



Item .....
Meeting..... 2017 November 27

## COUNCIL REPORT

**TO:** CITY MANAGER 2017 November 22

**FROM:** DIRECTOR PLANNING AND BUILDING

**SUBJECT:** REZONING REFERENCE #17-11

**ADDRESS:** Unit #21-06 – 4501 Lougheed Highway (see *attached* Sketches #1 & #2)

**LEGAL:** Lot 1, DL's 123 and 124, Group 1, NWD Plan EPP31990 Except Plan EPP40171

**FROM:** Amended CD Comprehensive Development District (based on C3, C3a General Commercial Districts, P2 Administration and Assembly District and RM4s, RM5s Multiple Family Residential Districts and Brentwood Town Centre Development Plan as guidelines)

**TO:** Amended CD Comprehensive Development District (based on C3 and C3f General Commercial Districts and Brentwood Town Centre Development Plan as guidelines, and in accordance with the development plan entitled "Rec Room – Brentwood" prepared by Shape Properties)

**APPLICANT:** Shape Properties  
2020 One Bentall Centre  
505 Burrard Street, Box 206  
Vancouver, BC V7X 1M6  
Attn: Amy Smith

**PURPOSE:** To seek Council authorization to forward this application to a Public Hearing on 2017 December 12.

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### RECOMMENDATIONS:

1. **THAT** a Rezoning Bylaw be prepared and advanced to First Reading on 2017 November 27 and to a Public Hearing on 2017 December 12 at 7:00 p.m.
2. **THAT** the following be established as prerequisites to the completion of the rezoning:
  - a) The submission of a suitable plan of development.
  - b) The submission of a suitable Security Operation Procedure (SOP).

- c) The granting of any necessary Section 219 Covenants, including to ensure that licensed capacity and operating hours are maintained as described in Section 3.2 of this report.

## **REPORT**

### **1.0 REZONING PURPOSE**

The purpose of the proposed rezoning bylaw amendment is to permit a liquor primary establishment on the subject site with a Family Food Service (FFS) term and condition.

### **2.0 BACKGROUND**

- 2.1 The subject tenant space is located in the west building of Phase I of the Brentwood Mall redevelopment, in a one-level commercial retail unit facing southeast onto the civic plaza. To the east and southeast are other commercial retail units intended for a variety of food service and retail tenants. There are two future residential towers in proximity to the proposed liquor primary establishment: "Tower 1," located above the proposed establishment, and "Tower 2," located approximately 85 m (279 ft.) to the southeast within the south building of the development. To the north across Halifax Street is Phase II – future "Tower 5" of the Brentwood Mall redevelopment. To the east across Alpha Avenue is Phase III – future "Tower 3" of the Brentwood Mall redevelopment. To the south of the public plaza is the Brentwood SkyTrain Station, with older car dealership uses across Lougheed Highway. To the southwest across Lougheed Highway and Willingdon Avenue is the Solo District development. To the west across Willingdon Avenue are older lower scaled commercial, office and gas station developments.
- 2.2 On 2013 September 23, Council granted Final Adoption to Rezoning Reference #11-22, which established a Conceptual Master Plan framework and companion Design Guidelines for the Brentwood Mall site. The intent of the Master Rezoning was to guide site specific rezoning applications for the development of a multi-phased, mixed-use, high-rise apartment and office development, with ground-oriented townhousing, street-fronting commercial uses and several public open space elements, including a central civic plaza at the corner of Willingdon Avenue and Lougheed Highway. The Master Plan identified a number of thematic precincts, including an entertainment precinct at the corner of Willingdon Avenue and Lougheed Highway, which included the central civic plaza.
- 2.3 On 2014 July 21, Council granted Final Adoption to the rezoning amendment bylaw for the commercial, public plaza and high street components of Phase I of the Brentwood Mall redevelopment (Rezoning Reference #12-44). The approved development plan features a pedestrian-oriented, architecturally vibrant design, with signature commercial

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buildings ranging from two to four storeys in height set around the central plaza, high street, and connecting pedestrian mews. Zoning for the commercial portion of the site is based on the C3 and C3a General Commercial Districts.

- 2.4 On 2003 May 05, Council adopted guidelines for assessing applications for new liquor licence establishments. On 2003 May 12, Council granted Final Adoption to a Zoning Bylaw text amendment restricting new liquor licence establishments with more than 100 seats to the C3f General Commercial District, the P2f Administration and Assembly District, the P3f Park and Public Use District, and the P6f Regional Institutional District.
- 2.5 On 2015 March 30, Council received the report of the Planning and Building Department concerning a rezoning application (Rezoning Reference #15-06) for a proposed brewpub restaurant in an approximate 1,200 m<sup>2</sup> (12,921 ft<sup>2</sup>) two storey commercial retail unit with roof top patio, located directly east of the subject tenant space in the middle building of Phase 1 of the Brentwood Mall redevelopment. Council authorized the Department to continue to work with the applicant towards the preparation of a suitable plan of development for the proposal, which includes a barbershop, brewing area, liquor primary licensed area with a patio, and a food primary restaurant with a patio. That rezoning application remains active, with the applicant working towards a suitable plan of development for presentation at a future Public Hearing.
- 2.6 On 2017 April 03, Council received the report of the Planning and Building Department concerning the subject rezoning and authorized the Department to continue to work with the applicant with the understanding that a further and more detailed report would be submitted at a later date. The applicant has now submitted a plan of development suitable for presentation at a Public Hearing.

### **3.0 GENERAL COMMENTS**

- 3.1 The applicant is seeking to rezone the subject tenant space, with a total area of approximately 4,065 m<sup>2</sup> (43,755 ft<sup>2</sup>) from the Amended CD Comprehensive Development District (based on C3, C3a General Commercial Districts, P2 Administration and Assembly District and RM4s, RM5s Multiple Family Residential Districts and Brentwood Town Centre Development Plan as guidelines) to the Amended CD Comprehensive Development District (based on C3 and C3f General Commercial Districts and Brentwood Town Centre Development Plan as guidelines) in order to locate a liquor primary establishment on the subject site. The proposed facility is "The Rec Room" (TRR), a Cineplex Entertainment concept which has locations in Edmonton, Calgary, and Toronto. TRR Brentwood is proposed to be located within the entertainment precinct component of the Brentwood Mall redevelopment, which is intended to include: retail, office, café, restaurant, movie theatres, a live entertainment venue, and civic public plaza. Under the master plan, proposals for liquor primary licences for other components

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of the Brentwood Mall redevelopment would be subject to separate rezoning applications and evaluated on a case-by-case basis.

The proposed facility faces southeast onto the civic plaza and includes an approximate 2,081 m<sup>2</sup> (22,401 ft<sup>2</sup>) liquor primary licensed area which includes the following components:

- Two food outlets (Three10, for full service seated dining, and The Shed, for casual, walk-up dining) and two outlets selling liquor (the Main Bar adjacent Three10 and a walk-up station that operates as part of The Shed);
- A multi-purpose live entertainment/auditorium/stage/dance floor area (The Hall), much of which can be used for seating and which has removable partitions but is otherwise open to the The Main Bar/Three10;
- An amusement gaming area; and,
- Redemption area.

Games within the facility include redemption games (e.g. arcade games) that issue electronic prizes that can be redeemed for prizes; billiards, ping pong, interactive games, and simulators; and virtual reality experiences. Screens are proposed throughout the facility and a dance floor and entertainment such as music, DJs, comedy, trivia nights, and screenings are also proposed. Space within The Shed may be made available for private corporate and other group bookings. Food and beverage is permitted throughout the venue including in the games area and The Hall, where a portable bar may be brought in during special events. The proposed hours of liquor service are 9:00 am to 2:00 am, seven days a week. The applicant is requesting a person capacity (including staff) of 1,511, with final permitted occupancy numbers to be confirmed by the Chief Building Inspector.

Minors (anyone under 19 years of age), under the Liquor Control and Licensing Branch's (LCLB) FFS term and condition, would only be permitted in the facility until 10:00 pm, provided they are accompanied by a parent or guardian and meal service is available. Appropriate signage must be posted notifying the public of the FFS term and condition, and minors are not permitted if there is adult entertainment or licensed gaming events.<sup>1</sup>

- 3.2 In order to permit the proposed liquor licence establishment, the inclusion of the C3f District zoning designation is required. The subject use must also meet Council adopted guidelines for assessing the location of new liquor primary establishments. The following is an assessment of the proposal's consistency with pertinent Council adopted guidelines:

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<sup>1</sup> Adult entertainment, as per LCLB policy, includes exotic dancers, adult-oriented performers, and adult-oriented activities that are not suitable for viewing by minors. Licensed gaming events do not include ticket raffles, bingo events, or tele-theatres licensed by the Gaming Policy and Enforcement Branch.

*3.2.1 Observance of a sufficient distance from, or physical separation from:*

- Existing liquor primary establishments;
- Residential uses;
- Schools;
- Care facilities; and,
- Other uses such as gaming facilities, cyber centres, amusement arcades and billiard halls.

Two existing liquor primary establishments are located in the vicinity: Joey Burnaby at 1899 Rosser Avenue and the Executive Inn at 4210 Lougheed Highway. In addition, as mentioned above, a rezoning application has been received for a liquor primary facility located directly east of the subject site, on the other side of the civic plaza. It is also expected that additional liquor primary venues may be approved in the immediate vicinity, each of which would be assessed on a case-by-case basis through subsequent rezoning processes.

Two residential towers will be located in proximity to the proposed liquor primary establishment – one above the proposed establishment and the other approximately 85 m (279 ft.) to the southeast. Information on the approved development concept for the subject site, including its function as a public event and entertainment venue, has been included in the disclosure statements for the sale of all units in these towers. The residential towers also meet Council adopted sound guidelines and an acoustical study for the residential towers was previously submitted in association with a preceding rezoning application. In addition, the applicant notes that tenancies above and below the proposed site require “quiet enjoyment,” and the landlord and Cineplex have engaged sound consultants to review sound attenuation. Furthermore, a vestibule will be required on the south entrance of the proposed establishment to mitigate noise spilling out from the establishment. It is also noted that all uses are subject to the *Burnaby Noise or Sound Abatement Bylaw*.

The proposed liquor licence establishment is located at least 650 m (2,133 ft.) from the nearest school (Brentwood Park Elementary) and at least 225 m (738 ft.) from the nearest child care facility (located in the residential neighbourhood to the northeast). The site is located approximately 2 km (1.2 miles) north of the nearest gaming facility (Grand Villa Casino) and approximately 1.4 km (0.9 miles) west of Rev’s Bowling Centre, which offers billiards and arcade games.

*3.2.2 Nature of proposed establishment (e.g. entertainment, outdoor patio, hours and person capacity).*

The nature of the proposed establishment is consistent with the approved development concept for the subject site, including its function as a public event and entertainment

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venue. As indicated above, the applicant is seeking a liquor primary licence with a FFS term and condition, which permits minors until 10:00 pm. In that respect, Cineplex has developed a Minors Exclusion Operation Plan for the proposed establishment which is consistent with the operation of its other TRR locations and clarifies how minors' access to the facility would be prohibited after 10:00 pm. Cineplex has also outlined specific measures to control minors' access to alcohol, in accordance with applicable legislation and LCLB licensing requirements. In addition, Cineplex has indicated that, regarding event programming, they will comply with the requirements of the FFS term and condition and that the proposed TRR at Brentwood would not program events prior to 10:00 pm that would restrict minors from attending.

No outdoor patios are proposed. The proposed hours of liquor service are 9:00 am to 2:00 am, seven days a week. While the closing hour of liquor service is considered appropriate, given its location within a Town Centre development, it is noted that on 2003 March 10, Council adopted a policy establishing 11:00 am as the standard earliest opening time for considering new requests to change the permitted hours of liquor sale for liquor primary establishments. Therefore, permitted hours of liquor service would be limited to 11:00 am to 2:00 am, seven days a week. The applicant is requesting a person capacity of 1,511, to be confirmed by the Chief Building Inspector based on the permitted occupant load of the proposed liquor licence establishment.

### *3.2.3 Satisfaction of all parking requirements on site.*

The adopted Comprehensive Development (CD) plan for the site requires 2.4 parking spaces per 100 m<sup>2</sup> of gross leasable area. It is noted that the site will have a surplus of commercial parking, once fully constructed.

### *3.2.4 Safe and convenient access for vehicular traffic to the site, as well as safe access for pedestrians to the liquor licence establishment.*

Safe and convenient vehicular access to underground parking is provided via Halifax Street, Alpha Avenue, Lougheed Highway, and the approved internal high street. The approved concept for the Phase I Brentwood Mall redevelopment is pedestrian oriented and the approved CD plan for the site includes extensive pedestrian facilities and linkages (including to adjacent bus and SkyTrain service).

### *3.2.5 Good proximity (within 250 meters) of public transit.*

The development site is directly adjacent and connected to the Brentwood SkyTrain Station and transit services along Willingdon Avenue.

In general, the proposed development is consistent with the Council adopted guidelines for assessing applications for new liquor primary licences. It is also noted that the above

guidelines are to be used in the context of surrounding land uses and density of development, such that applications for liquor primary facilities in a Town Centre context would be considered differently from those in a single family area.

- 3.3 The LCLB, as part of its assessment process for liquor primary liquor licence applications, requests that local government provide comments on the additional following criteria:

*3.3.1 The impact of noise on nearby residents*

Given the nature of the proposed liquor licence establishment within the Brentwood Development entertainment precinct, staff do not anticipate potential noise impacts beyond what would otherwise be expected in this location. Furthermore, as indicated above in Section 3.2.1, information on the site's function as a public event and entertainment venue has been included in the disclosure statements on the property, the residential towers meet Council adopted sound guidelines and an acoustical study for the residential towers was previously submitted in association with a preceding rezoning application, sound consultants have been engaged to review sound attenuation. A vestibule will also be required on the south entrance of the proposed establishment to mitigate noise transmission from the site, and the use would be subject to the *Burnaby Noise or Sound Abatement Bylaw*.

*3.3.2 The impact on the community if the application is approved*

The proposed liquor licence establishment is recognized as a suitable component of the subject mixed-use development and, if approved, is not expected to have a significant impact on the community relative to the larger development as a whole.

With respect to safety and security, it is noted that the Brentwood development was designed to meet Crime Prevention Through Environment Design (CPTED) principles to ensure the project will be safe and comfortable. Cineplex also has a Guest Code of Conduct which outlines prohibited behaviour in order to provide a safe and comfortable experience. In addition to the security plan to be implemented by the developer and onsite security to be provided by TRR staff, Cineplex has indicated that they would engage the services of an outside vendor to provide security. An example of standard Security Operating Procedures (SOP) for a currently operating TRR, which would be the same or similar procedures that would be required of the security vendor for the proposed Brentwood location, has been reviewed, and it is recommended that a prerequisite of this rezoning application would be the development of an acceptable SOP prepared for the proposed TRR at Brentwood. The SOP would be reviewed by the RCMP and the Director Public Safety and Community Services prior to Final Adoption. Cineplex has also indicated that sophisticated and centrally controlled security measures – including CCTV at all points of entry, service, and high traffic areas (typically amounting to 80 cameras at

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TRR facilities); established protocols for reporting and documenting incidents when the occur and to assist in minimizing hazards and improving safety and security; and established protocols to provide evidence and assistance to support law enforcement – would be deployed to monitor the facility and proactively respond to safety and security concerns.

With respect to concerns around potential criminal activity in the venue, Cineplex has indicated they would provide the full support of its staff, security vendor, and technology to assist law enforcement in responding to any such activity at TRR, and noted that Cineplex would seek out the advice and recommendations of the RCMP and local law enforcement to identify and prepare for all community-specific safety and policing concerns, well before a proposed opening of TRR. Cineplex has noted it is their standard practice to work proactively with local law enforcement; for example in Edmonton, Cineplex worked with the Edmonton's Public Safety Compliance Team and implemented recommended door policies and safety measures to discourage criminal activity.

In addition to security proposed to be provided by TRR, the applicant has indicated that the Brentwood development will be secured and patrolled by security staff 24 hours a day, seven days a week, the development's high-technology CCTV system will be used to monitor activity on the site and assist in any police investigation, and security staff and technology systems will assist in crime deterrence at TRR. Furthermore, the applicant has noted that the security office at Brentwood Town Centre Mall currently works closely with the RCMP and other law enforcement agencies to mitigate unwanted activity on the site, and would continue this practice on the development site, including TRR. Prior Division 1 CPAC meetings have been attended by the security manager for Brentwood Town Centre, and it is planned that the security manager of the Brentwood development would resume regular participation with CPAC.

Finally, Cineplex has indicated that TransLink Police, like the RCMP, would be approached and consulted well before a proposed opening of TRR. It is also noted that Planning and Building Department staff have advised TransLink Police of the rezoning application, but have not received any comments to date.

It is noted that the LCLB also requires that local government gather public input for the community within the immediate vicinity of the establishment. The Public Hearing process for this rezoning would be utilized to satisfy this provincial public input process, including written notice to residents/tenants and property owners within 30 m of the subject site and advertisement in two consecutive local newspapers. In addition, should the proposed rezoning advance, a separate liquor licence application (LLA) would be received by Council for consideration, concurrent with Final Adoption of the subject rezoning.



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- 3.4 In summary, given the internal location of the proposed liquor licence establishment within Brentwood's entertainment precinct, the LCLB's FFS term and condition regarding minors, the applicant's and Cineplex's commitment regarding operation and security, the site generally meeting the Council adopted guidelines for new liquor licence establishments, and the proposal's minimal noise impact and impact on the community, the proposed liquor primary licence is considered supportable.
- 3.5 A Section 219 Covenant will be required to ensure that licensed capacity and operating hours are maintained as described in Section 3.2 of this report, as well as any other required covenants.
- 3.6 Servicing has been provided under Rezoning Reference #12-44 and Subdivision #13-27. The Director Engineering will be required to provide an estimate for any additional servicing upgrades necessary to serve the proposed use.
- 3.7 It is also noted that this rezoning application does not preclude the processing of other liquor primary applications on the subject site, with the aforementioned Rezoning Reference #15-06 and any future liquor primary proposals to be evaluated on a case-by-case basis.
- 3.8 The applicant has submitted a plan of development suitable for presentation to a Public Hearing.

#### **4.0 DEVELOPMENT PROPOSAL**

##### **4.1 Gross Floor Area**

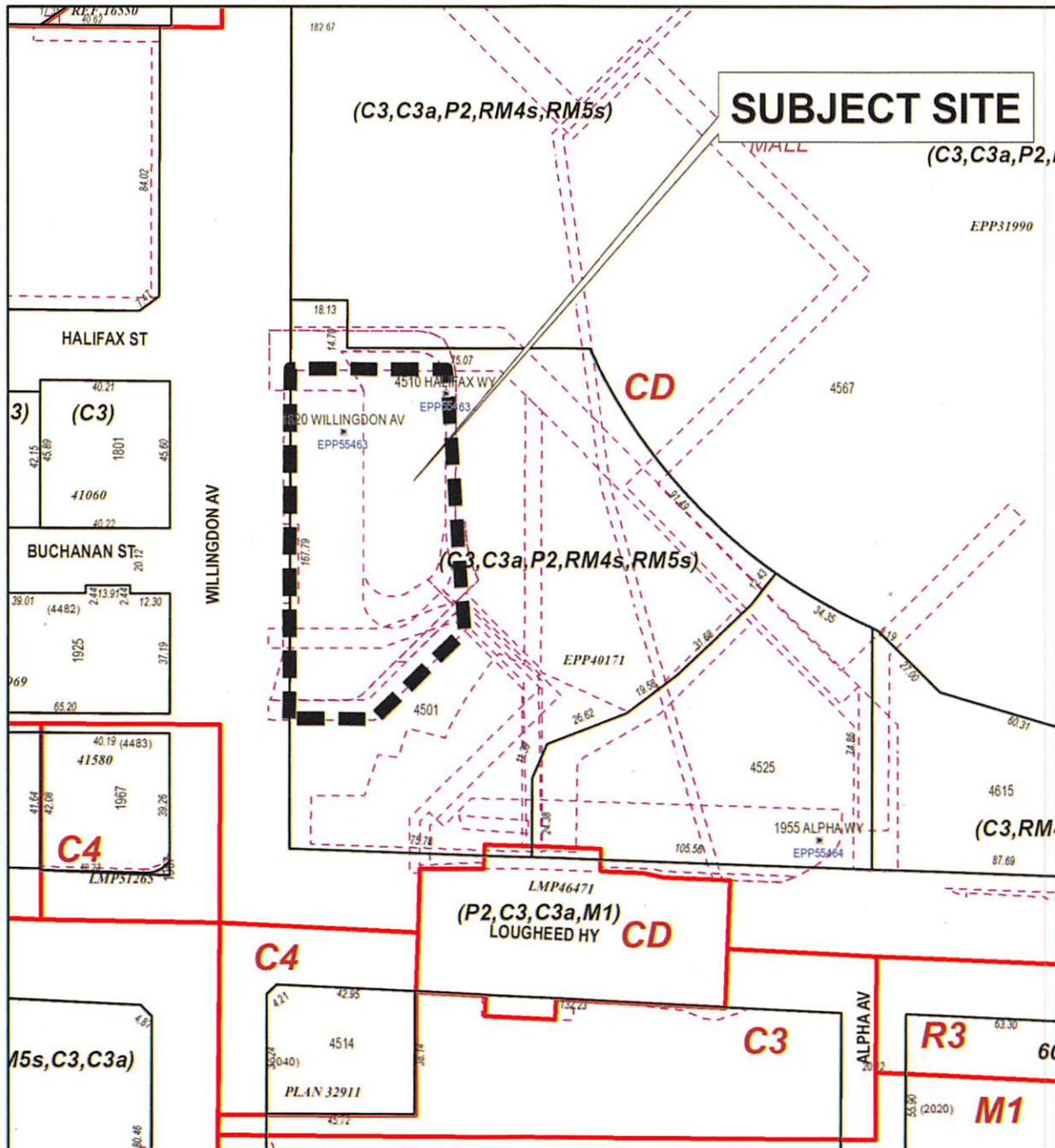
Unit #21-06	4,065 m <sup>2</sup> (43,755 ft <sup>2</sup> )
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Lou Pelletier, Director  
PLANNING AND BUILDING

LS:eb

##### **Attachments**

cc: Director Engineering  
Director Public Safety and Community Services  
Officer-in-Charge, RCMP, Burnaby Detachment  
Chief Licence Inspector  
City Solicitor  
City Clerk



PLANNING & BUILDING DEPARTMENT




DATE:  
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SCALE:  
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DRAWN BY:  
AY

REZONING REFERENCE #17-11  
PORTION OF 4501 LOUGHEED HIGHWAY

 Subject Site

Sketch #1

