



REPORT

Report Date: July 11, 2020
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Meeting Date: July 29, 2020
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TO: Vancouver City Council
FROM: General Manager, Engineering Services
SUBJECT: Alcohol Consumption in Public Spaces Pilot – Recommendations

RECOMMENDATION

THAT Council approve, in principle, amendments to the City Land Regulation By-law No. 8735 to designate certain public places over which the City has jurisdiction as places where liquor may be consumed;

FURTHER THAT the Director of Legal Services be instructed to bring forward for enactment by Council a By-law to amend the City Land Regulation By-law to designate these places, generally as set out in Appendix A.

REPORT SUMMARY

This report outlines the approach and proposed locations for the Alcohol Consumption in Public Spaces Pilot. This pilot is an opportunity to support local businesses and communities in rebuilding and reconnecting after a long period of disruption due to the COVID-19 pandemic. Additionally, the pilot will allow staff to collect and analyze data to inform potential long-range public space policy and projects. It has been developed in close collaboration with community partners and business improvement associations (BIAs) and with ongoing input from Vancouver Coastal Health (VCH) and Vancouver Police Department (VPD). The pilot is expected to run to October 12, 2020.

COUNCIL AUTHORITY/PREVIOUS DECISIONS

June 23, 2020: Council directed staff to prepare a by-law pursuant to Section 73 subsections (2), (3) and (4) of the Liquor Control and Licensing Act, to allow a pilot for liquor consumption in select public places that are under jurisdiction of the City. Staff were also directed to create limited spaces for responsible consumption of alcohol in public, and to consult with VPD, VCH, internal stakeholders, local Business Improvement Associations and businesses, to recommend appropriate locations and hours for consumption of alcohol in specified public spaces. Staff were to report back as soon as possible with fast-tracked priority actions and locations. These pilots are to inform a larger report back and future considerations for this program during and after the COVID-19 pandemic; a first pilot in this program is to be the piazza to celebrate Italian Heritage Month (passed by Council in June 2019) and its implementation will help to inform other pilot locations.

July 26, 2019: Council directed staff to work with the Italian community to explore the creation of an age-friendly “Piazza” pilot space in Vancouver, that includes local artisans, restaurateurs, proprietors and vendors and would allow for community-led events in a designated outdoor space that also would include the responsible enjoyment of beer, wine and “appertivos” along with food, and if possible, to be implemented before the end of June 2020.

CITY MANAGER'S/GENERAL MANAGER'S COMMENTS

During the Council debate of the Motion to enable the pilot for public consumption of alcohol, concerns were raised by VCH, VPD and Staff. Those concerns relate to the risks of inadvertently enabling binge drinking in public, supporting a culture of drinking, creating public safety issues by enabling public intoxication, and supporting public gatherings during the COVID pandemic. Staff have worked to create a pilot that mitigates these risks, but they remain. Should Council chose to proceed with the pilot, staff will work closely with VCH, VPD and BIA partners to monitor the sites and make adjustments as appropriate.

REPORT

Background/Context

The COVID-19 pandemic has detrimentally impacted Vancouver’s businesses and communities. Emergency health and safety restrictions have slowed the spread of the virus, yet have also had negative effects on local businesses and placed barriers on social connectivity.

On June 23, 2020, Council directed staff to develop and prioritize a temporary pilot project to allow for the public consumption of alcohol in designated public spaces this summer. The proposed goals of this pilot are to support businesses during a time of capacity reduction and to provide additional socializing spaces for those who may not have access to private outdoor spaces. This work coincides with a similar direction by the Park Board to explore a pilot to test alcohol consumption in select park spaces around the city.

Staff have engaged closely with Vancouver Coastal Health (VCH), Vancouver Police Department (VPD), the Park Board (“Parks”), and internal departments to develop:

- Site criteria that ensure pilot sites are safe, respectful, welcoming, and accessible to all members of the public;
- Management / stewardship needs to mitigate potential risks and concerns;
- Monitoring approaches to gather data for informed decision-making (during the pilot) and long-range policy development; and
- Recommendations for four pilot sites.

To minimize community risks and build on strong community partnerships, staff are working closely with local BIAs and businesses to manage and monitor designated sites for the duration of the pilot (from August 10 to October 12, 2020). The sites recommended in this report were proposed by community partners via an ‘Expression of Interest’ (EOI) and were evaluated against criteria developed for the pilot to assess strategic and technical feasibility. This approach aligns with the existing temporary Pop-Up Plaza Program which also relies on partnerships and proposals by community partners.

Strategic Analysis

Identifying Early Considerations

Early engagement with VCH and VPD has revealed that a comprehensive management and stewardship plan, and robust monitoring strategy, are critical to ensuring public safety and health for the duration of the pilot.

In particular, VCH voiced concern over the long-term impacts of enabling and normalizing public drinking in a “binge drinking culture”, and the immediate impacts alcohol-related incidents may have on emergency and hospital services. VCH is concerned that a potential spike in alcohol-related emergencies may inundate frontline health services during a time when these services need to be available to respond to the pandemic.

VPD has identified risks related to the management of public spaces and safety. Increased liquor service and availability in specific areas often requires increased management provisions to ensure order and safety – and in the absence of management, increased policing presence.

Site Selection Criteria

Based on this feedback, staff are approaching the pilot with three general criteria areas that inform and determine the pilot site selection process:

- Spatial Criteria;
- Management and Stewardship Criteria; and
- Monitoring Criteria.

In general, preferred sites for this pilot are smaller neighbourhood scale plazas within commercial areas, or if a larger space, a smaller portion could be delineated for alcohol consumption. The pilot encourages areas that are within walking distance to public washrooms, food-primary businesses, public transit, and overnight parking facilities, while aiming to stay away from sensitive areas such as hospital zones and healthcare precincts, or residential-only areas.

A robust and collaborative approach to site management and stewardship is fundamental to the cleanliness and safety of designated sites. To this end, pilot sites must each have clearly defined services, roles, and resources to maintain and manage the site for the duration of the pilot.

Implementation Considerations

Clear and publicly accessible informational resources will be installed at each pilot site in the form of signage. This will include information on: new by-law and pilot program (hours, site parameters, link to public feedback form), rules and responsibilities of public space users, harm reduction resources, and tiered approaches to reporting incidents or complaints (3-1-1, VPD non-emergency, and emergency).

To ensure pilot sites are managed appropriately and responsive to real-time needs, a multi-pronged approach for data collection will be employed at each location for the duration of the pilot.

Staff have identified five monitoring approaches to pilot sites:

- VPD providing data on alcohol and site-related incidents and complaints, including non-emergency and emergency reports;
- 3-1-1 regularly reporting back on public complaints and feedback related to the pilot and its sites;
- VCH providing individual and community health related data;
- Staff and pilot partners conducting regular observational scans at each pilot site to observe and record the number of public space users, activities, and behaviours; and
- Staff recording and analyzing qualitative and quantitative public feedback via an online survey – to both provide an engagement platform for the public and a tool to assess site performance.

Additionally, staff will continue working with BIA partners to observe site performance, including receiving regular feedback from neighbourhood businesses on the impacts of the sites to businesses.

Both VPD and VCH offered positive feedback regarding the proposed monitoring plan and will continue to work with staff to implement these measures.

Proposed Locations

To ensure pilot sites are welcomed by residents and businesses and not prescribed in neighbourhoods without public support, staff solicited local BIAs via an 'Expression of Interest' process. This process allowed BIAs to propose site locations in their respective areas.

After receiving EOI responses, staff evaluated site proposals against pilot criteria, and with input from VCH, VPD, Park Board, and internal stakeholders, shortlisted the following sites that staff are recommending for Council's consideration:

- šxwłænəq Xwtl'e7 n Square
Location: 750 Hornby Street; North plaza of the Vancouver Art Gallery

Partner: Downtown Vancouver BIA (DVBIA)

- Lot 19 Plaza
Location: 900 W. Cordova Street; Hornby St. & W. Hastings St.
Partner: Downtown Vancouver BIA
- Bute-Robson Pavement-to-Plaza
Location: 800 Bute Street; Bute St. & Robson St.
Partner: Robson Street Business Association (RSBA)
- Cambie & 17th Temporary Pop-Up Plaza
Location: West block of 17th Ave. at Cambie St.
Partner: Cambie Village BIA (CVBIA)

All proposed sites have a strong community partner, proximity to food primary businesses and access to transit. Washroom access is available at some of the sites and where absent may be provided through a partnership with the BIA via a portable washroom as a temporary solution. All of the plazas are small in size, with the exception of šxwłænəq Xwtl'e7 n Square.

šxwłænəq Xwtl'e7 n Square did raise some specific concern by VPD. The size of the space, the frequency of large informal gatherings and demonstrations held there combined with public alcohol consumption could present challenges for maintaining public safety. To help mitigate,, although not completely addressing these concerns, staff are recommending that the hours of operation be limited to 4:00 PM to 9:00 PM daily and that the consumption area be restricted to a smaller area of the site where seating is provided.

For the other locations, VPD and VCH did not raise site specific concerns, noting that the limited number of locations for this proposed pilot was positive.

See draft bylaw for maps of locations and specific designated areas within each proposed site.

To ensure geographic distribution of all drinking pilot sites City-wide, staff worked closely with Park Board staff to coordinate among Park Board and City of Vancouver potential sites.

Italian Heritage Piazza

In June, 2019, Council directed staff to work with the Italian community to explore the creation of an age-friendly “Piazza” pilot space in Vancouver, that includes local artisans, restaurateurs, proprietors and vendors and would allow for community-led events in a designated outdoor space that also would include the responsible enjoyment of beer, wine and “appertivos” along with food, and if possible, to be implemented before the end of June 2020.

In early 2020, the timeline for this work was affected as emergency response to the pandemic was prioritized and most events and gatherings were cancelled in response to health orders. As City priorities shifted towards public life and business recovery, Council directed staff to prioritize the Piazza project in the context of the Alcohol Consumption in Public Space pilot, noting that “a first pilot in this program be the piazza to celebrate Italian Heritage Month and that its implementation help to inform other pilot locations.”

In response, staff engaged Il Centro, Italian Day Festival Society, and the Commercial Drive BIA regarding the temporary pilot and potential opportunities to include a Piazza. After iterative

discussions, it was determined by these stakeholders that a Piazza was not a fit under the temporary pilot at this time. Stakeholders noted that work around the Piazza required more time and attention to meaningfully engage the wider Italian community – while the pilot program itself is expedited and short-term in nature.

Staff will continue to explore opportunities with the Italian community stakeholders including the potential to collaborate with BIAs on other pilot sites and future engagement and planning around the Piazza and an Italian community gateway.

Public Space Equity Considerations

To better understand the intersections of alcohol consumption and public space equity, staff identified the following as means to better promote safety and well-being in this pilot. These actions include:

- Providing safety and support resources for vulnerable public space users through site signage, and working with relevant community services providers to secure these resources;
- Including harm reduction resources related to health, alcohol consumption and substance use into site signage, and working with VCH and relevant community service providers to secure these resources.

While the timeline of this work does not allow the program to broadly address the complex and necessary topic of public space equity, the actions listed above may serve as the first step to a bigger conversation around safety and inclusivity in public space work moving forward.

Public Input

Due to the fast-paced and temporary nature of this pilot program, engagement with the public to identify locations was limited to community partners – namely BIAs who are partnering with the City to implement and monitor pilot sites. As sites are being implemented, BIAs and staff will work together to inform local businesses of the pilot project, including avenues by which they may continue providing feedback for the duration of the pilot. To gather wider public feedback, an online survey will be made available on City webpages, as well as on-site signage, for the duration of the pilot. This survey will be critical in capturing public input and opinion on the pilot sites specifically as well as the pilot program overall. The input gathered will inform day-to-day management of pilot sites, as well as longer term public space policy development.

As the pilot program closes on October 12, 2020, staff will compile all public feedback (in addition to other data collected from 3-1-1, VCH, VPD, businesses) and report back to Council and the public on pilot findings and learnings.

Financial

The City costs for implementation of needed infrastructure such as site signage, waste management, monitoring and data collection / analysis (3-1-1, observational scans), and other site specific needs will be managed within existing Engineering budgets. Overall costs will be dependent on approval of specific locations; each location will cost in the range of \$10,000 to \$20,000 (excluding staff time) for the duration of the pilot. This temporary pilot will provide staff a

better understanding of the costs associated with enabling public alcohol consumption in public spaces. Costs will be tracked and inform a future report back to Council.

Legal

Section 73 of the Liquor Control and Licensing Act (BC) gives the City the authority to designate, by by-law, public places as places where liquor may be consumed, subject to certain requirements as set out in the Act and the Liquor Control and Licensing Regulation.

CONCLUSION

Access to outdoor spaces contributes to community and economic health of the city. Allowing alcohol consumption in public spaces, when managed safely, responsibly, and respectfully for all public space users, may facilitate healthy social bonding after a long period of disruption. Additionally, spaces for consumption may also support businesses and patrons in a time of reduced capacity. Stakeholder and public opinion on public alcohol consumption are diverse, and as a result, the information and recommendations provided in this report strive to seek a balanced approach in this pilot program. Through the implementation of these recommendations, the City will temporarily allow public drinking in designated sites to reflect current Council priorities to support businesses and residents.

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**DRAFT By-law to amend the City Land Regulation By-law No. 8735
Regarding Consumption of Liquor on City Land**

Note: A By-law will be prepared generally in accordance with the provisions listed below, subject to change and refinement prior to posting.

1. This By-law amends the indicated provisions of the City Land Regulation By-law.
2. In section 2, Council:
 - (a) in subsection (a) of the definition of “city land”, adds “other than, for the purposes of sections 4B through 4E, those portions of streets designated as places where liquor may be consumed,” after “streets,”; and
 - (b) inserts the following definition in the correct alphabetical order:

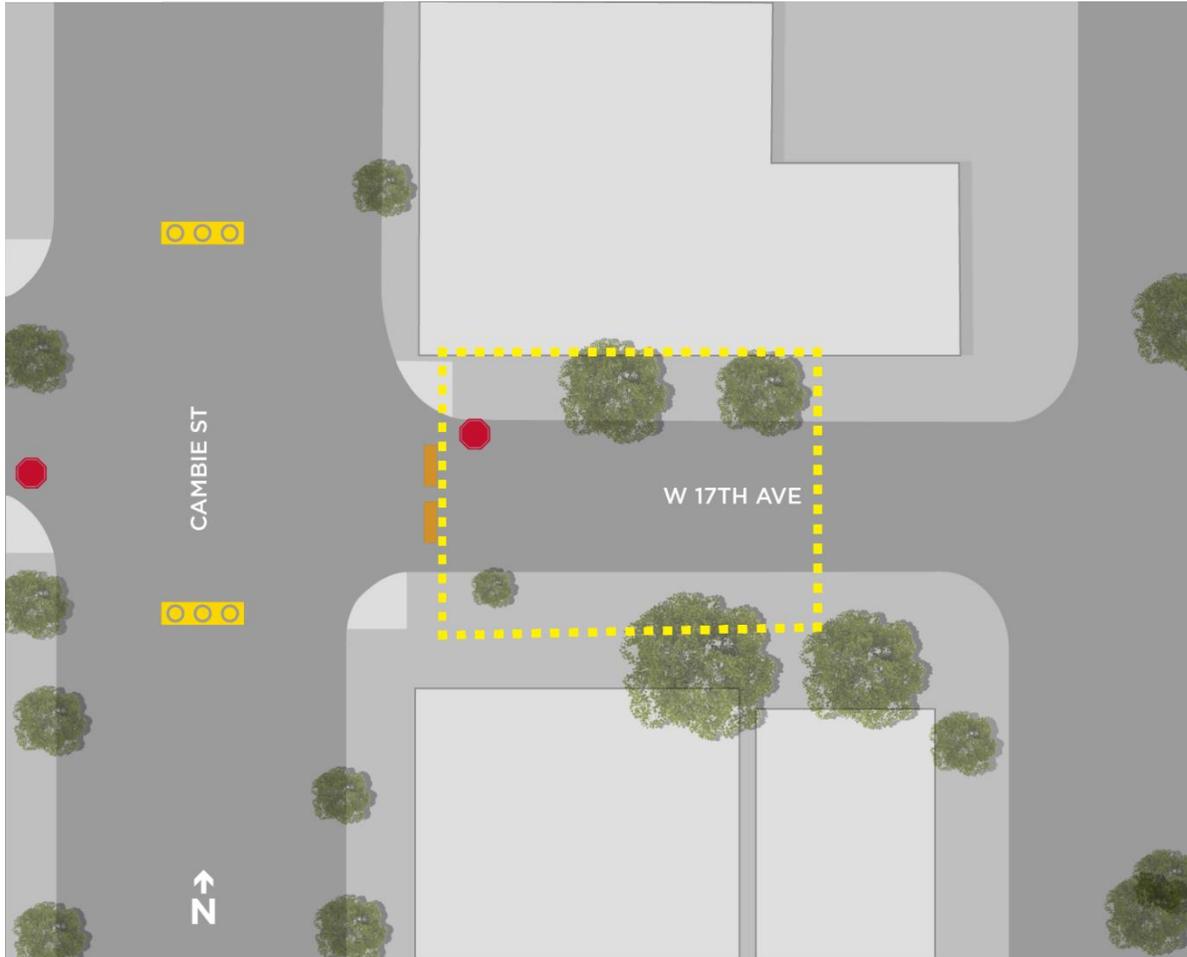
“liquor” means, subject to the Liquor Control and Licensing Regulation, B.C. Reg. 241/2016, beer, wine, spirits or other product that is intended for human consumption and that contains more than 1% alcohol by volume; and”.
3. Council adds the following new sections in the correct numerical order:
 - “4B. The city land or parts thereof listed in Schedule 1 of this by-law, the boundaries of which will be identified by signs posted in accordance with this by-law, are hereby designated as places where liquor may be consumed.
 - 4C. Liquor may be consumed on city land:
 - (a) in those areas designated as places where liquor may be consumed under section 4B of this by-law;
 - (b) between August 10, 2020 and October 12, 2020; and
 - (c) between the hours of 11:00am and 9:00pm, except that in designated area 4 as identified in Schedule 1, liquor may only be consumed between the hours of 4:00pm and 9:00pm.
 - 4D. The City Engineer or their delegate must post signs setting out:
 - (a) the boundaries of the places where liquor may be consumed; and
 - (b) the hours that liquor may be consumed.
 - 4E. The signs referred to in section 4D must:
 - (a) number no fewer than what is required to reasonably indicate the boundaries of the designated place;
 - (b) be a minimum of 12 inches by 24 inches; and

- (c) be posted on posts or affixed to other items along the boundaries of the places where liquor may be consumed.”.
- 4. Council adds a new Schedule 1 – City Land Where Liquor May be Consumed, as attached to this By-law as Appendix A.

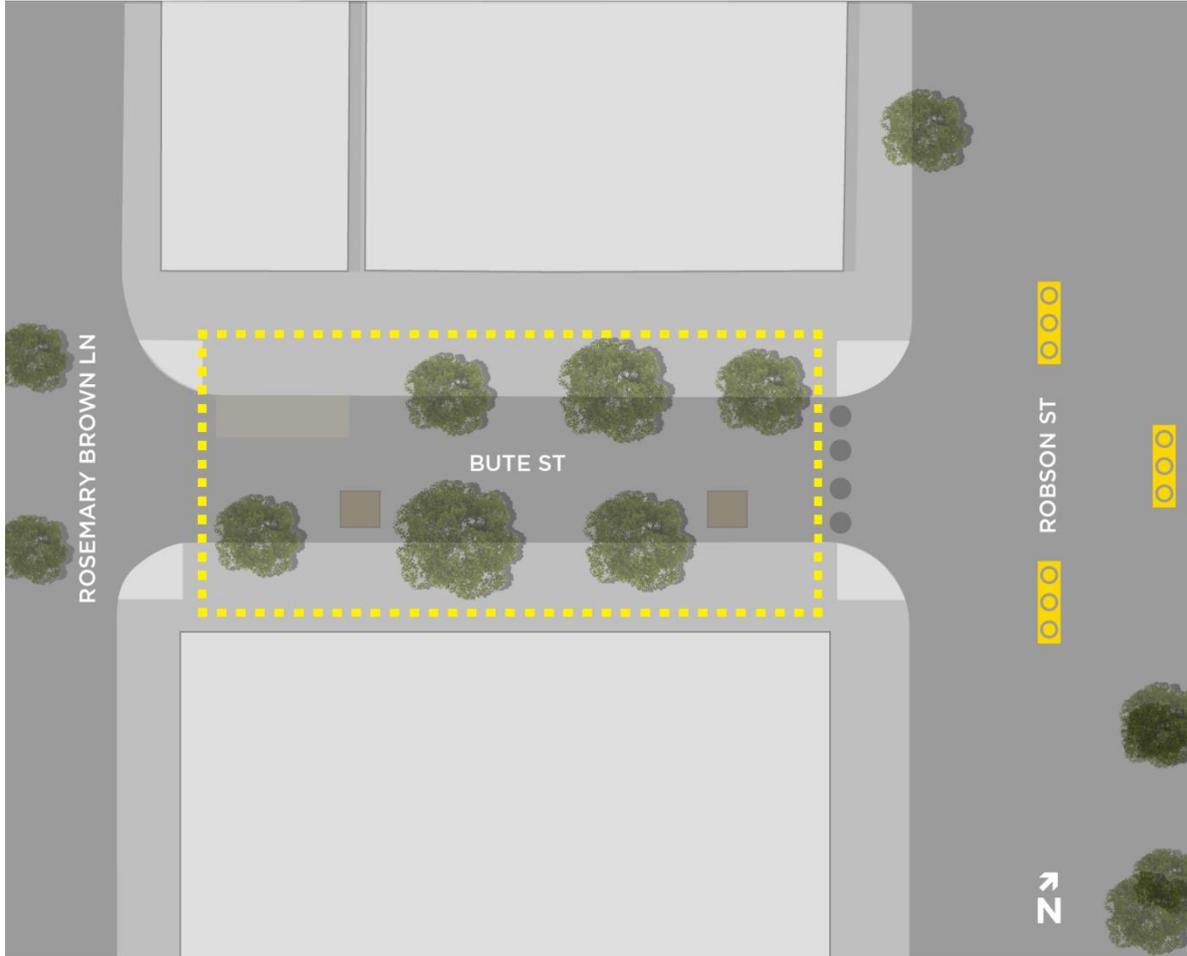
APPENDIX A

Schedule 1
City Land Where Liquor May be Consumed

Designated area 1



Designated area 2



Designated area 3



Designated area 4

