

THE CORPORATION OF THE
CITY OF WHITE ROCK
CORPORATE REPORT



DATE: April 19, 2021

TO: Mayor and Council

FROM: Carl Isaak, Director, Planning and Development Services

SUBJECT: Consumption of Liquor in Public Places Bylaw No. 2385

RECOMMENDATIONS

THAT Council:

1. Receive the April 26, 2021, corporate report from the Director of Planning and Development Services, titled "Consumption of Liquor in Public Places Bylaw No. 2385;"
 2. Direct that, if the bylaw is adopted, the Director of Engineering and Municipal Operations or their designate is to provide signage in the Memorial Park Plaza area to establish a rule prohibiting glass containers in the Memorial Park Plaza area; and
 3. Direct that, if the bylaw is adopted, public input and observations on the initiative be obtained via a new dedicated City email address (e.g. liquorfeedback@whiterockcity.ca), for future review of the program by Council.
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EXECUTIVE SUMMARY

On April 12, 2021, Council requested that a draft bylaw be brought back to Council for reconsideration that would allow the consumption of liquor in Memorial Park Plaza. A draft bylaw for this purpose was previously considered and did not proceed on July 13, 2020. Council further requested that staff confirm if there is space to locate additional picnic tables in the plaza area. This report provides an introduction for discussion of the draft bylaw ("Consumption of Liquor in Public Places Bylaw, 2021, No. 2385"), which is included under the Bylaws section of this agenda. The report also notes that the number of tables in the plaza is at the maximum.

Under the current public health orders, food and liquor serving establishments are limited to takeout, delivery, and outdoor patio service only. As patio spaces are limited, and the public may prefer to eat their takeout in a more open setting than at patio table, public spaces such as the picnic tables in Memorial Park Plaza have been well-utilized by takeout customers and are expected to continue to be a popular option for outdoor dining in the summer months. Currently, while takeout customers can purchase takeout liquor with their food order, they would have to return home to consume it as liquor consumption in public places is not currently permitted.

Council has the authority, by bylaw, to establish public areas where consumption of liquor is permitted. This has been requested previously through the White Rock Business Improvement Association (BIA) as a means of supporting the financial viability of restaurants who could direct takeout patrons to a nearby space where they could legally consume alcohol with their meal.

This report identifies several aspects of such a program that Council may wish to consider before approving the draft bylaw, including enforcement, garbage and recycling impacts, and relationship with existing public health orders such as the order on Gatherings and Events and the order on Food and Liquor Serving Establishments. These orders are subject to change during the COVID-19 pandemic and could in the future restrict outdoor dining in outdoor public places.

This report also notes concerns by the RCMP that this permission for Memorial Park Plaza may lead the perception that alcohol consumption is allowed in all public places, and the RCMP will not have the capacity to monitor the compliance of a designated liquor consumption area with any effectiveness.

Staff consider that the allowing liquor consumption in Memorial Park may have benefits for attracting more business for local restaurants and providing an opportunity for outdoor socializing within a household and responsible drinking with a meal, which has been successful in other BC cities, but that if the bylaw does proceed that it be done with the awareness that it may need to be rescinded and the program cancelled if issues arise.

PREVIOUS COUNCIL DIRECTION

Motion # & Meeting Date	Motion Details
June 1, 2020 2020-323	THAT Council direct staff to bring forward a bylaw to allow for the consumption of liquor in Memorial Park plaza, and that the COVID-19 Recovery Task Force be requested to consider recommending additional potential public places that may be appropriate for allowing consumption of liquor.
June 8, 2020 2020-336	THAT Council direct staff to acquire and install picnic tables and benches for outdoor public use, focusing on the plaza at Memorial Park as well as other appropriate locations in East Beach and the Uptown area, using \$10,000 from operating contingency for the picnic tables and benches, and expand the outdoor seating program If further donations are received from partners.
July 13, 2020 2020-377	THAT Council endorses Option 3 of the report dated July 13, 2020 from the Director of Planning and Development Services titled “Consideration of Liquor Consumption at Memorial Park Plaza”, which is not proceed with allowing liquor consumption in at Memorial Park Plaza.
April 12, 2021 [draft; wording subject to review]	THAT Council endorse the bylaw and information regarding regulations in relation to businesses for takeout with alcohol at Memorial Park be brought back to Council for consideration.
April 12, 2021 [draft; wording subject to review]	THAT Council endorses the hire of an afternoon shift for this year and address it annually following this year, to address additional garbage pickup requirements, and that the funding source would be the COVID-19 grant. [related to garbage and recycling collection on the waterfront]

INTRODUCTION/BACKGROUND

The purpose of this corporate report is to provide Council with a bylaw for consideration that would enable the consumption of liquor at Memorial Park Plaza, in response to Council's resolution on April 12, 2021.

A draft bylaw and related report on this topic were previously provided to Council on July 13, 2020 (attached to this report as Appendix A), but the draft bylaw was not supported at that time. Other communities in British Columbia, including the cities of North Vancouver and Port Coquitlam had been piloting a similar program to allow responsible drinking in parks in the summer of 2020, and have since made their programs permanent with minor changes.

The current context for reconsideration is that due to a COVID-19 related Public Health Order from March 31, 2021 limiting food and liquor serving establishments to takeout, delivery or patio service only, and concerns regarding the economic impact of these orders to restaurant operators. While takeout service is allowed to include liquor, patrons would need to return home in order to consume liquor with their meal, as liquor consumption is not currently allowed in public places other than licensed patios. This may deter some customers from purchasing takeout liquor from restaurants since they cannot consume it in the waterfront setting.

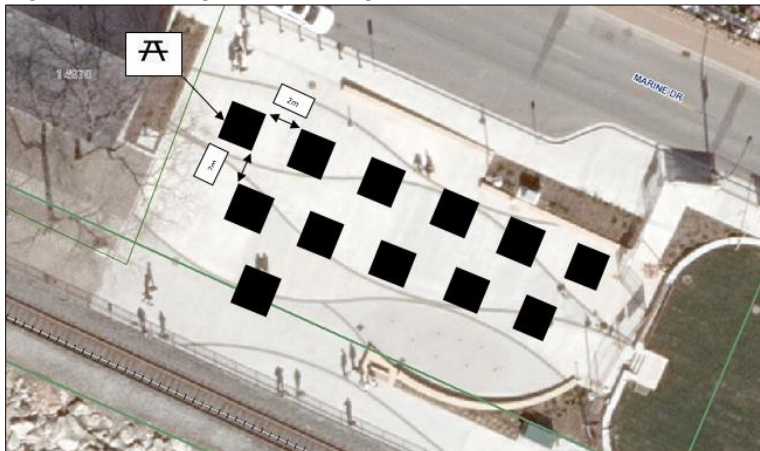
The revised bylaw that is being brought back for reconsideration has four minor changes from the draft bylaw presented in 2020, as follows:

1. The permitted starting hours of liquor consumption have been expanded from 4:00 p.m. to 11:00 a.m. to allow for the option of lunch takeout service;
2. The signage specifications required by the Liquor Control and Licensing Regulation have been adjusted to be more flexible (minimum sign dimensions of 17" x 24," rather than specific dimensions) in case adjustments are required; and
3. The area of permitted space for liquor consumption has been slightly increase to encompass the plaza area up to surrounding landscape planters to allow signage to be posted in the ground in the landscape planter spaces rather than damaging the concrete surface of the plaza.

Current Picnic Tables in Memorial Park Plaza

The Engineering and Municipal Operations Department has noted that the current amount of 12 picnic tables in Memorial Park Plaza are the maximum number of tables that can fit in the space while maintaining adequate separation from adjacent tables, circulation spaces around the stairs and concrete seat walls, and allowing for the use of the spray pad in the plaza. A diagram of the existing plaza and general table arrangements is provided below for reference.

Figure 1: Existing Table Configuration at Memorial Park Plaza



The City has four other picnic tables that were also acquired last summer, which have been recently re-stained and will be deployed in East Beach at Ash Street and in the grassy area by Five Corners (two in each location) before the end of April 2021.

Use of Permitted Space by Public / Customers

The current plaza and picnic tables remain open to the public for use whether their meals are brought from home or purchased as take-out from a local restaurant. It is recommended that this carry forward, as it is a public space and enforcement of “take-out only” use of the picnic tables would not be feasible.

While use of the area and tables would not be restricted to takeout customers, if Council wanted to encourage this, small plaques could be added to the picnic tables with the following language or similar: “Please use this table to enjoy your takeout food and beverages.”

Outdoor Picnic/Dining Areas and Relationship with COVID-19 Gatherings and Events Order

The patio tables in Memorial Park Plaza are already well used by the public, particularly during sunny weather, and are available on a first-come, first-serve basis. By permitting liquor consumption in the plaza area it may increase demand for the table spaces. Regardless of whether liquor is permitted to be consumed in this area, the picnic tables and plaza do attract a considerable amount of people. This does not formally constitute an event or gathering, however, the current Gatherings and Events public health orders and any future revisions to these orders may impact the use of the space. For example, a large group of people (i.e. more than ten) would not be permitted to use the space as a location to gather, even at multiple tables in the plaza.

The current Gatherings and Events public health order guidance from the Province (<https://www2.gov.bc.ca/gov/content/covid-19/info/restrictions>) notes that while gatherings of up to ten people are currently permitted at a park or beach, the guidance is that this is not an opportunity to gather with several groups of new people, that people are to continue to use COVID-19 layers of protection and maintain physical distancing, and that patios and outdoor areas at restaurants, pubs and bars are not included as places to gather with ten people at one table.

On that basis, and in alignment with the Food and Drink Serving Establishments public health order (applicable to businesses but not directly related to public places) the groups seated at tables would be expected to comply with the requirement that people should only be dining with their household, and a maximum of six people from the same household should be seated at the tables.

If there are contraventions of current public health orders, regardless of whether liquor consumption is permitted in the area or not, these could result in a fine from an RCMP member. Bylaw Enforcement Officers do not have the authority to issue fines and would rely on contacting the RCMP if a member of the public does not comply with a warning.

Use of Non-Glass Containers

If the bylaw proceeds, staff recommend that in addition to the signage identifying the boundaries of the area permitted for liquor consumption, that the Parks Department post a rule for the Memorial Park Plaza area stating that glass containers are prohibited in the area. This is in accordance with the recommendation from the RCMP noted in the Interdepartmental Involvement/Implications section, and particularly relevant given the splash/spray pad in the plaza that would continue to be operational in close proximity to the picnic tables in the plaza.

FINANCIAL IMPLICATIONS

If the initiative proceeds, additional recycling bins will be located in nearby areas where liquor consumption is permitted, in order to reduce the amount of recyclable containers entering the garbage stream or being littered on the waterfront or sidewalks. A small number of signs would also be required by legislation to mark the area where liquor consumption is permitted, and it is recommended that a rule that no glass containers are permitted in the plaza be indicated through signage in the plaza.

There may be additional costs for garbage and recycling removal in this area, which would potentially impact the Parks Department budget as an increase to the contractor's cost for emptying garbage more frequently. A separate resolution regarding garbage pickup on the waterfront was passed by Council on April 12, 2021, adding an afternoon shift to reduce the existing higher than normal levels of garbage experienced likely due to an increased volume of takeout orders.

LEGAL IMPLICATIONS

Section 73 of the *Liquor Control and Licensing Act* and section 197 of the *Liquor Control and Licensing Regulation* enables local governments to identify public areas where consumption of liquor is permitted.

Section 74 of the *Liquor Control and Licensing Act* prohibits intoxication in a public place, and would remain enforceable by a peace officer if consumption of liquor is permitted. As with current instances of public intoxication which occur outside of bylaw enforcement hours, this would primarily require the response of an RCMP member.

If Council proceeds with this draft bylaw and later determines it is no longer desirable or necessary, the bylaw would need to be rescinded.

COMMUNICATION AND COMMUNITY ENGAGEMENT IMPLICATIONS

If Council approves the consumption of alcohol in a public outdoor area, staff recommend that public input and observations on the initiative be sought through a new dedicated email address (e.g. "liquorfeedback@whiterockcity.ca") which can then be compiled for future review of the program by Council.

Alternatively, public input and observations on the initiative could be sought through online feedback at www.talkwhiterock.ca, which can be formatted as an online message board where each poster's comments are visible to other users.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS

In the July 13, 2020 report on this topic, the Detachment Commander of the White Rock RCMP provided the following comments on this proposal:

We have a concern with the public perception of a bylaw allowing for consumption of liquor in a public place that may be interpreted as "all public places." We are supportive of a primary food service business that also sells liquor with food to extend the limits of their liquor consumption area into a nearby defined public area. The hours of consumption and the nature of the consumption with a meal are important to emphasize, as well that it is an accompaniment to a meal and not a primarily liquor consumption area or have the appearance of a beer garden. It is also suggested that liquor be served in non-glass containers if this bylaw is approved. The act of people purchasing food and liquor, then taking this to another non-designated public area may be problematic to

control and give the impression that public consumption is widely accepted when not controlled. The RCMP will not have the capacity to monitor the compliance of a designated liquor consumption area with any effectiveness and can only do so on a sporadic basis.

The Engineering and Municipal Operations Department has also reviewed the draft bylaw and provided input on the signage specifications.

CLIMATE CHANGE IMPLICATIONS

Not applicable.

ALIGNMENT WITH STRATEGIC PRIORITIES

Under the “Waterfront” theme in Council’s Strategic Priorities, the objective to “attract visitors and residents to the Waterfront” relates to supporting businesses. Allowing liquor consumption in Memorial Park Plaza in close proximity to restaurants may encourage existing takeout customers to purchase a beverage in addition to the takeout food they would have purchased anyway, expanding the revenue potential for businesses, or potentially attract new takeout customers to restaurants that would otherwise not have come to the area.

Further, under the COVID-19 response theme in Council’s Strategic Priorities, the objective to “advocate on behalf of small business and work with community groups to support the local business community during the pandemic” is indirectly related to this initiative.

The COVID-19 response theme also includes the objective to “operate all facilities and provide services consistent with Provincial health orders.” Any new public health order issued that would require the suspension or modification of this program would be followed as necessary.

OPTIONS / RISKS / ALTERNATIVES

The following options are available for Council’s consideration:

1. Direct staff to identify alternate public places where liquor consumption may be allowed either in addition to or instead of Memorial Park Plaza;
2. Direct staff to refer this report and draft bylaw to the COVID-19 Recovery Task Force on April 20, 2021 for a recommendation on this topic; or
3. Direct staff to not proceed with the draft bylaw.

CONCLUSION

Due to a COVID-19 related Public Health Order from March 31, 2021 limiting food and liquor serving establishments to takeout, delivery or patio service only, there are concerns regarding the economic impact of these orders to restaurant operators. This report brings back, for Council’s reconsideration, a draft bylaw that would permit the consumption of liquor in Memorial Park Plaza as a way to encourage takeout customers to also purchase liquor from local restaurants. Staff consider that allowing liquor consumption in Memorial Park may have benefits for attracting more business for local restaurants and providing an opportunity for outdoor socializing within a household and responsible drinking with a meal, which has been successful

in other BC cities, but that if the bylaw does proceed that it be done with the awareness that it may need to be rescinded and the program cancelled if issues arise.

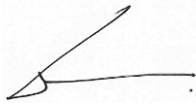
Respectfully submitted,

A handwritten signature in black ink that reads "Carl Isaak". The signature is written in a cursive style with a large, stylized 'C' and 'I'.

Carl Isaak, RPP, MCIP
Director, Planning and Development Services

Comments from the Chief Administrative Officer

I concur with the recommendations of this corporate report.

A handwritten signature in black ink that appears to be "Guillermo Ferrero". The signature is written in a cursive style with a large, stylized 'G' and 'F'.

Guillermo Ferrero
Chief Administrative Officer

Appendix A: Corporate Report dated July 13, 2020 titled "Consideration of Liquor Consumption at Memorial Park Plaza"