



**To:** General Purposes Committee **Date:** February 28, 2013  
**From:** Cecilia Achiam, MCIP, BCSLA **File:** 10-6360-03-04  
 Director, Administration and Compliance  
**Re:** **Update on Sidewalk Vending Services Pilot Project and  
 Business Regulation Bylaw No. 7538, Amendment Bylaw No. 8800**

**Staff Recommendation**

That:

1. Business Regulation Bylaw No. 7538, Amendment Bylaw No. 8800, be introduced and given first, second, and third readings;
2. A pilot project to allow sidewalk vending services at the intersection of No. 3 Road and Westminster Highway be endorsed; and
3. A report be brought back to Council following a one year review of the sidewalk vending services pilot project.

Cecilia Achiam, MCIP, BCSLA  
 Director, Administration and Compliance  
 (604-276-4122)

Att. 2

| <b>REPORT CONCURRENCE</b>    |                                     |                                       |                      |
|------------------------------|-------------------------------------|---------------------------------------|----------------------|
| <b>ROUTED TO:</b>            | <b>CONCURRENCE</b>                  | <b>CONCURRENCE OF GENERAL MANAGER</b> |                      |
| Business Licences            | <input checked="" type="checkbox"/> |                                       |                      |
| Parks Services               | <input checked="" type="checkbox"/> |                                       |                      |
| Engineering                  | <input checked="" type="checkbox"/> |                                       |                      |
| Public Works                 | <input checked="" type="checkbox"/> |                                       |                      |
| Law                          | <input checked="" type="checkbox"/> |                                       |                      |
| Transportation               | <input checked="" type="checkbox"/> |                                       |                      |
| <b>REVIEWED BY DIRECTORS</b> | <b>INITIALS:</b><br>                | <b>REVIEWED BY CAO</b>                | <b>INITIALS:</b><br> |

## Staff Report

### Origin

City Council, at its June 27<sup>th</sup>, 2011 meeting, adopted the following resolution:

*In relation to the potential for retail opportunities at or near Canada Line stations, that staff:*

- a. Bring forward for Council's consideration, a report recommending amendment to the Business Licence Bylaw to permit vendors on City-owned or controlled property;*
- b. Work with Translink to encourage Translink to permit such retail opportunities near Canada Line stations, particularly at Brighthouse Station; and*
- c. Move forward with a pilot request for proposal for retail activity for locations at the intersection of No. 3 Road and Westminster Highway.*

In addition, the Public Works & Transportation Committee on June 22<sup>nd</sup>, 2011 adopted the following referral motion:

- d. That staff investigate and report back on the possibility that vendors be required to provide healthy, local food, and that such foods be offered in environmentally friendly packaging; and*
- e. That staff investigate and report back on the possibility of non-food vendors supporting local non-profit organizations.*

This report recommends amendments to the Business Regulation Bylaw to allow vendors on City-owned or controlled property (item *a* above), and provides an update on the pilot project (items *b*, *c*, *d*, and *e*).

### Analysis

#### Proposed amendment to the Business Licence Bylaw (item a)

Mobile Vendors are regulated under Business Regulation Bylaw No. 7538 and defined as a person who offers for sale or takes orders at a place other than his permanent place of business or from a vehicle. Bylaw No. 7538 prohibits mobile vendors from carrying on business on or adjacent to any school grounds, or directly outside or in the normal flow of traffic to any premises which offer the same or similar items for sale as the Mobile Vendor.

In addition Bylaw No. 7538 requires a Mobile Vendor to be continually moving unless stopped for a sale. However, a Mobile Vendor may carry on business on private property in a permitted Zone with the consent of the properly owner.

To permit a Mobile Vendor to conduct business on City-owned or controlled property, an amendment to the Business Regulation Bylaw is required to permit Mobile Vendors to remain stationary in these public places with City permission under agreement.

The proposed Amendment Bylaw No. 8800 is included in this report as Attachment 1.

This Bylaw Amendment will apply throughout the City, and may include parks, streets and sidewalks. City permission under agreement would be required for each instance a vendor remains stationary in the public realm with such permission exercised cautiously to ensure Mobile Vendors do not pose a competition threat on established businesses nor detract from the quiet enjoyment of park amenities.

The public will be notified of the proposed amendment bylaw as per requirements under City Policy 9311 – Business Regulation Bylaw Notification.

*Discussions with Translink (item b)*

The Canada Line access agreement between Translink and the City restricts the City from using or undertaking any activities: 1) within a one-metre buffer zone around the perimeter of the Canada Line infrastructure, such as stations, guideways, and columns, without Translink's consent; and, 2) which would impact on Translink's ability to access the Canada Line infrastructure for maintenance, inspection, repair, or other purposes.

In regard to specifically the Brighthouse Station and guideway area, this is entirely located on private property. As such, there may be some although limited opportunities for retail activities within the City's restricted sidewalk areas. City staff will continue to explore the feasibility of introducing a retail operation in this location and near other Canada Line stations.

*Pilot Project for Retail Activity (items c, d, & e)*

The intersection of No. 3 Road and Westminster Highway has been identified as a pilot site for retail activity near a Canada Line station. There is adequate City-owned land to accommodate street vending services, and the area experiences significant pedestrian traffic (see Attachment 2 for map). In addition, all four corners are in the Downtown Commercial (CDT/1) zoning district, which permits retail sale of general merchandise and food products.

Following Council's direction to move forward with a pilot project, a Request for Expression of Interest (RFEOI) entitled "*Sidewalk Vending Services*" was prepared and publicized with a closing date of November 9<sup>th</sup>, 2012. The RFEOI outlined the project requirements and general criteria for sidewalk vending services, including the City's preference for food vendors that offer foods that are healthy, grown locally, and sold in environmentally friendly packaging. As a result of the RFEOI, the City received proposals from three (3) respondents namely:

- Japan Consulting Company – to set up a Japadog stand
- So What Food Services – to set up a trailer for Philly Cheese Steak sandwiches
- Richmond Hospice Association (a non-profit group) – to set up a flower cart to sell fresh flowers

Staff are currently working with all three respondents to ascertain the viability of their proposed operations in the given pilot location, and met with each of the respondents to obtain further information regarding their proposals. In addition, City staff conducted a site visit of Japadog and Falso Philly Steak, both of which are food vendors in Vancouver.

When it is determined that all City requirements (including compliance with the Business Regulation Bylaw) and requirements from all other agencies (e.g. Vancouver Coastal Health, WorkSafe BC, etc.) can be achieved, an agreement will be executed between the City and each respondent. It is anticipated that the sidewalk vending services will be operational in May or June 2013.

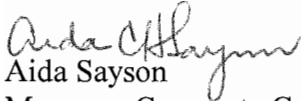
As this is a pilot project, staff will monitor the results closely and report back to Council after a one year implementation period.

**Financial Impact**

None.

**Conclusion**

The pilot project for sidewalk vending services advances the opportunity for retail operations on City property in the vicinity of Canada Line stations. An amendment to the Business Regulation Bylaw is required in order to allow mobile vendors to conduct business on City-owned or controlled property.

  
Aida Sayson  
Manager, Corporate Compliance  
(604-204-8505)

ACS/GM:acs



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**Business Regulation Bylaw No 7538,  
Amendment Bylaw No. 8800**

The Council of the City of Richmond enacts as follows:

1. Business Regulation Bylaw No. 7538, as amended, is further amended:
  - (a) by deleting subsection 16.1.2 and substituting the following:

“16.1.2 Except as permitted in sections 16.2 and 16.3, a **mobile vendor** must be continually moving and may stop only for so long as actively engaged in making a sale.”
  - (b) by deleting subsection 16.1.3 and substituting the following:

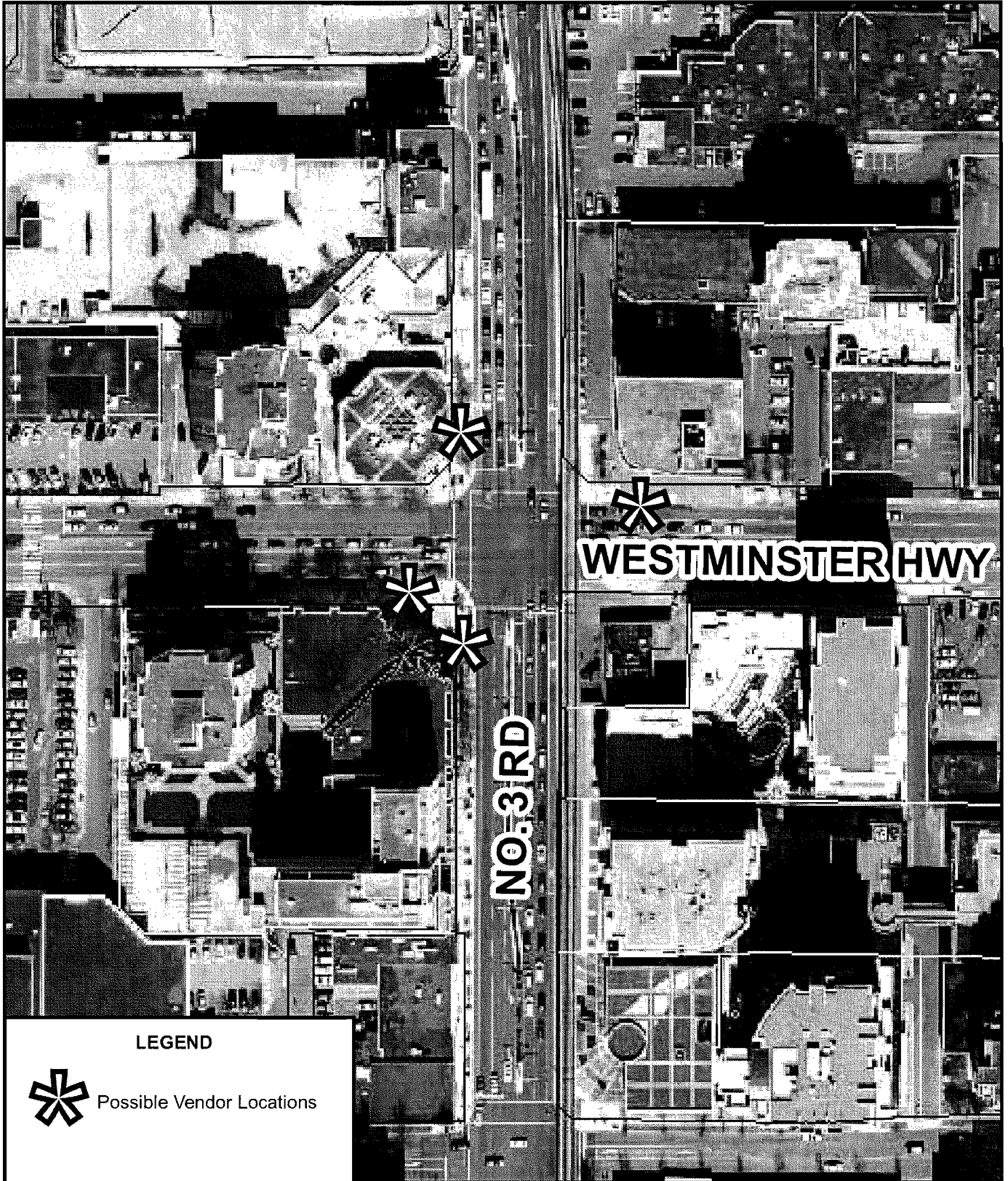
“16.1.3 Except as permitted in section 16.3, a **mobile vendor** must not block or partially block any sidewalk or **highway** and must not in any way impede or interfere with the ordinary flow of pedestrian or vehicle traffic.”
  - (c) by adding the following after section 16.2:

**“16.3 Mobile Vendor on City Property**

16.3.1 A **mobile vendor** may carry on business on **City**-owned or **City**-controlled property if:

    - (a) the **mobile vendor** has entered into an agreement with the **City** identifying the permitted location of the business and the types of goods and/or services permitted to be sold at the location;
    - (b) upon request by a **Licence Inspector**, the **mobile vendor** provides to the **Licence Inspector** a copy of the agreement referred to in paragraph 16.3.1(a) above; and
    - (c) the **mobile vendor** complies with the terms and conditions of the agreement referred to in paragraph 16.3.1(a) above and all laws, regulations and orders relating to the **mobile vendor** and the business.”





LEGEND



Possible Vendor Locations



Possible Vendor Locations

Original Date: 02/28/13

Amended Date: 03/11/13

Note: Dimensions are in METRES