

DATE OF MEETING |February 3, 2020|

AUTHORED BY |KARIN KRONSTAL, SOCIAL PLANNER

SUBJECT |SUPERVISED CONSUMPTION SITE ZONING AMENDMENTS

OVERVIEW

Purpose of Report

To provide Council with options for changes to “City of Nanaimo Zoning Bylaw 2011 No. 4500” related to the siting of Federally-approved supervised consumption sites. |

Recommendation

That

1. “Zoning Amendment Bylaw 2020 No. 4500.173” (To remove the definition for ‘Drug Addiction Treatment Facility’, amend the definition of ‘Office Medical/Dental’ to exclude Supervised Consumption Sites, and add a definition for Supervised Consumption Sites) pass first reading; and
2. “Zoning Amendment Bylaw 2020 No. 4500.173” pass second reading.

BACKGROUND

At its Regular Council Meeting on 2020-JAN-13, Council directed Staff to bring forward a “City of Nanaimo 2011 No. 4500” (the “Zoning Bylaw”) amendment to change the definition of Office/Medical Dental to be interpreted more broadly and to exclude Supervised Consumption Site (SCS), and for the topic of SCS to be brought to the Health and Housing Task Force. This report follows up on the first part of that motion. The topic will also be discussed at a future meeting of the Health and Housing Task Force.

DISCUSSION

Council’s direction on 2020-JAN-13 would allow Council to continue to consider SCS use through a site-specific zoning approval process. This direction also addresses outdated language in the Drug Addiction Treatment Facility definition, and creates clarity for health services allowed under Office/Medical Dental. In order to amend the definition of Office/Medical Dental to exclude SCS, a new definition for SCS must also be added to the Zoning Bylaw. Subsequently the proposed “Zoning Amendment Bylaw No. 4500.173” as attached, includes three changes:

1. It repeals the definition of ‘Drug Addiction Treatment Facility’;
2. It amends the definition of Office/Medical Dental to mean, “the office, clinic or laboratory of a health professional in the field of medicine, including a doctor, dentist, optometrist, physiotherapist, chiropractor and medical technician; and any other health professional designated under the Province of British Columbia’s *Health Professions Act* or *Emergency Health Services Act*. This use excludes Supervised Consumption Site”; and

3. It adds a new definition for SCS as meaning, “the supervised consumption of controlled substances as regulated under the Government of Canada’s *Respect for Communities Act* and *Controlled Drugs and Substances Act*, as well as any subsequent Act or Acts, which may be enacted in substitution thereto”.

Considering any future SCS on a site-specific basis allows Council to attach conditions for an SCS through the zoning approval process. This approach strikes a balance by acknowledging that an SCS is a necessary health service, while recognizing the City is accountable to the public for potential impacts that may result from introducing a new potentially high-impact use to a neighbourhood through regulatory changes. Should Council choose not to proceed with the option presented, the status quo would remain, meaning that an SCS would still require a site-specific rezoning, but under the existing definition of ‘Drug Addiction Treatment Facility.’

OPTIONS

1. That:
 1. “Zoning Amendment Bylaw 2020 No. 4500.173” (To remove the definition for ‘Drug Addiction Treatment Facility’, amend the definition of ‘Office Medical/Dental’ to exclude Supervised Consumption Sites, and add a definition for Supervised Consumption Sites) pass first reading; and
 2. “Zoning Amendment Bylaw 2020 No. 4500.173” pass second reading.
 - Advantages: Provides Council with a greater level of oversight and accountability for the siting of any future SCS. Permits Council to add conditions of rezoning approval. Consistent with precedent policies of requiring site-specific rezoning for Liquor Retail Stores and Cannabis Retail Stores.
 - Disadvantages: Requires that Council make a decision on a specific location in response to a future SCS application, rather than leaving that decision up to Island Health based on public health criteria. This gives Island Health less flexibility in siting options and could be seen as stigmatizing towards substance users.
2. That Council provide alternative direction.

SUMMARY POINTS

- Consistent with Council direction on 2020-JAN-13, Staff are bringing forward revisions to the Zoning Bylaw to repeal the definition of ‘Drug Addiction Treatment Facility’, amend the definition of Office/Medical Dental to exclude SCS and add a definition for SCS to continue to be permitted on a site-specific basis.
- Should Council choose not to proceed with the option presented, the status quo would remain, meaning that an SCS would still require a site-specific rezoning, but under the existing definition of ‘Drug Addiction Treatment Facility.’
- Further discussion about SCS will be brought to a future meeting of the Health and Housing Task Force.

ATTACHMENTS:

“Zoning Amendment Bylaw 2020 No. 4500.173”

Submitted by:

Lisa Bhopalsingh
Manager, Community Planning

Lainya Rowett
Manager, Current Planning

Concurrence by:

Jeremy Holm
Director, Development Approvals

Bill Corsan
Director, Community Development

Dale Lindsay
General Manager, Development Services