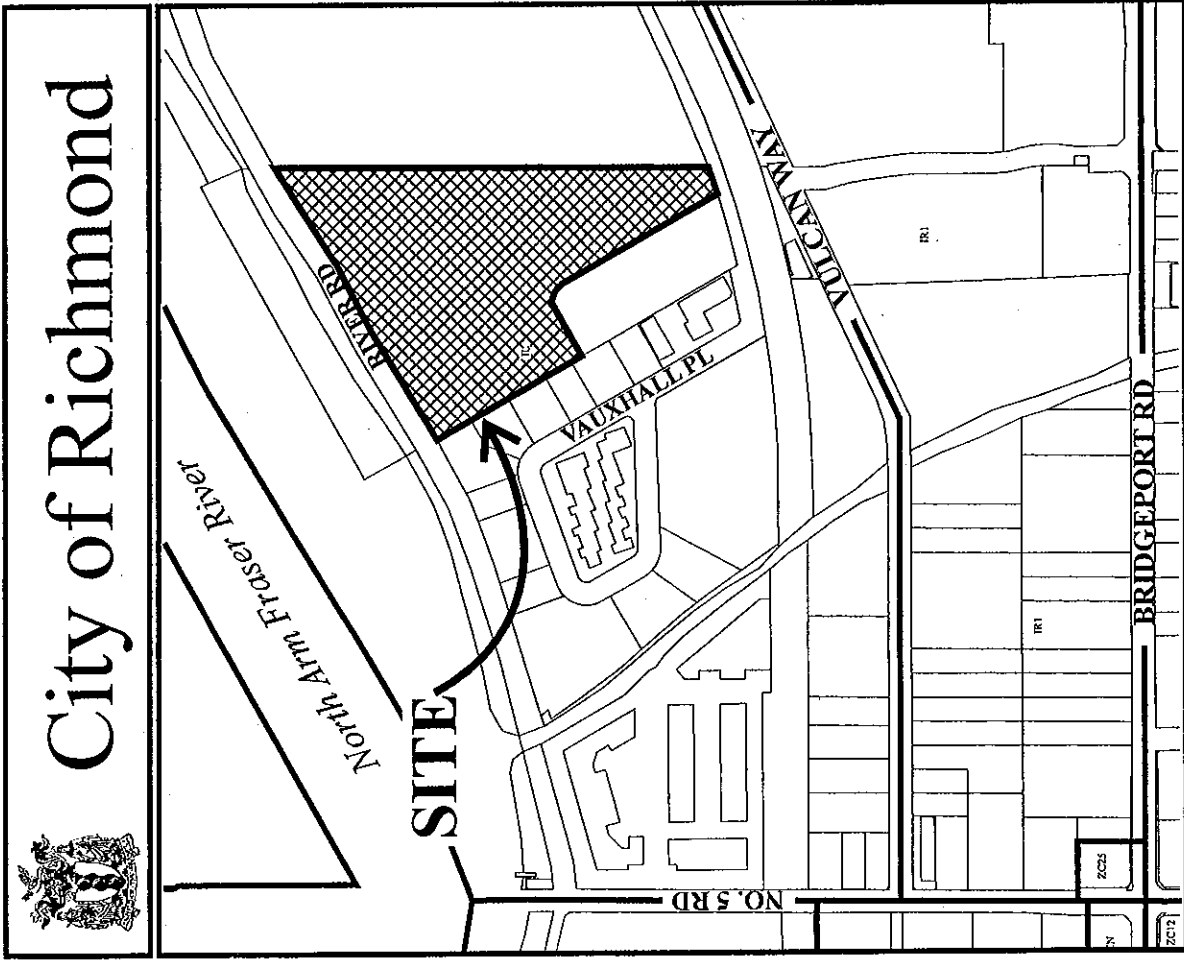
Attachment 5 – Letter Response from City staff

Attachment 6 – Location Map for Property at No. 5 Road and River Road (2088 No. 5 Road)

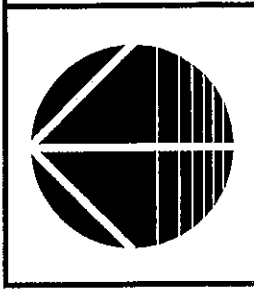
Attachment 7 – Property Mitigation Measures and Strategy Proposed by Event Organizer



Original Date: 03/04/10
 Revision Date: 03/31/10
 Note: Dimensions are in METRES

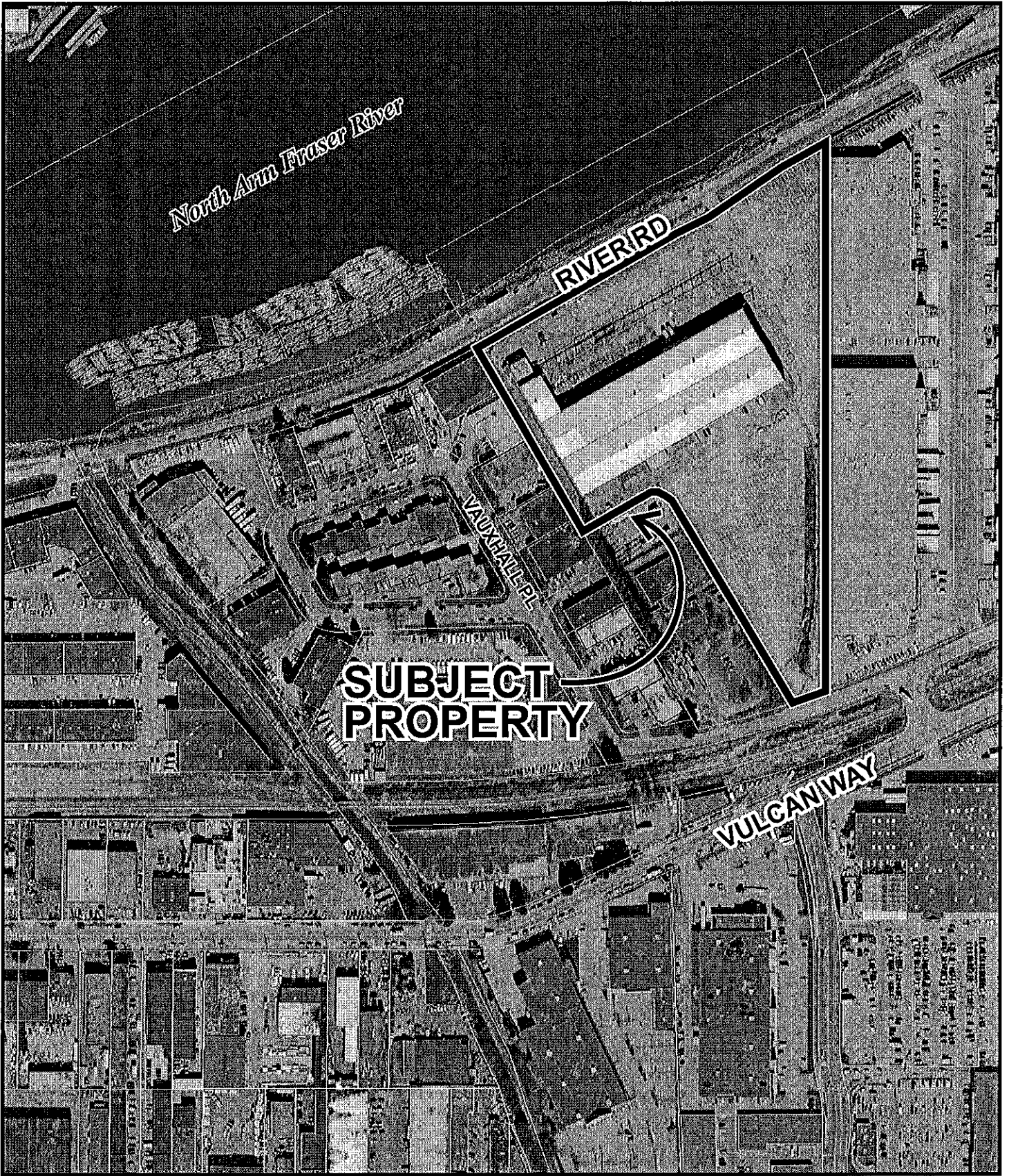


TU 09-506137



City of Richmond





North Arm Fraser River

RIVER RD

VAUXHALL PL

**SUBJECT
PROPERTY**

VULCAN WAY

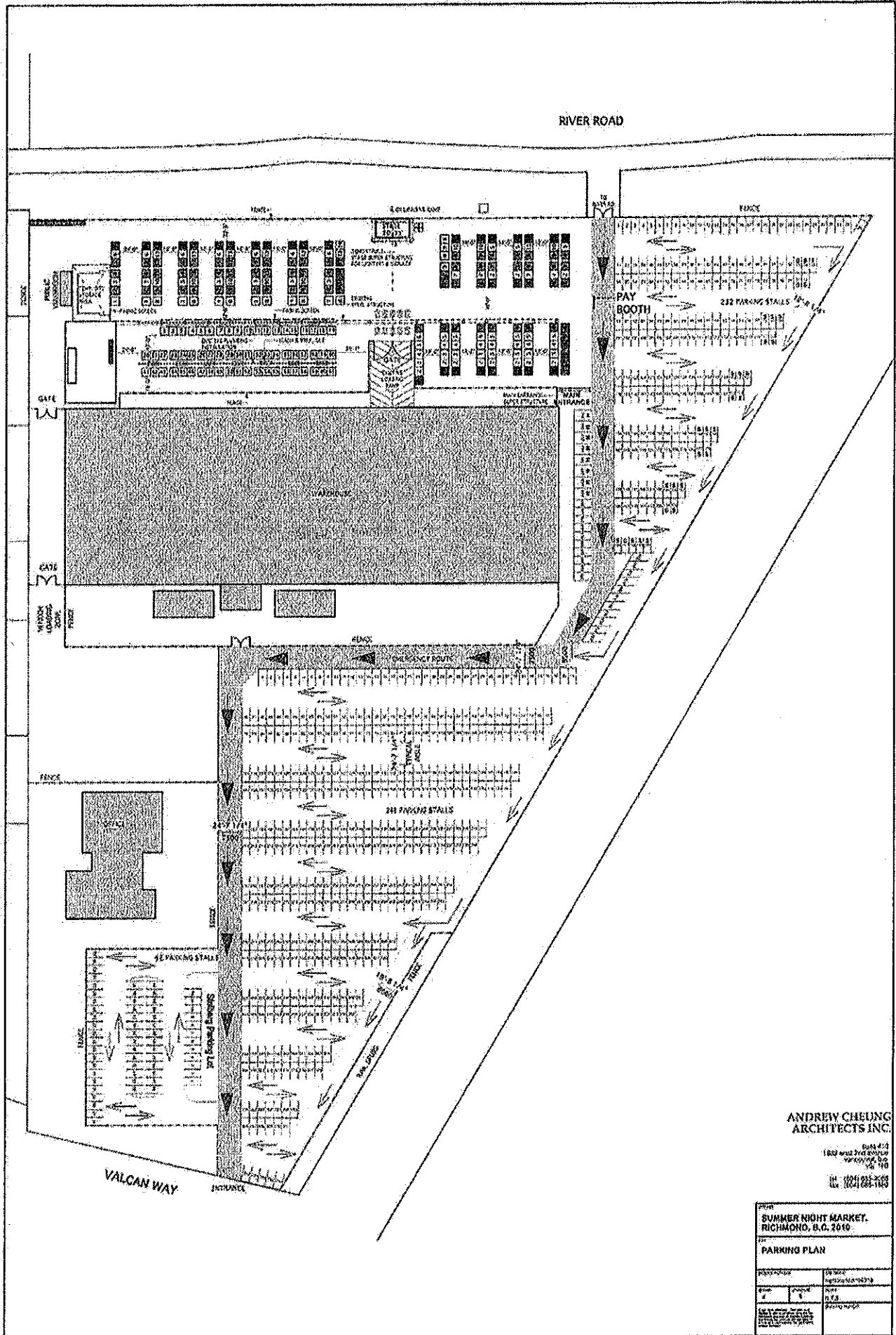


TU 09-506137

Original Date: 03/04/10

Amended Date: 03/31/10

Note: Dimensions are in METRES

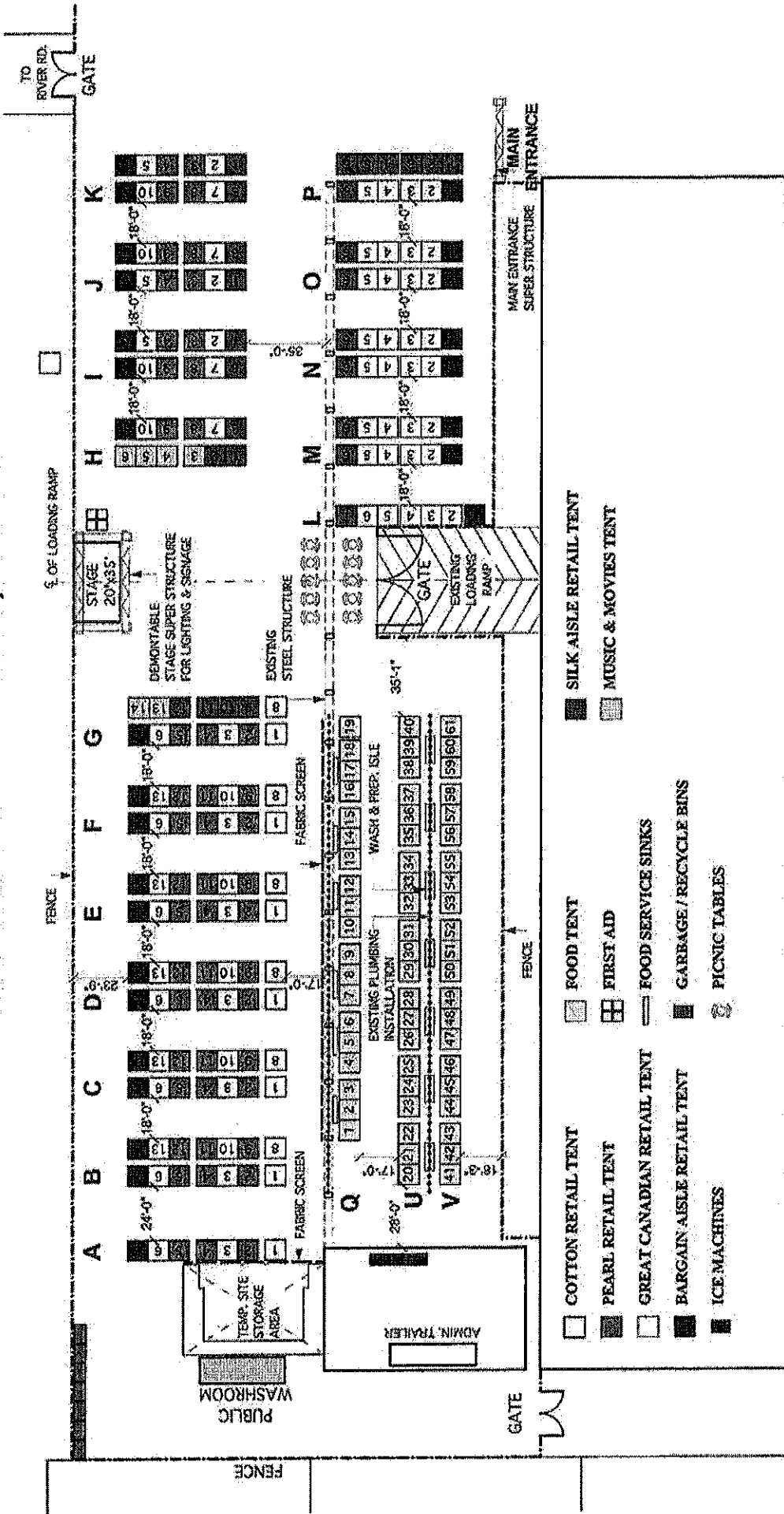


ANDREW CHEUNG
ARCHITECTS INC.

DATE: 1/10
1800 West 3rd Avenue
Vancouver, B.C. V6J 1G8
Tel: (604) 682-1100

PROJECT		SUMMER NIGHT MARKET, RICHMOND, B.C. 2010	
DRAWING			
PARKING PLAN			
DATE	NO.	BY	SCALE
1/10	1	AC	AS SHOWN
APPROVED		DATE	
[Signature]		1/10	

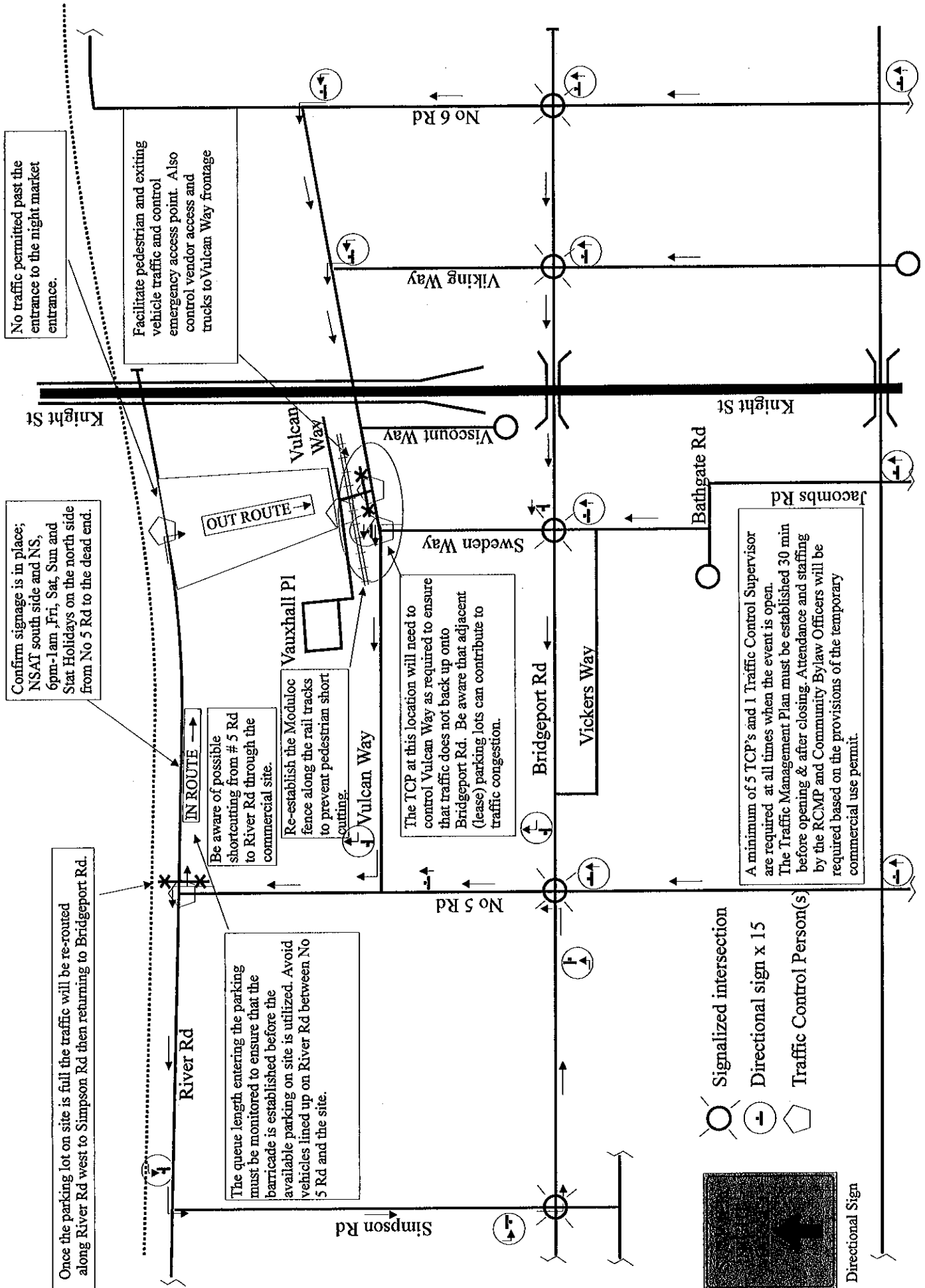
SCHEDULE B-1 - March 29, 2010 LOI



- COTTON RETAIL TENT
- PEARL RETAIL TENT
- GREAT CANADIAN RETAIL TENT
- BARGAIN AISLE RETAIL TENT
- ICE MACHINES
- FOOD TENT
- FIRST AID
- FOOD SERVICE SINKS
- GARBAGE / RECYCLE BINS
- PICNIC TABLES
- SILK AISLE RETAIL TENT
- MUSIC & MOVIES TENT

SUMMER NIGHT MARKET RICHMOND B.C. 2010 BOOTH LAYOUT





20499 Westminster Highway
 Richmond, BC V6V 1B3

*cc: BRIAN JACKSON
 KEVIN ENG FOR INFORMATION* ATTACHMENT 4

TO: MAYOR & EACH
 COUNCILLOR
 FROM: CITY CLERK'S OFFICE

Tel: (604) 270-4737
 Fax: (604) 270-4081

EAGLE RIDGE ENTERPRISES LTD.

		INT
✓	DW	
✓	GJ	<i>ES</i>
	KY	
	DB	
	WB	

PHOTOCOPIED

January 14, 2009

JAN 19 2009

& DISTRIBUTED

CITY OF RICHMOND
 City Clerk's Office
 6911 No. 3 Road
 Richmond, B.C.
 V6Y 2C1

Attention: Mayor in Council

Dear Sirs:

Re: Night Market at 12631 Vulcan Way (#TU08-412295)

At the 2008 public hearing for the above noted application, those in attendance heard the applicant state that all the commitments made to the community would be kept and that none of the neighbouring businesses would be out of pocket for expenses incurred because of the night market.

Please find enclosed copies of invoices for charges we have incurred for security services required during the night market, together with a copy of a letter received from the applicant refusing to pay. I am forwarding these invoices to the City, not because I expect the City to pay the invoices, but to support my previous claim that I did not believe the applicant was telling the truth at the hearing. At the hearing, I stated that we were already \$60,000.00 out of pocket up to 2007 because of the night market, and yet we find ourselves an additional \$28,000 out of pocket for 2008.

If the City is considering granting an extension to the night market for 2009, the applicant should be required to prepay some money to cover outstanding neighbourhood bills as well as allow for future costs, or the renewal should not be granted.

We all support business development in Richmond, but not at the expense of neighbouring businesses.

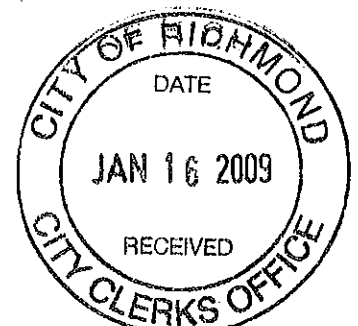
Yours truly,

EAGLE RIDGE ENTERPRISES LTD.

Wayne Grafton

Wayne Grafton

cc: Lions Communications Inc.





City of Richmond

6911 No. 3 Road, Richmond, BC V6Y 2C1
 Telephone 604-276-4000
 www.richmond.ca

February 12, 2009
 File: TU 08-412295

Planning and Development Department
 Fax: 604-276-4052

Eagle Ridge Enterprises
 c/o Wayne Grafton
 20499 Westminster Highway
 Richmond, B.C. V6V 1B3

Dear Mr. Grafton:

Re: Night Market at 12631 Vulcan Way

This letter responds to your correspondence dated January 14, 2009, which was circulated to Mayor and Councillors on January 19, 2009 highlighting concerns over security costs incurred due to the seasonal night market events held at 12631 Vulcan Way in 2007 and 2008.

The following is being communicated to you for information purposes:

- The Temporary Commercial Use Permit for 12631 Vulcan Way (TU 08-412295) issued by Council in May 2008 enables the organizer of the Summer Night Market (Lions Communications Inc.) to operate during the 2008 and 2009 season. This permit allows the Summer Night Market Organizer to operate the event in 2009 without additional approvals by Council.
- In your letter, costs incurred for both 2007 (\$60,000) and 2008 (\$28,000) are highlighted. Please note that the operator of the event in 2007 (Target Event Productions) was different from the 2008 organizer (Lions Communication Inc.). Separate Temporary Commercial Use Permits were issued during the period of 2004-2007 (Permit issued and event operated by Target Event Productions) and 2008-2009 (Permit issued and event operated by Lions Communication Inc.).

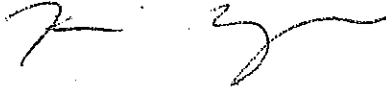
During the review of the most recent Temporary Commercial Use Permit application from Lions Communication Inc., it was communicated to the organizer that efforts to mitigate or eliminate negative impacts on properties surrounding the event site would need to be undertaken and that the operator should actively liaise with surrounding property owners prior to, during and after the event's season to ensure issues are addressed.

The response provided to you from Lions Communication Inc. in the correspondence dated July 3, 2008, written statement of indemnity (contained in **Attachment 1** to this letter for reference purposes) and alleged incurred costs at 2088 No. 5 Road is a matter to be resolved between yourself and Lions Communication Inc. Paul Cheung's (Director of Operations -- Lions Communications Inc.) contact information is 604-278-8000 (12631 Vulcan Way, Richmond B.C., V6V 1J7).

Any proposed event beyond the 2009 season will require an application to be submitted and reviewed by staff, prior to forwarding to Richmond City Council for consideration through Planning Committee, Council and Public Hearing.

Please feel free to contact me if you have any questions about the information contained in this letter.

Yours truly,

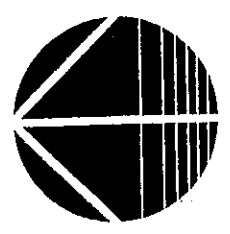
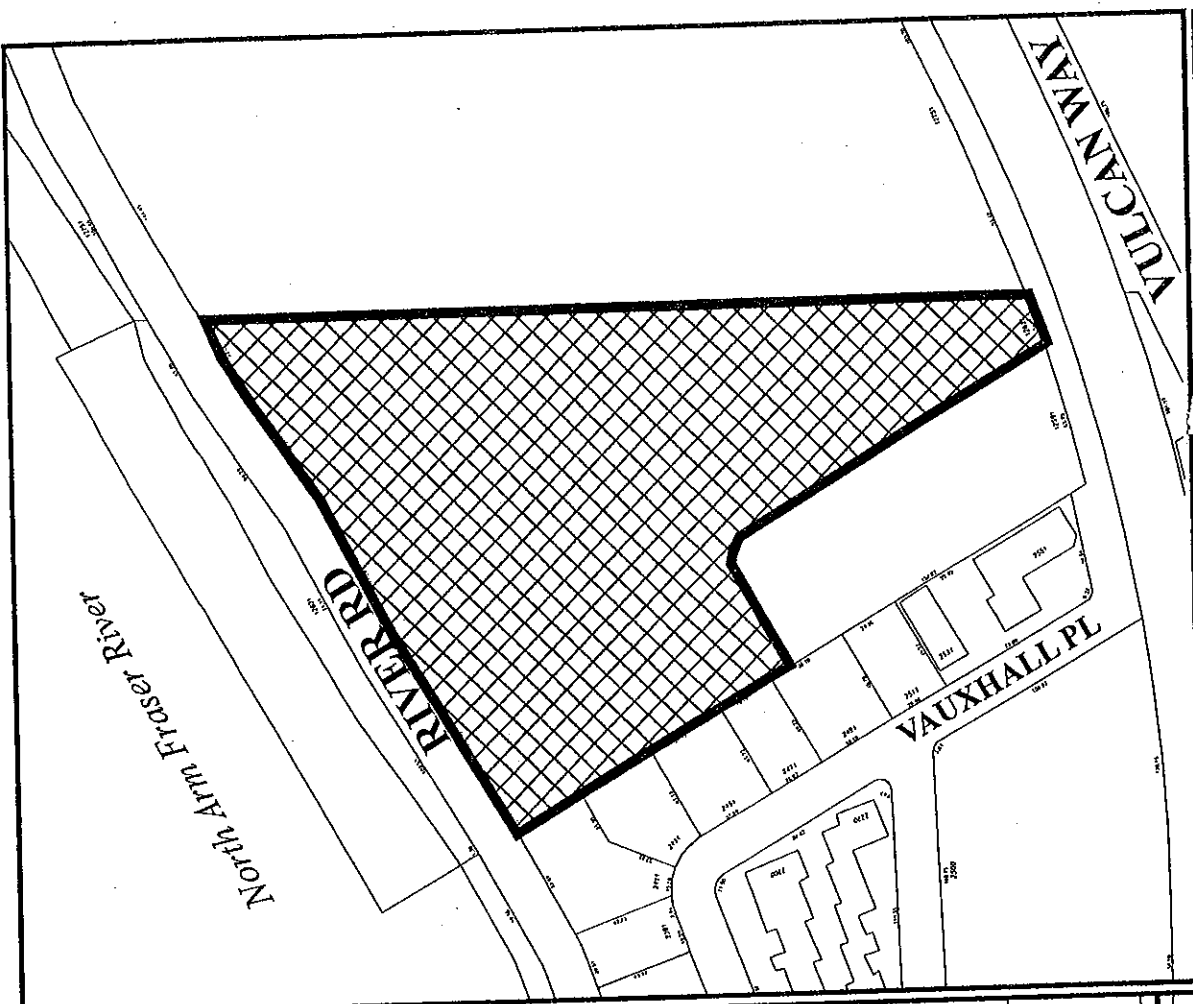
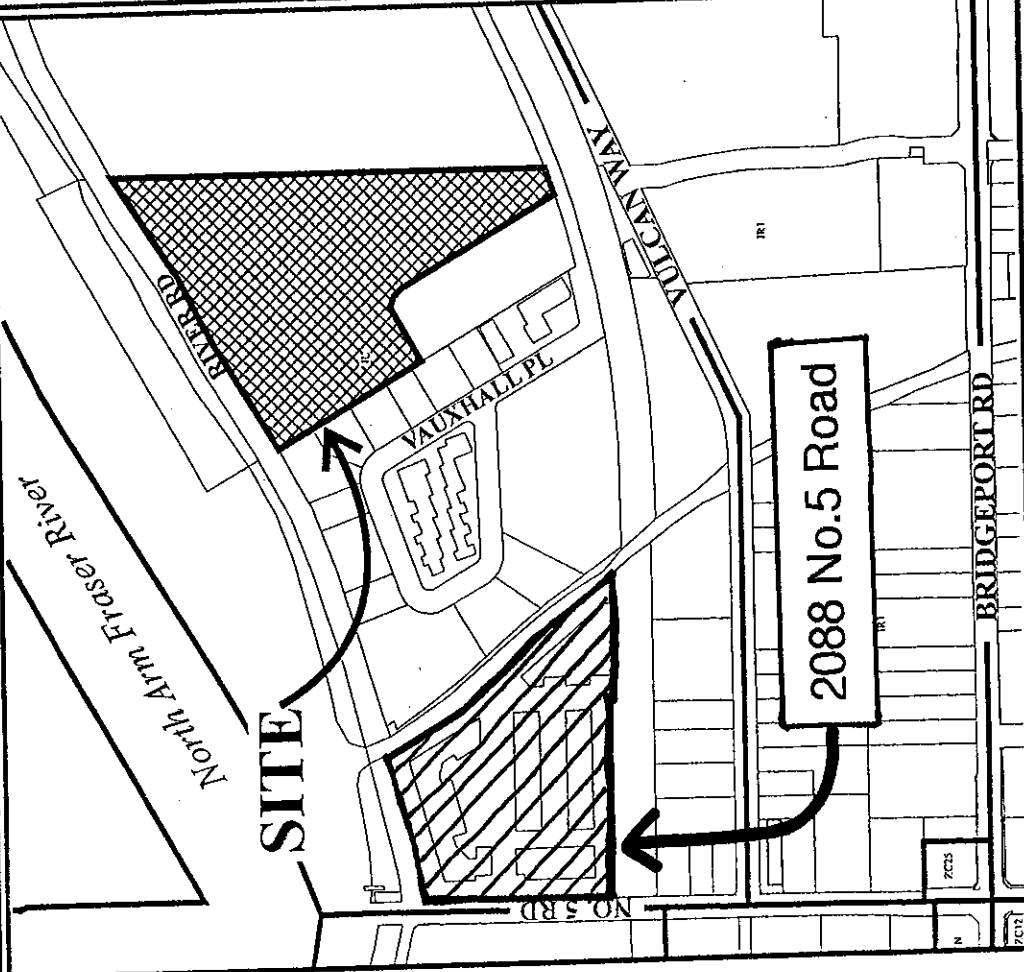


Kevin Eng
Planner 1
604-247-4626
keng@richmond.ca

pc: Mayors Office
Joe Erceg, General Manager, Planning and Development
Brian J. Jackson, Director of Development
Wayne Craig, Program Coordinator - Development



City of Richmond



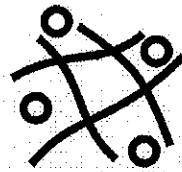
TU 09-506137

ATTACHMENT 6

Original Date: 03/04/10

Revision Date: 03/31/10

Note: Dimensions are in METRES



Lions Communications Inc.

April 11, 2010

Kevin Eng
 Planner 1
 City of Richmond
 6911 No. 3 Road
 Richmond, BC V6Y 2C1

Dear Mr. Kevin Eng:

Re: Addressing concerns on the property of Eagle Ridge Enterprises Ltd / Mr. Wayne Grafton at 2088, 2188 and 2288 No. 5 Road

This letter explains the details to the close monitoring, controlling traffic, parking and removal of litter on the premise parking lot of 2088, 2188 and 2288 No. 5 Road during the opening hours of The Summer Night Market.

Summer Night Market Event Dates

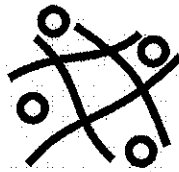
A total of 67 operational days for the first season of May 21st to October 10th, 2010 and 70 operational days for the second season from May 13th to October 9th, 2011 are requested with this application. However, it is intended that the last 6 days in 2010 and 9 day in 2011 shall be reserved for bad weather contingency. Therefore, the aim is an earlier closing date of September 26, 2010 and September 18, 2011.

Hours of Operation

As a result of the earlier closing date, an extension of one extra hour of operation per day is added to the three summer months of June, July and August to make up the difference.

The summer hours of June 4th to August 29th, 2010 and June 3rd to August 28th, 2011 shall be 19:00 – 01:00 on Fridays and Saturdays. Sundays shall open from 19:00 – 00:00 unless it falls within a long weekend, whereby it shall be extended until 01:00 and the following holiday Monday shall be opened from 19:00 – 00:00. Please note that on Canada Day long weekend, we shall open on Thursday, July 1, 2010 and June 30, 2011 from 19:00 – 01:00.

12631 Vulcan Way, Richmond, B.C., V6V-1J7
 Tel: 604.278.8000 • Fax: 604.909.2642 • Toll Free: 1.877.278.8008
 Website: www.summernightmarket.com • Email: info@summernightmarket.com

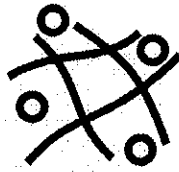


Lions Communications Inc.

Regular operating hours during all of May and September 2010 and 2011 shall be 19:00 – 00:00 on Fridays and Saturdays. Sundays shall open from 19:00 – 23:00 unless it falls within a long weekend, whereby it shall be extended until 00:00 and the following holiday Monday shall be opened from 19:00 – 23:00

Monitoring of the Parking Lot

- Careful planning and discussions with the experienced professionals at Alltek Security, recommended patrolling the premises every hour from 7pm until the night market closes.
- This security officer shall bike around the entire lot searching for suspicious activity and looking for illegally parked vehicles.
- Since most tenants on the strata property have closed at 5pm, the security guard shall report to the 2 remaining operating businesses, Hakkasan Restaurant and Morton & Clarke Co. Ltd. for any issues they may have and try to resolve it immediately.
- The patrol guard shall check with the 2 tenants to confirm it is their customers' vehicles parked in the lot.
- Emergency contact information for Alltek Security and Lions Communications Inc. shall be provided to every tenant by letter format.
- After each check, the security officer shall make and sign off a patrol checklist (**Schedule A attached**).
- A total of 3 – (6 ft. x 6 ft.) clearly marked "**No Night Market Parking Allowed, Violators Towed at Own Risk**" signage shall be placed at all 3 vehicle entrances of 2088, 2188 and 2288 No. 5 Road on every night and removed after closing every weekend.
- For tenants and staff of this property, they shall be given parking and access passes to hang on their rear view mirror of their vehicles that shall distinguish their vehicles and unauthorized ones in the lot.
- Hakkasan Restaurant and Morton & Clarke Co. Ltd. may express their rights to request their patrons to register license plates.



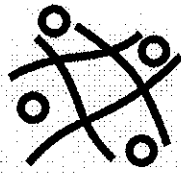
Lions Communications Inc.

Traffic Control:

- A traffic control person is stationed at No. 5 Road and River Road to monitor and minimize traffic congestion and redirect vehicles westbound on River Road. This shall ensure tenants and customers of 2088, 2188 and 2288 No. 5 Road is not inconvenienced trying to get access into the lot.
- The traffic control person shall be instructed to also keep monitor of possible night market patrons illegally parking at the lot.

Janitorial:

- Careful planning and discussions with the experienced professionals at Reliance Janitorial Services recommend a total of 4 janitorial staff shall sweep and ensure cleanliness of the parking lot.
- Garbage removal and janitorial services shall be every hour during the event, beginning at 7:30pm it shall be ongoing until 1 hour past closing of the night market.
- Janitors take at least a half hour each visit while sweeping, monitoring and reporting suspicious activities in the parking lot.
- Three 80 litre garbage cans shall be placed at each entrance of the parking lot during every event night.
- For 2 hours after the closing of every night, the remaining 8 janitorial staff from the event site shall join the 4 designated janitorial workers to ensure all garbage is swept and picked up from the property of 2088, 2188 and 2288 No. 5 Road. and that the trash cans are removed from the parking lot.
- A check list (**Schedule B attached**) shall be signed off by the janitorial staff every night, and each hour including after hours of the event. The janitorial manager shall ensure that the schedule is being followed.
- After every last event weekend of every month we will communicate with tenants at 2088, 2188 and 2288 No. 5 Road to obtain feedback and to address their concerns if any.



Lions Communications Inc.

With the diligent efforts and careful management, the lot was relatively calm and quiet without any concerns from the tenants of strata lot 2088, 2188 and 2288 No. 5 Road during the last two years. They have been visited recently and all are 100% satisfied with the patrolling, garbage monitoring and parking security of their property since Lions Communications Inc. operated the night market.

Based on our proven experience from operating the night market over the past two years Lions shall continue this successful plan by implementing a similar plan for the next two years. Lions shall continue ongoing consultation with the neighbours every month to get feedback and to resolve any unlikely issues.

Yours truly,

Paul Cheung
President and Director of Operations



(Schedule A)

**Security Patrol Checklist and Report Sheet
For 2088 No. 5 Road Property**

Date: / /
mm / dd / yr

Time:

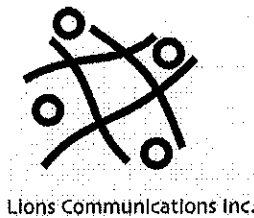
- 7:00 pm
- 8:00 pm
- 9:00 pm
- 10:00 pm
- 11:00 pm
- 12:00 am
- 1:00 am

Patrol Duties:

- Check for parking permits on rearview mirrors
- Check on tenants that are open for business
- Patrol entire parking lot for suspicious activities
- Notes: _____

Patrol Officer

Signature



Lions Communications Inc.

(Schedule B)

**Janitorial Supervisor Checklist
For 2088 No. 5 Road Property**

Date: / /
mm / dd / yr

Time:

- 7:30 pm
- 8:30 pm
- 9:30 pm
- 10:30 pm
- 11:30 pm
- 12:30 am
- 1:00 am
- 1:30 am
- 2:00 am

Patrol Duties:

- Drop off garbage cans at all 3 entrances
- Pick up garbage cans
- Notice illegally parked vehicles or suspicious activities and notify
- Monitor entire parking lot for garbage and sweep as necessary
- Notes: _____

Patrol Officer

Signature

12631 Vulcan Way, Richmond, B.C., V6V-1J7
Tel: 604.278.8000 • Fax: 604.909.2642 • Toll Free: 1.877.278.8008
Website: www.summernightmarket.com • Email: info@summernightmarket.com



No. TU 09-506137

To the Holder: LIONS COMMUNICATIONS INCORPORATED.
 KO MING CHONG
 3547 HOLDINGS LTD., INC. NO. 49426

Property Address: 12631 VULCAN WAY

Address: C/O Mr. PAUL CHEUNG
 120 – 3851 SHELL ROAD, BUILDING D
 RICHMOND, B.C. V6X 2W2

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 is issued subject to compliance with all the items outlined on the attached Schedule "A" to this permit.
3. Should the Holder fail to adhere and comply with all the terms and conditions outlined in Schedule "A", the Temporary Commercial Use Permit Shall be void and no longer considered valid for the subject site.
4. This Temporary Commercial Use Permit applies to and only to those lands shown cross-hatched on the attached Schedule "B" to this permit.
5. The subject property may be used for the following temporary commercial uses:

An evening market event on the following dates:

- May 21, 2010 to October 10, 2010 inclusive (as outlined in the attached Schedule "C" to this permit); and
- May 13, 2011 to October 9, 2011 inclusive (as outlined in the attached Schedule "C" to this permit).

The evening market event dates and hours of operation shall be in accordance with the attached Schedule "C" to this permit

To the Holder: LIONS COMMUNICATIONS INCORPORATED.
KO MING CHONG
3547 HOLDINGS LTD., INC. NO. 49426

Property Address: 12631 VULCAN WAY

Address: C/O Mr. PAUL CHEUNG
120 – 3851 SHELL ROAD, BUILDING D
RICHMOND, B.C. V6X 2W2

6. 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.
7. 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 temporary commercial use permitted by this permit within the time set out herein and comply with all the undertakings given in Schedule "A" attached hereto, the security shall be returned to the Holder.
 - A cash security (or acceptable letter of credit) in the amount of \$177,000 must be submitted prior to May 14, 2010 for the purposes of operating an evening market event during the specified dates set out in Schedule "C" in 2010.
 - A cash security (or acceptable letter of credit) in the amount of \$188,000 must be submitted prior to April 18, 2011 for the purposes of operating an evening market event during the specified dates set out in Schedule "C" in 2011.
8. Should the Holder fail to provide the cash security by the dates specified in this permit, the Temporary Commercial Use Permit shall be void and no longer considered valid for the subject site.
9. 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.

To the Holder: LIONS COMMUNICATIONS INCORPORATED.
KO MING CHONG
3547 HOLDINGS LTD., INC. NO. 49426

Property Address: 12631 VULCAN WAY

Address: C/O Mr. PAUL CHEUNG
120 – 3851 SHELL ROAD, BUILDING D
RICHMOND, B.C. V6X 2W2

10. Monies outstanding and owed by the Holder to the City of Richmond for costs associated with the previous evening market event must be paid in full by the following dates:

All monies outstanding from the 2010 event must be paid in full prior to April 18, 2011.

Should the Holder fail to provide any outstanding monies by the date specified in this permit, the Temporary Commercial Use Permit shall be void and no longer considered valid for the subject site.

11. This Temporary Commercial Use Permit is valid for the dates specified in Schedule "C" for 2010 and 2011 only.

This Permit is not a Building Permit.

AUTHORIZING RESOLUTION NO.
DAY OF

ISSUED BY THE COUNCIL THE

DELIVERED THIS DAY OF

MAYOR

CORPORATE OFFICER

Schedule "A"

In consideration of the City of Richmond issuing the Temporary Commercial Use Permit renewal for the purposes of operating an evening market event for 2010 & 2011, the event organizer (Lions Communications Incorporated) acknowledges and agrees to the following terms and conditions:

Traffic Management Plan (TMP)

- A minimum of 1,000 off-street parking stalls solely dedicated for use by the evening market event during the dates and hours specified within this permit.
- Traffic control and operations during the event is to be in accordance with the TMP approved by the City's Transportation Division.
- Operation of the TMP is to be undertaken by a professional Traffic Control Company with the appropriate trained and certified staff. The TMP is to be operated by a minimum of five (5) certified Traffic Control Person(s) and 1 certified Traffic Control Supervisor. Costs associated with operations and running of the TMP is the responsibility of the event organizer.
- The TMP is to be monitored by the City's Transportation Division in consultation with on-site RCMP and Community Bylaws staff and is subject to revision and changes (i.e., alteration of the plan; additional Traffic Control staff) should the need arise.
- Posting of signage and erection of barricades and road markings will be undertaken based on the TMP and is to be at the cost of the event organizer.

City of Richmond and RCMP Staffing

- A minimum of 2 RCMP members must be in attendance for each night the event is being held during the hours of operation for the purposes of providing a police presence and overseeing the TMP and general event operations (Note: Implementation and operation of the TMP is required to be undertaken by a professional traffic control company with appropriate trained and certified staff).
- Dedicated RCMP resources associated with the Commercial Crimes Unit are required to combat the issue of counterfeit products and other illegal commercial activities that may occur at the evening market event. RCMP resources (Staff hours) to address the issue of illegal commercial activities is based on the equivalent of one (1) RCMP member assigned for the duration of the event every day it is in operation (Note: This RCMP resource associated with the Commercial Crimes Unit to address illegal commercial activities is in addition to the two (2) RCMP members required to provide a general police presence to the event).
- Six (6) hours of dedicated patrol by Community Bylaw Enforcement Officers is required for each evening the event is in operation.
- Periodic attendance by Transportation Division staff to monitor and oversee the operations of the event and TMP.
- All costs for RCMP members and City staffing at the applicable rates is the responsibility of the event organizers.

Site Plan for 12631 Vulcan Way

- Fencing is to be installed as noted on the site plan.
- Parking stalls, drive aisles and emergency access routes are to be implemented as noted on the site plan.
- No evening market event activities or operations are permitted to occur within the existing warehouse building and that the appropriate fencing be installed to restrict access.
- Evening market event activities (vendors, food court, entertainment areas and seating) are to be limited to generally the north west portion of the site as shown on the site plan

Evening Market Event – Operations

- The event organizer is responsible for provided dedicated event security and first aid staff.
- The event organizer is responsible for providing adequate means of communication amongst event staffing, security, first aid, Traffic Control staff, RCMP members and Community Bylaw Enforcement Officers.
- Prior to the evening market event opening, the following permits and licenses must be issued:
 - Issuance and completion of the appropriate Building Permit(s) for site servicing works, structures/buildings and plumbing connections associated with the evening market event.
 - The appropriate Business Licenses for all vendors to be in operation at the evening market event.
 - The appropriate Business License for the event operator.
 - Applicable Richmond Health Service (RHS) Permits (Temporary Food Booth Permits; Food Safety and Sanitation Plans) along with required inspections by RHS staff.
- Clean-up and litter removal before, during and after the evening market event each night of operation. Clean-up and litter removal is to be conducted by the event organizers and is to include the subject property as well as surrounding areas impacted by the evening market event.

Evening Market Event Cancellation Procedure

- In the event of an evening market event closure on any identified operational day, event organizers are responsible for notifying appropriate City staff and RCMP members a minimum of 24 hours prior to the start of the event. Should event cancellation notification be within the 24 hour time period, staffing costs will be incurred based on minimum call out times.
- The event organizer is responsible for notifying all vendors of any event cancellation.

General Provisions

- Ensure that the emergency access drive aisle for the subject site remains clear and unimpeded during event operations.
- At the conclusion of each event operation day, any road modifications (temporary signage, barriers, cones) associated with the TMP must be removed and original road conditions restored to the satisfaction of the Transportation Division staff.
- Upon expiration of this permit or cessation of the permitted use, whichever is sooner, the following shall be completed:

- The property described in Schedule “B” shall be restored to its original condition.
 - Adjacent roads shall be maintained and restored to a condition satisfactory to the City of Richmond.
- The event organizer is required to submit the appropriate cash security (or acceptable letter of credit) to the City of Richmond as outlined in the terms and conditions of the Temporary Commercial Use Permit.
- The event organizer is responsible for all costs incurred by the City through the operation of the evening market event and will be drawn from the cash security required to be submitted for 2010 & 2011 by the event organizer. City staff will send out invoices to the event organizers to document all City related costs. Incurred costs include, but are not limited to:
 - RCMP staffing.
 - Community Bylaw Enforcement staffing.
 - Transportation Division staffing.
 - Production, posting, maintenance and takedown of evening market event directional signage.
- The event organizer is required to pay for City costs incurred beyond the submitted cash security amount.

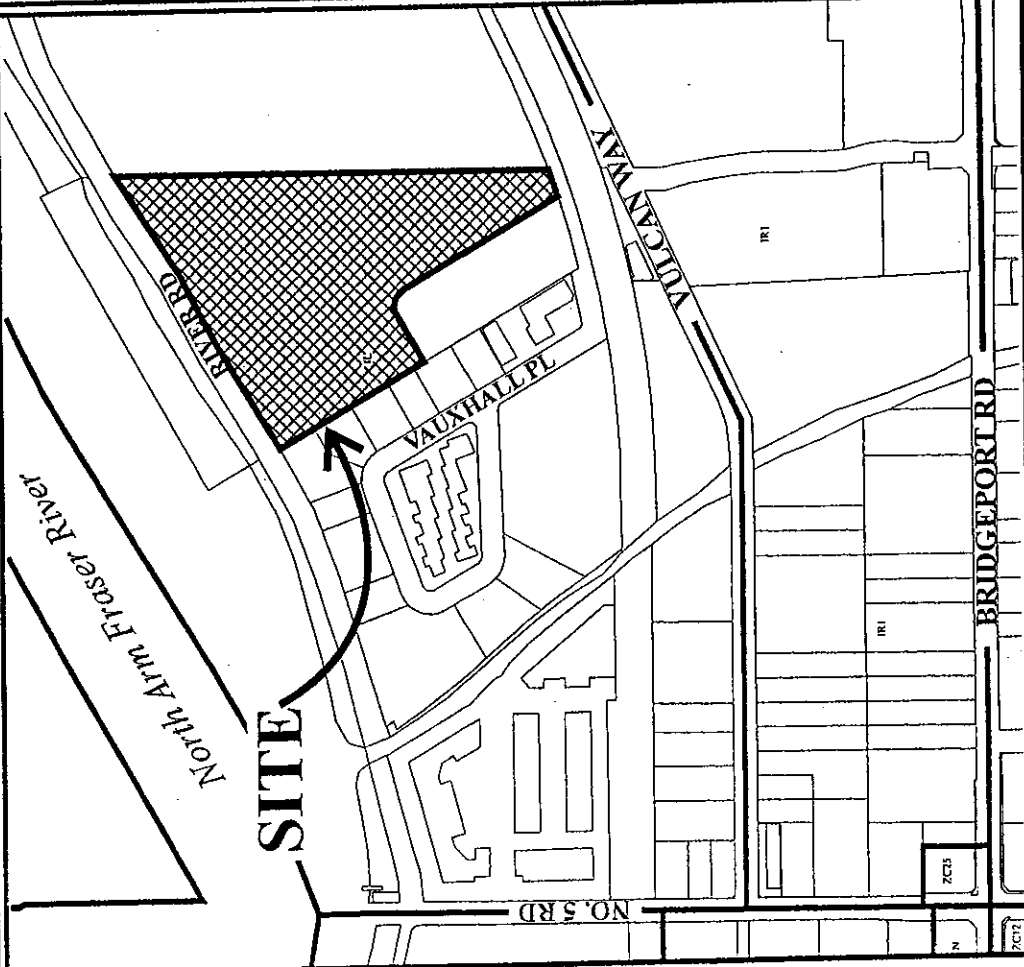
Lions Communications Incorporated
by its authorized signatory

- Signed Copy on File -

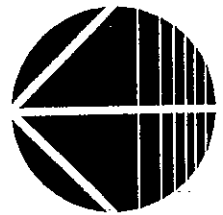
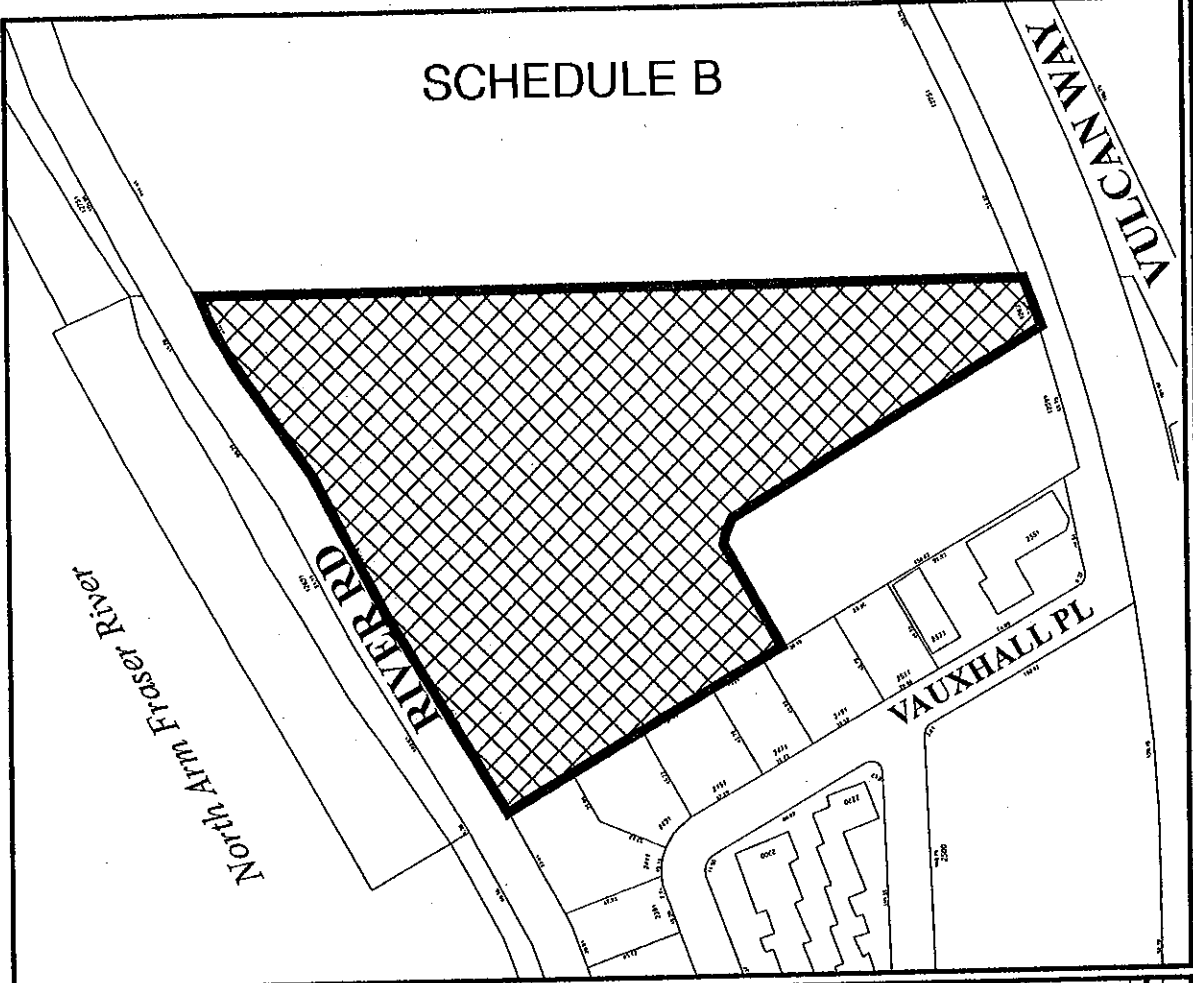
Paul Cheung
Director of Operations
(Lions Communications Incorporated)



City of Richmond



SCHEDULE B



TU 09-506137

Original Date: 03/04/10

Revision Date: 03/31/10

Note: Dimensions are in METRES

Schedule "C"

Evening Market Event Schedule of Dates for 2010

Month	Day	Event Hours	Month	Day	Event Hours
May (7 Days)	21	7pm-12am	June (12 Days)	4	7pm-1am
	22	7pm-12am		5	7pm-1am
	23	7pm-12am		6	7pm-12am
	24	7pm-11pm		11	7pm-1am
	28	7pm-12am		12	7pm-1am
	29	7pm-12am		13	7pm-12am
	30	7pm-11pm		18	7pm-1am
		19		7pm-1am	
		20		7pm-12am	
		25		7pm-1am	
		26		7pm-1am	
		27		7pm-12am	
July (15 Days)	1	7pm-1am	August (14 Days)	1	7pm-1am
	2	7pm-1am		2	7pm-12am
	3	7pm-1am		6	7pm-1am
	4	7pm-12am		7	7pm-1am
	9	7pm-1am		8	7pm-12am
	10	7pm-1am		13	7pm-1am
	11	7pm-12am		14	7pm-1am
	16	7pm-1am		15	7pm-12am
	17	7pm-1am		20	7pm-1am
	18	7pm-12am		21	7pm-1am
	23	7pm-1am		22	7pm-12am
	24	7pm-1am		27	7pm-1am
	25	7pm-12am		28	7pm-1am
	30	7pm-1am		29	7pm-12am
31	7pm-1am				
September (13 days)	3	7pm-12am	October (6 Days)	1	7pm-12am
	4	7pm-12am		2	7pm-12am
	5	7pm-12am		3	7pm-11pm
	6	7pm-11pm		8	7pm-12am
	10	7pm-12am		9	7pm-12am
	11	7pm-12am		10	7pm-11pm
	12	7pm-11pm			
	17	7pm-12am			
	18	7pm-12am			
	19	7pm-11pm			
24	7pm-12am				
25	7pm-12am				
26	7pm-11pm				
Total Number of Event Operation Days - 67					



To: Mayor and Council
From: Brian J. Jackson, MCIP
Director of Development

Date: May 13, 2010
File: TU 09-506137

Re: Information for May 17, 2010 Public Hearing on Proposed Summer Night Market renewal application at 12631 Vulcan Way

The property owner at the corner of No. 5 Road and River Road (Eagle Ridge Enterprises – Wayne Grafton) has voiced concerns through the processing of the original Temporary Commercial Use Permit (TCUP) in 2008 and subsequent renewal in 2010 for the Summer Night Market at 12631 Vulcan Way over the negative impact the event has on the property and the businesses operating within. Eagle Ridge Enterprises owns a number of the strata lots in this business park complex and is also involved in the overall management of the property.

This memo summarizes the specific strategies developed by the Summer Night Market operator, Paul Cheung, aimed at addressing concerns about traffic impact, vehicle access, litter and security previously raised by Eagle Ridge Enterprises. Some of the listed mitigating strategies relate to general event provisions (i.e., Traffic Management Plan) while others relate to site-specific measures proposed by the event organizer.

Traffic Impact

- Vehicle routing to and from the event will be through the Traffic Management Plan approved by the City's Transportation Division.
- This plan requires directional signage to the event site and a traffic control person at the intersection of No. 5 Road and River Road to facilitate proper routing of traffic in accordance with the plan.

Vehicle Access

- Signage will be posted at the entrances to the site indicating that market event parking is prohibited.
- To accommodate businesses that remain open during event hours and their employees and clients, parking passes will be made available to facilitate access to the property and identify the vehicles permitted to park.

Garbage and Litter

- 4 janitorial staff shall sweep and remove litter from the No. 5 Road and River Road parking lot every hour starting at 7:30pm and going until 1 hour after the market closes each evening.
- 3 large garbage bins will be placed at the vehicle entrances of the property.
- At the conclusion of the evening (2 hours after closing), a final sweep will be undertaken by the 4 janitorial staff along with the remaining janitorial staff from the event site to remove all remaining litter on the property and pick-up garbage bins placed on the property.

Security

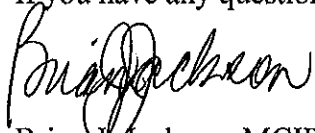
- A professional security officer will patrol the property every hour from 7pm until the close of the event.
- The security officer will monitor the site for unauthorized parking, suspicious activities and communicate with businesses that are open to address any immediate concerns.

Communication and Monitoring

- Emergency contact information for the event organizer and professional security firm will be provided to tenants and owners of the business complex at No. 5 Road and River Road.
- Throughout the market season, the event organizers will liaise with tenants at the end of each month to obtain feedback and address concerns.
- Checklists for security and litter removal patrols will be implemented to ensure they are completed.

The applicant will be at the Public Hearing on May 17, 2010 to answer any questions on the strategy.

If you have any questions, please contact me at 604-276-4138 or bjackson@richmond.ca.



Brian J. Jackson, MCIP
Director of Development

BJ:

pc: Joe Erceg, MCIP, General Manager, Planning and Development
Kevin Eng, Planner 1