



Committee of the Whole Report

For the Meeting of November 26, 2020

To: Committee of the Whole **Date:** November 13, 2020
From: Kerri Moore, Head of Business & Community Relations
Subject: Outdoor Public Market Review

RECOMMENDATION

That Council:

1. Direct staff to create a new consolidated permit process for all outdoor public markets to be managed by the Arts, Culture & Events department and bring forward for Council's consideration any bylaw or policy amendments necessary for its implementation;
2. Decline the Bastion Square Revitalization Association's request to renew the Bastion Square Public Market Licence beyond its expiry on December 31, 2020;
3. Terminate the Bastion Square Public Market Fund Agreement in accordance with section 5.3 of that agreement.

EXECUTIVE SUMMARY

Outdoor public markets are an important contributor to enhance our City's vibrancy by animating public spaces. They serve as public gathering places where residents and visitors from different ethnic, cultural, and socioeconomic communities can comfortably gather and meet. Markets help to support the City's local economy by providing entry points for grassroots entrepreneurs and vendors to launch and sell their product, produce or service.

The City has supported a number of markets over the years typically between the months of April and October, such as the Moss Street Market, Bastion Square Market, Oaklands Farmers Market and the Fernwood Sunset Market. Recently, staff were approached about new locations for a possible market expansion. At the moment, each market operates under somewhat different sets of rules and permits are being actioned through different departments. For example, the Moss Street Market is processed through the Arts, Culture & Events department with a Special Event Permit, the Fernwood Sunset Market is processed through the Transportation department with a Street Occupancy General Permit and the Bastion Square Market is processed through the Neighbourhoods Team with unique legal agreements. Due to the various approaches, this creates confusion for potential new market organizers and staff since there is no one clear process and approach.

The Bastion Square Public Market Licence Agreement expires on December 31, 2020, which provides an opportunity to bring this market under a single consolidated permit process for all public markets in the City. The Bastion Square Public Market Fund agreement does not have an expiry date, but it allows for the City to terminate it. Therefore, it is recommended that the unique

arrangements for the Bastion Square Public Market be terminated upon expiry of the licence agreement at the end of the year and that the City implement a new consistent permit system for all public markets without interruption to the ability to hold public markets.

PURPOSE

The purpose of this report is to provide Council with information on our current outdoor public market processes and to recommend the creation of a new consolidated permitting process for all public markets.

BACKGROUND

Public markets enhance Victoria's vibrancy by animating public spaces for residents and visitors, while also providing an outlet for local and regional businesses. Following are the public markets taking place regularly on City property:

- Bastion Square Public Market
- Moss Street Market
- Fernwood Sunset Market

Each of these markets operates under a different permit or licencing scheme and is managed through a different City department. For example, the Moss Street Market is processed through the Arts, Culture & Events department with a Special Event Permit, the Fernwood Sunset Market is processed through the Transportation department with a Street Occupancy General Permit and the Bastion Square Market is processed through the Neighbourhoods Team with unique legal agreements. This results in inconsistent rules and arrangements. It also contributes to confusion for potential new market organizers and inefficiency within the City in handling the approvals for public markets.

The Bastion Square Public Market has operated pursuant to a longer-term licence agreement, which is expiring at the end of this year. This creates an opportunity to consolidate handling of all public market approvals under a single process managed by a single City department.

In 2011, Council adopted a policy entitled "Guiding Principles for the Use of Public Space" (attached as Appendix A) and in 2015 the Outdoor Market Bylaw was consolidated to regulate all outdoor markets and to remove obsolete provisions (attached as Appendix B). These two documents provide a useful framework for approval of the public markets and will help guide staff with their review to consolidate our outdoor public market process. In addition, staff will also research other municipalities to seek best practices.

The goal will be to consolidate the process and to direct all future permits/applications for markets through the Arts, Culture & Events department.

ISSUES & ANALYSIS

The Bastion Square Public Market Licence Agreement expires on December 31, 2020. The licence agreement outlines the net annual proceeds from the market are to be deposited into a fund held by the City pursuant to a Bastion Square Public Market Fund Agreement (the "Fund"). The purpose of the Fund is for the net revenue of the market to be used for physical revitalization of Bastion Square. However, any physical revitalization project as proposed by the Bastion Square Revitalization Association (BSRA) is subject to final approval by Council.

Currently, the Fund has \$249,484 available. The BSRA has not contributed to the Fund with net proceeds from the market since 2008 and they have not requested monies from the Fund for a project since 2009. The BSRA have financed projects; the Christmas Lighting of Tree, Lights over Suds Alley, Heritage Interpretation Signs, Bastion Square Gateway Sign (on Wharf St), and Banners) using other resources without accessing the Fund.

Recently, the City was approached by the BSRA with a request for an extension of its licence agreement (letter attached as Appendix C). There is no reason why this market could not continue to operate through an annual permitting process under a new consolidated approach along with other public markets in the City. Therefore, renewal of the licence agreement is not recommended.

Furthermore, it is recommended that the City terminate the Fund agreement as of Dec. 31, 2020. Termination of the Fund agreement will continue to give the BSRA ability to access the funds for projects under the terms of the agreement, until December 31, 2021. At that time, as per the Fund agreement, any remaining monies in the Fund shall continue to be held by the City and may be spent on projects on public property in and around Bastion Square within the area bounded by Wharf, Yates, Government and Fort Streets.

OPTIONS & IMPACTS

Option 1: (Recommended)

- 1. Direct staff to create a new consolidated permit process for all outdoor public markets to be managed by the Arts, Culture & Events and bring forward for Council's consideration any bylaw or policy amendments necessary for its implementation;**
- 2. Decline the Bastion Square Revitalization Association's request to renew the Bastion Square Public Market Licence beyond its expiry on December 31, 2020;**
- 3. Terminate the Bastion Square Public Market Fund Agreement in accordance with section 5.3 of that agreement.**

This option will provide a new consistent process that is based on staff review of our Guiding Principals for the Use of Public Space, our Outdoor Market Bylaw in conjunction with best practices researched from other municipalities. The new process will be managed by one City department. These proposed changes still allow for the BSRA to continue the Bastion Square Market and allow them to access the fund up until December 31, 2021.

Option 2:

- 1. Direct staff to leave things unchanged and renew the BSRA agreement.**

This option will not provide a clear process for new market organizers and continue to direct permits or applications through different departments. It will continue to provide concessions for some markets and not for others.

Impacts to Financial Plan

There are no financial impacts to the Financial Plan.

Official Community Plan Consistency Statement

The recommendation aligns with the following objectives in the Official Community Plan:

Section 14: Economy

14 (f) That the function of the Urban Core as the primary regional centre of employment, learning, arts, culture, entertainment, recreation and specialty retail is maintained and enhanced with high quality facilities, services and events

Section 16: Arts and Culture

16:21 Continue to permit festivals, celebrations and special events in public spaces, such as streets, parking lots, plazas, civic squares and other open space

CONCLUSIONS

Outdoor public markets are an important contributor to enhance our City's vibrancy by animating public spaces. They serve as public gathering places where residents and visitors from different ethnic, cultural, and socioeconomic communities can comfortably gather and meet. Markets help to support the City's local economy by providing entry points for grass roots entrepreneurs and vendors to launch their product, produce or service. Staff will review current processes and research best practices to create a consistent permit system for all public markets.

Respectfully submitted,



Kerri Moore
Head of Business & Community Relations



Report accepted and recommended by the City Manager:

Date: November 13, 2020

List of Attachments

Appendix A - Guiding Principles for the Use of Public Space
Appendix B - Outdoor Market Bylaw
Appendix C – The ASK letter to City of Victoria B (BSRA Letter)