

DATE OF MEETING July 9, 2018

AUTHORED BY KARIN KRONSTAL, SOCIAL PLANNER, COMMUNITY AND CULTURAL PLANNING

SUBJECT SUPERVISED CONSUMPTION SERVICE - PROPOSED ZONING BYLAW AMENDMENTS

OVERVIEW

Purpose of Report

To provide Council with information regarding Zoning Bylaw regulations related to the siting of a federally regulated and recognized Supervised Consumption Service, and to request that Council refer the relevant Zoning Bylaw amendments to the Community Planning and Development Committee and the Public Safety Committee for review.

Recommendation

That Council refer the review of Zoning Bylaw amendments related to Supervised Consumption Services to the Community Planning and Development Committee and the Public Safety Committee for recommendation.

BACKGROUND

Council, at its Regular Council Meeting of 2018-MAY-07, passed the following motion:

“That Council direct Staff to identify sites available for a federally regulated and recognized supervised consumption service.”

In consultation with Island Health, Staff reviewed options for the siting and zoning of Nanaimo’s first Supervised Consumption Service (SCS). At an SCS, individuals can inject or consume substances under the supervision of trained staff and have opportunities to engage in other health and social services. The goal of an SCS is to reduce the fatality rate associated with opioid overdoses.

While examining possible locations, Staff determined that none of the land uses currently defined in the Zoning Bylaw accurately reflect the services offered by a Supervised Consumption Service. The closest zoning definition currently found in Zoning Bylaw No. 4500 is ‘Drug Addiction Treatment Facility,’ which is defined as “the use of a building to treat persons with substance abuse problems, and includes needle exchange facilities, safe injection sites, Methadone clinics, and the like.” This use is permitted on a site-specific basis only.

The definition for ‘Drug Addiction Treatment Facility’ was adopted in the City’s Zoning Bylaw on 2005-FEB-07 (Bylaw No. 4000.365) as part of a set of general Zoning Bylaw amendments for Nanaimo’s downtown that were created in response to the Nanaimo Downtown Plan. While the definition of Drug Addiction Treatment Facility was introduced within Bylaw No. 4000.365, the use was not permitted by right within any zone, a situation which continues to this day.

DISCUSSION

The siting of a Supervised Consumption Service is a business function of Island Health; however, moving forward with an application to the federal government for an exemption to the *Controlled Substances Act* requires that Island Health have a site with the appropriate zoning and/or another form of municipal approval. Under the status quo, any new 'Drug Addiction Treatment Facility' must be approved by Council on a site-specific basis.

In order to consider whether to allow an SCS in more zones, Staff recommend that there be a review of several aspects of the Zoning Bylaw. Specifically, Staff recommend reviewing the following:

- The definitions of 'Drug Addiction Treatment Facility,' 'Office Medical/Dental' and 'Personal Care Facility';
- Whether to add a new definition for the land use 'Supervised Consumption Service'; and,
- Whether to establish zones where an SCS is permitted (either by right or on a site-specific basis).

Staff are recommending that Council refer the above review to the Community Planning and Development Committee and the Public Safety Committee for recommendation.

Should future amendments that permit an SCS in some zones be approved by Council, they will provide Island Health with a wider range of site location options for Supervised Consumption Services. It is important to note that any medical practitioner or institution wishing to open an SCS will still be required to make an application to the Federal Government for an exemption to the *Controlled Substances Act* for a specific site. |

OPTIONS

1. That Council refer the review of Zoning Bylaw amendments related to Supervised Consumption Services to the Community Planning and Development Committee and the Public Safety Committee for recommendation.
 - **Policy Implication:** Following the meetings with the Community Development Committee and the Public Safety Committee, Council would be presented with proposed Zoning Bylaw amendments for consideration.
 - **Engagement Implication:** The Community Planning and Development Committee and the Public Safety Committee provide a recommendation to Council as representatives of the broader community.
 - **Strategic Priorities Implication:** Supports "Social Equity" by creating a sustainable community that reduces the effects of poverty overall, increases citizen safety, and nurtures health and inclusivity.

2. That Council make no changes to the current Zoning Bylaw and consider any future application for a Supervised Consumption Service as a site-specific use under 'Drug Addiction Treatment Facility'.
 - **Policy Implication:** The current definitions in the Zoning Bylaw for 'Drug Addiction Treatment Facility' do not accurately reflect the services provided at a Supervised Consumption Service.
 - **Engagement Implication:** Any future application for rezoning would require a community consultation process as per the Provincial *Respect for Communities Act*.
 - **Strategic Priorities Implication:** Does not support the Strategic Priority of "Social Equity."
3. That Council provide alternative direction to Staff. |

SUMMARY POINTS

- On 2018-MAY-07, Council directed Staff to identify sites available for a federally regulated and recognized Supervised Consumption Service.
- Under the current Zoning Bylaw, a Supervised Consumption Service is considered a 'Drug Addiction Treatment Facility' and is approved on a site-specific basis.
- Staff recommend that Council refer potential amendments to the Zoning Bylaw related to the Supervised Consumption Service to the Community Planning and Development Committee and the Public Safety Committee for consideration. |

Submitted by:

Lainya Rowett
Manager, Current Planning and Subdivision |

Concurrence by:

Dale Lindsay
Director, Community Development |