



REPORT

Report Date: May 4, 2021
Contact: Margaret Wittgens
Contact No.: 604.673.8227
RTS No.: 14335
VanRIMS No.: 08-2000-20
Meeting Date: May 18, 2021
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TO: Vancouver City Council
FROM: General Manager of Engineering Services
SUBJECT: 2021 Alcohol Consumption in Public Plazas 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 2021 Alcohol Consumption in Public Plazas Pilot. Building from the initial pilot in 2020, this second-phase pilot is an opportunity to provide continued support to local businesses and communities through the COVID-19 pandemic, particularly in light of PHO restrictions for indoor dining. Additionally, the pilot will allow staff to further refine approaches and continue to collect data to inform potential long-range public space policy and projects. The pilot has been developed in collaboration with plaza 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 from May 31 to October 11, 2021.

This report also provides an update on the safe and legal consumption of alcohol at a parklet located at 111 Princess Ave. (“Drinker’s Lounge”) and outlines the rationale for the requested extension of the By-Law amendment to December 31, 2021. This parklet expands space for a Community Managed Alcohol Program (CMAP) operated by PHS Community Services Society (“PHS”) and is part of a comprehensive strategy to support safe, accessible spaces for people

living in poverty and at high risk for alcohol and substance-use related harms, who are otherwise without a culturally safe and legal space for alcohol consumption.

COUNCIL AUTHORITY/PREVIOUS DECISIONS

March 30, 2021: Council directed staff to revisit the 2020-approved alcohol consumption pilot to consider timely reactivation of last summer’s pilot plazas and add any new locations that might equitably support local food and drink services that cannot otherwise provide patio spaces, as well as safe social gathering for Vancouverites.

February 24, 2021: Council approved, in principle, amendments to the City Land Regulation By-law No. 8735 to allow a pilot for liquor consumption at a proposed parklet at 111 Princess (Drinker’s Lounge”) from March 1 to July 31, 2021, and instructed staff to bring the by-law forward for enactment. Council also approved a Social Policy grant totalling \$25,000 to the PHS Community Services Society to expand the Drinker’s Lounge Community Managed Alcohol Program (CMAP), providing operational support and oversight of the parklet, and directed staff to report back in Q2 2021 on the implementation of the parklet and program, and consider opportunities for extension.

July 29, 2020: Council approved, in principle, amendments to the City Land Regulation By-law No. 8735 to allow a pilot for liquor consumption in four public plazas, and instructed staff to bring the by-law forward for enactment. Staff were also directed to report back in Q2 2021 on the feasibility of enabling licensed restaurants to allow patrons to consume an alcoholic beverage while waiting for a table immediately adjacent to the food establishment.

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 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.

CITY MANAGER'S/GENERAL MANAGER'S COMMENTS

The City Manager recommends approval of the foregoing.

REPORT

Background/Context

Alcohol Consumption in Public Plazas Pilot

On June 23, 2020, Council directed staff to develop a pilot project to allow for public consumption of alcohol in designated public spaces. The goal of this motion was to support businesses impacted by the COVID-19 pandemic, particularly the food service industry, and to provide additional public spaces for people to gather and socialize safely. Staff engaged closely with VCH, VPD, the Park Board (“Parks”) and internal departments to develop site criteria, management plans, and a monitoring plan. Location proposals were received via an ‘Expression

of Interest' (EOI) issued to local BIAs and community partners. Council approved the Alcohol Consumption in Public Spaces Pilot and the required by-law on July 29, 2020, and the pilot ran from August 10, 2020 to October 12, 2020.

Staff worked with partners to identify, mitigate, and plan for risks associated with public alcohol consumption. Management and stewardship plans were set up to ensure sites were well-managed on a day-to-day basis, including waste disposal and access to public washrooms. On-site signage was installed to provide information on health and safety resources, rules and responsibilities, and how to report emergencies or issues related to unsafe, irresponsible, or disrespectful behaviours within the drinking areas.

The program's monitoring plan included regular check-ins between staff and partners, an online public survey, on-site observation by staff, and a review of 3-1-1 reports and data from Vancouver Police Department ("VPD") and Vancouver Coastal Health ("VCH"). No health, safety, or nuisance issues were reported through monitoring; feedback received from residents and businesses indicated broad support for the program and pilot sites.

As the COVID-19 pandemic has continued into 2021, new Provincial Health Orders were announced on March 29, 2021 including requiring businesses to suspend indoor dining. These orders have most recently been extended until May 25, 2021. On March 30, 2021, Council approved a motion recognizing the need to support businesses through this time, including directing staff to consider timely reactivation of 2020-approved pilot sites and new sites for alcohol consumption.

Last year's pilot demonstrated that consumption of alcohol in designated public spaces can be done respectfully and responsibly. Building on these learnings, the 2021 pilot will enable staff to:

- Conduct deeper engagement with internal stakeholders, VPD, VCH, Parks, BIAs and community partners to identify concerns and opportunities;
- Refine location criteria, management plans and monitoring approaches;
- Test new partnerships and new plazas in a wider range of neighbourhoods;
- Implement the program for a longer time period, allowing for more public engagement and data collection; and
- Continue to support local business recovery and safe spaces for social gathering, as Provincial Health Order requirements for physical distancing remain in place.

Included in the July 29, 2020 motion, Council directed staff to report back in Q2 2021 on the feasibility of enabling licensed restaurants to allow patrons to consume an alcoholic beverage while waiting for a table immediately adjacent to the food establishment.

Under the provincial *Liquor Control and Licencing Act* (the "Act"), liquor service may only occur within a licensed establishment's designated and provincially-approved floor plan. Section 73(2) of the *Act* authorizes municipalities to pass a by-law to allow liquor *consumption* in designated spaces; however, there cannot be any liquor *sales or service* in these areas. The areas must also remain public with no restrictions on access based on whether a person has purchased items from a nearby licensed establishment.

To accommodate consumption on a sidewalk under current provincial regulations, an adjacent licensed restaurant would need to sell packaged "to-go" liquor along with food to patrons. The City would then need to define specific boundaries and hours where that liquor could be

consumed, through a by-law amendment. This approach presents considerable challenges due to the complexity of implementation and the need to maintain public access on sidewalks. Implementation considerations include: risk assessments, waste management, public washroom access, clear demarcation and enforcement of consumption areas, and impacts on other public space uses and accessibility. This new use could also result in people gathering on sidewalks where space is constrained, which could limit pedestrian movement and also present challenges to social distancing guidelines during the COVID-19 pandemic.

The proposed pilot plazas can help to support nearby restaurants and businesses by providing a safe social environment for alcohol consumption. The feedback from surrounding businesses for last year's alcohol consumption pilot was very positive. Overall, the plazas provided a safe and positive way to consume "to-go" beverages and food, wait for a table at a restaurant, and socially connect.

Proposed 2021 Plaza Pilot Locations

Staff again solicited proposals from plaza partners via an 'Expression of Interest' process to ensure local area support for the locations. This process was limited to existing public plazas, including pop-up and permanent spaces.

After receiving EOI responses, staff evaluated a total of eight proposed sites. Four locations are being brought forward for Council's consideration in this report, and staff will continue to work with the partners for the remaining potential locations. These additional sites may be brought forward for Council's consideration as we work through details to confirm the partners' interest.

The recommended sites include a mix of new sites and partners, as well as some returning from the 2020 pilot.

Recommended pilot sites:

- 800 Robson – *new site*
Location: 800 block of Robson St., between Howe St. and Hornby St.
Partner: Downtown Vancouver Business Improvement Association (DVBIA) – *returning partner*
- Cambie & 17th Temporary Pop-Up Plaza – *returning site*
Location: East block of W 17th Ave. at Cambie St.
Partner: Cambie Village Business Association (CVBA) – *returning partner*
- Fraser & 27th Temporary Pop-Up Plaza – *new site*
Location: East block of E 27th Ave. at Fraser St.
Partner: Say Mercy! – *new partner*
- 4th and Maple Temporary Pop-Up Plaza – *new site*
Location: South block of Maple St. at W 4th Ave.
Partner: Kitsilano West 4th Avenue Business Improvement Association – *new partner*
(*Construction of this plaza is expected by early June*)

See draft by-law in Appendix A for maps of locations and specific designated areas within each proposed site.

Site Criteria

Staff assessed proposed sites using the same spatial, management and stewardship, and monitoring criteria that were developed with input from partners for the 2020 pilot.

In general, preferred sites for this pilot are smaller neighbourhood scale plazas within commercial areas or delineated portions of larger plazas. The pilot encourages sites that are within walking distance to food-primary businesses, public transit, and overnight parking facilities, while aiming to stay away from sensitive areas such as hospital or health care facilities, or residential-only areas.

A robust and collaborative approach to site management and stewardship is fundamental to the cleanliness and safety of designated pilot sites. To ensure this need could be met, this pilot was limited to existing or incoming pop-up and permanent plazas as these spaces have the necessary partnerships in place to support this approach.

The ability to secure access to public washrooms was a critical criterion of site viability. Washrooms are key to mitigating potential issues related to litter and public urination, in addition to making spaces more welcoming and responsive to public needs. With the current PHO restrictions in place, including the prohibition of indoor dining, many businesses are not able to make their washrooms broadly available, limiting the ability of pilot sites to rely on proximity to existing washrooms. Staff explored the feasibility of temporary portable washrooms for sites without an existing facility. Some proposed sites not shortlisted at this time require more work on the suitability and stewardship of temporary washrooms and may be brought forth for Council consideration at a future date.

Implementation Considerations

Monitoring of the 2020 pilot did not find any safety, health, or nuisance issues, but staff will continue to prepare for mitigation of risks and concerns identified by partners last year in advance of pilot implementation.

Ongoing engagement with VCH and VPD has reiterated 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 again this summer.

VCH has voiced concerns over the long-term impacts of normalizing public drinking in a “binge drinking culture”, and the immediate impacts alcohol-related incidents may have on emergency and hospital services. VCH remains 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. Last year’s pilot did not lead to increased emergency calls or emergency department visits, but monitoring these trends in partnership with VCH and VPD remains an important part of the project.

Staff are working with partners to develop management plans, including considerations for waste management, cleaning, public washroom access, furniture management, monitoring, programming, and issues management protocols. Plans are tailored to each partner’s capacity and plaza management experience; staff will provide a greater level of service and support where needed to build capacity and support a greater diversity of partners and spaces. Signage with clear and publicly accessible informational resources will again be installed at each pilot site.

To ensure pilot sites are managed appropriately and responsive to real-time needs, staff will be using the same five monitoring approaches as were employed in the 2020 pilot:

- 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.

Staff will work with partners to observe site performance and evolve the monitoring approaches where necessary.

Public Space Equity Considerations

To promote safety and well-being in this pilot, staff will again be including safety, support, and harm reduction resources into site signage and working with relevant providers to secure these resources.

The spatial equity of the pilot, as measured by the range of neighbourhoods with designated sites, is limited by the locations of existing plazas. The proposed locations achieve a wider geographical spread than last year's pilot; however, many neighbourhoods are not represented.

While the timeline of this work, and its subsequent limitation to existing plazas, does not allow the program to broadly address the complex and necessary topic of public space equity, staff will consider how the pilot findings may inform bigger conversations around safety and inclusivity in ongoing and future public space work.

Drinker's Lounge Parklet Pilot Extension

In August 2020, a Steering Committee was formed to address complex issues related to public consumption of alcohol in and around the Astoria Hotel. The Steering Committee includes partners from Strathcona BIA, Vancouver Coastal Health, PHS and staff from the Drinker's Lounge, VANDU and people with lived experience, the Downtown Eastside Neighbourhood House (DTES), and First Nations Health Authority (FNHA), WISH Drop-In, Community Policing, and the Parks Board. The Steering Committee has been meeting bi-weekly since summer 2020, continuing to discuss the issue from a diversity of perspectives, gathering data and information, and implementing actions in four key areas:

- 1) 111 Parklet Drinker's Lounge Expansion (operated by PHS)
- 2) Astoria Washroom Trailer Program (to be operated by WISH)
- 3) Connections to Green Space (Oppenheimer, MacLean Park)
- 4) Access to Bus Stops/Street Furniture

The Drinker's Lounge parklet component of the plan provides critical health service for people who have a chronic and high risk health condition. Managed alcohol programs prevent people from drinking harmful non-beverage alcohol products, and support connections to a breadth of health and housing services. Providing safe, accessible and enjoyable alternatives to consume alcohol is the first step in the comprehensive plan. PHS provides regular outreach to connect with drinkers and encourage them to join the community. Establishing relationships and connections does take some time. The parklet has received positive feedback from drinkers and is being used by many as a space to bring drinkers from the community together who, in many cases, are otherwise drinking in public spaces that may be unsafe. At the Drinker's Lounge, members engage in social and Indigenous cultural activities that include connection to Elders and to non-alcoholic drinks and food.

The Steering Committee has implemented additional mitigation measures since the parklet installation, including incentive initiatives, postering at the Astoria and in bus shelters, and decal wayfinding from the Astoria to the Drinker's Lounge. Since the parklet was installed in early March 2021, there have been over 20 new visits to the Drinker's Lounge, including from people drinking outside the Astoria Hotel and at bus stops on the 700/800 block of East Hastings. PHS and WISH are partnering to provide complimentary support for drinkers during the daytime hours of the Astoria Liquor store. WISH will operate the newest Washroom Trailer Program (WTP), located adjacent to the Astoria Hotel.

Given the complexity of the issues and the time needed for non-profit partners to hire staff during ongoing dual public health emergencies, staff recommend an extension of the By-Law amendment for public consumption of alcohol for the Drinker's Lounge parklet at 111 Princess. This will allow partners to continue to initiate and sustain ongoing connections and supports, including cultural and health supports and services for high-risk drinkers with chronic health conditions. PHS has confirmed their operating budget will support the expansion until December 31, 2021. This end of year timeline aligns with the Astoria Washroom Trailer Program operated by WISH. The Astoria Steering Committee will continue to provide oversight and support, monitoring and mitigating issues as they arise, and implementing the next phases of the comprehensive strategy.

This report is recommending an extension to the bylaw amendment to December 31, 2021, 7 days a week from 9:30am – 4:30pm.

Public Input

To date, the pilots have received positive public input. The 2020 plaza pilot received strong public support in online survey responses, and no complaints were received via 3-1-1. The Drinker's Lounge parklet has received positive feedback from drinkers in its initial months and has established a mechanism for quickly responding to complaints should they arise.

Due to the fast-paced and temporary nature of the plaza pilot program, front-end engagement with the public to identify locations for the 2021 pilot has been limited to potential plaza partners – namely BIAs and businesses who currently steward plazas and were thus eligible for the EOI. However, as sites are implemented, staff and partners will work together to inform local businesses and residents of the pilot project, including avenues by which they may continue providing feedback during the pilot. To gather wider public feedback, an online survey will be made available on City webpages and communicated via on-site signage for the duration of the

pilot. The input gathered will inform day-to-day management of pilot sites, as well as longer term public space policy development.

Financial

For the plazas, the City costs for implementation of needed infrastructure such as washroom management, 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 approximately \$5,000 (excluding staff time) for the duration of the pilot. Costs will continue to be tracked and inform a future report back to Council.

The costs associated with the Drinker's Lounge parklet extension will be covered by PHS through their existing budget.

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 space, when managed safely, responsibly, and respectfully for all public space users, may facilitate healthy social bonding during this long period of pandemic-related disruptions. Additionally, spaces for consumption may also support businesses and patrons in a time of reduced capacity, and contribute to local economic recovery. In the case of the Drinker's Lounge parklet, extending the allowance of alcohol consumption helps create a safe and accessible space for people living in poverty and at high risk for alcohol and substance-use related harms. 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

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

BY-LAW NO.**A By-law to amend the City Land Regulation By-law No. 8735
Regarding Consumption of Liquor on City Land (2021)**

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. This By-law amends the indicated provisions of the City Land Regulation By-law.
2. Council strikes out sections 4B and 4C and substitutes:
 - “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) from May 31, 2021 to October 11, 2021, except that in designated area 4, liquor may be consumed from [date of enactment] to December 31, 2021, and in designated area 5, liquor may be consumed from June 7, 2021 to October 11, 2021; and
 - (c) between the hours of 11:00am and 9:00pm, except that in designated area 4, liquor may be consumed between the hours of 9:30am and 4:30pm.”
3. Council strikes out Schedule 1 and substitutes a new Schedule 1, as attached to this By-law as Appendix A.
4. A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.
5. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this day of , 2021

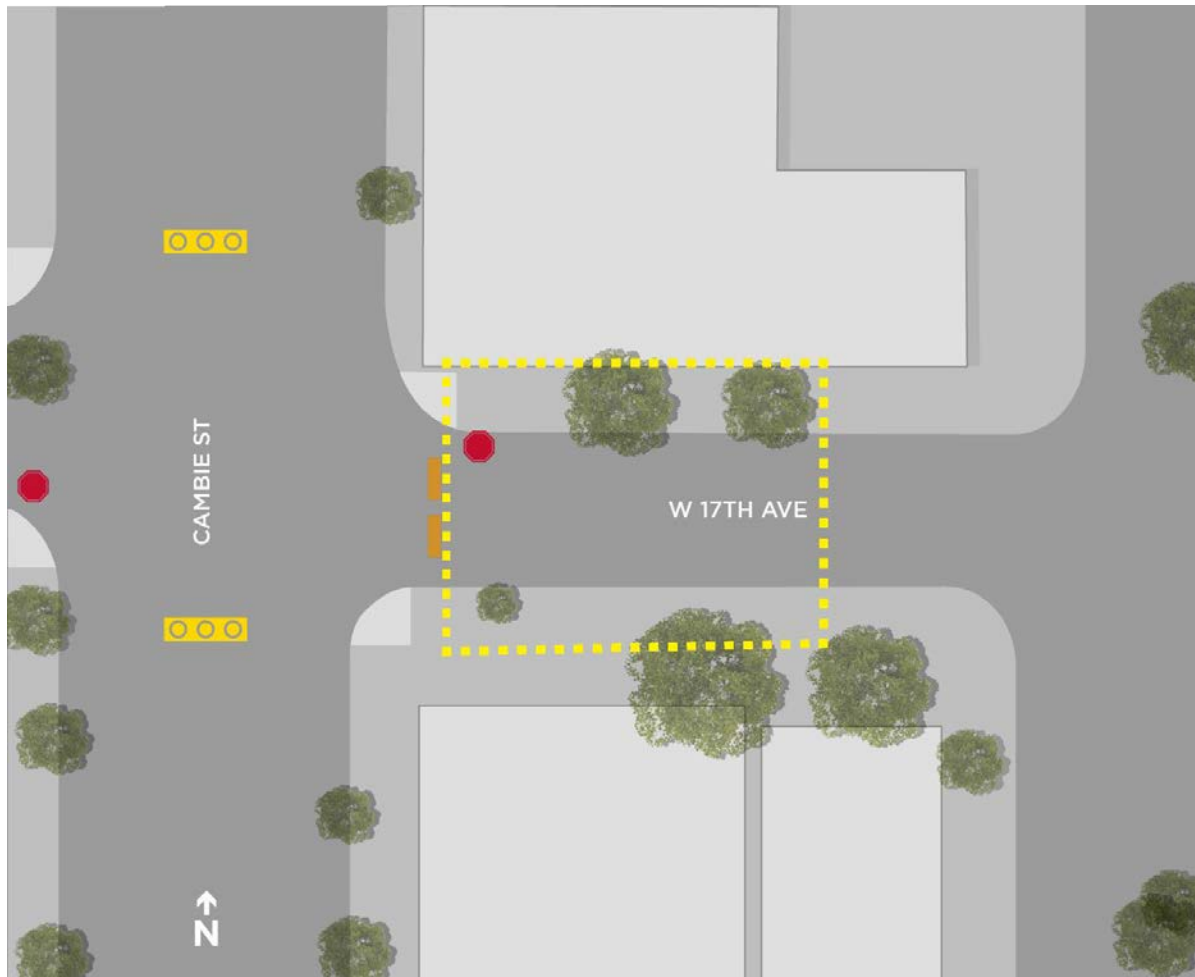
Mayor

City Clerk

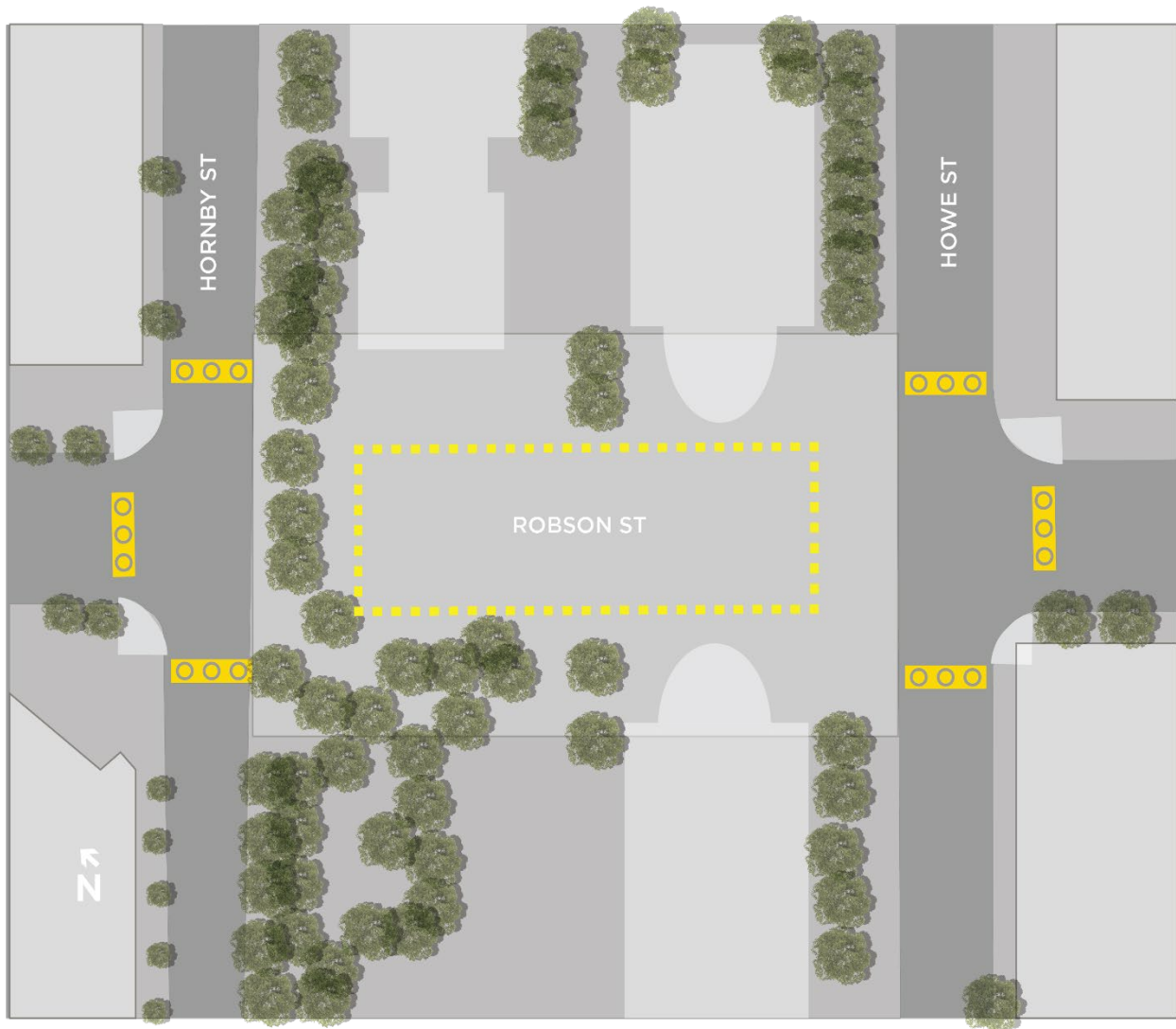
Appendix A

Schedule I
City Land Where Liquor May be Consumed

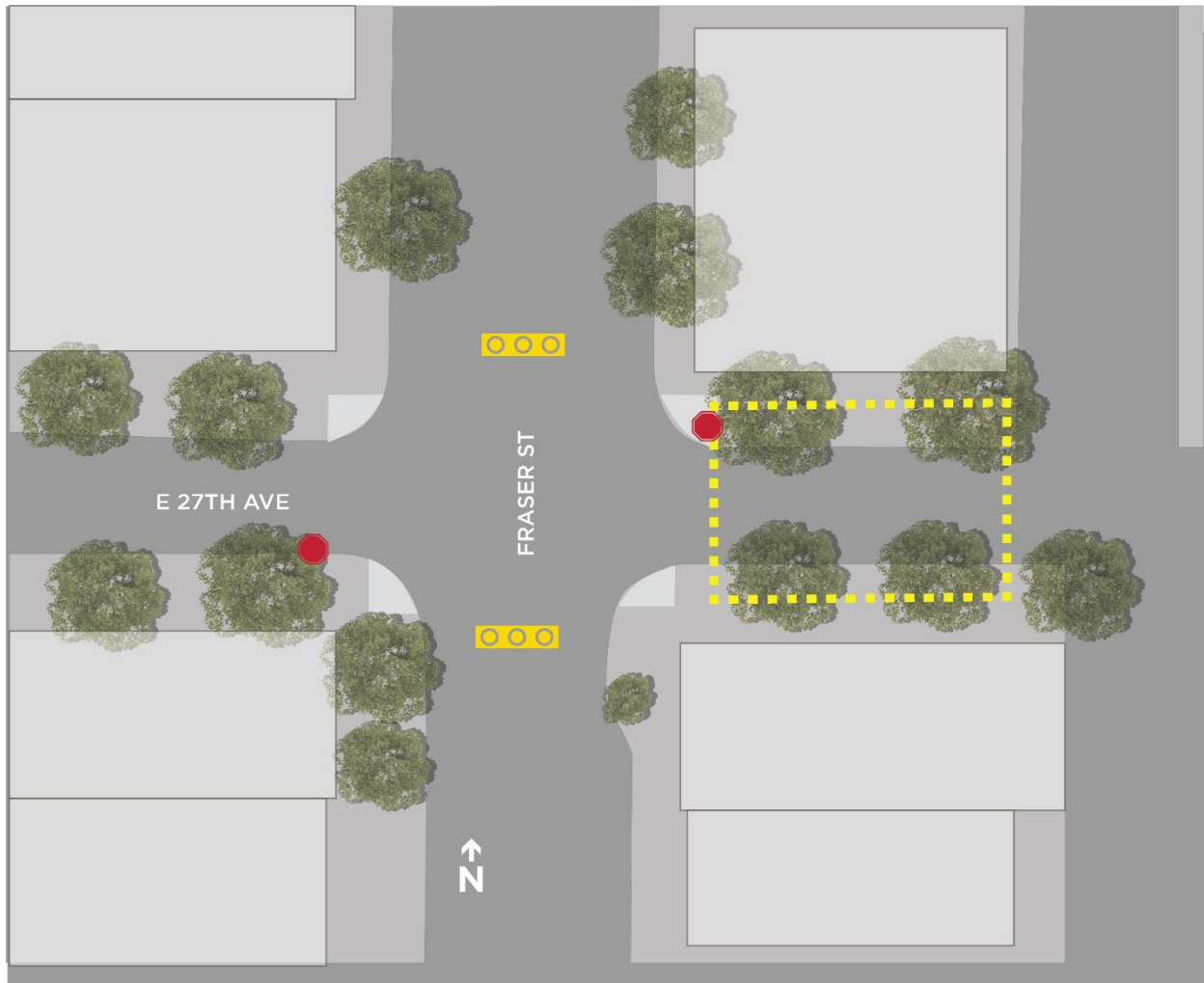
Designated area 1



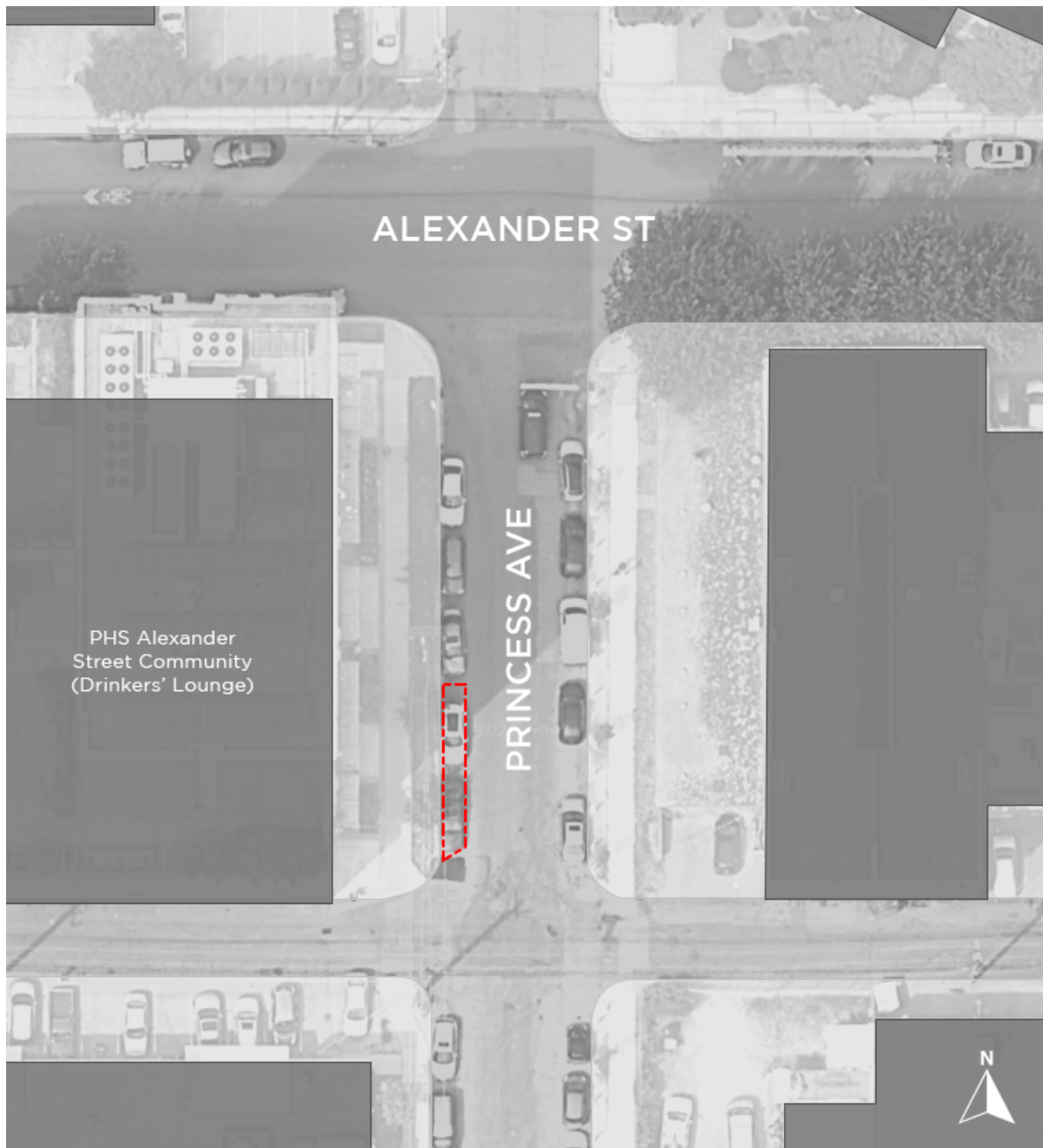
Designated area 2



Designated area 3



Designated area 4



Designated area 5

