



**City Council
Electronic Meeting**

**Council Chambers, City Hall
6911 No. 3 Road
Monday, February 26, 2024
7:00 p.m.**

Pg. # ITEM

MINUTES

1. *Motion to:*

CNCL-10 (1) *adopt the **minutes** of the Regular Council meeting held on February 12 and February 13, 2024; and*

CNCL-31 (2) *adopt the **minutes** of the Regular Council meeting for Public Hearings held on February 20, 2024.*



AGENDA ADDITIONS & DELETIONS

PRESENTATIONS

NAIOP Award Presentation

Barbara Tomasic and Jane Fernyhough to provide the Gateway Theatre annual presentation.

COMMITTEE OF THE WHOLE

- 2. *Motion to resolve into Committee of the Whole to hear delegations on agenda items.*

- 3. Delegations from the floor on Agenda items.

PLEASE NOTE THAT FOR LEGAL REASONS, DELEGATIONS ARE NOT PERMITTED ON ZONING OR OCP AMENDMENT BYLAWS WHICH ARE TO BE ADOPTED OR ON DEVELOPMENT PERMITS/DEVELOPMENT VARIANCE PERMITS.

- 4. *Motion to rise and report.*

RATIFICATION OF COMMITTEE ACTION

CONSENT AGENDA

PLEASE NOTE THAT ITEMS APPEARING ON THE CONSENT AGENDA WHICH PRESENT A CONFLICT OF INTEREST FOR COUNCIL MEMBERS MUST BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

CONSENT AGENDA HIGHLIGHTS

- Receipt of Committee minutes
- Contract Renewal 6722P - Supply and Delivery of Computer Equipment and Related Services
- Regulation of Material On Highways and Public Places Pursuant to Section 46 of the Community Charter
- Application by Firework Productions Ltd. for a Temporary Commercial Use Permit at 8351 River Road, Duck Island (Lot 87, Section 21 Block 5 North Range 6 West Plan 34592) and 8411, 8431 and 8451 West Road

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- Land use applications for first reading (to be further considered at the Public Hearing on March 18, 2024):
 - Portion of 12900 Steveston Highway and 11311 Rice Mill Road – Rezone from “Agriculture (AG1)” to “Agriculture (AG3)” (Lucas Hogler – applicant)
 - 18431 Westminster Highway – Rezone from “Agriculture (AG1)” to “Agriculture (AG3)” (Jason Levelton – applicant)
- Hamilton Area Traffic Calming
- Swift Eco-Waste Management Inc. Solid Waste Licence Application - Composting Facility

5. *Motion to adopt Items No. 6 through No. 13 by general consent.*

6. **COMMITTEE MINUTES**

That the minutes of:

- CNCL-33 (1) *the **Community Safety Committee** meeting held on February 13, 2024;*
- CNCL-39 (2) *the **General Purposes Committee** meeting held on February 20, 2024;*
(3) *the **Planning Committee** meeting held on February 21, 2024; and (distributed separately)*
(4) *the **Public Works and Transportation Committee** meeting held on February 21, 2024; (distributed separately)*

be received for information.

Consent
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7. **CONTRACT RENEWAL 6722P - SUPPLY AND DELIVERY OF COMPUTER EQUIPMENT AND RELATED SERVICES**
(File Ref. No. 04-1300-01) (REDMS No. 7537976)

CNCL-42

See Page CNCL-42 for full report

GENERAL PURPOSES COMMITTEE RECOMMENDATION

- (1) *That contract 6722P – Supply and Delivery of Computer Equipment and Related Services, approved by Council on November 23, 2020 for a three-year term be extended for the optional two-year term, to a maximum five-year contract term, thereby expiring November 23, 2025; and*
- (2) *That Contract 6722P Supply and Delivery of Computer Equipment and Related Services for Compugen be increased by \$1,279,084.00 excluding taxes, to fund the renewal of that two-year term; and*
- (3) *That the Chief Administrative Officer and the General Manager, Finance and Corporate Services be authorized to execute the amendment to the contract with Compugen Inc.*



Consent
Agenda
Item

8. **REGULATION OF MATERIAL ON HIGHWAYS AND PUBLIC PLACES PURSUANT TO SECTION 46 OF THE COMMUNITY CHARTER**
(File Ref. No. 12-8060-20-010226) (REDMS No. 7356654)

CNCL-45

See Page CNCL-45 for full report

GENERAL PURPOSES COMMITTEE RECOMMENDATION

- (1) *That Regulation of Material on Highways Bylaw No. 10226, be introduced and given first, second and third readings;*
- (2) *That Consolidated Fees Bylaw No. 8636, Amendment Bylaw No. 10227, be introduced and given first, second and third readings;*
- (3) *That Municipal Ticket Information Authorization Bylaw No. 7321, Amendment Bylaw No. 10228, be introduced and given first, second and third readings; and*
- (4) *That Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122, Amendment Bylaw No. 10229, be introduced and given first, second and third readings.*



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9. **APPLICATION BY FIREWORK PRODUCTIONS LTD. FOR A TEMPORARY COMMERCIAL USE PERMIT AT 8351 RIVER ROAD, DUCK ISLAND (LOT 87, SECTION 21 BLOCK 5 NORTH RANGE 6 WEST PLAN 34592) AND 8411, 8431 AND 8451 WEST ROAD**
(File Ref. No. TU 23-033092) (REDMS No. 7528003)

CNCL-67

See Page CNCL-67 for full report

PLANNING COMMITTEE RECOMMENDATION

- (1) *That the application by Firework Productions Ltd. for a Temporary Commercial Use Permit for the properties at 8351 River Road, Duck Island (Lot 87, Section 21 Block 5 North Range 6 West Plan 34592) and 8411, 8431 and 8451 West Road be considered at a Public Hearing to be held March 18, 2024 at 7:00 p.m. in the Council Chambers of Richmond City Hall; and that the following recommendations be forwarded to that meeting for consideration:*

“That a Temporary Commercial Use Permit be issued to Firework Productions Ltd. for the property at 8351 River Road and Duck Island (Lot 87, Section 21 Block 5 North Range 6 West Plan 34592) and 8411, 8431 and 8451 West Road for the purposes of permitting the following:

- a) *Night market event between April 26, 2024 to October 20, 2024 (inclusive) to allow for a maximum of 84 event operational days in accordance with identified dates and hours as outlined in Schedule C attached to the Temporary Commercial Use Permit;*
 - b) *Night market event between April 25, 2025 to October 19, 2025 (inclusive) for a maximum of 83 event operational days in accordance with identified dates and hours as outlined in Schedule C attached to the Temporary Commercial Use Permit;*
 - c) *Night market event between April 24, 2026 to October 18, 2026 (inclusive) for a maximum of 82 event operational days in accordance with identified dates and hours as outlined in Schedule C attached to the Temporary Commercial Use Permit; and*
 - d) *The night market event as outlined in the report dated February 5, 2024 from the Director, Development be subject to the fulfillment of all terms, conditions and requirements outlined in the Temporary Commercial Use Permit and attached Schedules”.*
- (2) *That the Public Hearing notification area be extended to include all properties to the north of Bridgeport Road and West of Great Canadian Way as shown in Attachment 4 to the staff report dated February 5, 2024.*



Consent
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Item

10. **APPLICATION BY LUCAS HOGLER FOR AN AGRICULTURAL LAND RESERVE NON-ADHERING RESIDENTIAL USE AND REZONING OF A PORTION OF 12900 STEVESTON HIGHWAY & 11311 RICE MILL ROAD FROM “AGRICULTURE (AG1)” TO “AGRICULTURE (AG3)”**
(File Ref. No. AG 22-011619, RZ 22-011635) (REDMS No. 7471144)

CNCL-104

See Page CNCL-104 for full report

PLANNING COMMITTEE RECOMMENDATION

- (1) *That the application by Lucas Hogler for an Agricultural Land Reserve Non-Adhering Residential Use to allow seasonal farm labour accommodation at 12900 Steveston Highway & 11311 Rice Mill Road be forwarded to the Agricultural Land Commission; and*
- (2) *That Richmond Zoning Bylaw 8500, Amendment Bylaw 10533, for the rezoning of a portion of 12900 Steveston Highway & 11311 Rice Mill Road from “Agriculture (AG1)” to “Agriculture (AG3)”, and a zoning text amendment to the “Agriculture (AG3)” zone in order to permit more than one seasonal farm labour accommodation located on a lot without an existing single detached housing, be introduced and given first reading.*



Consent
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Item

11. **APPLICATION BY JASON LEVELTON FOR AN AGRICULTURAL LAND RESERVE NON-ADHERING RESIDENTIAL USE AND REZONING AT 18431 WESTMINSTER HIGHWAY FROM “AGRICULTURE (AG1)” TO “AGRICULTURE (AG3)”**
(File Ref. No. AG 22-009023, RZ 22-009024) (REDMS No. 7554911)

CNCL-134

See Page CNCL-134 for full report

PLANNING COMMITTEE RECOMMENDATION

- (1) *That the application by Jason Levelton for an Agricultural Land Reserve Non-Adhering Residential Use to allow seasonal farm labour accommodation at 18431 Westminster Highway be forwarded to the Agricultural Land Commission; and*
- (2) *That Richmond Zoning Bylaw 8500, Amendment Bylaw 10534, for the rezoning of 18431 Westminster Highway from “Agriculture (AG1)” to “Agriculture (AG3)”, be introduced and given first reading.*



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12. **HAMILTON AREA TRAFFIC CALMING**
(File Ref. No. 10-6500-01) (REDMS No. 7514752)

CNCL-158

See Page CNCL-158 for full report

PUBLIC WORKS AND TRANSPORTATION COMMITTEE
RECOMMENDATION

- (1) *That traffic calming measures outlined in Option 3 for Westminster Highway, as described in the staff report titled “Hamilton Area Traffic Calming”, dated January 12, 2024 from the Director, Transportation, be endorsed;*
- (2) *That speed limits on local roads in Hamilton be reduced from 50 km/h to 30 km/h as described in the staff report titled “Hamilton Area Traffic Calming”, dated January 12, 2024 from the Director, Transportation; and*
- (3) *That staff bring forward amendments to Traffic Bylaw No. 5870 to reflect speed limit reductions for local roads in Hamilton.*



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13. **SWIFT ECO-WASTE MANAGEMENT INC. SOLID WASTE LICENCE APPLICATION - COMPOSTING FACILITY**
(File Ref. No. 10-6125-07-04) (REDMS No. 7552849)

CNCL-167

See Page CNCL-167 for full report

PUBLIC WORKS AND TRANSPORTATION COMMITTEE
RECOMMENDATION

That, as outlined in the staff report titled "Swift Eco-Waste Management Inc. Solid Waste Licence Application - Composting Facility" dated January 24, 2024, from the Director, Sustainability and District Energy, and the Director, Public Works Operations, Metro Vancouver be advised that the City of Richmond does not approve the issuance of a Solid Waste Facility Licence application to Swift Eco-Waste Management Inc., and that the preliminary solid waste and air quality comments be forwarded to Metro Vancouver.



CONSIDERATION OF MATTERS REMOVED FROM THE
CONSENT AGENDA

NON-CONSENT AGENDA ITEMS

COMMUNITY SAFETY COMMITTEE
Councillor Alexa Loo, Chair

14. **OPTIONS FOR ENFORCEMENT OF ESCORT SERVICES AND BODY RUBS**
(FILE REF. NO. 12-8275-11) (REDMS NO. 7529119)

CNCL-172

See Page CNCL-172 for full report

COMMUNITY SAFETY COMMITTEE RECOMMENDATION

Opposed: Cllr. Gillanders

- (1) *That Option 2 as described in the staff report titled "Options for Enforcement of Escort Services and Body Rub Studios" dated January 16, 2024 from the General Manager, Community Safety be endorsed;*
- (2) *That staff amend the Business Licence Bylaw 7360, the Business Regulation Bylaw No. 7538, the Municipal Ticket Information Authorization Bylaw No. 7321, and the Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122.*



PUBLIC ANNOUNCEMENTS AND EVENTS

Pg. # ITEM

NEW BUSINESS

BYLAW FOR ADOPTION

CNCL-178 Revenue Anticipation Borrowing (2024) **Bylaw No. 10532**
Opposed at 1st/2nd/3rd Readings – None.

PUBLIC DELEGATIONS ON NON-AGENDA ITEMS

15. *Motion to resolve into Committee of the Whole to hear delegations on non-agenda items.*

Chuck Puchmayr , Civic Visions to delegate on challenges facing Zodiac Karaoke and related businesses in Richmond

16. *Motion to rise and report.*

ADJOURNMENT



Regular Council

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Place: Council Chambers
Richmond City Hall

Present: Mayor Malcolm D. Brodie
Councillor Chak Au
Councillor Carol Day
Councillor Laura Gillanders
Councillor Kash Heed
Councillor Andy Hobbs
Councillor Alexa Loo
Councillor Bill McNulty
Councillor Michael Wolfe

Corporate Officer – Claudia Jesson

Call to Order: Mayor Brodie called the meeting to order at 7:00 p.m.

RES NO. ITEM

MINUTES

R24/3-1 1. It was moved and seconded

That:

- (1) *the minutes of the Regular Council meeting held on January 29, 2024; and*
- (2) *the Metro Vancouver ‘Board in Brief’ dated January 26, 2024, be received for information.*

CARRIED



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COMMITTEE OF THE WHOLE

- R24/3-2 2. It was moved and seconded
That Council resolve into Committee of the Whole to hear delegations on agenda items (7:01 p.m.).

CARRIED

3. Delegations from the floor on Agenda items.

Item No. 18 – Supervised Consumption Site

The following speakers spoke in opposition:

- Lilian Tsang, 7380 Elmbridge Way;
- Stephanie Yu, 8600 Ackroyd Rd;
- Kenneth Lo, Richmond resident;
- Mei Yee Ng, Richmond resident;
- Christine Zhou, Richmond resident;
- Rachel Miu, Richmond resident;
- Lilian Chow, Richmond resident;
- Clifton Jang, 5900 Alderbridge Way;
- Caden Po, Richmond resident;
- Mimi Vong, Richmond resident;
- Sheldon Starrett, Richmond resident;
- Ng Siu, Richmond resident;
- Mimi Cheng, Richmond resident;
- Dickens Cheung, Richmond resident;
- Tommy Wan, Richmond resident;
- Philip Law, Richmond resident;
- Cecilia Fung, Richmond resident;



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- Lei Zheng, Richmond resident;
- Chen Shun Chew, Richmond resident;
- Gady Tse, Richmond resident;
- Will Siu, 5788 Gilbert Road;
- Alice Tang, Richmond resident;
- Emily Ying Lin, Richmond resident;
- Ted Yu Wang, Richmond resident;
- Janice Lui, Richmond resident;
- Celia Chio, Richmond resident;
- Corina Lee, Richmond resident;
- Frankie Tse, Richmond resident;
- Pico Cheung, Richmond resident;
- Noel Ho, Richmond resident;
- J Xie, Richmond resident;
- Henry Au, Richmond resident;
- Sam Leung, Richmond resident;
- Alex Sagert, Richmond resident;
- Albert Hu, Richmond resident; and
- Esther Leung, Richmond resident.

The following opposing comments were offered:

- There are safety concerns associated with the idea of a supervised consumption site (SCS);
- There is a lack of scientific evidence that SCS help save lives;
- SCS contribute to more overdose deaths;
- The number of overdose deaths in Richmond last year don't warrant the need for a SCS;



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- Many daycares and elementary schools are located near Richmond General Hospital;
- Online petition circulating has collected over 18,000 electronic signatures;
- Fear of increase in Richmond crime rates;
- There is concern with the safety of children who must walk past the site to attend school;
- The provision of a SCS is not a not a cost effective way to address the drug crisis;
- Harm reduction has failed drug users, business owners, families, children, and tax payers;
- Richmond will turn into another Chinatown;
- Drugs are a problem and can hurt people's bodies and minds and it is hard to stop once you start;
- There is concern with the potential negative impacts to adjacent businesses;
- Should focus on stopping drug use and teach people about the dangers of drugs and help drug users get better;
- A safety plan has to be in place;
- A SCS will amplify the existing problems in the City Centre area since the beginning of the Alderbridge temporary modular housing lease;
- There is an online survey circulating with over 1,000 responses, the majority rejecting the idea;
- Harm reduction is just a band-aid solution;
- There is a need for public consultation; and
- There is a need to prioritize wraparound comprehensive services and teach prevention over harm reduction and safe supply in schools.



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The following speakers spoke in favour:

- David Byres, Richmond resident;
- Debbie Tablotney, Richmond resident;
- Andrew Tablotney, Richmond resident;
- Leslie McBain, Co-founder, Moms Stop the Harm;
- Lisa Weigh, member of Moms Stop the Harm;
- Jesse Ferreras, Richmond resident;
- Guy Felicella, former Richmond resident;
- Daniel Remedios, Richmond resident; and
- Steven Mather, Richmond resident.

The following supporting comments were offered:

- Concerns of the Downtown Eastside are very different than Richmond;
- Evidence shows that SCS, including Insite, are safe and effective, and there have been no fatalities at Insite;
- The motion is to discuss the idea of a SCS with Vancouver Coastal Health (VCH) and it is ultimately VCH's decision;
- 26 overdose deaths in Richmond is far too many;
- It is unlikely that people from the Downtown Eastside will be commuting to Richmond to use a SCS as there is already one in Vancouver;
- There have been no deaths at a SCS in Canada since its conception;
- Education is an important tool related to the stigma around drug addiction;
- There is a common theme of a lack of information and fear mongering;



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- Many people who are experiencing drug addiction are also suffering from mental health issues;
- People need to be alive to take advantage of these services;
- Toxic drug poisonings do not just affect marginalized communities;
- Substance use is a disease, not a moral issue;
- Sites like Insite are shown to reduce tax costs due to reducing related infection rates at hospitals;
- Having a SCS reduces the number of deaths and calls for ambulance services; and
- SCS are a spark of hope.

Item No. 19 – Application by Lansdowne Phase 1 Limited Partnership For Rezoning at 5300 No. 3 Road From the “Auto-Oriented Commercial (CA)” Zone to the “Residential/Limited Commercial (ZMU55) – Lansdowne Village (City Centre)” Zone

Dan Cupa and Dea Knight, Bosa Properties, and Jesse Galicz, Vanprop, shared details of the Lansdowne Phase 1A development, highlighting the creation of nearly 300 units of rental housing, including 141 LEMR units and 157 market rental housing units, park space, and community amenity contributions. The delegation noted that (i) the application is in compliance with the Official Community Plan, (ii) there will be opportunities for improvements at each phase of development, (iii) after receiving feedback from Planning Committee, they are able to bring forward ten new 3-bedroom units to the market rental housing and are proposing up to three eligible units of licensed family childcare, and (iv) in partnering with S.U.C.C.E.S.S., this will be the largest LEMR project ever to be delivered in Richmond and the largest supply of affordable housing operator run units in Richmond.

R24/3-3

It was moved and seconded

That the meeting be recessed and reconvened on Tuesday, February 13, 2024 at 7:00 p.m. in Council Chambers, Richmond City Hall.

CARRIED



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The meeting was recessed at 10:53 p.m.

The meeting reconvened on Tuesday, February 13, 2024, at 7:00 p.m. in the Council Chambers, Richmond City Hall, with all members of Council present.

The following speakers spoke in opposition:

- Cheryl see man Chiu, Richmond resident;
- Sally Kwan, Richmond resident;
- Amy Wei, Richmond resident;
- Susan Choi, Richmond resident;
- Tam Cook, Richmond resident;
- Richard Chong, Richmond resident;
- Aditya Chourasiya, Richmond resident;
- Boyu Lin, Richmond resident;
- David King, Richmond resident;
- April Wong, Richmond resident;
- Jennifer Huang, Richmond resident;
- Fion Lo, Richmond resident;
- Chiu M Cheung, Richmond resident;
- Lee Lee Lin, Richmond resident;
- Swimmy She, Richmond resident;
- Tyler Johnson, 958 W 8th Ave, Vancouver;
- Natalie Wong, Richmond resident;
- Phyllis Tang, former Richmond resident;
- Sally Yu, Richmond resident;
- Tac Jiang, Richmond resident;



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- Dean Billings, Richmond resident;
- John Lee, Richmond resident;
- May Alvarez, Richmond resident;
- Andrew Mrozowski, Richmond resident;
- Sam Wang, Richmond resident;
- Joseph Wong, Richmond resident;
- Cathy Li, Richmond resident;
- Sina Lam, Richmond resident;
- Angela Ng, Richmond resident;
- Wen Fu Yang, Richmond resident;
- Chang Le Yu, Richmond resident;
- Mona Mao, Richmond resident;
- John Wong, Richmond resident; and
- Joy Yuan, Richmond resident.

The following opposing comments were offered:

- There is no guarantee that there would be no ‘honey pot’ effect;
- Belief that drug users should practice rehabilitation and detox;
- Perceived fear is a real problem;
- The number of drug-related deaths are rising and Vancouver supervised consumption and overdose prevention sites are not working;
- Concerns regarding increased property theft, vandalism, and threats to personal safety;
- Seniors that live in the area will be put at risk;
- Drug policies should prioritize prevention and rehabilitation; and
- SCS offer a false sense of security.



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The following speakers spoke in favour:

- Trevor Tablotney, Richmond resident; and
Mark Lee, Richmond resident.

The following supporting comments were offered:

- This situation is an example of a moral panic;
There is a large misunderstanding and the community needs to be educated;
Need to focus on destigmatizing the narrative on drug use and drug users;
It is important to investigate whether or not there is a need; and
Peer-reviewed studies have qualitative and quantitative data to support the effectiveness of SCS.

Item No. 8 – London/Steveston Dog Off-Leash Area Update

Sergei Volpov, Richmond resident, expressed concerns regarding sound levels from the development of a new dog off-leash area.

- R24/3-4 4. It was moved and seconded
That Committee rise and report (10:09 p.m.).

CARRIED

CONSENT AGENDA

- R24/3-5 5. It was moved and seconded
That Items No. 6 through No. 16 be adopted by general consent.

CARRIED

6. COMMITTEE MINUTES

That the minutes of:



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- (1) *the Parks, Recreation and Cultural Services Committee meeting held on January 30, 2024;*
 - (2) *the General Purposes Committee meeting held on February 5, 2024;*
 - (3) *the Finance Committee meeting held on February 5, 2024; and*
 - (4) *the Planning Committee meeting held on February 6, 2024;*
- be received for information.*

ADOPTED ON CONSENT

7. ADDITION OF NAMES TO THE RICHMOND CITY CENOTAPH.
(File Ref. No. 06-2000-20-001) (REDMS No. 7578843)

- (1) *That the City of Richmond acknowledge Canadian soldiers Private Hikotaro Koyanagi and Private Kazuo Harada and their sacrifice for Canada; and*
- (2) *That their names be appropriately added to the Richmond City Cenotaph in time for the National Civic Ceremony on November 11, 2024.*

ADOPTED ON CONSENT

8. LONDON/STEVESTON DOG OFF-LEASH AREA UPDATE
(File Ref. No. 06-2345-20-LSTE1; 11-7200-20-DPAR1-02) (REDMS No. 7500768, 7500786, 7500792, 7500815, 7500811, 7584199)

- (1) *That Option 1, as outlined in the staff report titled “London/Steveston Dog Off-Leash Area Update”, dated December 20, 2023, from the Director, Parks Services, be endorsed; and*
- (2) *That staff write a letter to the residents adjacent to the proposed off-leash area advising of the proposed options outlined in the staff report, before the next Council meeting.*

ADOPTED ON CONSENT



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9. **AWARD OF CONTRACT 8239P – DELIVERY OF ADVANCED LIFEGUARDING, LIFESAVING AND FIRST AID INSTRUCTIONAL AND RECERTIFICATION COURSES**
(File Ref. No. 03-1000-20-8239P) (REDMS No. 7431664)

- (1) *That Contract 8239P – Delivery of Advanced Lifeguarding, Lifesaving and First Aid Instructional and Recertification Courses be awarded to L.I.T. Aquatics Ltd. for a three-year term for the projected contract value of \$1,449,000 exclusive of taxes, as described in the report titled, “Award of Contract 8239P – Delivery of Advanced Lifeguarding, Lifesaving and First Aid Instructional and Recertification Courses”, dated January 2, 2024, from the Director, Recreation and Sport Services;*
- (2) *That the Chief Administrative Officer and the General Manager, Community Services, be authorized to extend the initial three-year term, up to the maximum total term of five years, for the maximum total amount of \$2,415,000 exclusive of taxes, as described in the report titled, “Award of Contract 8239P – Delivery of Advanced Lifeguarding, Lifesaving and First Aid Instructional and Recertification Courses”, dated January 2, 2024, from the Director, Recreation and Sport Services; and*
- (3) *That the Chief Administrative Officer and General Manager, Community Services, be authorized to execute the contract and all related documentation with L.I.T. Aquatics Ltd.*

ADOPTED ON CONSENT



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10. FIRST NATIONS BUNKHOUSE INTERPRETIVE PROGRAM AND LEVEL OF SERVICE

(File Ref. No. 11-7141-01; 06-2050-20-BSYD-LH) (REDMS No. 7373274, 7523156, 7523163, 7523648, 7523156, 7523180, 7523163, 7523648, 7523630, 7523178)

- (1) *That the First Nations Bunkhouse Interpretive Program and Level of Service as detailed in the staff report titled “First Nations Bunkhouse Interpretive Program and Level of Service”, dated January 9, 2024, from the Director, Arts, Culture and Heritage Services and Director, Facilities and Project Development be approved;*
- (2) *That staff investigate the historical use of the building as a smokehouse;*
- (3) *That a joint committee of Council and Britannia Heritage Society members be formed to oversee the restoration; and*
- (4) *That the National Historical Sites and Monuments Board should be consulted on the restoration process.*

ADOPTED ON CONSENT

11. AWARD OF CONTRACT 8259P – IT SECURITY - EXTENDED DETECTION AND RESPONSE (XDR)

(File Ref. No. 03-1000-20-8259P) (REDMS No. 7489418)

- (1) *That contract 8259P – Extended Detection and Response (XDR) solution be awarded to Optiv Canada for an aggregate value of \$534,813.30, exclusive of taxes for an initial contract term of three years, which includes an option to extend with the value of \$478,376.50 at the end of the initial term for a further three years as described in the report titled “Award of Contract 8259P – IT Security - Extended Detection and Response (XDR)” dated January 2, 2024 from the Director, Information Technology; and*



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- (2) *That the Chief Administrative Officer and the General Manager, Finance and Corporate Services be authorized to extend the initial three-year term up to the maximum total term of six years as described in the report “Award of Contract 8259P – IT Security -Extended Detection and Response (XDR),” dated January 2, 2024, from the Director, Information Technology; and*
- (3) *That the Chief Administrative Officer and the General Manager, Finance and Corporate Services be authorized to execute the contract amendment and all related documentation with Optiv Canada over the six-year term.*

ADOPTED ON CONSENT

12. **REVENUE ANTICIPATION BORROWING (2024) BYLAW NO. 10532**
(File Ref. No. 12-8060-20-010532) (REDMS No. 7501395, 7501406)
That Revenue Anticipation Borrowing (2024) Bylaw No. 10532 be introduced and given first, second and third readings.

ADOPTED ON CONSENT

13. **RICHMOND ADVISORY COMMITTEE ON THE ENVIRONMENT
2023 ANNUAL REPORT AND 2024 WORK PROGRAM**
(File Ref. No. 01-0100-30-ACEN1-01) (REDMS No. 7479227)

That the Richmond Advisory Committee on the Environment’s 2023 Annual Report and 2024 Work Program, as presented in the staff report titled “Richmond Advisory Committee on the Environment 2023 Annual Report and 2024 Work Program” dated January 9, 2024, from the Director of Policy Planning, be approved.

ADOPTED ON CONSENT



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14. RICHMOND ACCESSIBILITY ADVISORY COMMITTEE 2023 ANNUAL REPORT AND 2024 WORK PROGRAM

(File Ref. No. 01-0100-30-RACC1-01) (REDMS No. 7476143, 7486096, 7475038)

That the Richmond Accessibility Advisory Committee's 2023 Annual Report and 2024 Work Program, as presented in the staff report titled "Richmond Accessibility Advisory Committee 2023 Annual Report and 2024 Work Program" dated January 4, 2024, from the Director of Community Social Development, be approved.

ADOPTED ON CONSENT

15. CHILD CARE DEVELOPMENT ADVISORY COMMITTEE 2023 ANNUAL REPORT AND 2024 WORK PROGRAM

(File Ref. No. 01-0100-30-CCDE1-01) (REDMS No. 7487416, 7484578, 7484838)

That the Child Care Development Advisory Committee's 2023 Annual Report and 2024 Work Program, as outlined in the staff report titled, "Child Care Development Advisory Committee 2023 Annual Report and 2024 Work Program" dated January 3, 2024, from the Director, Community Social Development, be approved.

ADOPTED ON CONSENT

16. APPLICATION BY SHAWN LIU FOR REZONING AT 6660 FRANCIS ROAD FROM "SINGLE DETACHED (RS1/E)" ZONE TO THE "ARTERIAL ROAD TWO-UNIT DWELLINGS (RDA)" ZONE

(File Ref. No. 12-8060-20-010529, RZ 20-891129) (REDMS No. 7482815, 7521080)

That Richmond Zoning Bylaw 8500, Amendment Bylaw 10529, for the rezoning of 6660 Francis Road from the "Single Detached (RS1/E)" zone to "Arterial Road Two-Unit Dwellings (RDA)" zone, be introduced and given first, second and third reading.

ADOPTED ON CONSENT



Regular Council
Monday, February 12 and Tuesday, February 13, 2024

- 17. APPLICATION BY MANSWELL ENTERPRISES LTD. FOR REZONING AT 9371 AND 9391 FRANCIS ROAD FROM THE "SINGLE DETACHED (RS1/C)" ZONE TO THE "LOW DENSITY TOWNHOUSES (RTL4)" ZONE

(File Ref. No. 12-8060-20-010527, RZ 22-005593) (REDMS No. 7332772, 7489547)

See Page 15 for action on this matter.

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

PLANNING COMMITTEE

Councillor Bill McNulty, Chair

- 17. APPLICATION BY MANSWELL ENTERPRISES LTD. FOR REZONING AT 9371 AND 9391 FRANCIS ROAD FROM THE "SINGLE DETACHED (RS1/C)" ZONE TO THE "LOW DENSITY TOWNHOUSES (RTL4)" ZONE

(File Ref. No. 12-8060-20-010527, RZ 22-005593) (REDMS No. 7332772, 7489547)

R24/3-6

It was moved and seconded

That Richmond Zoning Bylaw 8500, Amendment Bylaw 10527, for the rezoning of 9371 and 9391 Francis Road from the "Single Detached (RS1/C)" zone to the "Low Density Townhouses (RTL4)" zone, be introduced and given first, second and third reading.

The question on the motion was not called as discussion ensued regarding variances and tree retention.

The question on the motion was then called and it was CARRIED with Cllrs. Gillanders and Wolfe opposed.



Regular Council
Monday, February 12 and Tuesday, February 13, 2024

NON-CONSENT AGENDA ITEMS

GENERAL PURPOSES COMMITTEE

Mayor Malcolm D. Brodie, Chair

18. SUPERVISED CONSUMPTION SITE

(File Ref. No. 07-3000-03) (REDMS No. 7579158, 7578802, 7578777, 7575333, 7578770, 7575251, 7576321, 7576325, 7578715, 7578784, 7578769, 7578792, 7578759, 7575288, 7578765, 7579158, 7578739, 7583993, 7585052)

R24/3-7

It was moved and seconded

- (1) *That Staff administer a practicability analysis to gauge the potential benefits and challenges of implementing a drug consumption site within the Richmond General Hospital Precinct. This analysis will evaluate the impact on public safety, healthcare costs, and community perceptions, providing evidence-based recommendations for the successful implementation of a supervised drug consumption site to address the growing public health crisis related to acute drug addiction and overdose deaths;*
- (2) *That staff collaborate with Coastal Health as the Authority responsible to fund and provide services onsite, both the Provincial and Federal Governments, local healthcare providers, and community organizations in establishing the drug consumption site. This collaboration will ensure that individuals accessing these sites receive comprehensive care, including access to addiction treatment, harm minimization services, and counseling;*
- (3) *That staff recommend to Council a process to establish a task force comprised of representatives from law enforcement, legal services, healthcare professionals, community organizations, and individuals with lived experience of drug addiction to develop guidelines, protocols, and best practices for the implementation of the drug consumption site, ensuring its effectiveness, acceptance, and safety;*



Regular Council
Monday, February 12 and Tuesday, February 13, 2024

- (4) *That staff recommend to Council the resources required for community education and awareness campaigns about supervised drug consumption sites. These campaigns will aim to dispel misconceptions, reduce stigma, and promote understanding of the public health benefits associated with these sites;*
- (5) *That staff recommend to Council a monitoring and evaluation system to assess the effectiveness of the implementation of the drug consumption site. This system will collect data on overdose rates, healthcare utilization, and referrals to addiction treatment, allowing Council to make informed decisions about the future of this site; and*
- (6) *That staff develop a process to ensure that community concerns and perspectives are considered during the planning and implementation process.*

The question on the motion was not called as discussion ensued regarding (i) the misunderstanding of the concept of a supervised consumption site (SCS) and the details of the motion and process involved, (ii) the increase in drug toxicity levels and people experiencing homelessness, (iii) improvements to public safety, (iv) future public engagement if and when the SCS is brought forward, and (v) harm reduction services as part of a comprehensive public health and addictions program that includes both prevention and treatment.

R24/3-8

It was moved and seconded

That the item "Supervised Consumption Site" be tabled.

DEFEATED

Opposed: Mayor Brodie
Cllrs. Day
Gillanders
Heed
Hobbs
McNulty
Wolfe



Regular Council
Monday, February 12 and Tuesday, February 13, 2024

Further discussion ensued regarding (i) the need for further consultation and public engagement, (ii) the stigma surrounding drug use and the importance of education and support, (iii) the difference between a supervised consumption site and an overdose prevention site, and (iv) crime and overdose statistics in Richmond.

R24/3-9

It was moved and seconded

That the Council meeting of February 13, 2024 proceed past 11:00 p.m.

CARRIED

Further discussion ensued regarding (i) the connection between mental health, housing, health care and medical services, (ii) the increase in deaths related to toxic drugs, (iii) the eventual need for this type of harm reduction resource, and (iv) the emphasis on the meaning of the motion and the possible timeline.

The question on the motion was then called and it was **CARRIED** with Cllrs. Au and Loo opposed.

PLANNING COMMITTEE

Councillor Bill McNulty, Chair

19. **APPLICATION BY LANSDOWNE PHASE 1 LIMITED PARTNERSHIP FOR REZONING AT 5300 NO. 3 ROAD FROM THE "AUTO-ORIENTED COMMERCIAL (CA)" ZONE TO THE "RESIDENTIAL/LIMITED COMMERCIAL (ZMU55) - LANSDOWNE VILLAGE (CITY CENTRE)" ZONE**

(File Ref. No. 12-8060-20-010523, RZ 23-011557; 12-8060-20-010511) (REDMS No. 7460688, 7444554, 7536337, 7533872, 7575355, 7575351, 7578739, 7575339, 7575344, 7575339, 7567042, 7571385, 7584052)

R24/3-10

It was moved and seconded



Regular Council

Monday, February 12 and Tuesday, February 13, 2024

- (1) *That Richmond Official Community Plan Bylaw 7100, Amendment Bylaw 10523 to amend Section 2.33 map entitled “Pedestrian Environment Map (2031)”, Section 2.5.1 map entitled “A Base for Building a Living Landscape Map”, Section 2.6 map entitled “Base Level Parks & Open Space Map (2031)”, subsection 2.6.3(c) map entitled “Pedestrian Linkages Map”, subsection 3.1.3(c) (Pedestrian Linkages) map entitled “Designated Green Link & Linear Park Location Map”, and Section 3.3.2 Special Precinct 2.0 plan entitled “Special Precinct Character Areas & Major Park and Public Open Space Plan”, to move the North-South “Minor Green Link” east of Cooney Road identified in the OCP Lansdowne Village (City Centre), to along the west side of Kwantlen Street, be introduced and given first reading;*
- (2) *That Bylaw 10523, having been considered in conjunction with:*
 - *the City’s Financial Plan and Capital Program;*
 - *the Greater Vancouver Regional District Solid Waste and Liquid Waste Management Plans; is hereby found to be consistent with said program and plans, in accordance with Section 477(3)(a) of the Local Government Act;*
- (3) *That Bylaw 10523, having been considered in accordance with OCP Bylaw Preparation Consultation Policy 5043, is hereby found not to require further consultation; and*
- (4) *That Richmond Zoning Bylaw 8500, Amendment Bylaw 10511 to create the “Residential/Limited Commercial (ZMU55) – Lansdowne Village (City Centre)” zone, and to rezone a portion of 5300 No.3 Road from “Auto-Oriented Commercial (CA)” to “Residential/Limited Commercial (ZMU55) – Lansdowne Village (City Centre)” zone, be introduced and given first reading, subject to the revised Rezoning considerations included as Attachment 1 to the memo from the Director of Development dated February 9, 2024.*

The question on the motion was not called as discussion ensued regarding (i) community use and benefits from the development, (ii) the form and character of the proposed development, (iii) the OCP and City Centre Area Plan, and (iv) the need for more housing and family-friendly units.



Regular Council
Monday, February 12 and Tuesday, February 13, 2024

The question on the motion was then called and it was **CARRIED** with Cllrs. Day, Gillanders, and Wolfe opposed.

The following **referral motion** was introduced:

R24/3-11

It was moved and seconded

That staff bring forward the Lansdowne Master Plan for a discussion whether further revisions are required.

CARRIED

BYLAWS FOR ADOPTION

R24/3-12

It was moved and seconded

That Richmond Zoning Bylaw No. 8500, Amendment Bylaw No. 10219 be adopted.

CARRIED

Opposed: Cllrs. Gillanders
Wolfe

DEVELOPMENT PERMIT PANEL

R24/3-13

20. It was moved and seconded

(1) *That the minutes and the Chair's report for the Development Permit Panel meeting held on February 15, 2023, be received for information.*

(2) *That the recommendations of the Panel to authorize the issuance of Development Permit (DP 21-933765) for the properties at 9300 and 9320 Cambie Road, be endorsed and the Permit so issued.*

CARRIED



Regular Council
Monday, February 12 and Tuesday, February 13, 2024

ADJOURNMENT

R24/3-14

It was moved and seconded
That the meeting adjourn (11:48 p.m.).

CARRIED

Certified a true and correct copy of the
Minutes of the Regular meeting of the
Council of the City of Richmond held on
Monday, February 12, 2024.

Mayor (Malcolm D. Brodie)

Corporate Officer (Claudia Jesson)



**Regular Council meeting for Public Hearings
Tuesday, February 20, 2024**

Place: Council Chambers
Richmond City Hall

Present: Mayor Malcolm D. Brodie, Chair
Councillor Chak Au
Councillor Carol Day
Councillor Laura Gillanders
Councillor Kash Heed
Councillor Andy Hobbs
Councillor Alexa Loo
Councillor Bill McNulty
Councillor Michael Wolfe (by teleconference)

Evangel Biason, Acting Corporate Officer

Call to Order: Mayor Brodie opened the proceedings at 7:00 p.m.

Councillor Laura Gillanders entered the meeting at 7:01 p.m.

1. **TEMPORARY COMMERCIAL USE PERMIT APPLICATION
(TU 23-018648)**

(Location: 8320 Cambie Road and 8431 Brownwood Road; Applicant: Fairchild Developments Ltd.)

Applicant's Comments:

The applicant was available to respond to queries.

Written Submissions:

None.

Submissions from the floor:

None.



**Regular Council meeting for Public Hearings
Tuesday, February 20, 2024**

PH24/2-1

It was moved and seconded

To permit a Temporary Commercial Use Permit to be issued to allow "Non-accessory Parking" as permitted use at 8320 Cambie Road and 8431 Brownwood Road for a period of three years.

CARRIED

ADJOURNMENT

PH24/2-2

It was moved and seconded

That the meeting adjourn (7:03 p.m.).

CARRIED

Certified a true and correct copy of the Minutes of the Regular meeting for Public Hearings of the City of Richmond held on Tuesday, February 20, 2024.

Mayor (Malcolm D. Brodie)

Acting Corporate Officer (Evangel Biason)



Community Safety Committee

- Date: Tuesday, February 13, 2024
- Place: Council Chambers
Richmond City Hall
- Present: Councillor Alexa Loo, Chair
Councillor Andy Hobbs
Councillor Laura Gillanders
Councillor Kash Heed
Councillor Bill McNulty
- Also Present: Councillor Michael Wolfe (by teleconference)
- Call to Order: The Chair called the meeting to order at 4:00 p.m.

The Chair recessed the meeting at 4:01 p.m. for the Closed Community Safety Committee meeting.

The meeting reconvened at 4:23 p.m. following the Closed Community Safety Committee Meeting with all members of Committee present, including Councillor Wolfe (by teleconference).

MINUTES

It was moved and seconded

That the minutes of the meeting of the Community Safety Committee held on January 16, 2024, be adopted.

CARRIED

COMMUNITY SAFETY DIVISION

1. **ANIMAL PROTECTION SERVICES ACTIVITY REPORT – 2023 YEAR IN REVIEW**

(File Ref. No. 12-8060-01) (REDMS No. 7543918)

In response to queries from the Committee, staff noted that Animal Control Officers use the Doctor Ian Dunbar Dog Bite Scale to determine the severity of dog bites and that dog license renewals contributed to the net revenue in 2023.

It was moved and seconded

That the staff report titled “Animal Protection Services Activity Report – 2023 Year in Review”, dated January 19, 2023 from the General Manager, Community Safety, be received for information.

CARRIED

2. **PROPERTY USE AND PARKING ENFORCEMENT ACTIVITY REPORT – 2023 YEAR IN REVIEW**

(File Ref. No. 12-8060-01) (REDMS No. 7532847)

Staff provided an update on (i) the enforcement of short term rental investigations noting that multiple non-compliance tickets can be issued to a single property at one time, (ii) there was an increase in service calls and tickets issued during last month’s snowfall, and (iii) that staff investigated and action taken for container activity in driveways.

In response to queries from Committee, staff noted that short term rental enforcement has resulted in an increase of licences and compliance and staff would report back on the increase in licenses from 2022 to 2023.

It was moved and seconded

That the staff report titled “Property Use and Parking Enforcement Activity Report – 2023 Year in Review”, dated January 19, 2024, from the Director, Community Bylaws & Licencing, be received for information.

CARRIED

3. **BUSINESS LICENCE ACTIVITY REPORT – 2023 YEAR IN REVIEW**

(File Ref. No. 12-8060-01) (REDMS No. 7537194)

In response to queries from Committee, staff advised that they will report back on what types of businesses are included in the list of inactive business licenses and provide an update on business license violations.

It was moved and seconded

That the staff report titled “Business Licence Activity Report – 2023 Year in Review”, dated January 19, 2024, from the Director, Community Bylaws & Licencing, be received for information.

CARRIED

4. **OPTIONS FOR ENFORCEMENT OF ESCORT SERVICES AND BODY RUBS**

(File Ref. No. 12-8275-11) (REDMS No. 7529119)

Angela Wu, SWANN Vancouver, expressed concerns with the rights and safety of women working in licensed body rub studios and stating that the proposed increase in bylaw inspections and fines may put women at greater risk. Ms. Wu suggested a review of the City’s existing bylaws and the consideration of implementing sex work safety response guidelines on how bylaw inspections can be respectfully enforced. Ms. Wu also suggested that consultation be done with body rub studio employees to understand what is required to ensure their safety.

Bronwyn McBride, provided a summary on how enforcement of massage parlours impacts women’s safety and their ability to trust and access police protections. Ms. McBride expressed that licensed workplaces are the safest spaces for women in this work environment. The motions put forward will undermine the safety of women as the increase in enforcement will displace women to unlicensed workplaces putting them at greater risk of violence.

Dr. Jessica Taylor, Richmond resident, spoke on the problems regarding enforcement of sex workers and the decrease in their health and safety when extreme measures are enforced. Dr. Taylor expressed that the joint Business Licence/RCMP operations leads to an increase in fear and a distrust in municipal institutions. Dr. Taylor suggested that Richmond is already regulated, and increasing fines may be counter intuitive. She encouraged the City to develop supports for this vulnerable population.

In reply to queries from Committee, staff stated that the bylaw recommendations put forward are geared towards business owners and not the workers and bylaw officers act professionally when conducting inspections.

It was moved and seconded

- (1) *That Option 2 as described in the staff report titled "Options for Enforcement of Escort Services and Body Rub Studios" dated January 16, 2024 from the General Manager, Community Safety be endorsed;*
- (2) *That staff amend the Business Licence Bylaw 7360, the Business Regulation Bylaw No. 7538, the Municipal Ticket Information Authorization Bylaw No. 7321, and the Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122.*

The question on the motion was not called as discussion ensued with regard to the safety of the workers during enforcement activity and alignment of the existing City bylaws with guidelines and principles set out by the British Columbia Association of Chiefs of Police (BCACP).

The question on the motion was then called and it was **CARRIED** with Cllr. Gillanders opposed.

5. **RICHMOND FIRE-RESCUE MONTHLY ACTIVITY REPORT – DECEMBER 2023 AND YEAR IN REVIEW**

(File Ref. No. 09-5140-01) (REDMS No. 7525426)

In reply to queries to Committee, Fire Chief Jim Wishlove noted that (i) Richmond Fire-Rescue (RFR) documents when naloxone is administered during an overdose incident, (ii) social media platforms outreach has increased from 2022 to 2023, and (iii) the Fire Risk Prediction Modeling used to conduct fire inspections helps determine a property's risk of fire.

Chief Wishlove then provided an overview of the 2023 Mobile Outdoor Food Service Unit (MOFSU) inspection program for food trucks, highlighting the introduction of a joint municipal program across the Lower Mainland.

It was moved and seconded

That the staff report titled "Richmond Fire-Rescue Monthly Activity Report – December 2023 and Year In Review", dated January 11, 2024, from the Fire Chief, be received for information.

CARRIED

6. **FIRE CHIEF BRIEFING**

(Verbal Report)

Chief Wishlove updated Committee on the Super Grocer fire noting that the building will be fully removed in the next 2 weeks.

Community Safety Committee – Tuesday, February 13, 2024

Pg. # ITEM

7. **RCMP MONTHLY ACTIVITY REPORT – DECEMBER 2023 AND YEAR IN REVIEW**

(File Ref. No. 09-5000-01) (REDMS No. 7491265)

In reply to queries to Committee, Chief Supt. Chauhan gave an overview on (i) the Boost and Bust operation stating that Richmond RCMP have doubled the operation for 2024, (ii) the Richmond RCMP response to 2023 mental health incidences, and (iii) robbery incidences occurred outdoors with one stranger related investigation still ongoing.

Discussion then ensued with regard to the Fox 80 program operations, and as a result, staff were directed to provide a memorandum on the hours of operation and expansion of the program.

It was moved and seconded

That the report titled “RCMP Monthly Activity Report – December 2023 and Year in Review”, dated January 16, 2024, from the Officer in Charge, Richmond RCMP Detachment, be received for information.

CARRIED

8. **RCMP/OIC BRIEFING**

(Verbal Report)

None.

9. **MANAGER’S REPORT**

None.

ADJOURNMENT

It was moved and seconded

That the meeting adjourn (5:53 p.m.).

CARRIED

Community Safety Committee – Tuesday, February 13, 2024

Pg. # ITEM

Certified a true and correct copy of the Minutes of the meeting of the Community Safety Committee of the Council of the City of Richmond held on Tuesday, February 13, 2024.

Councillor Alexa Loo
Chair

Mizuguchi, Andrea
Legislative Services Associate



General Purposes Committee

- Date: Tuesday, February 20, 2024
- Place: Council Chambers
Richmond City Hall
- Present: Mayor Malcolm D. Brodie, Chair
Councillor Chak Au
Councillor Carol Day
Councillor Laura Gillanders
Councillor Kash Heed
Councillor Andy Hobbs
Councillor Alexa Loo
Councillor Bill McNulty
Councillor Michael Wolfe
- Call to Order: The Chair called the meeting to order at 4:00 p.m.

MINUTES

It was moved and seconded
That the minutes of the meeting of the General Purposes Committee held on February 5, 2024, be adopted as circulated.

CARRIED

FINANCE AND CORPORATE SERVICES DIVISION

- CONTRACT RENEWAL 6722P- SUPPLY AND DELIVERY OF COMPUTER EQUIPMENT AND RELATED SERVICES**
(File Ref. No. 04-1300-01) (REDMS No. 7537976)

It was moved and seconded

General Purposes Committee
Tuesday, February 20, 2024

- (1) *That contract 6722P – Supply and Delivery of Computer Equipment and Related Services, approved by Council on November 23, 2020 for a three-year term be extended for the optional two-year term, to a maximum five-year contract term, thereby expiring November 23, 2025; and*
- (2) *That Contract 6722P Supply and Delivery of Computer Equipment and Related Services for Compugen be increased by \$1,279,084.00 excluding taxes, to fund the renewal of that two-year term; and*
- (3) *That the Chief Administrative Officer and the General Manager, Finance and Corporate Services be authorized to execute the amendment to the contract with Compugen Inc.*

The question on the motion was not called as in response to queries from Council, staff advised that (i) the majority of City employees are equipped with laptops, (ii) laptops have a higher per unit cost than traditional desktops, (iii) devices are replaced on a five-year refresh cycle, (v) the purpose of this report is to gain approval to extend the term of the contract for a further two years to a maximum five year term, and (vi) the initial three year term was set with the intent that a vendor performance assessment can be done and a decision can be made on the option to extend the term by another two years.

The question on the motion was then called and it was **CARRIED**.

LAW AND LEGISLATIVE SERVICES DIVISION

2. **REGULATION OF MATERIAL ON HIGHWAYS AND PUBLIC PLACES PURSUANT TO SECTION 46 OF THE COMMUNITY CHARTER**

(File Ref. No. 12-8060-20-010226) (REDMS No. 7356654)

It was moved and seconded

- (1) *That Regulation of Material on Highways Bylaw No. 10226, be introduced and given first, second and third readings;*
- (2) *That Consolidated Fees Bylaw No. 8636, Amendment Bylaw No. 10227, be introduced and given first, second and third readings;*
- (3) *That Municipal Ticket Information Authorization Bylaw No. 7321, Amendment Bylaw No. 10228, be introduced and given first, second and third readings; and*
- (4) *That Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122, Amendment Bylaw No. 10229, be introduced and given first, second and third readings.*

CARRIED

2.

General Purposes Committee
Tuesday, February 20, 2024

ADJOURNMENT

It was moved and seconded
That the meeting adjourn (4:06 p.m.).

CARRIED

Certified a true and correct copy of the Minutes of the meeting of the General Purposes Committee of the Council of the City of Richmond held on Tuesday, February 20, 2024.

Mayor Malcolm D. Brodie
Chair

Raman Grewal
Legislative Services Associate



To: General Purposes Committee **Date:** January 16, 2024
From: Grant Fengstad **File:** 04-1300-01/2024-Vol
 Director, Information Technology 01
Re: **Contract Renewal 6722P- Supply and Delivery of Computer Equipment and Related Services**

Staff Recommendation

1. That Contract 6722P – Supply and Delivery of Computer Equipment and Related Services for Compugen, approved by Council on November 23, 2020 be extended for an additional two-year term, to a maximum five-year contract term, thereby expiring November 23, 2025; and
2. That Contract 6722P – Supply and Delivery of Computer Equipment and Related Services for Compugen be increased by \$1,279,084.00 excluding taxes, to fund the renewal of that two-year term; and
3. That the Chief Administrative Officer and the General Manager, Finance and Corporate Services be authorized to execute the amendment to the contract with Compugen Inc.

Grant Fengstad
 Director, Information Technology
 (604-276-4096)

REPORT CONCURRENCE		
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Finance Department Law	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	
SENIOR STAFF REPORT REVIEW	INITIALS: 	APPROVED BY CAO

Staff Report

Origin

On November 23, 2020, Council approved the award of contract based on an RFP (request for proposal) for computer desktop equipment for a three-year term, with the option to renew for an additional two years. The contract value awarded for that initial three-year term was \$845,910.00 exclusive of taxes.

A subsequent report was presented to Council on February 7, 2022 seeking approval for increased expenditures of \$646,778.00 related to expenses supporting the ability of staff to work from home as well as other remote locations due to COVID-19. That additional approval amount of \$646,778.00 was funded by a provincial grant to mitigate the impacts of COVID-19. The project spend for the extension term is in line with the planned assets eligible for refresh in 2024 and 2025 as such products are end of life.

The initial three-year contract term expired as of November 25, 2023. The request is to extend the term of the contract for a further two year term to a maximum five-year term, for a total estimated contract value of \$2,771,772.00, excluding taxes.

This would permit Information Technology to continue fulfilling our commitment to our customers by providing IT Assets on a consistent hardware refresh cycle.

This report supports Council's Strategic Plan 2022-2026 Focus Area #4 Responsible Financial Management and Governance:

Responsible financial management and efficient use of public resources to meet the needs of the community.

4.1 Ensure effective financial planning to support a sustainable future for the City.

4.2 Seek improvements and efficiencies in all aspects of City business.

4.3 Foster community trust through open, transparent and accountable budgeting practices and processes.

Analysis

The City has adopted a "best practice" refresh program to ensure that the lifecycle for Information Technology assets are providing the best value to the City and being updated as they become "end of life". Corporate computers are replaced on a five-year refresh cycle with approximately 20 percent of the inventory being updated each year. This provides up-to-date technology on a rolling basis to City employees that enable a high level of performance in serving the needs of the community. Having a managed refresh program reduces Corporate Risk by planning and scheduling replacement versus responding to failures and breakage.

Information Technology manages a current inventory of approximately 3,200 computer assets that include workstations, laptops and mobile devices. Workstations and laptops are replaced on a five-year cycle, whereas mobile devices are replaced every three years.

As of 2023, the distribution of computing devices has dramatically changed with a larger number of employees being provided with laptop computers and docking station hubs to connect to City services at the workplace. While the number of units being issued has increased, the departure from using desktops to laptops and the ability to transport the hardware while accessing City applications securely, has resulted in increased efficiencies and standardization of a single device per user.

The purpose of this report is to seek approval from Council to renew the award of contract with Compugen Inc. for an additional two-year term. This would enable staff to prepare a new RFP that will be issued to the marketplace in 2025.

Financial Impact

The forecasted spend for the additional two-year term is \$1,279,084.00. The total value of the contract for the maximum five-year term is estimated to be \$2,771,772.00, excluding taxes. Funding for these expenditures has been approved by Council as part of the 2024 Capital Budget and is captured as part of the five-year financial plan.

Conclusion

Staff recommend that the contract awarded to Compugen Inc., as the most responsive and responsible bidder in November 2020, be extended by an additional two-year term.

Kimberley Carron

Kimberley Carron
Supervisor, IT Customer Service
(604-276-4117)

KLC:klc



To: General Purposes Committee

Date: January 26, 2024

From: Anthony Capuccinello Iraci
General Manager, Law and Legislative Services

File: 12-8060-20-010226/Vol 01

Re: Regulation of Material on Highways and Public Places pursuant to Section 46 of the *Community Charter*

Staff Recommendation

1. That Regulation of Material on Highways Bylaw No. 10226, be introduced and given first, second and third readings;
2. That Consolidated Fees Bylaw No. 8636, Amendment Bylaw No. 10227, be introduced and given first, second and third readings;
3. That Municipal Ticket Information Authorization Bylaw No. 7321, Amendment Bylaw No. 10228, be introduced and given first, second and third readings; and
4. That Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122, Amendment Bylaw No. 10229, be introduced and given first, second and third readings.

Anthony Capuccinello Iraci
General Manager, Law and Legislative Services
(604-247-4636)

REPORT CONCURRENCE		
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Engineering	<input checked="" type="checkbox"/>	
Community Bylaws	<input checked="" type="checkbox"/>	
Parks Services	<input checked="" type="checkbox"/>	
Public Works	<input checked="" type="checkbox"/>	
Facilities and Project Development	<input checked="" type="checkbox"/>	
SENIOR STAFF REPORT REVIEW	INITIALS:	APPROVED BY CAO

Staff Report

Origin

The implementation of the City's powers under subsections 46(2) and (3) of the *Community Charter* would aid the City in the prohibition, removal, and disposal of unauthorized material and structures being placed, dumped, or constructed on the City's roads, lanes and public spaces, including parks. A bylaw is required to enable the City's use of the powers granted by these legislative provisions. Pursuant to such a bylaw, City staff would have additional tools for ensuring that highways and other public places remain clear of unauthorized structures and dumped materials that may obstruct public use and enjoyment, and/or present safety, environmental, or liability risks.

This report supports Council's Strategic Plan 2022-2026 Focus Area #3 A Safe and Prepared Community:

Community safety and preparedness through effective planning, strategic partnerships and proactive programs.

3.4 Ensure civic infrastructure, assets and resources are effectively maintained and continue to meet the needs of the community as it grows.

This report supports Council's Strategic Plan 2022-2026 Focus Area #4 Responsible Financial Management and Governance:

Responsible financial management and efficient use of public resources to meet the needs of the community.

Analysis

Under to Section 36 of the *Community Charter* the City has the authority to, by bylaw, regulate and prohibit all uses of or involving a highway or a part of a highway. Pursuant to Subsections 46(2) and (3) of the *Community Charter* the City has authority to, by bylaw, authorize the seizure of things unlawfully occupying a portion of a highway or public place. These legislative provisions are set out in Attachment 1 to this report.

Staff propose that *Regulation of Material on Highways Bylaw No. 10226* be adopted by Council to enable Staff to make use of these legislative tools in the regulation of unlawfully placed materials (including trash, construction materials, soil, fixtures/appliances, and equipment) or structures (including decks, patios, swimming pools, trailers, and buildings) on City highway (roads, lanes, etc) or other public places (park, public plaza, trails, etc) ("unauthorized material"), including the removal, seizure, and disposal of such unauthorized materials.

Current Powers

Under the City's current bylaws, the City has a variety of powers to prohibit, ticket, order the removal, or remove things left or constructed on various types of property. These existing provisions, along with other related City powers, are described in a summary set out in Attachment 2.

Though the existing City bylaws provide for a number of prohibitions against dumping or constructing on various types of City property, and provide for some rights of seizure, removal, and disposal, they do not apply to the same broad category of City controlled properties and public spaces as the proposed bylaw. Nor do they provide as broad rights of seizure, impoundment, disposal and sale, or the ability to issue orders to comply where the owner of the things, materials and/or structures can be identified. The proposed bylaw will significantly augment these existing powers.

Proposed Bylaw

If adopted, under the proposed bylaw the City will have additional broad powers with respect to:

- (a) prohibition and ticketing with respect to placing any unauthorized material on any highways or public spaces without City consent;
- (b) seizure, removal, impoundment, and disposal of unauthorized material, without notice to the owner; and
- (c) orders to remove unauthorized material.

If adopted, under the proposed bylaw the City may order compliance where there is an identifiable owner of the material and where the City determines that removal should be undertaken by the owner. In other circumstances, including without limitation where removal is required urgently to ensure safe and/or unobstructed public access to highways and public places, the City or a RCMP officer may, without notice to the owner, have unauthorized material seized and removed by the City or its contractors.

The proposed bylaw sets out claim periods where the owner of any seized unauthorized material may retrieve it for a fee. However if the material is waste/refuse or is perishable, or the impoundment would cause the City unreasonable expense or inconvenience, the City may dispose of it immediately. If following the expiration of the claim period the City elects to sell any impounded material, the owner will have one year to claim to profits minus the City's expenses.

The seizure and impoundment of registered vehicles will continue to be regulated by the City's Traffic Bylaw.

A summary of the proposed bylaw is set out in Attachment 3.

Financial Impact

None.

Conclusion

Regulation of Material on Highways Bylaw No. 10226, and the related bylaw amendments will enable the City to use the powers granted under subsection 46(2) and (3) of the *Community Charter* and be an added tool for City staff in ensuring that City highways and other public places are clear of unauthorized structures and materials that may, among other issues, obstruct public use and enjoyment, or present safety, environmental, or liability risks.



Jennifer Hayes
Staff Solicitor
(604-247-4693)

JH:jh

- Attach: 1. Legislative Sections
2. Existing Bylaw Powers and Other Authorities
3. Summary of Proposed Bylaw

Legislative Sections

Community Charter, Section 36

General authority in relation to highways

36 (1) In addition to its authority in relation to highways as a service, a council may, by bylaw, regulate and prohibit in relation to all uses of or involving a highway or part of a highway.

(2) The authority of a municipality in relation to highways under any provision of this Act is subject to the following:

- (a) traffic and parking on highways may only be regulated or prohibited in accordance with the *Motor Vehicle Act*, except as expressly provided in this Act;
- (b) authority in relation to traffic on Provincial arterial highways is subject to section 124 (13) of the *Motor Vehicle Act*;
- (c) extraordinary traffic on Provincial arterial highways may only be regulated or prohibited by bylaw adopted with the approval of the minister responsible for the *Transportation Act*;
- (d) the restrictions established by the *South Coast British Columbia Transportation Authority Act*;
- (e) authority in relation to all electrical transmission and distribution facilities and works that are on, over, under, along or across a highway is subject to the *Utilities Commission Act* and to all orders, certificates and approvals issued, granted or given under that Act.

(3) Authority in relation to highways that is provided to a municipality under this or another Act includes the power to restrict the common law right of passage by the public over a highway that is vested in the municipality, if this restriction is necessary to the exercise of the authority.

Community Charter, Section 46

Use of highways and public places

46 (1) Except as permitted by bylaw or another enactment, a person must not excavate in, cause a nuisance on, obstruct, foul or damage any part of a highway or other public place.

(2) A council may, by bylaw,

- (a) authorize the seizure of things unlawfully occupying a portion of a highway or public place,
- (b) establish fees for such seizure that are payable by the owner of the thing, and
- (c) provide for the recovery of those fees from the owner of the thing, including by sale of the thing if the owner refuses to pay or cannot be identified after reasonable efforts.

(3) If a thing is seized under subsection (2), by a municipality, neither the municipality nor a person to whom the thing is disposed of is liable, in damages or otherwise, for or in respect of any claim that may arise in respect of the thing after its disposal in accordance with this Act.

Community Charter, Definitions

"**highway**" includes a street, road, lane, bridge, viaduct and any other way open to public use, other than a private right of way on private property;

"public place" is not defined by the *Community Charter*, but is regularly interpreted to mean all parks, squares, and similar areas available to public use.

Existing Bylaw Powers and Other Authorities

Existing Bylaw Powers

- *Traffic Bylaw 5870*¹
 - Prohibits the obstruction of a highway by anything without a permit, and prohibits littering from a vehicle. The City may ticket offenders if they can be identified.
 - Impoundment and seizure rights for the City are limited to:
 - Vehicles unlawfully occupying a portion of a highway.
 - This right is used primarily for illegally parked vehicles and includes a prescribed process for impoundment, claim, and cost recovery. The proposed bylaw will not duplicate this power.
 - Containers and chattel (personal items, objects, fill, refuse, equipment, or machinery) placed on a street open to the passage of vehicles or boulevard without a permit.

- *Solid Waste & Recycling Regulation Bylaw 6803*²
 - Applies to any highway, park or other public place, or land owned or under the jurisdiction of the City.
 - Prohibits the leaving, dumping, or disposal of garbage, recyclable materials, yard and garden trimmings, food waste, materials excluded from the City's solid waste collection services (including but not limited to construction waste, soil, tires and automobile parts), or other discarded materials.
 - City may arrange for removal of these materials and remediation.
 - City may ticket offenders, if they can be identified, or order them to remove the material and claim the costs if they fail to comply with the order.

- *Public Parks and School Grounds Regulation Bylaw 8771*³
 - Applies to any public park, boulevard, greenway, trail, beach, public recreation building, dock, pier, heritage site, or facility under the custody, care, management or jurisdiction of the City and available for public access, and to any school ground, park, playground, or other places under the custody, care, management or jurisdiction of the school district.
 - Prohibits littering, disposing of household, commercial or yard waste. City may ticket offenders, if they can be identified.
 - Prohibits installing, erecting or constructing a tent, shelter, building structure, sign, ornament or object or depositing soil, wood, rock or other material, without authorization. Authorizes the City to remove such material at the offender's expense and the City may ticket offenders, if they can be identified.

¹ Pursuant to the City's right to regulate highways as a City service and to regulate and prohibit in relation to the use of highways. (s. 8(3(a)) and 36 of *Community Charter*)

² Pursuant to the City's right to regulate and prohibit in relation to a City service and public spaces. (s. 8(3(a)), 8(3(b)), and 62 of *Community Charter*)

³ Pursuant to the City's right to regulate and prohibit in relation to a City service and public spaces. (s. 8(3(a)), 8(3(b)), and 62 of *Community Charter*)

- *Unsightly Premises Regulation Bylaw 7162*⁴
 - Applies to the owner or occupier of private property and to activities by persons on public property (any property owned or leased by the City ordinarily accessible to the public, including parks, roads, boulevards, sidewalks, and dikes).
 - Prohibits the accumulation of rubbish, filth, discarded materials, or noxious, offensive or unwholesome matter or substances on or around that property.
 - City may ticket the offender, or order removal with respect to the owner or occupier of private property.

Other Authorities

- Common Law – Private Property Rights
 - The City may as the registered owner of real property exercise its rights to clear its land of materials placed there without permission, as such materials may constitute a trespass or nuisance.
 - However, the exercise of these rights does not have the same legislative liability protections as the seizure rights under the proposed bylaw.
- Subsection 46(1) of *Community Charter* – Court Injunction
 - Separate from the bylaw powers granted by subsection 46 (2) and (3), the City has the authority pursuant to subsection 46(1) of the *Community Charter* to see relief through court injunction against those who “excavate in, cause a nuisance on, obstruct, foul or damage any part of a highway or other public place” without City approval or an applicable permit. The injunction could require removal of materials or the cessation of particular actions. The use of this power does not require a bylaw.
 - However, enforcement under this provision can require a considerable amount of time when time it is not necessarily available due to the immediate and urgent nature of the need for removal. Additionally, enforcement would require significant resources for investigative work and support for the court process required to obtain such injunctions.
 - The powers pursuant to the proposed bylaw would allow for the City to effect immediate seizure and removal or removal orders when deemed appropriate.

⁴ Pursuant to the City’s right to regulate and prohibit in relation to the protection and enhancement of the well-being of its community in relation to the matters referred to in section 64 [nuisances, disturbances and other objectionable situations]. (s. 8(3(h)) and 64 of *Community Charter*)

Summary of Proposed Bylaw

- *Prohibition*
 - No one may place, leave, dump, install, or construct any material or structure on a highway or public space without prior written consent of the City.
- *Impoundment/Seizure and Sale*
 - Without notice to the owner, the City⁵ or a Police Officer may order the seizure, removal and impoundment of unauthorized material from a highway or public space by City staff or contractors.
 - The impounded/seized unauthorized material may be retrieved by the owner by paying the City's fees and expenses set out in the Consolidated Fees Bylaw.
 - If no one claims the unauthorized material within 14 days of seizure, the City may dispose of the material.
 - The City will have a right to sell seized materials, where the City determines that is a prudent method of disposal, if not claimed within 30 days; first through auction, or if not sold at auction then through private sale.
 - If there are any proceeds of sale in excess of the City expenses and any fees owing, they are be returned to the owner.
 - If the excess funds are not paid out, or claimed, within 1 year they will be forfeit to the City.
 - If the material is waste/refuse or is perishable, or if the impoundment would involve an unreasonable expense or inconvenience for the City, the City may dispose of the material without waiting the claim periods.
 - City expenses incurred in the removal and disposal, plus an administrative fee set out in the Consolidated Fees Bylaw, less any proceeds from the disposal/sale of the material (if any), are a debt to the City owed by the owner of the material.
- *Order to Comply*
 - Bylaw enforcement officers may order the owner of any unauthorized material to remove it.
 - If the order is not complied with, the City may remove and dispose of the unauthorized material at the owner's expense, with no compensation.
 - City expenses incurred in the removal and disposal plus an administrative fee set out in the Consolidated Fees Bylaw are a debt to the City.
 - Consolidated Fees Bylaw No. 8636, Amendment Bylaw No. 10227 introduces the applicable fees pursuant to this bylaw.
- *Liability Protection:* As provided for in the legislation, the bylaw can provide the city with liability protection against claim regarding anything seized, removed, impounded, or disposed of pursuant to the bylaw. This level of protection from financial and legal liability is not available to the City when we remove material which is trespassing on City property simply under our powers as the owner of the property.

⁵ Any City bylaw enforcement officers, the Fire Chief, the General Manager, Engineering & Public Works (or their designates)

- *Owner:* In the absence of proof to the contrary, the owner of the unauthorized material is deemed to be:
 - the person who placed the unauthorized material on the highway or public place; and
 - in respect of unimproved roads, the owner of the real property adjacent to where the unauthorized material was placed.

In the opinion of Staff this is a reasonable assumption as many circumstances encountered by City staff the materials left or constructed on unimproved roads are owned by the adjacent land owner (for example: decks, sheds, collections of construction or gardening materials) and thus in most circumstances dumped materials will be the property of the adjacent land owner. However, if there is clear evidence to the contrary in cases of dumping by persons other than the adjacent land owner (for example: litter, garbage, abandoned camps) removal of the material would be at the City's cost if the owner could not otherwise be determined.

- *Fees and Expenses as Debt:* all the fees and expenses payable by an owner under this bylaw, if they remain unpaid, may be added to the applicable property taxes.
- *Ticketing:* As an additional enforcement tool Notices of Bylaw Violation of up to the maximum amount of \$500 for each occurrence and municipal tickets of up to the maximum amount of \$1000 for each occurrence would apply to any unauthorized material being placed or constructed upon a highway or public place, and to the failure to comply with an order of removal.
 - Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122, Amendment Bylaw No. 10229 introduces the applicable notices of bylaw violation pursuant to this bylaw.
 - Municipal Ticket Information Authorization Bylaw No. 7321, Amendment Bylaw No. 10228 introduces the applicable MTIs pursuant to this bylaw.
- *Motor Vehicles:* The removal and impoundment of improperly parked registered/licensed motor vehicles on highways continues to be regulated under the City's Traffic Bylaw 5870 and excluded from this new bylaw. This bylaw would however apply to derelict and abandoned non-licensed vehicles left on City property or other public places.



Regulation of Material on Highways Bylaw No. 10226

WHEREAS Part 2, Division 5, Section 36 of the *Community Charter* confers upon the **City** authority to, by bylaw, regulate and prohibit in relation to all uses of or involving a highway or a part of a highway;

AND WHEREAS Part 2, Division 5, Subsections 46(2) & (3) of the *Community Charter* confers upon the **City** authority to, by bylaw, authorize the seizure of things unlawfully occupying a portion of a highway or public place;

NOW THEREFORE, the Council of the City of Richmond enacts as follows:

PART ONE: GENERAL PROVISIONS

1.1 Prohibition

1.1.1 No person shall cause, or permit, any things, including without limitation any **material** or **structure**, to occupy or be placed, left, dumped, abandoned, disposed of, installed, or constructed upon a **highway** or other **public space**, without the prior written consent of the **City** (including, without limitation, by way of license agreement, and as may be permitted under *Traffic Bylaw No. 5870*).

1.2 Seizure, Removal and Impoundment

1.2.1 Without notice to, or consent of, the owner of any **unauthorized thing, material or structure**, a **bylaw enforcement officer**, the **Fire Chief**, a **Police Officer**, the **General Manager, Community Safety**, the **General Manager, Engineering & Public Works**, or their designates, may direct **City** staff, or the **City's** agents and contractors, to seize, remove, and impound, or to cause the seizure, removal, and impoundment of, any **unauthorized thing, material or structure** occupying a portion of a **highway** or **public space**. The impoundment shall be in such a place as directed by the person issuing the direction.

1.2.2 Any **unauthorized thing, material or structure** so removed, impounded, or seized under this bylaw pursuant to Section 1.2.1 may be recovered by the owner by paying to the **City** the fees, costs and expenses in the amount set out from time to time in the *Consolidated Fees Bylaw No. 8636*. If such charges remain unpaid on or before December 31st in the year in which the charges are incurred, they may form part of the taxes payable on the person's related real property, as taxes in arrears.

- 1.2.3 Any **unauthorized thing, material or structure** seized under this bylaw may not be disposed by the **City** unless no person has within a fourteen (14) calendar day period following removal/seizure:
- (a) appeared who has established a claim to the **unauthorized thing, material or structure**;
 - (b) paid to the **City** the costs set out under section 1.3.2 above; and
 - (c) taken custody of it.
- 1.2.4 If the **unauthorized thing, material or structure** is not claimed by its owner within 30 calendar days of the date of removal/seizure, the **unauthorized thing, material or structure** maybe sold by the **City** at public auction, if applicable, or otherwise disposed of at the direction of the **General Manager, Finance and Corporate Services**. If the **unauthorized thing, material or structure** is put up for sale by public auction and is not sold, it may be sold by the **City** by private sale or otherwise disposed of at the discretion of the **General Manager, Finance and Corporate Service**.
- 1.2.5 Notwithstanding Section 1.2.3 and 1.2.4 above, if, in the opinion of the **General Manager, Finance and Corporate Services**, the **General Manager, Engineering and Public Works**, or the **General Manager, Community Safety**:
- (a) the **unauthorized thing, material or structure** is waste or refuse;
 - (b) the **unauthorized thing, material or structure** is perishable; or
 - (c) the impoundment of an **unauthorized thing, material or structure** involves unreasonable expense or inconvenience,
- the **City** may dispose of the **unauthorized thing, material or structure** at any time and in any manner.
- 1.2.6 The expenses incurred in the seizure, removal, impoundment, and disposal of any **unauthorized thing, material or structure** under Sections 1.2.4 or 1.2.5 of this bylaw, plus an administrative fee as set out from time to time in the **Consolidated Fees Bylaw No. 8636**, less the proceeds, if any, of the disposal are recoverable as a debt due to the **City**, or its contractors and authorized agents, from the owner of the **unauthorized thing, material or structure**. If such charges remain unpaid on or before December 31st in the year in which the charges are incurred, they may form part of the taxes payable on the person's related property, as taxes in arrears.
- 1.2.7 If upon the sale of any **unauthorized thing, material or structure** the proceeds exceed the expenses incurred in the seizure, removal and disposal, the balance of the proceeds of the sale will be held in trust by the **City** for the owner thereof. If such monies have been held by the **City** for a period of one (1) year and no lawful claim

has been made therefore, the monies shall be forfeited to the **City** and shall be transferred to the general revenue of the **City** and shall form part thereof.

- 1.2.8 In the exercise of the authority set out in this Section 1.2 no compensation shall be paid to the owner of the **unauthorized thing, material or structure**, or any other person, for the loss or damage resulting from the seizure, removal, impoundment, or disposal.

1.3 Order to Comply (Removal)

- 1.3.1 A **bylaw enforcement officer** may order the owner of any **unauthorized thing, material or structure** to remove or clear such **unauthorized thing, material or structure** from any **highway** or **public space**, subject to the directions set out in the **order to comply**.
- 1.3.2 A **bylaw enforcement officer** may enter, at all reasonable times, upon any real property to determine whether the provisions of this bylaw or the directions of an **order to comply** are being complied with.
- 1.3.3 If the owner of the **unauthorized thing, material or structure** fails to remove or clear the **unauthorized thing, material or structure** from the **highway** or **public space** as directed in an **order to comply**, **City** staff, or a contractor engaged by the **City**, may seize, remove or clear and dispose of the **unauthorized thing, material or structure** at the expense of the owner. In the exercise of this authority no compensation shall be paid to the owner of the **unauthorized thing, material or structure** or any other person for the loss or damage resulting from the seizure, removal, clearing, or disposal.
- 1.3.4 If the owner fails to remove or clear the **unauthorized thing, material or structure** from a **highway** or **public space**, as directed in an **order to comply**, to which access is required through adjacent real property, **City** staff, or a contractor engaged by the **City**, may enter on such real property adjacent to the **highway** or **public space** to, at reasonable times and in a reasonable manner, to seize, remove or clear the **unauthorized thing, material or structure** at the expense of the owner. In the exercise of this authority no compensation shall be paid to the owner of the **unauthorized thing, material or structure** or any other person for the loss or damage resulting from the seizure, removal, clearing, or disposal.
- 1.3.5 Where **unauthorized thing, material or structure** has been seized, removed or cleared in accordance with subsection 1.3.3 or 1.3.4 the costs incurred for such seizure, removal, or clearance, and disposal by the **City** of such **unauthorized thing, material or structure**, plus an administrative fee as set out from time to time in the *Consolidated Fees Bylaw No. 8636*, are recoverable as a debt due to the **City**, or its contractors and authorized agents, from the owner. If such charges remain unpaid on or before December 31st in the year in which the charges are incurred, they may form part of the taxes payable on the owner's related property, as taxes in arrears.

1.4 Ownership of Unauthorized thing, material or structure

1.4.1 In the absence of proof to the contrary:

- (a) the person who placed the **unauthorized thing, material or structure** on the **highway** or **public space**; and
- (b) in respect of **unauthorized thing, material or structure** placed upon unimproved **highways**, the owner or occupant of the real property adjacent to where such **unauthorized thing, material or structure** was placed on the **highway**,

shall be deemed to be the owner of such **unauthorized thing, material or structure** for the purposes of this bylaw.

1.5 Vehicles

1.5.1 Notwithstanding anything contained in this bylaw, the impoundment, seizure, sale in respect of any vehicle having a registered owner set out in the records of the Superintendent of Motor Vehicles unlawfully occupying any portion of a **highway** normally open to the use of the public for the passage of vehicles, shall be subject to the provisions of *Traffic Bylaw No. 5870*.

PART TWO: OFFENCES, PENALTIES AND ENFORCEMENT

- 2.1 (a) A violation of any of the provisions identified in this bylaw shall result in liability for penalties and late payment amounts established in Schedule A of the *Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122*, as amended or replaced from time to time; and
 - (b) A violation of any of the provisions identified in this bylaw shall be subject to the procedures, restrictions, limits, obligations and rights established in the *Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122* in accordance with the *Local Government Bylaw Notice Enforcement Act, SBC 2003, c. 60*, as they may be amended or replaced from time to time.
- 2.2 Any person who gives false information required under this bylaw is deemed to have committed an infraction of, or an offence against, this bylaw, and is liable on summary conviction to a penalty of not more than \$10,000 in addition to the costs of the prosecution, and each day that such violation is caused or allowed to continue constitutes a separate offence.
- 2.3 Any person who contravenes or violates any provision of this bylaw, or who suffers or allows any act or thing to be done in contravention or violation of this bylaw, or who fails or neglects to do anything required to be done under this bylaw, commits an offence and upon conviction shall be liable to a fine of not less than One Thousand Dollars (\$1,000.00) and not more than Fifty Thousand Dollars (\$50,000.00), in addition to the

costs of the prosecution, and where the offence is a continuing one, each day that the offence is continued shall constitute a separate offence.

PART THREE: INTERPRETATION

3.1 In this bylaw, unless the context requires otherwise:

BYLAW ENFORCEMENT OFFICER	means an employee of the City with the job position or title of bylaw enforcement officer, or acting in another capacity on behalf of the City for the purpose of the enforcement of one of more of the City 's bylaws, including without limitation a building inspector and a licensing inspector.
CITY	means the City of Richmond.
COMMUNITY CHARTER	means <i>Community Charter</i> , SBC 2003, c. 26, as amended or replaced from time to time.
CONSOLIDATED FEES BYLAW NO. 8636	means the City 's <i>Consolidated Fees Bylaw No. 8636</i> , as amended or replaced from time to time.
COUNCIL	means the Council of the City .
FIRE CHIEF	has the meaning set out in the City 's <i>Fire Protection and Life Safety Bylaw No. 8306</i> , as amended or replaced from time to time.
GENERAL MANAGER, COMMUNITY SAFETY	means the City 's General Manager of Community Safety, and his/her designate(s).
GENERAL MANAGER, FINANCE AND CORPORATE SERVICES	means the City 's General Manager of Finance and Corporate Services and his/her designate(s).
GENERAL MANAGER, ENGINEERING AND PUBLIC WORKS	means the City 's General Manager of Engineering and Public Works and his/her designate(s).
HIGHWAY	means any street, road, lane, bridge, viaduct, and any other way open to public use, other than a private right of way on private property, whether or not it is improved. For greater certainty, highway includes land or improvement that: <ul style="list-style-type: none"> (i) becomes or has become highway by any of the means set out in the definition of "highway" in the <i>Transportation Act</i> and are within the control

of or under the jurisdiction of the **City**, including without limitation all such **highways** dedicated to the **City** upon a deposit of a subdivision or road dedication plan pursuant to the *Land Title Act* whether or not such **highway** is improved or open for public use;

(ii) becomes or has become **highway** by **City** bylaw or gazette; and

(iii) are secured for public use as road by way of statutory right of way in favour of the **City**.

LAND TITLE ACT

means *Land Title Act*, RSBC 1996, c. 250, as amended or replaced from time to time

MATERIAL

means any solid or semi-solid material, including, but not limited to, any chattels, trash, refuse, waste material, construction material, soil, discarded residential, commercial or industrial fixtures and appliances, metal scraps, lumber, yard cuttings, agricultural products, and agricultural equipment.

POLICE OFFICER

has the meaning set out in the **City's** *Municipal Ticket Information Authorization Bylaw No. 7321*, as amended and replaced from time to time.

PUBLIC SPACE

means any park, public plaza, public square, or other place which the public has access to as a right or by invitation, express or implied, and which is owned by, or within the control, of the **City**, including without limitation any such place secured by way of statutory right of way in favour of the **City**.

STRUCTURE

means any temporary or permanent structure, construction, or building, including without limitation any septic tank, deck, patio, swimming pool, trailer, storage unit, shed, house, warehouse, greenhouse, fixture, piping, and infrastructure.

TRAFFIC BYLAW NO. 5870 means the **City's Traffic Bylaw No. 5870**, as amended or replaced from time to time.

TRANSPORTATION ACT means *Transportation Act*, SBC 2004, c. 44, as amended or replaced from time to time.

UNAUTHORIZED THING, MATERIAL OR STRUCTURE means any thing, including without limitation any **material** or **structure** placed, left, dumped, abandoned, disposed of, installed, or constructed upon a portion of a **highway** or **public space** without the **City's** consent.

3.2 References in this bylaw to enactments, bylaws of the **City**, include those enactments, bylaws, and plans as they may be amended or replaced from time to time.

PART FOUR: SEVERABILITY AND CITATION

4.1 If any section, subsection, paragraph, clause or phrase 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.

4.2 This Bylaw is cited as "**Regulation of Material on Highways Bylaw No. 10226**".

PART FIVE: FEES BYLAW

5.1 The *Consolidated Fees Bylaw No. 8636*, as may be amended from time to time, applies to this bylaw.

FIRST READING

SECOND READING

THIRD READING

ADOPTED



MAYOR

CORPORATE OFFICE



CONSOLIDATED FEES BYLAW NO. 8636, AMENDMENT BYLAW NO. 10227

The Council of the City of Richmond enacts as follows:

- 1. The Consolidated Fees Bylaw No. 8636, as amended, is further amended by adding the Schedule A to this Bylaw following the SCHEDULE – RCMP DOCUMENTATION FEES Table as a new “SCHEDULE - REGULATION OF MATERIAL ON HIGHWAYS” to Consolidated Fees Bylaw No. 8636.
2. This Bylaw is cited as “Consolidated Fees Bylaw No. 8636, Amendment Bylaw No. 10227”.

FIRST READING

SECOND READING

THIRD READING

ADOPTED

Four horizontal lines for signatures corresponding to the reading stages.

Approval stamp box containing 'CITY OF RICHMOND', 'APPROVED for content by originating dept.', a signature, and 'APPROVED for legality by Solicitor' with another signature.

MAYOR

CORPORATE OFFICER

SCHEDULE - REGULATION OF MATERIAL ON HIGHWAYS**Regulation of Material on Highways Bylaw No. 10226**

Section 1.2.5

Description	Fee
Administrative charges for cost recovery	20% of actual costs
Costs of removal or clearance and disposal	Actual Cost

Regulation of Material on Highways Bylaw No. 10226

Section 1.3.2

Description	Fee
Administrative charges for cost recovery	20% of actual costs
Costs of removal, impoundment or seizure	Actual Cost

Regulation of Material on Highways Bylaw No. 10226

Section 1.3.6

Description	Fee
Administrative charges for cost recovery	20% of actual costs
Costs of removal and disposal	Actual Cost less proceeds (if any)



**Municipal Ticket Information Authorization Bylaw No. 7321,
Amendment Bylaw No. 10228**

The Council of the City of Richmond enacts as follows:

1. **Municipal Ticket Information Authorization Bylaw No. 7321**, as amended, is further amended by:

(a) inserting the following as new section 10 in Schedule A to Bylaw 7321:

“10. Regulation of Material on Highways
Bylaw No. 10226

- **Bylaw Enforcement Officer**

- **Fire Inspector**

- **Police Officer”**

(b) inserting Schedule A attached hereto as new Schedule B 10 to Bylaw 7321.

2. This Bylaw is cited as “**Municipal Ticket Information Authorization Bylaw No. 7321,
Amendment Bylaw No. 10228**”.

FIRST READING

SECOND READING

THIRD READING

ADOPTED

CITY OF RICHMOND
APPROVED for content by originating dept.
<i>[Signature]</i>
APPROVED for legality by Solicitor
<i>[Signature]</i>

MAYOR

CORPORATE OFFICER

SCHEDULE B 10

REGULATION OF MATERIAL ON HIGHWAYS BYLAW NO. 10226

Column 1	Column 2	Column 3
Offence	Bylaw Section	Fine
Cause or permit material or structure to be placed, left, dumped, abandoned, disposed of, installed or constructed upon highway or public space without written City consent	1.1	\$1000
Failure to meet the conditions and/or deadlines specified in an Order to Comply	1.2.3	\$1000



Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122, Amendment Bylaw No. 10229

The Council of the City of Richmond enacts as follows:

- 1. Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122, as amended, is further amended at Part One – Application by adding the following to the list in Section 1.1 in alphabetical order:
“Regulation of Material on Highways Bylaw No. 10226, as amended;”.
2. Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122, as amended, is further amended by adding the content of the table in Schedule A, attached to and forming part of this bylaw, as new “Schedule – Regulation of Material on Highways Bylaw No. 10226” in Bylaw No. 8122 in alphabetical order.
3. This Bylaw is cited as “Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122, Amendment Bylaw No. 10229”.

FIRST READING

SECOND READING

THIRD READING

ADOPTED

CITY OF RICHMOND
APPROVED for content by originating Division
APPROVED for legality by Solicitor

MAYOR

CORPORATE OFFICER

SCHEDULE A to BYLAW NO. 10229

Schedule – Regulation of Material on Highways Bylaw No. 10226
Designated Bylaw Contraventions and Corresponding Penalties

A1 Bylaw	A2 Description of Contravention	A3 Section	A4 Compliance Agreement Available	A5 Penalty	A6 Early Payment Option	A7 Late Payment Amount	A8 Compliance Agreement Discount
Regulation of Material on Highways Bylaw No. 10226	Period of Time from Receipt (inclusive)		n/a	29 to 60 days	1 to 28 days	61 days or more	n/a
	Cause or permit material or structure to be placed, left, dumped, abandoned, disposed of, installed or constructed upon highway or public space without written City consent	1.1	No	\$450.00	\$400.00	\$500.00	n/a
	Failure to meet the conditions and/or deadlines specified in an Order to Comply	1.2.3	No	\$450.00	\$400.00	\$500.00	n/a



To: Planning Committee **Date:** February 5, 2024
From: Suzanne Smith **File:** TU 23-033092
Acting Director, Development
Re: **Application by Firework Productions Ltd. for a Temporary Commercial Use Permit at 8351 River Road, Duck Island (Lot 87, Section 21 Block 5 North Range 6 West Plan 34592) and 8411, 8431 and 8451 West Road**

Staff Recommendation

1. That the application by Firework Productions Ltd. for a Temporary Commercial Use Permit for the properties at 8351 River Road, Duck Island (Lot 87, Section 21 Block 5 North Range 6 West Plan 34592) and 8411, 8431 and 8451 West Road be considered at a Public Hearing to be held March 18, 2024 at 7:00 p.m. in the Council Chambers of Richmond City Hall; and that the following recommendations be forwarded to that meeting for consideration:

“That a Temporary Commercial Use Permit be issued to Firework Productions Ltd. for the property at 8351 River Road and Duck Island (Lot 87, Section 21 Block 5 North Range 6 West Plan 34592) and 8411, 8431 and 8451 West Road for the purposes of permitting the following:

- a) Night market event between April 26, 2024 to October 20, 2024 (inclusive) to allow for a maximum of 84 event operational days in accordance with identified dates and hours as outlined in Schedule C attached to the Temporary Commercial Use Permit;
- b) Night market event between April 25, 2025 to October 19, 2025 (inclusive) for a maximum of 83 event operational days in accordance with identified dates and hours as outlined in Schedule C attached to the Temporary Commercial Use Permit;
- c) Night market event between April 24, 2026 to October 18, 2026 (inclusive) for a maximum of 82 event operational days in accordance with identified dates and hours as outlined in Schedule C attached to the Temporary Commercial Use Permit; and
- d) The night market event as outlined in the report dated February 5, 2024 from the Director, Development be subject to the fulfillment of all terms, conditions and requirements outlined in the Temporary Commercial Use Permit and attached Schedules”.

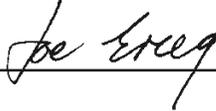
- 2. That the Public Hearing notification area be extended to include all properties to the north of Bridgeport Road and West of Great Canadian Way as shown in Attachment 4 to the staff report dated February 5, 2024.



Suzanne Smith
 Acting Director, Development
 (604-276-4138)

SS:le

Att. 5

REPORT CONCURRENCE		
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Economic Development	<input checked="" type="checkbox"/>	
Business Licences	<input checked="" type="checkbox"/>	
Community Bylaws	<input checked="" type="checkbox"/>	
Community Bylaws – Parking Enforcement	<input checked="" type="checkbox"/>	
Fire Rescue	<input checked="" type="checkbox"/>	
RCMP	<input checked="" type="checkbox"/>	
Building Approvals	<input checked="" type="checkbox"/>	
Transportation	<input checked="" type="checkbox"/>	
Finance	<input checked="" type="checkbox"/>	

Staff Report

Origin

Firework Productions Ltd. (Raymond Cheung) has applied to the City of Richmond for a Temporary Commercial Use Permit (TCUP) to allow a night market event at 8351 River Road and Duck Island (Lot 87, Section 21 Block 5 North Range 6 West Plan 34592) (herein called the subject site) and associated non-accessory vehicle parking at 8411, 8431 and 8451 West Road (Attachment 1) during the following periods:

- April 26 - October 20, 2024
- April 25 – October 19, 2025
- April 24 – October 18, 2026
- The hours of operation for each season shall be:
 - Fridays: 6:00 p.m. to 12:00 a.m.
 - Saturdays: 6:00 p.m. to 12:00 a.m.
 - Sundays: 6:00 p.m. to 11:00 p.m.
 - Long weekend Sundays: 6:00 p.m. to 12:00 a.m.
 - Long weekend Mondays: 7:00 p.m. to 11:00 p.m.

Background

In 2017, Council issued a TCUP (TU 17-764698) for the Richmond Night Market valid for three years (2017, 2018 and 2019 summer seasons). The TCUP issued for the 2021-2023 seasons (TU 20-905119) was a renewal of the TCUP issued in 2017, and expired on October 15, 2023.

In accordance with the *Local Government Act*, an application for a new TCUP has been applied for to allow the night market event in 2024, 2025 and 2026, for the summer season only.

Findings of Fact

A Development Application Data Sheet providing details about the night market event is provided in Attachment 2.

The subject site is also subject to an active rezoning application (RZ 20-915237) for a comprehensive multi-phased high-density commercial redevelopment. This rezoning application is currently under staff review and will be presented to Council for consideration at a later date.

The applicant and event organizer for the TCUP application has obtained authorization from the property owners to apply for and operate a night market event and associated non-accessory vehicle parking. If, as a result of the processing of this rezoning application, any works or modifications to the subject site occur that impact the proposed event, staff will review to determine impacts to any issued TCUP and will advise Council of any revisions and necessary approvals.

Surrounding Development

The subject site is located in the Bridgeport Village Sub Area in the City Centre Area Plan (CCAP). The site is generally vacant with the exception of servicing and infrastructure to support the night market event. The Canada Line airport connector guideway bisects the site near the vehicle entrance at No. 3 Road and River Road. Development immediately surrounding the subject site is as follows:

To the North: Fraser River.

To the South: “Light Industrial (IL)” on the south side of River Road. A newly constructed high-density commercial project, zoned “High Rise Commercial – City Centre (ZC33)”, containing office uses and a hotel, is located on a property on the south side of River Road and to the west of West Road.

To the East: Fraser River/foreshore area and River Rock Casino and Resort zoned “Casino Hotel Commercial (ZC17)”.

To the West: Property owned by the Port of Vancouver and the Airport Connector Bridge.

Local Government Act

The *Local Government Act* states that TUPs are valid for a period of up to three years from the date of issuance. This TUP application applies for temporary uses to allow for a summer event to be held generally between the months of April to October 2024, 2025 and 2026.

The *Local Government Act* includes provisions to allow for one extension to the permit for up to three additional years. Only one extension is permitted, after which a new application is required. TUP extensions are made through an application, which requires Council approval. The *Local Government Act* allows Council to consider each TUP issuance on its own merits and does not limit the number of TUP issuances allowed on a site.

Related Policies & Studies

Official Community Plan and City Centre Area Plan

The Official Community Plan (OCP) land use designation for the subject site is “Commercial” and “Park”. The OCP also contains a policy identifying that Council may consider temporary use permits in areas designated Industrial, Mixed Employment, Commercial, Neighbourhood Shopping Centre, Mixed-Use, Limited Mixed-Use and Agriculture (outside of the ALR) where deemed appropriate by Council. The proposed application complies with the provisions of the OCP.

The City Centre Area Plan (CCAP) and Bridgeport Village Land Use Map designations for the subject site are “Urban Centre – T5” and “Park”. The proposed TCUP being temporary in nature does not impact the ability for the site to be redeveloped to its full potential in accordance with the CCAP.

Flood Plain Designation and Protection Bylaw 8204

All buildings and structures on the subject site must be temporary and cannot be utilized year round. If these criteria are met, temporary buildings and structures are not required to comply with the minimum FCL of 4.35 m. The proposed temporary use meets the requirements of Richmond Flood Plain Designation and Protection Bylaw 8204.

Public Consultation

The event organizer conducted consultation with businesses and residences in the surrounding area to request feedback on the TCUP application for the proposed night market event on the subject site, which included information about the proposed dates and times. The consultation summary materials, which includes a letter to the neighbourhood and a summary consultation table provided by the applicant, are contained in Attachment 3. No comments or concerns were identified as part of the event organizer's consultation.

In addition to the consultation summary noted above, a Temporary Commercial Use Permit application sign has been installed on the subject property to notify the area of the TCUP application. Staff have not received any comments from the public about the TCUP application in response to the notification signage on the subject property.

During event operations, the event organizer is required to post signage at the main entrance to the event site that provides direct contact information (phone number and email) for any public comments or complaints to be made to the organizer for review and follow-up.

Should the Planning Committee and Council endorse this application, the TCUP application will be forwarded to a Public Hearing, where any area resident or interested party will have an opportunity to comment. In accordance with the previous public hearing notification area undertaken for the night market event at this site, staff recommend a notification area bounded by Bridgeport Road to the south, Great Canadian Way to the East and Fraser River to the West and North (Attachment 4).

Analysis

General Event Description

The proposal for the night market event over the next three years is similar compared to previous operations on the subject site, with the exception that for the 2024-2026 operating season, the event organizer has proposed to extend the operating hours on Sundays by one additional hour and two additional hours on long weekend Sundays. The event will consist of an outdoor market of food and commercial retail vendors in conjunction with accessory entertainment/activities and services in support of the event (Attachment 5 – Night Market Event Site Plan). The following are some key highlights of the night market event:

- Up to 150 commercial/retail vendors and 130 food vendors.
- Supporting services (washroom, first aid, security, garbage and recycling).
- Accessory on-site entertainment and activities.

- Provision of 1,480 dedicated off-street parking stalls on the subject site for event attendees. An additional 200 parking stalls will be provided for vendor and employee parking on West Road (8411, 8431 and 8451 West Road).

Parking and Traffic Management

Staff have reviewed the TCUP application for the night market event. The following is a summary of parking and traffic management provisions:

- 1,480 dedicated parking stalls available on the subject site for event attendees (note: parking stalls must be free).
- 200 dedicated parking stalls secured on properties located on West Road (8411, 8431 and 8451 West Road) for vendor and employee parking. A requirement in the TCUP terms and conditions will be for the event organizer to confirm their lease agreement annually prior to the start of each night market event season or a suitable contingency plan approved by Transportation staff. In the event this arrangement for vendor parking is no longer in place, a suitable contingency plan will need to be developed by the applicant to the satisfaction of Transportation staff.
- Submission and approval of a Traffic Management Plan (TMP) and implementation of the TMP by a professional traffic control company. The applicant is responsible for the cost of developing the TMP and implementing the plan by a professional traffic control company. Any future TMPs will need to consider and account for activities related to the active rezoning application (RZ 20-915237), to the satisfaction of the City.

The event site is well serviced by transit (Canada Line – Bridgeport Station), which will provide an alternative means for event attendees to commute to and from the site through transit and help reduce vehicle traffic volumes to the surrounding road network. The existing TMP directs traffic to and from the event site from No. 3 Road to facilitate efficient vehicle traffic circulation while maintaining vehicle access to businesses in the surrounding area.

Throughout the night market season, Transportation staff attend the night market event to oversee the overall traffic and the TMP and address any issues that arise. Staffing by Transportation staff is not required every event day, but is necessary during the start of the event at the beginning of the season and during the event's busiest time of the season (typically during the summer months). When Transportation attends the event, a maximum of four (4) hours of coverage will apply that enables staff to ensure that the TMP and supporting traffic control services are in place and to monitor traffic flow to and from the event during peak periods of the evening. The applicant is required to pay for Transportation staff costs associated with the monitoring of the events at the applicable hourly rates. The bond amount required as part of this TCUP includes the estimated Transportation costs (see Financial Impact section).

RCMP

A minimum of two dedicated RCMP officers are required during the proposed hours of operation at the night market event to: ensure community safety; provide for a highly visible police presence; provide quick responses in the event of an emergency; oversee event safety and security for event attendees and vendors; to monitor operation of the TMP; and to monitor vehicle traffic to and from the event site. RCMP members assigned to this event will be in addition to the existing RCMP deployment in Richmond.

The applicant is required to pay for all RCMP staff costs associated with the monitoring of the events at the applicable hourly rates. The bond amount required as part of this TCUP includes the estimated RCMP costs (see Financial Impact section).

Community Bylaws

Dedicated Community Bylaws (Parking Enforcement) staff are required at the night market event for the purposes of monitoring and enforcing on-street parking and related City roadway regulations around the night market event site. Community Bylaws has confirmed that staffing for the event will be to provide a maximum of six (6) hours of patrol per event day by Community Bylaws in accordance with the terms and conditions of the TCUP. The applicant is required to pay for all Community Bylaw staff costs associated with the events at the applicable hourly rates. The bond amount required as part of this TCUP includes the estimated Community Bylaws costs (see Financial Impact section).

Event Noise Management

The proposed noise management for the night market event season 2024-2026 is consistent with previous years. To manage noise generated from the night market event and related impacts to the surrounding area, a noise impact assessment will be required to be undertaken by the event organizer to complete the following:

- Required to be completed by a professional acoustical consultant.
- Determine the existing level of noise (i.e., the baseline noise) at the proposed development/event site.
- Predict the level of impact that the new proposal/event will have on this existing noise climate to ensure compliance with the City's Noise Regulation Bylaw 8856.
- Make recommendations about sound equipment, site layout and event operations that would help manage and mitigate noise impacts from the event.
- The City's current regulations contained in Noise Regulation Bylaw 8856 shall be referenced in the noise impact assessment for compliance with provisions of the bylaw.
- The noise impact assessment is required to be completed and approved by City staff in advance of the operation of the night market event and prior to the issuance of a Business License to the event organizer.

Ongoing monitoring through sound measurements during each night market season is also required, at times and locations to be determined and approved by City staff, to ensure that noise is being effectively managed in compliance with the noise bylaw. The community noise impact assessment, including ongoing monitoring, will be done at the sole cost of the event organizer.

If noise concerns persist through receipt of public complaints or ongoing monitoring of noise during the season, the City has the ability to undertake the following actions if needed to address noise-related issues:

- Require the event organizer to adjust event operations and equipment to address noise concerns.
- If noise issues remain or no action is taken by the event organizer, enforcement action in the form of ticketing can be undertaken by the City.
- Suspension or revocation of the event organizer's Business License or cancelling the TCUP, by Council, to compel closure of the event are also available options to Council in the event that noise concerns are not sufficiently addressed.

Richmond Fire Rescue

The proposed site plan for the night market event is based on the existing configuration and maintains existing emergency access provisions. A Fire Safety Plan and Pre-Incident Fire Plan, in accordance with Fire Protection and Life Safety Bylaw 8306, for this event is required to be submitted to Richmond Fire Rescue staff for review and approval on an annual basis and prior to each annual event season and in conjunction with any applicable building permits required for the event. The requirement for and approval of the Fire Safety Plan and Pre-Incident Fire Plan, by Richmond Fire Rescue is incorporated into the terms and conditions of this TCUP. The event organizer and each food vendor operating on the event site is required to comply with the Richmond Fire Rescue General Fire Safety Requirements for Food Vendor Including Mobile Food Trucks, which is contained as an attached schedule (Schedule E) in the proposed TCUP.

Building Approvals

For the proposed night market event, any buildings/structures (including temporary tents) or changes to existing on-site servicing (i.e., plumbing system for the food court) will require the submission of the necessary building and site servicing (plumbing) permits, including any necessary supporting consultancy reports, to ensure compliance with all applicable regulations. Issuance of all building permits is required prior to event opening and is identified in the proposed TCUP terms and conditions.

Business Licensing

All commercial retail and food vendor booths operating at this event on the subject site are required to obtain a Business License. The event organizer is also required to obtain a Business License from the City in order to operate. A requirement for all vendors and the event organizer to obtain Business Licenses is identified in the proposed TCUP terms and conditions.

Vancouver Coastal Health

All vendors involved in the handling of food and beverage products at the night market event are required to obtain permits from Vancouver Coastal Health (VCH) to ensure compliance with food safety, sanitation and food handling requirements.

VCH has an existing application and inspection process for food vendor permits to ensure compliance with their requirements. VCH permits must be approved and food vendors inspected to the satisfaction of VCH staff prior to the opening of the food court or of individual food vendor stalls. VCH requirements for food vendor permits and inspections are identified in the TCUP terms and conditions.

Should additional public health and safety regulations in response to the COVID-19 pandemic be required or changed by Vancouver Coastal Health or the Public Health Official (PHO) through public health order or regulation, each vendor (commercial and/or food), including the overall night market event operations, will be required to fully comply. These provisions are included in the TCUP terms and conditions.

Financial Impact

Cost Recovery – City and RCMP Expenses

A cost recovery model approach is taken for City and RCMP expenses incurred as a result of providing the necessary RCMP, Community Bylaws and Transportation staffing levels for the proposed event. All City costs related to RCMP, Community Bylaws and Transportation are required to be paid by the event organizer in accordance with the terms and conditions of the TCUP. A general overview of the RCMP and City costs of providing the necessary staffing and services/works to support the night market event is summarized as follows:

- Two (2) RCMP officers assigned to the night market event during the hours of operation for each night market event operation day at the applicable hourly rate.
- If necessary, coverage for the RCMP commercial crimes unit to address any concerns or complaints about the retailing of counterfeit/intellectual property-protected items at the night market event. The event organizer has a strategy in place to prevent the retailing of any counterfeit/ intellectual property-protected items, including monitoring of vendors by event staff and potential expulsion of non-compliant vendors from the event. If the event organizer prohibits this type of activity from the event and can effectively manage vendor compliance; then costs for staff time from the RCMP commercial crime unit are anticipated to be minimal.
- Community Bylaws – six (6) hours maximum of dedicated patrol by Community Bylaw officers on each event day of operation.
- Attendance by City Transportation staff throughout the season to oversee and monitor implementation of the TMP and general event operations related to traffic (four (4) hours maximum per event day of operation).
- Production, posting and takedown of event traffic directional signage by City staff.

Operational Bond Requirements – 2024 – 2026

Based on the details of the night market event proposed in this TCUP application for 2024, 2025 and 2026, the estimated City and RCMP costs for each year is approximately \$250,000.

The following approach to bonding is proposed to ensure that all City and RCMP costs are paid for by the event organizer and that greater financial certainty is provided to the event organizer on the amount and timing of the required payments to the City.

The approach to bonding is to secure the full bonding amount from the event organizer prior to the beginning of the season in each year of operation.

The \$250,000 per year bonding cost identified is an estimate of the total City and RCMP costs anticipated during the 2024 - 2026 seasons. Based on this, the proposed bond amount and required submission dates are as follows:

- 2024 - \$250,000 due on April 11, 2024
- 2025 - \$250,000 due on April 10, 2025
- 2026 - \$250,000 due on April 9, 2026

Provisions in the TCUP for Amounts Owing or Credits

Provisions are built into the TCUP to ensure that any outstanding bonding amounts or monies owing are addressed and paid by the event organizer by the dates and amounts specified in the permit to ensure validity of the permit over the three-year term. Any remaining monies left over from the original bond amount after all City and RCMP costs have been invoiced and paid for will be returned to the event organizer.

Invoicing & Billing

City staff will provide monthly invoices to the event organizer throughout the 2024, 2025 and 2026 night market seasons that provide an overview of the costs and deposit usage and the requirements associated with providing the required City and policing services. Invoices are due upon receipt.

Conclusion

The purpose of this TCUP application is to allow a night market event to occur at 8351 River Road and Duck Island (Lot 87 Section 21 Block 5 North Range 6 West Plan 34592) and associated non-accessory vehicle parking at 8411, 8431 and 8451 West Road in 2024, 2025 and 2026 during the dates and times identified in this report and subject to fulfillment of the TCUP terms and conditions.

The proposed use of the subject site as a night market event has addressed all issues related to community safety, minimizing impacts to the surrounding area and businesses, and managing traffic to and from the event site.

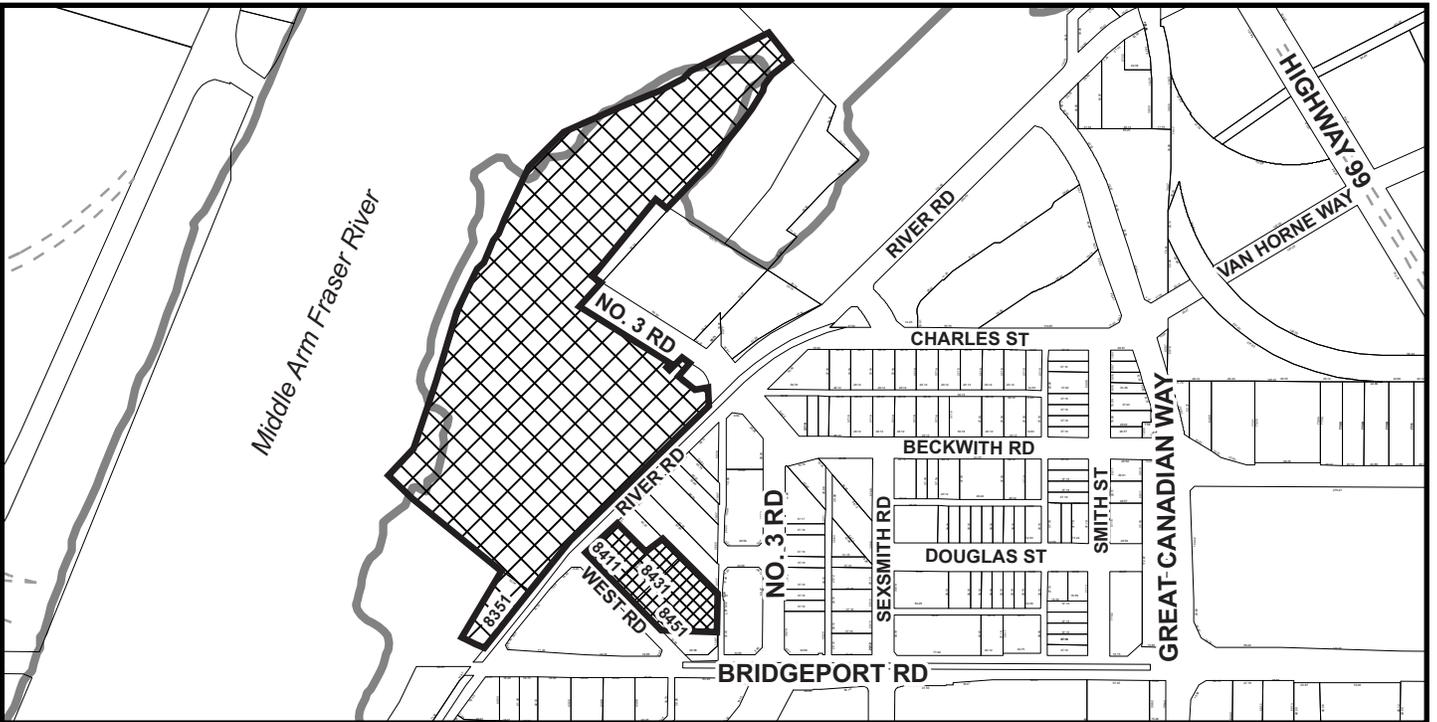
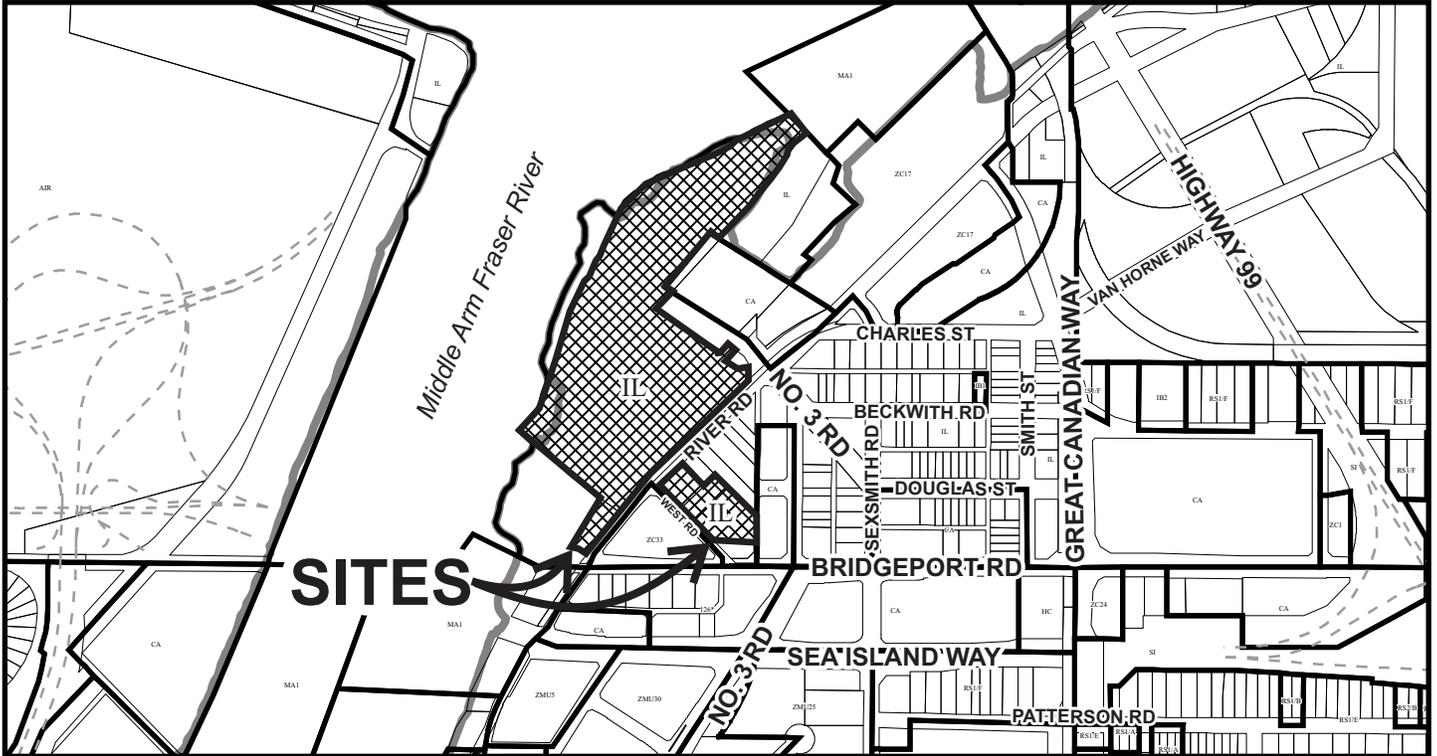
It is recommended that the attached Temporary Commercial Use Permit be issued to Firework Productions Ltd. to allow a night market event at 8351 River Road and Duck Island (Lot 87, Section 21 Block 5 North Range 6 West Plan 34592) and associated non-accessory vehicle parking at 8411, 8431 and 8451 West Road.



Laurel Eyton
Planning Technician
(604-276-4262)

LE:he

- Att. 1: Location Map
2: Development Application Data Sheet
3: Summary of Neighbour Consultation by Applicant
4: Public Hearing Notification Map
5: Site Plan



TU 23-033092

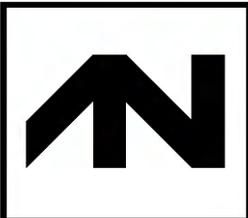
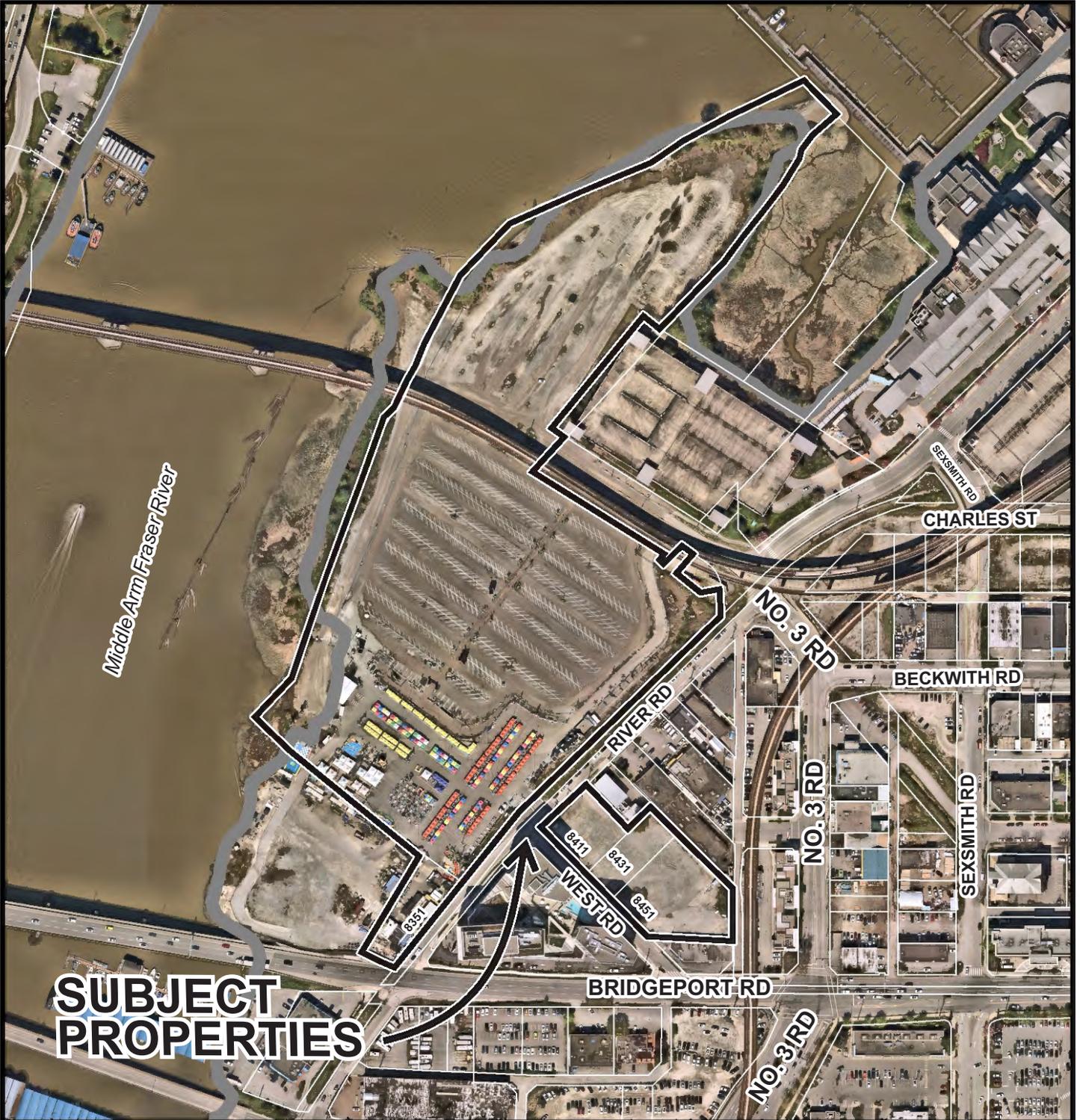
Original Date: 12/12/23

Revision Date: 01/23/24

Note: Dimensions are in METRES



City of
Richmond



TU 23-033092

Original Date: 12/12/23

Revision Date: 01/23/24

Note: Dimensions are in METRES



TU 23-033092

Attachment 2

Address: 8351 River Road, Duck Island; and 8411, 8431 and 8451 West Road

Applicant: Firework Productions Ltd.

	Existing	Proposed
Owners:	Sanhurgon Investment Ltd., Inc. No. BC908774; and 0916544 B.C. Ltd.	No change
Site Size (m²):	78,424 m ²	No change
Land Uses:	<ul style="list-style-type: none"> Site primarily vacant outside of night market season dates Existing Canada Line guide way 	Market event area and supporting services, infrastructure and off-street parking area
OCP Designation:	Commercial and Park	No change
Zoning:	Light Industrial (IL)	No change

Year	Opening/Closing Dates	Days of Operation	Hours of Operation
2024	April 26 to October 20, 2024 Maximum of 84 total event days	Fri, Sat, Sun and Stat. Holidays* (*Including May 20, July 1, August 5, September 2, September 30 and October 14)	6 p.m. to 12 a.m. on Fri/Sat/Sun. before stat. holiday 7 p.m. to 11 p.m. on Sun. and stat. holiday
2025	April 25 to October 19, 2025 Maximum of 83 total event days	Fri, Sat, Sun and Stat. Holidays* (*Including May 19, June 30, August 4, September 1 and October 13)	6 p.m. to 12 a.m. on Fri/Sat/Sun. before stat. holiday 7 p.m. to 11 p.m. on Sun. and stat. holiday
2026	April 24 to October 18, 2026 Maximum of 82 total event days	Fri, Sat, Sun and Stat. Holidays* (*Including May 18, August 3, September 7 and October 12)	6 p.m. to 12 a.m. on Fri/Sat/Sun. before stat. holiday 7 p.m. to 11 p.m. on Sun. and stat. holiday

Richmond Night Market Neighbor Letter

Dear Neighbors,

Richmond Night Market is the biggest night market in North America. For more than 20 years, Richmond Night Market has been the Lower Mainland's Summer Fun destination. Our event has grown from a popular local event to a destination attraction with your continuous support and help, drawing visitors from across Canada, the U.S. and beyond.

We are now preparing to submit for the TCUP Permit Application Renewal for Richmond Night Market 2024, 2025, and 2026. The TCUP is to obtain the land use approval for the seasonal night market event. Our application is processing now so that the necessary land use approval and operational parameters safely are in place. Our event will ensure to follow all Provincial public health and safety regulations and Provincial Health Officer orders.

We propose to operate from end of April to October in 2024, 2025 and 2026. Hours of operation are as follows:

Regular weekend:

Fridays: 7pm to 12am
Saturdays: 6pm-12am
Sundays: 6pm -11pm

Long weekend:

Fridays 7pm to 12am
Saturdays & Sundays: 6pm-12am
Mondays: 7pm-11pm

Note: The operation hours for the Richmond Night Market will be extended one hour to start at 6pm on Saturdays and Sundays.

To ensure our event runs smoothly and safely, there will be a management plan in place, especially in traffic, parking, garbage, noise, and security.

Traffic

We will be using the same professional traffic control company in the past years to manage and control the visitor's flow and traffic flow during the event operation hour.

Parking

We will be providing enough capacity for parking stalls for patrons and vendors. To ensure the convenience of the business owners, employees, visitors, and residents who work and live in the area, we will provide special parking pass to access to and from their properties and businesses in the area.

Garbage

There are garbage bins installed around the neighborhood area surrounding the event site. We will also be hiring staff to monitor and clean up the garbage during and after event operation hours.

Stage Performance

The operation hours of performance are 7:00 pm to 11:00 pm during the event night. Our stage manager will do the soundcheck to ensure the audio volume within the level of sound bylaw. We will also have the digital sound level meters for noise testing and monitoring during the event night.

Management will directly respond to any noise-related concerns from the public.

Security

We will be hiring a professional security company to ensure the market and event site's safety and security. There will also be RCMP on-site to provide community safety.

Our TCUP application has been submitted for review by the City of Richmond. If you have any concerns or comments regarding this letter, please contact us at 604-244-8448 or email to admin@richmondnightmarket.com before December 1st, 2023.

Once again, we appreciate your continuous support for our event.

Best regards,

Raymond Cheung

Event Organizer

Firework Productions Ltd.

Unit 3083-8700 McKim Way

Richmond BC V6X 4A5

Tel: 604-244-8448



Richmond Night Market 2024 Neighbourhood Consultation

	Street Name	#/Building	Contact Person	Phone No.	Comments	Issues	No Issues	Delivery Date	2nd Delivery Date
1	No. 3 Rd	208-2811	Manager	604-249-0082	No comments/ Letter dropped off		✓	Nov.20.2023	
2	No. 3 Rd	125-2811	Manager	778-869-3968	No comments/ Letter dropped off		✓	Nov.20.2023	
3	No. 3 Rd	135-2811	Unavailable		Not open, Neighbour Letter Left			Nov.20.2023	Jan.23/24
4	No. 3 Rd	120-2811	Unavailable		Not open, Neighbour Letter Left			Nov.20.2023	Jan.23/24
5	No. 3 Rd	115-2811	Unavailable		Not open, Neighbour Letter Left			Nov.20.2023	Jan.23/24
6	No. 3 Rd	110-2811	Unavailable		Not open, Neighbour Letter Left			Nov.20.2023	Jan.23/24
7	No. 3 Rd	2651	Manager	604-276-8293	No comments/ Letter dropped off		✓	Nov.20.2023	
8	No. 3 Rd	4-2651	David	604-270-7123	No comments/ Letter dropped off		✓	Nov.20.2023	
9	No. 3 Rd	A-2651	Maryland	604-278-5332	No comments/ Letter dropped off		✓	Nov.20.2023	
10	No. 3 Rd	2700	Staff	604-273-2766	No comments/ Letter dropped off		✓		Jan.23/24
11	No. 3 Rd	2780	Manager	N/A	No comments/ Letter dropped off		✓	Nov.20.2023	Jan.23/24
12	No. 3 Rd	2800	Staff	778-297-6398	No comments/ Letter dropped off		✓	Jan.23/24	
13	No. 3 Rd	2820	Staff	604-278-1701	No comments/ Letter dropped off		✓	Jan.23/24	
14	No. 3 Rd	2840	Staff	604-278-1018	No comments/ Letter dropped off		✓	Jan.23/24	
15	No. 3 Rd	1-2899	Staff	604-285-2899	No comments/ Letter dropped off		✓	Jan.23/24	
16	No. 3 Rd	2-2899	Staff	778-682-3253	No comments/ Letter dropped off		✓	Jan.23/24	
17	River Rd	8580	Cody	604-241-2848	No comments/ Letter dropped off		✓	Nov.20.2023	
18	River Rd	8560	Nancy		No comments/ Letter dropped off		✓	Nov.20.2023	
19	River Rd	8540			No one there, moving			Nov.20.2023	

Richmond Night Market 2024 Neighbourhood Consultation

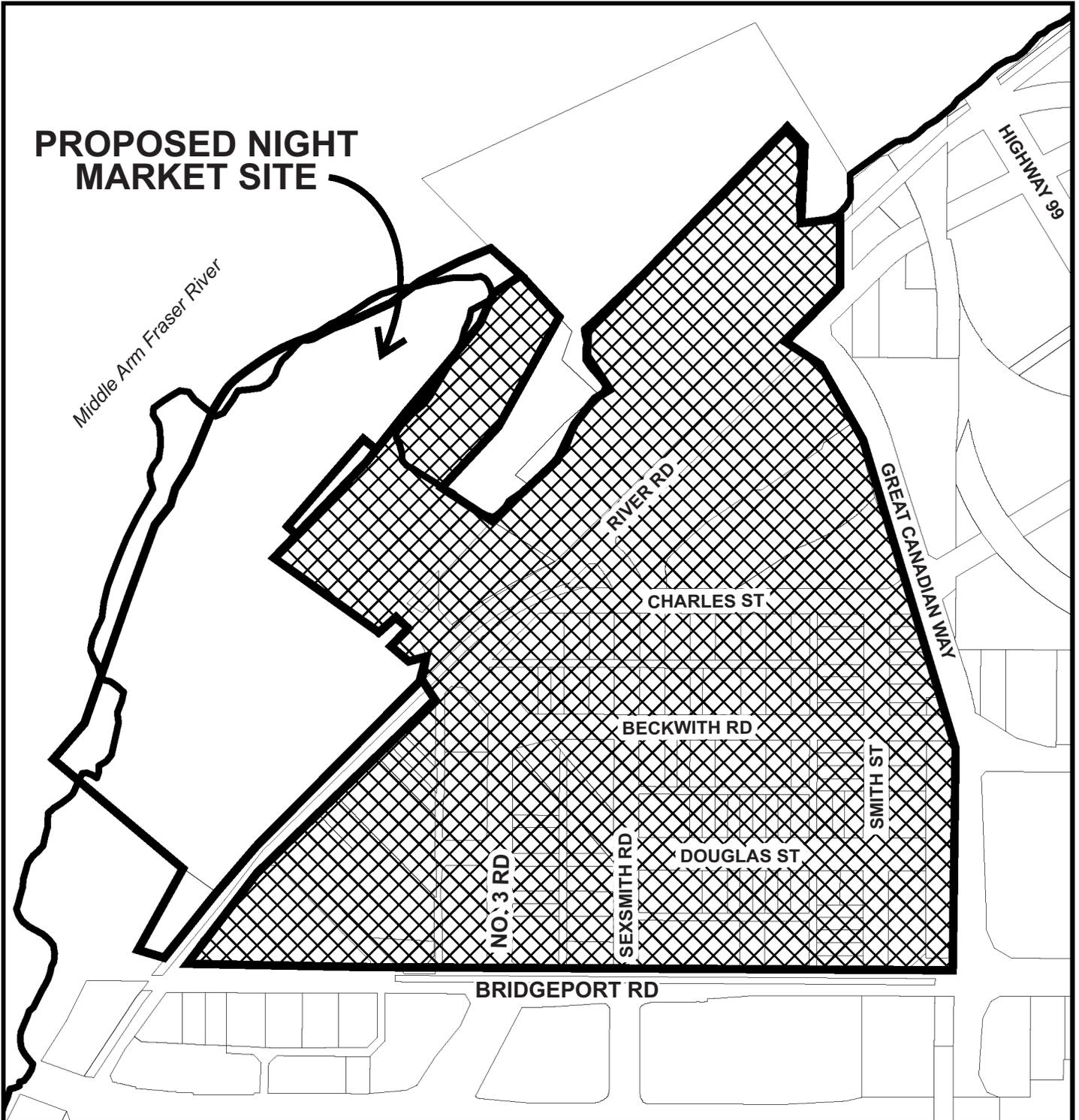
	Street Name	#/Building	Contact Person	Phone No.	Comments	Issues	No Issues	Delivery Date	2nd Delivery Date
20	River Rd	8520	Patrick	604-273-2826	No comments		✓	Nov.20.2023	
21	River Rd	8500	Unavailable		Not open, Neighbour Letter Left			Nov.20.2023	
22	River Rd	8480	Unavailable		Not open, Neighbour Letter Left			Nov.20.2023	
23	West Road	8400	Staff	778-881-5076	No comments		✓		Jan.23/24
24	Bridgeport Rd	8477	Staff	778-881-5076	No comments		✓		Jan.23/24
25	Beckwith Rd	150-8711	Unavailable		Not open, Neighbour Letter Left			Nov.20.2023	Jan.23/24
26	Beckwith Rd	180-8711	Unavailable		Letter Dropped Off				Jan.23/24
27	Beckwith Rd	230-8711	Unavailable		Letter Dropped Off				Jan.23/24
28	Beckwith Rd	8737	Gary		No comments		✓	Nov.20.2023	
29	Beckwith Rd	8791	Jeff & Lucas	236-808-2568	Need "NoParking Sign", others are good		✓	Nov.20.2023	
30	Beckwith Rd	8833	Arane		Just need "No Parking Sign" and "Local Parking Sign", others are good		✓	Nov.20.2023	
31	Beckwith Rd	120-8851	Francis	604-278-5512	Need "NoParking Sign", others are good		✓	Nov.20.2023	
32	Beckwith Rd	140-8851	Unavailable		Not open, Neighbour Letter Left			Nov.20.2023	
33	Beckwith Rd	120-220-8911	Jimmy	778-829-2809	No comments		✓	Nov.20.2023	
34	Beckwith Rd	8931	Yoshi	604-278-4289	Need "NoParking Sign", others are good		✓	Nov.20.2023	
35	Beckwith Rd	8971	Raymond		No comments		✓	Nov.20.2023	
36	Beckwith Rd	120-220 8960	Christina	604-657-2250	No comments		✓	Nov.20.2023	
37	Beckwith Rd	200-8888	Warren	604-273-4904	No Issue			Nov.20.2023	Jan.23/24
38	Beckwith Rd	8811	Unavailable		Letter Dropped Off				Jan.23/24

Richmond Night Market 2024 Neighbourhood Consultation

	Street Name	#/Building	Contact Person	Phone No.	Comments	Issues	No Issues	Delivery Date	2nd Delivery Date
38	Beckwith Rd	8820	Unavailable		Letter Dropped Off				Jan.23/24
39	Beckwith Rd	110-8860	Unavailable		Moving Away			Nov.20.2023	
40	Beckwith Rd	210-8860	Unavailable		Moving Away			Nov.20.2023	
41	Beckwith Rd	100-8840	Unavailable		No one here, Neighbour Letter Left			Nov.20.2023	
42	Beckwith Rd	120-8740	Unavailable		No one here, Neighbour Letter Left			Nov.20.2023	
43	Smith St	2651	Unavailable		Letter Dropped Off				Jan.23/24
44	Smith St	2671	Unavailable		No one home, Neighbour Letter Left			Nov.20.2023	Jan.23/24
45	Smith St	2611	Hermin		No one home, Neighbour Letter Left			Nov.20.2023	Jan.23/24
46	Smith St	2571	Jennifer		Owner not here, Neighbour Letter Left			Nov.20.2023	
47	Smith St	2711	Unavailable		No one home, Neighbour Letter Left			Nov.20.2023	Jan.23/24
48	Smith St	2691	Unavailable		No one lives here			Nov.20.2023	
49	Smith St	2720	Unavailable		Letter Dropped Off				Jan.23/24
50	Smith St	2731	Unavailable		No one home, Neighbour Letter Left			Nov.20.2023	
51	Smith St	2751	Ryan	604-270-9608	No comments		✓	Nov.20.2023	
52	Smith St	2800	Dharm	604-278-1936	No comments		✓	Nov.20.2023	
53	Smith St	101-2800			Not open, Neighbour Letter Left			Nov.20.2023	
54	Smith St	9-2900	Alex	604-270-7740	Just need "No Parking Sign" and "Local Parking Sign", others are good			Nov.20.2023	Jan.23/24
55	Smith St	8-2900	Unavailable		Not open, Neighbour Letter Left			Nov.20.2023	
56	Smith St	6-2900	Unavailable		Not open, Neighbour Letter Left			Nov.20.2023	

Richmond Night Market 2024 Neighbourhood Consultation

	Street Name	#/Building	Contact Person	Phone No.	Comments	Issues	No Issues	Delivery Date	2nd Delivery Date
57	Smith St	5-2900	Angela		No comments		✓	Nov.20.2023	
58	Smith St	4-2900	Unavailable		Not open, Neighbour Letter Left			Nov.20.2023	
59	Smith St	3-2900	Unavailable		Not open, Neighbour Letter Left			Nov.20.2023	
60	Douglas St	120-8771	Unavailable		Not open, Neighbour Letter Left				Jan.23/24
61	Douglas St	8991	Unavailable		Not open, Neighbour Letter Left				Jan.23/24
62	Douglas St	8995	Unavailable		Not open, Neighbour Letter Left				Jan.23/24
63	Douglas St	8811	Unavailable		No one home, Neighbour Letter Left				Jan.23/24
64	Douglas St	8940	Unavailable		No one home, Neighbour Letter Left				Jan.23/24
65	Douglas St	9000	Unavailable		Not open, Neighbour Letter Left			Nov.20.2023	
66	Douglas St	9011	Unavailable		No one home, Neighbour Letter Left			Nov.20.2023	Jan.23/24
67	Sexsmith Rd	2800	Staff	604-697-8679	No comments		✓	Nov.20.2023	
68	Sexsmith Rd	2840	Susie (daysinn)	604-207-8000	No comments				Jan.23/24
69	Sexsmith Rd	2851	Raymond Chou		No comments				Jan.23/24
70	Sexsmith Rd	2971	Staff	778-297-1777	No comments				Jan.23/24



Public Hearing Notification Area

Original Date: 01/29/21

Revision Date:

Note: Dimensions are in METRES



No. TU 23-033092

To the Holder: Firework Productions Ltd.

Property Address: 8351 River Road, Duck Island (Lot 87 Except Part on Plan 70252, District Lot 478 Group 1 and Section 21 Block 5 North Range 6 West Plan 34592), and 8411, 8431, and 8451 West Road

Address: C/O Mr. Raymond Cheung
3063 – 8700 McKim Way
Richmond, BC V6X 4A5

1. This Temporary Commercial Use Permit is issued subject to compliance with all of the Bylaws of the City applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Temporary Commercial Use Permit 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 this Temporary Commercial Use Permit, including all the terms and conditions outlined in attached Schedules, the Temporary Commercial Use Permit Shall be void and no longer 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" and any and all buildings, structures and other development thereon.
5. The subject property may be used for the following temporary Commercial uses:

A night market event on the following dates:

- Between April 26, 2024 to October 20, 2024 (inclusive) to allow for a maximum of 84 event operation dates (as outlined in the attached Schedule “C” to this permit);
- Between April 25, 2025 to October 19, 2025 (inclusive) for a maximum of 83 event operation dates (as outlined in the attached Schedule “C” to this permit); and
- Between April 24, 2026 to October 18, 2026 (inclusive) for a maximum of 82 event operation dates (as outlined in the attached Schedule “C” to this permit).

The night market event dates and hours of operation shall be in accordance with the attached Schedule “C” to this permit.

The night market event shall be in general accordance with the site plan as outlined in Schedule “D” to this permit and the terms and conditions outlined in Schedule “A”.

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 development 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.

2024 Night Market Event – A cash security (or acceptable letter of credit) in the total amount of \$250,000 must be submitted on or before April 11, 2024 for the purposes of operating a night market event during the dates identified in Schedule “C”:

2025 Night Market Event – A cash security (or acceptable letter of credit) in the total amount of \$250,000 must be submitted on or before April 10, 2025 for the purposes of operating a night market event during the dates identified in Schedule “C”.

2026 Night Market Event – A cash security (or acceptable letter of credit) in the total amount of \$250,000 must be submitted on or before April 9, 2026 for the purposes of operating a night market event during the dates identified in Schedule “C”.

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 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.
10. Monies outstanding and owed by the Holder to the City of Richmond for costs associated with the temporary commercial uses allowed in this permit must be paid in full immediately by the Holder upon receipt of any City invoice.
11. Should the Holder fail to provide any monies outstanding and owed to the City of Richmond, the Temporary Commercial Use Permit shall be void and no longer valid for the subject site.

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 a Temporary Commercial Use Permit (TCUP) for the purposes of operating a night market event over a 3 year period from 2024 to 2026 on the subject site, the event organizer (Firework Productions Ltd. c/o Raymond Cheung) acknowledges and agrees to the following terms and conditions:

Traffic Management Plan (TMP)

- Traffic control and operations during the event is to be in accordance with the Traffic Management Plan (TMP) developed for the night market event and approved by the City’s Transportation Division. The TMP must be developed by a professional Traffic Control Company at the sole cost of the event organizer.
- Operation of the TMP is to be undertaken by a professional Traffic Control Company with the appropriately trained and certified staff. Costs associated with the operations 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.
- Approval of the TMP, including any necessary revisions, is at the sole discretion of Transportation Division staff.
- Posting of signage and erection of barricades and road markings will be undertaken by City staff, based on the TMP, and is to be at the cost of the event organizer.
- The Event organizer is required to implement a marketing and promotion strategy that encourages event patrons to take public transit to the event.

Off-Street Parking – Night Market Event

Parking provisions for the night market event are as follows:

- 1,480 parking stalls located on the Duck Island event site. All off-street parking stalls on the event site are required to be free.
- Vendor and employee parking to be accommodated through 200 stalls on properties located on West Road (8411, 8431 and 8451 West Road) and secured via lease by the event organizer for the 2024, 2025 and 2026 events (Note: In the event that the above described off-site parking secured for vendors/employees is no longer in place or available, a suitable contingency plan will need to be developed by the applicant to the satisfaction of Transportation staff).

City of Richmond and RCMP Staffing

- Payment of any outstanding balance(s) for the prior operating years must be paid prior to the start of the 2024 season.
- A minimum of 2 RCMP members must be in attendance for each day of operation when the night market 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 appropriately trained and certified staff).
- Maximum of six (6) hours of dedicated patrol by a Community Bylaw Parking Enforcement Officer is required for each day of operation for the night market event.

- Attendance by the City’s Transportation Department staff is required to monitor and oversee the operations of the event’s TMP (Note: For each event operation day where Transportation staff attend, a maximum of 4 hours staff coverage will apply).
- All costs for RCMP members and City staffing at the applicable hourly rates is the responsibility of the event organizer.

Implementation of Works on City Property

- Any works on City property that are required as a result of the night market event must comply with the following requirements:
 - Works include, but are not limited to: the construction of asphalt walkways, temporary pedestrian crosswalks, and a secondary emergency access to the market event area.
 - Works also include any required upgrades and maintenance to existing works.
 - Design for works to be undertaken must be completed by an appropriately qualified professional and approved by the City.
 - The construction of any works that require a City Work Order or other appropriate process must be completed prior to issuance of building permit(s) and/or on-site servicing permit(s) for the night market event.
 - All costs associated with the design, construction, maintenance, and removal (if required) of works is the responsibility of the event organizer.
 - Enter into the appropriate agreements where necessary for the above referenced works prior to issuance of the building permit(s) and/or on-site servicing permit for the night market event.

Provincial Health Officer (PHO) – Public Health Orders and Regulations

- The night market event, authorized in accordance with all attached Schedules and terms and conditions for the TCUP is also required to comply with all applicable PHO public health orders, regulations and requirements to ensure public health and safety in relation to gatherings and events.
- Where applicable, the night market event is also required to obtain all necessary reviews and approvals from the applicable health agency (Provincial Health Officers and/or Vancouver Coastal Health – Regional Health authority) or other agency as determined by PHO public health orders and regulations in addition to adhering to and fulfilling all of the terms and conditions of the TCUP.

Required Approvals from External Agencies

Review and approval (if necessary) from the following external agencies is required prior to operating a night market event on the subject site:

- Approval from the Provincial Diking Authority for the existing emergency access ramp structure (including any required revisions/maintenance) located over the existing dike statutory right-of-way.
- Ministry of Transportation and Infrastructure (MOTI) review of traffic control provisions identified in the TMP for intersections under MOTI jurisdiction.
- Approval of the night market event site plan by BC Hydro, including any revisions to the plan over the duration of the TCUP.

Flood Construction Level (FCL) Requirements

- All buildings and structures on the subject site must be temporary and cannot be utilized year round.
- If these criteria are met, temporary buildings and structures are not required to comply with the minimum FCL of 4.35 m.
- Buildings and structures that do not meet these criteria are required to be constructed at a minimum FCL of 4.35 m.

Required Permits/Licenses from the City of Richmond and Stakeholders

- Building Permits and on-site servicing permits for any buildings, structures, services, service connections, including any changes to on-site servicing infrastructure.
- The event organizer is required obtain building permits for any structures/buildings on the subject site and supporting site services (i.e., plumbing service for the food vendors), including submission and approval of any consultant reports related to the permit application.
- Business Licenses for all commercial and food vendors to operate at the night market event (including the event operator).
- Vancouver Coastal Health (VCH) permits and licenses for the overall food court area and all food and beverage vendors to operate at the night market event, including inspection and approval by VCH staff.

Noise Management and Noise Impact Assessment Requirements

A noise impact assessment is required to be completed, submitted and approved by the City prior to issuance of a Business License to the event organizer and in advance of the operation of the night market event. The noise impact assessment is required to be completed at the sole cost of the event organizer, in accordance with the following provisions:

- Required to be completed by a professional acoustical consultant.
- Determine the existing level of noise (i.e. the baseline noise) at the proposed development/event site.
- Predict the level of impact that the new proposal/event will have on this existing noise climate.
- Make recommendations about sound equipment, site layout and event operations that would help manage and mitigate noise impacts from the event.
- Make reference to the City's Noise Regulation Bylaw 8856 (2012) to ensure compliance.
- Ongoing monitoring through sound measurements during each night market season, at times and locations to be determined and approved by City staff, to ensure that noise is being effectively managed in compliance with the noise bylaw.
- Night market event operations that generate noise, including but not limited to amplified music, event sound systems and stage performances, will be required to comply with the recommendations of the noise impact assessment (to be reviewed and approved by City staff). Ongoing sound/noise monitoring of night market event operations that generate noise are to be undertaken throughout the night market season to ensure compliance with the City's Noise Regulation Bylaw 8856 (2012), and to manage the noise impacts on the surrounding areas.

Richmond Fire Rescue (RFR) Requirements

- Implementation of an emergency response route and access location to the night market event market area to the satisfaction of RFR. This response route is required to remain clear and unimpeded at all times to facilitate access for emergency vehicles, personnel and equipment.
- Implementation of a dedicated approved emergency response route for RFR truck access and turnaround to facilitate access to the proposed parking lot “B” as shown in the event site plan attached as **Schedule “D”** to the TCUP. This fire access lane is required to be designed to support the expected loads imposed by firefighting equipment and to permit accessibility under all climatic conditions.
- Submission and approval of a Fire Safety Plan (prepared by the appropriate professional consultant) and a Pre-Incident Fire Plan (as per City Bylaw 8306, 2008) to RFR for the night market event on a yearly basis, prior to the start of the event season.
- In the event that RFR is required to attend for extraordinary fire and life safety issues, complaints, or inspection follow-up events, any and all costs for RFR attendance shall be the responsibility of the event organizer.
- The event organizer and all applicable food vendors at the night market event are required to comply with the Richmond Fire Rescue General Fire Safety Requirements for Food Vendors Including Mobile Food Trucks (**Schedule “E”**).

Night Market Event Site Plan

- Implementation of the event in general accordance to the night market site plan as shown in the TCUP report and attached as **Schedule “D”** to the TCUP.
- Amendments to the night market event site plan can be considered so long as they generally comply with the TCUP and associated terms and conditions and must be reviewed and approved by appropriate City staff and other external agencies/stakeholders (as deemed necessary). Any approved changes to the night market event site plan will therefore be considered the approved site plan attached to and forming part of the TCUP.
- The number of vendors allowed in this TCUP is:
 - Up to 150 commercial/retail vendors and up to 130 food vendors for the night market event; and
 - The event organizer is required to obtain building permits for any structures or buildings proposed on the subject site and for any required supporting site services (i.e., plumbing service for the food vendors etc.), including the submission and approval of any consultant reports related to permit application.
- Related accessory entertainment activities and displays that are ancillary to the night market event are permitted.
- The event organizer is responsible for addressing any accumulation of ponded water (and frozen ponded water) arising from weather events to ensure the night market event and related on-site parking functions effectively and does not pose a safety hazard to people attending the event or on the subject site.

Night Market Event Operations

- The event organizer is required to provide dedicated event security, parking lot patrollers, event liaison staff and certified first aid staff.

- The event organizer is responsible for providing adequate means of communication amongst event staffing, security, first aid, traffic control personnel, RCMP members and Community Bylaw Officers.
- Garbage and Litter Management Plan – Clean up and litter removal before, during and after the night 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 night market event. The plan is also required to include placement of garbage receptacles off-site along heavily travelled pedestrian routes (i.e., 8500 block of River Road; pedestrian route between the event site and Canada Line Bridgeport Station) to be put out before event opening and collected after event closing.
- During the entire event operation seasons for 2024, 2025, 2026, contact information signage is required to be posted and maintained by the event organizer in accordance with the following provisions:
 - Purpose – Provide event organizer contact information for any comments, concerns and complaints about the night market event from the public.
 - Contact information must include a phone number and email address.
 - Signage must be separate from any event promotional or sponsorship signage.
 - Signage must be located at the main event site entrance, in a highly visible location and with a minimum size (1.2 m by 2.5 m).
 - City staff are required to review and approve the signage prior to installation before the night market event commences operations for the season.

Product Anti-Counterfeiting Strategy

The event organizer is responsible for implementing the following action items as part of their anti-counterfeiting strategy:

- Liaise with agencies involved with intellectual property rights (Canadian Anti-Counterfeiting Network – CACN) to develop and communicate their strategy.
- Include specific provisions in vendor contracts that prohibit the retailing of counterfeit, pirated and other illegal products with clauses on vendor booth termination and removal from the event, and product seizure and turnover to the RCMP or Intellectual Property representatives if illegal goods are found.
- Partner with RCMP and Intellectual Property representatives to undertake education with vendor booth operators to ensure they are aware of the counterfeit good restrictions and related consequences (i.e., vendor booth contract termination and product seizure, etc.).
- Have dedicated, trained market event staff to inspect and monitor retailers to ensure no counterfeit or pirated products are being sold.

Night Market Event Cancellation Procedure

- In the event of a night market event cancellation 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.

- The event organizer is responsible for notifying the City and any related stakeholders (i.e., RCMP, VCH) if they decide to close early i.e. prior to the last dates permitted and identified in TCUP and attached **Schedule “C”** for the night market event.
- The event organizer is responsible for notifying the City and any related stakeholders (i.e., RCMP, VCH) if they decide to cancel the night market event during the term of this TCUP.

Operational Bond Requirements

- The event organizer is required to submit an acceptable cash security/bond for each season (2024, 2025 and 2026) in accordance with the provisions and submission dates identified in the TCUP.
- The cash security/bond is required to cover City and RCMP costs and expenses as a result of the night market event.
- The event organizer is required to pay for additional City and RCMP costs, in the event that costs exceed the amount submitted in the cash security/bond.

General Provisions

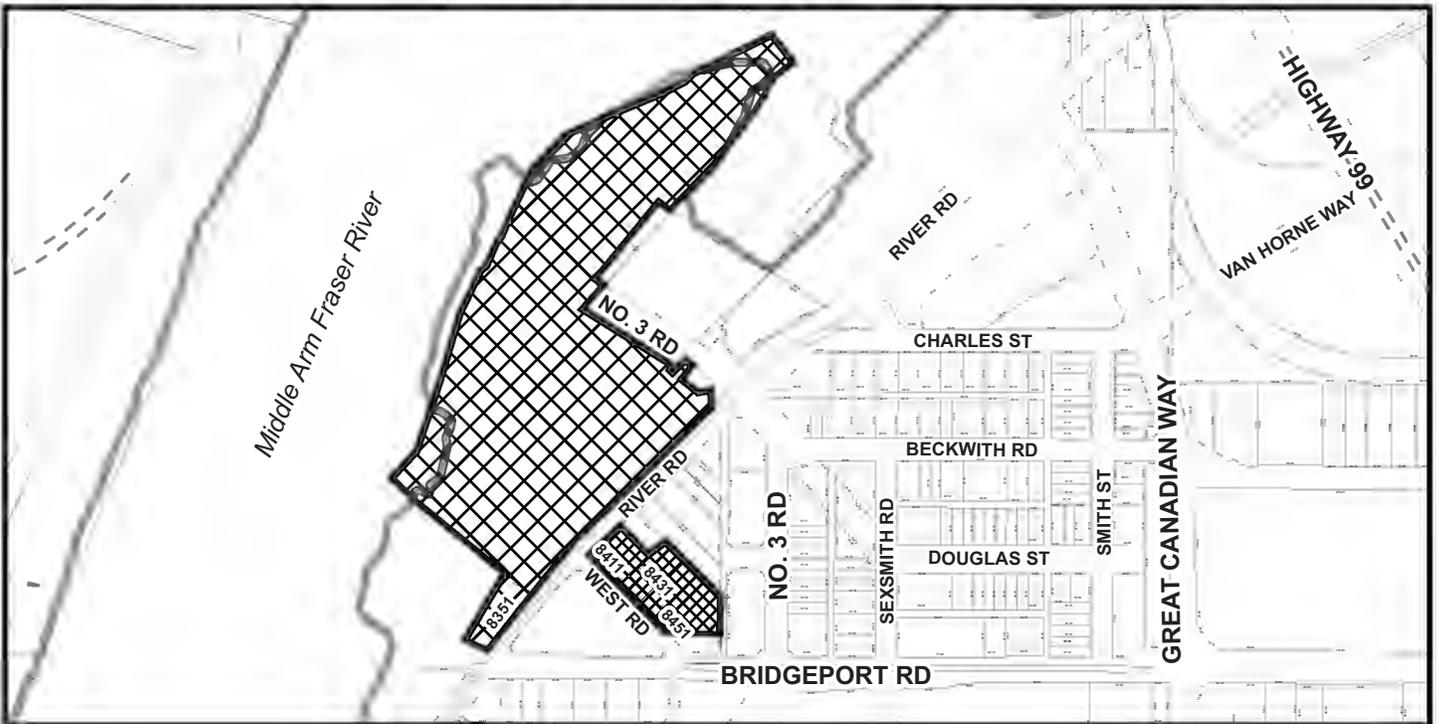
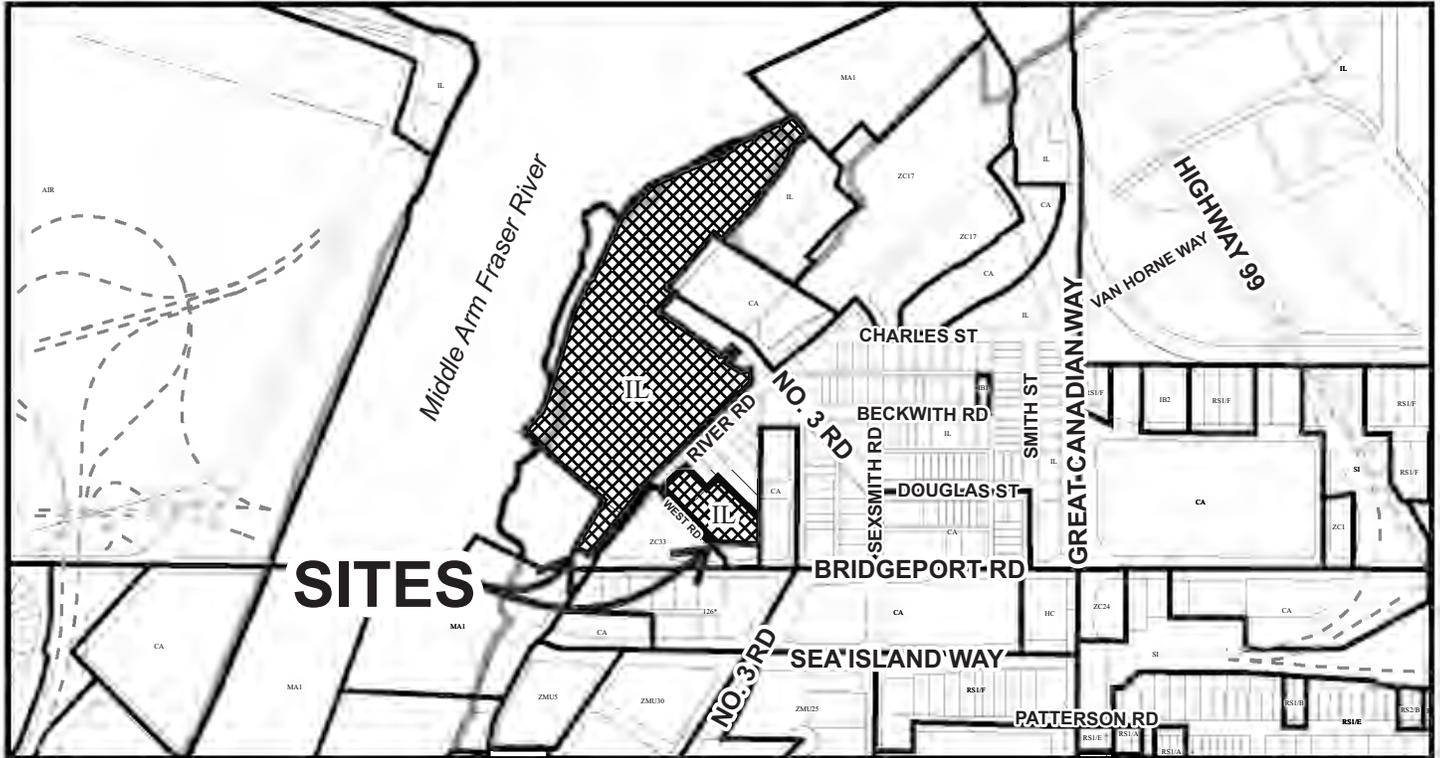
- The event organizer is responsible for providing to the City a copy of the “Certificate of Insurance” a minimum of 2 weeks prior to the opening day of the night market event on an annual basis. The “Certificate of Insurance” must include the following:
 - Minimum limit of \$5,000,000.00 coverage against third party bodily injury and property damage losses.
 - Cross liability clause.
 - The City of Richmond being listed as an additional insured party for liability.
 - Applicable dates of insurance coverage to ensure coverage is consistent with the night market event dates of operation.
- At the conclusion of each event operation day, any road modifications (i.e. temporary signage, barriers, cones, etc.) 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.

Undertaking

- In consideration of the City of Richmond issuing the Temporary Commercial Use Permit, we the undersigned hereby agree to comply with all the provisions, requirements and terms and conditions identified in the Temporary Commercial Use Permit and attached Schedules.
- In consideration of the City of Richmond issuing the Temporary Commercial Use Permit, we the undersigned hereby agree to demolish or remove any temporary buildings, structures and signs; to restore the land described in **Schedule “B”**; and to maintain and restore adjacent roads, to a condition satisfactory to the City of Richmond upon the expiration of this Permit or cessation of the permitted use, whichever is sooner.

Date: _____

_____ Applicant Signatures



TU 23-033092

Original Date: 12/12/23

Revision Date: 01/23/24

Note: Dimensions are in METRES

Regular Weekends:
 Fridays and Saturdays: 6pm - 12am
 Sundays: 7pm - 11pm

Long Weekends:
 Fridays: to Sundays: 6pm - 12am
 Mondays: 7pm - 11pm

Schedule "C"

Richmond Night Market 2024 Event Dates

		THU	FRI	SAT	SUN	MON	
April	Week 1		26	27	28		
	May	Week 2		3	4	5	
		Week 3		10	11	12	
		Week 4		17	18	19	20
		Week 5		24	25	26	
	June	Week 6		31-May	1	2	
		Week 7		7	8	9	
		Week 8		14	15	16	
		Week 9		21	22	23	
	July	Week 10		28-Jun	29-Jun	30-Jun	01-Jul
		Week 11		5	6	7	
		Week 12		12	13	14	
		Week 13		19	20	21	
		Week 14		26	27	28	
August	Week 15		2	3	4	5	
	Week 16		9	10	11		
	Week 17		16	17	18		
	Week 18		23	24	25		
	Week 19		30	31	01-Sep	02-Sep	
September	Week 20		6	7	8		
	Week 21		13	14	15		
	Week 22		20	21	22		
	Week 23		27	28	29	30-Sep	
October	Week 24		4	5	6		
	Week 25		11	12	13	14	
	Week 26		18	19	20		

Total: 84 Days

Regular Weekends:
 Fridays and Saturdays: 6pm - 12am
 Sundays: 7pm - 11pm

Long Weekends:
 Fridays: to Sundays: 6pm - 12am
 Mondays: 7pm - 11pm

Richmond Night Market 2025 Event Dates

		THU	FRI	SAT	SUN	MON	
April	Week 1		25	26	27		
	May	Week 2		2	3	4	
		Week 3		9	10	11	
		Week 4		16	17	18	19
		Week 5		23	24	25	
	June	Week 6		30-May	31-May	1	
		Week 7		6	7	8	
		Week 8		13	14	15	
		Week 9		20	21	22	
		Week 10		27	28	29	30
	July	Week 11		4	5	6	
		Week 12		11	12	13	
		Week 13		18	19	20	
		Week 14		25	26	27	
August	Week 15		1	2	3	4	
	Week 16		8	9	10		
	Week 17		15	16	17		
	Week 18		22	23	24		
	Week 19		29	30	31	01-Sep	
September	Week 20		5	6	7		
	Week 21		12	13	14		
	Week 22		19	20	21		
	Week 23		26	27	28		
October	Week 24		3	4	5		
	Week 25		10	11	12	13	
	Week 26		17	18	19		

Total: 83 Days

Regular Weekends:
 Fridays and Saturdays: 6pm - 12am
 Sundays: 7pm - 11pm

Long Weekends:
 Fridays to Sundays: 6pm - 12am
 Mondays: 7pm - 11pm

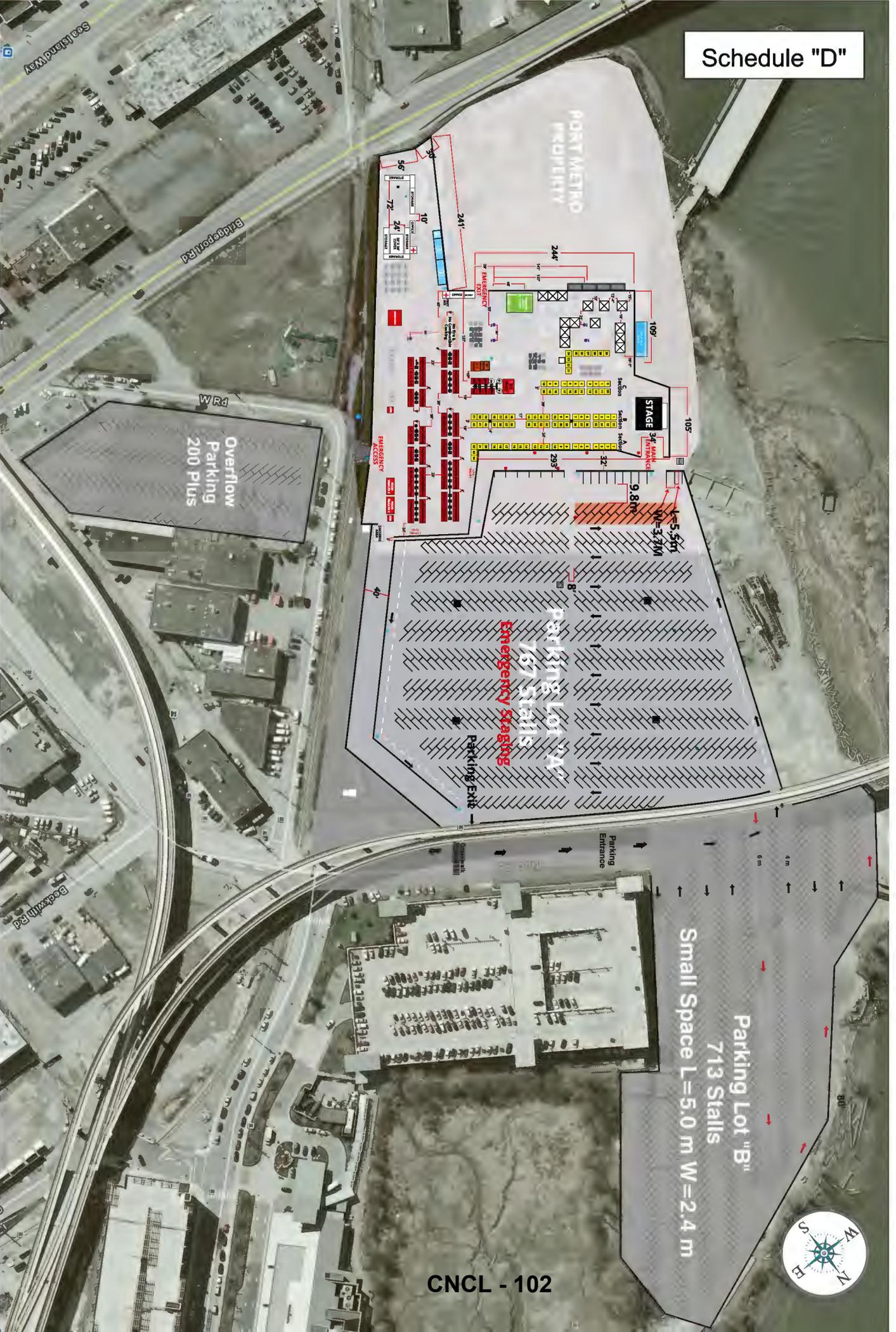
Richmond Night Market 2026 Event Dates

		FRI	SAT	SUN	MON	
	April	Week 1	Apr-24	Apr-25	Apr-26	
	May	Week 2	1	2	3	
		Week 3	8	9	10	
		Week 4	15	16	17	18
		Week 5	22	23	24	
		Week 6	29	30	31	
	June	Week 7	5	6	7	
		Week 8	12	13	14	
		Week 9	19	20	21	
		Week 10	26	27	28	
	July	Week 11	3	4	5	
		Week 12	10	11	12	
		Week 13	17	18	19	
		Week 14	24	25	26	
August	Week 15	31-Jul	1	2	3	
	Week 16	7	8	9		
	Week 17	14	15	16		
	Week 18	21	22	23		
	Week 19	28	29	30		
	September	Week 20	4	5	6	7
		Week 21	11	12	13	
		Week 22	18	19	20	
		Week 23	25	26	27	
October	Week 24	2	3	4		
	Week 25	9	10	11	12	
	Week 26	16	17	18		

Total: 82 Days

2024 RICHMOND NIGHT MARKET OVERALL SITEPLAN

Schedule "D"





Richmond Fire-Rescue

General Fire Safety Requirements for Stationary Food Vendors, Merchants, and Mobile Food Trucks

All food vendors must meet requirements defined in NFPA 96 standards, which include preventive and operative fire safety measures.

This is not a complete list. **Non-Food merchants** shall meet the applicable requirements, **specifically #17** on this list.

1. All commercial cooking units (deep fryers, grills, etc.) in trailers or trucks shall have an automatic suppression system (meeting ULC300) and at least one portable Class K wet chemical fire extinguisher.
2. All commercial deep fryers (no matter where they are located) are required to have a portable Class K wet chemical extinguisher.
3. All mobile vendors and tent vendors shall provide for their own use at least one portable multi-purpose extinguisher (minimum 10 pound 4A-60B:C rated). Fire Extinguishers must be **visible, accessible**, and may not sit on the ground.
4. All commercial cooking units, other than approved self-contained units, require non-combustible hoods, filters, or trays for containing grease laden vapours—must have been cleaned and tagged by a certified Applied Science Technologist Technician (ASTT) or company within the past 6 months.
5. All Vendors, Mobile Food Trucks and Trailers must have **Gas decal from Technical Safety BC, or equivalent approved gas certification decal (e.g. QAI, Intertek, or any other compliance mark with the Standards Council of Canada)**.
6. All Vendors, Mobile Food Trucks and Trailers must have **Electrical decal from an approved electrical systems certification agency (e.g. CSA, QAI, Intertek, or any other compliance mark with the Standards Council of Canada)**.
7. All **appliances** are required to have appropriate certification and/or listing (e.g. **CSA, ULC, any SCC listing**).
8. All tents and awnings with any heat sources and/or cooking units underneath must be fire treated and labelled to meet NFPA 701, or NFPA 705 (regardless of clearances - **no** exceptions).
9. All commercial cooking exhaust hoods must have required filters and trays installed at all times (mesh filters are not permitted). Tagged by a certified ASST within the past 6 months.
10. All extinguishers and automatic suppression systems must have current service completed by an ASTT, complete with stamped service tag.
11. Upon activation of an automatic fire-suppression system, an audible alarm bell shall be provided to indicate the system has been activated.
12. Standalone stove or burners and self-contained cooking appliances shall be supported on an approved base or non-combustible surface and kept away from combustibles (do not place directly on the ground). Only non-collapsible, non-combustible tables are permitted for cooking.
13. Propane cylinders and tanks shall be secured to a permanent surface to prevent tipping and located away from cooking and heat devices as per all applicable Gas Codes and Standards.
14. No unattached propane tanks (spare or those considered empty) are to be in the cooking area.
15. Temporary electrical power, and any electrical connections to vendors must be proper thickness, size and capacity (gauge), properly certified (e.g. CSA, ULC), rated for outdoor use, protected from weather and vehicle traffic, and restricted from public access—do not use damaged power cords. **No household extension cords.**
16. Generators must be certified (e.g. CSA, ULC), and may require a noise cover or acceptable non-combustible housing. Combustible items may not be placed on generators in contact with hot surfaces (e.g. tarps, blankets).
17. Means of Egress (EXIT) is required, shall remain unobstructed, and must be maintained for all stationary vendors. EXIT corridors shall be 1100 mm (44") in width, OR, Exit doorway/opening of at least 800 mm (30") in width.

For further information or questions, contact Richmond Fire-Rescue at 604-278-5131, Monday to Friday, 08:15 - 17:00 Hours

Information contained herein is subject to change without notice.



To: Planning Committee **Date:** January 29, 2024
From: Suzanne Smith **File:** AG 22-011619
Acting Director, Development RZ 22-011635
Re: **Application by Lucas Hogler for an Agricultural Land Reserve Non-Adhering Residential Use and Rezoning of a portion of 12900 Steveston Highway & 11311 Rice Mill Road from “Agriculture (AG1)” to “Agriculture (AG3)”**

Staff Recommendation

1. That the application by Lucas Hogler for an Agricultural Land Reserve Non-Adhering Residential Use to allow seasonal farm labour accommodation at 12900 Steveston Highway & 11311 Rice Mill Road be forwarded to the Agricultural Land Commission; and
2. That Richmond Zoning Bylaw 8500, Amendment Bylaw 10533, for the rezoning of a portion of 12900 Steveston Highway & 11311 Rice Mill Road from “Agriculture (AG1)” to “Agriculture (AG3)”, and a zoning text amendment to the “Agriculture (AG3)” zone in order to permit more than one seasonal farm labour accommodation located on a lot without an existing single detached housing, be introduced and given first reading.

Suzanne Smith
Acting Director, Development

WC:sds
Att. 6

REPORT CONCURRENCE		
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Fire Rescue	<input checked="" type="checkbox"/>	
Building Approvals	<input checked="" type="checkbox"/>	

Staff Report

Origin

Lucas Hogler, on behalf of Harry Hogler (Richmond Country Farms) has submitted an Agricultural Land Reserve (ALR) Non-Adhering Residential Use (NARU) application (AG 22-011619) and a rezoning application (RZ 22-011635) from the “Agriculture (AG1)” zone to the “Agriculture (AG3)” zone to allow the existing seasonal farm labour accommodation on a portion of 12900 Steveston Highway & 11311 Rice Mill Road. A location map and aerial photograph are provided in Attachment 1. The subject site is currently occupied by a single-family dwelling (on 12900 Steveston Highway), an active farm operation and associated farm buildings, roadside stand, farm-based winery, and seasonal farm labour accommodation.

Background

As part of the subject farm operation’s participation in the Federal Government’s Seasonal Agricultural Worker Program (SAWP), Richmond Fire-Rescue (RFR) inspected the seasonal farm labour accommodation on the subject site in 2022. Although all deficiencies from a life and safety perspective were addressed, it was identified that the existing seasonal farm labour accommodation on-site required applicable Agricultural Land Commission (ALC) and City approvals, including an ALR NARU application and rezoning application. The subject site is currently zoned “Agriculture (AG1)”, which does not permit seasonal farm labour accommodation. A portion of the site is also zoned “Roadside Stand (CR)”, which is not subject to the rezoning application and will remain. The purpose of the ALC NARU application and rezoning to the “Agriculture (AG3)” zone is to allow the existing seasonal farm labour accommodation on-site.

The proposal also involves a site-specific zoning text amendment to the “Agriculture (AG3)” zone in order to permit more than one seasonal farm labour accommodation located on a lot without an existing single detached housing, in order to accommodate the existing condition on this site only.

Findings of Fact

A Development Application Data Sheet providing details about the development proposal is attached (Attachment 2).

Surrounding Development

To the North: Across Steveston Highway, properties zoned “Agriculture (AG1)” located in the Agricultural Land Reserve (ALR).

To the South: Highway 99.

To the East: Property zoned “Agriculture (AG1)”, located in the ALR and leased to the subject farm operation for agricultural purposes.

To the West: Steveston Highway Interchange.

Related Policies & Studies

Official Community Plan/Farming First Strategy

The subject site is designated “Agriculture (AGR)” in the Official Community Plan (OCP), which includes those areas where the principal use is agriculture and food production, but may include other land uses as permitted under the *Agricultural Land Commission Act (ALCA)*. The proposal is consistent with this designation.

The OCP and Farming First Strategy also include policy indicating that seasonal farm labour accommodation, as an additional residential use, may be considered so long as the accommodation is accessory to the principal agricultural purposes and helps to support a farm operation in the Agricultural Land Reserve (ALR). The proposal is consistent with this policy.

Ministry of Transportation and Infrastructure

As the subject site is located within 800 m of an intersection of a Provincial Limited Access Highway and a City road, this proposal was referred to the Ministry of Transportation and Infrastructure (MOTI). Confirmation has been received from MOTI indicating no objection to the proposal. Final approval from MOTI is required prior to final adoption of the rezoning bylaw.

Floodplain Management Implementation Strategy

The proposal must meet the requirements of the Richmond Flood Plain Designation and Protection Bylaw 8204. Registration of a flood indemnity covenant on Title is required prior to final adoption of the rezoning bylaw.

Riparian Management Area & Environmentally Sensitive Area

The subject site contains a Riparian Management Area (RMA) 5 m buffer along the front of the property and Environmentally Sensitive Area (ESA) along the edges of the site. No impact to the RMA or ESA are proposed as part of this application.

Food Security & Agricultural Advisory Committee

The proposal was reviewed and supported by the Food Security and Agricultural Advisory Committee (FSAAC) at its meeting held on September 28, 2023. An excerpt from the September 28, 2023 FSAAC meeting minutes is provided in Attachment 3.

Public Consultation

In accordance with the City’s Early Public Notification Policy, notice of the rezoning application was provided to residents within 100 metres of the subject site. In addition, a rezoning sign has been installed on the subject property. Staff have not received any comments from the public about the rezoning application in response to the early public notification or placement of the rezoning sign on the property. Public notification is not required for the application to the Agricultural Land Commission (ALC).

Should the Planning Committee endorse the rezoning application and Council grant 1st reading to the rezoning bylaw, the bylaw will be forwarded to a Public Hearing, where any area resident or interested party will have an opportunity to comment.

Public notification for the Public Hearing will be provided as per the *Local Government Act* and the City's *Zoning Bylaw 8500*.

Analysis

Application to the Agricultural Land Commission

The purpose of the application to the Agricultural Land Commission (ALC) is to allow the existing seasonal farm labour accommodation on-site. As per the *Agricultural Land Commission Act* (ALCA), agricultural land may have no more than one residence per parcel unless permitted by the Commission or the regulations. The ALR Use Regulation permits an additional residence if certain conditions are met. If an owner wishes to construct an additional residence not permitted by the regulations, the owner must submit a Non-Adhering Residential Use (NARU) application to the ALC. The ALCA also states that the Commission must not grant permission for an additional residence unless the additional residence is necessary for farm use. In considering whether an additional residence is necessary for farm use, the Commission will assess the scale and intensity of the farm operation.

ALC approval of the NARU application is required prior to final adoption of the rezoning bylaw.

Farm Operation

The family-owned farm operation (Richmond Country Farms) farms approximately 400 acres (162 hectares), comprised of land owned and leased, some contiguous and non-contiguous, throughout Richmond and the South Okanagan. The subject site associated with the seasonal farm labour accommodation is approximately 40 acres (16 hectares) and consists of 12900 Steveston Highway and 11311 Rice Mill Road. The minimum size of a farm operation associated with seasonal farm labour accommodation is 8.09 hectares, as per the AG3 zone.

The farm operation on the subject site includes grapes, blueberries, and pumpkins. The site also includes a roadside stand (Richmond Country Farms Market) that has been in operation since 1977, a yearly pumpkin patch festival (The Pumpkin Patch at Richmond Country Farms), a farm-based winery (Country Vines Winery) and yearly sunflower festival (Richmond Sunflower Festival). The applicant has provided evidence the site is classified as farm under the BC *Assessment Act*.

Seasonal Farm Labour Accommodation

The farm operation includes a total of 26 seasonal farm labourers, provided through the Federal Government's Seasonal Agricultural Worker Program (SAWP). The applicant has provided evidence that the application to this program was approved by the Federal Government. The applicant has indicated that the seasonal farm labourers are needed due to the heavy reliance on intensive hand labour when growing fresh market produce.

The buildings used to house the workers consist of four portable modular homes with a floor area of 89.2 m² (960 ft²) each, and a small cabin with a floor area of 55.7 m² (600 ft²). Three units are approved for six workers and two units are approved for four workers. The size per worker is approximately 13.9 m² (150 ft²) to 14.9 m² (160 ft²) of floor area. This is consistent with the City's AG3 zone which requires a minimum floor area of 10.0 m² (108 ft²) per occupant. The location and photos of the seasonal farm labour accommodation are provided in Attachment 4.

Richmond Fire-Rescue (RFR) inspected the accommodations in 2022 and all deficiencies from a life and safety perspective had been addressed. In addition, a Code Report was submitted by the applicant and reviewed by the City's Building Approvals Department, which determined that no further upgrades are needed to achieve compliance (Attachment 5). However, a Building Permit is still required to legitimize the existing seasonal farm labour accommodation. Prior to final adoption of the rezoning bylaw, a Building Permit must be submitted consistent with the submitted Code Report and to the satisfaction of the Director, Building Approvals.

Rezoning Application

The City's "Agriculture (AG1)" zone limits the number of residences to one residence per parcel. The City's "Agriculture (AG3)" zone allows seasonal farm labour accommodation, in addition to a principal residence, subject to specific conditions. The proposal includes rezoning a portion of the subject site from "Agriculture (AG1)" to "Agriculture (AG3)" in order to allow the existing seasonal farm labour accommodation. The remaining portion of the site is currently zoned "Roadside Stand (CR)", containing the roadside stand building, which is to remain. The AG3 zone also includes a number of provisions related to seasonal farm labour accommodation, including:

- Minimum farm operation size of 8.09 ha;
- Seasonal farm labour accommodation must be located on the same lot as an existing single detached house;
- Only one seasonal farm labour accommodation permitted per farm operation;
- A building used for seasonal farm labour accommodation shall not exceed 400 m²;
- Minimum floor area per occupant of 10 m²; and
- A building used for seasonal farm labour accommodation is considered a dwelling with all regulations relating to density, minimum and maximum setbacks, and height to apply.

In order to allow the existing seasonal farm labour accommodation at the subject site, a zoning text amendment to the AG3 zone is also required to permit more than one seasonal farm labour accommodation and located on a lot without an existing single detached house. In this case, there are five seasonal farm labour accommodations and three of them are located on a lot without an existing single detached house (11311 Rice Mill Road).

In addition, a legal agreement is required to be registered on title prior to final adoption of the rezoning bylaw to secure the following requirements as identified in the AG3 zone:

- must adhere to all relevant components of the Building Code and the City's Building Regulation;

- subject to inspections by the City during any 12 month period to ensure that occupation is in compliance with the regulations;
- does not need to be removed when not occupied by seasonal farm labour if the use is required on an ongoing, annual basis for the agricultural purpose of the farm operation;
- if no longer required for the farm operation, all area used for seasonal farm labour accommodation must be removed and restored to its original state; and
- costs of removal of the seasonal farm labour accommodation and restoration to its original state are to be the responsibility of the property owner.

As per the AG3 zone, if seasonal farm labour accommodation is no longer required for the farm operation, all area used for seasonal farm labour accommodation must be removed and restored to its original state.

Financial Impact

None.

Conclusion

Lucas Hogler, on behalf of Harry Hogler (Richmond Country Farms) has submitted an Agricultural Land Reserve (ALR) Non-Adhering Residential Use (NARU) application (AG 22-011619) and a rezoning application (RZ 22-011635) to allow the existing seasonal farm labour accommodation at 12900 Steveston Highway & 11311 Rice Mill Road.

The proposal complies with the applicable policies and land use designation contained in the Official Community Plan.

The list of rezoning considerations is included in Attachment 6, which has been agreed to by the applicant (signed concurrence on file).

On this basis, it is recommended that the ALR NARU application be forwarded to the Agricultural Land Commission (ALC) and that Richmond Zoning Bylaw 8500, Amendment Bylaw 10533 be introduced and given first reading.



Steven De Sousa
Planner 3

SDS:cas

Attachment 1: Location Map & Aerial Photo

Attachment 2: Development Application Data Sheet

Attachment 3: Excerpt from the September 28, 2023 FSAAC Meeting Minutes

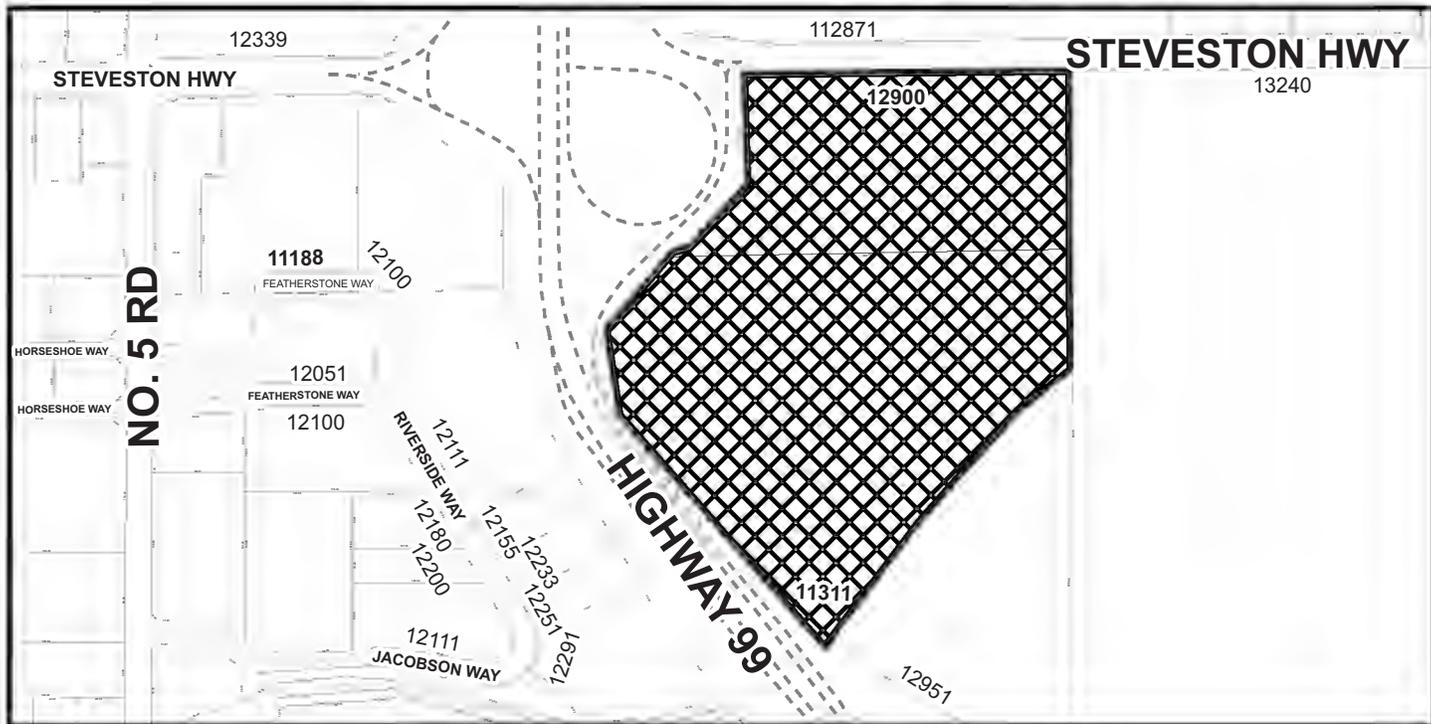
Attachment 4: Location and Photos of the Seasonal Farm Labour Accommodation

Attachment 5: Code Report

Attachment 6: Rezoning Considerations



City of Richmond

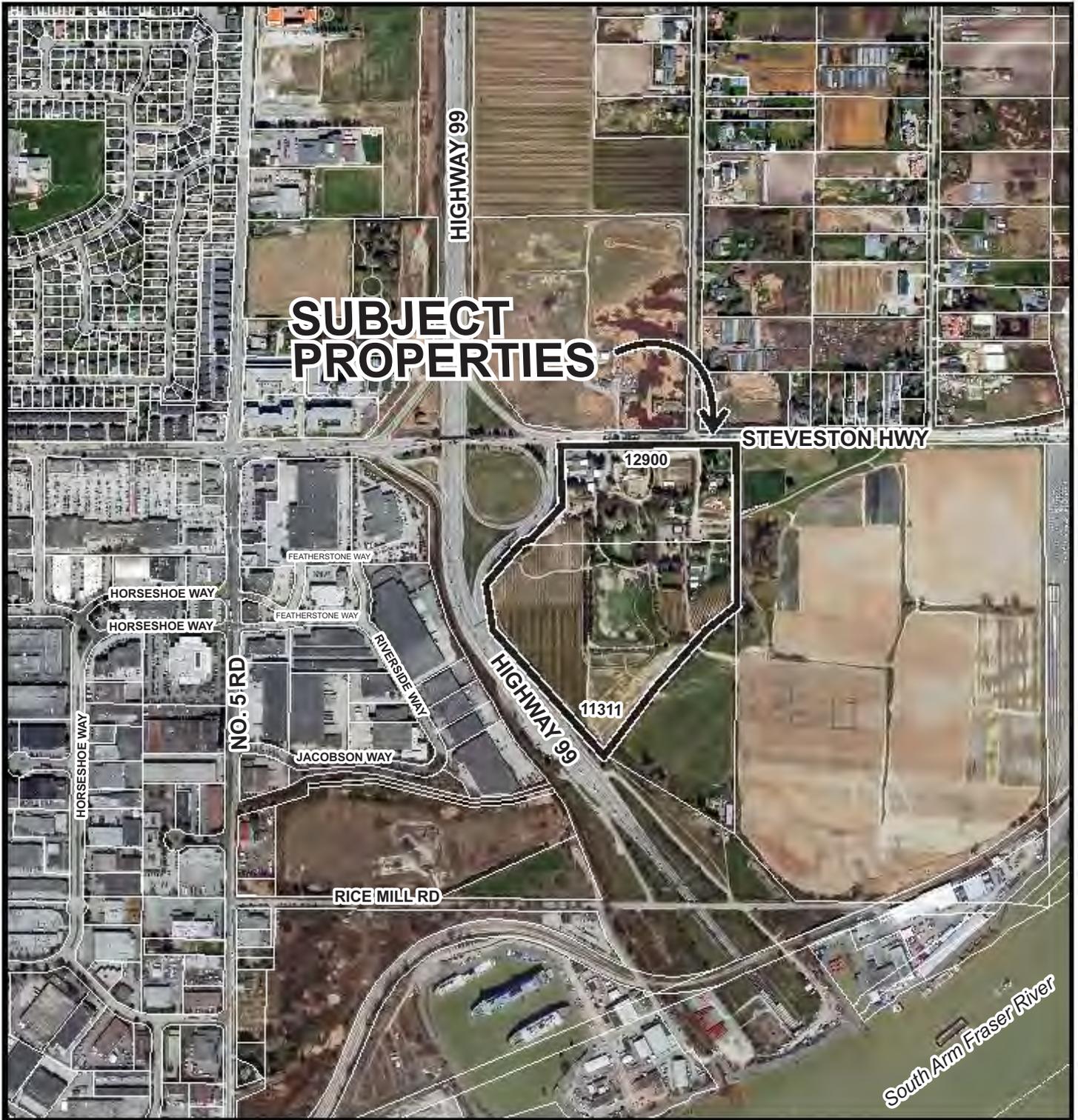


RZ 22-011635
AG 22-011619

Original Date: 04/22/22
Revision Date: 09/19/23
Note: Dimensions are in METRES



City of
Richmond



RZ 22-011635
AG 22-011619

Original Date: 04/22/22
Revision Date: 09/19/23
Note: Dimensions are in METRES



AG 22-011619 / RZ 22-011635

Attachment 2

Address: 12900 Steveston Highway & 11311 Rice Mill

Road Applicant: Lucas Hogler

Planning Area(s): East Richmond

	Existing	Proposed
Owner:	Harry Hogler	No change
Site Size:	40 acres (16 hectares)	No change
Land Uses:	Farm business and seasonal farm labour accommodation	No change
OCP Designation:	Agriculture (AGR)	No change
Zoning:	Agriculture (AG1)	Agriculture (AG3)
Other Designations:	Agricultural Land Reserve (ALR)	Non-Adhering Residential Use for seasonal farm labour accommodation

Seasonal farm labour accommodation	Bylaw Requirement	Proposed	Zoning Text Amendment
Farm Operation Size:	Min. 8.09 ha	40 ac (16 ha)	None
Location of seasonal farm labour accommodation:	On the same lot as an existing single detached housing	On a lot without an existing single detached housing	On a lot without an existing single detached housing
Number of seasonal farm labour accommodation:	Max. 1	5	5
Floor Area – Building:	Max. 400 m ²	55.7 m ² to 89.2 m ² (each building)	None
Floor Area – Occupant:	Min. 10 m ² per occupant	13.9 m ² to 14.9 m ²	None
Density, setbacks, and height:	Consistent with single detached housing requirements	Complies	None

**Excerpt from the Meeting Minutes of the
Food Security and Agricultural Advisory Committee (FSAAC)**

**Thursday, September 28, 2023 (7:00 pm)
Webex**

ALR Non-Adhering Residential Use and Rezoning Application at 12900 Steveston Highway & 11311 Rice Mill Road for Seasonal Farm Labour Accommodation

Steven De Sousa, Planner 3, Policy Planning, introduced the ALR Non-Adhering Residential Use and Rezoning applications and provided the following comments:

- The proposal includes two applications, a Non-Adhering Residential Use application to the Agricultural Land Commission (ALC) and a rezoning application, which are being processed concurrently;
- The purpose of the applications is to allow seasonal farm labour accommodation on the subject site;
- During an inspection of the accommodation by Richmond Fire-Rescue (RFR), it was identified that the existing seasonal farm labour accommodation on-site required an application to the ALC and rezoning application;
- The farm operation includes 26 seasonal farm labourers, provided through the Government of Canada Seasonal Agricultural Worker Program. The applicant has provided evidence that the Application for this program was approved by the Federal Government; and
- RFR has inspected the accommodations and all deficiencies from a life and safety perspective have been addressed. Additional reports are also required and will be reviewed by staff to assess compliance to BC Building Code to determine if any further upgrades are needed.

The applicant provided the following additional comments:

- The farm operation requires daily picking of farm product, which is labour intensive;
- Seasonal farm labour is essential to the daily operation of the farm;
- Attempts to house the seasonal farm workers in a single-family home off-site were unsuccessful as property owners would not accept the proposed number of people;
- The farm operation has successfully employed and accommodated seasonal farm labour on-site since the early 2000s; and
- The property owner was unaware of the ALC and City requirements for seasonal farm labour accommodation.

In response to questions from the Committee, Planning staff indicated that the proposed rezoning application would include the five buildings currently used for seasonal farm labour

accommodation. The applicant indicated that not all 26 seasonal farm workers are on-site at a given time.

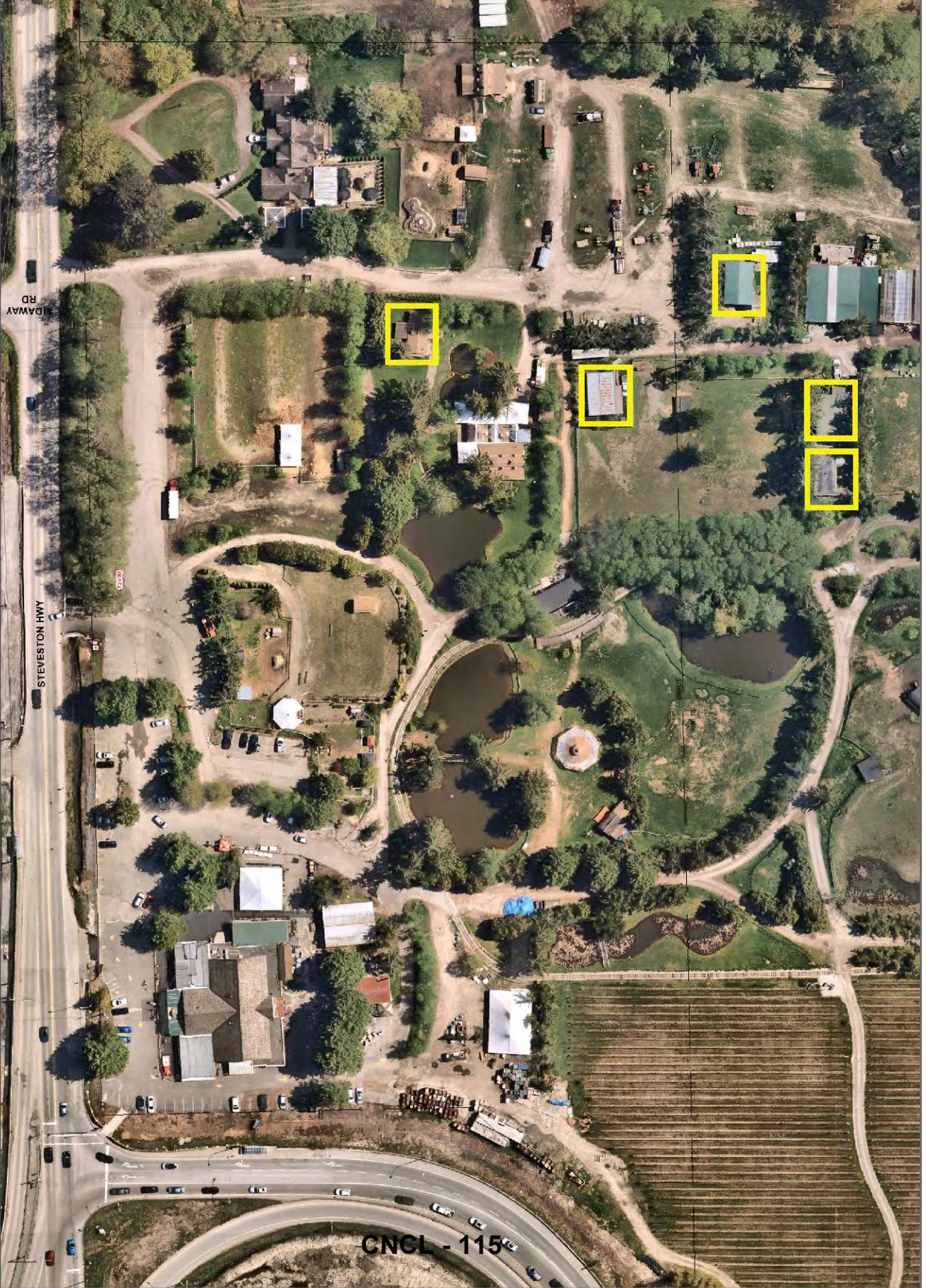
The Committee expressed that seasonal farm labour is necessary for the farm operation and there would be no impact to the existing farm as a result of the applications.

The Committee passed the following motion:

That the Food Security and Agricultural Advisory Committee support the ALR Non-Adhering Residential Use and Rezoning Application at 12900 Steveston Highway & 11311 Rice Mill Road for Seasonal Farm Labour Accommodation (AG 22-011619 / RZ 22-011635).

Carried Unanimously

12900 Steveston Highway & 11311 Rice Mill Road



Location of Seasonal Farm Labour Accommodation



Plan Date: 2023-06-07

Note: Information shown on this map is compiled from various sources and the City makes no warranty, express or implied, as to the accuracy of the information. Users are reminded that for any legal description must be confirmed through a legal professional. This is NOT a legal document. It is published for information and reference only. © City of Richmond, 2023. All rights reserved. Not to be reproduced or distributed without permission.



CNCL - 115

Photos of Seasonal Farm Labour Accommodation - 12900 Steveston Highway & 11311 Rice Mill Road





A Z U R E A N ARCHITECTURE INC.
EXACTITUDE PASSION TRUTH
1105 Eyremount Dr West Vancouver V7S 2B9 Canada Earth
+1 (604) 782-1841 operations@azurain.ca

Project Description

Documentation of Employee Housing
Code review for essential livability and life safety

Code Review

Basis: BCBC 2018
Part 9
One Storey stand alone housing units
Combustible construction
Not sprinklered

All units have washrooms / kitchens / washers + dryers
Units are not accessible
- This is acceptable as all units are for seasonal farm employees
All bedrooms have operable windows
All units and bedrooms have 7ft. headroom or more.
All units have adequate exiting.

- FD requested exit signage at some point, there are Exit signs in all units
 - Richmond Fire has done two walk through inspections on site, no issues
 - No changes since their last walk through
- All units have hardwired smoke detectors
- Checked each year by Otis Fire
- All units have physically mounted fire extinguishers
- Checked each year by Otis Fire
- All units have physically mounted fire extinguishers
- Checked each year by Otis Fire
- All units appear structurally sound
- No detailed analysis performed
- All units are tight to the weather
- No leaks or weather damage was observed on the inside of any unit

All units generally conform to code and are fit to occupy.

15 Sept 2023. Issued for Review
5 Oct 2023. Issued for Review

Country Vines Winery
Existing Employee Housing Review

12900 Steveston Hwy
Richmond British Columbia Canada Earth

Cover
(And Aerial Photo)

1/8" = 1' - 0" (when printed/magnified)
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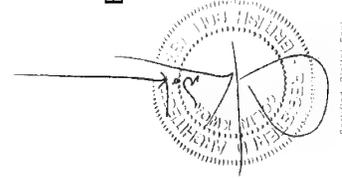
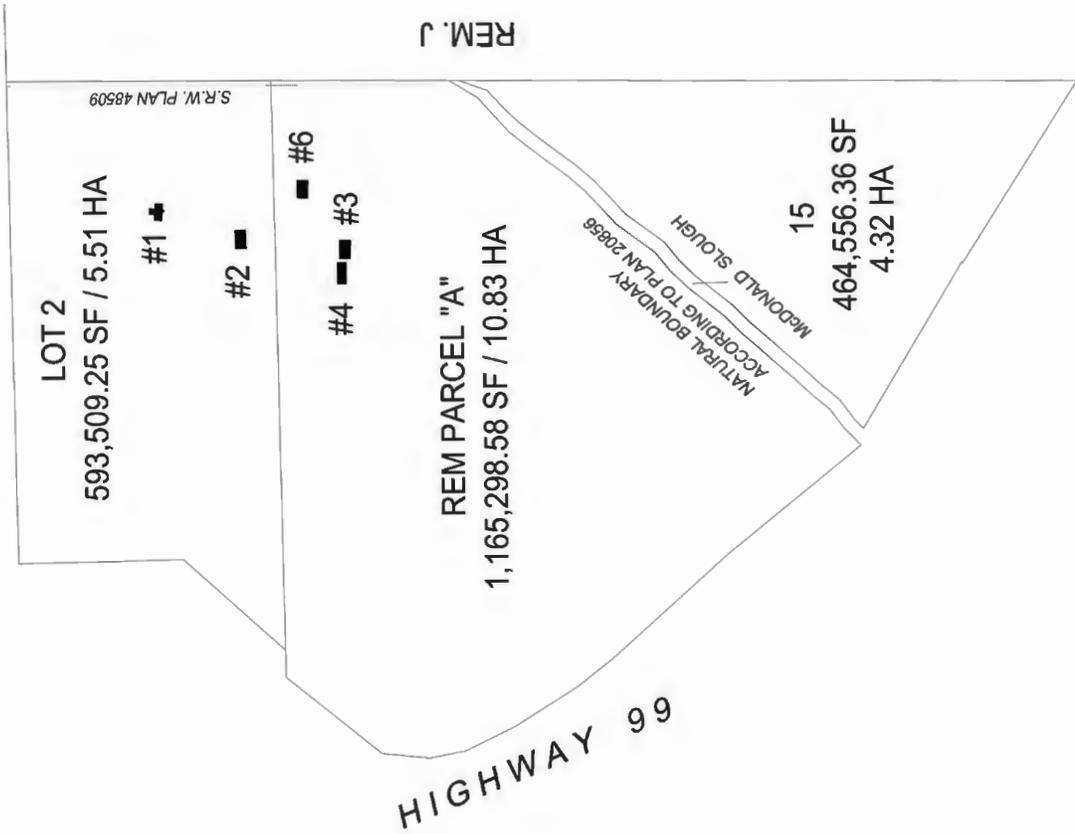


Image Courtesy of Google Maps
Approx. outline of Country Vines Winery

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 +1 (604) 792-1941 operations@azurean.ca



STEVESTON HIGHWAY



Notes

1. There is no Unit #5
2. All units are hooked up to Power / Water / Septic
3. All units are existing

CNCL - 118

15 Sept 2023. Issued for Review
 15 Sept 2023. Issued for Review

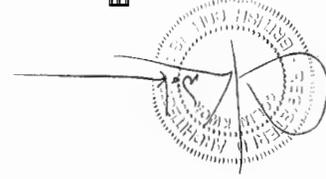
Country Vines Winery
Existing Employee Housing Review

12900 Steveston Hwy
 Richmond British Columbia Canada Earth

SitCBlair
 [HousingAnd-Alexia|SitePlan]

1/8" = 1' - 0" (when printed @ 22x34")

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Certified Digital Seal
 5 October 2023



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 EXACTITUDE PASSION TRUTH
 1105 Eyremount Dr West Vancouver V7S 2B9 Canada Earth
 +1 (604) 792-1841 operations@azurean.ca



CNCL - 119

15 Sept 2023. Issued for Review
 5 Oct 2023. Issued for Review

Country Vines Winery
 Existing Employee Housing Review

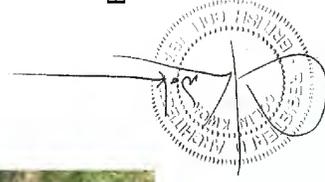
12900 Steveston Hwy
 Richmond British Columbia Canada Earth

UnTower

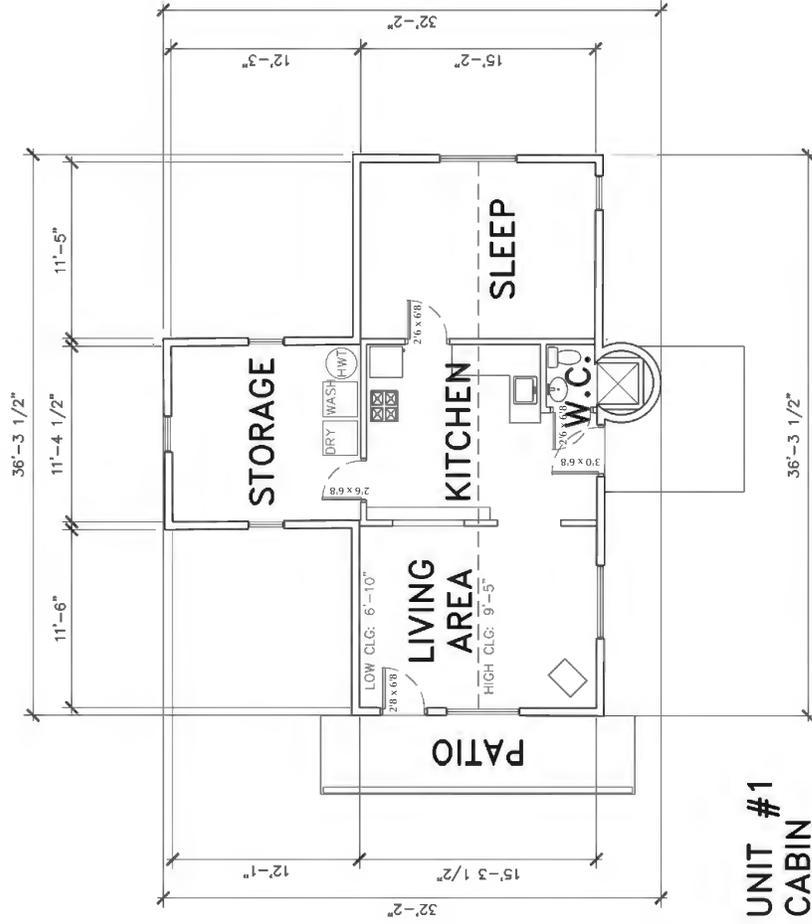
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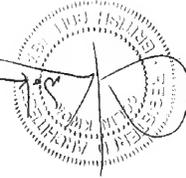
Certified Digital Seal
 5 October 2023



15 Sept. 2023. Issued for Review
 15 Sept. 2023. Issued for Review

Country Vines Winery
 Existing Employee Housing Review

12900 Steveston Hwy
 Richmond British Columbia Canada Earth



Chartered Digital Seal
 5 October 2023

1/8" = 1' - 0" (when printed at 22" x 34")
A - 0.00

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EXACTITUDE PASSION TRUTH
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+1 (604) 782-1941 operations@azurain.ca



CNCL - 121

15 Sept 2023, Issued for Review
15 Sept 2023, Issued for Review

Country Vines Winery Existing Employee Housing Review

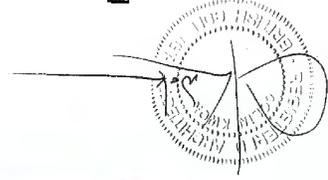
13960 Steveston Hwy
Richmond British Columbia Canada Earth

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[Stand alone sPARK ALERT PRBIO]

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Digital Original Size
5 October 2023

A Z U R E A N ARCHITECTURE INC.
 EXACTITUDE · PASSION · TRUTH
 1105 Eyemount Dr West Vancouver V7S 2B9 Canada Earth
 +1 (604) 782-1941 operations@azurean.ca



CNCL - 123

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 5 Oct 2023, issued for Review

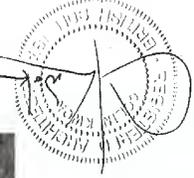
COUNTRY VINES WINERY
 Existing Employee Housing Review

12900 Steveston Hwy
 2900 Steveston Farm
 Richmond British Columbia Canada Earth

Unifor
 (And Aerial Photo)
 (Stand alone single storey cabin)

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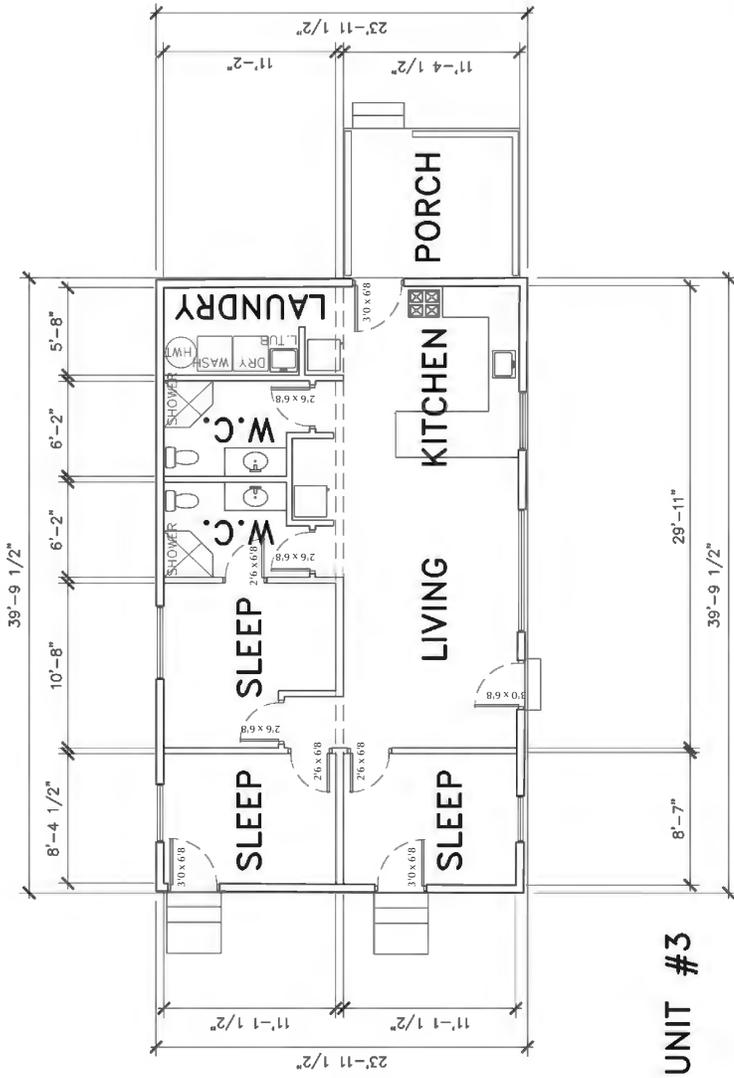
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UNIT #3

15 Sept 2023, Issued for Review
 5 Oct 2023, Issued for Review

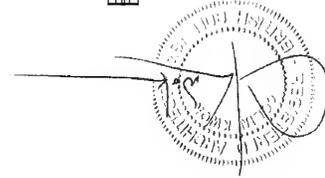
COUNTRY VINES WINERY
 Existing Employee Housing Review

12900 Steveston Hwy
 2900 Steveston Hwy
 Richmond British Columbia Canada Earth

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 [And Aerial Photo]
 [Floor Plan]

1/8" = 1'-0" (When printed at 22" x 34")
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Created: Digital 3d
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15 Sept 2023, issued for Review
 5 Oct 2023, issued for Review

Country Vines Winery
 Existing Employee Housing Review

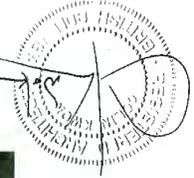
12900 Steveston Hwy
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EXACTITUDE. PASSION. TRUTH.
1105 Eyremount Dr West Vancouver V7S 2B9 Canada Earth
+1 (604) 782-1941 operations@azurean.ca



CNCL - 127

15 Sept 2023, Issued for Review
5 Oct 2023, Issued for Review

Country Vines Winery
Existing Employee Housing Review

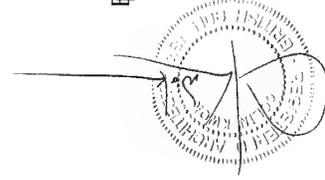
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Richmond British Columbia Canada B8H1H8

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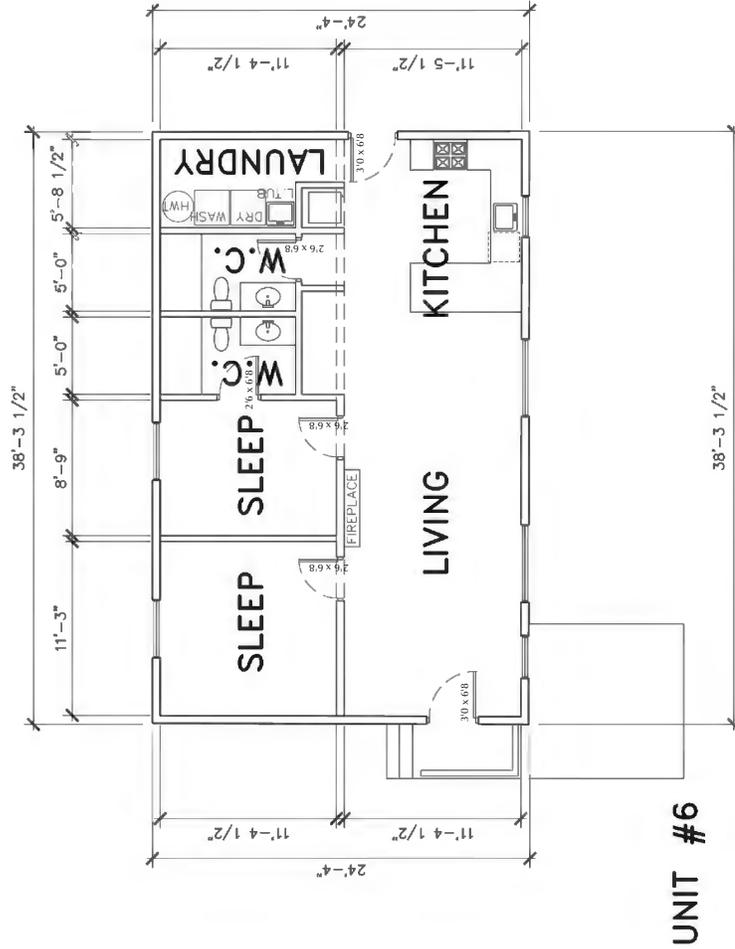
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Certified Digital Seal
5 October 2023



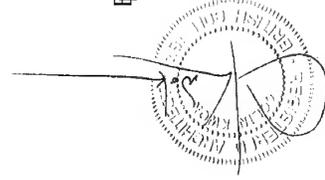
15 Sept 2023. Issued for Review
 5 Oct 2023. Issued for Review

Country Vines Winery
 Existing Employee Housing Review

122900 Stevenson Hwy
 Richmond British Columbia Canada Earth

Unit #6
 (And Approval Page)

1/88-11-01-WN-APP-23-0377
A = 0.00



Engineered Digital Seal
 5 October 2023



Address: 12900 Steveston Highway & 11311 Rice Mill Road

File No.: RZ 22-011635

Prior to final adoption of Richmond Zoning Bylaw 8500, Amendment Bylaw 10533, the developer is required to complete the following:

1. Agricultural Land Commission (ALC) Approval of the Non-Adhering Residential Use (NARU) application.
2. Provincial Ministry of Transportation & Infrastructure Approval.
3. Registration of a flood plain covenant on title identifying a minimum habitable elevation of 3.0 m GSC.
4. Submission of a Building Permit application to legitimize the existing seasonal farm labour accommodation consistent with the submitted Code Report (dated October 5, 2023) and to the satisfaction of the Director, Building Approvals.
5. Registration of a legal agreement on title ensuring the following requirements as identified in the AG3 zone:
 - a) must adhere to all relevant components of the Building Code and the City's Building Regulation;
 - b) subject to inspections by the City during any 12 month period to ensure that occupation is in compliance with the regulations;
 - c) does not need to be removed when not occupied by seasonal farm labour if the use is required on an ongoing, annual basis for the agricultural purpose of the farm operation;
 - d) if no longer required for the farm operation, all area used for seasonal farm labour accommodation must be removed and restored to its original state; and
 - e) costs of removal of the seasonal farm labour accommodation area and restoration to its original state are to be the responsibility of the property owner.
6. Payment of all fees in full for the cost associated with the Public Hearing Notices, consistent with the City's Consolidated Fees Bylaw No 8636, as amended.

Prior to Building Permit Issuance, the developer must complete the following requirements:

1. Building Permit (BP) plans must meet BC Building Code, Zoning Bylaw 8500, and requirements from Richmond Fire-Rescue (RFR) (including a pre-incident site plan prior to final inspection).
2. Submission of Building Permit (BP) plans consistent with the associated Agricultural Land Commission (ALC) Non-Adhering Residential Use (NARU) and rezoning applications.

Note:

- * This requires a separate application.
- Where the Director of Development deems appropriate, the preceding agreements are to be drawn not only as personal covenants of the property owner but also as covenants pursuant to Section 219 of the Land Title Act.

All agreements to be registered in the Land Title Office shall have priority over all such liens, charges and encumbrances as is considered advisable by the Director of Development. All agreements to be registered in the Land Title Office shall, unless the Director of Development determines otherwise, be fully registered in the Land Title Office prior to enactment of the appropriate bylaw.

The preceding agreements shall provide security to the City including indemnities, warranties, equitable/rent charges, letters of credit and withholding permits, as deemed necessary or advisable by the Director of Development. All agreements shall be in a form and content satisfactory to the Director of Development.

- Additional legal agreements, as determined via the subject development's Servicing Agreement(s) and/or Development Permit(s), and/or Building Permit(s) to the satisfaction of the Director of Engineering may be required including, but not limited to, site investigation, testing, monitoring, site preparation, de-watering, drilling, underpinning, anchoring, shoring, piling, pre-loading,

ground densification or other activities that may result in settlement, displacement, subsidence, damage or nuisance to City and private utility infrastructure.

- Applicants for all City Permits are required to comply at all times with the conditions of the Provincial *Wildlife Act* and Federal *Migratory Birds Convention Act*, which contain prohibitions on the removal or disturbance of both birds and their nests. Issuance of Municipal permits does not give an individual authority to contravene these legislations. The City of Richmond recommends that where significant trees or vegetation exists on site, the services of a Qualified Environmental Professional (QEP) be secured to perform a survey and ensure that development activities are in compliance with all relevant legislation.

[Signed copy on file]

Signed

Date



**Richmond Zoning Bylaw 8500
Amendment Bylaw 10533 (RZ 22-011635)
12900 Steveston Highway & 11311 Rice Mill Road**

The Council of the City of Richmond, in open meeting assembled, enacts as follows:

1. The Zoning Map of the City of Richmond, which accompanies and forms part of Richmond Zoning Bylaw 8500, is amended by repealing the existing zoning designation of the following area and by designating it “**AGRICULTURE (AG3)**”.

That area shown cross-hatched on Schedule A attached to and forming part of Bylaw No. 10533.

2. Richmond Zoning Bylaw 8500 is further amended by:
 - a. Inserting the following into Section 14.1.11.10 (Other Regulations) in the Agriculture (AG3) zone and renumbering accordingly:

“The following are **site-specific zone** regulations for the purposes of accommodating **seasonal farm labour accommodation**, applicable only to the **lots** located at:

12900 Steveston Highway

PID 003-568-539

LOT 2 SECTION 6 BLOCK 3 NORTH RANGE 5 WEST NEW WESTMINSTER
DISTRICT PLAN 20856

11311 Rice Mill Road

PID 003-568-491

PARCEL "A" (RD22377E) LOT 1 EXCEPT: THAT PORTION OUTLINED RED
ON PLAN WITH BYLAW FILED 58487, SECTION 6 BLOCK 3 NORTH
RANGE 5 WEST NEW WESTMINSTER DISTRICT PLAN 20856, EXCEPT
PART IN PLAN EPP35457

a) the **seasonal farm labour accommodation** can be located on a **lot** without an existing **single detached housing**; and

b) a maximum of five **seasonal farm labour accommodations** are permitted per **farm operation**.

3. This Bylaw may be cited as “**Richmond Zoning Bylaw 8500, Amendment Bylaw 10533**”.

FIRST READING

A PUBLIC HEARING WAS HELD ON

SECOND READING

THIRD READING

OTHER CONDITIONS SATISFIED

MINISTRY OF TRANSPORTATION AND
INFRASTRUCTURE APPROVAL

ADOPTED

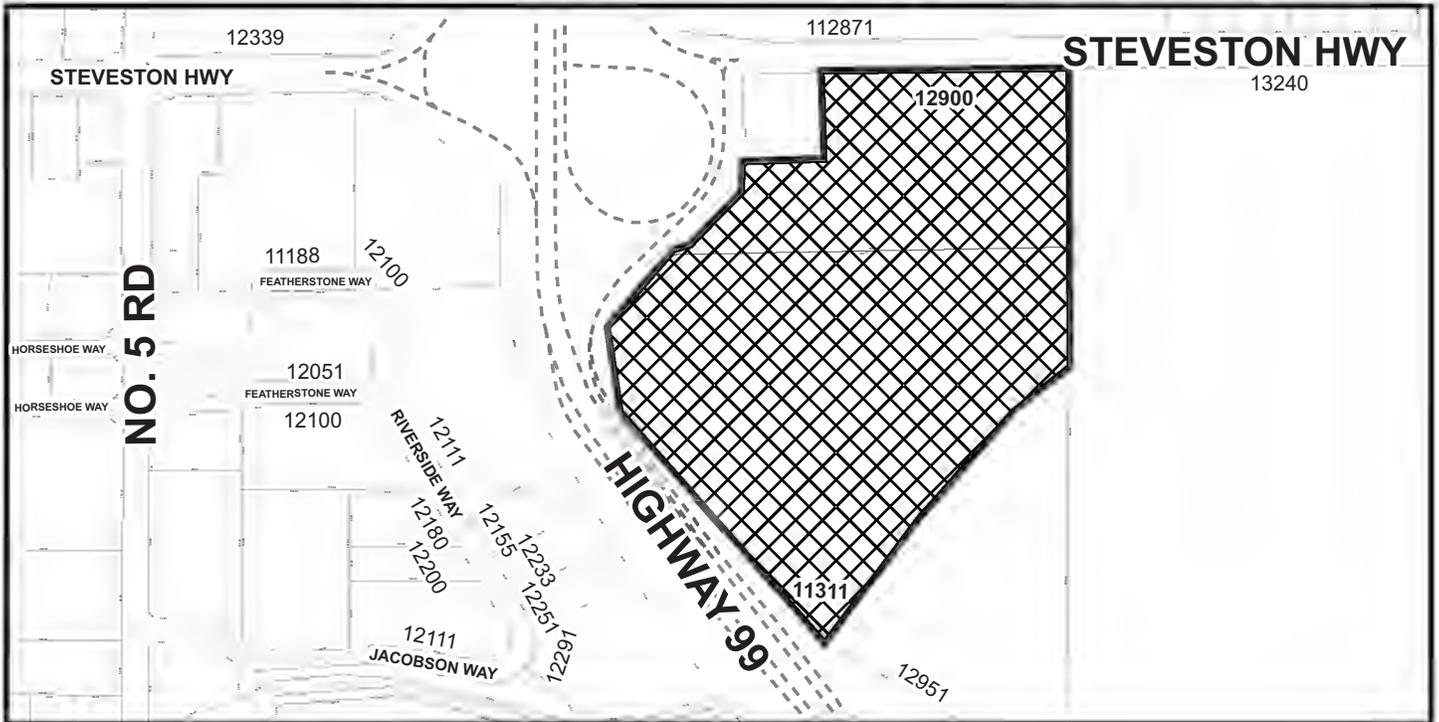
MAYOR



CORPORATE OFFICER



City of Richmond



RZ 22-011635 SCHEDULE "A"

Original Date: 04/22/22

Revision Date: 01/17/24

Note: Dimensions are in METRES



To: Planning Committee **Date:** January 29, 2024
From: Suzanne Smith **File:** AG 22-009023
 Acting Director, Development RZ 22-009024
Re: **Application by Jason Levelton for an Agricultural Land Reserve Non-Adhering Residential Use and Rezoning at 18431 Westminster Highway from “Agriculture (AG1)” to “Agriculture (AG3)”**

Staff Recommendation

1. That the application by Jason Levelton for an Agricultural Land Reserve Non-Adhering Residential Use to allow seasonal farm labour accommodation at 18431 Westminster Highway be forwarded to the Agricultural Land Commission; and
2. That Richmond Zoning Bylaw 8500, Amendment Bylaw 10534, for the rezoning of 18431 Westminster Highway from “Agriculture (AG1)” to “Agriculture (AG3)”, be introduced and given first reading.

Suzanne Smith
Acting Director, Development

WC:sds
Att. 6

REPORT CONCURRENCE		
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Fire Rescue	<input checked="" type="checkbox"/>	
Building Approvals	<input checked="" type="checkbox"/>	

Staff Report

Origin

Jason Levelton (East Richmond Nurseries) has submitted an Agricultural Land Reserve (ALR) Non-Adhering Residential Use (NARU) application (AG 22-009023) and a rezoning application (RZ 22-009024) from the “Agriculture (AG1)” zone to the “Agriculture (AG3)” zone to allow the existing seasonal farm labour accommodation at 18431 Westminster Highway. A location map and aerial photograph are provided in Attachment 1. The subject property is currently occupied by two single-family dwellings, an active farm operation, and associated farm buildings and seasonal farm labour accommodation.

Background

As part of the subject farm operation’s participation in the Federal Government’s Seasonal Agricultural Worker Program (SAWP), Richmond Fire-Rescue (RFR) inspected the seasonal farm labour accommodation on the subject site in 2022. Although all deficiencies from a life and safety perspective were addressed, it was identified that the existing seasonal farm labour accommodation on-site required applicable Agricultural Land Commission (ALC) and City approvals, including an ALR NARU application and rezoning application. The subject site is currently zoned “Agriculture (AG1)”, which does not permit seasonal farm labour accommodation. The purpose of the ALC NARU application and the rezoning to the “Agriculture (AG3)” zone is to allow the existing seasonal farm labour accommodation on-site.

Findings of Fact

A Development Application Data Sheet providing details about the development proposal is attached (Attachment 2).

Surrounding Development

To the North: Property zoned “Agriculture (AG1)” and located in the Agricultural Land Reserve (ALR) associated with the subject farm operation.

To the South: Across Westminster Highway, properties zoned “Agriculture (AG1)” and located in the ALR.

To the East: A religious assembly building on a property split-zoned “Assembly (ASY)” and “Agriculture (AG1)”.

To the West: Property zoned “Agriculture (AG1)” and located in the ALR.

Related Policies & Studies

Official Community Plan/Farming First Strategy

The subject site is designated “Agriculture (AGR)” in the Official Community Plan (OCP), which includes those areas where the principal use is agriculture and food production, but may

include other land uses as permitted under the *Agricultural Land Commission Act (ALCA)*. The proposal is consistent with this designation.

The OCP and Farming First Strategy also include policy indicating that seasonal farm labour accommodation, as an additional residential use, may be considered so long as the accommodation is accessory to the principal agricultural purposes and helps to support a farm operation in the Agricultural Land Reserve (ALR). The proposal is consistent with this policy.

Ministry of Transportation and Infrastructure

As the subject site is located within 800 m of an intersection of a Provincial Limited Access Highway and a City road, this proposal was referred to the Ministry of Transportation and Infrastructure (MOTI). Confirmation has been received from MOTI indicating no objection to the proposal. Final approval from MOTI is required prior to final adoption of the rezoning bylaw.

Floodplain Management Implementation Strategy

The proposal must meet the requirements of the Richmond Flood Plain Designation and Protection Bylaw 8204. Registration of a flood indemnity covenant on Title is required prior to final adoption of the rezoning bylaw.

Heritage

The building containing the seasonal farm labour accommodation is listed on the City's Heritage Inventory (Beckwith Barn). Assets listed on the City's Heritage Inventory do not have any formal heritage protection measures. The Beckwith Barn is proposed to remain, with minor interior and exterior changes required to accommodate BC Building Code requirements (no Heritage Alteration Permit (HAP) required). The building was renovated in the early 2000s, however a number of key character-defining elements, including the gambrel roof form and the rectangular barn plan, have remain unchanged. The property owner has agreed to register a legal agreement on Title prohibiting demolition or exterior changes to the "Beckwith Barn" building without consent from the City to ensure heritage character defining elements are maintained.

A second building (Beckwith House) which is located on the property, is also listed on the City's Heritage Inventory. This second building is not associated with the proposed seasonal farm labour use, and there are no proposed changes to that building.

Food Security & Agricultural Advisory Committee

The proposal was reviewed and supported by the Food Security and Agricultural Advisory Committee (FSAAC) at its meeting held on September 28, 2023. An excerpt from the September 28, 2023 FSAAC meeting minutes is provided in Attachment 3.

Public Consultation

In accordance with the City's Early Public Notification Policy, notice of the rezoning application was provided to residents within 100 metres of the subject site. In addition, a rezoning sign has

been installed on the subject property. Staff have not received any comments from the public about the rezoning application in response to the early public notification or placement of the rezoning sign on the property. Public notification is not required for the application to the Agricultural Land Commission (ALC).

Should the Planning Committee endorse the rezoning application and Council grant 1st reading to the rezoning bylaw, the bylaw will be forwarded to a Public Hearing, where any area resident or interested party will have an opportunity to comment.

Public notification for the Public Hearing will be provided as per the *Local Government Act* and the City's *Zoning Bylaw 8500*.

Analysis

Application to the Agricultural Land Commission

The purpose of the application to the Agricultural Land Commission (ALC) is to allow the existing seasonal farm labour accommodation on-site. As per the *Agricultural Land Commission Act* (ALCA), agricultural land may have no more than one residence per parcel unless permitted by the Commission or the regulations. The ALR Use Regulation permits an additional residence if certain conditions are met. If an owner wishes to construct an additional residence not permitted by the regulations, the owner must submit a Non-Adhering Residential Use (NARU) application to the ALC. The ALCA also states that the Commission must not grant permission for an additional residence unless the additional residence is necessary for farm use. In considering whether an additional residence is necessary for farm use, the Commission will assess the scale and intensity of the farm operation.

ALC approval of the NARU application is required prior to final adoption of the rezoning bylaw.

Farm Operation

The family-owned farm operation (East Richmond Nurseries) farms approximately 25 acres (10 hectares) and consists of 18431 & 18531 Westminster Highway. The minimum size of a farm operation associated with seasonal farm labour accommodation is 8.09 hectares, as per the AG3 zone.

The farm operation is a nursery, including trees, shrubs, perennials and ground covers. The family-owned farm has existing on the site since the 1940s under a number of different operations, establishing the current nursery operation in 1987. The applicant has provided evidence the site is classified as farm under the *BC Assessment Act*.

Seasonal Farm Labour Accommodation

The farm operation includes a total of 6 seasonal farm labourers, provided through the Federal Government's Seasonal Agricultural Worker Program (SAWP). The applicant has provided evidence that the application to this program was approved by the Federal Government. The applicant has indicated that the seasonal farm labourers are needed to assist with growing the

nursery stock. The applicant has also indicated that previous attempts to hire locally resulted in no responses.

The building used to house the workers is the existing barn located along Westminster Highway. The barn is approximately 400 m² (4,302 ft²) in total floor area, with 105 m² (1,126 ft²) used for the purposes of accommodating the temporary farm workers. The size per worker is approximately 17.5 m² (188 ft²) of floor area. This is consistent with the City's AG3 zone which requires a minimum floor area of 10.0 m² (108 ft²) per occupant. The location and photos of the seasonal farm labour accommodation are provided in Attachment 4.

Richmond Fire-Rescue (RFR) inspected the accommodations in 2022 and all deficiencies from a life and safety perspective had been addressed. In addition, a Code Report was submitted by the applicant and reviewed by the City's Building Approvals Department, which identified remaining upgrades to achieve compliance, including interior improvements and new external access (Attachment 5). A Building Permit is required to address these upgrades and legitimize the existing seasonal farm labour accommodation. Prior to final adoption of the rezoning bylaw, a Building Permit is required to be submitted consistent with the submitted Code Report and to the satisfaction of the Director, Building Approvals.

Rezoning Application

The City's "Agriculture (AG1)" zone limits the number of residences to one residence per parcel. The City's "Agriculture (AG3)" zone allows seasonal farm labour accommodation, in addition to a principal residence, subject to specific conditions. The proposal includes rezoning the subject site from "Agriculture (AG1)" to "Agriculture (AG3)" in order to allow the existing seasonal farm labour accommodation. The AG3 zone also includes a number of provisions related to seasonal farm labour accommodation, including:

- Minimum farm operation size of 8.09 ha;
- Seasonal farm labour accommodation must be located on the same lot as an existing single detached house;
- Only one seasonal farm labour accommodation permitted per farm operation;
- A building used for seasonal farm labour accommodation shall not exceed 400 m²;
- Minimum floor area per occupant of 10 m²; and
- A building used for seasonal farm labour accommodation is considered a dwelling with all regulations relating to density, minimum and maximum setbacks, and height to apply.

In addition, a legal agreement is required to be registered on title prior to final adoption of the rezoning bylaw to secure the following requirements as identified in the AG3 zone:

- must adhere to all relevant components of the Building Code and the City's Building Regulation;
- subject to inspections by the City during any 12 month period to ensure that occupation is in compliance with the regulations;

- does not need to be removed when not occupied by seasonal farm labour if the use is required on an ongoing, annual basis for the agricultural purpose of the farm operation;
- if no longer required for the farm operation, all area used for seasonal farm labour accommodation must be removed and restored to its original state; and
- costs of removal of the seasonal farm labour accommodation and restoration to its original state are to be the responsibility of the property owner.

As per the AG3 zone, if seasonal farm labour accommodation is no longer required for the farm operation, all area used for seasonal farm labour accommodation must be removed and restored to its original state.

Financial Impact

None.

Conclusion

Jason Levelton (East Richmond Nurseries) has submitted an Agricultural Land Reserve (ALR) Non-Adhering Residential Use (NARU) application (AG 22-009023) and a rezoning application (RZ 22-009024) to allow the existing seasonal farm labour accommodation at 18431 Westminster Highway.

The proposal complies with the applicable policies and land use designations contained in the Official Community Plan.

The list of rezoning considerations is included in Attachment 6, which has been agreed to by the applicant (signed concurrence on file).

On this basis, it is recommended that the ALR NARU application be forwarded to the Agricultural Land Commission (ALC) and that Richmond Zoning Bylaw 8500, Amendment Bylaw 10534 be introduced and given first reading.



Steven De Sousa
Planner 3

SDS:cas

Attachment 1: Location Map & Aerial Photo

Attachment 2: Development Application Data Sheet

Attachment 3: Excerpt from the September 28, 2023 FSAAC Meeting Minutes

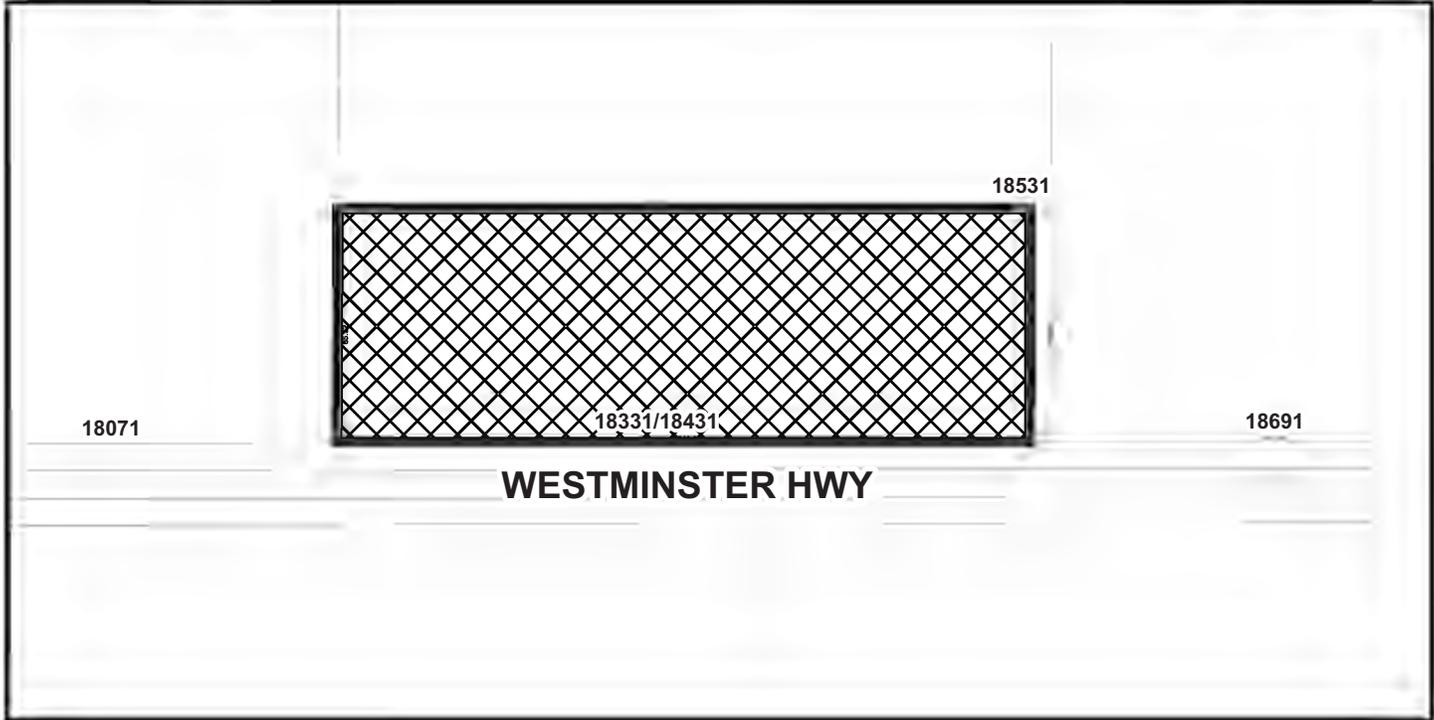
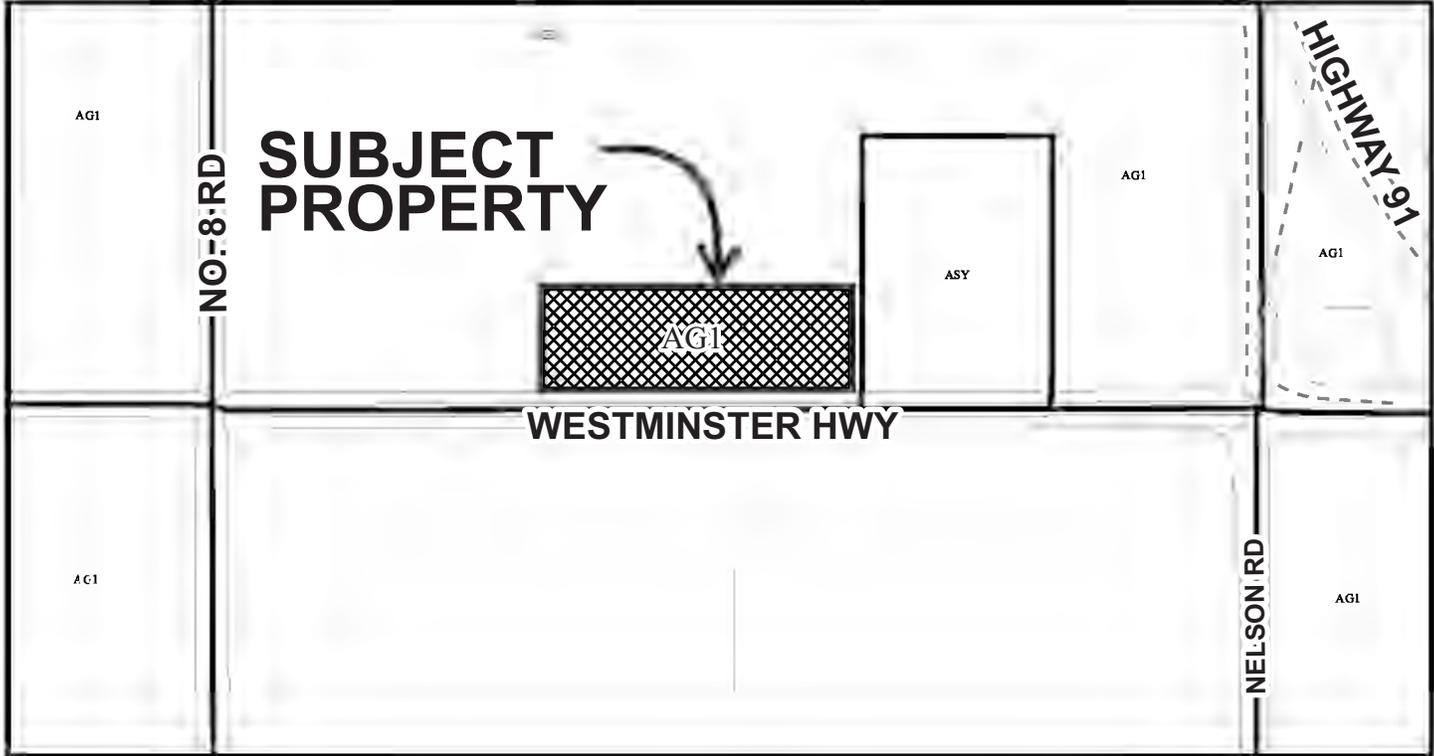
Attachment 4: Location and Photos of the Seasonal Farm Labour Accommodation

Attachment 5: Code Report

Attachment 6: Rezoning Considerations



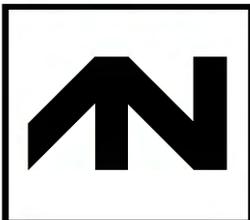
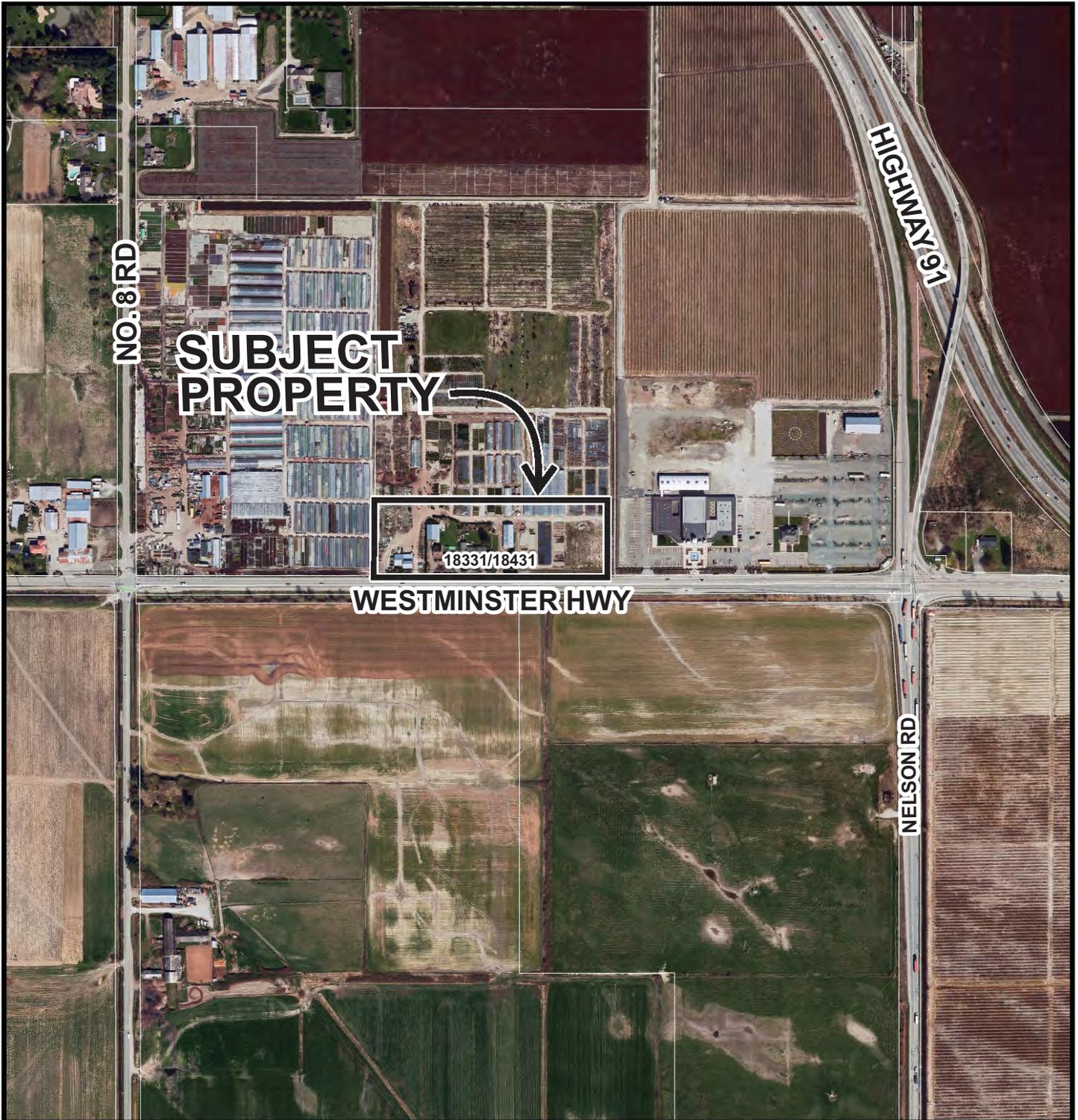
City of
Richmond



	<p>AG 22-009023</p> <p>RZ 22-009024</p>	<p>Original Date: 03/07/22</p> <p>Revision Date:</p> <p>Note: Dimensions are in METRES</p>
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City of
Richmond



AG 22-009023
RZ 22-009024

Original Date: 03/07/22

Revision Date: 03/08/22

Note: Dimensions are in METRES



AG 22-009023 / RZ 22-009024

Attachment 2

Address: 18431 Westminster Highway

Applicant: Jason Levelton

Planning Area(s): East Richmond

	Existing	Proposed
Owner:	Jason & Jane Levelton	No change
Site Size:	25 acres (10 hectares)	No change
Land Uses:	Farm business and seasonal farm labour accommodation	No change
OCP Designation:	Agriculture (AGR)	No change
Zoning:	Agriculture (AG1)	Agriculture (AG3)
Other Designations:	Agricultural Land Reserve (ALR)	Non-Adhering Residential Use for seasonal farm labour accommodation

Seasonal farm labour accommodation	Bylaw Requirement	Proposed	Variance
Farm Operation Size:	Min. 8.09 ha	25 ac (10 ha)	None
Location of seasonal farm labour accommodation:	On the same lot as an existing single detached housing	Complies	None
Number of seasonal farm labour accommodation:	Max. 1	1	None
Floor Area – Building:	Max. 400 m ²	105 m ² (used for seasonal farm labour accommodation)	None
Floor Area – Occupant:	Min. 10 m ² per occupant	17.5 m ²	None
Density, setbacks, and height:	Consistent with single detached housing requirements	Complies	None

**Excerpt from the Meeting Minutes of the
Food Security and Agricultural Advisory Committee (FSAAC)**

**Thursday, September 28, 2023 (7:00 pm)
Webex**

ALR Non-Adhering Residential Use and Rezoning Application at 18431 Westminster Highway for Seasonal Farm Labour Accommodation

Steven De Sousa, Planner 3, Policy Planning, introduced the ALR Non-Adhering Residential Use and Rezoning applications and provided the following comments:

- The proposal includes two applications, a Non-Adhering Residential Use application to the Agricultural Land Commission (ALC) and a rezoning application, which are being processed concurrently;
- The purpose of the applications is to allow seasonal farm labour accommodation on the subject site;
- During an inspection of the accommodation by Richmond Fire-Rescue (RFR), it was identified that the existing seasonal farm labour accommodation on-site required an application to the ALC and rezoning application;
- The farm operation includes 6 seasonal farm labourers, provided through the Government of Canada Seasonal Agricultural Worker Program. The applicant has provided evidence that the Application for this program was approved by the Federal Government; and
- RFR has inspected the accommodations and all deficiencies from a life and safety perspective have been addressed. Additional reports are also required and will be reviewed by staff to assess compliance to BC Building Code to determine if any further upgrades are needed.

The applicant provided the following additional comments:

- The farm operation has employed and accommodated seasonal farm labour on-site since 2006;
- The farm operation experienced significant difficulty acquiring labour locally and the seasonal farm labour program through the Federal Government has provided much needed labour; and
- Attempts to house the seasonal farm workers in a single-family home off-site presented challenges due to the short-term nature of the accommodation.

In response to questions from Councillor Gillanders, Planning staff indicated that the AG3 zone was introduced in the early 2000s and provided an opportunity for farms with seasonal farm labour accommodation to rezone on a case-by-case basis.

In response to questions from the Committee, the applicant indicated that the accommodation is provided free of charge.

The Committee expressed that the acquisition of farm labour is a significant issue for many farm operations.

The Committee passed the following motion:

That the Food Security and Agricultural Advisory Committee support the ALR Non-Adhering Residential Use and Rezoning Application at 18431 Westminster Highway for Seasonal Farm Labour Accommodation (AG 22-009023 / RZ 22-009024).

Carried Unanimously

18431 Westminster Highway

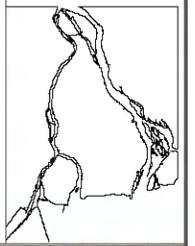


Location of Seasonal Farm Labour Accommodation



Plan Date: 2023-09-11

Note: Accommodation shown on this map is identified from public records and the City makes no warranty, express or implied, as to the accuracy of the information. The user of this map is advised that the use of this information for any purpose other than that for which it was intended is prohibited. This is NOT a legal document. Use is prohibited for information and © City of Richmond, 2023. All rights reserved. Not to be reproduced or distributed without permission.



CNCL - 145

Photos of Seasonal Farm Labour Accommodation - 18431 Westminster Highway





Code Analysis

9.10.2.4. Major Occupancies above Other Major Occupancies
 1) Except as permitted in Article 9.10.2.4., in any building containing more than one major occupancy in which one major occupancy is located entirely above another, the requirements of Article 9.10.8.1. for each portion of the building containing a major occupancy shall be applied to that portion as if the entire building was of that major occupancy.
 - **two major occupancies, business (B) and residential (C)**

9.10.8. Fire Resistance and Combustibility in Relation to Occupancy, Height and Supported Elements
 Table 9.10.8.1.
 Fire-Resistance Ratings for Structural Members and Assemblies Forming Part of Sentence 9.10.8.1.(1)

Residential (Group C)

Floors Except Floors over
 Level Spaces
 45

Roofs

All other occupancies

Minimum Building Height,
 storeys
 3

Floors Except Floors over
 Level Spaces
 45

Roofs
 45

9.10.8.3. Fire-Resistance Ratings for Walls, Columns and Arches
 1) Except as otherwise provided in this Subsection, all loadbearing walls, columns and arches in the storey supported floor or roof assembly shall have a fire-resistance rating of not less than that required for the supported floor or roof assembly.

9.10.9. Fire Separations between Rooms and Spaces within Buildings

9.10.9.2. Continuous Barrier

1) Except as permitted in Article 9.10.9.3., a wall or floor assembly required to be a fire separation shall be constructed as a continuous barrier against the spread of fire and retard the passage of smoke.
 - **to be provided between two suites and office area**

9.10.9.11. Separation of Residential Occupancies

1) Except as provided in Sentence (2), residential occupancies shall be separated from all other major occupancies by a fire separation having a fire-resistance rating of not less than 1 h.

1 Hr FR to be provided

- All walls, head bearing and separations,
 - internal, 1 layer 5/8" Type X CWB on each side of wood framed walls
 - exterior walls, 1 layer 5/8" Type X on the inside of wood framed walls
 - max. stud spacing 400 mm [16"]
- Basis for walls, Appendix D, BCBC 2018, Table D-2.3.4.3, fire assigned to wood framed walls = 400mm oc = 20 min.
- Bats D-2.3.4.3, fire assigned to wood framed walls = 400mm oc = 20 min.
- All Floors (Ceiling) and underside of stairs
 - 2 layers 5/8" Type X CWB under wood framing, with or without furring channels
 - maximum stud spacing only, floor material is ceiling
 - Bats D-2.3.4.2, ceiling membranes, Double 5/8" Type X CWB = 60 min.

9.10.13. Doors, Dampers and Other Closures in Fire Separations

9.10.13.1. Closures

1) Except as provided in Article 9.10.13.2., openings in required fire separations shall be protected with a closure conforming to Table 9.10.13.1., and shall be installed in conformance with Chapters 2 to 14 of NFPA 80, "Fire Doors and Other Opening Protectives," unless otherwise specified herein. (See also Article 9.10.3.1.)

Required Fire-Resistance Rating of Fire Separation

Minimum Fire-Protection	Rating of Closure
30 or 45 min	20 min
1 h	45 min (1)

- **45 min doors to be provided in all fire rated separations**
- **all rated doors to have lever type handles**
- **all rated doors to have panic bolts, not other locks**
- **all rated doors to have dampers**



The Barn Building at East Richmond Nurseries

Project Description

Demolition of Employee Housing within the existing Barn Building at East Richmond Nurseries. Code review for essential health and life safety and proposed work to be accomplished.

Code Review

Basis: BCBC 2018

Three Storey Office and Residential Use
 Combustible construction
 Not sprinklered

All residential units have washrooms / kitchens / access to washer + dryer

Units are not accessible

- the two units are for seasonal farm employees
 All bedrooms have operable windows
 All units have handrails in common or main.

All units have physically mounted fire extinguishers

- checked each year by ACME Fire and Safety Co. Ltd.

All units are tight to the weather
 (qualified structural analysis not undertaken)

All units are tight to the weather
 - no leaks or weather damage was observed on the inside of this building
 All units have electric baseboards for heating only.

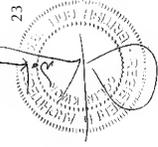
No hazardous or flammable materials are stored in any storage room in this building.
 Note: Office currently shares the lower kitchen area and washroom with the lower unit

Proposed work

- definition of exiting for two separate suites
- fire rated walls / floors
- complete with fire rated doors

East Richmond Nurseries
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 Richmond, BC, Canada, Earth

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 26 Sept 2023. Issued for Review.
 17 Oct 2023. Issued for Review.



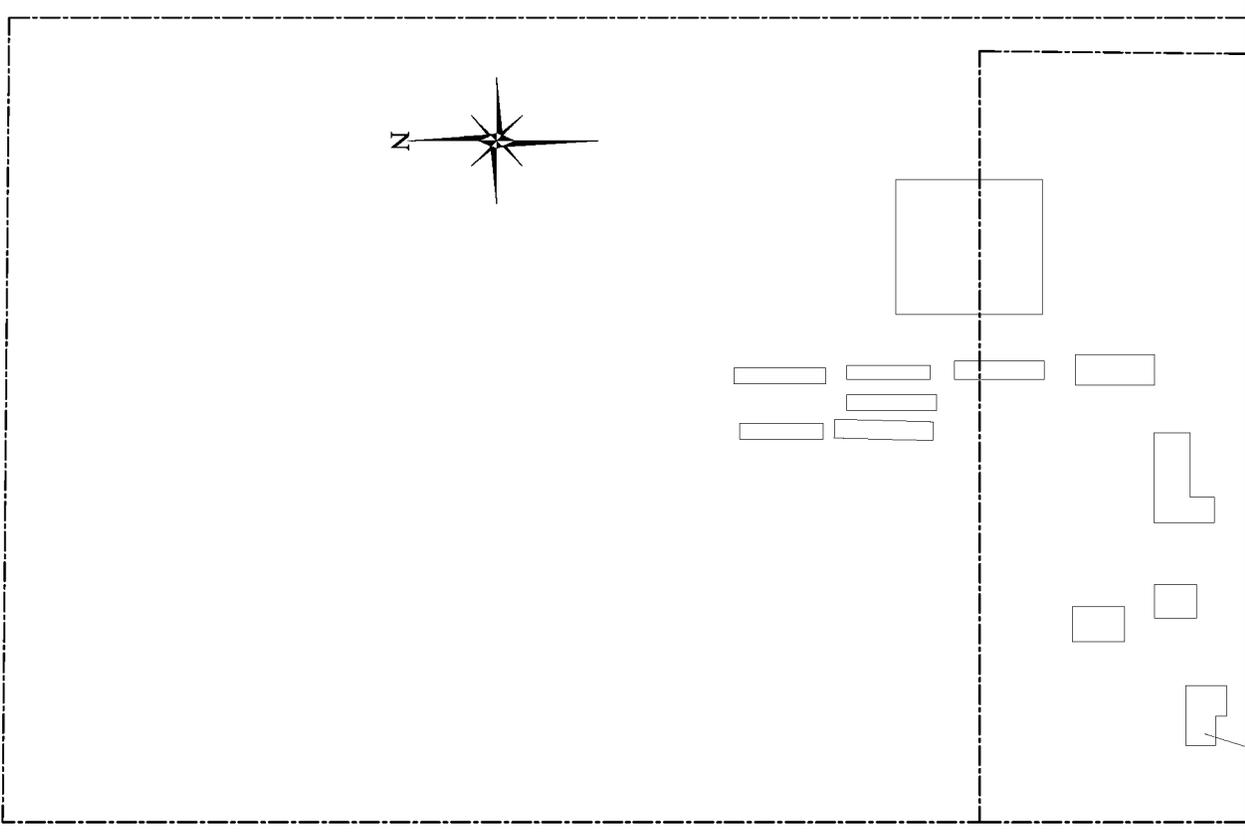
23 November 2023

Floor Cover
 (Photos provided separately)

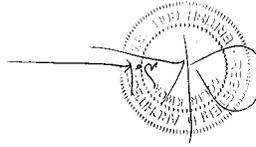
1/4" = 1'-0" (when printed @ scale)



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CNCL - 148



East Richmond Nurseries
 23 November 2023

East Richmond Nurseries
 18431 Westminister Hwy
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 26 Sept 2023. Issued for Review.
 17 Oct 2023. Issued for Review.
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Westminister Highway

The Barn Building at East Richmond Nurseries
 [Aerial photo courtesy of Google Maps]

The Barn Building at East Richmond Nurseries
 [Aerial photo courtesy of Google Maps]



Code Analysis [continued]
 Specific Topics

Building occupancy and construction requirements

Part 9 has no requirements for non-combustible construction but does refer to part 3, as an alternative for permitted analysis. The two major occupancies, business (B) and residential (R) are permitted to be of combustible or non-combustible construction under part 3.

- 3.2.3.460 Group D, up to 3 storeys (not sprinklered)
- combustible or non-combustible construction permitted
- fire retardant treated wood
- 3.2.3.533 Group C, up to 3 storeys (not sprinklered)
- combustible or non-combustible construction permitted
- this building falls within the parameters allowed

Spatial separation and exit exposure protection

Described on the cover page. The building consists of two dwelling units and one office unit, each are separated from each other by a 1 hr FR. This includes the exit stair from the second floor. All exits are directly to the outside, a note has been added to confirm any roof overhangs or soffits within 2.5m of the doors on the exterior of the building conform to 3.1.01.1.4

Fire protection and life safety systems

Described on the cover page, all fire separations (walls and floors) and their respective supporting walls will have the appropriate FR of 1 hr. Life safety items include existing windows in each bedroom, interwired smoke detectors, and fire extinguishers. A note has been added to confirm on site that all stair handrails conform to code. Stairs are wholly within Dwelling Unit 2, they are not required to have contacting risings nor tactile warning strips.

Safety within floor areas, exits and means of egress

All three units' exit directly outside. This is a small building there are no travel distance issues.
 All doors, existing or new will have lever hardware
 There are no ceiling height issues

Health and washroom requirements

Both units have full washing, washrooms and laundry is available in one of the units for both units. Offices share the washroom and kitchen of Dwelling Unit One. This is the existing arrangement and there are no operational issues.

Accessibility (barrier-free) requirements

This building is used exclusively as a working farm building. The dwelling units are not for any use other than for people employed in the business of East Richmond Nurseries. The work on the Nursery, by its nature requires access to areas and the doing of things which are inherently not accessible. This applies to seasonal workers as well as all office staff. All full time staff participate in the work on the property outside of the office as part of their jobs.

The building is, generally, not open to the public. The exception is the transaction of business within the office. Some customers go in to pay for their plants / orders. Most orders are processed via purchase orders and invoices in advance as this is mainly a commercial nursery (like a wholesaler) and not a retail nursery. In the event any customer needs help, all business can be conducted and concluded outside with the help of tables and portable payment devices. This seems to be a reasonable approach for this working farm.

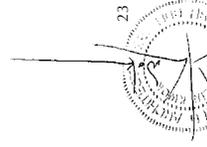
Analysis. While the goal of the building code is to have as much of the built environment accessible for all, it is recognized that that is not possible for every type of business. The Accessible Handbook notes spaces must be accessible for people with disabilities who are employed there. Some spaces where there is not full accessibility include commercial kitchens (in all restaurants), concrete batch plants, horse barns, green houses, and indoor / outdoor nurseries.



A day in the life of a working commercial nursery . Nov 2023.

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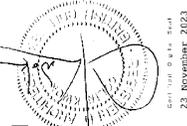


Floor Plans
 [Code Approved/Confirmed]

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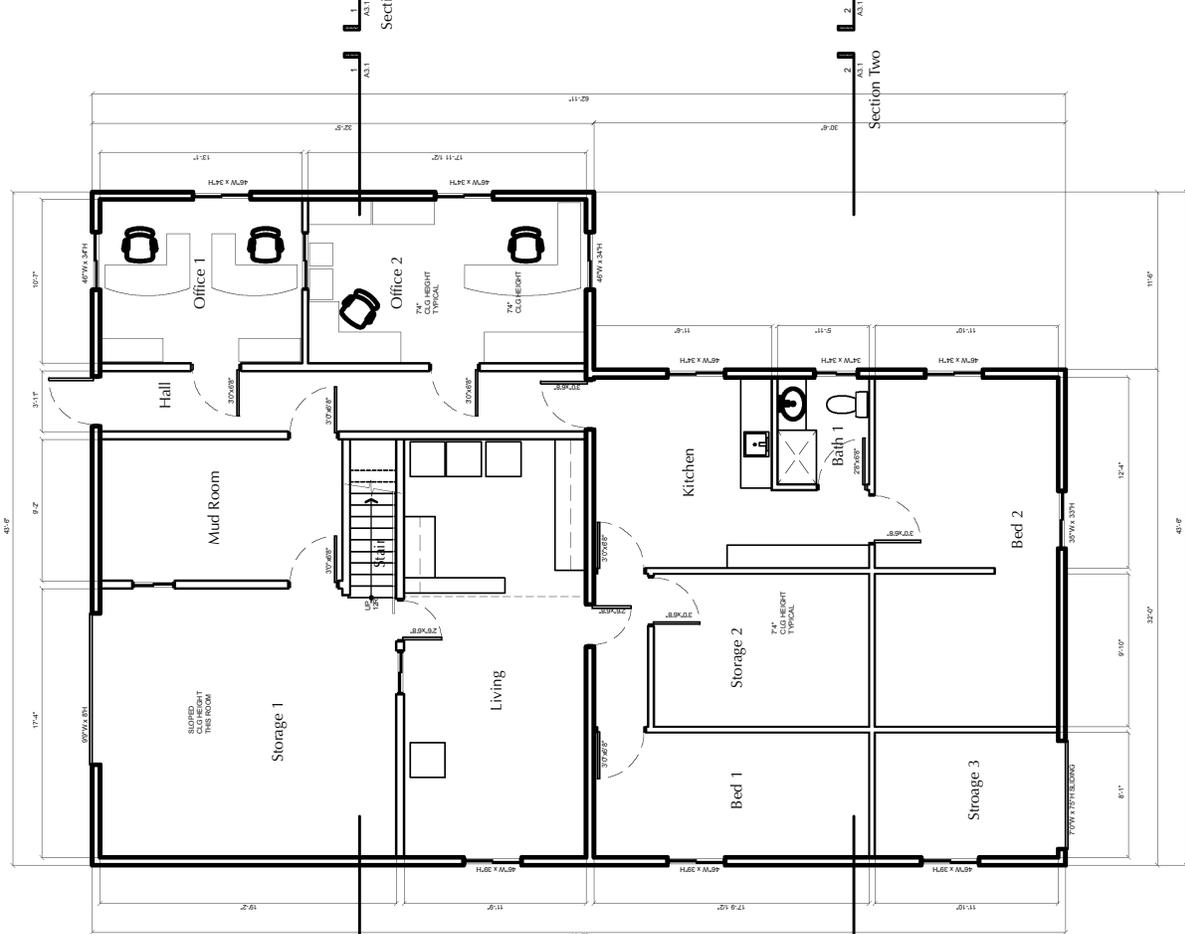
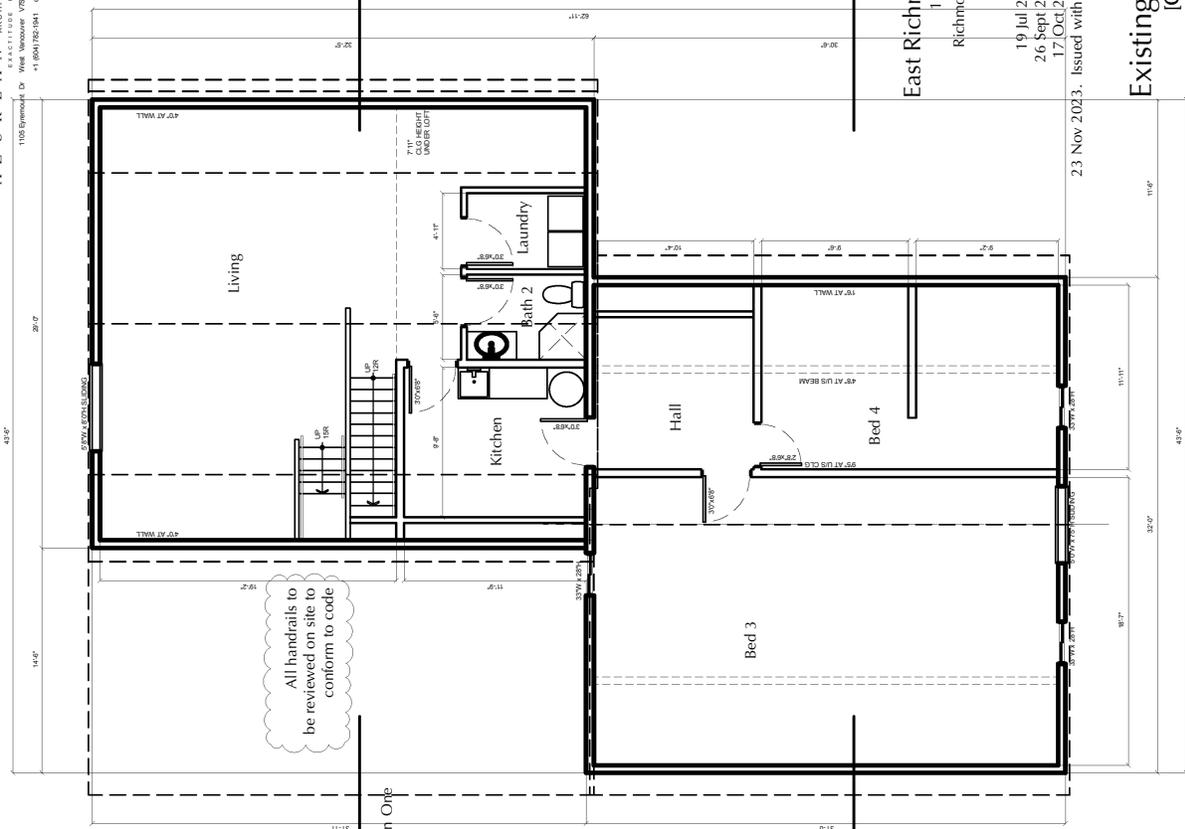


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Existing Floor Plans
 [Ground + Second]

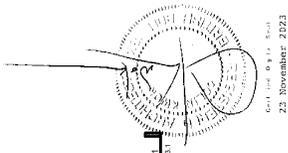
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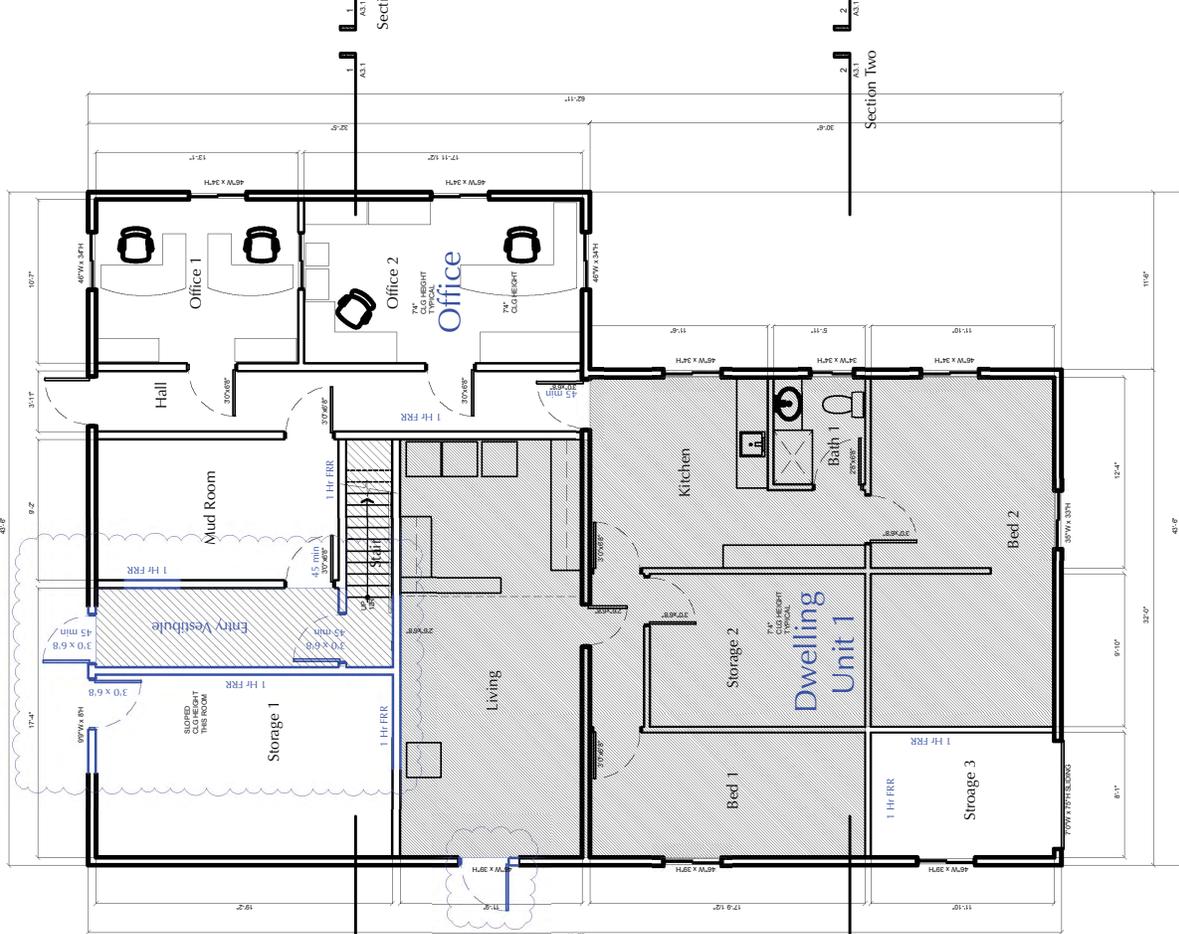
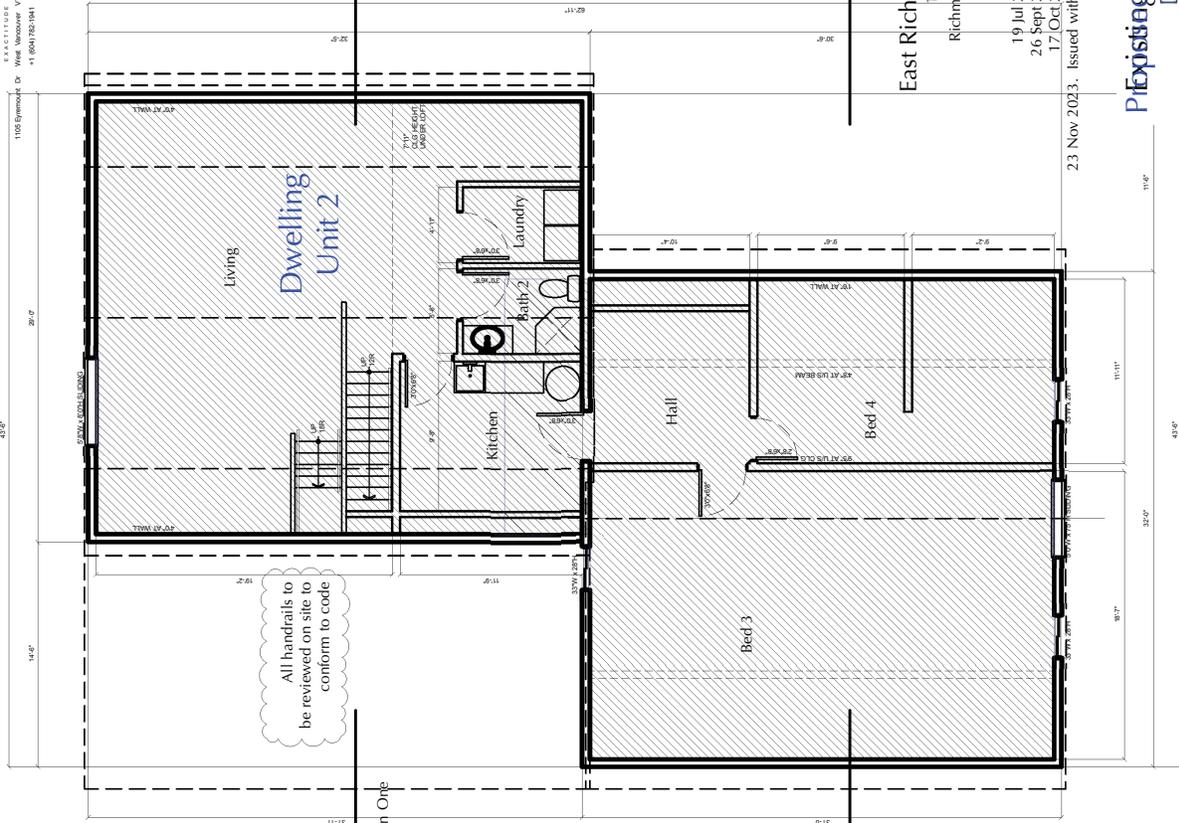


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Existing Floor Plans
 [Ground + Second]

A 1.00
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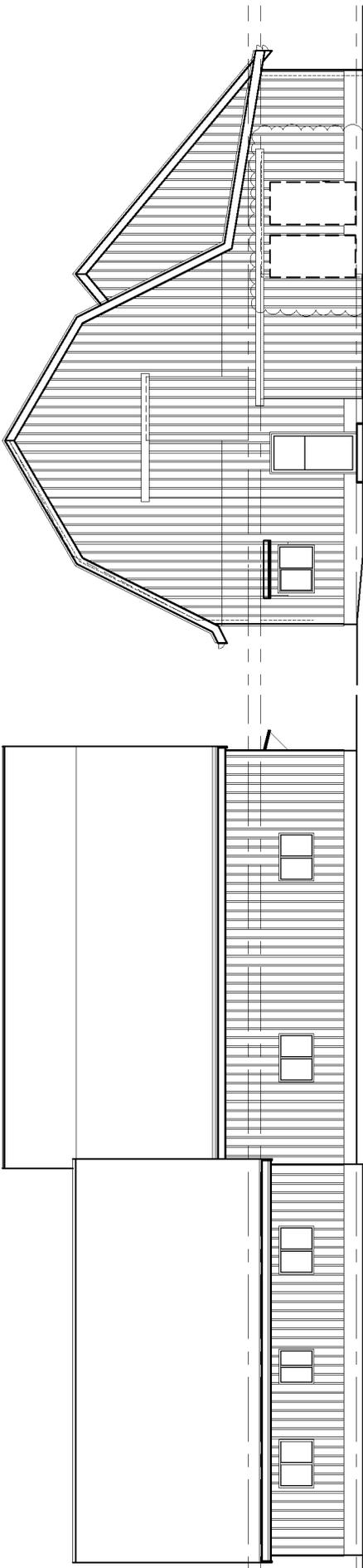
CNCL - 151

Second Floor
 All Load Bearing Walls and Fire Separations to be confirmed on site by the Architect

Ground Floor
 All Load Bearing Walls and Fire Separations to be confirmed on site by the Architect
 Note: all load bearing walls are 1 Hr FRR, only new walls and partitions which may or may not be loadbearing are noted.



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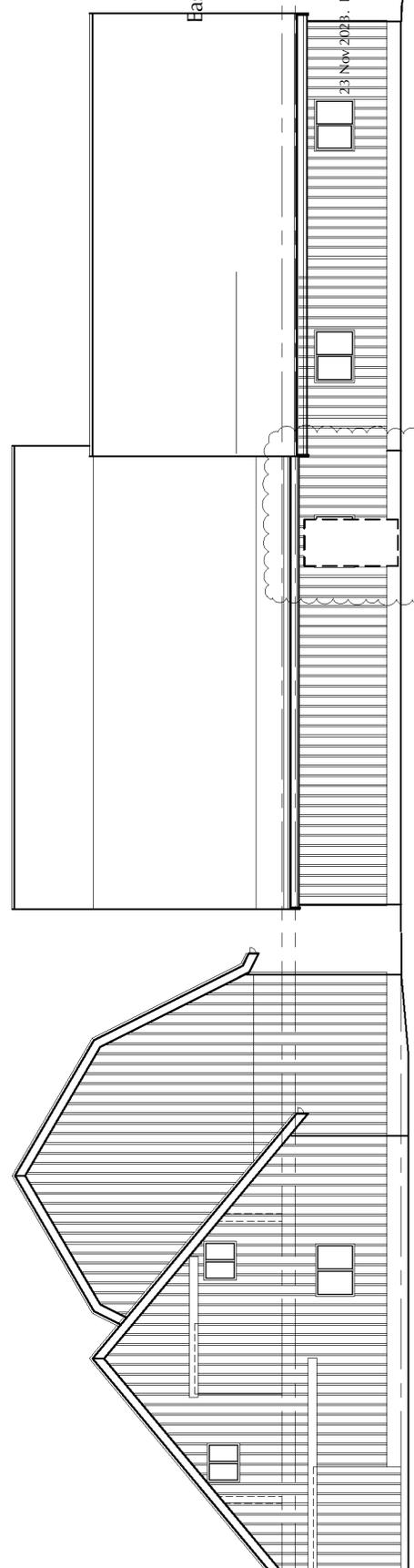


South
 Soffit above windows for 1.2m on each side shall be protected with non-combustible material

East

Remove Barn Door
 Add Two Person Doors
 See Plan

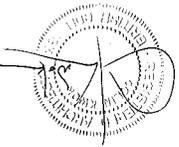
Soffit above doors for 1.2m on each side shall be protected with non-combustible material



North
 Soffit above doors and windows for 1.2m on each side shall be protected with non-combustible material

Remove Window
 Add Person Door
 See Plan

West

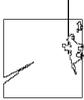


East Richmond Nurseries
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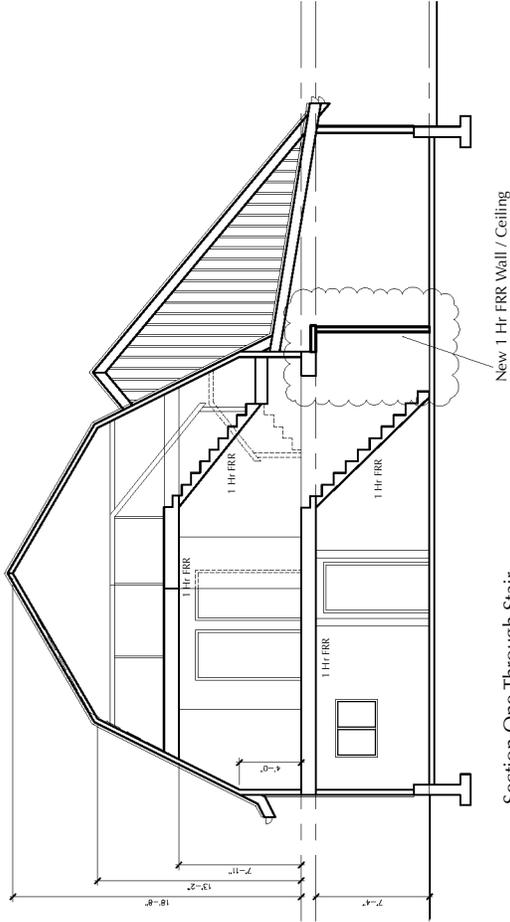
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Floor Plans
Elevations
 (Existing + Proposed)

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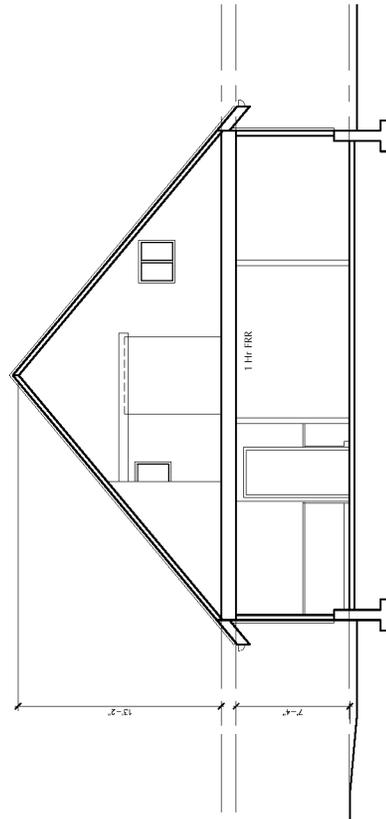


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Section One Through Stair

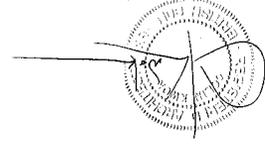
Any wall, interior or exterior supporting the second floor or lot is to be rated 1 hr.



Section Two Through Office

East Richmond Nurseries
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FLORENTIANS
 ENGINEERING PROFESSIONAL INC.

A 3-00
 1/4" = 1'-0" (when printed at scale)



Address: 18431 Westminster Highway

File No.: RZ 22-009024

Prior to final adoption of Richmond Zoning Bylaw 8500, Amendment Bylaw 10534, the developer is required to complete the following:

1. Agricultural Land Commission (ALC) Approval of the Non-Adhering Residential Use (NARU) application.
2. Provincial Ministry of Transportation & Infrastructure Approval.
3. Registration of a flood plain covenant on title identifying a minimum habitable elevation of 3.5 m GSC.
4. Submission of a Building Permit application to legitimize the existing seasonal farm labour accommodation consistent with the submitted Code Report (dated November 23, 2023) and to the satisfaction of the Director, Building Approvals.
5. Registration of a legal agreement on title ensuring the following requirements as identified in the AG3 zone:
 - a) must adhere to all relevant components of the Building Code and the City's Building Regulation;
 - b) subject to inspections by the City during any 12 month period to ensure that occupation is in compliance with the regulations;
 - c) does not need to be removed when not occupied by seasonal farm labour if the use is required on an ongoing, annual basis for the agricultural purpose of the farm operation;
 - d) if no longer required for the farm operation, all area used for seasonal farm labour accommodation must be removed and restored to its original state; and
 - e) costs of removal of the seasonal farm labour accommodation area and restoration to its original state are to be the responsibility of the property owner.
6. Payment of all fees in full for the cost associated with the Public Hearing Notices, consistent with the City's Consolidated Fees Bylaw No 8636, as amended.
7. Registration of a legal agreement on title prohibiting demolition or exterior changes to the "Beckwith Barn" building without consent from the City to ensure heritage character defining elements are maintained.

Prior to Building Permit Issuance, the developer must complete the following requirements:

1. Building Permit (BP) plans must meet BC Building Code, Zoning Bylaw 8500, and requirements from Richmond Fire-Rescue (RFR).
2. Submission of Building Permit (BP) plans consistent with the associated Agricultural Land Commission (ALC) Non-Adhering Residential Use (NARU) and rezoning applications.

Note:

- * This requires a separate application.
- Where the Director of Development deems appropriate, the preceding agreements are to be drawn not only as personal covenants of the property owner but also as covenants pursuant to Section 219 of the Land Title Act.

All agreements to be registered in the Land Title Office shall have priority over all such liens, charges and encumbrances as is considered advisable by the Director of Development. All agreements to be registered in the Land Title Office shall, unless the Director of Development determines otherwise, be fully registered in the Land Title Office prior to enactment of the appropriate bylaw.

The preceding agreements shall provide security to the City including indemnities, warranties, equitable/rent charges, letters of credit and withholding permits, as deemed necessary or advisable by the Director of Development. All agreements shall be in a form and content satisfactory to the Director of Development.

- Additional legal agreements, as determined via the subject development's Servicing Agreement(s) and/or Development Permit(s), and/or Building Permit(s) to the satisfaction of the Director of Engineering may be required including, but not limited to, site investigation, testing, monitoring, site preparation, de-watering, drilling, underpinning, anchoring, shoring, piling, pre-loading, ground densification or other activities that may result in settlement, displacement, subsidence, damage or nuisance to City and private utility infrastructure.
- Applicants for all City Permits are required to comply at all times with the conditions of the Provincial *Wildlife Act* and Federal *Migratory Birds Convention Act*, which contain prohibitions on the removal or disturbance of both birds and their nests. Issuance of Municipal permits does not give an individual authority to contravene these legislations. The City of Richmond recommends that where significant trees or vegetation exists on site, the services of a Qualified Environmental Professional (QEP) be secured to perform a survey and ensure that development activities are in compliance with all relevant legislation.

[Signed copy on file]

Signed

Date



Richmond Zoning Bylaw 8500
Amendment Bylaw 10534 (RZ 22-009024)
18431 Westminster Highway

The Council of the City of Richmond, in open meeting assembled, enacts as follows:

- 1. The Zoning Map of the City of Richmond, which accompanies and forms part of Richmond Zoning Bylaw 8500, is amended by repealing the existing zoning designation of the following area and by designating it "AGRICULTURE (AG3)".

P.I.D. 003-684-636

PARCEL "H" (EXPLANATORY PLAN 8122) OF PARCEL "C" SECTION 6 BLOCK 4 NORTH RANGE 4 WEST NEW WESTMINSTER DISTRICT

- 2. This Bylaw may be cited as "Richmond Zoning Bylaw 8500, Amendment Bylaw 10534".

FIRST READING

A PUBLIC HEARING WAS HELD ON

SECOND READING

THIRD READING

OTHER CONDITIONS SATISFIED

MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE APPROVAL

ADOPTED

Series of horizontal lines for signatures and dates.

CITY OF RICHMOND APPROVED by [Signature] APPROVED by Director or Solicitor [Signature]

MAYOR

CORPORATE OFFICER



City of Richmond

Report to Committee

To: Public Works and Transportation Committee

Date: January 12, 2024

From: Lloyd Bie, P.Eng.
Director, Transportation

File: 10-6500-01/2023-Vol
01

Re: **Hamilton Area Traffic Calming**

Staff Recommendation

1. That traffic calming measures outlined in Option 3 for Westminster Highway, as described in the staff report titled "Hamilton Area Traffic Calming", dated January 12, 2024 from the Director, Transportation, be endorsed;
2. That speed limits on local roads in Hamilton be reduced from 50 km/h to 30 km/h as described in the staff report titled "Hamilton Area Traffic Calming", dated January 12, 2024 from the Director, Transportation; and
3. That staff bring forward amendments to Traffic Bylaw No. 5870 to reflect speed limit reductions for local roads in Hamilton.

Lloyd Bie, P.Eng.
Director, Transportation
(604-276-4131)

Att. 1

REPORT CONCURRENCE		
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Public Works	<input checked="" type="checkbox"/>	
RCMP	<input checked="" type="checkbox"/>	
Bylaws	<input checked="" type="checkbox"/>	
Engineering	<input checked="" type="checkbox"/>	
SENIOR STAFF REPORT REVIEW	INITIALS:	APPROVED BY CAO

Staff Report

Origin

At the May 17, 2023 Public Works & Transportation committee, staff received direction to:

- *Conduct a speed study in the area near Cranberry Children's Centre on Westminster Highway; and*
- *Investigate reducing the speed limit in the Hamilton area and report back.*

This report addresses this referral.

This report supports Council's Strategic Plan 2022-2026 Proactive in Stakeholder and Civic Engagement:

Proactive stakeholder and civic engagement to foster understanding and involvement and advance Richmond's interests.

This report supports Council's Strategic Plan 2022-2026 Focus Area #3 A Safe and Prepared Community:

Community safety and preparedness through effective planning, strategic partnerships and proactive programs.

This report supports Council's Strategic Plan 2022-2026 Focus Area #6 A Vibrant, Resilient and Active Community:

Vibrant, resilient and active communities supported by a wide variety of opportunities to get involved, build relationships and access resources.

Analysis

Local Traffic Context

Hamilton's road network consists of Westminster Highway, an arterial road that is part of the region's Major Road Network, and a number of local roads. The majority of roads have a 50 km/h speed limit as is typical throughout Richmond. Roads surrounding local parks and schools have posted speed limits of 30 km/h during daytime hours. The City has implemented a number of traffic calming measures in response to public requests, as illustrated in Figure 1.

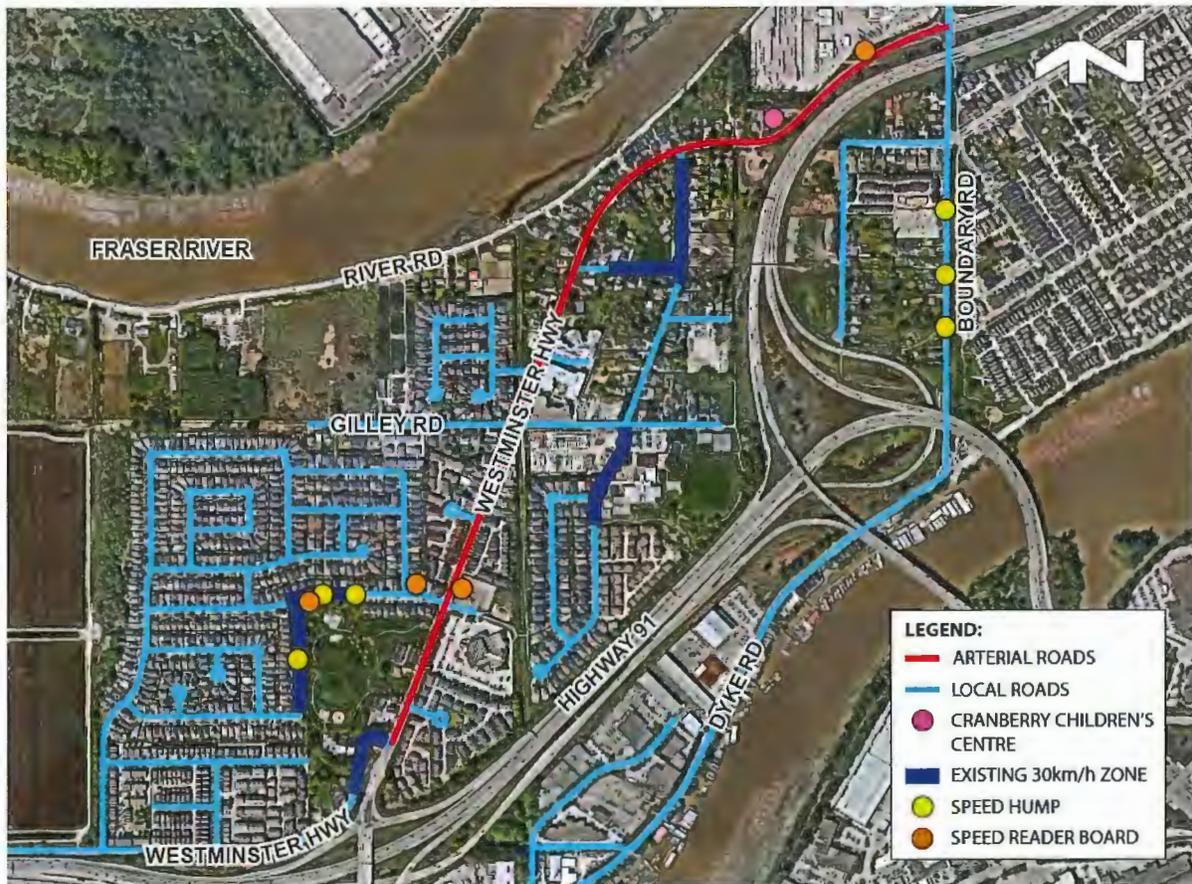


Figure 1 - Hamilton Area Traffic Context

Speed Study and Crash History

Speed studies were conducted at three locations along Westminster Highway and seven locations on local roads. Data was collected for a minimum one week duration at each location. The location and results of these studies are presented in Appendix A. The studies indicated:

- Speeding issues at one localized section of Westminster Highway, fronting the Cranberry Children’s Centre;
- No speeding issues at other locations along Westminster Highway; and
- No speeding issues on local roads.

Results of the speed study have been shared with the RCMP and increased enforcement will take place on Westminster Highway.

Staff reviewed ICBC crash data for the past five years. A total of 117 incidents were recorded in the Hamilton area. 82% of these incidents took place along Westminster Highway, which experiences higher traffic volumes as an arterial road and involves higher speeds as documented through the speed study. 98% of incidents on Westminster Highway took place at an intersection. No incidents were recorded at the section fronting Cranberry Children’s Centre.

On local roads, 21 incidents were documented over the past 5 years, representing an average of 4 incidents per year. The majority of these involved near misses or minor single-vehicle incidents and were unrelated to speeding.

Public Engagement

Public engagement was conducted to seek feedback from the Hamilton neighbourhood on speed limit reductions on Westminster Highway (arterial road) and local roads. The engagement also sought feedback on potential traffic calming on Westminster Highway near the Cranberry Children’s Centre to address the observed speeding issues.

The engagement process included an in-person information session, an online survey posted through the City’s Let’s Talk Richmond platform and a mail out of the survey to all property owners. 1665 surveys were mailed out and 437 responses were received. Results of the engagement are summarized in Table 1.

Table 1: Resident Survey Feedback

Topic	Resident Survey Feedback
Speed Limit Reductions	<ul style="list-style-type: none"> • 62% of respondents supported speed limit reductions on local roads from 50 km/h to 30 km/h. • 21% of respondents supported speed limit reductions on Westminster Highway from 50 km/h to 30 km/h. • Some respondents opposed to speed limit reductions felt speeding was not a concern, were concerned about inconvenience or felt increased enforcement would be more effective at reducing speeds.
Physical Traffic Calming on Westminster Highway	<ul style="list-style-type: none"> • 55% of respondents supported physical traffic calming measures on Westminster Highway fronting Cranberry Children’s Centre. • Some respondents opposed to traffic calming were specifically opposed to the use of speed humps and median curbs.
Additional Traffic-related Feedback	<ul style="list-style-type: none"> • A number of respondents requested increased enforcement around posted speed limits. • 11% respondents expressed a desire to prohibit trucks on Westminster Highway. As Westminster Highway is located on the region’s Major Road Network, implementation of such restriction would require further public engagement and coordination with TransLink.

Traffic Calming Options

Westminster Highway fronting Cranberry Children’s Centre

A speeding issue identified for a localized section of Westminster Highway near the Cranberry Children’s Centre. 85th percentile speeds of 65 km/h and 87 km/h were recorded in the eastbound and westbound directions respectively, with speeds of up to 150 km/h recorded. Options for traffic calming at this location are assessed below.

Option 1: Status Quo

No physical traffic calming is proposed. In the short term, increased enforcement will take place and staff will continue to monitor speeds on Westminster Highway. In the long term, opportunities to implement traffic circles at intersections will be assessed through re-development.

Option 2: Curb-Mounted Shoulder Delineators

The addition of shoulder delineators visually narrows the road and alerts drivers to slow down. With a bike lane along the shoulder of Westminster Highway, this installation provides protection for cyclists in addition to traffic calming. Staff recommend installing this treatment over a 250 m section where speeding was observed, beginning at the speed reader sign fronting the Hamilton Transit Exchange and extending through the full frontage of the Cranberry Children’s Centre. Curb-mounted delineators provide robust protection and cost approximately \$175,000 to install.



Figure 2: Curb-mounted Delineators at Garden City and Westminster

Option 3: Flexible Shoulder Delineators (Recommended)

Flexible delineators can be installed in a similar manner to that described in Option 2. While flexible delineators do not provide the same level of protection as curb-mounted delineators and have higher maintenance demands as they are more easily damaged, they have a lower installation cost of approximately \$20,000.



Figure 3: Shoulder Delineators at Railway and Granville

Through this option, staff will continue to monitor speeds and assess the effectiveness of the installation over a 6 month period. If proven effective, staff will bring forward recommendations to install curb-mounted shoulder delineators as part of future capital budgets for Council’s consideration.

Staff Recommendation

Staff recommend Option 3. Speeding issues were identified at this location and staff recommend implementing physical traffic calming to reduce speeds and improve safety. While public engagement showed that 45% of respondents did not support physical traffic calming at this location, feedback showed resistance to the use of speed humps or median treatments. The recommended option addresses resident concerns and can be installed at a relatively low cost,

providing an opportunity for staff to monitor its effectiveness before higher cost options are brought forward for consideration.

Local Roads

Option 1: Status Quo

No changes are proposed as no speeding issues were identified.

Option 2: Speed Limit Reduction from 50 km/h to 30 km/h (Recommended)

Speed limits are reduced from 50 km/h to 30 km/h for all local roads within Hamilton. While there is no identified speeding issue, the City has received concerns regarding perceived speeding within the neighbourhood. This may indicate that the posted speed limit is faster than what feels safe and comfortable for users, and there is potential for reducing the posted speed limit.

Both Vision Zero, TransLink's Transport 2050 plan and the BC Community Road Safety Toolkit support speed limit reductions on local roads. Research on vehicle speeds and road safety show strong correlations between lower speeds and improved safety. Lower speeds reduce crash occurrences and crash severity. Research also indicates that speed limit reductions are effective in reducing actual speeds for local roads.

Staff Recommendation

Staff recommend Option 2. While speed studies did not identify speeding issues, residents have expressed concerns about speeding, and public engagement results show that a majority of respondents support the initiative. This approach is in alignment with recommendations of Vision Zero and Transport 2050 and is supported by the local neighbourhood. Staff recommend implementing this in the Hamilton neighbourhood, with future potential to implement speed limit reductions on more local roads within Richmond.

Financial Impact

There are no financial impacts for the proposed speed limit reductions on local roads. The cost to implement Option 3 to install flexible shoulder delineators on Westminster Highway fronting Cranberry Children's Centre is \$20,000. This can be funded through the Council-approved 2023 Traffic Calming Program.

The ongoing budget impacts of delineator installation, including additional equipment for sweeping and cleaning and replacement of damaged delineators, will be assessed and recommendations will be brought forward through future budget recommendations for Council's consideration.

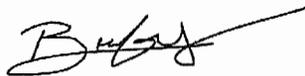
Conclusion

In response to resident and Committee's concerns regarding potential speeding within the Hamilton neighbourhood, staff assessed speeding and engaged with the local residents on

January 12, 2024

- 7 -

potential traffic calming measures. Staff recommend that speed limits on local roads within Hamilton be reduced to 30 km/h and shoulder delineators be installed for a section of Westminster Highway fronting the Cranberry Children's Centre.



Beata Ng, P. Eng.
Manager, Transportation Development and Design
604-247-4627

BN:cas

Att. 1 Appendix A: Location and Results of Speed Studies

Location		Speed Limit (km/h)	Eastbound / Southbound		Westbound / Northbound	
ID	Description		Average (km/h)	85th Percentile (km/h)	Average (km/h)	85th Percentile (km/h)
A	Westminster Highway @ Hamilton Transit Centre	50	45	59		
B	Westminster Hwy @ McLean Ave	50			38	56
C	Westminster Hwy @ Cranberry Children's Centre	50	55	65	65	87
D	Smith Dr	50	39	49	35	43
E	Smith Cres	50	46	55	46	56
F	Fraserside Dr	50	33	41	26	35
G	Oliver Dr	50	37	45	42	50
H	Turner St	50			37	45
I	Rathburn Dr	50	36	45		
J	McLean Ave	30	33	37	23	29



City of Richmond

Report to Committee

To: Public Works and Transportation Committee **Date:** January 24, 2024

From: Peter Russell **File:** 10-6125-07-04/2024-
 Director, Sustainability and District Energy Vol 01

Suzanne Bycraft
 Director, Public Works Operations

Re: **Swift Eco-Waste Management Inc. Solid Waste Licence Application - Composting Facility**

Staff Recommendation

That, as outlined in the staff report titled “Swift Eco-Waste Management Inc. Solid Waste Licence Application - Composting Facility” dated January 24, 2024, from the Director, Sustainability and District Energy, and the Director, Public Works Operations, Metro Vancouver be advised that the City of Richmond does not approve the issuance of a Solid Waste Facility Licence application to Swift Eco-Waste Management Inc., and that the preliminary solid waste and air quality comments be forwarded to Metro Vancouver.

Peter Russell
 Director, Sustainability and District Energy
 (604-276-4130)

Suzanne Bycraft
 Director, Public Works Operations
 (604-233-3338)

REPORT CONCURRENCE	
CONCURRENCE OF GENERAL MANAGER	
SENIOR STAFF REPORT REVIEW	INITIALS:
APPROVED BY CAO	

Staff Report

Origin

The purpose of this report is to provide an update on a Swift Eco-Waste Management Inc. Solid Waste Licence application for a composting facility on Mitchell Island located at 163 – 11280 Twigg Place, Richmond, BC.

This report supports Council's Strategic Plan 2022-2026 Focus Area #1 Proactive in Stakeholder and Civic Engagement:

1.2 Advocate for the needs of Richmond in collaboration with partners and stakeholders.

This report supports Council's Strategic Plan 2022-2026 Focus Area #3 A Safe and Prepared Community:

3.2 Leverage strategic partnerships and community-based approaches for comprehensive safety services.

Analysis

Facility Application Summary

Swift is proposing to construct and operate a waste-to-energy recycling and composting facility (Facility) located at 163 – 11280 Twigg Place, Richmond, BC. The application indicates that the Facility would be designed to convert organic waste into pellet fuel and compost fertilizers. The feedstock material will consist of food/yard waste and untreated wood waste in the form of chips. The composition may vary but will typically be approximately 90% yard/food waste and 10% untreated wood waste. Swift indicates in the application that the compost fertilizer produced will conform to the requirements of a "class A" compost as defined in the *BC Organic Matter Recycling Regulation (OMRR)*.

Composting Facility Licencing Process

Metro Vancouver has received an application for a Composting Facility Licence under the *Greater Vancouver Sewerage and Drainage District Municipal Solid Waste and Recyclable Material Regulatory Bylaw No. 181* from Swift Eco-Waste Management Inc. (Swift). Article 3 of the Bylaw requires the Metro Vancouver Solid Waste Manager to forward all applications to the municipality in which the Facility is proposed to be located. Metro Vancouver is relying on the City to consult through this process with all relevant departments as necessary to complete its review. Metro Vancouver requires the City to complete a Municipal Referral Form, indicating approval or non-approval of the application. Metro Vancouver also requires the City to provide a report containing comments or recommendations regarding the application.

Odour Management

Managing odours has become an important priority for the region, as odours can negatively affect a community if a composting facility is not designed and operated correctly. The *BC Environmental Management Act* authorizes Metro Vancouver to establish prohibitions, regulations, fees, conditions, requirements and exemptions for operations, activities, industries, trades, businesses generating air contaminants through operations or works. Metro Vancouver currently has an *Odour Management Framework* and an *Odour Management Policy Development Plan* that includes plans

such as *Integrated Air Quality and Greenhouse Gas Management Plan (Clean Air Plan)*, *Air Quality Dispersion Modeling Guideline BC* and *Greater Vancouver Regional District Air Quality Management Bylaw 1082, 2008*. As part of their review process, Metro Vancouver's staff is currently conducting a technical review of the Air Quality Permit application submitted by Swift Eco-Waste Management Inc., to assess whether best available control technology is being proposed and whether the requested emissions are advisable for the protection of the environment.

City Staff Review

Staff undertook a detailed technical analysis of Swift's application and have highlighted potential technical issues, as below, that if not properly addressed could impact the community:

- **Inconsistent Facility Description:** Swift's application variably describes the Facility as a waste-to-energy recycling and/or a composting site, leading to confusion about operational processes. The specific technologies and environmental management practices for each type of operation require clear delineation to assess impact;
- **Technical Document Ambiguities:** The technical document attached to the application provides conflicting information, creating challenges in assessing the Facility's operations. Detailed process flow diagrams and technology descriptions will be required for clarity;
- **Inaccurate Waste Calculations:** The waste processing calculations do not adhere to technical standards, affecting composting efficiency. Precise waste characterization data and process capacity metrics are needed for accurate planning and environmental management of the Facility to avoid potential impacts in Richmond;
- **Inadequate Deodorizer Technology:** The effectiveness of the deodorizers in the proposed system is unclear, especially given that their technology description is not technically adequate for efficiently breaking down and neutralizing the complex mix of odorous gases generated during the composting process;
- **Leachate Treatment Specification Gap:** The absence of detailed plans for leachate treatment poses environmental risks. Specifications for leachate treatment systems, including capacity and treatment efficiency, should be provided;
- **Incomplete Odour Management Approach:** The methods for odour control are not aligned with standard practices or are inconsistent. Detailed descriptions of the odour control technologies, including their operational parameters and efficiency rates, are needed. The Air Quality Permit should address these issues;
- **Non-compliance with OMRR:** Missing details required to verify OMRR compliance which poses questions regarding the Facility's ability to adhere to standards. To classify the compost as "class A," OMRR requires a comprehensive list of compliance checkpoints and corresponding measures in the Facility;
- **Patented Technology Validation Issues:** The patented technology (CA 3130325) cited in the application lacks independent validation, raising doubts about its effectiveness. It is unclear in the application whether the applicant intends to apply for a permit to conduct a pilot project to test the technology feasibility or if the application is intended to be a permanent facility.
- **Discrepancy in Patent Application and Facility Use:** The patent discusses disposal of organic or sewage sludge waste, which is not stated in the Facility application. Clarification

on the specific types of waste to be processed, along with corresponding treatment technologies, is required;

- **Unclear Pellet Production Process:** Lack of detail on the pellet production process raises safety concerns. Information on the pelletizing technology, including the mechanisms for contaminant removal (i.e. plastics, small batteries and other common materials present in the composting facilities in the region) and quality control measures, should be detailed; and,
- **Non-Pellet Storage Details:** The lack of pellet storage information is a significant oversight. Specifications for storage facilities, including containment measures and environmental safeguards, are critical.

These technology and operational planning concerns would need to be addressed before staff could give further consideration to other municipal requirements.

Preliminary Solid Waste and Air Quality Comments

After evaluating the application, it is recommended that the following comments be forwarded to Metro Vancouver. Staff also recommend that the City not approve the application as submitted and request that Metro Vancouver require Swift to:

- a. Provide a definitive statement clarifying whether the Facility operates primarily as a waste-to-energy or composting site.
- b. Address and resolve discrepancies in their technical documentation to ensure a clear and unified understanding of the Facility's purpose.
- c. Present an independent validation of their deodorant system technology to confirm its effectiveness and environmental compatibility.
- d. Develop and present a detailed odour management plan, including efficacy data and an analysis of environmental impact. This review is ongoing at Metro Vancouver.
- e. Provide accurate waste processing data that adheres to established technical standards.
- f. Submit a detailed plan for leachate management, with a focus on environmental protection.
- g. Demonstrate compliance with OMRR through the provision of detailed operational plans.
- h. Provide detailed information regarding the types of waste processed and the methodologies employed for each.
- i. Offer an in-depth outline of their pellet production process, emphasizing environmental, health and safety considerations.
- j. Detail their pellet storage methods to mitigate potential environmental risks.
- k. Submit a comprehensive reporting plan and complaint management strategy, ensuring effective response to community concerns and environmental issues.
- l. Submit the Air Quality Permit application to a public consultation process as part of the application review.

Metro Vancouver has informed staff that the applicant has submitted an Air Quality Permit Application, which is currently under review by Metro Vancouver. As part of the review process, Metro Vancouver will conduct public notification, which includes referrals to the City, the health

authority and other relevant agencies. Considering the Facility's potential odour generation and its impact, staff will prepare and present an updated report to Council with detailed information regarding the proposed Air Quality Permit conditions.

Financial Impact

None.

Conclusion

The application from Swift is lacking critical information relating to the technology and operational details, as such, staff recommend that the application not be approved at this time. While organics facilities are a need in the region and well-managed facilities contribute towards important waste reduction objectives, the management of odours is a critical concern to residents. Due diligence is required to ensure these types of concerns do not materialize in considering applications of this nature.

The City will remain engaged in the application process to ensure the City's odour and air quality concerns are addressed.



Marcos Alejandro Badra
Program Manager, Circular Economy
(604-204-8643)



Kristina Nishi
Manager, Recycling and Waste Recovery
(604-244-1280)



City of Richmond

Report to Committee

To: Community Safety Committee **Date:** January 16, 2024
From: Cecilia Achiam **File:** 12-8275-11/2024-Vol 01
 General Manager, Community Safety
Re: Options for Enforcement of Escort Services and Body Rub Studios

Staff Recommendation

1. That Option 2 as described in the staff report titled "Options for Enforcement of Escort Services and Body Rub Studios" dated January 16, 2024 from the General Manager, Community Safety be endorsed;
2. That staff amend the Business Licence Bylaw 7360, the Business Regulation Bylaw No. 7538, the Municipal Ticket Information Authorization Bylaw No. 7321, and the Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122.

Cecilia Achiam
 General Manager, Community Safety
 (604-204-8673)

REPORT CONCURRENCE	
ROUTED TO:	CONCURRENCE
Law	<input checked="" type="checkbox"/>
SENIOR STAFF REPORT REVIEW	INITIALS: CA
APPROVED BY CAO 	

Staff Report

Origin

At the November 15, 2023 Community Safety Committee meeting, staff received the following referral:

That staff come back with a plan using City Bylaws regarding property use and business licences to deal with escort services, and above and below ground body rubs.

This report responds to the above resolution and recommends amending the Richmond Business Licences Bylaw No. 7360, Business Regulation Bylaw No. 7538, the Richmond Municipal Ticket Information Authorization Bylaw No. 7321 and the Richmond Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122. The purpose of these amendments is to increase the efficiency and effectiveness of the ticketing process for bylaw violations related to body rub studios.

This report supports Council's Strategic Plan 2022-2026 Focus Area #3 A Safe and Prepared Community:

Community safety and preparedness through effective planning, strategic partnership and proactive programs.

Findings of Fact

The Richmond Business Licence Department investigates bylaw violations in relation to licenced or "above ground" escort services and body rub studios. The City enforces bylaws, such as the Richmond Business Licence Bylaw 7360, the Richmond Business Regulation Bylaw 7539 and the Richmond Zoning Bylaw 8500, by issuing bylaw violation tickets and fines. However, the City does not have jurisdiction to enforce matters under the *Criminal Code's* purview.

The RCMP has jurisdiction to enforce *Criminal Code* offences. Unlicenced or "below ground" sex work falls within the scope of the *Criminal Code* and is hence subject to investigation by the RCMP. Under section 286.1(1) of the *Criminal Code*, it is an offence for individuals to obtain sexual services for consideration, or to communicate with anyone to obtain sexual services for communication. Under section 286.2(5)(e) of the *Criminal Code*, it is an offence to own or manage commercial enterprises where sexual services can be purchased.

Analysis

Bylaw Enforcement

In June 2000, the City introduced a comprehensive bylaw enforcement regime for licenced body rub studios. This was achieved by amending the Richmond Business Regulation Bylaw to include the following provisions: prohibit licenced body rub studios from operating beyond permitted hours; prohibit the use of locking devices on room doors; require all room doors to have windows and for the windows to be unobstructed; and prohibit staff from wearing outer garments that do not cover the body between the neck and the knee.

Currently, the City of Richmond continues to have one of the most comprehensive regulatory regimes in the Province for licenced escort services and body-rub studios. Richmond's Business Licence Bylaw No. 7360 defines "*Escort Services*" as "any person providing escorts for social occasions" and defines "Body-Rub Studios" as "any premises or part of such premises where a body-rub is performed, offered or solicited." The Richmond Zoning Bylaw 8500 states that Body Rub Studios do not include premises where persons who are licenced and registered under provincial statutes governing medical, therapeutic or massage activities, offer services that manipulate, touch or stimulate a person's body, such as physiotherapy and therapeutic touch therapy.

Currently, there are six licenced Body Rub Studios in Richmond. The last application for a new Body Rub Studio licence occurred in 2008. There are no current licenced Escort Services and the last licenced Escort Services expired in 2015.

The Business Licence department has issued 13 tickets under the City's Municipal Ticket Information (MTI) Authorization Bylaw 7321 for bylaw violations related to Body Rub Studios in the past six months. Fines for MTI infractions are limited to \$1,000 and are comparatively less efficient than issuing Bylaw Violation Notices (BVN) under the Bylaw Violation Dispute Adjudication Bylaw No. 8122.

The most recent operation involving Body Rub Studios was conducted on January 12, 2024. The City conducted a joint Business Licence/RCMP investigation on the six licenced Body Rub Studios to verify that they were operating according to the conditions outlined in the Business Regulation Bylaw No. 7538. As a result of this joint Business Licence/RCMP operation, the City issued eight MTIs for non-compliance under the Business Regulation Bylaw. Since there was no evidence of *Criminal Code* violations during the operation, the Richmond RCMP did not intervene.

Richmond RMCP

The Richmond RCMP has aligned and committed their investigative approaches that regulate sex work with evidence-based and effective standards.

The investigation of major illegal sex work enterprises remains a policing concern due to the possible nexus to sexual assault, human trafficking, organized crime and child or youth sexual exploitation. Considerable research and police experience have shown that these serious investigations should not begin with the premise of targeting the sex workers themselves but rather those that have been alleged to victimize them. This harm reduction approach is endorsed in the "Sex Work Enforcement Guidelines & Principles" developed by the British Columbia Association of Chiefs of Police (BCACP).

The RCMP's harm reduction approach also involves officers from the Plainclothes Unit regularly conducting outreach with sex worker advocacy groups. The objectives of the outreach efforts are two fold: to ensure there is adequate trust between sex workers and police; and to gather information regarding threats and risks experienced by sex workers.

Investigations into serious crimes against sex workers are often complex and involve multiple agencies. For example, sex workers may be human trafficking victims who are immigrants or visitors to Canada involved in the sex trade either voluntarily or under coercion. These victims often

return to their home countries and avoid court participation when the police intervene. In addition, due to the stigma associated with being sex workers, witnesses' and victims' fears often result in sex workers being hesitant to ask for help or cooperate with police investigations. To address these investigative challenges, the RCMP's Provincial Integrated Child Exploitation Unit is engaged in providing education awareness and assistance to law enforcement and partner agencies on sexual exploitation. Occasionally, the Combined Forces Special Enforcement Unit must also be engaged when there is credible evidence of a nexus to organized crime.

Investigations into major criminal sex work enterprises are often led by the Richmond Serious Crimes Unit (SCU), which has the mandate to investigate human trafficking and sexual exploitation activities. Below are major cases involving human trafficking and sexual exploitation that were investigated by the SCU:

- In 2019, source information led to an investigation involving a sex worker in a consensual business relationship who was later assaulted, their movements were controlled and they were forced to have sex with multiple clients a day. An individual was identified and convicted of uttering threats and assault with a weapon;
- In 2021, a witness advised that they were being human trafficked by an organized crime group in Richmond and were forced to consume drugs, threatened and exploited to do sex work. An investigation was launched and charges were forwarded to Crown counsel in 2023, recommending charges against three persons for human trafficking; and
- In 2023, source information led to an investigation of an individual held against their will and forced to do sex work. Police attended the location, forced the door open and found an individual who stated they were not under duress and were there voluntarily. No charges were laid.

Options for Consideration

Option 1 - Maintain the Current Enforcement Model

The existing City bylaws are adequate in their scope to enforce regulations around licenced Escort Services and Body Rub Studios and the police enforcement model strictly adheres to the recommended practices delineated in academic research as well as the BCACP guidelines. Staff will continue to conduct joint Business Licence/RCMP operations on the six licenced Body Rub Studios. The Richmond RCMP will continue to investigate serious crimes against sex workers as per the harm reduction model.

Option 2 - Strengthen the Current Bylaw Enforcement Model (Recommended)

In addition to maintaining the existing bylaw regulatory framework and enforcement model outlined in Option 1, it is recommended that the fines for the Municipal Ticketing Information (MTI) offences related to Body Rub Studios be increased. Currently, staff can only issue MTI tickets for bylaw violations involving licenced Escort Services and Body Rub Studios.

Amending the bylaws to grant staff the option to issue BVNs presents a more efficient approach given that BVNs are not part of Provincial Court proceedings. Amendments will be required for four bylaws to enhance the effectiveness of the ticketing process for violations related to Body

Rub Studios regulated by City bylaws including the Business Licence Bylaw No. 7360; the Business Regulation Bylaw No. 7538; the Municipal Ticket Information Authorization Bylaw No. 7321; and the Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122.

As noted earlier in this report, there have been no licenced Escort Services since 2015. The Richmond's Business Licence Bylaw No. 7360 defines "*Escort Services*" as "any person providing escorts for social occasions." To avoid unintended confusion, staff recommend amending City bylaws to remove the anachronistic business licence sub-category "*Escort Services*" from the Business Licence Bylaw No. 7360, the Business Regulation Bylaw 7538, and the Municipal Ticket Information Authorization Bylaw No. 7321.

Under this enhanced regime, staff will continue to monitor and perform regular enforcement, collect data, and report the findings back to the Community Safety Committee in one year.

Option 3 - Prohibit Body Rub Studios under the Zoning Bylaw and Not Issue New Business Licences for Body Rub Studios in New Locations Going Forward

Option 3 includes the proposed amendments under Option 2 as well as an amendment to the Richmond Zoning Bylaw 8500 with the objective of prohibiting new business licences for Body Rub Studios at new locations. However, the operation of the existing six licenced Body Rub Studios, at their current location, would continue as legal non-conforming or until such time that the Body Rub Studios cease operations for a minimum period of six months.

Staff do not recommend Option 3 at this time to provide adequate time for the enhanced regime (Option 2) to take effect. Additionally, there has not been any Business Licence request to open new Body Rub Studio premise since 2008. The immediate adoption of this option may have the unintended effect of driving new body rub businesses to apply under another business licence category without a similarly enhanced regulatory regime as prescribed under the "body rub" category in our current bylaws.

These six legal non-conforming Body Rub Studios would continue to be subject to inspections, monitoring and enforcement by staff to ensure compliance with the comprehensive regulatory regime. Additionally, the RCMP will continue to monitor for and investigate criminal activities related to sex work enterprises where there is a nexus to serious crime.

Financial Impact

None.

Conclusion

The City of Richmond currently has one of the most extensive bylaw enforcement regimes in the Province for licenced Escort Services and Body Rub Studios. However, it is recommended that this regime be further optimized through the proposed bylaw amendments in Option 2. The Richmond RCMP's investigative approach also closely follows the recommended best practices outlined in academic research, as well as the guidelines set forth by BCACP. Staff will continue to conduct and update Council on the outcomes of future proactive joint Business Licence/RCMP operations of the six licenced Body Rub Studios in Richmond. The Richmond RCMP will continue to investigate any serious crimes against sex workers as well as the potential nexus to organized crime.



Mark Corrado
Director, Community Bylaws and Licencing
(604-204-8673)



Edward Warzel
Manager, Police Services
(604-207-4767)

Pc: SMT
OIC



REVENUE ANTICIPATION BORROWING (2024) BYLAW NO. 10532

The Council of the City of Richmond enacts as follows:

1. Council shall be and is hereby empowered and authorized to borrow upon the credit of the City, from a financial institution, a sum not exceeding \$21,500,000 at such times as may be required.
2. The form of obligation to be given as acknowledgement of the liability shall be \$15,000,000 in the form of standby letters of credit, demand promissory notes or bank overdraft, \$4,500,000 in the form of leasing lines of credit, and \$2,000,000 in the form of commercial credit card facility.
3. All unpaid taxes and the taxes of the current year (2024) when levied or so much thereof as may be necessary shall, when collected, be used to repay the money so borrowed.
4. Revenue Anticipation Borrowing (2023) Bylaw No. 10445 is hereby repealed.
5. This Bylaw is cited as “Revenue Anticipation Borrowing (2024) Bylaw No. 10532”.

FIRST READING

SECOND READING

THIRD READING

ADOPTED

FEB 13 2024

FEB 13 2024

FEB 13 2024

CITY OF RICHMOND
APPROVED for content by originating dept. <i>[Signature]</i>
APPROVED for legality by Solicitor <i>[Signature]</i>
BRB

MAYOR

CORPORATE OFFICER