

**TO:** CHIEF ADMINISTRATIVE OFFICER **DATE:** March 02, 2023

**FROM:** GENERAL MANAGER **FILE:** 46000 06  
PLANNING AND DEVELOPMENT *Reference:* LLA#22-05

**SUBJECT:** LIQUOR LICENCE APPLICATION #22-05  
CINEPLEX VIP CINEMAS BRENTWOOD LIQUOR LICENCE  
AMENDMENT  
3106 – 1920 WILLINGDON AVENUE

**PURPOSE:** To provide Council with information regarding an amendment to the liquor licence application for Cineplex VIP Cinemas Brentwood and to initiate a public consultation process for the application.

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**RECOMMENDATIONS:**

1. **THAT** Council authorize staff to gather public input regarding a request for an amendment to a liquor primary liquor licence for Cineplex VIP Cinemas Brentwood, which is located at 3106 – 1920 Willingdon Avenue, (see Sketches #1 and #2 *attached*), as described in Section 4.0 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 INTRODUCTION**

The City has received an application to amend Cineplex VIP Cinemas Brentwood's liquor primary liquor licence located at 3106 – 1920 Willingdon Avenue. The applicant has requested to permanently extend the hours of liquor service at the subject establishment from 3:00pm – 2:00am to 11:00am – 2:00am, on Saturdays and Sundays. The hours of liquor service from Monday to Friday are to remain unchanged, which are from 11:00am – 2:00am.

**2.0 POLICY FRAMEWORK**

The subject application aligns with the following City policies: Regional Context Statement (2013), Official Community Plan (1998), Corporate Strategic Plan (2022) and Economic Development Strategy (2007) Brentwood Town Centre Plan (1996), and Brentwood Town Centre Master Plan (2012).

To: Chief Administrative Officer  
From: General Manager Planning and Development  
Re: Liquor Licence Application #22-05  
Cineplex VIP Cinemas Brentwood

March 02, 2023 .....Page 2

### **3.0 BACKGROUND INFORMATION**

- 3.1 The subject establishment, zoned Comprehensive Development (CD) District, is located on the third and mezzanine levels of the West Building of Phase I of the Brentwood Mall redevelopment, in a commercial retail unit (CRU) facing southeast onto the civic plaza. Located directly below is Cineplex's The Rec Room, and to the east and southeast are other CRUs intended for a variety of food service and retail tenants. There are two residential towers in proximity to the subject liquor primary establishment: Brentwood's Residential Tower 1, located directly north of the establishment, and Brentwood's Residential Tower 2, located approximately 85 m (279 ft.) to the southeast. Surrounding the development to the west across Willingdon Avenue are lower-scale commercial and office developments. The SOLO mixed-use commercial and high-density residential development is located southwest of the site. To the south are Lougheed Highway and the Brentwood SkyTrain station with mixed-use developments beyond.
- 3.2 Under application LLA20-04, Council provided a positive endorsement to the Liquor and Cannabis Distribution Branch (LCRB), permitting the subject establishment to serve alcohol under the conditions prescribed in a Section 219 covenant registered on title.
- 3.3 The applicant is seeking to permanently extend the hours of liquor service at the subject establishment from 3:00pm – 2:00am to 11:00am – 2:00am, on Saturdays and Sundays. Liquor service from Monday to Friday are restricted by covenant to the hours of 11:00am – 2:00am, and would remain unchanged.
- 3.4 The LCRB, as part of their assessment process for liquor primary liquor licence amendments, requests that local government provide comment on applications seeking a permanent change to opening and/or closing hours of liquor service. LCRB regulations also state that if the local government opts to provide comment, they must gather public input from the community in the vicinity of the establishment.
- 3.5 On 2003 May 05, Council adopted recommendations for processing procedures and guidelines for liquor license applications, including that Council will continue to receive reports on applications to amend the hours of liquor sales in liquor primary establishments. The LCRB was advised of these adopted recommendations.

### **4.0 DISCUSSION**

- 4.1 The subject application involves a request to amend a liquor primary liquor licence for Cineplex VIP Cinemas Brentwood, to extend the hours of liquor service inside the establishment from 3:00pm – 2:00am to 11:00am – 2:00am, on Saturdays and Sundays. The hours of liquor service from Monday to Friday are to remain unchanged, which are from 11:00am – 2:00am. The proposed change in liquor service hours would prohibit minors from accessing the cinema during operating hours. The previous rezoning and liquor licence application had required that liquor service only be permitted after 3:00 p.m. on Saturday and Sunday in order to allow minors to attend matinee showings.

To: Chief Administrative Officer  
From: General Manager Planning and Development  
Re: Liquor Licence Application #22-05  
Cineplex VIP Cinemas Brentwood

March 02, 2023 .....Page 3

The subject application would also require an amendment to the existing Section 219 Covenant, to restrict the hours of liquor sales in the establishment to the new proposed hours of 11:00am – 2:00am on Saturdays and Sundays.

4.2 The following is an assessment of the proposal's consistency with Council adopted guidelines for liquor primary licences:

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

- *Existing liquor primary establishments*

Three existing, liquor primary establishments are located in the vicinity: Cineplex's The Rec Room, located directly below the subject site; Joey Burnaby at 1899 Rosser Avenue; and the Executive Inn at 4210 Lougheed Highway. Given the Town Centre and Brentwood entertainment precinct location, additional future 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.

- *Residential uses*

Two residential towers are located in close proximity to the liquor primary establishment - one above the 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. It is also noted that all uses are subject to the *Burnaby Noise or Sound Abatement Bylaw 1979*.

- *Schools and care facilities*

The subject establishment is located at least 650 m (2,133 ft.) from the nearest school (Brentwood Park Elementary) and the proposed school location at 4900 Dawson and is oriented away from the nearest child care facility, which is on the opposite side of Willingdon Avenue (Brentwood Learning Centre Childminding at 1899 Willingdon Avenue).

- *Other uses such as gaming facilities, cyber centres, amusement arcades and billiard halls*

The site is located approximately 2.0 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 subject establishment remains consistent with its intended use as a movie theatre complex, which provides the optional amenity of alcohol service for adult patrons. With respect to operating hours, the establishment is currently

To: Chief Administrative Officer  
From: General Manager Planning and Development  
Re: Liquor Licence Application #22-05  
Cineplex VIP Cinemas Brentwood

March 02, 2023.....Page 4

permitted to serve alcohol from 11:00am - 2:00am, Monday to Friday and from 3:00pm – 2:00am, Saturdays and Sundays. The applicant is requesting an extension of liquor service hours on Saturday and Sunday, so that service can begin at 11:00am and continue until 2:00am. As the theatre has already been successfully operating during the requested hours of 11:00am – 2:00am, Monday to Friday, it is not expected that continuing with these service hours on Saturday and Sunday would incite any issues. The hours are considered appropriate, given its location within a Town Centre.

The maximum permitted licensed person capacity for the establishment is 466 (including staff).

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

The requested amendment will not create an increased demand in parking. Parking requirements had previously been satisfied as part of the Comprehensive Development plan for the site.

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

The subject establishment is located at the intersection of Willingdon Avenue and Lougheed Highway. There is both surface and underground parking provided on site. Sidewalks along surrounding roads provide safe pedestrian access to and from nearby bus stops and the SkyTrain station.

*(e) Good proximity of public transit*

The subject establishment is located directly adjacent and connected to the Brentwood SkyTrain Station and transit services along Willingdon Avenue.

In general, the proposed liquor licence amendments are consistent with the pertinent Council-adopted guidelines.

4.3 The LCRB, as part of its assessment process of applications for amendments to liquor primary licences, requests that local government provide comments on the following:

*(a) The impact of noise on nearby residents*

Given the nature of the liquor primary 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 4.2, 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

To: Chief Administrative Officer  
From: General Manager Planning and Development  
Re: Liquor Licence Application #22-05  
Cineplex VIP Cinemas Brentwood

March 02, 2023.....Page 5

submitted in association with a preceding rezoning application. The outdoor terrace must be closed by midnight, seven days per week.

*(b) The impact on the community if the application is approved*

The liquor primary establishment is a movie theatre complex which accommodates, as an added amenity for adults who have purchased a movie ticket, the serving of alcohol during licensed hours. It is not anticipated that approving the application, which would permit Cineplex to begin serving liquor earlier on weekends, would result in negative impacts to the community. The establishment is located within the Amazing Brentwood Development, close to the Civic Plaza, which is envisioned as an entertainment district for north Burnaby.

The subject site is also accessible by all forms of transportation. Bus service is readily available along Willingdon Avenue and Lougheed Highway and the Brentwood SkyTrain Station is directly connected to the Civic Plaza. As such, the subject establishment is generally well suited to the surrounding context.

*(c) Whether the amendment may result in the service area being operated in a manner that is contrary to its primary purpose*

It is not anticipated that the proposed liquor service hours of 11:00am – 2:00am on weekends would result in the subject cinema being operated in a manner that is contrary to its primary purpose. The subject establishment has been operating successfully since 2021, and has been permitted to serve alcohol from 11:00am – 2:00am during weekdays since opening. The establishment is located in a vibrant, mixed-use area with many other licenced establishments nearby. It is noted, however, that the cinema’s intended purpose is to show movies, and not solely to be a liquor primary establishment. It was also the intent of the City to plan for a cinema in this location to provide Burnaby residents with a wide array of entertainment options. While Burnaby currently has another all ages cinema in Metrotown, it is acknowledged that attendance of all cinemas has been impacted by COVID-19 and the popularity of in home streaming services. As such, providing more specialized entertainment options like VIP cinemas for adults assists in maintaining cinemas in our community. For these reasons, staff are supportive of the proposed change of liquor hours.

The Planning and Development Department has solicited comments on this application from relevant City Departments, including the RCMP Burnaby Detachment. Any comments received from City Departments on the proposed liquor service hours for the subject establishment will be summarized in a second report to Council following the public input period.

LCRB regulations state that if local government provides comment, they must gather public input from the community in the vicinity of the establishment. It is therefore recommended that staff gather public input from property owners and residents, similar to a Public Hearing notification process. The gathering of public input would include: letters being sent to all

To: Chief Administrative Officer  
From: General Manager Planning and Development  
Re: Liquor Licence Application #22-05  
Cineplex VIP Cinemas Brentwood

March 02, 2023 ..... Page 6

property owners and occupants within 30 metres of the subject site, inviting written comments be sent to the Planning Department; notification in two consecutive issues of the local newspaper; and the placement of a sign at the site.

4.4 In summary, the subject application generally meets the Council-adopted guidelines for assessing liquor licence establishments. In addition, given the mixed-use Town Centre location, proximity to the Brentwood SkyTrain Station, and the expected minimal noise impact and impact on the community, the proposed change of liquor service hours is considered supportable.

4.5 Should the proposed operating hours be supported by Council following public consultation, a Section 219 Covenant would be registered in the Land Title Office to ensure that person capacity, operating hours, and other relevant considerations are applied.

**5.0 CONCLUSION**

Based on the information presented above, staff recommend that Council authorize staff to gather public input on Cineplex Brentwood’s proposed liquor licence amendment to extend the hours of liquor service on Saturdays and Sundays. Once this input has been gathered from the public, staff will submit a subsequent report to Council responding to the comments of nearby residents. 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.



E.W. Kozak, General Manager  
PLANNING AND DEVELOPMENT

CB:spf

**Attachment 1 – Sketch #1**  
**Attachment 2 – Sketch #2**