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**TOWN OF SIDNEY**  
**COMMITTEE OF THE WHOLE MEETING**  
**Monday, October 5, 2020**  
**Council Chambers**  
**6:00 p.m.**

*\*\* This meeting will be recorded and posted on the Town's website  
and also broadcast LIVE via:*

[http://sidney.ca.granicus.com/MediaPlayer.php?publish\\_id=1](http://sidney.ca.granicus.com/MediaPlayer.php?publish_id=1)

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## **A G E N D A**

1. **CALL TO ORDER**
2. **TERRITORIAL ACKNOWLEDGEMENT**
3. **APPROVAL OF AGENDA**
4. **APPROVAL OF MINUTES**
  - a. **Regular Committee of the Whole Meeting - September 21, 2020**
5. **PRESENTATIONS**
6. **ADMINISTRATION & FINANCE**
7. **PARKS & INFRASTRUCTURE**
8. **PROTECTIVE SERVICES**
9. **DEVELOPMENT & PLANNING**
  - a. **Cannabis Retail Store Referrals - Outstanding Council Resolutions**  
Report dated September 29, 2020.
10. **OTHER BUSINESS**
11. **NEW BUSINESS**
12. **MOTION TO GO "IN-CAMERA" (closed meeting) - Not required.**
13. **ADJOURNMENT**

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**TOWN OF SIDNEY**  
**MINUTES OF COMMITTEE OF THE WHOLE MEETING**  
**Monday, September 21, 2020**  
**Council Chambers**  
**6:00 p.m.**

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4a

DRAFT

**PRESENT:** Chair: Councillor P. Wainwright  
Mayor C. McNeil-Smith and Councillor S. Garnett  
Councillors: S. Duncan, B. Fallot, T. O'Keeffe and C. Rintoul (*via electronically*)

**Staff:** R. Humble, Chief Administrative Officer  
A. Hicik, Director of Corporate Services  
A. Verhagen, Senior Manager of Current Planning  
S. Nelson, Corporate Officer

**1. CALL TO ORDER**

The Chair called the meeting to order at 6:00 p.m.

**2. TERRITORIAL ACKNOWLEDGEMENT**

The Chair respectfully acknowledged that this evening's meeting is being held on the traditional territory of the WSÁNEC First Nations.

**3. APPROVAL OF AGENDA**

*Moved by Mayor C. McNeil-Smith, seconded by Councillor S. Garnett, that the agenda be approved as presented.*

**MOTION CARRIED UNANIMOUSLY**

**4. APPROVAL OF MINUTES**

**a. Regular Committee of the Whole Meeting - September 8, 2020**

Moved by Councillor S. Garnett, seconded by Mayor C. McNeil-Smith, that Minutes of the Regular Committee of the Whole Meeting of September 8, 2020, be adopted as presented.

**MOTION CARRIED UNANIMOUSLY**

**5. PRESENTATIONS**

**a. Sidney Child Care Inventory & Action Plan - Final Report**

Greg Awai and Jane Worton, Queenswood Consulting Group, presented the Final Report for the Sidney Child Care Inventory & Action Plan, advising that the chronic shortage of daycare spaces is causing significant problems for young families on the Peninsula and in the surrounding municipalities - impacting quality of life, family budgets, and municipal economies. Ms. Worton advised of the following findings in Sidney:

- Demographics: 700 households with 1,045 children from 0-12
- Survey: 48 responses (7%); 65% had children in paid child care; 61% need care 5 days/week
- Child Care Spaces: 250 provided, only meets 42% of demand; 233 more spaces are needed
- parents with children under 5 are looking for care close to work; parents of school age children are wanting before and after school care close to school
- majority of child care facilities are located in north-east Sidney, there are no licensed facilities in north-west Sidney
- Town's bylaws and policies are well designed for home based businesses, but improvements could be made respecting child care facilities

Ms. Worton advised the report contains recommendations for the Town's consideration respecting bylaws and policies, partnership development, new space creation and advocacy.

Committee members had questions and discussion respecting the cost of child care and Provincial funding, attracting more child care educators, the School Districts' involvement and opportunities, advocacy, etc.

*Moved by Councillor S. Garnett, seconded by Councillor B. Fallot, that the Committee recommend to Council:*

1. *That the 2020 Sidney Child Care Inventory and Action Plan prepared by Queenswood Consulting Group be received;*
2. *That the recommended actions and implementation plan outlined in the staff report titled, "Sidney Child Care Inventory & Action Plan- Final Report", dated September 15, 2020, be adopted; and*
3. *That staff report back to Council following the adoption of a new Official Community Plan to provide an update on the implementation plan for the 2020 Sidney Child Care Action Plan.*

**MOTION CARRIED UNANIMOUSLY**

**b. Annual Report from Sidney Event Advisory Group**

Ms. Morgan Shaw, Executive Director & Event Liaison/Facilitator of Sidney Business Improvement Area Society (SBIA), highlighted some of the events and activities that the Sidney Event Advisory Group (SEAG - includes 18 organizations) was involved in last year. She advised there are 50 annual events in the community that SEAG assists in enhancing, supporting and marketing. She stressed the significant benefit of the Group in collaborating and providing support to all members and working with others across the community to ensure the success of all Sidney events. With respect to the COVID-19 pandemic, Ms. Shaw noted 2020 has been a difficult year but that adjustments have and are being made to continue to provide events in the community.

*Moved by Mayor C. McNeil-Smith, seconded by Councillor S. Garnett, that the Committee recommend to Council that the 2019 Annual Report and the 2020 Update from the Sidney Event Advisory Group be received for information.*

**MOTION CARRIED UNANIMOUSLY**

6. **ADMINISTRATION & FINANCE**
7. **PARKS & INFRASTRUCTURE**
8. **PROTECTIVE SERVICES**
9. **DEVELOPMENT & PLANNING**
10. **OTHER BUSINESS**
11. **NEW BUSINESS**
12. **MOTION TO GO "IN-CAMERA" (closed meeting) - Not required.**
13. **ADJOURNMENT**

*Moved by Councillor S. Garnett, seconded by Mayor C. McNeil-Smith, that the meeting be adjourned at 7:08 p.m.*

**MOTION CARRIED UNANIMOUSLY**

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CHAIR

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CORPORATE OFFICER

9a



## TOWN OF SIDNEY

### Report to Committee of the Whole

**TO:** Chair and Committee Members  
**FROM:** Corey Newcomb, Senior Manager of Long Range Planning  
**DATE:** September 29, 2020  
**SUBJECT:** Cannabis Retail Store Referrals – Outstanding Council Resolutions

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#### **PURPOSE:**

To follow up on two outstanding Council resolutions related to applications for Cannabis Retail Store referrals in Sidney's C1 (Downtown Commercial) zone.

#### **BACKGROUND:**

At the regular Council meeting of October 28, 2019, Council passed the following resolutions regarding the Town of Sidney's consideration of Liquor and Cannabis Regulation Branch (LCRB) referrals for the issuance of cannabis retail store licences in the C1 (Downtown Commercial) zone:

*2019.37.504 That an amendment to the Zoning Bylaw No. 2015 be made to prohibit cannabis retail locations on Beacon Avenue.*

#### **MOTION CARRIED 4:3**

*2019.37.505 Moved by Councillor B. Fallot, seconded by Councillor C. Rintoul, that staff be directed to bring forward an amendment to Section 2 (ii) (b) of Policy DV-015 that removes the requirement for active and transparent storefronts for cannabis retail store locations.*

#### **MOTION CARRIED UNANIMOUSLY**

These resolutions primarily resulted from concerns regarding the inability (at the time) of cannabis retail stores to meet the "active and transparent" storefront requirement of Policy DV-015 resulting from the LCRB's requirement for opaque storefront windows to meet their regulations. Staff raised concerns about the potential negative impact that these storefronts would have on Beacon Avenue, which is a primarily pedestrian-focused, window shopping retail environment.

However, on June 18, 2020, staff received Policy Directive 20-15 from the LCRB, which changed section 5 (1) subsection (p) of the Cannabis Licensing Regulation (CLR). The original subsection (p) required that cannabis retail stores be "enclosed by floor-to-ceiling walls that are not transparent" (which the LCRB interpreted more stringently to mean that all store windows must be opaque, and which led to Council's resolution). Subsection (p) of the CLR now reads as follows:

*(p) the retail store must be located in a permanent building or structure;*

*(p.1) the following must not be visible from outside the retail store:*

- (i) cannabis;*
- (ii) cannabis accessories;*
- (iii) packaging and labelling of cannabis and cannabis accessories;*

This change to the regulation now allows cannabis retail stores to have transparent storefront windows, provided that cannabis products are not visible from outside the store.

Further to this policy change, on September 28, 2020 Council also recommended to the LCRB that Sidney's first cannabis retail store licence be issued at 2410 Beacon Avenue, for the business formerly known as Happy Buddha Cannabis. This store now has the right to operate on Beacon Avenue regardless of any future zoning changes the Town may make.

## **DISCUSSION:**

Given the policy change at the LCRB level regarding storefront window treatments, staff recommend that Council leave Policy DV-015 as is and rescind resolution 2019.37.505. Although the consideration of the "Happy Buddha" Cannabis referral did expose some shortcomings in this policy, staff do not believe that this aspect of the policy needs alteration. Some general amendments to the policy to address the aforementioned shortcomings will be brought forward at a later date.

Regarding resolution 2019.37.504 related to the zoning amendment, staff suggest the following two options at this point in time:

### **1. Rescind the resolution**

Rescinding the resolution would open up Beacon Avenue to further cannabis retail store locations and would leave the number and location of the potential stores to what can be supported by the market. Although staff do not know exactly how many cannabis retail stores might be supported in a community the size of Sidney (with customers also being potentially drawn from elsewhere on the Saanich Peninsula and the Gulf Islands) staff continue to receive inquiries from parties interested in opening new locations, with some of those locations being on Beacon Avenue. Given that the storefront window issue has been resolved, staff do not anticipate any concerns with the appearance of cannabis retail storefronts on Beacon Avenue.

### **2. Proceed with the resolution**

Should Council decide to limit the number of cannabis retail stores on Beacon Avenue to one through zoning (Happy Buddha, which may remain regardless of future zoning amendments), staff would bring forward a zoning amendment as soon as possible. The amendment could be structured in one of two ways:

- a) The first potential option for the amendment would be to prohibit cannabis retail stores on Beacon Avenue outright, including the 2410 Beacon Avenue "Happy Buddha" location. The effect of this would be to make the Happy Buddha cannabis retail store legally non-conforming, and should the use at that location ever be discontinued, no further cannabis retail stores in that location, or elsewhere on Beacon Avenue, would be permitted.
- b) The second option would be to prohibit cannabis retail stores on Beacon Avenue, but with an exception for Happy Buddha (i.e. the use would be specifically permitted in that location). Further applications for cannabis retail stores on Beacon Avenue could then be considered by the Town, but on a "rezoning first" basis. In other words, Council would need to first approve a rezoning of the specific property before the applicant could make application to the LCRB for a provincial licence. This would allow Council to make a decision based on the

specifics of the location on Beacon Avenue (some locations on Beacon may be considered appropriate while others may not) and also provide the applicant with a degree of certainty before making an application to the LCRB for a costly cannabis retail store licence application.

The structure of the cannabis retail store approval process that staff brought forward, and that Council subsequently approved in 2019, was based on the fact that cannabis is now a legal (but controlled) substance and is treated much like alcohol in terms of the regulatory approach to its sale. Indeed, the provincial legislation which regulates licences for the sale of cannabis is based on and structured very similarly to that controlling licences for the sale of alcohol. From staff's perspective, it was only the previous (unwritten) LCRB requirement for opaque storefront windows which caused concern regarding locations on Beacon Avenue. However, given the events of the past year, and lessons learned with the Happy Buddha referral, Council may wish to follow through with their resolution related to cannabis retail on Beacon Avenue.

With the approval of Happy Buddha, staff anticipate continued interest from proponents wishing to open cannabis retail stores on Beacon Avenue and in the downtown generally. Given the outstanding Council resolutions related to cannabis retail stores, and the potential impact on future applications if the resolutions are carried through, staff believe that it would be beneficial for Council to provide additional direction on this issue prior to any additional LCRB referrals being considered.

**STAFF RECOMMENDATION:**

**That resolutions 2019.37.505 (to amend Policy DV-015) and 2019.37.504 (to prohibit cannabis retail locations on Beacon Avenue) be rescinded.**

Respectfully submitted,

I concur,

  
Corey Newcomb, RPP MCIP  
Senior Manager, Long Range  
Planning

  
Randy Humble, MCIP, RPP  
Chief Administrative Officer