

Date: Monday, March 15, 2004
Time: 3.00 p.m.
Place: Committee Room No. 1, City Hall

PRESENT:**Board**

F. Scobie Director of Development Services (Chair)
L. Beasley Co-Director of Planning
J. Forbes-Roberts Deputy City Manager
D. Rudberg General Manager of Engineering Services

Advisory Panel

B. Haden Representative of the Design Professions (Urban Design Panel)
J. Hancock Representative of the Design Professions
J. McLean Representative of the Development Industry
E. Mah Representative of the Development Industry
D. Chung Representative of the General Public
K. McNaney Representative of the General Public
C. Henschel Representative of the General Public
G. Chung Representative of the General Public

ALSO PRESENT:**City Staff:**

N. Edelson Central Area Planner
D. MacPherson Drug Policy Coordinator
M. Mortensen Project Facilitator
S. Thompson Vancouver Police Department
M. Thomson City Surveyor

404 Abbott Street

M. Schechter North American Opiate Medication Initiative (NAOMI)

Clerk to the Board: C. Hubbard

1. MINUTES

It was moved by Mr. Beasley, seconded by Mr. Rudberg, and was the decision of the Board:

THAT the Minutes of the Development Permit Board and Advisory Panel Meeting of March 1, 2004 be approved, with minor typographical corrections to pages 3, 4, 5, 8 and 12.

2. BUSINESS ARISING FROM THE MINUTES

None.

**3. 404 ABBOTT STREET - DE408151 - ZONE DD
(COMPLETE APPLICATION)**

Applicant: Birmingham and Wood

Request: Interior alterations and a temporary change of use to a portion of the ground floor of this existing building from Social Service Centre to provide for a Research Health Facility Pilot Project for the clinical trial of medically prescribed heroin/methadone maintenance.

Staff Comments

Central Area Planner, Nathan Edelsen, presented this application, referring to the Development Permit Staff Committee Report dated February 18, 2004. The site is located in Sub Area C of the Downtown District, at the corner of Abbott and West Hastings Streets. Neighbouring properties include the Woodward's redevelopment site, International Village, Paris Place, and several other development sites. The proposed research health facility is permitted as an office use in this zone. The regulations also allow for retail continuity requirements to be relaxed in favour of non-retail uses, with pedestrian interest provided at grade. In this respect, the applicant has been requested to provide detailed plans of the proposed window treatment. There is also a requirement for weather protection. Staff are recommending consideration of a retractable awning to address concerns about encouraging loitering while providing normal street amenities.

With respect to Central Area Planning and Social Planning concerns, Mr. Edelsen noted there is a considerable amount of redevelopment taking place in the vicinity and it is believed that this particular site will contribute to the overall viability of the area. There are a significant number of social service facilities in this neighbourhood that are required because of the special needs of this community, and various City Departments are working to consolidate these services and ensure their physical appearance and management are consistent with the area's revitalization goals. In this respect, staff are seeking a firm management plan, both for the internal operation of the facility as well as how it relates to the community.

Mr. Edelsen noted that a number of other locations were considered before selecting this site and the applicant also met with a number of community groups before submitting a formal development application. He briefly reviewed the response to the City's formal notification, as outlined in the Staff Committee Report, noting that a number of legitimate concerns were raised by some of the neighbours, particularly residents of Paris Place, but there was overall support for the proposal.

Staff are generally very supportive of this proposal and recommend approval, subject to the conditions outlined in the report. Staff believe the NAOMI project is part of a comprehensive strategy to improve the neighbourhood, particularly for the people in the area who are addicted to drugs. The recommendation is to approve a temporary development permit for the two year study period.

Donald MacPherson, Drug Policy Coordinator, explained the proposed facility is part of a national study involving three cities (Vancouver, Montreal and Toronto) to compare medically prescribed heroin and methadone, building on European research data. The NAOMI project is supported in principle in the City of Vancouver's drug policy and is consistent with the City's Four Pillars Approach strategy. 88 people will be prescribed heroin and 70 will be prescribed oral methadone. The clinic will be open from 8 a.m. to 8 p.m. and the heroin and methadone clients will enter the facility through separate entrances.

Sgt. Scot Thompson, Vancouver Police Department, read a letter addressed to Dr. Schecter of the NAOMI project from the Deputy Chief Constable. The VPD strongly supports the proposal, noting the overall intent of the project is to stabilize and provide health care to hard core heroin addicts within the context of a controlled medical research project. With respect to the proposed location chosen for the project, there are existing policing issues in the area which relate to drug trafficking and there are some problem premises nearby. However, the VPD is working to address these problems. The Safe Injection Site has been open and operating for 18 hours a day since September 2003 and there have been no crime, drug and disorder issues associated with that facility. The VPD has worked closely with the Vancouver Coastal Health Authority to minimize potential problems at or near the site and given this facility will be part of a strictly controlled research project they are not anticipating policing issues at the NAOMI site. Based on the VPD's ongoing working relationship with the NAOMI project group, they are confident in their ability to address any issues or problems that may develop in a timely manner. The Vancouver Police Department has historically supported the Four Pillars Approach to drug addiction issues in the city. The NAOMI project represents a new approach to this long standing societal problem. The VPD will therefore make every effort to support the project to ensure its success.

Michael Mortensen, Project Facilitator, tabled an amendment to condition 1.3, noting Engineering Services no longer requires an encroachment agreement for awnings over city property.

Questions/Discussion

Mr. Rudberg raised a question about the residency requirements for the participants in the study. Mr. MacPherson explained there will be pre-screening and one of the criteria for entry into the study is residency in the Downtown Eastside for at least one year.

In response to a question from Ms. Forbes-Roberts as to what improvements are sought to the building façade, Mr. Edelson explained there needs to be privacy protection for the participants. Local art displays in the windows are being considered but no major structural changes to the exterior of the building are anticipated.

Mr. Scobie raised a question about the retractable awning. Mr. Edelsen said the intent is to address concerns about potential loitering near the facility while attempting to normalize the area in keeping with other City objectives. It was noted the retractable awning is for consideration only; it could be a fixed awning.

With respect to policing strategy, Sgt. Thompson said it will in some ways be similar to the operations plan in place for the Safe Injection Site and he stressed it will be a very comprehensive plan. In discussion, Mr. Scobie suggested inclusion of reference to a Neighbourhood Liaison Committee in condition 1.1.

In response to a further request for clarification from Mr. Beasley concerning the awning, Mr. Mortensen advised the Staff Committee was seeking a reasonable amount of weather protection over the entries (not continuous weather protection), consistent with Hastings Street retail requirements.

Applicant's Comments

Martin Schecter, North American Opiate Medication Initiative (NAOMI), provided some background to the proposed study, noting the great challenge that heroin addiction poses to our society. Methadone maintenance therapy can be successful in some people but evidence has shown that it will not reach all people with serious heroin addiction, hence the need to seek other treatments. A similar initiative has been piloted in Switzerland as well as a randomized trial in Holland. Other trials are also underway in Germany and Spain, and evidence to date suggests there is a beneficial effect. The goal of the program is to break people out of the cycle of crime that they need to engage in to acquire the drug by bringing them into contact with health care and social services. The study will be conducted simultaneously in Vancouver, Montreal and Toronto, with partners among the addiction medicine specialists in each city and fronted by the Canadian Institute of Health Research.

Dr. Schecter noted they spent a couple of years looking for sites that met the requirement for two separate entrances and with the potential for interior renovations to meet the security regulations of Health Canada. He said they are aware that there are concerns about the study in the neighbourhood and they want to work with the neighbours to address their concerns. Based on the European data as well as evidence from the Safe Injection Site in Vancouver, negative impacts on the neighbourhood are not anticipated. Nevertheless, there will be a plan to deal preemptively with problems if they arise. Dr. Schecter said his organization is very satisfied with the recommendations of Staff about the importance of being good neighbours, and they are making a number of commitments in this respect. He briefly described the residency requirement for program participants. In addition to the community advisory committee already in place a local neighbourhood advisory committee will be established, comprising local business people, strata councils of neighbouring condominium buildings, and police. This committee will meet very regularly to address any concerns that arise. Security requirements have been imposed by Health Canada and there will be 24-hour monitoring of the site. With respect to the exterior of the building, Dr. Schecter stressed they are willing to do anything they can afford to make the outside more attractive.

With respect to the study participants, Dr. Schecter stressed that they will all receive treatment for their addiction, either heroin or methadone. Because these individuals will be prescribed pharmaceutical grade heroin they will not need to engage in crime to acquire the drug. Nevertheless, every effort will be made to ensure the facility does not negatively impact the neighbourhood. Dr. Schecter explained they are trying to test, in a confined, medical experiment of finite duration, with partners across Canada, whether we can have an alternative therapy that can help us face this immense social challenge. The evidence suggests there should be no effect - or mildly positive effect - on the immediate neighbourhood. This site has been identified after an exhaustive search and it is the only one that meets all the requirements. Dr. Schecter stressed that, in accordance with the Good Neighbour Commitment, they undertake to act swiftly and effectively to address any negative impacts early and preemptively.

Questions/Discussion

In response to a question from Mr. Rudberg regarding the study results, Dr. Schechter confirmed they are committed to communicate their findings to the community in addition to any publications in medical journals. Dr. Schechter noted that participants will need to be monitored for a year beyond the end of this program but this will not occur at this site. The scientific results will not be completed until sometime after they vacate the premises. He stressed it is a finite study with a finite amount of funding to recruit 158 individuals. There is no intention to seek an extension to the development permit at the end of the two year study period. In response to a further question from Mr. Rudberg about what happens to the participants at the end of the study, Dr. Schechter noted it is an interesting ethical situation in which people are on experimental medication which is not legal. The program therefore had to satisfy a number of ethics panels that there would be a transition period. Everyone entering the program is informed that the pharmaceutical heroin will no longer be available at the end of a year because it is not a licensed therapy in Canada, and there will be a three month period during which individuals will be transitioned to methadone or other forms of therapy.

Ms. Forbes-Roberts sought clarification regarding the proposed hours of operation. Dr. Schechter explained the proposed 8 a.m. to 8 p.m. relates to the cycle of heroin addiction. Many of the participants in the heroin study will require three injections per day, with sessions in the morning, afternoon and early evening.

In response to a question from Mr. Henschel regarding Health Canada approval, Dr. Schechter confirmed they have almost all the approvals necessary. The last approval required is the Ministerial Exemption for which they need a site and fully approved security plans, followed by a final inspection after completion of the renovations. Dr. Schechter said they are confident they will meet all the requirements of Health Canada to proceed.

Ms. Chung raised a question regarding ethics. Dr. Schechter confirmed the study has ethical approval from all three participating universities (UBC, University of Toronto and University of Montreal). NAOMI is required to keep all the data collected confidential. Unfortunately it is not possible to fully protect the privacy of participating individuals since they will be seen entering the facility. However, this is part of the informed consent process whereby participants will confirm they understand they will need to attend the site.

Mr. McNaney sought clarification regarding security. Dr. Schechter explained he has been advised not to divulge any specific details about security. However, he confirmed they will operate under the guidelines of Health Canada which establishes security levels. There will never be very much heroin on the premises and there will be frequent deliveries by armoured vehicle.

In response to a question from Mr. Scobie, Dr. Schechter advised they estimate the facility will begin operating in mid to late Fall 2004. Each participant is in the study for 12 months, plus a three month transition. They will therefore require 15 months at the site after the last person is enrolled. In discussion, Dr. Schechter agreed that while he anticipated full recruitment early in the program some flexibility in the time of the permit would be helpful.

Dr. Schechter acknowledged the items raised by the Processing Centre in Appendix C of the Staff Committee Report cause no concern.

Comments from other Speakers

The following delegates spoke in favour of the application:

Dr. Perry Kendall, Provincial Health Officer
Peter Fairchild, DTES resident and representing four business in the vicinity of the site
Rob Ruttan, Prosecutor and founding member of From Grief to Action
Neil Boyd, Criminologist, Simon Fraser University
Roger Bayley, Downtown Vancouver Association and Gastown business owner
Rick Lam, Chinatown Revitalization Committee
Dr. Trevor Corneil, Addictions Physician
Fiona Gold, BC Centre for Disease Control, Street Nurse Program
Anne Livingston, Vancouver Area Network of Drug Users (VANDU)
Taro Sullivan, ASIA
Doreen Littlejohn, Vancouver Native Health
Kim Kerr, Downtown Eastside Residents Association (DERA)
Dean Wilson, VANDU
Dr. David Marsh, Addictions Physician, Vancouver Coastal Health Authority
Gillian Maxwell, Strathcona resident and business owner

Supporting comments included:

- Addiction has social, psychological and spiritual components that must be addressed. For many people addiction is a chronic relapsing condition with a lot in common with other chronic health conditions. While addiction starts with a series of bad personal choices, it is analogous to other, less stigmatized diseases such as adult onset diabetes;
- This is the only site in the vicinity of the user population that addresses the needs of both NAOMI and the community;
- The costly criminal justice system is an ineffective way of addressing drug addiction which is a health problem;
- The proposed initiative will have a positive impact on the area and in the lives of those who are in desperate need of the health care that this study represents. It will also have a positive impact on the potential victims of crimes driven by addiction;
- The need to expand treatment horizons is very pressing, very real and very immediate;
- Drug addiction is a nationwide problem but is most concentrated in the Downtown Eastside so it makes sense to locate this facility where it is easily accessible by potential participants;
- There are tremendous benefits in the opportunity to see the consequences of the study and to perhaps ultimately move to realization that drug addiction is really a public health problem, not a criminal law problem;
- New approaches to the resolution of the drug issues in the Downtown Eastside are critical, noting the goal of blending various elements of very diverse communities. This initiative is an opportunity to look at how the various different social functions operate and work together;
- Anything that can be done to remove the motivation for crime (the purchase of drugs) will improve the crime problems in the community;
- The NAOMI project fits with the Four Pillars Approach;
- This program will reduce the drug related activities that already take place around this site;
- This trial is one piece in the whole spectrum of addiction treatment and can only improve what is already a difficult and challenging situation;
- It is essential that a program such as this is located where the participants live;
- This is a worthy program and it needs to be in this neighbourhood;
- This program is long overdue;
- Many lives will be saved by this program;

- Based on the Swiss experience, the 12-hour period when the facility will be closed will not be a problem for the participants because the dosage is controlled and availability reliable.

The following speakers, while supportive of the initiative, were opposed to its proposed location:

Anand Banerjee, Paris Place resident
Al Deslauriers, local business owner

The concerns raised related to negative impacts on the young families now moving into this area, noting it is impossible to get drug addicts to follow any kind of structure.

In response to a question from Mr. Beasley, Mr. Banerjee said he would be very happy to participate in the proposed neighbourhood liaison committee.

Panel Opinion

Mr. Scobie welcomed Bruce Haden, new Chair of the Urban Design Panel, to the Advisory Panel. Since there were no urban design issues related to this application, it was not reviewed by the Urban Design Panel. Mr. Haden noted he is a Strathcona resident and is very familiar with the subject site. He said he believes this project is an issue of life and death and his neighbours in the Downtown Eastside have been dying completely unnecessarily as a result of treating drug addiction as a criminal justice issue as opposed to a health problem. This initiative is a critical step in correcting the situation and any bureaucratic barriers should be removed to expedite it. Mr. Haden said he believed all the issues raised by the neighbours concerning security have been demonstrated by the Safe Injection Site to be minimal. He said his only concern about the project is that it is only a trial, which raises some ethical issues. With respect to the awnings, Mr. Haden commented that any streetscape scenario which is designed to discourage legitimate use of the street is not acceptable from an urban design point of view, notwithstanding concerns about loitering. He noted that one of the challenges of Hastings Street has been the lack of weather protection and he would prefer to see a continuous awning if possible. However, the core issue in this case is budgetary and it is not an essential component given the importance of the proposal.

With respect to the use, Mr. Hancock said there is no doubt whatsoever that this initiative is the right thing to do. He said he was persuaded by the argument that this facility will not attract drug dealers to this neighbourhood and would have a positive effect. He strongly recommended approval of the application and suggested the retractable awning remain as a consideration item.

Mr. McLean said the case for this facility is very persuasive and he urged that it proceed as soon as possible.

Mr. Mah expressed some concern that pre-sale purchasers in the neighbourhood may not be aware of this proposal. He also had some concern about the ability to control the residency requirements for the participants. However, he said there is an overwhelming amount of positive that could come from this project. He was also convinced that the facility would not attract more negative activities, rather that it would have a positive impact, at least for the participants themselves who will no longer need to be involved in crime. He strongly supported approval of the application.

Mr. Chung said he had some concern about the security aspects of the project but supported the application given the drug problem has existed for too long in this neighbourhood.

Mr. McNaney commented on the level of support from local business owners and residents which he hoped was an indication of maturation of the city in dealing with some of these issues in an innovative way. He stressed that this initiative is part of the solution and not part of the problem. It will make the street a lot safer for the residents around this site. Mr. McNaney said he was also satisfied that this is the best location for the facility. With respect to the awnings, commented he would not want to see any of the funding diverted from the program. He had a concern about the development permit in that he would not want the study to be shortened by the time limitation. He strongly recommended approval.

Mr. Henschel expressed admiration for the courage of the proponents of this project which is an entirely new approach in North America. The potential benefits of the study are obvious. Mr. Henschel was also concerned about the two year time limited permit and suggested the permit should be dated from the date of commencement of the clinical trial rather than from occupancy. He said he appreciated the concerns expressed about the impact on families in the neighbourhood but said the drug problem needs to be solved as well and this project is one avenue to this end. He strongly supported the application.

Ms. Chung agreed that drug addiction is a health issue that needs to be addressed. She said it is notable that the study is being supported by the Canadian Institute of Health Research and she could see the benefit of a progressive, multi city comparative study which she hoped would contribute to setting a precedent for the rest of the world. She expressed empathy for the business owners and residents in the community and hoped the Board would consider some way to involve their continued input in the future phases of the development process. She said she very much supported the project but she also supported the community members who live and work in the area. She recommended approval on that basis.

Board Discussion

Mr. Beasley commented that he did not believe the Board heard from a number of people who had previously documented very grave concerns, partly because of some of the work the applicants have done with those residents. This is a positive outcome and clearly shows it was the right way to proceed with this proposal.

With respect to the use, Mr. Beasley noted it is supported by City Council and is therefore not a policy issue for the Board to consider. However, it is within the Board's mandate to consider whether this is a good site and a good arrangement to deal with the site. The proponents have demonstrated that they investigated a number of sites and worked with the neighbours before making the development application. They have also made a strong commitment to address the concerns that were raised during community consultation. Mr. Beasley said the Good Neighbour Commitment is a very creative way to identify responsibility for all the issues. He agreed, however, that there is a need to be cautious, so the conditions recommended in the report which enshrine the good intentions of the organization in regard to security, etc., are very appropriate. The two year time limited permit (from occupancy) also provides some assurance for the neighbourhood. Nevertheless, Mr. Beasley stressed that if more time is required the applicant may apply for it and if the facility functions as well as it is believed it will, there is no question the Board or the Director of Planning would ~~not~~ approve a time extension if it is needed for the completion of a medical trial. Mr. Beasley agreed that security is an important issue but he said he was convinced it is addressed well in the proposal.

Mr. Beasley said he agreed with an earlier comment that this project should be considered in terms of our vision of Vancouver. City policies encourage young families back to live in the core of the city but one of the biggest deterrents to this goal is that there is a street

population with health needs that are not being served. This has resulted in these people, of necessity, impacting others in order to meet their health needs in their own way, very inadequately. Mr. Beasley said he believes this will be a way to create a dynamic whereby this needy population will start to be served; their impacts will abate and the broader community will be able to come into the area with a higher level of safety and compatibility. This is part of the vision for the future of Vancouver. He moved approval of the application, with amendments to the conditions. He added, the real security for the community is not only that this is a time limited permit but many of the issues that are of concern to them will be enshrined on the application itself, which is an effective way to ensure good performance.

Ms. Forbes-Roberts strongly supported the application and suggested a minor amendment to the approval preamble, which was accepted by Mr. Beasley. She stated the issue is not about bricks and mortar but it is just as much a part of the community as any other site that the Board deals with. While she appreciated the concerns expressed and agreed it should proceed with caution, she said there is no time like now to go ahead with this initiative which offers an alternative to people with serious health issues, including the necessity to resort to crime. The addiction problem is there already and is one which has to be dealt with in context. It is also important to the study to have it located where the addicts are. Ms. Forbes-Roberts said she agreed this is the best site for the facility. Furthermore, she said there should be more than one, perhaps ultimately throughout the city. With respect to the time-limited permit, Ms. Forbes-Roberts agreed with Mr. Beasley that it is important to keep our agreement with the community that this is a two year approval. She stressed that if the proponents find that more time is needed to complete the trial, the City should be advised early.

Mr. Rudberg agreed there is a need for new approaches to the drug problem and this program provides one step in the continuum of treatment for addiction. The positive outcomes in terms of reduced criminal activity, improved health care for the individuals and perhaps offering some normalcy in people's lives, are all very worthwhile. Mr. Rudberg commented that the two year time limited permit is also somewhat negative for the participants who will be transitioned out at the end of the trial. If this is to be successful, some sort of ongoing program will be needed. Mr. Rudberg said he was very impressed by the high level of community involvement and the thoughtful feedback received today, both positive and negative, speaks well for the process that led to the recommendations, with which he concurred. He agreed the location is appropriate and the conditions of approval are appropriate.

Mr. Scobie noted that this application came before the Board because staff identified a high level of public controversy. However, the controversy that existed at the outset, and as detailed in the report, did not materialize in terms of public delegations in opposition today. He agreed with the Board that this initiative is the right thing to do and noted it has already been endorsed by Council. He also agreed it is in the right location. Unfortunately it is too late and it would have been preferable if the proponents had been able to bring it forward much sooner. Mr. Scobie added he was dismayed that the Board limited the permit to two years from occupancy permit issuance and said he would have preferred to see more flexibility. He therefore encouraged the applicant to complete as much preparatory work as possible in advance and defer as long as possible an application for an occupancy permit.

Motion

It was moved by Mr. Beasley and seconded by Ms. Forbes-Roberts, and was the decision of the Board:

THAT the Board APPROVE Development Application No. 408151, in accordance with the Development Permit Staff Committee Report dated February 18, 2004, with the following amendments:

Amend the approval preamble to add "permit" after "occupancy";

Amend 1.1 to add to the list:

- a local neighbourhood advisory committee;

Amend 1.3 to add "consistent with the architecture of the building", after "Abbott Street frontages";

Amend the **Note to Applicant** in 1.3 to read:

A retractable awning system may be considered. An application to the General Manager of Engineering Services will be required for any canopies/awnings over the street.

4. OTHER BUSINESS

None.

There being no further business, the meeting adjourned at 5.40 p.m.

C. Hubbard
Clerk to the Board

F. Scobie
Chair