
TO: CITY MANAGER **DATE:** 2018 November 14

FROM: DIRECTOR PLANNING AND BUILDING **FILE:** 46000 06
Reference: LLA#18-01

SUBJECT: LIQUOR LICENCE APPLICATION #18-01
THE REC ROOM
#21-06 – 4501 LOUGHEED HIGHWAY (SEE ATTACHED SKETCH #1)

PURPOSE: To provide Council with a recommendation regarding the subject liquor primary licence application.

RECOMMENDATIONS:

1. **THAT** Council support the subject liquor primary licence application, with a Family Food Service term and condition, as described in Section 3.0 of this report.
2. **THAT** a copy of this report be forwarded to the General Manager, Liquor and Cannabis Regulation Branch, P.O. Box 9292, Stn. Provincial Government, Victoria, BC V8W 9J8; and to the applicant, Edna Lizotte, Rising Tide Consultants, 1620 – 1130 West Pender Street, Vancouver, BC V6E 4A4.

REPORT**1.0 BACKGROUND INFORMATION**

- 1.1 This Department has received an application for a new liquor primary licence with a Family Food Service (FFS) term and condition.
- 1.2 On 2018 October 29, Council granted Final Adoption to Rezoning Reference #17-11 to permit the proposed liquor licence establishment through the inclusion of the C3f District as a guideline.
- 1.3 The Liquor and Cannabis Regulation Branch (LCRB), as part of its assessment process for liquor primary liquor licence applications, requests that local government provide comment on applications for new liquor primary establishments. If local government opts to provide comment, the LCRB requires that local government gather public input for the community in the vicinity of the proposed establishment.
- 1.4 On 2003 May 05, Council adopted recommendations for processing procedures and guidelines for liquor license applications. Based on the adopted guidelines, City comment is provided on applications seeking to establish a new liquor primary facility which

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requires rezoning and a public hearing. The Liquor Control and Licensing Branch (precursor to the LCRB) was advised of these adopted recommendations.

2.0 NEIGHBOURHOOD CONTEXT

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.

3.0 SUBJECT APPLICATION

- 3.1 The proposed facility is “The Rec Room” (TRR), a Cineplex Entertainment concept 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.

The proposed approximate 4,064.97 m² (43,755 ft²) facility faces southeast onto the civic plaza and includes the following components:

- Two food outlets and two outlets selling liquor;
- A multi-purpose live entertainment/auditorium/stage/dance floor area, much of which can be used for seating and which has removable partitions but is otherwise open to the rest of the facility;
- 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 one of the food outlets 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 auditorium, where a portable bar may be brought in during special events. The proposed hours of liquor service are 11:00

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am to 2:00 am, seven days a week. The applicant is requesting a person capacity (including staff) of 1,300.

Minors (anyone under 19 years of age), under the LCRB's 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.

- 3.2 In order to permit the proposed liquor licence establishment, the inclusion of the C3f District zoning designation is required. On 2018 October 29, this requirement was fulfilled when Rezoning Reference #17-11 was granted Final Adoption by Council.

As indicated in the report to Council regarding Rezoning Reference #17-11, the proposed facility must also meet Council adopted guidelines for assessing the location of new liquor primary establishments. The following, as reported previously, is an assessment of the proposal's consistency with pertinent Council adopted guidelines:

- (a) *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 for Rezoning Reference #17-11 noted that tenancies above and below the proposed site require “quiet enjoyment,” and the landlord

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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 is across a busy street (Willingdon Avenue) from the nearest childcare facility. 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.

(b) *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 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 LCRB 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 11:00 am to 2:00 am, seven days a week, which is considered appropriate given its location within a Town Centre development. The applicant is requesting a person capacity of 1,300, based on the permitted occupant load of the proposed liquor licence establishment. As a prerequisite to Rezoning Reference #17-11, a Section 219 Covenant was registered on the property to ensure that person capacity and operating hours for the proposed liquor primary licence with a FFS term and condition are maintained as described above.

(c) *Satisfaction of all parking requirements on site.*

The adopted Comprehensive Development (CD) plan for the site requires 2.4 parking spaces per 100 m² of gross leasable area. It is noted that the site will have a surplus of commercial parking, once fully constructed.

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

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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).

(e) *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 LCRB, as part of its assessment process for liquor primary liquor licence applications, requests that local government provide comments on the following:

(a) *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, 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, and 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*.

(b) *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

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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. The submission of a suitable Standard Security Operating Procedures, reviewed by the RCMP and the Director Public Safety and Community Services, was a prerequisite to Final Adoption of Rezoning Reference #17-11. 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 TRR facilities); established protocols for reporting and documenting incidents when they 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.

In addition to security proposed to be provided by TRR, 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 for Rezoning Reference #17-11 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.

In response to this application, input was solicited from relevant City Departments, including the RCMP Burnaby Detachment, and there were no comments or concerns beyond those addressed for Rezoning Reference #17-11 and discussed above.

(c) The view of residents and a description of the method used to gather views

The Public Hearing process for Rezoning Reference #17-11 was utilized to satisfy the required 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

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newspapers. It is noted that no one appeared at the Public Hearing for Rezoning Reference #17-11 and no letters were received.

4.0 CONCLUSION

Given the internal location of the proposed liquor licence establishment within Brentwood's entertainment precinct, the LCRB's FFS term and condition regarding minors, Brentwood's and Cineplex's commitment regarding operation and security, the site generally meeting the Council adopted guidelines for new liquor licence establishments, the proposal's minimal noise impact and impact on the community, and that no public input for Rezoning Reference #17-11 was received, the proposed liquor primary licence is considered supportable. Staff therefore recommend that Council support the new liquor primary licence at the subject establishment, as discussed in Section 3.0 of this report.

Staff also recommend that a copy of this report be forwarded to the General Manager, Liquor and Cannabis Regulation Branch, P.O. Box 9292, Stn. Provincial Government, Victoria, BC V8W 9J8; and to the applicant, Edna Lizotte, Rising Tide Consultants, 1620 – 1130 West Pender Street, Vancouver, BC V6E 4A4.


Lou Pelletier, Director
PLANNING AND BUILDING

LS:rh

Attachment

cc: Director Finance
Director Parks, Recreation and Cultural Services
Director Engineering
Officer-in-Charge, RCMP, Burnaby Detachment
Chief Licence Inspector
City Solicitor
City Clerk

