

DATE OF MEETING May 15, 2017

AUTHORED BY TAMERA ROGERS, PLANNER, CURRENT PLANNING AND  
SUBDIVISION

SUBJECT REZONING APPLICATION NO. RA379 - 437 WESLEY STREET

## **OVERVIEW**

### **Purpose of Report**

To present Council with a rezoning application for a site specific text amendment to the existing Quennell Square (DT7) zone to allow a supervised consumption service as a permitted use at 437 Wesley Street.

### **Recommendation**

That Council:

1. give first reading to "Zoning Amendment Bylaw 2017 No. 4500.108" (to permit a site specific text amendment to the existing Quennell Square [DT7] zone to allow a supervised consumption service as a permitted use at 437 Wesley Street); and,
2. give second reading to "Zoning Amendment Bylaw 2017 No. 4500.108".

## **BACKGROUND**

The City of Nanaimo has submitted a rezoning application, RA379, for a site specific text amendment to the existing Quennell Square (DT7) zone to permit a supervised consumption service (SCS) at 437 Wesley Street.

The subject property currently hosts a temporary overdose prevention service (OPS) which was established due to a public health emergency declared by the BC Chief Medical Health Officer in April of 2016 and enabled by Ministerial Order M488, issued 2016-DEC-09. OPSs and SCSs are both health services that monitor persons who are at risk of opioid overdose and provide rapid intervention as necessary. An OPS is intended to provide immediate emergency response, whereas an SCS is intended to provide permanent and sustained harm reduction intervention.

Island Health has identified three main goals of SCSs:

1. Reduce the number of drug overdoses;
2. Engage people who use drugs in health services that can enhance treatment for substance use and mental health, and potentially reduce transmission of diseases; and,
3. Reduce community impacts, such as public drug use and improperly discarded needles.

SCSs are part of a broad overdose response strategy which also includes: education, prevention, counselling, substance use treatment and supports, and access to mental health services.

## Legal Framework

The federal government permits the establishment of SCSs through an exemption under Section 56 of the *Controlled Drugs and Substances Act* (CDSA) where the twenty-six required criteria are met in accordance with the *Respect for Communities Act*, an amendment to the CDSA. Island Health is making an application to the federal government for an exemption to permit a permanent supervised consumption service at 437 Wesley Street.

At the Special Council Meeting of 2017-JAN-12, Council passed a motion to direct Staff to assist Island Health in a joint public engagement process regarding the establishment of a temporary OPS and the subsequent establishment of a permanent service to address this public health issue. The City of Nanaimo "Zoning Bylaw 2011 No. 4500" does not define "supervised consumption service" or permit this use in the existing zoning (DT7) of the subject property. Therefore, a rezoning application is required to allow this use within the property.

## Subject Property

<i>Location:</i>	The subject property is located at the end of Wesley Street, south of the Franklyn Street/Wesley Street intersection
<i>Total Lot Area:</i>	1,446m <sup>2</sup>
<i>Current Zone:</i>	DT7 – Quennell Square
<i>Official Community Plan Designation:</i>	Downtown Centre Urban Node

The subject property is owned by the City of Nanaimo and contains an existing four-storey, 36 unit supportive housing building leased by BC Housing and operated by Canadian Mental Health Association (CMHA). The surrounding area is primarily comprised of commercial uses with large parking lots adjacent to the subject property. The Nob Hill and Old City residential neighbourhoods are located to the south and west, respectively.

## DISCUSSION

### Proposed Amendment

The City of Nanaimo "Zoning Bylaw 2011 No. 4500" currently contemplates the use ("safe injection site") within the context of a "Drug Treatment Facility"; however, due to the public health issue, this use is now being considered beyond the confines of a treatment facility.

The purpose of the rezoning application is to include a site specific text amendment to the Quennell Square (DT7) zone to allow an SCS use to replace the temporary OPS at 437 Wesley Street, and to add the following definition for “supervised consumption service” to the City of Nanaimo “Zoning Bylaw 2011 No. 4500”:

*“means a health service provided for individuals to inject or otherwise consume illicit drugs within a supervised and controlled environment at a location specified in the terms and conditions of an exemption granted in accordance with the provisions of the Controlled Drugs and Substances Act”.*

### Site Rationale

The 437 Wesley Street location was identified by a working group established with representatives from Island Health, City of Nanaimo, RCMP, and the Canadian Mental Health Association - Mid Island (CMHA) and in consultation with service providers and substance users. The following site benefits were identified:

- A central location within a geographical area experiencing the highest rate of overdoses in Nanaimo;
- Co-located with complementary services including supportive housing and social and clinical supports;
- Located in the same building as the existing OPS, providing consistency to service users; and,
- Existing onsite security with building support and property management.

Additionally, there is an existing Good Neighbour Agreement between CMHA (operator of 437 Wesley Street), City of Nanaimo, RCMP, Nanaimo Old City Association, Neighbours of Nob Hill Society, and the Old City Quarter Association with monthly meetings to discuss and resolve any issues generated from uses on the site.

### Operational Plan

The proposed SCS will be funded by Island Health and operated by CMHA. CMHA will enter into a contractual arrangement with Island Health to deliver the SCS in a manner similar to the provision of the OPS currently offered at 437 Wesley Street.

As with the existing OPS, the SCS will be open 7 days a week, between 10:30 a.m. and midnight. Staffing will include a mix of Island Health clinical outreach professionals who will work with onsite staff to deliver services including supervision, education about safer consumption practices, overdose prevention and intervention, sterile injection equipment, and medical and counseling services.

The majority of the existing building will continue to be used by CMHA as supportive housing, with a small portion of the building used as a SCS. Depending on the need, the location will be sized to manage between two to five clients at the same time.



Minor renovations are anticipated including a separate entrance off of Wesley Street, reception area and new ventilation system for the health and wellness of staff and clients.

### Public Consultation

In accordance with Council direction, Staff has assisted Island Health in a joint public engagement process, including communication releases and three public information meetings (between November 2016 and April 2017) regarding the establishment of a temporary OPS and the subsequent establishment of a permanent SCS. The consultation process was intended to engage a wide range of community groups and residents of Nanaimo, and seek public input on the proposal to provide a supervised consumption service in Nanaimo.

### Public Safety Committee

Dr. Paul Hasselback, Vancouver Island Health Authority, and Bruce Anderson, Manager of Community and Cultural Planning, presented on the proposed SCS at the Public Safety Committee meeting of 2017-APR-06. The committee accepted the information.

## **Staff Review**

### *Official Community Plan*

The Official Community Plan (OCP) designates 437 Wesley Street as “Downtown Centre Urban Node”. The Downtown Centre Urban Node land use designation is intended to contain an appropriate mix and range of services oriented toward the social and health needs of residents both in the Urban Node and in the surrounding community. Community services are to be developed in consultation with both residents and the people who use them, and will be located where they are easy to access and close to their target populations.

Staff is of the opinion that locating this proposed use on the subject property addresses the intent of the OCP by locating this health service in an area with the highest need.

## **SUMMARY POINTS**

- The application is for a site specific text amendment to the existing Quennell Square (DT7) zone to allow a supervised consumption service as a permitted use at 437 Wesley Street.
- Three public information sessions have been offered jointly by the City of Nanaimo and Island Health between November 2016 and April 2017.
- The proposed rezoning meets the policy objectives of the Urban Node designation of the OCP and responds to address this public health issue.

**ATTACHMENTS**

ATTACHMENT A: Location Plan  
ATTACHMENT B: Rezoning Rationale Letter  
ATTACHMENT C: Aerial Photo  
ATTACHMENT D: "Zoning Amendment Bylaw 2017 No. 4500.108"

**Submitted by:**



L. Rowett  
Manager, Current Planning and Subdivision

**Concurrence by:**



D. Lindsay  
Director, Community Development

ATTACHMENT A  
LOCATION PLAN



REZONING APPLICATION NO. RA000379

## LOCATION PLAN

Civic: 437 Wesley Street  
Lot 1, Section 1, Nanaimo District,  
Plan VIP88017, Except Part in Plan EPP11593



 Subject Property



## ATTACHMENT B REZONING RATIONALE LETTER

### Rezoning rationale – 437 Wesley Street

The applicant is seeking a zoning amendment of the subject property to allow for a “Supervised Consumption Service” (SCS) as a site specific permitted use at 437 Wesley Street. The site currently hosts a temporary “Overdose Prevention Service” (OPS) which was established arising from a Public Health Emergency declared by the BC Chief Medical Health Officer in April of 2016 and enabled by Ministerial Order M488, issued 2016-DEC-09. Both the OPS and the SCS are services that monitor persons who are risk of opioid overdose and provide rapid intervention as and when necessary.

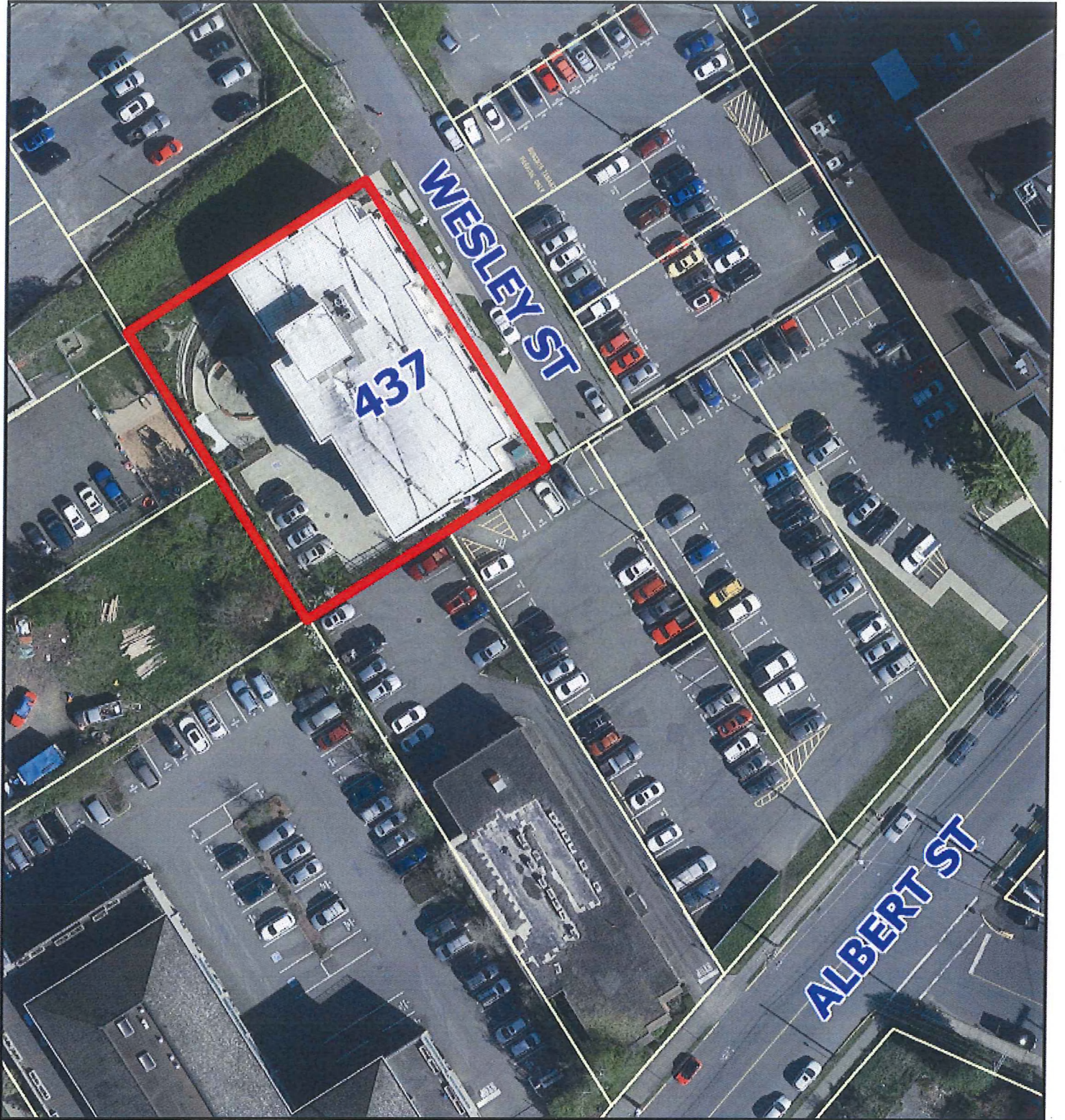
The Federal government permits the establishment of Safe Consumption Services by offering an exemption to the *Controlled Drugs and Substances Act (CDSA)*. Vancouver Island Health Authority, operating as Island Health, is making application to the Federal Government for an exemption to the “CDSA S 52” so as to conform with the legal requirements for the provision of a permanent Supervised Consumption Service at the subject property. The application for an exemption will run parallel to the zoning amendment process for the subject property.

Similar sites are being established in other BC communities; the Nanaimo overdose prevention site and 18 sites in other communities around the province are one aspect of the provincial government’s response to the increasing number of fatalities associated with illicit substance mis-use in communities like Nanaimo. According to the BC Coroners Service between January 2016 and February 2017 there have been 36 fatalities associated with illicit drug overdoses in Nanaimo, a significant increase over previous years. This increase is in part due to the presence of Fentanyl and other opiate analogs that are becoming increasingly prevalent in heroin and other injectable drugs used by intravenous drug users.

The *Supervised Consumption Services* will be funded by Island Health and will be delivered at the site by Canadian Mental Health Association – Mid Island branch. The subject property is owned by the City of Nanaimo and leased to BC Housing, BC Housing owns the building and has entered into an operating agreement with CMHA – Mid Island to manage the 36 units of supported housing that constitute the primary use on the site. CMHA – Mid Island will enter into a contractual arrangement with Island Health to deliver the Supervised Consumption Service in a manner similar to the provision of Overdose Prevention Services currently offered at 437 Wesley Street.



ATTACHMENT C  
AERIAL PHOTO



REZONING APPLICATION NO. RA000379

