

From: "Mochrie, Paul" <Paul.Mochrie@vancouver.ca>

To: "Direct to Mayor and Council - DL"

CC: "City Manager's Correspondence Group - DL"

Date: 1/24/2019 9:21:00 AM

Subject: RE: Memo - 420 Cannabis Event

Attachments: CMO - Memo to Council - 420 event - January 23 2019.pdf

Greetings Mayor and Council,

My apologies – the version of the memo re 420 that I forwarded yesterday afternoon was missing alternate pages. The complete memo is attached and I expect it will make much more sense with pages 2 and 4.

Paul

From: Mochrie, Paul

Sent: Wednesday, January 23, 2019 6:03 PM

To: Direct to Mayor and Council - DL

Cc: City Manager's Correspondence Group - DL

Subject: Memo - 420 Cannabis Event

Good afternoon Mayor and Council,

In response to a request for information, we have prepared the attached memo regarding the annual 420 cannabis event. The memo provides background information regarding the history of the 420 event in Vancouver, the current regulatory status of cannabis-related public events, community impacts and costs associated with 420 and direction received from the previous Council to consider alternate City-owned sites that may present a more appropriate venue for this gathering.

We are presently working to determine the intentions of the event organizers for 2019 and to outline the City's options to manage or respond to the challenges associated with this event. We will report back to Council once that information is available.

Please let me know if you have any questions at this point.

Best,
Paul

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MEMORANDUM

January 23, 2019

TO: Mayor and Council

CC: Sadhu Johnston, City Manager
Lynda Graves, Administration Services Manager, City Manager's Office
Rena Kendall-Craden, Civic Engagement and Communications Director
Katrina Leckovic, City Clerk
Neil Monckton, Chief of Staff, Mayor's Office
Alvin Singh, Communications Director, Mayor's Office
Anita Zaenker, Chief of Staff, Mayor's Office
Malcolm Bromley, General Manager, Parks & Recreation
Kaye Krishna, General Manager, Development, Buildings and Licensing
Francie Connell, Director, Legal Services

FROM: Paul Mochrie
Deputy City Manager

SUBJECT: 420 Cannabis Event

In response to a request for information, we are writing to provide Council with an overview of the annual 420 cannabis event held annually in Vancouver, the implications of this event and the City's response to date.

Background

420 is the name adopted by cannabis-advocacy protest events that occur annually around the world on April 20. The initial 420 event in Vancouver was held in 1995 on the north plaza of the Vancouver Art Gallery and continued through 2015 at that location. Due to space constraints and associated public safety issues, as well as the reconstruction of the north plaza, organizers relocated the primary event to Sunset Beach Park in 2016 and returned to that site in 2017 and 2018. In 2016 and 2017, cannabis-related protests were also held on the 800 block of Robson Street (VAG south plaza) concurrent with the large 420 event at Sunset Beach.

On April 20, 2018, the VPD estimated that 40,000 people were present at Sunset Beach Park at the peak of the protest. VPD also counted 482 vendor tents. We understand that event organizers generate revenue from fees paid by vendors to set up their tents.

In addition to the events on April 20, cannabis protests have been held in recent years on July 1. In 2017 and 2018, the July 1 event took place in Thornton Park.

Sales and consumption of cannabis and cannabis products, including edible products, are a defining feature of all of these events.

Legal Status

Neither the City nor Park Board have issued permits in the past authorizing cannabis-related events at Sunset Beach or any other location. Historically, 420 events have been characterized by organizers as protests against restrictions on the use of cannabis and thereby subject to *Charter of Rights and Freedoms* provisions protecting freedom of expression and association.

Effective October 17, 2018, the Government of Canada implemented a significant overhaul of the legal framework governing the production, sale, possession and use of cannabis for recreational purposes. Those activities are now legal, subject to conditions set out in a series of federal and provincial statutes and regulations.

In the post-legalization context, there are a number of specific considerations pertaining to public gatherings like the 420 event. First, the sale of cannabis and cannabis products at such events remains prohibited in BC. The *Cannabis Control and Licensing Act* restricts the legal sale of recreational cannabis to the provincial government's online distributor and retail storefront locations licensed by the Province. Pursuant to the *Cannabis Distribution Act*, licensed retailers are also obligated to purchase inventory exclusively from the BC Liquor Distribution Branch. The provincial licensing framework explicitly excludes the issuance of event-type cannabis retail licenses.

The sale of edible cannabis products, widespread at past 420 events, remains prohibited under federal law.

In addition to the constraints on sale, the *Cannabis Control and Licensing Act* prohibits smoking or vaping cannabis in many public places, including parks and beaches. The *Parks Smoking Regulation By-law* also prohibits smoking in Vancouver parks under the jurisdiction of the Park Board.

The *Cannabis Control and Licensing Act* provides provincial officials with broad powers to enforce the Act, including entry to commercial premises without a warrant, seizure of product and imposition of monetary penalties. At this time, we understand that the Province's cannabis enforcement branch is scaling up and is not yet conducting enforcement operations.

Community Impact

The following tables summarize the number of complaints to 3-1-1, parking enforcement actions and medical responses at Sunset Beach and the 800 block of Robson St over the past two years. Impacts of these events included diminished air quality, amplified noise/music, traffic disruption, disruption of services at the Vancouver Aquatic Centre, restricted access to the seawall adjacent to Sunset Beach and damage to the grass field at Sunset Beach Park.

In 2018, in an aim to reduce impacts on neighboring residents, ensure an orderly load-in and minimize park damage, Park Board staff allowed organizers to set up large equipment and infrastructure the day prior to the event (April 19).

3-1-1 Complaints		
Site	2017	2018
Sunset Beach Park	60	53
800 Robson St.	9	2
Total	69	55

Most complaints received by 3-1-1 were related to:

- the lack of bylaw and law enforcement at the events;
- non-permitted events inappropriately characterized as protests;
- resident access in the impacted area;
- noise; and
- diminished air quality.

Parking Enforcement		
Enforcement Action	2017	2018
Bylaw tickets issued	320	209
Vehicles towed	240	170
Total	560	379

Medical Response		
Response Type	2017	2018
Transport to St. Paul's Hospital	19	13
Treated by MedTech (the first aid provider contracted by the event organizers)	6	30
Subjects refused treatment	14	17
Total	39	60

Cost Implications

Due to the size and impact of past 420 events, the City, Park Board, and Vancouver Police Department have undertaken an extensive planning effort and operational response to ensure the safety of attendees and the general public. As is the case with other large, unpermitted protest events, the City, Park Board and VPD incurred significant costs to maintain public safety during these events.

Costs associated with the 420 events in 2017 and 2018 are outlined in the table below.

Department	2017 Costs	2018 Costs
Incremental Costs (e.g. materials, overtime, staff called-out for the event)		
Parks and Recreation	\$34,630	\$37,554
Vancouver Fire and Rescue	\$11,760	\$18,023
Vancouver Police Department	\$170,670	\$184,667
Engineering (Streets & Traffic, Parking Enforcement and Sanitation)	\$25,949	\$28,490
Emergency Management	\$2,370	\$807
311		\$982
Total incremental costs	\$245,379	\$ 270,523
Non-Incremental Costs (e.g. regular wages for staff redeployed from regular activities)		
Non-Incremental Costs - Parks	\$32,126	\$ 27,316
Non-Incremental Costs - Eng	\$4,720	\$ 3,720
Total non-incremental costs	\$36,846	\$ 31,036
Total Costs (combined incremental and non-incremental costs)	\$282,225	\$ 301,559

In 2017, Park Board issued an invoice to the event organizers to recoup incremental and non-incremental costs associated with the 420 event at Sunset Beach Park. The invoice totalled \$66,757. In response to that invoice, the organizers provided a payment of \$6690 to address costs directly related to damage to the field.

In 2018, invoices were issued by the City as well as Park Board. The event organizers provided payment in the amounts of \$31,097 to the City and \$32,104 to Park Board. Those amounts approximate the incremental non-policing costs incurred in relation to the 2018 event. The event organizers have explicitly refused to consider reimbursement for any policing-related expenses.

Consideration of Alternate Locations

On March 29, 2017, Council debated the following motion regarding the annual 420 cannabis event:

THEREFORE BE IT RESOLVED THAT Vancouver City Council direct staff to consult with the 420 event organizers and the public to identify an appropriate non-residential neighbourhood City site where Vancouver's 420 event could be held in future years.

The above-referenced motion was not approved, but rather was referred to staff with the following direction:

THAT this matter be referred to staff for consideration pending the anticipated legal framework for cannabis by the Government of Canada.

In response to Council's referral motion, as well as the concerns expressed by Park Board regarding the non-permitted use of Sunset Beach as the site of the 420 event, staff investigated alternative sites that could potentially accommodate a large event of this nature. Excluding other parks, we did not identify another City-owned property that is sufficiently large and that would not result in similar impacts for adjacent residential properties.

One site, in particular, was the subject of extensive review regarding suitability for this purpose: the City-owned property located immediately to the east of the Cambie Bridge and north of 1st Avenue. Given third party leases for portions of the site, the available space is considerably smaller than footprint of the 420 event at Sunset Beach. In discussion with Malcolm Bromley and me late last year, the organizers of the 2018 event rejected the site as unsuitable and declined to consider relocation from Sunset Beach. Now that temporary modular housing has been constructed on this site, there is no longer a viable prospect for large public events at this location.

Summary

As set out above, the framework for legalization of recreational cannabis use in British Columbia does not provide scope for a legal public 420 event that involves the sale of cannabis or cannabis products.

At present, we are working to determine organizers' intentions in relation to a 420 event this year and to outline the options available to the City and Park Board in response to those plans. We will provide a follow-up briefing to Council once this information is available.

If you have any questions or concerns in the interim, please do not hesitate to contact me.



Paul Mochrie
Deputy City Manager

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