

Bill No. 250
2018

By-law No. C.P.-1284()-____

A by-law to amend the Official Plan for the City of London, 1989 relating to Supervised Consumption Facilities and Temporary Overdose Prevention Sites.

The Municipal Council of The Corporation of the City of London enacts as follows:

1. Amendment No. (to be inserted by Clerk's Office) to the Official Plan for the City of London Planning Area – 1989, as contained in the text attached hereto and forming part of this by-law, is adopted.
2. This by-law shall come into effect in accordance with subsection 17(38) of the *Planning Act, R.S.O. 1990, c.P.13*.

PASSED in Open Council on May 22, 2018

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading – May 22, 2018
Second Reading – May 22, 2018
Third Reading – May 22, 2018

AMENDMENT NO.
to the
OFFICIAL PLAN FOR THE CITY OF LONDON

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is:

1. To establish a policy in Chapter 6 - Regional & Community Facilities Designations of the Official Plan, 1989, for the City of London to apply to Supervised Consumption Facilities and Temporary Overdose Prevention Sites.

B. LOCATION OF THIS AMENDMENT

1. This Amendment applies to all lands located within the City of London

C. BASIS OF THE AMENDMENT

1. The recommended approach provides for Supervised Consumption Facilities and Temporary Overdose Prevention Sites in a manner that ensures the facilities are located to serve the populations that require the services of the facilities and avoids land use conflicts.
2. The recommended approach addresses both neighbourhood and site-specific issues related to the establishment of Supervised Consumption Facilities and Temporary Overdose Prevention Sites.
3. The recommended approach recognizes the flexibility required for TOPS given their unique and temporary nature as a response to a public health emergency.
4. The recommended approach allows for community engagement both through the Zoning By-law Amendment process and the creation of on-going community-facility lines of communication.

D. THE AMENDMENT

The Official Plan for the City of London is hereby amended as follows:

1. Chapter 6 - Regional & Community Facilities Designations, to the Official Plan for the City of London Planning Area is amended by adding the following new policy:

6.5 SUPERVISED CONSUMPTION FACILITIES AND TEMPORARY OVERDOSE PREVENTION SITES

6.5.1 DEFINITIONS

A supervised consumption facility is a facility that has received an exemption from the *Controlled Drugs and Substances Act*, where people can bring their illicit drugs to consume in a sterile and safe environment. These facilities have equipment and trained staff present to oversee a person's drug consumption and assist in the event of an overdose or other health risk. These facilities shall offer additional health and drug-related support services. These facilities are intended to provide such services on an ongoing, rather than temporary, basis.

A temporary overdose prevention sites is a temporary facility that has received an exemption from the *Controlled Drugs and Substances Act* in the case of a Provincially declared public health emergency, where people can bring their illicit drugs to consume in a sterile and safe environment. Unlike supervised consumption facilities, these are to be temporary in nature.

6.5.2 GENERAL POLICY APPROACH

Supervised consumption facilities and temporary overdose prevention sites will be planned such that they:

- meet the needs of those who they are designed to serve

- avoid land use conflicts

Supervised consumption facilities and temporary overdose prevention sites may be permitted within any land use designation, subject to a zoning by-law amendment and all of the policies of this Plan.

6.5.3 EVALUATION CRITERIA FOR SUPERVISED CONSUMPTION FACILITIES AND TEMPORARY OVERDOSE PREVENTION SITES

The following evaluation criteria will be used when considering applications for zoning by-law amendments to support supervised consumption facilities and temporary overdose prevention sites to ensure that they are appropriately located:

1. Locations that meet the needs of those who they are designed to serve

- Within close proximity to, or near, communities where drug consumption is prevalent
- Well serviced by transit
- Discrete, allowing for reasonable privacy for those using the facility
- Separated from busy pedestrian-oriented commercial areas
- Separated from public spaces that generate pedestrian traffic or may generate large crowds from time to time
- Close to an area with other drug addiction related support services

2. Locations that avoid land use conflicts

- Separated from busy commercial areas or active public spaces that could generate conflicts between the general public and those leaving supervised consumption facilities after consuming
- Separated from parks
- Separated from key pedestrian corridors
- Separated from elementary or secondary school properties
- Separated from municipal pools, arenas and community centres and the Western Fairgrounds
- Not located within the interior of a residential neighbourhood

6.5.4 SITE AND FACILITY DESIGN REQUIREMENTS FOR SUPERVISED CONSUMPTION FACILITIES AND TEMPORARY OVERDOSE PREVENTION SITES

Supervised consumption facilities and temporary overdose prevention sites should be designed to:

- i. Incorporate the Crime Prevention Through Environmental Design (CPTED) principles of natural surveillance, natural access control, and natural territorial reinforcement
- ii. Meet provincial regulations, the policies of this plan, and municipal by-laws relating to accessibility
- iii. Orient building entrances to allow for discrete entry and exit while ensuring visual surveillance and safety
- iv. Allow for easy visual surveillance of the facility and its surrounding site from the street
- v. Avoid opportunities for loitering, such as the installation of seating areas or landscape features that can be used for seating
- vi. Ensure that interior waiting areas and vestibules of the facility are adequately sized to avoid line-ups or waiting outside of the building
- vii. Through the Zoning By-law amendment process establish a minimum intake and waiting area per consumption booth, and a minimum post-consumption area per consumption booth to be established on the Zoning By-law.

6.5.5 NEIGHBOURHOOD CONSULTATION FOR SUPERVISED CONSUMPTION FACILITIES AND TEMPORARY OVERDOSE PREVENTION SITES

Consultation is required by the Federal government in order to gain approval for the operation of supervised consumption facilities.

In addition to this requirement, proponents of supervised consumption facilities and temporary overdose prevention sites must host a community meeting with property owners, business owners, and residents within a minimum of 120m of the proposed site to describe the proposal and operational management plans for the facility. The community meeting must be held in advance of submitting an application for a Zoning By-law amendment to permit a Supervised Consumption Facility.

Proponents are required to document the information received and identify how their proposal responds to the comments identified at the community meeting. This document shall be required as part of a complete application for a Zoning By-law amendment to permit a Supervised Consumption Facility or Temporary Overdose Prevention Site.

To ensure that an ongoing consultation occurs after a Supervised Consumption Facility or Temporary Overdose Prevention Site is approved, the proposal for a Supervised Consumption Facility or Temporary Overdose Prevention Site shall also include consultation plan for regular engagement with the surrounding community. Such a consultation plan shall include at least one community meeting per year and the identification of a primary contact at the facility able to address neighbourhood concerns regarding the ongoing operation of the facility.

6.5.6 CONCEPTUAL SITE PLAN FOR SUPERVISE CONSUMPTION FACILITIES AND TEMPORARY OVERDOSE PREVENTION SITES

The submission of a conceptual site plan as part of the complete application for a Zoning By-law Amendment to permit a Supervised Consumption Facility or Temporary Overdose Prevention Site will be required. The purpose of the conceptual site plan is to indicate how the site design criteria have been addressed and to allow the public the opportunity to comment on site plan matters during consideration of the proposed Zoning By-law Amendment to permit a Supervised Consumption Facility or Temporary Overdose Prevention Site use.

The proposed design and conceptual site plan will be provided to the site plan approval authority along with comments received regarding the design. Where site plan approval is not required, the proposed design along with comments received regarding the design will be forwarded to the relevant Federal or Provincial ministry considering the application for a Supervised Consumption Facility or Temporary Overdose Prevention Site.

6.5.7 TEMPORARY OVERDOSE PREVENTION SITES

Temporary Overdose Prevention Sites may be permitted within any land use designation subject to a zoning by-law amendment and all of the policies of this Plan. Temporary Overdose Prevention Sites will only be permitted through the use of a temporary zone and any such zone will not extend beyond a period of two years.

Temporary overdose prevention sites are intended to address an urgent public health emergency and are only permitted in the case of a declared public health emergency. They are intended to be temporary in nature. All of the siting and design criteria identified for supervised consumption facilities and temporary overdose prevention sites may not be achievable for temporary overdose prevention sites. These facilities may not be permitted within the interior of a residential neighbourhood or near an elementary or secondary school.

In order to address an urgent public health emergency, processes relating to zoning by-law amendment applications for temporary overdose prevention sites may be expedited. The Neighbourhood Consultation for Supervised Consumption Facilities and Temporary Overdose Prevention Sites policies shall apply to Temporary Overdose Prevention Sites. The consultation measures may be undertaken concurrently with an application for a Zoning By-law Amendment, and are to be completed prior to a decision on the application.