



March 1, 2017

TO: Park Board Chair and Commissioners
FROM: General Manager - Vancouver Board of Parks and Recreation
SUBJECT: 420 Protest Event Permit Application

RECOMMENDATION

Step 1:

THAT the Vancouver Park Board call the question on the following motion referred from the February 20, 2017 In Camera Board meeting:

MOVED by Commissioner Coupar
SECONDED by Commissioner Crawford

THAT in the interest of upholding the Parks Control By-laws, the Vancouver Park Board will not permit or approve future 420 and/or cannabis day events on any property that falls under Park Board jurisdiction.

Step 2:

THAT, should the referred motion in *Step 1* fail, and with the understanding that a 420 protest event will be taking place at Sunset Beach Park, the Vancouver Park Board approve an application from the Vancouver 420 Events Society and direct staff to issue a permit for the organizers to host their Vancouver 420 protest event at Sunset Beach Park on April 20, 2017 between 11:00am to 6:00pm, with all arrangements to the satisfaction of the General Manager of the Park Board; and

FURTHER THAT a limited and event-specific exemption to the Parks Control Smoking Regulation By-law be provided for this initiative as requested by the organizers; and

FURTHER THAT permission be granted for the sale of items pursuant to Section 4(a)(i) of the Parks Control Bylaw for the duration of the event.

REPORT SUMMARY

In 2016, despite concerns raised regarding the impacts to the public, local residents, and nearby businesses, and efforts made to find a suitable alternate location, an unsanctioned pro-marijuana 420 protest event took place at Sunset Beach Park on April 20. Although a special event permit was not issued, staff worked collaboratively with the organizers and other key stakeholder groups in the interest of ensuring public health and safety. Due to the large number of participants, the Parks Control By-law that regulates smoking in Vancouver parks was not enforceable during the event.

Although both the Park Board and the organizers are seeking a different location for future 420 initiatives, staff have been advised that the 2017 event will be returning to Sunset Beach

Park. The organizers have submitted a special event permit application with a smoking by-law exemption request, which if approved, would enable the group to seek liability insurance for the event, would provide an opportunity for recovery of some permit fees, and potentially improve compliance with Park Board special event practices and procedures.

BOARD AUTHORITY / PREVIOUS DECISIONS

Park Board approval is required for special events not included in the annual Calendar of Major Special Events and/or that are in variance with one or more Park Board by-laws.

The Parks Control By-law for Smoking Regulation prohibits individuals from smoking:

- a) in a park;
- b) on a seawall or beach in a park;
- c) in a building in a park, except in a caretaker's residence;
- d) in a customer service area in a park;
- e) in a vehicle for hire in a park;
- f) on public transit in a park; or
- g) in an enclosed or partially enclosed shelter in a park where people wait to board a vehicle for hire or public transit.

The Park Control By-law also sets out in Section 4(a)(i) that:

Except with the permission of the Board, no person shall, in any park, sell, offer to sell, or expose for sale any food, beverage, or article or thing of any kind.

At the In-Camera Park Board meeting on February 20, 2017, the Board referred the following motion to the Regular Board meeting scheduled for March 6, 2017:

THAT in the interest of upholding the Parks Control By-laws, the Vancouver Park Board will not permit or approve future 4/20 and/or cannabis day events on any property that falls under Park Board jurisdiction.

BACKGROUND

Vancouver's 420 pro-marijuana initiative has taken place annually since 1995. Prior to 2016, the event was held on the plazas, grounds, and streets surrounding the Vancouver Art Gallery. Having outgrown that location, the organizers selected Sunset Beach Park as the venue for their event in 2016. The event was delivered safely, but was not sanctioned and special event permits were not granted.

Park Board staff worked collaboratively with the impacted stakeholders (several City of Vancouver departments, the Vancouver Police Department, Vancouver Fire & Rescue Services, provincial and federal safety agencies, etc.) toward ensuring the health and safety of event participants and the public in general. The event organizers were also provided with direction regarding expectations and requirements based on knowledge and experience acquired from previous 420 initiatives. Park Board staff and other stakeholders further developed comprehensive operations and communications plans to guide their respective activities. This interdisciplinary planning approach was effective in mitigating risks and minimizing the impacts of the event.

DISCUSSION

At the completion of the 2016 Vancouver 420 event, Park Board staff worked with the City of Vancouver's Legal Department and other stakeholders to explore ways in which to prevent the event from returning to Sunset Beach Park (or any other Park Board location) and to identify a more appropriate location for this event. Unfortunately, while re-location efforts are ongoing, they have not yet been successful. Accordingly, the Vancouver 420 Events Society notified Park Board staff that they plan to return to Sunset Beach Park in 2017. A formal special event permit application has been submitted, which includes a preliminary site plan (see Appendix A), and a request for an exemption to the Parks Control By-law that regulates smoking.

Concurrent to these actions, and in order to establish a more integrated and comprehensive approach to planning, decision-making, and operational execution of the 420 initiative, an inter-departmental Working Group (comprised of City of Vancouver Engineering, Office of Emergency Management, Legal and Risk Management, Vancouver Police Department, Vancouver Fire & Rescue Services and Park Board staff) and Steering Committee were formed in January 2017.

While both groups acknowledge the challenging aspects associated with the 420 celebration and protest, they also recognize that the event will occur regardless. Further, with the impending federal legalization of marijuana, there is recognition that in the foreseeable future, the 420 initiative will likely shift from being a protest to a legal celebration.

Special Event Permit - Provisional Approach

Although not past practice, should the Park Board and City of Vancouver choose to work proactively with the event organizers during this transitional period, and if a special event permit is granted, a provisional process could be developed for the 2017 Vancouver 420 event. Through this process, the Park Board would be establishing a precedent and framework for future 420 events that would be expanded incrementally to reduce risk and liability, allow for permit fee recovery, and provide greater control/compliance with special events practices and procedures. Provided below is a summary of some of the potential risks and benefits should the Park Board decide to approve the special event permit and by-law exemption request.

Risks / Disadvantages:

- sets precedent - may encourage other events involving smoking at parks and beaches.
- conflicts with mandate - may create a perception that smoking at parks and beaches is acceptable, which is not aligned to the Park Board's primary mandate of promoting health and wellness.
- reputational harm - associated with permitting an event involving the sale and consumption of what is currently an illegal product/substance.

Benefits / Advantages:

- mitigates liability - granting a permit will enable the organizers to seek liability insurance which may potentially reduce risk to the Park Board/City (insurance details and exclusions would be subject to the approval of the City of Vancouver).
- regulates vendors - organizers will be required to oversee and regulate event vendors.
- permit fee recovery - organizers will be billed for some event-related expenses (estimated at \$155,000 for 2017), thereby providing some cost recovery for the Park Board/City.
- increases compliance - setting clear processes and event expectations will help to improve compliance and communications.

CONCLUSION

Staff are aware that the 420 celebratory and protest event will be occurring at Sunset Beach Park regardless of whether the Park Board approves the special event permit and by-law exemption that has been requested by the organizers. As such, the Working Group and Steering Committee continues to refine operational plans that are informed by past learnings. While taking a provisional approach may provide more mechanisms to regulate the event, staff will use whatever tools are available to ensure that public health and safety is the first priority and that impacts to the park and local community are mitigated to the greatest extent possible.

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Vancouver 420 Protest Event - Preliminary Site Plan

