

TO: CITY MANAGER 2020 November 18

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: REZONING REFERENCE #19-14
Liquor Primary Establishment
Brentwood Development Plan

ADDRESS: #31-06 – 1920 Willingdon Avenue (see *attached* Sketches #1 and #2)

LEGAL: Lot 1, District Lots 123 and 124, Group 1, New Westminster District Plan EPP40171, Except Air Space Parcels 1 and 2 Air Space Plan EPP55463

FROM: CD Comprehensive Development District (based on C3, C3a, C3f 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 “Cineplex VIP – The Amazing Brentwood” prepared by Shape Properties)

APPLICANT: Shape Properties Corp.
2020 – 505 Burrard Street
Vancouver, BC V7X 1M6
Attn: Amy Smith

PURPOSE: To seek Council authorization to forward this application to a Public Hearing on 2020 December 15.

RECOMMENDATIONS:

1. **THAT** a Rezoning Bylaw be prepared and advanced to First Reading on 2020 November 23 and to a Public Hearing on 2020 December 15 at 5:00 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 granting of a Section 219 Covenant to ensure that licensed person capacity and operating hours are maintained as described in Section 4.2 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.

2.0 POLICY FRAMEWORK

The advancement of the rezoning application aligns with the following goals and sub-goals of the Corporate Strategic Plan:

A Connected Community

- Social connection - Enhance social connections throughout Burnaby.

An Inclusive Community

- Celebrate diversity - Create more opportunities for the community to celebrate diversity.

A Dynamic Community

- Economic opportunity – Foster an environment that attracts new and supports existing jobs, businesses and industries.

3.0 BACKGROUND

- 3.1 The subject tenant space 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 facing southeast onto the civic plaza. Located directly below is Cineplex's The Rec Room, and to the east and southeast are other commercial retail units intended for a variety of food service and retail tenants. There are two residential towers in proximity to the proposed liquor primary establishment: Brentwood's Residential Tower 1, located above the proposed establishment, and Brentwood's Residential Tower 2, located approximately 85 m (279 ft.) to the southeast within the South Building of the development.

Surrounding development to the west across Willingdon Avenue includes lower scale commercial and office development. The SOLO mixed-use commercial and high-density residential development (Rezoning Reference #06-47) is located to the southwest of the site. The Brentwood SkyTrain Station is located to the immediate south, along Lougheed Highway, with an auto dealership further to the south.

- 3.2 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 primary establishments with more than 100

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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. As such, the subject application is being advanced under the C3f District as a guideline.

- 3.3 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 townhouses, 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.
- 3.4 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 buildings ranging from two to four storeys in height set around the central plaza, high street, and connecting pedestrian mews. The Comprehensive Development (CD) District zoning for the commercial portion of the site is based on the C3 and C3a General Commercial Districts.
- 3.5 On 2018 October 29, Council granted Final Adoption to the rezoning amendment bylaw to permit a liquor primary establishment (with a Family Food Service [FFS] term and condition) on the level below the subject site, for Cineplex's The Rec Room (Rezoning Reference #17-11). Plans for that establishment included two food outlets, two outlets selling liquor, a multi-purpose live entertainment/auditorium/stage/ dance floor area, and an amusement gaming area. Under the Liquor and Cannabis Regulation Branch's (LCRB) FFS term and condition, minors (anyone under 19 years of age) will only be permitted in the facility until 10:00 pm, provided they are accompanied by a parent or guardian and meal service is available. A Section 219 Covenant was registered on the property to ensure that the maximum permitted licensed capacity (1,300 people) and hours of liquor service (11:00 am to 2:00 am, seven days a week) are maintained.
- 3.6 On 2019 June 10, 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.

4.0 GENERAL COMMENTS

- 4.1 The applicant proposes to locate a liquor primary establishment on the subject site. Specifically, the proposed establishment is a Cineplex movie theatre complex which would

accommodate, as an added amenity for adults who have purchased a ticket, the serving of alcohol during licensed hours (i.e. VIP cinemas for adults 19 years of age or older). The proposed movie theatre complex occupies a gross floor area of approximately 2,607 m² (28,057 ft²) on the third and mezzanine levels of the West Building, and is located within the entertainment precinct component of the Brentwood Mall redevelopment which, in addition to the subject movie theatres and Cineplex's The Rec Room, could include retail uses, offices, cafés, restaurants, and a civic public plaza.

The proposed facility faces southeast onto the civic plaza, and plans include a lobby, concession area, five movie theatres, a lounge/dining area, and an outdoor terrace. The proposed licensed person capacity (including staff) is 466. Proposed hours of liquor service are 9:00 am to 2:00 am, Monday to Friday, and 3:00 pm to 2:00 am, Saturday and Sunday. Use of the outdoor terrace area is proposed to cease at midnight, seven days a week.

- 4.2 In order to permit the proposed liquor primary 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:

- (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.*

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, 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 are 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. It is also noted that all uses are subject to the Burnaby Noise or Sound Abatement Bylaw.

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The proposed liquor primary establishment is located at least 650 m (2,133 ft.) from the nearest school (Brentwood Park Elementary) 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). 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 proposed establishment is consistent with the approved development concept for the subject site, including its function as a public event and entertainment venue. The interior licensed area is proposed to be extended onto the adjacent outdoor terrace which overlooks the civic plaza, with approximately 24 seats proposed on the southeast portion, and an open area on the southwest.

As indicated above, the proposed hours of liquor service are 9:00 am to 2:00 am, Monday to Friday, and 3:00 pm to 2:00 am, Saturday and Sunday. Given the development's mixed-use nature, it is proposed that the outdoor terrace adjacent the lounge/dining area be closed at midnight, seven days a week. The above closing hours are considered appropriate, given its location within a Town Centre location. However, 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 from Monday to Friday would be limited to 11:00 am to 2:00 am.

Under the proposed VIP cinema model and its associated liquor primary licence, minors (anyone under 19 years of age) would not be permitted on the premises during the hours of liquor service. The applicant is proposing that hours of liquor service on weekends be limited to between 3:00 pm and 2:00 am, in order to provide minors access to the movie theatres; however, acknowledging that show times are ultimately determined by film distributors. The applicant has indicated that the design of the movie theatre complex cannot accommodate the dual model (i.e. movie theatres for both adults-only and for all-ages) seen at some other Cineplex VIP theatres. It is noted that Cineplex operates a non-VIP (i.e. all ages) movie theatre at the Metropolis Mall in the Metrotown Town Centre.

The applicant is requesting a licensed person capacity for the establishment of 466 (including staff). The Building Department has confirmed that this number is appropriate.

(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.

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- (d) *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 the underground parking is provided via Halifax Street, Alpha Avenue, Lougheed Highway, and the approved internal high street. 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 establishments. 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.

- 4.3 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 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 submitted in association with a preceding rezoning application. Furthermore, use of the outdoor terrace is proposed to cease at midnight, seven days a week (prior to the end of liquor service in the interior of the establishment), and the establishment 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 primary establishment is a movie theatre complex which would accommodate, as an added amenity for adults who have purchased a movie ticket, the serving of alcohol during licensed hours. While acknowledging that show times are determined by film distributors, minors would be able to access the movie theatre complex prior to the start of liquor service at 3:00 pm on weekends. As such, the proposed 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.

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With respect to safety and security, it is noted that the Brentwood development was designed to meet Crime Prevention Through Environmental Design (CPTED) principles to ensure the project will be safe and comfortable. In addition, Cineplex has a Guest Code of Conduct which outlines prohibited behaviours in order to provide a safe and comfortable experience. Furthermore, it is noted that security personnel stationed one floor below in The Rec Room can assist, if necessary, with any issues that may arise on the premises. The RCMP did not express objections to the proposed liquor primary establishment.

It is noted that the LCRB 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, advertisement in two consecutive local newspapers, and the placement of a sign at the site. Should the proposed rezoning advance, a separate liquor licence application (LLA) would be received by Council for consideration, following Final Adoption of the subject rezoning.

- 4.4 In summary, given the location of the proposed liquor primary establishment within Brentwood's entertainment precinct, delayed liquor service hours on weekends in order to provide access to minors on weekends, the site generally meeting the Council adopted guidelines for new liquor primary establishments, and the proposal's minimal noise impact and impact on the community, the proposed liquor primary licence is considered supportable.
- 4.5 A Section 219 Covenant will be required to ensure that licensed person capacity and operating hours are maintained.
- 4.6 Servicing has been provided under Rezoning Reference #12-44 and Subdivision #13-27.

5.0 DEVELOPMENT PROPOSAL

- 5.1 Gross Floor Area
Unit #31-06 - 2,607 m² (28,057 ft²)

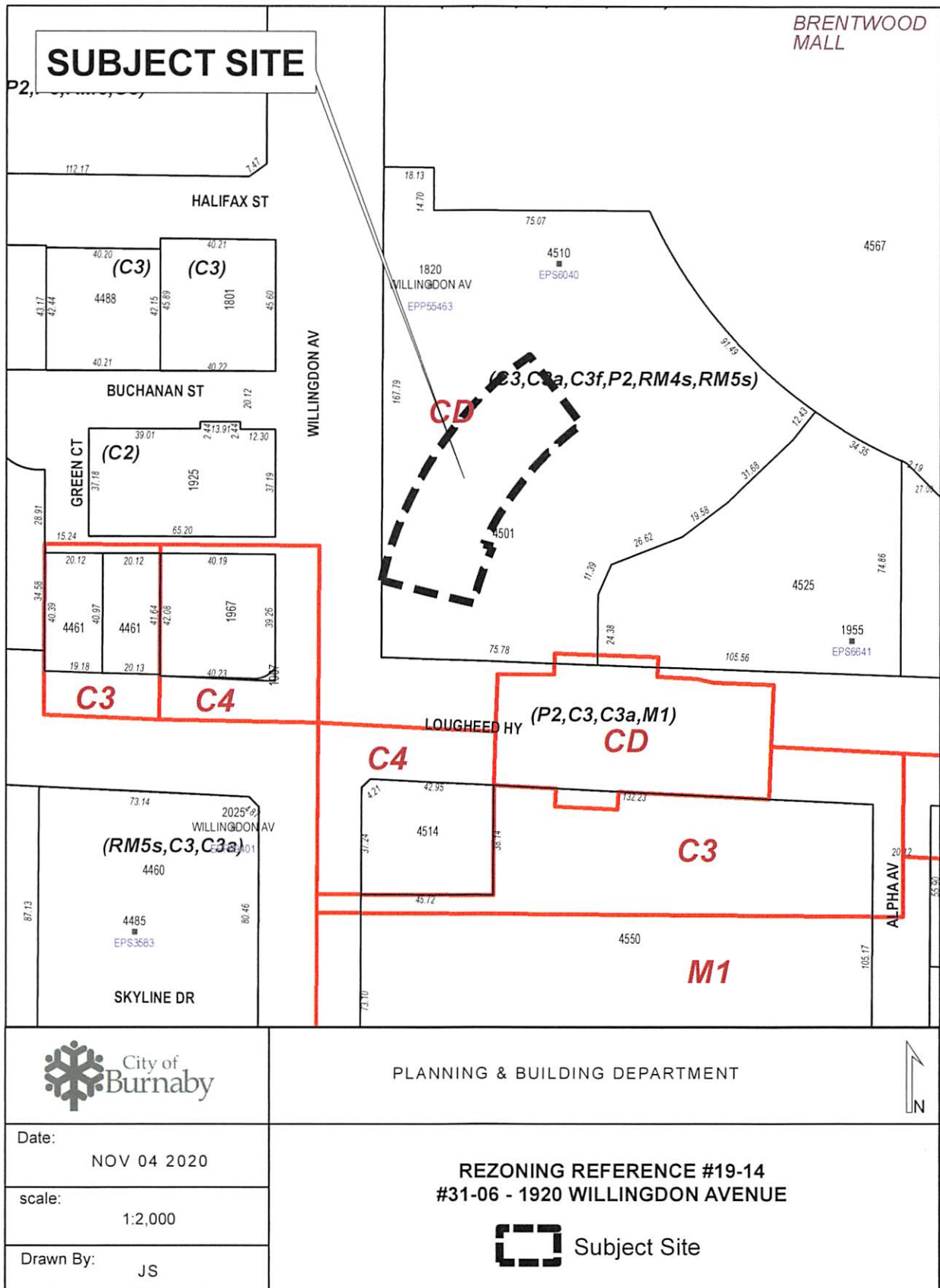

E. W. Kozak, Director
PLANNING AND BUILDING

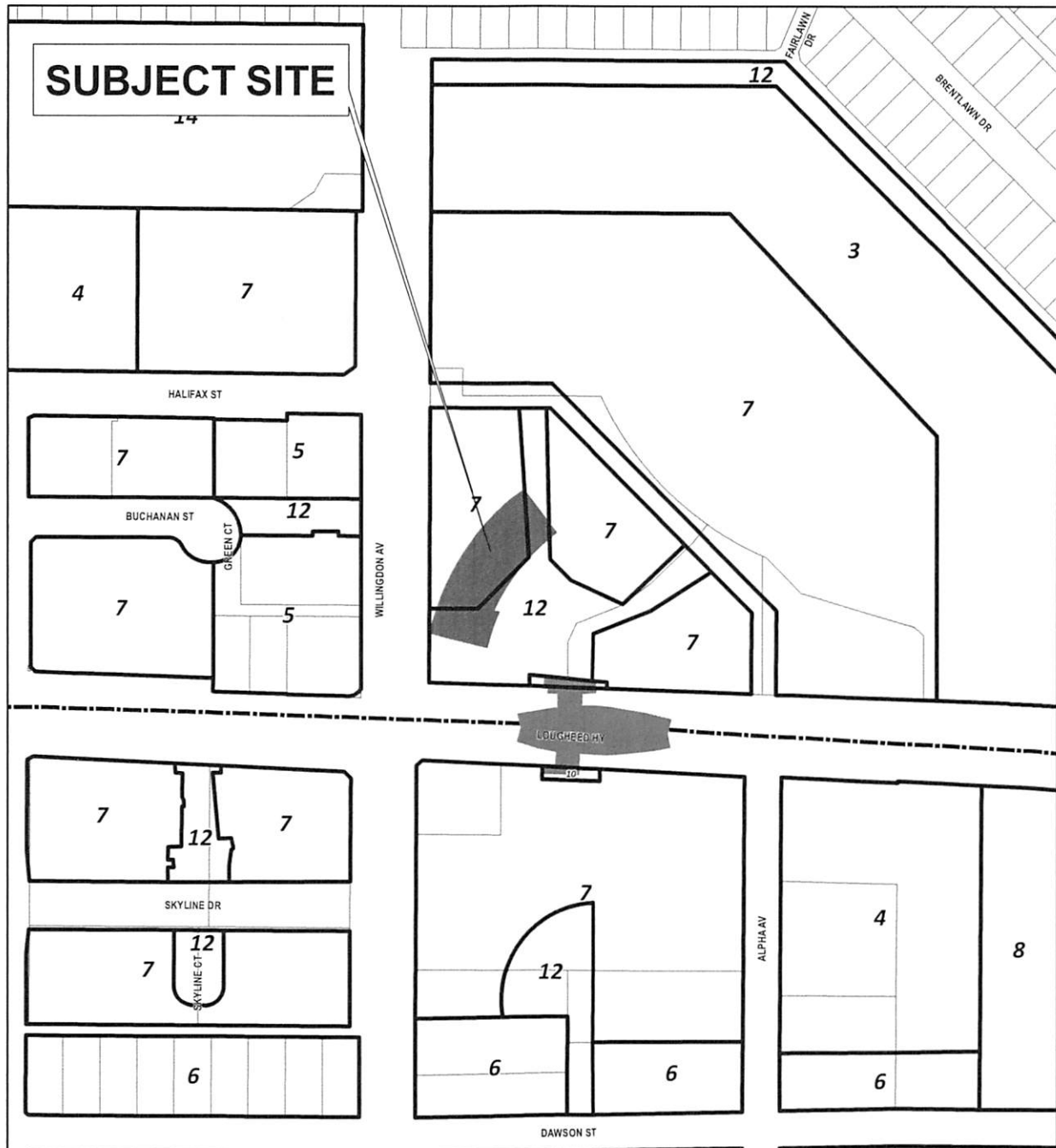
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Attachments

cc: Director Public Safety and Community Services
Officer-in-Charge, RCMP, Burnaby Detachment
City Clerk

Chief Licence Inspector
City Solicitor





- 3 Medium Density Multiple Family Residential
- 4 High Density Multiple Family Residential
- 5 Commercial
- 6 Medium Density Mixed Use
- 7 High Density Mixed Use

- 8 Medium or High Density Multi Family Residential
- 10 Institutional
- 11 Business Centre
- 12 Park and Public Use/Public School
- 14 Cemetery
- 24 High Density Multiple Family Residential -

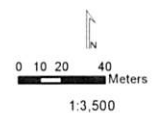
Brentwood Succession (RM4s)



Planning and Building Dept

Printed November 4, 2020

Brentwood Plan



Sketch #2