



June 30, 2020

TO: Park Board Chair and Commissioners
FROM: General Manager – Vancouver Board of Parks and Recreation
SUBJECT: Liquor Consumption in Parks By-law & Pilot Program

RECOMMENDATION

- A. THAT the Vancouver Park Board approve the proposed amendments to the Parks Control By-Law Regarding Liquor Consumption in Parks, as set out in Appendix A of this report, to temporarily designate the park sites listed in the by-law as places where liquor may be consumed;
- B. THAT the Director of Legal Services be instructed to immediately bring forward a by-law for enactment by the Park Board generally in accordance with Appendix A;
- C. THAT, subject to Board adoption of Recommendations A and B above, along with the enactment of the By-law referenced within those Recommendations, the Vancouver Park Board direct staff to implement the Liquor Consumption in Parks Pilot Program as outlined in this report.

REPORT SUMMARY

Vancouver's parks and beaches are vital in providing space for healthy recreation, leisure, and social connectivity. In recognition of the evolving needs of Vancouverites, particularly as a growing segment of the population has no access to a private yard and thus relies on parks and beaches for gatherings of friends and family, the Board directed staff to conduct a feasibility study for a pilot project that would allow the public to consume their own alcoholic beverages in select park and beach sites. The discussion around allowing alcohol consumption in parks has become more timely in light of the COVID-19 pandemic and the physical distancing required in response. The pandemic has limited the ability of Vancouverites to socialize with their friends and family, however as restrictions in BC ease public health officials advise that socializing outdoors at safe distances reduces risk of virus transmission.

Thus, in response to the Board's direction in the [Alcohol Consumption at Vancouver Parks & Beaches](#) motion, and with increased public interest in being able to consume alcoholic beverages while outside in public parks, staff have developed a pilot program ready to launch in summer 2020. The pilot designates specific areas within ten Vancouver parks where the public would be permitted to consume their own liquor. Subject to Board approval, and contingent upon a provincial amendment to the Liquor Control and Licensing Act, it is expected that the pilot could be ready to implement starting mid-July and run to October 12, 2020 (Thanksgiving weekend). Usage metrics and feedback collected during this pilot will be included in the feasibility study and recommendations that will be reported back to the Board.

BOARD AUTHORITY, RELATED POLICY, & PREVIOUS DECISIONS

Per the [Vancouver Charter](#), the Park Board has exclusive jurisdiction and control over all areas designated as permanent and temporary parks in the City of Vancouver, including any structures, programs and activities, fees, and improvements that occur within those parks. The Board may pass, amend, and repeal by-laws for the control, regulation, protection, and government of these parks and of persons who may be therein.

On December 17, 2018, the Park Board unanimously approved a motion titled [Alcohol Consumption at Vancouver Parks & Beaches](#), which directed staff to conduct a feasibility study for a pilot project that would allow the public to consume their alcoholic beverages on select parks and beaches.

On June 2, 2020, in light of equity considerations and changes related to COVID-19, Vancouver City Council approved the amended motion titled [Allowing Responsible Alcohol Consumption in Vancouver Parks and Beaches](#), which encourages the Vancouver Park Board to initiate a pilot project to allow responsible alcohol consumption in select parks and beaches within Park Board jurisdiction as quickly as possible.

The possession and consumption of alcoholic beverages is governed by the [BC Liquor Control and Licensing Act](#). Section 73(2) of the Act currently allows for a municipality or regional district to pass a bylaw designating a public place within its jurisdiction where liquor may be consumed, and Section 197 of the [Liquor Control and Licensing Regulation](#) outlines the bylaw requirements related to signage, boundaries, and hours. As the Board of Parks and Recreation has jurisdiction over Vancouver parks, but is neither a municipality nor a regional district, this gap in the legislation results in no local government body being able to exercise the authority of Section 73(2) to allow alcohol consumption in public parks in the City of Vancouver. A change to the aforementioned BC Liquor Control and Licensing Act to recognize the Park Board as a governing body would be required before any Park Board by-law could prevail.

BACKGROUND

In recognition that a growing segment of the population of Vancouver has no access to a private yard and thus relies on parks and beaches for gatherings of friends and family, the Park Board passed a motion titled [Alcohol Consumption at Vancouver Parks & Beaches](#) directing staff to conduct a feasibility study for a pilot project that would allow the public to consume their own alcoholic beverages at select park and beach sites. Staff were to identify potential sites for the pilot and report back with study findings, including consultation results and any potential legal, logistical, societal, enforcement, and financial considerations. Feedback and findings from the previously approved 2019 Concession Strategy alcohol pilot were also to be incorporated into the final feasibility report.

Understanding that the feedback and findings gathered during the proposed alcohol consumption pilot would be instrumental in assessing overall feasibility, staff determined that the pilot would need to be undertaken prior to reporting back to the Board on the feasibility study. The motion requested a report back by the end of 2019; however as part of the initial research and planning process, staff discovered a jurisdictional gap in the Provincial legislation governing the consumption of alcohol that needs to be resolved before the proposed pilot can proceed.

Liquor Control and Licensing Act & Park Board Jurisdiction

The possession and consumption of alcoholic beverages is governed by the [BC Liquor Control and Licensing Act](#) (the Act), which allows for a municipality or regional district to pass a bylaw designating a public place within its jurisdiction where liquor may be consumed. However due to the Park Board's unique governance framework -- being neither a municipality nor a regional district -- the Board does not have the authority to pass a bylaw regarding liquor consumption based on the current language in the Act. Since Vancouver City Council does not have the legal authority to pass bylaws for public places within the Park Board's jurisdiction, this has resulted in a gap in the legislation where no local government body is able to allow alcohol consumption in public parks in the City of Vancouver.

In response to questions raised around the Park Board's authority to proceed with this pilot, the BC Attorney General indicated that the intent of the Act was for the Park Board, as a local government, to have this bylaw making authority; however staff have been advised that this authority could be legally challenged unless the language in the Act is expanded to explicitly include the Park Board.

As such, in collaboration with City of Vancouver Legal Services and the Intergovernmental Relations Office, a request has been submitted on the Park Board's behalf for the Province to amend the Act accordingly. With the understanding that this work is underway, staff proceeded with developing plans for the Park Board pilot program and drafting the by-law required to designate the sites where alcohol consumption will be permitted so that, subject to Board approval, the pilot can be implemented as soon as the provincial legislation is updated.

DISCUSSION

Vancouver's parks and beaches are essential to community health and wellbeing, particularly in high density neighbourhoods where access to private outdoor space is limited. This need has been heightened during the COVID-19 pandemic, with BC's Provincial Health Officer stating that spending time in parks is important for mental health, and recommending people socialize outdoors to decrease the risk of virus transmission. As well, ongoing travel restrictions and the reduced operations and/or closures of many businesses, restaurants, and attractions have also contributed to the dramatically increased use of these vital outdoor spaces. Google Mobility data indicates park use is up in the range of 50-70% province-wide.

As restrictions in BC begin to ease and people seek opportunities to resume socializing while still practicing safe distancing, there has been rising public pressure on local governments to allow for the responsible consumption of alcohol in outdoor public spaces, particularly in parks and beaches. As such, several other BC jurisdictions, including Vancouver City Council, have recently passed or are considering passing bylaws on this matter.

Further, in support of safe and equitable access to outdoor spaces, while also recognizing the potential for unconscious bias when alcohol related incidents are enforced, Vancouver City [Council passed a motion](#) encouraging the Park Board to proceed with its proposed pilot to allow alcohol consumption in parks as quickly as possible.

To meet the increasing public demand, and in response to Board and Council motions, staff have developed a pilot program for allowing consumption of alcohol in designated park areas.

Liquor Consumption in Parks Pilot Program

In order to carefully identify and consider the complexities and possible opportunities of such a pilot project, a staff working group was convened with representation from Business Development, Commercial Operations, Park Operations, Recreation Services, Park Rangers, Planning, Policy & Environment, & the General Manager's Office.

Staff have also undertaken preliminary consultations with City of Vancouver Legal Services, Risk Management, Vancouver Police Department (VPD), and Vancouver Fire & Rescue Services, as well as with Vancouver Coastal Health (VCH) to help inform site considerations related to potential risks, enforcement concerns, public health, and safety. Some initial feedback from the Park Rangers and VPD is included later in this report under "Regulation and Enforcement". Feedback from VCH, with relevant excerpts from a letter to Mayor and Council, is also included later in this report under "Public Health Considerations".

Through these consultations, there were some general concerns raised around the potential for increased risks to public health and safety, which could result in a higher number of calls to respond to alcohol related incidents. In consideration of these concerns, staff feel the best way to fully understand and assess the potential impacts of allowing the consumption of alcohol in parks is through a controlled pilot, at a limited number of sites, that can provide opportunities for observation, feedback, and data collection.

This internal & external consultation will be ongoing throughout the pilot as usage is monitored and feedback collected, and will be expanded to include park stakeholders and business partners who may be impacted (positively or negatively). Feedback from the Musqueam, Squamish, and Tsleil-Waututh First Nations will also be sought.

Site Selection Process

Based on preliminary discussions and consultation, the staff working group developed several criteria to guide the selection of potential sites for the pilot:

- a. Highly visible, non-remote locations with emergency vehicle access (public safety);
- b. Distribution of locations city-wide to provide equitable access;
- c. Washroom facilities & recycling/litter receptacles nearby;
- d. Features & amenities appealing for socializing (views, benches, picnic tables/shelters);
- e. Pedestrian, cycling, and public transit access;
- f. Nearby parking for accessibility (seniors, physically disabled, families);
- g. Proximity to food & beverage services (concessions & business partners);
- h. Minimal impacts to natural areas, purpose-built, and/or programmable spaces (e.g. wetlands, meadows, skate parks, dog off-leash areas, sports fields, etc.);
- i. Minimal impacts/disruptions to neighbouring residents;
- j. Minimum 20 metres from playgrounds;
- k. Not adjacent to schools;
- l. Avoid bathing beaches (for aquatic safety reasons);
- m. Avoid primary special event venues (to reduce conflicts/need for temporary restrictions).

Proposed Pilot Sites

After applying the above selection criteria to the park system, staff further assessed the possible options to ensure suitability, access, and equitable distribution across the city.

Based on this review and assessment, staff selected ten (10) parks located in different areas around the city, and then identified specific areas within those parks as being suitable potential options for the pilot program (see Table 1 below).

Park Name	Designated Area(s)	Features
1. Fraser River	grassy area surrounded by the walking path in south park section	washrooms; waterfront view; parking
2. John Hendry (Trout Lake)	three distinct grass areas along east, west & south sides of Trout Lake	washrooms; picnic tables; food & beverage; parking
3. Harbour Green	northwest corner; north of pathway	washrooms; waterfront view; benches; parking
4. Locarno Beach	northeast treed & grassy area; not including any beach area	washrooms; waterfront & beach views; picnic tables; food and beverage; parking
5. Memorial South	northwest corner; excluding water feature	washrooms nearby; picnic tables; close to transit; cycling path
6. New Brighton	three areas - west side excluding hillside & dog park; north & south side of pool outside of fence;	washrooms; bookable picnic sites; waterfront view, food & beverage; parking
7. Queen Elizabeth	central/southwest area; includes Rose Garden	washrooms; cycling route; transit access; central area; garden views; parking
8. Quilchena	southeast corner	washrooms; open space & shaded areas; pathways; cycling route; parking
9. Stanley	two sites in southwest corner - area between tennis courts & lawn bowling club; area adjacent to Ceperley parking lot, including Second Beach picnic site	washrooms; large open space & shaded areas; waterfront view; bookable picnic sites; benches; food & beverage; parking
10. Vanier	northwest corner; south of perimeter path	washrooms; large open space; benches; waterfront view; cycling route; transit access; parking

Table 1: List of Parks with Proposed Designated Areas for Pilot Program

In addition to the suitability features highlighted above, all proposed sites have high visibility for safety reasons, are easily accessible, and allow for emergency vehicle access. Detailed site maps of each park, with the areas where consumption of alcohol will be permitted clearly marked, are included as Schedule 2 of the draft By-law (see Appendix A). These maps will also be included on site signage to ensure the boundaries of designated areas are easily identifiable.

The location of each park included in the pilot program is marked on the citywide map shown in Figure 1. This map illustrates the effort to evenly distribute the pilot sites geographically, while also maintaining a reasonable limit on the number of sites overall.



Figure 1: Map of Parks with Proposed Pilot Program Sites

Proposed Pilot Duration, Hours and Communication Tools

The proposed pilot could be ready to implement as soon as mid-July, subject to the necessary Board approvals and amendments to the Act. Once launched, staff propose that the pilot run from 11:00am to 9:00pm daily, until October 12, 2020 (Thanksgiving weekend). Signage will be posted both onsite and online to identify the pilot site areas, regulations, and contact information.

During the pilot, staff will be monitoring usage and collecting feedback to review during the ongoing stakeholder consultation process and to inform any operational adjustments that might be required to address immediate concerns. These monitoring and data gathering activities will include:

- Regular visits to pilot sites for observation;
- Increasing Park Ranger patrols and tracking service calls & response data related to pilot;
- Reviewing public feedback received via 311, online web forms, and direct to staff;
- Installing onsite signage with contact information for public questions & feedback;
- Developing a dedicated webpage for the pilot to provide information and collect feedback via an online survey; will be promoted through social media channels.

- Working with park operations staff for ongoing feedback on cleaning & maintenance needs;
- Consulting with park business partners and internal stakeholders to address potential impacts and identify opportunities;
- Consulting with external stakeholders to collect comments & feedback.

Staff anticipate that the frequency of washroom cleaning, litter-picking and garbage removal may need to be increased, with additional bins installed in some areas.

Regulation and Enforcement

Park Rangers play a key role in informing park users about relevant by-laws and legislation and monitoring parks so they remain safe and accessible for all. The rangers expect this initiative will result in more calls for service, however are supportive of proceeding with the pilot in recognition that the initiative may provide an opportunity to support the community and local businesses during the pandemic.

As it is the responsibility of the Vancouver Police Department to enforce issues related to liquor consumption, Park Rangers will contact the VPD when assistance or enforcement is needed. In preliminary discussions the VPD have raised concerns around public safety. Staff will work collaboratively with both the VPD and Rangers during the pilot process to identify challenges and opportunities.

Public Health Considerations

Vancouver Coastal Health cautiously supports a re-examination of alcohol consumption in public places in light of COVID-19 pandemic. Although VCH has not endorsed the number or specific locations of pilot sites, they have reviewed and provided input on the site selection criteria and have indicated that monitoring and data collection will be critical to gauge the effectiveness and success of the pilot program.

In a letter to the Mayor and City Council on May 14, 2020, the Chief Medical Health Officer indicated “in regards to debates surrounding liquor policy reform, both heavy and moderate drinking brings elevated risks to individual health and to the public at large. Alcohol is a leading risk factor for premature death and disability worldwide and a causal factor in more than 200 disease and injury conditions. Risks and harms from alcohol are not limited to individual drinkers themselves. Alcohol addiction and problematic drinking can place serious strain on professional and personal relationships and negatively impact public health. With this in mind, we do recognize that the current circumstances regarding the use of public space, responsible socialization, social isolation, and liquor consumption among Canadians have changed due to the COVID-19 pandemic, and as such, it is reasonable to re-examine these things in the public interest.”

The Chief Medical Health Officer adds “regarding parks and beaches, instructions to Park Board staff to “conduct a feasibility study for a pilot project that would allow the public to consume their own alcoholic beverages on select parks and beaches” were approved in a motion put forward by Commissioner Dave Demers in December 2018. Before further changes are made to liquor policy in the City of Vancouver, particularly as they pertain to parks and beaches, we recommend that this work be completed to inform the next steps.”

Financial Considerations

Vancouver parks are already seeing an impact on cleaning and maintenance needs due to the growing demand on outdoor public spaces during the pandemic. In addition to signage

production and installation costs, it is anticipated that the pilot will require an increase in the frequency of Ranger patrols, monitoring, washroom service, litter-picking and trash removal, which will result in additional operational/labour costs. These costs will need to be managed within the existing park operating budget, which may result in reduced service levels in other areas as we prioritize this initiative.

These operational needs will be monitored during the pilot, with any estimated incremental costs for future initiatives, whether permanent or temporary, included as part of the feasibility study report back to the Board.

CONCLUSION & NEXT STEPS

Staff recommend that the Board approve the proposed “Liquor Consumption in Parks” pilot program and related by-law outlined in this report and attached as Appendix A. Subject to the Board’s approval, staff would present the proposed by-law at the first Regular Board meeting following this approval for immediate enactment.

Staff will continue with stakeholder consultations and the development of communication tools (signage, website, surveys, etc.) in preparation for a mid-July implementation of the pilot. This target launch is conditional upon the Province of BC amending the Liquor Control and Licensing Act to clarify the Park Board’s jurisdictional authority in relation to Section 73(2) of the Act.

Assuming the Act is amended as required and the pilot program proceeds as planned, staff will report back to the Board with the pilot findings and recommendations on the feasibility of future initiatives that continue to support the Park Board mandate to provide parks and recreation spaces that are safe and welcoming for all.

General Manager's Office
Vancouver Board of Parks and Recreation
Vancouver, BC

lt/ds/clc

Liquor Consumption in Parks By-law (DRAFT)

**DRAFT By-law to Amend the Parks Control By-law Regarding
Liquor Consumption in Parks**

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 Parks Control By-law.

2. In section 1, the Board:

(a) 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

(b) renumbers the existing subsections accordingly.

3. The Board adds the following new sections in the correct numerical order:

“

CONSUMPTION OF LIQUOR

23A. The parks or parts thereof listed in Schedule 2 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.

23B. Liquor may be consumed in a park:

(a) in those areas designated as places where liquor may be consumed under section 23A of this by-law;

(b) between [date of enactment of by-law] and October 12, 2020; and

(c) between the hours of 11:00am and 9:00pm.

23C. The General Manager 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.

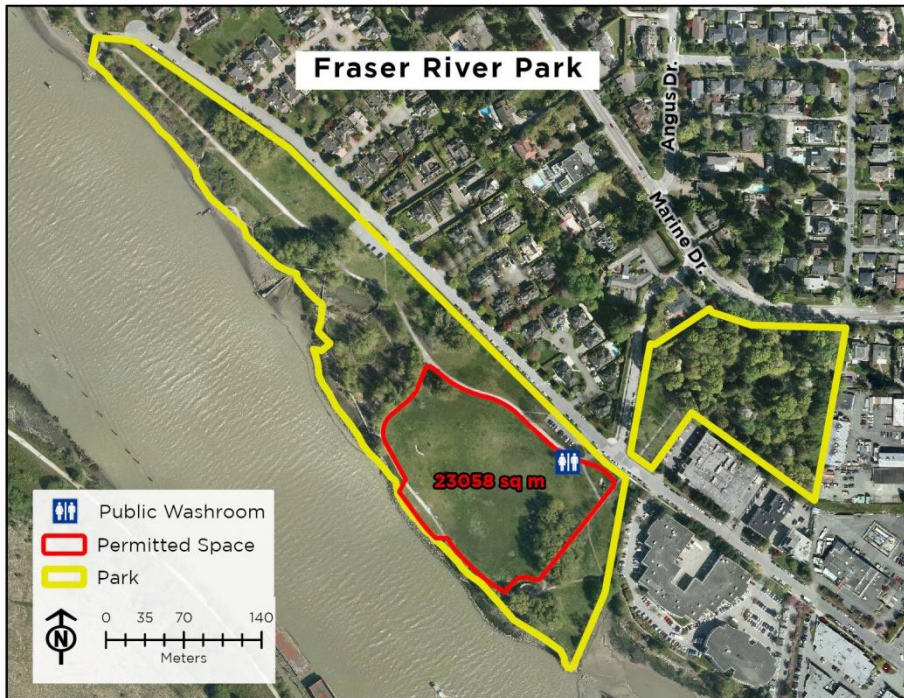
23D. The signs referred to in section 23C must:

(a) number no fewer than what is required to reasonably indicate the boundaries of the designated place;

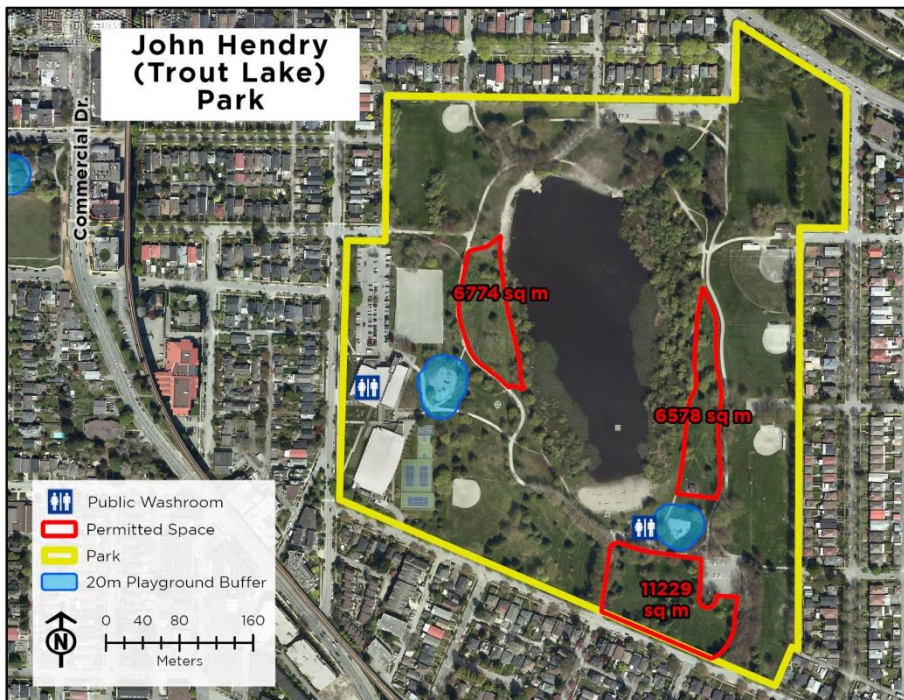
Liquor Consumption in Parks By-law (DRAFT)

- (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. The Board adds a new Schedule 2 – Parks and Areas of Parks Where Liquor May be Consumed, as attached to this By-law as Pilot Sites (Schedule 2).

Liquor Consumption in Parks By-law (DRAFT) – Pilot Sites (Schedule 2)

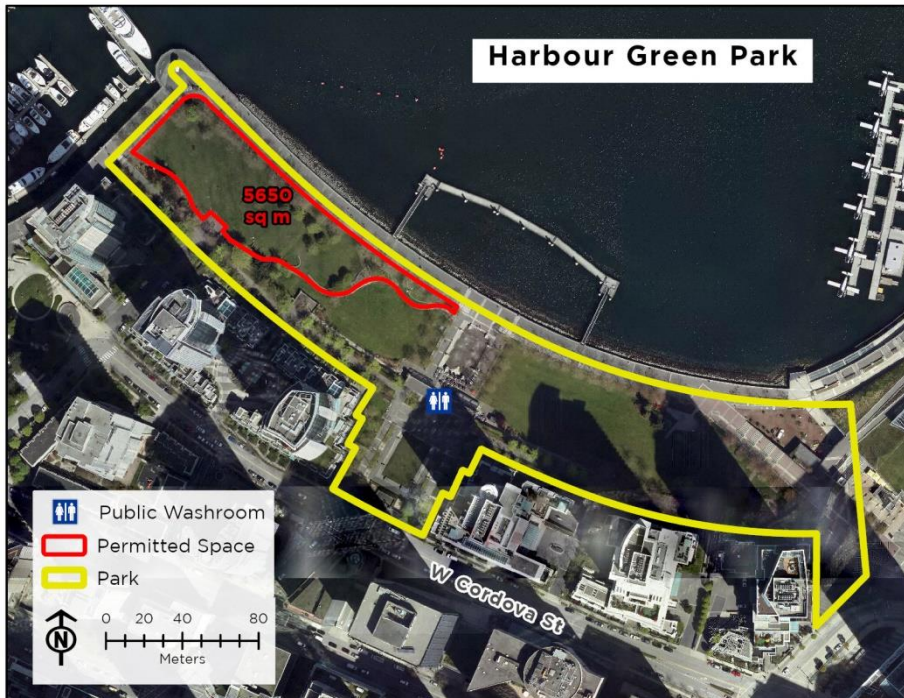


1. Fraser River Park - Designated Area



2: John Hendry (Trout Lake) Park - Designated Areas (x3)

Liquor Consumption in Parks By-law (DRAFT) – Pilot Sites (Schedule 2)



3: Harbour Green Park - Designated Area



4: Locarno Beach Park - Designated Area

Liquor Consumption in Parks By-law (DRAFT) – Pilot Sites (Schedule 2)



5: Memorial South Park - Designated Area



6: New Brighton Park - Designated Areas (x3)

Liquor Consumption in Parks By-law (DRAFT) – Pilot Sites (Schedule 2)



7: Queen Elizabeth Park - Designated Areas (x2)



8: Quilchena Park - Designated Area

Liquor Consumption in Parks By-law (DRAFT) – Pilot Sites (Schedule 2)



9: Stanley Park - Designated Areas (x2)



10: Vanier Park - Designated Area