



Corporate NO: R246

Report COUNCIL DATE: November 6, 2000

REGULAR

TO: Mayor & Council **DATE: October 25, 2000**

FROM: General Manager, Planning & Development **FILE: 0023-001**

SUBJECT: Modification to the Proposed Regulations for Methadone Clinics

RECOMMENDATION

It is recommended that Council:

1. Rescind the second reading of By-law No. 13769 to authorize amendments to "Surrey Zoning By-law, 1993, No. 12000" related to regulating methadone clinics;
2. Amend By-law No. 13769, as outlined in Appendix IV, which acts to amend "Surrey Zoning By-law, 1993, No. 12000", as follows:
 - (a) To include in Part 1 Definitions a definition for "Methadone Clinic";
 - (b) To modify Part 4 General Provisions to permit a methadone clinic as an accessory uses to a hospital; and
 - (c) To modify the Permitted Uses Sections of specific zones to exclude "methadone clinic" as a permitted use.
3. Grant second reading to By-law No. 13769, as amended, and authorize the City Clerk to set a Public Hearing date; and
4. File By-law No. 13770 which if adopted would amend the Comprehensive Development (CD) Zone under By-law No. 12536 applicable to the Surrey Memorial Hospital site to include "methadone clinic" as a permitted accessory use.

PURPOSE

The purpose of this report is:

- To apprise Council of the comments received from the South Fraser Health Region on the City's proposal to include methadone clinic as an accessory use on the Surrey Memorial Hospital site;
- To seek Council authorization to proceed with an alternative approach to enable a methadone clinic to be located on a hospital site without requiring an amendment to the CD Zone of the Surrey Memorial Hospital; and
- To request that Council set a Public Hearing date to amend the Surrey Zoning By-law to specifically exclude methadone clinic as a permitted use in all zones except as an accessory use to a hospital.

BACKGROUND

On June 14, 1999 Council approved the recommendations presented in Corporate Report C425 with respect to regulating the location of methadone clinics in the City. A copy of the corporate report is attached in Appendix I.

At the June 28, 1999, Regular Council meeting, Council gave first and second readings to By-law No. 13769 to exclude methadone clinics as a permitted use from a number of commercial Zones throughout the City, and through By-law No. 13770 to permit a methadone clinic as an accessory use on the Surrey Memorial Hospital site. A Public Hearing date was set for July 19, 1999.

On July 12, 1999 at the request of the South Fraser Regional Hospital Board, Council agreed to postpone the Public Hearing to allow the Board time to discuss the matter with their administration and staff prior to a public hearing. A new public hearing was not set at that time. As this was a Council-initiated Zoning By-law text amendment, Council requested that staff consult with the Surrey Memorial Hospital administration about the proposed changes to the accessory uses permitted on the Hospital site prior to setting a new date for the Public Hearing. Staff met with the Hospital administration in the summer of 1999 and again in December 1999 to discuss their views on the matter.

The South Fraser Health Region provided comments, in a letter dated January 27, 2000, which included specific concerns about the proposed Zoning By-law regulations. A copy of the letter is attached as Appendix III.

DISCUSSION

The South Fraser Health Region's concerns regarding the City's proposed regulations for methadone clinics are:

- (a) A methadone clinic is neither planned for nor does it seem feasible to locate a methadone clinic on the Surrey Memorial Hospital site now or in the near future; and
- (b) In the absence of a comprehensive and integrated plan for all alcohol and drug addiction services, which falls under the mandate of the Ministry for Children and Families, excluding methadone clinics from all other zones except the Surrey Memorial Hospital site may further limit or restrict the community's access to a necessary service.

The Planning and Development Department has communicated with the Surrey Memorial Hospital, that it is

not the intention of the City to mandate that a methadone clinic be established on the hospital site but only to establish that a "methadone clinic" use is a supportable use on the hospital site, if the Board chooses to allow such a use at the hospital. It is not the City's intention to require the Health Region to set up a methadone clinic. (Copies of the correspondence between the City and the South Fraser Health Region are attached in Appendices II and III).

Under the current provisions of Surrey's Zoning By-law, methadone clinics are considered "office uses" for Zoning By-law purposes, similar to doctors' offices. However, not all locations that accommodate office uses are considered appropriate for methadone clinics. Locating methadone clinics, for example, in close proximity to schools, parks, and other facilities used by young children is inappropriate even though current zoning in some circumstances would permit methadone clinics in such locations. Alternatively, locating methadone clinics within public hospital settings is supportable since a methadone clinic could be considered a logical extension of hospital outpatient services which already include other types of clinics.

If the Zoning By-law amendment was adopted by Council as initially proposed, the hospital and the South Fraser Health Region would retain full control over which of the Zoning By-law permitted uses, including methadone clinics, would actually be allowed to locate on the site.

However, in response to the concerns expressed by the South Fraser Health Region and the Surrey Memorial Hospital, the Planning and Development Department has reevaluated the objectives and approaches for regulating methadone clinics. Based on that review, it is concluded that methadone clinics provide a service that is inherently a health care issue best located or associated with a hospital. Staff has identified an alternative approach that does not require an amendment to the CD Zone for the Surrey Memorial Hospital site. The alternative approach involves amending the General Provisions within the Zoning By-law to allow a methadone clinic as an accessory use to a hospital.

While this approach still renders the Surrey Memorial Hospital site as a candidate for accommodating a methadone clinic, the approach broadens the field to include other or future hospitals.

To limit the establishment of methadone clinics to hospitals, it is necessary to specifically exclude "methadone clinics" as a permitted use in Zones where "offices uses" are permitted. This requires that a definition for "methadone clinic" be included in the Zoning By-law. Methadone clinics are facilities that serve exclusively or predominantly methadone clients. Medical offices of "general practitioners" who operate family practices and see a small number of methadone patients will not be affected, as they do not fall under the definition of "methadone clinic" and will therefore continue to be able to provide services to methadone clients.

To implement this approach, it is necessary for Council to:

- (a) Amend Surrey's Zoning By-law, 1993, No. 12000, as identified in Appendix IV, and summarized as follows:
 - i. To include in Part 1 Definitions a definition for methadone clinic;
 - ii. To modify Part 4 General Provisions to permit a methadone clinic as an accessory uses to a hospital; and
 - iii. To modify the Permitted Uses Sections of specific zones to exclude "methadone clinic" as a permitted use;
- (b) Authorize the City Clerk to set a Public Hearing date; and

(c) File By-law No. 13770 to bring to a close the proposed amendment to the CD Zone for the Surrey Memorial Hospital site.

The proposed approach to regulating methadone clinics has been reviewed by Legal Services and found to be satisfactory.

CONCLUSION

At the July 12, 1999, Council meeting, Council agreed to postpone the Public Hearing for Zoning By-laws Amendments No. 13769 and No. 13770 to afford the South Fraser Health Region time to consider the proposed changes to regulations for methadone clinics. Earlier this year the City received a letter from the South Fraser Health Region expressing concern about the City's proposed approach to regulating methadone clinics, and concern about the feasibility of locating a methadone clinic on the Surrey Memorial Hospital site.

In view of these concerns, it is recommended that Council approve an alternate approach for dealing with methadone clinics that does not require an amendment to the CD Zone of the Surrey Memorial Hospital site. The alternate approach involves amending the General Provisions of the Surrey Zoning By-law allowing methadone clinic as an accessory use to a hospital. The other aspects of the proposed regulatory approach remain as previously approved: defining methadone clinic in the Zoning By-law, and excluding methadone clinics from those zones where "office uses" are permitted.

Murray D. Dinwoodie

General Manager

Planning & Development Department

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Appendix I Corporate Report C425, Proposed Regulations for Methadone Clinics

Appendix II Correspondence to the Regional Director, Planning, Surrey Memorial Hospital

Appendix III Correspondence from the Chief Executive Officer, South Fraser Health Region

Appendix IV Proposed Revised Amendments to Surrey Zoning By-law 12000.

c.c. - City Manager

- City Clerk

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